

MINUTES

City of Joondalup

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

MEETING DATE



TUESDAY, 28 AUGUST 2007



City of
Joondalup

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**MINUTES OF COUNCIL MEETING
HELD ON TUESDAY 28 AUGUST, 2007**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 28 AUGUST 2007

DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

ANNOUNCEMENT OF VISITORS

ATTENDANCES

Mayor:

TROY PICKARD *Absent from 2227 hrs to 2229 hrs*

Councillors:

Cr KERRY HOLLYWOOD	North Ward	
Cr TOM McLEAN	North Ward	
Cr STEVE MAGYAR	North-Central Ward	
Cr ALBERT JACOB	North-Central Ward	
Cr MARIE MACDONALD	Central Ward	
Cr GEOFF AMPHLETT	Central Ward	
Cr MICHELE JOHN	South-West Ward	
Cr SUE HART	South-East Ward	
Cr RUSS FISHWICK	South Ward	<i>Absent from 2027 hrs to 2029 hrs</i>
Cr RICHARD CURRIE	South Ward	<i>Absent from 2317 hrs to 2318 hrs</i>

Officers:

MR GARRY HUNT	Chief Executive Officer	<i>Absent from 2023 hrs to 2025 hrs; and from 2227 hrs to 2229 hrs</i>
MR MIKE TIDY	Director, Corporate Services	
MR CLAYTON HIGHAM	Director, Planning & Community Development	
MR DAVID DJULBIC	Director, Infrastructure Services	
MR IAN COWIE	Director, Governance & Strategy	
MR MIKE SMITH	Manager, Marketing Communications & Council Support	
MR TERRY O'BRIEN	Acting Media Advisor	
MS JANET HARRISON	Administrative Services Coordinator	
MS LESLEY TAYLOR	Administrative Secretary	
MS JILL HEWISON	Administrative Secretary	

There were 12 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

Questions submitted to the Council meeting held on 24 April 2007:

Mrs M Zakrevsky, Mullaloo:

Note: The following questions were taken on notice at the Council meeting held on 24 April 2007, as at that time the issue was under investigation and review by the City. Responses are now provided:

Q1 *Will the City provide a schedule of all chemicals – be they herbicides, pesticides, fertilizers and the like - used by the City and its approved and appointed subcontractors to treat, spray or apply for whatever reason, to the parks and reserves, including storm water drains, road drainage sumps, road reserves, road verges and the like, with the City of Joondalup district boundary?*

A1 Council accepted a Schedule of Rates as part of the tender process for the contracts for the supply and application of pesticides and supply and application of bulk fertiliser. The schedule of rates allows for the application of a range of herbicides and fertilisers.

The City is currently reviewing its weed control program including the range of herbicides. Alternative methods of weed control, such as hydrothermal, are also being considered. Until such time as the City's review is complete, the City's herbicide consultant has approved for interim use a limited number of herbicides, taking into account (i) public health, (ii) environmental protection and (iii) effective weed control. These herbicides are:

- bushland areas - Glyphosate, metsulfuron (spot spraying only), triclopyr brush, (wick or injection only) and clethodim or quizalofop.
- locations outside of bushland areas - pendimethalin, clopyralid, diflufenican, MCPA and Glyphosate.

Q2 *Does the City have a current MSDS (Material Safety Data Sheet) Register of all the above chemicals as used within the City of Joondalup's district boundary? and how long has it been operational?*

A2 A register of MSDS is kept for chemicals used by the City internal crews in accordance with the *Occupational Safety and Health Act 1984* and *Occupational Safety and Health Regulations 1996*. The register has been maintained since the legislative requirements came into effect.

The City's contractors are required under Occupational Safety and Health legislation to maintain MSDS for the chemicals they use and make them available to operational staff.

Q3 *Who in the City of Joondalup is responsible for maintaining the MSDS register of all of the chemicals as used within the City of Joondalup's district boundary?*

A3 The contractor is responsible for keeping MSDS for chemicals applied by them. These MSDS are made available to the City upon request. For City crews that undertake spraying it is the responsibility of senior staff within Operations Services to maintain up to date MSDS. Human Resources also has a consolidated list of MSDS for chemicals that the City's Parks and Maintenance crews use.

Q4 *Who in the City of Joondalup approves and registers the chemical application work instructions of all the above chemicals as used within the City's district boundary?*

A4 Senior staff within Operations Services provide day-to-day instructions to the contractor as to areas of the City that need to be sprayed. However, under the terms of the tender contract, the contractor is responsible for the chemical used, and registers the chemical application.

Senior staff within Operations Services are responsible for any herbicide application undertaken by the City's internal crews. In relation to herbicide application in natural areas a senior staff member is responsible for managing the bush regeneration contract and also internal crews that undertake natural area works.

The application of chemicals follow protocols developed by the City's expert consultant.

Q5 *Who in the City of Joondalup conducts audits on all the City of Joondalup's approved and appointed operators, including all its internal operators and all its approved and appointed subcontractors, to ensure compliance with the approved MSDS and approved chemical application work instructions?*

A5 The City's contractor is responsible for its compliance with MSDS and approved chemical application, as per the answer to question 3 above.

In relation to any herbicide application by the City's internal crews, it is the responsibility of the senior staff within Operations Services to ensure that MSDS and interim spraying protocols imposed by the Chief Executive Officer are adhered to. The Director Infrastructure Services is responsible for ensuring the interim spraying protocols are administered and enforced by the internal crews.

Q6 *How often does the City of Joondalup conduct audits including:*

- (i) regular audits per annum ?*
- (ii) random audits per annum?*

how many audits were conducted in 2006?

A6 The contractor's performance is reviewed annually. Senior staff members within Operations Services conduct regular inspections of the City's property assets, to ensure that they are sprayed in accordance with the tender document and work requirements of the contractor. The responsibility for the rates of application and chemical used remain with the contractor.

A compliance audit is being conducted of the City's in-house spraying program to ensure occupational health and safety requirements and spraying protocols are being met.

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

Q7 *Is the investigation being undertaken by an independent third party?*

A7 The investigation into this matter affects the City's and other parties' legal rights in relation to the tree deaths incident. It is inappropriate for the City to discuss the investigation in a public forum, and it has been advised not to respond to this line of questioning.

Q8 *What are the investigator's credentials?*

A8 As per question 7.

Q9 *What are the parameters and scope of the brief for "the investigation"?*

A9 As per question 7.

Q10 *What is the:*

- *provisional cost for this investigation ?*
- *the time frame for this investigation?*

A10 As per question 7.

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

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

A11 As per question 7.

The following questions were taken on notice at the Council Meeting held on 7 August 2007:

Mr K Robinson, Como:

Expenditure on Legal Services

Q1 *In respect to each of the items of expenditure on legal fees listed below please indicate for each item the Business Unit(s) that incurred the expenditure:*

<i>Minter Ellison</i>	<i>1408.00</i>
<i>Minter Ellison</i>	<i>5728.80</i>
<i>Minter Ellison</i>	<i>2644.40</i>
<i>Minter Ellison</i>	<i>70.40</i>
<i>McLeods</i>	<i>4400.00</i>
<i>McLeods</i>	<i>343.75</i>
<i>McLeods</i>	<i>2885.85</i>
<i>McLeods</i>	<i>1174.92</i>
<i>McLeods</i>	<i>1243.24</i>
<i>McLeods</i>	<i>2347.40</i>
<i>McLeods</i>	<i>465.63</i>
<i>McLeods</i>	<i>610.50</i>
<i>McLeods</i>	<i>1365.10</i>
<i>McLeods</i>	<i>4219.60</i>

McLeods	515.90
Woodhouse Legal	457.60
Woodhouse Legal	528.00
Woodhouse Legal	1971.20
Woodhouse Legal	513.60
Woodhouse Legal	5456.00
Woodhouse Legal	495.00

- A1 The City incurs the expenditure, not individual business units.
- Q2 *The City's internal guidelines for seeking legal advice set out a process to be followed before legal advice can be sought by officers in each of the above cases was the legal advice sought in accordance with the guidelines;*
- Q3 *If not, why not?*
- Q4 *If yes, how is this determined?*
- A2-4 Legal advice sought follows guidelines unless there are special circumstances that require alternative processes to be followed. It should be noted that guidelines guide officers and are not hard and fast rules.
- Q5 *In respect of each of the items of expenditure on legal services did the City request any of the firms to provide more detailed breakdowns of their invoices?*
- Q6 *If yes, how many?*
- Q7 *Did any of the legal expenditure detailed above relate to advice provided in respect to former employees of the City?*
- Q8 *If yes, what was the cost of that advice?*
- A5-8 To determine this would require a substantial commitment of City resources, which is considered an unreasonable impost on the City.

Telecommunications Expenditure

- Q9 *Does the City meet the cost of the Manager Library Services home phone, home broadband connection and Council mobile phone?*
- Q10 *Does the City consider it appropriate to provide a manager with a council mobile phone as well as meet the cost of the managers home phone?*
- Q11 *Does the City require managers to reimburse the City for private calls made on their Council allocated mobile phones?*
- Q12 *If yes, do all managers reimburse the City for the cost of private calls on their Council issued mobile phones?*
- Q13 *Do all managers review their individual mobile accounts and identify private call and the cost to be reimbursed before submitting the account to their Director for authorisation?*

A9-13 Telephone and internet services are provided in accordance with individual Managers' contracts and City needs.

Q14 *What was the total amount reimbursed for managers during the year ended 30 June 2007?*

A14 *To determine this would require a substantial commitment of City resources, which is considered an unreasonable impost on the City.*

Mayoral allowance

Where the questions relate to providing expenditure figures I am referring to the 12 month period ending 30 June 2007.

Q15 *Does the Mayor receive a Mayoral allowance?*

A15 The City pays allowances in accordance with City Policy 8-2, which accords with the provisions of the Local Government Act 1995.

Q16 *If yes, what is the amount of the allowance?*

A16 The City pays the maximum amount prescribed by legislation.

Q17 *Does the Mayor receive any other allowances?*

A17 See A15 above.

Q18 *If yes, what is the total of these other allowances?*

A18 The amounts paid are the maximum specified by legislation.

Q19 *What is the purpose of the Mayoral allowance?*

A19 The purpose of the Mayoral allowance is not specified by legislation.

Q20 *Does the Mayoral allowance fund the out of pocket expenses of the Mayor?*

A20 City Policy 8-2 details allowances and reimbursements that are paid.

Q21 *What items of expenditure is the Mayor entitled to be reimbursed for under the Local Government Act and its Regulations as a matter or right?*

A21 Entitlements are explained in Part 5, Division 8 of the Local Government Act 1995 and the Local Government (Administration) Regulations.

Q22 *What are the maximum amounts set by the Regulations for those items of expenditure?*

A22 Local Government (Administration) Regulations 30 to 34AB provide the amounts.

Q23 *Has the Mayor claimed any expenses for items the Regulations require to be reimbursed?*

Q24 *What were the items and the value of the claims for reimbursement?*

A23-24 These are not questions of the City but questions to an individual. Consequently, it is not appropriate for the City to respond.

Q25 *Is the Mayor required in relation to the Mayoral allowance provided required to provide details of how the funds provided were expended on Council related business?*

A25 No.

Q26 *Is the Mayor required to refund any portion of the mayor allowance if it is not incurred in relation to Council related matters?*

A26 Neither the Act nor Policy 8-2 require allowances to be refunded.

Q27 *What other items is the Mayor entitled to claim reimbursement for in accordance with Council Policy?*

A27 Part 7 of City Policy 8-2 itemises those purchases that can be reimbursed.

Q28 *What items has the Mayor claimed reimbursement for under Council Policy?*

Q29 *What is the value of those claims?*

A28-29 These are not questions of the City but questions to an individual. Consequently, it is not appropriate for the City to respond.

Q30 *If in addition to the allowances received by Councillors the Mayor also receives a mayoral allowance why does the City need to reimburse him for the \$15 it cost to clean his car?*

A30 The City will pay monies to maintain Council assets.

Mr K Robinson, Como:

Q1 *As at 30 June 2007 had the review of the City Watch Service been completed?*

Q2 *If not, why not?*

Q3 *As at 30 June 2007 had a revised recovery plan been submitted to the Local Emergency Management Committee?*

Q4 *If not, why not?*

Q5 *As at 30 June 2007 had an annual progress report on GAP been submitted to Council?*

Q6 *If not, why not?*

Q7 *As at 30 June 2007 was the Material Recovery Facility fully operational?*

Q8 *If not, why not?*

- Q9 *As at 30 June 2007 had there been final acceptance of the financial guarantees by member Councils?*
- Q10 *If not, why not?*
- Q11 *As at 30 June 2007 had construction of the Joondalup depot commenced?*
- Q12 *If not, why not?*
- Q13 *As at 30 June 2007 had the structure planning for the Ocean Reef Marina Redevelopment been undertaken?*
- Q14 *If not, why not?*
- Q15 *As at 30 June 2007 had the Asset Management Strategy been adopted?*
- Q16 *If not, why not?*
- Q17 *As at 30 June 2007 had the Road Asset Management Plan been adopted?*
- Q18 *If not, why not?*
- Q19 *As at 30 June 2007 had progress against the Tourism Action Plan been reported to Council?*
- Q20 *If not, why not?*
- Q21 *As at 30 June 2007 has the Parking Strategy been adopted by Council?*
- Q22 *If not, why not?*
- Q23 *As at 30 June 2007 had feedback on the District Planning Scheme Issues Paper been presented to Council?*
- Q24 *If not, why not?*
- Q25 *As at 30 June 2007 had the Council endorsed the direction for the Local Planning Strategy?*
- Q26 *If not, why not?*
- Q27 *As at 30 June 2007 had a progress report on the Travel Smart program been presented to Council?*
- Q28 *As at 30 June 2007 had a report been presented to Council on the Think/Learn Project Outcomes?*
- Q29 *If not, why not?*
- Q30 *As at 30 June 2007 had the Grant Acquittal been presented to Council?*
- Q31 *If not, why not?*

- Q32 *As at 30 June 2007 had an Economic Development Strategy been presented to Council?*
- Q33 *If not, why not?*
- Q34 *As at 30 June 2007 had the 20 year Financial Projection been reported to Council?*
- Q35 *If not, why not?*
- Q36 *As at 30 June 2007 had a new Strategic Plan been developed?*
- Q37 *If not, why not?*
- Q38 *As at 30 June 2007 had an Audit Plan be endorsed by the Audit Committee?*
- Q39 *If not, why not?*
- Q40 *As at 30 June 2007 had the implementation of the recommendations of the business continuity plan commenced?*
- Q41 *If not, why not?*
- Q42 *As at 30 June 2007 had implementation of the document management system commenced?*
- Q43 *If not, why not?*
- Q44 *As at 30 June 2007 had the implementation of the Geographical Information System commenced?*
- Q45 *If not, why not?*
- Q46 *For the 12 months ending 30 June 2007 were monthly citizenship ceremonies held?*
- Q47 *How many milestones from the 1st, 2nd and 3rd quarters have yet to be implemented?*
- Q48 *Given the paucity of milestones achieved on schedule is the City concerned with the ability of the Administration to achieve set objectives?*
- Q49 *How many milestones listed in the plan had already been adjusted from previous target dates? For instance the finalisation of the transfer of land for the proposed cultural facility was scheduled to be completed approximately 12 - 18 months ago?*
- A1-49 Issues relating to the City's performance on key projects are reported to Elected Members and the community on the City's quarterly progress reports and the annual report.
- Q50 *Is the achievement of milestones on schedule linked to the CEO's performance and remuneration?*
- A50 The CEO's performance is assessed partly on the achievement of relevant outcomes.

The following questions were submitted in writing prior to the Council Meeting to be held on 28 August 2007:

Mr M Caiacob, Mullaloo

- Q1 *Does the changing of the Report CJ142-08/07 from the Briefing Session Agenda relate to Amendment No 38 to the DPS2?*
- A1 This report was amended to provide a distinction between those documents where the Common Seal was affixed and those that were signed by the Mayor and Chief Executive Officer.
- Q2 *Item CJ142-08/07 - Amendment 38. Has the Common Seal been applied to Amendment 38?*
- A2 No.
- Q3 *Item CJ142-08/07- Common Seal. Can I please be advised when Amendment 38 to the DPS2 was adopted for advertising by the Council of the City of Joondalup?*
- Q4 *Item CJ142-08/07 - Common Seal. Can I please be advised when Amendment 38 to the DPS2 was adopted by the Council of the City of Joondalup?*
- A3-4 Council resolved to initiate Amendment No 38 for advertising on 19 June 2007. Council will reconsider the final adoption following closure of the advertising period.
- Q5 *Item CJ142-08/07 - Common Seal. The Common Seal is to be duly affixed in the presence of the CEO and Mayor. Can I please be advised exactly what document the Mayor and CEO signed in regards Amendment 38 if the process has not been finalised?*
- A5 The document signed by the Mayor and CEO is the Scheme Amendment Document, which contains a description of the proposed amendment and an acknowledgement of the Council resolution to amend the scheme. In accordance with the Town Planning Regulations 1967, this document is sent to the Western Australian Planning Commission.
- Q6 *Has the CEO signed off on SAT orders and the Strata Titles Act allowing strata titling and final occupation to occur at the Mullaloo Tavern? If yes, on what date?*
- A6 Yes, the Form 7 Local Government Strata clearance was signed by the CEO on 5 July 2007.
- Q7 *Will Council provide me with a copy of the Register of the Common Seal, between the dates of May 2007 to 8 August 2007? (I cannot afford the time to personally come into the City offices to view the Register).*
- A7 All documents that have the common seal affixed are reported to the Council via a standard monthly report. These can be accessed through the minutes of the Council.
- Q8 *Bridgewater Drive childcare. Why did the City assess this development proposal under the childcare policy and applying a land use of residential and not the DPS-2 Clause 4.7 "Building Setbacks for Non-residential Buildings"?*

A8 The childcare policy provisions are used because the policy was adopted under Clause 8.11 of the DPS-2, specifically for the purpose of assessing and considering applications for child care premises in residential areas.

Q9 *On what date did the City receive the questions in tonight's Agenda from Mr K. Robinson?*

A9 The questions were received on 1 and 2 August 2007.

Mr S Kobelke, Sorrento:

Q1 *In relation to Amendment 32 to the City of Joondalup Town Planning Scheme No 2 relating to coastal area building heights, will the City be keeping the community and key stakeholders advised on what problem the Minister has with moving with the amendment?*

A1 The matter is to be considered by Council in the near future.

Q2 *Will the City advise if any meetings with developers/land owners who are seeking to introduce high-rise to the Joondalup coastline are part of the Minister's request?*

A2 The Minister for Planning and Infrastructure has not requested that there be meetings with any parties.

Q3 *Will the City be expediting the return of the Amendment without change to the Minister with a request that she make a decision?*

A3 This is a decision for the Council to make.

Dr M Apthorpe, Ocean Reef:

Re: Thermal Weed Control in the City of Joondalup:

Q1 *Why do the figures quoted in the report on hydrothermal labour costs and water usage not align with those supplied by Weedsafe, which is the contractor for the Cities of Fremantle and Nedlands?*

A1 Information on operation and costs were obtained directly from Weedsafe by the consultant.

Q2 *Contrary to what the report states in Recommendation 2, is the Council aware that the report unfavourably compares hydrothermal weed control to the herbicides Amitrole and Glyphosate, both of which are suspected human carcinogenics?*

A2 The report finds that for large scale operations the use of herbicides is the preferred option. The herbicides which were compared to thermal weed control include glyphosate and amitrole which are both registered for use in water catchments used for domestic water consumption. These products are deemed safe for use under label use specifications.

Mrs M Zakrevsky, Mullaloo:

Re: Thermal Weed Control in the City of Joondalup:

Q1 *Was information on operation and costs obtained directly from Weedsafe by the consultants?*

A1 Information on operation and costs were obtained directly from Weedsafe by the consultant.

Q2 *Does Council realize that the report does not cost the fact that knockdown herbicides cannot be used in wind or rain and if you use mainly glyphosate the cost would increase substantially?*

A2 It is correct that glyphosate can not be used under windy conditions or in the rain, however, this still leaves enough days for safe operation of herbicide application, and the consultant has advised that it is incorrect to suggest if mainly glyphosate was used the cost would increase.

Mrs J Roberts, Ocean Reef:

Re: CJ168-08/07 – Leasing City Owned Property to the Department of Education and Training for Pre-Primary Schools

Q1 *What do maintenance and renewal costs refer to, specifically in relation to Child Health Clinics?*

A1 Maintenance is minor repairs like plumbing and electrical - minor items. Renewal is refurbishment of kitchens, bathrooms, new carpets, etc.

Q2 *Which sites are denoted freehold?*

A2 Every site but Marmion is freehold (noted in the report).

The City current manages the Crown Land on which the Marmion Pre School is sited under a management order. The City owns and is responsible for maintaining the building. In order for the management order to be revoked, the City will have to return the site in its original condition, that is, without the building and also certify that the site does not contain hazardous materials.

Q3 *What do you currently identify to be an area for co-location of the Child Health Clinics? Essential City infrastructure surely would support young families to easily access early intervention services which build on the strengths within the local community?*

A3 Surrounding community centres and possibly public halls.

The Child Health Centre at the Marmion site currently only operates on a Monday and they have been aware of the Pre School's closure for some time. They are making plans to relocate but will require sufficient notice once plans are confirmed. It is envisaged that relocation will not be required until the new financial year at the earliest, if at all.

If any of the Craigue, Duncraig or Davallia sites are disposed of and/or the Child Health Centres are unable to continue operations there, the general strategy will be to relocate them into existing City Community Facilities. This will improve the utilisation of these facilities, create a safer environment for the Child Health Nurses and increase security of the buildings. It may involve refurbishing existing rooms or extending the existing facility. The following centres could be considered here:

- Sorrento Community Hall
- Duncraig Community Hall
- Mildenhall

These facilities are in the immediate area but all other halls and community centres would be usable including:

- Connolly Community Centre
- Emerald Park Community Facility
- Flinders Park Community Centre
- Warwick Community Centre
- Dorchester Hall
- Padbury Community Hall
- Rob Baddock Community Hall

Q4 Will you support these services to be within walking distance to families as they currently are?

A4 Any relocation will involve significant consultation with the Joondalup Area Health Service and their customers.

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

Mr M Caiacob, Mullaloo:

Re: Coastal Height and Scale Policy:

Q1 Can the Council advise what additional information has been requested by the Minister in regards to Amendment 32?

A1 This question will be taken on notice.

CJ1J169-08/07 – Offer to Purchase City owned land at 21 (Lot 1254) Edinburgh Avenue, Kinross

Q2 Why is the City prepared to lose \$20,000 in the sale of a ratepayer owned asset at Edinburgh Avenue in Kinross? How can this be deemed to be in the best interests of the ratepayers considering the current property market?

A2 There is no certainty in the proposal of \$530,000. The offer that is currently on the table is from Amana Living. Another option would be to look at a rezoning of the property, but there is no guarantee of the outcome.

Q3 *I thought the City was looking at the purchase of a property, not a development application?*

A3 *Response by Mayor Pickard:* This is a sale of the property, not the purchase of a property.

Mr Caiacob tabled the following questions:

Re: Coastal Height and Scale Policy:

Q4 *Can the Council advise me what additional information has been requested by the Minister in regards to Amendment 32?*

Q5 *Has this information been provided to the Minister? If yes, on what date?*

Q6 *Did Council adopt Amendment No 38 on 19 June 2007?*

Q7 *Is Council to reconsider this 19 June 2007 adoption of Amendment No 38 following the closing of the advertising period?*

Q8 *Re: Bridgewater Drive Childcare – in regards to the answer to my Question 8 in tonight's agenda as the policy is in conflict with the DPS2 clause 4.7 in regards to set backs, clause 8.11.2 applies; can I have a reconsideration of and a correct answer to my previous Question 8 please?*

Q9 *Could I please have an answer to my Question 1 in tonight's agenda?*

Q10 *Reply to my Question 4 in tonight's agenda.*

Q4 *Item CJ142-08/07 – Common Seal. Can I please be advised when Amendment 38 to the DPS2 was adopted by the Council of the City of Joondalup?*

A3-4 Council resolved to initiate Amendment No 38 for advertising on 19 June 2007. Council will reconsider the final adoption following closure of the advertising period.

If Council is to reconsider the final adoption of Amendment 38 following closure of the advertising period, please advise me exactly what date did the Council adopt Amendment 38?

Q11 *Reply to my Question 5 in tonight's agenda?*

Q5 *Item CJ142-08/07 – Common Seal. The Common Seal is to be duly affixed in the presence of the CEO and Mayor. Can I please be advised exactly what document the Mayor and CEO signed in regards to Amendment 38 if the process has not been finalised?*

A5 The document signed by the Mayor and CEO is the Scheme Amendment document, which contains a description of the proposed amendment and an acknowledgement of the Council resolution to amend the scheme. In accordance with the Town Planning Regulations 1967, this document is sent to the Western Australian Planning Commission.

On what date did Council resolve to amend the Scheme and on what date did Council give authority to the Mayor and CEO to sign the Scheme Amendment document prior to the close of the advertising period?

Q12 *Could I please have an answer to my Question 7 in tonight's agenda?*

A4-12 These questions will be taken on notice.

Mr R Repke, Kallaroo:

Re: CJ177-08/07 – Proposed Alterations and Additions to Beldon Shopping Centre – Lot 519 (9) Gunter Grove, Beldon

Q1 *Is the Council aware that wind turbines make no noise from up-wind, very little noise from downside wind and less noise than a washing machine from down-wind, that such turbines kill almost no birds and that the residents do not see the turbine after approximately one year?*

A1 The City is seeking expert advice on the impact of wind turbines.

Q2 *In relation to the City's support of "Man of the Trees" by sponsoring 17 trees per car per year, would the City consider increasing its sponsorship once I have collated figures which would support such a move?*

A2 *Response by Mayor Pickard:* The City will consider increasing sponsorship and would ask that you forward the relevant information to the Chief Executive Officer for perusal.

Mr S Kobelke, Sorrento:

Re: Amendment 38

Q1 *Can the Council explain how the approval of this amendment will not create a precedence for other areas in Joondalup?*

A1 This has been commented on or answered on previous occasions. In essence, each application will require to be considered on its merits. There are varying circumstances for each application. There is no suggestion that any one set of circumstances could be used to judge another set of circumstances. An application would need to be absolutely identical for it to be considered in that way.

Re: CJ163-08/07 – Development of an Electronic Web-based Email Communications System and Database

Q2 *On the basis that the City has recently had a significant increase in rates, how does the Council justify expenditure of \$4,600 to write to residents to ask them to go into a marketing database for the City?*

A2 *Response by Mayor Pickard:* It is a focus of this Council to continue to actively engage with our community. Initiatives such as this assist the City to better engage with our community, making it active and aware of the initiatives that are run by the City, and more importantly, to ensure that the public is engaged during public consultation periods. For the negligible costs that have been suggested, it is a wonderful outcome.

Mr J Hollywood, Burns Beach (on behalf of Mrs Gudsell):

Re: CJ179-08/07 – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach

Q1 What is the reason for having Residential Design Codes when the City can use discretionary powers over 110 times on one development?

A1 The Residential Design Codes oblige the Council to consider discretionary matters. It is a fundamental part of those codes and the codes are generally devoted to the means and reasons by which those discretionary issues should be considered.

Response by Mayor Pickard: I believe the issue of discretion provides an opportunity for applications that do not fit in a customary box to be assessed, and furnishes Council with an opportunity to make a decision based on certain criteria.

Q2 What about the 14 families who will move into this development, when they will be overlooked by everybody and the parking is insufficient? How will I as the Chairman of the Ratepayers Association explain to them that changes on this development got through when this is not able to be done anywhere else?

A2 *Response by Mayor Pickard:* There was a suggestion at the Briefing Session on 21 August 2007 that Council put a condition on the development to place a note on the Contract of Sale acknowledging that there has been concessions relative to the development, particularly in relation to the cone of vision. It is my understanding the parking meets the standards and that all bays are provided in accordance with legal requirements. There is no provision for the City to reject the development on those grounds alone.

The areas of discretion relate to the siting of buildings and their distances between proposed boundaries. The number of variations extend over the 14 dwellings, with each being located on its own strata lot. The proposal conforms to the parking requirements.

Mrs L Brandsch, Burns Beach:

Re: CJ179-08/07 – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach

Q1 In connection with the traffic impact study that was requested on this development as related to the actual parking on Second Avenue. As this is the only entrance road into and out of Burns Beach, and a study says that it can carry up to 3,000 cars north of Ocean Parade, why is the impact of having five extra driveways in such a short distance of Second Avenue not going to be considered? I do feel there is going to be a problem with visitor parking.

A1 No traffic impact study was undertaken for the development. The question was raised as to whether one was required and the development was assessed in terms of whether it was acceptable. The independent view was that the development does not cause or create traffic issues which would be unreasonable for a road of this particular function. The development is not considered to be excessive from an independent point of view. It is believed that the cross-overs are in accordance with Australian Standards. The development has been assessed by the City's engineers to establish an independent view of that aspect of the development.

Q2 *In relation to there being 14 dwellings for this proposed site, is there any possibility that the other entries besides on Second Avenue perhaps on to Burns Place, or if there is any entrance possibility on the land that is on the corner of Ocean Parade and Burns Beach Road?*

Response by Mayor Pickard: If the residents of that catchment wish the City to look at the configurations of the ingress and egress into Old Burns Beach, then the City would be happy to investigate that issue. I would suggest that a request be made via the Residents Association or in the form of a petition.

Mr P Brown, Currambine:

Q1 *What research has been undertaken by the Council in relation to traffic issues on Christchurch Terrace and what measures will be put in place to control cut-through traffic once the Mitchell Freeway is extended? The residents have in mind the closure of Christchurch Terrace and a petition to that effect has been raised containing 81-signatures.*

A1 *Response by Mayor Pickard:* The petition was presented to the State Parliament, not to Council. I have discussed this matter with the CEO and he has advised that technically the petition is not able to be accepted, however, the CEO has agreed to conduct investigations of Christchurch Terrace and to report back to Council on the outcome of the investigations. Residents will then have an opportunity to raise questions at both a future Briefing Session and Council Meeting.

The City has expressed its concerns to Main Roads from the outset in relation to the Mitchell Freeway project and the impact on Christchurch Terrace. Traffic counts have been undertaken prior to and following the closure of Moore Drive. There is an impact of up to 800 – 1000 vehicles per day on certain sections of Christchurch Terrace. At this stage, it would appear there will be an interim problem and the City has requested Main Roads through its contractor to manage this situation through signage, traffic treatments and discussions with the Police to assist in enforcing any issues that relate to traffic behaviour. In the longer term, the outcome will not be known once the Freeway is open. It is suspected the traffic figures will reduce and may return to those before Moore Drive was closed. This is something that will require monitoring and be determined in the longer term. At this point in time there is no plans for long-term solutions.

Response by Mayor Pickard: For the benefit of the residents of Christchurch Terrace, would you confirm that prior to the current works commencing the City obtained traffic counts in order to have comparative measures. The City cannot guarantee or make any commitment that the road will be closed. The likelihood of Christchurch Terrace being closed to traffic is quite remote, given that the City manages on a grid system, not in isolation and there will be a subsequent flow. The City will assess this issue, engage the appropriate professionals to make an informed and educated decision relative to traffic, looking at traffic calming measures and the like.

C49-08/07**EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]**

MOVED Cr John, SECONDED Cr Magyar that public question time be extended for a period of five (5) minutes.

The Motion was Put and**CARRIED UNANIMOUSLY (11/0)**

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

PUBLIC STATEMENT TIME**Mr M Turnbull, Newcastle Street, Northbridge:**

Mr Turnbull spoke in relation to the proposed alterations and additions to Beldon Shopping Centre.

Mr R Repke, Kallaroo:

Mr Repke spoke in relation to removal of the reserve status and amalgamation of a section of land as part of the Joondalup Southern Business Park extension.

Mr S Kobelke, Sorrento:

Mr Kobelke spoke in relation to Amendment No 32 – Coastal Area Building Height.

Mrs C Cannon, Currambine:

Mrs Cannon spoke in relation to the traffic impact on Christchurch Terrace as a result of the extension of the Mitchell Freeway and raised concerns that this may endanger the lives of children living in the vicinity.

Mrs H Leithhead, Hillarys:

Mrs Leithhead spoke in relation to the early childhood centres/health clinics and raised concerns at the proposed closure of the centres.

Mrs J Roberts, Ocean Reef:

Mrs Roberts spoke in relation to accessibility to health clinics for both able-bodied and disabled clients.

Mrs J Gudsell, Burns Beach:

Mrs Gudsell spoke in relation to the proposed 14 dwellings at Lot 11483 (4) Burns Place, Burns Beach.

Mrs L Brandsch, Burns Beach:

Mrs Brandsch spoke in relation to the proposed 14 dwellings at Lot 11483 (4) Burns Place, Burns Beach.

OFFICER'S RECOMMENDATION: That Council APPROVES the following requests for Leave of Absence:

Mayor Troy Pickard 4 – 14 September 2007 inclusive
Cr Albert Jacob 12 – 26 September 2007 inclusive

Mayor Pickard withdrew his request for Leave of Absence.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council APPROVES the request for leave of absence from Council duties for Cr Albert Jacob covering the period 12 – 26 September 2007 inclusive.

The Motion was Put and

CARRIED (11/0)

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

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	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ167-08/07 – Minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Cr Russel Fishwick
Item No/Subject	CJ169-08/07 – Offer to purchase City owned land at 21 (Lot 1254) Edinburgh Avenue, Kinross [17167]
Nature of interest	Financial
Extent of Interest	A member of Cr Fishwick's family is employed by Amana Living.

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ184-08/07 – Joondalup Jinan Sister Cities – confirmation of Mayoral Delegation to attend Jinan International Tourism Fair September 2007 – [52469]
Nature of interest	Financial
Extent of Interest	As Mayor of the City of Joondalup, Mayor Pickard will lead the delegation to Jinan.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ184-08/07 – Joondalup Jinan Sister Cities – confirmation of Mayoral Delegation to attend Jinan International Tourism Fair September 2007 – [52469]
Nature of interest	Financial
Extent of Interest	Mr Hunt is part of the delegation to Jinan.

Disclosure of interest affecting impartiality

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

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ160-08/07 - Minutes of the Audit Committee Meeting held on 16 August 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard is attending the delegation in Jinan

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ160-08/07 - Minutes of the Audit Committee Meeting held on 16 August 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Relates to the CEO's corporate credit card

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ167-08/07- Minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007
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 Albert Jacob
Item No/Subject	CJ176-08/07 – Proposed Four Storey Mixed Development of 12 Multiple Dwellings, Residential Building (Short Stay Accommodation) and 4 Offices: Lot 517 (91) Reid Promenade, Joondalup [89530]
Nature of interest	Interest that may affect impartiality
Extent of Interest	(Note: The wording of this declaration has been amended to that shown in the Council agenda.) A friend of Cr Jacob owns an apartment in an adjoining building.

Name/Position	Cr Kerry Hollywood
Item No/Subject	CJ179-08/07 – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach [43305]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood is a resident of Burns Beach.

Name/Position	Cr Albert Jacob
Item No/Subject	CJ181-08/07 – Christian City Church Joondalup - Proposed Shade Sail Addition: Lot 22 (2) Lincoln Lane, Joondalup [08127]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Jacob was at school with the applicant's daughter.

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

Nil.

PETITIONS

Nil.

CJ157-08/07 DRAFT STRATEGIC PLAN 2008-2011 - [01529]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To provide Council with the final of the Draft Strategic Plan 2008-2011 for consideration and if satisfied, approve the Plan for a community consultation period of 60 days.

BACKGROUND

On 21 November 2006 a report was presented to Council outlining the proposed process for reviewing the current Strategic Plan 2003-2008, which Council subsequently endorsed.

Since then, the proposed approach has been modified as a result of feedback from the Elected Members, which identified a series of issues for consideration.

In light of this modification, the three-tiered community consultation approach has been altered and a single, major external consultation process is now proposed, which will seek to achieve the City's Public Participation Strategy targets for consultation.

The community consultation process will seek feedback on the Draft Strategic Plan 2008-2011, which is provided as Attachment 1. This has been modified following the Elected Members' feedback which was provided recently.

DETAILS

The Draft Plan is now considered ready for release to obtain comment from the community. It is envisaged that feedback from the external consultation process will be compiled and analysed by November with the Final Plan presented to Council for adoption in December 2007.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Section 5.56 of the *Local Government Act 1995* states that:

- (1) *A local government is to plan for the future of the district.*
- (2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Strategic Plan 2008-2011 will form the “Plan for the Future”, as required in section 5.56 (1).

Risk Management considerations:

The main risk associated with the review of the Strategic Plan is raising community expectation beyond the capacity of the City to deliver.

Financial/Budget Implications:

The City has set aside \$30,000 for undertaking major public participation projects during 2006/07.

The Strategic Plan review constitutes a major public participation project and it is envisaged that the costs for this project will be allocated to this account. The major costs to undertake the review will be for consultative processes including advertising, printing and postage costs.

Budget Item:	Strategic Planning 2240 - F878
Budget Amount:	\$30,000
YTD Spent:	\$12,000
Balance at 31/07/07:	\$18,000

Policy Implications:

Not Applicable.

Regional Significance:

Strategies within the Strategic Plan 2008-2011 relate to consultation outside of the City.

Sustainability Implications:

The Draft Strategic Plan highlights sustainability and reflects the fact that all City Plans, processes and projects are underpinned by the principle of sustainability.

Consultation:

An internal consultation period of 3 weeks has already been undertaken. A community consultation period of 60 days is being proposed. To obtain feedback it is proposed that an advertisement be placed in the local newspaper, on the City's website and in the Joondalup Voice online, a press release be prepared and that copies of the plan be made available at the City's libraries and customer service centres.

COMMENT

The amendments made to the Draft Plan following the internal consultation process and the Council Strategy Session are highlighted for convenience. The highlights will be subsequently removed when the document is released for community consultation.

ATTACHMENTS

Attachment 1 The Draft Strategic Plan 2008-2011.

VOTING REQUIREMENTS

Simple Majority

OFFICERS RECOMMENDATION: That Council ENDORSES the Draft Strategic Plan 2008-2011 for a community consultation period of 60 days forming Attachment 1 to Report CJ157-08/07.

MOVED Cr Magyar, SECONDED Cr Hart that Council:

- 1 **ENDORSES the Draft Strategic Plan 2008-2011 for a community consultation period of 60 days forming Attachment 1 to Report CJ157-08/07;**
- 2 **HOLDS a community workshop between the 20th to the 40th day of the community consultation period for up to 60 residents;**
- 3 **REVIEWS the Strategic Plan after receiving public submissions including the outcome of the community workshop before final adoption of the Strategic Plan 2008 - 2011.**

Discussion ensued.

It was suggested that each point of the Motion be voted on separately.

MOVED Cr Magyar, SECONDED Cr Hart that Council:

- 1 **ENDORSES the Draft Strategic Plan 2008-2011 for a community consultation period of 60 days forming Attachment 1 to Report CJ157-08/07.**

The Motion was Put and

CARRIED (11/0)

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

MOVED Cr Magyar, SECONDED Cr Hart that Council:

- 2 **HOLDS a community workshop between the 20th to the 40th day of the community consultation period for up to 60 residents.**

The Motion was Put and

LOST (4/7)

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

MOVED Cr Magyar, SECONDED Cr Hart that Council:

- 3 REVIEWS the Strategic Plan after receiving public submissions including the outcome of the community workshop before final adoption of the Strategic Plan 2008 - 2011.**

The Motion was Put and

CARRIED (10/1)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [attach1agn210807.pdf](#)

CJ158-08/07 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 19 JULY 2007 - [00906]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on 19 July 2007.

