

# 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



**TUESDAY, 18 DECEMBER 2007**



City of  
Joondalup

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



**MINUTES OF COUNCIL MEETING  
HELD ON TUESDAY 18 DECEMBER, 2007**

**TABLE OF CONTENTS**

<b>No:</b>	<b>Item</b>	<b>Page</b>
	<b>DECLARATION OF OPENING</b>	<b>1</b>
	<b>ANNOUNCEMENT OF VISITORS</b>	<b>1</b>
	<b>PUBLIC QUESTION TIME</b>	<b>2</b>
	<b>PUBLIC STATEMENT TIME</b>	<b>14</b>
<b>C81-12/07</b>	<b>EXTENSION OF PUBLIC STATEMENT TIME</b>	<b>15</b>
	<b>APOLOGIES AND LEAVE OF ABSENCE</b>	<b>15</b>
<b>C82-12/07</b>	REQUESTS FOR LEAVE OF ABSENCE – MAYOR T PICKARD, CR M MACDONALD, CR M NORMAN, CR B CORR, CR K HOLLYWOOD, CR T YOUNG AND CR F DIAZ – [65597]	<b>16</b>
	<b>CONFIRMATION OF MINUTES</b>	
<b>C83-12/07</b>	MINUTES OF COUNCIL MEETING, 20 NOVEMBER 2007 .....	<b>16</b>
<b>C84-12/07</b>	MINUTES OF SPECIAL MEETING OF COUNCIL, 10 DECEMBER 2007 .....	<b>16</b>
	<b>ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION .....</b>	<b>17</b>
	<b>DECLARATIONS OF INTEREST .....</b>	<b>18</b>
	<b>IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS .....</b>	<b>21</b>
	<b>PETITIONS.....</b>	<b>21</b>

ITEM NO	TITLE	PAGE NO
CJ261-12/07	EXECUTION OF DOCUMENTS - [15876]	22
CJ262-12/07	REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER – [98394] [98394b]	24/178
CJ263-12/07	ORDER OF BUSINESS AT ORDINARY MEETINGS OF THE COUNCIL – [65597] [08122] [01369]	25
CJ264-12/07	UPDATING THE PROCEDURES FOR COUNCIL'S MEETINGS – [23184]	31
CJ265-12/07	APPOINTMENT OF COMMUNITY REPRESENTATIVES - CONSERVATION AND SUSTAINABILITY ADVISORY COMMITTEES - [12168] [00906]	34
CJ266-12/07	ECONOMIC DEVELOPMENT PLAN – ‘CITY OF JOONDALUP: A VIBRANT KNOWLEDGE & SERVICE HUB FOR THE REGION’ [10030]	39
CJ267-12/07	MINUTES OF VARIOUS COMMITTEE MEETINGS HELD ON 20 NOVEMBER 2007 - [50068] [74574] [26176] [51567] [07303]	49
CJ268-12/07	WELFARE OF ANIMALS SOLD THROUGH PET SHOPS WITHIN THE CITY OF JOONDALUP – [45234]	52
CJ269-12/07	PROPOSED PROSTITUTION LEGISLATION [20537]	57
CJ270-12/07	MINUTES OF MEETING OF WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION – NORTH METROPOLITAN ZONE HELD 29 NOVEMBER 2007 - [02153] [18879]	61
CJ271-12/07	SOUTH AUSTRALIAN STRATEGIC ACTION PLANNING GUIDE FOR SUSTAINABLE PUBLIC LIGHTING – [59091]	62
CJ272-12/07	SMOKE FREE BEACHES LOCAL LAW AMENDMENT SUBMISSIONS – [22513]	68
CJ273-12/07	PAID PARKING BUSINESS PLAN CONSULTATION RESULTS AND THE PROPOSED APPLICATION OF PARKING FEES [07190] [05787]	73
CJ274-12/07	LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2007 - [09882]	79
CJ275-12/07	LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2007 – [09882]	81
CJ276-12/07	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2007 – [07882]	84
CJ277-12/07	PROPOSED PARKING PROHIBITIONS – LYMBURNER DRIVE, HILLARYS – [16140]	86
CJ278-12/07	REQUEST FOR PARKING PROHIBITIONS – CULLODEN ROAD, DUNCRAIG – [46273]	92

CJ279-12/07	TENDER 046/07 SWEEPING OF URBAN AND ARTERIAL ROADS, CAR PARKS, FOOTPATHS AND PATHWAYS WITHIN THE CITY OF JOONDALUP [85603]	99
CJ280-12/07	SPECIAL FUNDING FOR DUPLICATION OF CONNOLLY DRIVE, KINROSS – [09189]	103
CJ281-12/07	CITY WATCH COMMUNITY SECURITY PATROL SERVICE – [23565] [89558]	107
CJ282-12/07	TENDER 040/07 SUPPLY AND INSTALLATION OF CONCRETE PATHS, DUAL USE PATHS, CROSSEOVERS AND PUBLIC ACCESS WAYS – [79603]	114
CJ283-12/07	PROPOSED AGED PERSONS' DEVELOPMENT (15 DWELLINGS) AT LOT 405 (174) FAIRWAY CIRCLE, CONNOLLY – [45274]	118
CJ284-12/07	PROPOSED CHILD CARE CENTRE (UNAUTHORISED) 31 CHADLINGTON DRIVE, PADBURY – [03591]	133
CJ285-12/07	PROPOSED WESTERN POWER ZONE SUBSTATION – USE NOT LISTED: LOT 2 (170) SHENTON AVENUE, JOONDALUP – 88597	146
CJ289-12/07	PROPOSED RENAMING OF PUBLIC OPEN SPACE (RESERVE 44914), MEDINAH MEWS, CONNOLLY [06998] [11275]	153/190
CJ286-12/07	PROPOSED MOTOR INDUSTRY TRAINING ASSOCIATION CAMPUS AT PROPOSED LOT 11 JOONDALUP DRIVE, JOONDALUP – [27581]	157
CJ287-12/07	PROPOSED ALTERATIONS & ADDITIONS TO THE GREENWOOD TAVERN ON LOT 835 (349) WARWICK ROAD, GREENWOOD – [16122]	167
CJ262-12/07	REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER – [98394] [98394b]	178/24

**C85-12/07**                      **MOTION TO GO BEHIND CLOSED DOORS**                      180

CJ297-12/07	CONFIDENTIAL REPORT - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 27 NOVEMBER 2007 – [74574, 98394B]	181
-------------	--	-----

**C86-12/07**                      **MOTION TO GO TO OPEN DOORS**                      182

CJ288-12/07	SINGLE STOREY SHOWROOM WITH UNDERCROFT CAR PARKING AREA - LOT 13 (57) JOONDALUP DRIVE, EDGEWATER – [38480]	182
CJ289-12/07	PROPOSED RENAMING OF PUBLIC OPEN SPACE (RESERVE 44914), MEDINAH MEWS, CONNOLLY [06998] [11275]	190/153

CJ290-12/07	PROPOSED REMOVAL OF ACCESS RESTRICTION, REAR OF LOT 510 (10) CLIPPER COURT, EDGEWATER [461111] [43522]	191
CJ291-12/07	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS - OCTOBER 2007 - [07032] [05961]	194
CJ292-12/07	REVIEWED CITY OF JOONDALUP ACCESS & INCLUSION PLAN 2008-2011 - [03105]	198
CJ293-12/07	YOUTH ENGAGEMENT REPORT - [07116]	202
CJ294-12/07	PROPOSAL JOINT CITY OF JOONDALUP/CITY OF STIRLING YOUTH FESTIVAL - NORTHBEAT YOUTH FESTIVAL - [05564]	206
CJ295-12/07	ANNUAL GENERAL MEETING OF ELECTORS HELD ON 3 DECEMBER 2007 - [65597]	209
CJ296-12/07	MINUTES OF THE AUDIT COMMITTEE MEETING HELD ON 4 DECEMBER 2007 - [50068, 09882, 18049]	216

C87-12/07	COUNCIL DECISION - EN BLOC RESOLUTION - [02154].....	219
C88-12/07	MINUTES OF THE OCEAN REEF MARINA COMMITTEE HELD ON 12 DECEMBER 2007	220

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

C89-12/07	NOTICE OF MOTION - CR GEOFF AMPHLETT - REDUCING THE USE OF PLASTIC BAGS.....	226
C90-12/07	NOTICE OF MOTION - CR SUE HART - AMENDMENT TO DPS2 .....	227
C91-12/07	NOTICE OF MOTION - CR BRIAN CORR - REQUEST FOR REPORT ON THE REDEVELOPMENT OF CIVIC PLACE, PARRAMATTA .....	229
C92-12/07	NOTICE OF MOTION - CR ALBERT JACOB - REQUEST FOR REPORT ON THE ESTABLISHMENT OF A DESIGN ADVISORY COMMITTEE .....	231
C93-12/07	NOTICE OF MOTION- CR MARIE MACDONALD - REQUEST FOR DOCUMENTS .....	232

<b>ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING .....</b>	<b>233</b>
--	------------

<b>CLOSURE .....</b>	<b>233</b>
----------------------	------------

# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 18 DECEMBER 2007

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1913 hrs.

### ANNOUNCEMENT OF VISITORS

Nil.

### ATTENDANCES

#### Mayor:

TROY PICKARD

#### Councillors:

Cr KERRY HOLLYWOOD	North Ward	
Cr TOM McLEAN	North Ward	
Cr ALBERT JACOB	North-Central Ward	
Cr TRONA YOUNG	North-Central Ward	
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MICHELE JOHN	South-West Ward	
Cr MIKE NORMAN	South-West Ward	<i>Absent from 2329 to 2331 hrs</i>
Cr BRIAN CORR	South-East Ward	<i>Absent from 2229 to 2231 hrs</i>
Cr RUSS FISHWICK	South Ward – <i>Deputy Mayor</i>	<i>Absent from 2223 to 2226 hrs</i>
Cr FIONA DIAZ	South Ward	<i>Absent from 2251 to 2253 hrs</i>

#### Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 2251 to 2300 hrs</i>
MR MIKE TIDY	Director, Corporate Services	<i>Absent from 2151 to 2156 hrs</i>
MR CLAYTON HIGHAM	Director, Planning & Community Development	<i>Absent from 2254 to 2300 hrs</i>
MR IAN COWIE	Director, Governance and Strategy	
MR DAVID DJULBIC	Director, Infrastructure Services	<i>Absent from 2254 to 2300 hrs</i>
MR MIKE SMITH	Manager, Marketing Communications & Council Support	<i>Absent from 2254 to 2300 hrs</i>
MR CHRIS TERELINCK	Manager, Approvals, Planning & Environmental Services	<i>to 2254 hrs</i>
MR MARK McCRORY	Media Advisor	<i>Absent from 2254 to 2300 hrs</i>
MS JANET HARRISON	Administrative Services Co-ordinator	
MS LESLEY TAYLOR	Administrative Secretary	<i>Absent from 2254 to 2300 hrs</i>

There were 21 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following question was taken on notice at the Briefing Session held on 11 December 2007:

**Mr S Magyar, Heathridge:**

*Q1 Stamped Page 323 – There are a number of payments to North Districts Pest Control for services carried out at various locations. What type of pests are being controlled?*

*A1 Treatments were for a variety of pest problems at City reserves and buildings, which are dealt with on an as-required basis. The predominant problem is bees, accounting for 32 of the 36 treatments, with the other 4 being for ants, pigeons, crows and cockroaches respectively.*

The following question was taken on notice at the Annual General Meeting of Electors held on 3 December 2007

**Ms K Woodmass, Kingsley:**

*Q1 Earlier on in the meeting, it was stated the Annual General Meeting of Electors was advertised in the Weekender community newspaper dated 29 November 2007. On a search of the newspaper, I cannot locate the advertisement? Can an explanation be provided?*

*A1 The advertisement referred to was placed on Page 60 of the Community newspaper of 29 November 2007.*

The following questions were submitted in writing prior to the Council meeting:

**Mr K Robinson, Como:**

*I refer to the minutes of the Council meeting held on 25 September 2007 at which the Mayor declared an interest that may affect impartiality in relation to a series of questions (including questions pertaining to actions of the Mayor and statutory entitlements) submitted by myself:*

*Q1 Given the declaration of interest made by the Mayor at the Council meeting held on 25 September 2007, why when questions (that included questions pertaining to the actions of the Mayor and statutory entitlements) submitted by myself to the Council meeting held on 28 August 2007 was no interest disclosed by the Mayor?*

*A1 It is for individuals to determine whether they have interests.*

*Q2 Is the failure to declare an interest that may affect impartiality a breach of the Code of Conduct?*

*A2 The Code requires persons to declare impartiality interests when they believe they have such an interest.*

Q3 *If the answer to Q2 above is yes, will an appropriate investigation be made of the Mayor's failure to declare an interest that may affect impartiality at the Council meeting held on 28 August 2007?*

A3 See A1 above.

Q4 *If not, why not?*

A4 See A1 above.

*I refer to the minutes of the Council meeting held on 25 September 2007 at which Garry Hunt declared an interest that may affect impartiality in relation to a series of questions (including questions pertaining to actions of the CEO) submitted by myself.*

Q5 *Given the declaration of interest made by Garry Hunt at the Council meeting held on 25 September 2007, why when questions (that included questions pertaining to the remuneration of the CEO) submitted by myself to the Council meeting held on 28 August 2007 was no interest disclosed by the CEO?*

A5 See A1 above.

Q6 *Is the failure to declare an interest that may affect impartiality a breach of the Code of Conduct?*

A6 See A2 above.

Q7 *If the answer to Q6 above is yes, will an appropriate investigation be made of the CEO's failure to declare an interest that may affect impartiality at the Council meeting held on 28 August 2007?*

A7 See A1 above.

Q8 *If not, why not?*

A8 See A1 above.

Q9 *Is the Administration aware of the requirement to disclose in relation to both financial interests and interests that may affect impartiality the nature and extent of the interest?*

A9 Yes.

Q10 *In relation to the disclosure of interests made by Garry Hunt generally and specifically on 25 September 2007 why next to the heading nature of interest has the type of interest ie a financial interest or an interest that may affect impartiality been disclosed?*

A10 The City records whether the interest is of a financial or impartiality nature.



Q11 *I refer to the disclosure of an interest that may affect impartiality made by Garry Hunt at the Council meeting held on 25 September 2007 in relation to questions submitted by myself and information provided in relation to the extent of interest as "Mr Hunt was one of the people that the question was asked about in a series of questions lodged by an individual". Has the statement been accurately recorded as the statement is incomprehensible?*

A11 Yes.

Q12 *If the disclosures made by elected members or members of the Administration in relation to their financial interests or interests that affect impartiality do not provide all relevant information as provided for in the Act and Regulations as well as the Code of Conduct would the failure to provide all required information be a breach of the Code of Conduct?*

Q13 *If the answer to Question 12 is yes, will an investigation be made of the adequacy of Garry Hunt's disclosures pursuant to the Code of Conduct?*

Q14 *If not, why not?*

A12-14 Declarations are made in accordance with requirements.

*Minutes of CEO Performance Review Committee. I refer to the seven questions submitted by myself on 10 November 2007 for consideration at the Briefing Session held on 13 November 2007 relating to the minutes of the CEO's Performance Review Committee.*

Q15 *Did the City receive the questions referred to above?*

A15 Yes.

Q16 *Are the questions being dealt with in the same manner as other questions submitted by members of the public or as they relate to the Minutes of the CEO's Performance Committee are they subject to a different process?*

A16 In the same manner.

Q17 *Given the questions submitted question the accuracy and appropriateness of some of the matters contained in the minutes of the CEO's Performance Review Committee, is it appropriate for the Council to deal with the item without first having the benefit of a response from the Administration on the specific questions?*

A17 Yes.

Q18 *In the event that the City did receive the questions, it is normally the Council's practice to provide a letter of acknowledgement to the person who submitted the questions?*

A18 No.

Q19 *If yes, why wasn't such an acknowledgement provided to myself?*

A19 Not applicable.

Q20 *In accordance with the Council's normal practice, were the questions circulated to elected members prior to the briefing session?*

A20 Yes.

Q21 *In accordance with the Council's normal practice, were responses to the question prepared by the Administration and circulated to elected members?*

A21 Yes.

Q22 *If yes, were copies of the questions together with the responses by the Administration available at the briefing session?*

A22 Yes.

Q23 *If not, given the questions were submitted one clear business day prior to the deadline set by Council, why?*

A23 Not applicable.

Q24 *Has any employee disclosed either a financial or impartiality interest in respect of the questions submitted?*

A24 Yes.

Q25 *Given that there are a number of matters that I have raised relating to how Garry Hunt has performed his Governance responsibilities to which no response has been received, would it not be prudent for the Council to defer consideration of the item on the minutes of the CEO's Performance Review Committee until such time as the matters raised have been provided to all elected members together with any comments from the Administration?*

A25 No.

Q26 *Is the Council aware that the Report of the Panel Inquiry into the City of Joondalup was critical of the Council's decision to congratulate and commend the former CEO Denis Smith without first having fully addressed questions relating to Mr Smith's academic background?*

A26 This is a question that would need to be directed to individual Elected Members as the matter has not been placed before the current Council.

Q27 *Were all members of the CEO Performance Review Committee, prior to supporting a motion moved by Cr Fishwick and Seconded by Mayor Pickard on 4 October 2007 that "the CEO Performance Review Committee:*

1 *adopts the Confidential Concluded Annual Performance Review Report and endorses the overall rating of 'meets the performance requirements';*

2 *notes the CEO has continued to provide excellent leadership, strategic management and governance for the City of Joondalup;"*

*provided with details of:*

- (a) All instances of the Administration's non compliance with provisions of the Act, other relevant laws and Standing Orders?*
- (b) All instances where the CEO has failed to comply with the Council's policies and procedures?*
- (c) All complaints made pursuant to the Code of Conduct involving the conduct of the CEO and the results of the ensuing investigation?*

A27 An extensive process of review was undertaken by the committee with assistance from an external consultant.

Q28 *If not, how was an informed decision on the appropriateness of the motion determined?*

A28 See A27 above.

Q29 *In relation to answer 16 to my questions submitted to the last Council meeting who disputes the assertion?*

A29 The City.

Q30 *Has an investigation been undertaken into the assertion that is disputed in answer 16 to my questions submitted to the last Council meeting?*

A30 No.

Q31 *Has the complaint lodged by myself in accordance with the Code of Conduct in relation to Mr Cowie's conduct been completed?*

Q32 *If no, has the investigation been commenced?*

Q33 *What investigations were conducted and by whom in order to dispute the assertion?*

Q34 *Will the investigation of my Code of Conduct complaint in relation to Mr Cowie's conduct be conducted by an independent party free from bias and in accordance with the rules of procedural fairness?*

Q35 *If not, why not?*

A31-35 The Code of Conduct requires "that any matters the subject of (a complaint and investigative report) shall be treated in the strictest of confidence until such time as an appropriate investigation has been undertaken". As a consequence, the City will make no public comments in relation to this matter at this time.

Q36 *Can members of the public be guaranteed that complaints made in accordance with the code of conduct will be investigated in accordance with the rules of procedural fairness?*

A36 Procedural fairness is taken into account when relevant.

Q37 *When if not already commenced will the investigation of my complaint against the conduct of Mr Cowie commence?*

Q38 *When it is anticipated that my complaint against the conduct of Mr Cowie will conclude?*

A37-38 See A31-35 above.

Q39 *Is it, given the rules of procedural fairness and the fact that the CEO has previously declared an interest that may affect impartiality in relation to matters concerning myself, for the CEO to be finalising a complaint lodged by myself in relation to the conduct of the Mayor?*

A39 Based on Mr Robinson's complaints against a number of senior officers/Elected Members, it is considered appropriate.

Q40 *If it is not appropriate why in response to a question submitted to the last Council meeting was it stated that "The CEO is now finalising the complaint".?*

A40 Not applicable.

Q41 *In accordance with the rules of procedural fairness is it appropriate as advised in response to a question to the last Council meeting for the CEO to finalise the complaint?*

A41 See A39 above.

Q42 *Why given the CEO's previously declared impartiality interest and the obvious inappropriateness of the CEO's involvement in investigating the complaint has further time and resources been wasted with his involvement?*

A42 See A39 above.

Q43 *Has the City the appropriately qualified and experienced officers to identify how complaints should be investigated in a manner that complies with the principles of procedural fairness?*

A43 Yes.

Q44 *If yes, why hasn't my complaint relating to the Mayor's conduct lodged many months ago been appropriately allocated and dealt with?*

A44 It was dealt with in accordance with the Code.

Q45 *Does the CEO understand that it is not appropriate for him to investigate a complaint where he has previously declared an interest that may affect impartiality in respect of the person who has lodged the complaint?*

A45 The CEO is aware of the Code and his role.

Q46 *What confidence can members of the public have in the integrity of the complaints process when the CEO considers it appropriate for him to finalise a complaint in which he has declared an interest that may affect impartiality in relation to the person who lodged the complaint?*

A46 This is a matter for members of the public to determine.

Q47 *Does the Agreement between the City and myself remove my as of right statutory entitlement to ask questions relating to the affairs of the local government?*

A47 No.

Q48 *How would the City be in breach of the Agreement between the City and myself if questions it considered breached the Agreement were circulated confidentially to elected members and determined at the Council meeting to be out of order?*

A48 The City is distributing this material.

Q49 *Given the City is a party to the Agreement how appropriate is it for the City to allege and then determine that the questions submitted by myself are in breach of the Agreement?*

A49 It is the City's view.

Q50 *If the City is of the view that the questions submitted by myself are in breach of the Agreement why doesn't the City take initiate an action for breach of the agreement?*

A50 The City will take action as it considers appropriate.

Q51 *Is the Administration of the view that the Mayor's comments at the last Council meeting during the disclosure of interests that affect impartiality is a breach of the Agreement?*

A51 This is a matter for Mr Robinson to determine.

Q52 *If not, why not?*

A52 Not applicable.

Q53 *Does the Administration consider the comments by the Mayor relating to the lodgment of complaints pursuant to the Code of Conduct appropriate?*

A53 The Mayor has made his comments.

Q54 *Does the Administration consider the Mayor's comments capable of eroding public confidence in having bona fide complaints pursuant to the Code of Conduct dealt with according to their merit?*

A54 This is a matter for Mr Robinson to determine as the Mayor has made his comments.

Q55 *Were copies of the questions submitted by myself for consideration at the last Council meeting and the responses from the Administration available to members of the public in hard copy format prior to the commencement of the Council meeting?*

A55 Yes.

Q56 *If not, why not?*

A56 Not applicable.

Q57 *Why was the Council's website that includes the Council's agenda not updated prior to the meeting to include copies of the questions submitted by myself and the responses from the administration.*

A57 This is not normal practice.

Q57 *What progress has been made in relation to the Code of Conduct complaint made by myself in April 2007 in respect of Mr Mike Tidy's conduct?*

Q58 *Why has the above complaint after a period in excess of 7 months still not been finalised?*

Q59 *Who is investigating the above complaint?*

Q60 *What is the cost of the investigation of the above complaint?*

Q61 *What is the estimated timeframe for finalising the complaint?*

A57-61 The Code of Conduct requires "that any matters the subject of (a complaint and investigative report) shall be treated in the strictest of confidence until such time as an appropriate investigation has been undertaken". As a consequence, the City will make no public comments in relation to this matter at this time.

Q62 *What progress has been made in relation to the Code of Conduct complaint made by myself on 24 July 2007 in respect of Troy Pickard's conduct?*

A62 It has been completed.

Q63 *Why has the above complaint, given my repeated requests for the investigation to be expedited given Troy's continued involvement in matters relating to myself, after a period in excess of four months still not been finalised?*

A63 Not applicable.

Q64 *What progress has been made in relation to the Code of Conduct complaint made by myself on 14 September 2007 in respect of Mr Ian Cowie's conduct?*

A64 See A57-61 above.

Q65 *What confidence can members of the public have in the complaints process when complaints that have been lodged are not dealt with in a reasonable timeframe and requests for information on progress are refused?*

A65 This is a question for members of the public to determine.

**Mr P Young, Ocean Reef:**

Q1 *Is the Council committed to developing the proposed Ocean Reef Marina, and if so what has been the cause of the lack of progress to date?*

A1 Yes. Council has established an Ocean Reef Marina Committee for this purpose and the CEO has established a steering committee with State Government agencies to consider legislative implications.

Q2 *Will the Council, as a matter of urgency commission a pre feasibility study into the proposed development, which shall include provision for extensive community and stakeholder consultation?*

A2 The Council is making provision for extensive community input. Members of the public were asked to give their views on what they would like to see occurring on the site and 458 responses were received. 132 people nominated to go on a community reference group. It is expected that feasibility work will commence once legislative constraints have been highlighted and realistic approaches to overcome the constraints have been identified.

Q3 *The Council was informed September 2007 via our local Councillor Albert Jacob, of a number of community concerns regarding Beaumaris Park. The concerns primarily related to:*

- *rubbish accumulation;*
- *fire safety due to excess dry and dense undergrowth;*
- *inadequate lighting;*
- *security issues due to the dense vegetation via introduced acacia trees encircling and blocking vision into the park particularly around the Beaumaris Primary play ground and parent pickup zones.*

*As a result of these issues the area is becoming an area known for its antisocial behaviour and arson.*

*Our local Councillor advises he has not received a response from the City regarding these community concerns.*

*Can the City detail what remedial actions, if any, will be taken to address these issues and provide a timetable of when actions might be expected?*

- A3 Preliminary information has been provided to Mr Young as an interim measure to a more detailed and comprehensive report being provided to the Ocean Reef Progress Association.

**Mr D McAllester, Sorrento:**

- Q 1 *Why are public toilets closed in some areas but open in a few others? Who makes the decisions as to what toilets are open? There seems not logical sequence to the locations and some are still closed when there are sports events.*

- A1 Most public toilets are open 24 hours, 7 days per week. There are, however, a number of toilets and changerooms on active reserves that are not open for such periods because of the anti social behaviour such facilities attract. The sports groups that regularly use these reserves usually have the keys to access these facilities. This has been practice for some time.

The City would be willing to consider opening any of the facilities for longer periods providing there was a demand for such use and the benefits out weigh the inevitable vandalism that would occur.

- Q2 *What is happening to the pre-school centre? It has been vacant for over a year and has now become a dumping ground for building waste.*

- A2 If the question relates to the Marmion Pre Primary School Site in High Street Sorrento, the Department of Education and Training ceased using the site early in 2007 but the Child Health Centre is still used one day a week and will continue to be used in this way until the end of 2008.

The Council has recently resolved to demolish the building and have the management order on the site revoked. This should take place in 2009.

With respect to the building waste, this has been dumped illegally and the City is currently investigating this matter.

- Q3 *When are the trees poisoned by the spraying of herbicides around the sumpholes going to be replaced?*

- A3 During the next winter planting program.

- Q4 *When are the parks going to be supplied with dog bags, eg Robin Park?*

- A4 The City has commenced its roll-out of Dog Excreta Bags throughout all suburbs, with Robin Reserve Sorrento being supplied with bags approximately 2 weeks ago.



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

**Mr G Cowper, Duncraig:**

Q1 *Is the parking problem another mistake by the City's town planners and yet another example of a mistake needing to be fixed by the Councillors like the recent Mullaloo Tavern amendment?*

A1 *Response by Mayor Pickard: No.*

Q1 *Why did Council insist on bays being provided for staff and then not police such conditions of the DPS?*

A2 *Response by Mayor Pickard: As a planning authority, the City determines how many bays are required for a particular development however it has no powers under the Scheme to enforce any landowner to park on their own property.*

**Mr R Repke, Kallaroo:**

Q1 *The number of cars which are privately owned has doubled or tripled. Over recent times these additional private cars emit much more additional CO2 than the saving produced by the cars owned by the City. Can the City design a concept of how to include the privately owned cars into the CO2 reduction?*

A1 *Response by Mayor Pickard: It is difficult to manage CO2 emissions in the public realm. As a City we are doing everything possible to reduce CO2 emissions through our car fleet and other initiatives. It was heartening to hear the Prime Minister indicate recently that households needed to play a significant role in the nation's overall reduction in CO2 emissions. The City hopes that the Federal Government, in accordance with the Prime Minister's statement, assists Local Government through the provision of appropriate funding.*

*Response by CEO: The City has been an active participant in Travelsmart and encouraging people to take alternative transport options. The City has been active in obtaining Federal grants in association with the City of Wanneroo to assist businesses to reduce energy. In regards to setting CO2 targets for the community as a whole, this is a matter that the City can consider in its strategic planning exercise.*

Q2 *Re: Item 286-12/07 Proposed Motor Industry Training Association Campus at proposed Lot 11 Joondalup Drive, Joondalup:*

*Is the 300 seat restaurant open to the public?*

A2 *The 200 seat restaurant is for use by students and staff only.*

**Mr Repke tabled the following written questions:**

Q3 *Which measures are taken to use photovoltaic means to produce hot water and electricity?*

Q4 *Which measures are taken to reuse grey water?*

Q5 *Which measures are taken to collect and use rain water and if these measures are not included can we add them to the application?*

A3-5 These questions are taken on notice and a written response will be provided.

**Mr Terry Darby-Smith, Joondalup Business Association, Joondalup:**

*Re: Paid Parking Business Plan Consultation Results and the Proposed Application of Parking Fees:*

Q1 *Will Council consider a proposal to direct the funds realised to a dedicated fund for the establishment of a multi-decked parking station in the CBD?*

A1 *Response by Mayor Pickard:* It is a part of the proposed paid parking strategy that funds generated from revenue through paid parking are utilised to provide additional car parking facilities in the City Centre and part of that strategy in the mid to long term is the construction of a number of multi-deck car parking facilities.

Q2 *Will Council consider the current parking station bounded by McLarty Avenue, Boas Avenue and Reid Promenade as the primary location for the multi-decked facility?*

A2 *Response by Mayor Pickard:* The City will need to conduct an analysis on various sites which are available for a multi-deck bay.

Q3 *Will Council apply funds raised from the cash in lieu policy to the multi-deck project?*

A3 This question will be taken on notice and a written response will be provided.

**Mr S Kobelke, Sorrento:**

Q1 *Re: CJ264-12/07 What process did the City use to determine 5 questions was the right number of questions in writing?*

A1 On researching Question Time at the Council, the vast majority of people who have submitted questions have been able to submit them in 5 or less. The questions which it is proposed to be limited to 5 are written questions submitted prior to the meeting and people can still come and ask another 2 questions verbally. Council introduced Public Statement Time which has a significant impact on assisting people to get their point across.

Q2 *Why is the City proposing to remove extensions to Public Question Time at Briefing Sessions?*

A2 *Response by Mayor Pickard:* Briefing Sessions are not formal meetings. They are for information sharing and provide an opportunity for Elected Members to ask questions. There is no provision to formally resolve that Question Time be extended during Briefing Sessions.

**Mr S Magyar, Heathridge:**

*Re: CJ265-12/07 – Appointment of Community Representatives - Conservation and Sustainability Advisory Committees*

*Q1 Have all nomination forms been provided to the Elected Members and, if so, have these documents been marked 'Confidential'?*

*A1 Response by Mayor Pickard:* Yes. They have all been provided to Elected Members and are for Elected Members' use only.

**Mr A Coates, Connolly:**

*Re: CJ285-12/07 - Proposed Western Power Zone Substation – Use Not Listed: Lot 2 (170) Shenton Avenue, Joondalup*

*Q1 In view of the new school oval recently built at Lake Joondalup Baptist College, which is not on the plans in the Agenda, will the new substation still be 55m from the school?*

*A1* The substation site is on the opposite side of the rail reserve which, at the point where it is opposite the school is approximately 50-60 metres wide.

*Q2 What is the minimal electromagnetic field emissions from this proposed substation?*

*A2* This is not an area within the Local Government's expertise. Western Power employ their own engineers to conform to the necessary standards. The City will endeavour to ascertain this information from Western Power and provide this information in due course.

**PUBLIC STATEMENT TIME****Mr G Cowper, Duncraig:**

Mr Cowper spoke in relation to the parking problems in Culloden Road, Duncraig.

**Mr R Repke, Kallaroo:**

Mr Repke spoke in relation to the sale of cats and dogs by pet shops within the City of Joondalup.

**Mrs E Pavlos, representing Glengarry Hospital:**

Ms Pavlos spoke in relation to the parking issues in Culloden Road, Duncraig.

**Ms R Robinson, Duncraig:**

Ms Robinson spoke in relation to the welfare of animals sold through pet shops within the City of Joondalup.

**Mrs K Jahour, Kingsley**

Mrs Jahour spoke in relation to the proposed child care centre at 31 Chadlington Drive, Padbury.

**C81-12/07      EXTENSION OF PUBLIC STATEMENT TIME - [01122] [02154]**

**MOVED Cr Amphlett, SECONDED Cr McLean that Public Statement Time be extended for a period of 15 minutes.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**Mr F lemma, Architect on behalf of Greenwood Tavern:**

Mr lemma spoke in relation to the proposed alterations and additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood.

**Mr S Kobelke, Sorrento:**

Mr Kobelke spoke in relation to CJ264-12/07 and the proposal to limit the number of questions to be asked at Public Question Time to five.

**Mrs P Gilpin, Connolly:**

Mrs Gilpin spoke in relation to the Proposed Western Power Zone Substation – Use Not Listed: Lot 2 (170) Shenton Avenue, Joondalup.

**Ms D Coates, Connolly:**

Ms Coates spoke in relation to the Proposed Western Power Zone Substation – Use Not Listed: Lot 2 (170) Shenton Avenue, Joondalup.

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr S Hart      17 December 2007 to 17 January 2008 inclusive

**C82-12/07      REQUESTS FOR LEAVE OF ABSENCE – MAYOR T PICKARD, CR M MACDONALD, CR M NORMAN, CR B CORR, CR K HOLLYWOOD, CR T YOUNG AND CR F DIAZ – [65597]**

**MOVED Cr Young, SECONDED Cr Hollywood that Council APPROVES the following Requests for Leave of Absence covering the following dates:**

<b>Cr M Macdonald</b>	<b>23 January to 30 January 2008 inclusive</b>
<b>Mayor T Pickard</b>	<b>10-13 February 2008 inclusive</b>
	<b>20 February 2008</b>
<b>Cr M Norman</b>	<b>8 – 14 February 2008 inclusive</b>
<b>Cr B Corr</b>	<b>10-13 February 2008 inclusive</b>
<b>Cr K Hollywood</b>	<b>27 December 2007 – 12 January 2008 inclusive</b>
<b>Cr T Young</b>	<b>1 – 10 January 2008 inclusive</b>
<b>Cr F Diaz</b>	<b>4 – 11 January 2008 inclusive</b>

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**CONFIRMATION OF MINUTES**

**C83-12/07      MINUTES OF COUNCIL MEETING, 20 NOVEMBER 2007**

**MOVED Cr McLean, SECONDED Cr Jacob that the Minutes of the Council Meeting held on 20 November 2007 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**C84-12/07      MINUTES OF SPECIAL COUNCIL MEETING, 10 DECEMBER 2007**

**OFFICER'S RECOMMENDATION:** That the Minutes of the Special Council Meeting held on 10 December 2007 be confirmed as a true and correct record.

**MOVED Cr Amphlett, SECONDED Cr Fishwick that the Minutes of the Special Council Meeting held on 10 December 2007 be confirmed as a true and correct record, subject to the following amendment:**

***“That Cr M Norman be reflected in “Attendances” from 1815 hrs, not Cr Amphlett.”***

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****FREEMEN OF THE CITY OF JOONDALUP**

The City of Joondalup recognised three of its most decorated community members last week by honouring them as inaugural Freemen of the City of Joondalup.

At a special meeting in these chambers last Monday, 10 December 2007 the Joondalup Council voted unanimously to bestow the Freeman title on Nicolas Trandos, Margaret Cockman and Bill Marwick for their dedication and commitment to the community over many years.

All three are outstanding individuals who played major roles in helping develop Joondalup into a successful district, a status that it enjoys today.

Nick Trandos, Margaret Cockman and Bill Marwick have spent the majority of their lives serving others and attempting to improve the quality of life for the people of the northern suburbs.

They were integral in the push to make Joondalup a regional centre in WA and their long and distinguished service to the local community deserves the recognition of such a prestigious honour.

The City commissioned portraits of the three inaugural Freemen, which will be hung in the Joondalup Civic building for public viewing.

More than 90 special guests and friends of the new Freemen of the City of Joondalup helped the trio celebrate what was an auspicious and memorable occasion.

**CITY OF JOONDALUP'S SUMMER IN THE CITY LAUNCH**

The City of Joondalup launched its Summer in the City 2007-08 cultural events program with the opening of the Sunset Markets last Friday.

The Summer in the City cultural events program comprises the Sunset Markets, a Summer Concert Series and the Joondalup Festival.

This year, more than 60 stalls will make up the Sunset Markets, featuring everything from food to fashion, toys to textiles and coffee to craftwork.

The Sunset Markets, on Central Walk and Reid Promenade Joondalup, operate between 6pm and 9pm on Fridays from 7 December 2007 to 7 March 2008 (excluding 28 December 2007).

The City of Joondalup has been operating the 'Sunset Markets' for many years and they have had a very positive impact on local businesses.

The markets provide significant social benefits as they meet a strong community demand and recognised need for a developed cultural nightlife in the Joondalup CBD.

## **LAKESIDE JOONDALUP SHOPPING CITY**

Stage One of the \$200 million extensions to Lakeside Joondalup Shopping City was opened to the public earlier this month.

The upgrade to the shopping centre is a massive boost to the City of Joondalup CBD.

The extensions will further develop the CBD precinct into a true City Centre and a major commercial node in the northern corridor.

With more than 1710 new car parking bays planned and the train station right next to the shopping centre, people will flock to the new Lakeside Joondalup Shopping City.

It will be the heartbeat of the Joondalup City Centre and should attract both customers and new businesses to the area, ensuring the future growth of our CBD.

## **LAST COUNCIL MEETING FOR 2007**

I would like to remind everyone that this is the last Council meeting for 2007, the next meeting will be on Tuesday, 19 February 2008.

On behalf of the Joondalup Council and staff at the City, I'd like to take this opportunity to wish everyone a joyous Christmas and a safe and happy New Year.

## **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.

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ262-12/07 – Request for Annual Leave – Chief Executive Officer
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 27 November 2007
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO

### Disclosure of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	Public Question Time – Questions from Mr K Robinson
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Robinson is a regular complainant about the CEO, other Executive staff and aspects of City operations.

<b>Name/Position</b>	<b>Mr Ian Cowie, Director Governance and Strategy</b>
<b>Item No/Subject</b>	Public Question Time – Questions from Mr K Robinson
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Robinson has indicated he has a complaint regarding Mr Cowie's actions

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Public Question Time
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Robinson has made a complaint against Mr Tidy and Mr Tidy has been involved in drafting some of the responses to the questions

<b>Name/Position</b>	<b>Cr M Macdonald</b>
<b>Item No/Subject</b>	CJ265-12/07 – Appointment of Community Representatives – Conservation and Sustainability Advisory Committees
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Some of the people who have nominated for positions are known to Cr Macdonald

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ267-12/07 – Minutes of Various Committee meetings held on 20 November 2007 (Minutes of CEO Performance Review Committee)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Hunt holds the position of CEO.

<b>Name/Position</b>	<b>Cr M Norman</b>
<b>Item No/Subject</b>	CJ272-12/07 – Smoke Free Beaches Local Law Amendment Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is a member and Chairman of the Joondalup Community Coast Care Forum Inc

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ275-12/07 – List of Payments 30 November 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Payment Number 13916 – Reimbursement of funds to Mike Tidy



<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ283-12/07 - Proposed Aged Persons' Development (15 Dwellings) at Lot 405 (174) Fairway Circle, Connolly
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	Cr McLean is a member of the Connolly Residents Association

<b>Name/Position</b>	<b>Cr Fiona Diaz</b>
<b>Item No/Subject</b>	CJ284-12/07 – Proposed Child Care Centre (Unauthorised) 31 Chadlington Drive, Padbury
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	A family member is a member of the Church

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ287-12/07 – Proposed Alterations & Additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	The applicant is known to Mr Hunt

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ289-12/07 - Proposed Renaming of Public Open Space (Reserve 44914), Medinah Mews, Connolly
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	Cr McLean is a member of the Connolly Residents Association

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	CJ289-12/07 - Proposed Renaming of Public Open Space (Reserve 44914), Medinah Mews, Connolly
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	A family member lives in close proximity to Medinah Park.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ296-12/07 - Minutes Of The Audit Committee Meeting Held On 4 December 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	The Chief Executive Officer is the cardholder

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 27 November 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Due to the nature of his employment relationship with the CEO

<b>Name/Position</b>	<b>Cr M Macdonald</b>
<b>Item No/Subject</b>	C88 -12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Some of the people who have nominated for positions are known to Cr Macdonald

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88 -12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Cr Young's husband was a nominee for Community Reference Committee in relation to the Ocean Reef Marina

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88 -12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Friends of Cr Young are applicants

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88 -12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Cr Young is a member of the Ocean Reef Progress Association

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88 -12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Cr Young is a resident of Ocean Reef

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

CJ297-12/07      Confidential Report - Minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 November 2007 – [74574, 98394b]

**MOVED Cr Fishwick, SECONDED Cr Young that Item CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 November 2007 be dealt with at the end of the agenda.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

#### **PETITIONS**

Nil.

**CJ261-12/07 EXECUTION OF DOCUMENTS - [15876]**

**WARD:** All

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

**PURPOSE**

To provide a listing of those documents recently executed by means of affixing the Common Seal or signed by the Mayor and Chief Executive Officer for noting by the Council for the period 8 November 2007 to 27 November 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 to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

**BACKGROUND**

Not Applicable.

**DETAILS**

The following documents have been executed by affixing the Common Seal.

<b>Document:</b>	District Planning Scheme No 2 – Structure Plan No 10 – Amendment 1
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	Amended Structure Plan No 10 (Burns Beach Structure Plan) – City of Joondalup District Planning Scheme No 2 – Amendment No 1 in accordance with Council Resolution of 27 March 2007
<b>Date:</b>	08.11.07
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	District Planning Scheme No 2 – Structure Plan No 10 – Amendment 2
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	Amended Structure Plan No 10 (Burns Beach Structure Plan) – City of Joondalup District Planning Scheme No 2 – Amendment No 2 in accordance with Council Resolution of 19 June 2007
<b>Date:</b>	08.11.07
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Structure Plan
<b>Parties:</b>	City of Joondalup and WA Planning Commission
<b>Description:</b>	To guide the development of the land in a co-ordinated and integrated manner – Lot 4 (25) Sheppard Way, Marmion and Lot 1 (23) Whiley Road, Marmion
<b>Date:</b>	27.11.07
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Lease Agreement
<b>Parties:</b>	City of Joondalup and Joondalup Country Club Holdings Ltd
<b>Description:</b>	Lease agreement with Joondalup Country Club Holdings Ltd for exclusive use of part of Shenton Avenue underpass
<b>Date:</b>	27.11.07
<b>Signed/Sealed:</b>	Sealed

**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 that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council **NOTES** the schedule of documents covering the period 8 November 2007 to 27 November 2007 executed by means of affixing the Common Seal.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**Disclosure of Financial Interest**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ262-12/07– Request for Annual Leave – Chief Executive Officer
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO

**CJ262-12/07      REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER – [98394, 98394B]**

**WARD:** All

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

---

**MOVED** Cr Fishwick, **SECONDED** Cr Young that Item CJ262-12/07 – Request for Annual Leave – Chief Executive Officer be dealt with later in the meeting in conjunction with Item CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 November 2007.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

## **CJ263-12/07 ORDER OF BUSINESS AT ORDINARY MEETINGS OF THE COUNCIL – [65597] [08122] [01369]**

**WARD:** All

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

---

### **PURPOSE**

For the council to give consideration to reviewing the order of business for ordinary meetings of the Council.

### **EXECUTIVE SUMMARY**

The Council requested a report to consider altering the order of business at an ordinary meeting of the Council and at committee meetings. The request was to add:

- Questions with notice;
- Questions without notice; and
- Second Public Question Time.

Following many years of review, the Council in late 2005 adopted a revised Standing Orders Local Law that set procedures to assist in the good conduct of meetings of the Council, of Committees and of the electors.

The current Standing Orders Local Law was based on the best practice principles of well-structured agendas and an order of business that provides for short and sharp meetings which allows sufficient time to debate, and set policy and strategy to achieve the best results for the community.

The revised set of Standing Orders assists in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.

It is suggested that the order of business for Council and Committee meetings not be altered.

