

City of
Joondalup

NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of Council of the City of Joondalup will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 21 December 1999 at 7.00 pm.

LINDSAY DELAHAUNTY
Chief Executive Officer
17 December 1999

PUBLIC QUESTION TIME

Council allows a 15 minute public question time at each Council meeting which is open to the public.

To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.

The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.

The following general rules apply to question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

DEPUTATION

Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only.

A time period of 15 minutes is set aside for each deputation. Deputations shall not exceed five (5) persons in number and only three (3) of those persons shall be at liberty to address the Elected Members and to respond to questions Elected Members may have. Deputation sessions are, however, open to the public and other persons may attend as observers.

MOBILE TELEPHONES

PERSONS ATTENDING MEETINGS are reminded that the use of Mobile Telephones during meetings is not permitted.

PLEASE ENSURE that mobiles are switched off before entering the Council Chamber.

** Any queries on the agenda, please contact Council Support Services on 9400 4369.*

CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 21 DECEMBER 1999** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY
Chief Executive Officer
17 December 1999

Joondalup
WesternAustralia

AGENDA

APOLOGIES AND LEAVE OF ABSENCE

LEAVE OF ABSENCE – CR L EWEN-CHAPPELL

Cr Ewen-Chappell has requested Leave of Absence from Council duties for the period 5 January 2000 to 20 February 2000 inclusive.

RECOMMENDATION

That Council APPROVES the Leave of Absence requested by Cr L Ewen-Chappell for the period 5 January 2000 to 20 February 2000 inclusive.

PUBLIC QUESTION TIME

The following question submitted by Mr V Harman of Ocean Reef, was taken on Notice at the Meeting of Joint Commissioners held on 7 December 1999:

- Q1 As a follow-up on a question I asked at the last meeting regarding the decibel control unit at the Community Hall, could I have the figures of what was the original decibel level, and what is the new level?*
- A1 The sound pressure levels were originally set at 87 d(B) linear however after the ventilation system was acoustically treated this enabled the levels to be increased to 92d(B). This increase would equate to approximately a 165% increase in sound pressure levels.

The following questions submitted by Mr M Sideris of Mullaloo, were taken on Notice at the Meeting of Joint Commissioners held on 7 December 1999:

- Q1 Can you advise why, in any of the publications or literature, the public has not been made aware as to the actual responses contained within the survey reports, in particular the fact that the two highest prompted responses to the questions should not be involved, which were for provision of security services by the Council and the imposition of any additional charges for these services.*
- A1 The report is freely available upon request for anyone to look at. It is felt that the information provided to date has been kept succinct and pertinent to the questions asked. At no stage has it been the intention of officers to provide information that may be construed as being misleading.*
- Q2 Are we the ratepayers meant to accept a report and subsequent Council publications and presentations arguing for the initiation of a security levy, when the structure, the question and the format of the report are so heavily biased to present and promote initiatives that may or may not be required, or there is no measured argument to substantiate implementation.*
- A2 The survey was conducted, and the report produced, by a professional and completely independent market research company. It is considered that the report is a legitimate document, based on sound methodology. The results are considered of value to the organisation. However, it is important to point out again that this report only confirms other advice received indicating the community wish to implement security patrols.*

The following question submitted by Mr A Bryant of Craigie, was taken on Notice at the Annual General Meeting of Electors held on 7 December 1999:

- Q1 During the term the Commissioners have been in office, could you please tell me the total of emoluments paid to them, such as salary/wages, travelling expenses and/or allowances, entertainment, etc. I would like to know the total cost the ratepayers have had to provide from their annual rates?*

- A1 Commissioners total costs to date amount to \$863,857, of which salaries amounted to \$810,825.*

The costs incurred were shared between Joondalup and Wanneroo. Between November 1997 and 30 June 1999, Joondalup met 69% of these costs and Wanneroo 31%. Between 1 July 1999 and December 1999, these costs were shared equally.

The following question submitted by Mr F Nelson of Connolly, was taken on Notice at the Annual General Meeting of Electors held on 7 December 1999:

- Q1 In relation to dog prohibited areas, in October 1998 I raised an item regarding Central Park, Joondalup and pointed out that signs placed in that park have prohibited dogs, from the time that park was opened. I received a letter dated 22 October 1998 which intimated the matter would be taken in hand and rectified but to date no action has been taken. I have obtained a pamphlet relating to dog prohibited areas but there is no mention of Central Park, Joondalup. Why has this item been overlooked?*

- A1 Central Park is currently not included within the designated dog free areas of Public Open Space. The initial criteria for designation as “dog free” required parks to have a major family picnic function/use. Central Park did not meet the required criteria initially, but has now developed to a level where dog free status could be applied.

It is proposed that a review of the current list be undertaken early in 2000 as various other parks also require assessment, e.g. Iluka Lakes Park.

The following questions have been submitted by Mrs M Zakrevsky of Mullaloo:

- Q1 *How many Rangers will be out on surveillance duty in vehicles on 31 December 1999 and 1 January 2000 between the hours of 10.00 pm and 4.00 am and which suburbs (ie excluding business and industrial areas such as Joondalup and Whitfords)?*

(a) *number of personnel and number of vehicles (security rangers)?*

(b) *names of suburbs?*

- A1(a & b) A total of 6 Rangers have been rostered to patrol on 31 December 1999 and 1 January 2000.

These patrols will cover all suburbs and will target all known hotspots within the locality. Six vehicles will be used to conduct these patrols.

- Q2 *How many times will known gathering places for anti-socially behaved groups be visited/patrolled in Mullaloo between 10.00 pm and 4.00 am on 31 December 1999 and 1 January 2000 (ie the Mullaloo beach grassed area west and north west of Mullaloo Tavern, the Mullaloo beaches and carparks, Mullaloo Beach Primary school – Korella Park turfed oval and carpark.)*

- A2 As previously indicated, all known hotspots will be regularly patrolled and special attention will be given to the beaches and carparks at Mullaloo Beach primary school, Korella Park etc.

Ranger Services has been aware of the problem of youths loitering within the area and early morning patrols will be conducted until this matter has been **resolved**.

The following question submitted by Mr Vic Harman of Ocean Reef was taken on Notice at the Special Council Meeting held on 14 December 1999:

- Q1 *I notice a question time is to be held at the beginning of the meeting. Will you set a time limit on public question time, and will you be allowing a public question time at the end of the meeting, as was allowed previously?*

- A1 The Local Government (Administration) Regulations 1996 allows for a minimum period of 15 minutes for public question time. The regulations further state that the procedure in asking and answering public questions are to be determined by the Mayor. A minimum period of 15 minutes will be allowed, but no time limit will be placed as the discretion will be left with the Mayor. The newly elected Council has not addressed the issued of including the second period of public question time, at this stage.

DECLARATIONS OF FINANCIAL INTEREST

CONFIRMATION OF MINUTES

MINUTES OF MEETING OF JOINT COMMISSIONERS, 7 DECEMBER 1999

Due to the election of the new Council on 11 December 1999, and the departure of the Joint Commissioners, it is not possible to confirm the minutes of the Meeting of Joint Commissioners held on 7 December 1999. These minutes will therefore remain unconfirmed minutes.

RECOMMENDATION

That Council NOTES the minutes of the Meeting of Joint Commissioners held on 7 December 1999.

MINUTES OF SPECIAL COUNCIL MEETING, 14 DECEMBER 1999

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

PETITIONS

PETITION OBJECTING TO THE LACK OF ON-GOING MAINTENANCE FOR THE SUBURB OF KINROSS – [08367J, 00135J, 08189J, 30550J, 09178]

An 84-signature petition has been received from Kinross residents expressing disappointment at the lack of maintenance on an on-going basis for the suburb of Kinross.

This petition will be referred to Infrastructure Management – Operation Services for action.

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DATE OF NEXT MEETING**CLOSURE**

CJ441-12/99 REGISTER OF DELEGATED AUTHORITY - [07032]

SUMMARY

Section 5.46 of the Local Government Act 1995 requires the Chief Executive Officer to maintain a Register of Delegated Authority. This report documents the delegated authority exercised by the Chief Executive Officer for the month of November 1999.