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

- Oil Depletion Protocol
- City of Joondalup Environment Plan 2007- 2011
- Sustainability Projects
- Introduction of Five Star Plus

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 19 July 2007 forming Attachment 1 to Report CJ158-08/07;*
- 2 *LOBBIES the State Government to offer incentives for the retro fitting of existing buildings to match the Five Star Plus Energy Codes.*

BACKGROUND

The objectives of the Sustainability Advisory Committee are:

- 1 To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:

- (a) environmentally responsible,
- (b) socially sound, and
- (c) economically viable

2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

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

DETAILS

Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 19 July 2007 are shown below, together with officer's comments.

1 Oil Depletion Protocol

The following Motion was carried:

"That the Sustainability Advisory Committee REQUESTS a further report from the City establishing KPIs regarding reducing our energy consumption (including a fuel and energy assessment in relation to petroleum use and energy consumption)."

Officer's Comment

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

2 City of Joondalup Environment Plan 2007 – 2011

The following Motion was carried:

"That the Sustainability Advisory Committee makes the following comments to Council in relation to the draft environmental plan:

- 1 *Congratulates staff on preparing a thorough draft;*
- 2 *The diagram on page 5 should show the linkages between the 2nd tier plans;*
- 3 *The Plan should suggest that the Mindarie Regional Council redirect profits from selling 'green power' to sustainability projects;*
- 4 *Consider deleting the text 'golf courses' from the description of the City's natural and built environments on page 8;*
- 5 *The Plan should further highlight the importance of traffic on environmental issues (page 22 & 23);*
- 6 *Re-word the first objective on page 12 so that effective water management addresses water quantity decline as well as water quality;*

- 7 *On page 15 provide an explanation of the priority 3 protection of the Gnangara mound and the relationship between local water pollutants and the quality of groundwater;*
- 8 *The Plan should further discuss the Mindarie Resource Recovery Facility (page 25) and consider including a specific action for it on (page 26);*
- 9 *The Plan should discuss the need for effective stormwater outflow programs for the coast as well as for Yellagonga Regional Park (page 13);*
- 10 *Insert the word 'implement' into the first action on page 20 so that it reads "Review, evaluate and implement...";*
- 11 *Insert the word 'implement' into the second action on page 20 so that it reads "Develop and implement...";*
- 12 *Move the box on page 4 titled "The City's Strategic Position on the Environment" to page 1;*
- 13 *The Plan should reflect the words 'environmental stewardship' throughout the document;*
- 14 *The action referring to the Landscape Master Plan on page 9 should be given more prominence and its relationship to environmental issues i.e. planting of natives on verges, should be highlighted;*
- 15 *The Plan should be consistent when quoting the length of the coastline (either 16km or 17km);*
- 16 *The State of the Environment Report referred to on page 27 should be released annually and should coincide with the release of the City's Annual Report;*
- 17 *The introduction to the Plan should explain how the City's Strategic Plan drives the Environment Plan;*
- 18 *The Plan should include an action on page 26 that reflects the City's implementation of yellow waste bins to the community as part of the City's zero waste strategy;*
- 19 *The Plan needs to focus on and encourage grass roots action at a household level;*
- 20 *The Plan needs to build the capacity of the community to engage in environmental issues as this is not done well at present;*
- 21 *Note the importance of the action on page 10 "Seek funding for the full implementation of the Coastal Foreshores Natural Areas Management Plan";*
- 22 *Include an action on page 15 to "Develop an effective program to manage stormwater".*

Officer's Comment

The suggested amendments are supported, and will be incorporated into the draft Environment Plan prior to Council endorsement of the Plan.

3 Sustainability Projects

The following Motion was carried:

"That the Sustainability Advisory Committee RECOMMENDS the following sustainable items for further reporting:

- 1 Presentation on the Landscape Master Plan to the Sustainability Advisory Committee and Conservation Advisory Committee and that both these Committees have some input before it goes to Council;*
- 2 Council to include a specific education programme focussed in the strategic plan to build community capacity making lifestyles more sustainable."*

Officer's Comment

Recommendations 1 and 2 are supported. Recommendation 2 has been reflected in the draft Strategic Plan which is being placed before Council on this agenda for endorsement to consult.

4 Introduction of Five Star Plus

The following Motion was carried:

"That the Sustainability Advisory Committee:

- 1 NOTES the report on the new energy and water codes and REQUESTS Council to lobby the State Government to offer incentives for the retro fitting of existing buildings to match the Five Star Plus Energy Codes;*
- 2 REQUESTS a report on ways Council can extend and encourage the adoption of Five Star Plus Energy and Water efficiency codes and increase the sustainability standards of new housing."*

Officer's Comment

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

Link to Strategic Plan:

Key Focus Area: Organisation Development

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

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

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Sustainability Advisory Committee meeting held on 19 July 2007

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 **NOTES** the unconfirmed minutes of the Sustainability Advisory Committee held on 19 July 2007 forming Attachment 1 to Report CJ158-08/07;
- 2 **LOBBIES** the State Government to offer incentives for the retro fitting of existing buildings to match the Five Star Plus Energy Codes.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 2 refers

To access this attachment on electronic document, click here: [attach2brf210807.pdf](#)

**CJ159-08/07 MINUTES OF EXTERNAL COMMITTEES - [02153]
[41196]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/EXECUTIVE SUMMARY

To submit minutes of external committees to Council for information.

DETAILS

The following minutes are provided:

Minutes of the Mindarie Regional Council Meeting held on 5 July 2007.

ATTACHMENTS

Attachment 1 Minutes of the Mindarie Regional Council Meeting held on 5 July 2007
(available electronically only).

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council NOTES the Minutes of the Ordinary Meeting of the Mindarie Regional Council held on 5 July 2007 forming Attachment 1 to Report CJ159-08/07.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 3 refers

To access this attachment on electronic document, click here: [attach3brf210807.pdf](#)

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ160-08/07 - Minutes of the Audit Committee Meeting held on 16 August 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard is attending the delegation in Jinan

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ160-08/07 - Minutes of the Audit Committee Meeting held on 16 August 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Relates to the CEO's corporate credit card

CJ160-08/07 MINUTES OF AUDIT COMMITTEE MEETING HELD ON 16 AUGUST 2007 – [09882, 18049]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 16 August 2007.

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

- Item 1 Quarterly report - corporate credit card usage to 31 March 2007 and
- Item 2 Quarterly report- corporate credit card usage to 30 June 2007
- Item 3 Half-Yearly Report - Contract Extensions
- Item 4 Write Off Of Monies
- Item 5 Internal Audit Plan
- Item 6 Internal Audit Assignment
- Item 7 Increase in the maximum limit for the CEO'S Corporate Credit Card

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 16 August 2007, forming Attachment 1 to this Report;*
- 2 *AGREES that any Director associated with the former entity Vision Events Management Pty Ltd and Stacey Walden-Percussion Alliance and any of its organisers be banned from any future booking and use of City facilities until any amount previously written-off is paid;*

- 3 *AUTHORISES an increase in the CEO's corporate credit card limit from \$5,000 to \$10,000 and NOTES that the corporate credit card limit will be restored to \$5,000 at the completion of the Jinan delegation.*

BACKGROUND

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

DETAILS

Issues and options considered:

The Motions moved at the Audit Committee meeting held on 16 August 2007 are shown below, together with officer's comments.

- Item 1** **Quarterly report - corporate credit card usage to 31 March 2007 and**
Item 2 **Quarterly report- corporate credit card usage to 30 June 2007**

The following motion was carried:

That the Audit Committee NOTES:

- 1 *the report on the corporate credit card usage of the CEO for the quarter ended 31 March 2007;*
- 2 *the report on the corporate credit card usage of the CEO for the quarter ended 30 June 2007.*

Officer's Comment

No further action is required.

Item 3 **Half-Yearly Report - Contract Extensions**

The following motion was carried:

That the Audit Committee NOTES the report detailing contracts extended by the CEO during the period January 2007 to June 2007.

Officer's Comment

No further action is required in relation to this motion.

At the Committee meeting, the following information was requested:

- It was requested that information be provided to the Committee on actual expenditure on contracts compared to the estimates reported originally when the contract was awarded. Only significant variances either as a percentage or as a dollar figure need be reported. The reporting to be on the same frequency as contract extensions.

Response: This information will be provided to the Committee along with the Half Yearly Report on Contract Extensions.

- It was requested that information on the City's environmental programmes be provided in the Annual Report

Response: The Annual Report is being prepared and the information requested will be addressed.

Item 4 Write Off Of Monies

The following motions were carried:

That any Director associated with the former entity Vision Events Management Pty Ltd and Stacey Walden-Percussion Alliance and any of its organisers be banned from any future booking and use of City facilities until any amount previously written-off is paid;

That the Audit Committee RECEIVES the report of monies written off under delegated authority for the period January 2007 to June 2007.

Officer's Comment

Arrangements will be made to identify the individuals concerned and for appropriate notification to be provided to all staff in the facilities and events booking process.

Item 5 Internal Audit Plan

The following motion was carried:

That the Audit Committee NOTES the Internal Audit Plan for 2007/2008.

Officer's Comment

No further action is required.

Item 6 Internal Audit Assignment

This item was withdrawn from the agenda.

Item 7 Increase in the maximum limit for the CEO'S Corporate Credit Card

The following motion was carried:

That the Audit Committee RECOMMENDS that Council AUTHORISES an increase in the CEO's corporate credit card limit from \$5,000 to \$10,000 and NOTES that the corporate credit card limit will be restored to \$5,000 at the completion of the Jinan delegation.

Officer's Comment

This is supported.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Audit Committee meeting held on 16 August 2007

VOTING REQUIREMENTS

Simple Majority

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 16 August 2007, forming Attachment 1 to Report CJ160-08/07;**
- 2 AGREES that any Director associated with the former entity Vision Events Management Pty Ltd and Stacey Walden-Percussion Alliance and any of its organisers be banned from any future booking and use of City facilities until any amount previously written-off is paid;**
- 3 AUTHORISES an increase in the Chief Executive Officer's corporate credit card limit from \$5,000 to \$10,000 and NOTES that the corporate credit card limit will be restored to \$5,000 at the completion of the Jinan delegation.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 24 refers

To access this attachment on electronic document, click here: [attach2agn280807.pdf](#)

CJ161-08/07 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 14 AUGUST 2007 – 18058]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 14 August 2007.

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

- Item 1 Proposed Short Stay Accommodation Policy;
- Item 2 Proposed Amendments to Policy 7-5 - Alfresco Dining – Joondalup City Centre;
- Item 3 Proposed Modification to Policy 3-2 - Height and Scale of Buildings Within Residential Areas;
- Item 4 Free use of City facilities to Service Organisations.

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Policy Committee Meeting dated 14 August 2007 forming Attachment 1 to this report;*
- 2 *in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the proposed modifications to the City's Policy 7-5 – Alfresco Dining Policy Joondalup City Centre, as shown in Attachment 2 to this Report, for public comment for a period of 21 days;*
- 3 *AGREES to hold a workshop with Elected Members to consider planning delegations;*
- 4 *AMENDS the terms of reference of the Policy Committee such that both Council and City Policies are referred to the Policy Committee for recommendation and referral to Council;*
- 5 *subject to support for Point 4 above, REQUESTS that reports be submitted to the Policy Committee on the following matters:*
 - (a) *Circuses within the City of Joondalup;*
 - (b) *Business Signage within the City of Joondalup;*
 - (c) *Vehicle replacement;*
 - (d) *Reviewing Policy 5-3 – The City's Art and Memorabilia Collections;*
 - (e) *Reviewing Policy 3-1 – Child Care centres.*

BACKGROUND

Council established a Policy Committee and endorsed a new Policy Framework on 26 April 2005. (Refer CJ064 – 04/05). The framework separated the policies of the Council into two categories:

- 1 Council Policies - Strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions; and
- 2 City Policies - Policies that are developed for administrative and operational imperatives and have an internal focus.

Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community.

City policies will be drafted by officers for Council consideration and these policies will still require Council endorsement however this will occur as part of the normal Council meeting cycle. Council may direct that some or all City Policies be advertised for public comment prior to endorsement. In the case of Local Planning Policies it is a statutory requirement that draft policies are to be advertised, and that public submissions are to be considered prior to adoption of the policy.

DETAILS

Issues and options considered:

The Motions carried at the Policy Committee meeting held on 14 August 2007 are shown below, together with officer's comments:

Item 1 Proposed Short Stay Accommodation Policy;

The following motion was carried:

That the Policy Committee ENDORSES the draft Scheme Amendment and Local Planning Policy – Short Stay Accommodation as shown in Attachment 1 and 2, and RECOMMENDS that Council:

- 1 *Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 36 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, in accordance with Attachment 1 to this Report, subject to the insertion of a provision that any consideration for the application of the policy be referred to Council for determination when the site is in or abutting a residential zone;*
- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required;*
- 3 *ADVERTISES the draft Local Planning Policy – Short Stay Accommodation, concurrently with Amendment No 36.*

Officer's comment

This issue is being presented to Council as a separate report – Item CJ173-08/07 refers.

Item 2 Proposed Amendments to Policy 7-5 - Alfresco Dining – Joondalup City Centre

The following motion was carried:

That the Policy Committee RECOMMENDS that Council, in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the proposed modifications to the City's Policy 7-5 – Alfresco Dining Policy Joondalup City Centre, as shown in Attachment 1 to this Report, for public comment for a period of 21 days.

Officer's comment

This recommendation is supported.

Item 3 Proposed Modification to Policy 3-2 - Height and Scale of Buildings Within Residential Areas

The following motion was carried:

That the review of Policy 3-2 Height and Scale of Buildings within Residential Areas be DEFERRED until a workshop is held with Elected Member to review delegated powers under District Planning Scheme No 2 and, in particular, which delegations have discretion that can be exercised by officers.

Officer's comment

A workshop can be organised to assist Elected Members to consider planning delegations.

Item 4 Free use of City facilities to Service Organisations.

The following motion was carried:

That consideration of free use of City facilities to service organisations be DEFERRED for further review and a report be presented to the next meeting of the Policy Committee.

Officer's comment

The report will be amended and updated for the next meeting of the Policy Committee.

Requests For Reports For Future Consideration

The following motion was carried:

That:

- 1 *the Policy Committee RECOMMENDS that Council AMENDS the terms of reference of the Policy Committee such that both Council and City Policies are referred to the Policy Committee for recommendation and referral to Council;*
- 2 *REPORTS be submitted to the Policy Committee on the following matters:*
 - (a) *Circuses within the City of Joondalup;*
 - (b) *Business Signage within the City of Joondalup;*
 - (c) *Vehicle replacement;*
 - (d) *reviewing Policy 5-3 – The City's Art and Memorabilia Collections;*
 - (e) *reviewing Policy 3-1 – Child Care centres.*

Officer's comment

The Committee's terms of reference will need to be amended if Elected Members wish the Committee to consider City policies as well as Council policies.

Reports will be submitted on the identified matters that relate to City Policies, if the Committee's terms of reference are changed.

Setting Of Meeting Date

The following motion was carried:

That Deputy Presiding Person, Cr Kerry Hollywood, be requested to SET the date and time for the next meeting of the Policy Committee.

Officer's comment

The calling of Committee meetings is covered by the City's Standing Orders Local Law, which states:

72 *Calling of committee meetings*

The CEO is to convene a meeting of a committee when requested by:

- (a) the presiding person of the committee, in writing;*
- (b) a minimum of $\frac{1}{3}$ of the members of the committee, but not less than 2 members of the committee, in writing;*
- (c) the committee; or*
- (d) the Council.*

The decision of the Committee does not comply with the requirements of the Standing Orders Local Law and cannot be acted upon.

Link to Strategic Plan

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

Section 72 of the City's Standing Orders Local Law 2005, and District Planning Scheme No 2.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

As identified in this report.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Consultation with the community is recommended in relation to the amendments to Policy 7-5 - Alfresco Dining.

COMMENT

The item on Short Stay Accommodation is being presented to Council separately because of the significance of, and interest in, this matter.

ATTACHMENTS

Attachment 1	Unconfirmed minutes of the Policy Committee meeting of 14 August 2007
Attachment 2	Policy 7-5 – Alfresco Dining – Joondalup City Centre (with tracked changes)

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 NOTES the unconfirmed minutes of the Policy Committee Meeting dated 14 August 2007 forming Attachment 1 to Report CJ161-08/07;**
- 2 in accordance with Clause 8.11 of the City of Joondalup's District Planning Scheme No 2, ADVERTISES the proposed modifications to the City's Policy 7-5 – Alfresco Dining Policy Joondalup City Centre, as shown in Attachment 2 to Report CJ161-08/07, for public comment for a period of 21 days;**
- 3 AGREES to hold a workshop with Elected Members to consider planning delegations;**
- 4 AMENDS the terms of reference of the Policy Committee such that both Council and City Policies are referred to the Policy Committee for recommendation and referral to Council;**
- 5 subject to support for Point 4 above, REQUESTS that reports be submitted to the Policy Committee on the following matters:**
 - (a) Circuses within the City of Joondalup;**
 - (b) Business Signage within the City of Joondalup;**
 - (c) Vehicle replacement;**
 - (d) reviewing Policy 5-3 – The City's Art and Memorabilia Collections;**
 - (e) reviewing Policy 3-1 – Child Care centres.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 25 refers

To access this attachment on electronic document, click here: [attach3agn280807.pdf](#)

CJ162-08/07 CITY WATCH COMMUNITY SECURITY PATROL SERVICE – [23565] [89558]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE/EXECUTIVE SUMMARY

To report to Council the findings of the review comparing in-house provision as opposed to outsourcing the community security patrol services. This report recommends a continuation of the outsourcing option.

BACKGROUND

The Council at its meeting held on 2 November 2004 agreed to award NGS Guards and Patrols a contract for five years for the provision of a security and patrol service within the City of Joondalup. As part of that decision, the Council requested that prior to extending the contract beyond two years that a report be presented to the Council. NGS Guards and Patrols have since been taken over by Wilson Security Pty Ltd.

Two years of the contract expired in December 2006. A report was presented to the Council meeting held on 19 September 2006 (Item CJ162-09/06), where it was resolved as follows:

“That Council:

- 1 EXERCISES its option to extend Contract 014-04/05 with Wilson Security Pty Ltd (previously NGR Guards and Patrols) for the provision of community security and patrol services in the City of Joondalup for an additional 12 months to 17 December 2007;*
- 2 REQUESTS the CEO to undertake a review comparing in-house provision as opposed to outsourcing the community security and patrol services, and that a report on the review findings be submitted to Council for consideration prior to the 2007/08 budget decision.”*

The City appointed a consultant to undertake the comparison. After extensive analysis, the consultant presented six possible options to a Strategy Session for Elected Members on 17 March 2007.

A report was presented to Council at its meeting held on 7 August 2007 (Item CJ147-08/07 refers), where Council resolved that:

“consideration of Item CJ147-08/07 be DEFERRED to enable a Workshop to be held, and a further report submitted to the next Council Meeting.”

DETAILS

The current contract for the City Watch community security patrol service commenced on 18 December 2004 and involved the contractor providing the field staff and associated vehicles to conduct patrols. The contract ran for an initial 12 month period with four options to extend, at the City’s discretion and subject to satisfactory performance reviews, each for a 12 month period. If all extensions are granted, the contract would run for five years.

A decision needs to be made on whether to extend the contract for another 12 month period from December 2007 to December 2008.

This report brings the six options previously identified by the consultant to the Council to enable a decision to be made on the future of the security patrol service. The six options are explained in detail in Attachment 1. This indicates the advantages and disadvantages associated with each option, and compares the costs of matching existing service levels with maintaining the current budgetary commitment. The options, and their associated costs, are summarised in the table below:

OPTION	CITY WATCH	RANGER	TOTAL
Outsourced option (as per current contract)	\$1.75m	\$1.03m	\$2.78m
In-house provision of security service separate from Ranger services	\$2.7m	\$1.03m	\$3.73m
In-house provision of security service shared with adjacent local governments	\$2.75m	\$1.03m	\$3.78m
In-house provision of combined Ranger and security service	\$3.07m	\$1.03m	\$3.81m to \$4.10m
Ward or region based Ranger service		\$2.31m	\$2.31*m
No dedicated security patrols		\$1.03m	\$1.33**m

***Note:** Provides additional six Rangers, one in each ward but with no focus on safety/security patrols. City Watch patrols discontinued.

****Note:** City Watch patrols discontinued. Provision of \$300,000 for replacement of services currently undertaken by City Watch, to be done by City staff or other contract arrangements.

The consultant’s report identifies that providing a security service in-house is the most expensive option if current service levels are to be maintained. (The service could be provided in-house using the current budget; however, lower service levels would be achieved.). There is little difference between the costs of providing a combined security service and Ranger service in-house or separating the Ranger and security services and providing both in-house. Further the cost does not decrease if an in-house service is provided in conjunction with an adjacent local government.

Here it should be noted that the City previously provided a combined Ranger and security patrol service until 2000. This approach was abandoned for reasons which generally reflect the disadvantages identified by the consultant in relation to the combined security and Ranger services. These reasons include:

- Ranger and security officer roles are distinctly different;
- There is likely to be a diluted focus on both elements if the roles are combined;
- It could be difficult for the City to recruit additional staff to undertake the combined role; and
- Existing Rangers may leave the City if they are dissatisfied with the changes.

The consultant concludes that the most cost effective way of providing a security patrol service is through a contractor and an outsourced arrangement. This option should be significantly cheaper for the City to implement each year based on the consultant's analysis. However, the actual savings will depend on the final cost for delivering an outsourced option in coming years.

Basing Rangers on wards is not considered appropriate. While Rangers working in a single ward could be expected to build greater rapport with local residents, present staffing levels are insufficient to allow such an approach and additional staff would be needed (for instance, such an approach would require two Rangers per ward to cover all shifts as the barest minimum. However, if one was on leave or was sick, there would be a gap in coverage for part of the day or a Ranger would need to be drawn from another ward to deal with issues. This latter option would generate further gaps within the system).

Further, while wards are ideal for determining electoral representation, they do not make logical boundaries for the allocation of Ranger functions. If such an approach were to be supported, it would be better to base the regions on major roads rather than wards to reflect people movements.

Link to Strategic Plan:

Provision of the City Watch community and security patrol service is in keeping with the City's Strategic Plan Key Focus Area 1 – Community Wellbeing:

- Outcome: The City is a safe and healthy City;
- Objective 1.4: Continue to implement the Safer Community Program.

Legislation – Statutory Provisions:

The provision of this service is at the discretion of the Council, as there are not statutory obligations requiring the City to undertake this activity.

Risk Management Considerations:

Recent annual customer surveys show that there is a very high customer awareness of the community security patrol service and reasonable satisfaction with the service provided.

	2003	2004	2005	2006	2007
Awareness	95%	87%	84%	92%	-
Satisfaction	82% *	79%	65%	72%	71%

* In 2003, the rating was based on usage rather than satisfaction.

Both of these percentages are high compared to many other City services. This is impressive when it is noted that the City Watch service has not been actively marketed for several years. This said, the level of service provided, and number of operational hours over which the current City Watch community security patrol service operates is considerably higher than the level of service operational hours that other local governments provide. However, these other local governments achieve similar satisfaction and awareness ratings.

Another important but more dated reference point is the referendum that the City conducted on the service in May 2001. This saw 68% of those who cast a vote favouring continuation of the service.

It should also be noted that if the service were to be discontinued, the City would need to make other provisions for some of the services currently undertaken by City Watch that could not be readily discontinued, such as responding to alarms at City buildings and checks at City facilities. Reporting of maintenance issues, such as graffiti, street lights not working and vandal damage to City assets, would also require review.

Financial/Budget Implications:

Provision of the City Watch service currently costs a total \$1,745,111 per annum which consists of contract costs approximately \$1,609,613 (for provision of the community patrol service by the contractor for a whole year), fuel costs of \$120,000 and \$50,000 for additional patrols over and above the specified hours. The other main components of the budget cover in-house staff costs, public relations, promotions and communication costs including provision of the emergency telephone 1300 655 860 number.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The community security patrol service assists with maintenance of a safe and secure social environment that contributes to quality of life.

Consultation:

During the course of the review, the consultant had discussions with representatives of the Cities of Wanneroo, Stirling and Melville, the Police and the Office of Crime Prevention.

COMMENT

Given the most recent survey results and good performance indicators, cancellation of the service is unlikely to be realistic. However, what is clear is that, while the City's patrols are well received by the community, satisfaction levels and recorded response times are similar to other local governments who provide a service with far less man hours of patrols.

It should also be noted that the broad coverage of all streets each day currently required by the security patrol contract represents a blunt instrument in addressing crime and anti-social behaviour. That is, the patrols do not specifically target 'hot spots' for trouble and they do not encompass specific measures or initiatives to address particular problems such as graffiti. (Here, increasing the speed of graffiti clean up could possibly be viewed as adding effectiveness to targeted patrols.) Consequently, combining patrols with other initiatives may produce a better return on the funds invested by the City.

Provided the City does not wish to discontinue the service altogether, and does not wish to increase funding levels, the most suitable outcome appears to be:

- Continue to provide a community security patrol service via a contractor at a reduced level but which targets zones depending on the time of day and day of the week;
- Negotiate the cost of this level of service with the current contractor;
- Assuming a satisfactory outcome, place any remaining funding (it is noted that the cost of providing the service will most likely rise under a renewed contract) into a range of new initiatives, which could be flexible and change focus as the 'on the ground' situation demands but could include:
 - Increased funding for graffiti removal and prevention programs;
 - Undertaking regular crime audits – identification of areas to concentrate resources, e.g. saturation or targeted patrols;
 - Additional support for neighbourhood watch programs;
 - Funding for software to link mobile staff to corporate data (this could have benefits for all mobile City services); and
 - Funding of outreach or 'at risk' programs.

The City Watch service is currently deployed on the basis of six cars in six zones during the evening/night shift and three cars in six zones during the day shift. An additional vehicle is deployed in the CBD zone covering Thursday night-Friday morning, Friday night-Saturday morning, Saturday night-Sunday morning. If a contractor provided service is retained but reduced to a lower service level, it is possible that approximately 27,612 man hours of service could be deployed under a two car four zone day shift and four car four zone night shift, plus CBD configuration at a cost of \$1.2 million per annum (or less). This is not dissimilar to the service provided at the City of Stirling.

In terms of the contract, a variation may be requested by the principal (Chief Executive Officer) by notice in writing to the contractor seeking a variation to the service, either by increase or decrease in the service, and shall be mutually agreed to by all parties.

ATTACHMENTS

Attachment 1 Extract from consultant's report identifying options, advantages, disadvantages and costs.

VOTING REQUIREMENTS

Simple Majority.

ADDITIONAL INFORMATION

A workshop was held on 14 August 2007. Responses to questions raised by Elected Members at the workshop are provided below:

Q Can comparisons be provided with other local governments' security models and performance measures?

Response: In the consultant's report, Mr Chris Liversage compared the City's patrol service is compared against similar services provided other Western Australian local governments of similar size to Joondalup. The comparisons covered several different models with details outlined in his report.

The City was found to be further advanced than the other local governments with its application and assessment of KPIs on the various aspects of the service. While KPIs that are applied by those local governments can be obtained, comparison between KPIs and crime levels cannot be provided as no research has been undertaken.

KPIs need to measure the core functions that a service provides. If the functions of City Watch Patrols are to change, the KPIs will need to also change to measure and evaluate the outcomes of the new function.

Q Can covert operations be undertaken to combat graffiti vandalism?

Response: This is not in the current contract and would need to be negotiated with any service provider. The current contract requires officers to maintain a high profile and clearly identify themselves.

Q What is the effectiveness of City Watch in reducing crime and what is the effectiveness of Rangers enforcing local laws?

Response: There is no exact measurement that can determine the impact of the City Watch Service in crime reduction. Many factors influence crime reduction including the availability of Police and support resources. As indicated from Police records, reported crime within the City has been reducing over several years.

City Watch is managed, evaluated and tracked by its KPIs and customer satisfaction survey. The current assessment of Ranger Services is by way of the customer satisfaction survey.

Q Powers of the Rangers and how to protect their Award. If number of Rangers are increased, how does that affect their Award for other duties undertaken. Consequences of cancelling the security service contract and one group performing duties – legally, contractually and in-house.

Response: Rangers are Authorised Officers under the Local Government Act, Dog Act and Regulations, Bush Fires Act and Regulations, Litter Act, Spear Guns Control Act, Control of Vehicles (Off Road) and City of Joondalup Local Laws.

Rangers are employed under the City Officers Enterprise Bargaining Agreement and the Local Government Officers Award.

Security officers do not have the same powers as Rangers and are employed under a different Award to the Rangers. The roles and responsibilities of Security Officers and Rangers are distinctly different as are the qualifications and experience to undertake their respective duties.

There is opportunity to review the service in December. The City Watch service has maintained a high community satisfaction rating over many years. If the contract for this service were terminated, backlash will come from the community, particularly the older age group.

Wages for Rangers are higher than for the security officers in keeping with the higher educational and responsibility requirements. To roster Rangers over a 24 hour period will greatly affect penalty rates. The requirement for Rangers to impound animals, signs etc requires Rangers to operate from vehicles suitable for that purpose as opposed to sedan vehicles that can be used for security patrol work. The cost differences are substantial and need to be taken into consideration.

Q Can legal powers of security service be expanded?

Response: The roles and training required for Security Officers and Rangers are distinctly different. City Watch Officers are required to be qualified as Security Officers, have a current First Aid Certificate and possess excellent written and verbal communication and customer service skills.

Rangers must undergo extensive training, and achieve qualifications to enforce State Acts and the City's local laws

A security service, whether contracted or in-house, cannot be given Ranger powers. The Stirling and Melville/Cockburn community patrol service models are provided separate from their ranger services.

Q Has comment been sought from the Police on the effectiveness of the security service?

Response: The local Police acknowledge and very much appreciate the assistance of the City Watch Patrol service and the role provided as their reliable eyes and ears in the community. The City Watch Patrol service can reach a trouble spot in 6-10 minutes and can relay the level of seriousness of the issue to Police. Such information assists greatly with the allocation of Police resources and provision of law and order in the community.

**Q Is the CEO able to empower people to be Honorary Parking Inspectors?
Can this power be given to City Watch?**

Response: There is no provision within the current contract to facilitate this. However, this does not prevent the matter from being raised and subject to agreement between the City and the contractor to acceptable terms and appropriate training of City Watch officers, they could be Authorised to issue infringements under the City's Parking Local law.

OFFICER'S RECOMMENDATION: That Council:

- 1 CONTINUES TO PROVIDE a dedicated community security patrol service via a contractor;
- 2 SEEKS to implement a service level based on patrols on a 24 hour a day, 7 day a week basis under a 2 car 4 zone configuration throughout the City, varying by time of day and day of the week depending upon demand;
- 3 REQUESTS the Chief Executive Officer to negotiate provision of the level of service outlined in Recommendation 2 above with the current contractor within the existing contract provisions with a view to continuation to December 2008;
- 4 NOTES that the outcome of these negotiations will be reported back to Elected Members and the community.

REQUIREMENTS OF THE CITY'S STANDING ORDERS LOCAL LAW 2005

At the Council meeting held on 7 August 2007, the motion listed below was Moved Cr Corr, Seconded Cr Jacob. Subsequent to that, a motion was carried, being that *"Moved Cr Hart Seconded Cr Amphlett that consideration of Item CJ147-08/07 be Deferred to enable a Workshop to be held, and a further report submitted to the next Council Meeting."*

Clause 62 of the City's Standing Orders Local Law 2005 states:

"If a motion "that the motion be deferred" is carried then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at the time and date specified in the motion."

The effect of this clause is that the motion is still before the Council and is required to be considered at a later date (28 August 2007). Therefore the Council is required to make a determination on the motion that was before it prior to the deferral motion. Should this motion be defeated, an alternate primary motion may be moved, seconded, debated and voted upon.

It should be noted that Cr Corr, the mover of the motion, will not be in attendance at the Council meeting to be held on 28 August 2007. Cr Corr's absence will not cause the motion to lapse, but he will be unable to close debate on the motion.

MOVED Cr Corr SECONDED Cr Jacob that Council:

- 1 CONTINUES TO PROVIDE a dedicated community security patrol service via a contractor;**
- 2 SEEKS to implement a service level based on patrols on a 24 hour a day, 7 day a week basis under a 2 car 4 zone configuration throughout the City, varying by time of day and day of the week depending upon demand;**
- 3 REQUESTS the Chief Executive Officer to negotiate provision of the level of service outlined in Clause 2 above with the current contractor within the existing contract provisions with a view to continuation to December 2008;**
- 4 NOTES that the outcome of these negotiations will be reported back to Elected Members and the community.**

AMENDMENT MOVED Mayor Pickard, SECONDED Cr McLean that the Motion be amended as follows:

- “1 CONTINUES TO PROVIDE a dedicated community security patrol service via a contractor;**
- 2 SEEKS to implement a service level based on :**
 - (a) patrols being conducted on a 24 hour a day, 7 day a week basis with 4 zone/4 cars and 2 zone/2 car plus the existing CBD zone, configuration throughout the City, varying by time of day and day of the week depending upon demand; with a targeted campaign focussed on hot spots, but continuing to maintain observation across the City;**
 - (b) patrols assisting with management of the bulk refuse removal by issuing notices to residents to remove refuse which is placed on verges before the invitation date, thereby minimising the untidiness of City streets;**
 - (c) an increase in focus on graffiti and infrastructure damage;**
- 3 REQUESTS the Chief Executive Officer to negotiate provision of the level of service outlined in Recommendation 2 above with the current contractor within the existing contract provisions with a view to continuation to December 2008;**
- 4 NOTES that the outcome of these negotiations will be reported back to Elected Members and the community;**
- 5 NOTES that ranger patrols will be targeted at specific locations on an as required basis to address parking concerns outside of normal working hours;**

6 That the City include in the annual Customer Satisfaction Monitor a detailed series of questions on the awareness and acceptability of security patrols, safety and security services provided by this City.

Discussion ensued.

The Amendment was Put and

CARRIED (11/0)

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

AMENDMENT MOVED Cr Macdonald, SECONDED Cr Hart that an additional Point 7 be added to the Motion as follows:

“7 that the Chief Executive Officer investigates the enforcement of Local Laws after hours by Ranger patrols.”

The Amendment was Put and

CARRIED (11/0)

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

The Original Motion, as amended, being:

That:

- 1 Council CONTINUES TO PROVIDE a dedicated community security patrol service via a contractor;**
- 2 Council SEEKS to implement a service level based on:**
 - (a) patrols being conducted on a 24 hour a day, 7 day a week basis with 4 zone/4 cars and 2 zone/2 car plus the existing CBD zone, configuration throughout the City, varying by time of day and day of the week depending upon demand; with a targeted campaign focussed on hot spots, but continuing to maintain observation across the City;**
 - (b) patrols assisting with management of the bulk refuse removal by issuing notices to residents to remove refuse which is placed on verges before the invitation date, thereby minimising the untidiness of City streets;**
 - (c) an increase in focus on graffiti and infrastructure damage;**
- 3 Council REQUESTS the Chief Executive Officer to negotiate provision of the level of service outlined in Recommendation 2 above with the current contractor within the existing contract provisions with a view to continuation to December 2008;**
- 4 Council NOTES that the outcome of these negotiations will be reported back to Elected Members and the community;**

- 5 Council NOTES that Ranger patrols will be targeted at specific locations on an as required basis to address parking concerns outside of normal working hours;
- 6 the City include in the annual Customer Satisfaction Monitor a detailed series of questions on the awareness and acceptability of security patrols, safety and security services provided by this City;
- 7 the Chief Executive Officer investigates the enforcement of Local Laws after hours by Ranger patrols.

Was Put and

CARRIED (11/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf210807.pdf](#)

CJ163-08/07 DEVELOPMENT OF AN ELECTRONIC WEB-BASED EMAIL COMMUNICATIONS SYSTEM AND DATABASE – [65597] [11866]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For the Council to consider possible options to increase the awareness of the City's electronic web-based email communications system and database.

EXECUTIVE SUMMARY

The Council at its meeting held on 17 July 2007 requested a further report on the progress towards creating an electronic web-based email communications system and database.

A number of awareness initiatives have been implemented and the report makes suggestions to some others, being:

- Conducting a competition;
- As a trial, writing to all households within those suburbs who have regularly advised of the lack of regularity in receiving the local community newspaper. Following that monitor to ascertain if that increases the subscription to the email database.

BACKGROUND

The Council requested a report be prepared that details the development of an electronic web-based email communications system and database. A report was subsequently presented to the ordinary meeting of the Council held on 17 July 2007 where it was resolved as follows:

That:

- 1 *Council noted that the development of an electronic web-based email communications systems and database, is underway and requests the City as a matter of priority focuses on the development of a ratepayer email database to facilitate the communication of advertised public notices to ratepayers and stakeholders on a Ward basis;*
- 2 *A further report will be prepared for Council on how the City is planning to create the required email database and over what timeframe this will occur.*

DETAILS

The City uses electronic media for a variety of communication with the community, which includes:

- Providing information to the community
- Enabling business with Council online (e.g. paying Council fees, filling out forms)

Issues and options considered:

Since the consideration of the report by the Council at its meeting of 17 July 2007, the City has made considerable progress towards the development of online communications. Residents are able to subscribe to the following documents: -

- Joondalup Business List Online - News, events and services relevant to the local business community on a quarterly basis (to be produced electronically)
- Joondalup Council News Online - Council News on quarterly basis (to be produced electronically)
- Joondalup Job Notices Online - Job alerts for positions at the City of Joondalup
- Joondalup Library Events Online - Fortnightly Newsletter on Library Events at the City of Joondalup (*512 - **419)
- Joondalup Public Notices Online - Joondalup Public Notices every Friday (*32 - **0).
- Joondalup Tender Alerts Online - Receive alerts for Tender information (to be produced electronically)
- Joondalup Voice Online - Fortnightly information about the City of Joondalup (*67 - **37).

* denotes number of people who have subscribed

** denotes number of readers of the last edition produced of the online version of the publication.

Link to Strategic Plan:

Outcome: The City of Joondalup is an interactive community.

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

Strategies: 4.3.1 – provide effective and clear community consultation.
4.3.2 – provide accessible community information.
4.3.3 – provide fair and transparent decision-making processes.

Outcome: The City of Joondalup is recognised as a unique City.

Objective 4.4: To develop community pride and identity

Strategy: 4.4.1 – build and develop marketing opportunities to promote the City.

Legislation – Statutory Provisions:

Not applicable

Risk Management considerations:

The risks associated with populating the database relies on the resident consciously deciding to subscribe to the various online publications.

Financial/Budget Implications:

Promotion methods of the various online publications and the ability to subscribe to these forms of communication will be funded as part of the operational budgets. The cost of a direct mail campaign is based on 39 cents per letter, with the identified suburbs as part of the campaign containing a total of approximately 11,800 households. The total cost of the campaign would be \$4,600 approximately.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Implementing improved or alternative methods to be able to communicate with the City's residents, ratepayers and stakeholders will improve the social sustainable aspects of the community. In particular it will:

- Address the diverse needs of all sectors of the City of Joondalup's community;
- Facilitate an improvement in access to all sectors of the community;
- Improve the level of awareness of the City's activities and services;
- Assist in advising the community of consultation issues.

Consultation:

Not Applicable.