## BACKGROUND

The Council at its meeting held on 22 May 2007 resolved as follows:

*That Council REQUESTS a report on:*

- 1 *changing clause 14 of Standing Orders, to change the order of business at ordinary Council meetings:*
  - 1.1 *to include between Petitions and Reports, Elected Members Questions (With and Without Notice);*
  - 1.2 *to include between Announcement of notices of motion for the next meeting and Closure, Second Public Question/Statement Time;*
- 2 *including in the amended Standing Order rules for Elected Members Questions (With and Without Notice) as detailed in attachment one to this motion;*
- 3 *including in the amended Standing Orders rules for Second Public Question/Statement Time as detailed in attachment two to this motion.*

The City of Joondalup Standing Orders Local Law 2005 was adopted by the Council on 22 November 2005, and has been operational since the Council's first meeting in 2006.

The Standing Orders Local Law 2005 was the result of a comprehensive review of the former Standing Orders that were adopted by the former City of Wanneroo in 1997, which became the Standing Orders for the City of Joondalup on 1 July 1998. The review initially commenced in 1999 and continued through until the adoption in November 2005.

As required by the Local Government Act 1995, the Standing Orders Local Law 2005 was subject to a six (6) week public comment period, with three (3) submissions being received, two (2) by members of the public and one (1) by the Department of Local Government and Regional Development.

## DETAILS

The current Standing Orders Local Law was based on the intent and reference to well structured Council meetings as described in the publication 'The Preparation of Agendas and Minutes – A guide for Western Australian Local Governments', as produced by the then Department of Local Government.

The guide makes the following statement:

*'With well-structured agendas a Council can have meetings that are efficient and effective in that they produce good decisions that are made following analysis of sound advice and constructive debate. At the end of such meetings those involved should be satisfied that the local government and the community have gained maximum benefit from the valuable time that has been contributed. A well-structured agenda will provide the elected body with the maximum time to debate and set policy and strategy and to plan for the future. It is generally agreed that short, sharp meetings directed towards decisions are the ones most likely to achieve good results.'*

It should be noted that the recommendations from the Governance Review – Final Report that was presented to the Council on 23 November 2004 included the following:

When drafting the revised set of Standing Orders, the following general principles applied:

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

**Issues and options considered:**

The Council has three options:

- 1 To agree to alter the order of business to:
  - Change clause 14 of Standing Orders, to change the order of business at ordinary Council meetings;
    - To include between Petitions and Reports, Elected Members Questions (With and Without Notice);
    - To include between Announcement of notices of motion for the next meeting and Closure, Second Public Question/Statement Time;
  - To include in the amended Standing Order rules for Elected Members Questions (With and Without Notice) as detailed in attachment one to this motion;
  - To include in the amended Standing Orders rules for Second Public Question/Statement Time as detailed in attachment two to this motion.
- 2 To agree to alter the order of business in part;
- 3 To not agree to alter the order of business.

The following wording of the relevant clauses were provided during consideration of the Motion.

**Elected Members Questions with and without due notice**

“Rules for Elected Members Question Time (with and without notice)”

Questions with Due Notice:

Any member desiring to ask a question at any meeting shall direct the question to the Mayor and shall give notice thereof in writing to the Chief Executive Officer at least forty eight hours before the hour fixed for the meeting. Both the question and the answer shall be recorded in the minutes.

Every question and answer shall be submitted as briefly and concisely as possible and no discussion shall be allowed thereon.



### Questions without Due Notice

Any member may ask questions without due notice when that member believes such questions, and receiving a reply to the questions, will assist the Council or committee to be better informed regarding any issue which is the business of Council or that committee.

Questions without due notice may be refused by the Chairman, or taken on notice, unless the meeting decides otherwise."

### **Officer's comment**

The proposed change is not supported for the following reasons: -

The responses to questions given with and without due notice are always brief and generally in a 'yes' or 'no' format, with no discussion on the questions permitted.

The publication 'The Preparation of Agendas and Minutes' produced by the then Department of Local Government does not include 'questions with due notice' or 'questions without due notice' in its suggested order of business, as it is believed that such an item of business is not 'best practice' when conducting a meeting of the Council. In line with the guide and as it is regarded as not in the interests of a well functioning elected Council such question periods are not currently included in the Standing Orders Local Law.

The current Standing Orders Local Law 2005 allows elected members to ask questions on items contained within the agenda.

Elected members may ask questions of the Chief Executive Officer outside the formal Council meetings.

### **Second Public Question/Statement Time**

"Rules for Second Public Question/Statement Time:

At the end of each Council meeting, committee meeting, or briefing session where the public are allowed to attend, an additional segment of 15 minutes question/statement time shall be allowed to permit the public to ask questions, or make comment on decisions made at that meeting, or items listed on the agenda for that meeting or briefing session.

Questions shall be dealt with according to the Local Government Act, Regulations and the Standing Orders.

Only the names, addresses of the persons making a statement and the item number and heading of the item shall be recorded in the minutes of the meeting."

### **Officer's comments**

The proposed change is not supported for the following reasons: -

- *The Act requires every local government to include a period of public question time at Council and Committee (those with delegated authority) meetings, there is no legal requirement for an additional period of public question time.*

- *Legal advice has stated that the notion of a second public question time at the end of a Council meeting should not be pursued as Regulation 7(2) of the Local Government (Administration) Regulations 1996 is very clear that the allocation of time to allow members of the public to ask questions during a Council meeting must precede any matter that requires the Council to make a decision on. The second public question time would in fact follow the decisions being made and therefore any questions asked by the public must happen at the commencement of the meeting and not at the end of the meeting, as it is believed that this would conflict with the regulations.*
- *Responding to questions in a second period of public question time may not allow adequate time for the person answering the question to consider the ramifications of the decision, including the steps, which would be required to implement the decision.*

**Link to Strategic Plan:**

*Outcomes:*

*The City of Joondalup is an interactive community.*

*Objectives:*

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

*Strategies 4.3.3*

*Provide fair and transparent decision-making processes.*

**Legislation – Statutory Provisions:**

If the Council was to agree to amend the provisions of the Standing Orders Local Law 2005, the Local Government Act 1995 details the procedures to be followed.

Sections 3.12 and 3.13 of *the Act* detail the procedures for the making a local law:

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

If the Council agrees to amend the order of business there will be some statutory advertising required.

**Policy Implications:**

Not applicable – the Standing Orders Local Law 2005 is a law and not policy and takes precedence over policy statements of the City of Joondalup.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The revised set of Standing Orders offers a contemporary approach to governing the proceedings of Council and Committee meetings and greatly assists the decision-making process.

**Consultation:**

If the Council agrees to amend the local law, the statutory public comment period of 42 days will be complied with.

**COMMENT**

The current Standing Orders Local Law was based on the best practice principles of well-structured agendas and an order of business that provides for short and sharp meetings which allows sufficient time to debate, and set policy and strategy to achieve the best results for the community.

These Standing Orders assists in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.

If the Council decided to alter the order of business, a further report will be presented to the Council prior to commencing the process as required by the Local Government Act 1995.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Fishwick, SECONDED Cr Amphlett that Council RETAINS the current order of business contained within the Standing Orders Local Law 2005.**

**AMENDMENT MOVED Cr Macdonald, SECONDED Cr Norman** that the Motion be amended to read as follows:

*"That Council RETAINS the current order of business contained within the Standing Orders Local Law 2005, except for Clause 14 of Standing Orders Local Law, being amended to include, between 'Petitions' and 'Reports', 'Elected Members' Questions with or without notice'."*

**The Amendment was Put and**

**LOST (4/8)**

**In favour of the Amendment:** Crs Corr, John, Macdonald and Norman **Against the Amendment:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob, McLean, and Young

**The Motion as Moved Cr Fishwick, Seconded Cr Amphlett was Put and CARRIED (11/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Young **Against the Motion:** Cr Norman

## **CJ264-12/07      UPDATING THE PROCEDURES FOR COUNCIL'S MEETINGS – [23184]**

**WARD:** All

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

---

### **PURPOSE/EXECUTIVE SUMMARY**

For Council to consider enhancements to the procedures for its meetings, as outlined in this report.

### **BACKGROUND**

The current procedures for conduct at Strategy Sessions, Briefing Sessions and Council meetings were adopted by Council on 9 August 2005.

### **DETAILS**

The procedures for Strategy Sessions, Briefing Sessions and Council meetings have been reviewed. The current procedures with the proposed changes shown tracked are provided at Attachment 1. Attachment 2 provides a 'clean' copy of the revised protocol for consideration by Council.

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

Council could:

- Accept all of the revisions to the procedures;
- Accept some of the proposed changes to the procedures;
- Decide not to change the procedures; or
- Decide to make alternative amendments to the procedures.

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

Outcome – The City of Joondalup is an interactive community.

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

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

Section 5.24 covers public question time along with the Local Government (Administration) Regulations.

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

The revisions to the procedures are designed to better reflect operational practices

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

As identified.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The revisions proposed in this report are designed to reflect current practices and improve efficiencies.

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Current procedures for Strategy Sessions, Briefing Sessions and Council meetings, showing tracked changes. |
| Attachment 2 | 'Clean' copy of revised procedures   |

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 DELETES its existing procedures in relation to Strategy Sessions, Briefing Sessions and Council meetings;
- 2 ADOPTS the procedures for Strategy Sessions, Briefing Sessions and Council meetings presented in Attachment 2 to Report CJ264-12/07.

**MOVED Cr Macdonald, SECONDED Cr Corr** that Council:

- 1 DELETES its existing procedures in relation to Strategy Sessions, Briefing Sessions and Council meetings;
- 2 ADOPTS the procedures for Strategy Sessions, Briefing Sessions and Council meetings presented in Attachment 2 to Report CJ264-12/07 with Procedures for Strategy Sessions, amended as follows:

- (a) Removal of "and agendas will be Confidential" from 1 and insertion of "Matters of a confidential nature will be clearly marked on the Agenda and be in accordance with the provisions of the Local Government Act 1995 5.23(2)(a)to (h) and the Code of Conduct."
- (b) Removal of "confidential" from 5.
- (c) That the Strategy Session, Briefing Session and Council meeting will be tape recorded."

Discussion ensued.

**The Motion was Put and**

**LOST (3/9)**

**In favour of the Motion:** Crs Corr, Macdonald and Norman **Against the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob, John, McLean and Young

**MOVED Mayor Pickard, SECONDED Cr Young that Council:**

- 1 **DELETES its existing procedures in relation to Strategy Sessions, Briefing Sessions and Council meetings;**
- 2 **ADOPTS the procedures for Strategy Sessions, Briefing Sessions and Council meetings presented in Attachment 2 to Report CJ264-12/07, subject to the following amendments:**
  - (a) **Briefing Sessions: Procedures for Public Question Time - Questions asked verbally:**

The following words to be added at the end of Part 6:

"The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total."
  - (b) **Briefing Sessions: Procedures for Public Question Time - Questions in writing:**

The following words to be added to the end of Part 5:

"...including the reason(s) for the decision."
  - (c) **Council Meetings: Procedures for Public Question Time - Questions in writing:**

The following words to be added at the end of Part 5:

"...including the reason(s) for the decision."

Mayor Pickard spoke to the Motion.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3agn181207.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr M Macdonald</b>
<b>Item No/Subject</b>	CJ265-12/07 – Appointment of Community Representatives – Conservation and Sustainability Advisory Committees
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Some of the people who have nominated for positions are known to Cr Macdonald

**CJ265-12/07 APPOINTMENT OF COMMUNITY REPRESENTATIVES - CONSERVATION AND SUSTAINABILITY ADVISORY COMMITTEES - [12168] [00906]**

**WARD:** All

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

**PURPOSE/EXECUTIVE SUMMARY**

For Council to give consideration to appointing community representatives to the Conservation and Sustainability Advisory Committees.

**BACKGROUND**

The Council at its ordinary meeting held on 20 November 2007 (CJ260-11/07 refers) resolved to:

- “2 (a) *ESTABLISHES the Conservation Advisory Committee to:*
- *make recommendations to Council for the conservation of the City of Joondalup's natural biodiversity;*
  - *promote partnerships between Council and the community to protect the City of Joondalup's natural biodiversity as contained within its various natural areas (bushland, wetlands and coastal environment);*

- (b) *AMENDS the terms of reference of the Conservation Advisory Committee by DELETING Section 2 – Membership and REPLACING it with:*

*“2 Membership*

*The Committee will consist of the following members, to be determined by the Council:*

*Four (4) Elected Members  
Eight (8) Community Representatives.”*

- (c) *APPOINTS the following members to the Conservation Advisory Committee:*

*Cr S Hart  
Cr M Norman  
Cr F Diaz  
Cr M Macdonald*

- 3 (a) *ESTABLISHES the Sustainability Advisory Committee to:*

- recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is (1) environmentally responsible, (2) socially sound and (3) economically viable.*
- provide advice to Council on items referred to the committee.*

- (b) *AMENDS the terms of reference of the Sustainability Advisory Committee by DELETING Section 2 – Membership, and REPLACING it with:*

*“2 Membership*

*The Committee will consist of the following members, to be determined by the Council:*

*Four (4) Elected Members  
Eight (8) Community Representatives”*

- (c) *APPOINTS the following members to the Sustainability Advisory Committee:*

*Cr B Corr  
Cr M Norman  
Cr A Jacob  
Cr R Fishwick*

- 4 *REQUESTS the CEO to advertise for the relevant community representatives on the Conservation Advisory Committee and the Sustainability Advisory Committee and report back to the Council for its consideration of appointment of representatives at its meeting to be held on 18 December 2007;”*



**DETAILS**

Advertisements were placed in the local newspaper on 27 and 29 November, and 4 December 2007.

Requests for nominations closed on Friday, 7 December 2007. At the close of nominations, the following nominations were received:

Conservation Advisory Committee

John Chester  
Steve Magyar  
Marilyn Zakrevsky  
Dorothy Lullfitz  
Suzi Greenway

Tim Argus  
Barry Fitzsimmons  
Gary Tate  
Dr Marjorie Apthorpe

Sustainability Advisory Committee

Steve Magyar  
Rainer Repke  
Alan Green

Brett Dorney  
Glen Tatam

**Issues and options considered:**

The Council has the options to:

- Appoint those people as nominated, and adjust the membership for each Committee accordingly;
- Appoint those most suitable to each Committee, and seek further nominations if required.

**Link to Strategic Plan:**

Not applicable.

**Legislation – Statutory Provisions:**

The Local Government Act 1995 allows the Council to establish committees to assist it with its decision making.

The Conservation Advisory Committee and Sustainability Advisory Committee have been established in accordance with the legislation, with clear and concise terms of reference and no delegated power.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The establishment of the CAC and SAC will assist the Council in dealing with sustainability and conservation issues currently facing the City of Joondalup.

**Consultation:**

The applications follow a request for feedback.

**COMMENT**Conservation Advisory Committee

The membership for the Conservation Advisory Committee allows for eight (8) community representatives to serve. As there have been nine (9) nominations received, the Council may:

- only appoint eight (8) members; or
- If all nominations are suitable, amend the membership of the committee to allow all nine (9) nominations to serve on the committee.

Sustainability Advisory Committee

The membership for the Sustainability Advisory Committee allows for eight (8) community representatives to serve. At the close of nominations, only five (5) nominations were received, the Council may:

- Retain a membership of eight (8) community representatives, appoint all or some of the five (5) nominations, and continue to seek nominations for the remaining three (3); or
- Amend the membership of the Sustainability Advisory Committee to a level that reflects the suitable number of nominations received.

The nominations are put forward for consideration by the Council for appointment to the Conservation Advisory Committee and the Sustainability Advisory Committee.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 GIVES CONSIDERATION to which applicants should be appointed to the Conservation Advisory Committee and the Sustainability Advisory Committee;
- 2 NOTES that in accordance with Section 5.103 of the Local Government Act 1995, that each member of the Conservation Advisory Committee and Sustainability Advisory Committee is to observe the City of Joondalup's Code of Conduct.

**ADDITIONAL INFORMATION**

The following nominations were inadvertently omitted from the Council agenda:

- Conservation Advisory Committee – Ms Phylis Robertson
- Sustainability Advisory Committee - Mr John Chester

Both nomination forms have been provided to Elected Members to assist them to make their recommendations for appointment of members to the Committees.

The following is a complete list of nominations for the committees:

**Conservation Advisory Committee**

Mr John Chester  
Mr Steve Magyar  
Mrs Marilyn Zakrevsky  
Ms Dorothy Lullfitz  
Ms Suzi Greenway

Mr Tim Argus  
Mr Barry Fitzsimmons  
Mr Gary Tate  
Dr Marjorie Apthorpe  
Ms Phylis Robertson

**Sustainability Advisory Committee**

Mr Steve Magyar  
Mr Rainer Repke  
Mr Alan Green

Mr Brett Dorney  
Mr Glen Tatam  
Mr John Chester

**MOVED Cr Macdonald, SECONDED Cr Norman that Council:**

- 1 **NOTES that in accordance with Section 5.103 of the Local Government Act 1995, that each member of the Conservation Advisory Committee and Sustainability Advisory Committee is to observe the City of Joondalup's Code of Conduct;**
- 2 **NOTES the following additional nominations have been received:**  
  
**Conservation Advisory Committee - Ms Phylis Robertson**  
**Sustainability Advisory Committee - Mr John Chester**

- 3 **AMENDS its decision of 20 November 2007 (Item CJ260-11/07) by amending 2(b) to read:**

**“2 Membership**

**The Committee will consist of the following members, to be determined by the Council:**

**Four (4) Elected Members  
Ten (10) Community Representatives”;**

- 4 **APPOINTS the following persons to the Conservation Advisory Committee:**

<b>Mr John Chester</b>	<b>Mr Tim Argus</b>
<b>Mr Steve Magyar</b>	<b>Mr Barry Fitzsimmons</b>
<b>Mrs Marilyn Zakrevsky</b>	<b>Mr Gary Tate</b>
<b>Ms Dorothy Lullfitz</b>	<b>Dr Marjorie Apthorpe</b>
<b>Ms Suzi Greenway</b>	<b>Ms Phylis Robertson</b>

- 5 **APPOINTS the following persons to the Sustainability Advisory Committee:**

<b>Mr Steve Magyar</b>	<b>Mr Brett Dorney</b>
<b>Mr Rainer Repke</b>	<b>Mr Glen Tatam</b>
<b>Mr Alan Green</b>	<b>Mr John Chester</b>

Discussion ensued.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

**CJ266-12/07 ECONOMIC DEVELOPMENT PLAN – ‘CITY OF JOONDALUP: A VIBRANT KNOWLEDGE & SERVICE HUB FOR THE REGION’ - [10030]**

**WARD:** All

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

---

**PURPOSE**

To consider stakeholder feedback and adopt the revised Economic Development Plan (EDP).

**EXECUTIVE SUMMARY**

At its meeting held on 28 August 2007, Council agreed to release the draft EDP for public comment. The City subsequently undertook consultation through a targeted stakeholder survey and open stakeholder workshop. Informal consultation with stakeholders was also undertaken.

The consultation methods employed provided the City with valuable feedback to gauge the appropriateness of the Plan and to guide its ongoing implementation. This report provides a summary of the major themes emerging from the consultation and highlights the amendments that have been made to the plan as a result. Key themes emerging from the consultation include:

- 1 Stakeholder engagement, communications, partnerships & governance
- 2 Business Intelligence
- 3 City profile & strategic positioning (Marketing and Communications)
- 4 Cultural vitality
- 5 Marine Tourism
- 6 Smart Industry Development
- 7 Joondalup Learning Precinct
- 8 Iconic Infrastructure/Landmarks

The City received thorough and constructive feedback on the draft EDP. There was a strong interest from stakeholders to work in partnership with the City to implement the plan and to align their ongoing strategic efforts. Overall there was strong support for the City and the plan, which provides a clear mandate to proceed.

## **BACKGROUND**

At its meeting held 28 August 2007, Council agreed to release the draft EDP for public consultation. The City subsequently undertook this consultation through a targeted stakeholder survey and open stakeholder workshop. Informal consultation was also undertaken.

### *Stakeholder workshop*

The City held the workshop on 10 October as part of its regular Joondalup Business Forum series. The focus for the workshop was to identify ways in which key stakeholders were able to add value to the plan. The POWA Institute was contracted to facilitate the workshop. POWA subsequently designed and implemented the workshop. Eighty six stakeholders attended the workshop representing state and local government, various industry sectors (including education, health, retail, tourism), commercial developers, landowners and general business.

### *Stakeholder survey*

The intention of the survey was to gauge the general strategic alignment of the Plan to the City's key stakeholders. It was also designed to identify opportunities for partnership and identify strategies warranting further discussion. A total of 12 responses were received including:

- Edith Cowan University
- Motor Industry Trades Association
- Stellar Call Centre
- Small Business Development Corporation
- Perth Area Consultative Committee
- National Australia Bank
- City of Wanneroo
- ING Real Estate

- ANZ
- Chamber of Commerce and Industry WA
- Osborne Division of General Practitioners
- Joondalup Resort

It should be noted that many stakeholders chose not to participate in the survey in favour of providing their feedback via the stakeholder workshop.

#### *General community consultation*

Consultation was also encouraged from the general community through advertisements in the local community newspaper and via the City's web site.

### **DETAILS**

The consultation methods employed provided the City with valuable feedback to gauge the appropriateness of the Plan and to guide its ongoing implementation. This feedback also provided the City with a range of options to add value to existing strategies listed in the plan.

The following section of the report provides a summary of the major themes emerging from the consultation. A comment is provided under each of these themes indicating the changes that have been made to the plan or the existing strategies that already address this area. Where appropriate the relevant Key Focus Area (KFA - i.e. 'Industry') and the strategy reference is stated (i.e. 1.3.2). These changes are highlighted in Attachment 1.

The report also lists other comments and strategies put forward by stakeholders to support local economic development outcomes that were considered outside the scope of the EDP. This feedback is acknowledged for its importance and will be considered in the review of the existing and future plans they relate to.

#### Consultation outcomes

##### 1 Stakeholder engagement, communications, partnerships & governance

- Stakeholders demonstrated a strong expectation they would be informed of key outcomes generated by the plan. Further information is needed to raise awareness on what key activities are being undertaken by the City and by other stakeholders to support local economic development.
- There is a keenness to aspire to long-term strategic goals whilst ensuring tangible outcomes are demonstrated.
- A lack of a formal governance structure to implement the plan was noted – particularly to guide partnerships with stakeholders (i.e. a working group or separate body).
- There was also willingness to work collaboratively with the City to deliver the plan where possible and practical share resources to do so.
- There was also a theme of informing the wider community so that the average community member could relate to the objectives within the Plan.
- Stakeholders indicated the desire to initiate discussion amongst themselves on key policy and strategic issues. The desired setting for this discussion was the Joondalup Business Forums.

- The desire to increase the professional capacity of all local stakeholders on an ongoing basis was also highlighted.
- A key function put forward was to collectively lobby for major infrastructure, major events, relocation of government functions (state/federal), major corporate entities and other investment to support the Joondalup City Centre.
- Need to succinctly present key themes within the EDP to maximise stakeholder awareness and participation.

#### Comment

The City places a high importance on delivering the plan in a collaborative manner, which is highlighted by the fourth KFA '4. Collaboration'. This area of the plan highlights the City's strong intention to work closely with both regional and local stakeholders at all times. The plan highlights several key forums that will be used to coordinate economic development activities with its stakeholders and communicate progress. These include the Joondalup Stakeholders Group (strategy 4.2.1) and the Joondalup Business Forums (strategy 4.2.2). Many of the specific comments mentioned will be addressed as part of the strategies listed in this KFA.

Other strategies in the Collaboration KFA highlight the City's intention to work with relevant stakeholders on key economic development matters. In reality this will be on a case-by-case basis as opportunities for partnership emerge (i.e. by establishing a working group of relevant stakeholders with a specific focus). This is considered a more efficient alternative to establishing a dedicated committee to generally oversee the delivery of the plan.

Other areas of the plan indicate how the City will provide guidance to specific stakeholders, including the Small Business Centre (strategy 1.2.6) and Joondalup Business Centre (strategy 1.2.7). As the peak body for local business the City will continue to work closely with the Joondalup Business Association. In addition, the City's Sister City Relation with Jinan represents another form of collaboration. Strategy 1.3.7 indicates how the City will look to identify trade and investment opportunities arising from the Jinan Sister City Relationship Plan.

A new strategy put forward that demonstrates this collaborative approach is the investigation of a 'meta-brand' to promote business-related services. These are services provided by stakeholders to businesses within the region. The 'meta-brand' concept would attempt to coordinate promotional activities conducted to reach the business community and thereby reduce duplication and improve the efficiency of marketing efforts. This has been incorporated into the Industry KFA area, under objective 1.2, as strategy 1.2.9.

To address the need to succinctly present the themes in the plan a précis version will be developed.

## 2 Business Intelligence

- Stakeholders clearly indicate they feel the City has a key role to play in providing business intelligence to support strategic planning within the region.
- Business intelligence includes standard demographic information but also incorporates information that would assist stakeholders take advantage of local opportunities.

- Another application of business intelligence is building buoyant business and investor sentiment about the City Centre, particularly as part of prospectus materials (strategy 1.3.2).
- In order to maximise investor confidence in the City Centre it was considered imperative to ensure clarity and consistency in planning regulations and other compliance requirements. Stakeholder feedback indicates there is a perception that the City's existing regulations are convoluted and unclear.
- Examples of business intelligence put forward by stakeholders include:
  - Current land availability,
  - Future land releases,
  - Consistency and clarity of regulatory requirements to ensure investor confidence and surety (eg. height restrictions within the CBD, permissible uses, zoning, etc),
  - Available commercial tenancies,
  - Current, future and mooted major infrastructure investments,
  - Analysis of business drivers either supporting/detracting from local business opportunities,
  - Recent approvals for major developments,
  - Regional business intelligence (i.e. information expanded to include the City of Wanneroo).

#### Comment

The plan has largely addressed all these comments through strategies listed under objectives 1.3 (Industry Attraction: Promotion), 1.4 (Industry Attraction: Facilitation & Relocation) & 1.5 (Industry Attraction: Regulatory Frameworks). They are also dealt with as part of Objective 3.4 (Investment Attraction and Facilitation). Whilst these particular strategies are designed primarily to support external investment and industry attraction they are equally relevant to support the requirements highlighted by local stakeholders.

### 3 City profile & strategic positioning (Marketing and Communications)

- A strong theme emerging from the feedback was the need to effectively promote the City as a business and investment destination.
- The feedback highlighted the desire to strategically position the City in line with its core strengths and differentiate it from other destinations.
- Stakeholders perceive the City's current profile needs enhancing in order to encourage the desired inward investment. As a result there is a strong desire to increase marketing efforts to raise investor/business awareness of local opportunities, particularly within the Joondalup City Centre.
- Effective marketing is also encouraged to overcome past negative perceptions about the City of Joondalup.
- There was also a desire to work collaboratively with regional partners, in particular the City of Wanneroo, to maximise the exposure of the investment opportunities across the whole region and leverage the overall marketing resource.



### Comment

Marketing and promotion of the City as an investment destination is a core theme of the Plan. Objectives 1.3 (Industry Attraction: Promotion) and 3.4 (Investment Attraction and Facilitation) deal with this area particularly. As the title suggest objective 1.3 focusses on attracting industry to the City, whereas objective 3.4 focusses on attraction of office-based commercial investment. Several suggestions were also provided on how to differentiate the City. All these concepts will be consider when the particular strategies in these objectives are implemented.

A particular concept supported was the development of a regionally focussed marketing campaign, which includes industry and investment attraction events similar to the 'Northern Exposure' business forum (held in February 2007). This approach is the intension of strategies 1.3.3 and 1.3.6 respectively.

### 4 Cultural vitality

- The workshop feedback indicated stakeholders perceived a strong inter-dependency between the 'cultural vitality' of the City and its economic development. In particular, there was a strong desire to enhance the cultural vitality within the Joondalup City Centre. The concept of cultural vitality collectively represents the presence of cafes, restaurants, bars, public art, theatres, streetscape, events, art galleries and other similar activities and infrastructure.
- Collectively it was recognised that the so-called 'cultural vitality' complements many of the outcomes listed in the Economic Development Plan. This 'vitality' seeks to create an attractive environment for the industries, business operators and subsequent knowledge workers that are being targeted by the City's vision (i.e. Health, Education, Professional Office-based industries, Emerging sectors tied to locally based Research & Development).
- Cultural vitality was seen by many as a 'fourth dimension' to the traditional triple bottom line approach (Community, Environment and Economic) and potentially stands alone.
- A particular strategy proposed was the establishment of a 'Cultural Precinct' to cluster like services around the proposed Joondalup Cultural Facility. In addition, the proposed location of the facility was also questioned, suggesting a better location would be the inner-CBD area so that it could interact directly with the existing cafes and restaurants.
- Encouraging 'creative industries' within the Joondalup City Centre was also put forward.

Key factors put forward supporting an increased cultural vitality within the City Centre included:

- Facilitation of informal networking/interaction that is prevalent in other successful centres, such as Mt Lawley, West Perth and Subiaco.
- Recognition there is a highly mobile professional workforce residing within the City and that cultural vitality attracts these resources to want to work in the City Centre. This ultimately supports local industry growth and development.

- 'Knowledge workers' support innovation and enhance the economic capacity of industries located within the area. Lifestyle (include cultural vitality) is a key attractor for these workers – For example, a 2002 Wall Street Journal Survey of 4000 graduate students found that three quarters valued location over availability of jobs when selecting a place to live.

#### Comment

Whilst there is certainly a link between the cultural vitality of the City Centre and business activity, these strategies are arguably more aligned to other plans being delivered by the City, such as the City's Cultural Plan. The validity of this feedback is acknowledged and will be considered in the ongoing review and redevelopment of these plans. The EDP has some scope to support increased cultural vitality within the City Centre through strategy 3.3.1.

Another source of cultural enrichment for the City will come from the City's Jinan Sister City Relationship Plan. This feedback will be considered as part of the ongoing management and implementation of this plan.

### 5 Marine Tourism

- There was a desire to leverage marine-based tourism opportunities to capitalise on the Hillarys and Ocean Reef marinas.
- Stakeholders perceived that marine-based tourism was not sufficiently dealt with in existing plans, such as the Tourism Development Plan.
- Opportunities were highlighted to attract privately owned and chartered boats, particularly from Perth and Fremantle to the City.
- The concept of a Marine Highway was also put forward that would encourage usage of the north-south metropolitan waterway for marine-based tourism.

#### Comment

There has been discussion amongst many coastal metropolitan councils to progress the marine highway concept. The key champions for this strategy are the Department of Planning and Infrastructure and Tourism WA. The City will continue to monitor this concept and consider it in context of its Tourism Development Plan. Any activity would be to generally assist Tourism WA and DPI progress this concept and ensure the northern coastal assets, in particular Hillarys and Ocean Reef marinas, are appropriately considered.

The City is currently undertaking work to develop a structure plan for the Ocean Reef Marina, and this work has priority for the City's resources, in the terms of the EDP.

### 6 Smart Industry Development

- Stakeholders were keen to support innovative industries.
- Consideration of a technology-focussed incubator was put forward.
- There was also a desire to explore an innovation-related business precinct (i.e. technology business park) within the City Centre.
- Stakeholders also indicated the City should align itself to the 'Beyond the Boom' strategy currently being prepared by the State Government. This strategy focusses on four key industries to support within metropolitan Perth. These include: Information & Communications Technology (ICT) (main focus area Technology Park, Bentley), Marine-Defense (main focus area Australian Marine Complex, Henderson), Bio-Technology (main focus area Fiona Stanley hospital, Murdoch), and Renewable Energies/Bio-Fuels (target location unknown).

### Comment

The Vision for the plan highlights the City's desire to support emerging industries particularly those aligned to the research and development strengths of the Joondalup Learning Precinct. The key institute to drive this component of the plan, in partnership with the City, is Edith Cowan University. This is highlighted by objective 1.2 and particularly strategies 1.2.1 and 1.2.2.

The concept of an innovation-based business precinct within the City Centre is certainly a desirable outcome for the City and is aligned to objective 1.2. To progress this concept the City will form a working group with interested stakeholders. This initiative will be incorporated into the plan, under objective 1.2, as strategy 1.2.10. This suggestion also relates to strategy 3.2.3, which looks to maximise the general economic development outcomes from major landholdings within the City Centre. Of particular relevance for this strategy are Edith Cowan University and Landcorp, which have both indicated a desire to participate in a working group to progress this concept.

The establishment of a technology-based incubator facility within the City Centre similarly aligns with the intent of objective 1.2. However, this would need to be considered in context of the regional incubation strategy referred to in strategy 1.2.1. This strategy has been amended accordingly.

### 7 Joondalup Learning Precinct

- Feedback highlighted that a strategy was needed to maximise the economic return from the large student and academic population within the City Centre.
- In particular, the lack of short-term affordable accommodation was identified as a significant 'economic leakage' with consumption opportunities foregone with many students residing outside the City Centre.
- Other JLP-related comments were more broadly in the area of potential education opportunities.

### Comment

The supply of affordable housing within the City Centre fundamentally determines whether the City is able to accommodate students. This issue is considered outside the EDP and will be considered as part of the City's review of planning policies and controls.

### Iconic Infrastructure/Landmarks

- Stakeholders saw the incorporation of iconic infrastructure and landmarks within the City Centre as an important way to differentiate it from other centres in Perth.
- In addition to the navigational benefits, these landmarks were seen to contribute toward its character and appeal.
- The iconic nature of this type of infrastructure was seen to reinforce the City Centre's status as 'Strategic Regional Centre'.

### Comment

These comments are acknowledged for their validity, however considered outside the scope of the EDP. The City will consider this feedback as part of a current review of planning policies and controls.

**Link to Strategic Plan:**

The EDP has a direct connection to the City's existing Strategic Plan and coincides with the early stages of development for the City's revised plan.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Elements of the Plan will have budget implications that will need to be considered as part of the City's yearly budget considerations.

In its 2007/08 budget Council allocated \$161,100 to support economic development activities. In addition \$55,750 was allocated for the purposes of supporting the Small Business Centre.

**Policy Implications:**

The EDP is aligned to the major outcomes of the Council Policy 3-6 'Economic Development'.

**Regional Significance:**

The EDP recognises the economic interdependencies that exist between the Cities of Joondalup and Wanneroo, which collectively represent the North West Corridor. As a result, partnership and collaboration is established as a core element of the plan. The consultation feedback highlights the City's key stakeholders also share this view.

A regional approach will be maintained wherever possible.

**Sustainability Implications:**

Sustainability is a key driver for the EDP.

**COMMENT**

The City has received thorough and constructive feedback on the draft EDP. There was a strong interest demonstrated by stakeholders to work in partnership with the City to implement the plan and to align their ongoing strategic direction to it. Overall there was strong support for the City and the plan.

The feedback provided by stakeholders highlighted a number of specific concepts and strategies. The majority of these were already captured by strategies listed within the plan, which demonstrates the alignment of the plan to the existing strategic direction of the stakeholders.

It is important to note that the EDP is intended as a framework to coordinate a range of overarching strategies. To enable the plan to respond to opportunities that emerge during its implementation, low-level detail can be restrictive. As a result some of the detailed strategies put forward by stakeholders are not individually listed, however they are acknowledged and will be considered when the overarching strategies to which they relate are delivered.

The positive feedback received by the City provides Council with a clear mandate to proceed with the plan with confidence.

## **ATTACHMENTS**

Attachment 1      Economic Development Plan - City of Joondalup: A Vibrant Knowledge & Service Hub for the Region'

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

- 1      NOTES the consultation outcomes summarised in Report CJ266-12/07;**
- 2      NOTES the new strategies that have been included in the Economic Development Plan;**
- 3      APPROVES the revised Economic Development Plan forming Attachment 1 to Report CJ266-12/07;**
- 4      THANKS all stakeholders for their comments and advises them that the plan has been endorsed.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf111207.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ267-12/07 – Minutes of Various Committee meetings held on 20 November 2007 (Minutes of CEO Performance Review Committee)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Hunt holds the position of CEO.

**CJ267-12/07 MINUTES OF VARIOUS COMMITTEE MEETINGS  
HELD ON 20 NOVEMBER 2007 - [50068, 74574,  
26176, 51567, 07303]**

**WARD:** All

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

**PURPOSE**

To submit the minutes of various Committees to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

**EXECUTIVE SUMMARY**

Meetings of the following Committees were held on 20 November 2007.

- Audit Committee
- Chief Executive Officer – Performance Review Committee
- Ocean Reef Marina Committee
- Policy Committee
- Strategic Financial Management Committee

The items of business considered by each Committee were:

- Election of Presiding Person
- Election of Deputy Presiding Person
- Date of Next Meeting

**BACKGROUND**

At the Special Meeting of Council held on Tuesday, 6 November 2007, Council established various Committees to assist it to perform its legislative responsibilities, and appointed members to those Committees. Each Committee is required to elect a Presiding Person and Deputy Presiding Person at its first meeting.

**DETAILS****Issues and options considered:**

Each Committee elected a Presiding Person and Deputy Presiding Person, and gave consideration to its next meeting date. The Audit Committee resolved to meet on Tuesday, 26 February 2008, whilst the Chief Executive Officer – Performance Review, Ocean Reef Marina, Policy and Strategic Financial Management Committees resolved:

*“that the Presiding Person in consultation with the Chief Executive Officer set the next meeting date of the Committee.”*

**Requests For Reports For Future Consideration**

At the Policy Committee, it was requested that a report in relation to all policies associated with Noise be prepared.

**Officer’s comment**

A report can be prepared and submitted to the Policy Committee.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The Committees have been established in accordance with the Local Government Act 1995.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1	Minutes of the Audit Committee meeting held on 20 November 2007
Attachment 2	Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 20 November 2007
Attachment 3	Minutes of the Ocean Reef Marina Committee meeting held on 20 November 2007
Attachment 4	Minutes of the Policy Committee meeting held on 20 November 2007
Attachment 5	Minutes of the Strategic Financial Management Committee meeting held on 20 November 2007

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

**1 NOTES the:**

- (a) confirmed minutes of the Audit Committee meeting held on 20 November 2007, forming Attachment 1 to Report CJ267-12/07;
- (b) confirmed minutes of the Chief Executive Officer – Performance Review Committee meeting held on 20 November 2007, forming Attachment 2 to Report CJ267-12/07;
- (c) confirmed minutes of the Ocean Reef Marina Committee meeting held on 20 November 2007, forming Attachment 3 to Report CJ267-12/07;
- (d) confirmed minutes of the Policy Committee meeting held on 20 November 2007, forming Attachment 4 to Report CJ267-12/07;
- (e) unconfirmed minutes of the Strategic Financial Management Committee meeting held on 20 November 2007, forming Attachment 5 to Report CJ267-12/07;

**2 REQUESTS a report be submitted to the Policy Committee in relation to all policies associated with Noise.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf111207.pdf](#)*



## **CJ268-12/07      WELFARE OF ANIMALS SOLD THROUGH PET SHOPS WITHIN THE CITY OF JOONDALUP – [45234]**

**WARD:** North, South, South-West and Central

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

---

### **PURPOSE/EXECUTIVE SUMMARY**

To inform Council of current regulations relating to the welfare of animals sourced and sold through pet retail stores and to assess the City's ability to further enhance animal welfare within the pet retail industry.

It is recommended that Council do not move to nominate City Officers as General Inspectors under the *Animal Welfare Act 2002* and request that the Chief Executive Officer contact the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to suggest a more proactive role from their organisation in relation to pet retail store inspections.

### **BACKGROUND**

At the Meeting of the Council held on 7 August 2007, it was resolved:

*“That Council REQUESTS a report from the Chief Executive Officer on the City's ability to enhance the welfare of animals and, in particular, cats and dogs, which are sourced by and sold through pet shops within the City.”*

### **DETAILS**

In 2002, the State Government passed a new *Animal Welfare Act* (the “Act”) that aimed to significantly enhance the protection of animals. This was achieved by extending the number of animal species protected under the Act and increasing the penalties associated with cruelty offences. Despite such an initiative, there is still no State legislation regulating the selling or sourcing of animals through pet retail centres.

There are currently eight pet retail stores that sell or source animals within the City of Joondalup.

#### Western Australian Pet Industry

The Western Australian Pet Industry is self-regulated through the *Pet Industry Association of Australia* (PIAA). The Association provides an accreditation program for members that focuses on animal welfare, customer satisfaction and best practice principles. The program is entirely voluntary and free from any form of government control or inspection. Only three pet stores within Western Australia are accredited members of the PIAA, all being located outside of the City of Joondalup.

#### Role and position of RSPCA in Western Australia

The Act allows for nominated staff members of the RSPCA to undertake the prescribed functions of a General Inspector. Though not explicitly stated, the responsibilities of General Inspectors, in relation to pet retail stores, are as follows:

- Investigating complaints of cruelty and neglect.
- Initiating prosecutions for offences.
- Carrying out regular inspections of pet shops.

Inspectors generally deal with issues of animal neglect and cruelty upon receiving a complaint from the public. This means that the role of an Inspector is usually reactionary rather than proactive, as the organisation relies heavily on donations and grants to fulfil its role as an inspectorate for animal welfare cases. Undertaking regular and routine inspections of pet stores places considerable pressure on already stretched resources, therefore, the RSPCA tends to utilise the reactionary approach to animal welfare protection.

#### Role and position of Local Government Employees in Western Australia

The Act also provides for Local Government employees to be nominated as General Inspectors under section 33(2)(v). The City of Joondalup currently has no appointed staff acting as General Inspectors. The City of Wanneroo, however, has several employees empowered to perform inspectorate duties.

Having consulted with Wanneroo it appears that responsibilities as an Inspector, in relation to pet retail stores, are limited as a complaint is required before any action by an Officer can be initiated. There have only been two reported cases of neglect/cruelty made to City of Wanneroo Officers (in relation to pet store operators) and upon further investigation, each case was found to be unsupported.

Additionally, Wanneroo Officers authorised as General Inspectors find it difficult to undertake routine inspections of pet store premises given that consent is required from the occupier of the premises before Officers may enter. Also, entering premises without consent requires a credible complaint, which again, relies on a reactionary approach to pet store inspections. This is also a problem for RSPCA Inspectors.

#### Pet Retail Industry in Other States

New South Wales utilises an *Animal Welfare Code of Practice No. 2 – Animals in Pet Shops*, to provide standards of care for pet store operators. The code is endorsed by the New South Wales Animal Welfare Advisory Council and is supported by legislation, namely the *Prevention of Cruelty to Animals (General) Regulation 1979*.

Victoria also utilises a Code of Practice in relation to the operation of pet shops. The Code is made under section 29 of the *Domestic (Feral and Nuisance) Animals Act 1994 (VIC)* and defines the minimum standards of accommodation, management and care that are appropriate to the welfare, physical and behavioural needs of pet animals for sale in a retail store.

The City of Brisbane *Animals Local Law 2003* requires that pet shop operators obtain a permit to ensure that animals under their care are subject to the Council's "Minimum Standards for the Keeping of Animals". Some of the standards relate specifically to pet shop operators while others apply generally to animal owners.

Like Western Australia, other Australian States do not require ongoing, routine inspections of pet retail stores to proactively prevent the mistreatment of animals sold in the industry.

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

Below are the options for Council to consider in relation to increasing the regulation of pet retail operators within the City, including the associated implications for each option.

Option 1: Nominate City employees as General Inspectors under the Animal Welfare Act 2002

Nominating City employees to perform the functions of General Inspectors will reduce the current pressures placed on RSPCA Inspectors, although; alleviation of pressure is dependent on the extent of animal welfare problems prevalent within the City.

To date, the City has only ever received one complaint relating to animal neglect in a pet retail store. The City was unable to investigate the matter, as Officers did not have sufficient powers for inspection or entry onto premises. The matter was subsequently referred to the RSPCA.

The RSPCA has received many more complaints within the City of Joondalup, though have found upon investigation that most are not appropriate for prosecution. Instead, ongoing advice is used to prevent breaches of the Act. RSPCA Inspectors are generally pleased with the efforts of pet store operators within the City of Joondalup, despite the organisation being generally opposed to the selling of animals through retail outlets.

It is arguable that having City Officers appointed as Inspectors may be beneficial to the City for the sake of convenience and prompt investigation. However, given that the City has only ever received one complaint from the public and current Inspectors do not have an issue with operators within the area, it does not appear to be a major issue requiring significant action on behalf of the City.

Additionally, the current pressures City Ranger Services are experiencing from enforcing the City's own local laws it difficult to support adding a General Inspector role. It would therefore seem illogical to nominate City Officers as General Inspectors if they would be limited in performing the role in a manner that would ensure enhanced animal welfare is achieved.

