

# 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, 10 JUNE 2008**



City of  
Joondalup

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**MINUTES OF COUNCIL MEETING  
HELD ON TUESDAY 10 JUNE 2008**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 10 JUNE 2008

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1903 hrs.

### ANNOUNCEMENT OF VISITORS

Nil.

### ATTENDANCES

#### Mayor:

TROY PICKARD

#### Councillors:

Cr KERRY HOLLYWOOD	North Ward	
Cr ALBERT JACOB	North-Central Ward	<i>Absent from 2113 hrs to 2140 hrs</i>
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	
Cr SUE HART	South-East Ward	<i>To 2140 hrs</i>
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK – <i>Deputy Mayor</i>	South Ward	
Cr FIONA DIAZ	South Ward	

#### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director, Corporate Services
MR CLAYTON HIGHAM	Director, Planning & Community Development
MR IAN COWIE	Director, Governance & Strategy
MR MARTYN GLOVER	Director, Infrastructure Services
MR MIKE SMITH	Manager, Governance & Marketing
MR CHRIS TERELINCK	Manager, Approvals, Planning & Environmental Services
MR MARK McCRORY	Media Advisor
MRS JANET FOSTER	Administrative Services Coordinator
MS JILL HEWISON	Administrative Secretary

There were 50 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME**

The following questions were taken on notice at the Council meeting held on 13 May 2008:

**Mr S Magyar, Heathridge:**

*Re: List of Payments made during the month of March 2008-05-15*

Q1 *Stamped Page 64 – Payment No 15631 for \$7,833.54 to Landscape Development. Where was this work undertaken and why was Council's own staff not utilised to undertake these works?*

A1 The work was undertaken at Harbour Rise as part of the specified area rate. The work is contracted out to Landscape Development.

**Mr M Caiacob, Mullaloo:**

*Re: SU1237-05 – 18 Millimumul Way, Mullaloo*

Q1 *Following the City's non-support for the 283 m2 subdivision of the above property, did the City receive another application for this subdivision?*

Q2 *Did the City provide any support for this application of an R30 subdivision in an R20 area, to the Minister or her agents?*

Q3 *Did the Minister provide the City the given reasons for approving:*

(a) *a single dwelling on in an R-20 area lot less than 350m2 in area, or 10% less than the minimum site area required by the R-codes?*

(b) *a single dwelling on in an R-20 area in respect to Clause 3.5.4 of the R-Codes?*

(c) *the creation of lots of a much smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality?*

(d) *a sub-division of R-30 density exceeding the permissible maximum density of the Locality being R-20?*

A1-3 No.

The following questions were submitted prior to the Council meeting:

**Mr J Jones, Redcliffe:**

Q1 *Does the CEO consider that the information detailed in the above question should be provided when requested and in particular when the complainant has not received any acknowledgement of their complaint submitted weeks earlier?*

A1 The CEO determines how to respond to complaints.

Q2 *If not, why not?*

A2 Not applicable.

**Mr J Spack, Como:**

- Q1 *Why has Mr Hunt included the preamble to Mr Robinson's questions on the Agenda for the Council meeting scheduled for 18 March 2008?*
- A1 This was an oversight. The preamble was deleted from the minutes.
- Q2 *Has any similar preamble contained in the questions been submitted by other members of the public?*
- A2 The agenda and minutes contain the legislative requirements relating to public question time.
- Q3 *If not, on what basis has Mr Hunt differentiated the inclusion of the preamble to Mr Robinson's questions and not others?*
- A3 As mentioned in the response to Question 1, the inclusion of the preamble was an oversight.
- Q4 *Are the reasons Mr Hunt differentiates how he responds to Mr Robinson's requests motivated by Mr Robinson's questioning of Mr Hunt's actions and administration?*
- A4 No. As indicated at Question 1, the publishing of the preamble was an oversight.
- Q5 *If not, what are Mr Hunt's reasons for treating Mr Robinson differently?*
- A5 Not applicable.

**Mr K Robinson, Como:**

- Q1 *How many initial FOI requests has Mr Hunt responded to in the last 12 and since commencing at COJ?*
- A1 Four.
- Q2 *Are the qualifications and experiences of Mr Hunt so extensive that he is able to undertake any role at the City of Joondalup?*
- A2 Mr Hunt is the CEO of the City.
- Q3 *Why can't Mr Hunt respond to simple requests for an update on the status of Code of Conduct complaints submitted many months ago?*
- A3 The City has responded to Mr Robinson in relation to the Code of Conduct complaints.
- Q4 *How difficult is it for Mr Hunt to advise of the status of Code of Conduct complaints submitted many months ago on a monthly basis?*
- A4 The City has responded to Mr Robinson in relation to Code of Conduct complaints.
- Q5 *Is it Mr Hunt's intention to ignore all questions asked by Mr Robinson until they are requested to be submitted to Council?*
- A5 The City responds to questions as it considers appropriate.

**Mr Wade Dunne, Wembley Downs:**

Q1 *Has the CEO refused to investigate any Code of Conduct complaints made in relation to the Mayor?*

A1 No.

Q2 *If the answer to Q1 is yes on what grounds did the CEO refuse to investigate the complaint(s).*

A2 Not applicable.

Q3 *Does the CEO provide an opportunity if requested for the person making the Code of Conduct complaint against the Mayor to discuss the matter with himself in person?*

A3 The CEO determines the most appropriate way to deal with complaints lodged.

Q4 *If not, why not.*

A4 Not applicable.

Q5 *Has the CEO refused to discuss any Code of Conduct complaint against the Mayor with the person making the complaint when requested to do so?*

A5 See A3 above.

**Ms F Chard-Walker:**

Q1 *Under what circumstances would comments such as those made by the Mayor such as those outlined in Q2 above be justified?*

A1 This issue was addressed in a Code of Conduct complaint.

Q2 *If there are grounds for justifying the comments has the Mayor still not breached the Code of Conduct in circumstances that are justified?*

A2 See response to Question 1.

**Mr R Van der Voorden, Joondanna:**

Q1 *In relation to the response provided to Mr Robinson's question 2, has the City obtained legal advice in relation to the response given or is the response the view of the administration?*

A1 The City obtains legal advice in situations where this is considered appropriate or necessary. The City will not divulge the specific circumstances in which it receives such advice in response to questions.

Q2 *If the response is the view of the administration, does the administration believe the matter is beyond doubt such that a legal opinion is not required?*

A2 See A1 above.

- Q3 *Has the administration sought the views of other local authorities on the requirement to disclose interests affecting impartiality in relation to matters raised during public question time?*
- A3 Background information is obtained from other local governments where it is considered necessary or appropriate. The City obtains legal advice in situations where this is considered appropriate or necessary. The City will not divulge the specific circumstances in which it receives such advice in response to questions.
- Q4 *If questions submitted by members of the public are not matters to be discussed how are answers to questions provided?*
- A4 Answers to written questions are provided by the City.
- Q5 *For the purpose of defining matters to be discussed, is a question followed by a response not by definition a discussion?*
- A5 The definition of the word 'discussion' is given in dictionaries.

**Mr S Kobelke, Sorrento:**

- Q1 *Can the City take steps to improve the audio quality of the online broadcast of the Council meetings? The quality of the meeting of the 13 May was very poor.*
- A1 The City has been broadcasting its meeting proceedings via the internet for some months now, with the quality of the audio being of high quality and no complaints have been previously received.
- There was a technical issue at the last meeting which has since been rectified.
- Q2 *To avoid the cost of seeking professional enhancement of the audio quality of the Ordinary Meeting of the 13th May, can the City confirm that the Presiding Officer Mayor Pickard says during debate on Item CJ081-05/08 Sacred Heart School that he believes that the absent South West Ward Councillor Michael Norman supports the amendment that Cr John is moving or anything along these lines?*
- A2 No comment along the lines suggested was made by Mayor Pickard during debate on this Item.
- Q3 *Residents and interested parties had been informed that the Sacred Heart School item had been due to come up at the Council Meeting on the 15th April. Can the City confirm that the item was not delayed until the 13th May to ensure that South West Ward Councillor Michael Norman, who had previously advised sought permission for leave on the 13th May, would be absent when this item went to Council on the 13th May?*
- A3 The item was not delayed for the reason presented in the question. The application was referred to Council for consideration once modifications were received from the applicant and addressed.
- Q4 *With regard to Item CJ081-05/08 can the City advise if Councillor Michele John sought advice on the wording of the amendment she put forward from the Presiding Officer, Mayor Troy Pickard?*
- A4 This is a question for Cr John.

Q5 *With regard to Item CJ081-05/08 can the City advise if Councillor Michele John sought advice with the wording of her amendment from the Officers of the City of Joondalup?*

A5 Elected Members have the opportunity to seek assistance on proposed amendments. This is common practice for Elected Members who wish to move alternate motions from City Officers.

**Ms S Kobelke, Sorrento:**

Q1 *In regard to Item CJ081-05/08 Sacred Heart School, can the City confirm that at the Council Briefing Session held on 6th May 2008 that the Presiding Officer Mayor Troy Pickard asked the Officers to prepare an alternative motion approving the application and go against the Officers recommendation?*

A1 The Mayor did not make the request.

Q2 *In regard to Item CJ081-05/08, what advice did the City give Mayor Pickard when he asked for an alternate motion that would go against their advice and the City of Joondalup policy on Building Height Controls in Non-Residential Adjacent to the Coast (Clause 4.17) area? That is land within 300 metres of the horizontal setback datum of the coast as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6; buildings shall not exceed 10 metres in height?*

A2 Please refer to the answer to Question 1 and the technical advice in the report on Item CJ081-05/08.

Q3 *Can the City confirm that Mayor Pickard has asked for the City to delay its response to the Minister on Building Height Controls in Non-Residential Adjacent to the Coast (Clause 4.17) area? That is land within 300 metres of the horizontal setback datum of the coast as defined in the Western Australian Planning Commission Statement of Planning Policy 2.6; buildings shall not exceed 10 metres in height?*

A3 The Mayor has not asked the City to delay its response to the Minister. Also, please refer to the technical advice in the report on Item CJ081-05/08.

**The following questions were taken on notice at the Briefing Session held on 3 June 2008:**

**Mr S Magyar, Heathridge:**

Q1 *Re Item 16 – Outcome of State Administrative Tribunal Hearing Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach. With regard to the Council having to exercise discretion on this development, does everything to do with this development meet acceptable standards as opposed to the performance criteria?*

A1 No, only part of the development meets the acceptable standards. Those parts of the development that do not meet the acceptable standards have been assessed against the performance criteria. The proposed variations are considered to meet the Performance Criteria, and are evaluated as part of the State Administrative Tribunal's assessment of the appeal. It is also notable that the Council is not exercising discretion, it is merely providing advice to the SAT.

Q2 *Re Item 10 – List of Payments made during the month of April 2008. Stamped Page 58 – several payments made to Australian Waterwise Solutions Ltd for reticulation items – can you please advise what these payments are for and are they genuinely waterwise?*

A2 The payment is for the purchase of reticulation parts. The name “Waterwise” is part of their company name.

**The following questions were submitted verbally at the Council meeting held on 10 June 2008:**

**Mr S Scafidas, Iluka:**

Q1 *During discussions at the Briefing Session held on 3 June 2008, Elected Members asked for a relative scale drawing to be provided to compare this store with its surroundings and with other liquor stores. Has that taken place and have the Elected Members been made aware of the fact that this store is approximately 20-25 times the size of an average community liquor store?*

A1 Response by Mayor Pickard: Following the Briefing Session held on 3 June 2008 Elected Members were provided on Friday, 6 June 2008 with further clarification, including the layout of the store to scale.

Q2 *Does the Council accept that part of its responsibility is to look after the interests of its constituents and that that would include avoiding any anti-social behaviour, even if the anti-social behaviour occurred off the liquor store premises?*

A2 Response by Mayor Pickard: The Council is unable to answer that question. Questions must be directed to the City. The Council is a body that meets formally on a monthly basis to make decisions for the City, and therefore cannot respond to questions as a body.

**Mr D Curr, Iluka:**

Q1 *Are there any current or pending applications for another liquor store or tavern for the Currambine Shopping Centre?*

A1 An application for a tavern was recently lodged with the Council, but this has not been assessed at this stage.

**Mr R Repke, Kallaroo:**

*Re: CJ097-06/08 – Registering and Identifying Cats: A New Local Law*

Q1 *Would the Council not agree that the planned Cat Law should include sterilisation of cats, and that the City should consult with the public thereafter having all points clear and fair and without omissions on the table?*

A1 Response by Mayor Pickard: I am unable to answer the question on behalf of the Council, but will take it as a rhetorical question for information.

**Mr S Kobelke, Sorrento:**

Q1 *I refer to Page 3 of the Joondalup Weekender newspaper regarding Sacred Heart College where it quotes the Mayor seeking advice from the administration in relation to his declaration of interest in the matter. Can the City confirm it advised the Mayor to stand aside on the vote because of the precarious nature of the relationship with his father-in-law and his relationship to the school?*

A1 This question will be taken on notice.

Q2 *Can the City advise if its officers cautioned South-West Ward Councillor, Michele John when it was realised Cr John was about to break an election promise of a blanket 10 metre height on the coast?*

A2 *Response by Mayor Pickard:* An officer providing advice does not take into consideration an election promise made by a particular Elected Member.

**Ms K Curr, Iluka:**

Q1 *I believe if Woolworths does not obtain a liquor licence for its Dan Murphys outlet, it intends to transfer its current licence in the food supermarket to Dan Murphys. Is this possible?*

A1 This is not a matter that is determined by the City. The question should be referred to the Director, Racing Gaming and Liquor.

**Ms K Endersby, Kingsley:**

Q1 *Can the City explain what benefits the Sacred Heart development will bring to the ratepayers of this Council?*

Q2 *Is it not true that given the professional planning advice of your officers, it is possible for the applicants, Sacred Heart College, to have redesigned the building to bring it into compliance with the 10 metre height policy?*

A1-2 These questions will be taken on notice.

**Mr R Swallow, Iluka:**

*Re: CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine*

Q1 *Why is this proposed development being located at this site when there are other sites away from residential areas where this development can be located?*

A1 This question will be taken on notice.

**Ms K Brouwer, Sorrento:**

A question asked by Ms Brouwer was ruled out of order by Mayor Pickard.

Q1 *Apart from attending the Sacred Heart information evening, what community consultation did the City have in relation to this development?*

A1 This question will be taken on notice.

**Mrs L Brandsch, Burns Beach:**

*Re: CJ107-06/08 – Outcome of State Administrative Tribunal Hearing – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach.*

*Q1 Are the Elected Members and the City of Joondalup satisfied that they have addressed the concerns of the surrounding residents in relation to the parking and traffic pressure that 14 grouped dwellings will create, bearing in mind that there has been no reduction in the amount of residences to be built or extra parking added to the development after the State Administrative Tribunal hearing?*

*A1 Response by Mayor Pickard: I am unable to answer the question on behalf of the Council, but will take it as a rhetorical question for information. The Council will give consideration to the matter later in the meeting.*

*Q2 Are the Elected Members and the City of Joondalup satisfied that the use of this development will not have an adverse affect on the amenity of the surrounding area?*

*A2 Response by Mayor Pickard: I believe this will become clear once the Elected Members have had an opportunity to debate the Item and consider the recommendation.*

**Mr M Harradine-Cardwell, Ocean Reef:**

*Q1 With reference to a recent press article regarding the lack of boating pens in Western Australia and the proposed development in Fremantle, when is the development of the Ocean Reef Harbour going to occur? I believe funds have been set aside for a feasibility study.*

*A1 Response by Mayor Pickard: The City has formally established the Ocean Reef Marina Community Reference Group. The group consists of 34 public members from residents and stakeholder groups. The Reference Group has met on two occasions. The first meeting was to educate the members of the group in relation to issues pertaining to the site. The second meeting was held two weeks ago to allow the Reference Group to develop Structure Plan concepts. A further meeting will be held next week when the Reference Group will make further modifications to the draft concepts of the Structure Plan. Once that is complete, the professional officers and consultant will work with that document to present it back to the Reference Group and ultimately the Council for approval to publicly advertise. One round of public advertising has occurred. The City has asked residents and ratepayers what they do or do not want to see at the Ocean Reef Marina site. The comments received have been used to help develop the Structure Plan and there are three more rounds of public consultation. It is envisaged that the whole process to have the Structure Plan in place and receive the required public consultation, approval of the Council and ultimately approval of the Western Australian Planning Commission and the Minister will take approximately a further 12 to 18 months. There is significant progress and I have been heartened at the enthusiasm of the Community Reference Group.*

There is a link on the City's web page to update residents on each stage and how the project is developing.

**C20-06/08                    EXTENSION OF PUBLIC QUESTION TIME - [01122] [02154]**

**MOVED Cr Hart, SECONDED Cr Jacob that Public Question Time be extended for a period of 10 minutes.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**Mr S Maygar, Heathridge:**

*Re: CJ107-06/08 – Outcome of State Administrative Tribunal Hearing – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach*

*Q1     Would the officers consider it appropriate for the Council to request the State Administrative Tribunal to show restraint if it decides to exercise discretion regarding this application at the hearings that are being held?*

A1     The City would be asking the State Administrative Tribunal to comply with whatever decision the Council makes.

**PUBLIC STATEMENT TIME**

**Dr L Morris, CEO of Community Vision, Joondalup:**

Dr Morris spoke in relation to CJ108-06/08 – Proposed Change of Use from Consulting Rooms to Civic Building at Lot 119 (14) Davallia Road, Duncraig.

**Ms S Hughes, Hillarys:**

Ms Hughes spoke in relation to CJ097-06/08 – Registering and Identifying Cats: A New Local Law.

**Mr R Repke, Kallaroo:**

Mr Repke spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mr S Scafidas, Iluka:**

Mr Scafidas spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mr D Curr, Iluka:**

Mr Curr spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mr B Scafidas, Iluka:**

Mr Scafidas spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mr S Kobelke, Sorrento:**

The statement made by Mr Kobelke was ruled out of order by Mayor Pickard.

Having breached Clauses 45 (1) and (2) of the City's Standing Orders Local Law 2005, Mayor Pickard directed that Mr Kobelke leave the meeting room. Mayor Pickard stated that the City will consider taking action against Mr Kobelke in accordance with Clause 45 of the Standing Orders Local Law 2005.

**C21-06/08                    EXTENSION OF PUBLIC STATEMENT TIME - [01122] [02154]**

**MOVED Cr Young, SECONDED Cr Jacob that Public Statement Time be extended.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**Ms K Brouwer, Sorrento:**

The statement made by Ms Brouwer was ruled out of order by Mayor Pickard.

**Mr M Day, Sorrento:**

Mr Day spoke in relation to the City's 10 metre coastal height policy, with respect to the recent Council decision in relation to Sacred Heart College.

**Mr D Caddy, Perth:**

Mr Caddy spoke in support of CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine on behalf of the proponents.

**Mr R Cooper-Fowle, Currambine:**

Mr Cooper-Fowle spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mrs M Zakrevsky, Mullaloo:**

Mrs Zakrevsky spoke in support of CJ097-06/08 – Registering and Identifying Cats: A New Local Law.

**C22-06/08                    EXTENSION OF PUBLIC STATEMENT TIME - [01122] [02154]**

**MOVED Cr Young, SECONDED Cr Macdonald that Public Statement Time be extended for a further period of ten (10) minutes.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**Mr H Burton, Iluka:**

Mr Burton spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mr S Dragicevich, Iluka:**

Mr Dragicevich spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mr I McLennan, Iluka:**

Mr McLennan spoke in relation to CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine.

**Mrs L Brandsch, Burns Beach:**

Mrs Brandsch spoke in relation to CJ107-06/08 – Outcome of State Administrative Tribunal Hearing – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach.

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

Cr T McLean	10 May 2008 – 12 June 2008 inclusive
Cr G Amphlett	13 – 22 June 2008 inclusive
Cr R Fishwick	1 September 2008 – 19 October 2008 inclusive

**CONFIRMATION OF MINUTES****C23-06/08                    MINUTES OF COUNCIL MEETING, 13 MAY 2008**

**MOVED Cr Fishwick, SECONDED Cr Norman that the Minutes of the Council Meeting held on Tuesday, 13 May 2008 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, Hart, Hollywood, Jacob, John, Macdonald, Norman and Young

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****JOONDALUP COMMUNITY ART EXHIBITION**

The City of Joondalup's popular annual Community Art Exhibition opened last Wednesday with the various category winners announced at a special launch at Lakeside Joondalup Shopping City.