COMMENT

In order to generate greater awareness of the availability of online communications from the City of Joondalup a number initiatives have been put in place:

- The ability to subscribe is prominently placed on the front page of the City's web page;
- Regular notes are placed within the City's fortnightly newsletter – 'Joondalup Voice' – advising of the ability to subscribe, this appears on the web and in the local paper;
- The City has written to all community and ratepayer/resident groups advising them of the ability to subscribe online;
- Article was placed in the Budget edition of Council News that has been distributed to every household within the City.

The productions of the online publications are currently at the infancy stages. The subscription to the publications and the readership will be monitored regularly. The number of initiatives listed above have been undertaken to generate awareness and these will be continued on an ongoing basis.

Another initiative that may be considered is, as a trial, to write specifically to all households who regularly experience difficulties in receiving the local paper (initially Sorrento, Marmion, Woodvale, Connolly and Kingsley). Currently such households will receive this information through the articles contained within the Council News. This trial would be monitored to ascertain if writing to these households results in an increase in the subscription to the on line publications; and it is anticipated that this will occur during the month of October/November 2007, following the first closure date of rate payments. At the conclusion of the direct mail campaign an evaluation will be conducted to determine if the number of subscribers has increased. If this has occurred then more direct mail campaigns can be undertaken across the entire City.

In the event that the direct mail campaign is not successful then the possibility of running a competition would be considered.

It is important to note that residents wanting to subscribe to the on-line publications will only populate the database voluntarily. Recent research (conducted by Rizzo J, Roberts K, Danaher P – as presented to a recent seminar held by the Australian Marketing Institute) indicates receivers do not appreciate receiving email communication where they have not requested such information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the information contained within Report CJ163-08/07 relating to the initiatives that the City has taken to create the electronic web-based email communications system and database;
- 2 AGREES to conduct a direct mail campaign as a trial to every household within the suburbs of Sorrento, Marmion, Woodvale, Connolly and Kingsley during the months of October/November 2007 advising residents of the opportunity to subscribe to the City's electronic web-based email communication system.

MOVED Cr Jacob, SECONDED Cr Magyar that Council:

- 1 **NOTES the information contained within Report CJ163-08/07 relating to the initiatives that the City has taken to create the electronic web-based email communications system and database;**
- 2 **AGREES to conduct a direct mail campaign as a trial to every household within the suburbs of Sorrento, Marmion, Woodvale, Connolly, Mullaloo and Kingsley during the months of October/November 2007 advising residents of the opportunity to subscribe to the City's electronic web-based email communication system.**

The Motion was Put and**CARRIED (11/0)****In favour of the Motion:** Mayor Pickard, Crs Amphlett, Currie, Fishwick, Hart, Hollywood, Jacob, John, Magyar, Macdonald and McLean**CJ164-08/07 ECONOMIC DEVELOPMENT PLAN – 'CITY OF JOONDALUP: A VIBRANT KNOWLEDGE & SERVICE HUB FOR THE REGION' - [10030]****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Ian Cowie
Governance and Strategy**PURPOSE**

To list the draft Economic Development Plan (EDP) for consideration and allow the City to release the plan for targeted consultation with key stakeholders from the local business community.

EXECUTIVE SUMMARY

Council adopted the City's existing EDP in 2001. In 2005 the City undertook to revise this EDP.

In mid 2006 the City commenced the Joondalup Business Forums, which were initiated as part of a major consultation vehicle for the strategy development process as well providing a communications channel during the delivery phase of plan.

The City has now drafted a revised EDP, which provides an integrated approach to foster the local economic development of the City of Joondalup. It is recognised that local economic development can take many forms in order to respond to local issues and drivers that are present. The following four key focus areas underpin the plan to address these local drivers:

- **Industry** - Industry development and attraction to maximise local employment;
- **People** - Ensuring that the population has appropriate skills to obtain jobs;
- **Infrastructure, Land and Property** - Ensuring that there are appropriate land and buildings available for economic development; and
- **Collaboration** - Collaboration across the broader northwest region.

The draft plan is provided in Attachment 1 for Council's consideration. Agreement is sought to release the draft plan for targeted consultation with key stakeholders within the local business community.

BACKGROUND

Council adopted the City existing EDP in 2001. In 2005 the City undertook to revise this EDP, which commenced with background research and situational analysis that resulted in the production of a discussion paper, series of information sheets and an economic profile. Various stakeholder interviews were also conducted during this phase of the project.

In mid 2006 the City commenced the Joondalup Business Forums, which were initiated as part of a major consultation vehicle for the strategy development process. The business forums provided an opportunity of the City to provide the business community with its economic development vision for Joondalup. Going forward the forums are intended to provide a key communications channel during the delivery phases of the plan.

The City has now drafted a revised EDP, which is provided in Attachment 1 for Council's consideration. Agreement is sought to release the plan for targeted consultation with key stakeholders within the local business community.

DETAILS

The draft EDP is based on extensive research, including the demographic position of the City, employment dynamics, capacity for employment creation, major industry sectors and is considerate of the regional economic context. Throughout this process best endeavours have been made to maximise the strategic alignment with the City's external stakeholders.

The plan provides an integrated approach to foster the local economic development of the City of Joondalup. It is recognised that local economic development can take many forms in order to respond to local issues and drivers that are present. As result the following issues are identified and prioritised as key regional drivers for the plan:

- 1 Addressing the sustainability challenge of low-levels of local employment
- 2 Enhancing the suitability of local people for local jobs
- 3 Ensuring there is capacity to accommodate employment growth with particular focus on commercial office floor space
- 4 The need for regional collaboration

In response to these regional drivers a series of major outcomes have been established. These outcomes underpin the four key focus areas that form the plan:

1 IndustryOutcome:

Employment from the City's local industry base is maximised

2 PeopleOutcome:

The suitability of local people for local jobs is maximised

3 Infrastructure, Land & PropertyOutcome:

The capacity of the City to accommodate industry growth is maximised

4 CollaborationOutcome:

The collective efforts of all relevant stakeholders are leveraged to support economic development outcomes for the whole region

In order to realise these outcomes the plan has articulated a vision, which also provides guidance to the objectives and strategies identified in the plan under each key focus area. This vision seeks to leverage the City's key strengths, growth opportunities and mitigate the major growth challenges and limitations. A central theme of the vision is the important role the City Centre has as the Strategic Regional Centre for the north west corridor. The service and knowledge functions provided by the City Centre will continue to generate significant economic and employment outcomes for the City. Importantly it will also support employment generation and industry development outcomes for the wider north west corridor.

These secondary outcomes are a direct result of the strong economic linkages that exist between the City Centre and the growing population and industrial sector in the wider region.

As a result the following vision has been formed to guide the plan:

The City of Joondalup will continue to grow as the Strategic Regional Centre providing a knowledge and service hub for the north west corridor of Perth. Through a coordinated and collaborative approach the City will:

- 1 Strengthen the established services industries of education, health and community services;*
- 2 Attract and grow office-based professional service industries of government administration, property, business services, finance, insurance, and services to the resources sector;*
- 3 Support smart industries emerging from research and development strengths of the Joondalup Learning Precinct.*

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

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

Policy Implications:

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

Regional Significance:

The EDP recognises the economic interdependencies that exist between the Cities of Joondalup and Wanneroo, which collectively represent the north west corridor. As a result, partnership and collaboration is established as a core element to the plan. In addition, partnership opportunities with other local, state and federal government departments will be pursued to maximise economic development outcomes within the City.

Sustainability Implications:

Sustainability is a key driver for the EDP.

Consultation:

The City's elected members have been consulted in the development process for the plan. These comments and feedback have subsequently been incorporated into the final draft attached to this report.

To ensure there is broader stakeholder alignment, additional targeted consultation is proposed with key organisations within the local business community. This will focus on organisations representing key industries highlighted in the plan and potential partners for specific actions.

Once consultation is completed the final EDP will be tabled with Council for formal adoption.

COMMENT

The formation of the EDP coincides with an important phase in the City of Joondalup's economic development. The City has an established population featuring full employment, a high standard of education and community wealth able to support its economic prosperity. Along side this population is an established economy with identifiable strengths in education, health, retail and community services. There are also significant growth opportunities within the professional services sectors as well industries aligned to the research outputs of the Joondalup Learning Precinct.

The wider region also provides significant drivers for the City with its exponential population growth; retail and agricultural sectors; growing industrial, manufacturing and tourism sectors. As a result the City's economy is now entering a maturing phase and the proposed EDP aims to maximise the City's economic prosperity going forward and support the economic development outcomes of the north west corridor.

The proposed EDP should be considered as a framework that shapes the City's strategic approach to economic development over the next four years. To account for the fluidity of economic drivers that impact the local level, this plan should not be considered an exact blueprint of economic development activities that will be undertaken. The plan provides guiding direction and will be continually reviewed. As a result this plan should be considered more a road map of the City's future direction given the information currently available. However, it should be noted that the fundamental drivers are highly likely to remain constant.

Continual monitoring of the strategic objectives set out in this plan will occur throughout its delivery. A formal mid-term review will be conducted in 2009.

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the draft Economic Development Plan forming Attachment 1 to Report CJ164-08/07;
- 2 AGREES to release the draft Economic Development Plan for targeted consultation with key stakeholders within the local business community.

MOVED Cr Magyar, SECONDED Cr Hart that Council:

- 1 NOTES the draft Economic Development Plan forming Attachment 1 to Report CJ164-08/07;**
- 2 AGREES to release the draft Economic Development Plan for targeted consultation with key stakeholders within the local business community;**
- 3 AGREES to release the draft Economic Development Plan for general public comment for a period of 30 days;**
- 4 REVIEWS the Economic Development Plan after receiving submissions from key stakeholders and the public before final adoption of the Economic Development Plan**

The Motion was Put and

CARRIED (11/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf210807.pdf](#)

CJ165-08/07 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2007 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2007, totalling \$8,899,401.62.

It is recommended that Council NOTES the CEO's list of accounts for July 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ-08/07 totalling \$8,899,401.62

BACKGROUND

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

DETAILS

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

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 79246 - 79447 EFT 12248 - 12659 Net of cancelled payments	\$5,115,160.29
	Vouchers 288A – 290A & 292A – 297A	\$3,543,009.60
Trust Account	Cheques 201498 - 201546 Net of cancelled payments	\$241,231.73
	Total	\$8,899,401.62

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

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

Policy Implications:

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

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council NOTES the Chief Executive Officer's list of accounts for July 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ165-08/07, totalling \$8,899,401.62.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [attach6brf210807.pdf](#)

CJ166-08/07 MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 7 AUGUST 2007 – [51567]

WARD: All
RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

To submit the unconfirmed minutes of the Strategic Financial Management Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

EXECUTIVE SUMMARY

A meeting of the Strategic Financial Management Committee was held on 7 August 2007.

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

- Item 1 Presentation by Pracsys / CBD Development
- Item 2 Workshop Expenditure

It is recommended that Council:

- 1 *NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 7 August 2007, forming Attachment 1 to Report CJ166-08/07;*
- 2 *ADOPTS the Strategic Financial Management Committee's recommendation that a consultant's brief be prepared to commence an economic profile assessment for the Joondalup CBD.*

BACKGROUND

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers) Council established the Strategic Financial Management Committee with the following terms of reference:

- 1 Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;
- 2 In particular advise Council on:
 - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
 - (b) Levels of service delivery – determine:
 - (i) which services to be provided;
 - (ii) Standards of service. Such standard will be determined with reference to:
 - best industry practice standards where applicable;
 - internally agreed standards which will be determined with reference to local community expectations;
 - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
 - (d) Alignment of the Plan for the Future to the Council's Strategic Plan;
 - (e) Consideration of public submissions to the Plan for the Future;
 - (f) Final acceptance of the Plan for the Future'
- 3 Policy development and review of policies with financial implications for the City.

DETAILS

Issues and options considered:

The Motions moved at the Strategic Financial Management Committee meeting held on 7 August 2007 are shown below, together with officer's comments.

Item 1 Presentation by Pracsys / CBD Development

The following motion was carried at the Committee meeting on 7 August 2007:

"That the presentation be received and a consultant's brief be prepared to commence an economic profile assessment for the Joondalup CBD."

Officer's Comment

A consultants brief will be prepared.

Item 2 Workshop Expenditure

The following motion was carried at the Committee meeting on 7 August 2007:

"That the workshop on expenditure be DEFERRED to the next meeting of the Strategic Financial Management Committee."

Officer's Comment

This item will be resubmitted in the agenda of the next Strategic Financial Management Committee.

Link to Strategic Plan:

Key Focus Area 4 - Organisational Development

- 4.1 To manage the business in a responsible and accountable manner;
- 4.1.1 Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

In accordance with Section 2.7 of the Local Government Act 1995, included in the role of the Council is the responsibility to oversee the allocation of the local government's finances and resources.

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

Risk Management considerations:

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

Financial/Budget Implications:

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

Policy Implications:

Not Applicable.

Sustainability Implications:

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

Consultation:

Not Applicable.

COMMENT

The Committee's recommendation to prepare a consultants brief is supported and it is recommended that Council adopts the recommendation.

ATTACHMENTS

Attachment 1 Minutes of the Strategic Financial Management Committee meeting held on 7 August 2007

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 7 August 2007, forming Attachment 1 to Report CJ166-08/07;**
- 2 ADOPTS the Strategic Financial Management Committee's recommendation that a consultant's brief be prepared to commence an economic profile assessment for the Joondalup CBD.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 7 refers

To access this attachment on electronic document, click here: [attach7brf210807.pdf](#)

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ167-08/07 – Minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007
Nature of interest	Financial
Extent of Interest	Mr Hunt holds the position of CEO.

Name/Position	Mr Mike Tidy - Director Corporate Services
Item No/Subject	CJ167-08/07- Minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007
Nature of interest	Interest that may affect impartiality
Extent of Interest	Due to the nature of his employment relationship with the CEO.

The Chief Executive Officer left the Chamber at 2023 hrs.

CJ167-08/07 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETING HELD ON 7 AUGUST 2007 – [74574]

WARD: All

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

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee meeting to Council for noting.

EXECUTIVE SUMMARY

A meeting of the Chief Executive Officer Performance Review Committee was held on 7 August 2007.

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

Item 1 - Initiate Annual CEO Performance Review and appointment of a consultant

It is recommended that Council NOTES the confirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007, forming Attachment 1 to Report CJ167-08/07.

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance reviews of the CEO in accordance with the following terms of reference:

- (a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*
- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

The CEO's annual performance review is required to be undertaken in August of each year or as soon thereafter as is possible. The 2007 review is currently underway.

DETAILS

Issues and options considered:

The Motion carried at the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007 is shown below, together with officer's comments.

Item 1 Initiate Annual CEO Performance Review and appointment of a consultant

The following motion was carried at the Committee meeting on 7 August 2007:

"That the CEO Performance Review Committee:

- 1 ENDORSES the timetable for the performance review of the Chief Executive Officer and sets future meeting dates to commence at 5.30 pm on each Tuesday as required until completion of the review;*
- 2 REQUESTS Workplace Solutions (John Phillips) be appointed as the external and independent HR expert for the committee to consult with and seek guidance from and to facilitate the review of the CEO's performance;*
- 3 REQUESTS the consultant to include in his programme the possibility that one or more Elected Members may wish to do an in-person interview to finalise their response on the CEO's performance, and that the consultant provide costings to undertake that work."*

Officer's Comment

The consultant has been appointed under delegated authority and will include any requested in person interviews in the review process.

REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION

At the Committee meeting, a report was requested outlining the process to be undertaken to review the CEO's key performance indicators.

Officer's Comment

A report is being prepared.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

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

Section 5.38 of the Local Government Act 1995 (the Act) states that each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on an annual basis. The requirement for the performance review is a contractual one between the Chief Executive Officer and the Council. The Contract provides for the review to be conducted by the Chief Executive Officer's Performance Review Committee. Failure to undertake the review as required in the contract terms would risk a breach of contract.

Financial/Budget Implications:

The cost of the CEO performance review process has been budgeted for.

Policy Implications:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Other than noting the minutes no further action is required by Council in relation to the meeting of the CEO's Performance Review Committee of 7 August 2007.

ATTACHMENTS

Attachment 1 Minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Fishwick, SECONDED Cr McLean that Council NOTES the confirmed minutes of the Chief Executive Officer Performance Review Committee meeting held on 7 August 2007, forming Attachment 1 to Report CJ167-08/07.

The Motion was Put and

CARRIED (11/0)

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

The Chief Executive Officer entered the Chamber at 2025 hrs.

Appendix 8 refers

To access this attachment on electronic document, click here: [attach8brf210807.pdf](#)

CJ168-08/07 LEASING CITY OWNED PROPERTY TO THE DEPARTMENT OF EDUCATION AND TRAINING FOR PRE-PRIMARY SCHOOLS [08881]

WARD: Central and South

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

This report considers the future of four sites currently leased to the Department of Education and Training (DET).

EXECUTIVE SUMMARY

The City currently leases four properties to the DET for use as Pre-Primary Schools. The DET has recently advised that one facility is closing and has requested extensions to the other three leases. This report considers the future of all four sites and specific recommendations are made in relation to each one. Overall, however, as Pre-Primary schools form part of the State Education system, they are not considered a core service of the City of Joondalup, and the City should not provide assets for them.

BACKGROUND

Pre-School	Marmion	Craigie	Duncraig	Davallia
Suburb/Location:	Marmion	Craigie	Duncraig	Duncraig
Applicant:	N/a	N/a	N/a	N/a
Owner:	Crown (Reserve 29740)	City of Joondalup	City of Joondalup	City of Joondalup
Zoning: DPS:	Public Purposes – Local Reserve Pre School and Child Health Clinic	Residential R20	Residential R20	Public Purposes (R20 underlying)
MRS:	Urban	Urban	Urban	Urban
Site Area (m²):	2844	2054	1366	1538
Structure Plan:	n/a	n/a	n/a	n/a
Address	108 High Street, Sorrento	14 Camberwarra Dr, Craigie	57 Marri Road, Duncraig	487 Beach Road, Duncraig
Construction Year	1969	1972	1972	1973

For a number of years, the City has leased four facilities to the DET for use as Pre-Primary Schools, these are:

- Marmion Pre-School
- Craigie Language Centre
- Duncraig Pre-School
- Davallia Pre-School

All leases expired on 31 December 2005 except the Davallia site which expired on 31 December 2006, have been 'held over' on the same terms and conditions. The DET has recently advised the City that:

- The Marmion site will not be required beyond March 2007 and
- The Craigie site may not be required beyond June 2008
- It requests a 5 year extension to the Duncraig Site
- It requests a 5 year extension to the Davallia Site

The letters regarding the lease extensions state '*During the new term, the Department will be subject to the same terms and conditions contained within the current lease*'.

As the combined building replacement value of the properties is in excess of \$2 million (see Table One) it is a good opportunity to consider the future of the sites. In addition to this, three of the sites are on freehold land that can potentially be sold. The City has also recently had market valuations, for both rental and sale, undertaken on all four properties with the results also identified in Table One below.

Table One: Financial Analysis:

Site	Building Replacement Value (2006)	Current Rent (p.a) (CR)	Rental Valuation (RV)	Rental 'Subsidy' (RV – CR)	Market Valuation (for sale)
Marmion Pre-School	\$436,824	N/a	\$17,000	n/a	N/a (reserve land)
Craigie Language Centre	\$519,504	\$4212	\$18,000	\$13,788	\$500,000
Duncraig Pre-School	\$573,246	\$4212	\$17,000	\$12,788	\$670,000
Davallia Pre-School	\$508,480	\$4212	\$15,000	\$10,788	\$346,000
Total	\$2,038,054	\$12,636	\$67,000	\$37,364	\$1,516,000

It is estimated that the City's buildings require an annual maintenance and renewal investment of some 2.6% of the replacement value of the buildings (based on a 20 year average). This indicates that continued ownership of the above-mentioned facilities is currently costing the City approximately \$52,990 per annum in maintenance and renewal costs. This annual estimated expenditure starts low but increases as the building ages. The average age of the buildings in question is 35 years and this investment requirement is increasing. For example, kitchens have recently been replaced in the Davallia and Duncraig buildings at a total cost of \$107,111. In addition to this, the buildings do appear 'tired' and require a more comprehensive refurbishment to meet the current expectations of both the DET and their customers.

Adding the abovementioned renewal costs to the rental subsidies identified in Table One indicates a total annual cost of some \$90,353 essentially to support State Government services.

The City's building stock has an average age of approximately 20 years and many of the facilities are also in need of refurbishment. The City's Building Asset Management Plan is currently in draft form and estimates that the backlog of renewal works is in the region of \$5 - \$10 million. This backlog is a result of historically underspending on maintenance and renewal and reducing the number of City buildings, and particularly older buildings, will reduce this backlog.

If the City is to achieve its strategic goal of becoming a Sustainable City, expenditure on City buildings will need to be increased or the size of the building asset portfolio reduced. This report provides an opportunity to reduce the size of the portfolio.

Asset Management Principles

Asset management principles dictate that assets should only exist to support service delivery, that is:

'Assets should only be held by the City where:

- *They support the delivery of the City's core services*
- *They provide a return on investment meeting or exceeding industry measures*
- *A strategic use for the asset has been identified'*

These principles not only represent good practice asset management but good governance and good financial management. No entity, whether government or private, should own assets that do not support their business. Pre Primary Schools are part of the State Education system and, as such, are not considered a core service of local government.

It is also important to note that Pre School is now considered to be the first year of schooling. Consequently a gradual transition from detached stand-alone pre schools is occurring and many are now amalgamated with existing primary school sites. This is occurring with both the Marmion and Craigie Pre Schools and is the reason why the DET no longer wants the Marmion site and only needs the Craigie site for one more year. The City has sought information from the DET on its plans for the remaining two sites but this is yet to be supplied.

DETAIL

The Marmion Site

The main objective of this report is to seek approval to dispose of the Marmion Pre School Building now that it is vacant. This is based on the assumption that there are no potential users that cannot be accommodated in other existing City facilities. The rationale for this assumption is discussed below.

The current purpose of the site is 'Infant Health Clinic, Kindergarten and Playground' although other community uses can be considered. (Kindergarten means a premises used for the purposes of the care and education of pre-school children). Any change to the current purpose would need the formal agreement of State Land Services although it will not consider commercial uses. An office use could be supported if it were ancillary to a predominant non-commercial use on site.

Although no advertising of the vacancy has taken place, the City has already received informal interest in the site from the following groups:

- Lilypad Music College
- Trigg Child Care
- The Grove Child Care
- Mulberry Fun Time Playgroup
- Department of Health (for mothers' groups conditional on no rent being charged)
- Wonderland Outside School Hours Care
- West Coast Steiner School

Only one of these groups (Mulberry Fun Time Playgroup) appears to be 'not-for profit' although this would need to be clarified.

An audit of the City's database of 'community groups' in the Marmion/Duncraig/Sorrento area reveals a range of groups based in the area. It appears that only three Playgroups would comply with the current purpose of the site and they are already located in City facilities. It should also be noted that the building is currently fitted out with toilets for pre primary aged children and, were it to be made available for a different age group, additional works would be required.

The City has recently had a condition audit undertaken on the building which indicated approximately \$31,000 of work required. The building has an asbestos roof and the City has indicated in the past that it will replace such roofs as part of a City-wide program. Should use of the building continue, the City would be expected to replace the roof at a cost in the region of \$80,000 to \$100,000. Consequently, works required at the site could total some \$131,000. This is additional to any renewal works which may be appropriate because of the building's 30-year age.

Currently Council policy dictates that 'not-for-profit' groups shall pay rent equivalent to 1% of the capital replacement value of the building that is \$436,000. Consequently, leasing the site to another group would attract a rent of approximately \$4,400 per annum.

Assuming \$131,000 is spent on building maintenance and \$4,400 rent is achieved, the payback period for the investment would be some 30 years. However, this time would be extended should any additional maintenance or additional renewal be required on the building. On this basis the option of renting the facility to another group is not attractive. Instead, it is considered more cost efficient to demolish the building and request that the Minister revoke the management order.

It should also be remembered that the City has many other facilities in the area that may be appropriate for those interested in the site. City owned facilities possibly available for hire either through the City or the lessee include:

- Sorrento Surf Lifesaving Club
- Sorrento Community Hall
- Percy Doyle Football/Teeball Clubrooms
- Duncraig Community Hall
- Duncraig Leisure Centre
- Mildenhall
- Sorrento Bowling Club
- Sorrento Football Club
- Undercroft Bridge Club

Should any interested parties be seeking full time use of a facility (that is, lease arrangements), it would be preferable to undertake minor alterations to another existing site rather than to allocate an entire building to them. This would increase utilisation of an existing facility, a core asset management objective.

The details of the Marmion site are shown below:

- Reserve 29470 (Loc. 8931 and 3756 on Plan 2820)
- Power to lease for the designated purpose for any term not exceeding 21 years (subject to Ministerial approval)
- Management Order purpose of 'Infant Health Clinic, Kindergarten and Children's Playground'
- Only rear lane access for vehicles
- Limited parking
- A corner of the site is used for a Child Health Clinic and they are aware of the Pre-school's proposed move and have also indicated they can relocate their operations at the same time.

Other options for this site include:

- Retention of the building and using it for community purposes (hire or lease)
- Demolition of the building but retention of the reserve. The management order may need to be altered and there would be an expectation that playground equipment be reinstalled after the DET removed the equipment they installed.

The Craigie Site:

Craigie may become vacant in 2008, however, this land is freehold and can either be sold or rented at a commercial rate. On this basis this report proposes that Council supports the principle that this land be sold. It should be noted that a portion of the building on this site is being used as a Child Health Clinic. Discussions will need to occur with the Area Health Service regarding either the relocation of the service to an existing Child Health Clinic or to another City facility. Again, it should be noted that this Clinic is a State Government Service.

Other options for this site include:

- Retention of the building and commercially leasing it, possibly as a childcare centre. Some minor building works would need to occur prior to this.
- Demolition of the building, subdivision of the land and sale.
- Do nothing.

The Duncraig and Davallia Sites

The Duncraig and Davallia sites are the subject of a DET request for 5-year lease extensions. The current rents as indicated in table one are not appropriate for a State Government service and current policy dictates they should be set at market rate. Should DET not agree to paying market rental, discussions regarding disposal of the site to the DET should proceed.

Other options for these sites include:

- Retention of the buildings and commercially leasing them, again, possibly as childcare centres. Some minor building works would need to occur prior to this.
- Demolition of the buildings, subdivision of the land and sale. The Davallia site would need to be rezoned.
- Do nothing.

Strategic Value of these Properties

Prior to disposing of these properties, possible future uses should be considered.

In general, all four properties are constructed for the specific uses of kindergarten and child health and, as such, are designed for use by children younger than 4 years. This particularly applies to the bathroom facilities. The City is currently not involved in the provision of kindergarten services and is unlikely to be in the future. The buildings are not seen to have any strategic value.

The City's population is expected to remain fairly stable although the age structure is changing. The percentage of the population aged 65 and over will double during this time from 9% to 18%. The percentage of the population aged 0-4 years (the potential users of the current buildings) is expected to remain fairly stable, rising from 5% in 2007 to 6% (from 2015 to 2025) and returning to 5% in 2026.

The steady population of the City should not impact greatly on the demand for City buildings infrastructure and hence the growth in demand for City buildings is estimated to be minimal. However, it is recognised that the proportion of older people in the community will grow and should be considered when considering building renewal.

The City would not appear to have a strategic interest in retaining these properties in what are essentially developed suburbs. Although the demographics of the City are changing, they can be serviced by the refurbishment of existing buildings as and when required.

Other Local Government Approaches

The **Town of Cambridge's** 'Pre-Primary Centre Facility Assistance Policy' states that the City will provide no financial assistance to Pre-Primaries and that all fixtures shall revert to Council ownership at the end of any Pre-Primary lease. Cambridge is also in the process of selling a Pre Primary in Jersey Street to the State Government (rather than renew their lease), as it is not considered their 'core business'.

The **City of Gosnells'** 'Pre Primary Centre Lease' policy states that premises leased to the Minister for Education for use as a Pre Primary Centre shall be yielded to Council upon expiration of the lease and that Council shall then negotiate a new lease or resume the premises for an alternative purpose. Additionally, the Minister shall be given sufficient notice to enable alternative arrangements to be made.

The **City of Melville's** 'Rental/Leases/Management Licences' policy states that lease fees for Government authorities such as childcare and education will be set by negotiation subject to advice from property consultants.

The **City of Wanneroo's** 'Tenancy Policy' states that lease fees for commercial uses, Government and grant funded bodies is by negotiation.

Issues and options considered:

Council could agree to:

- Accept some or all of the recommendations of this report
- Amend some or all of the recommendations of this report
- Reject some or all of the recommendations of this report

Link to Strategic Plan:

The Key Focus Area of City Development has two strategies related to this issue.

3.1.2: Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

The sale of these properties will assist in the maintenance of other city building infrastructure.

3.1.4: Develop an Asset Management Strategy

The City will, in future, need to give consideration to rationalising its buildings on the basis that building assets only be retained when they support the delivery of the City's core services or provide a return on investment.

Legislation – Statutory Provisions:

There are no statutory provisions affecting this report at the moment although any future land sales or leases will be reported back to Council as required.

Any planning issues arising will be considered as required.

Risk Management considerations:

Risk management is a primary consideration of this proposal. As mentioned previously, the facilities in question are ageing and require significant works to bring them up to today's standards. Primarily, young children use the buildings and the inherent risk this brings can be reduced by the sale of the properties. The continued ownership of these facilities does increase the City's risk exposure and subsequently, reduce that of the State Government.

Financial/Budget Implications:

The demolition of the Marmion property will be budgeted after Council approval is obtained.

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

Policy Implications:

Policy 7-19 Asset Management sets out guiding principles such as understanding whole of life costs.

Policy 4-2 – Setting Fees and Charges guide staff on the Lease Fees to be charged. It classifies groups as either 'not-for-profit' (providing a benefit to the community and not in a position to pay commercial lease rates) or 'all others'.

'Not-for-profit' groups will be charged the equivalent of 1% of current capital replacement cost per annum whilst 'all others' will pay market value.

The DET does not fit the definition of 'not-for profit' so the lease fees should correspond to the market rental valuations recently obtained.

Regional Significance:

There is no regional significance regarding this issue as Pre Primary Schools provide a State Service to the Local Community. There would be dozens of such facilities across the region.

Sustainability Implications:

The disposal of these properties will assist in developing a sustainable City and, in particular, a sustainable level of building ownership.

Consultation:

No consultation has taken place at this stage as this report merely seeks approval in principle to undertake actions that will encompass the necessary consultation. The demolition of the Marmion facility does not require consultation.

COMMENT

The City of Joondalup is developing a Strategic Asset Management Framework and this will be the first major Council decision of that process.

This report generally seeks the support of Council of the philosophy that Pre Primary Schools are not core City business. Following on from that, contemporary views dictate that an organisation should only own infrastructure that supports core business or provides a return on investment.

The preferred solution is to sell the above-mentioned properties (where applicable) to free up both capital and human resources to renew building assets that directly support the core business of the City. Should the DET be unwilling to purchase the Duncraig and Davallia sites, the fall back position for the City is to charge the DET market rents that would at least improve investment returns and provide capital to further renew the aging building infrastructure.

The City cannot sell the Marmion site, as it is Crown land although the City has the option to ask for the management order to be revoked. This would release the City from its management obligations and the land would effectively fall under State Government management. This City would then be no longer be responsible for maintaining the site.

Should the land come under State Government management again, State Land Services has advised that the subject land would be referred to its 'Property Asset Clearing House'. This will enable Government Departments and Agencies to indicate whether there is a need for it. Alternatively, consideration would be given to disposing of the land to Landcorp for its subsequent sale on the open market, for presumably residential purposes. Should the City of Joondalup have a particular preference as to what should happen with the land, this would be factored into how the future needs of the land are assessed.

If the land were rezoned residential, the density is likely to be R20 which would deliver up to 5 or 6 lots on the property, depending on the layout.

While Pre Primary Schools are part of the State Government Education system, they also provide a benefit to the local community. This proposal does not suggest the closure or removal of these facilities (apart from that already proposed by the DET) but rather the transfer of the infrastructure to the State Government as it essentially supports their business.

Should any of these sales be completed, it will be recommended that the funds be transferred to the Strategic Asset Management Reserve for future renewal of essential City infrastructure.

Child Health Centres also reside in each of the buildings and future options will be discussed with the Local Health Service as required. Options include co-locating several Child Health Centres in a single facility or relocating current Centres to other City facilities such as community centres. The emphasis should be on co-location and maximising utilisation of existing facilities rather than closing centres. This will be the subject of future consultation should Council agree to the recommendations of this report.

ATTACHMENTS

Attachment 1 Photos of Subject Properties

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Macdonald, SECONDED Mayor Pickard that Council:

- 1 In relation to Pre Primary Schools in general:**
 - (a) ENDORSES the principle that Pre Primary Schools, as part of the State Education System, are not considered a core service of the City of Joondalup;**
 - (b) APPROVES the application of market rentals in any future lease negotiations with the Department of Education and Training;**
- 2 In relation to the Marmion Pre School Site (108 High Street, Sorrento):**
 - (a) APPROVES the demolition of the Marmion Pre School building;**
 - (b) REQUEST the Minister revoke the City's Management Order over Reserve 29740 at 108 High Street, Sorrento;**
 - (c) NOTES that the Child Health Centre at the Marmion Pre School site has been made aware of the Pre School's closure for some time, and that sufficient notification will given to the group in advance of any on site demolition works commencing;**
- 3 In relation to the Craigie Pre School Site (14 Camberwarra Dr, Craigie) APPROVES, in principle, the disposal of the Craigie Language Centre when it becomes vacant in 2007/2008;**
- 4 In relation to the Duncraig site (57 Marri Road, Duncraig) APPROVES the commencement of discussions with Department of Education and Training on the sale of Duncraig Pre School if it does not agree to pay market rental;**

- 5 In relation to the Davallia site (487 Beach Road, Duncraig) **APPROVES** the commencement of discussions with the Department of Education and Training on the sale of Davallia Pre School if it does not agree to pay market rental;
- 6 **NOTES** that the City will engage the Child and Adolescent Health Service, Community Health Division in relation to future relocation options for Child Health Centres, and that these options shall include co-locating current centres or relocating into other City facilities such as community centres.

Discussion ensued.

AMENDMENT MOVED Cr Fishwick, **SECONDED** Cr Magyar that Point 2 (c) be amended to read as follows:

- “2 (c) **NOTES** that the Child Health Centre at the Marmion Pre School site has been made aware of the Pre School's closure for some time, and that sufficient notification of at least twelve months will be given to the group in advance of any on site demolition works commencing”

The Amendment was Put and

CARRIED (11/0)

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

The Original Motion, as amended, being that Council:

- 1 In relation to Pre Primary Schools in general:
 - (a) **ENDORSES** the principle that Pre Primary Schools, as part of the State Education System, are not considered a core service of the City of Joondalup;
 - (b) **APPROVES** the application of market rentals in any future lease negotiations with the Department of Education and Training;
- 2 In relation to the Marmion Pre School Site (108 High Street, Sorrento):
 - (a) **APPROVES** the demolition of the Marmion Pre School building;
 - (b) **REQUEST** the Minister revoke the City's Management Order over Reserve 29740 at 108 High Street, Sorrento;
 - (c) **NOTES** that the Child Health Centre at the Marmion Pre School site has been made aware of the Pre School's closure for some time, and that sufficient notification of at least twelve months will be given to the group in advance of any on site demolition works commencing;
- 3 In relation to the Craigie Pre School Site (14 Camberwarra Dr, Craigie) **APPROVES**, in principle, the disposal of the Craigie Language Centre when it becomes vacant in 2007/2008;

- 4 In relation to the Duncraig site (57 Marri Road, Duncraig) APPROVES the commencement of discussions with Department of Education and Training on the sale of Duncraig Pre School if it does not agree to pay market rental;
- 5 In relation to the Davallia site (487 Beach Road, Duncraig) APPROVES the commencement of discussions with the Department of Education and Training on the sale of Davallia Pre School if it does not agree to pay market rental;
- 6 NOTES that the City will engage the Child and Adolescent Health Service, Community Health Division in relation to future relocation options for Child Health Centres, and that these options shall include co-locating current centres or relocating into other City facilities such as community centres.

Was Put and

CARRIED (11/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [attach9brf210807.pdf](#)

Name/Position	Cr Russel Fishwick
Item No/Subject	CJ169-08/07 – Offer to purchase City owned land at 21 (Lot 1254) Edinburgh Avenue, Kinross [17167]
Nature of interest	Financial
Extent of Interest	A member of Cr Fishwick's family is employed by Amana Living.

Cr Fishwick left the Chamber at 2035 hrs.

CJ169-08/07 OFFER TO PURCHASE CITY OWNED LAND AT 21 (LOT 1254) EDINBURGH AVENUE, KINROSS [17167]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

The City, having received a formal offer from Anglican Homes Incorporated (trading as Amana Living) to purchase 21 (Lot 1254) Edinburgh Avenue Kinross, has publicly advertised the proposal and sought public comments. This report considers those comments.

EXECUTIVE SUMMARY

The proposal to sell the abovementioned property at \$510,000 was advertised publicly for 28 days and one comment was received. The comment was an offer from another adjoining landowner for the price of \$530,000.

This report recommends the sale of the property to the original proponent Anglican Homes Incorporated (trading as Amana Living) for the amount of \$510,000.

BACKGROUND

Suburb/Location:	Kinross	
Applicant:	Anglican Homes Inc.	The City received a formal offer from
Owner:	City of Joondalup	Anglican Homes Incorporated (trading
Zoning:	Civic & Cultural	as Amana Living) to purchase 21 (Lot
DPS:	Urban	1254) Edinburgh Avenue Kinross for
MRS:	Urban	the price of \$440,000.
Site Area (m²):	1822	
Structure Plan:	Not Applicable	

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

This matter has been under discussion for some time and the City had the property valued at \$440,000 in May 2006. Council requested that an updated valuation be provided prior to advertising and this has come in at \$500,000 (27 April 2007). An additional valuation provided a valuation of \$520,000 (20 May 2007) and, as such, the proposal being advertised was revised to \$510,000. Anglican Homes have indicated that they will consider the 'counter offer' (of \$510,000) if approved. They have also indicated they will not pay more than \$510,000.

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

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

At its meeting on 22 May 2007, Council resolved (CJ090-05/07):

- 1 *in accordance with Section 3.58 (3) of the Local Government Act 1995 AGREES to give local public notice of the proposed disposition of Lot 1254 (21) Edinburgh Avenue, Kinross to Anglican Homes Inc (trading as Amana Living) for the amount of \$510,000 (nett of GST), to be used to improve accommodation/services offered to the ageing community;*
- 2 *NOTES that the procedure to be followed in (1) above invites public submissions for a period of four (4) weeks following the placement of the local notice;*
- 3 *REQUESTS a further report following the close of submissions as required by Section 3.58 (3) of the Local Government Act 1995, prior to giving final consideration to disposing of Lot 1254 (21) Edinburgh Avenue, Kinross;*
- 4 *DETERMINES that if, after due consideration and completion of the process referred to in 1, 2 and 3, the proceeds from the sale be placed in a reserve to be established for the purpose of the provision of community centre facilities for Currambine/Kinross.*

The proposal was advertised for a period of 28 days as requested. The public comment period finished on July 9 2007 during which time one comment was received.

The comment received was from NSM Pty Ltd, the adjoining landowners of the Medical Centre and Shopping Centre. The comment made an alternative proposal of \$530,000 with the proposal being to use the site to build units for 'Over 55s' (see Attachment 1).