Option 2: Amend the City of Joondalup Animals Local Law 1999 to provide minimum standards of animal care by pet store operators

Although this option may provide for some enforcement of standards, it may be difficult to police given the limited powers of entry City Officers have on private commercial premises. Local Laws are subject to restrictions by State legislation. In this instance, provisions in the *Animal Welfare Act 2002* would most likely prevent authorised City Officers from entering premises without consent. Therefore, reducing the City's ability to monitor compliance with the Local Law would effect the credibility of the Law itself, rendering it ineffectual without ongoing cooperation from pet store operators.

Option 3: Lobby the State Government for legislative reform relating to animal welfare in pet retail stores

Lobbying the Department of Local Government and Regional Development to introduce regulations for minimum standards of practice for pet store operators would illustrate a proactive stance on behalf of the City. Such an initiative may benefit other local governments that are experiencing problems in relation to the matter, although, given that it is not a major problem for the City, it would not seem valuable pursuing this option on behalf of others.

Option 4: Contact the RSPCA to suggest they pursue a more proactive approach to inspections

Given that the role of animal welfare protection and cruelty prevention is articulated in the Act as a RSPCA responsibility, it would seem logical that the City approach the organisation to suggest that a more proactive approach to pet retail store inspections be pursued by RSPCA Inspectors.

Notwithstanding the resources strain that RSPCA Inspectors experience; the City is not in a position to support new responsibilities on behalf of other organisations, despite valid concerns about animal welfare issues.

Approaching the RSPCA will ensure that the organisation is aware of the City's concerns and may assist in any future initiatives it has to lobby the State Government for legislative change to increase powers of entry under the Act.

Option 5: Do nothing

This option would mean that City Officers are unable to investigate public complaints in relation to acts of animal welfare abuses by pet store operators. All complaints would need to be referred to the RSPCA for investigation.

**Link to Strategic Plan:**

Key Focus Area: Organisational Development

Outcome: The City of Joondalup provides quality value-adding services  
Objective 4.2: To provide quality services with the best use of resources

**Legislation – Statutory Provisions:**

Relevant primary and subordinate legislations include:

Dog Act (WA) 1976  
Animal Welfare Act (WA) 2002  
City of Joondalup Animals Local Law 1999

**Risk Management considerations:**

Should the City seek to nominate Officers to undertake inspectorate functions, a situation may arise where RSPCA costs, associated with complaint investigations, are shifted to the City. The level of risk and cost would be determined upon the extent of the issue itself within the City.

Also, obtaining ongoing consent from pet shop retailers to regularly enter their premises for animal welfare standards checks may be difficult if options 1 or 2 are pursued.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Verbal consultations with RSCPA Inspectors and City of Wanneroo employees (from the Ranger Services Division) were undertaken as research for the production of this report.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council ENDORSES Option 4 and requests that the Chief Executive Officer contacts the Royal Society for the Prevention of Cruelty to Animals to suggest a more proactive approach to pet retail store inspections by the organisation.

**MOVED** Cr Amphlett, **SECONDED** Cr Young, that in accordance with clause 47(4) of the City's Standing Orders Local Law 2005, Council **REFERS** the report relating to the welfare of animals sold through pet shops back to the CEO for further consideration. In particular, the further consideration should cover whether:

- **Cats and dogs sold are at least eight weeks old and fully weaned.**
- **The animals are micro chipped.**
- **The Council receives details of the new owners from the pet shop.**
- **Cats and dogs are vaccinated at least 14 days prior to sale.**
- **Cats and dogs have a vaccination certificate.**

Discussion ensued.

**AMENDMENT MOVED** Cr Young that the policies be referred to the Policy Committee for a review of dogs and cats.

Cr Young advised she wished her proposed Amendment be

**WITHDRAWN**

**The Motion as Moved by Cr Amphlett, Seconded Cr Young was Put and**

**CARRIED (11/1)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young **Against the Motion:** Cr Corr

**CJ269-12/07      PROPOSED PROSTITUTION LEGISLATION [20537]**

**WARD:** All

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

---

**PURPOSE/EXECUTIVE SUMMARY**

To provide Council with information on the proposed prostitution legislation.

**BACKGROUND**

At its meeting of 20 November 2007, Council resolved to request:

“an urgent report into the implications of the proposed Prostitution Amendment Bill for the City of Joondalup”.

This report responds to this request.

As background, Parliament passed a Prostitution Act in 2000. This made general provisions about prostitution including street soliciting, and gave the police various investigative and enforcement powers.

In 2003, the Gallop Government introduced into Parliament the Prostitution Control Bill 2003 which sought to establish a Prostitution Control Board, introduce a licensing system and decriminalise prostitution. It also sought to ban brothels in residential areas and permit them in industrial areas only if they were not within 300 metres of a school, church, child-care premises, or residential land. This Bill lapsed on 23 January 2005 when Parliament was prorogued due to the State election.

In January 2007, the Prostitution Law Reform Working Group produced a report on prostitution law reform. This report made specific reference to planning in relation to prostitution. In particular, it recommended:

- “The approval of the use of premises for sexual services businesses be subject to ordinary planning processes. Planning approvals by local government be guided by, and subject to, Western Australian Planning Commission (WAPC) policy guidelines/model provisions on sexual services businesses. Local government be entitled to regulate, but not prohibit, such businesses;
- The location of such premises be addressed by the WAPC through the issue of policies and model provisions setting out its view as to an appropriate approach to the issue of planning approvals for this type of land use;
- The WAPC develop a policy position in advance of relevant provisions of the new legislation commencing so as to ensure that there is a smooth transition to the new decriminalised model;
- Transitional arrangements be made for well-managed sexual services businesses, which were existing when this review was announced on 12 September 2006, to obtain planning approval; and

- In respect of ordinary applications for planning approval, there be a transitional arrangement such as s.15(1) of the *Prostitution Reform Act 2003* (New Zealand). Under that arrangement, where a local government is considering an application for a development approval for a land use relating to sexual services businesses, the local government be required to have regard to whether the business is likely to cause a nuisance or is incompatible with the existing character of the locality. The interim or transitional provision be superseded by an amendment to a local planning scheme. When the WAPC and in turn the Minister for Planning is satisfied that a local planning scheme or amendment satisfactorily addresses the spatial regulation of sex-industry uses, the scheme or amendment should include a provision providing that the interim or transitional provision is superseded”.

In terms of New Zealand, the approach adopted included enabling, but not requiring, territorial authorities (local government) to put in place by-laws regulating where commercial sexual services could operate. While several territorial authorities exercised these powers, it is evident that a number of operators experienced considerable difficulty in obtaining necessary approvals to establish sexual services businesses. This resulted in several successful appeals against the decisions of the territorial authorities.

As a result of the New Zealand experience, the Working Group expressed its desire to ensure that planning decisions in relation to sexual services businesses are dictated by proper planning considerations rather than moral considerations and that local governments seek only to reasonably regulate rather than prohibit such businesses from operating. This led the Working Group to conclude that while it is recognised that local government is the appropriate body for determining these issues, it is also recognised that it is desirable that there be clear direction given to such authorities to ensure a reasonable and consistent approach is taken to such planning decisions.

The Working Group also notes WALGA’s submission which indicated that local government is the appropriate body to deal with ongoing planning issues and it should not be restricted. Further, the Working Group’s report also notes that the WAPC advised that it will:

- ensure that the planning policy framework complements and supports any reform agenda embodied in a reform Act; and
- provide guidance to local government to ensure an appropriate level of uniformity in how the planning system responds to spatially regulate sex industry uses.

To achieve those objectives the WAPC has indicated that it will:

- assess sexual services businesses as it would assess any other business based on proper planning principles;
- include standard provisions in the model scheme text - it is anticipated that consideration will be given to the types of zones where it is appropriate for sexual services businesses to be located as of right or as a discretionary use; and
- provide guidance to local government, for instance, in the form of a Planning Bulletin or a State Planning Policy.

An attachment to the Working Group’s report provides a comparison of prostitution planning controls across Australian states and territories and New Zealand. This is provided as Attachment 1.

In response to the Working Group's report, the State Government introduced the Prostitution Amendment Act 2007.

The Bill was passed by the Legislative Assembly in November and was introduced to the Legislative Council on 15 November 2007 where it is currently being considered.

Planning and development controls are covered in Sections 21X and 21Y of the Bill. These sections are presented in full in Attachment 2. According to the Bill's Explanatory Memorandum, Section 21X provides a mechanism to enable existing well managed sexual service businesses to expeditiously obtain planning approval to enable their continued operation. The section applies to land used for the purpose of a business (other than a small owner-operated business) immediately before 12 September 2006. This is the date on which the Government announced its intention to establish the Prostitution Law Reform Working Group. This requirement is intended to ensure that opportunistic operators who commenced business after that date do not receive the benefit of this provision. The CEO of the Department of Racing, Gaming and Liquor will determine applications after liaising with local government and the Commissioner of Police. Regard is to be had to various factors such as historical complaints about the use of the land from residents or occupiers in the area and whether the business causes, or is likely to cause, a disturbance or interference with the amenity of the neighbourhood. The CEO is required to give approval unless having regard to those three matters the CEO is satisfied that the business is not being managed appropriately.

Section 21Y enables local government to grant planning approval in relation to sexual service businesses even though their present schedules do not provide for this use. Applications are required to be treated as if the purpose is a use that is not permitted unless it has exercised its discretion by granting planning approval. In exercising its discretion it must, in addition to other relevant considerations, have regard to whether the development is likely to cause a nuisance to ordinary members of the public using the area in which the land is situated and is incompatible with the existing character or use of the area in which the land is situated. This interim provision ensures that development applications can be approved prior to local planning schemes being amended. Once appropriate amendments have been made to local planning schemes, under the guidance of the WAPC, the provision will cease to have effect.

Here it should be noted that a 'small owner-operated business' is defined to cover sex workers on their own or with one other sex worker who independently own or operate their own business. A 'sexual services business' is defined as the business of providing, or arranging the provision of, a commercial sexual act.

## **DETAILS**

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

Council could:

- resolve to write to the State Government opposing the Bill and its implications for local government in relation to planning; or
- support the proposed Bill.



**Link to Strategic Plan:**

Not applicable.

**Legislation – Statutory Provisions:**

This report relates to potential new legislation.

**Risk Management considerations:**

Being required to approve sex businesses potentially generates a risk of negative public feedback from the community to the local government.

**Financial/Budget Implications:**

Should the legislation pass, the City may have to process a few more planning applications. The cost of processing such applications is uncertain.

**Policy Implications:**

This report relates to the policy behind the proposed legislation.

**Regional Significance:**

The proposed legislation has regional significance.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The State Government is not consulting specifically with local governments on this matter at this point in time.

**COMMENT**

From a technical planning perspective, there are no difficulties with the proposed legislation. It follows current planning approaches. Ultimately the Council decision on this matter revolves around the philosophical question of whether Council wants to take on the role of controlling the sex business through planning arrangements in a similar way to the way it controls other businesses operating within society.

**ATTACHMENTS**

- Attachment 1: Comparison of prostitution planning controls across Australian states and territories and New Zealand.  
Attachment 2: Sections 21X and 21Y of the Bill.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 ADVISES the State Government that it is the City of Joondalup's preference that the Prostitution Amendment Bill 2007 not be passed until the City has had the opportunity to view the associated planning guidelines from the Western Australian Planning Commission;
- 2 ADVISES the Western Australian Local Government Association of its resolution as detailed in (1) above.

**MOVED Cr Jacob, SECONDED Cr Norman that Council:**

- 1 **WRITES to the State Government opposing the Prostitution Amendment Bill 2007 and, in particular, its provisions in relation to planning and local Government involvement;**
- 2 **REQUESTS that it not be passed until the City has had the opportunity to view the associated planning guidelines from the Western Australian Planning Commission;**
- 3 **ADVISES the Western Australian Local Government Association of its resolution as detailed in (1) and (2) above.**

**The Motion was Put and****CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf111207.pdf](#)*

**CJ270-12/07 MINUTES OF MEETING OF WESTERN  
AUSTRALIAN LOCAL GOVERNMENT  
ASSOCIATION – NORTH METROPOLITAN ZONE  
HELD 29 NOVEMBER 2007 - [02153] [18879]**

**WARD:** All

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

---

**PURPOSE**

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

## DETAILS

The following minutes are provided:

- Meeting of the Western Australian Local Government Association – North Metropolitan Zone held 29 November 2007

## ATTACHMENTS

Attachment 1 Minutes of Meeting of Western Australian Local Government Association – North Metropolitan Zone held 29 November 2007

*(Please Note: These minutes are only available electronically)*

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council NOTES the Minutes of the Meeting of the Western Australian Local Government Association – North Metropolitan Zone held 29 November 2007 forming Attachment 1 to Report CJ270-12/07.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf111207.pdf](#)*

## **CJ271-12/07 SOUTH AUSTRALIAN STRATEGIC ACTION PLANNING GUIDE FOR SUSTAINABLE PUBLIC LIGHTING – [59091]**

**WARD:** All

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

---

## PURPOSE/ EXECUTIVE SUMMARY

The purpose of this report is to review the International Council for Local Environmental Initiatives Report titled the 'South Australian Strategic Action Planning Guide for Sustainable Public Lighting'. The potential for the City of Joondalup to utilise the information provided in the Report is also assessed.

## BACKGROUND

At the Council Meeting held on 28 August 2007 Cr Steve Magyar moved the following motion:

*That Council REQUESTS a report on the "South Australian Strategic Action Planning Guide for Sustainable Public Lighting" report.*

*The "South Australian Strategic Action Planning Guide for Sustainable Public Lighting" report prepared by ICLEI-Local Governments for Sustainability-Australia/New Zealand, released in October 2006 is referred to the Sustainability Advisory Committee for consideration, following which a report will be presented to Council".*

In accordance with the Local Government Act 1995 all committees' membership ceased on the 20 October 2007 at the October 2007 local government elections.

As it is unknown when the next Sustainability Advisory Committee will be held the requested report on the "South Australian Strategic Action Planning Guide for Sustainable Public Lighting" report has been provided directly to Council.

## DETAILS

The South Australian Strategic Action Planning Guide for Sustainable Public Lighting (Attachment 1 refers) provides a framework for South Australian local governments to undertake a strategic approach to the delivery of public lighting in their municipality. Multiple benefits for local governments who take action to increase the energy efficiency of public lighting are identified including reducing financial losses, reducing greenhouse gas emissions and increasing the effectiveness of local government management practices.

The Report consists of four chapters:

- Chapter 1: Public Lighting Basics
- Chapter 2: How to Manage Public Lighting Sustainably
- Chapter 3: Public Lighting Market and Regulatory Structure
- Chapter 4: Useful Resources

Chapter One introduces public lighting and its impacts (energy, financial and greenhouse), typical local government practices for public lighting management and some of the technological options for public lighting. This information is provided at a national level and a South Australian specific level.

Chapter Two presents a framework for addressing public lighting strategically. It explains the foundations and underlying principles that local government can use to guide their approach to sustainable public lighting and outlines a step-by-step process for developing and implementing Sustainable Public Lighting Action Plans. The framework presented is the framework used in the Cities for Climate Protection (CCP) Plus Sustainable Public Lighting Advancing Action Project.

Chapter Three overviews the sustainable public lighting opportunities and challenges inherent under Full Retail Contestability (FRC) both nationally and in South Australia. Note: that under current State Government policy the provision of public lighting in Western Australia is not contestable.

Chapter Four details where to find further information beyond this guide such as public lighting tools, references and further reading.

**Issues and options considered:**Western Australian Public Lighting Context

In Western Australia, local governments are responsible for the provision of street lighting. An exception is major roads where the responsibility for road lighting lies with Main Roads WA or is shared between Main Roads WA and Local Government.

The historical arrangement in WA has been for Local Governments to request Western Power, previously SECWA and SEC, to install streetlights on power poles. During 2006 Western Power was split. "Synergy" is the retail entity that bills Local Government for street lighting and "Western Power" claims ownership of street lighting equipment. Under the present State Government contestability policy Synergy and Western Power claim that lighting is not contestable.

A large proportion of street lighting in Western Australia is below Australian Standard requirements. Mercury vapour lamps are used for most Local Government street lighting. Mercury vapour lamps have proved reliable for street lighting but the future is likely to lie with a combination of compact fluorescent, metal halide and high pressure sodium lamps that are typically twice as energy efficient as mercury vapour.

Western Power and Local Government have been moving forward with more efficient street lighting technology. In June 2007, the Improved Street Lighting Study for Greenhouse and Safety Benefits: Institutional and Technical Review by Sage Consulting Engineers was released (Attachment 2 refers). This Review was written for the Western Australian Local Government Association (WALGA) and the Sustainable Energy Development Office (SEDO) and in partnership with the City of Subiaco, City of Swan and the Town of Mosman Park.

The review outlines sources of information, a methodology, definitions, a short history of street lighting and current practice in WA including the State Underground Power Program (SUPP). Information is provided on the current state of lighting technology, the efficiencies that can be obtained, the greenhouse gas emissions produced and environmental impacts. Information is also provided about street trials using more efficient lamps and luminaires in a number of metropolitan councils (including the City of Joondalup), the depreciation rates and reliability of the technology and the carbon dioxide emissions.

The executive summary concludes "it is possible for local government to halve energy consumption of street lighting with no drop in performance. An option is to improve street lighting to AS/NZS 1158 and still achieve energy savings". However, the review does not adequately address the many areas of overhead and underground power installed from the mid 1970's to the mid 1990's across the Perth metropolitan area which were installed as a condition of subdivision to the standards imposed by the then SEC, SECWA or Western Power.

The City, along with many other similarly planned and aged metropolitan councils has a huge legacy of poorly designed lighting systems using inefficient lamps which are owned and operated by Western Power. The City had no say in the choice of lighting and lamp technology at the time of subdivision and the conversion of these systems now will require a considerable capital investment either by Western Power or the City or both to adequately address the lighting standard and greenhouse gas issue.

The Review provides a sound basis for using energy efficient lighting in future projects and programs but does not give sufficient thought to the considerable problem of Western Power owned and operated lighting across the majority of the City. This issue, common to all metropolitan councils will require a high level governmental approach to resolve.

#### City of Joondalup Public Lighting Practices

The City of Joondalup continues to use energy efficient lighting in its own installations such as the Sorrento North Beach Redevelopment, Tom Simpson Park (which also uses power switching to reduce energy costs after 9.00pm), Kanangra Park path lighting to Greenwood Train Station as well as most park lighting which use Metal Halide and High Pressure Sodium to many carparks. The newer suburbs of Burns Beach and Harbour Rise Estate, Hillarys have Metal Halide and the City is trialling both Metal Halide and Fluorescent lamps in the City Centre as a replacement for mercury vapour lamps.

Upgrade of lighting is currently considered on the basis of cost savings in energy paying for the installation and reduced energy cost. This premise forms the basis of a consultant's report for Joondalup City Centre Lighting with trials of new luminaires programmed for parts of Boas Avenue, Reid Promenade, Upney Mews and Joondalup Drive in November/December 2007. All other installations are on a replacement basis either as faults occur, ad hoc requests for improvements for old equipment or planned as part of asset management programs in conjunction with bulk lamp replacement. The latter principle will be applied to Iluka and Harbour Rise Estate, Hillarys and will become economic as the cost of metal halide lamps reduce in line with greater usage. Ad hoc and new works are considered and funded from the 5 Year Capital Works Program – Street Lighting, with park lighting funded in the Parks & Reserves Enhancement Program. All lighting installations funded from the Capital Works Program use energy efficient lighting.

The City's recently adopted Greenhouse Action Plan 2007 – 2010 includes a number of actions to address the energy efficiency of street lighting:

- |          |  |
|----------|--|
| Action 6 | Finalise a general lighting policy for streets, reserves, parks and cycle ways under the City's control that addresses energy efficiency.                      |
| Action 7 | Investigate opportunities for introducing solar power lighting as pilot projects.  |
| Action 8 | Continue to request Main Roads to supply energy efficient traffic lights when replacing or installing traffic lights.  |
| Action 9 | Lobby WALGA to encourage Main Roads and appropriate State Government utilities to provide energy efficiency lighting to all new street lighting installations. |

#### CCP Sustainable Lighting Project

The Cities for Climate Protection Plus Program includes a number of advancing action project areas. One of these project areas is sustainable public lighting referred to as the Sustainable Public Lighting Toolbox. The aim of the Toolbox is to accelerate the uptake of sustainable public lighting and is a 'one-stop-shop', which enables Local Governments to:

- Access guidelines, tools and case studies, and technological information,
- Share information with other active Local Governments and regions,
- Find state-specific information about public lighting regulations and energy markets, and
- Keep up-to-date with sustainable public lighting developments.

The Toolbox proposes that to achieve sustainable public lighting, Local Governments adopt the following step-by-step approach, which is based on the CCP's five milestone process:

1. Assess the Current Situation,
2. Set Priorities,
3. Action Planning,
4. Implement Actions, and
5. Review and Re-strategise.

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

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

Strategy 2.1.2                  Further develop environmentally effective and energy efficient programs

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

Not applicable.

### **Risk Management considerations:**

Not Applicable.

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

The installation of energy efficient lighting on an ongoing basis is a part of the City's Capital Works Program as practicable. If the City wanted to upgrade the entire existing public lighting infrastructure it would have significant financial implications. The table below provides some preliminary estimates.

<b>Upgrade of Overhead Power</b>	
Upgrade of existing luminaires to use energy efficient lighting across most of the City.	\$10 million
Installation of additional luminaires to ensure that the lighting provided meets Australian Standards (current lighting spacing in some areas are substandard)	\$2 – 4 million
<b>Upgrade to Underground Power</b>	
If all the overhead power areas (19,000 properties) were converted to underground power as part of the State Underground Power Program, lighting to Australian Standards using energy efficient lamps is included. However, even if the City were granted a project area for each round of the program into the future it would take approximately 38 years.	\$209 million
This would still leave 23,000 properties with substandard underground powered lighting which would need to be upgraded.	\$20 million

**Ongoing Costs**

While energy cost savings will be made through increased energy efficiency there may still be an increase in ongoing costs because of the extra lights that need to be installed to achieve Australian Standards and because the replacement costs of Metal Halide are greater and have to be replaced every three years rather than four years.

As a result it is unknown whether ongoing costs would be more or less than they are now.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The installation of energy efficient public lighting assists in the reduction of greenhouse gas emissions.

**Consultation:**

Not Applicable.

**COMMENT**

The City is abreast of new energy efficient lighting technologies and continues to apply them in new lighting installations. As a CCP Plus Council the City has access to the Sustainable Public Lighting Toolbox and will continue to utilise its tools and publications in improving the sustainability of the City's public lighting.

The problem of improving the efficiency of Western Power owned and operated lighting across the majority of the City is common to all metropolitan councils and will require a high level governmental approach to resolve.

**ATTACHMENTS**

- |              |   |
|--------------|---|
| Attachment 1 | South Australian Strategic Action Planning Guide for Sustainable Public Lighting                      |
| Attachment 2 | Improved Street lighting Study for Greenhouse and Safety Benefits: Institutional and Technical Review |

**VOTING REQUIREMENTS**

Simple Majority.



**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the South Australian Strategic Action Planning Guide for Sustainable Public Lighting forming Attachment 1 to Report CJ271-12/07;
- 2 NOTES the Improved Street lighting Study for Greenhouse and Safety Benefits: Institutional and Technical Review forming Attachment 2 to Report CJ271-12/07.

**MOVED** Cr Norman, **SECONDED** Cr John that Council:

- 1 **NOTES the South Australian Strategic Action Planning Guide for Sustainable Public Lighting forming Attachment 1 to Report CJ271-12/07;**
- 2 **NOTES the Improved Street lighting Study for Greenhouse and Safety Benefits: Institutional and Technical Review forming Attachment 2 to Report CJ271-12/07;**
- 3 **REFERS the guide to the Sustainability Advisory Committee and the Strategic Financial Management Committee for consideration and review.**

Discussion ensued.

**The Motion was Put and****CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 28 refers*

*To access this attachment on electronic document, click here: [Attach28brf111207.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr M Norman</b>
<b>Item No/Subject</b>	CJ272-12/07 – Smoke Free Beaches Local Law Amendment Submissions
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Norman is a member and Chairman of the Joondalup Community Coast Care Forum Inc

**CJ272-12/07 SMOKE FREE BEACHES LOCAL LAW AMENDMENT SUBMISSIONS – [22513]**

**WARD:** All

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

## PURPOSE/EXECUTIVE SUMMARY

To present Council with public feedback on the proposed amendment to the *Local Government and Public Property Local Law 1999* and to recommend that Council adopts the *City of Joondalup Amendment Local Law 2007* by resolution.

## BACKGROUND

At the Meeting of 22 May 2007 Council resolved, inter alia, to:

*“AGREE to the City drafting a local law to prohibit smoking on the City’s beaches and engaging with the community as a part of this process.”*

A local law amendment was subsequently drafted and released for a 60-day community consultation period, which closed on 28 September 2007.

## DETAILS

The consultation process was undertaken on both a local and statewide basis, as required under section 3.12 of the *Local Government Act 1995* (the “Act”).

Consideration was given to the fact that the amendment would be setting a State precedent and was therefore allowed a 60-day consultation period, rather than the 44-day period required under the Act.

To ensure that a significant number of stakeholders were encouraged to participate, the following initiatives were undertaken:

- Statewide notification in the West Australian on two occasions;
- Signage erected along popular coastal pathways and beach areas within the City; namely Sorrento, Burns Beach, Hillarys, Whitfords, and Mullaloo;
- Direct mail to residents and ratepayers groups inviting them to make a submission on the matter;
- Advertisements in local community newspapers on four occasions;
- Press release issued to the media;
- Public notices were placed on the City’s website, in all four of the City’s libraries and in the two Customer Service Centres at Joondalup and the Whitford City Shopping Centre. Copies of the survey form and information on the proposed amendment was available on request at these facilities; and
- Website facilities, including information on the proposed amendment and an online survey, were advertised for people to make electronic submissions.

## Outcomes of the Consultation

The City received a total of 98 submissions, with 79 in favour of the proposed amendment and 19 against. Only 15 submissions were from people outside of the City of Joondalup, confirming the strong support local community members have for the proposed smoking ban.

The online survey was the most popular method of submission, with 86% of all respondents utilising this form of correspondence.

**Common Suggestions/Concerns/Comments**

Ban should be extended to include all/more public open space areas	6
Enforcement will be difficult/unlikely to occur	10
Council should seek to avoid marginalising smokers, punitive measures are not the way	6
Ban will increase beach amenity	14
Ban will increase public health	9
Ban will reduce litter	13

**Issues and options considered:**Option 1: Adopt the Local Law Amendment

This option *is* recommended given the strong community feedback received by the City in support of the proposed Amendment.

Upon resolving to adopt the Amendment, the City will be required to undertake necessary State Government processes to give the Amendment its intended legal effect. This will require approval from the Joint Standing Committee on Delegated Legislation.

Option 2: Do not adopt the Local Law Amendment

This option is *not* recommended, given the results of the community feedback and the City's expenditure to date on necessary processes to have the Local Law amended.

Option 3: Do not adopt the Local Law Amendment and consider redrafting the Amendment to include other public open space areas

This option is *not* recommended. It is considered prudent to progress this matter expeditiously, independent of other smoking ban-related matters.

**Link to Strategic Plan:**

Key Focus Area – Caring for the Environment

Objective 1.4: To work with the community to enhance safety and security in a healthy environment.

Strategy 1.4.2: Contribute to the protection of human health.

**Legislation – Statutory Provisions:**

Section 3.5 of the *Local Government Act 1995* enables local governments to make or amend local laws.

Section 3.12 of the *Local Government Act 1995* sets out the necessary procedures required to make or amend a local law.

The City of Joondalup Local Government and Public Property Local Law 1999 is the principal local law the City is proposing to amend.

**Risk Management considerations:**

The greatest risk for the City is that the Joint Standing Committee on Delegated Legislation disallows the proposed Amendment. It is not anticipated that this should occur, however, given that the Amendment will be setting a precedent the City is not in a position to make judgements on the Committee's most likely decision.

Should the Amendment be adopted, there is also a risk that the ban will not be sufficiently enforced and will therefore lose credibility in the eyes of the community. Or, on the contrary, should the City stringently police the ban, smokers within the community may feel marginalised due to the punitive measures being used to encourage behavioural change.

**Financial/Budget Implications:**

The Project Plan for this initiative budgeted \$10,000 for completion of the consultation process. To date, approximately \$9,000 has been spent on undertaking community consultation and minimal future costs are anticipated to cover administration fees in relation to the Amendment's final adoption and approval. It is anticipated that this project will be delivered on budget.

Should the Amendment proceed, the City will need to prepare signage for 90 beach access areas along the City's coastline at a cost of approximately \$10,800 and Rangers will have significant new enforcement responsibilities.

It is likely that enforcement will be particularly needed in the initial years should the ban be introduced. In subsequent years, when the public is clearly aware of the ban, this enforcement requirement is likely to lessen. Consequently, the recommendation suggests that Council list for consideration in its 2008/09 budget, additional monies for a part-time Ranger to enforce the new law.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Should the City decide to adopt the Amendment, it will set a standard for other Councils within the region to consider.

**Sustainability Implications:**

The impact of cigarette-butt littering is such that the chemicals they contain (specifically cadmium, lead and arsenic) can leach into the City's marine environment within an hour of contact with water. As a consequence, water contaminations occur and marine animals are at risk of ingesting hazardous and lethal chemicals.

Limiting cigarette-butt littering by prohibiting their consumption on the City's beaches may contribute to greater environmental protection and sustainability.

**Consultation:**

The community consultation process is outlined in the details section of the report.

Received submissions have been collated and made available in the Councillors' Reading Room for Elected Members to consider.

**COMMENT**

Following the community consultation process, a new Schedule has been included in the Amendment to delineate the area in which the smoking prohibition will apply. Coastal Foreshore Reserve Numbers have been used to describe most of this area with an additional diagram included to visually display the area within Hillarys Marina that will be affected by the ban. The leased areas of the Ocean Reef Sea Sports Club and the Whitfords Sea Rescue Group have been described in the Schedule as areas of exclusion within the Foreshore Reserve No 47831, to ensure that the buildings are not subject to the smoking prohibition. Exclusions have also been applied to Jack Kikeros Community Hall and the Burns Beach Toilet and Changeroom Facility within Reserve 44219, to ensure these buildings are not captured.

It is believed that the above description is within the community's general understanding of a "beach area". To expand this area further may create difficulties for the City when the Joint Standing Committee on Delegated Legislation considers the Amendment, as the City may be deemed as having gone beyond its original proposal as advertised.

**ATTACHMENTS**

Attachment 1                      City of Joondalup Amendment Local Law 2007

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:** That Council, BY AN ABSOLUTE MAJORITY, Pursuant to section 3.12(4) of the Local Government Act 1995:

- 1            ADOPTS the Amendment Local Law 2007 in the manner prescribed in Attachment 1 Report CJ272-12/07; and
- 2            LISTS for consideration in the 2008-2009 budget additional monies to effectively enforce this local law.

**ADDITIONAL INFORMATION**

In light of recent legal advice obtained by the City, Attachment 1 of the *Smoke Fee Beaches Local Law Amendment Submissions Report* has been amended for Council's consideration.

The Attachment is the proposed Amendment to the City's *Local Government and Public Property Local Law 1999* and proposes to ban the act of smoking on all beaches within the City of Joondalup. The Amendment has been altered so as to effectively define the term "beach".

The report recommends that Council adopts the proposed Amendment in the format provided in Attachment 1. The document attached to this Memorandum will become the new Attachment that the City recommends Council to adopt – Appendix 34 refers.

**MOVED Cr Amphlett, SECONDED Cr Jacob that Council, pursuant to section 3.12(4) of the Local Government Act 1995:**

- 1 ADOPTS the Amendment Local Law 2007 in the manner prescribed as amended and tabled (Appendix 34 refers); and**
- 2 LISTS for consideration in the 2008-2009 budget additional monies to effectively enforce this local law.**

With the approval of the Meeting, the words "as amended and tabled" be added to Point 1 of the Motion after the word "prescribed".

Discussion ensued. Mayor Pickard ruled he could not accept the suggestion of Cr Norman to include as an amendment in the local law reference to the dunal vegetation based on the fact that further community consultation would be required. This issue could be investigated during the next stage of the local law process.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (10/2)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, McLean and Norman **Against the Motion:** Crs Macdonald and Young

*Appendices 31 and 34 refer*

To access this attachment on electronic document, click here: [Attach31agn181207.pdf](#)  
[appx34min181207.pdf](#)

## **CJ273-12/07 PAID PARKING BUSINESS PLAN CONSULTATION RESULTS AND THE PROPOSED APPLICATION OF PARKING FEES [07190] [05787]**

**WARD:** All

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

---

### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with the results of the Paid Parking Business Plan consultation and to recommend that Council resolve to proceed with the major trading undertaking.

Also, to present Council with a proposed *Parking Fee Schedule* that outlines the specific areas to which parking fees will apply and to recommend that Council, subject to its decision in relation to the Paid Parking Business Plan, adopts the Schedule by an absolute majority.

### **BACKGROUND**

At the Strategy Session of 24 July 2007, Council considered the process for implementing paid parking within the Joondalup City Centre.

It was acknowledged that the process would require the development of a Business Plan in the manner prescribed under section 3.59 of the *Local Government Act 1995* ("major trading undertakings by local government"). This would entail consideration of the effects that paid parking would have on all major stakeholders, the expected financial effect on the local government, consistency with the local government's Strategic Financial Plan and the ability of the local government to manage the undertaking.

A Business Plan was subsequently drafted (Attachment 1 refers) and released for a statewide public consultation period of six weeks, ending on the 29 October 2007.

Following analysis of the consultation results, a proposed Parking Fee Schedule was drafted with the intention of having Council consider the future progress of the Business Plan and the potential application of parking fees concurrently. Both the results of the consultation and the Parking Fee Schedule have been provided as attachments for Council's consideration.

### **DETAILS**

#### ***Paid Parking Business Plan Consultation:***

The consultation process was undertaken on a statewide basis, as required under section 3.59(4) of the *Local Government Act 1995*.

To ensure that a significant number of stakeholders were encouraged to participate, the following initiatives were undertaken:

- Statewide notification in the West Australian newspaper;
- Public notices placed on the City's website;
- A statewide radio interview with the Mayor on 6PR; and
- Articles in both local community newspapers with all comments made to the newspaper forwarded to the City for consideration.

### **Outcomes of the Consultation**

The City received a total of 14 submissions from 22 individuals (some of the submissions received were from more than one person).

Of all the comments received, 13 were either generally or strongly opposed to the introduction of paid parking, while one comment was strongly supportive of a paid parking system that incorporated residential parking permits (Attachment 2 refers).

### **Analysis of Submissions**

Despite the negative response in 13 submissions, upon further analysis many of the comments received were based on information that was not contained within the Business Plan and was therefore mostly incorrect. For instance, several submitters referred to their opposition to paid parking at the entrances of the Library and City Administration Building. However, paid parking is not proposed in these areas.

There was also a misunderstanding among submitters about where residential permit parking would apply. One submitter was of the belief that only northern residential areas would have access to resident and visitor permit parking, despite the provided map displaying only permit parking in areas south of Shenton Avenue.

Some of the concerns raised by submitters included:

- Local businesses and restaurants will be disadvantaged as people will choose to park at Lakeside Shopping Centre and utilise its restaurant facilities rather than restaurants within the Joondalup CBD.
- Introducing permit parking will disadvantage residents within the Joondalup CBD as visitor parking bays may be monopolised by those who have the bays located directly outside of their residence.
- Days and times in which paid parking will apply are not mentioned in the plan, making it difficult to comment on the proposal.

The majority of submissions received opposed the introduction of paid parking. However, given the nature of their responses it is also clear that there is some misunderstanding about the details of the proposal. It is the City's understanding that many of the submissions did not refer to the Business Plan and were instead relying on information provided in local community newspaper articles. Given the limited detail included in the articles, it is understandable that community members may have misconstrued some of the features of the proposal and the anticipated effects it may have on stakeholders.

### ***Parking Fee Schedule:***

As identified in the Business Plan, the introduction of parking fees is considered necessary to encourage motorists to park in a location that better suits their stay in the CBD and length of time needed to occupy a parking bay.

Parking facilities situated on-street, located close to higher concentrations of business premises and in highest demand, have been designated for the highest fee to apply. Similarly, in off-street parking stations subject to high demand, higher fees are to apply. In streets and off-street parking stations where parking is in low demand and motorists are wanting to park their vehicle for most of the day, low hourly, daily and weekly fees are to apply. In some areas designated as long term, it is proposed that monthly fees may apply to a number of parking bays.



The parking fees recommended support the above principles and range from the highest hourly fee of \$1.00 per hour for the highest demand; time restricted on-street parking, to the lowest fee of 40 cents per hour or \$2.00 per day for long-term parking. The full range of recommended fees is outlined in the attached schedule (Attachment 3 refers).

**Issues and options considered:**

***Paid Parking Business Plan Consultation:***

Option 1: Resolve to proceed with the introduction of paid parking within the Joondalup City Centre

It is recommended that Council pursue this option given that only a very small number of submissions were received and some submissions were based on a misunderstanding.

Option 2: Do not proceed with the introduction of paid parking within the Joondalup City Centre

This option is not recommended.

***Parking Fee Schedule:***

Option 1: Resolve to adopt the proposed Parking Fee Schedule

This option is recommended given that the proposed fees are relatively low in comparison to other local governments with paid parking systems currently in place.

It is also important for Council, (subject to its decision in relation to the Business Plan), to adopt a Parking Fee Schedule in order for paid parking to be expeditiously progressed.

Option 2: Do not adopt the proposed Parking Fee Schedule

This option is not recommended.

Option 3: Resolve to adopt the proposed Parking Fee Schedule with amendments

This option is not recommended as the Proposed Fee Schedule is considered appropriate and fair.

**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.

**Legislation – Statutory Provisions:**

*Local Government Act 1995*

Section 3.59 – Major trading Undertakings by a Local Government

Section 6.16(1) – Imposition of Fees and Charges

“A local government may impose\* and recover a fee or charge for any goods or service it provides or proposes to provide, other than a service for which a service charge is imposed.”

\*Absolute Majority required.

### Section 6.19 – Local Government to Give Notice of Fees and Charges

“If a local government wishes to impose any fees or charges under this subdivision after the annual budget has been adopted it must, before introducing the fees or charges, give local public notice of –

- (a) its intention to do so; and
- (b) the date from which it is proposed the fees and charges will be imposed.”

### **Risk Management considerations:**

Should Council decide to adopt the Paid Parking Business Plan, there is a risk that certain members of the community may feel their views have been overlooked given that the majority of the small number of submissions received were strongly opposed to the introduction of paid parking.

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

The Paid Parking Business Plan indicates that the City will receive revenue of \$1,264,562 if the parking bays achieve a 50% occupancy rate and \$1,769,938 if the bays achieve a 70% occupancy rate.

Should Council decide to adopt the Paid Parking Business Plan, the City will need to purchase ticket machines. At this stage, the City is unable to provide a detailed estimate on the costs involved, as quotations will need to be obtained from contractors.

The City anticipates that any quotations received will be in excess of \$1 million, therefore, should Council adopt the Paid Parking Business Plan, it is suggested that delegated authority be given to the Chief Executive Officer to appoint the successful tender applicant. This will ensure that the matter is expeditiously progressed during Council's 2-month break over the New Year period. A report would then be presented at the February Meeting of Council for Elected Members to note the outcomes of the tendering process.

Details of all financial implications are provided in Attachment 2 to this Report.

### **Policy Implications:**

Not Applicable.

### **Regional Significance:**

Introducing paid parking in the Joondalup City Centre may affect regional shopping centres as shoppers choose to utilise locations other than the City Centre to avoid paying parking fees.

Additionally, regional patrons who visit the City Centre will be required to contribute to the provision of future parking facilities and services within the City; reducing the current onus ratepayers bear in funding these costs.

### **Sustainability Implications:**

Not Applicable.

**Consultation:**

The community consultation process is outlined in the details section of the report.

**COMMENT**

Introducing paid parking within the Joondalup City Centre is crucial for ensuring that parking is effectively regulated in support of local businesses. Encouraging a high turnover of parking bay use provides greater convenience for patrons seeking to park closer to the businesses they wish to visit; the corollary being that people have more of an incentive to frequent the City if convenient parking is more readily available.

This rationale has been generally supported by the local business community through consultation with the Joondalup Business Association.

In terms of parking fees, it should be noted that annual fees are available at Perth and Fremantle in a variety of options and are generally limited to multi-level parking stations. It is proposed that this concept is investigated further once paid parking has been implemented and its operations can be assessed. Reduced fees at car parks designated for long stay are designed to lessen the financial burden on those people wishing to park for long periods.

**ATTACHMENTS**

- |               |  |
|---------------|--|
| Attachment 1: | Business Plan for the Introduction of Paid Parking in the Joondalup City Centre.     |
| Attachment 2: | Tabulated Community Consultation Results on the Proposed Paid Parking Business Plan. |
| Attachment 3: | Proposed Parking Fee Schedule.   |

**VOTING REQUIREMENTS**

Absolute Majority.

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

- 1 Pursuant to section 3.59(5) of the Local Government Act 1995, PROCEEDS with the major trading undertaking of paid parking within the Joondalup City Centre;**
- 2 In accordance with section 5.42 of the Local Government Act 1995, DELEGATES to the Chief Executive Officer authority to appoint a successful tender applicant for the supply, delivery, installation, commissioning and maintenance of parking ticket machines;**
- 3 ADOPTS the Schedule of Parking Fees as detailed in Attachment 3 to Report CJ273-12/07;**

**4 NOTES that parking fees will be progressively applied throughout the Joondalup CBD as Ticket Machines are commissioned.**

Discussion ensued.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 30 refers*

*To access this attachment on electronic document, click here: [Attach30agn181207.pdf](#)*

**CJ274-12/07 LIST OF PAYMENTS MADE DURING THE MONTH  
OF OCTOBER 2007 - [09882]**

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

---

**PURPOSE**

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

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of October 2007, totalling \$7,517,373.80.

*It is recommended that Council NOTES the CEO's list of accounts for October 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$7,517,373.80.*

**BACKGROUND**

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

**DETAILS**

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

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 79895 - 80134 and EFT 13441 - 13850 Net of cancelled payments	\$4,376,868.68
	<b>Vouchers</b> 318A – 321A, 324A – 330A & 332A	\$2,339,370.94
Trust Account	<b>Cheques</b> 201655 - 201709 Net of cancelled payments	\$801,134.18
<b>Total</b>		<b>\$7,517,373.80</b>

**Issues and Options Considered:**

Not Applicable.

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or approved in advance by Council.

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council **NOTES** the CEO's list of accounts for October 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ274-12/07, totalling \$7,517,373.80.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf111207.pdf](#)

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ275-12/07 – List of Payments during the month of November 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Payment Number 13916 – Reimbursement of funds to Mike Tidy

**CJ275-12/07 LIST OF PAYMENTS MADE DURING THE MONTH OF NOVEMBER 2007 – [09882]**

**WARD:** All

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

**PURPOSE**

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

## EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of November 2007, totalling \$7,997,257.74.

*It is recommended that Council NOTES the CEO's list of accounts for November 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$7,997,257.74*

## BACKGROUND

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

## DETAILS

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

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 80135 – 80396 and EFT 13851 - 14238 Net of cancelled payments	\$4,886,991.93
	<b>Vouchers</b> 333A – 339A & 341A – 346A	\$2,415,023.81
	<b>Cheques</b> 201710 - 201783 Net of cancelled payments	\$695,242.00
Trust Account		
<b>Total</b>		<b>\$7,997,257.74</b>

### Issues and Options Considered:

Not Applicable.

### Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

### Legislation – Statutory Provisions:

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

### Risk Management Considerations:

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

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or approved in advance by Council.

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council **NOTES** the CEO's list of accounts for November 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ275-12/07, totalling \$7,997,257,74.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 27 refers*

*To access this attachment on electronic document, click here: [Attach27brf111207.pdf](#)*



## **CJ276-12/07      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2007 – [07882]**

**WARD:** All

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

---

### **PURPOSE**

The October 2007 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The October 2007 year to date report shows an overall increase in budgeted surplus from operations and capital of \$2,550K when compared to the budget approved by Council at its meeting of 3rd July 2007 (JSC01-07/07).

This variance can be analysed as follows:

- The **Operating** surplus at the end of October 2007 is \$1,632K above budget, comprising higher Revenue of \$482K, offset by a saving in operating expenditure of \$1,150K. Revenue variances are mainly attributable to increased membership fees after the promotion of Craigie Leisure Centre and a contribution for car parking lots at Kinross Shopping Centre, plus various other reimbursements including rates and legal fees.

