

minutes

Ordinary Meeting of Council

MEETING HELD ON

TUESDAY, 21 SEPTEMBER 2010

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 21 SEPTEMBER 2010

DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

C43-09/10 CHANGE TO ORDER OF BUSINESS - [02154, 08122]

MOVED Mayor Pickard, **SECONDED** Cr Hollywood that Council **SUSPENDS** Clause 14(4) of the City's Standing Orders Local law 2005 – Order of Business, to allow the items of business to be considered out of sequence as they are listed on the agenda.

The Motion was Put and

CARRIED 13(/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

ANNOUNCEMENT OF VISITORS

PRESENTATION TO FORMER COUNCILLORS

Mayor Pickard welcomed the following former Councillors to this evening's Council meeting.

Albert Jacob, North Central Ward	2006 - 2009 - now Ocean Reef MLA
Steve Magyar, North Central Ward	2006 - 2007
Richard Currie, South Ward	2006 - 2007

Mayor Pickard acknowledged the service and contribution made to Council by the former Councillors and presented gifts of appreciation.

Mayor Pickard officially thanked former Councillors John Park, Sue Hart, Marie Macdonald, Michele Rosano and Marie Evans, who were unable to attend this evening, for their work and contribution as Elected Members between 2006 and 2009.

Mayor:

TROY PICKARD

Councillors:

Cr TOM McLEAN	North Ward	<i>Absent from 2142 hrs to 2145 hrs</i>
Cr KERRY HOLLYWOOD	North Ward	<i>Absent from 2140 hrs to 2141 hrs</i>
Cr PHILIPPA TAYLOR	North-Central Ward	<i>Absent from 2007 hrs to 2010 hrs</i>
Cr TRONA YOUNG	North-Central Ward	
Cr LIAM GOBBERT	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr CHRISTINE HAMILTON-PRIME	South-West Ward	<i>Absent from 2136 hrs to 2138 hrs and from 2251 hrs to 2255 hrs</i>
Cr MIKE NORMAN	South-West Ward	
Cr JOHN CHESTER	South-East Ward	<i>Absent from 2145 hrs to 2148 hrs</i>
Cr BRIAN CORR	South-East Ward	
Cr RUSS FISHWICK	South Ward	
Cr FIONA DIAZ	South Ward	<i>Absent from 2225 hrs to 2227 hrs</i>

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 2230 hrs to 2246 hrs</i>
MS DALE PAGE	Director Planning and Development	<i>to 2228 hrs</i>
MR JAMIE PARRY	Director Governance and Strategy	
MR MIKE TIDY	Director Corporate Services	<i>Absent from 2246 hrs to 2247 hrs</i>
MR MARTYN GLOVER	Director Infrastructure Services	<i>to 2228 hrs</i>
MR ROBERT FARLEY	Manager Planning Approvals and Environmental Services	<i>to 2228 hrs</i>
MR MIKE SMITH	Manager Leisure and Cultural Services	<i>to 2213 hrs</i>
MR MARK McCRORY	Acting Manager Governance and Marketing	<i>to 2228 hrs</i>
MR TIM HEGNEY	Governance Coordinator	
MRS ANNETTE MORRISSEY	Acting Media Advisor	<i>to 2141 hrs</i>
MRS LESLEY TAYLOR	Governance Officer	
MRS BRENDA LOCHEAD	Governance Officer	<i>to 2228 hrs</i>

There were 140 members of the public and one member of the press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 17 August 2010:

Mr M Sideris, Mullaloo:

Q1 *When did the City give notice to Turfmaster that, in accordance with the Contract disputes mechanism, it was in dispute and that the matter was being referred to the Institution of Arbitrators and Mediators, Australia?*

A1 The matter was not referred to arbitration.

Q2 *When did the City approve or authorise a variation to its Contract with Turfmaster approving / authorising the use of a chemical spray containing the active ingredient Hexazinone?*

A2 The matter of whether the City approved a variation in its contract with Turfmaster was a contested issue in the proceedings. As the proceedings have now been settled, the City does not intend to reopen that issue.

Q3 *In the matter CIV 1101/2009 advise when the City authorised Minter Ellison to amend its statement of claim as lodged against Turfmaster?*

A3 Minter Ellison, as the City's legal representatives, act upon the City's instructions as required at any time during the course of proceedings.

Q4 *In the matter CIV 1101/2009 advise when the City was informed that the City was ordered to pay Turfmaster's cost caused by the City amending its statement of claim against Turfmaster?*

A4 During the procedural stages of proceedings, when either party applies to amend its pleadings, the costs of such applications are generally costs in the cause – to be determined at the conclusion of the proceedings.

Q5 *In the 2009/10 Mid Year Review of the Annual Budget the City received approval for additional monies for legal fees related to a litigation that the City was then dealing with.*

Will the City advise whether this very exact amount of \$250,915 was for legal fees already incurred and if not why such an exact specific amount was being sought?

A5 The amount represented a calculation of the total increase in projected legal expenses to the end of the financial year.

Mrs M Macdonald, Mullaloo:

Re: *The Confidential Turfmaster Settlement*

Q1 *Did Council at any time prior to April 2010 indicate that it was willing to take part in a mediation process with Turfmaster within the Supreme Court processes or outside of it or did the City take part in mediation without coming to Council for instruction?*

A1 Prior to April 2010 there was no requirement for Council to indicate its disposition to mediation. When the matter was ready to be discussed it was brought to Council for decision at its meeting on 22 April 2010, at which meeting Council resolved to proceed to mediation.

Q2 *Given the City's statement:*

"These procedural stages are managed by the Supreme Court and from time to time directions hearings concerning the conduct of the litigation are held in an open forum."

Were Councillors informed of the dates of all directions hearings?

A2 No, but given the hearings were held in an open forum any Elected Member could have chosen to attend them. Directions hearings only generally deal with procedural matters like timetabling and scheduling and issues regarding pleadings.

Q3 *Given that the City believes that the tree deaths were caused by the misapplication of the herbicide Hexazinone, who was responsible for the use of the chemical in the sumps in the City, as this was an off label use, was it the City or Turfmaster's?*

A3 The question of responsibility and off-label use were contested issues in the proceedings. As the proceedings have now been settled, the City does not intend to reopen such questions. In any event, the City has taken significant steps in its weed control and sump management programs to ensure such events do not occur again.

Q4 *As Ratepayers cannot know the terms of the mediation, how will the City detail the amount of any payment from Turfmaster to the City as a result of the mediation or any amount to Turfmaster as a result of the mediation in the accounts of the City?*

A4 The City will treat any resulting transactions in accordance with accounting standards.

Q5 *Has any of the monies expended by the City as a result of the tree deaths throughout the City been recoverable either by the City's insurance or the contract insurance of Turfmaster and if not why not?*

A5 No. In regards to litigation costs this was initiated by the City so these are not covered. In regard to the lost vegetation and trees this has not been resolved. In regard to Turfmaster's insurance this provides protection to Turfmaster not the City.

Mr R Repke, Kallaroo:

Re: The Confidential Turfmaster Settlement

Q1 *Can we receive the details of the Settlement under the Freedom of Information Act?*

A1 Although an application could be made under the FOI Act, as the Deed of Settlement was entered into on the basis of confidentiality, access to the document would be refused on the basis of the exemption provided for in the Act relating to confidential communications.

Q2 *Turfmaster was at fault, should the public not know? Especially those who use Turfmaster as a contractor?*

A2 The question of fault was an issue in the proceedings. As the proceedings are now concluded, the City does not intend to make any further comment on the issue of fault.

Q3 *As the Agent used is a strong groundwater pollutant, was the Department of Water involved in the proceedings and what is the position of the Department of Water? And if not, why was the Department of Water not involved?*

- A3 The Department of Water was not involved in the proceedings. Questions concerning the Department's involvement and its position on the matter are best directed to the Department.
- Q4 *Was there any fault on the City's side, like lack of supervision, lack of procedures, lack of understanding of the active components of the Agent used? And if so, what has the City done to avoid a reoccurrence of same / similar problems?*
- A4 The question of fault was an issue in the proceedings. As the proceedings are now concluded the City does not intend to make any further comment on the issue of fault.
- Since the events of 2006, the City has taken significant steps in its weed control and sump management programs to ensure such events do not occur again.
- Q5 *Has anyone inside the City's Administration been disciplined, in any way, because of this case?*
- A5 The staff involved with the supervision of the Turfmaster contract are no longer in the employment of the City.

The following questions were submitted prior to the Council meeting:

Mr M Sideris, Mullaloo:

Re: *Turfmaster Pty Ltd*

- Q1 *Advise the specific dates during the proceedings the City instruct Minter Ellison to agree to confidential settlement conditions in CIV1101/2009?*
- Q2 *At the special meeting of Council 23 December 2008 and during the subsequent deliberations by Council in 2010 on the Turfmaster matter, advise if the Council received "legal" advice or "strategic" advice from Minter Ellison?*
- Q3 *The answer to my Question 2 of the 17 August fails to identify when [specific date] the City approved or authorised a variation to its Contract with Turfmaster approving / authorising the use of a chemical spray containing the active ingredient Hexazinone. As that the Code of Conduct requires open accountability to the public, when may I receive an answer to my question.*
- Q4 *In the matter CIV 1101/2009 advise the specific dates the City instructed Minter Ellison to amend its statement of claim as lodged in the Court against Turfmaster?*
- Q5 *Provide the details of the legal matter service of each invoice submitted associated with payment EF013449 30/07/2010 MINTER ELLISON LEGAL ADVICE \$20,855.57, LEGAL ADVICE \$30,436.45, LEGAL ADVICE \$2,227.50.*
- A1-5 Mayor Pickard advised these questions will be taken on notice.

Mr R Payne, Woodvale:

Re: Item 13 – Draft Beach Management Plan

Q1 The document states there were 4850 submissions... "most respondents .. answered only questions which related to matters of interest to them" "95% of respondents provided feedback on the dog beach issue" This indicates that 4850 x 95% gave feedback on the dog beach = 4607 respondents. Does this mean the remainder of the 4850 x 5% gave feedback on all other matters other than the dog beach = 242 people? -- a very low sample.

A1 Care needs to be taken with regard to making such assumptions. Reference needs to be made to the consultation results attached to the report to understand the response rates to different questions. The City recognises that it is not mandatory for respondents to answer every question therefore the response rates to individual questions will vary.

Q2 How many respondents to the survey answered questions that only related to Kitesurfing activities?

A2 This information is not readily available and is not considered relevant. Reference needs to be made to the consultation results attached to the report to understand the response rates to different questions. The City recognises that it was not mandatory for respondents to answer every question therefore the response rates to individual questions will vary. Generally, however, the results indicate that more than 2,000 responses from the total of 4,850 answered the five questions related to kitesurfing.

Ms Rhondell Fleming, Ocean Reef:

Re: Skate Park

Q1 If the Community Consult only went to a one kilometre radius, then why are they advertising a skate park on their web which reaches a broader community?

A1 The City made a decision to provide other interested parties with an opportunity to provide input via an online survey in the interests of ensuring broad community awareness of the issue.

Q2 By advertising a skate park are they implying they support one?

A2 No.

Q3 Why have they not shown a picture of the down side of a skate park, so people can make an informed decision?

A3 The brochure was designed to identify common issues and concerns about skate parks.

Q4 Will the Council give the community against the Skate Park the support they are giving the skaters?

A4 The process for seeking community input has been open and transparent with over 2,700 surveys being distributed to householders, property owners and young residents within one kilometre of the Park. All views will be analysed to identify the advantages and disadvantages for having a skate park on this site and presented to Council for consideration.

Q5 *Why was the community consultation brochure very ambiguous in its format, in which no map indicating the position of the skate park was enclosed to ensure everyone knew which park was under community consultation?*

A5 As those most affected by the consultation lived within one kilometre of the Park, it was determined that they would be aware of the Park's location.

Mrs Maggie Horsburgh, Ocean Reef:

Re: *Consultation Form regarding Skate at Mirror Park, Ocean Reef*

Q1 *What is the formula used to extrapolate information from the Consultation Form in regards to whether the proposed Skate Park will go ahead?*

A1 A process of qualitative data analysis will be used to identify community perspectives of the advantages and disadvantages of developing a skate park at Mirror Park. Qualitative analysis involves the identification of recurrent themes from a data source (returned surveys) followed by a report on the findings illustrated with direct quotations.

This is the same process used at the outset of the Ocean Reef Marina and the Edgewater Quarry consultations in circumstances where strongly and often opposing views were held as to what should be done, or not done, on those sites. It is important that the full gamut of the community's views are clearly identified, shared and acknowledged from the beginning so that Council may be fully informed before deciding whether, or how to progress matters.

Q2 *Isn't it true that even though you are seeking consultation from local residents within 1km of the skate park – you are also seeking consultation from people who will have no direct impact from the location of the Skate Park?*

A2 The City made a decision to provide other interested parties with an opportunity to provide input via an online survey in the interests of ensuring broad community awareness of the issue.

Q3 *Isn't this just a way of continuing to ask this question until you get the result you want?*

A3 No.

Q4 *Is there any personal relationship of friendship, business or otherwise between the Mayor or Councillors and the father of the two children who started the petition for a skate park in Mirror Park?*

A4 In accordance with Section 5.65(1) of the Local Government Act 1995 "a member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest". This matter was considered by Council at its meeting held on 15 December 2009, where no Elected Member disclosed an interest.

Mr Paul Horsburgh, Ocean Reef:

Re: Consultation Form Skate Park Mirror Park, Ocean Reef

Q1 I would like to question the validity of the Consultation Form sent out to local residents regarding a proposed Skate Park for Mirror Park.

The wording of the questions asked on the Consultation Form, for example:

- (a) What do you think may be the advantages of building a new skate park at Mirror Park?*
- (b) What do you think may be the disadvantages?*

A1 The survey was designed to fulfil the requirements of the December 2009 decision of Council to "...undertake consultation to explore the issues around including a skate park in the overall upgrade of Mirror Park, Ocean Reef."

Given the resolution, the consultation methodology was designed to be exploratory in nature and allow for the various stakeholders – recognised as local residents/property owners and young people with an interest in going to a local skate park – to express their views fully. This was done using open, rather than closed, questions. The responses to date indicate that this intention has been realised.

After the closing date of 24 September 2010, the qualitative content of all surveys received will be analysed to identify advantages and disadvantages for having a skate park on this site and presented for Council consideration.

Q2 Would the Consultation Form stand up to scrutiny in the future if an investigation was undertaken?

A2 With respect to scrutiny, the community consultation documents were developed in-house by suitably qualified staff and also reviewed independently by a Market Research company.

Q3 Do the Mayor and Councillors feel they are being even-handed and above reproach with local residents of Mirror Park in their approach to this Consultation Form Process?

A3 This is a matter for the individual Elected Members to respond to.

Q4 Will results be published showing how many people were for or against?

A4 The consultation did not seek to directly identify numbers of people for or against a skate park at Mirror Park but to identify the advantages and disadvantages of doing so from a community perspective.

Q5 Will the results be available to view under Freedom of Information?

A5 In the event that more information is sought than will be provided in the report to Council, members of the public can make application under Freedom of Information legislation. The details of how such an application may be made can be found on the City's website at:

<http://www.joondalup.wa.gov.au/Govern/FreedomOfInformation.aspx>

The following questions were submitted verbally at the Council meeting:**Mr M Caiacob, Mullaloo:**

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results Kitesurfing

Q1 Is Option 2 the only option to provide an exclusion zone around the North Mullaloo Surf Lifesaving outpost and flagged area between the times of 6.00 am to 6.00 pm?

A1 At present , Option 2 is the only one providing an exclusion zone at this location.

Mr A Bertram, North Perth:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing and the Dog Beach

Q1 Can the Council please advise which community groups have been willing to engage in positive, constructive discussion to reach a compromise regarding the banning of kitesurfing and the dog beach issue, which addresses the concerns of all beach users?

A1 The City facilitated a meeting at the request of Elected Members for the relevant stakeholders. The meeting was attended by representatives of Hillarys Beach, the dog walkers, the horse community, the kitesurfing community, the Mullaloo Beach Users Group and the lead petitioner for these issues, which demonstrates a willingness to engage in positive dialogue. Ultimately, it is up to the Council to make a formal resolution on what it believes is a compromise, if there is a compromise, to address the broader needs of the Joondalup community.

Q2 Is the Council aware that when you search Mullaloo tourism in Google, the second result you see is a discussion on banning kitesurfing at Mullaloo and North Mullaloo?

A2 That is a rhetorical question.

Mr D Arkless, Currambine:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results Kitesurfing

Q1 Given there is no evidence that anyone in the City has ever been hospitalised as a result of kitesurfing accidents, yet during a six month period 19 people from the City of Joondalup were hospitalised as a result of dog attacks, can any of the Elected Members of the Council explain why they are considering expanding the dog beach, whilst at the same time effectively reducing the area in which kitesurfing can take place?

A1 The Council has the ability to initiate whatever public consultation is considered appropriate to address issues and to provide an opportunity for the community to comment. It is the Council's responsibility to consider all the opinions that have been expressed in this particular issue and to weigh up the matters that are presented before them individually and then collectively to make a formal resolution.

Q2 *Are the Elected Members and the Mayor aware that the Ranger at Cottesloe has had no issues relating to kitesurfing following a successful implementation of a kitesurfing area there?*

A2 That is a rhetorical question.

Mr T Fagan, Hillarys:

Re: *Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results - Dog Beach Extension*

Q1 *Given that over a six month period, 19 people from the City of Joondalup were hospitalised as a result of dog attacks, yet there is no evidence that anybody in the City has ever been hospitalised as a result of a kite accident. Can any of the City members explain why kitesurfing is likely to be prohibited on Mullaloo Beach, yet consideration may be given to expand a dog beach southwards to consume a public swimming beach and, moreover, an entire section of beach used constantly by a State Government recreation camp for children?*

A1 As mentioned earlier, the City invites public comment to obtain opinions on issues it is considering. That information is collated to allow Elected Members to make an informed decision.

Mr S Kern, Hillarys:

Re: *Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results - Dog Beach Extension*

Q1 *As Hillarys Beach is listed on the City's website as one of its three most popular beaches and, moreover, upon which children visiting the Ern Halliday Camp recreate all year round, rather than turning it into a dog beach, has consideration been given to turning the much less frequented beach at the bottom of Ross Avenue in Sorrento, or the much less frequented beach opposite St Ives Loop in Kallaroo, into a dog beach?*

A1 Those two locations were not included in the public consultation process.

Mrs L Smith, Kingsley:

Re: *Item CJ155-09/10 – Parking, Willesden Avenue, Kingsley*

Q1 *How could the City not go with an option to restrict parking on Willesden Avenue, Kingsley and how it can be justified to leave the residents of Willesden Avenue with a problem they did not previously have before the station was built, when it would not be appropriate to move the problem to a nearby street(s), if we did have parking restrictions? If it is not okay for residents in other streets to have these parking problems, how can it be okay for the residents of Willesden Avenue? Are you prepared to reconsider this matter?*

A1 The Administration's role is to provide a report to the Council on issues they believe are pertinent, and relative to the matter at hand, such as overflow car parking from Greenwood Train Station. It is then the responsibility and the role of Councillors to consider that information, weigh it up with other sources of information and come to Council with a particular view which may differ from that presented by the Administration. That is their legal right and their role to reflect the interests of the residents and the ratepayers of the City of Joondalup. When this matter is voted on, it may be that the Ward Councillor has a different view to the one presented by the Administration.

Ms S Gibson, Duncraig:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Horse Beach

Q1 *Quoting the cons in both of the options on the amendments, the community consultation result supported the continued presence of a horse beach within the City of Joondalup, so why do both of the amended options lead to the ultimate closure of the beach?*

A1 It is the Administration's responsibility to present a report to Council with appropriate recommendations. It is the role of Elected Members to determine a resolution they believe is in the best interests of the City of Joondalup.

Ms M Muller, Mullaloo:

Re: Item CJ151-09/10 – Duncraig Tennis Courts

Q1 *It is believed that monies that were put aside to upgrade the Duncraig Tennis Courts have now been promised to the Sorrento Tennis Club, without any consultation of the various groups that use the Duncraig Tennis Courts, that being three different coaches and two clubs?*

A1 No funds have been promised to anyone, it is a decision for the Council to make. If there is a budget line item, which there is at the moment, that budget line item sits in the Duncraig Tennis Courts for expenditure of Duncraig Tennis Courts resurfacing. That was a formal resolution when Council adopted the 2010/11 budget. The only body that has authority to reallocate those funds is this Council. So if there are any budget changes and reallocation of funds from one project to another then it requires a decision of Council. That decision has not occurred, no promises have been made to anyone and effectively, those stakeholder groups that you have referred to, have been provided with an opportunity to make comments relative to this matter. These stakeholders presented deputations last week to the Briefing Session and have been providing on-going commentary to the Elected Members during the week.

Q2 *Why did the President of Sorrento Tennis Club acknowledge publicly in two newsletters, that a promise of \$90,000 had been made to that club?*

A2 The City cannot control what is written in newsletters. However, a letter has subsequently been received from the President of the Sorrento Tennis Club stating that he was wrong in quoting the Mayor as having promised to decommission the Duncraig Tennis Courts.

PUBLIC STATEMENT TIME

Mayor Pickard stated 29 members of the public had registered to make a statement. He appealed to those who had made statements or depositions at the Briefing Session on Tuesday, 14 September 2010 that unless they had new information to present they should allow others who had not spoken or who might have different information to present to be afforded an opportunity to speak in the first instance.

Mr A Bertram, North Perth:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing

Mr Bertram spoke in relation to the management of the Mullaloo and North Mullaloo beaches for the enjoyment of all beach users, without a complete ban on kitesurfing.

Mr J O'Malley, West Perth:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing

Mr O'Malley spoke in relation to a Management Plan maintaining access to kitesurfers on Mullaloo Beach.

Mr S Webb, Melville:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Mr Webb spoke in support of designated kitesurfing areas.

Ms G Munro, Greenwood:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Ms Munro spoke in support of an extension to the Dog Beach.

Ms Su Boyd, Warwick:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Ms Boyd spoke in support of an extension to the Dog Beach.

Mr R Quahs, Padbury:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Mr Quahs spoke against the banning of kitesurfing on Mullaloo Beach.

Alteration to Time for making Statements

Mayor Pickard indicated he would reduce the time allocated for making statements from two minutes to one minute, to provide an opportunity for more members of the public to make statements.

Ms J Jackson, Craigie:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Ms Jackson spoke in support of disabled parking and the extension to the Dog Beach.

Mr D Marshall, Carine:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Mr Marshall spoke in support of kitesurfing on Mullaloo Beach.

Mr M Caiacob, Mullaloo:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Mr Caiacob spoke in relation to the consultation process for the report, which did not ask for a ban on kitesurfing on Mullaloo Beach and also did not include submissions received, which called for a total ban.

C44-09/10 EXTENSION OF PUBLIC STATEMENT TIME - [01122] [02154]

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council extends Public Statement Time by a further 15 minutes.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Mr C Julian, Ocean Reef:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Mr Julian spoke in support of kitesurfing on Mullaloo Beach.

Mr P Gates, Ocean Reef:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Mr Gates spoke against the extension to the Dog Beach on safety grounds.

Ms J Smith, Hocking:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Ms Smith spoke against the extension to the Dog Beach on safety grounds on behalf of Ms E De Pleys of Hillarys who was not able to attend.

Mr B Utting, Hillarys:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Mr Utting spoke against an extension to the Dog Beach.

Ms R Moseley, Mullaloo:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Ms Moseley spoke against kitesurfing on Mullaloo Beach for safety reasons.

Ms H Kraus, Mullaloo:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Ms Kraus spoke against kitesurfing on Mullaloo Beach for safety reasons.

Ms Elisha Caulfield, Hillarys:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Ms Caulfield spoke on behalf of kitesurfing on Mullaloo Beach.

Ms A Ward, Hillarys:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Ms Ward spoke against an extension to the Dog Beach.

Mayor Pickard moved that Public Statement Time be extended to enable a statement from Ms S Gibson representing the horse interest group, Mr I Sprigg, Manager Ern Halliday Recreation Camp and Mrs A Widermanski, President of Mullaloo Surf Lifesaving Club.

C45-09/10 EXTENSION OF PUBLIC STATEMENT TIME - [01122] [02154]

MOVED Mayor Pickard, **SECONDED** Cr McLean, that Public Statement Time be extended to allow Ms S Gibson representing the horse interest group, Mr I Sprigg, Manager, Ern Halliday Recreation Camp and Mrs A Widermanski, President of Mullaloo Surf Life Saving Club to provide a statement.

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Taylor and Young. **Against the Motion:** Cr Norman.

Ms S Gibson, Duncraig:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Horse Beach

Ms Gibson spoke in favour of retaining the Horse Beach.

Mr I Sprigg, Dianella:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Extension to the Dog Beach.

Mr Sprigg spoke against a southerly extension to the Dog Beach.

Mrs A Widermanski, Woodvale:

Re: Item CJ158-09/10 – Draft Beach Management Plan – Consultation Results – Kitesurfing.

Mrs Widermanski spoke in favour of exclusion areas for kitesurfing activities.

Cr Taylor left the Chamber at 2007 hrs.

APOLOGIES AND LEAVE OF ABSENCE**C46-09/10 REQUESTS FOR LEAVE OF ABSENCE – CR RUSS FISHWICK, CR BRIAN CORR, CR TRONA YOUNG AND CR KERRY HOLLYWOOD – [78624]**

Cr Fishwick requested Leave of Absence from Council duties covering the period 22 – 28 September 2010 inclusive.

Cr Corr requested Leave of Absence from Council duties covering the period 20 – 29 October 2010 inclusive.

Cr Young requested Leave of Absence from Council duties covering the period 22 September – 2 October 2010 inclusive.

Cr Hollywood requested Leave of Absence from Council duties covering the period 22 September – 2 October 2010 inclusive.

MOVED Cr Chester, SECONDED Cr Amphlett that Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:

Cr Fishwick	22 – 28 September 2010 inclusive.
Cr Corr	20 – 29 October 2010 inclusive.
Cr Young	22 September – 2 October 2010 inclusive.
Cr Hollywood	22 September – 2 October 2010 inclusive.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Young.

CONFIRMATION OF MINUTES

C47-09/10

MINUTES OF COUNCIL MEETING, 17 AUGUST 2010

MOVED Cr McLean, SECONDED Cr Young, that the Minutes of the Council Meeting held on 17 August 2010 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, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Young.

Cr Taylor returned to the Chamber at 2010 hrs.