DETAILS

Issues and options considered:

- 1 Sell the property to Amana Living for \$510,000
- 2 Advertise the proposal to sell the property to NSM Pty Ltd for \$530,000
- 3 Retain the property
- 4 Commence the process to rezone the property Residential

Link to Strategic Plan:

1.3.2 Provide quality of life opportunities for all community members

3.3.1 Provide residential living choices

3.1.4: Develop an Asset Management Strategy

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

Legislation – Statutory Provisions:

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

Section 3.58 of the Local Government Act 1995, provides that a local government can only dispose of property via a public auction or public tender or if it gives public notice of the proposed disposition inviting submissions. The advertising must be for a period of more than 2 weeks and submissions must be considered before a final decision is made. Under Section 3.58 of the Local Government Act 1995, this is not required for exempt dispositions.

Risk Management considerations:

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

Financial/Budget Implications:

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

Policy Implications:

There are no policy implications at this stage.

Regional Significance:

There is no regional significance regarding this issue.

Sustainability Implications:

The sale of this property will assist in developing a sustainable City.

Consultation:

As mentioned above, the proposal has been publicly advertised for a period of 28 days.

COMMENT

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

An alternative proposal was received from the other adjoining landowner, NSM Pty Ltd to build units for over 55s. This is not an approved or discretionary use for the site and would require rezoning, a process which could take up to 12 months. The proposal does not appear to be conditional on this rezoning taking place. Should Council wish to consider this proposal further, it would need to be advertised similar to the advertising of the Anglican Homes proposal.

Should the proposal proceed, Amana Living propose to extend their operations on the adjacent site which will improve services offered to the aging community of the local area. Amana Living advocates and cares for older people, especially those who are financially or socially disadvantaged. They provide opportunities for older people to live as independently as possible so that they can experience their optimum quality of life. It is also noted that the Amana Living proposal is a discretionary use under the current zoning Civic and Cultural.

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

The City is also vested with a Community Purpose site in Selkirk Drive, which is within 800 metres of the Edinburgh Avenue site. It would appear that one of these sites would be surplus to requirements. The Selkirk Drive site is larger, has street frontage, adjoins a park and the new shopping centre. This would appear to be the more attractive site at which to develop community facilities and as it is not held in freehold, it cannot be sold. The nursing home proposed by Amana Living is a 'Discretionary' use of the Edinburgh Avenue site so there is no need for rezoning and there is no other identified need for this site. The site was ceded free of charge to the City via a legal agreement with the subdivider prior to Council granting final approval to the rezoning of the land.

ATTACHMENTS

Attachment 1 Public Comments (1)

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 In accordance with Section 3.58(3) of the Local Government Act 1995, and having considered the submission made, AGREES to dispose of 21 (Lot 1254) Edinburgh Avenue Kinross to Anglican Homes Incorporated for the price of \$510,000;**
- 2 PLACES the proceeds of the sale in a reserve to be established for the purpose of the provision of community centre facilities for Currambine/Kinross.**

Discussion ensued.

The Motion was Put and

CARRIED (10/0)

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

Cr Fishwick entered the Chamber at 2040 hrs.

Appendix 10 refers

To access this attachment on electronic document, click here: [attach10brf210807.pdf](#)

CJ170-08/07 THERMAL WEED CONTROL IN THE CITY OF JOONDALUP [02082]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

To inform Council of the findings of the Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup.

EXECUTIVE SUMMARY

Following a petition to Council requesting the use of thermal methodology to control weeds, the City commissioned a report to examine the issue.

The document titled "Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup" forms Attachment 1 to this report.

It is recommended that Council:

- 1 *NOTES the independent "Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup" prepared by John Banks and Graeme Sandral;*
- 2 *Refers the report to the Conservation Advisory Committee and the Sustainability Advisory Committee for comment;*
- 3 *Requests a more detailed report on the likely cost implications of a 12-month trial and suitable areas of application of thermal weed control (hot water/steam).*

BACKGROUND

Local Government Authorities have the responsibility to control weed growth on land they manage. In some cases this extends to the control of noxious weeds which are required to be controlled by law. These requirements form part of the operational maintenance tasks associated with road and land management. The City of Joondalup currently controls weed growth in a range of locations including pathways, road verges/medians, public gardens, grassed parkland and bushland. Weeds in the main are controlled using a range of chemical based herbicides with a lesser amount being removed by hand or mechanical methods. This work is undertaken using Council work teams, contractors, and in natural areas volunteers assist the City with this work.

The use of herbicides within public spaces raises some concern with sectors of the public because of the potential public health and environmental issues associated with the use of herbicides if incorrectly applied.

At the Council Meeting held on 22 May 2007 a 137-signature petition was received, relating to the use of hydrothermal weed control technology instead of chemical spraying wherever possible and requesting a report being presented to Council following input from the Conservation Advisory Committee and the Sustainability Advisory Committee.

DETAILS

The City commissioned a report to be written by John Banks (Arboriculturist) and Graeme Sandral (Agronomist).

The brief for the compilation of the report sought the following analyses:

- Compare the cost of herbicide based weed control and thermal based weed control;
- Examine the advantages and disadvantages of both methods;
- Identifying the most suitable circumstances for the use of these technologies.

The following is a summary of the main findings contained within the report:

"As a generalisation, herbicides are more cost effective and its use achieves better kill rates than thermal weed control methods. The cost advantages and speed of application associated with herbicides indicate that they are suitable for large-scale operations;

Thermal weed control methods are best utilised where environmental or health issues are significant and where off site damage to non-target plants is a high risk. The costs and speed at which thermal weed control can be undertaken may limit its scale of operation. Weed control efficiency is improved if the frequency of thermal weed control is no longer than six weeks apart and, where there is an occurrence of perennial weeds which are hard to kill, hand weeding or herbicide spot spraying may be necessary on second cycle treatments."

Issues and options considered:

The City has a number of options it may choose to take:

- 1 Undertake all weed control using chemical and mechanical methods (hand weeding).
- 2 Use a combination of chemical, thermal weed and mechanical control. Using each technology where appropriate.
- 3 Use thermal and mechanical weed control methods only.

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

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

Strategies

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

Legislation – Statutory Provisions:

Control of declared noxious weeds – Division 3, Section 42 – Agriculture and Related Resources Protection Act 1976.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

The report outcomes would support that the cost of thermal weed control relative to traditional herbicide methods is up to 2 times more expensive per treatment, and the kill rate on some perennial weeds will be lower. When translating this into yearly weed control the thermal treatment will require 1.5 to 2 times more applications as compared with herbicide control. Therefore, on a yearly basis the additional cost of the thermal weed control treatment may be up to 3 to 4 times more expensive than herbicide application. This is due to the higher cost per application and the higher number of applications required to achieve the same results. The City's expenditure for weed control for the last 3 contractual periods is on average \$460,000 per annum for weed control external to natural areas.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation

Information was utilised from research undertaken by various organisations, discussion with other Councils and providers of suitable technologies.

COMMENT

The use of thermal technology to control weeds within the City would potentially have practical benefits only in localised situations. An example of this would be in areas the City has designated to be no-spray zones. These are areas where local residents have reached an agreement with the City that no herbicides will be used within a particular proximity to a resident's property. Often in these instances, the resident may suffer from a chemical intolerance.

In real terms, the use of a range of specialised herbicides applied correctly is the only practical and effective way of controlling weeds in the large land areas the City is managing. The use of thermal technology on a trial basis is fully supported in accordance with the recommendations outlined in the Report (Appendix 1 refers).

ATTACHMENTS

Attachment 1 Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the independent "Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup" prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07;
- 2 REFERS the report to the Conservation Advisory Committee and the Sustainability Advisory Committee for comment;
- 3 REQUESTS a more detailed report on the likely cost implications of a 12-month trial of thermal weed control (hot water/steam).

MOVED Cr Magyar, SECONDED Cr Macdonald that Council:

- 1 **NOTES the independent "Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup" prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07;**
- 2 **REFERS the report to the Conservation Advisory Committee and the Sustainability Advisory Committee for comment;**
- 3 **RELEASES the independent "Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup" prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07 for public comment for a period of at least 30 days;**
- 4 **REQUESTS a more detailed report on the likely cost implications of a 12-month trial of thermal weed control (hot water/steam) after comments from the committees and public have been evaluated.**

AMENDMENT MOVED Cr Jacob SECONDED Cr Amphlett that Point 4 of the Motion be amended as follows:

"4 REQUESTS a more detailed report on the likely cost implications of a 12-month trial of thermal weed control (hot water/steam)."

Discussion ensued.

The Amendment was Put and

CARRIED (7/4)

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

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

"5 REQUEST a detailed report on the cost of bringing all weed management back in-house for the City of Joondalup to have total control."

The Amendment was Put and

CARRIED (7/4)

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

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

The Original Motion, as amended, being:

MOVED Cr Magyar SECONDED Cr Macdonald that Council:

- 1 NOTES the independent “Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup” prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07;**
- 2 REFERS the report to the Conservation Advisory Committee and the Sustainability Advisory Committee for comment;**
- 3 RELEASES the independent “Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup” prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07 for public comment for a period of at least 30 days;**
- 4 REQUESTS a more detailed report on the likely cost implications of a 12-month trial of thermal weed control (hot water/steam);**
- 5 REQUEST a detailed report on the cost of bringing all weed management back in-house for the City of Joondalup to have total control.**

Was Put and

CARRIED (6/5)

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

Appendix 11 refers

To access this attachment on electronic document, click here: [attach11brf210807.pdf](#)

CJ171-08/07 ROUND 4 STATE UNDERGROUND POWER PROGRAM: MAJOR RESIDENTIAL PROJECT – GREENWOOD WEST - [04396]

WARD South-East

RESPONSIBLE DIRECTOR Mr David Djulbic
Infrastructure Services

PURPOSE

This report examines the next stage (Stage 2 Detailed Proposal) of the Greenwood West Underground Power Project and the requirement to undertake a residential survey of property owners to establish the level of community support for the project proceeding given the proposed financial model.

EXECUTIVE SUMMARY

As part of the 2005 Round 4 State Underground Power Program (SUPP), the City was successful in its expression of interest submission relating to the residential component of the programme for the Greenwood West locality. Refer to Attachment 1 for a locality plan of the Greenwood West area.

The City must now undertake a Stage 2 Detailed Proposal to survey residents and gauge the level of community support for underground power and its willingness to pay for a percentage of the costs. The City can then determine if the project proceeds with a high level of support or is withdrawn as a result of lack of support.

This report deals with the issues involved in undertaking a survey of the Greenwood West area incorporating a proposed cost model. Western Power has advised that Greenwood West is tentatively programmed for construction in 2010/11 with the budget total cost estimated to be \$11,500 per lot with owners paying 50%, ie, \$5,750 matched by 25% contributions each from the State Government and Western Power

It is recommended that Council:

- 1 *PROCEEDS with a detailed survey of all property owners within the Greenwood West project area as shown at attachment 1 to Report CJ171-08/07;*
- 2 *RECEIVES a further report on the outcome of the detail survey of residents and owners within the Greenwood West project area to an underground power scheme;*
- 3 *INCLUDES questions in the survey regarding the type and colour of lighting to improve lighting efficiencies in the scheme area;*
- 4 *INCLUDES in the survey, that the basis of funding the project is user pays with the following indicative charges, noting that the interest charge would only apply if property owners took up the option to pay over 16 quarterly instalments:*

	Residential	Commercial, Office, Retail
<i>Connection Charge</i>	\$875	\$875
<i>Network Charge</i>	\$4,621	\$15,000
<i>Interest</i>	\$853	\$2,463
Total	\$6,349	\$18,338

BACKGROUND

As part of the 2005 Round 4 State Underground Power Program (SUPP), the City was successful in its expression of interest submission relating to the residential component of the program for the Greenwood West locality.

In general the SUPP improves the reliability of power in an area, accelerates the renewal of the power & lighting infrastructure, reduces maintenance and distribution losses and costs, enhances the streetscape and the visual amenity of public places, improves safety and security and increases property values.

The City must now undertake a Stage 2 Detailed Proposal to survey residents and gauge the level of community support for underground power and its willingness to pay for the 50% of project costs not covered by the State Government or Western Power. The City can then determine if the project has sufficient support to proceed.

This report deals with the issues involved in undertaking a survey of the Greenwood West area, costs and the user pays principle.

DETAILS

Status of Greenwood West Project

The Office of Energy has confirmed that the Greenwood West area submitted by the City in 2005 as an Expression of Interest (EOI) project in the SUPP has been selected to proceed to a Stage 2 Detailed Proposal.

This process includes Survey and Consultation, Detailed Design, Approval of the Minister and signing of formal agreements and could take up to 2 years before construction. Western Power has advised that Greenwood West is tentatively programmed for construction in 2010/11. This gives Western Power and the construction contractors more time to arrange an orderly progression of work from one project to the next across the seven metropolitan councils within the SUPP program.

Survey Process

A detailed brochure and survey form outlining the aims and benefits of underground power needs to be produced by the City and mailed to all property owners in the Greenwood West locality. A typical brochure and form is shown at Attachment 2 (The 2001 Duncraig Survey Form). The brochure would outline the intent of the SUPP program, why Greenwood West was chosen and the benefits of the project.

Typical questions that the City can ask in the survey are shown at Attachment 3. These types of questions have been used by other councils for successful SUPP schemes. As most of the information about the SUPP and the project will be in the brochure, it is considered desirable that the survey questions be kept short and succinct to reduce any potential for confusion.

The brochure and survey will be direct mailed to all property owners in the area shown at Attachment 1. All responses will have a prepaid envelope for free return post for collation and reporting.

Scheme Costs

Western Power has advised that the current budget total cost per lot for Greenwood West is \$9,800 at current costs. The cost is expected to increase by the time of construction in 2010/11 in the range of 3-7% per year.

Therefore, the capital cost on which modelling has been based for a single residential lot is \$11,500.

The User Pays Principle

Council has previously discussed this issue during consideration of previous reports on underground power. Refer to Reports CJ065-03/01, CJ246-07/01, CJ013-02/03, CJ235-11/05 and CJ248-12/06.

Essentially power supply is a capital cost of the development of land. Where land has been developed with underground power this has been reflected in the value of the land and paid for by the owner when the purchase was made. Similarly the sale price of property developed with above ground power reflected the fact that the power supply was above ground.

In retro fitting underground power to an area previously developed with above ground power the benefits will accrue directly to the property owners affected. It is not considered appropriate that other property owners particularly those who have paid for underground power already in purchasing their own property should be called upon to contribute to the funding of underground power for the benefit of other property owners. It is considered fair and equitable that directly affected property owners should fund the undergrounding of power to their properties.

It is recommended that the City adopts the user pays principle for the Greenwood West SUPP project area and this principle be communicated in the brochure and survey form.

Street Lighting Options

Western Power offers its standard range of poles and luminaires for SUPP projects. These are generally a galvanised steel pole with a curved outreach and a standard mercury vapour (MV) lamped luminaire. Decorative lighting can be included but the SUPP program does not allow cost sharing of this item. Therefore, if included, it is at the City's own additional cost. Western Power has advised that the decorative range of fittings in its catalogue would cost around \$250,000 - \$500,000 for the project area or approximately \$250 - \$500 extra per property.

The City can also choose to incorporate better lamp technology in the luminaires for either the standard or decorative range. This is an area worth considering, as it is the lamp that consumes the power and provides the efficiencies upon which the City is able to reduce its energy requirements and greenhouse gas emissions.

Options for luminaries supported by Western Power include metal halide and high pressure sodium, and a newer technology in trial by Western Power called compact fluorescent. Metal Halide (MH) and Compact Fluorescent (CFL) have much lower levels of mercury and produce white light which is excellent for pedestrian and security risk locations. High pressure sodium (HPS) produces a golden yellow light which is less suitable for pedestrians but is good for general street lighting. The number of poles and pole spacing is affected by the choice of lamp.

It is not recommended that decorative lighting be included in the scheme because of the additional costs, however, it is recommended that the City includes survey questions regarding the colour, type of the lighting and energy saving features to ensure that more efficient lighting can be considered by residents. The final choice can then be included in the design costings following the survey.

Project Boundary

As a result of Western Power's investigation of reliability factors for all EOI submissions, it chose the Greenwood West area because it had the least reliable power supply within the City and would derive the greatest benefits from an underground power scheme.

Since the State Government announced that Greenwood West had been selected to proceed to a Stage 2 Detailed Proposal, Western Power has recommended that the boundary be amended to include all properties fronting Coolibah Drive. This has increased the number of lots.

The detailed survey will be undertaken within the area shown at Attachment 1, however some lots may be excluded or included when detailed power and lighting design is undertaken at a later stage. At a cost of around \$70,000 for scheme design and documentation it is not cost effective to determine exact boundaries prior to the survey.

The Cost Model

A further model has been prepared in relation to funding the Greenwood West underground power project. It needs to be borne in mind that the model is not final at this stage and if the project were to proceed, then at a point in the future there will need to be a formal Council decision in relation to the specific charges that are to be set. The purpose of this model is to propose a financing approach and provide an indicative cost based on that approach to enable residents to make an informed decision in responding to the public consultation.

The model is based on a total project cost to the City of \$5,405,000. This is 50% of the total project cost (the balance funded by Western Power and the Office of Energy) and is estimated based on 2010/11 expected costs. The project area comprises approximately 940 properties broken up as follows -

Description	Number
Total Residential	914
Total Commercial	5
Total Office	9
Total Retail	9
Total Vacant Land	3
Total Pensioners (part of the Residential Total)	213

The project costs are broken up into two components, one being a network charge, which is the share that each property needs to contribute to the power network going down the street and a connection charge representing the cost of connecting each property to the network.

For the purposes of the model the following parameters have been determined -

- Connection costs and network costs will be based on a fixed charge and not on property GRVs.
- Because of the higher power demand requirements of commercial, office and retail properties these will be charged based on a calculation that takes into account the required kVA above the average residential requirement (about 4kVA). For the purposes of modelling all commercial, office and retail properties are assumed to have a network charge of \$15,000.

- There will be no concessions or discounts offered for pensioners.
- The total project will be funded by a loan borrowing over four years with quarterly instalments.
- All loan borrowing costs and interest are to be charged as part of the total cost to the project and recovered from property owners as part of the network and connection costs.
- In the final proposal it is intended that property owners would be given an option to pay the full cost upfront and therefore not have to meet any interest charges and Council would only borrow the remaining balance as required. For the purposes of the model however it is assumed that every property owner takes up the option of paying for underground power over the four years.
- Once property owners have made an election to take the option of paying over four years the interest charges are chargeable and no discount will be subsequently given if property owners change their minds and want to pay it out early.
- By offering to enable property owners to repay underground power over four years and billing it on their rate notice which they can then opt to pay over four instalments, the City is in effect offering to enable underground power to be repaid over 16 quarterly instalments.
- For purposes of calculating interest charges the interest rate for the term of the loan has been assumed at 7% per annum.

Based on the above parameters charges would be as follows –

	Residential	Commercial, Office, Retail
Connection Charge	\$875	\$875
Network Charge	\$4,621	\$15,000
Interest	\$853	\$2,463
Total	\$6,349	\$18,338

On an annual basis this will mean that in the case of residential properties the annual underground power charge will be \$1,587 and in the case of commercial, retail or office (of which there are 23) \$4,584.

There are a large number of variables that have not been factored in to the model to reduce the complexity and because in some cases they are simply not known at this point in time. For instance, there may be a need to give discounts or rebates to some properties because of the existing infrastructure.

It is possible that some houses have been constructed with an underground connection already although the main power supply is overhead. In this particular case they would not need to pay the connection charge, only a network charge. In terms of multiple dwellings on a site, it has been assumed that each one will require its own separate connection and it has therefore been charged similar to a single house. There may be instances where connections are shared and it would not be appropriate to charge a full connection cost to each residence. In relation to commercial, retail and office based properties it is intended that they be charged a network charge based on their kVA requirements over and above that required for a normal residential property. These requirements are not currently known but for the sake of the model a fixed price for these properties of \$15,000 each was arrived at.

When actually known some of these properties may be required to pay more and some may be required to pay less. It is also possible that there may need to be a maximum cap on the amount of the charge.

Based on the above modelling the provision of underground power to the Greenwood West project area would be completely self funding with the property owners meeting all of the costs charged to the City. The City will be charged 50% of the total project costs with Western Power and the Office of Energy picking up a 25% share each. Invoicing for the underground power project would be on rate notices issued to property owners in the Greenwood West area.

It is proposed that Council proceed to base its public consultation on the above proposal providing for property owners to meet all scheme costs with the ability to make payments over 16 quarterly instalments.

Link to Strategic Plan

This Report relates to several Key Focus Areas (KFA) including KFA 1 - Community Wellbeing, KFA 2 - Caring for the Environment and KFA 3 - City Development.

The specific objectives achieved from the above KFA's are:

- KFA 1 - Community Wellbeing - Objective 1.4 - To work with the community to enhance safety and security in a healthy environment; This objective is achieved by providing improved street lighting for safe pedestrian movement.
- KFA 2 - Caring for the Environment - Objective 2.1 - To plan and manage our natural resources to ensure environmental sustainability; This objective is achieved by considering efficient street lighting luminaires which reduce energy consumption and greenhouse gas emissions.
- KFA 3 - City Development - Objective 3.1 - to develop and maintain the City of Joondalup's assets and built environment. This objective is achieved by improving the streetscape with the removal of overhead power lines and enhanced pruning practice to street trees.

Legislation - Statutory Provisions:

The SUPP is coordinated by the SUPP Steering Committee which was established by the Minister for Energy under Section 25 of the *Energy Coordination Act 1994* to manage the Program and advise the Minister for Energy on issues associated with the Program.

A draft legal joint Agreement between the State Government, Western Power and the local government must be prepared by the Office of Energy for formal signing by all Parties. This formalises the commitment to funds, scope of works, responsibilities for the Parties and general terms and conditions of the Agreement. If the project proceeds, then contractual law applies to the Formal Agreement.

Risk Management Considerations:

Risk Issues for the City with the SUPP are mainly financial. By signing the Formal Agreement to proceed to with the project, the City is committed to funding at least 50% of the total scheme via the user pays principle. Even though a survey may indicate support for the project now, based on current projections costs could escalate beyond the capacity of the project to absorb the increases. A decision will have to be made at that time to either reduce the scope of work, increase the contribution from property owners to cover the increased costs or cancel the project.

Financial Implications:

Assuming the user pays principle is accepted then property owners in the project area will meet all of the 50% of project costs charged to the City. The financial implications for the City are then limited to the requirement to fund its own properties which will include bore pumps, park lighting etc as well as any buildings. There is provision in the project costs to cover administration and project overheads.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Social Benefits - are accrued through improved safety, amenity, health and well being, reduced vandalism, crime and anti-social behaviour and a better urban and local streetscape.

Environmental Benefits – may be achievable if the lighting uses the latest technology in illumination and illumination control equipment. Newer type lamps such as metal halide, high pressure sodium and compact fluorescent use less energy for the same amount of lumination output than the most common used lamps of mercury vapour and are less dangerous in terms of disposal of mercury product.

Financial Benefits accrue through more efficient lighting technology to reduce ongoing energy costs, reduced pruning costs and the financial cost of the social benefits – less crime, vandalism and graffiti and a healthier community.

Consultation:

The next element in this project as proposed by this report is to undertake a survey of property owners to gauge support for the proposal based on the financial model. The results of this survey will determine if the project proceeds beyond this point.

COMMENT

The proposed survey of property owners is a requirement of the State Underground Power Program Major Residential Projects. Without undertaking the survey the project cannot proceed. By the same token an essential element of the survey is to indicate to property owners the likely cost to them of the project. To enable this to be determined a model has been developed based on a number of assumptions but with an underlying principle that the project is to be funded on a user pays basis.

ATTACHMENTS

Attachment 1	Map detailing Greenwood West Project area;
Attachment 2	Sample Brochure & Survey Form Layout (Duncraig 2001)
Attachment 3	Typical Questions for 2007 Greenwood West Survey

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 PROCEEDS with a detailed survey of all property owners within the Greenwood West project area as shown at Attachment 1 to Report CJ171-08/07;**
- 2 RECEIVES a further report on the outcome of the detail survey of residents and owners within the Greenwood West project area to an underground power scheme;**
- 3 INCLUDES questions in the survey regarding the type and colour of lighting to improve lighting efficiencies in the scheme area;**
- 4 INCLUDES in the survey, that the basis of funding the project is user pays with the following indicative charges, noting that the interest charge would only apply if property owners took up the option to pay over 16 quarterly instalments:**

	Residential	Commercial, Office, Retail
Connection Charge	\$875	\$875
Network Charge	\$4,621	\$15,000
Interest	\$853	\$2,463
Total	\$6,349	\$18,338

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 12 refers

To access this attachment on electronic document, click here: [attach12brf210807.pdf](#)

CJ172-08/07 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 25 JULY 2007 - [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure Services

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Conservation Advisory Committee was held on 25 July 2007.

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

- Conservation Advisory Committee – Strategic Planning Workshop

It is recommended that Council NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 25 July 2007 forming Attachment 1 to Report CJ172-08/07;

BACKGROUND

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

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

DETAILS

Issues and options considered:

One item was listed on the Agenda which was to hold a Strategic Planning Workshop. Following conclusion of the meeting of the Conservation Advisory Committee held on 25 July 2007 a Strategic Planning Workshop was held.

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

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

Strategies

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:Environmental

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

Social

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

Consultation:

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

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Minutes of the Conservation Advisory Committee meeting held on 25 July 2007

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council NOTES the unconfirmed minutes of the Conservation Advisory Committee held on 25 July 2007 forming Attachment 1 to Report CJ172-08/07.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 13 refers

To access this attachment on electronic document, click here: [attach13brf210807.pdf](#)

CJ173-08/07 PROPOSED SHORT STAY ACCOMMODATION POLICY - [72584] [81593]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for the Council to consider proposed amendments to District Planning Scheme No 2 and a draft local planning policy relating to short stay accommodation.

EXECUTIVE SUMMARY

Currently, there is no specific land use in the City's District Planning Scheme No 2 (DPS2), and no local planning policy or guidelines, in relation to short stay accommodation.

Short stay accommodation applications have been classified as a 'Residential Building' under DPS2. The current provisions within DPS2 and the Residential Design Codes do not provide specific requirements for short stay accommodation, and each proposal is assessed on its merits. The Hon Minister for Planning and Infrastructure also raised this issue with Council in 2004 and requested that guidance be developed. As a result, a scheme amendment and draft policy has been prepared.

A draft scheme amendment and policy were presented to Council at its meeting of 19 September 2006, where it resolved to defer the matter, pending further consideration by the Policy Committee. Subsequent decisions by the State Administrative Tribunal have resulted in a need to reassess the approach to this matter.

It was considered desirable to implement a policy on short stay accommodation as soon as possible that was not reliant on a scheme amendment. However, it is apparent that a policy alone is not a suitable approach, and a scheme amendment to address the matter will also be required.

The proposed amendment to DPS2 seeks to provide a definition of short stay accommodation and in which zones such accommodation would be permitted. The draft policy aims to provide management parameters for the operation of short stay accommodation.

As the policy relies on changes to DPS2, the policy would not be implemented until the scheme amendment is finalised.

The issue was considered at the Council's Policy Committee held Tuesday 14 August 2007. At that time, the Committee resolved that:

"The Policy Committee ENDORSES the draft Scheme Amendment and Local Planning Policy – Short Stay Accommodation as shown in Attachment 1 and 2, and RECOMMENDS that Council:

- 1 *Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 36 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, in accordance with Attachment 1 to this Report, subject to the insertion of a provision that any consideration for the application of the policy be referred to Council for determination when the site is in or abutting a residential zone;*
- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required;*
- 3 *ADVERTISES the draft Local Planning Policy – Short Stay Accommodation, concurrently with Amendment No 36."*

BACKGROUND

DPS2 currently has no definition for short stay accommodation. Proposals for short stay accommodation have been assessed as a 'Residential Building' or an 'Unlisted Use' for the purposes of DPS2.

Neither the DPS2 nor the Residential Design Codes provide specific development standards and requirements for a Residential Building.

A 'Residential Building' is a discretionary use within the Residential, Mixed Use, Business, Commercial and Private Clubs and Recreation zones.

Following an inquiry into the Mullaloo tavern development, which did not have any adverse findings against the City, the Minister for Planning and Infrastructure recommended that a policy be put in place to guide the development of short stay accommodation. Specifically, the Minister recommended:

"The introduction of measures to guide the development of short stay accommodation in those zones where such development is permissible. As a minimum, such measures should address the density of those forms of residential development for which there is currently no explicit density control."

Currently, the DPS2 is silent on issues of permitted density and the cut off between a dwelling and a residential building (or other forms of temporary accommodation), mostly occurs by virtue of the determination of what length of stay satisfies a reasonable test of being considered as permanent.

It could be stated that the DPS2 contains a 'gap' on this issue, however, it is notable that Council has received only two applications over the past two years for short stay accommodation outside the City Centre area. In these circumstances, which are effectively rare applications, Council is required to consider applications on merit rather than merely in relation to standards. That is, if standards were developed for all matters, including those which may only occur once or twice, the process would become inefficient and cumbersome.

Notwithstanding, the City has previously been advised that approximately 60-70 short stay accommodation uses may be operating within the City at present. A search of the internet indicates that there are houses that are being let out on a short-term basis. Although the presence of existing short stay accommodation should not impact upon the planning policy considerations, it should be acknowledged that the practice, to some extent, is already occurring in the residential areas.

The two applications referred to above are:

- 3 Glenelg Place, Connolly. This proposal was to convert an existing medical centre into short stay accommodation. The proposal was refused by Council at its meeting of 26 April 2005. A subsequent appeal by the applicant to the State Administrative Tribunal was upheld, effectively reversing Council's decision.
- 17 Foston Drive, Duncraig. This proposal is to utilise an existing residential dwelling for short stay accommodation. The proposal was refused at Council's meeting of 19 September 2006. Prior to this decision being issued, the applicant had already lodged an appeal to the State Administrative Tribunal, based on the 'deemed refusal' provisions of DPS2. This appeal was dismissed by the SAT in February 2007. Part of the ruling is shown below:

"As the proposed short stay accommodation use does not involve residential development or any other development contemplated by the objectives and purposes of the Residential zone, it is not consistent with the objectives and purposes and is, therefore, not permitted. The application for review must be dismissed and the decision of the City to refuse development approval affirmed."

Issues and options considered:

Proposed Amendment to DPS2

The proposed amendment to DPS2 seeks to achieve the following:

- Define the meanings of 'temporary' and 'permanent' in the context of what constitutes a dwelling, versus what constitutes short stay accommodation. It is proposed that habitation for a period which exceeds 3 months is permanent occupation, while habitation under 3 months is temporary occupation,
- Provide a definition and use class for 'short stay accommodation',

- Reword the definition of a 'Residential Building' to clarify that the use relates to permanent accommodation for 7 or more persons.
- Provide a car parking standard for short stay accommodation at the rate of 2 bays for each short stay dwelling.

The above is proposed to be achieved by the following specific proposals:

Dwelling Definition

The definition of "dwelling" by inserting the following words (shown in italics):

"has the same meaning as that set out in the Residential Planning (Design) Codes. For the purpose of the definition of "dwelling" habitation for any period which is not less than a continuous period of 3 months is taken to be habitation on a permanent basis;"

Short Stay Accommodation Definition and Use Class Permissibility

A definition of short stay accommodation is proposed to be included in DPS2 as follows:

"the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of "short stay accommodation", temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;"

It is proposed that Short Stay Accommodation would be a prohibited ('X') use in the Special Residential, Service Industrial, and Rural zones, and a Discretionary ('D') use in the Mixed Use, Business, Commercial, and Private Clubs and Recreation zones, and a discretionary use requiring advertising ('A') use in the Residential zone.

Residential Building Definition

The definition of Residential Building is proposed to be amended to read:

"residential building" means a building or portion of a building together with rooms or outbuilding separate from such building incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation permanently by 7 or more persons, who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel or a residential school;"

The proposed amendment to DPS2 is Attachment 1.

Draft Policy

The draft policy (Attachment 2) proposes guidelines for the locations and operation of short stay accommodation. The policy provides guidance with regard to the management and record keeping processes.

Options

In considering the draft scheme amendment and local planning policy, the Council can:

- Endorse the scheme amendment and policy;
- Modify the draft scheme amendment and/or policy;
- Not endorse the scheme amendment or draft policy.

Link to Strategic Plan:

Short stay accommodation may be used as tourist accommodation and therefore links with Strategy 3.2 (Lifestyle) of the City's Strategic Plan, which is intended to develop and promote the City of Joondalup as a tourist attraction.

Legislation – Statutory Provisions:

Scheme Amendment

Part 5 of the Planning and Development Act 2005 enables Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3 refers).

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 environmental 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 a minimum of 42 days.

Upon closure of the advertising period, Council considers all submissions received during the advertising period and resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the WAPC that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Draft Policy

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies. Clause 8.11.1 enables Council to prepare a local planning policy in respect of any matter related to the planning and development of the scheme area.

Once the draft policy is prepared it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft policy would also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

As the draft policy is reliant on changes to the DPS2 (via the scheme amendment), the policy would not come into effect until the scheme amendment is finalised.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

It is proposed to implement a new policy.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

Consultation:

Should Council endorse advertising of the draft policy and scheme amendment, it is proposed that they be advertised concurrently for a period of 42 days. A notice would be published in the local newspaper for two consecutive weeks, and a notice would also be placed on the City's website.

COMMENTDraft Scheme Amendment

Currently, the terms 'temporary' and 'permanent' when used in the definitions of 'dwelling' and 'residential building' are not defined. The draft scheme amendment will provide clarity to this issue.

- A 'dwelling' will be permanent accommodation for a family or up to 6 people who are not a single family.
- A 'residential building' will be permanent accommodation for 7 or more people who are not a single family.
- Short stay accommodation will be temporary accommodation.
- Amending the objectives of the Residential Zone within DPS2 to acknowledge that short stay accommodation may be considered in the Residential Zone.

In terms of the permissible locations for short stay accommodation, the residential zone is likely to have the largest potential impacts on the adjoining land. Therefore, it is considered appropriate that short stay accommodation be an 'A' use in DPS2. This means that any application will require mandatory public advertising.

Draft Policy

The policy will address:

- The management of the accommodation, including submission of a Management Plan. This includes requiring appropriate documentation to be kept by the proprietor of the accommodation, and the submission of a plan detailing how the accommodation will be managed, operated, and maintained.
- Measures to reduce the potential amenity conflicts between proposed short stay accommodation and grouped or multiple dwellings on the same lot.
- The requirement for the annual renewal of any planning approval issued where short stay accommodation is located in or abutting the Residential Zone, or where short stay accommodation is located on the same site as residential dwellings.
- Consideration the relative merits and compatibility of the proposal with the surrounding areas, in terms of the provision of car parking, traffic generation, and location close to complementary and supporting uses.

The policy is also clear about density, in that the policy applies to the use of buildings that have otherwise been built (or are proposed to be built) in the form of single dwellings, grouped or multiple dwellings, in accordance with the R-Codes.

Location of Short Stay Accommodation

In supporting the position taken by Council to refuse the proposed short stay accommodation in Foston Drive, at the SAT hearings the City contended that the proposed use was not contemplated by the objectives of the Residential Zones as outlined in the District Planning Scheme. SAT supported this view and the refusal of the application was upheld. Therefore, this decision would indicate that on the current wording of DPS2, short stay accommodation should not be approved in the Residential Zone.

It is a possible course of action that Council confirm a position not to permit short stay accommodation in the Residential Zone. However, the Policy Committee's resolution made specific reference to the occurrence of short stay in the residential zone. With this in mind, the wording of DPS2 could be amended to allow consideration of short stay accommodation in the Residential Zone.

Where short stay accommodation is proposed in a residential area, it is difficult to provide specific locational parameters as to where the use will be considered suitable based on an amenity point of view. However, it is believed that the management and operation of the short stay accommodation is the important consideration in protecting the amenity of adjoining owners, which is addressed in the draft policy. Notwithstanding, as a measure of the impact on amenity, short stay accommodation should not be generating more car parking or traffic than would normally be expected from adjoining residential properties.

Businesses Lawfully Operating

For those developments with existing approvals, the proposed policy would not have a retrospective impact of making them illegal. The policy would however provide parameters which would need to be considered when fresh applications are lodged (either for renewal or any change to the operations).

In these cases, the Council can be guided by the experience of having the business currently underway, which does assist in determining the merits of the particular application.

Delegation of Authority

The Policy Committee has also requested that applications for Short Stay Accommodation that are in or abutting residential land uses be the subject of determination by Council. In order to achieve this, it will be necessary for the Council to modify its Delegation Notice of Planning Powers.

ATTACHMENTS

Attachment 1	Draft Scheme Amendment
Attachment 2	Draft Policy – Short Stay Accommodation
Attachment 3	Scheme amendment flowchart

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Mayor Pickard that Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 36 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, in accordance with Attachment 1 to Report CJ173-08/07;**
- 2 Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;**
- 3 ADVERTISES the draft Local Planning Policy – Short Stay Accommodation, presented as Attachment 2 to Report CJ173-08/07, concurrently with Amendment No 36;**
- 4 NOTES that, pending the successful adoption of the short stay policy and DPS amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation in or abutting a residential zone will be referred to the Council for determination.**

AMENDMENT MOVED Cr Macdonald, SECONDED Cr Hart that the Motion be amended as follows:

- “1 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 36 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, in accordance with Attachment 1 to Report CJ173-08/07 amended as follows:**

DELETES 1. OF THE AMENDMENT AND RENUMBERS THE REMAINING ITEMS

Amends 4 (b) as Follows:

“short stay accommodation” means THE CONSTRUCTION OR the use of a single house, grouped dwelling or multiple dwelling for the purpose of providing temporary accommodation to any person or persons: for the purpose of the definition “short stay accommodation”, temporary accommodation excludes any period of accommodation which exceeds a continuous period of three months”. THE RESIDENTIAL DESIGN CODES SHALL APPLY TO THIS RESIDENTIAL ACCOMMODATION, WHICH SHALL NOT OCCUR AT DENSITIES LESS THAN R60.

Amends 4 (c) by adding after School” THE RESIDENTIAL DESIGN CODES SHALL APPLY TO THIS RESIDENTIAL ACCOMMODATION WHICH SHALL NOT OCCUR AT DENSITIES LESS THAN R60.

- 2 Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;
- 3 ADVERTISES the draft Local Planning Policy – Short Stay Accommodation, presented as Attachment 2 to this Report AND AMENDS THE DEFINITION OF SHORT STAY TO REFLECT 1 ABOVE, concurrently with Amendment No 36:
- 4 NOTES that, pending the successful adoption of the short stay policy and DPS amendment, that the delegation of planning powers notice will be amended to reflect that proposals for short term accommodation in or abutting a residential zone will be referred to the Council for determination;
- 5 NOTES that there may be 60-70 short stay accommodation uses operating in the City contrary to the DPS2 and does not condone these operations.

Discussion ensued.

EXTENSION OF TIME TO SPEAK

MOVED Cr Hart, SECONDED Cr John that Cr Macdonald be permitted to speak for a further five (5) minutes.

The Motion was Put and

CARRIED (11/0)

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

Discussion ensued.

PROCEDURAL MOTION

MOVED Cr Magyar, SECONDED Cr John that the Motion be DEFERRED pending advice from officers in relation to the impact of the amendments.

The Procedural Motion was Put and LOST (3/8)

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

Discussion ensued.