Expenditure savings arose principally from lower Materials and Contracts expenditure, Utilities and timing of Insurance costs.

- **Capital Expenditure** is \$1,345K below the year to date budget of \$3,993K. The favourable variance relates mainly to lower than expected expenditure on the Joondalup Works Depot project \$518K, Ocean Reef Development delayed expenditure of \$300K and delayed vehicle replacement of \$176K.

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

### **BACKGROUND**

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

### **DETAILS**

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

The Financial Activity Statement for the period ended 31 October 2007 is appended as Attachment A.

**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 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr John, SECONDED Cr Amphlett that Council NOTES the Financial Activity Statement for the period ended 31 October 2007 forming Attachment A to Report CJ276-12/07.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10agn181207.pdf](#)*

**CJ277-12/07 PROPOSED PARKING PROHIBITIONS –  
LYMBURNER DRIVE, HILLARYS – [16140]**

**WARD:** South-West

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

---

**PURPOSE**

To amend the City of Joondalup Parking Scheme by the introduction of a “NO PARKING” and a “NO STOPPING” parking prohibition along Lymburner Drive adjacent to Hillarys Primary School.

**EXECUTIVE SUMMARY**

Hillarys Primary School is seeking to prohibit parking in the Kiss and Drive embayments to assist in regulating and controlling moving traffic and parked vehicles. The main aim of the parking prohibition is to allow the picking up and dropping off of children, therefore sharing the available parking bays with as many vehicles as possible and maximising the vehicle turnover and bay use, and reducing the impact of vehicle parking in the residential streets.

To address sight distance issues for pedestrians crossing Lymburner Drive at the sharp bend to the south of the school it was requested that a no stopping prohibition be implemented.

Community consultation indicated that the majority of owners and residents along Lymburner Drive either supported or had no objection to the proposal to install parking prohibitions along the school side and around both sides of the sharp bend.

As such it is recommended that Council:

- 1 *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 STOPPING" carriageway or verge along Lymburner Drive, Hillarys as shown in Attachment 1 to this Report;.*
- 2 *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" covering five (5) parking bays along the west side of Lymburner Drive, Hillarys. The proposed hours of prohibition will be from 7:30am – 9:00am and 2:30pm – 4:00pm on school days as shown in Attachment 1 to this Report.*

## **BACKGROUND**

In August 2007 a meeting was held between representatives of the City of Joondalup and the Road Safety Committee at Hillarys Primary School to discuss parking and traffic congestion issues on Lymburner Drive. To address the congestion issue it was decided that the school utilise the "Kiss and Drive" bays on Lymburner Drive.

"Kiss and Drive" is a RoadWise program that is run by volunteers from the school whereby vehicles are not permitted to park in the designated bays. Essentially parents drive in to the bays, drop their children off and then drive away. This ensures that the maximum number of vehicles can use the embayments available resulting in minimal parking congestion.

It was requested that a parking prohibition be implemented in Lymburner Drive to prohibit vehicles parking in the "Kiss and Drive" bays during school pick up and drop off times.

The Road Safety Committee also had concerns in relation to restricted sight distance for pedestrians at crossing points to the south of the staff car park and at the sharp bend. To address this issue it was decided to implement 'no stopping' prohibitions on the road and verge at these locations.

A location plan identifying the subject area is attached – (Attachment 1 refers).

## **DETAILS**

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

Lymburner Drive extends between Campbell Drive and Waterford Drive and is classified as a local access road under the City's Functional Road Hierarchy. Lymburner Drive is 1360 metres long (with a right angle bend approximately 180 metres east of Meharry Road) and 7.4 metres wide, centrally located within a 20-metre road reserve (Attachment 2 refers).

There is a 1.2 metre wide path along the south side of Hillarys Primary School, which links to a footpath on Waterford Drive and Gleddon Way and provides pedestrian access for students walking to and from school. Lymburner Drive is governed by the default urban speed limit of 50km/h, with a 40km/h school zone applicable between the hours of 7:30am-9am and 2:30pm-4:00pm.

All requests for parking prohibitions are assessed by the City over a period of time to determine the number of cars parking, any safety issues, other issues, parking requirements and facilities. Investigations were undertaken by City officers over a period of 4 weeks to assess the parking issues along Lymburner Drive. During these investigations, vehicles were observed parking in an orderly manner for most of the time. However, on a number of occasions, vehicles were observed parking on both sides of Lymburner Drive at the sharp bend, which reduced the sight distance for pedestrians crossing the road. It was also noted that at times vehicles were left parked in the 'Kiss and Drive' bays which significantly reduces the effectiveness of the facility.

While this type of parking only occurred for a brief period of time (between 5 and 10 minutes), this practice has the potential to lead to pedestrian type crashes and congestion on the local road network surrounding the school.

A Traffic Management Survey commissioned by the Department of Education and Training (DET) in January 2007 recommended that parking prohibitions be implemented at the following locations:

- Northern side of Lymburner Drive (23 cars).
- Eastern side of Oliver Street (9 cars)
- Southern side of Lymburner Drive to the west of Oliver Street (5 cars).

These parking restrictions would result in a loss of 37 parking bays.

This will create a safer road environment but due to the displacement of 37 vehicles and the lack of alternative parking it is not desirable at this time to implement parking prohibitions. The City will review the need for parking prohibitions at these locations in conjunction with the construction of the additional on-site parking by the Department of Education and Training (as per the DET Traffic Management Survey - January 2007). DET have not yet advised the City of when the on-site parking will be constructed at the school, however, they do concur that the prohibitions recommended in the Traffic Management Survey can be implemented in conjunction with their onsite car park completion.

Vehicle speed is restricted to 40km/h during school peak times, 7:30am-9am and 2:30pm-4pm on school days. During these times, the "Kiss and Drive" embayments are occasionally used for parent parking, resulting in this facility becoming congested, restricting normal traffic flow and reducing the level of safety.

The primary school is concerned that parent parking at this location on Lymburner Drive restricts the normal traffic flow, making it hazardous for students and other pedestrians accessing the school.

In view of this, to prevent parking on Lymburner Drive in the "Kiss and Drive" embayments it is proposed to implement a "NO PARKING" prohibition.

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: 1.4 to work with the community to enhance safety and security in a healthy environment.

Strategy: 1.4.2 contribute to the protection of human health.

### **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 time 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.

- 42 (1) A person shall not stop or park a vehicle on a road verge where signs prohibit the stopping or parking of vehicles on that verge
- (2) 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.

8 (2) **Application of Signs**

For the purposes of this local law a sign may prohibit or regulate parking or stopping by the use of any symbol or other traffic control device in accordance with AS 1742.11

### **Risk Management considerations**

The City receives many requests to install parking prohibitions on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, 85<sup>th</sup> percentile travel speeds, crash data, road geometry, parking demand and requirements, safety issues and proximity to adjacent parking facilities.

### **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

In order to determine the views of residents in relation to parking on Lymburner Drive, a letter and plan of the proposed parking prohibitions was sent to owners directly affected by the proposal on 20 September 2007. The proposed parking prohibitions (Attachment 1 refers) include the following:

- No Stopping (Carriageway or Verge) permitted south of the Hillarys Primary School southern car park and along the school side of the right angle bend.
- No Parking (Carriageway) permitted along five (5) 'Kiss and Drive' operative bays between 7:30am-9:00am and 2:30pm-4:00pm on School Days. Outside of these hours, vehicles would be permitted to park along the road as required.
- No Stopping (Carriageway) permitted along the non-school side of the right angle bend.

A copy of the plan, identifying the proposed parking prohibitions and location of parking signs, is attached – (Attachment 1 refers).

As of 3 October 2007 (the closing date for comment), 5 of the 6 property owners along Lymburner Drive had responded to the letter, of which 4 properties supported the proposal and 1 objected to the proposal but requested that the scope of the prohibition be extended.

A summary of the responses is indicated below.

Property	Status	Decision	Comments
Hillarys PS	School	Support	Supports the proposal
64 Lymburner Drive	Owner/Resident	Object	Extend the prohibitions further along Lymburner towards Meharry Road. Also prohibit parking along one side of Oliver Street.
66 Lymburner Drive	Owner/Resident	Support	Supports the proposal
70 Lymburner Drive	Owner/Resident	Support	Supports the proposal
72 Lymburner Drive	Owner/Resident	Support	Supports the proposal
74 Lymburner Drive	Owner/Resident	No Response	

A diagrammatic representation of these responses is attached – (Attachment 3 refers).

Hillarys Primary School and the Hillarys Primary School Road Safety Committee were consulted on this proposed prohibition. The school and Road Safety Committee gave full support to the proposed prohibitions.

## COMMENT

Based on the community consultation undertaken with all owners affected along Lymburner Drive, it can be seen that there is majority support for the installation of parking prohibitions along this road.

When designing the parking prohibition concept the City used the minimum number of signs possible whilst still conforming to the requirements of the Australian Standard AS1742.11 (*Parking Controls*) which indicates that where the extremities (of a parking prohibition zone) are more than 75 metres apart or where the obscuring of signs or other operating difficulties is likely, intermediate signs should be provided.

One resident that objected to the proposal did so on the grounds that they considered the no stopping prohibition should be extended further around the bend on the south west side. The City considers the original proposal as sufficient as vehicles are no longer occupying the road around the bend making the area safer for pedestrians and other road users.

The proposal to prohibit parking along Lymburner Drive (Attachment 1 refers), during the school pick up and drop off times, would ensure that traffic movements along this road are unimpeded and access is maintained to all residential crossovers. While it is acknowledged that the parking issues only occur occasionally and only for a brief period of time, it is recommended that the proposed parking prohibition be supported in order to maintain the level of safety for all road users.

Adequate verge parking is available for users of Hillarys Park on the park side of Lymburner Drive.

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

## **ATTACHMENTS**

Attachment 1	Parking Prohibition – Lymburner Drive, Hillarys
Attachment 2	Locality Plan - Lymburner Drive, Hillarys
Attachment 3	Results of Community Consultation

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

- 1 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 STOPPING" carriageway or verge along Lymburner Drive, Hillarys as shown in Attachment 1 to Report CJ277-12/07;**
- 2 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" covering five (5) parking bays along the west side of Lymburner Drive, Hillarys. The proposed hours of prohibition will be from 7:30am – 9:00am and 2:30pm – 4:00pm on school days as shown in Attachment 1 to Report CJ277-12/07.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf111207.pdf](#)*



**CJ278-12/07 REQUEST FOR PARKING PROHIBITIONS –  
CULLODEN ROAD, DUNCRAIG – [46273]****WARD:** South**RESPONSIBLE  
DIRECTOR:** Mr David Djulbic  
Infrastructure Services

---

**PURPOSE**

To consider a request for parking prohibitions in Culloden Road adjacent to Glengarry Hospital.

**EXECUTIVE SUMMARY**

Residents of Culloden Road, Duncraig requested restrictions to parking along Culloden Road adjacent to the Glengarry Hospital to prevent staff from adjacent businesses in Arnisdale Road parking on the carriageway along Culloden Road. This request was later supported by an 11-signature petition. The extent of parking on Culloden Road has been assessed by the City of Joondalup since May 2007. Following an inconclusive outcome from the community consultation, the City assessed parking on the basis of road safety issues and it was determined that parking prohibitions are not warranted as vehicles are not parked in a dangerous manner and there is adequate road width available.

*It is recommended that Council:*

- 1 *DOES NOT SUPPORT the introduction of parking prohibitions along Culloden Road, Duncraig.*
- 2 *INSTALLS statutory "No Stopping" lines on pavement at pedestrian access ramps.*
- 3 *ADVISES the residents of Culloden Road of Council's decision.*

**BACKGROUND**

In May 2007, several meetings were held between a resident of Culloden Road and representatives of the City of Joondalup. The resident expressed concerns with vehicles parking along Culloden Road, Duncraig and requested that parking prohibitions be implemented along this road.

Subsequently an 11-signature petition was received by the City regarding this issue.

A location plan identifying the subject area is attached – (Attachment 1 refers).

**DETAILS****Issues and options considered:**

Culloden Road is classified as a local access road under the City's Functional Road Hierarchy. Culloden Road is a straight road, 330 metres long and 9.2 metres wide, centrally located within a 20-metre road reserve. Culloden Road extends between Glengarry Drive and Kinloch Place, providing frontage to 14 residential properties on the north side and Glengarry Retirement Village, Glengarry Hospital and Glengarry Shopping Centre on the south side of Culloden Road.

There is a footpath along the south side of the road. Culloden Road is governed by the default urban speed limit of 50km/h, which was introduced by law in Western Australia on 1 December 2001.

All requests for parking prohibitions are assessed by the City over a period of three months to determine the number of cars parking, any safety issues, other issues, parking requirements and facilities.

The issue of parking on Culloden Road has been assessed by the City of Joondalup since May 2007 and it was determined that parking prohibitions are not warranted as vehicles are not parked in a dangerous manner. Being 9.2m wide, Culloden Road is of sufficient width to allow parking and have two vehicles safely pass each other. Extensive parking on local streets often creates a lower speed environment.

#### **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: 4.3 to ensure the City responds to and communicates with the community.

Strategy: 4.3.1 provide effective and clear community consultation.

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

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

- 8 (2) For the purpose of this local law, a sign may prohibit or regulate parking or stopping by the use of any symbol or other traffic control device in accordance with AS1742.11
- 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 time 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.
- 42 (1) A person shall not stop or park a vehicle on a road verge where signs prohibit the stopping or parking of vehicles on that verge
- (2) 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.

### Glengarry Hospital: Parking Requirements

The most recent addition to Glengarry Hospital occurred in 2004. An existing radiology department was converted into a ten-bed ward, resulting in a total of 106 beds at the hospital. The works also included a new 64m<sup>2</sup> single storey addition, which is used as a general x-ray room.

The City's District Planning Scheme No.2 (DPS2), which has been in force since November 2000, provides car-parking standards for new development within the City. The DPS2 car parking standard for a hospital is:

*'1 per 3 patients accommodated, plus 1 space for each staff member on duty.'*

The applicant, as part of the development application stated that the maximum number of staff at the hospital on duty at any one time is 48. With 36 car parking spaces required for the number of patients accommodated, the required car parking for the site is therefore 84 bays. There are 99 bays provided on site and therefore according to the car parking standards of DPS2, there is a car-parking surplus of 15 bays.

### **Risk Management considerations:**

The City receives many requests to implement parking prohibitions on local roads and therefore follows a system of prioritising these requests based on various factors, including traffic volumes, (85<sup>th</sup> percentile) travel speeds, crash data, road geometry, the number of cars parking, any safety issues, parking requirements and facilities.

Due to Culloden Road being of sufficient width to accommodate parked vehicles and have two vehicles safely pass each other, and that vehicles appeared to be parking in a safe manner, the implementation of any parking prohibitions along Culloden Road would not be supported.

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

The cost to install the statutory yellow "No Stopping" lines adjacent to the tram ramps is approximately \$200 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:**

In order to determine the views of residents in relation to parking on Culloden Road, owners of properties in Culloden Road and businesses backing onto Culloden Road were consulted on their views of parking in the street.

The City of Joondalup wrote to all businesses and residents along Culloden Road. The community consultation letter asked whether or not they were concerned with the current parking practices and if they wanted parking prohibitions. If parking prohibitions were wanted by the business or resident they were given a choice of three options.

These options are described below and plans are shown in Attachment 2.

### **Option 1**

The first option allows one hour parking along most of Culloden Road which still allows visitors and tradespeople (such as lawn mowing contractors) to park for one hour. All day parking is not permitted. The southern side has a one-hour restriction applied to both the verge and carriageway to prohibit all day parking. The northern side does not restrict parking on the verge to enable residents to park on their verge if required. Unauthorised vehicles that do park on the residents' verges are not permitted under the local law (section 42 (2)). The statutory no stopping zones are at the corners. These apply every day, as they are statutory under the Road Traffic Code 2000 and at the pram ramps on the southern verge near the shopping centre.

### **Option 2**

The second option restricts parking along the road between 9am-6pm, Monday to Friday. The statutory No Stopping restrictions apply to the corners, and pram ramps. Again the southern side has the restriction applied to the carriageway and verge to prevent all day parking. The northern side only allows parking on the verge but unauthorised vehicles are covered under Local Law (section 42(2)).

This option means that any visitors to residential properties during the week, will not be permitted to park on the carriageway, but with the owners' permission, may park on the verge.

### **Option 3**

The third option permits one hour parking on the residential side to address residents needs but restricts any parking on the southern side of street on weekdays. The No Stopping statutory restrictions apply at the corners on the carriageway at all times and at the pram ramps.

The consultation also asked if parking restrictions should be applied Monday to Friday or Monday to Sunday.

Residents were split on their views, with half requesting prohibition option 1, and half expressing that there was no parking issue.

An 89-signature petition was also received by the City from Glengarry Hospital to object to the proposal to implement parking prohibitions along Culloden Road, of which 52 signatures are from residents of the City of Joondalup.

An 11-signature petition was received from various residents of Culloden Road requesting the City of Joondalup to install parking prohibitions along Culloden Road.

See the tables below for information relating to the community feedback.

Name	Suburb	Comments
1 Kinloch Place	Duncraig resident	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions.
3 Culloden Road	Duncraig resident	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions.
5 Culloden Road	Duncraig resident	OPTION 1 (From petition only) (Did not return consultation form)
7 Culloden Road	Duncraig resident	OPTION 1
9 Culloden Road	Duncraig resident	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions.
11 Culloden Road	Duncraig resident	OPTION 1
13 Culloden Road	Duncraig resident	OPTION 1
15 Culloden Road	Duncraig resident	OPTION 1
17 Culloden Road	Duncraig resident	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions.
19 Culloden Road	Scarborough resident	OPTION 1
21 Culloden Road	Duncraig resident	Does not consider all day parking on Culloden Rd to be an issue and does not require parking prohibitions.
23 Culloden Road	Duncraig resident	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions.
25 Culloden Road	Duncraig resident	OPTION 2 - Monday to Sunday (extend times to 6:00am - 7:00pm)
27 Culloden Road	Duncraig resident	OPTION 1
49 Arnisdale Road	Retirement Home	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions.
53 Arnisdale Road	Glengarry Hospital	Does not consider parking on Culloden Road to be an issue and do not want parking prohibitions. <b>89 signature petition.</b>
59 Arnisdale Road	Care of: Porter Matthews Pty Ltd	No reply

Attachment 3 shows the properties surveyed for their views on the parking on Culloden Road, Duncraig.

Attachment 4 identifies the respondents and their preferences.

The above feedback can be summarised as follows.

Submission Type - Residential	No of Persons
Object to any parking prohibitions	7
Support Parking Prohibitions - Option 1	7
Support Parking Prohibitions - Option 2	1
Support Parking Prohibitions - Option 3	0

Submission Type - Commercial	No of Persons
Object to any parking prohibitions	1- (supported by 89 signature petition)
No Reply	1

## COMMENT

From the community consultation which has been carried out with the residents and business along Culloden Road it can be seen that there is no clear direction on whether parking prohibitions are supported or not. The above table indicates that 7 residents do not support parking prohibitions on Culloden Road and 7 residents do support Option 1 for parking prohibitions, whilst one resident supports Option 2 for parking prohibitions. In addition the 11-signature petition in favour of prohibitions, was signed by residents of properties that are in favour of option 1, noting that the petitioners concerns have already been taken into account in the consultative feedback outlined in the above table.

Due to the mixed reaction it appears the parking in Culloden Road is more of an amenity issue than a traffic and safety consideration.

The issue of parking on Culloden Road has been assessed by the City of Joondalup since May 2007. Following the inconclusive outcome of the community consultation, the City assessed parking on the basis of road safety issues. It was determined that parking prohibitions are not warranted, as vehicles are not parked in a dangerous manner. Being 9.2m wide, Culloden Road is of sufficient width to allow parking and have two vehicles safely pass each other. Through the investigation and consultation it can be seen that parking on Culloden Road is an amenity issue at times but there are no issues in relation to road safety.

Some residents have stated that while it is sometimes an inconvenience to have vehicles parking along Culloden Road it is an eyesore having a number of parking signs permanently installed.

The proposal to not prohibit parking along Culloden Road will maintain the general traffic flow at all times and therefore maintain the level of safety and access.

However, there are two tram ramps at the western end of Culloden Road, where from a safety perspective, in particular to ensure visibility and site distance of pedestrians it is necessary to prevent vehicles parking within the statutory 3m distance. Therefore it is recommended that no stopping lines be installed 3m either side of the ramps.

On this basis, it is recommended that the introduction of parking prohibitions not be supported.

## ATTACHMENTS

Attachment 1	Locality Plan – Culloden Road, Duncraig
Attachment 2	Proposed Prohibition Options
Attachment 3	Mail Merge Plan – Culloden Road, Duncraig
Attachment 4	Community Consultation Results

## VOTING REQUIREMENTS

Simple Majority.

**OFFICER'S RECOMMENDATION:** That Council:

- 1 DOES NOT SUPPORT the introduction of parking prohibitions along Culloden Road, Duncraig;
- 2 INSTALLS statutory "No Stopping" lines on pavement at pedestrian access ramps;
- 3 ADVISES the residents of Culloden Road of Council's decision.

**ADDITIONAL INFORMATION**

An oversight was noted within the report.

It is stated within the report that there are 99 bays provided on site, with a surplus of 15 bays. Following a query on whether this figure was correct, an on-site count was conducted by the City, and the parking bays counted is 85 bays.

A development application received in 2005 for a covered walkway addition, stated that there were 84 required parking bays, based on the number of beds and staff.

**MOVED Cr Fishwick, SECONDED Cr Diaz that Council:**

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of one hour parking restrictions and the no stopping prohibitions in Culloden Road Duncraig as shown on the Plan labelled Option 1A, and forming Appendix 37 hereto;**
- 2 REQUESTS the Administration of the Glengarry Hospital to liaise with the owners of the Glengarry Tavern with the view to making arrangements for the Hospital's day time staff to park in the Hotel's car park;**
- 3 REVIEWS the parking arrangements in Culloden Road after twelve months to ascertain if the parking restrictions are still required to prevent long-term parking in Culloden Road by the staff of the Glengarry Hospital;**
- 4 ADVISES the residents of Culloden Road of the Council's decision.**

Discussion ensued.

It was requested that Points 1, 3 and 4 be voted upon separately.

**MOVED Cr Fishwick, SECONDED Cr Diaz that Council:**

- 1 AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law (1998) by the installation of one hour parking restrictions and the no stopping prohibitions in Culloden Road Duncraig as shown on the Plan labelled Option 1A, and forming Appendix 37 hereto;**
- 3 REVIEWS the parking arrangements in Culloden Road after twelve months to ascertain if the parking restrictions are still required to prevent long-term parking in Culloden Road by the staff of the Glengarry Hospital;**
- 4 ADVISES the residents of Culloden Road of the Council's decision.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**MOVED Cr Fishwick, SECONDED Cr Diaz that Council:**

- 2 REQUESTS the Administration of the Glengarry Hospital to liaise with the owners of the Glengarry Tavern with the view to making arrangements for the Hospital's day time staff to park in the Hotel's car park.**

**The Motion was Put and**

**CARRIED (10/2)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, John, Macdonald, McLean and Norman **Against the Motion:** Crs Jacob and Young

*Appendices 13 and 37 refer*

*To access this attachment on electronic document, click here: [Attach13brf111207.pdf](#)  
[Attach37min181207.pdf](#)*

**CJ279-12/07 TENDER 046/07 SWEEPING OF URBAN AND  
ARTERIAL ROADS, CAR PARKS, FOOTPATHS  
AND PATHWAYS WITHIN THE CITY OF  
JOONDALUP - [85603]**

**WARD:** All

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

---

**PURPOSE**

This report is for Council to consider the tenders received for the sweeping of urban and arterial roads, car parks, footpaths and pathways within the City of Joondalup.

**EXECUTIVE SUMMARY**

Tenders were advertised on 22 September 2007 through state wide public notice for the sweeping of urban and arterial roads, car parks, footpaths and pathways within the City of Joondalup. Tenders closed on 9 October 2007. Two tender submissions were received from:

- Austra-Sweep
- Coastal Sweeping Services

The Request indicated that the Tenderers may bid for both components of the services which include: (1) sweeping of all urban and arterial roads in all suburbs except the Joondalup City Centre and (2) sweeping of roads, car parks, footpaths and pathways in Joondalup City Centre, or, either one of these components only. The City may select a single service provider to provide the entire sweeping requirement, or may choose to select different service providers for different components.



*It is recommended that Council ACCEPTS the tender submitted by Austra-Sweep for components one (1) and two (2) for the sweeping of urban and arterial roads, car parks, footpaths and pathways within the City of Joondalup in accordance with the requirements as stated in Tender 046/07 for a period of three (3) years with two (2) one (1) year optional extensions.*

## BACKGROUND

The scope of requirements consists of but not be limited to:

- Sweeping of urban and arterial roads
- Sweeping of car parks
- Sweeping of footpaths and pathways
- Identifying and reporting on hazards (such as pot holes, damaged signs, dead animals, graffiti and the like).

The services required were identified in two categories, Component One for the sweeping of urban and arterial roads and Component Two for the sweeping of roads, car parks, footpaths and pathways in Joondalup City Centre.

## DETAILS

Tenders were advertised on 22 September 2007 through state wide public notice for the sweeping of urban and arterial roads, car parks, footpaths and pathways within the City of Joondalup. Tenders closed on 9 October 2007. Two tender submissions were received from:

Tenderer	Total Tendered Price (\$) Per Annum (Exclusive of GST)	
	Component 1	Component 2
Austra-Sweep	\$76,936	\$108,010
Coastal Sweeping Services	Did not tender	\$124,000

The evaluation panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner, and concluded that the Offer representing best value to the City is that submitted by Austra-Sweep at the offered price of \$184,946 per annum (GST Exclusive) for the provision of the entire sweeping service, which is inclusive of Components 1 and 2.

Austra-Sweep achieved a high score at 79% and was the lowest priced offer received. The company is well equipped and has demonstrated capacity to provide the services for Components 1 and 2. It has been in the sweeping industry for nearly 10 years and currently provides sweeping services for the Cities of Canning and South Perth and Towns of Kwinana and Cambridge. Austra-Sweep also provides similar services for Transfield, BGC, Laminex Group, CSBP and other private sector operators. It has a good safety record with no injuries or incidents reported in the last 2 years.

Coastal Sweeping Services tendered for Component 2 only and its offered price was not competitive at 15% more expensive than Austra-Sweep. Therefore, its offer was not considered further.

**Issues and options considered:**

Should the contract not proceed, the risk to the City will be high as the sweeping of urban and arterial roads, car parks, footpaths and pathways is essential in order for the City to keep roads and access ways clear of rubbish and litter throughout the City.

The City reserves the right to amend or decrease the scope of services for Component 2 of the requirements, and where the scope of work is amended, the lump sum price for the provision of the Services will be adjusted accordingly as agreed by the Contractor and the City.

Any additional sweeping, as and when required, will be requested by the City and will be paid on an hourly rate in accordance with the prices submitted by the Respondent under hourly rates for equipment hire.

**Link to Strategic Plan:**

This requirement is linked to the Strategic Plan in accordance with the following items:

3. City Development.

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

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

**Legislation – Statutory Provisions:**

A state wide 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 estimated to be, more, or worth more, than \$100,000. 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 awarding the Contract to the recommended Respondent will represent a low risk to the City based on it being a well established company that has been operating for nearly 10 years and is currently providing sweeping services for various local governments and private sector operators.

**Financial/Budget Implications:**

The City has budgeted an amount up to \$804,000 exclusive of GST, for the 3 year period for the City's Engineering Maintenance programme and is expected to incur \$1,340,000 or less over the five (5) year period as the City may amend or decrease the scope of services for Component 2 of the requirements.

**Policy Implications:**

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 practice has been incorporated into the selection criteria.

The successful Tenderer, Austra-Sweep, is a Western Australian company located in Maddington.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The offer representing best value to the City is that as submitted by Austra-Sweep at the offered price of \$184,946 per annum (GST Exclusive) for the provision of the entire sweeping service for Components 1 and 2. The price is a fixed and firm Lump Sum for the first twelve (12) months of Contract, and thereafter, subject to variation in accordance with changes to the All Groups Consumer Price Index (CPI) for Perth as published by the Australian Bureau of Statistics.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council Accepts the tender submitted by Austra-sweep for components one (1) and two (2) for the sweeping of urban and arterial roads, car parks, footpaths and pathways within the City of Joondalup in accordance with the requirements as stated in Tender 046/07 for a period of three (3) years with two (2) one (1) year optional extensions.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

## **CJ280-12/07 SPECIAL FUNDING FOR DUPLICATION OF CONNOLLY DRIVE, KINROSS – [09189]**

**WARD:** North

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

---

### **PURPOSE/EXECUTIVE SUMMARY**

To inform Council of the response from the Office of the Minister for Planning and Infrastructure in relation to the City's submission for special funding from the State Government for the duplication of Connolly Drive, Kinross, and propose a suggested way forward in relation to this issue.

### **BACKGROUND**

Recent traffic projection analysis undertaken by Main Roads Western Australia (MRWA) has identified the need to duplicate Connolly Drive from Burns Beach Road northwards through to MacNaughton Crescent, Kinross, to cater for the northern extension of the Mitchell Freeway through to Burns Beach Road by 2008, and the recent construction of Connolly Drive from Neerabup Road through to MacNaughton Crescent to a four lane dual carriageway standard.

Following the completion of the Connolly Drive link through to Clarkson by the City of Wanneroo earlier this year, the existing traffic volume is approximately 23,000 vehicles per day (vpd) at its peak location adjacent to the Kinross Drive roundabout. It is anticipated that this volume will increase well beyond this figure following the opening of the Freeway.

At this level of traffic the existing single carriageway standard will not function effectively. In accordance with Austroads Urban Road Design Manual, when traffic volumes exceed 18,000 vpd then the single carriageway should be duplicated to cater for the increased volumes. It is also noted that the MRWA guidelines recommend a lower traffic volume threshold for duplication purposes of between 15,000 to 16,000vpd.

### **Major road network planning considerations**

The City of Joondalup has historically planned for the upgrading of its major road network to a dual carriageway standard to cater for increased traffic volumes on a progressive basis in keeping with the northern extensions of the Mitchell Freeway.

### **Major road funding source**

The City has constructed its major road network utilising grants sourced via the Metropolitan Regional Roads Program (MRRP) through MRWA. Grants are distributed on a State wide priority basis with the State contributing \$2 for every \$1 contributed by Council. The maximum funding assistance any one Council can receive per annum is a \$2,000,000 grant provided the City contributes \$1,000,000.

The projects, which have been placed in the City's Five Year Forward Plan, have catered for the various Mitchell Freeway extension projects over recent years, however, in accordance with the MRRP guidelines the City has fully committed projects until 2009/2010 as the priority at this stage is to duplicate Burns Beach Road to cater for the Freeway extension.

## DETAILS

As a result of the City of Wanneroo receiving a one-off State Government grant to construct its section of road, the City of Joondalup also sought from the State Government a special road grant for the Connolly Drive duplication proposal totalling \$3.5M. With the anticipated increase in traffic it is imperative that this section of road be duplicated prior to the opening of the Freeway extension project through to Burns Beach Road scheduled for completion by the end of 2008.

A response from the Office of the Minister for Planning and Infrastructure has been received acknowledging that the recent construction of the dual carriageway link by City of Wanneroo has increased the volume of traffic accessing this route and consequently putting pressure on the City of Joondalup's section of road. It was also acknowledged that once the Mitchell Freeway extension to Burns Beach Road is completed, traffic volumes on Connolly Drive – Kinross are expected to be further impacted. Notwithstanding this, the Minister's Office has advised that the 2007/08 Budget is fully committed and does not include funding to dual this road. Given the current funding scenario, MRWA will be seeking funding to undertake dualling works during 2008/09 State budgetary process, however, uncertainty remains in relation the State Government's commitment to fund this road duplication project and the subsequent timing of the works.

Several concerns need highlighting in response to the Minister's advice. Firstly, further delays resulting in the construction of the Kinross section of Connolly Drive post the opening of the Mitchell Freeway will result in this section of road functioning beyond its recommended threshold. Secondly, there appears to be an inequitable approach by the State Government in relation to distribution of its road grants in that the City of Wanneroo received \$3M from the State Government resulting in the duplication of its section of road, yet the City of Joondalup has not received any assistance to date.

It is imperative that the City be in a position to respond in a timely manner should the State Government allocate sufficient funds within its 2008/09 Budget for this project to proceed.

To achieve this, it is recommended that the City proceeds with the detailed design for the duplication of Connolly Drive at an estimated cost of \$200,000, which could be pre-funded as part of 2007/08 Half-Year Budget Review considerations. Assuming funds become available at the half-year review, then the following project timeframes could be achieved in order for the construction works to commence in a timely manner, subject to State Government providing the necessary funds:

Activity	Period	Expenditure
Consultation, Design and Prepare Tender Documentation	February 2008-June 2008	\$ 200,000
Tender and Award	July to August 2008	\$3,300,000
Construct	September 2008-February 2009	
<b>Total Project</b>	<b>February 2008-February 2009</b>	<b>\$3,500,000</b>

**Issues and options considered:**

As can be concluded from the above program the opportunity has now been lost to construct the duplication prior to the Freeway opening anticipated to be during August 2008. Notwithstanding this, by commencing the design phase early in the new year enables the City to be best placed to respond in a timely manner should the State Government allocate sufficient funds within its 2008/09 budget anticipated to be handed down during May 2008.

**Link to Strategic Plan:**

The project aligns with the City's strategic directions for improving infrastructure which leads to an enhanced integrated transport system and improved lifestyle.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Delays to the duplication of Connolly Drive, Kinross following the opening of Mitchell Freeway through to Burns Beach Road will result in this section of road functioning beyond its recommended threshold capacity.

The project delivery timeframe detailed in the above table may be delayed further subject to the extent of community consultation required during the design phase of the project.

**Financial/Budget Implications:**

The City does not have any funds allocated within its 2007/08 budget and it is intended that the \$200,000 be provided on a pre-funding basis and reimbursed as part of the total project cost of \$3,500,000 subject to the State Government allocating sufficient funds within its 2008/09 budget allocations.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

This section of road is an integral link within the City's major road network, providing a transport link to northern localities within the City of Wanneroo.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

The main issues affecting the City to achieve its dualling of the arterial road network connecting to the Freeway are a combination of the following factors:

- The significant and ongoing cost escalations associated with major road projects.
- The change in priorities for construction brought about by the extension of the Freeway in one stage to Burns Beach Road.
- The one-off State Government grant of \$3M to the City of Wanneroo for the construction of Connolly Drive from Neerabup Road to MacNaughton Crescent in Kinross.

Following the opening of the Freeway at Burns Beach Road in August 2008, it is anticipated that Connolly Drive in Kinross will be functioning well beyond its threshold capacity for duplication. Accordingly it is imperative that the City positions itself to undertake this work at the earliest opportunity.

## ATTACHMENTS

Attachment 1                      Locality Plan – Connolly Drive, Kinross duplication project

## VOTING REQUIREMENTS

Simple Majority

## OFFICER'S RECOMMENDATION: That Council:

- 1        NOTES with concern the response from the Office of the Minister for Planning and Infrastructure confirming lack of State Government funds for the duplication of Connolly Drive Kinross prior to the completion of the Freeway extension through to Burns Beach Road;
- 2        AUTHORISES the Mayor and Chief Executive Officer to seek a deputation with the Minister for Planning and Infrastructure to express the City's disappointment at the State Government not providing any funding assistance in order for this project to be completed prior to the opening of the Freeway extension works;
- 3        LISTS for consideration as part of the 2007/08 Half-Year Budget review pre-funding \$200,000 for the detailed project design phase to commence in order for the construction works to proceed at the earliest opportunity following funds becoming available.

## MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1        **NOTES with concern the response from the Office of the Minister for Planning and Infrastructure confirming lack of State Government funds for the duplication of Connolly Drive Kinross prior to the completion of the Freeway extension through to Burns Beach Road;**
- 2        **AUTHORISES the Mayor and Chief Executive Officer to seek a deputation with the Minister for Planning and Infrastructure to:**

- (a) express the City's disappointment at the State Government not providing any funding assistance in order for the project to be completed prior to the opening of the Freeway extension works through to Burns Beach Road;
  - (b) consider alternative options that may result in fast tracking the construction of the duplication of Connolly Drive in Kinross;
- 3     **LISTS for consideration as part of the 2007/08 Half-Year Budget review pre-funding \$200,000 for the detailed project design phase to commence in order for the construction works to proceed at the earliest opportunity following funds becoming available.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf111207.pdf](#)*

## **CJ281-12/07     CITY WATCH COMMUNITY SECURITY PATROL SERVICE – [23565] [89558]**

**WARD:** All

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

---

### **PURPOSE**

To report back to Council and the community the outcome of negotiations between the City and Contractor service provider of the City Watch Community Security Patrol Service in keeping with Council's resolution on this matter.

### **EXECUTIVE SUMMARY**

Council resolved in relation to the City Watch Review (Item CJ162-08/07 City Watch Community Security Patrol Service refers) for the Chief Executive Officer to negotiate with the current contractor, a revised level of service with the view to extending the contract to December 2008.



The main changes to the City Watch Service as resolved by Council related to:

- greater focus on hot spots to reduce anti social behaviour;
- a reduction in patrol hours from 44,460hrs down to 27,612hrs;
- a reduction in patrol zones from 6 to 4, while retaining the CBD zone;
- a reduction in patrol vehicles required from 8 to 6;
- response times to requests to remain the same at 10 minutes;
- installation of CCTV and provision of video cameras in each patrol vehicle; and
- improved promotion of the City Watch Service.

In reviewing the contract, the primary focus was the achievement of better outcomes and community satisfaction with the service.

The contractor's representatives responded positively to the significant amendments proposed by the City. The contractor has expressed a willingness to work with the City in order to achieve its desired outcomes with the City Watch Service. These changes will reduce the full year cost of the service by \$394,136. However, \$50,000 of this cost reduction will be used for additional patrols to target hot spot locations.

The contractor has advised that a new Global Positioning System has been installed in all patrol vehicles. This system is quite robust and will add a new dimension to patrol staff safety and reporting of patrol activities.

It is recommended that Council endorse the revised contract as negotiated with Wilson Security Pty Ltd.

## **BACKGROUND**

The City has provided a Community Patrol Service to its community since 1998. Since awarding the current five-year contract commencing in December 2004, the City Watch Service has been subject to annual review.

At its meeting held on 19 September 2006, when considering a report on the City Watch service provision, Council resolved that a review comparing in-house provision as opposed to outsourcing be undertaken and the report be submitted to Council prior to the 2007/08 budget decision. The review was undertaken and following extensive analysis, six possible options were presented to the strategy session for elected members on 17 March 2007.

The matter was last considered by Council at its meeting held on 28 August 2007, (Report CJ162-08/07 - City Watch Community Security Patrol Service refers) when it was resolved in part as follows:

*"That:*

- 1 *Council CONTINUES TO PROVIDE a dedicated community security patrol service via a contractor;*
- 2 *Council SEEKS to implement a service level based on:*
  - (a) *patrols being conducted on a 24 hour a day, 7 day a week basis with 4 zone/4 cars and 2 zone/2 car plus the existing CBD zone, configuration throughout the City, varying by time of day and day of the week depending upon demand; with a targeted campaign focussed on hot spots, but continuing to maintain observation across the City;*

- (b) *patrols assisting with management of the bulk refuse removal by issuing notices to residents to remove refuse which is placed on verges before the invitation date, thereby minimising the untidiness of City streets;*
  - (c) *an increase in focus on graffiti and infrastructure damage;*
- 3 Council REQUESTS the Chief Executive Officer to negotiate provision of the level of service outlined in Recommendation 2 above with the current contractor within the existing contract provisions with a view to continuation to December 2008;
- 4 Council NOTES that the outcome of these negotiations will be reported back to Elected Members and the community."

## DETAILS

The documentation and support details to reflect Council's resolution two (2) concerning changes to the City Watch service were prepared and a meeting was held with representatives of the current contractor, Wilson Security Pty Ltd to discuss the proposed changes to the contract and service provision. Wilson Security Pty Ltd have responded in a positive manner and confirmed their continued commitment to providing a high standard of service to the Joondalup community and willingness to apply flexibility and new technology to achieve the required result.

## Summary of Changes Sought by Council

The changes outlined in Council's resolutions on this matter equate to:

1. Focus on hot spots.
2. Revised standard hours of operation.
3. New patrol zones.
4. Maintain observation across the City.
5. Role in management of bulk refuse collection – early put out of refuse.
6. Increasing focus on graffiti reporting and recording.
7. Increasing focus on infrastructure damage reporting and recording.
8. Review City Watch Service name, logo, vehicle colour, uniforms etc prior to initiating promotional campaign.

## Table of Changes Agreed

The following table provides details of the current City Watch Service and what is being changed following the negotiations.

Current	Proposed
44,460 Patrol Hours	Reduction in hours to 27,612
8 Vehicles required	6 Vehicles required
Zone Structure - 6 x 3 CBD Vehicle x 1	New Zone Structure. 4 x 2 CBD vehicle x 1.
Every street, every day	Greater focus on hot spots to reduce anti social behaviour.
Response Time - Under 10 minutes	Response time - 10 minutes – no change.

Minimum 200km per 12 hour shift	Min 100 km per 12-hour shift.
City Watch Officers must at all times be patrolling within the designated zone during their shift	Option to cross zones if the need arises to assist other City Watch Officer in another zone.
No surveillance equipment in vehicles	CCTV and Video Cameras to be installed in each vehicle.
No Marketing Plan in place,	Marketing plan being prepared.

### **Revised Patrol Zones**

The new zones have been established on the basis of:

- Number of residents;
- Length of road per zone;
- Number of City facilities to be checked each day;
- Known Hot Spots;
- Previous history on resident request numbers; and
- Ability of City Watch to respond within a reasonable time.

A map indicating the new zones is attached for information (Attachment 3).

### **Key Performance Indicators**

The above changes have also required amendments to the previous Key Performance Indicators (KPIs) and application of new KPIs to enable measurement and determination of the success of the new actions (Attachment 2 refers).

### **Graffiti Reporting**

The current City Watch Tender Specification provides for the reporting of graffiti. City Watch reporting records demonstrate that reports have consistently been made by City Watch Officers with the number of reports recently showing an increasing trend.

New initiatives have been introduced to better manage high profile and hot spot locations. Underpasses in particular are regularly checked by City Watch Officers and reports provided on their status for graffiti and infrastructure damage. It is a common theme to the reports that where lights have been damaged and are out, there is a high level of graffiti.

The combined efforts of increased graffiti reporting and faster removal are expected to provide a positive improvement in the City's graffiti management.

### **CCTV in City Watch Vehicles and Video Cameras**

The contractor has expressed a willingness to have the City's CCTV camera's installed and operating in City Watch Patrol vehicles and to comply with City protocols and policies concerning management of the information captured on the CCTV facilities. This facility was included as part of the successful funding application to the federal government for grant funds.

The City has received reports of incidents where City Watch Officers have witnessed graffiti offenders and called for Police attendance which has not eventuated for various reasons. Video cameras issued to City Watch Officers to record graffiti offenders and damage to public and private facilities in progress would provide greater opportunity for Police to initiate prosecution of offenders who could be identified from such evidence.

### **Contractor's New Global Positioning System**

The contractor has advised that it has purchased a new Global Positioning System that is installed in all patrol vehicles. This system is quite robust and will add a new dimension to patrol staff safety and reporting of patrol activities. The new system is a significant improvement on the previous system that was difficult and lengthy to extract quite basic reports on City Watch patrol vehicle locations. The new system is at the cutting edge of technology in this area and is capable of producing detailed reports of the number of times a patrol vehicle enters any specified area in a relatively short time. This aspect will be particularly helpful in monitoring the requirement for target patrols of hot spot locations, which is a major feature in the changes to the contract.

### **Promotion of City Watch**

Another significant component of the City Watch Service is its promotion to City residents. While the awareness and satisfaction rating remains high, the service needs to be actively promoted. With the changes proposed it is important that the positives of the service are appropriately promoted to the community for their benefit. A marketing plan is currently being prepared.

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

Provision of the City Watch Community and Security Patrol Service is in keeping with the City's Strategic Plan Key Focus Area 1. - Community Wellbeing:

- Outcome: The City is a safe and healthy City;
- Objective 1.4: Continue to implement the Safer Community Program.

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

The provision of this service is at the discretion of the Council, as there are no statutory obligations requiring the City to undertake this activity.