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

EXTENDED RETAIL TRADING A SUCCESS

Mayor Pickard advised that extended retail trading within the Joondalup City Centre has now been in place for three weeks. Extended retail trading was strongly lobbied for by the Joondalup Council to benefit both retailers and shoppers and it was very pleasing that initial reports from stores indicated higher than anticipated sales figures, especially on Sundays.

Mayor Pickard stated this was a great result for the retailers and for the City, which also benefited from additional visitors to the City Centre.

As businesses and shoppers settle into a pattern of extended trade, Mayor Pickard stated that the City anticipated more feedback on the success of extended trading.

'SPEAK OUT' YOUTH FORUM

Mayor Pickard advised that 150 high school students took part in last week's Speak Out Youth Forum held at the Craigie Leisure Centre to engage the City's youth in meaningful discussion.

The forum provided these students, from many of the City's high schools, with an opportunity to have their say on City initiatives and contribute ideas for the City's future direction.

Mayor Pickard stated it was very pleasing to see such a diverse range of students attend, all of whom had positive suggestions for the City's future consideration.

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.

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ149-09/10 – Change of use from Showroom to an Unlisted Use (Betting Agency): Lot 5004 (4) Hobsons Gate, Currambine
Nature of interest	Financial Interest
Extent of Interest	Mayor Pickard received a campaign donation from the applicant in 2009 and previously declared in accordance with the Local Government Act 1995 Mayor Pickard advised he did not have a financial interest in this Item and withdrew his disclosure of interest.

Name/Position	Cr Tom McLean
Item No/Subject	CJ149-09/10 – Change of use from Showroom to an Unlisted Use (Betting Agency): Lot 5004 (4) Hobsons Gate, Currambine
Nature of interest	Financial Interest
Extent of Interest	Cr McLean is purchasing a property adjacent to the development

Name/Position	Cr Fiona Diaz
Item No/Subject	CJ157-09/10 – Intra-Day Credit Facility
Nature of interest	Financial Interest
Extent of Interest	Cr Diaz is employed by Westpac Bank

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 5 July 2010 – (Item 1 – CEO Annual Performance Review, Review of Key Performance Indicators and Annual Salary Review)
Nature of interest	Financial Interest
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 24 August 2010 (Item 1 - CEO Annual Performance Review Progress)
Nature of interest	Financial Interest
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 – (Item 1 - Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Financial Interest
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 13 September 2010 – (Item 1 – Chief Executive Officer Concluded Annual Performance Review and Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ160-09/10 – Chief Executive Officer Attendance at Overseas Conference and Request for Annual Leave
Nature of interest	Financial Interest
Extent of Interest	CEO request for paid annual leave.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ161-09/10 - Employment Contract - Director Corporate Services
Nature of interest	Financial Interest
Extent of Interest	Mr Tidy holds the position of Director Corporate Services

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected Member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ147-09/10 – Proposed Amendment to District Planning Scheme No 2 to Recode Lot 702 (34) Marri Road, Duncraig from R20 to R60
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Gobbert knows someone who works at Marri Road Shopping Centre

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard is Patron of the Mullaloo Surf Lifesaving Club and Vice Patron of the Sorrento Surf Life Saving Club

Name/Position	Cr Geoff Amphlett
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Amphlett is a member of the Mullaloo Surf Life Saving Club

Name/Position	Cr Mike Norman
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is Chairman of the Joondalup Community Coast Care Forum which has made a submission on the Beach Management Plan

Name/Position	Cr Philippa Taylor
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Taylor is a member of the Mullaloo Surf Life Saving Club

Name/Position	Cr Trona Young
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Young is a member of the Mullaloo Surf Life Saving Club

Name/Position	Cr Russ Fishwick
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a Senior Assessor for Surf Life Saving WA and a member of the Sorrento Surf Life Saving Club

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 5 July 2010 – (Item 1 – CEO Annual Performance Review, Review of Key Performance Indicators and Annual Salary Review)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 24 August 2010 (Item 1 - CEO Annual Performance Review Progress)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 - (Item 1 – Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Cr Mike Norman
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 – (Item 1 – Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is the Coordinator of the Friends of Sorrento Beach and the Friends of Porteous Park.

Name/Position	Cr Brian Corr
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 – (Item 1 – Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Corr is a member of the Joondalup Business Association

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 13 September 2010 (Item 1 – Chief Executive Officer Concluded Annual Performance Review and Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

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

CJ159-09/10	MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 5 JULY 2010, 24 AUGUST 2010, 31 AUGUST 2010 and 13 SEPTEMBER 2010
CJ161-09/10	EMPLOYMENT CONTRACT - DIRECTOR CORPORATE SERVICES
CJ162-09/10	CALL FOR EXPRESSIONS OF INTEREST FOR THE PROVISION OF LEASED OFFICE ACCOMMODATION IN METROPOLITAN ACTIVITY CENTRES
CJ163-09/10	MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 8 JUNE 2010 and 14 SEPTEMBER 2010

C48-09/10 PETITIONS**1 PETITION OBJECTING TO CONSTRUCTION OF SKATE PARK, MIRROR PARK, OCEAN REEF - [22103, 75521, 08096]**

A 328 signature petition has been received from residents of the City of Joondalup objecting to the construction of a skate park at Mirror Park, Ocean Reef.

2 PETITION REQUESTING THAT THE SPRINGFIELD MARKETS IN KALLAROO BECOME A WEEKLY MARKET - [05386, 08077]

A 189 signature petition has been received from residents of the City of Joondalup requesting that the Springfield Markets in Kallaroo become a weekly market.

3 PETITION IN RELATION TO PARKING ISSUES IN THE VICINITY OF WARWICK TRAIN STATION – [43230, 76610]

A 66-signature petition has been received from residents of the City of Joondalup requesting that Council notes that the verges of Springvale Park, Warwick are being used as an overflow car park for the Warwick Train Station, from Monday to Friday, and that parked cars often create a safety hazard by obscuring the views around corners, as well as damaging the verges. The petitioners also request that Council move the local residents' parking restrictions to the east side of Parkway Place, Warwick, thereby precluding parking on the verges of Springvale Park, Warwick.

MOVED Cr Young, SECONDED Cr Hollywood that Council:

- 1 RECEIVES the petition objecting to construction of a skate park at Mirror Park, Ocean Reef;**
- 2 NOTES that the petition in Part 1 above will be considered in conjunction with submissions received as a result of community consultation currently being undertaken which closes on 24 September 2010;**
- 3 RECEIVES the petition requesting that the Springfield Markets in Kallaroo become a weekly market;**
- 4 NOTES that the petition in Part 3 above will be considered in a report to Council at its meeting to be held on Tuesday, 19 October 2010 as part of the development application;**
- 5 RECEIVES the petition requesting that Council notes that the verges of Springvale Park, Warwick are being used as an overflow car park for the Warwick Train Station, from Monday to Friday, and that parked cars often create a safety hazard by obscuring the views around corners, as well as damaging the verges and move the local residents' parking restrictions to the east side of Parkway Place, Warwick, thereby precluding parking on the verges of Springvale Park, Warwick;**
- 6 NOTES that the petition in Part 5 above will be considered in a future report report to Council.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

C49-09/10 SUSPENSION OF STANDING ORDERS - [02154, 08122]

MOVED Cr Chester, SECONDED Cr Norman that Council SUSPENDS Clause 56 (4)(b) of the City's Standing Orders Local Law 2005 – Amendments, to enable more than two successful amendments to the primary motion to be carried.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Disclosures of interest affecting impartiality

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard is Patron of the Mullaloo Surf Lifesaving Club and Vice Patron of the Sorrento Surf Life Saving Club

Name/Position	Cr Geoff Amphlett
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Amphlett is a member of the Mullaloo Surf Life Saving Club

Name/Position	Cr Mike Norman
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is Chairman of the Joondalup Community Coast Care Forum which has made a submission on the Beach Management Plan

Name/Position	Cr Philippa Taylor
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Taylor is a member of the Mullaloo Surf Life Saving Club

Name/Position	Cr Trona Young
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Young is a member of the Mullaloo Surf Life Saving Club

Name/Position	Cr Russ Fishwick
Item No/Subject	CJ158-09/10 – Draft Beach Management Plan – Consultation Results
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a Senior Assessor for Surf Life Saving WA and a member of the Sorrento Surf Life Saving Club

CJ158-09/10 DRAFT BEACH MANAGEMENT PLAN - CONSULTATION RESULTS

WARD:	All
RESPONSIBLE:	Mr Garry Hunt, Chief Executive Officer Mr Jamie Parry, Director Governance and Strategy
FILE NUMBER:	100932
ATTACHMENTS:	Attachment 1 Summary of Consultation Results Attachment 2 Draft Beach Management Plan Attachment 3 Alternative Kitesurfing and Dog Exercising Options - Maps

PURPOSE/EXECUTIVE SUMMARY

To present Council with the results of the community consultation process for the Draft Beach Management Plan and to obtain endorsement of the following positions:

- 1 The intent of Issue Statements 1-32 as they are currently drafted within the Draft Beach Management Plan, (provided at Attachment 2).
- 2 A preferred option for managing kitesurfing activities along the City's coastline.
- 3 A preferred option for managing dog exercising activities at Hillarys and Whitfords Beaches.
- 4 A preferred option for the implementation of Issue Statement 5, as it relates to the closure of the Hillarys Horse Beach.

BACKGROUND

The Beach Management Plan was developed in response to the receipt of complaints and community petitions requesting the City to ban kite surfing activities at North Mullaloo Beach and extend the current Hillarys Dog Beach south.

It was the City's view that in order to resolve these and other beach related issues, an holistic review of coastal activities was required to ensure that appropriate responses were employed and that these responses reflected an overall position on the City's approach to managing and developing its coastline in an effective and sustainable manner.

The City therefore proposed development of a Beach Management Plan that would fulfil the following purpose:

"To provide a management framework for the use, enjoyment, maintenance, protection, preservation and appropriate development of the lands that are covered by the Plan within the available resources.

It is acknowledged that there are a wide range of existing regional and Council plans, strategies and policy statements, and the development of this Plan is intended to create an umbrella management framework that will provide the community with certainty about the City's beach lands and enable the Council to manage and develop it effectively."

A Draft Plan was developed following extensive research and preliminary consultation with key external stakeholders and presented to Council for consideration and approval for its release to the public for comment.

Release of Draft Plan for Public Consultation

At the Meeting of 16 February 2010, Council agreed to release the Draft Beach Management Plan for a six-week public consultation period, commencing on 23 February 2010 and closing on 6 April 2010.

In light of the complexity of the Draft Plan, the decision was made to highlight issues that were likely to be of interest to the public in order to simplify the consideration of the Plan and to encourage greater participation in the consultation process.

As such, a survey was drafted and distributed to a random sample of the community to have their say and opportunities to comment were provided to the following statutory stakeholder and coastal user groups:

- Department of Transport
- Department of Sport and Recreation
- Australian Kiteboarding School
- Kiteboarding Perth
- Mullaloo Users Group for Kitesurfing
- Western Australian Kitesurfing Association
- Wanneroo Trotting Club Inc.
- Wanneroo Horse and Pony Club
- Mullaloo Surf Life Saving Club
- Sorrento Surf Life Saving Club
- Dog Beach and Kitesurfing Petitioners
- Mullaloo Long Boarders Club

Visitors to specific coastal locations and the general public were also encouraged to participate in the consultation process (i.e. signage at affected coastal locations) with hard copies of the survey made available on demand and by downloading a version from the City's website. An online version of the survey was also made available.

This decision had the effect of generating three discrete sources of data (one from the random sample, one from the general public in a hard copy format and one from the general public in an electronic form). These data sources added considerably to the amount of feedback received for processing and to greater levels of complexity in analysing and reporting on the results.

DETAILS

Summary of Consultation Results

A detailed outline of the community consultation results is provided at Attachment 1 to this report, however, a summary of the most notable outcomes is stated below:

- By the closing date of the consultation period, the City had received **4,850 submissions** comprising:
 - 4,783 surveys.
 - 67 qualitative responses (letters/emails).
- A representative sample of 386 people was obtained using the random sampling method; achieving a 95% confidence rating (+/- 5%) that those providing responses would effectively represent residents in the same manner if every household within the City were surveyed.
- The general public submitted 4,397 surveys with significant local and regional representation.
- Most respondents took up the opportunity to submit surveys, answering only the questions which related to matters of interest to them. Qualitative information and commentary on the Draft Beach Management Plan in its entirety were provided less frequently.
- The issue of greatest interest to respondents was the extension of the Hillarys Dog Beach, of which 95% of participants in the consultation process provided feedback on.
- Support for most elements of the Draft Plan was obtained from the consultation process, however, the following disparities were noted:
 - The proposal to close under-utilised beach access paths was generally not supported by the community – *contrary to Issue Statement 4*.
 - A majority of the community believe it is important for the City to provide areas for horses to be exercised on the beach – *contrary to Issue Statement 5*.
 - Options for extending or retaining the current Hillarys Dog Beach area displayed inconsistent results across data sources (random sample and general public participants) and received the greatest polarity of views between the various beach users.

Further Key Stakeholder Engagement

Following the collation and analysis of the community consultation results, further engagement with key stakeholders on the issues of animal exercising and kitesurfing was undertaken to obtain additional qualitative information from the various beach user groups. This information was used to provide context and support to the consultation outcomes.

The following stakeholders were invited to attend an information session on Monday, 30 August 2010:

- Lead petitioner for the southern extension of the Hillarys Dog Beach
- Lead campaigner for Whitfords Beach Users
- Lead petitioner for the retention of the Hillarys Horse Beach
- Lead petitioner for the banning of kitesurfing at Mullaloo Beach
- Manager Ern Halliday Recreation Camp
- President Mullaloo Surf Life Saving Club
- President Mullaloo Community Beach Group Inc.
- President of Western Australian Kitesurfing Association (WAKSA)

Qualitative data on beach use patterns for the various groups was obtained and alternative options for the effective management and restriction of horse exercising, dog exercising and kitesurfing activities were discussed (as listed under the Issues and Options section of this report). These alternative options did not diverge from the intentions that currently underpin Issue Statements 5, 20 and 21 in that they still propose restrictions over highly conflicting recreational activities and the eventual closure of the Hillarys Horse Beach.

Information obtained from the key stakeholder meeting on alternative management options, as well as any qualitative data already garnered from surveys and submissions made during the consultation period, are captured within the pros and cons under each option in the Issues and Options section of this report.

Process for Adopting the Beach Management Plan

Given that the purpose of this report is to present to Council the outcomes of the community consultation process, it is not recommended that adoption of the Beach Management Plan in its final format be obtained at the September 2010 Council Meeting, as doing so would not enable opportunity for amendments to be made or additional information to be included within the Plan upon request.

Notwithstanding the above, it is still considered necessary that Council provides clear and transparent direction to the community of its intentions regarding its Beach Management Plan. Therefore, if Council considers that:

- (a) The Draft Beach Management Plan was developed on the basis of extensive research, which determined balanced and appropriate resolutions to the management of coastal activities within the City; and
- (b) The community consultation process and key stakeholder meeting did not raise evidence of inconsistencies or better approaches to managing coastal activities than those currently articulated within the Draft Beach Management Plan,

then it is recommended that the intentions of Issue Statements 1 – 32 be immediately endorsed by Council to limit further opportunities for consultation, which may undermine the extensive engagement processes already undertaken to date.

This will enable minor amendments to the Plan to be made prior to its final adoption in the near future, while still ensuring that closure on outstanding controversial issues is achieved and articulated to the community.

ISSUES AND OPTIONS

As highlighted earlier in this report, the results from the consultation process on the issues of kitesurfing, dog exercising and horse exercising prompted additional engagement with key stakeholders to obtain qualitative data that would support a greater understanding of the nature of these activities.

In undertaking this process, it became apparent that the community expects closure on these issues in time for the 2010-2011 summer period and as such, it is considered necessary that Council immediately adopts a position on how these activities should be managed within the Beach Management Plan to allow sufficient time for the new management approaches to be implemented (as much as they are able) by December 2010.

Options for the implementation of these issues will be required to be presented to a future Council meeting; however, endorsement of a preferred management approach for each activity is required now in order for implementation options to be developed.

The options for each of these issues are articulated below for Council's consideration.

Kitesurfing

The management of kitesurfing activities relates to Issue Statements 20 and 21 within the Beach Management Plan (provided at Attachment 2), which seek to restrict kitesurfing on the basis of its highly conflicting nature with other beach users, both on the beach and in the water.

The outcome of the recent community consultation process and discussions with key stakeholders indicate that these Issue Statements appropriately classify kitesurfing as a highly conflicting activity that should be restricted in some manner. As such, the options for how kitesurfing activities could be managed all highlight some form of restriction.

Option: 1 Status Quo – exclusion zones and designated areas apply in the manner as they are currently stated within the Draft Beach Management Plan.

Pros	Cons
<p>Acknowledges results of the community consultation process, where a majority of respondents supported the establishment of designated areas for kitesurfing and do not object to this occurring at North Mullaloo Beach.</p> <p><i>Data Source 1 (Random Sample):</i></p> <ul style="list-style-type: none"> • Support designated areas – 88% • Support designated area at Mullaloo – 76% <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> • Support designated areas – 68% • Support designated area at Mullaloo – 67% 	<p>Qualitative data from the community consultation submissions and further discussions with WAKSA and Mullaloo Beach User Groups indicate that the size of the proposed designated area at Mullaloo Beach is too small to accommodate kitesurfers.</p> <p>Condensing all kitesurfing activities into two small designated areas may create safety concerns for kitesurfers due to the increased congestion.</p>

Pros	Cons
The option will set a national precedent that uniquely addresses a growing concern from beach users about the unsafe conflicts between kitesurfing and other beach activities.	The continued presence of novice recreational kitesurfers at Mullaloo Beach poses a hazard to other users on the beach and in the water.
Kitesurfing activities are concentrated within the locations of North Mullaloo Beach and Pinnaroo Point by convention, therefore, officially establishing designated areas on these beaches aligns with current kitesurfing practices. Inconvenience to kitesurfers through the relocation of their activities can therefore be avoided.	This option is unlikely to be accepted by the opponents of kitesurfing within the area of Mullaloo.
North Mullaloo Beach and Pinnaroo Point are used by kitesurfers due to the width of the beach and lack of encroaching reef within the water. By designating these areas for use by kitesurfers, other less appropriate beach locations will be avoided by kitesurfers, increasing kiter safety and reducing the risk to other beach users.	
Supporting kitesurfing activities at Mullaloo Beach complements the City's tourism imperatives of providing attractive and interesting activities at strategic points along the City's coastline.	

Option: 2 Only exclusion zones are established which apply over the entire length of Mullaloo and North Mullaloo Beaches and Sorrento Beach from the Marina wall to the Plaza.

Pros	Cons
Acknowledges results of the community consultation process, where a majority of respondents supported the establishment of exclusion zones for kitesurfing.	Does not acknowledge results of the community consultation process, where a majority of respondents supported the establishment of designated areas for kitesurfing.
<p><i>Data Source 1 (Random Sample)</i></p> <ul style="list-style-type: none"> • Support exclusion zones at Mullaloo - 83% • Support exclusion zones at Sorrento - 83% <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> • Support exclusion zones at Mullaloo - 73% • Support exclusion zones at Sorrento - 73% 	<p><i>Data Source 1 (Random Sample):</i></p> <ul style="list-style-type: none"> • Support designated areas – 88% • Support designated area at Mullaloo – 76% <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> • Support designated areas – 68% • Support designated area at Mullaloo – 67%

Pros	Cons
Acknowledges the concerns of Mullaloo residents and beach users who conflict with kitesurfers in this area, in particular, surf life saving activities which are often undertaken simultaneously.	North Mullaloo is used by kitesurfers due to the width of the beach accommodating rigging and launching requirements. If kitesurfers are excluded from using this area, there are limited locations along the City's coastline that could act as suitable alternative kitesurfing areas, due to reef encroachment and narrow sandy beachfronts.
It will remove the risk that novice recreational kitesurfers pose to beach users at one of the City's most popular swimming beaches during rigging, launching and landing processes.	North Mullaloo Beach is a safer kitesurfing location in the event of a malfunction, as kitesurfers drift north-east in the direction of the sea breeze. This is away from where a majority of beach users are swimming further south.
Permits limited kitesurfing activities at Sorrento Beach with the reduction of the exclusion zone.	<p>This option will require people who want to avoid kitesurfing to attend only two locations along the City's entire coastline; Sorrento Beach and Mullaloo Beach.</p> <p>All other locations will be available for kitesurfing to be undertaken without restriction.</p>
	This option is unlikely to be accepted by kitesurfers who attend Mullaloo Beach, due to the popularity of the area for kitesurfing activities.
	Effectively banning kitesurfing activities along Mullaloo Beach is contrary to the City's tourism imperatives, which seek to provide interesting attractions at strategic coastal nodes.

Option: 3 Exclusion zones and designated areas are established in the locations as currently stated within the Beach Management Plan, however, the designated area at North Mullaloo is extended south by 255m.

Pros	Cons
<p>Acknowledges results of the community consultation process where a majority of respondents supported the establishment of designated areas for kitesurfing and do not object to this occurring within Mullaloo Beach.</p> <p><i>Data Source 1 (Random Sample):</i></p> <ul style="list-style-type: none"> • Support designated areas – 88% • Support designated area at Mullaloo – 76% <p><i>Data Source 2 (General Public):</i></p> <ul style="list-style-type: none"> • Support designated areas – 68% • Support designated area at Mullaloo – 67% 	<p>This option has not been considered by the kitesurfing fraternity and as such, it is difficult to determine whether it would be accepted as a viable alternative option.</p> <p>That is, it is unknown if the extended area is sufficient for the needs of kitesurfers and is more likely to be endorsed by kitesurfers than option 2.</p>
<p>Acknowledges the concerns of WAKSA and local kitesurfers that the originally proposed designated area of 345m is too small to accommodate the needs of kitesurfers and may impact on the safety of undertaking this activity.</p>	<p>This option is unlikely to be accepted by the opponents of kitesurfing within the area of Mullaloo.</p>
<p>The option will set a national precedent that uniquely addresses a growing concern from beach users about the unsafe conflicts between kitesurfing and other beach activities.</p>	<p>The continued presence of novice recreational kitesurfers at Mullaloo Beach poses a hazard to other users on the beach and in the water.</p>
<p>Kitesurfing activities are concentrated within the locations of North Mullaloo Beach and Pinnaroo Point by convention, therefore, officially establishing designated areas on these beaches aligns with current kitesurfing practices. Inconvenience to kitesurfers through the relocation of their activities can therefore be avoided.</p>	

Pros	Cons
North Mullaloo Beach and Pinnaroo Point are used by kitesurfers due to the width of the beach and lack of encroaching reef within the water. By designating these areas for use by kitesurfers, other less appropriate beach locations will be avoided by kitesurfers, increasing kiter safety and reducing the risk to other beach users.	
Supporting kitesurfing activities at Mullaloo Beach complements the City's tourism imperatives of providing attractive and interesting activities at strategic points along the City's coastline.	

Recommendation: It is the City's position that Option 2 should be endorsed as the preferred management approach for kitesurfing activities within the Beach Management Plan.

Horse Beach

All issues surrounding the Horse Beach relate to the implementation of its eventual closure. As such, it is not recommended that Issue Statement 5 within the Beach Management Plan be amended. The options instead provide transparent consideration of how the Council intends to implement the beach's closure.

Option: 1 Immediately close access to Hillarys Beach by horses and extend the Dog Beach 160m

Pros	Cons
Less confusion will apply over permitted beach activities at this location given that it will be a dog beach all year round.	Council will likely receive considerable dissent from horse owners in selecting this option.
Congestion issues at the current Hillarys Dog Beach will be alleviated in time for the 2010/11 summer period, as dog owners will not be deterred from entering the Horse Beach without a leash.	The City of Wanneroo is unlikely to have a horse beach established in the immediate future, leaving Cockburn as the only metropolitan beach to permit horse exercising in the interim.
The horse-float car park could be immediately reconfigured to accommodate a greater number of dog owners in time for the 2010/11 summer period.	The community consultation results supported the continued presence of a Horse Beach within the City of Joondalup.

Option: 2 Apply a phase-out period to the closure of the Horse Beach over a two-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach.

Pros	Cons
This option may allow for the establishment of a new horse beach within the City of Wanneroo, prior to the removal of access at Hillarys Beach.	The eventual closure of the Horse Beach is not supported by horse owners and Council is likely to receive considerable dissent from this interest group.
Dog owners will be able to exercise their dogs on this section of the beach without a leash during afternoon and evening periods and all-day on Sundays. This will enable congestion on the Dog Beach to be alleviated on the days and times when it is most utilised.	The community consultation results supported the continued presence of a Horse Beach within the City of Joondalup.
Horse owners have already indicated their support for time restrictions over the Horse Beach.	Recreational horse owners will be restricted to one day a week when they will be able to access the Horse Beach, given that the weekend is the only time they are able to undertake the logistics of transporting agisted horses from the Cities of Wanneroo and Swan to Hillarys.

Recommendation: It is the City's position that Option 2 should be the preferred implementation approach for the closure of the Hillarys Horse Beach.

Dog Beach

As a driver of the Beach Management Plan's development and the recipient of the highest number of responses from the consultation results, the issue of the Dog Beach has attracted considerable interest both locally and regionally.

The results of the consultation and discussions held at the key stakeholder meeting highlight the division that exists within the community on the proposal to extend the Dog Beach south. Issue Statement 20 within the Beach Management Plan does not currently support a southern extension, however, to respond to the petition request and determine the level of community support for the proposal, this option was included within the consultation survey.