The Amendment as MOVED by Cr Macdonald SECONDED by Cr Hart was Put and LOST (3/8)

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

The Motion as Moved by Cr Hollywood, Seconded by Mayor Pickard was Put and CARRIED (9/2)

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

Appendices 26 and 27 refer

To access this attachment on electronic document, click here: [attach4agn280807.pdf](#)
[Attach27min280807.pdf](#)

CJ174-08/07 PROPOSED MODIFICATION OF THE SHEPPARD WAY, MARMION STRUCTURE PLAN - [88575]

WARD: South

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider the Western Australian Planning Commission's requirements for modifications to the draft Sheppard Way, Marmion Structure Plan prior to its final adoption and certification.

EXECUTIVE SUMMARY

The draft Sheppard Way Structure Plan (SWSP) relates to Lots 1 and 4 Sheppard Way, Marmion, which respectively contain an old service station building that has been converted for use as a dry cleaning business, and a Western Power transformer that is to be relocated. The structure plan would facilitate a medium density mixed use development on the site.

In September 2006, Council resolved to adopt for final approval Amendment No 33, subject to the density coding being amended from R50 to R40, and to modify the structure plan to limit the number of dwellings that could be accommodated on the land to eight (8).

The Western Australian Planning Commission (WAPC) has considered the draft structure plan and advised the City that it requires modifications to the criteria limiting development to eight (8) dwellings in favour of the provisions of the R40 coding under the Residential Design Codes. A notation on the indicative building footprint plan (Figure 1) to make it clear that the plan is conceptual is also required.

These requirements conflict with Council's previous resolution. The WAPC has advised that, should Council resolve not to modify the structure plan documents, processing of the documents by the WAPC would not progress. The WAPC also advised that, in this event, if an application for subdivision is received that is in accordance with the R40 density code provisions, the subdivision could be approved on the basis that it generally conforms to the intent of the structure plan that has been publicly advertised and adopted by Council.

It is recommended that Council adopts the proposed modifications to the structure plan, and forwards the modified documents to the WAPC for final adoption and certification.

BACKGROUND

Suburb/Location:	Marmion
Applicant:	Urbanplan
Owner:	Lot 4: L Beardmore & E Marra; Lot 1: Western Power Corporation
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	Lot 4 – 2,000m ² ; Lot 1 – 17.5m ²
Structure Plan:	Draft Sheppard Way Structure Plan No 7

The structure plan area is located adjacent to the Marmion Shopping Centre with residential development opposite the site (see Attachment 1). Lot 4 was previously occupied by a service station that closed and the building is currently used as a dry cleaning premises. A Western Power transformer is located on Lot 1 along the eastern boundary of the structure plan area and is proposed to be relocated.

Council considered the SWSP and a proposed amendment to its DPS2 to rezone Lots 1 and 4 from 'Commercial' R20 to 'Mixed Use' R50 at its meeting of 21 February 2006 (Item CJ018 – 02/06 refers). Council resolved to initiate the scheme Amendment No 33 and support the structure plan and advertise them for public comment.

At its meeting of 19 September 2006 (Item CJ163 – 09/06 refers), Council resolved to adopt Amendment No 33 for final approval, subject to the density coding being amended to R40, and to modify the draft structure plan.

Amendment No 33 to rezone Lots 1 and 4 and amend the density code was adopted by the WAPC and gazetted on 30 January 2007.

DETAILS

The draft structure plan was forwarded to the WAPC for final adoption and certification on 5 October 2006. The WAPC recently advised that it resolved, pursuant to Part 9 of the City's DPS2, to adopt the structure plan, subject to the following modification:

- (i) *Clause 1.5.2 xxiv of the Structure Plan to read:*

"The development/subdivision of the land being consistent with the minimum and average site area requirement of the residential R40 coding under the Residential Design Codes."

- (ii) *Figure 1 (indicative building footprint plan) to include the following annotation:*

"This is a concept plan only and should not be used as the basis for any subdivision application."

Clause 1.5.2 xxiv currently reads:

"The structure plan area shall accommodate a maximum of eight dwellings".

The WAPC has advised that the modifications will remove the inconsistency in the draft structure plan in terms of R40 density provisions under the Residential Design Codes that could facilitate the development of nine (9) dwellings.

Link to Strategic Plan:

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

Objective 3.3 To continue to meet changing demographic needs.

Strategy 3.3.1 Provide residential living choices.

Legislation – Statutory Provisions:

Part 9 of District Planning Scheme No. 2 (DPS2) sets out the processes in relation to structure plans. Under Clause 9.6.3 (c), the WAPC can require modifications to the structure plan and resubmission to Council for consideration under Clause 9.4. This Clause allows Council to determine whether the structure plan is satisfactory or not, and whether advertising is required or waived for minor modifications. Attachment 3 details the structure plan process.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Clause 9.4 of the City's DPS2 enables Council to determine whether minor modifications to a structure plan should be advertised or can be waived at its discretion. The modifications required by the WAPC have not been advertised.

COMMENTImplications of Requested Modification

The eight dwelling restriction arose as a result of a desire to reflect the number of dwellings indicated on the concept plans submitted by the applicant. Council did not support the initial proposal for R50 density on the basis of the density concerns. The applicant has stated the intent of the owner is to limit development to eight dwellings.

Under the R40 density the site could theoretically be developed with 9 dwellings. The WAPC also considered that Figure 1, as shown in see Attachment 2, should clearly note that the lots and building layout are indicative only.

The WAPC was consulted regarding the progress of the structure plan should Council resolve not to modify the structure plan documents. The response was that processing of the documents by the WAPC would not progress. Moreover, if this was to occur and an application for subdivision in accordance with the R40 density code provisions was received by the WAPC, it could approve the subdivision application based on it generally conforming to the intent of the structure plan. The WAPC considers there would be no planning reasons to refuse an application since the associated structure plan had been publicly advertised and subsequently adopted by Council.

The structure plan and subdivision stages of land development are separate processes. A subdivision application that would enable the future development of eight dwellings on the site has recently been approved by the WAPC. Inclusion of a separate limit on the number of dwellings less than could be approved under the R40 density would therefore serve no purpose.

In view of the above, adoption of the WAPC's modifications to the draft structure plan is considered the appropriate course of action. It is noted that an opportunity exists under DPS2 for Council to advertise the modifications.

ATTACHMENTS

Attachment 1	Location and aerial plan
Attachment 2	Figure 1, Sheppard Way Structure Plan
Attachment 3	Structure plan process flowchart

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council, pursuant to Clauses 9.6 and 9.7 of the City's District Planning Scheme No 2, ADOPTS the Western Australian Planning Commission's modifications to the Sheppard Way Structure Plan as shown in Attachment 2 to Report CJ174-08/07, and submits it to the Western Australian Planning Commission for final adoption and certification.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 14 refers

To access this attachment on electronic document, click here: [attach14brf210807.pdf](#)

CJ175-08/07 EDUCATION ESTABLISHMENT (TWO REPLACEMENT CLASSROOM BUILDINGS AND FIVE TEMPORARY TRANSPORTABLE CLASSROOMS, WITH FRONT SETBACK VARIATIONS, NEW CARPARK): LOT 2 (18) MONTESSORI PLACE, KINGSLEY - [00481]

WARD: South East

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for proposed additions and alterations to an existing education establishment at Lot 2 (18) Montessori Place, Kingsley.

EXECUTIVE SUMMARY

An application has been received for the construction of two new classrooms, installation of five temporary transportable classrooms proposed to accommodate students during construction of the new classrooms and the construction of a new carpark. The proposed temporary classrooms will be located at the front of the existing school with a setback of 3 metres in lieu of a 9 metre front setback.

This application is required to be determined by Council as the proposed temporary transportable classrooms have a setback variation that exceeds the maximum that can be approved under delegated authority.

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

BACKGROUND

Suburb/Location:	Lot 2 (18) Montessori Place, Kingsley.
Applicant:	Edgar Idle Wade Architects
Owner:	The Montessori School Kingsley Inc
Zoning:	DPS: Private Clubs/Recreation
	MRS: Urban
Site Area:	2.0234 ha
Structure Plan:	N/A

The first building for the Montessori School was constructed in 1963, with a number of extensions approved to date. The topography of the site falls in a west to east direction, with the lowest level of the site at the south eastern corner. The school is accessed via Montessori Place, with the buildings located towards to the northern boundary of the site. The natural bushland at the rear of the site is to be retained. Public open space is located directly north of the school site, with a public walkway along part of the side (western) and rear (southern) boundaries. A public cycleway that is linked to a network of cycle paths through Kingsley extends along the northern boundary of the site.

DETAILS

The applicant is seeking approval for alterations and additions to the existing school, with two new classrooms, new car park and five temporary transportable classrooms. Due to the steep topography of the site part of the proposed replacement classroom buildings will be elevated on concrete pillars, with an undercroft area beneath. Balconies are proposed on the northern and southern elevations of the new buildings.

A separate application for Planning Approval is to be submitted in the future for the proposed playing area which is to be located south of the proposed classroom buildings.

The proposed temporary classrooms are not elevated and will be built at natural ground level. A front setback of 3 metres is proposed for one of the temporary transportable classrooms, with the remaining four transportable classrooms setback a minimum of 6 metres from the front boundary.

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

Standard	Required	Provided	Compliance
Front Setback	9 m	3m	No
Side Setback (eastern boundary)	3 m	8.5m	Yes
Side Setback (western boundary)	3 m	4m	Yes
Rear Setback	6 m	80m	Yes
Landscaping	8% of site 3m landscape strip along street boundary	more than 8% 3m landscape strip	Yes
Number of car bays:	14	14	Yes

The applicant has provided justification for the reduced setback to the front boundary stating that:

- *The five temporary transportable classrooms would be located on site during the 12 month construction period;*
- *The land directly opposite the proposed transportable classrooms is non residential and zoned public open space;*
- *The proposed variation would therefore have minimal impact on the surrounding residents.*

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

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

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

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

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was advertised for public comment for a period of 21 days, from 7 June to 28 June 2007. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Five letters advising of the proposal were also sent to properties in the immediate locality.

One submission was received during the public consultation period, being an objection to the proposal.

The following issues were raised during the advertising period:

- Proximity of classrooms and carpark to western side boundary
- Anti social behaviour
- Noise from machinery during construction

COMMENT

Setback to the front boundary

The applicant proposes a setback of 3 metres to the front boundary of the site for the proposed temporary transportable buildings in lieu of the 9 metres required under Clause 4.7 of DPS2.

An extensive area of undisturbed natural vegetation is located to the rear of the site, with the existing school buildings positioned closest to the northern boundary (Montessori Place) of the subject lot.

The proposed 3 metre front setback is to the temporary transportable classrooms that will be on site whilst the new classroom buildings are being constructed. Whilst there is sufficient room at the rear of the site to locate the temporary classrooms, the applicant is seeking to retain the existing native vegetation, with the temporary classrooms positioned to avoid trees and vegetation the City considers to be of ecological value.

The City has assessed the forward works/landscape plan for the development and considers the proposed scope of works to be appropriate for the site as no significant vegetation will be removed.

Pursuant to Clause 4.5 of DPS2, Council may approve a setback variation if it is satisfied that the non-compliance will not have any adverse effect upon the occupiers in the general locality or adjoining the site. Technically the reduced setback is to the front boundary of the site, however the proposed 3m setback is to the cycleway rather than the street. It is therefore considered that the proposed reduced setback will not adversely affect the appearance of the streetscape. Furthermore, the applicant is proposing to retain the existing vegetation along the front boundary of the site, which will provide screening of the proposed temporary classrooms from the immediate locality.

It is not expected the reduced setback will adversely affect the amenity of adjoining neighbouring properties as there is a separation distance of 14.5m between the proposed temporary classrooms and the closest residential dwelling which is immediately west of the school site. This distance also includes the public walkway between the school site and the adjoining neighbour. It is noted that the separation distance between the proposed temporary classrooms and closest neighbour on eastern boundary is approximately 32m and as such will have no adverse impact on this property.

The separation distance between the neighbouring properties and the proposed temporary classrooms with a reduced front setback is considered to be sufficient in order to protect the amenity of the occupiers of neighbouring dwellings. There are no residential properties located immediately north of the school site that will be affected by the proposed reduced front setback to the temporary classrooms.

It is recommended that a suitably worded condition be imposed requiring the transportable classrooms to be removed from the site within a specified period of time.

The two permanent classrooms buildings proposed for the site fully comply with the DPS2 setback requirements.

Comment on issues raised during the consultation period

The following issues were raised:

Proximity of classrooms and carpark to western boundary

- *The temporary classrooms and carpark will create potential noise levels that will detrimental to the adjoining property.*
- *A heavy vibrating roller will be used to construct the carpark with potential damage to adjoining property.*

Comment

The proposed temporary classrooms and carpark both comply with the DPS2 side (western boundary) setback requirements and are setback a distance of 4m from the side boundary. Furthermore there is a public walkway between school site and adjoining neighbour to the west, with a 1.8m dividing fence between walkway and residential property. The use of the classrooms and carpark have the potential to increase noise levels, with noise from children and cars arriving and leaving the premises possibly creating a nuisance that may impact on amenity of the surrounding locality. In this case however, there is a public walkway and dividing fence separating the carpark and temporary classrooms from the adjoining property and as such, it is considered that the amenity of this neighbour will not be impacted upon in terms of increased nuisance noise.

An educational establishment is classified as a community activity under the Environmental Protection (Noise) Regulations 1997, and therefore exempt from noise regulations under Regulation 16(1).

Any damage that may occur during the course of construction is a civil matter.

Potential for increased crime and undesirable behaviour

- The school carpark should be locked at night to prevent youths congregating late at night and creating noise from cars, stereos and drinking.

Comment

Trespassing and anti social behaviour on private property is a security matter for the property owners and if necessary, a Police matter.

Noise from machinery

- It is requested that the noise restrictions on using power tools and heavy machinery in residential areas be extended to 8.30am as opposed to 7.30am.

Comment

The City is not able to vary noise restrictions for residential areas as this is controlled by the Environmental Protection (Noise) Regulations 1997.

Conclusion

The purpose of the proposed additions to the existing school is to provide improved accommodation for the students. The proposed front setback variation will enable the temporary classrooms to be positioned on site to avoid the removal of significant trees and natural vegetation.

It is therefore recommended that the proposed reduced front setback to the temporary transportable classrooms be supported and that planning approval be granted for the proposed development.

ATTACHMENTS

Attachment 1 Location Plan
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion under Clause 4.5 of the District Planning Scheme No 2, and determines that the front setback of 3.0 metres in lieu of 9.0 metres is appropriate in this instance;**
- 2 APPROVES the application dated 4 May 2007, submitted Edgar Idle Wade Architects, the applicant, on behalf of the owner, The Montessori School, for five temporary transportable classrooms, two additional classroom buildings and a new car park area to an existing Education Establishment Lot 2 (18) Montessori Place, Kingsley subject to the following conditions:**
 - (a) the temporary transportable classrooms shall be removed within two (2) years from the date of this decision notice;**
 - (b) A bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. A hose cock shall be provided to the bin store area;**
 - (c) A construction management plan being submitted to the satisfaction of the Manager Approvals, Planning and Environmental Services, addressing, but not limited to the following:**
 - (i) The delivery of materials and equipment to the site, including dieback management measures;**
 - (ii) The storage of materials and equipment on the site;**
 - (iii) The parking arrangements for the contractors and subcontractors; and**
 - (iv) Operation times including delivery of materials.**

- (d) **An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
- (e) **The lodging of detailed landscape management plans, to the satisfaction of the City, for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:200 addressing, but not limited to the following:**
 - (i) **the location and type of existing vegetation to be retained;**
 - (ii) **the location of proposed trees and shrubs;**
 - (iii) **any lawns to be established;**
 - (iv) **areas to be reticulated or irrigated;**
- (f) **Landscaping and reticulation to be established in accordance with the approved plans prior to the new development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
- (g) **All areas with natural bush outside of the development's footprint shall be retained, protected and maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services. Degraded areas or bush damaged during construction shall be re-vegetated at the applicant's cost.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 15 refers

To access this attachment on electronic document, click here: [attach15brf210807.pdf](#)

Name/Position	Cr Albert Jacob
Item No/Subject	CJ176-08/07 – Proposed Four Storey Mixed Development of 12 Multiple Dwellings, Residential Building (Short Stay Accommodation) and 4 Offices: Lot 517 (91) Reid Promenade, Joondalup [89530]
Nature of interest	Interest that may affect impartiality
Extent of Interest	(Note: The wording of this declaration has been amended to that shown in the Council agenda.) A friend of Cr Jacob owns an apartment in an adjoining building.

CJ176-08/07 PROPOSED FOUR STOREY MIXED DEVELOPMENT OF 12 MULTIPLE DWELLINGS, RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION) AND 4 OFFICES: LOT 517 (91) REID PROMENADE, JOONDALUP [89530]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for a development consisting of 12 multiple dwellings, residential building (six short stay accommodation units) and four offices at Lot 517 (91) Reid Promenade, Joondalup.

EXECUTIVE SUMMARY

The applicant proposes to construct a four-storey office and residential development on the northern side of Reid Promenade within the Joondalup City Centre.

The proposal generally meets the requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) and the City of Joondalup District Planning Scheme 2 (DPS2). The JCCDPM permits development up to R100 where the City considers that an appropriate landmark has been created. It is considered that the proposed development is an appropriate landmark in regards to its height, scale and bulk.

Several submissions were received from adjoining unit owners in an existing mixed use building objecting to the proposed development. These objections raised concerns regarding overlooking, noise, overshadowing and parking. However, the proposal meets the requirements of the JCCDPM with respect to these issues.

The proposed residential density of R100 is considered to be acceptable and to satisfy the objectives of the DPS2 and the JCCDPM. It is also considered that the development will contribute to the desired character of the City Centre area and is compatible with other developments in the vicinity.

It is recommended that the application be approved.

BACKGROUND

Suburb/Location:	Lot 517 (91) Reid Promenade
Applicant:	Griffiths Group (WA) Pty Ltd
Owner:	Griffiths Group (WA) Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area
Site Area:	1239 sq m
Structure Plan:	Joondalup City Centre Development Plan and Manual

The subject site is located on the northern side of Reid Promenade between Davidson Terrace and Lakeside Drive (Attachment 1 refers). It is currently vacant. There is an existing three-storey development to the west and a two-storey development to the east of the site. A public parking area is located to the immediate north of the site.

The northern and eastern boundaries of the site are affected by a 6 metre and 3 metre wide easement, which grants rights of access to the subject site and the surrounding sites. For the purposes of this report, the term "access way" shall be used to describe the land subject to the easement. The easement is limited to a height of 3 metres above the ground level of the subject site. There are complementary easements within the vicinity which also provide access to the subject site and surrounding sites.

The property is zoned Centre under the City's DPS2 and is subject to the provisions of the JCCDPM. Under the JCCDPM, the site is located within the District called Central Business and is designated as Residential/Mixed Use.

Council has previously approved two applications for planning approval for this site, however, neither of these applications have been acted upon.

In June 1996, Council approved an application for seven commercial units and two residential units on the subject land.

In April 2005, Council approved an application for 34 serviced apartments, 12 multiple dwellings and one commercial ground floor tenancy on the subject land. The approved development incorporated a number of variations to the JCCDPM including:

- a residential density for the multiple dwellings of R100 for the site;
- plot ratio of 1.61 in lieu of 1.0;
- projection through the building envelope for the fifth floor service apartments.

A cash in lieu payment of \$105,300 for a shortfall of 13 bays was also required as part of this approval.

In November 2006, the City received an application for 16 multiple dwellings comprised of 14 two bedroom units and 2 single bedroom units, with a residential density of R125. Following Legal advice from the City's Solicitors, the City was advised that Council cannot approve the proposed development with a density that exceeds R100.

In July 2007, a revised application was received with a proposed residential density of R100. This revised application is the subject of this report.

Additionally, at the Council Meeting of 17 July 2007, Council resolved to support a modification of the JCCDPM to delete the maximum residential density permitted on a Residential/Mixed Use site and replace it with the residential density applicable to a General City Use site. This will enable Residential/Mixed Use sites to have the same development potential as the surrounding sites, which will facilitate development at the appropriate scale and density for the City Centre. Council also resolved to initiate public advertising of the proposed changes to the JCCDPM for a period of 21 days.

DETAILS

The proposed development incorporates the following features:

- A four storey building with a maximum height of 13.3 metres.
- 12 multiple dwellings comprised of two bedroom units ranging in size from 85m² to 93m².
- A residential building comprised of 6 short stay accommodation units measuring 60m² each.
- A total commercial floorspace of 160m² NLA, with offices ranging in size from 29m² to 55m².
- Provision of 28 car bays including one disabled bay.
- Vehicle access to the car park is provided from an access way on the eastern side of the property, accessible from Reid Promenade.
- Nil setbacks to the western and southern boundaries.
- Bin storage accessible from the rear access way.
- Store rooms for each residential unit.
- Recreation deck with BBQ, spa and exercise area on the first floor.

The development plans are provided in Attachment 2.

The compliance with the relevant requirements of the JCCDPM is summarised below:

Standard	Required	Proposed
Front Setback	0m	0m
Side Setbacks	0m	3m
Rear Setbacks	No requirement	6m
Plot Ratio	1.0	0.45
Density Code*	R100B	R100
Height	13.5m	13.3m
Car Parking	24	28

*Note. R100B has been replaced by R100 in the Residential Design Codes 2002.

The applicant has requested that Council support the proposed residential density for the following reasons:

- *The building has been designed to be a landmark property that will stand out against the usual construction in Joondalup.*
- *The building will have a bright and lively façade with a new character that will add life to the precinct.*
- *Reducing the number of units severely affects the aesthetics and viability of the development.*

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal will contribute to objective 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

Legislation – Statutory Provisions:

Development within this area is controlled by the provisions of DPS2 and the JCCDPM. The matters listed under Clause 6.8 require consideration:

6.8 Matters to be considered by Council

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was advertised for a period of three weeks, by way of a letter to adjoining landowners. At the conclusion of advertising, four submissions had been received, being one neutral submission and three objections to the proposed development. The objections were received from owners within the mixed use development to the east of the subject site.

The main issues raised in the objections were:

- Balconies and windows overlooking adjacent units.
- Noise concerns.
- Height of building will take away natural light.
- Parking issues.

COMMENT**Land Use**

The proposed land uses are Multiple Dwelling, Residential Building (short stay accommodation) and Offices, which are within the preferred land uses for the Residential/Mixed Use precinct of the Central Business District of the JCCDPM.

Residential Density

The JCCDPM states that the City may permit development up to R100B where the City considers that this has been demonstrated to create an appropriate landmark, which enhances the overall legibility and amenity of the City Centre.

It should be noted that the R100A and R100B density codes were contained within the Residential Planning Codes. However, these Codes have now been superseded by the Residential Design Codes 2002 (R-Codes), which has replaced R100A and R100B with just R100.

The application proposes a residential density equivalent of R100.

The proposed development is considered to have qualities of a landmark building due to its height, scale and proposed design. The building's façade is considered to be different to those that currently exist within the City Centre.

This proposal is located in close proximity to the intersection of Reid Promenade and Lakeside Drive, major thoroughfares within the Central City area. The building will be visible from Lakeside Drive as it is higher than the adjacent two storey development, which will assist people navigating through the City Centre. It is considered that the proposed development will enhance the overall legibility and amenity of the City Centre.

It is recommended that Council determine that the proposed density of R100 is appropriate given that the site is within the City Centre where higher densities are appropriate and are encouraged by the principles of the JCCDPM.

Plot ratio

The maximum plot ratio applying to the site is 1.0. The JCCDPM states that public open space and residential are not counted towards the calculation of plot ratio. As such, the plot ratio proposed is 0.45, based on the area of office floorspace and short stay accommodation. The proposed plot ratio complies with the requirements of the JCCDPM and is therefore supported.

Setbacks

The JCCDPM requires a nil setback to the front boundary and encourages nil setbacks to the side boundaries. There is no rear setback requirement. The development complies with these requirements with the exception of the eastern side of the building which is setback 3 metres from the property boundary. It is not possible to build to the eastern boundary as there is a 3 metre wide easement (vehicular access way) along the eastern boundary. It is proposed that the building be built to the edge of this easement.

Issues from the Consultation Process

Overlooking

Several objections relate to the potential for overlooking from the upper storey balconies and windows on the eastern side of the proposed development to the bedroom windows of the adjacent mixed use development. These bedroom windows are separated from the subject site by a parking area and a 6 metre wide access way.

The JCCDPM states that windows and balconies which directly overlook neighbouring private open space and residential windows should be avoided. However, there is a greater likelihood of overlooking between buildings within the City Centre as development is at a higher intensity than suburban development.

The bedroom windows of the building to the east are 13 metres from the proposed balconies. This distance meets the privacy requirements of the R-Codes. Additionally, the building to the east does not have any balconies, courtyards or areas of private open space on its western boundary. Furthermore, these bedroom windows are visible from the vehicle access way that separates the two properties.

The applicant has provided a written explanation stating:

As these dwellings are in the heart of the city we suggest this is very acceptable and complies with the R-Codes. The adjacent development consists of ground floor commercial tenancies and upper floor residences which have minimal windows facing our development. There does not appear to be any balconies or courtyards which are affected.

Height and Overshadowing

There were concerns regarding the loss of natural light to the property to the east of the subject site. However, the height of the proposed development complies with the requirements of the JCCDPM, being a maximum of 13.5 metres at the property boundary.

Additionally, the JCCDPM states that buildings should be designed to minimise the effect of overshadowing on adjacent residential dwellings and residential private open space. The proposed development has a north-south orientation, therefore most of the overshadowing will be towards Reid Promenade and will not significantly overshadow the adjoining properties.

Noise

Concerns were also raised about noise generated from the proposed development. The proposed development is within the CBD, which is intended to be an intensely developed mix of city centre activities. The development must be designed and constructed in compliance with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. The provisions of the Environmental Protection Act 1986 also apply to noise affecting adjoining properties.

Car Parking

The JCCDPM specifies for the Residential/Mixed Use precinct, that 1 bay per 30m² Net Lettable Area (NLA) for the commercial development and 1 bay per dwelling for the residential component, are required.

The total NLA for the Offices is 160.28m² and therefore 6 bays are required. There are 12 multiple dwellings and 6 short stay units proposed, therefore 18 car bays are required. A total of 24 car bays are required for the proposed development.

Twenty eight car bays are proposed to be provided as part of the application. The proposed development therefore complies with the car parking requirements of the JCCDPM.

Conclusion

The proposed development complies with the requirements as outlined in the JCCDPM. The proposal is considered to be an appropriate form of development by virtue of its height, size and location.

The proposed residential density of the development is considered to be appropriate and is supported. The development is considered to create an appropriate landmark in regards to its height, design and style and will contribute to the legibility of the CBD. It is also considered that the development will make a positive contribution to the identity of the area as a city centre where intensive use of sites is expected.

The application complies with the requirements of the JCCDPM with respect to the issues raised during the consultation process regarding overlooking, noise, overshadowing and parking.

It is therefore recommended that the application be approved.

ATTACHMENTS

Attachment 1 Location Plans
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr Hollywood, SECONDED Cr McLean that Council:

- 1 EXERCISES discretion in relation to the Joondalup City Centre Development Plan and Manual and determines that a residential density of R100 is appropriate in this instance;**

- 2 APPROVES the application for Planning Approval dated 1 December 2006 and the amended application dated 3 July 2007 submitted by Julie Griffiths, the applicant, on behalf of the owner, Griffiths Group Pty Ltd for 12 Multiple Dwellings, Residential Building (6 Short Stay Accommodation Units) and 4 Offices at Lot 517 (91) Reid Promenade, Joondalup subject to the following conditions:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;**

 - (b) Unit 11 car parking bay shall be marked on site as a "small car bay", as shown in RED on the approved plans, as manoeuvring will be difficult;**

 - (c) 7 metres reversing space, as shown in RED on the approved plans;**

 - (d) start of the car bays as marked in RED on the approved plans;**

 - (e) The gradient between the disabled parking bay and the building entrance, including disabled access ramps, to be a maximum of 5%;**

 - (f) The awning over the access way shall have a minimum height of 4.0 metres to provide for bulk refuse vehicle access;**

- (g) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (h) The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;
- (i) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (j) Bin storage area shall consist of a concrete floor that grades evenly to an industrial floor waste connected to sewer and the provision of a hose cock;
- (k) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;
- (l) The brick paved footpath in Reid Promenade shall be continued to the property boundary in a pattern to match the existing paving, at a grade of 2%. Details are to be submitted for approval by the Manager Approvals, Planning and Environmental Services;
- (m) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (n) Each multiple dwelling shall be provided with an adequate area for clothes drying that is screened from view from Reid Promenade or alternatively to be provided with clothes drying facilities within the unit;
- (o) Obscured or reflective glazing shall not be used at ground floor level fronting Reid Promenade or the access way;
- (p) A statement being included in the strata company by-laws notifying all future residents that this lot is located in the City Centre area which is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment;
- (q) All boundary walls and parapet walls being of a face brick or equivalent finish and made good to the satisfaction of the Manager Approvals, Planning and Environmental Services;

- (r) Pedestrian shelter shall be provided to the ground floor of the Reid Promenade frontage in accordance with the Joondalup City Centre Plan and Manual. Details of the proposed pedestrian shelter are to be submitted to the City for approval;
- (s) Any advertising signage shall be subject to a separate development application;
- (t) Units 5, 6, 11, 12, 17 and 18 are to be designated and used as a Residential Building (short stay accommodation) only, and not for habitation on a permanent basis;
- (u) The maximum length of stay for each occupier is three months in a 12 month period;
- (v) The short stay accommodation units will be required to have facilities to ensure the responsible operation of the accommodation;
- (w) If the management of the short stay accommodation involves a permanent on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation. This unit will be treated as a caretaker's dwelling, as defined by DPS2;
- (x) A management plan is required to be prepared by the applicant, and approved by the Manager Approvals, Planning and Environmental Services. The operation of the short stay accommodation is then required to be in accordance with that approved Management Plan. The management plan should include:
- Control of noise;
 - Complaints management procedure;
 - The on-going maintenance of all common property areas;
 - Control of anti social behaviour and potential conflict between long term and short term guests. A Code of Conduct shall be prepared detailing the expected behaviour of residents in order to minimise any impact on adjoining properties;
 - Parking Management Plan;
 - Compliance with House Rules such as recycling;
- (y) The management plan shall be kept at the premises at all times, and the Code of Conduct shall be displayed in a prominent position within the premises;
- (z) A register of all persons occupying the accommodation is required to be kept;

(z) (z) The register shall:

- show the name and address of every person staying within the units and the unit occupied;
- be signed by the person;
- include the date of arrival and departure;
- be kept on the premises of the short stay accommodation or at such other place as agreed to by the Council and shall be open to inspection on demand by an authorised City Officer.

Discussion ensued.

The Motion was Put and**CARRIED (9/2)**

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

Appendix 16 refers

To access this attachment on electronic document, click here: [attach16brf210807.pdf](#)

CJ177-08/07 PROPOSED ALTERATIONS AND ADDITIONS TO BELDON SHOPPING CENTRE: LOT 519 (9) GUNTER GROVE, BELDON - [03022]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for alterations and additions to Beldon Shopping Centre at Lot 519 (9) Gunter Grove, Beldon.

EXECUTIVE SUMMARY

An application has been received for alterations and additions to the existing Beldon Shopping Centre. The existing tavern, bottle shop and part of the shopping centre are to be demolished. The existing Woolworths supermarket is to be retained, with proposed replacement shops, tavern, bottleshop and a new restaurant for the site.

The proposed alterations and additions will result in an additional 73m² of retail floor area with the total net lettable floor area of the shopping centre increasing to 4500m².

Historically, the shopping centre was approved by the City of Wanneroo under Town Planning Scheme No.1 (TPS1) with a total of 246 parking bays provided on the site

The applicant is seeking permission to extend and alter the shopping centre and provide 212 parking bays on the site. The proposed changes to the shopping centre requires a total of 283 parking bays to be provided on site, resulting in a short fall of 71 car parking spaces.

Council is required to determine if the parking shortfall of ~~30~~ 71 bays for the proposed development is acceptable and if the proposed landscaping variation should be supported.

It is recommended that the application be approved as the proposed shortfall in parking is not expected to adversely affect the amenity of the area given the existing shopping centre carpark does not operate at capacity. The reduced level of on site landscaping is not expected to have a visual impact on the locality as there is public open space immediately to the north and west of the site.

BACKGROUND

Suburb/Location:	Beldon
Applicant:	Greg Rowe and Associates
Owner:	G.E Capital
Zoning:	DPS: Commercial
MRS:	Urban
Site Area:	1.3762 ha;
Structure Plan:	N/A

The Beldon "Village Centre" consists of 2 lots, being Lot 793 and Lot 9 Gunter Grove. The Beldon Shopping centre is contained on Lot 9, with a video shop, takeaway pizza and car wash located on Lot 793.

For the purpose of this report, the term "Village centre" refers to both Lot 793 and Lot 9, whilst "Beldon Shopping centre" refers to the shopping centre contained on Lot 9.

Lot 793 is located on the corner of Gunter Grove and Gradient Way. The Beldon Shopping Centre wraps around Lot 793 and has a frontage to Gunter Grove and Gradient Way, Beldon (refer Attachment 1). The land to the west and north of the shopping centre forms part of Beldon Park and is reserved under DPS2 as Local Parks and Recreation.

The site was rezoned from Rural to Commercial in April 1976. Planning approval was issued for the shopping centre with a gross floor area of 3405m² in November 1976. A total of 453 car parking spaces were required for the development based on City of Wanneroo Town Planning Scheme No 1 (TPS1) carparking standards.

A further report was presented to Council in March 1977 stating the applicant was unable to provide the required 453 parking bays on the site and there would be a resultant shortfall of 141 bays. The report recommended that the applicant provide car parking on the Council's reserve at no cost to the Shire and that Council would be prepared to integrate this carparking area with the car parking area of the commercial site. Council subsequently adopted this recommendation.

Amended plans were received October 1977 detailing the layout of the parking bays, with a total of 356 bays provided, including 100 bays on Council reserve. A site visit in 1978 revealed a total of 346 parking bays were provided on site and Council's reserve, in lieu of the required 356, thus representing a shortfall of 207 bays for the shopping centre, excluding the 100 bays on the reserve.

In 1978 a bottleshop extension was approved on the site, which required an additional 8 parking bays under TPS1 car parking standards. The development was approved by Council with no requirement for additional parking bays, thus resulting in a shortfall of 215 bays for the shopping centre site (exclusive of the 100 bays on the reserve).

An application to further extend the existing shopping centre was considered by Council at its meeting on 14 August 1985. A further 27 parking bays were required for the additions, however Council resolved to approve the proposed development without the provision of additional parking bays. The following is an extract from the report to Council:

“The addition theoretically creates a requirement for a further 27 bays and surveys conducted by the applicant reveal that the carpark is ample for the parking demand experienced.

RECOMMENDATION

That Council grants approval to the application for extensions to the Beldon Shopping Centre subject to compliance with standard development conditions”

Therefore the resultant parking shortfall for the shopping centre is 242 parking bays (exclusive of the 100 bays).

At present 246 parking bays are provided on the shopping centre site. There are 100 parking bays for the users located on the Council reserve.

The City sought legal advice with regard to the use of the 100 parking bays located on the adjacent reserve. It was established that the parking bays located on the reserve could not be included for the purpose of calculating the number of car parking bays provided for the shopping centre, as to do so would be inconsistent with the vested purpose and management order for the reserved land. Further, the City could not enter into any agreement that legally authorises the shopping centre to use the reserve for a commercial use (car parking), for the same reason.

DETAILS

The proposed development (shown on Attachment 2) is outlined below:

- The existing Woolworths supermarket is to be retained;
- The existing specialty shops, bottleshop and tavern are to be demolished with replacement retail shops, bottleshop, tavern and restaurant;
- Extensions to the existing shopping centre to provide an additional 73m² retail floor space, resulting in a total of 4180m² net lettable area (NLA) for the shopping centre;
- Reconfiguration of the existing carpark to provide 212 parking bays on site, disabled parking bays, pedestrian corridors and loading zones;
- Provision of bicycle parking;
- Landscaping works; and
- Freestanding tower 30m in height and a 5m tall tower on the roof of the shopping centre, with wind turbines mounted on top of both towers.

The wind turbines were originally part of the proposal, however they are now subject to a separate development application.

A comparison between the existing floor space allocation for the Village Centre and the proposed floor space allocations incorporating the extensions to the shopping centre is contained in the following table:

Village Centre floor space allocation	Existing	Proposed
Supermarket	2743m ² NLA	2743m ² NLA
Speciality shops	1256m ² NLA	1256m ² NLA
Bottleshop	108m ² NLA	86m ² NLA
Restaurant	N/A	95m ² NLA
Takeaway pizza and blockbuster	320m ² NLA	320m ² NLA
TOTAL	4427m² NLA	4500m²NLA

The Western Australian Planning Commission (WAPC) Statement of Planning Policy No 9 excludes taverns and hotels from a shop/retail land use classification and as such the proposed tavern would be excluded from shopping centre net retail floor area calculations. The proposed changes in floor area for the tavern use are summarised in the following table:

Land Use	Existing	Proposed
Tavern/bar	136m ² NLA (16.5m ² standing and 119.5m ² seating), plus 54m ² courtyard seating area.	56.4m ² NLA plus 27m ² courtyard seating area

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

Standard	Required	Provided	Compliance
Front Setback	9 m	16.5m	Yes
Side Setback (eastern boundary)	3 m	63m	Yes
Side Setback (western boundary)	3 m	6m	Yes
Rear Setback	6 m	6m	Yes
Landscaping	8% of site 3m landscape strip along street boundary	3.3% of the site 3m landscape strip	No

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

- A traffic engineer's report;
- Written submission outlining the proposed development, detailing compliance with the DPS2 requirements and the City's policies;
- Written justification for the site landscaping and parking bay shortfall variation sought.

The details for the proposal and the supporting information is summarised as follows

- *The proposed redevelopment seeks to encompass a variety of design measures and sustainable practices that will result in the shopping centre focused on generating its own power, recycling water and built in energy efficiencies. Importantly, the proposal is being benchmarked against the Green Building Council Australia's Green Star Shopping Centre Design Pilot Program;*
- *The shopping centre will incorporate a contemporary design that reflects various influences from sustainability elements incorporated in the roof and wall structures and floor plan;*
- *Given the design has a strong sustainability component, there will be a number of design elements that will contribute to the overall built form of the centre as follows:*
 - (i) Photo voltaic solar cells on the roof*
 - (ii) Angled roof structures for rain water capture*
 - (iii) Roof top and underground water storage tank*
 - (iv) "green wall" materials*
- *The main external focus of the shopping centre will be the southern "main street" elevation incorporating the redeveloped tavern and new café and the eastern entrance;*
- *The proposed retail floor space for the shopping centre complies with the City's policies and the DPS2;*
- *Historically the 100 parking bays on the adjacent Council reserve have been an integrated parking area for the shopping centre and are only accessible via the shopping centre car park. A shortfall of parking bays for the shopping centre was accepted and approved by Council in 1977;*
- *A total of at least 199 parking bays are required to satisfy demand;*
- *The current proposal allocates 212 parking bays for the shopping centre, combining the small parking bays, staff bays and drive through spaces, and will satisfying peak demand at all times;*
- *The 8% landscaping requirement has not been met. It is estimated the proposed landscaping is 3.3%. A variation to this requirement is based on the following:*
 - (i) the proposed landscaping will be high quality and suitable species that will reflect the 'green' principles guiding the project;*
 - (ii) the majority of the area surrounding the site is public open space areas and parklands which already provide a substantial amount of landscaping;*
 - (iii) any further increase in landscaping will result in the removal of parking bays;*

- Landscaping strips will be provided along the frontages of Gunter Grove and Gradient Way and within specific areas of the car park. All landscaping is proposed to be reticulated by water captured on site.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

The site is located within the Commercial Zone. The objectives for the zone are set out below:

3.7 THE COMMERCIAL ZONE

3.7.1 The Commercial Zone is intended to accommodate existing 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:

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

3.7.2 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified;

3.7.3 Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

Council has discretion to approve variations to site and development standards and requirements as set out below:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit;*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
 - (b) have regard to any expressed views prior to making its decision to grant the variation;*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

The relevant car parking provisions are set in Clause 4.8 as follows:

4.8 CAR PARKING STANDARDS

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council;*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate;*

The landscaping requirements of the development are set out in Clause 4.12 as follows:

4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

- 4.12.1 A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council;*
- 4.12.2 When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause;*
- 4.12.3 Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

Council in exercising discretion to approve or refuse an application is required to 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*

any other matter which in the opinion of the Council is relevant.