### **Risk Management considerations:**

The City Watch Service retains high awareness and satisfaction levels from the Joondalup community. The annual customer service survey conducted by an independent provider has produced the following results:

	2003	2004	2005	2006	2007
Awareness	95%	87%	84%	92%	87%
Satisfaction	82%*	79%	65%	72%	71%

\*Used by % of respondents to survey.

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

Total budget provision for all aspects of the City Watch Service for the 2007/08 Financial Year is \$1,813,819. This consists of contract costs of approximately \$1,488,058 for provision of the community patrol service by the contractor for the whole year, fuel costs of \$120,000 and \$50,000 for additional patrols over and above the specified hours bringing the total contract costs to \$1,658,058. The other main components of the budget cover in house staff costs, public relations, promotions and communication costs including provision of the emergency telephone 1300 655 860 number.

The financial details in the following table relate to the 2007/08 Financial Year as at 31 October 2007.

<b>Account No:</b>	1.6822.4620.0001.9999
<b>Budget Item:</b>	
<b>Budget Amount:</b>	\$1,658,058
<b>YTD Amount:</b>	\$552,684
<b>Actual Cost:</b>	\$516,732

The contract year for the City Watch Service commences at 24.01 hours (midnight) on 18 December and concludes at 24.00 hours on 17 December the following year. The conditions of contract allow the contract cost to be increased each year by the annual CPI %. In recent years the CPI has been in the vicinity of 4%. The cost for the actual contract year ending 17 December 2008 would have been \$1,524,507 (\$34.29 per hour) after provision for another CPI 4% increase. The cost of the revised City Watch Service as provided by Wilson Security Pty Ltd is \$1,130,371 (\$40.94 per hour). This represents a base saving on the contract of \$394,136. However, with a requirement for greater emphasis on providing additional patrols to address Hot Spots of anti social behaviour, an additional \$50,000 is to be added to the budget in this area. It is expected that fuel and other costs will be contained within the existing budget provision. The reduction on the base contract is expected to be \$344,136.

The difference in cost per hour is \$6.65. The contractor has indicated that the Federal AWA under which patrol officers are paid has recently been subject to the Fair Pay and Conditions Tribunal's implementation of revised fairness testing. Pay rates in the Federal AWA include shift loadings of 25% for night shift, 50% for all Saturdays, 75% for all Sundays and 150% for public holidays.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The Community Security Patrol Service assists with maintenance of a safe and secure social environment that contributes to building communities where residents' quality of life is enhanced or preserved.

**Consultation:**

Discussions were held with representatives of Wilson's Security Pty Ltd the contractor, service provider of the City Watch Community Security Patrol Service, to detail and advise the changes to the service as resolved by the Council and seek their response.

**COMMENT**

The major impacts will be the reduction in patrol hours, increased size of patrol zones to be covered and the reduced number of patrol vehicles and staff to respond to requests. However, it is expected that these factors will be balanced by the greater focus on hot spot locations that are subject to the most incidents of anti social behaviour and generate the most requests. Additional patrols will be applied to hot spot areas and greater focus placed on achieving solutions in those areas that have generated long term anti social activity.

The new City Watch patrol zones cover the mainly residential areas of the City and are designed to achieve and maintain an even patrol of all areas with specific patrols of identified hot spot locations. The existing Joondalup Central Business District patrol zone remains unchanged. City Watch patrols are expected to address difficulties within their area of authority and provide assistance to each other as necessary. The new focus will be to concentrate on the areas of greatest concern with additional patrols while maintaining a presence across the whole City. This approach is expected to achieve a more positive outcome for City residents and businesses.

Savings identified can be allocated towards other community safety initiatives.

## **ATTACHMENTS**

Attachment 1	Revised Standard Weekly Patrol Hours
Attachment 2	Revised Key Performance Indicators
Attachment 3	Map of the new City Watch Patrol Zones.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council ENDORSES the revised contract as negotiated with Wilson Security Pty Ltd to provide the City Watch service for a further 12 months until 17 December 2008 on the following basis:

- Greater focus on hot spots.
- Maintain observation across the City.
- Revised standard hours of operation.
- New patrol zones.
- Role in management of bulk refuse collection, ie, early put-out of refuse.
- Increase focus on graffiti reporting and recording.
- Increase focus on Infrastructure damage reporting and recording.
- Install cameras in each patrol vehicle.
- Enhance the promotion of the service.

**MOVED Mayor Pickard, SECONDED Cr Jacob that Council:**

- 1      **ENDORSES the revised contract as negotiated with Wilson Security Pty Ltd to provide the City Watch service for a further 12 months until 17 December 2008 on the following basis:**

- **Greater focus on hot spots;**
- **Maintain observation across the City;**
- **Revised standard hours of operation;**
- **New patrol zones;**
- **Role in management of bulk refuse collection, ie, early put-out of refuse;**
- **Increase focus on graffiti reporting and recording;**
- **Increase focus on Infrastructure damage reporting and recording;**
- **Install cameras in each patrol vehicle;**
- **Enhance the promotion of the service;**

**2      LISTS for consideration as part of the 2008/09 budget deliberations the identified savings resulting from the review of the City Watch service to be redirected into other community safety initiatives.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 26 refers*

*To access this attachment on electronic document, click here: [Attach26brf111207.pdf](#)*

**CJ282-12/07      TENDER 040/07 - SUPPLY AND INSTALLATION OF  
CONCRETE PATHS, DUAL USE PATHS,  
CROSSOVERS AND PUBLIC ACCESS WAYS –  
[79603]**

**WARD:** All

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

---

**PURPOSE**

This report is for Council to consider the tenders received for the supply and installation of concrete paths, dual use paths, crossovers and public access ways.

**EXECUTIVE SUMMARY**

Tenders were advertised on 15 September 2007 through statewide public notice for the supply and installation of concrete paths, dual use paths, crossovers and public access ways. Tenders closed on 3 October 2007. Three tender submissions were received from:

- Dowsing Concrete;
- Westside Concrete Contractors; and
- Techsand Pty Ltd.

Techsand Pty Ltd is a highly experienced Contractor who has provided their services to other local governments at a consistently high standard in a both reliable and flexible manner.

*It is recommended, in relation to Tender number 040/07, that Council ACCEPTS the tender submitted by Techsand Pty Ltd for the supply and installation of concrete paths, dual use paths, crossovers and public access ways in accordance with the requirements as stated in Tender 040/07 and the Schedule of Rates for a period of three (3) years with two (2) one (1) year optional extensions.*

## BACKGROUND

The Scope of Works involves the removal of existing concrete and slab footpaths, asphalt public access ways, cross-overs and the construction of cast in-situ footpaths, dual use paths, vehicle cross-overs and public access ways at various locations within the City of Joondalup.

The City does not have the internal resources to complete these tasks and requires the services of an appropriately experienced external service provider.

## DETAILS

Tenders were advertised on 15 September 2007 through statewide public notice for the supply and installation of concrete paths, dual use paths, crossovers and public access ways. Given the modest volume of work, the tender is for a sole supplier. Tenders closed on 3 October 2007. Three tender submissions were received from:

- Dowsing Concrete;
- Westside Concrete Contractors; and
- Techsand Pty Ltd.

The evaluation panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer submitted by Techsand Pty Ltd represents the best value to the City at the offered schedule of rates.

The submission from Dowsing Concrete achieved an equal highest qualitative score and is the current Contractor to the City. Dowsing Concrete demonstrated significant industry experience, a good understanding of the City's requirements, sufficient equipment to complete the works and adequate safety procedures. The references confirmed their standard of work was acceptable and although there was moderate satisfaction with the services provided. The City has recently experienced delays in service delivery resulting in concerns for the City in meeting its objectives for customer service.

The submission from Techsand Pty Ltd achieved an equal highest qualitative score. Techsand Pty Ltd demonstrated significant industry experience and a good understanding of the City's requirements. They have sufficient equipment and adequate safety procedures in place to complete the required works. All referees contacted confirmed their excellent quality of work, commitment to customer service and ability to complete work on time with a minimal amount of supervision.

The submission from Westside Concrete Contractors achieved the lowest qualitative score. They demonstrated a good understanding of the City's requirements, have sufficient equipment to complete the works and had well-documented safety procedures. The Company has been in the industry for some time and is well experienced; however, it has recently been taken over and is under new management. The experience of the new management team is unknown.

To provide an estimated expenditure over a twelve (12) month period the eight (8) most commonly used items have been used and the table below provides a comparison of estimated expenditure between the Respondents which has been based on past historical usage for a typical mix of these most commonly used items. Any future mix of requirements will be based on demand and subject to change in accordance with operational needs of the City. It is expected for the current financial year the overall expenditure will be less due to a smaller programme of works.



Item	Description	Dowsing Concrete	Westside Concrete Contractors	Techsand Pty Ltd
1.2	Footpath (1.2 – 1.8m wide)	\$152,440	\$175,100	\$162,740
1.3	Dual use path with lock joint (2.1 - 3m wide)	\$228,000	\$288,000	\$246,000
1.4	Dual use path without lock joint (2.1 - 3m wide)	\$20,520	\$27,360	\$22,230
1.5	Pram ramp 2400mm wide	\$5,760	\$5,600	\$4,800
4.5	Removal of exiting slab footpath	\$1,812	\$2,416	\$1,359
4.6	Remove existing concrete path	\$1,560	\$1,625	\$1,430
4.7	Remove existing asphalt crossover and/or path	\$13,440	\$11,200	\$11,200
4.13	Rapid hardener per m <sup>3</sup> of concrete	\$3,480	\$406	\$3,480
<b>ESTIMATED TOTAL</b>		<b>\$427,012</b>	<b>\$511,707</b>	<b>\$453,239</b>

Although the estimated expenditure for Techsand Pty Ltd over a projected twelve (12) month period is approximately 6% more than Dowsing Concrete, Techsand Pty Ltd received a much higher level of satisfaction from its existing clients for its quality of work, customer service and time management. These elements have the potential to add additional cost to the City in meeting its operational objectives if not met. These additional costs can be attributed to delays in operational programmes not being met and associated costs, extra supervision, rectification and the like.

The panel is satisfied that the submission of Techsand Pty Ltd represents best value to the City and the slightly higher price is justified.

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

Should the Contract not proceed, the risk to the City will be high as the services are an essential component of the City's Capital Works Programme.

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

This requirement is linked to the Strategic Plan in accordance with the following items:

3. City Development.

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

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

**Legislation – Statutory Provisions:**

A state wide 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 estimated to be, more, or worth more, than \$100,000. 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 awarding the Contract to the recommended Respondent will represent a low risk to the City based on it being a well-established company with its personnel having in depth experience of the industry and is currently providing services to other local governments who are very satisfied with the service delivery.

**Financial/Budget Implications:**

The City has budgeted \$406,657 (excl. GST) for these services in 2007/08 based on projected requirements and anticipate to spend \$1,219,972 (excl. GST) for the 3-year period as part of the City's Capital Works programme and an estimated \$2,033,286 (excl. GST) over the five (5) year period.

The table used to compare rates appears to show expenditure greater than budgeted, however it needs to be borne in mind that this is based on historical expenditure. It reflects the general mix of services to enable a comparison of rates and not the expected total expenditure.

**Policy Implications:**

While there are no specific policy implications, the City's current practice is to encourage local business in its purchasing and tendering and this has been factored into the selection criteria.

The recommended Respondent, Techsand Pty Ltd is a Western Australian company located in Malaga.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The offer submitted by Techsand Pty Ltd represents sound value to the City at the offered schedule of rates which are fixed and firm for the first twelve (12) months of the Contract, and thereafter, subject to variation in accordance with changes to the All Groups Consumer Price Index (CPI) for Perth as published by the Australian Bureau of Statistics.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council **ACCEPTS** the tender submitted by Techsand Pty Ltd for the supply and installation of concrete paths, dual use paths, crossovers and public access ways in accordance with the requirements as stated in Tender 040/07 and the Schedule of Rates for a period of three (3) years with two (2) one (1) year optional extensions.

The Motion was Put and **CARRIED** (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ283 -12/07 - Proposed Aged Persons' Development (15 Dwellings) at Lot 405 (174) Fairway Circle, Connolly
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	Cr McLean is a member of the Connolly Residents Association

## **CJ283-12/07      PROPOSED AGED PERSONS' DEVELOPMENT (15 DWELLINGS) AT LOT 405 (174) FAIRWAY CIRCLE, CONNOLLY – [45274]**

**WARD:** North

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

---

**PURPOSE**

The purpose of this report is to request Council's determination of an application for Planning Approval for 15 Aged Persons' Dwellings on Lot 405 (174) Fairway Circle, Connolly.

**EXECUTIVE SUMMARY**

The proposed development consists of the following:

- Six, two storey aged persons' dwellings fronting Fairway Circle
- Nine single storey aged persons' dwellings.

Council's determination of the application is required as the number of dwellings proposed is greater than the number that can be approved under delegated authority.

Several variations are sought as part of this application. The variations are not considered to have any adverse impact. The proposal site is considered to have achieved a good design outcome for the site given the irregular shape of the lot and other limitations.

The proposed development will meet the objectives of Clause 3.4 (c) of the City's District Planning Scheme No.2 (DPS2) in relation to facilitating the provision of aged person's housing in residential areas. It is therefore recommended that the application be conditionally approved under DPS2.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 405 (174) Fairway Circle, Connolly
<b>Applicant:</b>	Sergio Famiano
<b>Owner:</b>	Isodor Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	2643m <sup>2</sup>
<b>Structure Plan:</b>	NA

The development site is located on the corner of Fairway Circle and Country Club Boulevard, Connolly (Attachment 1 refers). The site abuts the Connolly Shopping Centre to the south and a grouped dwelling development on the opposite corner to the north. Single residential dwellings surround the development site to the east and west. The site is currently vacant.

The site was previously occupied by a service station, which closed in 2003. The site has been unoccupied since that time and has been the subject of concern to the Connolly Residents Association due to the unkempt appearance of the site and the anti-social elements that it is attracting (eg graffiti and vandalism).

*Following the closure of the service station, the density code for the site was increased from R20 to R40 under Amendment 25 to the DPS2. The site however remained zoned 'commercial'. The purpose of the recoding application, which was made by the owner, was to give the site more flexible use and options. The Commercial zoning of the site and R40 density code allows for the consideration of mixed use, residential or commercial uses.*

The property owner/developer has undertaken a number of other projects within the City of Joondalup including a 9 grouped dwelling development in Kinross, a commercial (service station) site in Woodvale and 12 aged persons dwellings in Heathridge.

## DETAILS

The site has the potential to yield 18 aged or dependant person's dwellings however the original proposal was reduced from 16 to 15 dwellings due to the irregular shape of the site and required design changes.

The development site adjoins the existing Connolly Shopping Centre and is serviced by seven public bus routes from nearby Hodges Drive.

The proposed development includes the following:

- Nine single and six two-storey dwellings;
- A path network and common access driveway through the site;
- All of the dwellings are provided with their own parking areas
- A total of 23 car bays, consisting of one per dwelling, two marked visitor bays and six visitor bays in tandem with resident parking for Units 1-6;

Units one through six have frontage and vehicle access from Fairway Circle, Units seven, eight and ten have frontage to Country Club Boulevard, units eleven through fifteen have a rear boundary adjoining the Connolly Shopping Centre car park and unit nine is internal to the development site. The applicant notes that all dwellings with frontage to Country Club Boulevard and Fairway Circle shall have front fencing that is visually permeable 1.2m above natural ground level.

The compliance with the relevant requirements of the Residential Design Codes (RDC) is summarised below:

Criteria	RDC Requirement (ADS)	Proposed	Compliance
Site Area	Minimum: 132sqm Average: 146sqm	Minimum: 137sqm Average: 147sqm	Yes
Plot Ratio Area (Floor Area)	Maximum: 100sqm	Maximum: 133.25sqm (Units 1-6, 12 & 15)	No
Total Open space	Minimum 45%	Minimum 38% (Units 1, 2, 3, 5, 12 & 13)	No
Outdoor Living Area	20sqm Min 4m Min Dimension Located behind street setback area  Accessible from habitable room 2/3 without permanent cover	20sqm Min  Not located behind street setback area (Units 1-6)	Yes Yes No  Yes Yes
<u>Setbacks</u> Front (Fairway) Rear (South) Secondary Street (Country)	Average 4m 1.0-1.5 1.0	800mm (Unit 6) 1.0-1.8 1.0	No Yes Yes
<u>Car parking</u> Resident	1per Dwelling = 15 Bays 15 Dwellings = 15 Bays	15 Bays	Yes
Visitors bays	1per 4 Dwellings = 4 Bays 15 Dwellings = 3.75 Bays	8 Bays	Yes

The applicant has provided written justification for the proposed variations, which are summarised below.

**Open Space Provision:**

- *In respect to Acceptable Development provision 3.4.1 A1, some dwellings have a minimum open space that is below 45% of the exclusive lot area as stipulated in section 7 of the RDC. If you distribute the area of common property evenly amongst the 15 dwellings only a number of dwellings require approval under the relevant performance criteria.*
- *All dwellings have an outdoor area greater than the minimum provisions. Dwellings 1 – 6, 8 and 10 have the courtyard areas located within the front setback area to maximise winter sun, each of these areas require approval under the relevant performance criteria.*
- *All dwellings are provided with adequate landscaping.*

**Building Setbacks:**

- *We consider that the reduced setback is necessary to ensure that developable space available for each dwelling is maximised.*
- *The reduced setbacks will have no direct or indirect impact on adjoining properties.*
- *The reduced setback will have no impact whatsoever on the streetscape.*

**Outdoor Living Area:**

- *The private outdoor area is directly accessible from the living area for each dwelling*
- *Locating the outdoor living area for each of the dwellings listed maximise winter sun given their northern orientation*
- *Each courtyard is positioned above an existing retaining wall providing privacy even though fencing in the front setback area is permeable above 1.2m in height.*
- *The configuration provides for a smarter design, resulting in larger more practical courtyard areas for each dwelling*

**Issues and options considered:**

Council has the discretion to:

- approve the application without conditions;
- approve the application with conditions; or
- refuse the application.

**Link to Strategic Plan:**

The proposal is consistent with objective 3.3 of the City's Strategic Plan, whereby the City recognises the changing demographic needs of the community and assists in providing a variety of living choices and housing styles for its residents.

**Legislation – Statutory Provisions:**

The proposed Aged Persons' Dwellings are located on a Lot which is zoned Commercial under DPS2.

Aged Persons' Dwelling is a 'D' use in the Commercial Zone. A 'D' use means:

*"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by sub clause 6.6.2."*

The DPS2 states the following under Clause 3.7 regarding the Commercial Zone.

*3.7.1 The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.*

*The objectives of the Commercial Zone are to:*

- (a) make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

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

#### **6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*

- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

As the proposed use is a "D" use, the following matters also require Council consideration, as identified in Clause 6.8.2:

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The development will provide residential development (specifically aged or dependant persons dwellings) in close proximity to services such as public transport and shopping, which is generally in accordance with sustainable development principles.



**Consultation:**

Clause 6.7.2 enables public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary and/or appropriate. Advertising was undertaken for a period of twenty-one (21) days from 18 January to 7 February 2006.

Nearby landowners (38 in total) were notified in writing of the proposal, two signs were erected on the site facing Fairway Circle and Country Club Boulevard and a notice was placed in the Joondalup Community newspaper for three (3) consecutive weeks.

At the conclusion of advertising, two submissions had been received, being no objections.

At the close of this advertising period an assessment of the proposal was finalised. The assessment identified that the development site adjoins Reserve 58056 'Public Recreation' bounded by the Country Club Boulevard road reserve and the development site. The application proposed visitor parking and vehicular access through Reserve 58056 to service the development. This resulted in a range of issues regarding the management of the reserve and the provision of private parking on a 20A Public Recreation Reserve. As such the applicant elected to prepare revised plans to redesign the development so to contain all parking on site and to amend vehicular access to address Fairway Circle rather than Country Club Boulevard.

Revised plans were submitted on 12 September 2007, which resolved previous concerns regarding vehicular access. However the revised plans indicate a two-storey element to units one through six with unit six projecting through the building threshold envelope. The application was re-advertised on 24 October 2007 for a period of fourteen (14) days. Five nearby landowners were notified in writing of the proposal. No submissions were received at the close of this advertising period.

**COMMENT**

The application complies with the relevant DPS2, policy and other City requirements except as otherwise stated in this report. The applicant seeks discretion for the following variations.

Setbacks of Buildings Generally

The proposed unit 6 is situated adjacent to the truncation of the lot where Fairway Circle and Country Club Boulevard intersect. A portion of building is setback 800mm in lieu of the 1000mm required for a secondary street.

The proposed setback variation is not considered to have any adverse impact on the streetscape as the variation of 200mm will not be perceived as significant due to the large road reserve and truncation forward of the development.

The proposed variation is considered to be minor and meets the relevant performance criteria of the RDC and is therefore supported.

Buildings Setback from the Boundary

Unit one is proposed to be setback 800mm in lieu of 1000mm from the southern boundary. The 200mm setback variation is adjacent to a car park for the Connolly Shopping centre to the rear of the development site and as such, is not considered to have any adverse impact on the adjoining property.

### Sightlines at vehicle access points

The proposal provides 1.0 metre x 1.0 metre truncations at vehicle access points where they adjoin driveways/public roads. The RDC require walls and fences be truncated or reduced to no higher than 0.75 metres within 1.5 x 1.5 metre truncations at vehicle access points. The submitted plans indicate that landscaping is located within this 1.5 x 1.5 metre truncation, however the species and height at maturity of the landscaping has not been provided. It is recommended that a condition of approval require compliance with this provision.

The location of the proposed crossovers in relation to the roundabout at Fairway Circle and Country Club Boulevard is considered to be within acceptable levels. Furthermore the vehicle access leg is considered to provide adequate turning circles for vehicles entering and exiting the site.

### Open Space

Each Aged or Dependant Persons Dwelling is to be located on a defined site, which excludes common property. The Codes permit each dwelling to be allocated a proportionate share of the common property for the purposes of calculating compliance with the open space requirement. Units 1-3, 5, 7, 12 and 13 do not comply with the open space requirement of 45%.

The development application proposes the following open space variations:

Unit	Required	Provided	Open Space Shortfall	Complies
Unit 1	45%	38%	10m <sup>2</sup>	x
Unit 2		42%	5m <sup>2</sup>	x
Unit 3		39%	8.5m <sup>2</sup>	x
Unit 4		48%	No Shortfall	✓
Unit 5		36%	13m <sup>2</sup>	x
Unit 6		49%	No Shortfall	✓
Unit 7		39%	10m <sup>2</sup>	x
Unit 8		45%	No Shortfall	✓
Unit 9		52%	No Shortfall	✓
Unit 10		53%	No Shortfall	✓
Unit 11		48%	No Shortfall	✓
Unit 12		43%	3.5m <sup>2</sup>	x
Unit 13		43%	3.5m <sup>2</sup>	x
Unit 14		48%	No Shortfall	✓
Unit 15		48%	No Shortfall	✓

The applicant has provided the following response to the variation.

*The variation is necessary to ensure that each dwelling is provided with adequate living space. To put at bay any concerns that may arise, each dwelling has been specifically designed to maximise useable outdoor space. Accordingly the courtyard areas provided for each dwelling is generally greater in area than the standard 20sqm provided in table 1 of the RDC. We therefore seek approval under the performance criteria of the RDS (3.4.1 P1) for the following reasons:*

- (a) *Sufficient open space has been provided around the building, particularly to the front setback area enhancing the appearance of the dwelling to the street.*
- (b) *The open space area for each dwelling has been rationalised so that there is minimal wasted space along the side boundaries. This combined with smarter design, has resulted in larger more practical courtyard areas for each dwelling; and*
- (c) *The configuration and low-maintenance approach to each dwelling will suite the demographic expected to live in the dwellings.*

The open space variations are considered to address the relevant performance criteria and are therefore supported.

#### Outdoor Living Areas

Most of the dwellings comply with the required outdoor living areas except for six units. Units one through six do not satisfy the Acceptable Development Standards (ADS of the RDC) as the proposed area of outdoor living area is located within the front setback area.

The variations to the outdoor living areas are considered to meet the performance criteria of the RDC as the outdoor area will be used in conjunction with a habitable room and are open to the winter sun, hence satisfies the relevant performance criteria. Therefore the variations are supported.

#### Excavation or Fill

The development application proposes retaining walls abutting common boundaries. The retaining complies with the ADS of the RDC with the exception of the retaining and fill at the rear of Units 11/10 which is 704mm. The retaining adjoins the car park of Connolly Shopping Centre and is not considered to have an adverse impact on the adjoining property particularly as it is not deemed to be a sensitive area.

#### Building Threshold Envelope

The upper floor of Unit 6 (corner site) extends through the building threshold envelope (BTE). The applicant has provided an elevation, which illustrates the area of non-compliance as per Attachment Three.

The building projection of 500mm is not considered to be significant as the site is bounded by a 20m road reserve in addition to the lot truncation, which makes the site appear larger than it actually is. The proposed variation is considered to be consistent with the height and scale of residential buildings in the surrounding area and will not detract from the streetscape. On this basis, the variation is supported.

#### Aged or Dependant Persons' Dwelling: AS4299 Adaptable Housing

The acceptable standards require that all proposed dwellings are to be designed to meet the design requirements of Australian Standard AS4299 (Adaptable Housing) – Adaptable House class B Standard.

Adaptable House Class B requires all 'essential provisions' and a minimum 50% of 'desirable features' including all those notated 'first priority' to be accommodated through design. The vast majority of the provisions setout under Australian Standard AS4299 requires information that is provided at the building licence stage. For this reason the application cannot be said to satisfy this requirement at the Planning stage. The applicant has clarified that these provisions will be fulfilled. It is recommended that a condition of approval stipulate that the applicant demonstrates compliance with the design requirements of AS4299 Adaptable House class B Standards at the building licence stage.

Aged or Dependant Persons' Dwelling: Plot Ratio Area (Floor Area)

The Acceptable Development Standards of the RDC specify that the maximum plot ratio area (floor area) for Aged Persons Dwellings designed as grouped dwellings is 100m<sup>2</sup>.

The plot ratio area (floor area) for the proposed grouped dwellings vary from 87.25m<sup>2</sup> to 133.25m<sup>2</sup>.

Unit	Maximum Plot Area (floor area)	Plot Area (floor area) Provided	Complies
Unit 1	100m <sup>2</sup>	133.25m <sup>2</sup>	x
Unit 2		112.15m <sup>2</sup>	x
Unit 3		122.66m <sup>2</sup>	x
Unit 4		105.4m <sup>2</sup>	x
Unit 5		122.95m <sup>2</sup>	x
Unit 6		114.5m <sup>2</sup>	x
Unit 7		108.5m <sup>2</sup>	x
Unit 8		97.75m <sup>2</sup>	✓
Unit 9		87.25m <sup>2</sup>	✓
Unit 10		97.75m <sup>2</sup>	✓
Unit 11		98.6m <sup>2</sup>	✓
Unit 12		108.1m <sup>2</sup>	x
Unit 13		99.25m <sup>2</sup>	✓
Unit 14		98.8m <sup>2</sup>	✓
Unit 15		104.5m <sup>2</sup>	x

Although nine of the 15 proposed dwelling sizes are larger than the Acceptable Development Standards of the RDC, no objections were received regarding the size of the dwellings.

The increased plot ratio area (floor area) is considered acceptable as:

- The plot ratio area (floor area) variation will suit the needs and provide more flexibility to future residents and households.
- Additional living space will increase the amenity enjoyed by residents

The development proposal is considered to address the performance criteria as the range of dwelling sized and design will cater for a wide range of persons whom may occupy the dwellings. Each household is required to have at least one occupant whom is aged 55 years or older, or an individual widowed to a person aged 55 years or older. A condition of approval will require that titles be subject to a legal agreement to restrict occupancy. On this basis, the variation is supported.

### Designing Out Crime Planning Guidelines

The Crime Prevention Through Environmental Design (CPTED) Guidelines produced by the Western Australian Planning Commission (WAPC) and the Office of Crime Prevention seek to minimise opportunities for crime to occur, and it is considered that this development exhibits some of these principles.

The design of the proposed aged or dependant persons development, with habitable room windows facing both the street and the adjoining Connolly Shopping Centre will promote an attractive streetscape and reduce the potential for antisocial behaviour to occur. The development will enable passive surveillance by way of portions of visually permeable fencing facing the adjacent car park for Connolly Shopping centre. No buildings are built up to the rear/south boundary (adjacent to Connolly Shopping centre) which reduces the opportunity for graffiti and other crimes to occur. With regards to the safety of future residents and visitors of the development the entry to the dwellings are visible from habitable rooms of adjoining dwellings. The entries to the dwellings generally avoid being recessed as this may provide an opportunity for an attacker to hide from the person entering that dwelling.

The development is considered to adequately address the principles of CPTED.

### Conclusion

The proposed development complies with the majority of the requirements of the RDC. The proposed open space, plot ratio area (floor area), outdoor living areas and setback variations are considered to be appropriate and are not expected to have an adverse impact upon the amenity of the proposed residents or the surrounding area. The proposal is considered to be of an appropriate scale and form and is ideally located within close proximity to the existing shopping centre and bus routes that service the locality. The proposed projection through the BTE is considered to be appropriate in relation to the scale of existing surrounding residential development. It is considered that the projection through the BTE is not unreasonable and will not have an adverse effect on the amenity of nearby landowners or the surrounding locality.

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

### **ATTACHMENTS**

Attachment 1	Site and Location plans
Attachment 2	Development Plans
Attachment 3	Building Threshold Envelope projection

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 EXERCISES discretion under Clause 6.8 of the District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.2.1, 3.2.2, 3.2.6, 3.3.1, 3.4.1, 3.4.2, 3.5.3, 3.6.2, 3.10.3, 4.1.2 have been met and determines that:
  - (a) Unit six setback of 800mm in lieu of 1000mm from Fairway Circle and Country Club Boulevard truncation;
  - (b) Unit one setback of 800mm in lieu of 1000mm from the southern boundary;
  - (c) Open Space for Units 1-3, 5, 7, 12 and 13 ranging from 36% to 42% in lieu of 45%;
  - (d) Outdoor living areas for units one through six being located within the front setback area.
  - (e) Retaining and Fill of 704mm in lieu of 500mm with nil setback from the rear boundary in lieu of 1.5 metres.;
  - (f) Plot Ratio (Floor Space) ranging from 104.5m<sup>2</sup> to 133.25m<sup>2</sup> for Units 1-7, 12 and 15 in lieu of a maximum plot ratio (floor area) of 100m<sup>2</sup>;are appropriate in this instance;
- 2 DETERMINES that Policy 3.2 has been addressed and that the projection through the building threshold envelope shown on the plans is appropriate;
- 3 APPROVES, under the City of Joondalup District Planning Scheme No 2, the application for planning approval dated 5 December 2006 submitted by Sergio Famiano, on behalf of the owner, Isodor Pty Ltd, for 15 aged persons' dwellings at Lot 405 (174) Fairway Circle, Connolly, subject to the following conditions:
  - (a) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services;
  - (b) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
  - (c) Boundary walls being of a clean finish and made good to the satisfaction of the Manager, Approvals Planning and Environmental Services;
  - (d) The driveway and crossover to be designed and constructed to the satisfaction of the Manager Approvals, Planning & Environmental Services;
  - (e) Driveway gradients over the site shall not exceed 1:14 and changes in grade must be ramped rather than stepped. The detailed design shall comply with the Australian Standard regarding Design for Access and Mobility (AS 1428);

- (f) All visitor bays shall have a minimum dimension of 2.8m and shall be marked and permanently set aside as such;
- (g) Where existing street drainage side entry pits are sited within proposed crossover locations, the pits shall be relocated to the satisfaction of the Manager, Approvals Planning and Environmental Services at the applicants cost;
- (h) Retaining walls being of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
- (i) Walls and landscaping are to be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicle access points as marked in red on the approved plans to the satisfaction of the Manager Approvals Planning & Environmental Services;
- (j) The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title of the development site, prior to the issue of a building licence. This notification shall alert prospective landowners that the dwellings are restricted in occupancy to aged or dependent persons or the surviving spouse of that person;
- (k) All dwellings shall incorporate design features to suit the special needs of aged or dependent persons in accordance with the Adaptable House Class B Standard set out in AS4299;
- (l) A 1.5 metre wide footpath to be constructed within the verge of Fairway Circle connecting with the existing path network;
- (m) A refuse management plan shall be submitted with the Building Licence application. The plan shall include the number of bins and method of collection;
- (n) Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied.

*Director Corporate Services left the Chamber, the time being 2151 hrs.*

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

**1 EXERCISES discretion under Clause 6.8 of the District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.2.1, 3.2.2, 3.2.6, 3.3.1, 3.4.1, 3.4.2, 3.5.3, 3.6.2, 3.10.3, 4.1.2 have been met and determines that:**

- (a) **Unit six setback of 800mm in lieu of 1000mm from Fairway Circle and Country Club Boulevard truncation;**
- (b) **Unit one setback of 800mm in lieu of 1000mm from the southern boundary;**
- (c) **Open Space for Units 1-3, 5, 7, 12 and 13 ranging from 36% to 42% in lieu of 45%;**

- (d) Outdoor living areas for units one through six being located within the front setback area.
- (e) Retaining and Fill of 704mm in lieu of 500mm with nil setback from the rear boundary in lieu of 1.5 metres;
- (f) Plot Ratio (Floor Space) ranging from 104.5m<sup>2</sup> to 133.25m<sup>2</sup> for Units 1-7, 12 and 15 in lieu of a maximum plot ratio (floor area) of 100m<sup>2</sup>;

are appropriate in this instance;

- 2 DETERMINES that Policy 3.2 has been addressed and that the projection through the building threshold envelope shown on the plans is appropriate;

- 3 APPROVES, under the City of Joondalup District Planning Scheme No 2, the application for planning approval dated 5 December 2006 submitted by Sergio Famiano, on behalf of the owner, Isodor Pty Ltd, for 15 aged persons' dwellings at Lot 405 (174) Fairway Circle, Connolly, subject to the following conditions:

- (a) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services;
- (b) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (c) Boundary walls being of a clean finish and made good to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (d) The driveway and crossover to be designed and constructed to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (e) Driveway gradients over the site shall not exceed 1:14 and changes in grade must be ramped rather than stepped. The detailed design shall comply with the Australian Standard regarding Design for Access and Mobility (AS 1428);
- (f) All visitor bays shall have a minimum dimension of 2.8m and shall be marked and permanently set aside as such;
- (g) Where existing street drainage side entry pits are sited within proposed crossover locations, the pits shall be relocated to the satisfaction of the Manager, Approvals Planning and Environmental Services at the applicants cost;
- (h) Retaining walls being of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;



- (i) Walls and landscaping are to be truncated or reduced to no higher than 0.75 metres within 1.5 metres of where walls and fences adjoin vehicle access points as marked in red on the approved plans to the satisfaction of the Manager Approvals Planning & Environmental Services;
  - (j) The landowner shall lodge a section 70A notification pursuant to the transfer of Land Act on the Certificate of Title of the development site, prior to the issue of a building licence. This notification shall alert prospective landowners that the dwellings are restricted in occupancy to aged or dependent persons or the surviving spouse of that person;
  - (k) All dwellings shall incorporate design features to suit the special needs of aged or dependent persons in accordance with the Adaptable House Class B Standard set out in AS4299;
  - (l) A 1.5 metre wide footpath to be constructed within the verge of Fairway Circle connecting with the existing path network;
  - (m) A refuse management plan shall be submitted with the Building Licence application. The plan shall include the number of bins and method of collection;
  - (n) Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied;
- 4 WRITES to the Western Australian Planning Commission and the Western Australian Local Government Association, expressing concerns regarding the Design Codes and requests a review on number of visitor bays required for developments of this nature.

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15agn181207.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Fiona Diaz</b>
<b>Item No/Subject</b>	CJ284 -12/07 – Proposed Child Care Centre (Unauthorised) 31 Chadlington Drive, Padbury
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	A family member is a member of the Church

**CJ284 -12/07      PROPOSED      CHILD      CARE      CENTRE  
(UNAUTHORISED) 31 CHADLINGTON DRIVE,  
PADBURY – [03591]**

**WARD:** South–West

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

**PURPOSE**

The purpose of this report is to request Council's determination of an application for a Child Care Centre that is currently operating without planning approval on Reserve 44415 (31) Chadlington Drive, Padbury.

**EXECUTIVE SUMMARY**

Historically, the Christian City Church had a crèche that was used by members of the congregation during Sunday services. As such, the crèche was considered to be ancillary to the approved use of the site i.e “public worship”.

At some point in time, the Church opened the crèche on Mondays and Wednesdays to the community. The operation of the crèche as a separate entity as opposed to an ancillary use (i.e. during Sunday services) has resulted in the crèche being classified as a child care centre use under District Planning Scheme No.2 (DPS2). A child care centre is a discretionary “D” use within the Residential Zone. The proponent is now seeking Council's approval for the unauthorised use.

The child care centre is proposed to operate on Monday and Wednesday, with two sessions per day, between the hours of 9.30am and 2.30pm. The centre is proposed to accommodate a maximum of 22 and 3 staff members per session.

The proposal was advertised for public comment for a period of 21 days. During the consultation period 13 submissions were received from nearby landowners, all being objections.

It is considered that the proposal generally meets the requirements of the DPS2 and Policy 3-1 Child Care Centres. The issues raised during the public consultation period related to the planning application before Council, as well as other matters relating to the Church. It is recommended that the proposed child care centre be supported.

**BACKGROUND**

<b>Suburb/Location:</b>	Lot 11977 Chadlington Drive, Padbury
<b>Applicant:</b>	Christian City Church
<b>Owner:</b>	North City Christian Centre Inc
<b>Zoning:</b>	<b>DPS:</b> Residential R20
	<b>MRS:</b> Urban
<b>Site Area:</b>	23215 square metres
<b>Structure Plan:</b>	Not Applicable

The land is located on Chadlington Drive with access from both Chadlington Drive and Brookmount Ramble (Attachment 1 refers). Immediately to the north of the site is vacant land reserved for Public Purposes under the DPS2. The Al Hidaya Mosque is located to the east of the site with the Anglo Indian Cultural Centre to the west. The area to the south of the subject site is predominantly residential, comprising of mainly single houses.

The site was initially designated as community purposes for use by religious and other community groups at the subdivision stage of the Hepburn Heights Estate. In 1998 Council resolved to approve the North City Christian Centre on the site, with a "Public Worship" use class under the City of Wanneroo Town Planning Scheme No.1. The centre was subsequently built and commenced operation in 1999. A crèche for use by members of the Church formed part of this approval.

In 2000, a new road (Brookmount Ramble) was constructed at the rear of the site to allow direct access from Hepburn Avenue.

The City received a number of complaints from surrounding landowners with regard to the church not operating in accordance with the Planning Approval that was issued in 1998. Based on legal advice received by the City in 2001, activities that have no relationship to worship would require planning permission if engaged on a systematic and frequent basis.

The City became aware in 2005 that the church was operating an unauthorised child care centre from the premises.

A planning application seeking approval for the unauthorised use was submitted to the City in December 2005. The traffic impact assessment that was submitted with the application was incomplete as the study did not consider other activities operating at the same time as the child care centre and the cumulative impact these uses may have on the surrounding road network. The applicant failed to submit further details relating to the traffic impact assessment and the application was consequently refused under delegated authority in June 2007 due to insufficient information being submitted.

Following the refusal of the application in June 2007, the applicant undertook further discussions with the City and has subsequently provided the required information as part of the application before Council.

The existing single storey building on the site has a total floor area of 3329 square metres, with 269 square metres currently occupied by the unauthorised child care centre. Council is required to determine if the unauthorised childcare centre is an acceptable use for the site.

## DETAILS

The applicant is seeking approval for an existing child care centre that is operating without Planning Approval. The child care centre is proposed to accommodate a maximum of 22 children and 3 staff members per session and will operate between the hours of 9.30am and 11.45am and 12.15pm to 2.30pm on Mondays and Wednesdays only. The child care centre comprises a laundry, storeroom, office, and activity room (Attachment 2 refers).

There are 300 car bays available on site with 239 on the grassed area and 61 sealed bays. The applicant is proposing to use the existing parking area to provide car parking for visitors and staff at the child care centre.

The relevant requirements of the DPS2 for the child care centre are summarised below:

Standard	Required		Proposed	Compliance
	DPS2	CCC Policy		
Front Setback	6m	9m	14 m minimum	Yes
Side Setback	1.5m	3m	20m minimum	Yes
Rear Setback	1.5m	6m	15m minimum	Yes
Open Space	8% of site		More than 8 %	Yes
	3m landscape strip		6m minimum	Yes
Child care centre - < 40 children = no less than 5 bays and 1 per staff member	< 40 children = 5 bays  3 staff = 3 bays  Total = 8 car bays		Nil	No – shortfall of 8 parking bays
Place of worship - 1 per 4 persons accommodated	1200 persons = 300 bays		300 provided	Yes

### Applicant Justification

In support of the application, the applicant has provided:

- Operational details of the proposal;
- A traffic engineer's report; and
- An acoustic report.

### Issues and Options Considered:

Council has the discretion to:

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

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

A child care centre is a discretionary or 'D' use in a Residential zone. A 'D' use means:

*"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by sub clause 6.6.2."*

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

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

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

*consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*

*have regard to any expressed views prior to making its decision to grant the variation.*

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

*approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

*the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

(a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

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

With the proposed use being a "D" use, the additional matters identified in clause 6.8.2 also require Council consideration in relation to this application for Planning Consent:

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

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*

- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**Policy 3-1 Child Care Centres

This policy sets out guidelines for the development of a child care centre including the requirements for the provision of car parking and landscaping, the preferred location of a child care centre, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas (Attachment 3 refers).

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal was advertised for public comment for a period of 21 days, from 9 August 2007 to 30 August 2007. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Forty five letters advising of the proposal were also sent to properties in the immediate locality.

There were 13 submissions received during the public consultation period. The submissions comprised of 13 objections to the proposal.

The main issues raised during the advertising period are outlined below:

- Traffic Impact;
- Potential for increased noise;
- Non compliance with approved use i.e. place of worship;
- The Church is running a business and is not charged rates;
- The child care centre will operate for longer hours/more days than stated; and
- Non-compliance with the Child Care Services Regulations

## COMMENT

### Compliance with Policy 3-1 (Child Care Centres)

Policy 3-1 – Child Care Centres provides guidelines for the location, parking requirements, setbacks, landscaping and advertising procedures for new child care centre within the City. A comment on each of these criteria is provided below.

The unauthorised child care centre is located within an existing building which complies with DPS2 setback requirements for non residential buildings.

#### Location

##### (a) Road Hierarchy

Policy 3-1 states that a child care centre should not be located on Local Distributor roads in close proximity to District Distributors or in or adjacent to access roads in residential areas where amenity, safety and aesthetics must take a priority. Chadlington Drive is classified as an access road, with Hepburn Avenue being the closest District Distributor. Hepburn Avenue is located approximately 500m from site.

The traffic impact assessment submitted as part of the application has indicated that Chadlington Drive is currently operating at 15 percent capacity on the days that the unauthorised child care centre is operating i.e. Mondays and Wednesdays. The traffic survey undertaken by the applicant is considered to be accurate given that the child care centre is already operating. It is considered that the unauthorised child care centre has not significantly increased the volume of traffic through the residential areas. Furthermore, Brookmount Ramble provides an alternative access that avoids the residential area. It is also considered that the safety, amenity and aesthetics of the residential area has not been materially affected and as such, the proposal satisfies this criteria of the Policy.

The traffic impact assessment has been reviewed for the proposed child care centre and the proposal will not create traffic conflict or excess traffic on nearby access roads, thereby meeting this criteria.

##### (b) Neighbouring Uses

Policy 3-1 states that, where possible, it is preferred to locate a child care centre adjacent to non-residential uses such as shopping centres, medical centres/consulting rooms, school sites and community purpose buildings to minimise the impact such centres will have on the amenity of the residential area.

The unauthorised child care centre is located within an existing building that is currently used for a non-residential use (being public worship), with sites to the east, west and north also being used for non-residential purposes. The closest residential property is approximately 36m south of the existing church building. The location of the proposed child care centre in relation to the other uses is considered acceptable and is located sufficient distance from residential properties to not have an adverse impact on the residential amenity of the area.



(c) Existing Child Care Centres

The proponent has not submitted any information regarding the number, size and location of existing or approved centres within the locality, however an assessment has revealed there are no other child care centres within the Hepburn Heights Estate, with the nearest centre located on Warburton Drive at a distance of approximately 1.2 km from the site.

Parking

(a) Location

The Policy requires all parking to be provided at the front of the building and easily visible from the entry. The proposed development meets this requirement and will utilise an existing parking area in front of the building that has been previously approved and built on the site.