BACKGROUND

Part 5 of the Local Government Act 1995 empowers a local government to delegate many of its powers and duties to the Chief Executive Officer.

Section 5.46 requires the Chief Executive Officer to maintain a register and record of delegations and to review the delegations once every financial year.

Register of, and records relevant to, delegations to Chief Executive Officer and employees

- 5.46.** (1) *The Chief Executive Officer is to keep a register of the delegations made under this Division to the Chief Executive Officer and to employees.*
- (2) *At least once every financial year, delegations made under this Division are to be reviewed by the delegator.*
- (3) *A person to whom a power or duty is delegated under this Act is to keep records in accordance with regulations in relation to the exercise of the power or the discharge of the duty.*

DETAILS

The Register documenting the delegated authority exercised by the Chief Executive Officer for the month of November 1999 is shown as Attachment A.

RECOMMENDATION

That Council NOTES the Register documenting the delegated authority exercised by the Chief Executive Officer, for the month of November 1999 as shown on Attachment A to Report CJ441-12/99.

For the attachment to this report, see Appendix 1 at the rear of the agenda, or click here: [Attach1ag2112.pdf](#)

**CJ442-12/99 VACANCY – WESTERN AUSTRALIAN MUNICIPAL
ASSOCIATION MEMBER AND DEPUTY MEMBER –
WA LOCAL GOVERNMENT SUPERANNUATION
BOARD - [00033, 03011, 02011]**

SUMMARY

The Western Australian Municipal Association has invited member Councils to submit nominations to WA Local Government Superannuation Board.

Nominations are invited from elected members and/ or Serving Officers.

DETAILS

WA LOCAL GOVERNMENT SUPERANNUATION BOARD

The Western Australian Municipal Association has invited member Councils to submit nominations to the WA Local Government Superannuation Board. Nominations are invited from elected members or serving officers experienced in or with a knowledge/interest in superannuation plans and/or investment markets.

WAMA member and deputy member need to be members of the WA Local Government Superannuation Plan.

The Terms of Reference are as follows:

- the WA Local Government Superannuation Plan Pty Ltd is the Corporate Trustee for the WA Local Government Superannuation Plan (WALGSP). The WALGSP provides superannuation coverage for the employees of every Local Government in Western Australia;
- the Corporate Trustee, which has equal employer/employee representation, is responsible for the management of the WALGSP which encompasses the broad areas of administration, life assurance and investment.

The Board will comprise a Director and Deputy Director from Western Australian Municipal Association (WAMA), Country Shires Councils Association (CSCA) and Local Government Association (LGA), and membership from the Local Government Unions.

The term will commence on 1 March 2000, for the following terms:

Two years	(LGA Member and Deputy Member)
Four years	(WAMA Member and Deputy Member)

Meetings are held monthly, on the fourth Monday of each month at WA Local Government Superannuation Board, 105 St George's Terrace, Perth or a metropolitan Council, commencing at 9.30 am; for a duration of 4-5 hours.

Meeting fees are as follows:

\$250 per meeting attendance for members plus a \$5,000 per annum allowance;

\$200 per meeting for observer deputy members and a \$250 per meeting attendance if deputy member is attending in place of member;

Travel allowance is also paid in accordance with public sector standards.

These vacancies have arisen as a result of introduction of terms of appointment for LGA and WAMA members and deputy members.

Nominations for this vacancy close at 4.00 pm, 6 January 2000.

RECOMMENDATION

That Council NOMINATES Cr G Kenworthy (as the Local Government Association Delegate) and Mr John Turkington, Director Resource Management (as the Deputy WA Municipal Association delegate) for consideration of appointment to the WA Local Government Superannuation Board.

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CJ443-12/99 ANNUAL GENERAL MEETING OF ELECTORS HELD 7 DECEMBER 1999 – [02189]

SUMMARY

In accordance with Section 5.27 of the Local Government Act 1995, an Annual General Meeting of Electors was held on Tuesday 7 December 1999.

The minutes of the Annual General Meeting of Electors are attached for noting by Council.

DETAILS

Section 5.27 of the Local Government Act 1995 provides for a local government to conduct an Annual General Meeting of Electors once in each year. The purpose of the meeting is to discuss the Annual Report which includes the Financial Statements and the Auditor's Report. Section 5.33(1) of the Act requires all decisions made at an electors meeting to be considered at the next ordinary Council meeting.

Accordingly, the Annual General Meeting of Electors was held on Tuesday 7 December 1999 and the following business conducted:

- The Receiving of the 1998/99 Annual Report and Financial Statements
- General Business

There were 22 members of the public in attendance.

Questions and comments were raised by electors during General Business, with no further motions moved.

Questions raised by Mr A Bryant of Craigie and Mr F Nelson of Connolly were taken on notice at the Annual General Meeting. A response to both questions has been prepared and recorded in the agenda for the Council meeting to be held on 21 December 1999, and copies of these responses provided to Mr Bryant and Mr Nelson.

The Minutes of the Annual General Meeting of Electors are attached for noting.

RECOMMENDATION

That Council NOTES the Minutes of the Annual General Meeting of Electors held on Tuesday 7 December 1999, forming Attachment 1 to Report CJ443-12/99.

For the attachment to this report, see Appendix 2 at the rear of the agenda, or click here: [Attach2ag2112.pdf](#)

**CJ444-12/99 WARRANT OF PAYMENTS FOR THE PERIOD TO 30
NOVEMBER 1999 - [09882]****SUMMARY**

This report details the cheques drawn on the funds during the month of November 1999. It seeks Council's approval for the payment of the November 1999 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	017400-018128	5,439,575.21
Municipal	000178-000181	7,261,855.95
Trust	000015	87,028.18
Reserve Account	000030	295,558.00
	TOTAL	\$ 13,084,017.34

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of November 1999, the amount was \$1,839,899.95.

Previous requests from the City's ratepayers have been to provide additional descriptive information regarding payments. While such a report is not available as a standard report from the new system, modifications could be undertaken however, at a significant cost. This matter is currently being reviewed with the software supplier.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$13,084,017.34 which is to be submitted to each Councillor on 21 December 1999 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

ALEXANDER SCOTT
Manager Accounting Services

J B TURKINGTON
Director Resource Management

CERTIFICATE OF MAYOR

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$13,084,017.34 submitted to Council on 21 December 1999 is recommended for payment.

.....
Mayor

RECOMMENDATION

That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 November 1999, certified by the Mayor and Director of Resource Management and totalling \$13,084,017.34.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	017400-018128	5,439,575.21
Municipal	000178-000181	7,261,855.95
Trust	000015	87,028.18
Reserve Account	000030	295,558.00
	TOTAL \$	13,084,017.34

For the attachment to this report, see Appendix 3 at the rear of the agenda, or click here: [Attach3ag2112.pdf](#)

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CJ445-12/99 TENDER 068-99/00 FIVE 6CYL FOUR DOOR SEDANS – [44373J]

SUMMARY

The City's 1999/00 budget provided for the purchase of vehicles, as detailed in the Light Vehicle Replacement Programme, the funding of which is from the Municipal Fund.

The City's 1999/00 budget provided for the purchase of five (5) six cylinder 4 door sedans with the trade of the following vehicles;

- Plant Number 99296 Magna Sedan allocated to Leisure Services
- Plant Number 99108 Magna Sedan allocated to Strategic Development
- Plant Number 99011 Magna Sedan allocated to Information Services
- Plant Number 99012 Magna Sedan allocated to Marketing Services
- Plant Number 99192 Magna Sedan allocated to Council Support Services

This report outlines the submissions received in relation to Tender 068-99/00. It recommends the purchase of five six cylinder Mitsubishi Magnas from Rohanna Pty Ltd trading as John Hughes Skipper Mitsubishi.

BACKGROUND

Tender number 068-99/00 pertaining to these acquisitions was advertised on Wednesday 27 October 1999 and closed on Thursday 11 November 1999. The five vehicles to be traded were presented for inspection on 2 November 1999, and were evaluated by all tenderers.