Schedule 3 (Subclauses 3.7.2 & 3.11.4) –Commercial & Centre Zones

The following is an extract from Schedule 3 of DPS2, which relates to commercial floor space limits:

Commercial and Centre Zones : Retail Net Lettable Area

LOCALITY	DESCRIPTION OF CENTRE AND COMMERCIAL ZONES	NLA (m²)
<i>BELDON (Beldon Shopping Centre)</i>	<i>Lot 519 (9) Gunter Grove</i>	<i>4500</i>

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Policy 3-3 – Centres Strategy

This policy sets out a hierarchy of retail centres throughout the City and identifies a capped net lettable floor area (NLA) for each of the centres. The policy identifies Beldon Shopping Centre as a village centre with a maximum allowable shopping floor space of 4500m² NLA.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant is seeking to achieve a "six star green star" rating for the proposed development under the Green Building Council of Australia's Green Star Shopping Centre Design Pilot program. A green star rating is an environmental rating system for buildings, with a 6 Star Green Star Certified Rating signifying 'World Leadership'.

Consultation:

The proposal was advertised for public comment for a period of 28 days, from 10 May 2007 to 7 June 2007. Two signs were placed on-site on the Gunter Grove and Gradient Way frontages, and an advertisement inviting public comment was placed in the local newspaper. A total of 22 letters advising of the proposal were also sent to properties in the immediate locality.

During this consultation period seven submissions were received. The submissions comprised of two letters in support, three neutral submissions and two objections to the proposal.

Key issues arising from Public Advertising

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

- Support the use of wind and solar energy, green walls and the collection of rain water;
- The car park is never full and the existing number of bays are sufficient;
- Small parking bays are a good idea;
- The use of sustainable and environmentally sound principles should be applauded.

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

- The tavern and bottle shop should be relocated;
- Traffic at the bottle shop drive through is a problem on Sundays with cars queuing on Gunter Grove;
- Proposed turbine is an eyesore and aesthetically unappealing.
- Potential noise impact on residential properties
- Turbine will kill birds, particularly endangered species
- Insufficient research has been conducted re: appropriate siting and location of turbine
- Insufficient research has been conducted to ensure turbine will operate at an optimum level.

It should be noted that the wind turbines, with towers that are 30m and 5m in height have now been excluded from the current development application.

COMMENT**Zoning and Land Use**

The site is zoned "commercial" under DPS2 whereby the objective of a commercial zoning is to provide for a wide range of uses including retailing, entertainment, professional offices, business services and residential.

The existing "shop" and "tavern" use classes of the site have previously been approved by Council. The proposed "restaurant" is a permitted use class in a "commercial" zoning. Therefore, the proposed development complies with the provisions of the DPS2 in terms of land use.

Retail Centre Floor Space

Beldon Shopping Centre has been identified as forming part of a "village centre" in the City's Centre Strategy, comprising of Lot 793 and Lot 9 Gunter Grove. Schedule 3 of DPS2 identifies Beldon Village Centre as having a maximum net lettable area of 4500m² however, an agreed structure plan would be required should the shopping centre exceed this limit.

The proposed extensions will increase the net lettable area of the shopping centre by 73m², thus resulting in a total of 4500m² for the Beldon village centre, which is the maximum floor area permitted under DPS2 without the need for an Agreed Structure Plan. Notwithstanding, it is recommended that a condition be imposed limiting the net lettable area of the proposed restaurant to 95m² to ensure the proposal does not exceed the retail floor area threshold prescribed in Schedule 3 of DPS2.

Landscaping

Currently there is a 3m wide landscaping strip along the Gunter Grove frontage, with no landscaping provided to the Gradient Way frontage. Clause 4.12 of the DPS2 requires 8% landscaping to be provided on site with a 3 metre wide landscaping strip between the carpark and street frontage. In this instance, the applicant is proposing to retain the existing 3 metre wide landscaping strip along the Gunter Grove frontage. A new landscaping strip is proposed fronting Gradient Way and will vary between 1.0 and 6.0 metres in depth. The proposed redevelopment of the shopping centre will result in 3.3% of the site being landscaped, in lieu of the required 8%.

It is unlikely the reduced level of landscaping on site will adversely affect the amenity of the residential area given the subject lot is surrounded by public open space on its western and northern boundaries. The applicant is proposing to plant a number of trees in the carpark that will reduce the visual impact of the proposed development on the surrounding residential area. It is therefore recommended that the proposed variation to the landscaping requirements be supported in this case.

Traffic Impact

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

The conclusion of this report is reproduced below:

- *"It is recommended that the overall parking supply requirement for the proposed expansion should be based on a shared parking analysis of the retail and tavern uses, with the retail peak parking requirement based on the detailed analysis of the existing situation;*
- *Peak demand for the retail development is expected to occur at around lunchtime on a Saturday while the corresponding demand for the tavern is only 40 percent to 50 percent of the overall peak;*
- *Conversely, the peak demand for the tavern is expected to occur at around 8pm or 9pm on a Saturday evening, when there is very little demand (if any) for the retail;*
- *It is therefore recommended to provide a total parking supply of at least 199 spaces;*
- *A maximum of 35 spaces should be allocated for small car spaces with 10 to 15 small car spaces for staff and approximately 20 small car spaces for shoppers (located in prime position near the door);*

- *It is estimated that the existing shopping centre development currently generates a maximum of approximately 4000 to 4500 vehicle trips per day;*
- *With the proposed expansion, it is estimated that the traffic generation of the overall site will increase by approximately 10 percent to between 4400 to 4900 vehicle trips per day; and*
- *The increased traffic generation is expected to be split between Gradient Way north, Gradient Way south and Gunter Grove west. The overall impact on the surrounding streets will be negligible.*

The traffic impact assessment and the findings of the study are considered to be accurate and appropriate, with the existing road system able to technically accommodate the additional volumes of traffic. The traffic estimates for reciprocal parking between the shopping centre and tavern use is considered appropriate as it is expected that the peak demand for the shopping centre would be during the day, whilst the tavern's peak demand would be at night time.

In terms of commercial vehicle access to the premises, no changes to the existing access arrangements are proposed for the development.

Parking

Historically, Council required a total of 246 parking bays to be provided on site for the shopping centre. The applicant is now proposing to demolish a portion of the existing shopping centre and construct new retail floor space. The existing supermarket however is to be retained as part of this proposal.

Having regard to legal advice, the parking assessment should follow the following process:

- (a) Existing Supermarket – as this is existing development, the car parking requirement is based on the proportion of the floor space of the supermarket to the total floor space of the existing development, with that ratio being applied to the existing number of car parking spaces on the site;
- (b) New retail floor space – based on DPS2 requirements for Shopping Centre; and
- (c) Tavern – based on DPS2 requirements for Tavern

The existing supermarket has a net lettable floor area of 2743m² and represents 64% of the total floor of the existing shopping centre. Based on this ratio, 157 of the shopping centre's carparking bays would have previously been allocated to the supermarket. As the supermarket is not being demolished, the 157 car parking spaces previously required for the supermarket are to be retained for the purposes of the car parking calculation.

The applicant is proposing to demolish 1364m² NLA of the existing shopping centre and construct 1437m² NLA of replacement retail floor space. Based on DPS2 requirements, this would result in a demand for 101 car parking spaces.

It is also proposed to demolish the existing tavern and erect a smaller tavern with a floor area of 83.4m² NLA. This will result in a demand for 25 car parking spaces.

The following table summarises the parking requirements for the proposed development.

Use Class	Parking standard	Proposed floor space	Car bays required	Provided
Existing supermarket	N/A	N/A	157	212
Shop	7 bays per 100m ² of NLA	1437m ²	101	
Tavern	1 per 3m ² NLA of standing area plus 1 per 5m ² for seating area	56.4m ² NLA plus 27m ² seating	25	
TOTAL			283	212

Having regard to the above-mentioned table, the proposed development is deficient by 71 car parking spaces.

Changes to the supply of car parking have resulted from:

- the enlargement of the building footprint
- reconfiguration of car bays from angle parking to 90 degree parking
- improvements in turning circles

The impact of the above has been to reduce the supply of car parking by 34 car bays so that a total of 212 car bays are provided on site.

Having regard to legal advice received by the City, the 100 parking bays located on the adjacent reserve cannot be included for the purpose of calculating the number of car parking bays provided for the shopping centre. Further, the City is unable to enter into an agreement that legally authorises the shopping centre to use the reserve for a commercial use (car parking) as to do so would be inconsistent with the vested purpose and management order for the reserved land.

The applicant's traffic consultant conducted a capacity survey of the carpark on the following dates:

- Thursday 21 July 2005;
- Saturday 23 July 2005;
- Thursday 1 February 2007; and
- Saturday 3 February 2007.

The survey revealed that the maximum number of cars parked within the shopping centre and adjacent Council reserve carpark at any one time occurred on Saturday 3 February 2007 at 12.30pm, with a total of 137 cars in the carparks. Whilst the survey observed parking on the shopping centre and the adjoining reserve car park, the peak number of cars (i.e. 137) that were parked on both sites could easily be accommodated in the existing shopping centre carpark. It is noted that the car parking survey did not establish the breakdown of the number of car parking spaces occupied by the users of the reserve and those visiting the shopping centre.

A total of 246 car parking bays are available on the shopping centre site. On this basis, it would appear that the existing car parking available on site is more than adequate to meet the anticipated parking demand for the shopping centre based on the applicant's car parking survey. Further, the City has no record of complaints from surrounding residents regarding overflow parking onto surrounding streets or verges from the shopping centre.

The proposed shortfall of 71 parking bays for the development is not considered to be excessive or unreasonable, given that the current carpark is not operating at capacity based on the car parking survey. In the event of the shopping centre car park being at capacity, it is likely that any overflow parking would be onto the existing carpark on the Council reserve as opposed to street parking. As such, it is not expected that the proposed shortfall will adversely affect the amenity of adjoining residential properties.

It is therefore recommended that the proposed variation to the car parking requirements be supported in this case.

Setbacks

The proposed alterations and additions to the shopping centre fully comply with the DPS2 setback requirements for non-residential buildings.

Design

Whilst the existing Woolworths supermarket is being retained, the appearance of the shopping centre will be altered as the proposed extensions will provide new northern, southern and eastern elevations to the centre. "Green walls" with water wise creepers are proposed on the western and northern elevations.

The proposed alterations and additions are considered to be acceptable in terms of design as the appearance of the shopping centre will be significantly upgraded. The proposed northern elevation of the shopping centre will have an outlook over the reserve, thus allowing casual surveillance of the public open space, which will increase safety for users of the reserve.

Wind Turbines

The wind turbines that initially formed part of the proposal are now subject of a separate application. A detailed assessment will be required for the wind turbines to identify any issues that may affect the amenity of the surrounding residential area.

Issues Raised During Public Advertising

- The tavern and bottle shop should be relocated away from the houses;
- Traffic at the bottle shop drive through is a problem on Sundays with cars queuing onto Gunter Grove;
- Proposed turbine is an eyesore and aesthetically unappealing;
- Potential noise impact on residential properties;
- Turbine will kill birds, particularly endangered species;
- Insufficient research has been conducted regarding appropriate siting and location of turbine; and
- Insufficient research has been conducted to ensure turbine will operate at optimum level.

Traffic Impact

Traffic at the bottle shop drive through is a problem on Sundays with cars queuing onto Gunter Grove.

Comment

The existing bottleshop is being demolished, with a replacement bottleshop proposed. The drive through area to the new bottleshop has been reconfigured to improve vehicle circulation through the shopping centre carpark and as such, the bottleshop drive through is not expected to impact on the existing road network.

Location of bottleshop and tavern

The tavern and bottleshop should be located away from the houses as there are fights and bad language most nights of the week.

Comment

The applicant is proposing to reduce the size and scale of the existing tavern and bottleshop, with a proposed reduction of 100m² in floor area. No complaints have been received by the City regarding anti-social behaviour associated with the tavern and bottleshop uses.

Wind Turbine

*Proposed turbine is an eyesore and aesthetically unappealing;
Potential noise impact on residential properties;
Turbine will kill birds, particularly endangered species;
Insufficient research has been conducted re: appropriate siting and location of turbine; and
Insufficient research has been conducted to ensure turbine will operate at optimum level.*

Comment

The proposed wind turbines are subject of a separate application and will require a full assessment to determine if there will be any adverse impacts on nearby residential properties.

Conclusion

The proposed alterations and additions to the Beldon Shopping Centre will significantly upgrade the appearance of the shopping centre given no improvements have been made to the shopping centre since 1985.

The proposed shortfall in car parking is not expected to adversely affect the amenity of the residential locality. The survey conducted by the applicant confirmed the shopping centre car park is currently not operating at full capacity with an adequate number of bays available on the shopping centre site to accommodate the expected parking demand that will be experienced due to the increase in NLA.

Whilst the numbers of car parking spaces on the Council reserve cannot be included in the parking calculations, it is likely that in the event of the shopping centre carpark being at capacity, overflow parking would occur onto the reserve parking area.

In this instance the proposed variation to the percentage of landscaping provided is considered acceptable as the site surrounded by public open space and will not appear deficient in landscaping.

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

ATTACHMENTS

Attachment 1 Location Plan
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:
 - (a) a strip of 1 metre of landscaping along the Gradient Way frontage in lieu of 3 metres;
 - (b) a shortfall of 71 parking bays;
 - (c) 3.3% landscaping on site in lieu of 8%are appropriate in this instance;

- 2 APPROVES the application dated 9 November 2005, submitted Greg Rowe and Associates, the applicant, on behalf of the owner GE Capital Pty Ltd for the proposed alterations and additions to Beldon Shopping Centre on Lot 519 (9) Gunter Grove, Beldon subject to the following conditions:
 - (a) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Infrastructure Management Services prior to the development first being occupied. These works are to be done as part of the building programme;
 - (b) The net lettable floor area of the restaurant use shall be restricted to 95m²;
 - (c) The proposed wind turbines do not form part of this application and shall be subject of a separate development application;

- (d) An on-site stormwater drainage system with the capacity to contain 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (e) The lodging of detailed landscape plans to the satisfaction of the City for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs;
 - (ii) any lawns to be established;
 - (iii) areas to be irrigated;
- (f) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services.
- (g) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services.
- (h) The submission of an overall signage strategy for the shopping centre shall be submitted for approval to the satisfaction of the Manager Approvals, Planning and Environmental Services as a precursor to the approval of signage on site.
- (i) A Refuse Management Plan shall be submitted for approval to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the commencement of works. The plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the plan shall be incorporated into the building licence plans. The approved plan shall be implemented to the satisfaction of the Manager Approvals, Planning and Environmental Services.

MOVED Cr Amphlett, SECONDED Cr Fishwick that Council:

1 EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:

- (a) a strip of 1 metre of landscaping along the Gradient Way frontage in lieu of 3 metres;
- (b) a shortfall of 71 parking bays;
- (c) 3.3% landscaping on site in lieu of 8%

are appropriate in this instance;

- 2 APPROVES the application dated 9 November 2005, submitted Greg Rowe and Associates, the applicant, on behalf of the owner GE Capital Pty Ltd for the proposed alterations and additions to Beldon Shopping Centre on Lot 519 (9) Gunter Grove, Beldon subject to the following conditions:**
- (a) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Infrastructure Management Services prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (b) The net lettable floor area of the restaurant use shall be restricted to 95m²;**
 - (c) The proposed wind turbines do not form part of this application and shall be subject of a separate development application;**
 - (d) An on-site stormwater drainage system with the capacity to contain 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (e) The lodging of detailed landscape plans to the satisfaction of the City for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:**
 - (i) the location and type of existing and proposed trees and shrubs;**
 - (ii) any lawns to be established;**
 - (iii) areas to be irrigated;**
 - (f) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
 - (g) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (h) The submission of an overall signage strategy for the shopping centre shall be submitted for approval to the satisfaction of the Manager Approvals, Planning and Environmental Services as a precursor to the approval of signage on site;**

- (i) **A Refuse Management Plan shall be submitted for approval to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the commencement of works. The plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the plan shall be incorporated into the building licence plans. The approved plan shall be implemented to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (j) **a shopping trolley management plan being prepared to the satisfaction of the City indicating how it is proposed to control the use and recovery of shopping trolleys belonging to the shopping centre.**

Discussion ensued.

AMENDMENT MOVED Cr Macdonald, SECONDED Cr Hart that the Motion be DEFERRED pending further information in relation to wind turbines.

The Amendment was Put and

LOST (3/8)

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

AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that an additional Point 3 be added to the Motion as follows:

- “3** *NOTES this application is seeking to achieve the 6 star green rating under the Green Building Council Green Star Shopping Centre Designed Pilot Program and the City’s commitment to sustainability in its Draft Strategic Plan 2008-2011 and accordingly requests the Chief Executive Officer to:*
- (a) process the application for the wind turbine as soon as possible, with proper diligence;*
 - (b) develop a policy that will encourage developers to submit applications that seek high ratings under the Green Building Council of Australia’s Green Star Rating System;*
 - (c) report to Council on the suitability of the City of Joondalup joining the Green Building Council of Australia.”*

Discussion ensued.

It was requested that the parts of the Amendment be voted on separately.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that an additional Point 3 (a) be added to the Motion as follows:

- “3** *NOTES this application is seeking to achieve the 6 star green rating under the Green Building Council Green Star Shopping Centre Designed Pilot Program and the City’s commitment to sustainability in its Draft Strategic Plan 2008-2011 and accordingly requests the Chief Executive Officer to:*

- (a) *process the application for the wind turbine as soon as possible, with proper diligence*

The Amendment was Put and

CARRIED (7/4)

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

AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that an additional Point 3 (b) be added to the Motion as follows:

- “3 (b) *develop a policy that will encourage developers to submit applications that seek high ratings under the Green Building Council of Australia’s Green Star Rating System.*”

The Amendment was Put and

CARRIED (11/0)

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

AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that an additional Point 3 (c) be added to the Motion as follows:

- “3 (c) *report to Council on the suitability of the City of Joondalup joining the Green Building Council of Australia.*”

The Amendment was Put and

CARRIED (10/1)

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

AMENDMENT MOVED Cr Fishwick SECONDED Cr Currie that Clause 3 (a) of the Motion be amended as follows:

- “3 (a) *process the application for the wind turbine as soon as possible.*”

The Amendment was Put and

LOST (3/8)

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

The Original Motion, as amended, being:

That Council:

1 EXERCISES discretion under clause 6.8 and 4.5 of District Planning Scheme No 2, and determines that:

- (a) a strip of 1 metre of landscaping along the Gradient Way frontage in lieu of 3 metres;
- (b) a shortfall of 71 parking bays;
- (c) 3.3% landscaping on site in lieu of 8%

are appropriate in this instance;

- 2 APPROVES the application dated 9 November 2005, submitted Greg Rowe and Associates, the applicant, on behalf of the owner GE Capital Pty Ltd for the proposed alterations and additions to Beldon Shopping Centre on Lot 519 (9) Gunter Grove, Beldon subject to the following conditions:**
- (a) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Infrastructure Management Services prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (b) The net lettable floor area of the restaurant use shall be restricted to 95m²;**
 - (c) The proposed wind turbines do not form part of this application and shall be subject of a separate development application;**
 - (d) An on-site stormwater drainage system with the capacity to contain 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (e) The lodging of detailed landscape plans to the satisfaction of the City for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:**
 - (i) the location and type of existing and proposed trees and shrubs;**
 - (ii) any lawns to be established;**
 - (iii) areas to be irrigated;**
 - (f) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
 - (g) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (h) The submission of an overall signage strategy for the shopping centre shall be submitted for approval to the satisfaction of the Manager Approvals, Planning and Environmental Services as a precursor to the approval of signage on site;**

- (i) A Refuse Management Plan shall be submitted for approval to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the commencement of works. The plan shall consider service vehicle manoeuvring on the internal roads of the development. Any alterations to the approved plans required as a result of the plan shall be incorporated into the building licence plans. The approved plan shall be implemented to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (j) a shopping trolley management plan being prepared to the satisfaction of the City indicating how it is proposed to control the use and recovery of shopping trolleys belonging to the shopping centre;
- 3 NOTES this application is seeking to achieve the 6 star green rating under the Green Building Council Green Star Shopping Centre Designed Pilot Program and the City's commitment to sustainability in its Draft Strategic Plan 2008-2011 and accordingly requests the Chief Executive Officer to:
- (a) process the application for the wind turbine as soon as possible, with proper diligence;
- (b) develop a policy that will encourage developers to submit applications that seek high ratings under the Green Building Council of Australia's Green Star Rating System;
- (c) report to Council on the suitability of the City of Joondalup joining the Green Building Council of Australia.

Was Put and

CARRIED (11/0)

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

Appendix 17 refers

To access this attachment on electronic document, click here: [attach17brf210807.pdf](#)

CJ178-08/07 PROPOSED CLOSURE OF A PORTION OF 0.1 METRE PEDESTRIAN ACCESSWAY ADJACENT TO LOT 1 (113) GRAND BOULEVARD, JOONDALUP - [47966]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider initiating the proposed closure of a portion of a 0.1 metre wide pedestrian accessway (PAW) adjacent to Lot 1 (113) Grand Boulevard, Joondalup to facilitate access to the land.

EXECUTIVE SUMMARY

Lot 1 (113) Grand Boulevard, Joondalup, is located within the Joondalup City Centre and is currently vacant. An easement across an adjacent lot (Lot 2) is intended to provide vehicular access to and from Lot 1.

A request has been received to gain access to Lot 1 from a service road that forms part of Grand Boulevard. This would require a portion of the 0.1 metre wide PAW (used to prevent access to Grand Boulevard) to be closed. Should Council support the closure request, public advertising would be initiated.

Legal advice has indicated that the easement arrangements for access over the adjoining Lot 2 do not provide for a suitable means of vehicle access to Lot 1. Therefore, in effect, Lot 1 does not have an appropriate or legal access to a street.

The request for Lot 1 to access the service road adjoining Grand Boulevard is supported, subject to changes to the on-street car parking and landscaping that would be required with the construction of a crossover occurring at the cost of the landowners. These modifications would occur through the development approval stage.

Council considered this matter at the 7 August 2007 meeting and deferred its decision pending further information relating to the potential revenue from a fee paid on-street car parking bay in the vicinity of the subject lot.

It is recommended that Council initiates the proposed closure of a portion of the 0.1 PAW through the commencement of public advertising for a period of 35 days.

BACKGROUND

Suburb/Location:	Lot 1 (113) Grand Boulevard, Joondalup
Applicant:	Frank Borello – Complex Land Solutions Pty Ltd
Owners:	PA & MJ McBride, M Dawn & Real Estate Property Shop Operations Network Pty Ltd
Zoning:	DPS: Centre
	MRS: Central City Area
Site Area:	Lot 1 - 0.2 hectares
Structure Plan:	Joondalup City Centre Development Plan and Manual

This report refers to the following lots:

- Lot 1 (113) Grand Boulevard, Joondalup, (subject lot) is vacant land located within the Joondalup City Centre (see Attachment 1).
- Lot 2 (115) Grand Boulevard adjacent to the southern boundary of Lot 1 was developed with a mixed use building in 1995.
- Lot 466 (109) to the north of the subject site is developed as a church.

The subject lot was created through subdivision of a larger lot in 1994. An easement was created across the balance of the land (Lot 2) with the intent to allow for the provision of vehicular access from Lot 1 to Reid Prom, via Lot 2 (see Attachment 2). Vehicular access to and from the subject lot is otherwise prevented by a 0.1m PAW along Grand Boulevard, and by a PAW (Central Walk) to the rear. A service road is located within the road reserve of Grand Boulevard, including along the frontage of Lot 1.

PAWs 0.1 metre in width were created through the subdivision process and served to restrict vehicular access to roads.

DETAILS

A request has been received to close a 5.8 metre portion of the 0.1 metre wide PAW adjacent to Lot 1 (113) Grand Boulevard to enable future access to and from Grand Boulevard. The reason for this request is that the applicant considers the wording of the current access easement over adjacent Lot 2 (115) Grand Boulevard is inadequate and does not ensure unrestricted access to owners and users of Lot 1 (Attachment 3). Lot 2 is under different ownership to Lot 1 and comprises strata-titled units. Until the landowners are assured that unrestricted access is guaranteed, plans to develop the subject land will not progress.

The applicant has provided a letter from the body corporate operating for the strata unit owners on Lot 2 indicating a preference for access to be achieved from Grand Boulevard. The applicant also investigated the possibility of gaining access to Lot 1 through an arrangement with the owners of Lot 466 (the Church site). This option was not acceptable to the owners of Lot 466 as it was considered this may be detrimental to any future development plans for that site.

Should the 0.1m PAW closure be approved, the future construction of a crossover to provide the required access to Lot 1 would involve the loss of one car parking bay and one street tree located within the service road along Grand Boulevard. The applicant has offered to pay for the loss of any car parking bays or trees located within the road reserve that would occur with the provision of a future crossover.

The partial closure request was considered at the 7 August 2007 Council meeting when it was deferred, subject to further information being provided detailing the potential revenue associated with the loss of a fee paid on-street car parking bay.

Issues and options considered:

The options available to Council are:

- Support the proposed closure of a portion of the 0.1 metre wide PAW for the purposes of public advertising.
- Not support the proposed closure of a portion of the 0.1 metre wide PAW.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

PAWs are created as a result of the subdivision of land under the Planning & Development Act 2005 (formerly the Town Planning and Development Act). A request can be made to Council to close a PAW.

If Council supports the proposed PAW closure, the proposal is advertised for public comment for a period of 35 days. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

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

Risk Management considerations:

There is a risk that supporting the proposed closure of a portion of a 0.1m wide PAW may cause other developers to submit similar requests involving to access major roads. This may have impacts on the streetscape in terms of landscaping and availability of car parking embayments within the road reserves in the city centre.

Financial/Budget Implications:

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

If services are located within the PAW or the future crossover to Lot 1, these would need to be relocated and would be the subject of negotiations between the service agency and the applicant.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Alinta has advised that gas mains will not be affected provided boundaries and property levels are not being amended. Water Corporation has advised it has no assets within the area that would be affected and has no objection to the proposed closure. Telstra has not provided comments, however it is noted that a Telstra manhole along the front boundary of Lot 1 is indicated on the submitted plan. Western Power has raised no objection to the proposal. DPI has not provided preliminary comments on the closure request.

COMMENT

Existing Easement for access over Lot 2

The current easement over Lot 2 (115) Grand Boulevard is located in the centre of the lot, in an unusual 'Z' shape arrangement. Access to Lot 1 using this easement is from Reid Promenade (see Attachment 2). This access is between existing buildings and through the existing car parking bays located at the rear for these buildings.

The wording of the easement document is unclear in terms of providing certainty of unrestricted access to Lot 1 as it refers to enabling 'city officers' to gain access. This suggests that others wishing to access Lot 1 using the easement require permission to be sought from the Lot 2 landowners. Even if the wording was not ambiguous, or the easement document reworded, the provision of access over another land parcel is highly undesirable due to lack of ownership and control over development on the land where access is to be obtained.

Legal advice has been sought on the intent and adequacy of the existing access easement. The advice is that it could be argued that access is limited to officers of the City of Wanneroo, the original party to the legal agreement, and therefore does not serve the intended purpose. On account of this, it could be argued that the owner and any invitees of Lot 1 would need specific authorisation from the City to use the easement. The owner of Lot 2 could therefore prevent use of the easement by the owners and any invitees of Lot 1. The existing easement is inadequate for its intended use and an alternative access should be considered.

Access options and 0.1 metre PAW

Adjacent Lot 466 to the north (the church site) currently gains access from the Grand Boulevard service road. The applicant has attempted to achieve access to Lot 1 through an arrangement with adjacent Lot 446, such as a reciprocal access agreement over the existing crossover. The applicant advises that this has been unsuccessful.

The 0.1 metre wide PAW along Grand Boulevard was provided at the subdivision stage to prevent vehicular access to and from Grand Boulevard. A service road is located along the front boundary of Lot 1 and provides car parking embayments and landscaping within the Grand Boulevard road reserve. The closure request would similarly facilitate the construction of a crossover off the service road for Lot 1.

In the event of the closure of the PAW being approved, the applicant is prepared to pay compensation for the loss of an on-street car parking bay and tree that will occur when with the construction of a crossover. The City's costs associated with loss of a car parking bay is estimated at \$6000 and the breakdown of costs is:

- Design documentation \$2000
- Kerbing works \$700
- Verge works \$1300
- Road pavement (asphalt works) \$1500
- Overheads \$500

In terms of replacing the tree, the cost would be \$500. A young native tree of the same species would be planted elsewhere in the City Centre as these grow more successfully than planting a mature tree. Moving the existing tree further along Grand Boulevard in front of Lot 1 would interrupt the regular pattern of planting for street trees, which is undesirable for the streetscape. Moreover, transplanting of native species is rarely achievable.

It is noted that a 6 metre wide crossover would be preferred as the standard width for a double crossover. However, this is not feasible due to the location of a Telstra manhole.

Similar future requests

Should the request be approved, other developers in the city centre may seek to gain access from major roads. Alternative access, however, is provided to other lots and easements such as for Lot 1 do not apply. The current closure request is extraordinary.

Conclusion

The access arrangement for Lot 1 is unusual and the wording of the access easement is unclear. The adjacent landowner on Lot 466 is not prepared to share the existing crossover from the service road and Lot 2 landowners would prefer alternative access than across their land.

The landowners of Lot 1 require certainty of access before commencing plans for the development of the land. Closing of a portion of the PAW would not affect access to other lots along Grand Boulevard, or have a significant impact upon traffic movement in the area. On this basis, public advertising of the proposed 0.1m PAW closure is recommended.

OFFICER'S RECOMMENDATION AS PRESENTED TO COUNCIL AT 7 AUGUST 2007:

That Council:

- 1 *INITIATES the closure of a portion of the 0.1 metre wide pedestrian accessway adjacent to Lot 1 (113) Grand Boulevard, Joondalup, as shown on Attachment 1 to Report CJ153-08/07 for the purpose of public advertising for a period of 35 days;*
- 2 *ADVISES the applicant, should approval be granted by the Western Australian Planning Commission for the subject closure, payment to the City for the loss of one car parking embayment and one street tree within the service road adjacent to Grand Boulevard that would result from the future construction of a crossover for Lot 1 will be required from the landowners of Lot 1, prior to approval for the crossover being issued by the City. The costs for the same species of tree and a car parking bay to be located elsewhere in the City Centre are \$6000 for the car parking bay and \$500 for the street tree.*

ADDITIONAL INFORMATION

At its meeting held on 7 August 2007, Council deferred this matter, requesting further investigation of the lost opportunity cost of the car parking bay.

To ascertain the opportunity cost of losing a car parking bay, a number of assumptions need to be made. Those assumptions are:

- 1 Fee paid parking is adopted by the Council.
- 2 Hours of fee paid parking: 8.00am–5.30pm Mon-Sat, 8.00am–12pm Sat (51.5hrs per week)
- 3 Fee charged \$1 per hour
- 4 100% occupancy of the bay.

On this basis, the bay would return \$2,678 per annum.

The amounts referred to in the Officer's recommendation are based on the physical changes to the road kerb and the replacement of the tree. This is the normal method of accounting for such changes and is considered to be the most appropriate way of proceeding. It is noted that the potential revenue from the car bay is not a legitimate planning or engineering ground on which to assess the application under consideration. The cash in lieu provisions in DPS2 do not apply to these particular circumstances.

ATTACHMENTS

Attachment 1 Location and Aerial Plan, including subject portion of 0.1m wide PAW
Attachment 2 Easement Plan

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION: That Council:

- 1 INITIATES the closure of a portion of the 0.1 metre wide pedestrian accessway adjacent to Lot 1 (113) Grand Boulevard, Joondalup, as shown on Attachment 1 to Report CJ178-08/07 for the purpose of public advertising for a period of 35 days;
- 2 ADVISES the applicant, should approval be granted by the Western Australian Planning Commission for the subject closure, payment to the City for the loss of one car parking embayment and one street tree within the service road adjacent to Grand Boulevard that would result from the future construction of a crossover for Lot 1 will be required from the landowners of Lot 1, prior to approval for the crossover being issued by the City. The costs for the same species of tree and a car parking bay to be located elsewhere in the City Centre are \$6000 for the car parking bay and \$500 for the street tree.

REQUIREMENTS OF THE CITY'S STANDING ORDERS LOCAL LAW 2005

At the Council meeting held on 7 August 2007, the motion listed below was Moved Cr Hollywood, Seconded Mayor Pickard, following which an amendment, also listed below, was Moved Cr Corr Seconded Cr Hart.

Subsequent to that, a motion was carried, being that *"Moved Cr Magyar Seconded Cr John that Item CJ153-08/07 be deferred for further investigation on the lost opportunity cost of the bay and a further report submitted to the next meeting of Council."*

Clause 62 of the City's Standing Orders Local Law 2005 states:

"If a motion "that the motion be deferred" is carried then all debate on the primary motion and any amendment is to cease and the motion or amendment is to be resubmitted for consideration at the time and date specified in the motion."

The effect of this clause is that the motion and amendment are still before the Council and are required to be considered at a later date (28 August 2007). Therefore the Council is required to make a determination on the motion and amendment that were before it prior to the deferral motion. Should this motion and/or amendment be defeated, an alternate primary motion may be moved, seconded, debated and voted upon.

It should be noted that Cr Corr, the mover of the amendment, will not be in attendance at the Council meeting to be held on 28 August 2007. Cr Corr's absence will not cause the amendment to lapse, but he will be unable to close debate on the amendment.

MOVED Cr Hollywood, SECONDED Mayor Pickard that Council:

- 1 INITIATES the closure of a portion of the 0.1 metre wide pedestrian accessway adjacent to Lot 1 (113) Grand Boulevard, Joondalup, as shown on Attachment 1 to Report CJ153-08/07 for the purpose of public advertising for a period of 35 days;**
- 2 ADVISES the applicant, should approval be granted by the Western Australian Planning Commission for the subject closure, payment to the City for the loss of one car parking embayment and one street tree within the service road adjacent to Grand Boulevard that would result from the future construction of a crossover for Lot 1 will be required from the landowners of Lot 1, prior to approval for the crossover being issued by the City. The costs for the same species of tree and a car parking bay to be located elsewhere in the City Centre are \$6000 for the car parking bay and \$500 for the street tree.**

AMENDMENT MOVED Cr Corr, SECONDED Cr Hart that the last sentence of point 2 of the motion be amended to read:

“The costs for the same species of tree and a car parking bay to be located elsewhere in the City Centre are \$18,500 for the car parking bay and \$500 for the street tree.”

The Amendment was Put and

LOST(2/9)

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

The Motion as Moved by Cr Hollywood and SECONDED by Mayor Pickard was Put and
CARRIED (11/0)

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

Appendix 18 refers

To access this attachment on electronic document, click here: [attach18brf210807.pdf](#)

Name/Position	Cr Kerry Hollywood
Item No/Subject	CJ179-08/07 – Proposed 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach [43305]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood is a resident of Burns Beach.

CJ179-08/07 PROPOSED 14 GROUPED DWELLINGS AT LOT 11483 (4) BURNS PLACE, BURNS BEACH - [43305]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council's determination of an application for planning approval for 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach.

EXECUTIVE SUMMARY

The subject site is located at Lot 11483 (4) Burns Place, Burns Beach, which is on the corner of Burns Place, Second Avenue and Ocean Parade.

The applicant proposes to construct 14 two storey grouped dwellings on the development site. The development will create the appearance of 14 single houses due to the individual designs of the dwellings and the separation between the buildings, rather than an alternative design option of a "terrace style" development.

The Residential Design Codes (RDC) require development of each grouped dwelling to comply with standards regarding minimum and average site areas, setbacks, car parking provision, open space etc. The development proposes variations to a number of the Acceptable Development Standards, which are required to be determined based on Performance Criteria.

The majority of the proposed variations to the RDC occur within the development site and will not affect surrounding owners. The large number of internal variations are a consequence of the design of the development, which seeks to create a single house streetscape.

Four submissions were received during the public consultation period, being objections to the proposal. A further two objections to the proposal were received following the close of advertising. Submissions raised concerns over the density of the site, car parking, traffic flow and noise.

The proposed development complies with the density provisions of the RDC and the proposed variations are considered minor and will not impact on the surrounding locality. It is recommended that the application for Planning Approval be approved subject to conditions.

BACKGROUND

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

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

The site has a crossfall of approximately 2.5m from the north-east side of the site down to the south-west corner.

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

The City of Wanneroo initiated an amendment to the Town of Wanneroo Town Planning Scheme No. 1 in the early 1990s to re-zone and re-code the subject lot. The amendment to the Town Planning Scheme (Amendment No. 570 of Town Planning Scheme No. 1) resulted in the land being coded R40 in 1993.

The City of Joondalup District Planning Scheme No 2 (DPS2), which was gazetted in November 2000, retained the Residential zoning and the R40 density coding for the development site. The surrounding residential lots are zoned Residential R20.

Approval was previously granted for 12 grouped dwellings on the site in 1999, however this approval lapsed without any works being undertaken.

The development is required to be determined by Council as the number of grouped dwellings proposed exceeds that which may be determined under delegated authority (ten grouped dwellings).

DETAILS

The applicant proposes to construct 14 grouped dwellings on a 3690m² site. The proposed development includes the following features:

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

The development plans are provided in Attachment 2.

Variations

The applicant has requested that Council exercises discretion and allow variations to the open space, overshadowing, garage door width, privacy setback, and building setback requirements of the RDC.

Policy 3.2 Height and Scale of Buildings in a Residential Area - Building Threshold Envelope Variation

The proposed development has projections through the sides of the Building Threshold Envelope as follows:

- The southern side of unit 1, approximately 0.6m;
- The southern side of unit 2, approximately 1.7m;
- The southern side of unit 3, approximately 0.5m;
- The southern side of unit 4, approximately 0.7m;
- The south-eastern side of unit 5, approximately 0.45m; and
- The north-eastern side of unit 6, approximately 1.0m.

The projections through the Building Threshold Envelope relating to units 1, 2, and 3 adjoin the Ocean Parade PAW. The projections relating to units 4 and 5 adjoin a Metropolitan Region Scheme (MRS) Reserve, and the projection relating to unit 6 adjoins the property at 8 Burns Place, Burns Beach. The six dwellings that have projections through the Building Threshold Envelope are located on the lower side of the site. There are no projections through the top of the Building Threshold Envelope.