(b) Design and Number

The proposed parking layout is classified as "Type 1" configuration (Attachment 2 refers). The applicant's traffic consultant conducted a capacity survey of the carpark on the following dates:

- Monday 18 June 2007; and
- Wednesday 20 June 2007.

The survey revealed that the maximum number of cars parked in the church car park at any one time occurred on Wednesday 20 June 2007 at 12.00PM, with a total of 36 cars in the car park. Ninety percent of the available bays were vacant during the survey period. It would appear that the existing parking available on site is more than adequate to meet parking demand, on the basis of the information provided in the parking survey.

The proposed shortfall of 8 parking bays for the unauthorised child care centre is not considered to be excessive or unreasonable, given the current carpark is not operating at capacity. As such, it is not expected that the proposed shortfall will adversely affect the amenity of adjoining residential properties.

(c) Setbacks

The proposed child care centre does not involve construction of any additional buildings on site with only internal alterations proposed. The front, side and rear setbacks of the building comply with the Policy 3-1 requirements.

(d) Landscaping

Policy 3-1 requires that all street frontages be landscaped and reticulated to a depth of three metres. The proposed child care centre will comply with this requirement as the frontage of the site has been landscaped at a minimum depth of 6 metres.

(e) Advertising

The advertising procedures outlined in the Policy and DPS2 have been followed during the assessment of this proposal.

### Traffic Impact

The applicant commissioned a traffic impact study by a professional traffic engineer to assess the impact of the child care centre on the existing road network. A copy of the traffic report has been provided in the Councillors reading room for perusal.

The findings of the traffic impact report are summarised as follows:

- Chadlington Drive is classified as a local access street under the Liveable Neighbourhood Guidelines (2000), with a maximum of up to 3000 vehicles per day;
- The survey was conducted of traffic flows on Chadlington Drive on Monday 18 June 2007 and Wednesday 20 June 2007. The survey has confirmed that Chadlington Drive is operating at approximately 15 percent of its total capacity on these days;
- The highest volume of traffic on Chadlington Drive occurs on a Sunday, with the City's count data (2005) indicating traffic flows of 540 vehicles per day on Sundays;
- The traffic data collected from both the City's classifier counts and the on site survey by the applicant's traffic consultant demonstrates that peak hourly and daily roadway capacities are not exceeded on the days the child care centre operates;
- As such no unacceptable traffic impacts result from the operation of the child care centre.
- An on site parking survey was conducted on Monday 18 June 2007 and Wednesday 20 June 2007. The survey results indicate that the parking bays on site are adequate to accommodate weekday traffic demands, as 90% of the available bays are vacant at any given time on a weekday;
- All parking is able to be contained onsite, with no overflow and resultant use of verges or on street parking; and
- The existing parking facilities provided on site are considered satisfactory for the setting down and picking up of children attending the child care facility.

The City has reviewed the traffic impact assessment and the findings of the study are considered to be accurate and appropriate, with the existing road system able to technically accommodate the additional volumes of traffic

### Noise Impact

Noise emissions from residential and commercial activities are guided by the Environmental Protection (Noise) Regulations 1997 (the Regulations). The applicant commissioned an acoustics consultant to prepare a noise impact assessment for the unauthorised child care centre. A copy of the acoustic report is available in the Councillors Reading Room for perusal.

The findings of the assessment are that:

- The resultant noise levels from the child play areas complies with the Regulations, with no noise amelioration required;
- Noise from cars, including closing of doors and engine start-up, will also comply with the Regulations;

The play area for the child care centre is located on the eastern side of the church building, setback approximate 20m from the eastern boundary of the site. The closest residential property to the proposed play area is at a distance of approximately 50m to south of the site, on Fernwood Square. In terms of noise, the distance between the proposed play area and nearest residential property is considered to be sufficient to avoid any adverse impacts on nearby residential properties. Further, the finished floor level of the playground at 23.786m is approximately 4 metres lower than road level, due to the sloping topography of the site, thus assisting in ameliorating the impact of noise levels from the play area.

Uses such as child care centre have the potential to increase noise levels, with noise from cars arriving and leaving the premises possibly creating a nuisance that may impact on the amenity of the surrounding locality. In this case however, the residential properties are located at a sufficient distance of at least 20m from the car park, 36m from the unauthorised child care centre and 50m from the play area. It is therefore considered that the amenity of these residents will not be impacted upon in terms of increased nuisance noise.

The applicant's acoustic report has been assessed and the findings of the report are considered to be accurate and acceptable.

### **Comment on issues raised during the consultation period**

The following issues were raised:

- Traffic Impact;
- Potential for increased noise;
- Non compliance with approved use i.e. place of worship;
- The Church is running a business and is not charged rates;
- The child care centre will operate for longer hours/more days than stated; and
- Non-compliance with the Child Care Services Regulations

#### Traffic Impact

The proposed development will increase traffic congestion within the Hepburn Heights Estate, particularly along Walter Padbury Boulevard and at the intersection of Walter Padbury Boulevard and Hepburn Avenue.

#### Comment

The applicant's traffic consultant undertook a traffic survey on Monday 18 June 2007 and Wednesday 20<sup>th</sup> June 2007 and measured the volume of traffic that was generated by the church (including the unauthorised child care centre) on the surrounding road network. The survey identified that the existing road networks are operating significantly below maximum capacity. The traffic impact assessment has been reviewed and the findings are considered to be accurate, with the existing road network able to accommodate the proposed child care centre and other activities that operate at the church at the same time.

#### Potential for increased noise

*Noise from the church is already a nuisance factor and the addition of a child care centre will only add to this.*

The City has received a number of complaints with regard to noise from other activities operating at the church and is currently investigating these concerns. However, no complaints have been received in relation to noise from the unauthorised child care centre.

Given the distance between the unauthorised child care centre and the nearest residential property it is unlikely that any noise from the child care centre will have an adverse impact on nearby properties.

Non compliance with approved use i.e. place of worship:

The church is operating as a commercial business, which is not in accordance with its approved use as a place of worship. It is also being used for dance classes, seminars, graduations, school discos and band practice.

Comment

The issue raised relates to the use of the site in accordance with the original Planning Approval as distinct from the application before Council for the proposed use of the site for a child care centre.

Legal advice was sought in 2001 with regard to what uses would be consistent with the approved use of the site "Place of Worship". The occasional and irregular use of the premises for a non-public worship activity was not considered a breach of Planning Approval, based on the legal advice. Nevertheless, if the venue is hired out on a regular basis for activities with no relationship to public worship, there may be a breach of the Planning Approval. Complaints from the public are investigated regarding the activities occurring on the site.

An application for a child care centre on the site can be considered as the lot is zoned "Residential" under DPS2. Table 1 of DPS2 identifies child care centre as a discretionary "D" use within this zoning and as such, Council can then make a determination on the application on the merits of the proposal having regard to the requirements of DPS2 and Policy 3-1 Child Care Centres.

The Church is running a business and is not charged rates

The Church is undertaking commercial ventures with profit making activities yet it is exempt from paying Council Rates.

Comment

The calculation of Council rates is not a planning issue and therefore does not form part of the planning assessment for the proposal.

The child care centre will operate for longer hours/more days than stated

If the proposal is approved the number of children are likely to be increased. The days of operation will also be increased to more than two days per week.

The hours of operation and number of children attending the centre can be limited via conditions of approval. A suitably worded condition is recommended stating the maximum number of children allowed to be accommodated by the childcare centre during each session. A further condition is recommended restricting the number of sessions and days of operation of the centre to two days per week, with only two sessions held on each day.

A new application for Planning Approval would be required if the applicants seek to vary the recommended conditions of approval.

### Child Care Regulations

*The proposed child care centre does not comply with the Children and Community (Child Care) Regulations 2006 with issues regarding the provision of a staff room, administration area, kitchen and food preparation areas, bathroom and shower facilities, outside play areas and sleep areas.*

### Comment

Any alleged non-compliance with Children and Community (Child Care) Regulations is not a planning consideration. The Department for Community Development considers this aspect of the proposal when assessing the licence application. In addition to these regulations the child care centre will also need to comply with the Building Code of Australia which requires the provision of bath and shower facilities for early childhood centres.

### **Conclusion**

It is recommended that the application for Retrospective Planning Approval for the unauthorised child care centre be supported.

### **ATTACHMENTS**

Attachment 1	Location Plans and Plan Highlighting Origin Of Submissions
Attachment 2	Development Plans
Attachment 3	Policy 3-1 Child Care Centres

### **VOTING REQUIREMENTS**

Simple Majority

*Director Corporate Services entered the Chamber, the time being 2156 hrs.*

**MOVED Cr John, SECONDED Cr Norman that Council:**

- 1 **EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:**
  - (a) a shortfall of 8 parking bays;

is appropriate in this instance;
- 2 **APPROVES the application dated 3 July 2007, submitted by Christian City Church, the applicant on behalf of the owner North City Christian Centre Incorporated for an unauthorised child care centre on Reserve 44415 (31) Chadlington Drive, Padbury subject to the following conditions:**
  - (a) The childcare centre shall operate between the hours 9.30am to 11.45am and 12.15pm to 2.30pm, on Mondays and Wednesdays only. The children shall arrive no earlier than 9:15am;
  - (b) There shall be a maximum of two (2) sessions on each of these days;

- (c) A maximum of twenty-two (22) children and three (3) staff are permitted per session;
- (d) This planning approval pertains only to the area hatched in red on the approved plan. The remaining area of the building shall only be used for the approved use "Place of Worship"; and
- (e) A sign is to be erected to the satisfaction of the Manager Infrastructure Services, and at the applicant's cost, to advise parents that they cannot park on the existing verge.

Discussion ensued.

**AMENDMENT MOVED Cr Norman, SECONDED Cr Corr that Point 2(e) be DELETED.**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (11/1)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, Macdonald, McLean, Norman and Young **Against the Amendment:** Cr John

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

**That Council:**

- 1 **EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:**
  - (a) a shortfall of 8 parking bays;

is appropriate in this instance;
- 2 **APPROVES the application dated 3 July 2007, submitted by Christian City Church, the applicant on behalf of the owner North City Christian Centre Incorporated for an unauthorised child care centre on Reserve 44415 (31) Chadlington Drive, Padbury subject to the following conditions:**
  - (a) The childcare centre shall operate between the hours 9.30am to 11.45am and 12.15pm to 2.30pm, on Mondays and Wednesdays only. The children shall arrive no earlier than 9:15am;
  - (b) There shall be a maximum of two (2) sessions on each of these days;
  - (c) A maximum of twenty-two (22) children and three (3) staff are permitted per session;

- (d) This planning approval pertains only to the area hatched in red on the approved plan. The remaining area of the building shall only be used for the approved use "Place of Worship".

Discussion ensued.

**was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16agn181207.pdf](#)*

*Cr Fishwick left the Chamber, the time being 2223 hrs.*

**CJ285-12/07      PROPOSED      WESTERN      POWER      ZONE  
SUBSTATION – USE NOT LISTED: LOT 2 (170)  
SHENTON AVENUE, JOONDALUP - 88597**

**WARD:** North

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

---

**PURPOSE**

To request Council to make a recommendation to the Western Australian Planning Commission (WAPC) on an application for a proposed Western Power substation in Joondalup.

**EXECUTIVE SUMMARY**

Western Power is proposing to construct a substation on the northern side of Shenton Avenue, between the Mitchell freeway extension and the railway reserve (Attachment 1 refers). The WAPC is the determining authority for this application as it is a public work, which is exempt from approval under the District Planning Scheme No 2 (DPS2).

The proposed substation is required to adequately supply power to the residential and business properties within the City of Joondalup. A variety of structures are proposed to be erected on site, which will vary in height from 4 metres to 25 metres. The majority of the proposed structures are less than 6 metres in height.

It is recommended that Council advise the WAPC that it supports the development subject to lowering the level of the development by 2.0 metres in order to reduce the visual impact of the proposed development.

## BACKGROUND

<b>Suburb/Location:</b>	Shenton Avenue, Joondalup
<b>Applicant:</b>	Western Power
<b>Owner:</b>	Western Power
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Central City Area
<b>Site Area:</b>	1.7641 ha
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual

The subject site is triangular in shape and is bounded by Shenton Avenue to the south, the Mitchell Freeway reserve to the west and the railway reserve to the east (Attachment 1 refers).

The service industrial zone is located to the south of Shenton Avenue, whilst Joondalup Arena is situated northeast of the site. An existing bus bay is located within Shenton Avenue road reserve, near the eastern end of the site. Further east of the railway reserve is Lake Joondalup Baptist College, which is located approximately 55 metres from the subject site. The closest residential property is located approximately 180 metres west of the site.

The site is irregular in shape and is situated within an exposed but undulating area, so that views to and from the site can be gained. The differences in levels of the site and adjoining areas are shown in Attachment 4.

## DETAILS

Aspects of the proposed development are outlined below:

- The substation is proposed on two levels, one of which is at RL52 (approximately 4.5 metres lower than Shenton Avenue road level RL56.57) and then stepping down in the north section to RL50. At the northern end, an embankment is proposed which slopes downwards to the natural ground levels of RL45.5 and RL49 (approximately 4.5 metres lower than the substation pad level);
- Vehicular access to the site is proposed to be located towards the eastern side of the site, in order to avoid conflict with the existing bus bay on Shenton Avenue. The proposed access location will cross over a small portion of Perth Transit Authority (PTA) land, which the PTA has agreed to;
- The natural ground level to the east of the lot is gradual in slope, which will help facilitate an acceptable driveway gradient for the Rapid Response Spare Transformer trailer, a vehicle used for emergency situations. Western Power has indicated that if the proposed finished floor level is any lower than RL52.00, emergency vehicles will not be able to access the site as the driveway gradient will be too steep;
- Approximately 40 substation structures will be erected on the site, varying from 4 metres to 25 metres in height. The proposed substation will be confined to approximately 60% of the 1.7641ha site;



- The structures are proposed to be setback 12.0 metres from the southern boundary, 10.0 metres from the western boundary and 20.0 metres from the eastern boundary;
- Buildings proposed to house the control rooms will be prefabricated and will consist of a low profile steel frame design with insulated steel clad sandwich panels;
- The external colour of these control buildings will be Colorbond 'mist green' which is more commonly referred to as 'pale eucalyptus';
- Vegetation is proposed to be cleared within the site so that the substation structures can be erected. Landscaping, typically comprising native species, is proposed to be planted around the substation structures to provide visual screening. Additionally, the landscaping will not interfere with the power lines. Any existing vegetation that is outside of the substation footprint will remain, provided that it does not create safety clearance issues; and
- A 3.286 metre high weldmesh fence is to be constructed along the zone substation perimeter boundary for security purposes.

The applicant provided the following justification for the substation proposal:

*"The proposed Joondalup zone substation is required to meet the growing power needs in the northwest suburbs of the metropolitan area.*

*There will be no need for additional lines to be constructed, as the new substation will feed off the existing Mullaloo and Wanneroo transmission lines.*

*The overall environmental impact associated with the development of the zone substation will be minimal as there will be minimal electromagnetic field emissions at the substation perimeter and will generally be less than or comparable to those encountered in typical households or business premises.*

*Modern transformer design techniques will keep any acoustic noise levels within the limits prescribed in the Environmental Noise Regulations."*

*The types of structures that are proposed on-site are listed below:*

#### Quantity, Type and Height of Structures

Quantity	Structure Type	Approximate Height (m)
1	Transformer	5.5
3	Circuit breaker	5.4
5	Disconnectors	5.9
2	Disconnectors – E/S	4
3	Current transformers	5
3	Surge Arrestors	4
2	Voltage transformers	4.5
2	Busbay supports	5.9
5	Lighting masts	15
2	Gantry structures	9.3
2	Capacitor bank	5
2	Buildings	5
2	O/H line poles in side S/S, or on boundary	25m
2	O/H line poles nearby	25m

**Issues and options considered:**

Council has the discretion to:

- Make a recommendation to the WAPC supporting the proposal, with or without conditions;
- Make a recommendation to the WAPC that the application should be refused.

**Link to Strategic Plan:**

Not applicable

**Legislation – Statutory Provisions:**

Whilst the DPS2 applies to the subject land, the determining authority for this proposal is the WAPC as the proposal is defined as a 'public work' under the Public Works Act.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

Not applicable

**Policy implications:**

Not applicable

**Regional Significance:**

The proposed substation is a facility that will meet the growing power needs in the northwest suburbs.

**Sustainability implications:**

Not applicable

**Consultation:**

The proposal was advertised for public comment for a period of 21 days. Nearby owners and occupants were contacted in writing, one sign was placed on the site, advertisements were placed in the Joondalup Times Newspaper and on the City of Joondalup's website. Advertising closed on 17 May 2007.

A total of 6 submissions were received, being 2 objections to the proposal, 1 neutral submission and 3 submissions that had no objection to the proposal. The objections mainly related to the visual appearance of the facility and the extent of infrastructure being constructed within close proximity to residential properties.

## COMMENT

### **Northern Recreation District**

The proposed works are classified as 'Public Works', and therefore, exempt from the need for Planning Approval under DPS2. The determining authority is the Western Australian Planning Commission in this instance, and as such, the Joondalup City Centre District Plan and Manual (JCCDPM) has been used as a guide.

The JCCDPM identifies the land as being within the Northern Recreation District, however, there are no specific land uses identified for this precinct. The Northern Recreation District provisions only provide a general overview under the Planning & Design Policies Section of the JCCDPM, which is outlined below:

- *suitable for a regional sporting complex;*
- *Baptist college; and*
- *potential for a variety of developments, as long as the overall character of the district is maintained.'*

Having regard to the site's location, topography and proposed landscaping around the periphery of the lot, the site is considered to be suitable as it is isolated from the major landholdings in the precinct as the freeway reserve, railway reserve and Shenton Avenue road reserve all surround the subject site.

### **Issues raised during consultation:**

#### **Visual impact**

The two submissions opposing the proposal raised issues concerning the visual appearance of the substation. In this instance, the buildings that will house the control rooms will be of colorbond material and will be a green 'pale eucalyptus' colour. The proposed substation structures will vary in height from 4 metres to 25 metres with the ground level of the southern end of the proposed substation (RL52) being approximately 4.5 metres lower than Shenton Avenue road level.

At the northern end of the site, the proposed substation pad level is proposed to be RL50. The site will need to be raised between 1.0 – 4.5m to match this proposed level. When viewed from the western, northern and eastern sides of the site, the proposed pad level and substation infrastructure will likely impact on the visual amenity of the area.

Given that substations are visually unattractive in terms of the type and height of structures, the level of the substation site needs to be set so that visual impact is minimised. It is recommended that the pad level of the proposed substation be reduced by 2.0 metres in height at each relative level in order to reduce the prominence of the proposed development. Although, by lowering the proposed substation pad levels, difficulties may arise in facilitating the access of the emergency Rapid Response Spare Transformer trailer into the site based on the current configuration. The lowering of the proposed levels will likely involve changes to the internal road system to permit access of the emergency Rapid Response Spare Transformer trailer into the site.

Furthermore, the proposed lowering of the ground levels within the site is likely to increase the overall height of the poles that carry the power lines within the site. This is due to the need to maintain the relationship and connection between the existing power lines external to the site and the proposed substation infrastructure.

Additional measures, such as landscaping, can be added to provide visual buffers to surrounding roads and land uses. Landscaping is proposed to be planted around the facility, which will assist in softening the visual impact when viewed from surrounding properties, freeway and railway reserves, and Shenton Avenue. It is recommended that a detailed landscaping plan be submitted to the City prior to landscaping works to ensure adequate landscaping is retained and provided. Furthermore, by lowering the pad level, landscaping would be able to be positioned on a gradual embankment rather than the proposed steep embankment.

The original application proposed palisade fencing which is a black vertical iron bar material with gaps in between. However, the application has been amended to use visually permeable Weldmesh fencing around the perimeter of the substation site, which will be less prominent than the originally proposed palisade fencing. The alternative fencing will largely eliminate any problems in relation to graffiti. The landscaping treatments between the site boundary and the fencing will also minimise the potential visual pollution of the substation, although the taller elements will still be visible.

#### Location of substation

The two objectors were concerned with the amount of infrastructure being constructed within close proximity to residential properties. The closest residential property is located approximately 180 metres west of the site, which is considered to be a substantial distance from the proposed facility.

#### **Conclusion**

It is recommended that the WAPC be advised that the proposed development is supported subject to lowering the substation pad level by 2.0 metres and landscaping being provided around the facility so as to minimise any visual impact when viewed from surrounding areas.

#### **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Perspective drawings
Attachment 4	Levels of site

#### **VOTING REQUIREMENTS**

Simple Majority

#### **OFFICER'S RECOMMENDATION:** That Council:

- 1 ADVISES the Western Australian Planning Commission that the proposed Western Power zone substation to be constructed on Lot 2 (170) Shenton Avenue, Joondalup is supported subject to the imposition of the following conditions:
  - (a) The proposed finished and ground floor levels of the proposed substation shall be reduced by a minimum of 2.0 metres so as to reduce the impact of the proposed development;
  - (b) The proposed 3.286 metre high perimeter fencing shall be weldmesh material so as to minimise the visual impact when viewed from surrounding properties;

- (c) All construction works shall be contained within the property boundary;
  - (d) The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
  - (e) All existing natural bush and its under-storey located outside of the development footprint shall be retained, protected and maintained to City's satisfaction;
  - (f) All significant Grass Trees, Zamia Palms, Christmas Trees growing in conflict with footprint of future development shall be transplanted by an experienced and certified arborist, prior to any construction works at the applicant's cost;
  - (g) The applicant shall provide screening planting to the western, northern and eastern side boundary to the satisfaction of the Manager Approvals, Planning & Environmental Services;
  - (h) Storm water drainage to be retained on site;
  - (i) A detailed drawing of the proposed crossover/ access driveway shall be submitted for the City's approval prior to construction. The driveway and crossover to be designed and constructed to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
- 2 ADVISES the submitters of Council's recommendation to the Western Australian Planning Commission.

*Cr Fishwick entered the Chamber, the time being 2226 hrs.*

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

- 1 **ADVISES the Western Australian Planning Commission that it does not support the application for the proposed substation at Lot 2 (170) Shenton Avenue, Joondalup, on the grounds that:**
- (a) **the proposal is not consistent with the objectives of and land uses contemplated within the City Centre Structure Plan in that it is not in keeping with the desired character of the City Centre at such a strategic location;**
  - (b) **the proposal is inconsistent with the nearby and adjoining uses of land;**
  - (c) **the proposal would unreasonably add significant visual pollution to the Shenton Avenue entry to the City from the Freeway;**

- 2 AGREES for the Mayor and the Chief Executive Officer to request a meeting with the Chief Executive Officer of Western Power, the Chairman of the WA Planning Commission and the Minister for Energy to convey the Council's concerns, and to explore other options for the possible location of the sub-station, with such a meeting to occur before the application is determined by the WA Planning Commission.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf111207.pdf](#)*

**CJ289-12/07 PROPOSED RENAMING OF PUBLIC OPEN SPACE  
(RESERVE 44914), MEDINAH MEWS, CONNOLLY -  
[06998] [11275]**

**WARD:** North

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

---

**PURPOSE**

The purpose of this report is for Council to consider a request to rename an area of public open space (Reserve 44914), Medinah Mews, Connolly.

**EXECUTIVE SUMMARY**

Reserve 44914 (currently known as 'Medinah Park') is located adjacent to the Mitchell Freeway, Shenton Avenue and Medinah Mews in Connolly. A request has been received to rename the land to 'Carnaby Reserve', in recognition of the extensive use of the land by Carnaby cockatoos.

The City's Policy 7-6 Naming of Public Facilities includes guidelines with regard to naming of parks and reserves, which are to be in accordance with Landgate's Geographic Names Committee (GNC) guidelines. The Reserve is currently named after the adjoining road (Medinah), in accordance with the guidelines. Any departure from the City's policy provisions requires the approval of Council.

The Geographic Names Committee guidelines note that names chosen for parks and reserves are expected to be permanent. Renaming is discouraged and only considered under exceptional circumstances, with substantial community support.

It is recommended that Council advises the applicant to submit evidence of exceptional circumstances and substantial community support for the proposed renaming of 'Medinah Park' to 'Carnaby Reserve', prior to further consideration of the request.

**BACKGROUND**

<b>Suburb/Location:</b>	Reserve 44914, Connolly
<b>Applicant:</b>	Connolly Resident's Association
<b>Owner:</b>	Crown (management order to the City of Joondalup)
<b>Zoning:</b>	<b>DPS:</b> Local Reserves – Public Recreation
	<b>MRS:</b> Urban
<b>Site Area:</b>	2.1742 hectares
<b>Structure Plan:</b>	N/A

Reserve 44914 is a public park that was created from surplus freeway reserve in Connolly and is currently named 'Medinah Park'. The land is located adjacent to the Mitchell Freeway, Shenton Avenue and residences. It is predominantly bushland and is managed by the City.

**DETAILS**

The City has received a request to rename 'Medinah Park' to 'Carnaby Reserve', on the basis that the submitter states that the park is frequented by Carnaby cockatoos that are claimed to be protected birds.

**Issues and options considered:**

The options available to Council are:

- Request the applicant to provide evidence of substantial community support for the proposed renaming, prior to further consideration by Council
- Support the proposed renaming of Reserve 44914, subject to the applicant providing evidence of substantial community support.
- Not support the proposed renaming of Reserve 44914.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

In the event that the proposal is advertised for public comment, costs for a notice in the local newspaper and a sign erected on the site are estimated to be approximately \$1,000.

**Policy Implications:**Geographic Names Committee (GNC) – Principles, Guidelines and Procedures

The GNC advises the Minister for Lands on naming and renaming matters in Western Australia. In regard to renaming, the GNC's guidelines on renaming (Attachment 2 refers) indicate that:

- 1 Names chosen for parks and reserve are expected to be permanent, and renaming is discouraged. If renaming is proposed because of some exceptional circumstances, the general guidelines will apply.
- 2 Evidence of substantial community support for a change of name must be provided.

The general guidelines include:

- 1 priority is given to the naming of parks and reserves after adjacent streets or features to maximise the identification of the park or reserve with an area.
- 2 Names that commemorate living persons will not be considered for parks or reserves over 1ha.
- 3 Proposals to name parks or reserves should include evidence of strong community support for the name. (Methods of ascertaining support are listed)

#### City Policy 7-6 - Naming of Public Facilities

Policy 7-6 accords with the GNC guidelines as applied to the naming of parks and reserves (Attachment 3 refers). As renaming of parks and reserves is not specifically addressed by the Policy, requests can be considered by Council using the GNC guidelines.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

Not Applicable.

#### **Consultation:**

The GNC's guidelines indicate that there should be substantial community support for a proposal to rename reserves.

As Reserve names are expected to be permanent, any advertising costs associated with a request to rename an Reserve from an existing complying name, should be borne by the applicant.

#### **COMMENT**

The request for renaming 'Medinah Park' has been based on claims that protected birds, Carnaby cockatoos, use the area extensively, and that there is unanimous support from the Connolly Residents' Association for the name change. No evidence has however been submitted to support these claims.

It is understood that Carnaby cockatoos are found in several localities within the metropolitan area and, although not specific to this land, the bird's habitat is being diminished in the metropolitan area by land clearing. As the GNC guidelines provides for renaming under exceptional circumstances, it would be appropriate for information regarding the use of the land by Carnaby cockatoos to be submitted.



While the Connolly Residents' Association indicate they have the support of its members, in accordance with the GNC guidelines, evidence of strong community support needs to be provided to enable Council to consider the request, and in turn, for the GNC to approve a name change.

The GNC has been contacted to determine whether there are any other Reserves called 'Carnaby Reserve' in the Perth Metropolitan area. The GNC has advised that there are no Reserves of this name in either the Perth Metropolitan area or the State and the name could therefore be supported on this basis.

## **ATTACHMENTS**

Attachment 1	Location plan & aerial
Attachment 2	Extracts from GNC guidelines
Attachment 3	Policy 7-6 – Naming of Public Facilities

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

- 1 REQUESTS the applicant to submit relevant supporting information regarding the use of Reserve 44914 (Medinah Park) by Carnaby cockatoos, and evidence of substantial community support for the proposed renaming;**
- 2 Upon receipt of the information required at Point 1 to the City's satisfaction, ADVERTISES the proposed name change for Reserve 44914 to "Carnaby Reserve" for a period of 21 days, prior to further Council consideration of the matter;**
- 3 Notwithstanding Points 1 and 2 above, NOTES that the Geographic Names Committee Guidelines state that Reserve names are expected to be permanent, and renaming will only be considered in exceptional circumstances.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21brf111207.pdf](#)*

**CJ286-12/07      PROPOSED    MOTOR    INDUSTRY    TRAINING  
ASSOCIATION CAMPUS AT PROPOSED LOT 11  
JOONDALUP DRIVE, JOONDALUP – [27581]****WARD:** North**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

---

**PURPOSE**

To request Council's determination of an application for an Educational Establishment on the proposed Lot 11 Joondalup Drive, Joondalup.

**EXECUTIVE SUMMARY**

The subject site is located at Proposed Lot 11 Joondalup Drive, Joondalup. The applicant proposes to construct an Educational Establishment for the Motor Industry Training Association on the development site. The proposal generally meets the requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) and the City of Joondalup District Planning Scheme No 2 (DPS2). The proposed development has setback variations to the northern (Joondalup Drive) boundary and variations to the materials and finishes required by the JCCDPM.

The proposal was not advertised for public comment as the use is a Permitted (P) use under the JCCDPM and the proposed variations will not affect the amenity of adjoining landowners.

The proposed setback and materials variations are considered to be acceptable as they satisfy the objectives of the DPS2 and the JCCDPM. It is also considered that the development will contribute to the desired character of the Southern Business District area.

It is recommended that the application be approved subject to conditions.

**BACKGROUND**

<b>Suburb/Location:</b>	Proposed Lot 11, Joondalup Drive, Joondalup.
<b>Applicant:</b>	Meyer Shircore & Associates
<b>Owner:</b>	Western Australian Land Authority T/A Landcorp
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Central City Area
<b>Site Area:</b>	39.758 ha
<b>Structure Plan:</b>	Joondalup City Centre Development Plan & Manual – Southern Business District

The property is zoned Centre under the City's DPS2 and is subject to the provisions of the JCCDPM. Under the JCCDPM, the site is located within the 'Southern Business District' and is designated as Bulk Retail/Showroom and/or Technology Park.

The Southern Business District comprises 34 hectares bounded by Joondalup Drive to the east, Hodges Drive to the north west, the Mitchell Freeway to the west and south west and Eddystone Avenue to the south. The northern railway line runs through the Southern Business District in a north-south direction.

The subject site is located on the south-western side of Joondalup Drive between Hodges Drive and a proposed new subdivisional road (Hakea Way), which is yet to be created. The site is bounded by the Railway Reserve to the West and proposed Lot 12 to the south west (Attachment 1 refers).

The site is currently vacant and awaiting subdivision approval from the Western Australian Planning Commission (WAPC) for the subdivision into proposed Lot 11 and Lot 12. Landcorp have been granted planning approval to do bulk earthworks on the subject site and these works are currently being undertaken.

No other applications for planning approval have been received for the Southern Business District. Surrounding land uses include Edith Cowan University to the east, the City's Service Industrial area to the north, the railway reserve and Mitchell Freeway to the west and existing commercial development to the south.

The Motor Industry Training Association Campus is currently located in Balcatta and it is proposed that this campus will be relocated to the City of Joondalup.

## DETAILS

The proposed development incorporates the following:

- 12 Training Rooms
- 1 Lecture Theatre.
- 1 Conference Room
- 1 "Degem" Room for Computer Diagnostics
- 1 Motor Museum
- Approximately 1000m<sup>2</sup> of administration and office floorspace.
- Cafeteria for 200 persons including an outdoor dining area
- 9 x 600m<sup>2</sup> workshop training buildings
- Provision of 132 parking spaces for staff, students and visitors as well as 3 'drop off' car bays.
- Vehicle access from the proposed Hakea Way.

The development plans are provided in Attachment 2.

Compliance with the relevant requirements of the JCCDPM is summarised below:

REQUIRED	PROVIDED	COMPLIANCE
Front setback (Joondalup Drive) 70% of main façade of building to be set back a minimum of 15m and a maximum of 25m	Setbacks between 27m and 40m	No
Minimum secondary street setback (Hakea Way) - 3m	15m	Yes
Side and Rear Setbacks - nil permitted	Min. 22m	Yes
Minimum landscaping 8% of site	>8%	Yes
Minimum 3m landscaping strip adjacent to verge	8m	Yes

Maximum Height 13.5m	Building Heights between 8m and 11.7m	Yes
Minimum No of car parking bays – 1 per 3 students accommodated –30 Bays	86 Student Bays 38 Staff Bays 8 Visitor Bays 3 Drop off Bays Total = 135 Bays	Yes
Materials and finishes – street facades to be constructed of masonry material with a minimum of 50% of the façade to incorporate glass finishes.	Zinc cladding, face concrete block – various types, zinc coated steel, laminated glass, twinwall polycarbonate cladding.	No
Materials and finishes - side and rear facades shall be constructed of a masonry material and have a painted finish	Composite prefinished (foam core) steel panel cladding, twinwall polycarbonate cladding.	No

The applicant has provided a detailed submission, requesting that Council support the proposed development. A copy of this submission and the full scale plans are available in the Councillors' Reading Room.

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

Council has the discretion to:

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

#### **Consultation:**

The proposal was not advertised as Educational Establishment is a Permitted land use in the Bulk Retail/Showroom and/or Technology Park precinct of the Southern Business District of the JCCDPM, and the requested variations will not adversely impact surrounding properties.

#### **Policy implications:**

Not applicable.

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

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

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

Development within this area is controlled by the provisions of DPS2 and the JCCDPM. Clause 4.5 of DPS2 allows Council to consider variations to the provisions of the JCCDPM and DPS2.

#### 4.5 *Variations to site and development standards and requirements*

- 4.5.1 Except for development in respect of which the residential Design Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
  - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

In exercising discretion under Clause 4.5, the matters under Clause 6.8 must also be considered.

#### 6.8 *Matters to be considered by Council*

- 6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*
- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
  - (b) *any relevant submissions by the applicant;*
  - (c) *any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
  - (d) *any planning policy of the Council adopted under the provisions of clause 8.11*
  - (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
  - (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
  - (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*

- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

**Link to Strategic Plan:**

The proposal will contribute to objective 1.1 of the City's Strategic Plan 2003-08: *To develop, provide and promote a diverse range of lifelong learning opportunities.*

More specifically the proposal will contribute to strategy 1.1.1: *To continue development of the City of Joondalup as a Learning City - plan for student growth.*

**Financial/Budget Implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**COMMENT**Land Use

The proposed land use is Educational Establishment, a "Permitted" land use in the Bulk Retail/Showroom and/or Technology Park precinct of the Southern Business District of the JCCDPM.

Setback Variation

Clause 6.3.1 (i) of the JCCDPM provisions relating to the Southern Business District requires 70% of the width of the front façade to be set back a minimum of 15m and a maximum of 25m from the Joondalup Drive boundary. The applicant is seeking a variation to this Clause with the main facades of the building fronting Joondalup Drive being set back between 27m and 40m.

Furthermore, where the maximum 25m setback is applied, this Clause also requires a minimum area of 2 metres in depth to be used for purposes other than vehicle access or parking. This part of the Clause is satisfied, with an area approximately 8 metres in width being provided for landscaping and tree retention for the length of this boundary.

The setback provisions applicable to the subject site relate to objective (b) of Clause 6.1 of the JCCDPM – Southern Business District. This objective seeks to ensure that an attractive façade is created that addresses the street and provides visual amenity for surrounding areas as the area is seen as a southern gateway to the Joondalup City Centre.

The setback variation is to the north-eastern (Joondalup Drive) boundary, with the proposed setbacks being greater than those required by the structure plan. The setback variations arise from the desire to preserve and retain existing trees and vegetation and as such, the design has been refined in consultation with the City to ensure positive outcomes.

The curved façade, large amounts of glazing and other features employed in the design of the main building, also assist in addressing and providing interaction with the streetscape. As such it is considered that the impact of the development on the streetscape will be positive and the objective of the JCCDPM is satisfied.

The proposed setback variation is therefore supported.

#### Variations to Required Materials and Finishes

The JCCDPM requires street facades to be constructed in a masonry material with a minimum of 50% of the façade to incorporate glass finishes. The proposed development will be constructed using zinc cladding, face concrete block – various types, zinc coated steel, laminated glass and twinwall polycarbonate cladding. As all of these finishes are not classified as masonry material, a variation to the structure plan is required.

The JCCDPM also requires that side and rear façades are constructed of a masonry material and have a painted finish. The proposal is for the workshops, which comprise the side and rear facades of the development, to be constructed generally of composite pre-finished (foam core) steel panel cladding and twinwall polycarbonate cladding. As outlined above, these finishes are not classified as masonry materials and as such, a variation to the structure plan has been requested.

The applicant has advised that the materials that are proposed to be used are of a high quality and, as they are generally pre-finished, should reduce deterioration of the structures in terms of paint peeling and the like.

The applicant has provided the following information in support of the variation:

#### 6.1 “Objectives

*The proposed development is of a very high quality, employing materials and finishes of a high standard. The facades (including to Joondalup Drive) are well articulated and address the main frontages and provide visual amenity to the area.*

*The main administrative building is oriented such that solar design principles are maximised.*

*Energy efficiency will further be considered in detailed documentation. Such considerations will include a complete Building Management System which will incorporate air conditioning and lighting controls to minimise wastage. Economy cycles and natural lighting/ventilation will be utilised where possible.*

6.3.7 *Materials and finishes comprise of profiled zinc cladding, composite pre-finished steel panel cladding, face blockwork and brickwork, steel and glass. All materials are of a high quality and mostly pre-finished (ie. no painting required).*

*Substantial amounts of glazing are utilised in the main façade allowing visual connection to inside the building.*

*All service areas are adequately screened as are all building infrastructure items."*

The applicant has advised that all buildings will be constructed of high quality materials and finishes that will not result in an adverse impact on the amenity of the locality. Having regard to the unique radial design of the development, the manner in which the buildings are articulated, and the proposed use of the buildings, it is considered that the variations to the materials and finishes requirements meet the objectives of the structure plan and are supported.

#### Car Parking

The proposed Motor Industry Training Association Campus is classified as an Educational Establishment for the purposes of DPS2 and the JCCDPM. Several parking standards exist for various educational establishments and in this instance it is considered appropriate that the standard for Tertiary College be applied. This standard requires 1 parking bay per 3 students accommodated by the campus.

The applicant has provided student numbers for the purpose of calculating the required car parking, advising that currently 420 students attend annually, averaging 350 per week, approximately 70 per day. It is projected that in 2010/2011 student numbers will increase to 520 annually, averaging 450 per week or 90 per day. The applicant has also advised that 10% of students are under 17 years of age and as such are non-driving students.

The car parking requirements for the proposed development are based on the projected student numbers. The figure of 90 students per day has been used to calculate the requirement, and as such a minimum of 30 car parking bays are required. A total of 135 parking bays are proposed to be provided for the development, as set out in the Details section of this report, of which 38 are set aside for staff and teacher parking. The applicant has also advised that there is the potential for an additional 120 bays to be provided if required.

As such the parking for the proposed development is more than adequate to cater for the requirements of the facility, based on the provisions of DPS2.

#### Crime Prevention through Environmental Design (CPTED)

The State Government's CPTED Guidelines have been considered and addressed by the applicant as part of the proposal. The applicant has provided the comments below with regard to CPTED and security for the development.

*"Security within the development has been thoroughly considered. We have generally undertaken to design security into the development while also considering that this is a teaching campus and should not be fenced off. We have addressed the following issues in terms of crime prevention.*



*The development would have site and building security lighting generally. Lighting will be on time switches and some will be movement activated. A security firm will be engaged to supplement general security as valuable equipment is housed on site.*

*Design considerations are as follows:*

- *Internal courtyards and yards to administration and workshops respectively are only accessible through buildings;*
- *Major access into buildings is generally facing street frontages;*
- *We have addressed visual permeability through the site so that there are vistas from the road into the property;*
- *Landscaping will be designed to avoid screening. Generally landscaping will comprise of trees and low shrubs and ground covers. We have also proposed that landscaping of the main frontage of Joondalup Drive, the new road and the verge treatment be undertaken as a whole in order to deliver the best result for the integration of landscaping in this area. We have already indicated our intention to "clean up" the verge in conjunction with the corresponding existing landscaping on the subject lot on our plans submitted. This verge clean up, of course, will be undertaken with the City of Joondalup direction."*

It is considered that the objectives of CPTED are satisfied by the proposed development.

#### Energy Efficiency

Energy efficiency measures were introduced into the Building Code of Australia in May this year. The new Five Star energy efficiency provisions for the design and construction of commercial buildings include:

- The thermal performance of walls, ceilings, floors, glazing including shading in order to avoid or reduce the use of artificial air conditioning (heating and cooling).
- The sealing of buildings to reduce energy loss through air leakage.
- Natural ventilation and internal air movement, where appropriate, to avoid or reduce the use of artificial air conditioning.
- Changes to services to better reduce energy consumption including:
  - 
  - lighting systems
  - energy efficient air-conditioning, heating and ventilation systems
  - hot water supply systems: and
  - maintenance of these systems

The objective of introducing energy provisions into the Building Code is to reduce greenhouse gas emissions by focusing on energy efficiency as a means of achieving this goal.

The applicant has provided the following additional information with regard to energy efficiency:

*"A core principle of the design philosophy is to start with an energy efficient design. Orientation, positions of glazing, thermal performance of building elements and shading have all been considered in the design of the campus.*

*In addition to this the building services will be designed as an extension of the base construction energy considerations. Zoning and controls of air-conditioning equipment with allowances for use of natural ventilation where possible will be incorporated into the design.*

*Movement sensors for lighting and air-conditioning will be incorporated into various spaces to ensure that services are not running unnecessarily. Natural lighting will be utilised where possible and supplemented with artificial lighting where necessary."*

Compliance with energy efficiency requirements will be assessed as part of the Building Licence program.

### Conclusion

The proposed development complies with the requirements set out by the JCCDPM, except in relation to setbacks and building materials as outline above. The proposal is considered to be an appropriate form of development by virtue of its height, size, design and location.

The proposed setbacks for the development are considered to be appropriate as they are greater than those required by the JCCDPM and arise from the need to protect existing native vegetation.

As advised by the applicant, the development is proposed to be constructed of high quality materials that are generally pre-finished ensuring the appearance of the development satisfies the objectives of the structure plan. As such the proposed variations are supported.

The proposed development also addresses CPTED and energy efficiency requirements in a visually appealing manner and it is considered that the development will make a positive contribution to the identity of the Southern Business District.

The relocation of the Motor Industry Training Association Campus to the City of Joondalup will strengthen the position of the City as a centre for higher learning and will also provide economic benefits.

It is therefore recommended that the application be approved.

### **ATTACHMENTS**

Attachment 1 Location Plans  
Attachment 2 Development Plans

### **VOTING REQUIREMENTS**

Simple Majority.

*Cr Corr left the Chamber at 2229 hrs.*

**MOVED Cr McLean, SECONDED Cr Hollywood that Council:**

**1 EXERCISES discretion under Clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that:**

- (a) Setbacks of between 27 metres and 40 metres in lieu of 70% of the façade of the building being setback between 15 metres and 25 metres; and**
- (b) Materials and finishes other than those set out in Clause 6.3.7 of the Southern Business District of the Joondalup City Centre Development Plan and Manual;**

**are appropriate in this instance;**

- 2 APPROVES that the application dated 18 September 2007 submitted by Meyer Shircore & Associates, the applicant, on behalf of Western Australian Land Authority T/A Landcorp, the owner for an Educational Establishment on Proposed Lot 11 Joondalup Drive, Joondalup subject to the following conditions:**
- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;**
  - (b) The one way access and egress system shall be signed and marked to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to occupation of the development;**
  - (c) A minimum of two disabled parking bays shall be provided for the development and shall be designed and constructed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004);**
  - (d) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;**
  - (e) A detailed refuse management plan is to be submitted to the City for approval as part of Building Licence Submission;**
  - (f) The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
  - (g) All existing trees on the subject site and adjoining verges are to be retained and protected during and after construction, incorporated into the landscape design and maintained thereafter to the satisfaction of the Manager Approvals, Planning & Environmental Services;**

- (h) A minimum of one shade tree per 4 car parking bays shall be provided, to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (i) No reflective glazing shall be permitted and where non reflective glazing is provided, such glazing shall not be used for any form of signage;
- (j) Any signage shall be the subject of a separate Application for Planning Approval.
- (k) All buildings shall be treated with a non-sacrificial anti graffiti coating to the satisfaction of the Manager Approvals, Planning & Environmental Services.