The overall winner was Lyn Lee of Kingsley for her beautiful painting of "Coalstream National Park". Congratulations Lyn.

This year, the exhibition has more entries than ever before with more than 150 artworks on display.

The exhibition is a fantastic event that helps showcase the excellence and diversity of the local visual arts community and I welcome all new participants as well as those who have exhibited before.

This year, thanks to a recent Council decision on the direction of the City's Art Awards, we have a new entry condition that allows residents AND members of local visual arts associations like the Joondalup Community Arts Association to enter the exhibition, enabling non-residential artists to participate.

I encourage members of the community to get along to the exhibition to at Lakeside Shopping City to see the many outstanding pieces of artwork and to vote for the Popular Choice award.

### **2007 NATIONAL AWARDS FOR LOCAL GOVERNMENT**

Last year the City won two National Awards for Local Government but it was only recently that we were presented with these prestigious award certificates and trophy.

These awards are a significant achievement given the large number and high quality of entries from around Australia every year.

The slogan for last year's awards was 'Local Government – working hard for Australians'.

The City's submission in the Youth Engagement Category titled Mobile Youth Service – Youth-Mobile was a joint category winner.

The Youth Mobile has been a highly successful initiative with the bus visiting Kinross Skate Park, Woodvale Library, McDonald Reserve Padbury and Burns Beach where more than 120 youngsters use the facility.

The City's submission in the Local Greenhouse Action Category titled City of Joondalup Leisure Centres – Geothermal Heating Project received a Commendation certificate.

When the City committed to redeveloping its aging multi-purpose leisure facility at Craigie, a long term and innovative approach was applied to the final design, to ensure the heating system installed was the most efficient and provided significant greenhouse gas savings.

The geothermal heating system draws warm water from an artesian bore located 800 metres underground. The water is transferred through a heat exchanger system, which is used to heat the Centre's two pools, and as a first in Western Australia, the Centre's ventilation systems.

These awards are great recognition for the City of Joondalup and highlights that we continue to be a leader in Local Government in terms of providing excellent services for our community.

Congratulations to the Chief Executive Officer and officers involved in the preparation of those awards.

## 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>Cr Albert Jacob</b>
<b>Item No/Subject</b>	CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Cr Jacob is providing architectural services for the developer of an adjacent property

### 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>Cr Kerry Hollywood</b>
<b>Item No/Subject</b>	CJ107-06/08 – Outcome of State Administrative Tribunal Hearing – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood owns a property in the vicinity

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ108-06/08 – Proposed Change of Use from Consulting Rooms to Civic Building at Lot 119 (14) Davallia Road, Duncraig
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a member of the Community Vision Inc Board

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

Nil.

**PETITIONS****C24-06/08                    PETITIONS SUBMITTED TO THE COUNCIL MEETING – 10 JUNE 2008****1                    PETITION REQUESTING THE INSTALLATION OF TRAFFIC CALMING TREATMENTS ALONG THE LENGTH OF DUFFY TERRACE, WOODVALE - [01672]**

A 168-signature petition has been received from residents of the City of Joondalup requesting that the City urgently, and as a matter of priority, install traffic calming treatments along the length of Duffy Terrace in Woodvale.

**2                    PETITION REQUESTING THE PROVISION OF PLAYGROUND EQUIPMENT AT STONEHAVEN PARK, KINROSS FOR THE LOCAL CHILDREN AND FAMILIES TO USE - [22199] [17849]**

Cr Hollywood tabled a 64-signature petition from residents of the City of Joondalup requesting the provision of playground equipment at Stonehaven Park, Kinross for the local children and families to use.

**MOVED Cr Hollywood, SECONDED Cr Jacob that the following Petitions be RECEIVED, referred to the CEO and a subsequent report presented to Council for information:**

- 1                    Petition requesting that the City urgently, and as a matter of priority, install traffic calming treatments along the length of Duffy Terrace in Woodvale;**
- 2                    Petition requesting the provision of Playground Equipment at Stonehaven Park, Kinross for the local children and families to use.**

**The Motion was Put and**

**CARRIED (12/0)**

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

**CJ092-06/08                    EXECUTION OF DOCUMENTS - [15876]**

**WARD:** All

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

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**PURPOSE**

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 2 May 2008 to 8 May 2008.

**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>	Amendment – Joondalup City Centre Development Plan and Manual
<b>Parties:</b>	City of Joondalup and W A Planning Commission
<b>Description:</b>	Amendment to Joondalup City Centre Development Plan No 1 – Arena Joondalup Precinct – Lot 101 (No 25) Kennedy Drive, Joondalup to include development provisions for the Arena Joondalup complex site
<b>Date:</b>	02.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Withdrawal of Caveat – temporary
<b>Parties:</b>	City of Joondalup and Midvale Welding and Steel Fabrication Pty Ltd
<b>Description:</b>	Temporary withdrawal of caveat strata lot 2/8 Dugdale Street, Warwick to enable settlement to occur for sale of property. Caveat is to be replaced.
<b>Date:</b>	05.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Transfer of Land
<b>Parties:</b>	City of Joondalup and Amana Living Inc
<b>Description:</b>	Transfer of land re disposal of City owned Lot 1254 (21) Edinburgh Avenue, Kinross to Amana Living Inc
<b>Date:</b>	05.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Form 1 – Appointment of Settlement Agent
<b>Parties:</b>	City of Joondalup and Estel Pty Ltd for Stenhouse Settlement Services
<b>Description:</b>	Appointment to act and undertake settlement to Amana Living – Lot 1254 (21) Edinburgh Avenue, Kinross
<b>Date:</b>	05.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Disbursement of Funds Authority
<b>Parties:</b>	City of Joondalup and Estel Pty Ltd for Stenhouse Settlement Services
<b>Description:</b>	Disbursement of Funds for sale of Lot 1254 (21) Edinburgh Avenue, Kinross
<b>Date:</b>	05.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Withdrawal of Caveat – Temporary
<b>Parties:</b>	City of Joondalup and Deany
<b>Description:</b>	Temporary Withdrawal of Caveat Strata Lot 6/8 Dugdale Street, Warwick to enable settlement to occur for sale of property. Caveat is to be replaced
<b>Date:</b>	05.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Amendment to District Planning Scheme No 2
<b>Parties:</b>	City of Joondalup and Minister for Planning and Infrastructure
<b>Description:</b>	Amendment No 36 to District Planning Scheme No 2 to provide a definition of short stay accommodation and in which zones such accommodation, would be permitted.
<b>Date:</b>	05.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Management Statement
<b>Parties:</b>	City of Joondalup and Peet Grand 56 Pty Ltd
<b>Description:</b>	City's consent to the Management Statement – No 56 – Lot 100 Grand Boulevard, Joondalup as it has a registered interest in the land. The City's consent to the Management Statement will not impact on the City's interests in relation to the restrictive covenant restricting vehicular access to Grand Boulevard and Queensbury Road
<b>Date:</b>	07.05.08
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Sponsorship Agreement executed as Deed
<b>Parties:</b>	City of Joondalup and WA Health Promotion Foundation ("Healthway")
<b>Description:</b>	Sponsorship Agreement from Healthway for "Summer in the City" 2008 program of events
<b>Date:</b>	08.05.08
<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 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 2 May 2008 to 8 May 2008 executed by means of affixing the common seal.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

## **CJ093-06/08 REGISTRATION OF VOTING DELEGATES FOR THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION (WALGA) 2008 ANNUAL GENERAL MEETING - [00033]**

**WARD:** All

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

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### **PURPOSE**

For Council to endorse its voting delegates for the Western Australian Local Government Association (WALGA) 2008 Annual General Meeting.

### **EXECUTIVE SUMMARY**

The 2008 WALGA Annual General Meeting will be held on Saturday 2 August 2008. Member Councils wishing to have representatives attend the meeting and participate in voting are required to register their voting delegates by Friday 4 July 2008.

### **BACKGROUND**

The Annual General Meeting of WALGA is traditionally held during the WA Local Government Convention (previously referred to as Local Government Week Conference). The majority of local governments in the State have representatives attending. Mayor Troy Pickard and former Councillor Richard Currie were nominated as the City's voting delegates in 2007, with former Councillor Stephen Magyar and the Chief Executive Officer as their 'proxy' delegates.

### **DETAILS**

In order to participate in the voting on matters received at the Annual General Meeting, each member Council must register their voting delegates by Friday 4 July 2008. Part 22 of WALGA's Constitution states:

*"22 General Meetings*

- (1) The Annual General Meeting of the Association shall be held at a date to be determined by the State Council, provided that such date occurs in August or September of each year.*
- (2) The Chief Executive Officer shall give at least ninety (90) days notice of the date of the Annual General Meeting and the closing date on which notice of proposed business for the Annual General Meeting will be received by posting notice thereof to each Ordinary Member at the address appearing in the records of the Association for the time being. Such notice shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.*

- (3) *At an Annual General Meeting, greater than one half of the delegates of Ordinary Members who are eligible to vote and are present in person constitute a quorum.*
- (4) *At each such Annual General Meeting the order of business shall be as follows:*
- (a) *attendance, apologies and announcements;*
  - (b) *adoption of standing orders;*
  - (c) *confirmation of minutes from last Annual General Meeting;*
  - (d) *adoption of President's annual report;*
  - (e) *consideration of annual financial statements; and*
  - (f) *consideration of Executive and Member motions.*
- (5) *In respect of the Annual General Meeting:*
- (a) *a notice of motion may only be submitted by the State Council or an Ordinary Member; and*
  - (b) *a motion may only be moved seconded or voted upon by a delegate of an Ordinary Member.*
- (6) *An agenda paper shall be forwarded by the Chief Executive Officer to each Ordinary Member, at the address appearing in the records of the Association for the time being, at least thirty (30) days before the date of the Annual General Meeting. The agenda paper shall be deemed to have been delivered to the Ordinary Member immediately if transmitted electronically or on the second date after posting.*
- (7) *Where the State Council considers that a direction or decision from an Annual General Meeting has been made without information of a material nature or in circumstances which have materially altered and such direction or decision is not in the best interests of the Association, the State Council may decline to follow that direction or decision and, in that event, the Chief Executive Officer by notice shall advise the Ordinary Members of the decision of the State Council and the reasons for that decision.*
- (8) *Notwithstanding the provisions of sub-clause (7), the State Council is required to give consideration to any direction or decision made at an Annual General Meeting in its discharge of responsibilities and functions."*

Voting delegates may be either elected members or serving officers.

The current City of Joondalup members of the WALGA – North Metropolitan Zone are:

Members	Deputies
Mayor Troy Pickard	Cr Mike Norman
Cr Trona Young	Cr Geoff Amphlett
Cr Russ Fishwick	Cr Albert Jacob
Cr Tom McLean	Cr Kerry Hollywood

Mayor Troy Pickard currently serves as the North Metropolitan Zone representative on the State Council of WALGA.

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

If the City of Joondalup does not submit its voting members, it will not be able to vote on the matters to be debated as part of the Annual General Meeting of WALGA.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Matters considered at the 2008 WALGA Annual General Meeting relate to local government as an industry.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The North Metropolitan Zone Committee of WALGA, consisting of the Cities of Joondalup, Stirling and Wanneroo, is the main link the City has in considering matters relating to WALGA activities.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

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

**1 ENDORSES the following as voting delegates on behalf of the City of Joondalup at the 2008 Annual General Meeting of the Western Australian Local Government Association to be held on Saturday, 2 August 2008:**

- (1) Mayor Troy Pickard
- (2) Cr Russ Fishwick

**2 NOTES that in the event that the abovementioned Elected Members are unable to attend the convention that the 'proxy' delegates be:**

- (1) Cr Mike Norman
- (2) Chief Executive Officer

**The Motion was Put and**

**CARRIED (12/0)**

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

**CJ094-06/08 MINUTES OF EXTERNAL COMMITTEES - [18879]  
[41196]**

**WARD:** All

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

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of Western Australian Local Government Association – North Metropolitan Zone held 20 March 2008
- Meeting of Tamala Park Regional Council held 24 April 2008
- Special Meeting of Tamala Park Regional Council held 15 May 2008

**ATTACHMENTS**

Attachment 1 Minutes of Meeting of Western Australian Local Government Association – North Metropolitan Zone held 20 March 2008  
Attachment 2 Minutes of Meeting of Tamala Park Regional Council held 24 April 2008  
Attachment 3 Minutes of Special Meeting of Tamala Park Regional Council held 15 May 2008

*(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:**

- 1 Meeting of Western Australian Local Government Association – North Metropolitan Zone held 20 March 2008 forming Attachment 1 to Report CJ094-06/08;**
- 2 Meeting of Tamala Park Regional Council held 24 April 2008 forming Attachment 2 to Report CJ094-06/08;**
- 3 Special Meeting of Tamala Park Regional Council held 15 May 2008 forming Attachment 3 to Report CJ094-06/08.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*To access this attachment on electronic document, click here: [externalminutes030608.pdf](#)*

## **CJ095-06/08 SPECIAL MEETING OF COUNCIL AND ADJUSTMENT TO DATE FOR BRIEFING SESSION - [85586]**

**WARD:** All

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

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## **PURPOSE/EXECUTIVE SUMMARY**

To set a date for a Special Meeting of Council and to adjust the date set for the Briefing Session.

## **BACKGROUND**

At its meeting held on 20 November 2007, Council set the dates for Briefing Sessions and Council meetings for the 2008 calendar year. As part of that resolution, a Briefing Session was scheduled to be held on Tuesday, 1 July 2008, commencing at 6.30 pm.

## DETAILS

### Issues and options considered:

It is proposed that a Special Meeting of Council be held at 7.00 pm on Tuesday 1 July 2008 to acknowledge the 10<sup>th</sup> Anniversary of the City of Joondalup. To enable this to occur, the Briefing Session previously set for that date requires adjustment.

Options available to the Council are to:

- Resolve not to convene a special meeting of Council on Tuesday, 1 July 2008, and maintain the existing meeting cycle;
- Hold both the special meeting of Council and the Briefing Session on Tuesday, 1 July 2008;
- Amend the meeting schedule to hold the Briefing Session on Monday, 30 June 2008 and hold the Special Council meeting on Tuesday, 1 July 2008.

### Link to Strategic Plan:

Objective

- 1.1 To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Strategies

- 1.1.3 The City ensures that all Council documents involving decision-making processes and Council procedures are available and accessible to the community.

### Legislation – Statutory Provisions:

Sections 5.3(1), 5.4 and 5.5 of the Local Government Act 1995 states:

#### **“5.3. Ordinary and special council meetings**

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*

#### **5.4. Calling council meetings**

*An ordinary or a special meeting of a council is to be held —*

- (a) *if called for by either —*

- (i) *the mayor or president; or*
- (ii) *at least  $\frac{1}{3}$  of the councillors,*

*in a notice to the CEO setting out the date and purpose of the proposed meeting; or*

- (b) *if so decided by the council.*

## 5.5. Convening council meetings

- (1) *The CEO is to convene an ordinary meeting by giving each council member at least 72 hours' notice of the date, time and place of the meeting and an agenda for the meeting.*
- (2) *The CEO is to convene a special meeting by giving each council member notice, before the meeting, of the date, time, place and purpose of the meeting."*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

### **Public Notice of Council or Committee meetings**

- "12 (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
- (a) the ordinary Council meetings; and*
  - (b) the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*
  - (3) *Subject to subregulation (4), if a special meeting of a council is to be open to members of the public then the local government is to give local public notice of the date, time, place and purpose of the special meeting.*
  - (4) *If a special meeting of a council is to be open to members of the public but, in the CEO's opinion, it is not practicable to give local public notice of the matters referred to in subregulation (3), then the local government is to give public notice of the date, time, place and purpose of the special meeting in the manner and to the extent that, in the CEO's opinion, is practicable."*

### **Risk Management considerations:**

If the Council does not alter the meeting schedule, 1 July 2008 would not be available to commemorate the 10<sup>th</sup> Anniversary of the City of Joondalup.

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

Not Applicable.

### **Policy Implications:**

Not Applicable.

### **Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The 10<sup>th</sup> Anniversary of the City of Joondalup is a significant milestone and the convening of a special meeting of Council to commemorate the achievement is recommended.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

- 1 AMENDS its decision of 20 November 2007 (Item CJ226-11/07 refers) by CANCELLING the Briefing Session scheduled for Tuesday 1 July 2008 and in its place HOLDS a Briefing Session at 6.30 pm on Monday 30 June 2008, in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup;
- 2 in accordance with Section 5.4 of the Local Government Act 1995, CALLS a Special Meeting of Council to commemorate the 10<sup>th</sup> anniversary of the City of Joondalup to be held at 7.00 pm on Tuesday 1 July 2008 in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup;
- 3 in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates detailed in (1) and (2) above.

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

- 1 **AMENDS its decision of 20 November 2007 (Item CJ226-11/07 refers) by CANCELLING the Briefing Session scheduled for Tuesday 1 July 2008 and in its place HOLDS a Briefing Session at 6.30 pm on Tuesday 8 July 2008, in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup; And moves the Ordinary Council meeting from Tuesday 8th July 2008 to Tuesday 15<sup>th</sup> July 2008 (the 15<sup>th</sup> being a 'free' Tuesday);**
- 2 **in accordance with Section 5.4 of the Local Government Act 1995, CALLS a Special Meeting of Council to commemorate the 10<sup>th</sup> anniversary of the City of Joondalup to be held at 7.00 pm on Tuesday 1 July 2008 in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup;**

- 3 in accordance with Regulation 12 of the Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates 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, Hart, Hollywood, Jacob, John, Macdonald, Norman and Young

## **CJ096-06/08 TRADING IN PUBLIC PLACES AMENDMENT LOCAL LAW - [10047]**

**WARD:** All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with a draft copy of the *Trading in Public Places Amendment Local Law 2008* relating to a smoking ban in alfresco areas for consideration and approval.

It is recommended that Council approves the draft content of the proposed Amendment Local Law and agrees to its release for a six-week public consultation period.

### **BACKGROUND**

At the meeting of Council on 15 April 2008, (CJ053-04/08 refers) Council resolved the following:

*“AGREES in principle to the introduction of a smoking ban within alfresco areas throughout the City of Joondalup; and*

*SUPPORTS the drafting of a local law amendment for Council’s consideration that involves a ban applying across the entire local government area and includes offences for both proprietors and individuals.”*

Accordingly, an Amendment to the City’s *Trading in Public Places Local Law 1999* has been drafted for Council’s consideration and approval, (Attachment 1 refers).

### **DETAILS**

The report presented to Council on 15 April 2008 (COJ053-04/08 refers) referred to the recent City of Fremantle approach as a case study for the implementation of a smoking prohibition within alfresco areas located on public property. Provided at Attachment 1 is a copy of the City’s proposed Amendment Local Law which has been drafted on the basis of the City of Fremantle approach (with some modification). It was considered appropriate that the City reflect as closely as possible the City of Fremantle Amendment given that legal advice was obtained by Fremantle on drafting matters before undertaking its Amendment process.

The modification made by the City is the removal of a six month phase-in period. This is because the City considers the public consultation process as a sufficient means of raising awareness prior to introducing a ban. Also, applying a phased approach would be contrary to the manner in which the City has introduced other bans, most notably its “smoke-free beaches” initiative, which utilised an immediate implementation approach. In addition, there are only 12 businesses within the City of Joondalup that would be subject to the ban. Direct correspondence with these businesses would ensure they are fully informed. They will also have access to City Officers who can respond to any questions or concerns.

Purpose and effect of Amendment Local Law:

Pursuant to section 3.12(2) of the *Local Government Act 1995*, the following purpose and effect applies to the proposed *Trading in Public Places Amendment Local Law 2008*:

**Purpose**            The purpose of this local law is to prohibit the act of smoking in outdoor dining areas that are situated on public property within the City of Joondalup.

**Effect**            The effect of this local law is that patrons to restaurants and cafes within the City of Joondalup will be prohibited from smoking in licenced outdoor dining areas situated on public property.

**Issues and options considered:**

Option 1 - Approve the Amendment Local Law and agree to its release for public consultation

It is recommended that Council pursues this option in order for the City to effectively gauge public opinion on the issue and to determine the extent of support within the general and business communities.

Option 2 - Do not approve the Amendment and request changes to the document

This option is *not* recommended as due consideration has been given to the drafting of the Amendment.

Option 3 - Do not approve the Amendment

This option is *not* recommended given the ‘in principle’ support Council provided for the initiative at its April Meeting.