Residential Design Codes Compliance

Compliance with the main requirements of the RDC is summarised below:

Criteria	R-Code Requirement	Proposed	Compliance
<u>Site Area</u>	Minimum 200m ² Average 220m ²	At least 228.93m ²	Yes
<u>Car parking</u> Dwellings	2 per dwelling	2 per dwelling	Yes
Visitors bays	1 space for each four dwellings or part thereof in excess of 4 dwellings served by a common access. Total = 2 bays	2 bays	Yes
<u>Outdoor Living Areas</u>	20m ² Minimum Dimension 4m 2/3 without permanent roof cover	At least 20m ² > 4m x 4m >2/3 without permanent roof cover	Yes
<u>Essential Facilities</u>	Enclosed, lockable store, accessible from outside the dwelling with minimum dimension 1.5m and internal area minimum 4m ²	All dwellings have a store in garage, minimum dimension 1.5m, area >4m ² .	Yes

External Variations – Residential Design Codes

The applicant is seeking approval for various variations to the "Acceptable Development" provisions of the RDC that may have an impact on surrounding development or within the development itself. These variations are required to be assessed against the Performance Criteria set out in the Residential Design Codes.

Variations to the Acceptable Development Standards of the RDC that have the potential to impact on the adjoining property and the streetscape are as follows:

Unit 14

- Cone of vision setback of 3.5m in lieu of 6m from the upper floor family room to the north-eastern boundary.

Units 8, 9, 10

- Garage door being 54.6% of the frontage in lieu of 50%

Internal Variations – Residential Design Codes

The following is a list of internal RDC variations that are likely to impact on the development. These variations will impact only on other dwellings within the development: The table column headed "Acceptable Development" refers to the standard or requirement set out in the "Acceptable Development" provisions of the RDC, while the "Proposed" column sets out the applicants proposed standards or requirement:

Wall Setback Variations	Acceptable Development	Proposed
Unit 1 eastern wall (upper floor)	2m	1m
Unit 1 eastern wall (upper floor)	1.1m	0.5m
Unit 1 southern wall (upper floor)	1.8m	1.0m
Unit 2 eastern wall (upper floor)	3.3m	1.5m
Unit 2 western wall (upper floor)	1.5m	1.0m
Unit 3 eastern wall (ground floor)	1.5m	1.05m
Unit 3 western wall (ground floor)	1.5m	1.387m
Unit 3 eastern wall (upper floor)	1.5m	1.05m
Unit 3 western wall (upper floor)	1.2m	1.0m
Unit 3 southern wall (upper floor)	2.5m	1.385m
Unit 4 western wall (upper floor)	3.5m	1.5m
Unit 4 south-eastern wall (upper floor)	1.1m	1.0m
Unit 5 north-eastern wall (upper floor)	1.2m	1.0m
Unit 5 south-eastern wall (upper floor)	2.5m	1.658m
Unit 6 northern wall (ground floor)	1.5m	1.0m
Unit 6 eastern wall (ground floor)	1.5m	1.215m
Unit 7 northern wall (ground floor)	1.5m	1.0m
Unit 8 southern wall (ground floor)	1.5m	1.0m
Unit 8 northern wall (upper floor)	1.5m	1.0m
Unit 8 southern wall (upper floor)	2.5m	1.5m

Unit 8 southern wall (upper floor)	1.8m	1m
Unit 8 eastern wall (upper floor)	1.2m	1.0m
Unit 9 southern wall (ground floor)	1.5m	1.0m
Unit 9 eastern wall (ground floor)	1.5m	0.863m
Unit 9 northern wall (upper floor)	2.5m	1.5m
Unit 9 northern wall (upper floor)	1.8m	1.0m
Unit 9 southern wall (upper floor)	1.7m	1.0m
Unit 10 southern wall (ground floor)	1.5m	1.0m
Unit 10 northern wall (upper floor)	2.7m	1.0m
Unit 10 southern wall (upper floor)	2.8m	1.514m
Unit 10 southern wall (upper floor)	1.9m	1.014m
Unit 11 southern wall (upper floor)	1.2m	1.0m
Unit 11 eastern wall (upper floor)	1.2m	1.1m
Unit 12 eastern wall (ground floor)	1.5m	1.1m
Unit 12 eastern wall (upper floor)	2.8m	1.5m
Unit 12 eastern wall (upper floor)	1.9m	1.1m
Unit 12 western wall (upper floor)	1.6m	1.15m
Unit 13 eastern wall (ground floor)	1.5m	1.0m
Unit 13 southern wall (ground floor)	1.5m	0.9m
Unit 13 eastern wall (upper floor)	1.5m	1.2m
Unit 13 western wall (upper floor)	1.8m	1.0m
Unit 14 southern wall (upper floor)	2.8m	1.5m

Front Setback Variations	Acceptable Development	Proposed
Unit 2 – Portico to common drive	1.5m	1.2m
Unit 2 – Building to common drive	2.5m	1.5m
Unit 3 – Building to common drive	2.5m	1.935m
Unit 4 – Building to common drive	2.5m	1.6m
Unit 5 – Portico to common drive	1.5m	1.1m
Unit 5 – Building to common drive	2.5m	1.632m
Unit 7 – Portico to common drive	1.5m	0.35m
Unit 7 – Building to common drive	2.5m	0.671m

Boundary Wall Variations	Acceptable Development: Length	Proposed
Unit 1	5.95m	7.6m
Unit 7	4.4m	7.665m
Unit 11	6.57m	7.986m

Boundary Wall Variations	Acceptable Development: Height	Proposed
Unit 3	Max - 3.5m Average – 3.0m	Max - 5.05m Average – 3.775m
Unit 5	Average – 3.0m	Average – 3.2m
Unit 6	Max – 3.5m Average – 3.0m	Max – 5.45m Average – 3.92m
Unit 7	Max – 3.5m	Max – 3.93m

Unit 8	Max – 3.5m Average – 3.0m	Max – 5.7m Average – 4.325m
Unit 11 eastern wall	Average – 3.0m	Average – 3.2m
Unit 11 southern walls	Average – 3.0m	Average – 3.45m
Unit 12	Average – 3.0m	Average – 3.275m
Unit 13	3.0m	3.275m
Unit 14	Average - 3.0m	Average 3.325m

Boundary Wall Variations	Acceptable Development: No of Boundary Walls	Proposed
Unit 1	1	2
Unit 8	1	2
Unit 11	1	2

Boundary Wall Variations	Acceptable Development – Front Setback	Proposed
Unit 2 – to common driveway	2.5m	1.5m
Unit 3 – to common driveway	2.5m	1.935m
Unit 4 – to common driveway	2.5m	1.6m
Unit 5 – to common driveway	2.5m	1.962m
Unit 7 – to common driveway	2.5m	0.671m

Cone of Vision Variations	Acceptable Development	Proposed
Unit 1 – balcony to unit 2 boundary	7.5m	1.7m
Unit 2 – bedroom 2 to unit 3 boundary	4.5m	1.5m
Unit 2 – balcony to unit 1 boundary	7.5m	2.3m
Unit 3 – balcony to unit 2 boundary	7.5m	1.0m
Unit 4 – balcony to unit 3 boundary	7.5m	1.5m
Unit 4 – upper floor activity to unit 3 boundary	6.0m	1.5m
Unit 4 – bedroom 2 window to unit 5 boundary	4.5m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.7m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	2.3m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	3.1m
Unit 5 – balcony to unit 4 boundary	7.5m	1.58m
Unit 6 – rear balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 14 boundary	7.5m	6.2m
Unit 7 – bedroom 4 window to unit 9 boundary	4.5m	3.8m
Unit 8 – balcony to unit 9 boundary	7.5m	1.0m
Unit 9 – balcony to unit 8 boundary	7.5m	1.0m

Unit 9 – balcony to unit 10 boundary	7.5m	2.2m
Unit 9 – bedroom 2 window to unit 10 boundary	4.5m	1.5m
Unit 9 – bedroom 3 window to unit 12 boundary	4.5m	3.0m
Unit 9 – bedroom 3 window to unit 8 boundary	4.5m	2.4m
Unit 10 – bedroom 1 window to unit 9 boundary	4.5m	1.514m
Unit 10 – balcony to unit 9 boundary	7.5m	3.4m
Unit 10 – balcony to unit 11 boundary	7.5m	1.0m
Unit 10 – upper floor family room to unit 11 boundary	6.0m	1.0m
Unit 11 – bedroom 4 to unit 10 boundary	4.5m	2.4m
Unit 11 – balcony to unit 10 boundary	7.5m	1.0m
Unit 12 – balcony to unit 10 boundary	7.5m	1.15m
Unit 12 – balcony to unit 7 boundary	7.5m	4.264m
Unit 12 – balcony to unit 9 boundary	7.5m	1.5m
Unit 12 – bedroom 3 to unit 13 boundary	4.5m	1.5m
Unit 12 – bedroom 4 to unit 13 boundary	4.5m	1.5m
Unit 13 – balcony to unit 12 boundary	7.5m	1.0m
Unit 13 – balcony to unit 7 boundary	7.5m	2.35m
Unit 14 – kitchen to unit 6 boundary	6.0m	1.5m
Unit 14 – meals area to unit 6 boundary	6.0m	1.5m
Unit 14 – balcony to unit 6 boundary	7.5m	2.9m
Unit 14 – balcony to unit 7 boundary	7.5m	2.9m
Unit 14 – balcony to unit 13 boundary	7.5m	1.23m

Open Space Variations	Acceptable Development	Proposed
Unit 2	45%	40.57%
Unit 7	45%	38.42%
Unit 11	45%	44.61%

Overshadowing	Acceptable Development	Proposed
Unit 6 – overshadowing unit 5	35%	41.4%
Unit 9 – overshadowing unit 8	35%	37.7%
Unit 10 – overshadowing unit 9	35%	45.8%
Unit 11 – overshadowing unit 10	35%	39.9%

Applicant Justification

The applicant has provided the following written justification for the proposed variations:

Element 3.2.1 - Boundary Setbacks

Reduced set backs to upper storey walls in lieu of the R-Code requirements to residences noted below. The reasons being to facilitate the design of a reasonably sized and useable upper floor given the lot area is not substantially large. We believe this will not have a detrimental effect on the amenity of the surrounding lots, all lots in questions are owned by developer.

Double storey parapet to units noted below as detailed on plans and elevation again to facilitate the design of a reasonably sized residence given the lot area is not large.

- *Reduced setbacks to units 1,2,3,4,5,6,8,9,10,11,12,13,14*
- *2 storey parapets to units 3,6*

Element 3.4.1 – Open Space Provision

Increased site cover to units listed below, reason being to facilitate reasonable size living area to ground floor we have provided good size courtyards with balconies to upper floor which provides extra open space.

- *Units 2,7,11*

Element 8 – Privacy

A reduced cone of vision for overlooking to the upper floor windows and balconies to the units listed below is requested, this to enable owners of the lot to take advantage of the ocean views and also to allow good light and ventilation to the upper floor rooms. We note that all overlooking issues are to internal boundaries as property is owned by the one developer we will not need to seek neighbours comments.

- *Units 1,2,8,9,10,11,12,13*

Element 3.6.2 – Retaining walls

We have retaining walls to internal common boundaries over 500mm in height reason being due to sloping nature of the site there will be 1800 high fencing to prevent any overlooking units affected as listed below.

- *Units 3,4,5,7,8,*

Element 3.9.1 – Solar Access for adjoining sites

Overshadowing to units noted below. The reasons being to facilitate the design of a reasonably sized and useable dwelling given the lot area is not substantially large. We believe this will not have a detrimental effect on the amenity of the surrounding lots, all lots in questions are owned by developer.

- *Overshadowing unit 11 over unit 10. Overshadowing will not be an issue as we have a substantial upper floor balcony, which will be used extensively due to some of the living areas being on the upper floor.*
- *Overshadowing unit 10 over unit 9. Overshadowing is to an area with no major openings, and no effected outdoor areas.*
- *Overshadowing unit 9 over unit 8. Overshadowing will not be an issue as we have a substantial upper floor balcony, which will be used extensively due to some of the living areas being on the upper floor.*
- *Overshadowing unit 6 over unit 5. Overshadowing is to an area with no major openings, and no affected outdoor areas.*

Element 3.2.3 – Setback of garages and carports

Garage openings being more than 50% of front boundary. The reasons being to facilitate the design of a reasonably sized and useable garage, given the front boundary length not being substantially large, and also due to the odd shape of the sites in question. We have reduced the impact of garages by having the upper floor directly over, which allows for windows to overlook driveway (for street surveillance).

Conclusion

Based on the R-codes this site could be fully maximised with 16 units, we decided that by reducing the number of units on the site we would be able build a development of better quality which would have less impact on the surrounding area, as well as have the impression of individual homes rather than units. We have attempted to give each home its own individual look, therefore creating an attractive streetscape. Although we are asking for variations, most of these variations are to internal boundaries, which will not impact on exist homes.

Issues and options considered:

Council has the discretion to:

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

Consultation:

The proposal was advertised for 21 days, by way of two signs being erected on site and an advertisement being placed in the Joondalup Times for three consecutive weeks and also on the City's website.

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

Policy implications:

The proposed development will result in certain parts of the development projecting through the Building Height Threshold Envelope. Council is required to consider the extent of those projections against the objectives of Policy 3.2 - Height and Scale of Buildings in a Residential Area.

Risk Management considerations:

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

Legislation – Statutory Provisions:

In considering the subject application, the following clauses of the RDC and DPS2 require consideration:

Residential Design Codes 2002

Clause 2.3.4 of the RDC allows for the exercise of discretion, having regard to the provisions of clause 2.3.4 (2) of the RDC as follows:

2.3.4(2) *Discretion shall be exercised having regard to the following considerations:*

- (i) the stated purpose and aims of the Scheme;*
- (ii) the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
- (iii) the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) any Local Planning Strategy incorporated into the Scheme;*
- (vi) the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (vii) orderly and proper planning.*

District Planning Scheme No 2 (DPS2)

Grouped 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 an application shall have regard to the provisions of clause 6.8, as outlined 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 for planning consent:

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

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

Link to Strategic Plan:

The proposal is considered to be consistent with objective 3.3 of the City’s Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENT

Land Use

Grouped dwellings are a discretionary use within the Residential Zone. As such, it is a use that is not permitted but Council may grant its approval after following the procedures set out in subclause 6.6.2.

The proposal addresses objective (b) of part 3.4 of the City of Joondalup District Planning Scheme No. 2 by providing the opportunity for grouped dwellings in selected locations so that there is a choice in the type of housing available within the City.

The nature of the proposed use and its relationship to the use of other land within the locality is considered to meet the objectives of the Residential R40 provisions of the RDC.

The proposed development consists of 14 grouped dwellings with individual designs and architectural features that complement one another but give the appearance of single houses due to the separation between the dwellings and many having separate access.

Density

The subject site has a density coding of R40. Under this coding, the site could accommodate a maximum of 16 dwellings, however, the applicants are proposing to develop the site with 14 grouped dwellings.

Streetscape

The proposed development will provide an alternative living choice to the range offered in the Burns Beach area, but in a way that includes a complementary scale of construction and palette of finishes and materials.

Given the prominent location of the site, and its sensitive location between the new and old Burns Beach subdivision, it is considered important that any development of the land provides a high quality example to contribute to the range of building styles and types in the locality.

The design has attempted to set buildings away from external boundaries and to have them detached from each other within the site. This objective has had the effect of attempting to create an independent development of dwellings (each appearing to be on their own lot). This option has had the effect of avoiding walls on both common lot boundaries (which is considered an advantage) but it does introduce issues where the buildings are located closer to each other than would otherwise be the case. In so doing, the proposal would require the exercise of favorable discretion for the setbacks between buildings to be approved.

Notably, although the development proposes a large range of variations to ordinary standards, the resulting siting and design of the development will contribute very positively to the area.

Submissions on Application

A total of six submissions were received regarding the proposal. The submissions expressed concerns over density, car parking, traffic impact and noise. One submission requested that a traffic impact study be undertaken.

Density

The number of dwellings proposed complies with the Acceptable Development Standards of the RDC with regard to minimum and average site size.

Visitor Car parking

The parking facilities proposed meet the requirements of the RDC, with two parking bays being provided per dwelling and the development is therefore unlikely to generate on-street parking.

The RDC does not require the provision of visitor parking bays for dwellings not served by the common driveway, however there will be some opportunity for visitors to these eight units to park in the driveways of the individual dwellings.

Two visitor bays are provided for dwellings served by the common driveway, which also meets the requirements of the RDC.

Traffic

Current engineering practice indicates that medium density residential units generate in the order of 5.0-6.5 vehicles trips per day per dwelling. Consequently, the proposed 14 grouped dwellings can be expected to generate up to 91 vehicle trips per day.

The City's latest traffic surveys for Second Avenue indicate that this road carries approximately 500 vehicles per day, north of Ocean Parade. In accordance with the City's Functional Road Hierarchy, a local access road of this type can be expected to carry up to 3,000 vehicles per day. Therefore, the resulting traffic flow on Second Avenue would be well within the expected range for a local access road and the proposed development is not anticipated to have a significant impact on the local road network. As such, a traffic impact study is not considered necessary.

Noise

Concerns were also raised about noise generated from the proposed development. The development must be designed and constructed in compliance with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. The provisions of the Environmental Protection Act 1986 also apply to noise generated from within the site that may affect surrounding properties.

Policy 3.2 Height and Scale of Buildings in a Residential Area - Building Threshold Envelope Variation

The proposed dwellings 1-6 have minor projections through the building threshold envelope. Policy 3.2 – Height and Scale of Buildings in Residential Areas, requires that where a proposed development projects through the Building Threshold Envelope, the development is considered in relation to the Policy and its objectives. With regard to this proposal, all projections are through the sides of the envelope. The proposed variations are mostly along the Ocean Parade side of the site and as such, will not have an adverse impact on the streetscape or the amenity of the adjoining owner.

Variations - RDC

The RDC require development of each grouped dwelling to individually comply with the RDC in relation to defined site areas, including development controls relating to setbacks, car parking, open space, etc. The proposed development has been assessed in this manner and numerous variations to the Acceptable Standards have been identified, including side, front, and boundary wall setback variations, open space and overshadowing variations. The majority of these variations occur within the site.

One variation directly affects the adjoining property at 8 Burns Place, being a cone of vision variation. The owner of 8 Burns Place did not make a submission regarding the proposal.

RDC – Proposed Variations That May Impact On The Adjoining Property Or Streetscape

There are four variations to the Residential Design Codes proposed that will affect the streetscape or adjoining property. A cone of vision setback encroaches onto the adjoining property at 8 Burns Place. There are also three garage doors that exceed 50% of the frontage of their lot and as such may impact on the streetscape.

Cone of Vision

The cone of vision variation is considered to be relatively minor in this instance and occurs mostly as a result of the irregularly shaped boundary. The outdoor living area of the adjoining dwelling is to the rear of that dwelling, beyond the area encroached on by the cone of vision. The variation is considered to meet the Performance Criteria of Clause 3.8.1 of the RDC and it is recommended that it be supported.

Garage Doors

Clause 3.2.8 of the RDC allows garage doors to occupy 50% of the frontage at the building line or 60% where a balcony or upper floor extends the full width and the entry to the dwelling is clearly visible from the street. It is considered that Units 8, 9 & 10 meet the performance criteria of this clause as the upper floor and the dwelling actively address the streetscape and are well set back to reduce the impact of building bulk.

Residential Design Codes – Variations That May Impact On The Proposed Development

The internal variations that have been identified are unlikely to impact on any future occupier of the development. Those internal variations to the RDC, which are outlined above, have been assessed against the performance criteria of the RDC and are considered to have met the relevant performance criteria.

CONCLUSION

The Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, RDC and the Council's other relevant policies. Due to the siting and design of the proposed dwellings within the development, most of the variations requested are internal to the development, meet all the relevant performance criteria of the RDC and are considered not to have a major impact on the future occupiers of those dwellings. Variations that affect the external areas of the development also meet the relevant performance criteria.

The integrated nature of the development allows each dwelling to be designed with respect to the other and to maximise orientation, window location, size and access characteristics and open space so that the development will provide a high degree of amenity and be consistent with what is sought under the RDC.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the Strategic Plan with regard to diversity of housing choice.

Having regard to the:

- details of the application;
- justification submitted by the application for the variations to the Acceptable Development Standards of the Residential Design Codes;
- Performance Criteria of the RDC;
- submissions received; and
- provisions of the District Planning Scheme No 2,

It is recommended that Council approves the application with conditions.

ATTACHMENTS

Attachment 1 Location Plans
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority.

OFFICER'S RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 6.1.1 of District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clause(s) 3.2.1, 3.3.1, 3.3.2, 3.4.1, 3.6.2, 3.8.1 and 3.9.1 have been met and determines that Policy 3.2 has been addressed and that the:
 - (a) Retaining setback of nil in lieu of 1.5m to the eastern boundary of Unit 14;
 - (b) Cone of vision setback of 3.5m in lieu of 6m from the Unit 14 upper floor family room to the north-eastern boundary;
 - (c) Garage doors being 54.6% of the frontage in lieu of 50% for units 8, 9 & 10; and
 - (d) the following internal variations within the development site are acceptable in this instance:

Wall Setback Variations	Acceptable Development	Proposed
Unit 1 eastern wall (upper floor)	2m	1m
Unit 1 eastern wall (upper floor)	1.1m	0.5m
Unit 1 southern wall (upper floor)	1.8m	1.0m
Unit 2 eastern wall (upper floor)	3.3m	1.5m
Unit 2 western wall (upper floor)	1.5m	1.0m
Unit 3 eastern wall (ground floor)	1.5m	1.05m
Unit 3 western wall (ground floor)	1.5m	1.387m
Unit 3 eastern wall (upper floor)	1.5m	1.05m
Unit 3 western wall (upper floor)	1.2m	1.0m
Unit 3 southern wall (upper floor)	2.5m	1.385m

Unit 4 western wall (upper floor)	3.5m	1.5m
Unit 4 south-eastern wall (upper floor)	1.1m	1.0m
Unit 5 north-eastern wall (upper floor)	1.2m	1.0m
Unit 5 south-eastern wall (upper floor)	2.5m	1.658m
Unit 6 northern wall (ground floor)	1.5m	1.0m
Unit 6 eastern wall (ground floor)	1.5m	1.215m
Unit 7 northern wall (ground floor)	1.5m	1.0m
Unit 8 southern wall (ground floor)	1.5m	1.0m
Unit 8 northern wall (upper floor)	1.5m	1.0m
Unit 8 southern wall (upper floor)	2.5m	1.5m
Unit 8 southern wall (upper floor)	1.8m	1m
Unit 8 eastern wall (upper floor)	1.2m	1.0m
Unit 9 southern wall (ground floor)	1.5m	1.0m
Unit 9 eastern wall (ground floor)	1.5m	0.863m
Unit 9 northern wall (upper floor)	2.5m	1.5m
Unit 9 northern wall (upper floor)	1.8m	1.0m
Unit 9 southern wall (upper floor)	1.7m	1.0m
Unit 10 southern wall (ground floor)	1.5m	1.0m
Unit 10 northern wall (upper floor)	2.7m	1.0m
Unit 10 southern wall (upper floor)	2.8m	1.514m
Unit 10 southern wall (upper floor)	1.9m	1.014m
Unit 11 southern wall (upper floor)	1.2m	1.0m
Unit 11 eastern wall (upper floor)	1.2m	1.1m
Unit 12 eastern wall (ground floor)	1.5m	1.1m
Unit 12 eastern wall (upper floor)	2.8m	1.5m
Unit 12 eastern wall (upper floor)	1.9m	1.1m
Unit 12 western wall (upper floor)	1.6m	1.15m
Unit 13 eastern wall (ground floor)	1.5m	1.0m
Unit 13 southern wall (ground floor)	1.5m	0.9m
Unit 13 eastern wall (upper floor)	1.5m	1.2m
Unit 13 western wall (upper floor)	1.8m	1.0m
Unit 14 southern wall (upper floor)	2.8m	1.5m

Front Setback Variations	Acceptable Development	Proposed
Unit 2 – portico to common drive	1.5m	1.2m
Unit 2 – Building to common drive	2.5m	1.5m
Unit 3 – Building to common drive	2.5m	1.935m
Unit 4 – Building to common drive	2.5m	1.6m
Unit 5 – portico to common drive	1.5m	1.1m
Unit 5 – Building to common drive	2.5m	1.632m
Unit 7 – Portico to common drive	1.5m	0.35m
Unit 7 – Building to common drive	2.5m	0.671m

Boundary Wall Variations	Acceptable Development Length	Proposed
Unit 1	5.95m	7.6m
Unit 7	4.4m	7.665m
Unit 11	6.57m	7.986m

Boundary Wall Variations	Acceptable Development Height	Proposed
Unit 3	Max - 3.5m Average - 3.0m	Max - 5.05m Average - 3.775m
Unit 5	Average - 3.0m	Average - 3.2m
Unit 6	Max - 3.5m Average - 3.0m	Max - 5.45m Average - 3.92m
Unit 7	Max - 3.5m	Max - 3.93m
Unit 8	Max - 3.5m Average - 3.0m	Max - 5.7m Average - 4.325m
Unit 11 eastern wall	Average - 3.0m	Average - 3.2m
Unit 11 southern walls	Average - 3.0m	Average - 3.45m
Unit 12	Average - 3.0m	Average - 3.275m
Unit 13	3.0m	3.275m
Unit 14	Average - 3.0m	Average 3.325m

Boundary Wall Variations	Acceptable Development - No of Boundary Walls	Proposed
Unit 1	1	2
Unit 8	1	2
Unit 11	1	2

Boundary Wall Variations	Acceptable Development - Front Setback	Proposed
Unit 2 - to common driveway	2.5m	1.5m
Unit 3 - to common driveway	2.5m	1.935m
Unit 4 - to common driveway	2.5m	1.6m
Unit 5 - to common driveway	2.5m	1.962m
Unit 7 - to common driveway	2.5m	0.671m

Cone of Vision Variations	Acceptable Development	Proposed
Unit 1 - balcony to unit 2 boundary	7.5m	1.7m
Unit 2 - bedroom 2 to unit 3 boundary	4.5m	1.5m
Unit 2 - balcony to unit 1 boundary	7.5m	2.3m
Unit 3 - balcony to unit 2 boundary	7.5m	1.0m
Unit 4 - balcony to unit 3 boundary	7.5m	1.5m
Unit 4 - upper floor activity to unit 3 boundary	6.0m	1.5m

Unit 4 – bedroom 2 window to unit 5 boundary	4.5m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.7m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	2.3m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	3.1m
Unit 5 – balcony to unit 4 boundary	7.5m	1.58m
Unit 6 – rear balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 14 boundary	7.5m	6.2m
Unit 7 – bedroom 4 window to unit 9 boundary	4.5m	3.8m
Unit 8 – balcony to unit 9 boundary	7.5m	1.0m
Unit 9 – balcony to unit 8 boundary	7.5m	1.0m
Unit 9 – balcony to unit 10 boundary	7.5m	2.2m
Unit 9 – bedroom 2 window to unit 10 boundary	4.5m	1.5m
Unit 9 – bedroom 3 window to unit 12 boundary	4.5m	3.0m
Unit 9 – bedroom 3 window to unit 8 boundary	4.5m	2.4m
Unit 10 – bedroom 1 window to unit 9 boundary	4.5m	1.514m
Unit 10 – balcony to unit 9 boundary	7.5m	3.4m
Unit 10 – balcony to unit 11 boundary	7.5m	1.0m
Unit 10 – upper floor family room to unit 11 boundary	6.0m	1.0m
Unit 11 – bedroom 4 to unit 10 boundary	4.5m	2.4m
Unit 11 – balcony to unit 10 boundary	7.5m	1.0m
Unit 12 – balcony to unit 10 boundary	7.5m	1.15m
Unit 12 – balcony to unit 7 boundary	7.5m	4.264m
Unit 12 – balcony to unit 9 boundary	7.5m	1.5m
Unit 12 – bedroom 3 to unit 13 boundary	4.5m	1.5m
Unit 12 – bedroom 4 to unit 13 boundary	4.5m	1.5m
Unit 13 – balcony to unit 12 boundary	7.5m	1.0m
Unit 13 – balcony to unit 7 boundary	7.5m	2.35m
Unit 14 – kitchen to unit 6 boundary	6.0m	1.5m
Unit 14 – meals area to unit 6 boundary	6.0m	1.5m
Unit 14 – balcony to unit 6 boundary	7.5m	2.9m
Unit 14 – balcony to unit 7 boundary	7.5m	2.9m
Unit 14 – balcony to unit 13 boundary	7.5m	1.23m

Open Space Variations	Acceptable Development	Proposed
Unit 2	45%	40.57%
Unit 7	45%	38.42%
Unit 11	45%	44.61%

Overshadowing	Acceptable Development	Proposed
Unit 6 – overshadowing unit 5	35%	41.4%
Unit 9 – overshadowing unit 8	35%	37.7%
Unit 10 – overshadowing unit 9	35%	45.8%
Unit 11 – overshadowing unit 10	35%	39.9%

2 APPROVES the application for Planning Approval dated 4 May 2007 submitted by Design & Construct, the applicant on behalf of the owner, Moonvale Enterprises Pty Ltd for 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach, subject to the following conditions:

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
- (b) Visitor parking bays are to be a minimum of 2800mm in width;
- (c) Visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (d) The driveway/s and crossover/s to be designed and constructed to the satisfaction of the Manager Infrastructure Management before the occupation of the development;
- (e) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;
- (f) The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;
- (g) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;

- (h) All highlight windows shall have a sill height not less than 1.6 metres above the finished floor level;
- (i) Boundary walls and retaining walls shall be of a clean finish and made good to the Satisfaction of the Manager Approvals, Planning & Environmental Services;
- (j) All construction works to be contained within property boundaries;
- (k) A visual truncation is to be provided for the unit 11 vehicle access as marked in RED on the approved plans;
- (l) The Unit 5 garage shall have a minimum internal dimension of 5.4m as marked in RED on the approved plans.

MOVED Cr Hollywood, SECONDED Cr McLean that in accordance with Clause 47(4) of the City's Standing Orders Local Law 2005, the matter be REFERRED back for further consideration pending a traffic impact study as a result of this development in the locality.

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

Appendix 19 refers

To access this attachment on electronic document, click here: [attach19brf210807.pdf](#)

CJ180-08/07 PROPOSED RESIDENTIAL ZONING OF PORTION OF EDGEWATER PRIMARY SCHOOL - RESERVE 38322 (NO 76) TREETOP AVENUE, EDGEWATER - [71602] [02043]

WARD: North-Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is for Council to consider an amendment to the City's District Planning Scheme No 2 (DPS2), to zone a portion of the Edgewater Primary School for residential purposes, and to initiate public advertising.

EXECUTIVE SUMMARY

The Edgewater Primary School is located on Reserve 38322 (No 76) Treetop Avenue, Edgewater. The land is designated as a Local Reserve – Public Use (Primary School) under the City's District Planning Scheme No 2.

An application has been received on behalf of the school to zone a 4,454m² portion of the Reserve 38322 to 'Residential' R20 to enable future residential subdivision and development of the land. The applicant has advised that the land is surplus to the requirements of the Department of Education and Training. Should the proposed scheme amendment be considered satisfactory, it is required to be advertised for public comment, prior to further consideration by Council.

The proposed zoning is considered compatible with the surrounding land uses and density. If the amendment is supported, it will be necessary for the reserve status of the subject portion of land to be removed, with Council's support, once zoning of the land has been finalised. This process is separate to the scheme amendment process.

It is recommended that Council consents to initiating the proposed amendment for the purposes of public advertising.

BACKGROUND

Suburb/Location:	Reserve 38322 (No 76) Treetop Avenue, Edgewater
Applicant:	Whelans
Owner:	Department of Education and Training
Zoning:	DPS: Local Reserve – Public Use (Primary School)(R20)
	MRS: Urban
Site Area:	5 hectares
Structure Plan:	N/A

Reserve 38322 is located on the corner of Treetop Avenue and Regatta Drive, Edgewater and is set aside as a Local Reserve – Public Use (Primary School) (see Attachment 1). The Edgewater Primary School is located on the site. An R20 density applies to the land.

Residential properties are located north of the subject land. A portion of Reserve 37188, known as Quarry Park, is located adjacent along the western boundary. A child care centre is located along Regatta Drive on Lot 521 adjacent to the subject land.

DETAILS

An application has been received to amend DPS2 to zone a 4,454m² portion of Reserve 38322 to 'Residential', to facilitate the future residential subdivision and development of the subject land (see Attachment 2). The Department of Education and Training (DET) has advised that the land is surplus to their requirements. No change to the R20 density code is sought.

The applicant has provided the following justification for the proposed amendment (italicised):

- *Land is not being used for the school's purposes and has been identified as surplus land;*
- *The surplus land has and is a safety hazard for pupils in that the grounds are difficult to survey and is a potential blind spot for perpetrators in relation to principles of Crime Prevention through Environmental Design (CPTED);*

- *The surplus land has and is being used as a dumping ground;*
- *Fire hazard and on numerous occasions, fires have been lit in the dry scrub bush areas;*
- *Anti-social behaviour and loitering by youths;*
- *Area is off-limits for pupils by the school and is seen as a liability;*
- *Maintenance issues – fire breaks;*
- *The surplus land is an eyesore and detracts from the amenity of the school;*
- *The surplus land could provide some highly sought after elevated blocks with excellent uninterrupted views;*
- *The funds obtained through the sale of the land could provide some upgrading of facilities for the school.*

Indicative subdivision and development concept plans have been provided to inform Council how it is intended to develop the subject land.

Issues and options considered:

The issues associated with the proposed amendment include:

- The suitability of the proposed residential land use;
- The suitability of envisaged residential development to create appropriate built form that integrates with the adjoining and surrounding residential dwellings.
- The loss of land for primary school purposes.

The options available to Council in considering the proposal are:

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

Link to Strategic Plan:

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

Objective 3.3 – To continue to meet changing demographic needs.

Strategy 3.3.1 – Provide residential living choices.

Legislation – Statutory Provisions:

Part 5 of the Planning and Development Act 2005 enables local authorities to amend a town planning scheme and sets out the process to be followed (Attachment 3).

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. If the EPA decides that an environmental review is not required, the City can proceed to advertise 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 and Infrastructure. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable

Sustainability Implications:

The proposal is to consider utilising surplus and potentially underutilised land for residential purposes. The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings at a low density.

Consultation:

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

COMMENT

Suitability of proposed land use

The proposed 'Residential' zoning is compatible with the adjacent and surrounding residential and associated land uses, and no potential conflicts have been identified.

Appropriateness of future residential development

The indicative plan of subdivision is satisfactory for the purposes of providing an outline of future lot sizes and access to the land. Concern has been raised, however, about the existing and proposed levels of the land and adjoining Reserve 37188 in terms of retaining and safety, due to significant level differences between these land parcels. The location of the existing sewer main within proposed Lot 1 raises concern about the future development potential of the lot. The amendment proposal is not directly affected by the location of the sewer main and relocation would be one option to maximise development of the lot. Comments from the Water Corporation could be sought on this matter during the advertising of the amendment proposal.

The City will consider a detailed application for subdivision as a separate process to the proposed amendment in the event the land is appropriately zoned. Levels and servicing would appropriately be addressed at this stage of development of the land.

The indicative built form plan shows the anticipated layout of future grouped dwellings on the land in an acceptable manner.

Loss of land for school purposes

The proposal to zone the subject land is the result of the Department of Education and Training no longer requiring the land for school purposes. Zoning for residential purposes could therefore be considered.

The land is currently not used for any formal purpose. This land is vegetated and may cause surveillance and fire hazard concerns, as noted by the applicant. The native vegetation is relatively degraded such that it is not identified as being significant to preclude development of the land.

Conclusion

In view of the above, the proposed zoning of the subject portion of land could be considered. It is noted that the reserve status of the subject land will need to be removed if the subject land is rezoned. The owner of the land undertakes this procedure through a request to the Department for Planning and Infrastructure (DPI), which requires the support of Council.

ATTACHMENTS

Attachment 1	Location and aerial plan
Attachment 2	Indicative plans of subdivision and development
Attachment 3	Scheme Amendment process flowchart

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, **SECONDED** Cr Hollywood that Council, pursuant to Part 5 of the Planning and Development Act 2005, **CONSENTS** to initiation of Amendment No 39 to the City of Joondalup's District Planning Scheme No. 2 to zone a portion of Reserve 38322 (No 76) Treetop Avenue, Edgewater to 'Residential' R20, as shown on Attachment 2 to Report CJ180-08/07 for the purposes of public advertising for a period of 42 days.

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 20 refers

To access this attachment on electronic document, click here: [attach20210807.pdf](#)

Name/Position	Cr Albert Jacob
Item No/Subject	CJ181-08/07 – Christian City Church Joondalup - Proposed Shade Sail Addition: Lot 22 (2) Lincoln Lane, Joondalup [08127]
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Jacob was at school with the applicant's daughter.

CJ181-08/07 CHRISTIAN CITY CHURCH JOONDALUP - PROPOSED SHADE SAIL ADDITION: LOT 22 (2) LINCOLN LANE, JOONDALUP - [08127]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning & Community Development

PURPOSE

To request Council's determination of an application for planning approval for a proposed shade sail addition at the Christian City Church Joondalup at Lot 22 (2) Lincoln Lane, Joondalup.

EXECUTIVE SUMMARY

An application for planning approval has been received for a proposed shade sail addition to the Church on Lincoln Lane, Joondalup.

Council's determination of the application is required as the proposed structure has a secondary street setback variation that exceeds the maximum that can be approved under delegated authority by the City.

It is recommended that the application for the proposed shade sail structure be approved as it will contribute to the aesthetics of the Winton Road service industrial area and will not adversely affect the amenity of any adjoining or nearby landowners.

BACKGROUND

Suburb/Location:	Lot 22 (2) Lincoln Lane, Joondalup
Applicant:	Mr Rodney Waters
Owner:	Christian City Church Joondalup
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	1398m ²
Structure Plan:	Not Applicable

The development site is located on the corner of Winton Road and Lincoln Lane, Joondalup. The building was approved as a health club in 1992. Approval was granted in 2001 for a change of use to Place of Public Worship.

The building is currently being used for church services and associated activities.

The site and surrounding landholdings are zoned Service Industrial under the City's District Planning Scheme No 2 (DPS2).

DETAILS

Lot 22 adjoins three streets. The proposed shade sail has an area of 31.5m², a height of 3.8 metres and is proposed to include posts with a nil setback on the secondary street (eastern) boundary, facing onto Winton Road.

The proposed shade sail structure will be located over a proposed fenced playground area and will adjoin the existing church building, which is approximately 5.6m in height.

DPS2 stipulates the following setback standards to the site:

Standard	Required	Provided	Complies
Setback to street frontage (Lincoln Lane)	6m	6m	Yes
Setback to other street boundary (Winton Road)	3m	0m	No
Side and rear boundaries	As per BCA	0m	Yes

DPS2 further requires that the portion of a lot within 3 metres of its boundary with a road reserve shall only be used for access, landscaping or a trade display.

Applicant Justification:

The applicant has advised that:

As our land area is limited, this area is the only vacant land we have to do such activities. It is not possible for us at present to relocate our facilities to larger premises, however our church has many families and we really need to meet this growing concern.

It is our intention to further landscape this area with suitable native plantings and extend our reticulation system as can be seen on the revised site plan. Presently this area has some plantings and mulched topsoil but is pretty basic in appearance.