*Cr Corr entered the Chamber, the time being 2231 hrs*

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf111207.pdf](#)*

#### **Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ287-12/07– Proposed Alterations & Additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	The applicant is known to Mr Hunt

### **CJ287-12/07 PROPOSED ALTERATIONS & ADDITIONS TO THE GREENWOOD TAVERN ON LOT 835 (349) WARWICK ROAD, GREENWOOD – [16122]**

**WARD:** South-East

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

---

#### **PURPOSE**

The purpose of this report is to request Council's determination of an application for a deck extension, terrace additions, a function and office room addition for the Greenwood Tavern at Lot 835 (349) Warwick Road, Greenwood.

## EXECUTIVE SUMMARY

The applicant is proposing to carry out additions and alterations to the existing Tavern. These works include a new outdoor decking area for the existing restaurant over the existing drive through bottleshop, replacing the existing manager's unit with offices, and a new function room to replace existing offices.

The proposal meets the requirements of the District Planning Scheme No 2 (DPS2), with the exception of car parking. A reciprocal car parking and access agreement is in place which facilitates the shared use of car parking and access between the Greenwood Tavern and the adjoining Greenwood Village Shopping Centre sites.

The proposal was advertised for public comment for a period of 21 days. Five submissions were received from surrounding owners, one had no objection to the proposal and four objections were received. These objections raised concerns regarding car parking, noise and antisocial behaviour.

It is considered that the proposed development meets the requirements of the DPS2 and the proposed additions will not adversely impact upon the amenity of nearby landowners or the locality. It is recommended that the proposed development be approved.

## BACKGROUND

<b>Suburb/Location:</b>	349 Warwick Road, Greenwood
<b>Applicant:</b>	Oldfield Knott Architects Pty Ltd
<b>Owner:</b>	Greenwood Village Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	9521m <sup>2</sup>
<b>Structure Plan:</b>	Not Applicable

The subject site is located on the corner of Warwick Road and Coolibah Drive (Attachment 1 refers). An existing shopping centre, offices and service station are located to the north of the site. The existing tavern is setback 30.5 metres from the nearest residential properties to the east. Residential properties are also located opposite the development site on the southern side of Warwick Road and the western side of Coolibah Drive.

Approval was granted to the Greenwood Hotel in 1974. Since then, numerous works have been undertaken, including the construction of a TAB, a drive-through bottleshop and various fitouts and additions.

Planning Approval was granted in 2001 for a new function room with a shortfall of 99 car parking bays. This approval was not acted upon, and subsequently lapsed. During 2004, a similar proposal for a function room was submitted and approved with a short fall of 130 car parking spaces. This approval also lapsed.

A reciprocal car parking and access agreement is in place between the Tavern and adjoining Greenwood Shopping Centre owners. Under this agreement, the Tavern patrons are able to utilise the shopping centre car bays (total of 622 bays) and vice versa. There are 114 car bays currently provided on the Tavern site.

## DETAILS

The proposed development incorporates the following:

- A new function room is proposed to be built in the south-eastern corner of the building, which will replace the existing offices;
- New offices are proposed to be located in the south-western corner of the existing building, which will replace the existing manager's unit;
- The maximum number of patrons that will be occupying the function room at any given time is proposed to be 119;
- Terrace addition to the southern side of the building toward the east, comprising an area of 56m<sup>2</sup>, which is to provide an external area for patrons that use the function room;
- Terrace extension to the western side of the building that is 10.5m<sup>2</sup> in area, which is an external area for office staff to utilise; and
- Outdoor deck extension with an area of 122m<sup>2</sup> proposed to the northern side of the building adjacent to the existing restaurant/café area, above the existing drive-through bottle shop, to provide additional outdoor area for the existing restaurant.

The development plans are provided in Attachment 2.

Compliance with the relevant requirements of the DPS2 is summarised below:

Standard	Required	Provided	Compliance
Front setback – south	9.0m	25m	Yes
Front setback – west	9.0m	26.5m	Yes
Side setback	6.0m	30.5m	Yes
Rear setback	3.0m	17.5m	Yes
Car parking	272 bays	114 bays	No

### Issues and options considered:

Council has the discretion to:

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

### Link to Strategic Plan:

The proposal will contribute to objective 1.3.1 *Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.*

### Legislation – Statutory Provisions:

The proposal incorporates a variation to the car parking provisions of the DPS2. The relevant provisions of DPS2 which enable Council to consider such variations are shown below:

#### 4.5 *Variations to Site and Development Standards and Requirements:*

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

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

- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7; and*
- (b) have regard to any expressed views prior to making its decision to grant the variation.*

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

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

#### 6.8 *Matters to be considered by Council:*

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

#### 4.8 Car Parking Standards

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

#### 4.9 Pedestrian and Vehicle Reciprocal Access Requirements

*If the Council approves car parking and pedestrian access on neighbouring premises in a manner which relies on the reciprocal movement of vehicles and pedestrians between or across the premises, the owners concerned shall allow the necessary reciprocal access and parking at all times to the Council's satisfaction.*

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

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

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

Not Applicable.



**Consultation:**

The proposal was advertised for a period of 21 days via letter to landowners (15) that live in close proximity to the subject site. Five submissions were received, being a letter of no objection and four objections to the proposed development.

The main issues raised in the objections were:

- Parking (shortfall) issues;
- Noise concerns; and
- Antisocial behaviour.

**COMMENT**Parking

A reciprocal car parking and access agreement exists between the Greenwood Tavern and Greenwood Village Shopping complex for patrons to use car bays within each property as a result of a previous condition of planning approval. The Tavern has provided 114 carbays on-site, whilst the shopping centre has provided 622 carbays on-site, a total of 736 car parking spaces.

The shopping centre is required to provide 546 car parking bays under DPS2, therefore a surplus of 76 carbays exists on the shopping centre site. Changes to the Greenwood Tavern bottleshop approved in 2002 required the provision of 186 carbays, 114 bays currently exist on-site, which is a shortfall of 72 car parking spaces. However, with the reciprocal parking agreement in place, there is a surplus of four car parking bays over both sites.

Use	Required	Provided	Difference
Tavern	186	114	-72
Shopping Centre	546	622	+76
<b>TOTAL</b>	732	736	+4

Provision of car parking bays for this proposal

The required car parking for the proposed development is shown below:

Proposed development	Car parking Standard	Required
Function room addition including use of the terrace area (catering for 119 guests)	1 bay/ 4 guests	30 bays
Outdoor deck extension to existing restaurant (area = 122m <sup>2</sup> )	1 car bay / 5m <sup>2</sup> of dining room	25 bays
<b>Total additional car parking required for proposed development</b>		55 bays

Based on the car parking required for the proposed works, the following table shows the anticipated car parking shortfall:

Use	Required	Provided	Difference
Tavern: Existing Proposed	186 55	114	-127
Shopping Centre	546	622	+76
<b>TOTAL</b>	<b>787</b>	<b>736</b>	<b>-51</b>

Two objectors raised comments stating that there appears to be a car parking problem on busy nights. The City has no record of any parking problems at the Greenwood Tavern and Shopping centre.

The above table shows that if both land uses were operating to full capacity and at the same time, there would be a shortfall of 6.5% or 51 car parking spaces on the combined sites. However, it is noted that the hours of operation of the shopping centre are primarily between the business hours of 8.30 until 5.30 with the exception of Thursday nights till 9.00pm. The tavern experiences peak demand periods mostly in the evenings and on weekends.

With the reciprocal agreement in place, a surplus of 76 bays at the shopping centre site and different peak demands between the shopping centre and Tavern, it is considered that the proposed car parking shortfall will not adversely impact the surrounding locality.

#### Noise and Antisocial behaviour

Two objectors raised concerns in their submissions that noise levels and antisocial behaviour will increase if the proposed extensions are approved.

An acoustic report has been prepared by Herring Storer Acoustics which has indicated that noise emissions from the proposed additions will comply with the noise regulations up until 10pm. However, after 10pm the development will only meet the noise regulations if adequate barriers are implemented within the function room terrace design. Therefore, in order to meet the noise regulations and to address any nuisance factor associated with noise, e.g., by people talking; it is recommended that conditions of Planning Approval be imposed requiring:

- that all doors between the function room and terrace area appurtenant to the proposed function room be closed at 10.00pm to block out any music/ live entertainment/ noise; and
- patrons not be allowed to use the new terrace area appurtenant to the function room after 10.00pm.

In relation to antisocial behaviour, City Watch has indicated that limited antisocial behaviour has been experienced at the Greenwood Tavern and most issues arise from underage loitering at the shopping complex. It should be noted that management of antisocial behaviour is the responsibility the owner and Tavern staff.

### Conclusion

In summary the proposal is supported for the following reasons:

- The proposed extension does not represent a significant addition in the overall context of the existing building footprint;
- An existing reciprocal agreement is in place between the shopping centre and Tavern for car parking and access;
- The differing peak hours of operation between the shopping centre and the Tavern; and
- The acoustic consultants report indicates that noise levels can be contained within the acceptable levels.

### **ATTACHMENTS**

Attachment 1	Location Plans
Attachment 2	Development Plans

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION:** That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No. 2 and determines that a car parking shortfall of 127 bays is appropriate in this instance.
- 2 APPROVES the application submitted on 7 May 2007 by Oldfield Knott Architects Pty Ltd for a function centre/ office relocation with terraces, including an outdoor deck extension to the existing restaurant area at the Greenwood Hotel on Lot 835 (349) Warwick Road subject to the following conditions:
  - (a) the reciprocal vehicular access and car parking agreement shall remain in place between Lot 2(18) Calectasia Street and Lot 835 (349) Warwick Road;
  - (b) the maximum number of patrons permitted to occupy the function room at any given time shall be 119;
  - (c) all doors between the New Function Room and the New Terrace Area are to be closed between the hours of 10.00pm to 6.00am the following day;
  - (d) patrons shall not be allowed within the New Terrace Area appurtenant to the New Function Area between the hours of 10.00pm to 6:00am the following day;
  - (e) materials, colours and finishes of the proposed addition shall match the existing development;

- (f) the parking bays, driveways to be designed in accordance with the Australian Standard for Offstreet Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City as part of the building programme;
- (g) all stormwater must be contained on site to the satisfaction of the City;
- (h) the existing vegetation shall be maintained to the satisfaction of Manager Approvals Planning & Environmental Service; and
- (i) Bin Storage Area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.

### **ADDITIONAL INFORMATION**

A minor amendment is required to be made to Recommendation 2(a) in order to preserve the informal rights of access currently enjoyed by the owners of the adjoining land.

### **REVISED OFFICER'S RECOMMENDATION:** That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No. 2 and determines that a car parking shortfall of 127 bays is appropriate in this instance;
- 2 APPROVES the application submitted on 7 May 2007 by Oldfield Knott Architects Pty Ltd for a function centre/ office relocation with terraces, including an outdoor deck extension to the existing restaurant area at the Greenwood Hotel on Lot 835 (349) Warwick Road subject to the following conditions:
  - (a) *The granting of an easement in gross (at the cost of the owner) in favour of the City of Joondalup over the proposed parking bays and vehicular access ways in order to facilitate reciprocal vehicle access and car parking. Such easement shall be executed prior to the issue of a Certificate of Classification for the building works related to this approval.*
  - (b) the maximum number of patrons permitted to occupy the function room at any given time shall be 119;
  - (c) all doors between the New Function Room and the New Terrace Area are to be closed between the hours of 10.00pm to 6.00am the following day;
  - (d) patrons shall not be allowed within the New Terrace Area appurtenant to the New Function Area between the hours of 10.00pm to 6:00am the following day;
  - (e) materials, colours and finishes of the proposed addition shall match the existing development;

- (f) the parking bays, driveways to be designed in accordance with the Australian Standard for Offstreet Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City as part of the building programme;
- (g) all stormwater must be contained on site to the satisfaction of the City;
- (h) the existing vegetation shall be maintained to the satisfaction of Manager Approvals Planning & Environmental Service; and
- (i) Bin Storage Area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.

**MOVED Cr Corr** that Council REFERS back to the CEO consideration of proposed alterations and additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood for further consideration of the following:

- 1 subject to consultation with the adjoining business owners and their views/concerns being taken into account;
- 2 subject to agreement between the tavern, the shopping centre, the BP service station and the commercial centre of the reciprocal rights regarding car parking and accessways;
- 3 to allow time for the four (4) entities mentioned above to get legal advice if they so wish;
- 4 to allow time for the members of the Strata company in the commercial centre to review and agree the outcome, possibly requiring a resolution of the Strata company;
- 5 to attempt to resolve the differing views regarding condition (d).

Cr Corr advised he wished his proposed Amendment be

**WITHDRAWN**

**MOVED Cr Young, SECONDED Cr Jacob** that Council:

- 1 **EXERCISES** discretion under clause 4.5 of the City of Joondalup District Planning Scheme No. 2 and determines that a car parking shortfall of 127 bays is appropriate in this instance;
- 2 **APPROVES** the application submitted on 7 May 2007 by Oldfield Knott Architects Pty Ltd for a function centre/ office relocation with terraces, including an outdoor deck extension to the existing restaurant area at the Greenwood Hotel on Lot 835 (349) Warwick Road subject to the following conditions:

- (a) The granting of an easement in gross (at the cost of the owner) in favour of the City of Joondalup over the proposed parking bays and vehicular access ways in order to facilitate reciprocal vehicle access and car parking. Such easement shall be executed prior to the issue of a Certificate of Classification for the building works related to this approval;
- (b) the maximum number of patrons permitted to occupy the function room at any given time shall be 119;
- (c) all doors between the New Function Room and the New Terrace Area are to be closed between the hours of 10.00pm to 6.00am the following day;
- (d) patrons shall not be allowed within the New Terrace Area appurtenant to the New Function Area between the hours of 10.00pm to 6:00am the following day;
- (e) materials, colours and finishes of the proposed addition shall match the existing development;
- (f) the parking bays, driveways to be designed in accordance with the Australian Standard for Offstreet Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City as part of the building programme;
- (g) all stormwater must be contained on site to the satisfaction of the City;
- (h) the existing vegetation shall be maintained to the satisfaction of Manager Approvals Planning & Environmental Service; and
- (i) Bin Storage Area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.

**MOVED Cr John** that consideration of the proposed alterations and additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood be DEFERRED pending further investigation of parking collaboration between adjoining businesses to the Greenwood Tavern.

**There being no Secunder, the Motion**

**LAPSED**

**MOVED Cr Corr, SECONDED Cr Norman** that consideration of the proposed alterations and additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood be DEFERRED to the ordinary Meeting of Council scheduled to be held on 19 February 2008 subject to:

- 1 consultation with the adjoining business owners and their views/concerns being taken into account;

- 2 agreement between the tavern, the shopping centre, the BP service station and the commercial centre of the reciprocal rights regarding car parking and accessways;
- 3 allowing time for the four (4) entities mentioned above to get legal advice if they so wish;
- 4 allowing time for the members of the Strata company in the commercial centre to review and agree the outcome, possibly requiring a resolution of the Strata company;
- 5 attempt to resolve the differing views regarding condition (d).

The Motion was Put and

**CARRIED (7/5)**

**In favour of the Motion:** Crs Corr, Diaz, Fishwick, Hollywood, John, Macdonald and Norman  
**Against the Motion:** Mayor Pickard, Crs Amphlett, Jacob, McLean and Young

*Appendix 19 refers*

To access this attachment on electronic document, click here: [Attach19brf111207.pdf](#)

*Cr Diaz left the Chamber, the time being 2251 hrs.*

*Chief Executive Officer left the Chamber, the time being 2251 hrs. The Director, Governance and Strategy assumed the seat of the Chief Executive Officer.*

#### **Disclosure of Financial Interests**

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ262-12/07 – Request for Annual Leave – Chief Executive Officer
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO

#### **CJ262-12/07 REQUEST FOR ANNUAL LEAVE - CHIEF EXECUTIVE OFFICER – [98394, 98394B]**

**WARD:** All

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

#### **PURPOSE**

To give consideration to the request for annual leave submitted by the Chief Executive Officer.

**EXECUTIVE SUMMARY**

The Chief Executive officer has requested annual leave for the period 24 December 2007 to 11 January 2008.

**BACKGROUND**

The Chief Executive Officer commenced his employment with the City of Joondalup on 31 January 2005.

**DETAILS**

The Chief Executive Officer (CEO) has requested annual leave for the period 24 December 2007 to 11 January 2008 inclusive. The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work while on leave, where such periods are for less than 35 days. The Directors of the City perform the Acting Chief Executive role on a rotational basis. The Director Governance and Strategy is the officer assigned to fill the role from 19 November 2007 until 29 February 2008 inclusive and will act during the CEO's annual leave if approved.

**Issues and options considered:**

During the employment of the CEO there will be periods of time where he will be absent from the City of Joondalup on annual leave.

The CEO, in accordance with his employment contract, is entitled to twenty five (25) days leave per annum.

**Link to Strategic Plan:**

Strategy 4.5.4                      Implement best practice people-management policies and tools to assist in the achievement of the City's workforce objectives.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Nil.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.



**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The CEO has an entitlement in accordance with his employment contract for periods of annual leave. The dates requested are conducive to the operations of the City.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Young, **SECONDED** Cr John that Council **APPROVES** the request from the Chief Executive Officer for annual leave for the period 24 December 2007 to 11 January 2008 inclusive.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Cr Diaz entered the Chamber, the time being 2253 hrs.*

**C85-12/07      MOTION TO GO BEHIND CLOSED DOORS - [02154] [08122]**

**MOVED** Cr Young, **SECONDED** Cr Hollywood that:

1      in accordance with Section 5.23 of the Local Government Act 1995 and clause 24 of the City's Standing Orders Local Law 2005 the meeting of the Council held on 18 December 2007 sit behind closed doors to discuss Item CJ297-12/07, Confidential Report – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 27 November 2007 as the item deals with a matter affecting an employee;

2      the following employees remain present as per 1 above:

<b>Mr Ian Cowie</b>	<b>Director, Governance and Strategy</b>
<b>Mr Mike Tidy</b>	<b>Director, Corporate Services</b>
<b>Ms Janet Harrison</b>	<b>Administrative Services Co-ordinator</b>

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Members of the public and press, and staff members, with the exception of the Directors of Governance and Strategy and Corporate Services and the Administrative Services Coordinator, left the Chamber at 2254 hrs.*

#### Disclosure of Financial Interests

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 27 November 2007
<b>Nature of interest</b>	Financial
<b>Extent of Interest</b>	Mr Hunt holds the position of CEO

#### Disclosure of interest affecting impartiality

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer – Performance Review Committee meeting held on 27 November 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Due to the nature of his employment relationship with the CEO

### **CJ297-12/07      CONFIDENTIAL REPORT - MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 27 NOVEMBER 2007 – [74574, 98394B]**

**WARD:** All

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

This Item Is Confidential - Not For Publication

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

#### **MOVED Cr Fishwick, SECONDED Cr McLean that Council:**

- 1      NOTES the unconfirmed minutes of the Chief Executive Officer Performance Review Committee held on 27 November 2007 forming Attachment 1 to Report CJ297-12/07 appended hereto in the Official Minute Book;**
- 2      ACCEPTS the report and recommendation of the Chief Executive Officer Performance Review Committee and APPROVES an increase to the Chief Executive Officer's current total employment cost remuneration package of 6.41%.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 38 – Confidential – in the Official Minute Book only*

**C86-12/07      MOTION TO GO TO OPEN DOORS - [02154] [08122]**

**MOVED** Cr Young, **SECONDED** Cr Jacob that Council in accordance with clause 67 (4) of the City's Standing Orders Local Law 2005 **RESOLVES** that the meeting held on 18 December 2007 now be held with **OPEN DOORS** and in accordance with clause 67 (5) of the City's Standing Orders Local Law 2005, the Presiding Person read out the resolutions passed and the voting recorded.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Chief Executive Officer, members of the public and staff entered the Chamber, the time being 2300 hrs. In accordance with the City's Standing Orders Local Law, Mayor Pickard read out the resolution in relation to Item CJ297-12/07 – Confidential Report – Minutes of the Chief Executive Officer Performance Review Committee meeting held on 27 November 2007.*

**CJ288-12/07      SINGLE      STOREY      SHOWROOM      WITH  
UNDERCROFT CAR PARKING AREA - LOT 13 (57)  
JOONDALUP DRIVE, EDGEWATER – [38480]**

**WARD:** North-Central

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

---

**PURPOSE**

The purpose of this report is to request Council's determination of an application for a showroom development at Lot 13 (57) Joondalup Drive, Edgewater.

**EXECUTIVE SUMMARY**

The development site is located at 57 Joondalup Drive and is known as Joondalup Gate. The lot has a land area of 6.1840 hectares and is zoned Business under the City of Joondalup District Planning Scheme No 2 (DPS2).

The site is located adjacent to the Mitchell Freeway/railway line to the West, Edgewater Station car park to the southwest, a Western Power sub-station to the south, drainage sump to the north and Joondalup Drive to the east. Residential properties overlooking Joondalup Drive to the east are accessed via the adjacent Harvest Loop/Joondalup Drive intersection (Attachment 1 refers).

The applicant proposes to construct a new single storey showroom with undercroft car parking and storage areas (Attachment 2 refers). The new showroom equates to 3224m<sup>2</sup> net lettable area (NLA).

The Town Planning Delegations allows certain officers of the City to make a determination on applications for Planning Approval, subject to certain conditions. One of those conditions is that if there is a shortfall in car parking, the shortfall cannot be more than 10%. As the car parking for this development site already exceeds 10%, the matter is required to be referred to Council for determination. A setback variation is also sought which falls outside the Town Planning Delegations and thus also requires Council determination.

Having regard to the provisions of the DPS2, it is recommended that the application for planning approval be granted.

## BACKGROUND

**Suburb/Location:** Lot 13 (No. 57) Joondalup Drive, Edgewater  
**Applicant:** John McKenzie & Associates Architects  
**Owner:** Joondalup Gate Pty Ltd  
**Zoning:** **DPS:** Business  
**MRS:** Urban  
**Site Area:** 6.1840 hectares  
**Structure Plan:** N/A

The development site (Lot 13) comprises various buildings identified as C1 (this proposal), C2, C3 and C4, C8, N1, N2 and N3 (Attachment 1 refers). The existing buildings vary in size and contain multiple tenancies. During the history of the development, several parking discretions have been applied to reach the existing standard of 1 bay per 35m<sup>2</sup> NLA, whilst the required parking provision for the development under DPS2 is 1 bay per 30m<sup>2</sup> NLA.

In determining an application in 2003, buildings comprising C3 and C4 were subject to discussions regarding a reduction in the number of parking bays required for those buildings. It was established at the time that a discretion of 1 bay per 50m<sup>2</sup> be approved with the Council undertaking to monitor the effect of the discretion.

At the Council meeting on 20 September 2005 (CJ201 – 09/05 refers), Council resolved to approve minor extensions to buildings C4 and N1 and determined that the provision of 704 bays in lieu of 815 bays for development over the lot was appropriate. It should be noted that the car parking calculations were based upon floor space NLA figures for both existing and future development over the entire Lot, including this proposed development, as an overall future development concept plan was in place for the subject land to guide its staged development.

There have been no parking issues recorded for the development site, and no overflow parking has been observed.

## DETAILS

### Description of the development

The proposed development incorporates the following features:

- A new showroom (C1) of 3224m<sup>2</sup> NLA floor area, which is identical in architectural design to the existing adjacent showroom to the north (C2).
- An undercroft car parking area comprising 40 bays and three (3) storage areas totaling 425m<sup>2</sup>.
- A bin storage area of approximately 9m<sup>2</sup> in area and outdoor car parking area comprising 38 bays.
- Minor reconfiguration of the existing car parking area fronting Joondalup Drive comprising 97 bays (with a nett gain of 6 car parking bays as a result of this proposal).

The development plans are provided in Attachment 2.

The compliance with the relevant development standards of DPS2 is summarised below:

Standard	Required	Provided
Front Setback	6m	Ranges from 0m to 4.8m
Side Setback	0m (subject to BCA compliance)	0m
Rear Setback	0m (subject to BCA compliance)	18.5m
Building Height	No standard in Business Zone	13.4m to roof pitch and 8.4m wall height at highest point from natural ground level
Car Parking 1 bay per 30m <sup>2</sup> NLA (this proposal)	111 bays	84 bays
Car parking (total requirement)	815 bays	683 bays
Landscaping	8% of site, 3m wide where abutting a street	Greater than 8%, Ranges from 1.5m - 32m and incorporates existing aboriginal heritage memorial area

It should also be noted that Clause 3.6.2(a) of DPS2 states that a lesser setback may be encouraged where location and design issues would make this appropriate.

### Parking Analysis

The applicant has prepared a parking analysis for all development upon Lot 13 in order to justify the current application. A parking survey was undertaken on Thursday 14 December 2006 and Saturday 16 December 2006 to identify peak car park usage. The conclusions of the analysis were as follows:

- *The peak overall parking demand within the Central and North Precincts of Joondalup Gate (comprising all development upon Lot 13) was 215 vehicles at 12 noon on the surveyed Saturday, at a ratio of 1.25 vehicles per 100m<sup>2</sup> (or 1 vehicle per 80m<sup>2</sup>).*

- *With a recommended car park efficiency factor of 95%, the parking supply ratio required to accommodate this level of demand is 1.32 bays per 100m<sup>2</sup> (or 1 bay per 76m<sup>2</sup>).*
- *The highest individual parking requirements are for 1 space per 46m<sup>2</sup> for building's C3 and C4 and 1 bay per 50m<sup>2</sup> for building N2.*
- *It is therefore recommended that a parking ratio of 1 bay per 50m<sup>2</sup> (as was previously approved by Council for buildings C3 and C4) is a suitable parking ratio for the overall development.*

**Issues and options considered:**

Council has the discretion to:

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

**Link to Strategic Plan:**

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

It will address Strategy 3.5.1 and 3.5.2, which seek to develop partnerships with stakeholders to foster business development opportunities and assist the facilitation of local employment opportunities.

**Legislation – Statutory Provisions:**

The proposed land use is classified as a 'showroom' under DPS2 and is a 'P' land use in the Business zone. Clause 3.2.2 of DPS2 describes a 'P' land use as a use that is permitted, but which may be subject to any conditions that the Council may wish to impose in granting its approval.

The following clauses are also relevant under DPS2:

**4.8 CAR PARKING STANDARDS**

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

## 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

### **Risk Management Considerations:**

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

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

Not Applicable.

### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Public comments were not sought, as it was considered that the proposal would cause no significant impact or loss of amenity. Additionally, the nearest residential property is approximately 95 metres away and is separated from the development site by Joondalup Drive and an existing landscaping strip.

**COMMENT****Land Use**

The proposed showroom is a permitted land use within the Business zone.

**Setbacks & Building Height**

The proposal is compliant with DPS2 setback requirements except for a front setback that ranges from 0 metres to 4.8 metres in lieu of 6 metres.

The length of wall along the front setback is 30.8 metres and has a wall height of 8.4 metres and a height to the roof pitch of 13.4 metres. There are no height limitations under DPS2 or Council policy for development within the 'Business' zone. The height of the proposal is similar in scale to existing showroom development upon the subject lot.

The development's finished floor level is lower than Joondalup Drive in which it fronts by approximately 1 metre.

Clause 3.6.2(a) of DPS2 allows a lesser setback where location and design issues would make this appropriate. In this instance, it is considered appropriate to depart from the required 6 metre setback as, given that the overall length of the site, the reduced setback occurs for only a small portion of the site, and the effect of the reduced setback is lessened by the adjoining vegetation associated with the Aboriginal heritage area.

**Consideration of proposed parking variation**

There are currently 599 bays provided on the site, which were previously supported by Council through past development decisions. The applicant proposes a further showroom of 3324m<sup>2</sup> NLA, which requires an additional 111 bays. A nett gain of 84 additional bays is proposed under this application.

The total number of bays required for the entire development of 24,659m<sup>2</sup> NLA based on this application and previous Council decisions is 710 bays while 683 bays are being provided, an overall shortfall of 27 bays.



The proposed works will result in an overall parking provision of 1 bay per 36.1m<sup>2</sup> NLA, which represents a 16.2% deficit over the site, a 2.5% increase in the site's car parking deficit previously approved by Council.

The applicant's parking analysis suggests a car parking ratio of 1 bay per 50m<sup>2</sup> is suitable for the entire development. Based upon this ratio, a total of 483 bays would be required. The results of this analysis assist to confirm that car parking supply for the entire development, whilst not meeting DPS2 standards, more than adequately satisfies demand at one of the busiest retailing periods of the year (pre Christmas).

The site generally comprises large showroom developments displaying and providing for the storage of bulky goods. The type and style of businesses within the site are not considered to be high traffic generators, and there have been no parking issues regarding the site at the current parking deficit.

The impact of the proposed additions, and the additional parking generated by the additions, is not considered to negatively impact the overall development. Having regard to the extent of discretion being sought which is considered minor and that there have been no recorded parking issues related to the site, the application is recommended for approval.

## **CONCLUSION**

The car parking and building setback variations proposed are considered to be minimal and are not expected to have an impact on:

- the operations of the centre;
- Joondalup Drive; or
- the residential properties, which are located on the eastern side of Joondalup Drive.

The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the DPS2. It will contribute to business development opportunities, creation of employment and support the local economy.

Having regard to the details of the application and provisions of the District Planning Scheme No 2, it is recommended that the application be approved.

## **ATTACHMENTS**

Attachment 1	Locality Plans
Attachment 2	Development Plans

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No. 2 and determines that;**

- (a) Parking provided at 84 bays in lieu of 111 bays; and**
- (b) A front building setback ranging from 0 metres to 4.8 metres in lieu of 6 metres.**

**is appropriate in this instance;**

- 2 APPROVES the application for Planning Approval dated 27 November 2006 submitted by John McKenzie & Associates Architects, the applicant on behalf of the owner Joondalup Gate Pty Ltd for Showroom Additions at 57 Joondalup Drive, Edgewater, subject to the following conditions:**

- (a) All stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services;**
- (b) Boundary walls being of a clean finish and made good to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
- (c) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for off street Carparking (AS2890.1-1993) unless otherwise specified by this approval. Such areas are to be constructed, drained, sealed and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied;**
- (d) The driveways and crossovers to be designed and constructed to the satisfaction of the Manager Infrastructure Management before the occupation of the development;**
- (e) The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;**
- (f) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**

- (g) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (h) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (i) Any signage associated with the proposed development shall be the subject of a separate development application.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf111207.pdf](#)

#### **Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Tom McLean</b>
<b>Item No/Subject</b>	CJ289-12/07 - Proposed Renaming of Public Open Space (Reserve 44914), Medinah Mews, Connolly
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	Cr McLean is a member of the Connolly Residents Association

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	CJ289-12/07 - Proposed Renaming of Public Open Space (Reserve 44914), Medinah Mews, Connolly
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	A family member lives in close proximity to Medinah Park.

### **CJ289-12/07 PROPOSED RENAMING OF PUBLIC OPEN SPACE (RESERVE 44914), MEDINAH MEWS, CONNOLLY - [06998] [11275]**

**WARD:** North

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

This Item was dealt with earlier in the meeting, following Item CJ285-12/07.

**CJ290-12/07      PROPOSED      REMOVAL      OF      ACCESS  
RESTRICTION, REAR OF LOT 510 (10) CLIPPER  
COURT, EDGEWATER - [461111] [43522]****WARD:** North-Central**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

---

**PURPOSE**

For Council to consider initiating the removal of an access restriction in order to allow vehicular access from Osprey Grove to Lot 510 (10) Clipper Court, Edgewater.

**EXECUTIVE SUMMARY**

Lot 510 (10) Clipper Court, Edgewater has frontage to two streets, with the main and existing access point being Clipper Court. A small part of the lot fronts Osprey Grove, however an access restriction in the form of a 0.1 metre wide pedestrian accessway (PAW) exists on this frontage in order to prevent vehicular access to Osprey Grove.

A request has been received to gain vehicular access from Lot 510 (10) Clipper Court, Edgewater to Osprey Grove. This would require the access restriction (0.1m wide PAW) used to prevent access from Osprey Road to be removed. The intent of removing the access restriction is to facilitate the possible future subdivision of the site, enabling vehicular access from both Clipper Court and Osprey Grove.

The access restriction was placed on the original subdivision to ensure vehicular access would not conflict with pedestrians using the adjoining 3m wide PAW. The PAW is utilised by the community to access areas of public open space and the Edgewater Primary School.

The applicant has provided a design plan of a proposed crossover from Lot 510 (10) Clipper Court, Edgewater to Osprey Grove which provides safe access for pedestrians by way of permeable fencing and low lying vegetation. It is considered that the proposal put forward by the applicant will adequately address visibility and safety issues.

The request for the removal of the access restriction to allow Lot 510 to gain access to Osprey Grove is supported for the purposes of public advertising for a period of 35 days.

**BACKGROUND**

<b>Suburb/Location:</b>	Lot 510 (10) Clipper Court, Edgewater
<b>Applicant:</b>	Janna Darrington
<b>Owner:</b>	Janna Darrington
<b>Zoning:</b>	Residential
<b>MRS:</b>	Urban
<b>Site Area:</b>	1043m <sup>2</sup>

The 0.1 metre PAW was created to prevent vehicle access to and from Lot 510 (10) Clipper Court, Edgewater from Osprey Grove (Attachment 1 refers). These type of restrictions were placed on the subdivision when the suburb was initially created to restrict vehicular access to roads. This form of access restriction is no longer used as a means to restrict vehicular access.

## **DETAILS**

### Closure Request

A request has been received to remove the access restriction located at the southern boundary of Lot 510 (10) Clipper Court, Edgewater, to enable future vehicular access from Osprey Grove. The applicant has requested the access restriction be removed to facilitate a possible two lot subdivision with vehicular entry occurring from separate roads. The owner has stated that, although vehicular access could be obtained from Clipper Court to a new lot, extensive earthworks and retaining walls would be required, and is therefore not the preferred option.

The applicant has provided a preliminary crossover plan in order to address any safety issues related to a new vehicle access point on Osprey Grove, due to the location of the 3m pedestrian access way that adjoins the subject lot (Attachment 2 refers). The crossover plan addresses issues relating to pedestrian safety through the provision of a crossover that is separated from the existing path, utilising low vegetation, and lowering the height of the pedestrian accessway fence.

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

The options available to Council are:

- Support the proposed removal of the access restriction by the closure the 0.1 metre wide PAW for the purposes of public advertising.
- Not support the removal of the access restriction.

### **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:**

PAWs are created as a result of the subdivision of land under the Planning & Development Act 2005 (formerly the Town Planning and Development Act). A request can be made to Council to close a PAW. In this proposal, the PAW is used as an access restriction.

If Council supports the proposed PAW closure, the proposal is advertised for public comment for a period of 35 days. 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 closure request, all relevant documentation is forwarded to the DPI with a request to formally close the PAW for its determination.

**Risk Management considerations:**

Council must be satisfied that removal of the access restriction will not have any adverse impact on the adjoining pedestrian access way.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Preliminary consultation has been undertaken with the service authorities and the Department of Planning and Infrastructure in regard to the removal of the access restriction, with no objections being received.

**COMMENT**

The access restriction on the Osprey Grove frontage was provided when Edgewater was initially subdivided, due to the location of a pedestrian access way immediately adjoining the subject property. In order to justify the request to remove the access restriction, the applicant was required to provide a suitable crossover design that would ensure pedestrian visibility and safety.

The design submitted separates the new crossover from the existing PAW by way of low vegetation. Visibility would be maintained by requiring the PAW side fence to any future building to be low. This would allow sufficient visibility for persons utilising the PAW and ensure that the route to community facilities can be made in a safe environment. It is considered that the a new crossover could be implemented in an appropriate manner.

Allowing access from Lot 510 to Osprey Grove will not affect access to other lots along Osprey Grove, and is considered that the proposal will not have a significant impact upon traffic movement in the area.

On this basis, public advertising of the proposed access restriction removal is recommended.

**ATTACHMENTS**

Attachment 1	Location and Aerial Plan, including subject portion of 0.1m wide PAW.
Attachment 2	Proposed crossover design.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council:

- 1 **INITIATES** public advertising for the closure of a portion of the 0.1 metre wide Public Access Way at the rear of Lot 510 (10) Clipper Court, Edgewater as shown on Attachment 1 to Report CJ290-12/07 for the purpose of public advertising for a period of 35 days;
- 2 **ADVISES** the applicant that Council's consideration of the request for the removal of the access restriction on Lot 510 Clipper Court, Edgewater, does not imply support for any future subdivision or development of the site.

The Motion was Put and **CARRIED** (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf111207.pdf](#)*

## **CJ291-12/07 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – OCTOBER 2007 – [07032] [05961]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning & 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 a committee or an employee of the City.

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 October 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 October 2007 under delegated authority and those applications dealt with as "R-code variations for single houses" for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of October 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	104	13,354,896.82
R-Code variations (Single Houses)	98	7,341,560.00
<b>Total</b>	<b>202</b>	<b>20,696,456.82</b>

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

<b>Subdivision Approvals Processed Under Delegated Authority Month of October 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	4	1
Strata Subdivision Applications	7	48

**Suburb/Location:** All  
**Applicant:** Various – see attachment  
**Owner:** Various – see attachment  
**Zoning:** **DPS:** Various  
**MRS:** Not Applicable



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 25 September 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

## **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 104 development applications determined during October 2007, consultation was undertaken for 60 of those applications. Of the 11 subdivision applications determined during October 2007 no applications were advertised for public comment, as the proposals complied with the relevant requirements.

## **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	October 2007 decisions - Development Applications
Attachment 2	October 2007 Subdivision Applications processed

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications described in Report CJ291-12/07 for October 2007;**
- 2 subdivision applications described in Report CJ291-12/07 for October 2007.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 23 refers*

*To access this attachment on electronic document, click here: [Attach23brf111207.pdf](#)*

## **CJ292-12/07      REVIEWED CITY OF JOONDALUP ACCESS & INCLUSION PLAN 2008-2011 – [03105]**

**WARD:** All

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

---

### **PURPOSE**

To seek Council approval for the Access and Inclusion Plan 2008-2011.

### **EXECUTIVE SUMMARY**

The Disability Services Act 1993, amended in 2004, requires public authorities to ensure their services, buildings and information are accessible to people with disabilities. Actions and strategies relating to access are to be managed by an Access and Inclusion Plan.

The City's Access and Inclusion Plan 2008-2011 has been finalized and now requires Council approval prior to submitting the plan to the Disability Services Commission (DSC).

*It is recommended that Council:*

- 1      *ADOPTS the Access and Inclusion Plan 2008-2011 forming Attachment 1 to this Report;*
- 2      *REFERS the approved Plan to Disability Services Commission.*

### **BACKGROUND**

The Disability Services Act 1993, amended in 2004, requires public authorities to ensure their services, buildings and information are assessable for people with disabilities. This is managed through an Access and Inclusion Plan (AIP). The City's plan covers a wide range of access and mobility issues for the community, including people from culturally and linguistically diverse (CaLD) backgrounds, parents with prams and the ageing population.

When developing an AIP, public authorities must aim to achieve six desired outcomes. These outcomes areas provide a framework for translating the principles and objectives of the Disability Services Act into tangible and achievable results. Schedule 3 of the Disability Services Regulations, 2004 states the six desired outcomes of an AIP. These include:

1.      People with disabilities have the same opportunities as other people to access the services of, and any events organised by, the relevant public authority.
2.      People with disabilities have the same opportunities as other people to access the buildings and other facilities of the relevant public authority.
3.      People with disabilities receive information from the relevant public authority in a format that will enable them to access the information, as readily as other people are able to access it.

4. People with disabilities receive the same level and quality of service from the staff of the relevant public authority.
5. People with disabilities have the same opportunities as other people to make complaints to the relevant public authority.
6. People with disabilities have the same opportunities as other people to participate in any public consultation by the relevant public authority.

Following workshops two additional outcomes have been included in the AIP.

7. Provide information, opportunities and encouragement to raise awareness of the community regarding disability, access and inclusion.
8. People with disabilities and from diverse backgrounds have the same opportunities as other people to be employed by the City of Joondalup.

In accordance with the Disability Services Act and the review requirements for public authorities in relation to AIPs, the City's AIP will be reviewed at least every five years.

To comply with the City's Council Policy 1-2 – Public Consultation, a public consultation process was conducted from 3 September to 3 October 2007 to ensure that the community was involved in the City's planning process for the AIP. The feedback was gained from workshops, 1 on 1 interviews and also online surveys. The analysed results from the consultation were incorporated into the final AIP.

## **DETAILS**

According to the Australian Bureau of Statistics survey in 2003, 20.6% of the population in Western Australia have some level of disability and an estimated 12.6% of Western Australians are carers for people with disabilities. Based on 2003 figures 26,151 people within the City of Joondalup had some form of disability with 18,874 people having some level of core activity limitation. Core activities are considered communication, mobility and self-care.

Between 2006 and 2026 the number of people with disabilities is expected to increase by 115% as the population ages and the likelihood of disability increases.

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

The Access and Inclusion Plan is linked to the Strategic Plan through the following:

Community Wellbeing

#### Outcome:

The City of Joondalup provides social opportunities that meet community needs

#### Objective

To continue to provide services that meet changing needs of a diverse and growing community

Strategy 1.3.2:

Provide quality of life opportunities for all community members

Strategy 1.3.3:

Provide support, information and resources

City Development

Outcome:

The City of Joondalup recognises the changing demographic needs of the community

Objective 3.3

To continue to meet changing demographic needs

Strategy 3.3.2

Integrate plans to support community and business development

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

Objective 4.3.2

Provide accessible community information

**Legislation – Statutory Provisions:**

The WA Disability Services Act 1993 (amended in 2004) requires state and local government authorities to develop and implement AIPs. The City is required to report against the plan annually to the DSC and it in its annual report.

Other relevant Acts include:

- Western Australian Equal Opportunity Act (1994);
- Commonwealth Disability Discrimination Act (1992).

**Risk Management considerations:**

Non-adherence to the relevant legislative requirements could result in action against the City by the Disability Services Commission and other authorities.

**Financial/Budget Implications:**

It is expected that there will be some minor budget implications in respect to the implementation of the AIP. Estimates will be put forward in each financial year as part of the City's budget deliberations.

**Policy Implications:**

The adoption of the AIP will have minor implications on the current City of Joondalup Policy 5-1: Access and Equity. A report with the proposed changes to the Policy will be submitted through the appropriate process for amendment as part of the AIP Implementation Plan.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Extensive internal consultation within the City has taken place throughout the process of developing the AIP.

A comprehensive external consultation process took place including online surveys, workshops and also one-on-one meetings with Local Area Coordinators from the Disability Services Commission, people with disabilities and representatives from community organizations that provide services to people with disabilities and from CaLD backgrounds.

The draft AIP was made available on the City website and also in alternative formats upon request from 3 September to 3 October 2007.

Fifty eight surveys were received, 3 focus groups were held and a number of 1 on 1 interviews conducted as part of the consultation process.

Feedback from this process was incorporated into the AIP.

**COMMENT**

The City continues to comply with the Disability Services Commission legislative requirements and the new AIP provides an opportunity to document the continuation of programs and practices already being undertaken by the City.

**ATTACHMENTS**

Attachment 1      City of Joondalup Access and Inclusion Plan 2008-2011

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

**1 ADOPTS the Access and Inclusion Plan 2008-2011 forming Attachment 1 to Report CJ292-12/07;**

**2 REFERS the approved Plan to Disability Services Commission.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [Attach24agn181207.pdf](#)*

## **CJ293-12/07 YOUTH ENGAGEMENT REPORT – [07116]**

**WARD:** All

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

---

### **PURPOSE**

To provide information about how Council can engage with young people 12-25 years in the future.

### **EXECUTIVE SUMMARY**

In 2007 the City investigated which local government issues are important to young people and how the City can communicate with young people regarding those issues.

Part one of the liaison process involved 110 young people aged 12 – 17 years from 13 secondary schools within the City of Joondalup participating in a Youth Forum workshop. A Youth Forum report outlining the results of the forum was presented to Council in September 2007 (CJ203-09/07 refers).

Part two of the process has involved a youth survey with 63 replies from young people aged 18 – 25 year within the City of Joondalup. The results of the analysis for the 18-25 age group is included as part of the Youth Engagement report.

An overall summary report including recommendations and proposed strategies to engage with young people in the City of Joondalup has been developed as a result of the forum and the youth survey and are presented as Attachment 1 to this report.