Following the analysis of the consultation outcomes, it is apparent that support for some form of extension to Dog Beach exists within the community. As such, the options below reflect this sentiment:

Option: 1 Extend the Dog Beach north only by 160m, as is currently articulated within the Beach Management Plan

Pros	Cons
<p>A majority of the community believe the current Dog Beach is too congested and requires extension of some form.</p> <ul style="list-style-type: none"> • Data Source 1 (Random Sample) – 46% • Data Source 2 (General Public) – 67% 	<p>The options for extending the Dog Beach received inconsistent results from the consultation process, therefore, it is difficult to conclusively state that community support for this option has been obtained.</p>
<p>Extending the Dog Beach north will enable access to the beach from the Horse Beach carpark. Upon closing the Horse Beach, a reconfiguration of this carpark will enable parking congestion for dog owners to be alleviated.</p>	<p>Extending the Dog Beach north to allow dogs to be exercised off-lead, requires the removal of horses from this section of the beach as off-lead dogs and horses are unable to safely interact.</p>
<p>Extending the Dog Beach north only, limits the environmental impact that dogs can have on adjacent dunal systems.</p>	<p>This option does not reflect the strong sentiment from dog owners that extending the Dog Beach south is the preferred option.</p>
<p>This option ensures that Ern Halliday Recreation Camp activities are not impacted upon by dog exercising on the beachfront in front of the camp underpass.</p>	
<p>Hillarys Beach is identified in past and current coastal analyses as an unstable-eroding portion of beach. Limiting the area along this beach that dogs can be exercised, will assist stabilisation efforts within the dunal system.</p>	
<p>Dogs' accessing the dunal system along Hillarys Beach is the most significant contributing factor to vegetation degradation in the area.</p> <p>The most effective means of deterring dunal access is to fence the foredune, which is of significant cost to the City. Limiting the area which requires fencing and ongoing rehabilitation of the dune, will be of greater benefit to the City and the environment.</p>	
<p>The southern area of Hillarys Beach will be retained for more passive activities, without interference from dog owners accessing the area.</p>	
<p>The Whitfords Node Carpark access path will be retained as a dog-free area, reducing conflict between dogs and people accessing the beach.</p>	

Option: 2 Extend the Dog Beach north 160m to apply at all times and south 325m to the Whitfords Node Carpark beach access path on Sundays and Public Holidays only.

Pros	Cons
<p>Dog owners who lobbied for a southern extension will be satisfied that access to this section of beach on the most popular days has been provided.</p>	<p>Sundays and Public Holidays are also the most popular days for attending Hillarys Beach by other users, therefore, conflicts are likely to occur on these days.</p>
<p>A majority of the community believe the current Dog Beach is too congested and requires extension of some form.</p> <ul style="list-style-type: none"> • Data Source 1 (Random Sample) – 46% • Data Source 2 (General Public) – 67% 	<p>Applying day and time restrictions over the southern section of the Dog Beach will be confusing for beach users and therefore unlikely to be complied with.</p> <p>In addition, enforcing compliance will be difficult to achieve, as additional patrols will be required at times when dogs are not permitted in this area.</p> <p>Discussions with other local governments who currently apply day and time restrictions over dog beaches within their District have found compliance numbers to be very low and receive negative publicity every year at the commencement of the summer period when high numbers of fines are issued to dog owners who are unaware of the restrictions.</p>
<p>Extending the Dog Beach north will enable access to the beach from the Horse Beach carpark. Upon closing the Horse Beach, a reconfiguration of this carpark will enable parking congestion for dog owners to be alleviated.</p>	<p>Extending the Dog Beach south will increase maintenance costs required to sweep the beach clean of dog excreta on the days in which the beach reverts back to general use.</p>
	<p>The section of Hillarys Beach south of the Ern Halliday Recreation Camp beach access path is in a state of erosion. Therefore, increasing its utilisation by allowing access to it by dog owners will further destabilise the beach area.</p>
	<p>The southern section of Hillarys Beach is significantly narrower than in other sections, therefore, conflicts between dog owners and other beach users is more difficult to avoid.</p>
	<p>The area along the coastline where the dunal system is most degraded is that directly in front of the current Dog Beach. If extended south, the dunal systems in front of the most eroded portion of beach along the City's coastline will be subject to increased vegetation degradation, which will</p>

Pros	Cons
	in turn destabilise the dunal system further and exacerbate erosion in this location.
	The options for extending the Dog Beach received inconsistent results from the consultation process, therefore, it is difficult to conclusively state that community support for this option has been obtained.
	<p>The Whitfords Node Carpark beach access path will be subject to potential conflict between general beach users and dog owners on Sundays and Public Holidays, rendering it as an unsafe option for other users.</p> <p>This path is also the most direct path to the beach from the carpark, therefore, general beach users will have to walk considerably further in order to avoid dogs on these days.</p>

Recommendation: It is the City's position that Option 1 should be the preferred approach to the management of dog exercising activities within the Beach Management Plan.

Legislation Various State legislation and the City's Local Government and Public Property Local Law 1999, Trading in Public Places Local Law 1999, and Health Local Law 1999.

Strategic Plan

Key Focus Area: Key Focus Area 2: The Natural Environment.
Key Focus Area 4: The Built Environment.
Key Focus Area 5: Community Wellbeing.

Objectives:

- 2.1: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.
- 2.2: To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.
- 4.2: To progress a range of innovative and high quality urban development projects within the City.
- 5.2: To facilitate healthy lifestyles within the community.
- 5.4: To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

Policy:

- Policy - Height of Buildings within the Coast Area (Non-Residential Zones).
- Policy - Reserves, Parks and Recreation Grounds.
- Policy - Community Facilities, Built.
- Policy - Management of Community Facilities.
- Policy - Asset Management.

Risk Management considerations:

It should be acknowledged that in pursuing any of the options for adopting the Beach Management Plan, there are risks involved in balancing the needs and interests of a variety of coastal users. Regardless of the option selected, certain groups and individuals will be adversely affected by Council's decision and it is Council's responsibility to ensure that any adverse affects are as limited as possible and balanced against other considerations.

Financial/Budget Implications:

Budget implications that arise from the adoption of the Beach Management Plan will be considered as part of the development of an Implementation Plan, given that different implementation approaches will attract significant variations in costs.

A report will presented to Council after the adoption of the Beach Management Plan, outlining the City's proposed implementation approaches for Issue Statements 1 – 32.

Regional Significance:

Based on the City's coastal location, adopting a Beach Management Plan will have impacts on regional visitors to the area and should therefore accommodate and consider both regional and local needs.

Sustainability Implications:

The purpose of the Beach Management Plan is to provide for the sustainable use and management of the City's coastline.

Consultation:

As detailed within this report and at Attachment 1 of this report.

COMMENT

The policy-making process aims to resolve issues which are the subject of competing community perspectives. In developing policy, it is important to consider all elements of an issue and objectively reach a conclusion that will result in the greatest benefit to local and wider communities and have the least impact on the environment and financial capacity for policy-makers to provide other crucial services.

The development of a Draft Beach Management Plan is a perfect example of policy-making at its most difficult, in that a significantly large number of stakeholders all hold legitimate views on how a vulnerable and much-loved natural asset (the coastline) should be managed to achieve social, economic and environmental benefits to everyone. Determining a logical outcome to these competing interests will pose significant challenges, however, that should not discourage Council from reaching a conclusion that may be contrary to the views of a small majority, while providing greater benefits in other areas such as the environment.

The recommended options in this report are largely driven by the extensive research undertaken in development of the Draft Beach Management Plan and the quantitative and qualitative results of the public consultation. The options presented attempt to balance the needs of all beach users whilst also taking into account any evidence (raised through the consultation) that there may be inconsistencies or better approaches for each of the Issue Statements.

In addition, after reviewing the options outlined within this report it is considered that Council will have effectively fulfilled the petitioners requests for considering the banning of kitesurfing activities at North Mullaloo Beach and extending the Hillarys Dog Beach south by 325m. As such, additional reports to Council on these matters should not be required.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, SECONDED Cr Amphlett that Council:

- 1** ENDORSES the intent of Issues Statements 1 to 32 contained within the Beach Management Plan, subject to confirmation of approaches to animal exercise areas and kitesurfing activities in Parts 2 to 4 below, and authorises the Chief Executive Officer to approve any minor amendments required to the Beach Management Plan as a result of the Council's approach or additional qualitative comments received during the community consultation.
- 2** ENDORSES Option 2, *(being that only exclusion zones are established which apply over the entire length of Mullaloo and North Mullaloo Beaches and Sorrento Beach from the Marina wall to the Plaza)*, as the preferred approach to managing kitesurfing activities along the City's coastline and AGREES to include it within Issue Statements 20 and 21 of the Draft Beach Management Plan;
- 3** ENDORSES Option 2, *(being the application of a phase-out period to the closure of the Horse Beach over a two-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach)*, as the preferred implementation approach for Issue Statement 5 within the Draft Beach Management Plan, as it relates to the closure of the Hillarys Horse Beach;
- 4** ENDORSES Option 1, *(being the extension of the Dog Beach north only by 160m, as is currently articulated within the Beach Management Plan)*, as the preferred approach to managing dog exercising activities along the City's coastline;
- 5** NOTES that upon adopting the Beach Management Plan, the City will commence developing an Implementation Plan to give effect to the 32 Issue Statements within the Plan.

With the approval of the Meeting, the Motion as Moved by Cr Young and Seconded by Cr Amphlett was **WITHDRAWN**

MOVED Cr Hollywood, SECONDED Cr Amphlett that Council:

- 1** ENDORSES the intent of Issues Statements 1 to 32 contained within the Beach Management Plan, subject to confirmation of approaches to animal exercise areas and kitesurfing activities in Parts 2 to 4 below, and authorises the Chief Executive Officer to approve any minor amendments required to the Beach Management Plan as a result of the Council's approach or additional qualitative comments received during the community consultation.
- 2** ENDORSES Option 2, *(being that only exclusion zones are established which apply over the entire length of Mullaloo and North Mullaloo Beaches and Sorrento Beach from the Marina wall to the Plaza)*, as the preferred approach to managing kitesurfing activities along the City's coastline and AGREES to include it within Issue Statements 20 and 21 of the Draft Beach Management Plan;
- 3** ENDORSES Option 2, *(being the application of a phase-out period to the closure of the Horse Beach over a two-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach)*, as the preferred implementation approach for Issue Statement 5 within the Draft Beach Management Plan, as it relates to the closure of the Hillarys Horse Beach;
- 4** ENDORSES Option 1, *(being the extension of the Dog Beach north only by 160m, as is currently articulated within the Beach Management Plan)*, as the preferred approach to managing dog exercising activities along the City's coastline;
- 5** NOTES that upon adopting the Beach Management Plan, the City will commence developing an Implementation Plan to give effect to the 32 Issue Statements within the Plan.

AMENDMENT MOVED Cr Young, SECONDED Cr Taylor that Part 2 of the Motion be amended to read:

- "2** RECOMMENDS an alternative option for the management of kitesurfing activities ("Option 4"), being that:
 - 2.1** Mullaloo Beach, (defined as the beach area extending from Whitfords Avenue in Kallaroo, north to Mullaloo Rocks) has the following restrictions over kitesurfing activities established:
 - 2.1.1** Exclusion Zone 1, which extends along the beach for 1.5 kilometres in front of the Mullaloo Surf Life Saving Club (611 metres north and 889 metres south of the Surf Club) and 200 metres seawards from the low water mark;
 - 2.1.2** Exclusion Zone 2, which extends along the beach for 700 metres on North Mullaloo Beach (300 metres north and 400 metres south of the Key West Mullaloo Car Park beach access path) and 200 metres seawards from the low water mark;
 - 2.1.3** Designated Area on the beach for launching and landing, which extends along the beach for 345 metres between Exclusion Zone 1 and Exclusion Zone 2;

- 2.2 All other coastal locations within the District of the City of Joondalup have the following restrictions over kitesurfing activities established:**
- 2.2.1 Exclusion Zone 3, which extends for 770 metres in front of the Sorrento Surf Life Saving Club (470 metres north and 300 metres south of the Surf Club);**
- 3 AGREES to include this recommendation within Issue Statements 20 and 21 of the Draft Beach Management Plan;**
- 4 NOTES that the following issues are to be considered prior to the introduction of any implementation measures for managing kitesurfing activities within the City of Joondalup:**
- 4.1 policing of exclusion zones and designated areas, including the application of potential penalties for non-compliance;**
- 4.2 compliance responsibilities, including the consideration of introducing a Beach Inspector Program;**
- 4.3 the assignment of kitesurfing competency requirements for access to permissible kitesurfing locations;**
- 4.4 public liability considerations;**
- 4.5 the potential introduction of an incident reporting procedure.”**

The Amendment was Put and

CARRIED (11/2)

In favour of the Amendment: Crs Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young **Against the Amendment:** Mayor Pickard and Cr Amphlett

AMENDMENT MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Part 4 of the Motion be amended to read:

“4 ENDORSES the following as its preferred approach to managing dog exercising activities along the City’s coastline:

Extension of the Dog Beach north by 160 metres and south 100 metres.”

The Amendment was Put and

CARRIED (7/6)

In favour of the Amendment: Mayor Pickard, Crs Chester, Diaz, Fishwick, Hamilton-Prime, Norman, and Young **Against the Amendment:** Crs Amphlett, Corr, Gobbert, Hollywood, McLean and Taylor

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Amphlett that additional Parts 8 and 9 be added to the Motion as follows:

- “8 That in relation to the closure of the horse beach in Part 5 above, the City of Joondalup **ENGAGES** with the City of Wanneroo to provide ongoing advice with regard any proposal to establish a suitable area along the City of Wanneroo coastline for the provision of a horse exercise area.
- 9 That Council **REQUESTS** a report in the second quarter of 2011 advising of the implementation of Council’s agreed Options in relation to animal exercise areas and kitesurfing and a report in September 2012 detailing the status and progress of implementation of Issue Statements 1 to 32 within the Beach Management Plan.”

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

AMENDMENT MOVED Cr Chester, SECONDED Cr Norman that the two-year period in PART 3 be amended to read four-year period.

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

The Original Motion as amended, being:

That:

- 1 Council **ENDORSES** the intent of Issues Statements 1 to 32 contained within the Beach Management Plan, subject to confirmation of approaches to animal exercise areas and kitesurfing activities in Parts 2 to 6 below, and authorises the Chief Executive Officer to approve any minor amendments required to the Beach Management Plan as a result of the Council’s approach or additional qualitative comments received during the community consultation;
- 2 Council **RECOMMENDS** an alternative option for the management of kitesurfing activities (“Option 4”), being that:
- 2.1 Mullaloo Beach, (defined as the beach area extending from Whitfords Avenue in Kallaroo, north to Mullaloo Rocks) has the following restrictions over kitesurfing activities established:
- 2.1.1 Exclusion Zone 1, which extends along the beach for 1.5 kilometres in front of the Mullaloo Surf Life Saving Club (611 metres north and 889 metres south of the Surf Club) and 200 metres seawards from the low water mark;
- 2.1.2 Exclusion Zone 2, which extends along the beach for 700 metres on North Mullaloo Beach (300 metres north and 400 metres south of the Key West Mullaloo Car Park beach access path) and 200 metres seawards from the low water mark;

- 2.1.3 Designated Area on the beach for launching and landing, which extends along the beach for 345 metres between Exclusion Zone 1 and Exclusion Zone 2;
- 2.2 All other coastal locations within the District of the City of Joondalup have the following restrictions over kitesurfing activities established:
- 2.2.1 Exclusion Zone 3, which extends for 770 metres in front of the Sorrento Surf Life Saving Club (470 metres north and 300 metres south of the Surf Club);
- 3 Council AGREES to include this recommendation within Issue Statements 20 and 21 of the Draft Beach Management Plan;
- 4 Council NOTES that the following issues are to be considered prior to the introduction of any implementation measures for managing kitesurfing activities within the City of Joondalup:
- 4.1 policing of exclusion zones and designated areas, including the application of potential penalties for non-compliance;
- 4.2 compliance responsibilities, including the consideration of introducing a Beach Inspector Program;
- 4.3 the assignment of kitesurfing competency requirements for access to permissible kitesurfing locations;
- 4.4 public liability considerations;
- 4.5 the potential introduction of an incident reporting procedure
- 5 Council ENDORSES Option 2, (*being the application of a phase-out period to the closure of the Horse Beach over a four-year period, allowing access to the beach by horses on Monday-Saturday from daybreak-midday, after which, the area reverts to a Dog Beach*), as the preferred implementation approach for Issue Statement 5 within the Draft Beach Management Plan, as it relates to the closure of the Hillarys Horse Beach;
- 6 Council ENDORSES the following as its preferred approach to managing dog exercising activities along the City's coastline:
- Extension of the Dog Beach north by 160 metres and south 100 metres*
- 7 Council NOTES that upon adopting the Beach Management Plan, the City will commence developing an Implementation Plan to give effect to the 32 Issue Statements within the Plan;
- 8 in relation to the closure of the Horse Beach in Part 5 above, the City of Joondalup ENGAGES with the City of Wanneroo to provide ongoing advice with regard any proposal to establish a suitable area along the City of Wanneroo coastline for the provision of a horse exercise area.

- 9 Council REQUESTS a report in the second quarter of 2011 advising of the implementation of Council's agreed Options in relation to animal exercise areas and kitesurfing and a report in September 2012 detailing the status and progress of implementation of Issue Statements 1 to 32 within the Beach Management Plan.**

Was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn210910.pdf](#)

CJ145-09/10 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - JULY 2010

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 07032, 05961

ATTACHMENTS: Attachment 1 July 2010 Decisions - Planning Applications
Attachment 2 July 2010 Decisions - Building Applications
Attachment 3 July 2010 - Subdivision Applications Processed

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 (DPS2), 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, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed 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.

This report identifies the following which have been determined by those staff members with Delegated Authority powers during July 2010 (see Attachments 1, 2 and 3 respectively):

- 1 Planning applications (development applications and Residential Design Codes variations).
- 2 Building applications (Residential Design Codes variations).
- 3 Subdivision applications.

BACKGROUND

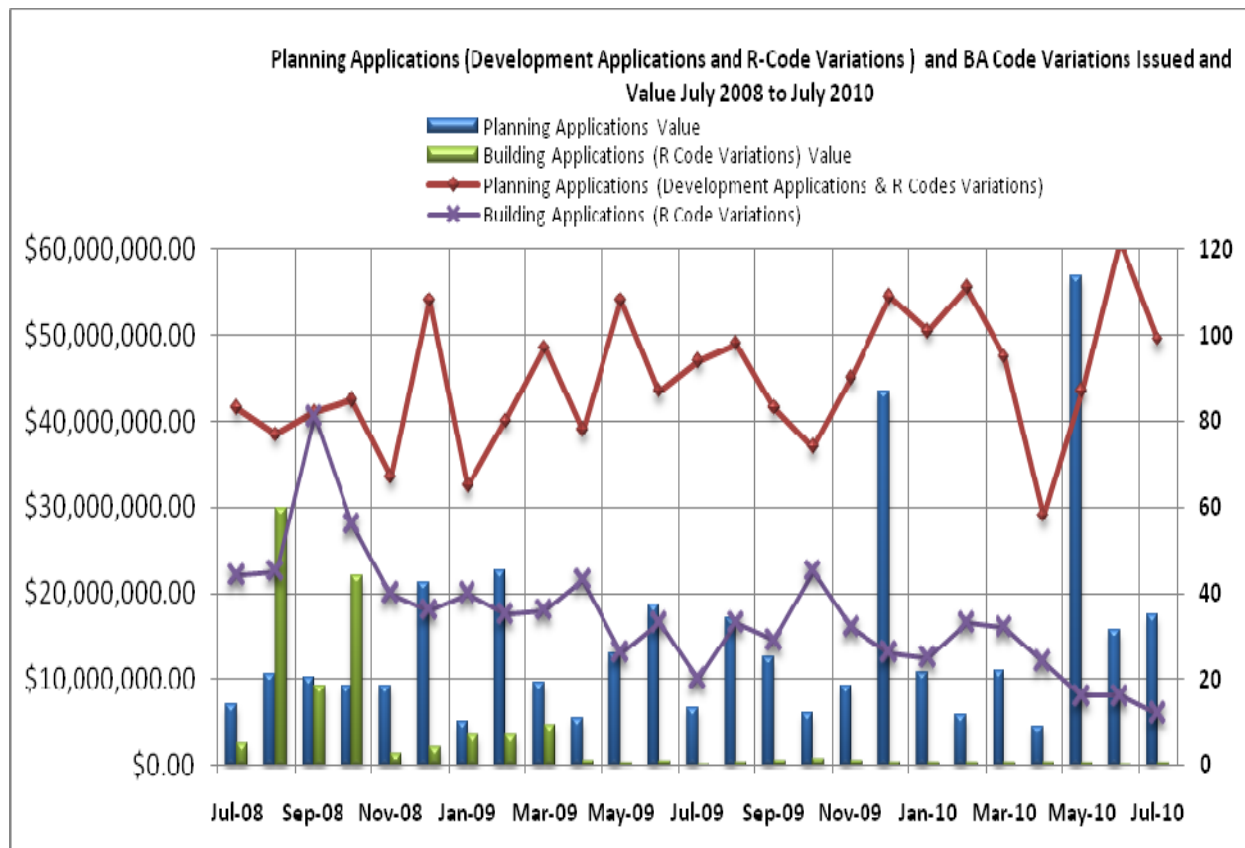
The DPS2 requires that delegation be reviewed two yearly, unless a greater or lesser period is specified by Council. At its meeting held on 20 July 2010, Council considered and adopted the most recent Town Planning Delegation.

DETAILS

The number of applications determined under delegated authority for the period of July 2010, is shown below:

Approvals determined under delegated authority – July 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications and R-Codes variations)	99	\$17, 439,316
Building applications (R-Codes variations)	12	\$ 220,209
TOTAL	112	\$17,659, 525

The number of development applications received during the period for July was 107. (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



Subdivision approvals processed under delegated authority		
From 1 June to 30 July 2010		
Type of approval	Number	Potential additional new lots
Subdivision applications	0	0
Strata subdivision applications	1	1

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

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan

Key Focus Area: The Built Environment

Objective 4.1.3: Give timely and thorough consideration to applications for statutory approval.

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.

Policy

As above.

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:

A total of 111 applications were determined for the month of July with a total amount of \$60,301 received for application fees.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes, any relevant policy and/or the District Planning Scheme.

Of the 99 development applications determined during July 2010, consultation was undertaken for 43 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes variation). The subdivision application processed during July 2010 was not advertised for public comment, as the proposal 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 for timeliness and consistency in decision-making for 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 on and cross checked in accordance with relevant standards and codes.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, **SECONDED** Cr Gobbert that Council **NOTES** the determinations made under Delegated Authority in relation to the:

- 1** Development applications and R-Codes variations described in Attachments 1 and 2 to Report CJ145-09/10 during July 2010;
- 2** Subdivision applications described in Attachment 3 to Report CJ145-09/10 during July 2010.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Item CJ160-09/10, Page 120 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf140910.pdf](#)

CJ146-09/10 PREVENTION OF LARGE SCALE BREEDING OF ANIMALS IN RESIDENTIAL AREAS FOR COMMERCIAL SALE AND/OR CONSUMPTION

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 09011

ATTACHMENTS: Nil.

PURPOSE

The purpose of this report is to advise Council of the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption.

EXECUTIVE SUMMARY

In early 2010, the City was informed by an owner of a property in Ocean Reef of their intent to breed and slaughter rats and mice within their residence, for the purpose of commercial sale. This was to be conducted as a 'Home Business - Category 1' under District Planning Scheme No 2 (DPS2).

At its meeting held on 25 May 2010, Council resolved to request a report on possible changes to the City of Joondalup's relevant planning instruments and/or local laws to prevent large scale breeding of animals in residential areas for commercial sale and/or consumption.

Four options for preventing the large scale breeding of animals in residential areas are presented in this report. These options include amending the City of Joondalup Health Local Law 1999, amending the City of Joondalup Animals Local Law 1999, amending DPS2, or retain DPS2 and Local Laws in current form.

BACKGROUND

In early 2010, the City was informed by an owner of a property in Ocean Reef of their intent to breed and slaughter rats and mice on their premises, for the purpose of commercial sale (food for reptiles).

The City received 62 objections from residents from the Ocean Reef area expressing their concern about the potential home business. The objections generally related to a perceived reduction in the amenity of the area due to the proposed land use.

At the time the Ocean Reef land owner proposed to operate the business under the Home Business - Category 1 Use Class. This use class is permitted within the residential zone and does not require planning permission.

In addition, the proposed land use, if managed appropriately, would have been considered to meet the requirements of all relevant Environmental Health legislation, including the City of Joondalup Health Local Law 1999, Animals Local Law 1999, Health Act 1991 and the Environmental Protection (Noise) Regulations 1997.

Therefore, to prevent future proposals for such a land use within the residential areas of the City, Council, at its meeting held on 25 May 2010 resolved the following:

“Council REQUESTS a report on possible changes to the City of Joondalup’s relevant planning instruments and/or local laws to prevent large scale breeding of animals in residential areas for commercial sale and/or consumption”.

DETAILS

Issues and options considered:

The evaluation of the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption should consider the following issues:

- Consistency with the intent of the subject legislation.
- The ease of administering the proposed development control mechanism.
- The ability to enforce the proposed development control mechanism.

The options available for Council to consider in this matter are:

- Amending the City of Joondalup Health Local Law 1999;
- Amending the City of Joondalup Animals Local Law 1999;
- Amending DPS2 through the addition of a new land use classification and prohibiting that classification in the Residential zone and as a Home Business; or
- Retain DPS2 and Local Laws in current form.

Legislation/Strategic Plan/Policy Implications

City of Joondalup Health Local Law 1999

- The purpose of the City of Joondalup Health Local Law 1999 is to provide for the regulation, control and management of the day to day environmental health matters within the district. The intent of the Local Law is to establish various health standards and requirements which people living and working within the district must observe.

- The Health Local Law includes various controls relating to rodents, however, these provisions are intended to address the environmental health issues associated with rodent infestations within residential and working environments. The Health Local Law specifically excludes laboratory bred rats and mice from being covered by this local law.
- The Health Local Law does not require the City's approval for the development or operation of any land use and therefore the undertaking of the proposed land use of breeding and slaughtering rats and mice would not require approval under the Health Local Law.

City of Joondalup Animals Local Law 1999

- The purpose of the City of Joondalup Animals Local Law 1999 is to provide for the regulation, control and management of the keeping of animals within the City of Joondalup.
- The Animals Local Law sets out controls relating to the keeping of various animals; including dogs, cats, livestock, pigeons, bees, and poultry. The Local Law sets the maximum permitted number of various animals to be kept on residential, special rural and rural areas and requires licences for certain animals. The Local Law does not refer to the keeping of rats or mice.
- A person who contravenes a provision of the Animals Local Law commits an offence for the purposes of the *Local Government Act 1995*. The penalties for various offences under the law are considered an adequate deterrent to the undertaking of a land use in contravention to the Law.