**Link to Strategic Plan:**

Objective 5.2      To facilitate healthy lifestyles within the community.

Outcome            The Joondalup community is provided with opportunities to lead a healthy lifestyle.

**Legislation – Statutory Provisions:**

Relevant Legislation:

- Local Government Act – section 3.12
- City of Joondalup Trading in Public Places Local Law – clauses 14 and 50(3).

**Risk Management considerations:**

There is a risk that business owners affected by the ban's introduction will oppose the proposed Amendment given that it is not applicable to all businesses that provide outdoor dining areas (where such areas are located on private property). Despite such a concern, in the City of Fremantle's experience strong support was received from the business community regarding the ban's introduction, as it was believed that customers who do not smoke will appreciate a business that provides a smoke-free outdoor environment.

**Financial/Budget Implications:**

Any consultation process undertaken will incur costs to the City. Most consultation processes for local law amendments require approximately \$5,000 to pursue, including Statewide and local notification as well as mail-outs and general administrative costs.

**Policy Implications:**

The proposed Amendment relates to a general policy considered by Council in relation to smoking prohibitions in public open space.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Consultation will be undertaken should Council choose to pursue Option 1.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1	City of Joondalup <i>Trading in Public Places Amendment Local Law 2008</i> .
Attachment 2	Process for amending Local Laws.

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council, in accordance with section 3.12 of the Local Government Act 1995, APPROVES the draft City of Joondalup Trading in Public Places Amendment Local Law 2008 in the manner prescribed in Attachment 1 to Report CJ096-06/08 as the basis for public consultation, for a period of 44 days, with the following purpose and effect:

*“The purpose of this local law is to prohibit the act of smoking in outdoor dining areas that are situated on public property within the City of Joondalup”.*

*“The effect of this local law is that patrons to restaurants and cafes within the City of Joondalup will be prohibited from smoking in licenced outdoor dining areas situated on public property”.*

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

- 1** NOTES the report in relation to the Draft City of Joondalup Trading in Public Places Amendment Local Law 2008;
- 2** REQUESTS a report to enable further amendments to be made to the Draft City of Joondalup Trading in Public places Amendment Local Law 2008 to allow for a smoking prohibition, in accordance with the Health Regulations, within the entrances of City-owned buildings;
- 3** REQUESTS an update on the Joint Standing Committee on Delegated Legislation disallowance of the City of Fremantle Local Law dealing with smoking in outdoor eating areas and that a further report be submitted to Council for a final decision on whether to release the Draft City of Joondalup Trading in Public Places Amendment Local Law 2008 for public comment.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf030608.pdf](#)*

## **CJ097-06/08 REGISTERING AND IDENTIFYING CATS: A NEW LOCAL LAW - [29182]**

**WARD:** All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

For the Council to consider beginning the process of making a new local law to provide for the registration of cats within the City.

The proposed local law will implement a system for the registering of cats in a similar way to the requirements for dog registration as contained in the Dog Act 1976.

## BACKGROUND

At the Council meeting of 24 April 2007 (CJ064–04/07 refers) it was resolved that a local law requiring the registration of cats within the City be enacted. Specifically, the resolution stated that the new local law provisions should mirror as closely as possible those contained in the Dog Act 1976 including:

- (a) creating an offence for the owner of the cat and the occupier of the premises where the cat is ordinarily kept if the cat is not registered;
- (b) establishing a penalty for this offence of \$500;
- (c) that registration not apply to:
  - Cats under the age of 3 months;
  - Cats kept during the period when the owner is applying for registration;
  - Cats in the custody of an animal welfare group;
  - Cats held by a registered veterinary surgeon in the course of his or her professional practice;
  - Any cattery establishment;
- (d) the City maintaining a register of cats which contains information similar to the register maintained for dogs;
- (e) the registration periods concluding on 31 October;
- (f) the concessional rates applying to dog registration apply to cats.
- (g) a form similar to the form for registering dogs being prepared for registering cats;
- (h) a specific process for registering cats in a similar manner to the process for registering dogs in the Dog Act being established;
- (i) provisions relating to a change of ownership and the refusal or cancellation of a registration similar to those within the Dog Act being established;
- (j) that the City prescribes registration tags for cats each year;
- (k) establishing penalties for false or misleading claims in relation to registration.

Further, Council resolved that the proposed new local law will need to include the identification of all registered cats either by a microchip or a collar and tag similar to that which applies to dogs.

The proposed draft Cats Local Law, which incorporates these provisions, can be found in Attachment 1 to this report. It also includes a range of control measures similar to the *Dog Act 1976* ("the Act") that were adopted either from the Act itself or from other local government's local laws relating to cats. These provide a rationale and purpose for the registration provisions.

**Issues and options considered:**

Several local governments within the State have introduced local laws relating to cats. Below is a table outlining the various elements included in these local laws.

<b>Local Government</b>	<b>Elements within Local Law Relating to Cats</b>
Shire of Ashburton	Identification, max number of cats, nuisance, abandonment, impounding and trapping, penalties and infringements.
Shire of Busselton	Identification, registration, permits for keeping cats, cat control, nuisance, impounding of cats, destruction of cats and offences and penalties.
Shire of Capel	Max number of cats, nuisance, enclosures.
Shire of Mundaring	Identification, permits for keeping cats, fauna protection and buffer zones, removal and impounding of cats, abandonment and offences and penalties.
City of Stirling	Identification, permits for keeping cats, prohibited cat areas, removal and impounding of cats, destruction of cats, abandonment and offences and penalties.

**Options for Council to consider:**Option 1

Council may decide not to proceed with a new Cats Local Law.

Option 2

Council may decide to proceed with the proposed Cats Local Law and advertise it for public comment.

Option 3

Council may decide to amend the proposed draft Cats Local Law and advertise it for public comment.

**Link to Strategic Plan:**

Objective 1.2: To engage proactively with the community

**Legislation – Statutory Provisions:**

Local Government Act 1995, Sections 3.5 and 3.12. Attachment 2 presents a flow chart of the process.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Should Council decide to progress the new local law, additional costs will be involved in completing the process. This may be in the region of some \$2,000, including advertising and any additional consultation undertaken on the matter. Further, as noted in the previous report to Council on this matter (CJ064–04/07 refers), whilst revenue from registration of cats will be generated, this will be dependent on cat owners being prepared to register their pets and may not offset the costs of processing registrations and maintaining the registration database.

In 2007, \$202,166 of revenue was raised from the processing of 9532 dog registrations. (This was a combination of renewals and new registrations and the application of full and concessional rates). The administrative costs of processing this number of registrations was \$91,970 including the purchasing of registration tags, time taken to process applications, costs of providing online payment services and mailing distributions. This equates to a revenue-administrative cost ratio of almost 2:1, (meaning that for every \$2 generated from revenue, \$1 is spent on administrative costs).

Operationally, the annual cost of enforcing the registration provisions of the *Dog Act 1976* is \$215,330. This includes the time taken to address inquiries, relocate animals either back to their owner or to Malaga for impounding and the administration of the register of offences. Consequently, the implementation of the *Dog Act 1976* costs the City \$82,500 overall. Given that State legislation requires the City to enforce dog-related offences, the City is obligated to provide satisfactory resources to ensure that its responsibilities are fulfilled. Should a Cats Local Law be introduced, the City will be imposing additional operational costs upon itself which will not be offset by revenue from registrations and infringement payments. In addition, set-up costs of purchasing microchip scanners and cat traps would also be imposed on the City should the proposed cats local law be pursued.

**Policy Implications:**

This report relates to a new policy provision for cats.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Opportunities for the public to make submissions on the proposed local law are contained within the provisions of 3.12 of the Local Government Act 1995, and will involve Statewide and local advertising of both the notice of the City's intention to introduce the new local law and the proposed local law itself. It is anticipated that this will serve to identify the extent of public acceptance of the proposed new local law relating to cat registration.

**COMMENT**

City officers recommended against enacting a Cat Local Law in the report to Council dated April 2007. Reasons for this included:

- (a) There are no real benefits in just registering cats. Public concerns tend to reflect on sterilisation to address the number of unwanted cats and cat nuisance. These matters can, at best, be only indirectly influenced by a Local

Law requiring registration. (For example, a discounted registration fee could be adopted for a sterilised cat).

- (b) It is unlikely that large numbers of cats would be registered, even with a local law in place. Across local government, it is generally accepted that only around 50% of dogs are registered by their owners. A local government can door knock residences to identify where dogs are kept to increase this percentage but this would be far more difficult with cats which do not 'come to the door' in the same manner as a dog when a stranger approaches the house. Consequently, it is likely that there will be comparatively low levels of compliance with a cat registration system.
- (c) The State Government should regulate cats, as it does with dogs, and not shift the issue to local government. By local government taking on this role, it is supporting a cost shift from the State Government.

Further to the concerns listed above, the City has received a recent position statement from the Western Australian Rangers Association (WARA) in relation to the management of cats. It is the Association's recommendation that the identification and registration of cats in a local law should *not* be supported (unless State legislation is introduced) due to the associated responsibilities of local government to enforce the offences.

It is also postulated that the majority of owners who register their cats will have 'good' cats (that is, cats which do not cause a nuisance, are well controlled and which are sterilised). Consequently, registration will do little to change the approach of owners whose cats are not well controlled, cause a nuisance and breed excessively.

In addition to this, the costs associated with registration will create expectations that a service will be provided by the local government, most likely being the provision of a cat pound. For most local governments, providing such a service would run at a significant loss. This report demonstrates that administering the requirements of the *Dog Act 1976* costs the City \$82,500 annually. If only half as many cats are registered, it could be estimated that administering this Local Law would end up costing the City around \$40,000. However, this is considered a significant underestimation as revenue is being set at a level equivalent to that generated under the *Dog Act* while costs associated with capturing and impoundment are likely to be much higher than dogs.

City officers agree with the position statement provided by WARA and maintain their previously held reservations. However, this report is presented to Council with a recommendation in keeping with the April 2007 direction from Council.

## **ATTACHMENTS**

Attachment 1	Proposed draft Cats Local Law
Attachment 2	Local Law making process flow chart

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Amphlett, SECONDED Cr Jacob that Council, in accordance with section 3.12 of the Local Government Act 1995, APPROVES the draft Cats Local Law contained in Attachment 1 to Report CJ097-06/08 as the basis for public consultation, for a period of 44 days, with the following purpose and effect:**

*“The purpose of this local law is to provide for the registration, control and identification of cats within the City of Joondalup”;*

*“The effect of this local law is that a system for the registering and controlling of cats will be operational within the City of Joondalup.”*

Discussion ensued. Cr Fishwick foreshadowed his intention to move an alternative Motion should the Motion under consideration not be successful.

**AMENDMENT MOVED Cr Corr that:**

1 on stamped page 8 of the Local Law the following additional points be added after Clause 13(d):

- “(e) Cats over 10 years old;
- (f) Cats kept for breeding on a registered premises;
- (g) Cats registered with Australian Breeds Societies;
- (h) Cats with a permanent microchip.

2 on stamped page 12, Fees for Registration, be amended as follows:

- Item 3 - \$30 be amended to \$60
- Item 4(a) - \$10 concessional rates be amended to \$20
- Item 4(b) & (c) - 50% be amended to 60%
- Item 4(d) - \$18 be amended to \$40
- Item 4(d) - \$75 be amended to \$120”

**There being NO SECONDER, the Amendment**

**LAPSED**

**MOVED Cr Norman SECONDED Cr Jacob that Item CJ097-06/08 - Registering and Identifying Cats: A new Local Law - be REFERRED back to the 15 July 2008 Council meeting to:**

- 1 **determine the extent of the cat problem as seen by the City;**
- 2 **determine whether there is any evidence of significant numbers of abandoned cats subsequently being euthanased;**
- 3 **determine whether the local law can demand sterilisation if the owner is not a licensed breeder;**
- 4 **incorporate the principles of sterilisation into the draft Cats Local Law;**
- 5 **identify additional concessional rates of registration and an alternate fee registration structure.**

Discussion ensued.

Cr Jacob foreshadowed his intention to move an alternative Motion should the Motion under consideration not be successful.

**AMENDMENT MOVED Cr Corr** that Points 1 and 2 of the Motion be deleted.

Mayor Pickard ruled that the Amendment could not be accepted.

**MOVED Mayor Pickard SECONDED Cr Amphlett** that Item CJ097-06/08 - Registering and Identifying Cats: A new Local Law - be REFERRED to the next meeting of the Policy Committee for further consideration.

**The Motion was Put and**

**CARRIED (11/1)**

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

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf030608.pdf](#)

## **CJ098-06/08 BED AND BREAKFAST SECTOR IN THE CITY OF JOONDALUP - [72584]**

**WARD:** All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with an outline of the 'Bed and Breakfast' (B&B) sector in Joondalup and its role in the tourism industry.

The report identifies the current status of tourist accommodation within the City, assesses occupancy trends and presents other relevant information about the sector.

### **BACKGROUND**

At the Council meeting of 13 May 2008, it was requested that a report be provided to analyse the B&B Industry in Joondalup. Specifically, Council requested information on:

- How the B&B market could support and enhance tourism within the City;
- How it could provide accommodation to business and short-term visitors;
- How other larger Cities in Western Australia support the B&B industry;
- How the City could be involved in assisting and promoting the B&B industry.

## DETAIL

Responses to each of the four questions asked are as follows:

### 1 How the B&B market could support and enhance tourism within the City.

In order to determine how the B&B market could support and enhance tourism within Joondalup it is necessary to understand how the B&B industry is placed within the Joondalup accommodation sector and also within the broader tourism sector.

It is estimated that there are approximately 18 B&B's in the City of Joondalup. By way of comparison the following table provides the estimated number of B&B's in our neighbouring Cities.

City of Joondalup	18
City of Stirling	30
City of Wanneroo	12

B&B's are one of six types of accommodation that are offered in Joondalup. Others include: resorts and luxury accommodation, hotels, caravan parks, serviced apartments and holiday rentals.

It should be noted that there is a lack of accurate information about the holiday rentals sector across Joondalup and throughout WA in general. Holiday rentals have been an established part of tourism in Western Australia, particularly in the regions and have become an increasingly sophisticated part of the short stay accommodation sector.

A breakdown of the accommodation types available in Joondalup is provided in **Attachment 1**. The source for the information in attachment 1 includes the following:

- Brooke Stone Real Estate
- Travel Sites:
  - [www.australianbedandbreakfast.com.au](http://www.australianbedandbreakfast.com.au) (Australian Bed and Breakfast Council);
  - [www.tacawa.com.au](http://www.tacawa.com.au) (Town and Country Accommodation Western Australia);
  - [www.ozbedandbreakfast.com](http://www.ozbedandbreakfast.com);
  - [www.scooptraveller.com.au](http://www.scooptraveller.com.au) (Scoop Travel); and
  - [www.sunsetcoast.com.au](http://www.sunsetcoast.com.au) (Sunset Coast Tourism Association).

Allowing 6 beds per B&B property, this sector provides an estimated 108 beds across the City which represents 12% of total tourism beds across the City.

As a proportion of total accommodation, B&B's in Joondalup represent a much higher percentage than in many other local governments. In high tourism regions like the Swan Valley, Busselton and Mandurah, B&B's represent between 1% and 6% of total accommodation. The reason for this is related to profitability and the strength of tourism in a region. A region which has strong visitor numbers and high visibility as a tourism destination attracts investment. The investment is channelled into operations which offer the best return on investment which are larger business propositions, like hotels and resorts. Accordingly, with greater activity in larger operations, the proportion of product offering from the B&B sector diminishes. A breakdown of the accommodation available in Busselton is provided in **Attachment 2** which demonstrates the diminishing viability of B&B operators.

As accommodation for visitors to Joondalup, the B&B sector representing 12% of total capacity is significant, but B&B's consistently achieve lower than average occupancy rates.

The Sunset Coast Tourism Association collated statistics on occupancy for 18 months between 2004 and 2005. **Attachment 3** highlights graphically six separate monthly results spread across the 18 months. For statistical reasons, accommodation providers had to be grouped into three categories of which B&B's are combined with Cottages and Houses. Hotels are combined with Motels and Apartments. In the period shown, Hotels averaged 65% occupancy, Caravan Parks 55% and B&B's with Cottages and Houses averaged only 42%.

While it may be perceived that the potential market for this type of accommodation is growing, the practical aspects of service provision act as a constraint. The survival rate of B&B's within the market is relatively low as they tend to be owner-operated by proprietors with insufficient prior knowledge or experience of the tourism/small business industry systems. The income is very marginal and the quality and extent of promotion is also variable. The B&B is frequently run as a secondary income to a household and frequently its operation is secondary to other interests of the family. For example, they will often close the business for a number of months during the year when they go on holidays etc.

Tourism WA has identified the importance and value of B&B's and other small or niche businesses. They recognise that for the B&B sector to be able to support and enhance tourism it needs to take a more focussed commercial approach, gain a strategic understanding to marketing for the sector and ensure its customer service provision is competitive with the larger tourism accommodation market. Courses are periodically offered through Tourism WA and in partnership with the Small Business Development Corporation (SBDC) to focus operators on the benefits and opportunities which can be enjoyed in these businesses.

## **2 How it could provide accommodation to business & short-term visitors.**

In order to examine how B&B's could provide accommodation to business and short-term visitors it is necessary to understand the expectations of the market and the competition in that market.

Nationally the business traveller market represents approximately 15% to 17% of total visitor nights. Within Perth, Tourism WA estimates the business traveller represents 21% of visitor nights. On average they stay less than 2 days and as a market segment the business visitors seek accommodation that offers convenience to their work, proximity to offices and their appointments. For Perth CBD hotels, the business market is close to 40% of mid-week guests.

The business traveller prefers premises that offer meeting or conference facilities and dining facilities (in room or on the premises). They require freedom to check in late and depart early, with adequate room space to carry out basic office work, report writing, internet connectivity etc.

B&B's are overwhelmingly located outside of City centres. The Bed and Breakfast Council report that over 80% are located in the regions. While business travellers do utilise B&B's in the regions, this is considered to be related to limited choice rather than preference for this type of accommodation. Across Metropolitan Perth and in Joondalup B&B's are in residential locations with the greatest emphasis being on their proximity to the beach and other leisure facilities and attractions. The Joondalup B&B's are primarily located in Sorrento, Mullaloo and Kallaroo.

For short-term visitors, B&B's are directly positioned to attract this market. All the advertising for local B&B's promote their comfort, peacefulness, privacy and location which provides easy access to the beach, Hillarys Boat Harbour, the Rottnest Ferry etc. This is their prime market. If short term visitors are seeking to stay for extended periods, e.g. for a month, B&B's become uncompetitive and short stay accommodation options are more economically priced.

### **3 How other larger Cities in Western Australia support the B&B industry.**

The Local Governments of Swan, Mundaring, Mandurah, Rockingham and Subiaco have indicated that the only specific reference they have to B&B's relates to planning applications.

Mundaring for example has a brief Bed and Breakfast policy which purely provides guidelines to assist its assessments of applications received.

The Shires of Augusta-Margaret River and Busselton have a similar position. B&B's are considered relatively minor or ancillary to residential needs and requirements. The B&B is a home based industry and must comply with regulations on car parking and impacting on neighbouring residents. The Building Codes of Australia stipulate minimum levels of construction which are incorporated into the Planning Application assessments. The WAPC Model Scheme Text provides a definition of B&B's that most local planning schemes follow and accordingly there is little variation between local governments. The definition in the City of Joondalup DPS2 is fairly typical of other local governments:

*Bed and Breakfast means any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of breakfast.*

In other local governments, in addition to the above, visitor accommodation is often restricted to no more than 2 bedrooms and /or a maximum of 4 or 6 adults or one family. Joondalup's planning guidelines mention that the public bedrooms will not constitute more than 50% of total bedrooms available.

From a marketing perspective, a local government's treatment of B&B's does not vary. However for rural local governments the importance of B&B's is more clearly addressed and their Tourism Strategies generally make direct reference to this accommodation sector.

The role and value of B&B's in rural settings takes on a destination value. Research has shown that over 40% of guests considered the particular Bed and Breakfast the sole or primary attraction of an area.

B&B's are a niche market. Often proprietors specifically enhance their personal and homely atmosphere by forming partnerships with aligned small accommodation providers, hold gourmet weekends and support healthy living principles.

Across the state the B&B industry is an integral part of the overall product offering to visitors. As such, B&B operators participate in marketing campaigns, advertising opportunities and cooperative marketing initiatives without distinguishing themselves for special treatment. For example, the Augusta Margaret River Tourism Association is active in supporting B&Bs through the preparation of a holiday planner and various seasonal campaigns. In their recent "winter breaks campaign" B&B's were listed by their location rather than as an industry sector separated from alternative accommodation choices.