DETAILS

There were nine submissions received for the supply and trade of five six-cylinder sedans as per Tender 068-99/00, the details of which are shown on Attachment A. The tender submission from Centre Ford was the lowest but non conforming, due to incomplete fleet discount and sales tax details. Two submissions were received from Skipper Mitsubishi, one for the supply of a 3.0 litre Magna and one for a 3.5 litre Magna.

The Mitsubishi Magna 3.0 litre was found to be the lowest cost vehicle offered after trade of council vehicles. However, a "whole of life" costing comparing the three makes of vehicles offered and the resale of the 3.0 litre Magna against the 3.5 litre unit, revealed that the Magna 3.5 litre was the most cost effective vehicle. This was determined after consideration of estimated resale prices at two years of age and estimated fuel consumption at 40,000kms of travel. The whole of life costing evaluation is used to identify the best value vehicle make and then the lowest cost changeover is used to select the supplier.

References used for the comparative data were:

- Glasses Guide- Residuals Sept-Nov 1999
- R.A.C. Fuel Consumption figures Nov 1999

The residuals guide reinforced the cost effectiveness of Councils fleet replacement policy at 2yrs or 40,000kms, by showing that major value decreases occurred at the time of purchase (30%-40% reduction) and thereafter at three years of age (further 10% reduction) with only minor depreciation between these two conditions. Consequently best trade vehicle returns are achieved by replacing vehicles before they reach 3yrs in age.

It is recommended that the tender, as submitted by Rohanna Pty Ltd trading as John Hughes Skipper Mitsubishi to supply the Magna 3.5 litre vehicle be accepted.

COMMENT/FUNDING

Based on the Rohanna Pty Ltd tender the financial position is:

Plant No	Recommended Tender - Changeover	Budget Provision	Budget Savings/(Shortfall)
99296	\$ 9,289	\$ 10,000	\$ 711
99108	\$ 8,289	\$ 10,000	\$ 1,711
99011	\$ 9,289	\$ 10,000	\$ 711
99012	\$ 8,289	\$ 11,000	\$ 2,711
99192	\$ 8,289	\$ 10,000	\$ 1,711
TOTAL	\$ 43,445	\$ 51,000	\$ 7,555

Accepting this, the overall 1999/00 budget surplus on tender 068-99/00 is \$7,555.

The Chief Executive Officer has delegated authority to accept tenders up to a figure of \$100,000. As the gross purchase price of this tender exceeds that figure, it requires approval of the Council.

RECOMMENDATION

That Council ACCEPTS the tender from Rohanna Pty Ltd for the purchase of five (5) six cylinder 4 door sedans at a net change over figure of \$43,445 after trade in, as detailed in tender 068-99/00.

For the attachment to this report, see Appendix 4 at the rear of the agenda, or click here: [Attach4ag2112.pdf](#)

**CJ446-12/99 FINANCIAL REPORT FOR THE PERIOD ENDING 30
NOVEMBER 1999 - [07882]**

SUMMARY

The monthly reports for the five months ending 30 November 1999 have been completed. They are appended as Attachment A.

During the month of November 1999 the various issues surrounding the introduction of the Oracle Financials and supporting sub systems were investigated and a number of issues resolved. Work continues on the correct processing of assets and the treatment of costs from the shared maintenance system, Maximo, following the split in databases between the City of Wanneroo and City of Joondalup on 30 November. The processing of costs associated with the Service Level Agreements between the Cities of Wanneroo and Joondalup are high on the agenda.

The November reports show a reasonably healthy position against budget, with a number of projects operating to a later timetable than originally intended in the budget setting process. Areas still to be resolved include the acquisition of vehicles and plant to date, which have been tendered and will be accounted for over the next two months and Capital Works expenditure flowing from the City of Wanneroo's Contracted Road Works.

It is anticipated that the reports for the December 1999 period will be available in early/mid January 2000.

RECOMMENDATION

That the Financial Reports for the Period Ended 30 November 1999 be NOTED

For the attachment to this report, see Appendix 5 at the rear of the agenda, or click here: [Attach5ag2112.pdf](#)

CJ447-12/99 APPOINTMENT OF HONORARY PARKING INSPECTORS [24185]

SUMMARY

Council empowers Honorary Parking Inspectors at local shopping centres and Hillarys Boat Harbour. Every year amendments are made to the Delegation of Authority Manual to revoke and/or include new inspectors. As the Honorary Parking inspectors are not employed by Council and there is no delegated authority currently in place for the Chief Executive Officer to make the appointment, these changes need to be approved by Council.

BACKGROUND

Honorary Parking Inspectors positions are voluntary, the officers do not receive any form of salary, wage or other gratuity from Council. The duties performed as Honorary Parking Inspectors will be carried out during his paid duties by his employer.

DETAIL

The appointment of these inspectors release Council Rangers from mundane duties to concentrate on ranger and security issues. The positions if approved will confer the authority for Honorary Parking Inspectors to serve infringement notices or modifies penalties under Section 9.13 (Local Government Act) of which parking, standing or leaving of a vehicle are an element. However, the power to withdraw a modified penalty or infringement notice is not conferred on Honorary Parking Inspectors by Section 9.13.

Each authorised Honorary Parking Inspector can only issue infringements within the designated area stipulated in the authorisation.

COMMENTS

The Managing Agent for Hillarys Boat Harbour has written to Council requesting:

- The cancellation of one appointment for Hillarys Boat Harbour, and
- The re-authorisation of four Honorary Parking Inspectors.

Lakeside Shopping Centre Managing Agent has written requesting:

- Two new authorisations of persons as Honorary Parking Inspectors, and
- The re-authorisation of one Honorary Parking Inspector.

The Managing Agent for Whitfords Shopping Centre has written requesting:

- Six new authorisations of persons as Honorary Parking Inspectors, and
- The re-authorisation of four Honorary Parking Inspectors.

It is recommended these authorisations and cancellations be approved by Council.

RECOMMENDATION**That Council:**

- 1** in accordance with Section 9.13 of the Local Government Act 1995
APPOINTS:
 - (a) Bradley James Tilley and Craig Raymond Freer of Lakeside Shopping Centre, Joondalup;**
 - (b) David Lewis, Adrian Gill, Dennis Maxwell Morris, Graham Allen, Dean Mac Condron and Sam Purcell of Whitfords Shopping Centre, Hillarys;**
 - (c) Johnny Montani, Hillarys Boat Harbour, Sorrento****as Honorary Parking Inspectors;**
- 2** in accordance with the Justices Act 1902 **AUTHORISES** the abovementioned Honorary Parking Inspectors to act under and enforce the Parking Local Laws of the City of Joondalup only within the boundaries of the Lakeside Shopping Centre, Joondalup, Whitfords Shopping Centre, Hillarys or Hillarys Boat Harbour, Sorrento, as appropriate, as detailed hereunder:
 - (a) Local Laws Relating to Parking Facilities;**
 - (b) Local Government (Parking for Disabled Persons) Regulations 1999;**
- 3** **CANCELS** the appointment of Eric Patterson, Whitfords Shopping Centre, Hillarys and Scott Simpson of Hillarys Boat Harbour, Sorrento;
- 4** **BY AN ABSOLUTE MAJORITY** in accordance with Section 5.42 (1) of the Local Government Act 1995, **DELEGATES** authority to the Chief Executive Officer to enable appointments and cancellations of previous appointments, of Honorary Parking Inspectors to enforce:
 - (a) Local Laws relating to Parking Facilities;**
 - (b) Local Government (Parking for Disabled Persons) Regulations 1999**

**CJ448-12/99 PROPOSED FACILITY ON WINDEMERE PARK,
JOONDALUP - [07096J]**

SUMMARY

Joondalup Kinross Junior Football Club and Joondalup Kinross Cricket Club have applied for approval to construct, at the Club's expense, a meeting room, store room and kitchen building next to the existing toilet block on Windemere Park, Joondalup. The Clubs are also prepared to cover the ongoing operating costs of the facility through a lease arrangement.

Human Services planning conducted by the City indicates that sufficient community facilities are already available to meet community needs and on this basis financial support from Council is not justified. Windemere Park is vested in Council as a recreation reserve under Section 20A of the Town Planning and Development Act. Approval from the Minister for Lands is required to lease land under this vesting.