District Planning Scheme No. 2

Home Business

- Under DPS2, 'Home Business - Category 1' means an occupation carried on within a dwelling by a resident of the dwelling which:
 - (a) does not entail the retail sale, display or hire of goods of any nature;
 - (b) does not prejudicially affect the amenity of the neighbourhood;
 - (c) does not entail any substantial and/or inappropriate modification of the dwelling;
 - (d) does not entail the employment of any other person;
 - (e) does not occupy an area greater than 20m² or where more than one resident is involved and not cause the area used for home business within the dwelling to occupy an area greater than 30m²;
 - (f) does not display any advertising signage;
 - (g) does not attract customers or regular and frequent deliveries of goods or equipment to the site;
 - (h) will not result in the requirement for a greater number of parking facilities than normally reserved for a single dwelling and will not result in any increase in the amount of vehicular traffic in the vicinity;
 - (i) does not entail the presence, parking and garaging of a vehicle of more than 1.5 tonnes tare weight;
 - (j) does not involve the servicing or repair for gain of motor vehicle;
 - (k) notwithstanding factors (a)-(j); a Home Business Category 1 may entail the operation of a Family Day Care Centre as defined by Clause 1.9 of this Scheme.

- The Ocean Reef resident proposed to undertake the land use within the parameters of 'Home Business - Category 1', and therefore would not have required planning approval.
- DPS2 does not have a land use category which defines the large scale breeding and/or slaughter of animals.

Amenity

Clause 8.2.1 of DPS2 requires that all land and buildings shall be used and maintained as to preserve the local amenity. Amenity is defined by DPS2 and the Model Scheme Text as "all those factors which combine to form the character of the area to residents and passers by and shall include the present and likely future amenity".

This definition does not clearly establish what factors could determine the character of the area, and the preservation of local amenity may or may not be interpreted as excluding land uses which are perceived as 'offensive' to residents of the neighbourhood, as is the case with the proposed land use.

Strategic Plan

Key Focus Area: Leadership and governance

Objective 1.3: To lead and manage the City effectively.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

There are no financial implications with the report

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Should Council initiate an amendment to DPS2 or a local law, it is required to be advertised for public comment. The community would be notified of the public comment period via notices placed in the Joondalup Community Newspaper and The West Australian newspaper. The proposed amendment would also be displayed on the information screen at the City's administration building and on the City's website.

COMMENT

The options available for prohibiting the large scale breeding of animals in residential areas for commercial sale and/or consumption are considered below.

In considering these options it has been appropriate to understand issues surrounding the intent of the legal frameworks. Also, to ensure that sufficient flexibility is incorporated into any amendments so that it can appropriately respond to unexpected eventualities.

Option 1: Amending the City of Joondalup Health Local Law 1999

The breeding of laboratory rats and mice, or similar type animals or insects for that matter, subject to adequate infrastructure and management, is not considered to represent an environmental health issue. Therefore, amending the Health Local Law to prevent the large scale breeding, and possibly slaughter of animals, within residential areas is not considered consistent with the intent of the Local Law.

It is therefore not considered appropriate to amend this Local Law.

Option 2: Amending the City of Joondalup Animals Local Law 1999

The City of Joondalup Animals Local Law 1999 could potentially be amended to prohibit the large scale, or breeding and/or slaughtering of animals such as laboratory rats and mice.

There is a concern that this local law is intended to control through management, and where necessary prohibition, nuisance caused by noise, dust and odours. This is represented by the fact that the law focuses on dogs, livestock, pigeons, bees, pigs, large animals, cats and poultry.

Extending the local law to include laboratory rats and mice and the like may not be straight forward as the issue moves from one of nuisance to one of community sentiment (moral repugnance).

The issue of how to incorporate flexibility to any amendment is unclear. The framework of the local law is to identify appropriate standards and requirements for each animal. While it would be possible to incorporate additional uses of laboratory rats and mice breeding, there is a concern whether incorporating a more flexible or performance based set of standards is possible or appropriate given the nature of the local law.

In addition the process for amending Local Laws is complex, and includes consideration by the State Government Joint Standing Committee on Delegated Legislation. The likelihood of approval of the amendments outlined above is not known.

Option 3: Amending DPS2 through the addition of a new land use classification and prohibiting that classification in the Residential zone and as a Home Business.

DPS2 does not contain a land use classification within which the large scale breeding, or breeding and slaughtering of animals could comfortably rest.

The State Government's Model Scheme Text (MST), to which all new local planning schemes must adhere to, has been investigated. While possible land use classifications and associated definitions have been identified, none are considered to fully meet the needs identified in Council's resolution. It is also noted that while the City could seek to amend these standard MST definitions, previous experience with the State has identified a reluctance to modify MST definitions.

In light of the above, if Council were mindful of amending the DPS2, then it would be considered appropriate to introduce a new land use category and definition that specifically met the needs of Council's request.

The following is suggested:

"Animal breeding" means the breeding, or breeding and slaughter of animals (including insects) on a large scale for commercial sale and/or consumption.

The exact nature of 'large scale' will be determined on a case by case basis. This is appropriate as the number of animals being kept which is determined to constitute large scale would be dependent on the species. In addition, specifying a maximum number of animals to be kept creates an issue when enforcing the land use control. The number of animals kept may fluctuate and determining the maximum number of animals kept on a site at any one time could be difficult.

This suggested land use definition would enable small-scale hobby activities involving the breeding of animals to occur, while providing Council with sufficient flexibility and scope to control large scale breeding and manage unexpected eventualities.

Although not specifically mentioned in Council's resolution, this option would also allow for control of the land use within other zones. It would be proposed that the 'Animal Breeding' land use would have the following permissibility under the Zoning Table.

Zone	Permissibility
Residential	X
Mixed Use	X
Business	X
Commercial	X
Civic and Cultural	X
Private Clubs/Recreation	X
Service Industrial	D
Special Residential	X
Rural	D

In the event that the land use of 'Animal Breeding' is considered appropriate to include in DPS2, a car parking standard would also need to be included in the scheme amendment. A car parking provision of one per 50m² NLA is considered appropriate to accommodate the onsite car parking requirements for the land use.

In addition to the new land use classification, the DPS2 definitions of 'Home Business' (1, 2, and 3) could be amended through the introduction of an additional criteria which prohibits the new land use of 'Animal Breeding' from being considered a home business.

This option would offer a mechanism for the City to make a determination on proposals, which is lacking under the current DPS2 provisions.

An amendment to the DPS2 would take approximately 12 months to finalise.

Option 4: Retain DPS2 and Local Laws in current form

Amending DPS2 or Local Laws to prohibit the large scale breeding of animals in residential areas for commercial sale and/or consumption may be seen as an ad hoc approach to land use and development control to a 'one off' issue. The City has not received an application to undertake the land use and no precedent for deeming that such a land use would negatively affect the amenity of an area.

As the impact on residential amenity of the subject activity may only be perceived, rather than real, it could be argued that the existing Local Health Law and Local Animal Law, in conjunction with DPS2, provide adequate controls to maintain health standards in residential areas and protect the amenity of residential areas from any real impact of inappropriate land uses.

CONCLUSION

Based on the options outlined, it is likely that Option 3 would provide the most effective means of achieving the desired outcome of preventing the large scale breeding, or breeding and slaughtering of animals in residential areas for commercial sale and/or consumption.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION that Council RECEIVES the report outlining the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption.

Cr Hamilton-Prime left the Chamber at 2136 hrs.

MOVED Mayor Pickard, SECONDED Cr Young that Council:

- 1 RECEIVES the report outlining the options available for preventing the large scale breeding of animals in residential areas for commercial sale and/or consumption;**
- 2 REQUESTS a report be presented to the Council Meeting to be held on Tuesday, 19 October 2010 to initiate an amendment to District Planning Scheme No. 2, reflecting the approach detailed in Option 3 of Report CJ146-09/10.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hollywood, McLean, Norman, Taylor and Young

Cr Hamilton-Prime returned to the Chamber at 2138 hrs.

Disclosure of interest affecting impartiality

Name/Position	Cr Liam Gobbert
Item No/Subject	CJ147-09/10 – Proposed Amendment to District Planning Scheme No 2 to Recode Lot 702 (34) Marri Road, Duncraig from R20 to R60
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Gobbert knows someone who works at Marri Road Shopping Centre

CJ147-09/10 PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 TO RECODE LOT 702 (34) MARRI ROAD, DUNCRAIG FROM R20 TO R60

WARD: South

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 101043

ATTACHMENTS: Attachment 1 Location Plan

PURPOSE

The purpose of the report is for Council to consider a request to initiate an amendment to the District Planning Scheme No 2.

EXECUTIVE SUMMARY

Lot 702 Marri Road, Duncraig, is currently a vacant 'Commercial' zoned site which was previously used for a service station. The scheme amendment proposes to increase the residential density of the site from R20 to R60.

There is a current development approval on the site for a three storey mixed use building consisting of office and shop uses on the ground and first floors, three residential apartments on the second floor, and underground car parking. Should the scheme amendment to the District Planning Scheme No 2 (DPS2) be supported, the residential element of the development could be increased to provide for eight dwellings, pending a new development application.

It is considered that the proposed scheme amendment has merit as the development would provide additional housing choice in the area, is suitable in terms of its location adjoining the Duncraig Shopping Centre and the additional dwellings would be accommodated within the built form proposed under the current development approval.

It is recommended that the proposed scheme amendment be initiated for the purpose of advertising for public comment for a period of 42 days.

BACKGROUND

Suburb/Location: Lot 702 (34) Marri Road, Duncraig
Applicant: Gerry Kho Architects
Owner: JFH Holdings Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 1583m²
Structure Plan: Not applicable.

The subject site is located on the south-eastern corner of Marri Road and Cassinia Road, Duncraig, with the southern and eastern boundaries adjoining the existing Duncraig Shopping Centre. The land to the north of Marri Road and to the west of Cassinia Road is zoned Residential with a density coding of R20.

The property previously accommodated a service station. The service station buildings have been demolished and other infrastructure decommissioned or removed from the site and the site is now vacant. Prior to the current landowners purchasing the site in 2002, remediation site works were undertaken.

Council, at its meeting held on 2 September 2008, approved a Child Care Centre on the site however this development was never progressed.

Recently, the City received a development application for a three storey mixed used building consisting of office and shop uses on the ground and first floors, eight residential apartments on the second floor and underground car parking. While the commercial part of the development was considered to be consistent with the requirements of DPS2, only three apartments could be approved under the current Residential density of R20.

Consequently, amended plans were submitted and approved proposing three apartments in compliance with the current density, with the intent of further development pending the outcome of the scheme amendment.

DETAILS

An application has been received to amend the density coding of Lot 702 Marri Road, Duncraig from R20 to R60.

Under the current density three residential dwellings could be developed in accordance with the requirements of the Residential Design Codes (R-codes). The proposed R60 density would allow eight dwellings to be developed which would reflect the original development submitted by the applicant.

The applicant advises that, subject to the approval of the density increase and a new development application, the second floor of the development containing the residential component will be re-subdivided from three units into eight units. It is not proposed to add another level to the building.

In support of the scheme amendment the applicant states that as a result of the density increase the proposed development ...*'will assist in rejuvenating and enhancing the area by improving amenities and quality of life within the City of Joondalup to cater for future generations of residents and businesses.'*

Issues and options considered:

The issue associated with the proposed amendment is:

- Suitability/potential impact of the proposed increase in residential density,
- Draft Local Housing Strategy

The options available to Council in considering the scheme amendment are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment with modifications, for the purpose of advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

Legislation/Strategic Plan/Policy Implications**Legislation**City of Joondalup District Planning Scheme No.2 (DPS2)

The objectives of the 'Commercial' zone are provided for in Section 3.7 of DPS2. The relevant clause to be considered in relation to the scheme amendment is:

3.7 THE COMMERCIAL ZONE

3.7.1 The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.

The objectives of the Commercial Zone are to:

- (a) make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;*
- (b) provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

Scheme Amendment

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed.

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received during the advertising period and to either adopt the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal or Minister for Planning by the applicant.

Strategic Plan

Key Focus Area: The built environment

Objective 4.1 To ensure high quality urban development within the City.

Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The applicant has paid fees of \$5,589.89 (including GST) to cover all costs with assessing the request, public consultation and document production. Advertising costs are estimated to be \$1,970.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed amendment would enable the City to consider further residential development on the site which will provide additional dwellings. Being an infill site, this will contribute to the environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

The development of medium density housing is considered appropriate given the location of the subject site adjacent to the Duncraig Shopping Centre and bus route on Marri Road. The type of dwellings will also provide alternative housing choice in the area.

Consultation:

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and The Western Australian newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

COMMENT

Suitability of proposed increase in Residential density code

The proposed scheme amendment seeks to increase the residential density code on the site from 'R20' to 'R60', while retaining the current 'Commercial' zoning of the site. Therefore, the approved commercial uses can be established on the site in accordance with the existing development approval, and this would provide an appropriate mix of commercial and residential uses on the site.

The proposed increase in the Residential density code to R60 is considered to have merit as it:

- provides additional housing stock and a different type of housing;
- provides additional housing close to the shopping centre;
- provides effective use of a vacant 'opportunity' site.

The applicant has advised that the existing approved three storey building design would be modified internally to achieve the additional residential dwellings, with no extra storeys to the building proposed.

A transport statement submitted by the applicant identifies that the traffic impact from the commercial and residential use of the site, will be less than the frequent vehicles movements associated with the former service station. It is considered that the increase in density from three dwellings to eight dwellings will not detrimentally impact on the amenity of the surrounding area.

Draft Local Housing Strategy

One of the recommendations of the City's Draft Local Housing Strategy (LHS) is for the density coding applied to 'Commercial' and "Mixed use' zoned land greater than 1,000m² outside the City Centre to be increased from the current coding of R20 to R80. The aim of the recommendation is to allow for varied housing types to be provided within the City to suit the needs of a range of households and optimise the development of such sites. In some cases, the density increase may provide the catalyst for redevelopment of some sites to accommodate the residential and commercial land uses.

The draft proposed amendment, although seeking a lower R60 code, is consistent with the intent of the LHS recommendation, and in this case is likely to achieve a desirable development outcome.

It is recommended that Council initiates the proposed amendment to DPS2 for the purpose of public advertising for a period of 42 days.

VOTING REQUIREMENTS

Simply Majority

Cr Hollywood left the Chamber at 2140 hrs.

MOVED Cr Fishwick, SECONDED Cr Diaz that Council pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate the Amendment to the City of Joondalup District Planning Scheme No 2 to recode Lot 702 (34) Marri Road, Duncraig from R20 to R60, for the purpose of public advertising for a period of 42 days.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, McLean, Norman, Taylor and Young

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf140910.pdf](#)

Cr Hollywood returned to the Chamber at 2141 hrs.

Acting Media Advisor left the Chamber at 2141 hrs.

CJ148-09/10 43 MULTIPLE DWELLINGS AT LOT 2260 (17) SUNLANDER DRIVE, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 63562

ATTACHMENTS: Attachment 1 Location plans
Attachment 2 Development plans
Attachment 3 Submitters map

PURPOSE

To request Council's determination of an application for planning approval for 43 Multiple Dwellings at Lot 2260 (17) Sunlander Drive, Currambine.

EXECUTIVE SUMMARY

The applicant proposes a three storey development comprising 43 Multiple Dwellings, including 12 single bedroom dwellings and 31 two bedroom dwellings

Under the City's District Planning Scheme No 2 (DPS 2), the site is zoned Residential with a density coding of R80. Multiple Dwellings is a discretionary ('D') use in the zone.

The proposal requires Council to exercise discretion under the Residential Design Codes of Western Australia (R Codes) and DPS 2. Council is also required to have regard to Council Policy – Height and Scale of Buildings in Residential Areas in relation to the height of the development.

The land use is considered to meet the objectives of the Residential Zone and is therefore appropriate. In regard to aspects of the development which do not meet the acceptable

development standards of the R Codes, it is considered that the relevant objective and performance criteria have been met in this instance. The projection through the Building Threshold Envelope (BTE) set out by Council Policy – Height and Scale of Buildings in Residential Areas is considered acceptable in this instance as it is consistent with the height of existing buildings within the surrounding area.

The application was advertised for a period of 21 days via letters to adjoining land owners, a sign on site, advertisements in The Weekender, and a notification on the City's website. A total of four submissions were received, being non objections to the proposed development.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location: Lot 2260 (17) Sunlander Drive, Currambine
Applicant: McGovern Construction Services
Owner: LHK Investments Pty Ltd
Zoning: **DPS:** Residential (R80)
MRS: Urban
Site Area: 4,905m²
Structure Plan: Not Applicable

The subject site is situated between Sunlander Drive and Currambine Train Station. Sunlander Drive is located to the west of the subject site, Citadel Way to the north and east, and a right of way (ROW) to the south (Attachment 1 refers).

The development site is currently vacant. There are existing three storey multiple dwelling developments to the north and south of the subject site. The site to the west is currently vacant, however, an application has been approved for a Retirement Village at this site (CJ025-02/08 refers).

In August 2007, Council approved a three storey development comprising 42 Multiple Dwellings for the site (11 single bedroom dwellings and 31 two bedroom dwellings). This approval has since lapsed.

DETAILS

The proposed development includes the following features:

- 43 Multiple Dwellings (including 12 single bedroom dwellings and 31 two bedroom dwellings) ranging in size from 56m² to 86.5m².
- A predominately three storey development, with a maximum height of 10.4 metres from natural ground level.
- Each dwelling is provided with a courtyard or balcony.
- The provision of 66 car parking bays on site, including six visitor bays.
- Vehicle access provided from Sunlander Drive and Citadel Way (east).
- Store rooms for each dwelling.
- A communal recreation area incorporating pool, lounge and gymnasium.

The car park for the proposed development is located to the rear of the site, with access from Sunlander Drive and Citadel Way (east). Both vehicular access points to the site are designed to accommodate two-way traffic.

The development plans are provided in Attachment 2. A large copy of the development plans has also been provided in the Councillor's reading room.

Areas where there is not strict conformance with the Acceptable Development Standards of the R Codes and the policy are summarised below:

Criteria	Acceptable Development Standard (ADS)	Proposed
Total Open Space	60%	53%
Communal Open Space	16m ² per dwelling. 688m ²	Equivalent of 12.2m ² per dwelling = 523m ²
Setbacks		
Citadel Way (east)		
- First Floor	4.2m	3.3m min, 5.5m max
- Second Floor	5.6m	3.3m min, 5.5m max
Sunlander Drive		
- First Floor	4.2m	3.327m min, 8m max
- Second Floor	6.2m	3.327m min, 8m max
Excavation or Fill	Excavation or fill between the street alignment and building not greater than 500mm, except where to provide access for vehicle and pedestrians.	Fill to a maximum of 900mm from natural ground level within the primary street setback area (Citadel Way (north))
Building Height	As per Council Policy – Height and Scale of Building in Residential Areas	Projection through top of Building Threshold Envelope – 2.0 m maximum. Side projection (Citadel Way east) – 1.2m maximum. Side projection (Sunlander Drive) – 1.0m maximum

The applicant has requested that Council exercises discretion in relation to open space, communal open space, building setback and retaining and fill, as well as consider the projections through the Building Threshold Envelope (BTE).

The applicant has provided written justification for the development, which is summarised below:

Projection through the Building Threshold Envelope

- *The building form generated in the proposed development is consistent and compatible with an R80 density coding.*
- *It would not be possible to achieve the development potential of the site and conform to the BTE.*
- *The height is compatible with surrounding buildings and building bulk.*
- *High density residential development will facilitate better use of existing transport infrastructure.*

Open Space and Communal Open Space

- *Ample open space is provided around the buildings, with a generously landscaped setting for the buildings.*
- *Each apartment is provided with either a ground floor courtyard or large usable balcony which can be used for private recreation purposes.*

Retaining Walls

A balance of cut a fill has been used to work with the existing cross-falls on the site.

Issues and options considered:

Council has discretion to:

- approve the application without conditions;
- approve the application with conditions; or
- refuse the application.

Legislation/Strategic Plan/Policy Implications

Legislation

Residential Design Codes of Western Australia

Clause 2.5 of the R Codes allows for the exercise of discretion in respect to any aspect of a proposed development which departs from the acceptable development standard. In exercising discretion under the R Codes, Council shall have regard to the provisions of Clause 2.5.2, which are as follows:

“2.5.2 Discretion shall be exercised having regard to the following considerations:

- (a) the stated purposes and aims of the scheme;*
- (b) the provisions of parts 1-7 of the R Codes, as appropriate;*
- (c) the performance criterion or criteria in the context of the coding for the locality that corresponds to the relevant provisions;*
- (d) the explanatory guidelines of the codes that correspond to the relevant provision;*

- (e) *any local planning strategy incorporated into the scheme;*
- (f) *the provision of a local planning policy pursuant to this policy and complying with clause 2.5.3; and*
- (g) *orderly and proper planning.”*

City of Joondalup District Planning Scheme No.2

Multiple Dwelling is a “D” use in the Residential Zone. A “D” use means:

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

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse the application shall have regard to the provisions of Clause 6.8, which is shown below:

“6.8 Matters to be considered by Council

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

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

- (k) *any other matter which in the opinion of the Council is relevant.”*

As the proposed use is a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application:

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 sub clauses of this clause):*

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

Strategic Plan

Key Focus Area: The Built Environment

Objective: To ensure high quality urban development within the City.

Policy Council Policy – Height and Scale of Buildings in Residential Areas

This Policy sets out the manner in which residential development should occur to minimise impact on surrounding land owners and the streetscape in regard to excessive building bulk and height. The Policy aims to do this through permitting the highest parts of the development at the centre of sites.

Risk Management considerations:

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

Financial/Budget Implications:

The applicant has paid fees of \$12,500 (including GST) to cover all costs with assessing the application. Advertising costs in the local newspaper are estimated to be \$750 (excluding GST). The applicant will be invoiced for this amount.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed development will provide high density housing adjacent to a major transport node (Currambine Train Station). This will facilitate increased use of this transport system in accordance with sustainable development principles.

The applicant has also provided the following information in relation to the sustainability of the building design:

Ecologically and Sustainable Development (ESD)

ESD principles encompassing the lifespan of the building, from material selection to eventual demolition and recycling has been considered.

Extensive shading via roof eaves, balconies and screens is provided and all building fabric will be selected with insulation and energy conservation in mind – not least to satisfy the BCA requirements but to also assist with marketing given increasing public awareness and the desire for 'green' building and ESD principles.

A specialist energy assessment will be commissioned to maximise energy efficient design and satisfy the requirements of the Building Codes of Australia (BCA).

Orientation, Sun Control and Ventilation

Orientation and sun control is a basic design consideration for climate responsive design. Perth sun altitude angles of 82° Summer Solstice, 58° Equinox and 35° Winter Solstice, allow the designer to shade or omit the sun using the building form as appropriate.

Whilst it is impractical on this site to orientate all living spaces to suit optimum orientation we have applied basic passive solar principles to good effect. The longest axis of the building is run east to west, providing effective shading and access to prevailing breezes from the south west. Solar ingress in summer and winter is controlled by shading. Low westerly sun can be controlled by louvres (but not proposed at this stage). Complete shading of windows in summer is achieved.

The floor plans proposed will be effectively ventilated. Floor to ceiling heights of 2.7m min are proposed. Radiation may be controlled with reflective foil (Air Cell) to block radiant heat and retain warmth in winter both to roof and external walls. Warm sun penetration into building mass in winter is desirable – controlled by shading overhang design.

Construction Methodology and Materials

We currently anticipate that the building will be cavity brick with in-situ floor plates on permanent shuttering. The latter may be used with further cavity or dry lined insulation, to increase the Energy Star rating. Insulation is also proposed to the roof voids.

Windows will be a commercial suite with good thermal performance. A tinted energy efficient single glazed system is proposed. Individual gas instantaneous hot water units or gas boosted solar recirculating hot water systems will be considered.

Consultation:

The application was advertised for a period of 21 days via letters to adjoining land owners, a sign on site, advertisements in The Weekender, and a notification on the City's website between 5 and 26 August 2010.

A total of four submissions, being non objections were received. Attachment 3 indicates the location of the submitters.

COMMENT

The applicant seeks approval for 43 Multiple Dwellings on the site, incorporating 12 single bed dwellings, and 31 two bedroom dwellings. Council is required to exercise discretion in relation to the land use, open space, communal open space, building setbacks and retaining and fill at the site. Furthermore, Council must also determine whether the projection through the BTE is appropriate.

Land Use

The proposed land use Multiple Dwelling is a discretionary ("D") land use within the Residential Zone.

The development is consistent with existing developments in the immediate locality, and meets the objective of the Residential Zone by providing alternative housing choices to single houses. It is therefore considered that the land use is appropriate.

Building setbacks

Council is required to exercise discretion in relation to the setbacks to the secondary street (Citadel Way east and Sunlander Drive). In considering the appropriateness of the proposed setbacks, Council must determine whether the relevant performance criteria and objective of Clause 6.2 and Clause 6.2.1 have been met. The performance criteria and objective requires Council to consider whether the setbacks proposed contribute to the desired streetscape, provide adequate privacy and open space for the dwellings, and ensure that allowance has been made for safety clearances for easements or essential service corridors.

It is considered that the stepping of the development along the boundaries and the inclusion of major openings (such as balconies and windows) reduces the impact of bulk of the development when viewed from the street. The mix of colours and materials proposed will create visual interest and provide for an attractive streetscape. Furthermore, the setbacks proposed allow for communal open space to be provided at the centre of the site. It is therefore considered that the development meets the relevant performance criteria and objective in this regard, and is appropriate.

Open Space

Open space is the area of the lot that is not covered by buildings, and differs from communal open space, which is open space set aside for the recreational use of the residents. The applicant has requested that Council exercise discretion in determining that 53% of the development site being set aside for open space is adequate. In exercising this discretion, Council must consider whether the open space provided is sufficient to complement the building, allow for attractive streetscapes, and suit the future needs of residents.

It is considered that the proposed 53% open space meets the relevant performance criteria of the R Codes given that there is ample open space surrounding the buildings to provide a landscaped setting for the development. Furthermore, landscaped courtyards front on to a significant portion of the surrounding streets which will provide attractive streetscapes.

Communal Open Space

As stated above, communal open space refers to open space set aside for the recreational use of residents. The development proposes 523m² communal open space, equating to 12.2m² per dwelling. It should be noted that this does not take into account the gymnasium or lounge area, which will be used in conjunction with the communal open space provided.

In exercising discretion, Council must consider whether the communal open space provided will meet the needs of future residents, therefore meeting the relevant objective and performance criteria of the R Codes. It is considered that the communal open space meets the objective and performance criteria for the following reasons:

- The ground floor apartments fronting the street boundaries have courtyards well in excess of 10m², and will allow for greater recreational use.
- As 12 of the dwellings are single bedroom dwellings, designed to cater for only one or two residents, the overall demand for communal open space may not be as high as other developments.