#### **4 How the City could be involved in assisting and promoting the B&B industry.**

The most effective method to assist the B&B industry is through the promotion of the City overall. The City has an endorsed Tourism Development Plan which notes that as a region, Joondalup has not positioned and promoted itself to tourism markets in any cohesive way.

One of the key focus areas of the Plan lays out strategies and actions the City can undertake to increase its support for marketing Joondalup as a tourism destination. It suggests that the role of the City is to participate in the communication and marketing of visitor experiences to selected tourism markets and to the community and a corner stone of the Plan is developing a coordinated marketing strategy for the industry.

The City has recently launched a Tourism Marketing Campaign with key partners including the Joondalup Business Association (JBA) and major tourism operators across Joondalup. The City has engaged a professional marketing agency to help develop a branding strategy and associated logos which will lead to development of a marketing campaign. The project is currently underway and it is anticipated that the brand and positioning of tourism in Joondalup will be finalised and launched by October 2008.

The strength and success of the campaign will be its ability to differentiate Joondalup from alternate destinations and this will be achieved by engaging small and large operators and portraying the diversity and individuality of the region. B&B's fall within this distinction.

#### **Issues and Options:**

This report has responded to the questions rather than presenting issues and options.

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

Objective 3.2: To increase employment opportunities within the City. The City will achieve this through the implementation of the Tourism Development Plan.

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

Not Applicable.

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

Not Applicable.

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

The City has made a commitment to support the Tourism Marketing Campaign with an initial allocation of \$10,000.00. The City is committed to a number of other projects including supporting the Sunset Coast Tourism Association in the development of tourism generally which will benefit the B&B sector.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Supporting growth and development of a given industry sector within the City of Joondalup, will only result in enhanced sustainability of the City.

**Consultation:**

The current Tourism Marketing Campaign is being substantially developed through consultation with all industry stakeholders including B&B operators.

**COMMENT**

The City acknowledges the role and importance of the local B&B industry. It represents a significant proportion of total bedspaces in Joondalup. As a niche market, B&B's add greater depth and interest to the overall product offering of the City and strengthen endeavours to establish Joondalup as a tourism destination. With its ongoing support for the Tourism Marketing Campaign, the tourism industry will be in its best position to increase its current market share against growing competitive forces emerging from the less regulated holiday homes sector.

**ATTACHMENTS**

Attachment 1	Graph of total tourism beds available in Joondalup by accommodation types
Attachment 2	Graph of total Tourism Beds available in the Shire of Busselton
Attachment 3	Graph of occupancy figures for accommodation providers in the Sunset Coast Region 2004 -2005

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council NOTES the response to the questions relating to the Bed and Breakfast sector in Joondalup and the level of support that the City is currently providing particularly through the development of the tourism marketing campaign.

**MOVED Cr Corr, SECONDED Cr Norman that:**

- 1 Council NOTES the response to the questions relating to the Bed and Breakfast sector in Joondalup and the level of support that the City is currently providing particularly through the development of the tourism marketing campaign;**
- 2 the City's Bed and Breakfast fact sheet and operating methods be referred to the Policy Committee with a report back to Council to review the costs, parking, frequency and costs of approval, planning process, signage and any other matter deemed relevant by the Policy Committee.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf030608.pdf](#)*

## **CJ099-06/08 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 17 APRIL 2008 - [00906]**

**WARD:** All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and endorsement of the recommendations contained therein.

### **EXECUTIVE SUMMARY**

A meeting of the Sustainability Advisory Committee was held on 17 April 2008.

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

- Replacement of Mercury Vapour lamps with energy efficient lamps as part of the maintenance cycle
- Presentation on City of Joondalup's environmental initiatives
- Incentives for fuel efficient vehicles

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 17 April 2008 forming Attachment 1 to Report CJ099-06/08;*
- 2 *REQUESTS a report on the City's current initiatives and progress in relation to stormwater quality and stormwater outfalls along the City of Joondalup coastline;*
- 3 *REQUESTS a report on the feasibility of installing a grid-connected 2kW photovoltaic system on one of the City's community buildings as a means of showcasing the City's sustainability credentials. The report should address:*
  - *The suitability of this proactive action by the City as a means of encouraging Joondalup residents to install grid-connected photovoltaic panels on their own homes;*
  - *The Federal government's current offer of a 50% rebate on the cost of such a system for local government and a rebate of 75% for private residences;*
  - *The overall expenditure required by the City for the project with confirmation that the project would cost approximately \$10,000.*

## **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:-

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

The Committee membership comprises of four (4) Elected Members and eight (8) Community Representatives.

## **DETAILS**

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

The Motions carried at the Sustainability Advisory Committee meeting held on 17 April 2008 are shown below, together with officer's comments.

### **1 Replacement of Mercury Vapour lamps with energy efficient lamps as part of the maintenance cycle**

The following Motion was carried at the meeting on 17 April 2008:

“That the Sustainability Advisory Committee NOTES:

- 1 that the City will CONTINUE to install energy efficient lighting in the areas in which it has responsibility;

- 2 that Council is taking or will take a leading role in liaising with the Western Australian Local Government Association, Western Power and Synergy for the introduction of best practice street lighting.”

Officer's Comment

No comment.

**2 Presentation on City of Joondalup's environmental initiatives**

The following Motion was carried at the meeting on 17 April 2008:

“That the Sustainability Advisory Committee:

- 1 NOTES the presentation provided on the City's environmental initiatives;
- 2 COMMENDS the City Officers on the quality of the presentation.

Officer's Comment

No comment.

**3 Incentives for fuel efficient vehicles**

The following motion was carried at the meeting on 17 April 2008:

“That the Sustainability Advisory Committee NOTES that, due to administrative difficulties with delivery and enforcement, no incentives are included in the CBD parking policy at this time.

Officer's Comment

No comment.

**Request for Reports for Future Consideration**

Two reports were requested as follows:

- A report on the City's current initiatives and progress in relation to stormwater quality and stormwater outfalls along the City of Joondalup coastline.

Officer's Comment

A report can be prepared.

- A report on the feasibility of installing a grid-connected 2kW photovoltaic system on one of the City's community buildings as a means of showcasing the City's sustainability credentials. The report should address:
  - The suitability of this proactive action by the City as a means of encouraging Joondalup residents to install grid-connected photovoltaic panels on their own homes;
  - The Federal government's current offer of a 50% rebate on the cost of such a system for local government and a rebate of 75% for private residences;
  - The overall expenditure required by the City for the project with confirmation that the project would cost approximately \$10,000.

Officer's Comment

A report can be prepared.

**Link to Strategic Plan:**

Key Focus Area: Organisation Development

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

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

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

**Sustainability Implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

Nil.

**ATTACHMENTS**

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 17 April 2008.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 17 April 2008 forming Attachment 1 to Report CJ099-06/08;**
- 2 REQUESTS a report on the City's current initiatives and progress in relation to stormwater quality and stormwater outfalls along the City of Joondalup coastline;**
- 3 REQUESTS a report on the feasibility of installing a grid-connected 2kW photovoltaic system on one of the City's community buildings as a means of showcasing the City's sustainability credentials. The report should address:**
  - **The suitability of this proactive action by the City as a means of encouraging Joondalup residents to install grid-connected photovoltaic panels on their own homes;**
  - **The Federal government's current offer of a 50% rebate on the cost of such a system for local government and a rebate of 75% for private residences;**
  - **The overall expenditure required by the City for the project with confirmation that the project would cost approximately \$10,000.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf030608.pdf](#)*

## **CJ100-06/08      LEGAL      REPRESENTATION      FOR      ELECTED MEMBERS - [01173]**

**WARD:** All

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

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### **PURPOSE/EXECUTIVE SUMMARY**

To request comment from Council on a matter raised at a recent Western Australian Local Government Association North Metropolitan Zone Committee (WALGA NMZC) Meeting which relates to the issue of legal representation for Elected Members.

This report recommends that Council does not support the introduction of amendments to the *Local Government Act 1995* to address issues of legal representation for Elected Members.

## BACKGROUND

At the Meeting of the WALGA NMZC on 22 May 2008, a report was presented to the Committee by the City of Stirling which included the following statement:

*“The increasing complexity of the Local Government Act 1995 regarding Councillor(s) roles and responsibilities require Councillors to have ready access to independent legal representation in order for procedural fairness and equity with members of staff and that the Local Government Act 1995 BE AMENDED to address such issues at the next WALGA North Zone meeting and that this matter be LISTED by the City of Stirling for discussion at the WALGA AGM to be held on 2 August 2008.”*

The matter was deferred to allow Member Councils to consider the proposal and provide a response to the Committee before the next Committee Meeting.

This report outlines the City’s and the Department of Local Government and Regional Development’s current position on the issue and relevant elements of the *Local Government Act 1995* that govern the financial responsibilities of Council.

## DETAILS

In April 2006, the Department released operational guidelines relating to legal representation for Council Members and Employees (provided at Attachment 1). The guidelines were produced as a response to the Joondalup Inquiry where the Inquiry Panel “criticised some Council Members for making uninformed and ill-advised decisions to pay [the] personal legal expenses of the Chief Executive Officer (CEO)”. As such, these guidelines seek to assist Councils when making decisions and developing policies in relation to this issue, as well as providing direction for the reverse situation (where Elected Members require financial assistance for legal representation).

Following the Inquiry, the City of Joondalup developed and implemented a policy, (provided at Attachment 2), which closely reflected the Department’s model policy.

The policy covers the following matters:

- Under what circumstances would financial assistance be provided?
- Who would make the decision that financial support would be provided?
- Who would provide the legal services?
- What limits, if any, would be placed on financial assistance?
- How applications would be made for assistance;
- What obligations a Council Member or employee receiving assistance should have?
- Whether contingent authorisation in urgent cases would be provided for and who would exercise that authority?
- Under what circumstances would financial assistance be withdrawn?
- Provision for the recoup of money already provided under the Policy where approval is withdrawn; and
- A clear statement that legal representation will not be provided for matters that relate to the personal affairs of a council member or employee.

Some of the major principles and elements contained in the policy include:

- 1 Legal representation costs must relate to a matter that **arises from the performance**, by the Elected Member or Employee, **of his or her functions** as an Elected Member or Employee.
- 2 In performing their functions, the Elected Member or Employee must have **acted in good faith**, must **not have acted unlawfully** or in a **manner that constitutes improper conduct**.
- 3 The **ultimate decision** for determining whether funding should be provided lies with **Council**.
- 4 The CEO can authorise applications expeditiously in urgent situations, however, **Council is able to revoke the CEO's approval**.
- 5 **Legal representation does not have to come from an approved list of legal practitioners**, only a 'certified practitioner' under the *Legal Practice Act 2003* is required.

The City's policy is considered detailed, fair, logical and best practice. It also allows Elected Members to have ready access to independent legal representation, which was a fundamental concern for the City of Stirling. As such, it would seem unnecessary to require legislative amendments to the *Local Government Act 1995* when Council policy is able to sufficiently provide for an equitable approach to the issue.

#### Relevant Legislation

##### Section 6.8 – *Local Government Act 1995*

- “(1) *A local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure –*
- (a) *is incurred in a financial year before the adoption of the annual budget by the local government;*
  - (b) *is authorised in advance by resolution\*; or*
  - (c) *is authorised in advance by the mayor or president in an emergency.*

*\*Absolute majority required.*

- (1a) *In subsection (1) –*

**“additional purpose”** *means a purpose for which no expenditure estimate is included in the local government's annual budget.*

- (2) *Where expenditure has been incurred by a local government –*

- (a) *pursuant to subsection (1)(a), it is to be included in the annual budget for that financial year; and*
- (b) *pursuant to subsection (1)(c), it is to be reported to the next ordinary meeting of the council.”*

The effect of this section of the Act is that despite the financial restrictions placed on Council to expend funds, there is still provision for independent expenditure decisions to be made outside of the adopted budget. This provides Council with the ability to overcome potential situations of conflict between the CEO and Elected Members where the CEO is able to control the provision of legal advice for Council under section 5.41(b) of the *Local Government Act 1995*. Section 5.41(b) states, “*The CEO’s functions are to...ensure that advice and information is available to the Council so that informed decisions can be made.*”

By implementing a model policy and applying provisions within the *Local Government Act 1995*, Elected Members are able to apply for financial assistance for legal representation in a manner that is equitable, based on sound governance principles, provides for a resolution when conflict between Elected Members and a CEO is present and allows for independent advice to be obtained. To lobby for legislative amendments would seem unnecessary and duplicative of already existing capacity in this regard.

**Issues and options considered:**

Option 1: Support the City of Stirling’s proposal

This option is *not* recommended given the already sufficient capacity Elected Members have to seek financial assistance for independent legal representation.

Option 2: Do not support the City of Stirling’s proposal and provide comment on Council’s rationale for this decision.

This option is recommended.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Sections 6.8 and 5.41 of the *Local Government Act 1995*.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

This matter relates to the City of Joondalup Policy 8-7, “Legal Representation for Elected Members and Employees”.

**Regional Significance:**

The City should perceive this matter as an opportunity to model best practice standards to Member Councils of the WALGA NMZC by promoting the City’s current approach in dealing with financial assistance for legal representation for Elected Members.

**Sustainability Implications:**

It could be perceived as an unsustainable practice to dedicate resources to an initiative that will duplicate an already sufficient process.

**Consultation:**

No Applicable.

**COMMENT**

The WALGA NMZC has requested a response from Member Councils on this matter. Should Council choose to pursue option 2, it is suggested that the Committee be provided with a copy of this report as the basis of Council's response.

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Department of Local Government and Regional Development Operational Guidelines on Legal Representation for Council Members and Employees |
| Attachment 2 | City of Joondalup Policy 8-7, "Legal Representation for Elected Members and Employees".  |

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr John, SECONDED Cr Amphlett that Council ENDORSES Option 2 by not supporting the City of Stirling's proposal to lobby the State Government for an inclusion of independent legal representation for Elected Members issues in the Local Government Act 1995.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendices 5 and 6 refer*

To access this attachment on electronic document, click here: [Attach5brf030608.pdf](#)  
[Attach6brf030608.pdf](#)

## **CJ101-06/08 LIST OF PAYMENTS MADE DURING THE MONTH OF APRIL 2008 - [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 April 2008 to note.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of April 2008 totalling \$7,187,530.69.

*It is recommended that Council NOTES the CEO's list of accounts for April 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ101-06/08, totalling \$7,187,530.69.*

### **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 April 2008. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 81144 - 81339 and EFT 15819 - 16246 Net of cancelled payments	\$4,665,376.21
	<b>Vouchers</b> 390A – 393A & 395A - 399A,	\$2,503,104.48
Trust Account	<b>Cheques</b> 202052 - 202098 Net of cancelled payments	\$19,050.00
<b>Total</b>		<b>\$7,187,530.69</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 April 2008
Attachment B	CEO's Delegated Trust Payment List for the month of April 2008
Attachment C	Municipal and Trust Fund Vouchers for the month of April 2008

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr John, SECONDED Cr Amphlett that Council NOTES the CEO'S list of accounts for April 2008 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 CJ101-06/08, totalling \$7,187,530.69.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf030608.pdf](#)

## **CJ102-06/08 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2008 - [07882]**

**WARD:** All

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

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### **PURPOSE**

The April 2008 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The April 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$9,054K when compared to the 2007-2008 revised budget (CJ038-03/08 refers).

This variance can be summarised as follows:

- The **Operating** surplus at the end of April 2008 is \$4,654K above budget, comprising higher Revenue of \$153K and lower operating expenditure of \$4,501K.

Revenue variances mainly arose from a \$(372)K variance in the timing of receipts of Government Grants and Subsidies, which are later than expected. There was additional revenue of \$253K for Rates, \$107K for Interest and \$101K for Contributions, Reimbursements and Donations.

Expenditure variances arose principally from Materials and Contracts \$2,678K, Depreciation \$1355K and Utilities \$173K being below budget as detailed in the attached notes.

- **Capital Expenditure** is \$7,189K below the year to date revised budget of \$19,310K. The variance relates mainly to lower than expected expenditure on the Fee Paid Car Parking project of \$1200K, Joondalup Works Depot project \$1,106K, Road Re-surfacing and Road Works \$1,132K, implementations of the Library and Document Management Systems \$563K, Joondalup Drive Master Plan \$192K and other corporate and community projects, plus delayed vehicle replacements of \$374K.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2008 forming Attachment A to Report CJ102-06/08.*

## **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 30 April 2008 is appended as Attachment A.

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

Objective 1.3 – To lead and manage the City effectively.

### **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 revised 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.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2007-08 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A      Financial Activity Statement for the period ended 30 April 2008.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr John, **SECONDED** Cr Amphlett that Council **NOTES** the financial activity statement for the period ended 30 April 2008 forming Attachment A to Report CJ102-06/08.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 8 refers*

To access this attachment on electronic document, click here: [Attach8brf030608.pdf](#)

## **CJ103-06/08 INVESTIGATION INTO NEW COLLECTION FORMAT FOR BULK WASTE COLLECTION SERVICE - [39835]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Martyn Glover  
Infrastructure Services

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### **PURPOSE**

To provide Council with information relating to collection options for the bulk waste collection service.

### **EXECUTIVE SUMMARY**

The current bulk waste collection service at the City of Joondalup is based on a nine-monthly rotating schedule which provides four collections every three years (combined bulk yard rubbish and green waste services).

The City has developed three additional options including the same service at six-monthly rotations (twice a year); a verge pick-up on demand (twice a year) and a skip bin service on demand (two bins per year).

Both the “demand” services have a premium cost due to the individual nature of the service, including staff, vehicles and customer service.

The current Service Agreement with the City of Wanneroo provides for the increase in services from nine monthly to six-monthly but it does not allow for the “demand” options. The current Service Agreement finishes on 30 June 2009.

*It is recommended that Council:*

- 1 *SUPPORTS the retention of the nine-monthly bulk waste collection in 2008/09;*
- 2 *ADVISES the City of Wanneroo that it will competitively tender the bulk waste service on completion of the current Service Agreement on 30 June 2009;*
- 3 *SUPPORTS the inclusion of a six-monthly bulk waste collection in the new contract to commence on 1 July 2009.*

### **BACKGROUND**

On 28 August 2007 Council resolved as follows:

- 1 *a REPORT be prepared investigating an alternate verge collection method whereby the current practice of bulk collections be replaced with a system where each household has the ability to book two individual verge collections to be removed by the City upon request in a given twelve month period;*
- 2 *Council also investigates a collection method whereby residents are no longer provided with a verge pickup but instead given the option to book up to two skip bins within a 12-month period at their convenience.*

## **DETAILS**

### **Current Service**

The City provides residents with a bulk collection service based on a nine-monthly rotating schedule that equates to four collections every three years.

Each service collection involves two streams; one for bulk yard rubbish disposed of to landfill and the second, a green waste service, separated and mulched at the Green Waste Recycling Depot in Wangara. The current “put out” rate is estimated to be approximately 65% of the City’s households and the crews are scheduled to collect from approximately 225 residences per day. The method of collection is highly efficient and is comparable to other services provided by Local Governments in Perth.

The service is extremely popular and provides a valuable service to residents who are unable to transport their own waste to land fill sites. Residents who miss the collection or who need another bulk collection outside of the scheduled times can request an individual collection at a cost of \$77.00.

This collection format has environmental benefits where the separated green waste is collected separately and mulched which diverts it from landfill. The collection rates vary highly on customer satisfaction surveys with the results in 2006 providing a satisfaction level of 83%.

In the 2006/07 budget year, the service collected 10,953 tonnes of bulk yard waste and 3,275 tonnes of green waste. The average collection cost per resident for a collection according to the schedule for the 2006/07 financial year was approximately \$22.00.

The contract is provided by a Service Level Agreement with the City of Wanneroo until 30 June 2009. If Council wishes to extend the Agreement beyond its current period, it would require a Deed of Variation which stipulates the new extension period(s) and any other changes Council may consider appropriate. Alternatively, the Council could seek a competitive tender instead.

The main disadvantage of the current service is that the collections are at different times each year and consequently cannot always coincide with the best green waste collection periods (Spring and Autumn).

The City of Wanneroo has just advised the City of Joondalup that there is anticipated to be a significant increase in the rates for waste collection in 2008/09 due to the recent escalation of fuel costs and a new staff EBA negotiation.