*It is recommended that Council:*

- 1 *NOTES the summary report for engaging with young people aged 12-25 as Attachment 1 to this Report;*
- 2 *ENDORSES the following recommendations for engaging with young people in the future:*
  - (a) *Increase awareness amongst youth aged 12-17 years regarding the functions of local government and their impact on young people within the City of Joondalup;*
  - (b) *Utilise technology to develop and maintain contemporary, youth appealing communications with young people;*
  - (c) *Identify opportunities to further develop Local Government representation and involvement in secondary schools;*
  - (d) *Increase the level of information regarding policy reforms and legislation relevant to young people; provide a forum for comment on these matters and advocate on behalf of young people for improvement and/or change;*
  - (e) *Ensure all community consultation undertaken by the City is available for comment by young people;*
  - (f) *Advocate for young people to be invited to participate in external community organisations' committees and working groups;*
  - (g) *Continue to deliver services that allow young people to engage in activities and programs;*
  - (h) *Develop and implement a specific communication strategy for 18 – 25 year olds that will effectively reach this target group.*

## **BACKGROUND**

In 2006 Council resolved to disband the Youth Affairs Advisory Committee and identify alternative methods for engaging with young people in the future (CJ107 – 06/06 refers).

A working group was established comprising six young people with Mayor Troy Pickard and Councillor Albert Jacob. The working group met on six occasions and planned, implemented and reviewed a Youth Forum for the 12-17 age group held on 7 March 2007.

For the 18-25 age group a survey tool was used. This was distributed through a range of outlets including online, email and was available in the City's Libraries.

## **DETAILS**

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

The same questions were asked of each group to determine what were the main issues and the most appropriate communication channels for the two age groups. The outcomes, recommendations and proposed strategies are presented as part of the summary report in Attachment 1.



Some of the proposed actions that can be undertaken within current budget considerations include:

- Investigating and implementing trials for a “myspace” and/or “facebook” sites and youth focused City web pages
- Presentations in school classes and assemblies
- Annual youth forums
- Develop stronger relationships with schools including principals
- Develop dedicated online youth feedback and question links
- Develop online forums and networks for young people
- Involvement in school expos
- Monitor online for potential anti-social behaviour hot spots

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

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

Objective 1.3 To continue to provide services that meet changing needs of a diverse and growing community

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

Strategy 1.3.2 Provide quality-of-life opportunities for all community members

Strategy 1.3.3 Provide support, information and resources

Outcome: The City of Joondalup is recognised as a unique City.

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 4.3.2 Provide accessible community information

Strategy 4.3.3 Provide fair and transparent decision-making processes

Outcome: The City of Joondalup is an interactive community.

Objective 4.4 To develop community pride and identity

Strategy 4.4.1 Build and develop marketing opportunities to promote the City.

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

Not Applicable.

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

Not Applicable.

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

Any future budget requirements will be listed for consideration in the 2008/09-budget deliberation process.

#### **Policy Implications:**

The recommendations from the youth liaison are aligned with the existing Youth Policy, Youth Plan and Community Development Strategy.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The consultation process involved a workshop arrangement for the 12-17 age group using City of Joondalup facilitators and a survey tool for the 18-25 age group. 110 students participated in the Youth forum workshop and 63 surveys were received.

**COMMENT**

The report highlights opportunities for the City to engage and involve young people in decision-making and consultation through a variety of communication strategies. The City already has in place some very good programs including the School Liaison Community Education Officer as well as the youth engagement activities and programs.

**ATTACHMENTS**

Attachment 1        18-25 year old youth survey analysis  
Attachment 2        Recommendations

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

- 1        NOTES the summary report for engaging with young people aged 12-25 as Attachment 1 to Report CJ293-12/07;**
- 2        ENDORSES the following recommendations for engaging with young people in the future:**
  - (a)        Increase awareness amongst youth aged 12-17 years regarding the functions of Local Government and their impact on young people within the City of Joondalup;**
  - (b)        Utilise technology to develop and maintain contemporary, youth appealing communications with young people;**
  - (c)        Identify opportunities to further develop Local Government representation and involvement in secondary schools;**
  - (d)        Increase the level of information regarding policy reforms and legislation relevant to young people; provide a forum for comment on these matters and advocate on behalf of young people for improvement and/or change;**

- (e) Ensure all community consultation undertaken by the City is available for comment by young people;
- (f) Advocate for young people to be invited to participate in external community organisations' committees and working groups;
- (g) Continue to deliver services that allow young people to engage in activities and programs;
- (h) Develop and implement a specific communication strategy for 18 – 25 year olds that will effectively reach this target group.

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendix 25 refers*

*To access this attachment on electronic document, click here: [Attach25agn181207.pdf](#)*

## **CJ294-12/07      PROPOSAL JOINT CITY OF JOONDALUP/CITY OF STIRLING YOUTH FESTIVAL - NORTHBEAT YOUTH FESTIVAL – [05564]**

**WARD:** All

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

---

### **PURPOSE**

To seek approval for the City to participate in a joint youth music festival with the City of Stirling and contribute existing budgeted funds (\$25,000) for the City's youth event to the joint event.

### **EXECUTIVE SUMMARY**

Since 2000 the City has held an annual youth festival focusing primarily on music. Since 2005 the City has investigated options for hosting a joint youth event with the City of Stirling.

In 2007 the City of Stirling approached the City of Joondalup to hold a joint youth festival in February 2008.

It is proposed that the event be known as the Northbeat Youth Festival and be held at Carine Open Space which features a jointly funded project – the skate park.

*It is recommended that Council:*

- 1 APPROVES the initiative to hold a joint youth event with the City of Stirling on 23 February 2008;
- 2 *APPROVES the payment of \$25,000 to the City of Stirling as the City's financial contribution to the event.*

## **BACKGROUND**

From 2000 to 2004 the City held a youth festival known as the Extreme Youth Festival. The event featured Battle of the Bands winners, local well-known bands, a climbing wall, BMX and skate competitions, "gladiator"-style activities, motor-cross demonstrations, dancing and modelling groups.

The event name changed to Scorcha Youth Festival in 2005 and 2006. In this time it became a music event featuring Battle of the Bands winners, local well-known bands and a high-profile band.

In 2005, the City approached the City of Stirling to hold a joint youth music event to utilise joint resources and gain significant benefits from pooling funds and staff resources. The City of Stirling indicated at that time that it was a good idea but it did not occur due to timing issues.

In 2007 the City of Stirling approached the City to run a joint event in 2008. Carine Open Space has been suggested as the location because it is on the boundary and the skate park is a jointly funded project between the two Cities.

## **DETAILS**

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

Between \$20,000 and \$25,000 has been budgeted for the City's event over the past 7 years. Sponsorship was sought in 2003 and 2004 to reduce the cost to the City. Numbers attending has fluctuated over the years due to a range of reasons including change in event style, clashes with other events and limited resources to attract high-profile bands.

In 2008 the City of Stirling is prepared to contribute \$70,000 to the joint event with the City of Joondalup contributing \$25,000.

The event will be a premier youth music event and will attract young people from across the northern suburbs. It will be a free-ticketed event promoted as alcohol and drug free. Tickets will be available from various City outlets.

A joint approach by the two Cities has many benefits including:

- Cost efficiencies from having one major event rather than two small events
- Increased market penetration from the ability to attract higher profile bands
- Collaboration between two local governments reducing cost impact on the City
- City gains exposure from a \$95,000 event rather than a \$25,000 event
- A joint officer's group will coordinate and market the event

**Link to Strategic Plan:**

Outcome:	The City of Joondalup provides social opportunities that meet community needs.
Objective	To continue to provide services that meet changing needs of a diverse and growing community
Strategy	Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.
Strategy	Provide quality-of-life opportunities for all community members

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

A joint event lessens potential risk as the majority of the cost of the event is borne by the City of Stirling.

**Financial/Budget Implications:**

<b>Account No:</b>	1.4450.5410.0001.A124
<b>Budget Item:</b>	Production Costs
<b>Budget Amount:</b>	\$25,000
<b>YTD Amount:</b>	\$
<b>Actual Cost:</b>	\$

**Policy Implications:**

Not Applicable.

**Regional Significance:**

This event is expected to attract 7000 young people from across the northern corridor of the metropolitan area. The City event has attracted approximately 3000 people to Scorcha in the past.

**Sustainability Implications:**

This type of event provides the opportunity for other beneficial joint relationships in respect to service delivery that will benefit the community in the longer term.

**Consultation:**

Not Applicable.

**COMMENT**

An agreement between the City of Stirling and Joondalup has been drafted which outlines the roles and responsibilities of each Local Government. The agreement includes acknowledgement for the City as an event partner on all promotional materials, interviews and press releases. The City of Stirling's logo will appear first on all promotional material and press releases and both parties will agree to all aspects of the event.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council:

- 1 APPROVES** the initiative to hold a joint youth event with the City of Stirling on 23 February 2008;
- 2 APPROVES** the payment of \$25,000 to the City of Stirling as the City's financial contribution to the event.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**REPORT OF THE CHIEF EXECUTIVE OFFICER****CJ295-12/07 ANNUAL GENERAL MEETING OF ELECTORS  
HELD ON 3 DECEMBER 2007 – [65597]**

**WARD:** All

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

---

**PURPOSE**

For the Council to note the Minutes of the Annual General Meeting of Electors held on 3 December 2007 and to give consideration to the motions moved at that meeting.

**EXECUTIVE SUMMARY**

The Annual General Meeting of Electors of the City of Joondalup was held on 3 December 2007 in accordance with Section 5.27 of the Local Government Act 1995. Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

It is recommended that Council:

- 1** *NOTES the Minutes of the Annual General Meeting of Electors held on 3 December 2007 forming Attachment 1 to this Report;*

- 2      *REQUESTS that a report be submitted to the first Ordinary Council meeting in 2008 giving consideration to the motions raised at the Annual General Meeting of Electors.*

## **BACKGROUND**

The City's Annual General Meeting of Electors was held on 3 December 2007 in accordance with Section 5.27 of the Local Government Act 1995. The meeting was attended by 31 members of the public with a total of eight motions passed at the meeting. The minutes of that meeting form Attachment 1 hereto.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council, however the Council must consider them.

## **DETAILS**

The Motions passed at the Annual General Meeting of Electors are set out below:

### **MOTION NO 1 – NATURAL AREAS STAFFING**

*MOVED Mrs M Zakrevsky 49 Korella Street, Mullaloo SECONDED Ms M Moon, 6 Carew Place, Greenwood that the City of Joondalup:*

- 1      *increases the number of staff in its natural areas team, which presently consists of a supervisor and two full-time staff (written confirmation dated 14 November 2007). Endorsement of CJ193-09/07 City of Joondalup Environment Plan, objective 2.1 – Caring for the Environment states: "To plan and manage our natural resources to ensure environmental sustainability";*
- 2      *provides its natural team with equipment to enable management of the natural areas as stated in the City's Vision, Environmental Report of 25 September 2007 for CJ193-09/07 and the recently released 2007 Annual Report;*
- 3      *has a natural areas staff that is able to support the work of Friends Groups as and when required, eg some chemical weed control, obtaining and moving brushing, sand trapping, and watering newly planted seedlings at regular intervals during the first summer for improved survival rates.*

The Motion was Put and

CARRIED WITHOUT DISSENT

### **MOTION NO 2 – GERALDTON CARNATION WEED**

*MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that the City of Joondalup:*

- 1      *takes action against the invasion of Geraldton carnation weed into natural areas, particularly along Ocean Reef Road, by trial spraying of the herbicide Logran, otherwise known as triasulfuron as detailed by the Department of Environment and Conservation and that budget money be allocated to deal with this declared weed at this site;*

- 2        *seeks cooperation from the State Government and the WA Local Government Association to address this weed issue as it affects many local government authorities, not just the City of Joondalup.*

The Motion was Put and

CARRIED WITHOUT DISSENT

### **MOTION NO 3 – DEVELOPMENT OF EDGEWATER QUARRY SITE**

*MOVED Mr M O'Brien, 45 Aberdare Way, Warwick, SECONDED Dr V Cusack, 2 Renegade Way, Kingsley that Council be requested to revive the City of Joondalup Wheeled Sports Committee as soon as possible to oversee the development of the Edgewater Quarry Site.*

The Motion was Put and

CARRIED WITHOUT DISSENT

### **MOTION NO 4 – COMMUNITY CONSULTATION**

*MOVED Ms M Moon, 6 Carew Place, Greenwood, SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that advertising for the District Planning Scheme No 2 Amendment "Short Stay in the Residential Zone" and the "Short Stay" Policy be extended for at least two (2) weeks to ensure comprehensive community consultation can be achieved with certainty.*

The Motion was Put and

CARRIED WITHOUT DISSENT

### **MOTION NO 5 – CODE OF CONDUCT**

*MOVED Mr K Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that the ratepayers believe that since 2000 Council's and Administration's apparent repeated failure to uphold the adopted Code of Conduct comprising the three (3) ethical values and professional behaviours that support the principles of Respect for Persons, Justice and Beneficence, especially its ratepayers as evidenced at the 19 June 2007 Council meeting debate on Item CJ116-06/07 - Recovery of Legal Costs in the matter of the Mullaloo Progress Association Inc –v- City of Joondalup and Rennet Pty Ltd – Supreme Court Action CIV 1285 of 2003, as listed (a) to (m) as evidenced and witnessed to be deplorable and inexcusable.*

- 1        *The current City of Joondalup administration did not advise Council on the 12 June 2007 and 19 June 2007:*

- (a) that former CEO, Denis Smith exceeded his \$10,000 statutory expenditure limitation when engaging senior counsel to represent the City of Joondalup in a Court of Law and that no such authority was requested from Council;*
- (a) the former CEO, Denis Smith's contractual actions were illegal;*
- (c) the lawyers and the Supreme Court were not aware that they were dealing with an unauthorised requisition making the City of Joondalup Defence Action null and void before the Court Hearing commenced;*



- (d) *that the former CEO, Denis Smith ignored submissions made by the ratepayers;*
- (e) *that the former CEO, Denis Smith advised the MPA Inc and their lawyers to take their concerns elsewhere. The City of Joondalup could have and should have referred to its Code of Conduct and withdrawn any challenge, even in the last hour. Absolutely no effort was made to mediate;*
- (f) *that non-confirming rights are not transferable where redevelopment is proposed requiring DA and BA approvals and/or when the property/site has been sold to new owners. This is not a discretionary item;*
- (g) *failure to provide copy of alleged arrangement with M Bellombra to sell the land in Wangara to pay for cash-in-lieu of 34 parking bays not available;*
- (h) *that M Bellombra, the previous owner of Lot 100 Oceanside Promenade, Mullaloo did not own land in Wangara to be able to do that transaction;*
- (i) *that the evidence of alleged Receipt No 88 has not been provided to the MPA Inc and ratepayers as requested by them;*
- (j) *failure to provide MPA Inc with access to 25 year old documents (refer legislation) when requested under FOI – Freedom of Information in fact is treated as “Fogging of Information” by the City of Joondalup;*
- (k) *the City of Joondalup made no attempt to request MPA Inc for assurance/indemnity to meet legal costs that could arise. The City of Joondalup did not provide any assistance, only hindrance. The City of Joondalup ignored MPA Inc and ratepayers concerned at every turn. Council made no attempt to mediate as required of it. Specifically, it did not provide “Protection of Disadvantaged” to people protecting the public amenities;*
- (l) *of the 14 January 2005 written confirmation of telephone conversation between Chairman of Commissioners, John Paterson and myself, V K (Ken) Zakrevsky in which, besides other matters discussed, Ken Zakrevsky replied regarding the Map’s legal cost raised by the Chairman that “the MPA is not asking to have anything hidden. Should this matter require a debate before ratification, it is necessary that both sides of the story be put before the Commissioners in a Report” and that “the City of Joondalup officers and the MPA present their own facts for assessment” has not been enacted to this day. No opportunity has been given to the MPA Inc or ratepayers to be heard and listened to on this subject;*
- (m) *also evident that the reports and documents accompanying these recommendations to Council did not present all the relevant facts, only very select material and convoluted information that is misleading, misrepresentative, unprofessional, half truths and omissions of factual information is tantamount to lying. Also witnessed at the debate on 19*

*June 2007 on Items CJ116-06/07, CJ117-06/07 and CJ118-06/07 were the derogatory, threatening, wanton statements and accusations made collectively by the majority of Councillors displaying aggressiveness, bullying, disinterest, ignorance, laziness, self-opinionatedness and weakness, depicting relinquishment of responsibility by permitting delegated authority and discretionary authority to become unchallenged absolute authority with serious heavy financial losses and consequences to the City of Joondalup ratepayers;*

- 2     *That Council revisits Item CJ116-06/07 of 19 June 2007 and rescinds the motion because Council cannot support:*
- (a)     recklessness equals utterly careless behaviour by City of Joondalup executives and senior management and/or Councillors;*
  - (b)     misconduct equals improper and unlawful conduct by an official in regard to the office;*
  - (c)     misrepresentation equals represent incorrectly, improperly or falsely;*
  - (d)     misrepresentation to Solicitors, the Supreme Court, State Administrative Tribunal, the City of Joondalup ratepayers and electors;*
- 3     *The Council must bear in mind that ratepayers also have the right to approach the Ombudsman, Department of Consumer and Employment Protection, CCC of WA and the Insurance Industry to determine whether the City of Joondalup administration, executives, senior management and Councillors, have or have not, carried out their responsibilities, to the best of their ability and truly represented the ratepayers and electors.*

*The Motion was Put and*

**CARRIED**

#### **MOTION NO 6 – PAID PARKING**

*MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that we the ratepayers reject the City of Joondalup Council and the City administration's move to impose a second and metered vehicle parking tax within the boundaries of Joondalup be it in the Central Business District or any other location such as the beach front.*

*The Motion was Put and*

**CARRIED**

**MOTION NO 7 – LEARNING CITY**

*MOVED Dr V Cusack, 2 Renegade Way, Kingsley, SECONDED Ms M Moon, 6 Carew Place, Greenwood that the City do all it possibly can to further advance the City of Joondalup as a learning City by way of fully exploring with the State Government of the day, the option of relocating the Department of Education to the City of Joondalup.*

*The Motion was Put and*

*CARRIED WITHOUT DISSENT*

**MOTION NO 8 – CONTENT OF ANNUAL REPORT**

*MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that each and every time that the Council and/or the Planning Department of the City of Joondalup fails to properly impose the total number of required on-site car parking bays in respect of any development application, that this information should be publicly recorded in the Annual Report and be highlighted in each planning decision so as to identify both the shortfall in the number of car parking bays and the total commercial value of this parking shortfall which is then passed on to ratepayers.*

*The Motion was Put and*

*CARRIED*

**Link to Strategic Plan:**

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

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

Strategies:

4.3.3 Provide fair and transparent decision-making processes.

**Legislation – Statutory Provisions:**

Section 5.33 of the Local Government Act 1995 states:

**Decisions made at Electors' Meetings**

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,
- whichever happens first.

- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

**Risk Management considerations:**

The failure to consider the decisions made at the Annual General Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

**COMMENT**

The motions carried at the Annual General Meeting of Electors held on 3 December 2007 are presented to the Council in accordance with the requirements of the legislation.

Given the number of the motions carried at the meeting and some of their complexities, it is recommended that a further report be presented to the first ordinary meeting of the Council in 2008. This will enable adequate research to be undertaken to assist the Council in making informed decisions in response to all the motions carried at the AGM.

**ATTACHMENTS**

Attachment 1	Minutes of the Annual General Meeting of Electors held 3 December 2007
--------------	--

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr John, SECONDED Cr Amphlett that Council:**

- 1 NOTES the Minutes of the Annual General Meeting of Electors held on 3 December 2007 forming Attachment 1 Report CJ295-12/07;**
- 2 REQUESTS that a report be submitted to the first Ordinary Council meeting in 2008 giving consideration to the motions raised at the Annual General Meeting of Electors.**

**The Motion was Put and CARRIED (12/0) by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

*Appendices 33 and 35 refer*

*To access this attachment on electronic document, click here: [Attach33agn181207.pdf](#)  
[Attach35min181207.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ296-12/07 - Minutes Of The Audit Committee Meeting Held On 4 December 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect Impartiality
<b>Extent of interest</b>	The Chief Executive Officer is the cardholder

**CJ296-12/07 MINUTES OF THE AUDIT COMMITTEE MEETING  
HELD ON 4 DECEMBER 2007 - [50068, 09882,  
18049]**

**WARD:** All

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

---

**PURPOSE**

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

**EXECUTIVE SUMMARY**

A meeting of the Audit Committee was held on 4 December 2007.

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

- |        |   |
|--------|---|
| Item 1 | Appointment of External Member of Audit Committee |
| Item 2 | Quarterly Report - Corporate Credit Card Usage    |

*It is recommended that Council:*

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 4 December 2007, forming Attachment 1 to this Report;*
- 2 *in accordance with Section 5.10 of the Local Government Act 1995, BY AN ABSOLUTE MAJORITY, APPOINTS Mr Peter Smith as the external member of the Audit Committee for the period to October 2009.*

## **BACKGROUND**

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

## **DETAILS**

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

The Motions moved at the Audit Committee meeting held on 4 December 2007 are shown below, together with officer's comments.

- |        |   |
|--------|---|
| Item 1 | Appointment of External Member of Audit Committee |
|--------|---|

The following motions were carried:

*"That the Audit Committee RECOMMENDS that Council appoints Mr Peter Smith as the designated external member of the Audit Committee for the period to October 2009, subject to a reference check and an interview being conducted with Mr Smith at a date and time to be determined by the Presiding Person of the Audit Committee."*

*"That the Presiding Person and the Chief Executive Officer conduct the interview with the preferred candidate, Mr Peter Smith, following reference checking being undertaken."*

### Officer's comment

The interview has been conducted.

- |        |  |
|--------|--|
| Item 2 | Quarterly Report - Corporate Credit Card Usage |
|--------|--|

The following motion was carried:

*"That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 30 September 2007 forming Attachment 1 to this Report."*

Officer's comment

No action required.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

An interview has been conducted with Mr Peter Smith by the Presiding Person and the Chief Executive Officer. The outcome of the interview supports the Audit Committee's recommendation that Mr Peter Smith be appointed to the Audit Committee.

**ATTACHMENTS**

Attachment 1 Minutes of the Audit Committee meeting held on 4 December 2007

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council:

- 1** NOTES the unconfirmed Minutes of the Audit Committee meeting held on 4 December 2007, forming Attachment 1 to Report CJ296-12/07;
- 2** BY AN ABSOLUTE MAJORITY, in accordance with Section 5.10 of the Local Government Act 1995, **APPOINTS** Mr Peter Smith as the external member of the Audit Committee for the period to October 2009.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution following consideration of Item CJ296-12/07, Page 219 refers.

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

*Appendix 32 refers*

To access this attachment on electronic document, click here: [Attach32agn181207.pdf](#)

**C87-12/07**                      **COUNCIL DECISION – EN BLOC RESOLUTION**

**MOVED** Cr John, **SECONDED** Cr Amphlett that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations en bloc, Council **ADOPTS** Items CJ261-12/07, CJ266-12/07, CJ267-12/07, CJ270-12/07, CJ274-12/07, CJ275-12/07, CJ276-12/07, CJ277-12/07, CJ279-12/07, CJ282-12/07, CJ288-12/07, CJ290-12/07, CJ291-12/07, CJ292-12/07, CJ293-12/07, CJ294-12/07, CJ295-12/07 and CJ296-12/07.

The Motion was Put and

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr M Macdonald</b>
<b>Item No/Subject</b>	C88-12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Some of the people who have nominated for positions are known to Cr Macdonald



<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88-12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Cr Young's husband was a nominee for Community Reference Committee in relation to the Ocean Reef Marina

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88-12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Friends of Cr Young are applicants

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88-12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Cr Young is a member of the Ocean Reef Progress Association

<b>Name/Position</b>	<b>Cr T Young</b>
<b>Item No/Subject</b>	C88-12/07 – Minutes of the Ocean Reef Marina Committee held on 12 December 2007
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Cr Young is a resident of Ocean Reef

## **C88-12/07 MINUTES OF THE OCEAN REEF MARINA COMMITTEE HELD ON 12 DECEMBER 2007 - [07303, 04171, 12950]**

**WARD:** North-Central

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

### **PURPOSE**

To submit the unconfirmed minutes of the Ocean Reef Marina Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

A meeting of the Ocean Reef Marina Committee was held on 12 December 2007.

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

- Ocean Reef Marina Development Site – Consultation
- Ocean Reef Marina Steering Committee – Status Update

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Ocean Reef Marina Committee held on 12 December 2007, forming Attachment 1 to this Report;*
- 2 *ENDORSES the appointment of members to the Community Reference Group.*

## **BACKGROUND**

The objectives of the Ocean Reef Marina Committee are *to provide leadership for, and oversight of, the Ocean Reef Marina project.*

## **DETAILS**

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

The motions carried at the Ocean Reef Marina Committee are shown below, together with officer's comments.

*MOVED Cr Amphlett SECONDED Cr Jacob that the Ocean Reef Marina Committee DETERMINES that it will select the members of the Community Reference Group based on each applicant's submission.*

#### Officer's comment

This decision does not conflict with previous Council decisions on the Ocean Reef Marina development.

*MOVED Cr Fishwick SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the following people be appointed as Category A members of the Community Reference Group:-*

- *Ms E Bamforth*
- *Ms N Campion*
- *Mr K Eastwood*
- *Mr G Foord*
- *Mr R Green*
- *Mr P Young*
- *Mr T Stuart*
- *Mr R Cameron*
- *Ms L Dailey*
- *Ms K Nichols*

#### Officer's comment

These nominations are supported.

*MOVED Cr Young SECONDED Cr Amphlett that the Ocean Reef Marina Committee RECOMMENDS to Council that the following people be appointed as Category B members of the Community Reference Group:-*

- *Mr A Cass*
- *Ms C Lyttleton*
- *Mr C Wanless*
- *Mr J Holenstein*
- *Mr S Bray*
- *Mr C Wright*
- *Mr M Hay*
- *Mr N Caldwell*
- *Mr O Kay*
- *Mr D Jolly*

Officer's comment

These nominations are supported.

*MOVED Cr Jacob SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS the following industry group representatives be appointed as Category C members of the Community Reference Group:-*

- *Ocean Reef Surf Sports Club (Mr R Lindsay)*
- *Sunset Coast Tourism Association (Mr A Slomp)*
- *Whitfords Volunteer Sea Rescue Group (Mr K Blackie)*
- *Ocean Reef Progress Association (Mr P Brooker)*
- *Recfishwest (Mr J Weston)*

Officer's comments

These nominations are supported.

*MOVED Cr Amphlett SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS that Mr R Repke be appointed as the Category D member of the Community Reference Group.*

Officer's comments

This nomination is supported.

*MOVED Cr Jacob SECONDED Cr Amphlett that subject to confirmation of legal ability RECOMMENDS that the four remaining positions originally proposed for Category D membership of the Community Reference Group be allocated to the individuals from the following groups who have nominated in Category C being:-*

- *Ocean Reef Sea Sports Club (Ms A Angel)*
- *Whitfords Volunteer Sea Rescue Group (Mr M Carruthers)*
- *Joondalup Community Coast Care Forum (Mr M Norman)*
- *Boating WA (Mr B Barnett)*

Officer's comments

This decision does not conflict with any previous Council decision as Council only resolved to note the original Community Participation Plan when it was placed before Council previously.

*MOVED Cr Jacob, SECONDED Mayor Pickard that the Ocean Reef Marina Committee NOTES the feedback from the community consultation as outlined in Attachments 1 and 2 to this Report.*

Officer's comments

No comment.

*MOVED Cr Jacob, SECONDED Mayor Pickard that the Ocean Reef Marina Committee NOTES the tabling of seven additional detailed submissions for Attachment 3.*

Officer's comments

These submissions were identified in a review of submissions just before the meeting started. It has now come to light that all seven had been excluded for various reasons. Three were submitted late and consequently excluded; two provided no reason for membership (and were unable to be contacted) and consequently excluded; one nominated but then stated, "I am unable to participate" which led to his exclusion; while one was located outside of the North West Corridor and, consequently, excluded.

*MOVED Cr Young, SECONDED Cr Jacob that following a decision by Council the City write to the unsuccessful nominees and thank them for their interest in the Ocean Reef Marina Committee.*

Officer's comments

This action will be undertaken.

*MOVED Cr Young, SECONDED Cr Jacob that the Ocean Reef Marina Committee NOTES the progress of the Ocean Reef Marina Steering Committee as outlined in this Report.*

Officer's comments

No comment.

**Link to Strategic Plan:**

Not applicable.

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT****ATTACHMENTS**

Attachment 1                      Minutes of the Ocean Reef Marina Committee meeting held on 12 December 2007

**VOTING REQUIREMENTS**

Simple majority

**MOVED Mayor Pickard, SECONDED Cr Jacob that Council:**

- 1        **NOTES** the unconfirmed minutes of the Ocean Reef Marina Committee held on 12 December 2007, forming Attachment 1 to Report C88-12/07;
- 2        **ENDORSES** the appointment of the following members to the Community Reference Group:

- Ms E Bamforth
- Ms N Campion
- Mr K Eastwood
- Mr G Foord
- Mr R Green
- Mr P Young
- Mr T Stuart
- Mr R Cameron
- Ms L Dailey
- Ms K Nichols
- Mr A Cass
- Ms C Lyttleton
- Mr C Wanless

- Mr J Holenstein
- Mr S Bray
- Mr C Wright
- Mr M Hay
- Mr N Caldwell
- Mr O Kay
- Mr D Jolly
- Ocean Reef Surf Sports Club (Mr R Lindsay)
- Sunset Coast Tourism Association (Mr A Slomp)
- Whitfords Volunteer Sea Rescue Group (Mr K Blackie)
- Ocean Reef Progress Association (Mr P Brooker)
- Recfishwest (Mr J Weston)
- Mr R Repke
- Ocean Reef Sea Sports Club (Ms A Angel)
- Whitfords Volunteer Sea Rescue Group (Mr M Carruthers)
- Joondalup Community Coast Care Forum (Mr M Norman)
- Boating WA (Mr B Barnett)

Discussion ensued.

**AMENDMENT MOVED** Cr Young, **SECONDED** Cr Jacob that an additional Point 3 be added to the Motion as follows:

**“3     *the Mayor be appointed as Chairperson on the Community Reference Group and that all Elected Members be entitled to attend meetings of the Community Reference Group as observers.*”**

**The Amendment was Put and**

**CARRIED (12/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**AMENDMENT MOVED** Cr Macdonald, **SECONDED** Cr Fishwick that an additional Point 4 be added to the Motion as follows:

**“4     *SEEKS confirmation from those groups in Category C that they are representative of those entities and increase membership of the Community Reference Group to 34 and that the following persons be incorporated into the Committee as additional representatives of Category D, being:***

*Mr B Buzzard  
Mr R Tilbrook  
Ms D Ironmonger  
Ms M Noble”*

Discussion ensued.

With the approval of the meeting, the following was inserted:

- The words “.....increase membership of the Community Reference Group to 34 and.....” be inserted after the words “...entities and.....”
- The word “additional” to be inserted in front of the word “representatives”

**MOVED** Cr Fishwick, **SECONDED** Cr John that in accordance with clause 58(a) of the Standing Orders Local Law 2005 Council **DEFERS** the appointment of the Community Reference Group for the Ocean Reef Marina and **REFERS** the matter back to the Ocean Reef Marina Committee for further consideration.

**The Motion was Put and**

**CARRIED (8/4)**

**In favour of the Motion:** Crs Corr, Diaz, Fishwick, Hollywood, John, Macdonald, McLean and Norman  
**Against the Motion:** Mayor Pickard, Crs Amphlett, Jacob and Young

*Appendix 36 refers*

*To access this attachment on electronic document, click here: [Attach36min181207.pdf](#)*

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

### **C89-12/07      NOTICE OF MOTION – CR GEOFF AMPHLETT – REDUCING THE USE OF PLASTIC BAGS - [65597] [09717]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Geoff Amphlett gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

***“That Council REQUESTS a report on what initiatives are being taken throughout Australia to reduce the use of plastic bags and what actions the City might take to support this outcome.”***

### **REASON FOR MOTION**

Cr Amphlett submitted the following comment in support of his Notice of Motion:

“Plastic bags can have a significant impact on the environment and its amenity. The majority of bags are not recycled and either end up in the environment as litter creating visual pollution or in landfill where they can take decades to degrade. Plastic bags are also a potential hazard to wildlife, which can ingest or become entangled in the bags.”

### **OFFICER’S COMMENT**

A report can be prepared.

*Cr Norman left the Chamber, the time being 2329 hrs.*

**MOVED** Cr Amphlett, **SECONDED** Cr Jacob that Council **REQUESTS** a report on what initiatives are being taken throughout Australia to reduce the use of plastic bags and what actions the City might take to support this outcome.

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean and Young.

*Cr Norman entered the Chamber, the time being 2331 hrs.*

**C90-12/07      NOTICE OF MOTION – CR SUE HART – AMENDMENT TO DPS2 - [65597] [09011]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Sue Hart gave notice of her intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

***“That Council extends the public comment period by a further four weeks for the Amendment to DPS2 which relates to short stay accommodation;***

***That the City makes available to ratepayers, questions which have been asked to date in relation to this matter and the answers given;***

***Further, in any extended consultation the City should provide information on potential amenity implications associated with short stay accommodation, and request community members to consider the amenity matters associated with short stay accommodation.***

***This should be done by the City’s website and the local paper.”***

**REASON FOR MOTION**

Cr Hart submitted the following comment in support of her Notice of Motion:

“This amendment can possibly have a huge impact on amenity of all suburbs within the City.

The end of the year is always a busy time for ratepayers with Christmas, end of school year, break-ups etc.

It is crucial the community be fully informed on this amendment, to enable them to contribute by way of submission.”

**OFFICER’S COMMENT**

The City does not commence the advertising of proposals during the Christmas/New Year period. Amendment 36 commenced public advertising on 14 November 2007, for a statutory period of 42 days. The commencement of advertising in mid November is considered appropriate, and an extension of the comment period is not warranted. As in the usual practice, submissions received after the 26 December, will be included in the officers report. This would effectively provide a further 3 weeks for any late submissions.

Mayor Pickard advised that in the absence of Cr Hart and in accordance with the City’s Standing Orders Local Law 2005, Cr Hart had provided written authorisation for Cr John to deal with the Notice of Motion on her behalf. The authorisation had been sighted by the CEO.



**MOVED Cr John, SECONDED Cr Norman that:**

**Council extends the public comment period by a further four weeks for the Amendment to DPS2 which relates to short stay accommodation;**

**The City makes available to ratepayers, questions which have been asked to date in relation to this matter and the answers given;**

**Further, in any extended consultation the City should provide information on potential amenity implications associated with short stay accommodation, and request community members to consider the amenity matters associated with short stay accommodation.**

**This should be done by the City's website and the local paper.**

**AMENDMENT MOVED Cr Macdonald, SECONDED Cr Norman that the second and third paragraphs be DELETED.**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (10/2)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Jacob, John, Macdonald, Norman and Young **Against the Amendment:** Crs Hollywood and McLean

**AMENDMENT MOVED Cr Young, SECONDED Cr Norman that an additional Point 2 be added to the Motion as follows:**

**"2 NOTES that this is a result of public interest and that submissions received in this extended public comment period be separately identified in the report to Council."**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (9/3)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, John, Macdonald, Norman and Young **Against the Amendment:** Crs Hollywood, Jacob and McLean

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

**That Council:**

**1 EXTENDS the public comment period by a further four weeks for the Amendment to DPS2 which relates to short stay accommodation. This should be done by the City's website and the local paper;**

**2 NOTES that this is a result of public interest and that submissions received in this extended public comment period be separately identified in the report to Council.**

**Was Put and**

**CARRIED (8/4)**

**In favour of the Motion:** Crs Amphlett, Corr, Diaz, Fishwick, John, Macdonald, Norman and Young **Against the Motion:** Mayor Pickard, Crs Hollywood, Jacob and McLean

**C91-12/07      NOTICE OF MOTION – CR BRIAN CORR – REQUEST FOR REPORT ON THE REDEVELOPMENT OF CIVIC PLACE, PARRAMATTA - [65597] [55526]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

***“That Council:***

**1      *REQUESTS a report analysing the redevelopment of ‘Civic Place’ in Parramatta, identifying areas that could be relevant for the redevelopment of the Joondalup CBD, areas such as:***

- *The mix of retail, commercial, community and residential facilities;*
- *The statutory planning framework used;*
- *Sustainability principles and practices;*
- *Building design and energy efficiency;*
- *Roof-top gardens, recycling of grey water, reductions in stormwater run-off;*
- *The mandated design standards for both residential and office buildings;*
- *The linked European-style public places (piazzas);*
- *Suitability of piazza(s) for exhibitions, concerts etc;*
- *Sculptures, street furniture, seating, shade;*
- *Pedestrian movement;*
- *Childcare facilities;*
- *The shops, cafes, bars, restaurants, cinema, markets and entertainment mix;*
- *Transport links eg the rail-bus interchange close by;*
- *The cooperation between the different levels of government;*
- *The cooperation between the public and private sectors;*

**2      *CONSIDERS bringing someone to Perth to brief Elected Members on this redevelopment, the processes, timelines etc;***

**3      *REPORTS back to Council on or before our April 2008 Council meeting.”***

**REASON FOR MOTION**

Cr Corr submitted the following comment in support of his Notice of Motion:

“The City of Parramatta is to Sydney what Joondalup is to Perth – a satellite CBD. Its current CBD has ‘old’ and ‘tired’ buildings. ‘Civic Place’ is the redevelopment of a 3.5 hectare area in the centre of Parramatta; the largest such project undertaken in Australia in recent years.

The mix is based on modelling done in partnership with Latrobe University. It is designed to encourage businesses to relocate and to instil confidence in the City’s commercial future. People movement, piazzas, public art, an art gallery, independent cinema, are designed to attract people to the area, to meet, relax, walk, sit, shop, eat, catch a movie, go to an exhibition, visit the library etc.

The commercial buildings are designed to a minimum 4.5-star ABGR rating and 4-star Greenstar rating; buildings for the future!

I believe that the Parramatta 'Civic Place' redevelopment could have some strong pointers for how we should look at Joondalup inner-CBD. It shows vision, local leadership, cooperation; it will revitalise Parramatta city centre; attract businesses; create jobs; attract residents and tourists, etc. It looks like it will be an exciting place to visit.

Investigating and analysing this 'Civic Plan' will, I feel, help us to understand the scope and requirements for the redevelopment of the Joondalup CBD; help us to make better decisions."

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

These suggestions will be taken into account in the continuing review of the Structure Plan for the Joondalup CBD area, as well as in regard to the ongoing review of District Planning Scheme No. 2.

**MOVED Cr Corr, SECONDED Cr Norman that Council:**

- 1 REQUESTS a report analysing the redevelopment of 'Civic Place' in Parramatta, identifying areas that could be relevant for the redevelopment of the Joondalup CBD, areas such as:**
  - The mix of retail, commercial, community and residential facilities;
  - The statutory planning framework used;
  - Sustainability principles and practices;
  - Building design and energy efficiency;
  - Roof-top gardens, recycling of grey water, reductions in stormwater run-off;
  - The mandated design standards for both residential and office buildings;
  - The linked European-style public places (piazzas);
  - Suitability of piazza(s) for exhibitions, concerts etc;
  - Sculptures, street furniture, seating, shade;
  - Pedestrian movement;
  - Childcare facilities;
  - The shops, cafes, bars, restaurants, cinema, markets and entertainment mix;
  - Transport links eg the rail-bus interchange close by;
  - The cooperation between the different levels of government;
  - The cooperation between the public and private sectors;
- 2 CONSIDERS bringing someone to Perth to brief Elected Members on this redevelopment, the processes, timelines etc;**
- 3 REPORTS back to Council on or before our April 2008 Council meeting.**

**MOVED Mayor Pickard, SECONDED Cr Young** that consideration of the request for a report on the redevelopment of Civic Place, Parramatta be **DEFERRED** to the ordinary Meeting of Council scheduled to be held in March 2008 for further consideration.

**“MOVED Cr Corr, SECONDED Cr Norman** that Council:

- 1 **REQUESTS** a report analysing the redevelopment of ‘Civic Place’ in Parramatta, identifying areas that could be relevant for the redevelopment of the Joondalup CBD, areas such as:
  - The mix of retail, commercial, community and residential facilities;
  - The statutory planning framework used;
  - Sustainability principles and practices;
  - Building design and energy efficiency;
  - Roof-top gardens, recycling of grey water, reductions in stormwater run-off;
  - The mandated design standards for both residential and office buildings;
  - The linked European-style public places (piazzas);
  - Suitability of piazza(s) for exhibitions, concerts etc;
  - Sculptures, street furniture, seating, shade;
  - Pedestrian movement;
  - Childcare facilities;
  - The shops, cafes, bars, restaurants, cinema, markets and entertainment mix;
  - Transport links eg the rail-bus interchange close by;
  - The cooperation between the different levels of government;
  - The cooperation between the public and private sectors;
- 2 **CONSIDERS** bringing someone to Perth to brief Elected Members on this redevelopment, the processes, timelines etc;
- 3 **REPORTS** back to Council on or before our April 2008 Council meeting.”

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young

**C92-12/07      NOTICE OF MOTION – CR ALBERT JACOB – REQUEST FOR REPORT ON THE ESTABLISHMENT OF A DESIGN ADVISORY COMMITTEE - [65597] [01139]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Albert Jacob gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

***“That Council REQUESTS a report that examines the establishment of a Design Advisory Committee similar to the model used by other West Australian Local Governments, such as the City of South Perth.”***

**REASON FOR MOTION**

The model used by other local Governments is predominately an external committee membership that makes use of local building and planning knowledge to comment on the quality of design in proposed developments.

Such a committee could add value for the Council when looking at the design or aesthetic value of a development applications.

**OFFICER'S COMMENT**

A report can be prepared.

**MOVED Cr Jacob, SECONDED Cr McLean that Council REQUESTS a report that examines the establishment of a Design Advisory Committee similar to the model used by other West Australian Local Governments, such as the City of South Perth.**

Cr Jacob spoke to the Motion.

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Hollywood, Jacob, John, Macdonald, McLean, Norman and Young.

**C93-12/07      NOTICE OF MOTION – CR MARIE MACDONALD – REQUEST FOR DOCUMENTS - [65597] [02089]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Marie Macdonald gave notice of her intention to move the following Motion at the Council meeting to be held on Tuesday 18 December 2007:

***“That Council REQUESTS that the CEO releases, to Elected Members only, the legal opinion on the O’Neill Report into the Mullaloo Tavern Redevelopment and any other legal opinion on Amendment 36, before Amendment 36 comes to Council for final approval.”***

**REASON FOR MOTION**

Cr Macdonald submitted the following comment in support of her Notice of Motion:

“It is Council’s responsibility to be fully informed on matters that come before it for a decision. It is my belief that without these documents Elected Members will not have a full understanding of the Amendment.”

**OFFICER'S COMMENTS**

The City received no written legal advice in relation to the O’Neill report, consequently none can be provided.

Council at its meeting held on 27 February 2007 considered the draft Short Stay Accommodation Policy and resolved, in part, as follows:

*“REFERS the draft Short Stay Accommodation Policy back to the Policy Committee, and requests a further report to the Policy Committee addressing issues and options arising as a result of a recent State Administrative Tribunal decision on short stay accommodation, and subsequent legal advice with a view to not proceeding with the policy and commencing a scheme amendment;”*

Legal advice was sought on the effect of the abovementioned SAT decision on the draft Policy, and as a result of that advice, a scheme amendment was drafted with legal assistance. The scheme amendment and supporting draft policy were referred to the Policy Committee/Council in August 2007.

If the Council so resolves, all written legal opinions relating to this Amendment will be released.

**MOVED Cr Macdonald, SECONDED Cr Norman** that Council REQUESTS that the CEO releases, to Elected Members only, the legal opinion on the O'Neill Report into the Mullaloo Tavern Redevelopment and any other legal opinion on Amendment 36, before Amendment 36 comes to Council for final approval.

Discussion ensued.

**The Motion was Put and**

**LOST (5/7)**

**In favour of the Motion:** Crs Corr, John, Macdonald, Norman and Young **Against the Motion:** Mayor Pickard, Crs Amphlett, Diaz, Fishwick, Hollywood, Jacob and McLean

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

## **CHRISTMAS WISHES**

Mayor Pickard wished a Happy Christmas to residents and staff.

## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2400 hrs; the following elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr A JACOB  
Cr T YOUNG  
Cr M MACDONALD  
Cr G AMPHLETT  
Cr M JOHN  
Cr M NORMAN  
Cr B CORR  
Cr R FISHWICK  
Cr F DIAZ