Retaining and Fill within the street alignment

Fill is proposed to the northern and western boundaries. The majority of the retaining and fill is less than 500mm above natural ground level, therefore meeting the acceptable development standards of the R Codes. However, the retaining and fill to the north east of the site (corner of Citadel Way and Sunlander Drive) will have a maximum height of 900mm from natural ground level.

In this instance, Council is required to exercise discretion in regard to any fill greater than 500mm. In exercising this discretion, Council must consider whether the fill proposed retains the visual impression of the natural level of the site, with a view to the protection of the streetscape and the amenity of adjoining properties.

The site currently slopes from the north-west corner to the south east. The applicant has utilised a combination of fill and excavation to maintain a sense of this natural topography.

In regard to the protection of the streetscape, it is considered that the visually permeable fencing that is proposed on top of the retaining will reduce the overall impact of building bulk and is considered consistent with the existing streetscape. Furthermore, the retaining at the intersection of Citadel Way and Sunlander Drive will provide protection from headlight glare for the occupiers of the dwellings.

It is therefore considered that the relevant performance criteria and objective of the R Codes have been satisfied in this regard.

Projection through the BTE

The proposed development projects through the BTE as the majority of the development has a three storey built form.

If the development were to be designed to fit within the BTE, this would significantly restrict the development potential for the site, and would not provide a better built form outcome. The height of the proposed development is compatible with the height of surrounding development, with the sites to the north and south of the proposed development both having a three storey appearance. Given that the development will be in keeping with existing development in the locality, the proposal will not have an adverse impact on the amenity of the locality.

It is therefore recommended the proposed projection through the BTE be supported.

Conclusion

The proposed development is considered to meet the requirements of the R Codes. In regard to aspects of the development which do not meet the acceptable development standards, it is considered that the relevant objective and performance criteria have been met. The proposal is considered to be of an appropriate scale and form in close proximity to the existing train station and to other buildings in the locality.

It is recommended that the application be supported subject to conditions. Taking into account the scale of the development, a longer period in which the development should be substantially commenced is considered appropriate. As such it is recommended that development approval be granted for three years, rather than the two years which is generally granted for smaller scale development.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, SECONDED Cr Gobbert that Council:

- 1 DETERMINES that the performance criteria of Clauses 6.3.1, 6.4.1, 6.4.4 and 6.6.1 of the Residential Design Codes of Western Australia have been met and that the following are appropriate in this instance:**
 - 1.1 First floor setback of 3.3 metres (minimum) to Citadel Way (eastern boundary);**
 - 1.2 Second floor setback of 3.3 metres (minimum) to Citadel Way (eastern boundary);**
 - 1.3 First floor setback of 3.327 metres (minimum) to Sunlander Drive (western boundary);**
 - 1.4 Second floor setback of 3.327 metres (minimum) to Sunlander Drive (western boundary);**
 - 1.5 Open space provision of 53%;**

- 1.6 Communal open space provision of 523m²;
- 1.7 Fill to a maximum height of 900mm with a setback of nil to the street boundary;
- 2 DETERMINES that the land use 'Multiple Dwelling' under Clause 6.6.2 of the City of Joondalup District Planning Scheme No.2 is appropriate;
- 3 NOTES that 'Council Policy – Height and Scale of Buildings in Residential Areas' has been addressed and that the projection through the Building Threshold Envelope is appropriate in this instance;
- 4 APPROVES the application for planning approval dated 20 May 2010 submitted by McGovern Construction Services, the applicant, on behalf of the owners, LHK Investments Pty Ltd, for 43 Multiple Dwellings at Lot 2260 (17) Sunlander Drive, Currambine, subject to the following conditions:
 - 4.1 This decision constitutes planning approval only and is valid for a period of three years from the date of the decision letter. If the subject development is not substantially commenced within the three year period, the approval shall lapse and be of no further effect;
 - 4.2 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 approved by the City prior to the commencement of construction;
 - 4.3 A refuse management plan indicating the method of rubbish collection, number and type of bins shall be submitted as part of the building licence application to the satisfaction of the City of Joondalup;
 - 4.4 A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:
 - 4.4.1 the delivery of materials and equipment to the site;
 - 4.4.2 the storage of materials and equipment on the site;
 - 4.4.3 the parking arrangements for the contractors and subcontractors;
 - 4.4.4 other matters likely to impact on the surrounding properties;
 - 4.5 Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval prior to the issue of the relevant Building Licence;
 - 4.6 A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, to the satisfaction of the City;

- 4.7 Landscaping of the communal open space shall be provided in accordance with the acceptable development standard of Clause 6.4.5 of the Residential Design Codes of Western Australia;
- 4.8 Detailed landscaping plans for the development site, to the satisfaction of the City, shall be lodged 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, reticulation and treatment of verges are to be shown on the landscaping plan;
- 4.9 Landscaping, reticulation and all verge treatment 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 City;
- 4.10 Each dwelling shall be provided with an adequate area for clothes drying that is screened from view from the street(s), or alternatively, to be provided with clothes drying facilities within the dwellings;
- 4.11 The roof surface shall be treated to the satisfaction of the City if it is determined by the City that glare from the completed development has a significant adverse effect on the amenity of adjoining or nearby neighbours;
- 4.12 The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- 4.13 All construction works shall be contained within the property boundaries;
- 4.14 The aluminium infill panels for the fencing along Sunlander Drive and Citadel Way as indicated on the approved plans shall be visually permeable as defined by the Residential Design Codes of Western Australia;
- 4.15 The retaining walls and fencing shall be of clean finish and made good to the satisfaction of the City of Joondalup;
- 4.16 All screening to balconies shall comply with the definition of screening set out in the Residential Design Codes of Western Australia, and shall be installed prior to the occupation of the dwellings;
- 4.17 Visitor parking shall be clearly marked to the satisfaction of the City of Joondalup.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Item CJ160-09/10, Page 120 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf140910.pdf](#)

Disclosure of Financial Interests

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ149-09/10 – Change of use from Showroom to an Unlisted Use (Betting Agency): Lot 5004 (4) Hobsons Gate, Currambine
Nature of interest	Financial Interest
Extent of Interest	Mayor Pickard received a campaign donation from the applicant in 2009 and previously declared in accordance with the Local Government Act 1995 Mayor Pickard advised he did not have a financial interest in this Item and withdrew his disclosure of interest.

Name/Position	Cr Tom McLean
Item No/Subject	CJ149-09/10 – Change of use from Showroom to an Unlisted Use (Betting Agency): Lot 5004 (4) Hobsons Gate, Currambine
Nature of interest	Financial Interest
Extent of Interest	Cr McLean is purchasing a property adjacent to the development

Cr McLean left the Chamber at 2142 hrs.

CJ149-09/10 CHANGE OF USE FROM SHOWROOM TO AN UNLISTED USE (BETTING AGENCY): LOT 5004 (4) HOBSONS GATE CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 100940

ATTACHMENTS: Attachment 1 Locality plans
Attachment 2 Proposed plans

PURPOSE

The purpose of this report is to seek Council's determination of an application for a change of use from a Showroom to an Unlisted Use (Betting Agency) and associated signage.

EXECUTIVE SUMMARY

The applicant is seeking approval for a change of use from a showroom to a betting agency and associated signage at 4 Hobsons Gate, Currambine.

A betting agency does not comfortably fall within the definitions of any of the land uses listed under the City's District Planning Scheme No 2 (DPS2). The use is therefore required to be treated as an Unlisted Use. This requires the Council to determine whether the use is consistent with the objectives of the "Business" Zone in making a decision on the application.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under DPS2. The site is also located within the Currambine District Centre Structure Plan (CDCSP) area.

At its meeting held on 16 December 2008, Council approved an application for a Showroom and Shop complex on the subject site. This development has now been fully constructed, and this application relates to tenancy 1A located in the eastern portion of the development.

The proposed betting agency is considered to satisfy the objectives of the "Business" Zone and is in keeping with land use in this complex. It is recommended that the application be approved.

BACKGROUND

Suburb/Location: Lot 5004 (4) Hobsons Gate, Currambine
Applicant: Racing and Wagering WA
Owner: Nodebits Pty Ltd
Zoning: **DPS:** Business
MRS: Urban
Site Area: 8,166m²
Structure Plan: Currambine District Centre Structure Plan (CDCSP)

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located adjacent to Marmion Avenue immediately to the south of Hobsons Gate and to the west of Chesapeake Way (Attachment 1 refers).

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs, as well as form a liveable town centre.

The surrounding land is generally vacant however, there are several applications that have been submitted to the City and are at various stages of determination. Of relevance to this proposal is the development of:

- Lot 5003 (14) Hobsons Gate (located to the east of the subject site). An application for a tavern and shop was approved 21 April 2009. The City is currently assessing an application for the shop portion of this development to be incorporated into the approved tavern;
- Lot 1032 (1) Hobsons Gate (located to the north of the subject site). An application for showrooms and offices was approved 20 April 2010;
- Lot 929 (1244) Marmion Avenue (located to the south of the subject site). The State Administrative Tribunal approved an application for a liquor store in December 2008. The application was originally refused by Council; and
- Lot 5005 (11) Chesapeake Way (located to the north-east of the subject site). An application for a mixed commercial development and grouped dwellings was approved 18 August 2009.

Council previously approved a Showroom and Shop complex on the subject site at its meeting of 16 December 2008 and construction has recently been completed. Council also previously approved an application for a change of use from a Shop to Restaurant, and from Showroom to an Office and Shop at its meeting of 16 March 2010, and Showroom to Takeaway Food Outlet on 25 May 2010.

A number of change of use applications have also been determined under delegated authority. The relevant applications are summarised below:

Development Application Number	Description
DA09/0519	Change of Use from Showroom to Recreation Centre (Jetts Fitness)
DA09/0781	Change of Use from Showroom to Office (Ray White Real Estate)
DA09/1030	Change of Use from Showroom to Veterinary Hospital (Vet West)
DA09/1338	Change of Use from Recreation Centre to Medical Centre

DETAILS

The applicant proposes to change the use of one tenancy from Showroom to a Betting Agency and seeks approval for associated signage.

Consideration of the application is pursuant to Clause 3.3 of DPS2 as the land use Betting Agency is an unlisted use.

The operating details of the betting agency are summarised below:

Number of employees/staff per day	Maximum of two staff at any time
Hours of Operation	9.00 am – 9.00 pm – seven days a week

Issues and options considered:

Council is required to determine whether the proposed land use is consistent with an existing use class under Table 1 of DPS2. If it is determined that it is an unlisted use, the options available to Council under Clause 3.3 as set out in the legislation section of this report.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for a change of use.

Legislation/Strategic Plan/Policy Implications

Legislation District Planning Scheme No.2

When determining this application Clauses 3.2, 3.3 and 4.8 and 6.8 of DPS2 apply.

Clause 3.2 indicates the manner in which Table 1, the Zoning Table is utilised to determine the permissibility of land uses within various zones. However, "Betting Agency" does not comfortably fall within any of the definitions of these land uses under Schedule 1 of DPS2. Therefore, Council is required to make a determination under Clause 3.3 of DPS2.

3.3 Unlisted Use

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot be reasonably determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purpose of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedure set down for an 'A' use in Clause 6.6.3 in considering and application for planning approval; or*
- (c) determine that the proposed use is not consistent with the objectives and purpose of the particular zone and is therefore not permitted.*

3.6 The Business Zone

The Business Zone is intended to accommodate wholesaling, retail, warehouse, showroom and trade professionals and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which are generally not appropriate to or cannot be accommodated in the commercial area.

The objectives of the Business Zone are to:

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complementary business services;*
- (b) ensure the development within this zone creates an attractive façade to the street for the visual amenity of the surrounding area.*

6.8 MATTERS TO BE CONSIDERED BY THE 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 to 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.*

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

Objective: To increase employment opportunities within the City.

Policy Council Policy - Signs

- 1 To provide guidance on the design and placement of signs located within the City of Joondalup.
- 2 To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs.
- 3 To encourage signs that are well designed and positioned, appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup.
- 4 To facilitate a reasonable degree of signage to support business activities within the City of Joondalup.
- 5 To complement the provisions for signs as specified in the City of Joondalup's Signs Local Law (1999).

Risk Management considerations:

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

Financial/Budget Implications:

The applicant has paid fees of \$265 (including GST) to cover the cost with assessing the proposal and document production. The cost of advertising the proposal in the newspaper is \$750 (excluding GST), and this will be reimbursed by the applicant.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The application was advertised for 21 days via a newspaper advertisement in the Joondalup Weekender and a notification on the City's website between 29 July and 12 August 2010.

A total of four submissions, being objections, were received. A summary of the objections is as follows:

- *"The proposed TAB will bring a 'seedy' element to what is a mainly a family focused development"*.
- *"Concerns over the increase in noise, traffic litter (including broken glass) and anti social behaviour. These are not keeping within a suburb whose focus is a family friendly"*.
- *"Concerns of the possibility of a TAB opening up because with a TAB just down the road in Joondalup it hardly seems necessary and it also detracts from the family lifestyle that so many residents wish for."*
- *"Concerned with the possibility of a TAB opening up in the small family-oriented commercial area of the Currambine Hobsons Gate. A gambling venture of this kind would be completely out of place in this hub, enticing an unsafe element to this otherwise family focused location"*.

Land Use and Permissibility

The site is located within the "Business" Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby the Currambine District Centre is to be developed to the diversity and robustness of a small town centre.

The objectives of the CDCSP for the development within the “Business” Zone are to:

- Encourage high standard of ‘Main Street’ built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction; and
- Allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community.

It is considered that a “Betting Agency” is not a listed land use under Table 1 – the Zoning Table of DPS2. Therefore it is appropriate that Council determines the use as an Unlisted Use and considers whether the application meets the objectives of the “Business” Zone, under DPS2 and the CDCSP.

The specific objectives of the zone identify the anticipated land use of the locality. It is considered that the use is consistent with the objectives and purpose of the “Business” Zone. In addition, it is considered that the use is:

- Capable of being conducted in a manner which will not be obtrusive or detrimental to the locality;
- Compatible with the existing business established in the immediate locality;
- Unlikely to compromise the existing character, amenity or compatibility of land use within the immediate area or give rise to land use conflict due to its location, the type and variety of other existing uses on the site and the nature of business activities.

The above submissions question the appropriateness of the use in this location, and the potential for the business and its patrons to introduce undesirable behaviour. While noting the concerns raised no evidence has been presented to support claims that the use will introduce undesirable behaviour.

It is considered that matters of appropriateness of a use are legitimate to raise, however, the question is where should such uses occur. It is noted that Currambine is identified as a District Centre within the Western Australian Planning Commission Activity Centres for Perth and Peel (State Planning Policy 4.2) document. Permitting a Betting Agency within a District Centre would, from a town planning perspective, appear appropriate and in accordance with orderly and proper planning as it meets the needs of the community in a town centre where a diversity of land uses is likely to be found.

In light of the above it is considered that the proposed “Betting Agency” is compatible with the intent and type of businesses of an activity centre within the Currambine District Centre.

Carparking:

As the use “Betting Agency” is considered to be an Unlisted Use, there is no carparking standard for a betting agency within DPS2. Therefore parking standard of one bay per 30m² of Net Lettable Area (NLA) is recommended.

The parking standard is considered to be appropriate for the following reasons:

- A betting agency would generate similar patron numbers to a showroom, bank or office development, to which a standard of one bay per 30m² of NLA applies.

- The demand for parking created for the use should not conflict with the demand created for parking for other land uses within the lot.

The existing development has been approved with a Showroom parking standard of one bay per 30m² of Net Lettable Area. The betting agency does not involve an increase in the floor area.

If Council supports the proposed parking standard, there will be no change to the required car parking provision for the site.

Signage:

Council Policy Signs, permits window signs to a maximum area of 25% of glazing per tenancy. The proposed signage incorporates vinyl graphics for majority of the northern and western facades of the tenancy. It is considered that the amount of window signage is excessive and not consistent with the objectives of the policy. A condition of approval will be included to modify the amount of signage to a maximum of 25% of the glazing of the tenancy. Development Plans of the proposed signage are provided in Attachment 2.

CONCLUSION:

The "Betting Agency" is considered to be consistent with the objectives of the "Business" Zone, and it is recommended that it be determined as a permitted use in this zone. The proposal will not result in an additional car parking shortfall across the site, provided Council accept that a rate of 1/30m² NLA is appropriate for the land use.

The proposal is recommended for approval, subject to conditions.

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Amphlett that Council:

- 1 DETERMINES that under Clauses 3.3(a) and 6.12 of the City of Joondalup District Planning Scheme No 2 that:**
 - 1.1 "Betting Agency" is deemed to be an Unlisted Use;**
 - 1.2 The proposed use, "Betting Agency" meets the objectives and purpose of the Business Zone, and therefore is a permitted land use;**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - 2.1 In this instance, the car parking standard for the use "Betting Agency" shall be one car bay per 30m² Net Lettable Area;**

- 3 Subject to Part 1 above, APPROVES the application for Planning Approval dated 8 June, 2010 submitted by Racing and Wagering WA, the applicant on behalf of the owners, Nodebits Pty Ltd for, for a Change of Use from Showroom to a Unlisted Use (Betting Agency) at No 4 Hobsons Gate, Currambine, subject to the following conditions:**
- 3.1 A low level of signage illumination is to be used and the illumination must not flash, pulsate or chase;**
 - 3.2 Signage involving florescent, reflective or retro reflective colours is not permitted;**
 - 3.3 Signage to be kept in a good condition to the satisfaction of the City;**
 - 3.4 Window signage shall constitute a maximum of 25% of the glazing of the tenancy. Plans shall be provided with the Building Licence application demonstrating compliance with this condition.**

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, Norman and Taylor. **Against the Motion:** Cr Young.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf140910.pdf](#)

Cr McLean returned to the Chamber at 2145 hrs.

Cr Chester left the Chamber at 2145 hrs.

CJ150-09/10 JOONDALUP PERFORMING ARTS AND CULTURAL FACILITY - STEERING COMMITTEE

WARD: North

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 07019, 75577

ATTACHMENTS: Attachment 1: Site Plan – Lot 1001, Kendrew Crescent Joondalup

PURPOSE

For Council to consider the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee and to endorse the appointment of members to this Committee.

EXECUTIVE SUMMARY

Following endorsement of the Project Philosophy and Parameters for the Joondalup Performing Arts and Cultural Facility (JPACF), Council at its meeting held 22 June 2010 endorsed the formation of a Steering Committee and directed the Chief Executive Officer to prepare appropriate Terms of Reference for consideration by Council (CJ103-06/10 refers).

The primary objective of the Steering Committee is to provide leadership for, and oversight of, the planning and design for the JPACF. Clear Terms of Reference are required to ensure the vision of Council for the project is maintained and applied.

The proposed members of the Steering Committee should possess the necessary skills, expertise and experience to ensure Council's vision for the JPACF is protected and applied throughout the planning, design and construction phases of the project. Given the regional significance of the JPACF it is considered appropriate that major stakeholders are also represented on the Committee.

It is recommended that Council:

- 1 *ENDORSES the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee as:*
 - *To provide advice and make recommendations to Council on:*
 - *The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;*
 - *The core components to be included in the Joondalup Performing Arts and Cultural Facility;*
 - *The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility; and*
 - *The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.*
 - *The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.*
- 2 *BY AN ABSOLUTE MAJORITY, ENDORSES the appointment of the following persons to the Joondalup Performing Arts and Cultural Facility Steering Committee:*
 - *Up to three Elected Members (to include at least one North Ward Councillor);*
 - *Professor Kerry Cox, Vice-Chancellor, Edith Cowan University (or nominee);*
 - *Ms Sue Slavin, Managing Director, West Coast Institute of Training (or nominee);*
 - *Superintendent Craig Donaldson, Principal, WA Police Academy (or nominee);*
 - *Representative of the Director General from the Department of Culture and Arts;*
 - *Chief Executive Officer (or nominee);*
 - *A maximum of two external individual/s with specialist expertise;*
 - *Two representatives of community arts groups located within the City of Joondalup;*
 - *All nominees from Edith Cowan University, West Coast Institute of Training, Department of Culture and Arts and the City of Joondalup to be equivalent to the City of Joondalup Director position.*

BACKGROUND

The need for a performing arts facility for the Joondalup region was defined in the 1992 Joondalup Cultural Plan (Item G91127 refers) which was commissioned by the former City of Wanneroo and LandCorp. The plan indicated that the facilities should be located adjacent to the Administration Centre; with the provision of the Regional Library and the Civic buildings being Stage 1 of the project.

There have been a number of subsequent studies and reports produced identifying the need for a cultural facility in Joondalup; these reports indicated strong support on the part of the community and other stakeholders for the concept of a centrally-located performing arts centre containing a range of venues and facilities.

Throughout the period 1996 – 2004 further significant progress was made on the project including:

- liaising with key government stakeholders;
- a presentation to the public of a feasibility study;
- the formation of a Joondalup Regional Performing Arts Steering Committee;
- the commissioning of consultants to prepare a concept design and other relevant studies with the outcome being the endorsement of a concept design for the facility (Item C56-0403 refers);
- identifying West Coast Institute of Training (formerly TAFE) land adjacent to Central Park and facing Grand Boulevard as the preferred site (Item CJ310-02/12 refers);
- the decision by Council to refer to the proposed facility as a “cultural facility” in lieu of Joondalup Regional Performing Arts Centre (Item CJ174-08/04 refers);
- discussions with the Department of Education and Training and West Coast Institute of Training regarding the acquisition of land.

In August 2004 (Item CJ248-11/04 refers) the Commissioners, acting as the Council of the day, authorised the City to commence negotiations for a contract of sale between the City and the Department of Education and Training for the purchase of a portion of Lot 500 Kendrew Crescent, Joondalup - the cultural facility site (refer Attachment 1). These negotiations were completed in 2006 (Item CJ194-10/06 refers). The settlement price for the land was \$583,999.65 and the contract of sale included special conditions limiting the use of the land to the provision of cultural facilities and associated activities.

The site is 7,999m² in area and is now Lot 1001 Kendrew Crescent and has the street address 3 Teakle Court, Joondalup (Attachment 1 refers).

Due to financial considerations, the project was not included in the Strategic Financial Plan 2005/06-2008/09 and was deferred pending further research and investigation as to the requirements of a cultural facility being established in the northern corridor.

The project was recommenced in line with the City’s Strategic Plan 2008 – 2011 (Key Focus Area: the Built Environment / 4.2.2 Develop a concept for a Cultural Centre at Lot 1001, Kendrew Crescent, Joondalup) and in 2008 briefings were initiated by the Chief Executive Officer with the following:

- Vice Chancellor, Edith Cowan University;
- Principal, WA Police Academy;
- Managing Director, West Coast Institute of Training.

The purpose of the briefing meetings was to:

- outline the proposal for a cultural facility;
- invite Joondalup Learning Precinct Members to submit options for long term joint facilities to be incorporated in the facility;
- gain a positive response from all parties.

DETAILS

At its meeting held on 22 June 2010, Council endorsed the Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of Council in progressing the project (CJ103-06/10 refers).

At the same meeting Council also agreed to refer to the proposed facility as the Joondalup Performing Arts and Cultural Facility (JPACF) and to the establishment of a JPACF Steering Committee and requested the Chief Executive Officer to prepare appropriate Terms of Reference for consideration by Council (Item CJ103-06/10 refers).

JPACF Steering Committee Terms of Reference

The primary objective of the Steering Committee is to provide leadership for, and oversight of, the planning and design for the JPACF. To achieve this objective the Steering Committee would provide direction on the scope of the potential design for the JPACF and determine the required reports and studies necessary to achieve Council's vision for the facility. It is recommended that the Steering Committee be given authority to form a Community Reference or Working Group as deemed appropriate to assist with the implementation of the required tasks.

Specifically, it is recommended that the Terms of Reference for the JPACF Steering Committee are:

- Provide advice and make recommendations to Council on:
 - the architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;
 - the core components to be included in the Joondalup Performing Arts and Cultural Facility;
 - the capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;
 - the options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
- The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks.

JPACF Steering Committee Appointments

Members of the Steering Committee should possess the necessary skills, expertise and experience to ensure Council's vision for the JPACF is protected and applied throughout the planning, design and construction phases of the project. The JPACF site is situated within the educational precinct of the City and the surrounding educational institutions are considered major stakeholders in the proposed development; it is considered appropriate and necessary for these institutions to be represented on the Committee.

It is recommended that the Committee include:

- up to three Elected Members (to include at least one Ward Councillor);
- Professor Kerry Cox (or nominee), Vice-Chancellor, Edith Cowan University;
- Ms Sue Slavin (or nominee), Managing Director, West Coast Institute of Training;
- Superintendent Craig Donaldson (or nominee), Principal, WA Police Academy;
- A representative of the Director General from the Department of Culture and Arts;
- The City of Joondalup Chief Executive Officer (or nominee); and
- A maximum of two external individuals with specialist expertise.

- two representatives of community arts groups located within the City of Joondalup.

Members of the Steering Committee must have a high level of responsibility within their own organisations and it is further recommended that where a nominee is submitted, this nominee is equivalent to the City of Joondalup Director position.

Issues and options considered:

The need for a cultural facility in Perth's northern corridor has been recognised by previous studies and stakeholder consultation:

- Joondalup Cultural Plan 1992.
- Hames Sharley – Planning and Architectural Brief 1996.
- Australian Pacific Projects – Feasibility Study for the Establishment of Performing Arts Facilities in the City of Joondalup (Stages 1 – 3) 2000.
- Walne & Alexander – Joondalup Performing Arts Centre: Resourcing Study, 2003).

There is an expectation from the community that this project will come to fruition. Given the size and scope of the project it is appropriate that a Steering Committee be formed to provide expertise, direction and oversight thereby ensuring that Council's vision, community expectations and the identified needs for a cultural facility are met.

As the proposed JPACF will provide a world-class facility to meet the needs of Perth's growing northern corridor it is considered of significant importance that the members of the Steering Committee provide the necessary experience and skills as well as sound representation of all stakeholders – educational, Joondalup residents and ratepayers and the wider community. Failure to adequately address all relevant issues throughout the project could result in either a facility that fails to meet community and industry expectations or failure to complete the project.

The project Philosophy and Parameters seeks to ensure realistic expectations for the development.

Legislation/Strategic Plan/Policy Implications

Legislation Section 5.10 Local Government Act 1995.

Strategic Plan

Key Focus Area: The Built Environment

Objective: To progress a range of innovative and high quality urban development projects within the City.