### **Proposed Service Options**

#### Option 1 Bulk Verge Collection every 6 months

This option would increase the current bulk collection schedule to provide two collections per year, that is, one collection of bulk waste and green waste every six months. The benefits of this type of collection include:

- the ability to recycle a high percentage of green waste
- virtually unlimited volume of waste per household per serve
- there is no need for residents to call and book a skip bin
- the two weeks put-out time gives all residents the ability to work around other commitments and still be on time for the collection

- sustainable environmental benefits due to diversion of green waste from landfill – toxic and environmentally unsafe waste can be readily identified and segregated
- no need to re-educate residents on the process

The only real negative with this type of collection is that waste is not contained in a receptacle and if placed out too early, can give an untidy appearance to a streetscape.

Residents are not likely to increase their tonnages or volumes over the longer term but would have two collections plus their green vouchers to dispose of their bulk waste. They would also be able to continue to request unscheduled collections at the current cost of \$77 per collection if required. The shorter collection schedule may help alleviate early put-out problems over the longer term.

The City's Service Agreement relating to the supply of bulk refuse collection services includes the following clause in Schedule 2:

- (2) *Bulk refuse collection currently services each property at least every 9 months as part of a rolling schedule. During the Term this may be changed at the Customer's request to a 6-monthly schedule in which event the Customer shall pay the additional fee specified in Schedule 3.*

The additional serve fee in Schedule 3 is described as:

*Six (6) monthly schedule – add 14% to the nine (9) monthly schedule fee above*

The change in service from nine-monthly to six-monthly would realise a household cost of \$25.46 per annum.

#### Option 2 – Two Bulk Collections Removals per Year on Demand

This format is similar to the current collection format with the exception that collections are on demand by the resident and limited to two per year. They would however be limited to one collection of bulk waste and one collection of green waste.

The obvious impact on the service will be efficiency levels. The factors taken into account to calculate these impacts were:

- Travelling time between collection points;
- Setup at the collection points for loading and off loading skid steer loaders, including safety issues;
- Participation rates based on current levels for the bulk collection service; and
- Based on current method of collection with skid steers and rear end compactor trucks

It is considered that there would be considerable waiting time for collections under this method and consequently a higher complaint level. Delays in collections in the high demand period could extend out to six weeks or longer. Waiting times have elsewhere caused a high level of complaint during these popular periods. There would also be a perceived service reduction because the individual collections would be bulk waste or green waste, not both.

Based on the current method of collection with skid steer loaders and rear end compactor trucks, along with the reduction in productivity, the average collection cost per resident is anticipated to be approximately \$43.00. The requirement for two customer service personnel would increase the cost to approximately \$45.00.

If Option 2 is to be considered as the preferred option, then given the estimated increases in costs and perceived reduction in service, it is suggested the community should be surveyed for expected usage and invited to comment on the value for money for the proposed service. The City of Wanneroo conducted a similar survey in December 2001 and one of the major issues raised was the increase in cost.

This service option is contrary to the existing Agreement consequently a service could not commence until 1 July 2009 unless the City is prepared to pay the redundancy of the seven employees directly involved with the service. This would be a maximum of the equivalent of 224 weeks pay or just less than \$200,000.

### Option 3 – Two skip bins per year at the resident's convenience

This proposal has two bins which can cater for both bulk waste and green waste; however the cost has assumed that most of the customers would use the two bins as a single service, that is, they would order both bins at once.

The proposal is based on the City of Bayswater experience where residents are provided with up to three bulk bins per year at three cubic metres per bin or there is an option to have a combination of bins and tip passes. All bulk waste is placed in the bins and sent to land fill. In order to improve efficiencies, bin storage areas have been set up at strategic locations throughout the City, which is often a source of complaint (Attachment 1 refers).

The system works well and is popular with residents except where waiting times are extended during the spring and autumn periods. The schedule is based on collection days for individual suburbs and a request from a resident is allocated into the collection schedule for that area. Consequently, when it gets busy there can be longer waiting times. This has proven to be an ongoing cause of resident dissatisfaction due to the expectation that the skip could be ordered exactly when it was wanted.

The City of Bayswater has 250 skip bins placed at different locations throughout the local government. The City of Bayswater owns all storage locations and the skip bins are owned by the Contractor, Cleanaway. The current manufactured cost for the bins is between \$900 and \$1000 each. The cost of the vehicles and skips are amortised over a period of years by the Contractor and then factored into their price.

In the City of Joondalup, an average of approximately 300kg per year per household is placed out for collections. This is approximately the capacity of a skip bin when filled loosely with household waste and/or green waste. The estimates provided have been calculated on the basis that residents in the City will use the service once per year and not split the load, that is they will use their full allocation of the two bins in one go.

After discussing this option with other Councils and Contractors it is evident that the City would experience an increase in damage claims to lawns and gardens during the collection. There is also the potential of graffiti and vandalism to the bins while they are in the field which is detrimental to the presentation of the streetscapes. Overloading of bins and non-compliant refuse is also a common occurrence which has resulted in the skip bin being refused collection or environmentally damaging materials being hidden within the skip bin. In high density areas, placement may become a significant issue with residents. Currently the City of Joondalup Contractors sweep through high-density areas twice during each collection to ensure that bulk items are not left placed out for excessive periods.

The City of Stirling conducted a similar investigation into bulk collection in March 2002. In the report, it was estimated that they would need 17.5 trucks and 2000 of the 3m<sup>3</sup> skip bins to service the 78,000 residences. The increase in the number of skip bins when compared to the City of Bayswater is because a "demand" system needs double the skip bins compared

to a schedule system. Based on these figures, the City of Joondalup would need approximately 13 trucks and 1500 skip bins to service the 56,000 residences.

Furthermore, based on information from the City of Stirling and the City of Bayswater, there would be up to 100,000 phone enquiries to the City for service requests associated with the skip bins. This would require the employment of at least two extra customer service personnel to manage the service.

The best cost estimate able to be established for this service is \$74.00 per household which includes the skip bins, trucks, staff and customer service.

In terms of contractual arrangements, the scope of works changes completely, therefore it would not be possible to implement the change within the current agreement. If Council selected this method of service then it would need to be tendered and the earliest date of implementation would be from 1 July 2009 unless the City met the redundancy requirements as stipulated in Option 2.

It is considered this option is not consistent with the City's Waste Management Strategy 2005 because all waste collected is sent to landfill.

### **Contractual Arrangements**

If the preferred options are to remain with the current service or take Option 1 – increase to six-monthly collections then these can be accommodated within the current service level agreement with the Contractor, the City of Wanneroo. The cost to increase to six-monthly collection would be 14% above the current rates.

Both Option 2 and 3 cannot be implemented within the current Service Agreement and would therefore need to be tendered.

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

The proposal has links to the strategic plan as follows:

<i>Objective 2</i>	<i>To effectively manage waste.</i>
<i>Strategy 2.2.1</i>	<i>Further develop and implement recycling strategies; and</i>
<i>Strategy 2.2.2</i>	<i>Plan for the development of waste management.</i>

Option 1 and 2 are considered consistent with the directions of the Strategic Plan as the collection method allows for the separation of green waste for recycling.

Option 3 is not considered consistent with the Strategic Plan as all waste collected in the bins is disposed of to landfill.

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

The City's Local Laws for Local Government and Public Property provide clauses which generally protect the verge and prevent illegal disposal of waste. It may however be appropriate to strengthen these Local Laws with respect to bulk collection services from the verge and limit intermittent dumping.

**Risk Management considerations:**

Option 1 is considered to have the least risk of the 3 options and provides residents with increased service with only a marginal increase in current costs.

Option 2 is anticipated to generate a high level of complaint regarding waiting times in spring and autumn as well as increased movement of heavy vehicles through suburbs with collection crews travelling past previously collected houses many times.

Option 3 also has the waiting time issues. To gain efficiencies, bin storage areas will need to be identified and these are usually located in nearby parks. Resident objections are anticipated to be high with respect to the siting of these storage areas.

**Financial/Budget Implications:**

Option	Household Cost	Collections Per Year				Cost/Collection
		Bulk	Green	Mixed	Total	
Current	\$22.33	1.33	1.33		2.66	\$8.39
1	\$25.46	2	2		4	\$6.36
2	\$45.00	1	1		2	\$22.50
3	\$74.00			2	2	\$37.00

It is noted that the alternative services 2 and 3 actually provide a reduced service at a higher cost and only the six-month verge collection provides an improved service at a lower cost per service.

The estimated annual increases in costs for the three options are:

Option 1: \$ 173,000  
 Option 2: \$1,247,000  
 Option 3: \$2,842,000

**Policy Implications:**

The City's Waste Management Strategy 2005 states:

*Strategy 3 Bulk Collection Service*

*Continue with current service consisting of a bulk rubbish collection service and a green waste collection service at nine monthly intervals.*

*Key Performance Indicator*

- *Recover in excess of 34% of waste collected from the bulk collection service*
- *Achieve a customer service satisfaction rating in excess of 80%\*.*

The introduction of Option 3 is contrary to Council's Strategy for recovery of waste.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The City has consulted with the City of Wanneroo; City of Swan; City of Bayswater; Cleanaway; Stampalia Contracting (municipal waste removal contractors); and the City of Stirling.

**COMMENT**

The current bulk waste Service Agreement will be completed on 30 June 2009. During this time there will have been a collection across the whole City plus the southern suburbs during 2008/09. Effectively, this will have covered the high bulk and green waste areas twice.

The advice from the City of Wanneroo that there is likely to be a substantial increase in fees in 2008/09 due to the combination of escalating fuel costs and a new City of Wanneroo EBA. This will mean that there will be significant pressure on the City of Joondalup Waste budget without increasing the bulk waste collection frequency.

Because the current Agreement finishes on 30 June 2009, it may be appropriate to test the market with the bulk waste at this point. The domestic waste and recycling contracts are synchronised to finish on 30 June 2011 so any award of the bulk waste either as an extension to the existing Agreement with the City of Wanneroo or a new Contractor would be structured to finish on the same date. This would allow the City to tender the waste services as a single contract and maximise the opportunity for economies of scale in the Contractor's costs as part of the tender process.

Investigations throughout the metropolitan area have identified that the City's service is midway in the bulk waste services in terms of collection rates. Although the City has 1.33 collections per annum, this is in fact the equivalent of 2.66 collections because the residents can put out both bulk waste and green waste provided they are separated.

An increase to two collections per annum while still retaining both bulk waste and green waste is essentially the equivalent of four collections compared to the Cities that only have individual bulk waste or green waste. If Council chooses to increase the frequency in the new Contract/Agreement, then this would place the City at the higher end of the waste services throughout the metropolitan area.

It is therefore recommended that Council retains the current bulk waste service in 2008/09 and includes the six-monthly collection option in the specification for the new Contract or Service Agreement.

This recommendation is in consideration that there is likely to already be a significant increase in the waste charges due to the City of Wanneroo costs. There are only 12 months until the existing contract is completed, and the higher bulk waste and green waste producing areas will receive two services in 2008/09 as part of the existing programme.

**ATTACHMENTS**

Attachment 1      Photographs of stacked bins

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 SUPPORTS the retention of the nine-monthly bulk waste collection in 2008/09;
- 2 ADVISES the City of Wanneroo that it will competitively tender the bulk waste service on completion of the current Service Agreement on 30 June 2009;
- 3 SUPPORTS the inclusion of a six-monthly bulk waste collection in the new contract to commence on 1 July 2009.

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

- 1 **SUPPORTS the retention of the nine-monthly bulk waste collection in 2008/09;**
- 2 **ADVISES the City of Wanneroo that it will competitively tender the bulk waste service on completion of the current Service Agreement on 30 June 2009;**
- 3 **SUPPORTS the inclusion of a six-monthly bulk waste collection in the new contract to commence on 1 July 2009;**
- 4 **NOTES the proposed arrangements for the collection of Household Hazardous Waste as recommended by the Waste Education Strategy Steering Group of the Mindarie Regional Council and ADVISES the Mindarie Regional Council that the program should include an appropriate community education campaign.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (12/0)**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf030608.pdf](#)*

## **CJ104-06/08 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 23 APRIL 2008 - [12168]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Martyn Glover  
Director, Infrastructure Services

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### **PURPOSE**

To submit the unconfirmed minutes of the Conservation Advisory Committee to Council for noting.

### **EXECUTIVE SUMMARY**

A meeting of the Conservation Advisory Committee was held on 23 April 2008.

The item of business that was considered by the Committee was:

- Conservation Advisory Committee – Environmental Education Planning Workshop

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Conservation Advisory Committee meeting held on 23 April 2008 forming Attachment 1 to Report CJ104-06/08;*
- 2 *REQUESTS a report in relation to future works proposed for Bushland and Natural Area reserves.*

### **BACKGROUND**

The Conservation Advisory Committee is a Council Committee that advises Council on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Conservation Advisory Committee meets on a monthly basis.

The Committee membership comprises of four Councillors, a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

### **DETAILS**

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

The Motion carried at the Conservation Advisory Committee meeting held on 23 April 2008 is shown below, together with officer's comments.

- 1 **Conservation Advisory Committee – Environmental Education Planning Workshop**

The following Motion was carried at the meeting on 23 April 2008:

“That this workshop be conducted after the closure of the meeting.”

Officer's Comments

Not Applicable.

**Requests for Reports**

At the 23 April 2008 meeting a report was requested in relation to future works proposed for Bushland and Natural Area reserves.

Officer's Comments

A report can be prepared.

**Link to Strategic Plan:**Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

**Legislation – Statutory Provisions:**

The Local Government Act 1995 allows a council to establish committees to assist a council to exercise the powers and discharge duties that can be delegated to a committee.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**Environmental

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

To promote partnerships between Council and the Community to protect the City's natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

**Consultation:**

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1            Minutes of the Conservation Advisory Committee Meeting held on 23 April 2008

**VOTING REQUIREMENTS**

Simple Majority

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

- 1        NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 23 April 2008 forming Attachment 1 to Report CJ104-06/08;**
- 2        REQUESTS a report in relation to future works proposed for Bushland and Natural Area reserves.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf030608.pdf](#)*

## **CJ105-06/08 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – APRIL 2008 - [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 allow 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 April 2008 (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 April 2008 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 April 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	88	\$50,135,169
R-Code variations (Single Houses)	61	\$ 7,542,605
<b>Total</b>	148	\$57,677,774

The value of the development applications determined under Delegated Authority is high for April as it includes the approval of the Department Store (Myer) and associated car parking additions at Lakeside Shopping Centre in Joondalup. This application did not propose any variations to DPS2 and therefore was determined under Delegated Authority.

The number of development applications received in April 2008 was 97. (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 April 2008</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	5	2
Strata Subdivision Applications	4	8

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

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**

### **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, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 88 development applications determined during April 2008, consultation was undertaken for 25 of those applications. Of the 9 subdivision applications determined during April 2008, 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            April 2008 - Decisions - Development Applications  
Attachment 2            April 2008 - 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 Attachment 1 to Report CJ105-06/08 for April 2008;**
- 2        subdivision applications described in Attachment 2 to Report CJ105-06/08 for April 2008.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf030608.pdf](#)

### Disclosure of Financial Interests

<b>Name/Position</b>	<b>Cr Albert Jacob</b>
<b>Item No/Subject</b>	CJ106-06/08 – Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine
<b>Nature of interest</b>	Financial Interest
<b>Extent of Interest</b>	Cr Jacob is providing architectural services for the developer of an adjacent property

*Cr Jacob left the Chamber, the time being 2113 hrs.*

## **CJ106-06/08 PROPOSED LIQUOR STORE: LOT 929 (1244) MARMION AVENUE, CURRAMBINE - [75606]**

**WARD:** North

**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 planning approval for a liquor store at Lot 929 (1244) Marmion Avenue, Currambine.

### **EXECUTIVE SUMMARY**

An application has been received for a liquor store on a lot within the Currambine District Centre. Development of this area is controlled by the Currambine District Centre Structure Plan (Structure Plan). The subject lot is zoned Business under this Structure Plan. A liquor store is a discretionary land use within the Business zone.

The proposal includes variations to the Structure Plan in regard to setbacks, active frontages, glazing, landscaping and footpath width. It is considered that the proposed variations are acceptable and should be supported. The proposed liquor store has been located such that there is scope to develop the site in the future in a manner that will more closely comply with the requirements of the Structure Plan.

The application was considered at the Council meeting of 18 March 2008 (CJ047-03/08 refers) where Council required that it be advertised for public comment. The proposal was subsequently advertised, and one neutral submission and 45 objections were received (including four late submissions). The objections primarily raised concerns that the liquor store will lead to an increase in the antisocial behaviour of youths in the area.

The proposal does not conflict with the objectives of DPS2 or the Structure Plan and therefore it is recommended that the application be approved.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 929 (1244) Marmion Avenue, Currambine
<b>Applicant:</b>	TPG Town Planning and Urban Design
<b>Owner:</b>	Davidson Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Business
	<b>MRS:</b> Urban
<b>Site Area:</b>	7.5000 ha
<b>Structure Plan:</b>	Currambine District Centre Structure Plan

The subject site is located on the eastern side of Marmion Avenue, immediately north of Shenton Avenue (Attachment 1 refers). The proposed liquor store is located in the north western corner of the subject site on a 1.024 ha portion of the 7.5 hectare site.

The Currambine Shopping Centre and Cinema complex is located on the southern portion of the subject site and residential development is located to the west across Marmion Avenue. The remainder of the surrounding land is vacant, however there are several applications currently being considered by the City for the development of this land.

The subject site is located within the Currambine District Centre Structure Plan (Structure Plan) which guides development within the area. The development of the Currambine District Centre will contain a range of land uses to provide a variety of facilities and services within the area.

The subject site is zoned Business under the Structure Plan, therefore there is no maximum retail floorspace applicable to this site under DPS2. The maximum retail net lettable area (NLA) only applies to Commercial zoned land.

Council previously considered this application at its meeting of 18 March 2008 where it was resolved to defer a determination on the application:

- pending the submission of amended plans to improve the appearance of the building and its relationship to the surrounding spaces;
- following the submission of satisfactory plans the application be advertised for public comment for a period of 21 days; and
- the application be referred to Council for determination.

## DETAILS

The applicant proposes to construct a single storey liquor store on a portion of the subject site (Attachment 2 refers).

The proposed development incorporates the following:

- One single storey building with a maximum building height of 9 metres above natural ground level and an average height of 6 metres;
- Provision of 98 car parking bays, including three disabled bays;
- Drive through loading dock;
- Bin storage area;
- Landscaping throughout the car park and along the access road;
- Awnings along the southern side of the building; and
- Vehicle access to the site from an access road off Marmion Avenue and the future Main Street.

Compliance with the relevant requirements of the Structure Plan is summarised below:

Required	Provided	Compliance
<u>Setbacks</u> South: nil North: no requirement East: nil West: no requirement	60m 6.5m 14.5m 39m	No Yes No Yes
<u>Awnings along building</u> South East	Awnings provided Partially provided	Yes No
<u>Building facades</u> South: Active frontage with 70% glazing North: Blank façade East: Blank façade West: Active frontage with 70% glazing	24% Blank façade Blank façade 5.2%	No Yes Yes No
<u>Landscaping</u> South: 3m along street boundary West: 3m along street boundary	2.5m 2m	No No
<u>Car parking</u> Liquor Store: 7 per 100 m <sup>2</sup> 1350 m <sup>2</sup> = 95 bays	98 bays	Yes
<u>3m footpath along building edge</u> South West	2.5m 1.5m	No No

The applicant has provided written justification for the variations to the Structure Plan stating:

- *The liquor store is not located directly abutting the envisaged Main Street, but is instead located behind a proposed future development of commercial or office space that abuts the Main Street.*
- *The development will facilitate a retail offer that is in a convenient location to the surrounding residential community and easily accessible from the existing shopping centre.*
- *The orientation of the store to the car park will deliver a high level of passive surveillance to public and private spaces.*
- *The liquor store has been located behind the Main Street as it is not able to achieve the Main Street urban design requirements of the Structure Plan due to the nature of the goods sold. The area allocated for future commercial/office development will be better able to create the two storey active urban edge envisaged by the Structure Plan.*
- *The setbacks provided are greater than required under the Structure Plan, largely due to the provision of car parking.*
- *The proposed building is orientated to the south, towards at grade parking areas and has been provided with an awning along the entire length of the southern boundary to give pedestrians protection from the weather.*
- *The proposed liquor store preserves the integrity of the Structure Plan whilst initiating development of the area.*

**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:**District Planning Scheme No 2 (DPS2)

Liquor Store is a 'D' use in the Business 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.”*

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.