As the clubs are prepared to meet all capital and operating expenses, it is recommended that Council should endorse the construction of the meeting room and kitchen.

BACKGROUND

In July 1997, the Presidents of Joondalup Kinross Junior Football Club and Joondalup Kinross Cricket Club requested information on the process to establish a clubroom on Windemere Park, Joondalup. (Attachment one - Location Map refers)

It is stated that the human services planning requirements indicated a local community facility may be required in the suburb of Joondalup by 2001 and commented that the Club's request should be supported by demonstrating the need for the facilities.

The Clubs were advised that the former City of Wanneroo's policy on the provision of clubrooms on reserves at that time required sufficient community demand be clearly established prior to any Council commitment. It was also advised that proposals which are successful at gaining funds from other sources have a greater chance of success than ones that rely solely on municipal funds.

Subsequently in late 1998, the Clubs contacted Council to apply for funds and to develop a proposal for the State Government's Community Sport and Recreation Facility Fund (CSRFF) grant. An Officer of the City was assigned to assist with the proposal. The Clubs worked through the City of Joondalup's Formal Facilities Assessment Process and the CSRFF's application forms.

During the development of these proposals, Officers estimated that a concept plan developed by the Clubs would cost in the vicinity of \$250,000 to \$290,000. Based on this information, the Clubs revised their plans to scale down the facility to service their minimum requirements.

The revised proposal included the construction of a self funded meeting room, kitchen and store room. The Clubs have also indicated they are prepared to cover all ongoing operating costs associated with the facility through a lease agreement with Council.

DETAILS

This proposal raises a number of issues. These include:

Facility Assessment

The human services planning assessment for the suburb of Joondalup in 1998 revealed that in the development west of Joondalup Drive there are sufficient human service facilities to accommodate the anticipated growth in the next five years which is the area where Windemere Park is located. However, the provision of local facilities such as a community centre, youth facility, aged and disabled care centre needed to be considered in the next five years for the Joondalup city centre.

This information indicated that a large facility as originally proposed by the Clubs was not required to meet community needs. The surrounding suburbs have sufficient facilities such as the Iluka Sports Complex and MacNaughton Clubrooms to hold large functions and if a facility of this size was to be built in this area, it would be better located in Joondalup city centre.

As it has been identified that there was not a wider community need for the facility it seems reasonable that the City of Joondalup should not bear any capital cost now or in the future or ongoing operational costs.

Lease

As the Clubs have indicated they are prepared to be responsible for the ongoing operational costs of the facility, a formal agreement such as a lease, needs to be developed. Windemere Park is currently a Section 20A Recreation Reserve under the Town Planning and Development Act and as such the general public has a right of free access.

As a matter of principle, the Department of Land Administration (DOLA) will not permit the leasing of this type of reserve to sporting clubs. DOLA will, however, consider the use of small areas of large reserves for club premises while the playing fields remain open to public use. Small excisions may be agreed which would provide reserved sites complementary to the use of the reserve. These have to be approved by the Minister for Lands.

Design

The proposed design of the facilities has been examined. It was considered that the 1 metre gap between the existing toilets and the proposed facility would become a litter trap and may present a security problem. It will be necessary to have further discussion with the Clubs to refine the design of the facilities to address the following issues:

- Ensuring design and size of proposed facility is appropriate for the proposed use;
- Ensuring the materials used are of a standard suitable for a public building;
- Consideration of the aesthetics of the design as the facility may butt up against the current toilet block. The design needs to complement the existing building; and
- Ensuring the design of the facility facilitates possible future extensions.

The completed design will be submitted to Council for noting with the draft lease agreement.

COMMENT/FUNDING

There are benefits accruing to both the Clubs and the community should Council support this proposal. These include:

- The proposal sets a positive precedent that may provide encouragement to other community groups to contribute a larger percentage of funds towards improving the facilities they use.
- In this particular case, as is the norm, the clubs initially proposed a full sized clubroom, costed at approximately \$250,000 to \$290,000. After discussion with Council staff, the Clubs rationalised the proposal to only incorporate what they needed. If this application is successful, it will indicate to other community groups that rationalisation of proposals positively assists the construction of facilities.
- The kitchen will provide both clubs with an opportunity to generate income and contribute to the Club's future financial security.

Lease

The human services planning assessment indicates that there are sufficient community facilities available in the area to meet community need. As the proposed facility will not provide any tangible benefits to groups other than the Clubs involved, it is reasonable for the Clubs to be responsible for the ongoing operational costs.

A lease agreement needs to be developed for this proposed facility. The lease will reflect that the Clubs have exclusive possession of the facility and will address issues such as lease fees, payment of rates and the term of the lease. Lease fees for facilities managed by community groups have been established at one percent of the current replacement value of the building. Before a lease fee can be determined the design needs to be finalised so that it can be costed.

To facilitate the development of a lease document, the following steps need to be taken:

- An application needs to be made to the Minister for Lands for the power to lease by excising a small portion of the public recreation reserve.
- The City of Joondalup may be required to sign post the affected reserve to indicate the intended change, advertise in the local newspaper and, in appropriate cases, canvass nearby landholders by mail in order to demonstrate to the Minister the level of ratepayer's support.
- If the power to lease is granted a lease for the facility needs to be developed and signed.

The adjacent toilet block would continue to be maintained by Council as it will remain open to the public.

Work on the design of the proposed facility should be undertaken while the process to vest the power to lease to the City of Joondalup is undertaken. Once the design work is complete the value of the building can be determined.

RECOMMENDATION

That Council:

- 1 APPROVES in principle the development of a meeting room, kitchen area and store room on Windemere Park, Joondalup, fully funded by the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club on the basis that there will be no further obligation to be met by Council for the development other than provision of the land;**
- 2 APPLIES to the Minister for Lands to be granted power to lease the area on which the proposed facility will be constructed in the Section 20a Recreation Reserve at Windemere Park, Joondalup;**
- 3 APPROVES in principle entering into a lease for the proposed facility for the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Clubs subject to a further report to Council regarding the conditions of the lease agreement under the proviso that the Minister for Lands vests the land in the City of Joondalup with the power to lease;**
- 4 NOTES Council Officers will work with Joondalup Kinross Junior Football Club and Joondalup Kinross Cricket Club to develop the design of the facility to ensure it is appropriate for the proposed use and is constructed of correct materials for a public building and facilitates possible future extensions.**

For the attachment to this report, see Appendix 6 at the rear of the agenda, or click here: [Attach6ag2112.pdf](#)

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**CJ449-12/99 NEW FUNDING ARRANGEMENTS AND LEVELS –
VOLUNTEER EMERGENCY SERVICES –
WANNEROO DIVISION ST JOHN AMBULANCE FOR
THE CITY OF JOONDALUP - [18107J]**

SUMMARY

At its meeting held on 28 September 1999 Council approved new funding arrangements and treatment of assets for the Wanneroo Division of St John Ambulance based on information that was available at that time. Since that meeting, a position paper has been submitted by the St John Ambulance Head Office, Perth, where the Division has offered to take over the administration and major funding of the Wanneroo Division of St John Ambulance.

Two meetings have been held with the Wanneroo Division of St John Ambulance and the St John Ambulance Operations Branch Perth to discuss the proposal and the relocation of the Wanneroo St John Ambulance Division to the St John Ambulance Centre recently established in Joondalup. The Wanneroo Division of St John Ambulance has indicated, at a joint meeting of senior management from the City of Joondalup, City of Wanneroo and the St John Ambulance Headquarters, that they agree with the proposal for the St John Ambulance Headquarters to take over the day to day administrative functions, financial operations and responsibility for vehicle replacement.

To implement the new arrangements it will be necessary for Council to rescind the recommendations contained in the report of 28 September 1999 with reference to the Wanneroo Division St John Ambulance and approve the recommendations contained in this report.

BACKGROUND

In January 1998, the former City of Wanneroo engaged Metri Services to undertake a review of Wanneroo's volunteer emergency services – Volunteer Bush Fire Brigade, Wanneroo State Emergency Service and the St John Ambulance Wanneroo Operations Division.