Strategy 4.2.2 Develop a concept for a Cultural Centre at Lot 1001, Kendrew Crescent, Joondalup.

Policy: The JPACF will be developed in accordance within the City's policies and procedures.

Risk Management considerations:

A detailed Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

Financial/Budget Implications:

2010/11 – Initial Project Scoping

Account No:	1-210-C1002
Budget Item:	
Budget Amount:	\$150,000
Amount Spent To Date:	\$ 0
Proposed Cost:	\$150,000
Balance:	\$150,000

All figures quoted in this report are exclusive of GST

The budget allocated for 2010/11 is for the engagement of consultants and other costs to assist with site assessment feasibility plans, design concepts and financial modelling.

For actual construction of the Facility, provisionally \$35million has been allocated in Council's 20 year Strategic Financial Plan 2009-29 with \$10million of these funds to be sourced from Government Grants and the balance from reserves. The Strategic Position Statements, endorsed by Council at its meeting held on 20 July 2010, identified that proceeds from land sales of the City's investment in Tamala Park should be assigned in part to this project.

Regional Significance:

The construction of the Joondalup Regional Cultural Facility will enhance the City Centre as the major commercial, educational, recreational and arts and culture centre for the northern corridor of the Perth metropolitan area.

Sustainability Implications:

It is anticipated that sustainability implications will be considered during the preparation of a concept design for the facility.

The engagement of the general community and bodies representing the arts community in the design and development stage of the project will cultivate a sense of ownership over the facility. This sense of ownership will provide the impetus for the ongoing sustainability of the facility by ensuring maximum use by a wide variety of individuals and groups.

Consultation:

All community consultation will be in accordance with the City's Public Participation Policy and Strategy.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ENDORSES the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee as:
 - To provide advice and make recommendations to Council on:
 - The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;
 - The core components to be included in the Joondalup Performing Arts and Cultural Facility;
 - The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;
 - The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.
 - The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks;
- 2 BY AN ABSOLUTE MAJORITY, ENDORSES the appointment of the following persons to the Joondalup Performing Arts and Cultural Facility Steering Committee:
 - Up to three Elected Members (to include at least one North Ward Councillor);
 - Professor Kerry Cox, Vice-Chancellor, Edith Cowan University (or nominee);
 - Ms Sue Slavin, Managing Director, West Coast Institute of Training (or nominee);
 - Superintendent Craig Donaldson, Principal, WA Police Academy (or nominee);
 - Representative of the Director General from the Department of Culture and Arts;
 - The City of Joondalup Chief Executive Officer (or nominee);
 - A maximum of two external individual/s with specialist expertise;
 - Two representatives of community arts groups located within the City of Joondalup; and
 - All nominees from Edith Cowan University, West Coast Institute of Training, Department of Culture and Arts and the City of Joondalup to be equivalent to the City of Joondalup Director position.
- 3 AUTHORISES the Chief Executive Officer to submit nominees for endorsement by the Council for the two external individuals with specialist expertise and two community representatives as outlined in Part 2.

MOVED Mayor Pickard, SECONDED Cr McLean That Council:

- 1 **ENDORSES the Terms of Reference for the Joondalup Performing Arts and Cultural Facility Steering Committee as:**
 - **To provide advice and make recommendations to Council on:**
 - **The architectural design elements to be incorporated into the Joondalup Performing Arts and Cultural Facility;**
 - **The core components to be included in the Joondalup Performing Arts and Cultural Facility;**
 - **The capacity of the design features to be included in the Joondalup Performing Arts and Cultural Facility;**
 - **The options for the ongoing management and utilisation of the Joondalup Performing Arts and Cultural Facility.**

- The authority to form a reference or working group (as deemed appropriate) to assist with the implementation of the required tasks;
- 2 BY AN ABSOLUTE MAJORITY, ENDORSES the appointment of the following persons to the Joondalup Performing Arts and Cultural Facility Steering Committee:
- Elected Members

Cr Hollywood	North Ward
Cr Gobbert	Central Ward
Cr McLean	North Ward
Cr Chester	South-East Ward
Cr Fishwick	South Ward
 - Mr Warren Snell, Vice-President (Resources) and Chief Financial Officer, Edith Cowan University;
 - Mr Russell Coad, General Manager Training and Business Services, West Coast Institute of Training.
 - Superintendent Craig Donaldson, Principal, WA Police Academy Representative of the Director General from the Department of Culture and Arts;
 - The City of Joondalup Chief Executive Officer (or nominee);
 - A maximum of two external individual/s with specialist expertise;
 - Two representatives of community arts groups located within the City of Joondalup; and
 - All nominees from Edith Cowan University, West Coast Institute of Training, Department of Culture and Arts and the City of Joondalup to be equivalent to the City of Joondalup Director position.
- 3 AUTHORISES the Chief Executive Officer to submit nominees for endorsement by the Council for the two external individuals with specialist expertise and two community representatives as outlined in Part 2.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf140910.pdf](#)

Cr Chester returned to the Chamber at 2148 hrs.

CJ151-09/10 DUNCRAIG TENNIS COURTS**WARD:** South**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO**FILE NUMBER:** 101142**ATTACHMENTS:** Attachment 1 Aerial Map of Duncraig Tennis Courts
Attachment 2 Location of Tennis Facilities in Southern Suburbs

PURPOSE

The purpose of this report is to provide details on the current condition and usage of the Duncraig Tennis Courts and adjacent netball/basketball courts.

EXECUTIVE SUMMARY

The Duncraig Tennis Courts consist of four fenced courts and floodlights that have been determined to be in poor condition. There is currently an existing resurfacing budget of \$30,000 for the project. However, the current condition of the courts indicates that they require a major renewal/upgrade estimated to cost \$136,000.

Currently the courts are utilised for 22.5 hours per week by two small tennis clubs and a commercial coach and approximately 2.5 hours per week by community members. The netball/basketball courts do not currently have any regular bookings or casual usage. Also located at the Percy Doyle Reserve site (130 metres away) are the Sorrento tennis courts which consist of 20 courts with associated floodlights, fencing and clubroom facility leased by the Sorrento Tennis Club.

This report details the condition of the tennis and netball/basketball courts, the required tennis court renewal works, current utilisation information and future management options.

The extent of tennis court works required, location of the Sorrento tennis courts and condition and low utilisation levels of the netball/basketball courts leads to the recommendation of the decommissioning of both the tennis courts and netball/basketball courts.

BACKGROUND

The Duncraig Tennis Courts are located within the Percy Doyle Reserve on the corner of Marmion Avenue and Warwick Road, Duncraig (Attachment 1 refers). They consist of four plexipave courts with eight floodlights and a fenced perimeter. They were built in 1978 with their last resurfacing works undertaken in 1993. Adjacent to the Duncraig Tennis Courts are two plexipave multipurpose netball/basketball courts. These were also built in 1978 with their last resurfacing works undertaken in 1998. Also located at the Percy Doyle Reserve site (130 metres away) are the Sorrento tennis courts (Attachment 2 refers) which consist of 20 courts with associated floodlights, fencing and clubroom facility leased by the Sorrento Tennis Club.

The resurfacing of the Duncraig Tennis Courts was a planned project for 2008/09 with an expected cost of \$30,000 (carried forward to the 2009/10 budget). The two multipurpose netball/basketball courts have been assessed and determined to be in a poor condition. The resurfacing of these courts is estimated at \$30,000. A detailed assessment of the tennis courts was undertaken that determined the condition to be of a poor standard and indicated that the works required were beyond the budgeted resurfacing works. The work required is considered a major renewal/upgrade and includes relaying of the substructure, re-fencing, new retaining wall and kerbing which has been estimated to cost \$136,000. The 2009/10 budget contained an amount of \$69,820 for tennis court resurfacing and fencing. These funds have been carried forward into 2010/11.

DETAILS

Currently the Duncraig Tennis Courts are used by two small tennis clubs (Duncraig Tennis Club and the OFTA) and are available for hire by the community. The tennis clubs are required to book the courts on an annual basis using the City's tennis court booking process. This involves the clubs completing a booking request form in September each year, detailing their requirements for the upcoming year and payment is made upfront or on a quarterly basis. For the 2009/10 year, the Duncraig Tennis Club booked the courts for 17.5 hours per week (7.5 hours of which is junior use and is not charged a fee) at a cost of \$1,380.80 (equates to \$2.65 per hour).

The OFTA booked the courts for three hours per week at a cost of \$296 (equates to \$1.90 per hour). There is also a commercial coach operating at the Duncraig Tennis Courts that hires courts for two hours per week at a cost of \$54 per week that is booked and paid for on a school term basis for an eight week program.

The Duncraig Tennis Courts are currently utilised for an average of 22.5 hours per week by the two clubs and tennis coach which is 20% of the time they are available to hire. Of this usage, 77.7% is the Duncraig Tennis Club. There is currently on average 2.5 hours booked by casual community members on the courts per week. The utilisation rate of the Duncraig Tennis Courts is high for a local tennis facility, with most local courts being utilised less than 5% of their available time.

The Duncraig Tennis Club's membership numbers have decreased over the last two years by 23% and currently consist of 36 senior and 20 junior members. Of these 36 senior members, half are between the ages of 40-50 and half are over 60 years of age. Nearly 40% reside in either Duncraig or the suburbs surrounding the courts (Sorrento and Warwick) and 14% reside in suburbs outside of the City of Joondalup (Carine, Marangaroo, North Beach and Trigg).

The OFTA currently have 20 senior members. Of these members, 65% are between the ages of 40-50 and 30% are over 60 years of age. 50% reside in either Duncraig or the suburbs surrounding the courts (Sorrento and Marmion) and 20% reside in suburbs outside of the City of Joondalup (Carine, Hamersley, North Beach and Hocking).

The two multipurpose netball/basketball courts are currently available for hire by groups and community members. Clubs or community members wishing to hire the courts use the City's netball/basketball court casual booking process. This involves calling the Community Booking Office to make a booking and payment for the hire. There are currently no regular bookings for these courts. However, as they are unfenced it was expected that people may utilise them without booking through the City.

To determine the level of casual usage, additional patrols were undertaken by City Watch over ten days in July 2010. The patrols were conducted morning and afternoon and included a week of the school holiday period. As no usage was recorded during this time, it is anticipated that there is minimal community use of the netball/basketball courts.

The Sorrento Tennis Club currently leases the Sorrento tennis courts from the City on a 'peppercorn' basis. The club is responsible for the cleaning and maintenance of the facility and for administering the bookings for these courts. Prior to 2008, the club was fully responsible for any court resurfacing work, however now resurfacing work is considered by the City on an annual basis. Currently the Sorrento Tennis Club has 248 members and charges various membership fees on a per annum basis. The courts are available for community members to hire on a casual basis through the club for an hourly fee of \$10 (day rate) and \$14 (evening rate). This is comparable with the City's tennis court community hire rate is \$11 per hour (day rate) and \$14 per hour (evening rate).

The City is currently developing an approach to the provision and maintenance of tennis courts throughout the City which will provide a number of options. This report will be presented to Council in the later part of 2010.

The Duncraig tennis court issue has been brought to the Council's attention as a decision is required on whether the existing courts are maintained, renewed or decommissioned and alternative facilities provided.

Issues and options considered:

There are four options available to the City for the future management of the Duncraig Tennis Courts and adjacent netball/basketball courts. These options and associated advantages and disadvantages are discussed below.

Option 1

Resurface only. Undertake resurfacing works at the tennis and netball/basketball courts.

Advantages	Disadvantages
No change to service levels of tennis and netball/basketball courts from the community's perspective (such as the same number of courts provided and maintained)	Sorrento Tennis Club continue to be directly impacted by courts located in close proximity to them
Current Duncraig Tennis Court users continue to utilise the courts	Cracks are expected to occur within 12 months and further resurfacing work would be required within two to three years.
	City funds are used to resurface basketball/netball courts that have minimal community usage

Option 2

Renewal/upgrade. Undertake identified required major works at the tennis courts and resurfacing works at the netball/basketball courts.

Advantages	Disadvantages
No change to service levels of tennis and netball/basketball courts from the community's perspective (such as the same number of courts provided and maintained)	Sorrento Tennis Club continue to be directly impacted by courts located in close proximity
Current Duncraig Tennis Court user groups continue to utilise the courts	City funds are used to resurface basketball/netball courts that have minimal community usage

Option 3

Decommission tennis courts and replace with alternative facilities (netball/ basketball courts to be retained) and resurface netball/basketball courts. The two clubs currently using the tennis courts could be relocated to either Sorrento Tennis Courts or Glengarry Tennis Courts.

Advantages	Disadvantages
The provision of future maintenance and renewal expenditure for the tennis courts would not be required	Service levels of tennis courts from the community's perspective is reduced (such as the number of courts provided and maintained is reduced)
Encourages community participation in tennis clubs (Sorrento Tennis Club)	Current Duncraig Tennis Court user groups would need to be relocated
Community is engaged in decommissioning process – provision of alternative facilities	Cost of decommissioning and provision of alternative facilities
Alternative facilities could potentially alleviate current heavy utilisation rates of sporting ovals located at Percy Doyle Reserve or give the community another type of facility to utilise (for example 'community garden')	City funds are used to resurface basketball/netball courts that have minimal community usage

Option 4

Decommission tennis and netball/basketball courts and replace with alternative facilities. The two clubs currently using the tennis courts could be relocated to either Sorrento Tennis Courts or Glengarry Tennis Courts.

Advantages	Disadvantages
The provision of future maintenance and renewal expenditure for the courts would not be required	Service levels of tennis and netball/basketball courts from the community's perspective is reduced (such as the number of courts provided and maintained is reduced)
Encourages community participation in tennis clubs (Sorrento Tennis Club)	Current Duncraig Tennis Court user groups would need to be relocated
Community is engaged in decommissioning process – provision of alternative facilities	Cost of decommissioning and provision of alternative facilities
Alternative facilities could potentially alleviate current heavy utilisation rates of sporting ovals located at Percy Doyle Reserve or give the community another type of facility to utilise (for example 'community garden')	

Strategic Plan

Key Focus Area: Community Wellbeing

Objective: 5.1 To ensure the City's facilities and services are of a high quality and accessible to everyone.

Risk Management considerations:

Decommissioning the tennis courts and basketball/netball courts increases the risk of negative community perception regarding provision of court facilities. It would also directly impact the two small tennis clubs utilising the tennis courts. It is proposed that the impact to the groups and the community's access to tennis courts in the area be addressed by undertaking an effective community consultation campaign prior to any decommissioning works. The existing clubs could also be relocated to either the Sorrento Tennis Courts or Glengarry tennis courts.

The risk of resurfacing or renewing the tennis courts would be the continued duplication of facilities within close proximity to the Sorrento Tennis Courts and the Sorrento Tennis Club would continue to be directly impacted by the proximity of these courts.

The risk of resurfacing the netball/basketball courts would be the utilisation of City funds to resurface courts that have minimal community usage.

Financial/Budget Implications:

The 2009/10 budget contained \$30,000 for the resurfacing of the Duncraig Tennis Courts. There was also \$69,820 listed in the 2009/10 tennis court resurfacing and fencing budget that has been identified could be used to contribute to this project. This gives a total available budget of \$99,820 for the project. These funds have been carried forward to the 2010/11 year to allow a decision to be made and implemented.

In the 2010/11 budget an allocation of \$174,600 has been made for the resurfacing of the Timberlane Park Courts (two courts), Warwick Open Space Courts (four courts), Harbour View Park Courts (two courts) and Camberwarra Park Courts (two courts).

The estimated costs associated with the four options presented are as follows:

Option	Estimated Cost
1 Resurface tennis and netball/basketball courts	\$30,000 (resurface tennis courts) \$30,000 (resurface netball/basketball courts) TOTAL \$ 60,000
2 Renewal/upgrade works of tennis courts and resurface netball/basketball courts	\$30,000 (resurface netball/basketball courts) \$136,000 (renewal works tennis courts) TOTAL \$166,000
3 Decommission tennis courts and resurface netball/basketball courts	\$34,400 (decommission tennis courts) \$30,000 (resurface netball/basketball courts) TOTAL \$ 64,400
4 Decommission tennis and basketball/netball courts	\$34,400 (decommission tennis courts) \$30,000 (decommission netball/basketball courts) TOTAL \$ 64,400

Regional Significance:

The Duncraig Tennis Courts are considered a local tennis facility due to their size. The Sorrento tennis courts are considered a regional tennis facility due to the number of courts, associated infrastructure and size of the Sorrento Tennis Club.

Consultation:

Initial discussions have occurred with the OFTA, Duncraig Tennis Club and Sorrento Tennis Club regarding the potential decommissioning of the tennis courts.

Through those discussions the OFTA indicated that they would be prepared to relocate to the tennis courts located at Glengarry Park, Duncraig.

It was requested by the OFTA, as part of the decommissioning of the tennis courts, could the flood lighting be relocated to Glengarry. Relocation of the floodlighting would be subject to a number of factors before agreeing to the relocation:-

- Safety.
- Compliance to Australian Standards.
- Any required power upgrade to the site.

Subject to the above, the balance of the light towers could be relocated to other facilities within the City.

The Sorrento Tennis Club indicated it was prepared to negotiate with either group to establish a booking arrangement that would cater for the demands of the individual clubs.

The Duncraig Tennis Club advised they would need to examine various options about relocation to other tennis facilities.

COMMENT

The Duncraig Tennis Courts are currently utilised 20% of the time they are available for hire. The proximity of them in relation to the Sorrento Tennis Courts (130 metres away) means that there is a duplication of tennis facilities in the area. As the courts now require major renewal/upgrade works a decision is required on whether the existing courts are maintained, renewed or decommissioned and alternative facilities provided.

The facilities at the Sorrento Tennis Club have the capacity to cater for the current usage of the OFTA and Duncraig Tennis Club. If this option is not feasible, the City will work with the clubs to find other suitable City facilities. This option would not affect the current hire rate paid to the City by the two tennis clubs.

Any casual community members wishing to use the Duncraig tennis courts (currently 2.5 hours per week) could be relocated to use the Sorrento tennis courts with minimal disruption. The casual hire fees that the Sorrento Tennis Club charge are comparable with the City's casual hire fees so community members would not be impacted financially by the relocation.

There are currently no regular bookings for the netball/basketball courts and City Watch patrols conducted recorded no usage over a ten day period. Therefore, it is anticipated that there is minimal community use of the netball/basketball courts.

The extent of tennis court works required, location of the Sorrento tennis courts and condition and low utilisation levels of the netball/basketball courts leads to the recommendation of the decommissioning of both the tennis courts and netball/basketball courts. To determine the replacement for the courts, community consultation would be undertaken. Following this consultation, a further report would be presented to Council outlining the results of the community consultation.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 AGREES to decommission the four tennis courts and two netball/basketball courts located on the corner of Marmion Avenue and Warwick Road, Duncraig;
- 2 as part of the decommissioning of the tennis courts in part 1 above and subject to suitability, AGREES to relocate the floodlight towers to the tennis courts located at Glengarry Park, Duncraig;
- 3 REQUESTS a further report detailing the options available for alternative facilities to replace the four tennis courts and two basketball/netball courts following decommissioning.

MOVED Cr Fishwick, SECONDED Cr Diaz that Council:

- 1 **AGREES to decommission the four tennis courts and two basketball/netball courts located on the corner of Marmion Avenue and Warwick Road, Duncraig not before 1 January 2011 to enable the current users sufficient time in which to find an alternative venue;**
- 2 **as part of the decommissioning of the tennis courts in part 1 above and subject to suitability, AGREES to relocate the floodlight towers to the tennis courts located at Glengarry Park, Duncraig;**
- 3 **REQUESTS a further report detailing the options available for alternative facilities to replace the four tennis courts and two basketball/netball courts following decommissioning.**

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young **Against the Motion:** Cr Corr.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf140910.pdf](#)

Manager, Leisure and Cultural Services left the Chamber at 2213 hrs.

CJ152-09/10 REVIEW OF THE CITY OF JOONDALUP GREENHOUSE ACTION PLAN 2007-2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	59091
ATTACHMENTS:	Attachment 1 Review of Greenhouse Action Plan

PURPOSE

To provide information regarding the review of the City's Greenhouse Action Plan 2007-10 and the City's greenhouse gas emissions profile.

EXECUTIVE SUMMARY

The City's Greenhouse Action Plan was developed in 2007 to provide guidance to the City in reducing energy use and greenhouse gas emissions, in order to reach Council endorsed reduction targets.

The aim of the Greenhouse Action Plan 2007-11 was to:

- Significantly reduce the City's energy costs;
- Improve air quality at the local level;
- Promote sustainable transport options; and
- Raise the awareness of energy efficiency and renewable energy technologies.

The Greenhouse Action Plan aimed to reduce greenhouse gas emissions within the City through the implementation of thirty six actions across six key sectors, including:

- Buildings;
- Street lighting;
- Water;
- Vehicle Fleet;
- Waste; and
- Residential.

The implementation of actions within the Greenhouse Action Plan has contributed to a decrease in the amount of greenhouse gas emissions being created from City operations. Emissions have reduced by approximately sixteen percent from the level recorded in 2000/01, when the City joined the Cities for Climate Protection Program.

BACKGROUND

The City of Joondalup joined the Cities for Climate Protection (CCP) Program in October 1999 and has progressively achieved each of the five Milestones within the framework. In 2003 the City achieved Milestone Three of the Program by developing and endorsing a Greenhouse Action Plan.

In 2007 the Greenhouse Action Plan 2003 was reviewed and updated to produce the current Greenhouse Action Plan 2007-2010. This Plan contains a number of actions aimed at reducing greenhouse gas emissions with the City's own operations (corporate) and the community sectors.

The Greenhouse Action Plan aimed to reduce greenhouse gas emissions within the City through the implementation of thirty six actions targeting the following areas:

- Buildings;
- Street lighting;
- Water;
- Vehicle Fleet;
- Waste; and
- Residential.

Details of the actions that have been implemented are provided within this report and are also provided in **Attachment 1**.

As part of the CCP Program, the City set targets for reducing greenhouse gas emissions within the corporate and community sectors. In 2002, Council endorsed the following targets:

To reduce community greenhouse gas emissions by 20% by 2010 based on 1996 levels.

To reduce corporate greenhouse gas emissions by 20% by 2010 based on 2000 levels and a stretch target of 35% reduction.

The progress made in reaching these targets are also detailed within this Report.

DETAILS

Actions within the Greenhouse Action Plan 2007

The Greenhouse Action Plan contained 36 actions to be implemented over a three year period. Business Units were assigned responsibility for implementing actions over the six target areas. Thirty four of the actions have been completed, whilst two actions are still in progress.

Key highlights of the City's Greenhouse Action Plan 2007-2010 have included:

- *Action 1: Undertake energy audits on the top five emitting City buildings and develop a priority schedule for undertaking ongoing audits of all other buildings City buildings.*

Energy audits were carried out during 2007/08 on the Joondalup Administration Building and Civic Centre, Joondalup Library, Woodvale Library, Craigie Leisure Centre and Whitfords Library. The recommendations within the audit reports have been scheduled for implementation through the City's Capital Works Program, including:

- 2011/12: Craigie Leisure Centre - Upgrade lighting control system (estimated cost \$45,000);
- 2011/12: Joondalup Civic Chambers – Upgrade lighting control system (estimated cost \$67,000);
- 2012/13: Joondalup Administration Centre – Upgrade lighting control system (estimated cost \$77,000); and
- 2012/13: Joondalup Library Upgrade lighting control system (estimated cost \$105,000).

- *Action 17: Continue to subscribe annually to the Carbon Neutral Program to offset the total amount of fuel consumed by the City vehicles through carbon sequestration.*

The City has purchased carbon offsets from Carbon Neutral to offset annual fleet emissions. During the period from 2007 to 2010 the City has offset 12,468.17 tonnes of carbon dioxide. This is equivalent to taking 2,900 cars permanently off the road. The City has also planted 12,117 native seedlings within rural Australia, through the Carbon Neutral Program.

- *Action 20: Improve the re-inventory process by investigating the use of different methodologies to determine greenhouse gas emissions to strive for more consistent recording in the future.*

During 2009/10, the City joined the Planet Footprint Program. Through the Program the City receives detailed energy and greenhouse consumption data on a quarterly basis. This information has been utilised for the City's Annual Report 2009/10 and will be utilised to track and report on the City's greenhouse gas emissions on an annual basis.

- *Action 28: Continue to promote cleaner production and energy smart principles in businesses operating in the City.*

In 2006/07 the City commenced the Ecobusiness Program, aimed at raising the awareness of energy efficiency within the Business and Industry sectors. This Program was awarded the Western Australian Environment Award in 2007 and the Eviron Australia Leader in Sustainability Award in 2008.

From 2007 to 2009 225 businesses from across the region participated in the Program resulting in more than 830 MWh pa of electricity or \$145,000 saved and 2,061 tons of CO₂-e of greenhouse gas emissions abated.

Details of the progress of the implementation of the actions from the Greenhouse Action Plan are included in Attachment 1.

City of Joondalup Greenhouse Gas Emissions Profile

In order to achieve Milestone One of the CCP Program, the City conducted an inventory of greenhouse gas emissions in 2000/01. This inventory demonstrated that the City's corporate greenhouse gas emissions totalled 22,791 tonnes of CO₂ equivalent.

To meet the requirements of Milestone Five a second inventory was conducted in 2005/06 utilising data from 2004/05. This inventory demonstrated that the City's emissions had reduced by approximately 1,725 tonnes, with the total emissions being 21,066 tonnes of CO₂ equivalent.

The greatest source of emissions within the corporate sector in 2004/05 was from the area of street lighting with fifty two percent, followed by buildings which totalled thirty eight percent of the total usage.

The CCP Program ended on June 30 2009 and as such no further greenhouse gas inventories have been conducted using the CCP Framework. However the City now monitors greenhouse gas emissions through data received through the Planet Footprint Program.

The City joined the Planet Footprint Program in September 2009 and receives data relating to corporate greenhouse gas emissions on a quarterly and annual basis. Planet footprint has also provided figures for greenhouse gas emissions for the 2006/07, 2007/08 and 2008/09 years, which has been sourced through the City's utility providers.

In order to meet the endorsed reduction target of 20% by the target year, the City's corporate greenhouse gas emissions would need to total approximately 18,233 tonnes for 2009/10.

Currently the City's emissions for the corporate sector total 18,975* tonnes of CO₂ equivalent, which is a reduction of approximately 16%.