**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 additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning approval.

*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; the nature of the roads giving access to the subject land;*
- (c) 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 appeal against Council’s decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was advertised for a period of 24 days by way of a sign on site, letters to adjoining owners, notification on the City’s website and two advertisements in the local newspaper (Attachment 3 refers). The advertising period closed on 12 May 2008. At the close of the advertising period one neutral submission and 41 objections from 38 households had been received. In addition, four late submissions from four households were received after the close of the advertising period, which were all objections.

The main issues raised in the objections were:

- There is an existing problem with antisocial behaviour by drunken youths in the area and the liquor store will increase this.
- It will lead to more binge drinking in the local parks and associated graffiti and vandalism.

- The location of the liquor store on a major road and in proximity to fast food outlets could make it a “destination location” and popular meeting place for young people and lead to antisocial behaviour.
- The area is already well serviced with liquor stores and another one is not necessary.
- This type of development belongs in a larger commercial area like Joondalup not in an area surrounded by family housing.
- A better use for this site would be a family orientated activity such as bowling alley or family friendly restaurant/entertainment area.
- The liquor store is not in accordance with the planning objectives and strategies of the City or Structure Plan.
- If the liquor store is approved then conditions should be put on to restrict trading hours and extra security should be provided by the store.
- The liquor store will have a negative impact on the amenity and value of the area.
- The liquor store is very large and in a highly visible position on a busy road and will detract from the appearance of the road.
- The liquor store will increase traffic on the surrounding road network.

Copies of the submissions are available for review in the Councillor Reading Room.

## **COMMENT**

Council previously considered this application at its meeting of 18 March 2008 where it was resolved to defer a determination on the application, pending the submission of amended plans to improve the appearance of the southern and western façades and the subsequent advertising of the proposal. The changes to these façades are discussed in this report, together with the response to submissions received during the advertising period. The comments regarding land use, setbacks, footpath width, car parking and landscaping are unchanged from the previous report to Council and are included as Attachment 4.

### **Active frontages, blank facades and glazing**

Under the provisions of the Structure Plan, the northern and eastern sides of the proposed liquor store are permitted to have blank façades as the northern side abuts the loading bay and the eastern side will abut the future office/commercial building. The Structure Plan requires the other building façades to have active frontages towards vehicle and pedestrian routes with continuous awnings to provide protection from the weather. The southern side of the liquor store complies with this requirement as it has been orientated towards the car park and has been provided with an awning and verandah for the entire length of the building. The western side has an awning for part of the length of the building which covers the doorway. This is considered acceptable as the awnings cover the entrances to the liquor store which pedestrians will use to access the building.

The Structure Plan also requires active building frontages to comprise a minimum of 70% windows and visually permeable doors. The plans considered by Council at its meeting of 18 March 2008, had glazing of 7.8% and 1.8% to the southern and western façades respectively. This was not considered to be acceptable and Council requested the applicant to provide more glazing to these façades. The southern and western sides of the building are now proposed to have 24% and 5.2% glazing. Whilst this still does not comply with the 70% glazing requirement of the Structure Plan (which requires 70% glazing to all frontages of the building that do not abut a loading bay, including the frontages that face the car park), it is an improvement from the previous plans and is considered to be acceptable.

In addition, the southern and western elevations have been provided with a higher degree of articulation to improve the overall appearance of these elevations. The southern façade has a large entry feature, more glazing, variety of materials and texture, landscaping and verandah for the entire length of the building which has improved the appearance of the

southern elevation. The western façade has a greater variety of colours and materials than previously proposed and more glazing.

These modifications to the southern and western façades of the building have improved the overall appearance of the building and it is considered that the proposal is now acceptable in regards to its design.

It is considered that the variations to the active frontage and glazing requirements are appropriate for the reasons outlined above, and it is recommended that they be supported.

### **Issues from the Consultation Process**

#### Antisocial behaviour

The majority of the submissions were mainly concerned with the antisocial behaviour caused by youths drinking in the area. The submitters were concerned that the liquor store will contribute to the issue of graffiti and vandalism. Whilst this may be a genuine concern of the surrounding residents, it is (with respect) not reasonable to definitively attribute these concerns to the proposal. Youth antisocial behaviour is a social issue and is a matter for the teenagers, parents or guardians of the teenagers, and the police to ensure law and order is maintained.

The sale of alcohol to underage people and possible public consumption are matters for the Department of Racing, Gaming and Liquor, and the operator, to be regulated by management practices. It is also the responsibility of the owners of the liquor store to ensure that they do not sell alcohol to underage people.

#### Appropriateness and permissibility of land use

The permissibility of land uses within the various zones is controlled through the Zoning Table in DPS2. A liquor store is a discretionary or 'D' land use in the Business Zone, therefore the owners of the site can apply for this use.

The proposed use complies with the objectives of the Business Zone under DPS2 which states that the Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services. The development also complies with some of the objectives of the Business Zone under the Structure Plan such as uses that generate day and evening activity and efficient vehicle access. Individual developments are not required to comply with all of the general objectives of the Business Zone of the Structure Plan as these apply to the entire area of Business zoned land within the Currambine District Centre. The liquor store is therefore considered to be an appropriate land use for this location.

The Department of Racing, Gaming and Liquor is the body responsible for issuing liquor licences and determining the appropriate number of licences to be issued in a locality. Further, the City determines applications based on planning merits and its role is not to control market forces in terms of the number of similar uses that may seek to operate in a particular area, such as the number of restaurants or supermarkets.

#### Conditions of planning approval

The determination of an application can only be based on valid planning grounds. Any conditions imposed on a development approval must be based on valid planning reasons that reasonably relate to the proposed development. In this instance, having regard to the:

- proposed land use and its method of operation;
- location of the development within a major commercial node; and
- separation of the development proposal from surrounding residential properties by Marmion Avenue (a major traffic distributor road) and existing/future development of this commercial node;

It is considered unreasonable to restrict the hours of operation or impose management controls on this development proposal.

However, the Department of Racing, Gaming and Liquor could consider the need to restrict the liquor store's trading hours or require additional security measures. Therefore, it is recommended that the Department be provided with copies of all submissions in order to inform its decision making on the licence application.

#### Appearance of the liquor store

The elevations of the liquor store have been modified to improve the overall appearance of the building and make the building more attractive when viewed from Marmion Avenue and the access road.

#### Traffic

The liquor store is a suitable land use for this location and it is considered that it will lead to no more traffic on the surrounding road network than another land use that could also be developed on this site such as a showroom, warehouse or office development.

#### **Conclusion**

The proposed liquor store development is an appropriate land use for this location. The proposed development does not comply with the requirements of the Structure Plan with regard to setbacks, active frontages, glazing, landscaping and footpath width. However, due to the location of the building within the Structure Plan area, the proposal will combine with the existing and future developments to provide the range of facilities intended for the area. It is considered that the variations are acceptable and should be supported as they will not have an adverse impact on adjoining development or the surrounding locality.

Additionally, whilst the proposed liquor store does not comply with all the requirements of the Structure Plan, there is scope to develop the site in the future so that it does comply with the Structure Plan. The proposed liquor store has been sited such that a future office/commercial building with active frontages and a nil boundary setback can be built along the eastern lot boundary in accordance with the Structure Plan.

Although there have been objections to the proposal, the development is considered to be acceptable as it is an appropriate land use for the location under the provisions of DPS2 and the Structure Plan.

It is recommended that the proposed variations be supported and the application be approved with conditions.

#### **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Site Plan
Attachment 3	Consultation Plan
Attachment 4	Comments from 18 March 2008 Council Report

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 4.5 of the District Planning Scheme No. 2, and determines that the:
  - (a) Setback of 14 metres in lieu of nil to the eastern boundary;
  - (b) Setback of 60 metres in lieu of nil to the southern boundary;
  - (c) Glazing of 24% in lieu of 70% on the southern building façade;
  - (d) Glazing of 5.2% in lieu of 70% on the western building façade;
  - (e) Landscaping strip of 2.5 metres in lieu of 3 metres along the southern street boundary;
  - (f) Footpath width of 2.5 metres in lieu of 3 metres along the southern building edge;
  - (g) Footpath width of 1.5 metres in lieu of 3 metres along the western building edge;are appropriate in this instance;
- 2 APPROVES the application for Planning Approval dated 24 October 2007 and the amended plans dated 18 February 2008 submitted by TPG Town Planning and Urban Design, the applicant, on behalf of the owner, Davidson Pty Ltd for a liquor store at Lot 929 (1244) Marmion Avenue, Currambine, subject to the following conditions:
  - (a) The colours and materials of the southern and western façades of the building shall be to the satisfaction of the Manager Approvals, Planning and Environmental Services;
  - (b) The southern and western facades shall be treated with non-sacrificial anti-graffiti coating;
  - (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004) with the exception of the following:
    - (i) Parking bays adjacent to landscaping shall be a minimum of 2.8 metres wide;
    - (ii) Up to a maximum of 5% of the required car parking bays can be set aside as small car bay;
  - (d) Parking bays adjacent to landscaping shall be a minimum of 2.8 metres wide as marked in RED on the approved plans;

- (e) A minimum 3 metre wide landscaping strip shall be provided along Marmion Avenue as marked in RED on the approved plans;
  - (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) Shade trees shall be planted and maintained in the car parking areas at the rate of one tree for every four car parking bays, 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 Manager Approvals, Planning & Environmental Services;
  - (i) Suitably screened bin storage area shall be provided prior to the development first being occupied with minimum dimensions of 1.5 metres x 1.5 metres. Such an area must be constructed with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and the provided with a hose cock;
  - (j) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;
  - (k) Any advertising signage shall be subject to a separate development application;
  - (l) Car park levels, car park lighting, the internal access road and any proposed retaining walls do not form part of this approval and shall be subject to a separate development application;
- 3 PROVIDES the Department of Racing, Gaming and Liquor with copies of all submissions in order to inform its decision making on the licence application.

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

- 1 REFUSES the application for Planning Approval dated 24 October 2007 and the amended plans dated 18 February 2008 submitted by TPG Town Planning and Urban Design, the applicant, on behalf of the owner, Davidson Pty Ltd for a liquor store at Lot 929 (1244) Marmion Avenue, Currambine, for the following reasons:**
- (a) **The application does not meet the objectives of the Currambine District Centre Structure Plan as it does not encourage a high standard of 'Main Street' built form and does not provide an active edge with an attractive façade to vehicle and pedestrian routes;**

- (b) **The nature of the proposed land use will have a negative impact on the amenity of the surrounding residential area;**
- (c) **The application does not comply the requirements of the Currambine District Centre Structure Plan in regards to:**
  - i. **Setbacks;**
  - ii. **Glazing;**
  - iii. **Landscaping;**
  - iv. **Footpath width.**

Discussion ensued.

**AMENDMENT MOVED Cr Macdonald SECONDED Cr Hart** that an additional point (2) be added to the above Motion to read:

- “2 NOTES the wishes of the 44 objections received from the community that state that their amenity will be affected by the development and will increase the high level of anti social behaviour which currently exist in the area.”

Discussion ensued.

Cr Fishwick foreshadowed his intention to move an alternative Amendment should the Amendment under consideration not be successful.

**The Amendment was Put and**

**LOST (5/6)**

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

**AMENDMENT MOVED Cr Fishwick SECONDED Cr Corr** that an additional point (2) be added to the Motion to read:

- “2 **NOTES the 44 objections received from the community stating that their amenity will be affected by the development and will increase the high level of anti social behaviour which currently exist in the area.**”

**The Amendment was Put and**

**CARRIED (11/0)**

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

**AMENDMENT MOVED Mayor Pickard SECONDED Cr Young** that additional points (3) and (4) be added to the Motion to read:

- “3 in noting the submissions received from local residents, **THANKS** them for their contribution;
- 4 **REVIEWS** the Currambine District Centre Structure Plan and seeks urgent advice on:
  - (a) the rationale leading to the adoption of the structure plan;
  - (b) the timing of adoption of the plan and any changes;

- (c) the potential impact of any proposals lodged or identified for the structure plan area.

Discussion ensued.

**The Amendment was Put and**

**CARRIED (11/0)**

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

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

**That Council:**

- 1 **REFUSES** the application for Planning Approval dated 24 October 2007 and the amended plans dated 18 February 2008 submitted by TPG Town Planning and Urban Design, the applicant, on behalf of the owner, Davidson Pty Ltd for a liquor store at Lot 929 (1244) Marmion Avenue, Currambine, for the following reasons:
  - (a) The application does not meet the objectives of the Currambine District Centre Structure Plan as it does not encourage a high standard of 'Main Street' built form and does not provide an active edge with an attractive façade to vehicle and pedestrian routes;
  - (b) The nature of the proposed land use will have a negative impact on the amenity of the surrounding residential area;
  - (c) The application does not comply the requirements of the Currambine District Centre Structure Plan in regards to:
    - i. Setbacks;
    - ii. Glazing;
    - iii. Landscaping;
    - iv. Footpath width.
- 2 **NOTES** the 44 objections received from the community stating that their amenity will be affected by the development and will increase the high level of anti social behaviour which currently exist in the area;
- 3 in noting the submissions received from local residents, **THANKS** them for their contribution;
- 4 **REVIEWS** the Currambine District Centre Structure Plan and seeks urgent advice on:
  - (a) the rationale leading to the adoption of the structure plan;
  - (b) the timing of adoption of the plan and any changes;
  - (c) the potential impact of any proposals lodged or identified for the structure plan area.

**Was Put and**

**CARRIED (11/0)**

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

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf030608.pdf](#)

*Cr Jacob entered the Chamber, the time being 2140 hrs.*

#### **Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Kerry Hollywood</b>
<b>Item No/Subject</b>	CJ107-06/08 – Outcome of State Administrative Tribunal Hearing – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood owns a property in the vicinity

*Cr Hart left the Chamber, the time being 2140 hrs.*

### **CJ107-06/08      OUTCOME OF STATE ADMINISTRATIVE TRIBUNAL HEARING - PROPOSED 14 GROUPE D DWELLINGS AT LOT 11483 (4) BURNS PLACE, BURNS BEACH - [43305]**

**WARD:** All

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

#### **PURPOSE**

To consider the outcome of a State Administrative Tribunal (SAT) hearing.

#### **EXECUTIVE SUMMARY**

At its October 2007 meeting, (CJ223-10/07 refers) Council refused an application for 14 Grouped Dwellings at Lot 11483 (4) Burns Place Burns Beach.

The applicant subsequently lodged an Application for Review with the SAT. Amended plans have been developed as a result of this process, and address a number of the variations that were proposed as part of the original application.

The Council is required to consider these amended plans and advise the SAT of its acceptance or rejection of the amended plans.

*It is recommended that Council accepts the revised plans and advise the SAT that it supports the proposed development subject to a number of conditions.*

## BACKGROUND

<b>Suburb/Location:</b>	Lot 11483 (4) Burns Place, Burns Beach
<b>Applicant:</b>	Design & Construct
<b>Owner:</b>	Moonvale Enterprises Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Residential R40
	<b>MRS:</b> Urban
<b>Site Area:</b>	3690m <sup>2</sup>
<b>Structure Plan:</b>	Not applicable

The subject site is located on the corner of Ocean Parade, Second Avenue and Burns Place, Burns Beach (Attachment 1 refers). Ocean Parade is located to the south of the subject site, Burns Place to the north of the site and Second Avenue to the east of the site.

There are existing single houses opposite the proposed development on both Burns Place and Second Avenue. The development site abuts only one single house, this being 8 Burns Place.

The subject site is zoned Residential, with a density coding of R40, and the surrounding residential lots are zoned Residential with a density coding of R20.

In May 2007, an application for planning approval for 14 Grouped Dwellings was lodged with the City.

On 16 October 2007 Council resolved to refuse the application for the following reasons:

1. (a) *excessive use of discretion from the acceptable development standards, incorporating:*
  - *Wall setbacks,*
  - *Front setbacks,*
  - *Boundary wall variations,*
  - *Cone of vision variations,*
  - *Open space variations,*
  - *Over-shadowing,*
  - *Retaining setbacks and,*
  - *Garage doors variations.*
- (b) *the adverse impact it will have on the future residents of the development if it were approved in the manner submitted;*
2. *A visual truncation is not provided for the Unit 11 vehicle access.*
3. *The Unit 5 garage does not have a minimum internal dimension of 5.4m*

The applicant subsequently lodged an Application for Review with the SAT, the proceedings of which form the basis of this report.

The matter was heard at a Hearing on 11 March 2008, and the Senior Member ordered that:

1. *The applicant must file and provide to the respondent amended plans in scalable form reflecting changes foreshadowed in the evidence or proposed without prejudice conditions by 26 March 2008.*

2. *By 10 April 2008 the planning experts must meet and prepare a supplementary statement based on the amended plans and file that statement.*
3. *The matter is adjourned to a further directions hearing.*

The matter was then referred to a further Directions Hearing on 29 April 2008.

At the further directions hearing held on 29 April 2008 it was ordered that:

1. *By Friday 2 May 2008 Ms Butterworth and Mr Penheiro must confer and sign their joint witness statement and Mr Penheiro must thereafter file a copy of the statement.*
2. *Pursuant to s 31(1) of the State Administrative Tribunal Act 2004 (WA) the respondent is invited to reconsider its decision by 10 June 2008 with advice from Allering and Associates.*
3. *The proceedings are adjourned to a further directions hearing on 13 June 2008 to consider further conduct of the matter.*

In response to Part 2 of the SAT orders, the amended plans lodged by the applicant through the Review process have been re-assessed and submitted for consideration by Council.

## **DETAILS**

The applicant proposes to construct 14 grouped dwellings on the subject site. The original and revised development proposal both include(d) the following features:

- 14 two storey grouped dwellings, with eight having separate vehicular access from Burns Place or Second Avenue and the remaining six having access from a common drive (entering from Second Avenue);
- the provision of a double garage for each dwelling and an additional two visitor parking bays for dwellings accessed from the common drive;
- vehicle access to the site from Second Avenue and Burns Place; and
- store rooms for each dwelling.

The refused site and elevation plans are provided in Attachment 2. A full set of the refused plans is available in the Councillor Reading Room.

The main features of the revised plans are as follows:

- Balconies to Units 1-6 and 8-14 have been screened to reduce or remove cone of vision variations.
- Windows to Units 2, 4, 5, 7, 9, 11 and 14 have been obscure glazed or changed to highlight windows, removing cone of vision variations and reducing or removing setback variations.
- Windows to Units 8, 10 and 12 have been relocated removing cone of vision variations and reducing or removing setback variations.
- Landscaping has been added to the common driveway area, including modifications to the front of Unit 4.
- Units 7, 8, 9, 11, 12 and 14 have been redesigned or modified to reduce site cover.
- Redesign Unit 2 roofline to reduce projection through the Building Height Envelope.

Due to the large number of plans associated with the development, only the revised site plan is shown in Attachment 3. All other amended plans are available in the Councillor Reading Room.

Numerous variations were proposed in the original development application, which are shown in table format in Attachment 4. Most of these variations were addressed at the SAT Hearing and as such, the table also indicates the variations that have been reduced or removed through the amended plans. (Some variations were not addressed through the SAT due to time constraints, however the variations that were considered not to satisfy the performance criteria have been addressed through the amended plans).

The above modifications, together with the reasons for refusal are discussed further in the Comments section of this report.

The orders issued by the SAT require the Council to reconsider its decision on advice from the City's Representative, Allering and Associates. As such, the following advice has been provided:

*In determining the application, Council must assess the proposal in terms of specifically what does not meet the Acceptable Development Criteria of the Residential Design Codes and whether or not each variation meets the Performance Criteria.*

*In the SAT, a decision to refuse an application due to excessive use of discretion is not a decision that can be readily defended on planning grounds.*

*In regards to the proposed variations:*

- *The revised plans satisfy the Acceptable Development or Performance Criteria with regard to visual privacy, front setbacks to the common driveway, open space and some side setbacks.*
- *The plans comply with the solar access requirements as this is required to be calculated on the parent lot only.*
- *The protrusions through the Building Height Envelope for unit 2 have been reduced and the development is now consistent with Policy 3.2 – Height and Scale of Buildings in Residential Areas.*
- *The reduced upper setbacks to the eastern boundary of units 1, 2 and 3, and the reduced upper setbacks to the southern boundary of units 9, 10 and 11 do not satisfy all of the Performance Criteria for Buildings Set Back from the Boundary.*

*It is considered that the revised plans address many of the concerns raised and it is recommended that Council reconsiders the revised application and if supported provides a list of conditions it seeks be imposed.*

*Given the amendments to the plans undertaken by the applicant to address many of the matters raised, if the application were to be sent back to SAT for determination it is likely that SAT would approve the application.*

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

Council has the discretion to:

- Accept the amended plans as recommended;
- Accept the amended plans with further modifications; or
- Reject the amended plans.