The review included an examination of the current funding levels, financial management and accountability arrangements with each of the services with a view to making improvements in each of these areas.

The review was undertaken as an extension of the former City of Wanneroo's reform agenda and the need to review all structural and operational areas to ensure better accountability and financial management, and improved services to the City's customers.

In June 1998, a report was submitted to the former City of Wanneroo's Finance and Community Services Committee recommending that the report by Metri Services be adopted for the purpose of obtaining written feedback and comment from the volunteer emergency services (Report CS90-06/98 refers).

During late 1998, early 1999, the City engaged in the process of establishing a set of guidelines for the provision of financial support to the emergency services for both the City of Joondalup and then Shire of Wanneroo.

The City has had a long tradition of providing financial and other direct and in-kind support to the Wanneroo Volunteer Emergency Services. The history of the City's funding and support arrangements with these independently incorporated organisations can be described as extensive but also largely uncoordinated and ad hoc, lacking in appropriate accountability and reflecting a confused mix of direct administrative support provided by Council staff and various purchaser-provider arrangements.

In line with recommendations arising out of the Metri Services review, the City has been working towards assisting the emergency services become more self sufficient by assuming greater administrative responsibility for their operations and by the City providing an annual financial subsidy to each service based on a more formal and clearly defined purchaser-provider funding arrangement.

The latter has involved the establishment of a funding relationship between the City and the emergency services based on formal Emergency Services Funding Guidelines which were adopted by the City at the Council meeting held on 28 September 1999 (Report CJ326-09/99 refers).

At the Council meeting held on 28 September 1999 the following resolutions were taken:

“That the Joint Commissioners:

- 1 transfer ownership of the:
 - (a) minor assets listed as Table 1 to Report CJ327-09/99 to Wanneroo State Emergency Service and require the Service to take full responsibility for the ongoing maintenance and replacement of the assets;
 - (b) motor vehicles listed as Table 2 to Report CJ327-09/99 to Wanneroo State Emergency Service and St John Ambulance Wanneroo Operational Division and require each service to take full responsibility for the ongoing replacement and maintenance of the vehicles;
- 2 WRITE OUT of the City of Joondalup financial records the written down value of the assets as follows:

(a)	Assets transferred to Wanneroo State Emergency Service	\$39,686
(b)	Assets transferred to St John Ambulance Wanneroo Operational Division	\$39,283
- 3 NOTE arrangements to be put in place between the City and the emergency services regarding current building and lease arrangements and ongoing vehicle replacement programs; and

4 APPROVE donations to:

- | | | |
|-----|---|-----------|
| (a) | Wanneroo State Emergency Service up to | \$74,935 |
| (b) | St John Ambulance Wanneroo Operational Division up to | \$20,390" |

(Report CJ327-09/99 refers)

These resolutions reflected an agreement between the Cities of Joondalup and Wanneroo as to the treatment of the emergency services and in particular a funding arrangement based on a 50% contribution by each Council to assist the St John Ambulance Wanneroo Operational Division.

In the report to Council it was noted that the structure and operations of the St John Ambulance Wanneroo Operations Division, as a special division of the St John Ambulance Incorporated, is an arrangement unique to the region of the City of Joondalup and City of Wanneroo. In view of this, it was foreshadowed that this arrangement would be subject to further examination.

During the process of beginning to implement the above resolutions, the Head Office of St John Ambulance, at its own initiative, forwarded a proposal to the Cities of Wanneroo and Joondalup – this proposal being in the form of a Position Paper.

DETAIL

OVERVIEW OF NEW PROPOSAL FOR FUNDING OF WANNEROO DIVISION OF ST JOHN AMBULANCE

At a joint meeting of the City of Joondalup, City of Wanneroo, Wanneroo Division of St John Ambulance and the St John Ambulance Head Office Perth, the St John Ambulance Head Office representative addressed the Position Paper. The St John Ambulance Headquarters proposed to take over the day to day administrative functions of the running of the financial aspects of the Wanneroo Division of St John Ambulance as well as the responsibility for vehicle replacement. Head Office would also require some measurable outcomes for the financial outlay that it would make in support of the Wanneroo Division of St John Ambulance. This would result in a reduced donation by Cities of Joondalup and Wanneroo. At the meeting it was agreed that, subject to Council approval, the new arrangements would come into effect from 1 February 2000.

Vehicles

The proposal is for the City of Joondalup and City of Wanneroo to donate the existing vehicles to the St John Ambulance Head Office. From the date of transfer, the St John Ambulance would take responsibility for all maintenance, licensing and insurance of vehicles. Replacement of the vehicles would also be at the discretion of St John Ambulance Head Office and would be in line with their normal replacement policy. The vehicles would be housed at the St John Ambulance Centre at Joondalup. St John Ambulance Head Office would apply for Lotteries Commission funding for the replacement of the vehicles and would therefore not require any replacement funding from the City of Joondalup and City of Wanneroo. All running costs and maintenance would be the responsibility of St John Ambulance.

Administration

The St John Ambulance Head Office would be responsible for all the administration. This would leave the Wanneroo Division of St John Ambulance to concentrate on providing clinical aspects of St John's to the public. All bookings for public duties would be coordinated through St John Ambulance Wellington Street. All donations received for public duties and other funds would be paid to St John Ambulance Head Office and all the expenditure incurred on behalf of the Wanneroo Division would be paid from Head Office. This would mean that the Wanneroo Division would not have to furnish annual financial returns. Therefore it would not be necessary for the City of Joondalup and City of Wanneroo to fund any administrative services.

Location of the Wanneroo Division of St John Ambulance

The Head Office of St John Ambulance envisaged that the Wanneroo Division would move all of its functions to the Joondalup First Aid Training Centre. This would give the Division an up to date training centre with access to all training requirements and their own storage area for their equipment. By making this move, the City of Joondalup and City of Wanneroo would not have the responsibility of cleaning and maintenance of the building on behalf of the Wanneroo Division. The WA St John Ambulance Service would carry out these tasks in conjunction with the cleaning and maintenance of the Joondalup Centre. This would also mean that the current lease between the City of Wanneroo and the Wanneroo Division of St John Ambulance would be cancelled.

Financial Outlays by Local Government

The current budget approved by Council for 1999/2000 is as follows: -

	City of Joondalup \$
St John Ambulance	
Donation-Operating Expenses	13,265 *
Donation-Replacement of Vehicles	7,125*
Total Donation	20,390*
Write off of Current Vehicles	39,283

- * These figures represent a 50% contribution by the City of Joondalup to the total operating expenses and replacement of vehicles costs which were to be pro rated for the remainder of the financial year following further negotiations with the Wanneroo Division of St Johns Ambulance.

The proposal put forward by the Head Office of St John Ambulance is for an annual contribution of \$5,000 by each of the Cities of Joondalup and Wanneroo. In the current financial year this contribution would be pro rated for the period 1 February 2000 to 30 June 2000 thus resulting in the City of Joondalup contributing an amount of \$2,084. The City would also pay any outstanding accounts for operational costs incurred by the Wanneroo Division from 1 July 1999 to 31 January 2000. The City would write off the current vehicles at a cost of \$39,283.

The St John Ambulance WA Operations Branch has proposed to cover any community event within the Cities of Joondalup and Wanneroo at no additional cost to the Councils. This means that only events run by commercial organisations for which a financial return is expected by the organisers would be asked for a donation to cover costs incurred by St John Ambulance.

Funding Guidelines

It is intended that "Funding Guidelines – Volunteer Emergency Services for the City of Joondalup" will still apply in the proposed new arrangements and that a funding agreement is entered into with the St John Ambulance Head Office for the period from 1 February 2000 to 30 June 2002.

Procedure for Revoking or Changing decisions of Council

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25 (e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings.