We feel that this development will enhance the Winton Road precinct. The brightly coloured playground and sails, limestone retaining and vegetation will beautify this area greatly and enhance its attractiveness for families visiting this area.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

A Place of Worship is a 'P' use in an area zoned Service Industrial. A 'P' use means:

A use class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval.

In this instance, the land use has already been established and the development application is for a small shade sail addition on the site.

Clause 3.10 sets out requirements for buildings in the Service Industrial Zone as follows:

3.10 THE SERVICE INDUSTRIAL ZONE

3.10.1 The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zone and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity;

The objectives of the Service Industrial Zone are to:

(a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;

(b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

3.10.2 Development in the Service Industrial Zone shall conform, among other things, with the general provisions set out below.

(a) building shall be set back a minimum of 6 metres from the street boundary. Setbacks to side and rear boundaries shall comply with the Building Code of Australia.

(b) where a lot has a boundary with more than one street, the Council shall designate one such boundary as the frontage and may approve buildings up to a minimum distance of 3 metres from the other street boundaries.

(c) *that portion of a lot within 3 metres of its boundary with a road reserve shall only be used for:*

- (i) an approved means of access;*
- (ii) landscaping;*
- (iii) an approved Trade Display*

and that portion of a lot between 3 metres of its boundary with a road reserve and the building line setback shall only be used for the parking, loading or unloading of vehicles, and for landscaping.

(d) *with the exception of lots around which authorised screen walls have been erected, landscaping to the satisfaction of Council shall be planted and maintained by the owners on all portions of the property not covered by approved buildings, storage areas, accessways or parking areas (notwithstanding that shade trees shall be planted and maintained by the owners in car parking areas to the Council's satisfaction). Owners shall plant and maintain landscaping to Council's satisfaction on adjacent street verges.*

(e) *screen walls 1.8 metres high to a specification approved by and to the satisfaction of the Council shall be provided to screen the rear areas of all lots where necessary to protect the amenity of any adjoining residential lots.*

(f) *Provisions relating to Building Construction:*

- (i) every building shall have a façade of brick, plate glass or other approved material to all street frontages;*
- (ii) where under the Building Code of Australia metal clad walls are permitted, they must have a factory applied painted finish to the satisfaction of the City Building Surveyor.*

Council has discretion under Clause 4.5 of the DPS2 to vary the development standards for buildings within the Service Industrial Zone as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

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

Council in exercising discretion to approve or refuse an application, is required to have regard to the provisions of clause 6.8.1, as follows:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Risk Management considerations:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was not advertised on the basis that the proposed shade sail addition is considered to be minor in nature and will not adversely affect any owners or occupiers in the general locality.

COMMENT

The development proposal is in conflict with the provisions of Clause 3.10.2(b) of DPS2, which requires a minimum setback of 3.0 metres from a secondary street.

The proposed shade sail addition abuts Winton Road. The height of the sails is approximately 3.8 metres, with the bulk of the shade sail construction proposed to be against the existing church. This will minimise the visual impact of the reduced setback against Winton Road. The current landscaping of the site is basic in appearance and it is considered that the addition of the shade sail and native plantings will enhance the Winton Road precinct.

While the shade sail addition will result in a portion of the lot between the building and the road reserve not being used for access, landscaping or trade display, it is considered that the addition of play equipment beneath the shade sail will contribute to the desire for landscaping at this area.

It is considered that the proposed development will not adversely impact on the amenity of any adjoining properties nor will it adversely affect the amenity of the area generally. It is therefore recommended that the application for planning approval be granted.

ATTACHMENTS

Attachment 1	Aerial Photo
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council:

- 1 EXERCISES its discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that:**
 - (a) the shade sail with secondary street setback (eastern boundary) of nil in lieu of 3 metres;**
 - (b) the portion of the lot within 3 metres of its boundary with the Winton Road road reserve being used for shade sail addition and not landscaping, access or trade display;**

are acceptable in this instance;
- 2 APPROVES the application for planning approval dated 15 June 2007 submitted by Rodney Waters, the applicant, on behalf of the owners, the Christian City Church Joondalup, for a proposed shade sail on Lot 22 (2) Lincoln Lane, Joondalup, subject to the following conditions:**
 - (a) the colours and material of the addition shall complement those of the existing church building to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
 - (b) all fencing surrounding the shade sail addition must be visually permeable;**
 - (c) a landscaping plan shall be submitted for approval by the Manager Approvals, Planning & Environmental Services.**

The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 21 refers

To access this attachment on electronic document, click here: [attach21210807.pdf](#)

**CJ182-08/07 REMOVAL OF RESERVE STATUS - RESERVE
41707, LOT 11542 HONEYBUSH DRIVE,
JOONDALUP [18559] [43596] [20587]**

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning & Community Development

PURPOSE

The purpose of this report is for Council to consider removal of the reserve status over Reserve 41707, Lot 11542 Honeybush Drive, Joondalup to facilitate amalgamation into the adjacent landholding, being Lot 11 (25) Honeybush Drive, Joondalup.

EXECUTIVE SUMMARY

A request has been received from Landcorp to combine Reserve 41707 Honeybush Drive with the adjacent land, Lot 11, to progress the construction of the area known as the Southern Business District.

Reserve 41707 is currently used for drainage (sump) purposes, and is Crown Land with a Management Order in favour of the City of Joondalup.

The reserve is located within the Joondalup City Centre Plan and Manual (Southern Business District) area, however is not identified for drainage purposes within this Structure Plan, and the existing sump will become redundant as a result of the development of the Southern Business District.

It is recommended that Council supports the removal of the reserve status to facilitate the amalgamation of the land into adjacent Lot 11.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	JBA Surveys
Owner:	Crown land – City of Joondalup Management Order
Zoning:	DPS: Centre
	MRS: Central City Area
Site Area:	1052m ²
Structure Plan:	Joondalup City Centre Plan and Manual (Southern Business District)

Reserve 41707 is located within the Joondalup City Centre Plan and Manual (Southern Business District) (Attachment 1). The Structure Plan covers 34 hectares bounded by Joondalup Drive to the east, Hodges Drive to the north west, the Mitchell Freeway to the west and south west and Eddystone Avenue to the south and divides the area into various precincts and land uses. The Western Australian Planning Commission (WAPC) adopted the structure plan on 23 February 2006.

The status of the land under its Certificate of Crown Land Title is a 'Reserve under Management Order.' The land is reserved for drainage purposes, with a management order to the City of Joondalup.

The WAPC approved a subdivision for five (5) superlots consistent with the structure plan precincts on 7 November 2006 (WAPC Ref: 131242). Reserve 41707 was not included within the subdivision application.

The City approved a development application (DA06/0806) for site works in accordance with the approved superlot subdivision of the land on 8 December 2006. Reserve 41707 was excluded from the development approval, given its Reserve and ownership status.

DETAILS

JBA Surveys, on behalf of Landcorp and the Joondalup Development Corporation, has requested the Department for Planning and Infrastructure relinquish Reserve 41707 for the purpose of amalgamating the reserve into adjacent Lot 11. Reserve 41707 is currently used as a drainage sump. The correspondence confirmed the drainage reserve was no longer required in its current position as a new drainage site was proposed.

The structure plan makes no reference to the existence of this drainage sump, nor whether this drainage sump is to continue being used for drainage purposes.

The Department for Planning and Infrastructure's State Land Services Division responded to JBA Surveys by letter requesting the following:

- Written consent of the City to relinquish Reserve 41707 for the purpose of including the land into Lot 11;
- 'In principle' support of the Western Australian Planning Commission to the amalgamation; and
- Written agreement of the Joondalup Development Corporation to purchase the land and meet associated costs.

The City's written consent is therefore required as Reserve 41707 is crown land vested with the City of Joondalup. The reserve is not a Council asset and its disposal will not generate an income for the City.

It is noted that, in the event that Reserve 41707 is amalgamated into Lot 11, a large tree on the current Reserve site will be required to be removed to enable recontouring of the ground levels to match the surrounding levels. A photo of the existing tree and earthworks around the Reserve is at Attachment 2.

Options considered:

The options available to Council are:

- support the removal of the reserve status and revocation of the management order from Reserve 41707, to allow for the amalgamation of the land into adjacent Lot 11.
- not to support the removal of the reserve status and revocation of the management order from Reserve 41707.

Link to Strategic Plan:

The removal of the reserve status from Reserve 41707 and subsequent amalgamation into adjacent Lot 11 is supported by the following objective and Strategy of the City's Strategic Plan 2003-2008:

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

Strategy 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Legislation – Statutory Provisions:

Sections 50 and 51 of the Land Administration Act 1997 make reference to revocation of management orders and cancellation of reserves. The responsibility of revocation of management orders and cancellation of reserves lies with the Minister for Lands. Section 50 (1) (a) of the Act requires the City's approval to the management order being revoked.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Public consultation is not required under the Land Administration Act 1997.

COMMENT

The request for support from the City of Joondalup is required by State Land Services as part of the applicant's application to revoke the management order and cancel the reserve status affecting Reserve 41707.

The applicant states that the existing drainage sump is no longer required in its current position. Its purpose was for collecting stormwater from Honeybush Drive. The Southern Business District area is now undergoing earthworks and the existing sump is no longer being used for its purpose. The City confirms that the existing drainage sump site on Reserve 41707 will become redundant upon development of the site, and has no objection to its relocation. A much larger sump area, consistent with the structure plan, is proposed at a nearby location and will ultimately be vested in the City of Joondalup.

On this basis, it is recommended that Council support the proposal for the purpose of amalgamating the subject site into adjacent Lot 11.

Should Council support the removal of the reserve status, the landowner is responsible for all the costs associated with State Land Services matters, subsequent amalgamation and removal of existing infrastructure from the drainage sump site.

ATTACHMENTS

Attachment 1 Location plan and aerial photograph

Attachment 2 Photo of tree on Reserve 41707

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 SUPPORTS the removal of the reserve status and revocation of the management order from Reserve 41707 for the purpose of amalgamating the land into adjacent Lot 11;**
- 2 NOTES that all costs associated with removal of the reserve status, revocation of the management order, subsequent amalgamation and removal of existing infrastructure from Reserve 41707, are to be borne by the landowner.**

Discussion ensued.

AMENDMENT MOVED Cr Jacob SECONDED Cr Magyar that an additional Point 3 be added to the Motion as follows:

“3 REQUESTS Landcorp:

- (a) as owners of adjoining Lot 11, to consider all possible development options to enable retention of the existing large tree located on Reserve 41707;***
- (b) to consider landscaping of the new alternative drainage reserve by planting indigenous vegetation and grass to facilitate public use, as appropriate; and***
- (c) to give serious consideration to maximising the retention of indigenous trees on the site during the development of the Southern Business District.”***

The Amendment was Put and

CARRIED (11/0)

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

The Original Motion, as amended, being:

That Council:

- 1 SUPPORTS the removal of the reserve status and revocation of the management order from Reserve 41707 for the purpose of amalgamating the land into adjacent Lot 11;**
- 2 NOTES that all costs associated with removal of the reserve status, revocation of the management order, subsequent amalgamation and removal of existing infrastructure from Reserve 41707, are to be borne by the landowner;**
- 3 REQUESTS Landcorp:**
 - (a) as owners of adjoining Lot 11, to consider all possible development options to enable retention of the existing large tree located on Reserve 41707;**

- (b) to consider landscaping of the new alternative drainage reserve by planting indigenous vegetation and grass to facilitate public use, as appropriate;
- (c) to give serious consideration to maximising the retention of indigenous trees on the site during the development of the Southern Business District.

Was Put and

CARRIED (11/0)

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

Appendix 22 refers

To access this attachment on electronic document, click here: [attach22brf210807.pdf](#)

CJ183-08/07 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 1 AUGUST 2007 [55511]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

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

EXECUTIVE SUMMARY

A meeting of the Seniors Interests Advisory Committee was held on 1 August 2007.

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

- Presentation – Living Longer Living Stronger Program
- “Seniors: The Art Of Ageing” Update
- Social Isolation And Ageing
- Presentation – “Well Elderly” Program

It is recommended that Council NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 1 August 2007 forming Attachment 1 to Report CJ183-08/07;

BACKGROUND

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

DETAILS

Issues and options considered:

The Motions carried at the Seniors Interests Advisory Committee meeting held on 1 August 2007 are shown below, together with officer's comments.

1 "Seniors: The Art of Ageing Update"

The following Motion was carried at the meeting on 1 August 2007:

"That the Seniors Interests Advisory Committee NOTES the update on the "Seniors: The Art of Ageing" event to be hosted 9 to 14 September 2007."

Officer's Comment

This event will offer a wide variety of informative and entertaining activities that celebrates the lives of and involvement of Seniors in the community.

2 Social Isolation and Ageing

The following Motion was carried at the meeting on 1 August 2007:

"That the Seniors Interests Advisory Committee:

NOTES the information provided in this report;

2 CONSIDERS the issue of social isolation within the context of the review of the current Seniors Plan and an ageing population."

Officer's Comment

Committee members were impressed with the services already offered by the City. Many of the strategies for reducing social isolation of Seniors can be incorporated into the Seniors Plan without needing additional resources.

Link to Strategic Plan:

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.
- 1.2 To meet the cultural needs and values of the community.
- 1.3 To continue to provide services that meet changing needs of a diverse and growing Community.
- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.3 To continue to meet changing demographic needs.
- 4.3 To ensure the City responds to and communicates with the community.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

The existing policies that are deemed to have the most impact on seniors are:

- Access and inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities)
- Rates (reduced rates for seniors)
- Fees and Charges (reduced fees for seniors for some services)
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

Regional Significance:

The Seniors Interests Advisory Committee is a locally focussed group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

Sustainability Implications:

Not Applicable.

Consultation:

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

COMMENT

Committee participation in the Seniors Plan 2004 – 2008 review and consultation process assists in ensuring that seniors are adequately represented in the planning processes and the strategic directions being developed for older people in the City.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interests Advisory Committee Meeting held on 1 August 2007

VOTING REQUIREMENTS

Simple Majority.

MOVED Mayor Pickard, **SECONDED** Cr Hollywood that Council **NOTES** the unconfirmed Minutes of the Seniors Interests Advisory Committee held on 1 August 2007 forming Attachment 1 to Report CJ183-08/07.

The Motion was Put and **CARRIED (11/0)** by En Bloc Resolution following consideration of Item CJ184-08/07, Page 206 refers.

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

Appendix 6 refers

To access this attachment on electronic document, click here: [attach23brf210807.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ184-08/07 – Joondalup Jinan Sister Cities – confirmation of Mayoral Delegation to attend Jinan International Tourism Fair September 2007 – [52469]
Nature of interest	Financial
Extent of Interest	As Mayor of the City of Joondalup, Mayor Pickard will lead the delegation to Jinan.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	CJ184-08/07 – Joondalup Jinan Sister Cities – confirmation of Mayoral Delegation to attend Jinan International Tourism Fair September 2007 – [52469]
Nature of interest	Financial
Extent of Interest	Mr Hunt is part of the delegation to Jinan.

Mayor Pickard and Chief Executive Officer left the Chamber at 2227 hrs.

Cr Hart, Deputy Mayor assumed the Chair at this point.

CJ184-08/07 JOONDALUP JINAN SISTER CITIES – CONFIRMATION OF MAYORAL DELEGATION TO ATTEND JINAN INTERNATIONAL TOURISM FAIR SEPTEMBER 2007 – [52469]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

To confirm Council's endorsement for a Mayoral lead delegation to attend the Jinan International Tourism Fair 2007 and to hold official civic meetings with the new Mayor of Jinan.

BACKGROUND

Council at its meeting in July 2007 (CJ120-07/07) resolved to

- *ACCEPT the invitation to attend the Jinan International Tourism Fair;*
- *APPROVE the travel period to be from 4 September 2007 to 14 September 2007;*
- *ENDORSE a formal delegation comprising of the Mayor and the Chief Executive Officer to represent the City and to lead the delegation;*
- *APPROVE that the City pay the associated costs for airfares, accommodation and incidental expenses for the Mayor and the Chief Executive Officer of Joondalup as outlined in Report CJ120-07/07;*
- *ENDORSE the following stakeholders (or their representatives) to be part of the official delegation:*

<i>Mr Kerry Cox</i>	<i>Vice Chancellor Edith Cowan University</i>
<i>Mr Karl O'Callaghan</i>	<i>Commissioner of Police</i>
<i>Mrs Sue Slavin</i>	<i>Managing Director West Coast TAFE</i>
<i>Mr James Chan</i>	<i>Managing Director Joondalup Resort</i>
<i>Mr Russell Crook</i>	<i>President Joondalup Business Association</i>
<i>Mr Kempton Cowan</i>	<i>Managing Director Joondalup Hospital</i>
<i>Mr Andrew Slomp</i>	<i>President Sunset Coast Tourism Association</i>
<i>Mr Paul Leech</i>	<i>Principal Woodvale High School</i>

- *NOTE that all costs associated with stakeholder attendance are to be borne by the stakeholders;*
- *NOTE that any other Elected Members wishing to participate in the delegation may do so at their own expense and the Council must formally agree to this.*

This report serves to confirm with Council the arrangements for the forthcoming delegation including the final composition of the delegation, the proposed itinerary and to outline the objectives being sought from the visit.

DETAILS

The City has made formal invitations to the stakeholders in accordance with Council's resolution. Four stakeholders have accepted the offer and the final delegation that will travel to Jinan in September 2007 will comprise:

Mayor Troy Pickard	Mayor of Joondalup
Mrs Felicity Pickard	Partner of Mayor of Joondalup
Mr Garry Hunt	Chief Executive Officer City of Joondalup
Mrs Jill Hunt	Partner of Chief Executive Officer
Mr Robert Harvey	Executive Dean Edith Cowan University
Mrs Sue Slavin	Managing Director West Coast TAFE
Mr Patrick O'Brien	Director Hospitality and Tourism West Coast TAFE
Mr Russell Crook	President Joondalup Business Association

The itinerary whilst still being prepared in conjunction with the Jinan Foreign Affairs Office will include:

- A meeting with the Australian Embassy on 5 September 2007 to discuss internal affairs within China, trade opportunities as seen by Austrade and educational opportunities as seen by the Australian Consul (Education, Science and Training).
- The delegation will attend the Jinan Tourism Fair on 7 September 2007 and will promote Joondalup at a display booth being provided at the Fair. The delegation will be handing out brochures, flyers, DVDs and promotional materials to encourage tourism from Jinan to Joondalup.
- The delegation will undertake specific site visits to key business institutions, educational institutions and hi-tech institutions located in Jinan from 8-10 September 2007.
- The delegation will travel to Beijing on 11 September 2007 and return to Joondalup by the 14 September 2007.

The delegates will conduct a series of meeting with relevant officials of the Jinan Government to assist in the stimulation of more economic and cultural exchange programs. A number of key focus areas have been identified for discussion including:

- Mayoral discussions will centre on civic and culture exchange and the Mayor will lead these discussions to develop initiatives for the two Cities to cooperatively pursue. These will include the development of reciprocal symbolic gardens being established in both Cities to reflect the biodiversity of the two Cities and the potential for cultural performances and events to occur between the two cities (such as a visit from the Jinan Acrobatics Troupe and reciprocated by an arts exchange of local Joondalup artworks being displayed at an exhibition in Jinan). The Mayor will also pursue future visitations by the Mayor of Jinan to visit Joondalup during the Joondalup festival week.
- The CEO will lead discussion on training programs for senior public servants from the Jinan government in partnership with West Coast TAFE and Edith Cowan University. The CEO will lead a discussion about the potential for a sister city exchange desk to be created in each city with a view to promote staff and stakeholder exchange programs.

- The City's educational stakeholders will hold meetings with their counterpart organisations in Jinan to stimulate discussion about increasing the potential for more educational training programs to be delivered to Jinan students wishing to study in Joondalup.
- Edith Cowan University will have an opportunity to discuss the commercialisation of research opportunities being conceived and developed in Joondalup and could potentially be commercialised in partnerships with Jinan.
- The Joondalup Business Association will hold discussions on the potential for increasing business outputs between the two Cities.

Link to Strategic Plan:

This item links to the City's Strategic Plan 2003-08 under Key Focus Area One - Community Well-being and Key Focus Area Three - City Development.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

A budget has been allocated for sister city matters of \$15,000. The costs associated with this initiative are estimated as follows. It should be noted that the delegates will travel economy class.

Cost Centre	Cost Type	Details	Est. Amount
1-2220-4901-0001-F681	Airfares	Economy class x 2	\$4,000
1-2220-3630-0001-F681	Accommodation	9 nights at \$160 x 2	\$2,880
1-2220-4902-0001-F681	Incidentals	\$160 per 10 days x 2	\$3,600
1-2220-4902-001-F681	Translation services	Interpreter services	\$900
1-220-4102-001-F681	Promotional materials	Provide materials for the booth and gifts	\$3000
		Total	\$14,380

Policy Implications:

Travel is proposed in accordance with Policy 8-2 - Elected Members - Allowances

The City does not have any policy to guide Sister City Relationships but it does have a Relationship Plan.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Sister City Relationship with Jinan, China has been constructed with the intent of achieving positive social, environmental, economic and relationship management outcomes.

Consultation:

Not Applicable.

COMMENT

Not Applicable.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority.

MOVED Cr McLean, SECONDED Cr Fishwick that Council:

- 1 CONFIRMS its position to send an official Mayoral delegation to Jinan from 4 – 14 September 2007 to attend the Jinan International Tourism Fair;**
- 2 ENDORSES the following members to form the official delegation to be led by the Mayor of Joondalup;**

Mayor Troy Pickard	Mayor of Joondalup
Mrs Felicity Pickard	Partner of the Mayor of Joondalup
Mr Garry Hunt	Chief Executive Officer of the City of Joondalup
Mrs Jill Hunt	Partner to the Chief Executive Officer
Mr Russell Crook	President Joondalup Business Association
Mrs Sue Slavin	Managing Director of West Coast TAFE
Mr Patrick O'Brien	Director Hospitality and Tourism West Coast TAFE
Mr Robert Harvey	Executive Dean, Business and Law, Edith Cowan University
- 3 NOTES that the City of Joondalup will only incur costs associated with the Mayor and Chief Executive Officer of Joondalup and the provision of translation services for the delegation;**
- 4 NOTES that all costs associated with stakeholder attendance are to be borne by the stakeholders;**
- 5 NOTES that all costs associated with partners' attendance are to be borne by the partners.**

The Motion was Put and

CARRIED (10/0)

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

Mayor Pickard and Chief Executive Officer entered the Chamber at 2229 hrs.

Mayor Pickard resumed the Chair.

C52-08/07 COUNCIL DECISION – EN BLOC RESOLUTION

MOVED Mayor Pickard, **SECONDED** Cr Hollywood that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations en bloc, Council **ADOPTS** Items CJ158-08/07, CJ159-08/07, CJ160-08/07, CJ161-08/07, CJ165-08/07, CJ166-08/07, CJ171-08/07, CJ172-08/07, CJ174-08/07, CJ175-08/07, CJ180-08/07, CJ181-08/07 and CJ183-08/07.

The Motion was Put and

CARRIED (11/0)

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

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C53-08/07 NOTICE OF MOTION NO 1 - CR RICHARD CURRIE – MASTER PLANNING PROJECT FOR PERCY DOYLE RESERVE - [02056]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Currie gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 28 August 2007:

“That:

- 1 Council REQUESTS a report from the CEO on a Master Planning Project for Percy Doyle Reserve focusing on the future sustainability of the City’s assets and the effective and efficient delivery of services to local sport, recreation clubs and community groups;***
- 2 the report referred to at one (1) above, will include the process and timing involved in the project, details of potential issues for consideration and a summary of the sporting clubs and community groups that utilise the existing facilities.”***

OFFICER’S COMMENT

A report can be prepared.

MOVED Cr Currie, **SECONDED** Cr Fishwick that:

- 1 Council REQUESTS a report from the CEO on a Master Planning Project for Percy Doyle Reserve focusing on the future sustainability of the City’s assets and the effective and efficient delivery of services to local sport, recreation clubs and community groups;**

- 2 the report referred to at one (1) above, will include the process and timing involved in the project, details of potential issues for consideration and a summary of the sporting clubs and community groups that utilise the existing facilities.

The Motion was Put and

CARRIED (11/0)

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

C54-08/07

NOTICE OF MOTION NO 2 – CR KERRY HOLLYWOOD – MASTER PLANNING PROJECT FOR BURNS BEACH - [05354 07086]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Hollywood gave notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 28 August 2007:

“That:

- 1 ***Council REQUESTS a report from the CEO on the master planning project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, café facility, parking, groyne refurbishment, enhancement of the Burns Beach foreshore park and a snorkelling trail;***
- 2 ***the report referred to at 1 above will include the process and timing involved in the project details of potential issues for consideration and a summary of the stakeholders and community groups relevant to the Burns Beach foreshore catchment area.”***

OFFICER’S COMMENT

A report can be prepared.

MOVED Cr Hollywood, SECONDED Cr McLean that:

- 1 **Council REQUESTS a report from the Chief Executive Officer on the master planning project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, café facility, parking, groyne refurbishment, enhancement of the Burns Beach foreshore park and a snorkelling trail;**
- 2 **the report referred to at 1 above will include the process and timing involved in the project details of potential issues for consideration and a summary of the stakeholders and community groups relevant to the Burns Beach foreshore catchment area.**

AMENDMENT MOVED Mayor Pickard, SECONDED Cr Magyar that Point 1 of the Motion be amended as follows:

“...enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail.”

The Amendment was Put and

CARRIED (11/0)

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

The Original Motion, as amended, being:

That:

- 1 Council REQUESTS a report from the Chief Executive Officer on the master planning project for Burns Beach focussing on the future enhancement of the provision of facilities within the foreshore catchment area including, but not limited to, the establishment of a surf club, redevelopment of Jack Kikeros Hall, provision of a restaurant, café facility, parking, groyne refurbishment, enhancement of Burns Beach foreshore park, a safe swimming beach and a snorkelling trail;**
- 2 the report referred to at 1 above will include the process and timing involved in the project details of potential issues for consideration and a summary of the stakeholders and community groups relevant to the Burns Beach foreshore catchment area.**

Was Put and

CARRIED (11/0)

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

C55-08/07

NOTICE OF MOTION NO 3 – CR STEVE MAGYAR - REQUEST FOR A REPORT ON THE CITY OF JOONDALUP ADOPTING A FLEET SAFETY POLICY AND IMPLEMENTING THE USE OF THE ROADWISE PROGRAM’S FLEET SAFETY RESOURCE KIT - [13823 08178]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Steve Magyar gave notice of his intention to move the following motion at the Council Meeting to be held on 28 August 2007:

“That Council REQUESTS a report from the Chief Executive Officer on the City of Joondalup adopting a fleet safety policy and implementing the use of the RoadWise program’s fleet safety resource kit.”

REASON FOR MOTION

Cr Magyar provided the following comments in support of his Notice of Motion:

“The Journal of Local Government in Western Australia, “Western Councillor”, Issue 10, July 2007, on page 11, published an article titled “Smart Buy Council’s Role in Road Safety”.

The article referred to the safety assessment of new cars under the Australian New Car Assessment Program (ANCAP) and the RoadWise Program's Fleet Safety Resource Kit, available at www.roadwise.asn.au/resources.

The purpose of this motion is improve road safety of Council employees as well as lowering costs for Council through insurance and lost time."

OFFICER'S COMMENT

A report can be prepared

MOVED Cr Magyar, SECONDED Cr Amphlett that Council REQUESTS a report from the Chief Executive Officer on the City of Joondalup adopting a fleet safety policy and implementing the use of the RoadWise program's fleet safety resource kit.

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

C56-08/07

NOTICE OF MOTION NO 4 – CR STEVE MAGYAR - REQUEST FOR A REPORT ON THE “SOUTH AUSTRALIAN STRATEGIC ACTION PLANNING GUIDE FOR SUSTAINABLE PUBLIC LIGHTING” REPORT - [12542, 06009]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Steve Magyar gave notice of his intention to move the following motion at the Council Meeting to be held on 28 August 2007:

“That Council requests a report, from the Chief Executive Officer on the “South Australian Strategic Action Planning Guide for Sustainable Public Lighting” report prepared by ICLEI-Local Governments for Sustainability-Australia/New Zealand, released in October 2006. The report to Council is to evaluate the suitability of the South Australian report as a guide for action by the City of Joondalup and possibly the Local Government Industry in Western Australia through WALGA.”

REASON FOR MOTION

Cr Magyar provided the following comments in support of his Notice of Motion:

“The Guide provides a strategic approach to assist local governments to provide sustainable public lighting.

The Guide provides information, advice, templates, tools and case studies that Councils can use to develop and implement Sustainable Public Lighting Action Plans (SPLAPs) – a working document developed and used by Council to identify and priorities actions that will increase the sustainability of its public lighting services.

The Guide is designed for the use of Council staff and Elected Members working to address public lighting.

The Guide can be found at:

www.lga.sa.gov.au/site.page.cfm?u=570&c=9391

OFFICER'S COMMENT

A report can be prepared which evaluates the South Australian Report.

MOVED Cr Magyar, SECONDED Cr Hart that Council REQUESTS a report, from the Chief Executive Officer on the "South Australian Strategic Action Planning Guide for Sustainable Public Lighting" report prepared by ICLEI-Local Governments for Sustainability-Australia/New Zealand, released in October 2006. The report to Council is to evaluate the suitability of the South Australian report as a guide for action by the City of Joondalup and possibly the Local Government Industry in Western Australia through WALGA.

AMENDMENT MOVED Cr John, SECONDED Cr Fishwick that Council refers the "South Australian Strategic Action Planning Guide for Sustainable Public Lighting" report to the Sustainability Advisory Committee for consideration and a report subsequently be presented to Council.

The Amendment was Put and

CARRIED (10/1)

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

The Original Motion as amended, being:

That Council REFERS the "South Australian Strategic Action Planning Guide for Sustainable Public Lighting" report to the Sustainability Advisory Committee for consideration and a report subsequently be presented to Council.

was Put and

CARRIED (10/1)

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

C57-08/07

NOTICE OF MOTION NO 5 – CR STEVE MAGYAR - REQUEST FOR A REPORT ON THE REPORT OF THE AUSTRALIAN GREENHOUSE OFFICE, IN THE DEPARTMENT OF THE ENVIRONMENT AND HERITAGE, TITLED "CLIMATE CHANGE IMPACTS AND RISK MANAGEMENT, A GUIDE FOR BUSINESS AND GOVERNMENT" - [59091]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Steve Magyar gave notice of his intention to move the following motion at the Council Meeting to be held on 28 August 2007:

"That Council requests a report, from the Chief Executive Officer on the report of the Australian Greenhouse Office, in the Department of the Environment and Heritage, titled "Climate Change Impacts and Risk Management, A Guide for Business and Government" dated 2006, for the purpose of ensuring that this organisation is aware of the risks from climate change impacts and that suitable management responses are put in place."

REASON FOR MOTION

Cr Magyar provided the following comments in support of his Notice of Motion:

“Organisations need to understand the nature of the risks associated with climate change impacts and to know that these are identified and incorporated into processes for management and strategic planning.

The Guide is consistent with the Australian and New Zealand standard for Risk Management, AS/NZS 4360:2004, which is widely used in the public and private sectors to guide strategic, operational and other forms of risk management. The Guide could be a useful resource for the City of Joondalup in its long term planning.”

OFFICER'S COMMENT

A report can be prepared.

MOVED Cr Magyar, **SECONDED** Cr Jacob that Council **REQUESTS** a report, from the Chief Executive Officer on the report of the Australian Greenhouse Office, in the Department of the Environment and Heritage, titled “Climate Change Impacts and Risk Management, A Guide for Business and Government” dated 2006, for the purpose of ensuring that this organisation is aware of the risks from climate change impacts and that suitable management responses are put in place.

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

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

C58-08/07

**NOTICE OF MOTION NO 6 – MAYOR TROY PICKARD –
INCLUSION OF ELECTED MEMBER ATTENDANCE AT MEETINGS
IN ANNUAL REPORT - [55603]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following motion at the Council Meeting to be held on 28 August 2007:

“That the City’s 2006/2007 annual report provide details of Elected Member attendance at meetings during the financial year. The meetings to be reported on should be Council meetings, briefing sessions, strategy sessions, all Council committees (including committees comprising solely of Elected Members and committees which include Elected Members and community members) and Regional Council meetings. The report should also indicate where the Elected Member obtained formal leave of absence before missing the meeting or session.”

REASONS FOR MOTION

Mayor Pickard provided the following comments in support of his Notice of Motion:

“The provision of this information within the Annual Report will provide transparency and accountability to the Joondalup Community. Given the imminent publication of the Annual Report, there is insufficient time to call for a report on this concept. However, given that the objective of this initiative is to be transparent with the local community, it is seen to reflect the values, ethos and current practice of the Council of the day.”

OFFICER’S COMMENT

These details can be included in the Annual Report.

There is no statutory obligation for Elected Members to attend Briefing Sessions or Strategy Sessions.

MOVED Mayor Pickard, SECONDED Cr McLean that the City’s 2006/2007 annual report provide details of Elected Member attendance at meetings during the financial year. The meetings to be reported on should be Council meetings, briefing sessions, strategy sessions, all Council committees (including committees comprising solely of Elected Members and committees which include Elected Members and community members) and Regional Council meetings. The report should also indicate where the Elected Member obtained formal leave of absence before missing the meeting or session.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Macdonald that the following words be added to the end of the Motion as follows:

“.....and should include any reasons given by the missing Elected Member provided within seven (7) working days after the missed meeting.”

**The Amendment as MOVED Cr Magyar, SECONDED Cr Macdonald was Put and
LOST (4/7)**

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

AMENDMENT MOVED Cr John, SECONDED Cr Hart that the following words be added after the words “.....attendance at meetings.....” as follows:

“.....and Councillor fees, expenses and allowances incurred under Section 5.98 and 5.99 of the Local Government Act 1995, and Council Policy 8-2.....”

**The Amendment was Put and
LOST (5/6)**

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

**The Motion as MOVED Mayor Pickard, SECONDED Cr McLean was Put and
CARRIED (9/2)**

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

C59-08/07**NOTICE OF MOTION NO 7 – MAYOR TROY PICKARD – CALL FOR REPORT ON CHARITY DONATIONS - [11605]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following motion at the Council Meeting to be held on 28 August 2007:

“That a REPORT be prepared investigating the introduction of a charitable donation scheme for ratepayers that:

- 1 Operates in conjunction with the annual rate notices whereby the notice contains an option for ratepayers to elect to pay an additional sum as a donation to a specified charity at the same time as they pay their rates;***
- 2 Provides for the voluntary donation amount to one charity selected from a group of suitable charities selected by the City.”***

REASONS FOR MOTION

Mayor Pickard provided the following comments in support of his Notice of Motion:

“The suggested concept would provide an opportunity for appropriate charities to be afforded the opportunity to receive a voluntary donation from residents of the City of Joondalup captured whilst making their annual rates payment. It is suggested that charities be afforded the opportunity to register their interest in being part of this initiative, demonstrating how the donated funds will be spend within the City of Joondalup. Upon selection by Council those charities will be displayed on the annual rates notice and residents provided an opportunity to make a voluntary donation to the charity of their choice. This initiative not only provides financial support for charitable organisations who have activities within the City of Joondalup, but is also actively promotes the City as being socially responsible.”

OFFICER’S COMMENT

The issues associated with this proposal will be addressed in the report.

MOVED Mayor Pickard, SECONDED Cr Jacob that a REPORT be prepared investigating the introduction of a charitable donation scheme for ratepayers that:

- 1 Operates in conjunction with the annual rate notices whereby the notice contains an option for ratepayers to elect to pay an additional sum as a donation to a specified charity at the same time as they pay their rates;**
- 2 Provides for the voluntary donation amount to one charity.**

Discussion ensued.

The Motion was Put and

LOST (4/7)

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

C60-08/07**NOTICE OF MOTION NO 8 – MAYOR TROY PICKARD – CALL FOR REPORT ON VERGE COLLECTION OPTIONS - [01427]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following motion at the Council Meeting to be held on 28 August 2007:

“That a REPORT be prepared investigating an alternate verge collection method whereby the current practice of bulk collections be replaced with a system where each household has the ability to book two individual verge collections to be removed by the City upon request in a given twelve month period.”

REASONS FOR MOTION

Mayor Pickard provided the following comments in support of his Notice of Motion:

“The current practice of bulk verge collections results in the mass visual pollution of suburbs within the City for an extended period of time every nine months. The suggested collection system would allow complete flexibility for residents on when they wish to arrange for their verge collection and it also ensures that the streetscapes of the City’s suburbs are not visually littered for extended periods of time every nine months.”

OFFICER’S COMMENT

A report can be prepared.

MOVED Mayor Pickard, SECONDED Cr Amphlett that a REPORT be prepared investigating an alternate verge collection method whereby the current practice of bulk collections be replaced with a system where each household has the ability to book two individual verge collections to be removed by the City upon request in a given twelve month period.

AMENDMENT MOVED Cr Jacob, SECONDED Cr Currie that an additional Point 2 be added to the Motion as follows:

“2 That Council also investigates a collection method whereby residents are no longer provided with a verge pickup but instead given the option to book up to two (2) skip bins within a 12 month period at their convenience.”

Discussion ensued.

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

Cr Currie left the Chamber at 2317 hrs and returned at 2318 hrs.

The Amendment was Put and

CARRIED (10/1)

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

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

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

was Put and**CARRIED (9/2)**

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

C61-08/07**NOTICE OF MOTION NO 9 – CR MARIE MACDONALD – CALL FOR REPORT ON IMPLEMENTATION OF LOCAL LAWS WITH RESPECT TO DOGS - [11882 04132 00819]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Marie Macdonald gave notice of her intention to move the following Motion at the Council meeting to be held on Tuesday, 28 August 2007:

“That Council REQUESTS a report from the Chief Executive Officer on:

- the number of contacts from ratepayers regarding dog owners breaking Animals Local Law 10(1) in the last two years;***
- the number of infringements issued relating to that Animals Local Law in the last two years;***
- an increase in the fine with respect to the Animals Local Law;***
- more obvious signage informing dog owners of the Animals Local Law”***

REASONS FOR MOTION

Cr Macdonald provided the following comments in support of her Notice of Motion:

“Dog owners are exercising their dogs on the City’s beaches and in foreshore reserves contrary to Local Law. Ratepayers have a perception that the City does not implement its Local Laws with respect to dogs. I have on my last three visits to Mullaloo Beach seen a dog there. The City allows dogs on the dual use path, which takes them through the reserves where dogs are not allowed to be exercised. Some dog owners who are not satisfied with this concession then take their dogs into the reserve itself. Ratepayers believe that the City does nothing about this. A report will identify the extent of the problem with respect to recalcitrant dog owners and any action necessary to enable implementation of the Local Law.”

OFFICER'S COMMENT

A report can be prepared.

MOVED Cr Macdonald, SECONDED Cr Magyar that Council REQUESTS a report from the Chief Executive Officer on:

- the number of contacts from ratepayers regarding dog owners breaking Animals Local Law 10(1) in the last two years;
- the number of infringements issued relating to that Animals Local Law in the last two years;
- an increase in the fine with respect to the Animals Local Law;
- more obvious signage informing dog owners of the Animals Local Law"

Discussion ensued.

The Motion was Put and

LOST (5/6)

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

Chief Executive Officer advised a report would be prepared on the Animal Local Law and the City's policing of it and presented to Council.

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

Nil.

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2329 hrs; the following Elected members being present at that time:

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