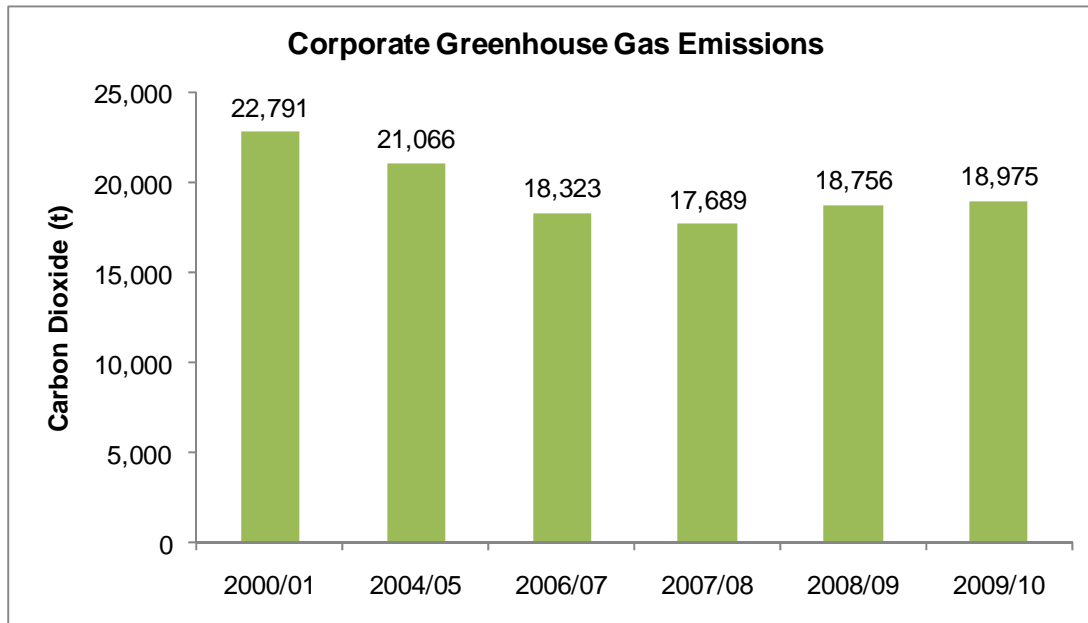


Figure 2: Corporate Greenhouse Gas Emissions 2000/01 to 2009/10

**Note- this figure does not include an amount for corporate waste, as this data is currently unavailable, however in previous greenhouse inventories waste only accounted for 3% of the total corporate emissions.*

The City's greenhouse gas emissions increased from 2007/08 to 2008/09, as demonstrated in Figure 2 above. The increase is due to the City ceasing to purchase Green Power for the five largest consuming sites during this period.

From 1 July 2010, the City will purchase 75% Green Power for the Joondalup Administration Building (including the Joondalup Library) and the Craigie Leisure Centre. This will have a positive effect on the City's greenhouse gas emissions profile.

The City's greenhouse gas emissions marginally increased from 2008/09 to 2009/10. The increase in emissions could be attributed to the City managing more assets and consuming a greater amount of energy.

Community Greenhouse Gas Emissions Profile

Data relating to the community's greenhouse gas emission profile is not available at this time, as the source of this data is the Australian Census. The Census is conducted every five years, with the next Census scheduled to take place on 9 August 2011.

Once community greenhouse data becomes available, a report will be prepared on the progress of greenhouse gas reductions against the City's endorsed community targets.

WALGA and Planet Footprint are investigating mechanisms to collect and analyse community data to enable more frequent reporting of community greenhouse gas emissions.

Legislation/Strategic Plan/Policy Implications

Implementation of the Greenhouse Action Plan 2007-2010 has contributed towards the following objectives within the City's Plans:

Strategic Plan

Key Focus Area: The Natural Environment:

2.1.5 The City reduces its greenhouse gas emissions and assists the public to reduce community emissions.

Environment Plan

Focus Area: Air Quality:

4.1.2 Continue implementation of the City's Greenhouse Action Plan.

Risk Management considerations:

The City joined the ICLEI Cities for Climate Protection Program in 2000 and has invested significant funding and resources into the Greenhouse Action Plan and energy related initiatives. The continuation of these initiatives, despite the cessation of the Cities for Climate Protection Program will enable the City to continue its efforts in reducing greenhouse gas emissions through environmental education, energy efficiency upgrades, waste minimisation and sustainable transport initiatives. This work will significantly reduce the risk of a decline in uptake of energy efficiency and greenhouse gas reduction efforts within the City.

Financial/Budget Implications:

Funding for energy and greenhouse reduction strategies will need to be considered in future budgets and will be subject to the annual budget process. However as the cost of energy increases payback periods for energy efficiency and renewable energy initiatives will decrease.

Funding for the continuation of awareness raising and educational initiatives are included in Strategic and Organisational Development 2010/11 budget.

Regional Significance:

Not Applicable.

Sustainability implications:

The implementation of the Greenhouse Action Plan has led to a number of benefits for the City, including reduction in energy use and greenhouse gas emissions, a greater awareness of energy efficiency and renewable energy principles. The reduction of energy use also leads to financial benefits through savings in the purchase of energy requirements.

Consultation:

Not Applicable.

COMMENT

Reducing energy use and greenhouse gas emissions is an ongoing challenge for Local Government and is of increasing relevance to organisations given the emphasis on corporate social responsibility and climate change. The initiatives implemented through the Greenhouse Action Plan have contributed to a reduction in greenhouse gas emissions and provides a solid basis for continuation of greenhouse related strategies within the City.

This report provides a final status update on the implementation of the City's Greenhouse Action Plan. As detailed in Attachment 1, the majority of the actions within the Plan have been successfully completed, which has led to the key objectives of the Plan being achieved. It is not intended to develop a new Greenhouse Action Plan for the City. However it is proposed that mechanisms for mitigation of greenhouse gases will be included in the City's new Climate Change Strategy.

At its meeting held on 20 July 2010 (Item J117-07/10 refers), Council noted the approach that the City is taking in planning for the future climate change impacts through the development of a City of Joondalup Climate Change Strategy.

The greatest source of greenhouse gas emissions within City operations is from street lighting which accounted 54% of the City's total greenhouse gas emissions for the 2009/10 period. This is followed by energy use within buildings and assets, which contributes to around 39% of the City's total emissions.

As the City only manages a small amount of street lighting assets within the City, with the majority of the infrastructure being owned and managed by Western Power, there are limitations to the measures that can be taken to reduce emissions within this area.

WALGA is working with Western Power to investigate opportunities to enable street lighting to become more energy efficient which will lead to cost savings and reduction in greenhouse gas emissions. A number of trials are currently in place to examine the efficiency and safety of street lights when traditional lamps are replaced with energy efficient alternatives. The results of the trials will be used to advocate to Western Power to upgrade street lighting assets with low energy technologies.

In order to reduce energy usage within buildings greater emphasis will need to be placed on energy efficiency and renewable energy use within City buildings into the future.

Awareness raising and implementation of energy efficiency and renewable energy principles will also be continued through the range of environmental projects currently being undertaken by the City, including the following:

- Switch Your Thinking Program.
- Environmental Education Program.
- Planet Footprint.
- ECOSTAR Program.

Opportunities to increase energy efficiency within City operations are included within the Environmentally Sustainable Design Discussion Paper and related Draft Policies. Implementation of these principles will be progressed through the City's Capital Works Program.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Norman, SECONDED Cr Chester that Council NOTES the progress made in implementing the City's Greenhouse Action Plan 2007-10 forming Attachment 1 to Report CJ152-09/10

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf140910.pdf](#)

CJ153-09/10 STATUS OF PETITIONS

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 05386

ATTACHMENTS: Attachment 1 Status of Petitions – 15 December 2009 to 17 August 2010

PURPOSE/ EXECUTIVE SUMMARY

To advise Council of the status of outstanding petitions received during the period 15 December 2009 to 17 August 2010.

BACKGROUND

Quarterly reports on outstanding petitions are to be presented to Council.

Issues and options considered:

Attachment 1 provides a list of all outstanding petitions received during the period 15 December 2009 to 25 May 2010, with a comment on the status of each petition.

Legislation/Strategic Plan/Policy Implications

Legislation

Clause 22 of the City's Standing Orders Local Law 2005 states:

"22. Petitions

- (1) A petition received by a member or the CEO is to be presented to the next ordinary Council meeting;

- (2) Any petition to the Council is:
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the CEO;
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served;
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the CEO for action.

Strategic Plan:

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

Policy Implications:

Individual petitions may impact on the policy position of the City.

Risk Management considerations:

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction by the community.

Financial/Budget Implications:

Individual requests made by the way of petitions may have financial implications.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The petitions are presented to Council for information on the actions taken, along with those outstanding.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, SECONDED Cr Gobbert that Council:

1 NOTES:

- 1.1 the status of outstanding petitions submitted to Council during the period 15 December 2009 to 17 August 2010, forming Attachment 1 to Report CJ153-09/10;
- 1.2 that the petition to permanently ban the practice of burning of garden refuse or other waste in residential backyards was presented to the Council at its meeting held on 20 July 2010 (CJ120-07/10);
- 1.3 that the petition requesting the installation of a path through Magpie Reserve was presented to the Council at its meeting held on 20 July 2010 (CJ126-07/10);
- 1.4 that the petition from members of the Perth Disc Golf Club requesting that Council exclude the car parking facilities and the oval from the Proposed Scheme Amendment was presented to the Council at its meeting held on 20 July 2010 (CJ112-07/10);
- 1.5 that the petition received from Sorrento residents supporting a modification to the Draft Local Housing Strategy will be included in a future report to Council detailing all submissions received during the draft Local Housing Strategy consultation;
- 1.6 that the playground at Annato Park, Greenwood is in an acceptable condition and will be included in a review of all playgrounds in 2011/12 and listed for replacement subject to the outcome of the review;
- 1.7 that the playground at Braden Park, Marmion is in an acceptable condition and will be included in a review of all playgrounds in 2011/12 and listed for replacement subject to the outcome of the review;
- 1.8 that:
 - 1.8.1 the playground at Parkinson Park, Hillarys is in an acceptable condition and will be included in a review of all playgrounds in 2011/12 and listed for replacement subject to the outcome of the review;
 - 1.8.2 the existing park benches at Parkinson Park, Hillarys will be upgraded as part of the Parks Equipment Program in 2010/11 and the dead trees will be replaced as part of the winter planting program in 2011;

2 ADVISES the lead petitioner in Parts 1.6, 1.7 and 1.8.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Item CJ160-09/10, Page 120 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf140910.pdf](#)

CJ154-09/10 APPOINTMENT OF WORKING GROUP MEMBERS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	79544, 79623
ATTACHMENTS:	Attachment 1 Terms of Reference Attachment 2 (Confidential) Nominations – Distributed under separate cover

PURPOSE

For Council to appoint Elected Members and Community Representatives to the:

- Community Safety and Crime Prevention Working Group;
- Streetscape Working Group.

EXECUTIVE SUMMARY

At its meeting held on 20 July 2010, Council adopted the Working Plans and Terms of Reference for the Community Safety and Crime Prevention and Streetscape Working Groups. Council noted that 'Expressions of Interest' would be sought from residents / ratepayers of the City and from suitable qualified professionals.

Letters and information packs containing nomination forms were mailed to former Advisory Committee Members, all Ratepayer Associations in the City and identified professionals inviting nominations for membership of the Working Groups. Advertisements seeking nominations were also placed in the local community paper and on the City's website.

Nominations closed Friday, 3 September 2010 with seven nominations received for the Streetscape Working Group and 11 nominations received for the Community Safety and Crime Prevention Working Group.

The Council is requested to give consideration to nominating up to three Elected Members, one of whom acts as Chair to each Working Group and appoint at least one resident / ratepayer from each of the six wards of the City (six in total) and up to four places for suitably qualified professionals.

BACKGROUND

At its meeting held on **16 March 2010**, Council was presented a report (CJ038-03/10 refers) concerning options for future community engagement with residents, in particular, Advisory Committees, Working Groups and Community Forums.

It was resolved at this meeting to establish two Working Groups:

- 1 A Community Safety and Crime Prevention Working Group with the objective of providing advice to the Council on community safety and crime prevention issues and to assist the Council in developing a strategic approach to ensure the safety and wellbeing of the wider community of the City of Joondalup.
- 2 A Streetscape Working Group with the objective of providing advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians and assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods.

At its meeting held on **20 July 2010** Council resolved to:

- "1 ADOPT the Terms of Reference for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group shown as Attachment 1 to Report CJ119/07/10;*
- 2 ADOPT the Terms of Reference for the Community Forums on Sustainability, Conservation, and Seniors Interests shown as Report CJ119/07/10;*
- 3 ADOPT the 2010/11 Work Plans for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group shown as Attachment 3 to Report CJ119/07/10;*
- 4 NOTE that Expressions of Interest for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group will be undertaken in August 2010."*

DETAILS

The proposed structure for Working Groups is as follows:

- Membership of Working Groups is limited to 15 individuals, including:
 - up to three Elected Members, one of whom acts as Chair (to be nominated by Council every two years in line with the local government election cycle);
 - at least one resident / ratepayer from each of the six wards of the district (six in total);
 - up to four places for suitably qualified professionals who can provide expert advice / information as necessary.

The Working Groups will be supported by City staff being one officer to coordinate Working Group Agenda preparation, to record outcomes of discussions / deliberations and to report to Council, and one officer per working group to provide technical advice when required.

Previous Advisory Committee Members and the following associations were sent letters inviting them to submit nominations for the Working Groups:

Ratepayers Associations List (for both Working Groups)

- Burns Beach Ratepayers association.
- Connolly Residents Association.
- Harbour Rise Homeowners Association.
- Hepburn Heights Landowner's Association.
- Iluka Homeowners' Association.
- Kinross Residents Association.
- Marmion Sorrento Duncraig Progress and Ratepayers Association.
- North Shore Country Club and Residents Association.
- Ocean Reef Progress Association.
- Oceanside Gardens Residents Association.
- Whitfords Community, Ratepayers and Recreation Association.
- Woodvale Waters Land Owners Association.
- Kingsley and Greenwood Residents Association.

Streetscape Working Group

- Arbor Centre.
- Kings Park and Botanic Gardens.
- Tree Guild of WA.
- Tree Management Institute.
- Wildflower Society (Northern Suburbs Branch).
- West Coast Institute of Training Joondalup.

Community Safety and Crime Prevention Working Group

Recognised professionals within the area of Community Safety and Crime Prevention, including identified members of the WA Police Service, were sent letters inviting them to submit nominations for the Community Safety and Crime Prevention Working Group.

The Working Groups were promoted on the City's website and advertisements appeared in the Joondalup Times on Tuesday, 17 August 2010 and in the Joondalup Weekender on Thursday 19 and 26 August 2010. The Working Groups and call for nominations was publicised in an article by the Joondalup Times on 24 August 2010.

Nominations closed Friday, 3 September 2010 with seven nominations received for the Streetscape Working Group and 11 nominations received for the Community Safety and Crime Prevention Working Group.

These nominations have been forwarded to Elected Members under separate cover.

Legislation/Strategic Plan/Policy Implications

Legislation Local Government Act 1995 – Section 1.3 (2) states:

This Act is intended to result in –

- (a) Better decision making by local governments;
- (b) Greater community participation in the decisions and affairs of local government;
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

Strategic Plan

Key Focus Area: Leadership and Governance

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

To engage proactively with the community.

Policy: Council Policy - Public Participation

Risk Management considerations:

Community members may be sceptical about the integrity of engagement attempts by local government, and nominations for both Working Groups and Community Forums may be low.

Financial/Budget Implications:

The costs would be minimal attracting catering costs and associated administrative resource costs.

Regional Significance:

Some of the matters discussed at Working Groups may have a regional focus.

Sustainability Implications:

Working Groups are a mechanism for actual involvement by the community on matters of social, economic and environmental interest to them and, therefore, for better informing the Council on the needs of current and future generations.

Consultation:

Working Groups are a mechanism for community engagement.

COMMENT

Part 3.2.1 of the Terms of Reference (Attachment 1), being *Membership - Community Members*, determines that “*at least one community member from each of the six wards of the district*” be included in each Working Group.

Community Member nominations received for the Streetscape Working Group incorporate:

- one from the North Ward;
- two from the Central Ward;
- one from the South East Ward.
- one from the South West Ward.

This would leave the North Central and South Wards without community representation.

Community Member nominations received for the Community Safety and Crime Prevention Working Group incorporate:

- five from the North Ward;
- one from the North Central Ward;
- two from the Central Ward.

This would leave the South East, South West and South East Wards without community representation.

It is suggested that Council authorises the Chief Executive Officer to appoint additional Working Group members upon receipt of nominations, up to a maximum of 12 members for each Working Group.

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council:

- 1 APPOINTS community representatives and qualified professionals who nominated for the Community Safety and Crime Prevention Working Group and Streetscape Working Group as detailed in Attachment 2 to Report CJ154-09/10;
- 2 CALLS for nominations for three Elected Members to represent the City on the:
 - 2.1 Community Safety and Crime Prevention Working Group;
 - 2.2 Streetscape Working Group;
- 3 AUTHORISES the Chief Executive Officer to appoint additional Working Group members upon receipt of nominations, up to a maximum of 12 members for each Working Group.

MOVED Mayor Pickard, SECONDED Cr McLean that Council:

- 1 APPOINTS the following community representatives and qualified professionals who nominated for the Community Safety and Crime Prevention Working Group and the Streetscape Working Group as details in Attachment 2 to Report CJ154-09/10:**

Community Safety and Crime Prevention Working Group

Mr Rainer Repke
Mr John Agnew
Superintendent Nigel White
Mr Michael Ryan
Ms Denise Farquhar
Mr Joe Kelly
Mr Wesley Buzza
Mr Kevin Burke
Mr Mervyn Rea
Mr Stephen Mills
Mr Dominic Wood

Streetscape Working Group

Ms Penny Gilpin
Mr Rainer Repke
Mr John Agnew
Mr Ian Newton
Mr Rob Bodenstaff
Mr Brad Schrader
Mr Jason Royal

- 2 NOMINATES the following Elected Members to represent the City on the:**

2.1 Community Safety and Crime Prevention Working Group:

Member

**Cr Hamilton-Prime
Cr Amphlett**

2.2 Streetscape Working Group:

Member

**Cr Norman
Cr Hollywood**

- 3 AUTHORISES the Chief Executive Officer to appoint additional suitable Working Group members upon receipt of nominations, up to a maximum of 12 community representatives and qualified professionals for each Working Group.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 9 refers

Appendix 16 refers – Confidential - as appended hereto in the Official Minute Book

To access this attachment on electronic document, click here: [Attach9brf140910.pdf](#)

CJ155-09/10 PETITION OF ELECTORS IN RELATION TO PARKING IN WILLESDEN AVENUE, KINGSLEY

WARD: South-East

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

FILE NUMBER: 24185

ATTACHMENTS: Attachment 1 Map of Willesden Avenue and Greenwood Train
Station

PURPOSE

The purpose of this report is to provide a recommendation to Council in response to the petition of electors received by Council at its meeting held on 20 July 2010.

EXECUTIVE SUMMARY

A petition bearing 27 names from 11 addresses in Willesden Avenue Kingsley was received by Council at its meeting on 20 July 2010. The petition sought “that the Council takes immediate action to resolve the longstanding issues regarding street parking in Willesden Avenue, Kingsley”. Information provided by the petitioners during question time at that meeting clarified the issues as relating to commuter parking in Willesden Avenue associated with Greenwood train station.

There does not appear to be a clear case for introducing either a resident / visitor parking permit scheme or a timed parking prohibition in the area. There is no evidence of loss of amenity, no evidence from the Western Australian Police of any antisocial or criminal behaviour, and no damage being done to City infrastructure. Legal parking is occurring on a public road.

It is recommended that Council:

- 1 *DOES NOT APPROVE implementing parking prohibitions on Willesden Avenue Kingsley;*
- 2 *NOTES that the City continues to enforce incidents of illegal parking;*
- 3 *REASSESSSES the parking situation in 12 months time;*
- 4 *ADVISES the lead petitioner of the Council decision.*

BACKGROUND

The residents in Willesden Avenue previously raised their concerns about commuter parking in 2008. On the 5 August 2008 Council considered a petition bearing 26 names in relation to commuter parking in Willesden Avenue associated with Greenwood train station. As a result of research done at the time, it was resolved:

That Council:

- 1 *DOES NOT install parking prohibitions on Willesden Avenue, Kingsley at this stage;*
- 2 *REQUESTS the parking situation on Willesden Avenue, Kingsley be monitored on a regular basis;*
- 3 *REASSESES the parking situation on Willesden Avenue, Kingsley in 12 months once parking improvements to Greenwood Train Station are in place;*
- 4 *ADVISES the Petition Organiser of the Council's decision.*

With reference to part 2 and 3 above the improvements to the train station parking referred to were only completed on 1 July 2010 thus delaying an assessment by 12 months.

There are currently no parking restrictions in place on Willesden Avenue. The footpath from Willesden Avenue through the verge bushland provides access to Hepburn Avenue and to the wider local pathway network with an approximate walk of 350 metres from Willesden Avenue to the train station entrance. Attachment 1 identifies the area where parking is taking place and its relationship to the train station.

DETAILS

Between 1 July 2008 and 1 January 2010, the City responded to six complaints of illegal or dangerous parking in Willesden Avenue. Between 1 January 2010 and 31 August 2010, the City responded to 11 requests from residents about dangerous or illegal parking in the area, one each in February and March, two each in April and June, four in July and one in August. Between 1 January 2010 and 31 August 2010, eight infringements and three cautions were issued, and on three occasions no illegal or hazardous parking was found.

Following completion of the Greenwood Train Station parking extensions the City commenced an assessment of the parking situation in Willesden Avenue. The City's Rangers undertook 28 patrols between 9 July and 27 August 2010. Those patrols identified four instances of a vehicle parked illegally, all related to vehicles parked facing the wrong way for that side of the carriageway. No instances were found of vehicles causing any other type of hazard or obstruction. On six occasions there were no cars present and the average number of cars recorded during the period was four with a single maximum on the 10 August of nine cars.

Between 1 July 2008 and 1 January 2010, the City responded to six complaints of illegal or dangerous parking in Willesden Avenue. Between 1 January 2010 and 31 August 2010, the City has responded to 11 requests from residents about dangerous or illegal parking in the area and eight infringements and three cautions were issued. On three occasions no illegal or hazardous parking was found.

The City also wrote to 50 residential addresses in Willesden Avenue, Havering Court and Wimbledon Drive Kingsley, in relation to potential commuter parking occurring, and giving advice as to what was and was not illegal parking and advising them to contact the City immediately if any illegal parking was occurring. One complaint had been received as a result of writing to residents at the time the report was prepared at the end of August 2010.

The WA Police were asked to provide statistics of criminal and antisocial behaviour reported from residents in Willesden Avenue between July 2009 and June 2010. They advised no incidents had occurred.

Issues and options considered:

There are four options for responding to the petition. The first three deal with various possible parking controls that could be implemented.

Option 1

The first option is to introduce a resident / visitor permit parking scheme in Willesden Avenue similar to those that apply in the vicinity of the Whitfords and Warwick train stations. If a scheme were introduced it is possible that existing commuter parking would simply move from Willesden Avenue to other surrounding streets. The result may be a progressive rollout of further resident / visitor permit only restrictions as the problem moves. This would not be a desirable situation with continuous change causing confusion and residents feeling that a problem they didn't previously have has been moved to their street. This option is not recommended

Option 2

The second option is to introduce a resident/visitor permit parking but do it across a wider area up front in an attempt to cut off the potential for the problem to simply move to neighbouring streets. It is suggested that the area the scheme would need to cover would need to include at least Willesden Avenue, Havering Court, Balham Place and part of Wimbledon Drive. The petition was only signed by some residents in Willesden Avenue and it did not specify any particular course of action such as a permit scheme. A survey of all affected residents would therefore need to be undertaken to gauge acceptance before this could be implemented.

At this time, there are no reports of commuter parking causing any issues in any of the streets other than Willesden Avenue. It is considered that consultation may not result in support for a permit scheme particularly in streets other than Willesden Avenue which would result in restrictions on residents and their visitors when there currently isn't a parking problem in these streets. This option is not recommended.

Option 3

The third option would be to introduce timed parking restrictions similar to those applied in Doveridge Drive in Duncraig. Typically this would be a four hour parking restriction during the day Monday to Friday that would still allow most types of normal visitor situations to occur for residents but would not allow all day parking. To be effective, it would require a Ranger to chalk the tyres of any vehicle found in the morning and then to return in the afternoon and infringe any vehicle that had not moved. Whilst this may deter all day commuters it is very likely to impact legitimate visitors to the area who park on the street for more than four hours. This option is not recommended.

Option 4

The fourth option is to take no action at this time. The patrols conducted during the parking assessment process found no evidence of problem parking. The small numbers of vehicles that are parking in Willesden Avenue are doing so legally, do not represent a hazard to residents and/or other road users, are not damaging residents property City infrastructure or infrastructure owned by other government agencies and are not impeding service vehicles.

This option is recommended.

Legislation/Strategic Plan/Policy Implications

Legislation The City's Parking Local Law 1998 allows for areas to be set aside with parking controls or prohibitions.

Strategic Plan

Key Focus Area: To lead and manage the City effectively

Objective: The City develops and implements comprehensive and clear policies which are reviewed regularly.

Policy The City has a Policy "Parking Schemes for suburban areas outside of the Joondalup City Centre" which establishes guidelines for the management of parking issues in suburban streets.

The Policy states "*Parking schemes will be considered where it can be demonstrated that parking demands are causing a hazard to residents and/or other road users or where the parking is damaging City infrastructure or infrastructure owned by other government agencies.*"

Risk Management considerations:

There is a risk that if an area wide resident/ visitor parking permit scheme or a timed parking prohibition were to be introduced where there is no clear evidence that such a scheme or prohibition is required that it would create an impost on residents and their visitors which is difficult to justify.

There is also a risk that if no action is taken a larger number of commuters may begin to use the area as parking demand at the Greenwood train station increases. A larger number may at some point impact on local amenity. If this were to eventuate, it would be open to the Council to reconsider a scheme or prohibition.

Financial/Budget Implications:

Not applicable as no budget is recommended to be expended.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

50 residents in Willesden Avenue, Havering Court and Wimbledon Drive Kingsley, were written to on 20 July 2010 in relation to potential train station commuter parking occurring. The residents were given advice as to what was and was not illegal parking and were advised to contact the City immediately if any illegal parking was occurring. No complaints of illegal parking had been received at the time of preparation of this report.