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Elected Members are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

RECOMMENDATION

That Council:

1 BY AN ABSOLUTE MAJORITY, RESCINDS points 1(b), 2(b), 3 and 4(b) to Item CJ327-09/99 from the Council Meeting of 28 September 1999 as they pertain to the St John Ambulance Wanneroo Operational Division, viz:

“1 transfer ownership of the:

(b) motor vehicles listed as Table 2 to Report CJ327-09/99 to Wanneroo State Emergency Service and St John Ambulance Wanneroo Operational Division and require each service to take full responsibility for the ongoing replacement and maintenance of the vehicles;

2 WRITE OUT of the City of Joondalup financial records the written down value of the assets as follows:

(b) Assets transferred to St John Ambulance Wanneroo

*Operational Division**\$39,283*

- 3 NOTE arrangements to be put in place between the City and the emergency services regarding current building and lease arrangements and ongoing vehicle replacement programs; and*
- 4 APPROVE donations to:*
- (b) St John Ambulance Wanneroo Operational Division up to \$20,390"*
- 2 ENDORSES transfer of ownership of the motor vehicles listed as Table 2 to Report CJ327-09/99 to St John Ambulance Australia WA and require the service to take full responsibility for the ongoing replacement and maintenance of the vehicles;**
- 3 WRITES OUT of the City of Joondalup financial records the written down value of the assets transferred to St John Ambulance Australia WA at a value of \$39,283;**
- 4 NOTES arrangements to be put in place between the City and St John Ambulance Australia WA via a funding agreement in line with the City's Funding Guidelines – Volunteer Emergency Services for the City of Joondalup for the period commencing 1 February 2000 and concluding on 30 June 2002;**
- 5 APPROVES funding to St John Ambulance Australia WA to the value of \$2084 in the 1999/2000 financial year plus operational expenses incurred to 1 February 2000 and \$5,000 in each of the financial years 2000/2001 and 2001/2002.**

CJ450-12/99 CURRAMBINE STRUCTURE PLAN – SIGNING OF DOCUMENTS - [11160J]

SUMMARY

The agreed Currambine Structure Plan controls development of the Currambine Local Centre. An amendment to add an area of small lot housing with relaxed setbacks was advertised for public comment for a 30 day period which closed on 13 September 1999, was found to be satisfactory by Council at its meeting on 28 September 1999 and was submitted to the Western Australian Planning Commission for adoption and certification.

The amended Structure Plan has now been endorsed by the Western Australian Planning Commission (WAPC).

The Council is recommended to adopt, sign and seal the documents.

BACKGROUND

History

Part of the subject subdivision provides a range of small lots, having areas of between 363 and 561m². The Currambine Structure Plan was adopted in order to provide attractive streetscapes in public areas and adequate flexibility for home designers to maximise amenity for new residents. The Plan contains provisions to reduce the constraints of planning controls and allow lots to be developed in an appropriate manner.

The effect of this amendment to the approved Structure Plan is to reduce the front setbacks for 65 small lots from 6 metres average (with a minimum of 3 metres) as set out in the Residential Planning codes to a 3 metre minimum. The rear setback is reduced from 6 metres average (with a minimum of 3 metres) to a 4 metres minimum. The allowable building envelope for each lot would be increased by the changes.

During advertising the proponents requested that four additional lots be included within the small lot area and that the permitted maximum site cover for development on the small lots should be increased from 50% to 70% as a result of the reduced setbacks. Council agreed that the permitted plot ratio should also be increased to 0.7 to bring it into line with the increase in site cover.

Previous Council Decisions

At its meeting on 24 November 1998, Council adopted the Structure Plan for Currambine Local Centre as satisfactory (Attachment 1). On 28 June 1999 it was adopted and certified by the WAPC.

On 28 September 1999 following advertising, the Council considered some modifications, determined that the amended document, renamed the Currambine Structure Plan, was satisfactory and that copies should be submitted to the WAPC for adoption and certification in compliance with Clause 10.6.1 (b) of the City of Joondalup Town Planning Scheme No 1 (the Scheme).

DETAILS

Current Proposal or Issue

The Currambine Structure Plan will control development on the Currambine Local Centre site and 69 small residential lots. Three copies of the amended Structure Plan documents were signed by the Chairman of the WAPC on 19 November 1999 and have been returned to Council.

Relevant Legislation

Under the provisions of Part 10.7 of the Scheme, Council may amend a Structure Plan and may advertise the changes for a minimum of 21 days. Council may apply those provisions of Clause 10.6 regarding consideration of a Structure Plan which are considered to be appropriate.

Clause 10.6.5 of the Scheme requires that as soon as practicable after receiving the certified copies of the Structure Plan documents the Council shall adopt, sign and seal the Structure Plan in the form illustrated in Schedule 10, which has been incorporated on the second page of the document.

COMMENT

Assessment and Reasons for Recommendation

The amended Currambine Structure Plan conforms with the requirements of Part 10 of the Scheme and is considered to be acceptable for the control of development within the Structure Plan area.

RECOMMENDATION

That Council, pursuant to Clause 10.6 of Town Planning Scheme No 1, AGREES to ADOPT, sign and seal the amended Currambine Structure Plan.

For the attachment to this report, see Appendix 7 at the rear of the agenda, or click here: [Attach7ag2112.pdf](#)

CJ451-12/99 OCEAN REEF STRUCTURE PLAN – SIGNING OF DOCUMENTS - [30661J]

SUMMARY

The Ocean Reef Structure Plan controls the design of houses on part of the Sunset Heights development in Ocean Reef. It was advertised for public comment for a 30 day period which closed on 22 July 1999, was found to be satisfactory by Council at its meeting on 10 August 1999 and was submitted to the Western Australian Planning Commission (WAPC) for adoption and certification.

The Structure Plan has now been endorsed by the WAPC.

Council is recommended to adopt, sign and seal the documents.

BACKGROUND

Lot No	Portion Lot 1
Street Address	cnr Prendiville Avenue and Constellation Drive, Ocean Reef
Land Owner	Taylor Woodrow (Australia) P/L
MRS Zoning	Urban
TPS Zoning	Residential Development
Residential Code	R20
Land Use	Vacant
Lot Area	4,266 sq m, divided between 9 lots

History

The Sunset Heights subdivision in Ocean Reef provides nine lots having frontage to Prendiville Avenue and Tucana Pass at the front and rear of lots. The lots have areas of between 447 and 494 m². The Ocean Reef Structure Plan was adopted in order to assist the provision of attractive streetscapes, design flexibility, and adequate private open space areas. It contains provisions that reduce the requirements of standard planning controls and allow the lots to be developed in an appropriate manner. It is intended that future developments incorporate:

1. No vehicle access from Prendiville Avenue,
2. Visitor parking available from Tucana Pass, and
3. Attractive façades facing Prendiville Avenue.

The effects of this amendment to the approved structure plan are to determine that the house faces Prendiville Avenue, and increase the permitted building site coverage from 50% to 70 % as a result of the reduced setbacks. Garages are required to be set back 5m with adequate visibility lines and buildings may be built up to one defined boundary.

During advertising, the proponents requested that the minimum front setback for seven of the nine lots should be reduced from 6 metres (required by the Residential Planning Codes) to 5 metres and the rear setback for three of them from 5 metres to 2 metres. Council agreed to these changes.

Previous Council Decisions

At its meeting on 10 August 1999, Council resolved that, following advertising, the Ocean Reef Structure Plan was satisfactory and that copies should be submitted to the WAPC for adoption and certification in compliance with Clause 10.6.1 (b) of the City of Joondalup Town Planning Scheme No 1 (the Scheme) (Attachment 1).

DETAILS

Current Proposal or Issue

The Structure Plan will control development on nine lots which are part of the Sunset Estate, Ocean Reef. Three copies of the Structure Plan documents were signed by the Chairman of the WAPC on 26 November 1999 and returned to Council.

Relevant Legislation

Clause 10.6.5 of the Scheme requires that as soon as practicable after receiving the certified copies of the Structure Plan documents the Council shall adopt, sign and seal the Structure Plan in the form illustrated in Schedule 10, which has been incorporated on the second page of the document.

COMMENT

Assessment and Reasons for Recommendation

The Agreed Ocean Reef Structure Plan conforms with the requirements of Part 10 of the City of Joondalup Town Planning Scheme No 1 and is considered to be acceptable for the control of development within the Structure Plan area.

RECOMMENDATION

That Council, pursuant to Clause 10.6 of Town Planning Scheme No 1, AGREES to ADOPT, sign and seal the certified Ocean Reef Structure Plan.