Should Council resolve to accept the modifications, Council is then required to provide the SAT with a schedule of draft conditions, and a minute of consent is to be prepared to this effect. This will bring the appeal to a conclusion, and allow the applicant to proceed with the proposed development following the issue of a Building Licence.

Should the Council reject the modifications, it is requested the Council identifies which of the variations to the Acceptable Development Criteria do not satisfy the Performance Criteria of the R-Codes. The matter will then be determined by the SAT.

The final position of the Council regarding the modified proposal will be presented to the next SAT Hearing, which is to be held on Friday 13 June 2008.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The applicants have requested the SAT to review Council's decision under the State Administrative Tribunal Act 2004 (SAT Act), which has a different decision making process to DPS2.

Council is required to determine and convey its position on the amended plans to the SAT and the applicant. Council does not make a formal planning decision as such. The review process of the SAT means that it effectively operates in place of the Council on the review.

The process under the SAT Act will result in a "Minute of Consent" if both parties agree to an outcome, or if no agreement is reached, the matter will be taken back to the SAT and the SAT will make its decision.

**Risk Management considerations:**

Section 87 of the SAT Act allows for the awarding of costs where the Tribunal is not satisfied that a party has genuinely attempted to make a decision on a matter under appeal, based purely on the merits (planning aspects) of the proposal.

**Financial/Budget Implications:**

The City engaged Allering and Associates (Town Planning Consultants) to represent the Council at the Hearings.

If the proposal is not agreed, the determination of the review by the SAT may result in further expenditure to facilitate the Council's position being reaffirmed in the proceedings brought by the landowner.

Furthermore, as stated in the Risk Management Considerations, Section 87 of the SAT Act allows for the awarding of costs against a party in certain circumstances.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The original application was advertised for public comment for a period of 21 days, in June 2007, by way of two signs being erected on site and an advertisement being placed in the Joondalup Times for three consecutive weeks. The proposal was also advertised on the City's website for these 21 days.

At the conclusion of advertising, four submissions had been received. A further two submissions were received following the close of the advertising period. The submissions received raised concerns over density, car parking, traffic flow and noise.

The modified proposal received by the City on 4 April 2008 was not re-advertised as significantly less variations are sought than the previous proposal.

**COMMENT**

The applicant has requested the SAT to review Council's decision to refuse the application for planning approval for 14 grouped dwellings on the development site.

As a result of the hearing held in March, the SAT ordered that amended plans be drawn, addressing a number of variations that were considered not to meet the performance criteria.

Amended Plans

The amended plans have removed a number of proposed variations and have generally addressed the performance criteria for the variations that are still proposed.

The original application proposed 118 internal variations, ie. variations within the development. Through the submission of amended plans, 44 of these variations have been removed and a further 12 reduced. In addition, 3 open space variations have been removed, with 3 lesser ones being created. The revised proposal requests 74 internal variations to the R-Codes, with 15 of these being less than the variations proposed as part of the original application.

A further 5 external variations were proposed, and this has been reduced to 3 with overlooking and retaining setback variations being removed.

It is considered that the proposed variations generally satisfy the performance criteria of the R-Codes and should be supported.

Furthermore, the roofline of Unit 2 has been altered to substantially reduce the portion of building exceeding the City's Building Height Envelope. It is considered that the objectives of Policy 3.2 – Height and Scale of Buildings in Residential Areas – have also been satisfied through the amended plans.

Original Reasons of Refusal

The following section sets out Council's reasons for refusal and the response to those reasons by the applicant during the SAT process:

Excessive use of discretion from the acceptable development standards, incorporating Wall setbacks, Front setbacks, Boundary wall variations, Cone of vision variations, Open space variations, Over-shadowing, Retaining setbacks and, Garage doors variations, and the adverse impact it will have on the future residents of the development if it were approved in the manner submitted;

The number of variations have been reduced through the submission of amended plans. The proposed variations are generally considered to satisfy the performance criteria and as such, are unlikely to adversely impact on the amenity of the future residents. In particular, a large number of the cone of vision variations have been removed, which will ensure more privacy for the future residents.

It is considered unlikely that this reason for refusal would be upheld by the SAT.

**A visual truncation is not provided for the Unit 11 vehicle access.**

This variation has been addressed through the amended plans and as such, this aspect of the development is no longer non-compliant.

**The Unit 5 garage does not have a minimum internal dimension of 5.4m**

This variation has not been addressed as part of the revised plans. Compliance with this requirement will only require minor modifications to the internal layout and as such, is considered appropriate for the applicant to comply with this standard.

Conclusion

The modified plans as prepared by the applicant are considered to be an acceptable outcome. It is therefore recommended that Council:

- (a) agrees to advise the SAT that it supports the modified development subject to the imposition of a number of conditions of approval;
- (b) agrees to a Minute of Consent to finalise the application for review, based on the adopted approval and associated conditions of approval; and
- (c) authorises Allerding and Associates to attend the next Directions Hearing on 13 June 2008 to further discuss Council's position on this matter, and to remain faithful to the intent of Council's decision if required.

**ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Original Development Plans
Attachment 3	Revised Site Plan
Attachment 4	Table of R-Codes Variations

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION**

That Council:

- 1 Pursuant to Order 2 (Matter DR 375 of 2007) issued by the State Administrative Tribunal at the Hearing held on the 29 April 2008:
  - (a) has reconsidered its decision regarding the application for 14 grouped dwellings on Lot 11483 (4) Burns Place, Burns Beach;
  - (b) and having regard to the revised plans prepared as a consequence of the Hearing, recommends APPROVAL of those plans subject to imposition of the following conditions:
    - (i) 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;
    - (ii) Visitor parking bays are to be a minimum of 2800mm in width;
    - (iii) Visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Approvals, Planning and Environmental Services;
    - (iv) The driveway/s and crossover/s to be designed and constructed to the satisfaction of the Manager Infrastructure Management before the occupation of the development;
    - (v) 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;
    - (vi) The lodging of detailed landscaping plans in accordance with water sensitive urban design principles, 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;
    - (vii) 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;
    - (viii) All highlight windows shall have a sill height not less than 1.6 metres above the finished floor level.

- (ix) Boundary walls and retaining walls shall be of a clean finish and made good to the satisfaction of the Manager Approvals, Planning & Environmental Services.
  - (x) All construction works shall be contained within property boundaries;
  - (xi) Unit 5 garage shall have a minimum internal dimension of 5.4m.
  - (xii) Any fencing within the street setback area of units 1, 8, 9, 10, 11, 12, 13 and 14 shall be visually permeable above 1.2 metres from natural ground level.
  - (xiii) The truncated retaining wall adjacent to unit 7 shall be stepped down in 300mm intervals so as to allow landscaping to be viewed from the common driveway.
  - (xiv) All landscaping adjacent to the unit 7 truncated retaining wall shall not be groundcover, and shall be visible from the common driveway so as to contribute to the desired streetscape.
- 2 AUTHORISES the Chief Executive Officer to endorse a Minute of Consent prepared in accordance with Part 1. above;
- 3 AUTHORISES the appointed firm of Allering and Associates to respond to any challenges made to the conditions of approval or any alternative recommendations presented by the applicant, for this review application, and to remain faithful to the intent of Council's decision of 10 June 2008.

**MOVED Cr Hollywood, SECONDED Cr Young that Council, pursuant to the SAT's Direction issued on 29 April 2008, has reconsidered its decision regarding the application for 14 grouped dwellings on Lot 11483(4) Burns Place, Burns Beach, and having regard to the amended plans dated 26 March 2008, recommends REFUSAL of the application for the following reasons:**

- 1 the setback variations from the upper floor to the eastern boundaries of Units 1, 2 & 3 do not meet the Performance Criteria of the Residential Design Codes 2002 as they do not ensure adequate direct sun and ventilation are available to adjoining properties;**
- 2 the setback variations from the upper floor to the southern boundaries of Units 9, 10 & 11 do not meet the Performance Criteria of the Residential Design Codes 2002 as they do not ensure adequate direct sun and ventilation are available to adjoining properties;**
- 3 The extent of variations sought has not resulted in an appropriate standard of development and as such does not satisfy the objectives of the Residential Design Codes 2002;**
- 4 The Unit 5 garage does not have a minimum internal dimension of 5.4m;**
- 5 wall setbacks. Out of 41 discretions only 8 have been amended;**
- 6 front setbacks. Of the 8 variations, none have been amended;**
- 7 boundary wall variations - of the 21 discretions - none have been amended;**

**8 open space discretions only 3 of the 6 discretions have been amended;**

**9 cone of vision 8 items still remain unacceptable:**

- (a) Unit 1 balcony to unit 2 boundary 3.00m instead of 7.5m acceptable development;**
- (b) Unit 3 balcony to unit 2 boundary 2.00m instead of 7.5m acceptable development;**
- (c) Unit 4 balcony to unit 3 boundary 2.7m instead of 7.5m acceptable development;**
- (d) Unit 5 upper floor family room to unit 6 boundary 2.3m instead of 6m acceptable development;**
- (e) Unit 5 again upper floor family room to unit 6 boundary 2.3m instead of 6m of acceptable development;**
- (f) Unit 6 rear balcony to unit 5 boundary 1.2m instead of 7.5m acceptable development;**
- (g) Unit 6 front balcony to unit 14 boundary 6.2m instead of 7.5m acceptable development;**
- (h) Unit 10 balcony to unit 11 boundary 2.1m instead of 7.5m acceptable development.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (9/2)**

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

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf030608.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Troy Pickard</b>
<b>Item No/Subject</b>	CJ108-06/08 – Proposed Change of Use from Consulting Rooms to Civic Building at Lot 119 (14) Davallia Road, Duncraig
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mayor Pickard is a member of the Community Vision Inc Board

**CJ108-06/08 PROPOSED CHANGE OF USE FROM CONSULTING ROOMS TO CIVIC BUILDING AT LOT 119 (14) DAVALLIA ROAD, DUNCRAIG - [08043]**

**WARD:** South

**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 planning approval for a change of use to a Civic Building at Lot 119 (14) Davallia Road, Duncraig.

**EXECUTIVE SUMMARY**

The applicant proposes to convert an existing Consulting Room into a Civic Building at 14 Davallia Road, Duncraig. The proposed works include construction of a new parking area at the front of the property.

The applicant is Community Vision Incorporated which is a not-for-profit community based organisation originally established by the City in 2001, which is proposing to locate part of its operations at the development site.

The application is required to be determined by Council as there is no prescribed Car Parking Standard for a Civic Building within District Planning Scheme No. 2 (DPS2). Council is therefore required to determine the car parking standard for the proposed use.

The proposed development was advertised to 17 adjoining and nearby landowners for a period of 14 days. A total of 3 responses were received which raised various concerns.

It is considered that the proposed development meets the objectives of DPS2 for the Residential Zone. The proposed development meets all other requirements of DPS2 apart from compliance with a prescribed car parking standard, which Council is required to determine. As such, the application is recommended for approval with a car parking standard of 1 car parking bay per 30m<sup>2</sup> Gross Lettable Area (GLA).

**BACKGROUND**

**Suburb/Location:** Duncraig  
**Applicant:** Community Vision Inc  
**Owner:** Seen Yee Lee & San Chung Lum  
**Zoning:** **DPS:** Residential  
**MRS:** Urban  
**Site Area:** 710.65m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is located on Davallia Road, Duncraig and adjoins the Carine Glades Commercial Centre on the southern boundary. The northern and eastern boundaries abut existing residential properties.

The existing building was constructed in 1972 and was originally used as a residential dwelling. This was converted in 1975 to a consulting room for one practitioner. This use has continued to date and no complaint or issues have been recorded on file by the City.

## **DETAILS**

Community Vision Inc is a not-for-profit community-based organisation established by the City in 2001 as a charity. The organisation's administration functions are currently operated from the administration offices of the City. Community Vision Inc also has smaller premises in Woodvale (for an Adult Centre) and Kingsley (for a Resources and Activity Centre).

Community Vision Inc will offer the following services from the proposed development site:

- Parent education and support;
- In home support;
- Access to resources and training, including a Toy Library;
- Small groups to teach and educate on parenting and child care; and
- As a base for staff who will visit family day carers and parents at their own homes.

It is not proposed to move the existing Community Vision administrative functions from the City's Administration Centre into the proposed development site.

The development site is proposed to be used as a base for 3 Community Vision staff who will conduct home visits in the surrounding area. Staff would go out to homes for activities and return to the site. Visits from adults and families to the site would occur on a daily basis to access the community services offered.

The proposed operating hours of the development are 8.30am to 5pm, Monday to Friday.

The consulting room approval in 1975 required the provision of 6 car parking bays. Using today's standards the current car parking layout would only allow for 5 car parking bays. The applicants are proposing to modify the existing parking layout to increase the number of on-site car parking spaces from 5 to 6. The proposed car parking layout is safer and will make manoeuvring vehicles easier than the existing arrangement. This will entail relocation of the existing driveway to the centre of the site, modifications to the existing retaining wall, and adjustments to site levels to accommodate the transition for vehicles from the street down and into the site.

## **Issues and options considered:**

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application, with grounds for refusal.

## **Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

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

**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.*

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal was advertised for public comment for a period of 14 days. A total of 17 adjoining and nearby owners were advised in writing. Whilst a total of three submissions were received, all being non-objections, the submitters raised certain matters in relation to the development proposal. The following is a summary of the matters raised in the submissions:

- The use of the building shall be within reasonable operating hours;
- Noise levels are to be kept at a reasonable level;
- The rear fence shall be repaired and made secure;
- The paved verge area shall not be used for car parking;
- The building shall not be flood lit; and
- Once the building is used for Civic purposes it may be converted to other uses which may be detrimental to the neighbourhood.

**COMMENT**

The proposed development is compliant with the requirements of the Scheme with exception of the following issues:

**Use of the Building**

A 'Civic Building' is a discretionary use within the Residential Zone. Given that the applicant, Community Vision Inc, is and provides a community service the proposed use of the building complies with the definition of a 'Civic Building' within the DPS2.

The Residential Zone is intended for development with high standards of amenity and safety. DPS2 states that cultural and recreational development may be located within the Residential Zone where the Council considers it appropriate.

The subject site is located adjacent to the Carine Glades Commercial Centre which is a significant traffic and activity attractor. It is considered that the proposed use of the site, like the existing land use, will be an appropriate transition between the Commercial Centre and the adjoining residential properties. There will be no activity occurring on site after the proposed hours of operation, which will maintain a high quality of amenity amongst the neighbourhood during times which it is most desired.

It is considered that the proposed use of the building will not cause a significant detrimental impact or loss of amenity to neighbouring properties and is consistent with the type and scale of development to be expected adjacent to a commercial centre.

The proposed use of the property and proposed works are considered to improve the amenity of the existing property, and will improve safety and security of the area by providing a day time use which improves surveillance within the neighbourhood.

### Car Parking

The Scheme does not provide a car parking standard for a Civic Building use and therefore Council is required to determine the parking standard as required under clause 4.8.2 of DPS2. The applicant has provided the following details regarding the proposed use of the building.

<b>Existing Room</b>	<b>Proposed Use</b>	<b>Capacity</b>
Living Room	Office	2 staff members
Family Room	Office	1 staff member
Bedroom 1	Interview Room	1 visitor
Bedroom 2	Meeting Room	1 visitor
Bedroom 3	Toy Storage	0

The applicant has also advised that the organisation will receive visitors to the site on a daily basis, such as families and parents to access the community services offered. Additionally, the building will not be fully staffed at all times due to the nature of the services conducted from the premise, as the premises will mainly be a base for the three staff members who will conduct home visits in the surrounding area.

There are three staff members that can be potentially accommodated in the office rooms and two visitors can be accommodated in the interview room and meeting rooms, which will be used on an intermittent basis. Therefore, for the purposes of assessing this proposal, there is the potential demand for five car parking spaces.

The nett lettable area (NLA) of the building has been calculated to be 109m<sup>2</sup>. The calculation of the NLA of a building excludes certain parts of the building such as service and toilet areas. Applying a standard of 1 car parking per 30m<sup>2</sup> NLA (the general office standard) the development would require 4 car parking bays, whereas the potential demand could be for 5 car parking spaces.

It is noted that the City of Wanneroo Town Planning Scheme No. 1 applied a car parking standard of 1 car parking space per 30m<sup>2</sup> GLA for Civic Buildings. Gross Leaseable Area (GLA) includes all the floor space within the external walls of the building. The GLA of the building is 133.4m<sup>2</sup>, therefore requiring 5 car parking spaces (rounded up from the calculated figure of 4.5 car parking bays). This standard would satisfy the potential car parking demand.

The applicant proposes a total of 6 car parking bays, which in both scenarios, would result in a surplus of car parking on the site.

Additionally, Davallia Road has been constructed with two on-street car parking bays built into the verge directly adjacent to the property, which is available for safe use at any time that the proposed car park is full. There is also an embayment that can accommodate up to 4 vehicles to the south of the proposed crossover.

Davallia Road is a local distributor with an approximate traffic volume of 10,000 vehicles per day. The proposed use will have little additional impact on traffic volumes on Davallia Road.

Given the proposed use of the building, submitted parking generation assessment, and nature of the services provided by the organisation it is recommended a parking standard of 1 car parking space per 30m<sup>2</sup> GLA is applied to the proposed development. If adopted, the proposed development will have one surplus car parking space.

### Response to Submissions

Three submissions were received which raised the following concerns:

<b>Comment Received</b>	<b>Comment</b>
The use of the building shall be within reasonable operating hours.	The proposed operating hours are 8.30am to 5pm Monday to Friday only. This is considered appropriate allowing for the predominantly Residential character of the area.
Noise levels are to be kept to a reasonable level.	The use of the property is required to comply with Environmental Protection (Noise) Regulations 1997 at all times.
The rear fence being repaired and made secure.	Dividing fences are a matter between land owners. However, the applicant has advised of their intention to replace the boundary fence.
The paved verge area may be used for car parking.	The verge area is not considered for car parking in assessing the suitability of the site.
The building shall not be flood lit.	The applicant has submitted that they will not erect flood lighting.
Once the building is used for Civic purposes it may be converted to other uses which may be detrimental to the neighbourhood	The application is for a Civic Building only. If the use of the building were to change another development application would be required.

### Conclusion

It is considered that the proposed use of the building will result in an appropriate transition between the existing Commercial Centre and residential properties on Davallia Road.

The nature and proposed operation of the building will have no significant impact on the amenity or enjoyment of surrounding residential properties.

It is considered the proposed use of the building meets the objectives of the Residential Zone and the proposed location is appropriate for this type of Civic Building. The application is recommended for approval.

### **ATTACHMENTS**

Attachment 1      Aerial Photo and Site Plan  
Attachment 2      Submitted Plans  
Attachment 3      Consultation Diagram

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Fishwick, SECONDED Cr Diaz that Council:**

- 1 DETERMINES that, having regard to the provisions of clause 4.8 of DPS2, a car parking standard of 1 car parking bay per 30m<sup>2</sup> GLA for Civic Buildings is appropriate;**
- 2 APPROVES the application dated 2 April 2008 submitted by Community Vision Incorporated for a change of use from Consulting Room to Civic Building on Lot 119 (14) Davallia Road, Duncraig subject to the following conditions:**
  - (a) This approval is for a “Civic Building” as defined by the City of Joondalup District Planning Scheme No. 2 only;**
  - (b) Operating hours shall be between 8.30am and 5.00pm Monday to Friday only;**
  - (c) Any signage shall be the subject of a separate development application;**
  - (d) 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;**
  - (e) The submission of more detailed plans for approval by the Manager Approvals, Planning & Environmental Services, such plans showing details of:**
    - (i) the proposed driveway and crossover;**
    - (ii) modifications to the existing retaining wall;**
    - (iii) grades of the proposed driveway;**

**Such works are to be constructed to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
  - (f) The applicant shall remove the existing crossover and make good the verge to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
  - (g) 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;**
  - (h) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 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) A bin store with wash down facilities shall be provided on site to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (j) Flood lighting is not permitted to be used on the property.