COMMENT

Between 1 July 2008 and 1 January 2010, the City responded to six complaints of illegal or dangerous parking in Willesden Avenue and between 1 January 2010 and 31 August 2010, the City has responded to 11 requests from residents about dangerous or illegal parking in the area. Between 1 January 2010 and 31 August 2010, eight infringements and three cautions were issued, and on three occasions no illegal or hazardous parking was found.

The City proactively undertook 28 patrols between the 9 July and 27 August 2010. Those patrols identified four instances of a vehicle parked illegally. The maximum number of cars counted at the location was nine. On six occasions there were no cars present and the average number of cars recorded during the period was four.

There does not appear to be a clear case for introducing either a resident/visitor parking permit scheme or a timed parking prohibition in the area.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 DOES NOT APPROVE implementing parking prohibitions on Willesden Avenue, Kingsley;
- 2 NOTES that the City continues to enforce incidents of illegal parking on Willesden Avenue, Kingsley;
- 3 REASSESES the parking situation on Willesden Avenue, Kingsley in 12 months time;
- 4 ADVISES the lead petitioner of the Council decision.

MOVED Cr Chester, SECONDED Mayor Pickard that Council:

- 1 **PROPOSES**, subject to consultation, the introduction of four hour time restricted parking prohibitions together with appropriate signage on part of Willesden Avenue, Kingsley as marked in yellow on the map at Appendix 15 to Report CJ155-09/10;
- 2 **CONSULTS** on the proposal in part 1 above with the residents in house numbers 11, 15 to 25, 27, 29, 31, 33 to 36 and 38 Willesden Avenue, Kingsley;
- 3 **REQUESTS** a report on the results of the consultation in order to make a final decision on implementing the proposal in part 1 above;
- 4 **ADVISES** the lead petitioner of the Council decision.

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendices 10 and 15 refer.

To access this attachment on electronic document, click here: [Attach10brf140910.pdf](#)
[Attach15min210910.pdf](#)

CJ156-09/10 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	09882
ATTACHMENTS:	Attachment 1 CEO's Delegated Municipal Payment List for the month of July 2010 Attachment 2 CEO's Delegated Trust Payment List for the month of July 2010 Attachment 3 Municipal and Trust Fund Vouchers for the month of July 2010

PURPOSE

To present to Council the list of accounts paid under the Chief Executive Officer's (CEO) delegated authority during the month of July 2010 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2010 totalling \$11,591,896.08

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2010 paid under delegated authority in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$11,591,896.08

BACKGROUND

Council has delegated to the CEO 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 July 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 87333 - 87564 and EF 13138 – 13679 Net of cancelled payments	\$ 8,466,100.18
	Vouchers 710A – 712A, and 714A – 717A	\$ 3,099,483.40
Trust Account	Cheques 203578 – 203618 Net of cancelled payments	\$ 26,312.50
Total		\$11,591,896.08

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation

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.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.1 To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

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

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 2010/11 Annual Budget as adopted by Council at its meeting held on 6 July 2010.

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2010/11 Annual Budget as adopted by Council at its meeting of 6 July 2010 or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, SECONDED Cr Gobbert, that Council NOTES the Chief Executive Officer's list of accounts for July 2010 paid under delegated authority in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1,2 and 2 to Report CJ156-09/10, totalling \$11,591,896.08.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to consideration of Item CJ160-09/10, Page 120 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf140910.pdf](#)

Disclosure of Financial Interest

Name/Position	Cr Fiona Diaz
Item No/Subject	CJ157-09/10 – Intra-Day Credit Facility
Nature of interest	Financial Interest
Extent of Interest	Cr Diaz is employed by Westpac Bank

Cr Diaz left the Chamber at 2225 hrs.

CJ157-09/10 INTRA-DAY CREDIT FACILITY

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 70563, 19136

ATTACHMENTS: Attachment 1 Westpac Intra Day Trading Limit Offer

PURPOSE

To seek approval to obtain a \$6 million Intra-Day credit line from Westpac to facilitate daily investment transactions.

EXECUTIVE SUMMARY

The City invests excess funds that are not required for business in any day, often including amounts that are known will be credited to the City's account but before they actually are. In these circumstances investments can be delayed pending receipt of supporting funds unless an approval by the City's account manager at the bank is sought and provided, a cumbersome process and a burden to all involved.

The Intra-Day credit facility will allow payment for investment transactions before funds are received on the day to be progressed without intervention.

It is recommended that Council APPROVES an application by the City to the Westpac Bank for a \$6 million Intra-Day Credit Facility to facilitate investment transactions as shown on Attachment 1 to Report CJ157-09/10.

BACKGROUND

The City faces difficulties in investing money receivable on the day before the funds hit the City's account. Payment for such investment overdraws the account until the supporting funds are received later on the day and requires communication and approval by the City's account manager at the bank to progress, a cumbersome and time consuming process that sometimes fails.

DETAILS

The City often becomes aware of funds that will be received on a given day from different sources before they are actually received. Such funds are taken into account in the daily cash-flow projection when determining excess funds available for investment on the day.

Once determined, any available funds are invested, often before all amounts receivable are credited to the City's account.

Because the City's account has not been credited with the funds being invested at the time of initiating the investment transaction, any such payment represents an extension of credit, albeit for few hours. As such and without an appropriate credit facility in place, it requires communication to and personal intervention from the account manager at the City's bank to progress. This is a cumbersome process and a burden to all involved, which fails at times causing loss of investment interest on the day.

The daily average investment transaction is approximately \$2 million, between new money and re-investment of maturing deposits. At an average return of 5% p.a. the potential loss of interest could be \$100,000 per year if each time the payment for the investment made is delayed one day until the supporting funds are actually received and credited to the City's account.

Issues and options considered:

There are two possible options.

To only invest when supporting funds are actually received in the City's account. This could potentially result in lost interest of up to \$100,000 over the course of a financial year.

Alternatively, the City could establish an Intra-Day credit facility which will allow payment for investments transactions before funds are received to be progressed without intervention. Westpac have offered a facility with an Intra-Day limit of \$6 million for an annual fee of \$3,600 per annum. The annual fee for the facility is far less than the aggregate interest that would be lost if investments were delayed by a day waiting for funds to be credited to the City's account. Under this arrangement the City could make investment transactions up to \$6 million prior to the funds actually being received in the City's account on any given day. If for any reason the funds were not received overdraft fees would apply. This option is recommended.

Legislation/Strategic Plan/Policy Implications

Legislation Section 6.14 of the Local Government Act 1995- Power to Invest
Section 6.20 of the Local Government Act 1995- Power to Borrow
Regulation 20 of the Local Government (Financial Management)
Regulations 1996
If the proposal for an intra-day credit facility is supported it would require Council approval by absolute majority

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.3 to lead and manage the City effectively

Policy City Policy - Investment

Risk Management considerations:

The Intra-Day credit facility is a credit line which allows the City's bank account to be overdrawn during any day pending receipt of supporting investment funds. Should the funds not be received on the day, penalty interest will apply to the overdrawn amounts. With careful cash-flow planning and projection the risk of incurring overdrawn interest can be mitigated.

Financial/Budget Implications:

The fee of the proposed facility is low and can be accommodated from the budgeted expenditure for bank fees.

Account No:	323.A3206.3251
Budget Item:	Bank Fees
Budget Amount:	\$46,231
Amount Spent To Date:	\$ 3,818
Proposed Cost:	\$ 3,600
Balance:	\$38,813

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposed facility is recommended after consultation with our bankers and examination of various banking products to meet the City's need.

COMMENT

The proposed Intra-Day credit facility will facilitate payment for investment transactions before supporting funds are received, without the arduous and time consuming approval process that the City has to currently go through.

VOTING REQUIREMENTS

Absolute Majority.

MOVED Cr Fishwick, SECONDED Cr McLean that Council, BY AN ABSOLUTE MAJORITY, APPROVES an application by the City to Westpac Bank for a \$6 million Intra-Day Credit Facility to facilitate investment transactions as shown on Attachment 1 to Report CJ157-09/10.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn210910.pdf](#)

**CJ158-09/10 DRAFT BEACH MANAGEMENT PLAN -
CONSULTATION RESULTS****WARD:** All**RESPONSIBLE:** Mr Garry Hunt, Chief Executive Officer
Mr Jamie Parry, Director Governance and Strategy**FILE NUMBER:** 100932**ATTACHMENTS:** Attachment 1 Summary of Consultation Results
Attachment 2 Draft Beach Management Plan
Attachment 3 Alternative Kitesurfing and Dog Exercising Options -
Maps

This Item was dealt with following C49-09/10 – Suspension of Standing Orders.

C50-09/10 COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Young, **SECONDED** Cr Gobbert that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations En Bloc, Council **ADOPTS** Items CJ145-09/10, CJ148-09/10, CJ153-09/10 and CJ156-09/10.

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

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Cr Diaz returned to the Chamber at 2227 hrs.

Disclosure of Financial Interest

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ160-09/10 – Chief Executive Officer Attendance at Overseas Conference and Request for Annual Leave
Nature of interest	Financial
Extent of Interest	CEO request for paid annual leave.

CJ160-09/10 CHIEF EXECUTIVE OFFICER ATTENDANCE AT OVERSEAS CONFERENCE AND REQUEST FOR ANNUAL LEAVE

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 98394, 98394B

ATTACHMENTS: Nil.

PURPOSE

For Council to note the attendance of the Chief Executive Officer (CEO) at the International City/County Management Association (ICMA) Conference in San Jose, USA and to seek Council's endorsement of the period of annual leave requested by the CEO.

EXECUTIVE SUMMARY

The CEO will be in attendance at the ICMA Conference in San Jose, USA from 17 October to 20 October 2010, departing from Perth on 13 October 2010.

The CEO has requested annual leave for the period 22 October to 5 November 2010 inclusive.

Under the CEO's employment contract, he is entitled to attend three overseas conferences at the City's expense during the term of the contract, which expires in 2014.

This report seeks that Council notes the CEO's attendance at that Conference, and endorses the subsequent period of annual leave.

BACKGROUND

The CEO commenced employment with the City of Joondalup on 31 January 2005. Under the terms of the employment contract, he is entitled to attend three overseas conferences at the expense of the City.

Since the commencement of the employment contract, the CEO has also accrued annual leave that needs to be acquitted.

DETAILS

Following attendance at the ICMA Conference, the CEO has requested a period of annual leave from 22 October to 5 November 2010, inclusive.

The CEO has delegated authority to appoint an Acting CEO for periods where he is absent from work whilst on leave or unable to perform his role, where such periods are for less than 35 days.

The Directors of the City have performed this Acting role on a rotational basis.

On this occasion, it is proposed that the Director Corporate Services, Mr Mike Tidy will Act as CEO from 13 to 24 October 2010 (which will include the Council Meeting to be held on Tuesday, 19 October 2010), and the Director Infrastructure Services, Mr Martyn Glover, will Act as CEO from 25 October to 5 November 2010, inclusive.

Issues and options considered:

During the employment of the CEO, there will be periods of time where he will be absent from the City on annual leave.

The CEO, in accordance with his employment contract, is entitled to 25 days annual leave per annum.

The employment contract also entitles the CEO to attend three overseas conferences during the term of the contract, which expires in 2014. Attendance at the ICMA Conference in San Jose, USA is the first overseas conference attended by the CEO at the cost of the City during the current employment contract.

COMMENT

The CEO has an entitlement, in accordance with his contract of employment for periods of annual leave and to attend overseas conferences.

The proposed dates for attendance at the upcoming overseas conference, and the subsequent period of annual leave, are conducive with the operations of the City.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Young, SECONDED Mayor Pickard that Council:

- 1 NOTES the Chief Executive Officer's attendance at the ICMA Conference in San Jose, USA from 17 October to 20 October 2010;**
- 2 APPROVES the Chief Executive Officer's request for annual leave for the period 22 October to 5 November 2010, inclusive.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

C51-09/10 MOTION TO GO BEHIND CLOSED DOORS - [02154] [08122]**MOVED Cr Amphlett, SECONDED Cr Young that Council:**

- 1 in accordance with Sections 5.23(2)(a) and (c) of the Local Government Act 1995 and Clause 67 of the City's Standing Orders Local Law 2005, RESOLVES to close the meeting to members of the public to consider the following items which relate to matters being discussed at the meeting:**
 - 1.1 CJ159-09/10 and CJ161-09/10 as these items contain a matter affecting an employee or employees;**
 - 1.2 CJ162-09/10 and CJ163-09/10, as these items contain a contract entered into, or which may be entered into, by the local government;**
- 2 PERMITS the following employees to remain in the Chamber during discussions on Items CJ159-09/10, CJ162-09/10 and CJ163-09/10 while the meeting is sitting behind closed doors as detailed in part 1 above:**
 - **Chief Executive Officer, Mr Garry Hunt;**
 - **Director Governance and Strategy, Mr Jamie Parry;**
 - **Director Corporate Services, Mr Mike Tidy;**
 - **Governance Coordinator, Mr Tim Hegney;**
 - **Governance Officer, Mrs Lesley Taylor.**

The Motion was Put and**CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Members of staff (with the exception of the Chief Executive Officer, Director Governance and Strategy, Director Corporate Services, Governance Coordinator and Governance Officer), members of the public and press left the Chamber at this point, the time being 2228 hrs.

Disclosure of Financial Interests

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 5 July 2010 – (Item 1 – CEO Annual Performance Review, Review of Key Performance Indicators and Annual Salary Review)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this meeting.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 24 August 2010 (Item 1 - CEO Annual Performance Review Progress)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 – (Item 1 - Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 13 September 2010 – (Item 1 – Chief Executive Officer Concluded Annual Performance Review and Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO. Mr Hunt was not present at this meeting.

Disclosure of Interests affecting impartiality

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 5 July 2010 – (Item 1 – CEO Annual Performance Review, Review of Key Performance Indicators and Annual Salary Review)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 24 August 2010 (Item 1 - CEO Annual Performance Review Progress)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 - (Item 1 – Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Name/Position	Cr Mike Norman
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 – (Item 1 – Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is the Coordinator of the Friends of Sorrento Beach and the Friends of Porteous Park.

Name/Position	Cr Brian Corr
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 31 August 2010 – (Item 1 – Chief Executive Officer Annual Performance Review Interview)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Corr is a member of the Joondalup Business Association

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ159-09/10 – Minutes of the Chief Executive Officer Performance Review Committee Meeting held on 13 September 2010 (Item 1 – Chief Executive Officer Concluded Annual Performance Review and Item 2 – Annual Salary Review – Chief Executive Officer)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

Chief Executive Officer left the Chamber at 2230 hrs.

CJ159-09/10 MINUTES OF THE CHIEF EXECUTIVE OFFICER - PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 5 JULY 2010, 24 AUGUST 2010, 31 AUGUST 2010 AND 13 SEPTEMBER 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 74574

ATTACHMENTS:

Attachment 1	Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 5 July 2010
Attachment 2	Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 24 August 2010
Attachment 3	Minutes of the Chief Executive Officer – Performance Review Committee Meeting held on 31 August 2010
Attachment 4	Minutes of the Chief Executive Officer - Performance Review Committee Meeting held on 13 September 2010

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

1 NOTES the:

- 1.1 the confirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 5 July 2010, 24 August 2010 and 31 August 2010, forming Attachment 1, 2 and 3 to Report CJ-09/10;
- 1.2 unconfirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 13 September 2010 forming Attachment 4 to Report CJ-09/10;

2 ADOPTS the:

- 2.1 CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of "Exceeded Performance Requirements";**
- 2.2 ADOPTS the Key Performance Indicators and Measures against each of the Key Result Areas for the next review period 2010/11;**
- 2.3 Chief Executive Officer's total reward package for the 2010 Annual Salary Review be the top of the Band 9 of the Salaries And Allowances Tribunal Report of June 2010, being \$314,154.**

It was requested that Parts 2.1, 2.2 and 2.3 of the Motion be voted upon separately.

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

1 NOTES the:

- 1.1 confirmed minutes of the Chief Executive Officer Performance Review Committee meetings held on 5 July 2010, 24 August 2010 and 31 August 2010, forming Attachment 1, 2 and 3 to Report CJ159-09/10;**
- 1.2 unconfirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 13 September 2010 forming Attachment 4 to Report CJ159-09/10.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Taylor and Young **Against the Motion:** Cr Norman

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

2 ADOPTS the:

- 2.1 CEO Performance Review Committee's Confidential Concluded Annual Performance Review Report and ENDORSES the overall rating of "Exceeded Performance Requirements".**

The Motion was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Taylor and Young **Against the Motion:** Crs Corr and Norman

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

2 ADOPTS the:

- 2.2 Key Performance Indicators and Measures against each of the Key Result Areas for the next review period 2010/11.**

The Motion was Put and

CARRIED (12/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young **Against the Motion:** Cr Chester

MOVED Cr Fishwick, SECONDED Cr McLean that Council:

2 ADOPTS the:

2.3 Chief Executive Officer's total reward package for the 2010 Annual Salary Review be the top of the Band 9 of the Salaries And Allowances Tribunal Report of June 2010, being \$314,154.

The Motion was Put and

CARRIED (11/2)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman and Young **Against the Motion:** Crs Corr and Taylor

Appendix 17 refers – Confidential - as appended hereto in the Official Minute Book

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ160-09/10 CHIEF EXECUTIVE OFFICER ATTENDANCE AT OVERSEAS CONFERENCE AND REQUEST FOR ANNUAL LEAVE

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 98394, 98394B

ATTACHMENTS: Nil.

This Item was dealt with following C50-09/10 – Council Decision – En Bloc Resolution.

Disclosure of Financial Interest

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ161-09/10 - Employment Contract - Director Corporate Services
Nature of interest	Financial Interest
Extent of Interest	Mr Tidy holds the position of Director Corporate Services

Chief Executive Officer returned to the Chamber at 2246 hrs.

Director Corporate Services left the Chamber at 2246 hrs.

**CJ161-09/10 EMPLOYMENT CONTRACT - DIRECTOR
CORPORATE SERVICES****WARD:** All**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO**FILE NUMBER:** 94406**ATTACHMENTS:** Attachment 1 – Curriculum Vitae – Michael Stephen Tidy

(Please Note: This attachment is confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Amphlett, SECONDED Cr Hamilton-Prime that Council:

- 1 ENDORSES the recommendation of the Chief Executive Officer to renew the employment contract of the Director Corporate Services for a further five year period from 8 May 2011;**
- 2 NOTES that the terms of the employment contract will be the same as the current contract which expires on 7 May 2011.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 18 refers – Confidential - as appended hereto in the Official Minute Book

Director Corporate Services returned to the Chamber at 2247 hrs.

**CJ162-09/10 CALL FOR EXPRESSIONS OF INTEREST FOR THE
PROVISION OF LEASED OFFICE
ACCOMMODATION IN METROPOLITAN ACTIVITY
CENTRES**

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of the CEO

FILE NUMBER: 70512, 43458

ATTACHMENTS: Attachment 1 Site Location and Site Identification Matrix

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Gobbert, SECONDED Cr Young that Council:

- 1 ENDORSES the inclusion of 70 Davidson Terrace, Joondalup as the preferred site for inclusion in the Expression of Interest for *Provision of Leased Office Accommodation in Metropolitan Activity Centres*;**
- 2 AUTHORISES the Chief Executive Officer to prepare and submit an Expression of Interest to the Department of Treasury and Finance for the *Provision of Leased Office Accommodation in Metropolitan Activity Centres*;**
- 3 RECEIVES a further report providing detailed project information and a financial analysis if the City is required to provide a Request for Proposal.**

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 19 refers – Confidential - as appended hereto in the Official Minute Book

Cr Hamilton-Prime left the Chamber at 2251 hrs.

CJ163-09/10 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETINGS HELD ON 8 JUNE 2010 AND 14 SEPTEMBER 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 51567, 46717, 52582, 63627

ATTACHMENTS: Attachment 1 Minutes of the Strategic Financial Management Committee Meeting held on 8 June 2010
Attachment 2 Borrowing Strategy
Attachment 3 Unconfirmed Minutes of the Strategic Financial Management Committee Meeting held on 14 September 2010

(Please Note: These attachments are confidential and will appear in the official Minute Book only)

This Item is Confidential – Not for Publication

A full report was provided to Elected Members under separate cover.

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

1 NOTES the:

1.1 minutes of the Strategic Financial Management Committee meeting held on 8 June 2010, forming Attachment 1 to CJ163-09/10;

1.2 unconfirmed minutes of the Strategic Financial Management Committee meeting held on 14 September 2010, forming Attachment 3 to CJ163-09/10;

2 DEFERS the first review of the 20 Year Strategic Financial Plan until February 2011.

3 REQUESTS that the matter pertaining to operational budget information be referred to the next Strategic Financial Management Committee, with additional information provided by the administration.

4 Subject to consideration of Business Plans, SUPPORTS the disposal of the following City freehold land sites:

4.1 Lot 181 (4) Rowan Place, Mullaloo to include a recently obtained geotechnical engineer's report;

4.2 Lot 200 (18) Quilter Drive, Duncraig restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale;

- 4.3 Lot 766 (167) Dampier Avenue, Kallaroo restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale;
 - 4.4 Lot 202 (20) Kanangra Crescent, Greenwood restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale; and
 - 4.5 Lot 147 (25) Millport Drive, Warwick restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale.
- 5 REQUESTS the preparation of Business Plans in accordance with Section 3.59 of the Local Government Act 1995; in order to consider the disposal of the properties listed in part 4 above;
- 6 REQUESTS Council to initiate an amendment to District Planning Scheme No. 2 to rezone the following properties:
- 6.1 Lot 613 (11) Pacific Way, Beldon from Local Reserve Public Use to Residential/R20;
 - 6.2 Lot 671 (178) Camberwarra Drive, Craigie from Civic and Cultural to Residential/R20;
 - 6.3 Lot 745 (103) Caridean Street, Heathridge from Civic and Cultural to Residential/R40 (Restricted Use - Aged Persons Housing);
 - 6.4 Lot 977 (15) Burlos Court, Joondalup from Civic and Cultural to Residential/R60; (Restricted Use – Aged Persons Housing) including the provision of an area of approximately 300m² to be subdivided from Lot 977 to accommodate the existing telecommunications network;
- 7 NOTES that the proceeds from the proposed sales of the lots would be transferred to the Performing Arts and Cultural Facility Reserve Fund and that consideration of the Business Plan incorporates public consultation and subsequent presentation to Council;
- 8 REQUESTS an additional report be presented to the next Strategic Financial Management Committee Meeting identifying the next lot of properties for possible rationalisation by the City.

It was requested that Parts 4 and 6 of the Motion be voted upon separately.

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

- 1 NOTES the:
 - 1.1 minutes of the Strategic Financial Management Committee meeting held on 8 June 2010, forming Attachment 1 to CJ163-09/10;
 - 1.2 unconfirmed minutes of the Strategic Financial Management Committee meeting held on 14 September 2010, forming Attachment 3 to CJ163-09/10;
- 2 DEFERS the first review of the 20 Year Strategic Financial Plan until February 2011.

- 3 **REQUESTS** that the matter pertaining to operational budget information be referred to the next Strategic Financial Management Committee, with additional information provided by the administration.
- 5 **REQUESTS** the preparation of Business Plans in accordance with Section 3.59 of the Local Government Act 1995; in order to consider the disposal of the properties listed in part 4 above;
- 7 **NOTES** that the proceeds from the proposed sales of the lots would be transferred to the Performing Arts and Cultural Facility Reserve Fund and that consideration of the Business Plan incorporates public consultation and subsequent presentation to Council;
- 8 **REQUESTS** an additional report be presented to the next Strategic Financial Management Committee Meeting identifying the next lot of properties for possible rationalisation by the City.

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hollywood, McLean, Norman, Taylor and Young

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

- 4 **Subject to consideration of Business Plans, SUPPORTS** the disposal of the following City freehold land sites:
 - 4.1 **Lot 181 (4) Rowan Place, Mullaloo to include a recently obtained geotechnical engineer's report;**
 - 4.2 **Lot 200 (18) Quilter Drive, Duncraig restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale;**
 - 4.3 **Lot 766 (167) Dampier Avenue, Kallaroo restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale;**
 - 4.4 **Lot 202 (20) Kanangra Crescent, Greenwood restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale; and**
 - 4.5 **Lot 147 (25) Millport Drive, Warwick restricting the future use of the land to aged persons development by the inclusion of a relevant condition on the contract of sale;**
- 6 **REQUESTS** Council to initiate an amendment to District Planning Scheme No. 2 to rezone the following properties:
 - 6.1 **Lot 613 (11) Pacific Way, Beldon from Local Reserve Public Use to Residential/R20;**
 - 6.2 **Lot 671 (178) Camberwarra Drive, Craigie from Civic and Cultural to Residential/R20;**

- 6.3 Lot 745 (103) Caridean Street, Heathridge from Civic and Cultural to Residential/R40 (Restricted Use - Aged Persons Housing);
- 6.4 Lot 977 (15) Burlos Court, Joondalup from Civic and Cultural to Residential/R60; (Restricted Use – Aged Persons Housing) including the provision of an area of approximately 300m² to be subdivided from Lot 977 to accommodate the existing telecommunications network;

The Motion was Put and

CARRIED (11/1)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Diaz, Fishwick, Gobbert, Hollywood, McLean, Norman, Taylor and Young **Against the Motion:** Cr Corr

Appendix 20 refers – Confidential - as appended hereto in the Official Minute Book

Cr Hamilton-Prime returned to the Chamber at 2255 hrs.

MOTION TO RE-OPEN THE MEETING

It was resolved that the Council re-opens the meeting to members of the public and in accordance with Clause 67 (5) of the Standing Orders Local Law 2005 the presiding member is to cause the motions passed by the Council whilst it was proceeding behind closed doors to be read out including the details of any voting recorded.

There were no members of the public or the press present.

CJ159-09/10	Minutes of the Chief Executive Officer - Performance Review Committee Meetings held on 5 July 2010, 24 August 2010, 31 August 2010 and 13 September 2010
CJ161-09/10	Employment Contract - Director Corporate Services
CJ162-09/10	Call for Expressions of Interest for the Provision of Leased Office Accommodation in Metropolitan Activity Centres
CJ163-09/10	Minutes of the Strategic Financial Management Committee Meeting held on 8 June 2010 and 14 September 2010

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2302 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr P TAYLOR
Cr T YOUNG
Cr L GOBBERT
Cr G AMPHLETT
Cr J CHESTER
Cr B CORR
Cr C HAMILTON-PRIME
Cr M NORMAN
Cr R FISHWICK
Cr F DIAZ