For the attachment to this report, see Appendix 8 at the rear of the agenda, or click here: [Attach8ag2112.pdf](#)

**CJ452-12/99 NEIGHBOURHOOD SHOPPING CENTRE,
CONSULTING ROOMS & OUTDOOR STAGE: LOT
715 (110) FLINDERS AVENUE CNR WATERFORD
DRIVE, HILLARYS [04412J]**

SUMMARY

An application has been received seeking approval for a neighbourhood shopping centre, at the above address. The proposal incorporates al fresco areas, a stage and other outdoor activity areas. The proposal requires a determination from Council pursuant to the City of Joondalup Town Planning Scheme No.1 (TPS 1).

Key issues are as follows:

- The site is zoned 'Commercial' under TPS 1, and has been zoned for this purpose since 1988.
- The retail floorspace proposed marginally exceeds the retail floorspace limit of 3,000m² (gross floor area) established in TPS 1;
- Non-retail floorspace proposed (consulting rooms, restaurant, drycleaning etc) would add 818m² of additional floorspace to the centre.
- Non-retail uses can be approved by Council within the Commercial zone. The TPS 1 does not contain a limit on floorspace of non-retail uses for this site.
- 263 submissions were received, and 3 submissions expressed unconditional support for the proposal.
- The remaining submissions either expressed objection entirely or raised concerns regarding aspects of the proposal. The main resident concerns related to:
 1. the size of the centre;
 2. the potential impact on the surrounding residential area; and
 3. concerns over aspects such as the stage, skateboard ramp, & tavern in terms of creating noise and or attracting undesirable behaviour.
- The proposal largely conforms to the development standards applied by Council, although discretion is requested for the approval of carparking below that which would ordinarily be contemplated for the land.
- Much of the criticism of this proposal relates to various detailed components. In combination, these aspects could be addressed in a positive manner to reconfigure the proposal into an acceptable form.

The proposal contains both positive and negative aspects.

From a technical perspective, the proposal incorporates complimentary uses which would have the effect of spreading the demand for services beyond traditional shopping hours, and providing a broad range of boutique services for the local community.

Conversely, the proposal also incorporates a stage, skateboard ramp and outdoor dining areas which have the potential to cause noise intrusion to adjoining residents. The extent of development also appears to be excessive given the request for discretion in regard to carparking standards, when this is measured cumulatively with other aspects of the proposal.

Bearing this in mind, it is recommended that the proposal be approved, with extensive conditions applied to remove the various aspects of concern.

BACKGROUND

Application No:	DA99/0389
Applicant:	Paterson Group Architects
Owner:	Shawm Pty Ltd, D.R.Stagg, N.C Stagg
Date Received:	25 March 1999
Zoning:	TPS1: Commercial MRS: Urban
Lot Area	13000m ²
Proposed Retail NLA	3012m ² NLA
Proposed GLA	3830m ² GLA
Use Class:	“P” – Shops, “P” – Consulting Room, “P” – Restaurant, “AA” – Tavern, “AA” – Public Amusement, “IP” – Car Park

Site History

- 29/07/88** Amendment 389 to TPS1 rezoned a site on 18800m² of land on the corner of Flinders Avenue and Waterford Drive from “Special Development A” to “Commercial Zone” (16800m²) and “Service Station Zone” (2000 m²). A maximum gross retail floor area of 3,000 m² was also specified for the site zoned “Commercial”.
- 09/08/94** Amendment 665 to TPS1 reconfigured zoning on the site, to the effect of:
- (i) relocating the service station zoning along the Flinders Avenue frontage;
 - (ii) rezoning a portion of the site “Special Development A” zone to add to the adjoining residential land to the west.
- 09/12/97** Amendment 784 to TPS1 was gazetted which rezoned the “Service Station Zone” to a “Commercial Zone” (Police Complex Site).
- 25/03/99** Application for approval to commence development received for the Neighbourhood Shopping Centre on the land zoned “Commercial”.
- 01/11/99** Advertising of the proposal for public inspection and comment commenced for an initial period of 21 days. The advertising period was then extended to 28 days (closing on Nov 29) in response to requests for additional time to prepare responses.

04/11/99 The advertising signs incorrectly referred to a “proposed rezoning” and the signs were correctly amended on 5th November to state “proposed development application”.

29/11/99 Advertising closed.

DETAILS

Location

The subject site is located 2km south of Whitford City and is bounded by Flinders Avenue to the north and Waterford Drive to the east.

The lot falls from Waterford Drive, such that the western side of the site is approximately 5.0 metres below the Waterford Drive level. It is proposed to cut a substantial portion of the site, to allow development at one level wherever possible. At the western (low) end an undercroft parking area (67 bays) is proposed beneath the supermarket.

The land is bounded by medium density residential development to the West and South, and the recently constructed Police Station to the North. Residents of the opposite side of Flinders Ave and Waterford Drive overlook the site, from their respective front garden areas.

Proposed building layout

An ‘access leg’ on the shopping centre lot (refer to the attached plans) is intended to be utilised for access to the service area for the supermarket component of the development. The access leg abuts the medium density development to the West. The residents of the development also have rights of access to use this driveway for access to garages. The access leg forms part of the subject lot, and has a right of carriage endorsed (on the title) to allow access for the adjoining residents. The access leg would also provide an alternate entry to the carpark for customers.

Separate consulting rooms and an outdoor stage and other amenities (skateboard ramp, etc) are proposed, on the Eastern side of the main buildings (oriented toward Waterford Drive). The proposed centre is focused on a ‘village square’ which is an outdoor mall area surrounding the main supermarket entrance. Activities which could utilise this space include outdoor stage, skateboard ramp, children’s playground, retail, restaurants, café and entertainment facilities. This is designed to allow use of the centre during the day and in the evening.

The proposal includes restaurants (including tavern - licensed restaurant), real estate office & travel office, dry cleaning, optometrist, supermarket (2350m²), liquor store, chemist, hairdresser, beauty salon, newsagent and hot bread shop and 87m² of other non retail floorspace. A separate building containing a medical centre is also proposed.

Site Levels

Along the southern boundary there is an existing 1.5 metre high retaining wall above the ground level of adjoining residential lots (southwest corner) and this reduces in height to 0.5 metres to nil on Waterford Drive. Generally the parking levels in the southwest corner coincide with the top of the retaining wall. There is an existing fence on the eastern retaining wall for privacy to adjoining residential properties.

Building Bulk

The west wall of the supermarket has a height of 10.6 metres above the level of the accessway. This is due to the fall of the site and the creation of the undercroft along the low side of the site, beneath the supermarket. The building is proposed to be setback 6.0 metres from the residential properties to the west. The height of the 'rear' facade is oriented toward the rear of adjacent residential lots that share a right of carriageway on the proponent's lot.

Access

Three vehicle crossovers are proposed into the development, (two crossovers onto Flinders Avenue and one crossover onto Waterford Drive). The location of crossovers onto Flinders Drive is designed opposite existing domestic driveways. The crossover onto Waterford Drive is at the intersection of Waterford Drive and Murray Drive. Other options for crossover location were contemplated but discounted due to the need for an easy graded transition down onto the site from the higher Waterford Drive level.

Outdoor Stage

The stage proposal reflects the applicant's intention of a 'village type' development, which integrates community functions within the centre. The stage also has the capacity of being enclosed for small meetings and fundraising functions. An acoustic report has been requested during the course of discussion with the proponents to quantify the suitability of the site for this type of activity. This is discussed in detail later in this report. It is envisaged that the stage will mainly be used on weekends where most activities will occur during the day.