**3 ADVISES the submitters of its decision.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf030608.pdf](#)*

**CJ109-06/08 DEDICATION AS ROAD RESERVE - PORTION OF LAND ADJACENT TO LOT 1 (113) GRAND BOULEVARD, JOONDALUP - [47996]**

**WARD:** North

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

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**PURPOSE**

The purpose of this report is to request Council's support for the dedication of a portion of land adjacent to Lot 1 (113) Grand Boulevard, Joondalup as road reserve.

**EXECUTIVE SUMMARY**

Council resolved on 28 August 2007 to close a portion of a 0.1m wide pedestrian accessway (PAW) abutting Lot 1 (113) Grand Boulevard to enable vehicular access to the land and its subsequent development.

It is recommended that Council requests the Minister for Lands to dedicate the subject portion of land as public road reserve. This is required in order to complete the process.

## BACKGROUND

<b>Suburb/Location:</b>	Portion of Grand Boulevard, Joondalup
<b>Applicant:</b>	Complex Land Solutions
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Other Regional Roads
<b>Site Area:</b>	N/A
<b>Structure Plan:</b>	Joondalup City Centre Plan and Manual

## DETAILS

On 28 August 2007, Council resolved to close a portion of 0.1m wide PAW abutting Lot 1 (113) Grand Boulevard (CJ178-08/07 refers). The process was started in order to facilitate the future development of the land with vehicular access from Grand Boulevard, as has now been determined in April 2008 (CJ064-04/08 refers).

The next step in the process is for the subject portion of PAW to be created (dedicated) as public road reserve and incorporated within Grand Boulevard.

On 15 April 2008, Council considered and approved a development application for a 7 storey mixed use development on the site.

### Issues and options considered:

The options available to Council are as follows:

- Support a request to dedicate the subject portion of land as road reserve.
- Not support a request to dedicate the subject portion of land as road reserve.

It is noted that the PAW closure process is dependant on the dedication of the portion of PAW. If the dedication of the portion of land does not proceed, the current vehicular access restriction from Grand Boulevard will remain and the approved development could not proceed.

### Link to Strategic Plan:

Not Applicable.

### Legislation – Statutory Provisions:

A dedicated road reserve is created under section 56 of the Land Administration Act 1997 (LAA). Unless a road is created through the subdivision process, a Council resolution is required with the request to the Minister for Lands for dedication.

### Risk Management considerations:

Not Applicable.

### Financial/Budget Implications:

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The community was consulted during the consideration of the closure of the PAW access restriction, being the portion of land to be created as road reserve. No objections were received.

**COMMENT**

Converting the closed portion of PAW to road reserve is the final step in Council's involvement in the process. No issues have been identified and the recommendation is that Council support the dedication request.

**ATTACHMENTS**

Attachment 1          Location plan of Lot 1, showing the portion of land to be dedicated.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr John, SECONDED Cr Amphlett that Council REQUESTS the Minister for Lands to dedicate the subject portion of land, as shown on Attachment 1 to Report CJ109-06/08, as public road reserve, in accordance with section 56 of the Land Administration Act 1997.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf030608.pdf](#)*

**CJ110-06/08 TENDER 004/08 CONSTRUCTION OF A CAR PARK AT LOT 451 SHENTON AVENUE JOONDALUP - [68609]**

**WARD:** North

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

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**PURPOSE**

This report is to seek the approval of Council to accept the offer submitted by Griffin Civil Contractors for the Construction of a Car Park at Lot 451 Shenton Avenue Joondalup (Tender 004/08).

**EXECUTIVE SUMMARY**

Tenders were advertised on 12 April 2008 through state wide public notice for the Construction of a Car Park at Lot 451 Shenton Avenue Joondalup. Tenders closed on 6 May 2008. Three (3) Submissions were received from:

- Griffin Civil contractors;
- Curnow Earthmoving and Civil Contractors;
- Scott Construction and Development.

The submission from Griffin Civil represents best value to the City and is the second lowest priced Tender. The evaluation panel has confidence in their ability to complete the works in the required timeframe and their price and construction plan reflects an appropriate understanding of the requirements. They have sufficient resources and the appropriate experience to complete the City's requirements with their recently completed projects of similar requirements being completed from November 2006 to May 2008.

*It is recommended, in relation to Tender Number 004/08 that Council ACCEPTS the Tender submitted by Griffin Civil Contractors for the Construction of a Car Park at Lot 451 Shenton Avenue Joondalup in accordance with the statement of requirements in Tender 004/08 for the fixed lump sum of \$476,683 (GST Exclusive), SUBJECT to the City finalising a Lease Agreement for the land in question being a portion of Lot 451 Shenton Avenue, Joondalup.*

**BACKGROUND**

At its meeting on February 2008, Council adopted the Joondalup City Centre Public Parking Strategy which supported maximisation of ground level on and off street parking before progressing with more expensive multi level parking stations.

A prime site was identified (via a report from the City's consultants Uloth and Associates Consultants in 2005) in the Joondalup CBD North, and ongoing negotiations with the Police Service have been taking place to acquire a lease over land adjacent to the Police Station in order to expand existing at grade off-street public parking.

Agreement has now been reached with the Department of the Attorney General (DOAG) to lease a portion of Lot 451 Shenton Avenue for the purpose of public car parking and the Lease Agreement document is currently with the Police Department awaiting their comments and agreement prior to signature. The signing of the Lease Agreement is imminent.

## DETAILS

Tenders were advertised on 12 April 2008 through state wide public notice for the Construction of a Car Park Lot 451 Shenton Avenue Joondalup. Tenders closed on 6 May 2008. Three (3) submissions were received from:

- Griffin Civil Construction;
- Curnow Earthmoving and Civil Contractors;
- Scott Construction and Development Pty Ltd.

## Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	25%
2	Demonstrated experience in completing similar projects	45%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

## Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

## Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is for a fixed lump sum with completion of the works within twelve weeks (12) for Stage 1 and twelve (12) weeks for Stage 2 from issue of the letter of acceptance.

## Evaluation Summary

Respondent	Evaluation Score	Price	Qualitative Rank
Griffin Civil	74.5%	\$476,683	1
Curnow Earthmoving and Civil Contractors	36.5%	\$430,971	2
Scott Construction and Development Pty Ltd	34%	\$492,360	3

Refer to Attachment 1 for summary of submissions.

## Issues and options considered:

The project is to be completed by as soon as possible subject to the signing of a Lease document by the Commissioner of Police for a portion of Lot 451 Shenton Avenue Joondalup to enable commencement of the work under the Contract.

**Link to Strategic Plan:**

This requirement is linked to the Strategic Plan in accordance with the following item:

3. Economic Prosperity and Growth

Objective 3.1 To encourage the development of the Joondalup CBD.

Strategy 3.1.5 The City implements its CBD Parking Strategy.

**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.

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be low to moderate in the short term, but longer term will impact on the ability to achieve strategy 3.1.5 (above).

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well-established company with significant industry experience; they have demonstrated a good understanding of the City's requirements and can complete the works in the required timeframe.

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on this project to 30 June 2008</b>	<b>Projected Expenditure for this Contract if Accepted</b>	<b>Projected Expenditure on this Contract over the Life of the Contract if Accepted</b>
\$850,000	\$50,761	\$476,683	\$476,683

Project 7037 – Expected expenditure based on previous estimates was \$850,000.

\*Note: The above figure of \$850,000 was based on previous estimates for the full turnkey requirements of this project which included but was not limited to the Construction of the Car Park, Consultancy fees, Design, Contract Administration, Legal fees, Survey requirements and the like.

Following the Construction Tender it is now estimated that the total cost of the project will be up to \$700,000.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Griffin Civil submitted the second lowest price and achieved the highest qualitative score and provided full details of similar projects undertaken and completed for both the private and government sectors. Those projects had a similar requirement in the technical content, scale and financial capacity and were undertaken and completed from November 2006 to May 2008.

Griffin Civil has more than adequate capacity to undertake and complete the requirements and estimated that only 25% of its resources and plant would be required. Full details were provided for those nominated personnel of the project team and the organization seems very well structured to manage the requirements.

Details for a project plan were provided along with a safety Management Plan and full details of plant and equipment to be used.

Attachment 1 summarises the tender submissions and identifies the reasons why the evaluation scores for Scott Construction and Development Pty Ltd and Curnow Earthmoving and Civil Contractors were marked low.

It is understood that Curnow Earthmoving and Civil Contractors are a local organisation with a business address in Reid Promenade, Joondalup. However, in their tender submission they did not provide key qualitative information as required by the Request for Tender document, and therefore the evaluation panel were unable to recommend them as the preferred tenderer.

The evaluation panel considered all factors and concluded that the submission from Griffin Civil represented the best value to the City, and although \$45,712 or 10.6% greater than the lowest offer, the panel has confidence in their ability to complete the works in the required timeframe with minimal supervision and a low level of risk to the City.

The attached summary of Tender submissions includes the location of each of the Tenderers.

**ATTACHMENTS**

Attachment 1          Summary of Tender Submissions

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr John, **SECONDED** Cr Amphlett that in relation to Tender 008/08, Council **ACCEPTS** the tender submitted by Griffin Civil Contractors for the construction of a car park at Lot 451 Shenton Avenue Joondalup in accordance with the statement of requirements in Tender 004/08 for the fixed lump sum of \$476,683 (GST exclusive), subject to the City finalising a lease agreement for the land in question being a portion of Lot 451 Shenton Avenue, Joondalup.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf030608.pdf](#)*

## **CJ111-06/08 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETING HELD ON 2 APRIL 2008 - [55511]**

**WARD:** All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee to Council for noting and endorsement of the recommendations contained therein.

### **EXECUTIVE SUMMARY**

A meeting of the Seniors Interests Advisory Committee was held on 2 April 2008.

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

- Presentation - Elder Abuse
- Presentation - Tales of Times Past
- Presentation - Age-Friendly Strategy for Seniors City of Melville
- Seniors Interest Advisory Committee Industry Representative Vacancy

*It is recommended that Council NOTES the:*

- 1 *unconfirmed minutes of the Seniors Interests Advisory Committee held on 2 April 2008 forming Attachment 1 to Report CJ111-06/08;*
- 2 *resignation of Mr Peter Boam from the membership of the Seniors Interests Advisory Committee, and thanks him for his valuable contribution to the Committee.*

## BACKGROUND

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

## DETAILS

Besides three motions of thanks for presentations, the other motion moved at the Seniors Interests Advisory Committee meeting held on 2 April 2008 is shown below, together with officer's comments.

### 1 Seniors Interest Advisory Committee Industry Representative Vacancy

The following Motion was carried at the meeting on 2 April 2008:

“That the Seniors Interest Advisory Committee RECOMMENDS that Council:

- 1 ACCEPTS the resignation of Mr Peter Boam and thanks him for his valuable contribution in the past;
- 2 NOTES the process undertaken to fill the “industry representative” vacancies;
- 3 NOTES the nominations received;
- 4 DETERMINES the most appropriate nominees given the Committee's objectives as being:

Mr Bruce Dufty, Concordia Lutheran Church  
Ms Anne Pike, Advocare Inc.

#### Officer's Comment

In its meeting on 2 April 2008, the SIAC recommended the appointment of two new industry representative members to the committee. Subsequently, it has been brought to light that the process the SIAC followed was not correct and needs to be rectified.

The problem occurred with the late resignation of Mr Peter Boam from the WA Retirement Complexes Residents Association. The committee selected a person to fill Mr Boam's vacancy without offering his organisation the opportunity to replace Mr Boam. This matter will be reconsidered at the 4 June 2008 meeting of the Seniors Interests Advisory Committee, when committee vacancies will be discussed and resolved.

As the outcome of the vacancy appointment is not yet known, part 4 of the above motion cannot be endorsed by Council.

**Link to Strategic Plan:**

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- To develop, provide and promote a diverse range of lifelong learning opportunities.
- To meet the cultural needs and values of the community.
- To continue to provide services that meet changing needs of a diverse and growing Community.
- To work with the community to enhance safety and security in a healthy environment.
- To continue to meet changing demographic needs.
- To ensure the City responds to and communicates with the community.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The “Age-Friendly Communities: A Western Australian Approach” framework from Melville, which was considered by the committee, will be a useful research tool to identify areas which will form the basis for the new Seniors Plan 2009-2011. The City is seeking funding support to undertake this research from the Office of Seniors Interests and Carers.

**ATTACHMENTS**

Attachment 1          Minutes of the Seniors Interests Advisory Committee meeting held on 2 April 2008

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 unconfirmed minutes of the Seniors Interests Advisory Committee held on 2 April 2008 forming Attachment 1 to Report CJ111-06/08;**
- 2 resignation of Mr Peter Boam from the membership of the Seniors Interests Advisory Committee, and thanks him for his valuable contribution to the Committee.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ111-06/08, Page 109 refers.**

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

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf030608.pdf](#)*

#### **C25-06/08                      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 CJ092-06/08, CJ094-06/08, CJ099-06/08, CJ100-06/08, CJ101-06/08, CJ102-06/08, CJ104-06/08, CJ105-06/08, CJ109-06/08, CJ110-06/08 and CJ111-06/08.**

**The Motion was Put and** **CARRIED (11/0)**

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

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

#### **C26-06/08                      NOTICE OF MOTION – MAYOR TROY PICKARD – IMPROVED LOCAL PAPER DISTRIBUTION - [29610] [07719]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Pickard has given notice of his intention to move the following motion at the Council Meeting to be held on 10 June 2008:

***“That Council REQUESTS a report in relation to seeking WALGA’s support in having the Litter Act 1979 amended to enable a local government to designate that a local newspaper can be distributed by being thrown onto the front of each resident’s property in order to facilitate local newspaper distribution.”***

#### **Reason for Motion**

Mayor Pickard submitted the following comment in support of his Notice of Motion:

“The City has received several comments from community members regarding “blackspots” in the delivery and distribution of local newspapers. From the community’s perspective, it

seems that specific suburban areas are not receiving local newspaper deliveries due to “holes” in the distribution network.

Despite some positive improvements achieved through the combined efforts of the City and the Community Newspaper Group, there is still no guarantee that all community members will be captured through current distribution methods.

To overcome this, the City could look to facilitate the expeditious delivery of local newspapers by lobbying for amendments to the *Litter Act 1979*. These amendments will enable papers to be delivered in a traditional manner by “throwing the paper on the lawn”; reducing the time it takes to deliver large quantities of papers across an entire suburb. It is currently considered littering under the *Litter Act* to deliver papers, without the resident’s consent, in this manner. Amending the Act could overcome this issue and ensure that a greater delivery of local newspapers is achieved.

Notwithstanding the littering issue described above, the Community News Group are currently trialing this method of newspaper delivery, with the support of the Keep Australia Beautiful Council, in areas severely affected by “blackspots”. Current newspapers delivered in this manner include the Western Suburbs Weekly, Fremantle-Cockburn Gazette, Comment News, Melville Times and the Mandurah Coastal Times, although, it is only specific areas within the distribution network that this method of delivery applies.

The papers are contained within a plastic bag that is delivered onto residents’ lawns by motorbike deliverers. Residents are able to stop the delivery of newspapers in this manner by contacting the Community News Group’s Distribution Headquarters.

The trials are currently being assessed and reviewed by the Keep Australia Beautiful Council and the proposed outcomes of this review are still being considered by Community News Group Management and the Keep Australia Beautiful Council. Currently, the number of complaints received in relation to the non-delivery of local newspapers far outweighs complaints received for delivering newspapers onto residents’ lawns. There have been few requests to cease “lawn deliveries”; however, the majority of residents seem to appreciate the new method of delivery.

Given the current situation with delivery trials, it would seem prudent for the City to contact WALGA to further assist a process already en train which aims to improve the distribution of local newspapers.”

### **Officer’s Comment**

A report can be prepared. However, since the notice of motion was submitted, correspondence has been received which may allow the Council to deal with the matter at its meeting of 10 June 2008.

The City of Joondalup has for some time experienced distribution problems of the community newspaper in sections of some suburbs within its region. The City has been discussing these issues with the community newspaper for some time in an effort to find some resolution to the lack of distribution of the local paper within the certain locations.

The local newspaper is a major medium in which the City communicates with its residents in the form of advertisements and media releases. Research in 2006 indicated that the local newspaper was the main source that local residents sourced information regarding the activities and operations of the City.

In an effort to address some concerns raised about the lack of the distribution of the local paper in some areas, the City launched on-line versions of key corporate communications which included electronic newsletters relating to:

- public notices;
- library information;
- employment opportunities;
- general issues.

Despite a concerted effort in promoting these electronic newsletters, the subscriptions have not been as high as anticipated.

The City has received correspondence from the Community Newspaper group advising that it is considering the option of 'rolling and throwing' its newspapers to residents in the same way as the daily newspapers are distributing throughout the metropolitan area. The newspaper group is requesting that this method be trialled throughout the City of Joondalup.

The newspaper has been unable to introduce this distribution method due to the restrictions of the Litter Act 1979. However, with the increasing difficulty in employing 'walkers' within certain areas, the newspaper group contacted the Minister for Environment regarding the issue. The Minister subsequently raised the proposition with the Keep Australia Beautiful Council, which administers the legislation. The Minister has subsequently approved the proposition subject to the following conditions:

- the local council agrees in writing to the proposal;
- Community Newspaper Group and local councils agree to widely publicise the proposed new delivery method;
- the local council commits to responding to any resident's complaints that may arise from the proposed delivery method; and
- Community Newspaper Group provides a dedicated contact number for residents wishing to register a complaint and/or that they do not wish to receive the newspaper.

The Community Newspaper has agreed to meet the conditions placed on themselves which includes:

- an advert in every edition of any community newspaper and corporate website advising residents of the new delivery service; and
- a dedicated phone number and email address for residents to register complaints or advising that they do not wish to receive the newspaper.

The Community Newspaper Group is requesting the City of Joondalup to consider the proposed conditions to be placed on it.

In principle, it is suggested that the additional distribution method be supported but concern is raised with regards to the requirement for the City to promote and deal with complaints relating to this. The proposal is from a commercial operator and the emphasis on promoting and dealing with operational issues of the distribution of the newspaper should be the sole responsibility of the commercial operator, being the Community Newspaper Group. The paper is an independent publication and not one from the City. There are currently some residents who associate the newspaper with the City. If the City were to assist with promoting its distribution and dealing with associated complaints it will only reinforce that perception.

If the Council wishes to deal with the matter at its meeting of 10 June 2008, a recommended course of action would be:

That Council:

- 1 AGREES to allow the Community Newspaper Group to distribute its two community papers via a roll and throw method, similar to the way daily newspapers are distributed to households on a trial basis until 31 December 2008;
- 2 SEEKS the support of the Western Australian Local Government Association in having the Litter Act 1979 amended to allow a local government to designate that a local newspaper can be distributed by the roll and throw method as detailed in (1) above;
- 3 NOT AGREE to being responsible to responding to residents' complaints relating to the revised distribution method as detailed in (1) above and that responsibility be maintained by the publisher of the local newspaper.

**MOVED Mayor Pickard, SECONDED Cr Corr that Council REQUESTS a report in relation to seeking WALGA's support in having the Litter Act 1979 amended to enable a local government to designate that a local newspaper can be distributed by being thrown onto the front of each resident's property in order to facilitate local newspaper distribution.**

**The Motion was Put and**

**CARRIED (11/0)**

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

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

### **NOTICE OF MOTION - CR MARIE MACDONALD - ON THE ADVERSE EFFECTS OF SPRAYING OF HEXAZINONE - [29610] [86601]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Macdonald gave notice of her intention to move the following motion at the Council Meeting to be held on 15 July 2008:

***"That a report be prepared on the adverse effects of spraying of Hexazinone, by the contractor to the City, in sumps throughout the City of Joondalup and all associated financial costs as a result of that spraying.***

***The report should contain detail of the action taken by the City subsequent to the spraying and the costs of that action, both legal and other costs."***

**NOTICE OF MOTION - CR MARIE MACDONALD - OUTCOMES OF MAKING TOM SIMPSON PARK AN ALCOHOL FREE AREA - [29610] [00468]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Macdonald gave notice of her intention to move the following motion at the Council Meeting to be held on 15 July 2008:

***“That a report be prepared on the outcomes of making Tom Simpson Park an alcohol free area including discussion of the following:***

- ***How the ban is being managed at Tom Simpson Park.***
- ***How the ban has impacted on other parks within the City.***
- ***How public drinking is being policed in other parks in the City of Joondalup, the Metropolitan area and within the State.”***

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2200 hrs; the following elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr A JACOB  
Cr T YOUNG  
Cr M MACDONALD  
Cr G AMPHLETT  
Cr B CORR  
Cr M NORMAN  
Cr M JOHN  
Cr R FISHWICK  
Cr F DIAZ