The following points have been taken from the applicant's submissions, to provide a summary of the arguments in support of the proposal:

General

- *The proposal is a new style of development, which enhances job creation and provides a vibrant centre after 5pm. The centre is based on a village shopping experience and consumer desire;*
- *Local residents in Hillarys are desperate for local restaurants and entertainment.*

Town Square

- *The 'Town Square' comprises seating areas, stage and grassed area, skateboard track and children's playground. The area is designed for the use of patrons of the centre and for the community to use these amenities for concerts, meetings etc;*
- *The external seating area is an integral part of this facility catering for public and shopping centre patrons;*

- *The stage is designed for community integration. It has the ability of being enclosed, and can be used for meetings and fundraising functions, school P & C, sports clubs, boy scouts, Police & Citizens youth club, yoga and ballet;*
- *The theatre (outdoor stage) addresses an area, which could accommodate 250 people plus up to 78 tables adjacent to eating facilities. Fifty tables are to be demarcated for exclusive tenancy use. It is estimated that, if the area were fully utilised, up to 560 people would be present. This represents 50% of bays required on-site. These occasions would occur at quiet retail periods.*

Car parking

- *On-site parking for 279 bays is proposed, of which 67 are incorporated as undercroft parking bays. A further 17 on-street parking bays along Waterford Drive have also been included in the proposal;*
- *Parking shortfall is not excessive and reciprocity would occur providing sufficient parking for both centres;*
- *With increasing trading hours, the peak demand patterns for parking are changing with a more uniform and pattern evolving without peaks in demand. Major retailing chains believe 6-bays/100 m2 of retail space is adequate, and other local authorities share this view;*
- *Other Councils encourage employment by providing the street parking;*
- *On-street parking supports the community component of the development and stage;*
- *A roundabout is not essential and can function as a four-way intersection. If Council insists on its construction this should be the Council's contribution to infrastructure costs. The development will allow Council to recoup its costs over time.*

Consulting Rooms

- *The medical centre is not a bulk billing practice. Five medical practitioners would be provided of which one will be providing house calls and need an office and other practitioners would have appointments for half-hour minimum.*

Advertising

The proposal was advertised and comments were invited due to its significance for the local community. To facilitate public awareness of the proposal, the following steps were undertaken:

- Twenty nine (29) notification letters were sent to surrounding residents (immediately affected);
- Two advertising signs were placed on site;
- A display of the proposal was available at the Administration building in Joondalup. Details of the proposal were also made available at the Whitford City Shopping Centre;
- The submission period was extended by 7 days to a total of 28 days, following requests from residents for more time to consider the proposal;
- Two public notices were placed in the Wanneroo Times on 18 and 25 November 1999.

In addition, the proponent also advertised the proposal in the Wanneroo Times by providing a plan and information in support of the proposal, and inviting direct comment to his office.

Residents also conducted meetings on site to debate the merits of the proposal. The City has been advised that the on site meeting resulted in a vote of almost unanimous objection to the proposal.

A total of 263 negative submissions were received which included nine (9) late submissions following the close of the advertising period. Almost all of these submissions received raised concerns regarding aspects of the proposal. A minor number objected to the proposal in its entirety. In addition to these submissions two (2) petitions containing a total of 362 resident signatures was received objecting to the proposal.

Several (7) submissions expressed conditional support for the proposal. Only three (3) submissions received indicated unconditional support for the proposal. A petition in support of the proposal, containing 27 signatures was also received.

Submissions in the negative were examined in detail and summarised according to the frequency of concerns. These are also expressed in terms of a percentage of total submissions in the table overleaf.

Respondent Issues	Frequency (No. of times mentioned)	Percentage of total submissions where this issue was raised
Centre is too large for the area – other shops can be used	152	57%
Size of the centre will impact on nearby centres and residential area	144	54%
Centre will attract ‘undesirable people’ and with them ‘anti-social behaviour’ due to skateboard ramp, stage and tavern uses	121	45%
Already sufficient shopping centres in area	125	47%
Other noise pollution	125	47%
Tavern(s) already close by	111	42%
Vandalism	100	37%
Sound Stage noise	100	37%
Question need for stage and skateboard ramp	91	34%
Increased Traffic Flow	88	33%
Safety Concerns – supervision of children in playground, families crossing road, skateboarder’s safety, and conflict between skateboarders and pedestrians/motorists.	82	31%
Need consultation with public on what they want	80	30%
Security Concerns	77	29%

Many respondents recognised that the site is planned to accommodate a shopping centre. The most significant concern raised was that the size of the proposed centre was excessive (typically it had exceeded preconceived opinions, and suggestions of the type of centre that would be developed) and the impacts of the centre size on the neighbourhood, in regard to noise, traffic, and behaviour.

Resident objections were expressed regarding the outdoor stage, skateboard ramp, playground, tavern and liquor outlet and to a lesser extent the consulting rooms. Objections are generally expressed in terms of a potential impact on the 'quality of life' of residents from these proposed land uses. Several residents indicated noise is already audible from Sorrento Quay. The proposed skateboard ramp also attracted strong concern regarding the possibility of anti-social behaviour from teenagers loitering, and increased vandalism (graffiti), drug use, intoxication, rubbish and conflict with other patrons of the centre.

Many of the responses highlighted concerns about the proposal which have been common with issues arising from the technical evaluation of the proposal. Detailed comments on the submissions are discussed in the latter half of this report.

In addition, the proponent lodged a submission on 6 December summarising inquiries he had received regarding his own advertisements in the Community Newspaper.

This is reported for Councillors' information. The information has not been independently assessed or verified.

The summary is as follows:

People outside 'catchment area' in support of the proposal	approx 100 people
Local residents in support	approx 500 people
Employment inquiries	approx 50 people
Prospective tenants	approx 100 people
People with special needs Eg. Health care users	approx 100 people

Total calls	approx 650 people*
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(* Note that it is assumed that some respondents must have raised more than one issue in the above summary.)

Of the respondents 360 supportive comments were received and are summarised below:

1. Support for the skateboard proposal.
2. Support for the village centre concept/ have been waiting for a local centre to develop/ convenience.
3. Congratulations to proponent for having vision to develop this type of proposal.
4. Will provide employment/ will patronise the centre.
5. Local supermarket is needed.
6. Like the undercroft parking.
7. Support due to desire to walk to shopping centre for convenience.
8. Other centres are congested, this proposal will be better.

A range (40) of negative comments was also received. The nature of these comments is as follows:

1. Centre will be swamped with children
2. Dislike for al fresco activity.
3. Scale of development
4. Impact on views over site.
5. House values will fall.
6. Would not have developed house if centre plan were known.
7. Concern about traffic volume, noise, and use of service vehicle access to centre.

The suggestion of 360 for the proposal and 40 against is also difficult to quantify based on the summary position suggesting that there were 650 responses.

COMMENTS

Technical assessment has occurred having regard to the controls in Town Planning Scheme 1 and relevant Policy. Council has also adopted policy in relation to car parking provision on site (CJ152-09/98 refers). The policy has regard to the provisions of Draft District Planning Scheme No. 2, which is expected to be finalised in the near future.

The subject site has been zoned 'Commercial' under the City of Joondalup Town Planning Scheme No 1 for a substantial period of time. Permitted uses include Shops, Consulting Rooms and Restaurant within the Commercial zone. Other uses are discretionary including Dry Cleaning, Tavern, and Public Amusement and should be assessed on their merits.

The principle of allowing retail use of the site is established in the Town Planning Scheme.

There are various matters which have been raised in debate over this issue, some of which can properly be influenced by the powers of the TPS and some of which that are unrelated to the powers of the Scheme.

The TPS is concerned with the built form of development and ensuring that development occurs to appropriate standards established in the TPS. The TPS does not control behaviour of people, or detailed aspects of the proposal that were not foreshadowed when planning controls were inserted in the TPS.

The TPS is subject to interpretation, and where specific standards apply, conditions of approval can be effectively applied to guide Council's preferred form of development. If standards have not been developed to regulate specific aspects of a proposal, then the regulation of such aspects of a proposal relies on the general intent of the TPS.

In the event of appeals to higher authorities, such as the Minister for Planning or The Town Planning Appeal Tribunal, there can be protracted argument about the type of decision applied and the validity of conditions of approval or grounds of refusal.

If the proposal is approved by the Council subject to conditions or refused in part or in total the applicant has the right of an appeal. Any decision taken by the Council should be carefully conceived for its reliance on the grounds and rationale established in the Town Planning Scheme.

A proposal can be determined in a variety of ways. Typically, by:

1. Approval subject to conditions. The principle being that the proposal is reasonably close to acceptability, and that the impact of the conditions would be to hone the content of the proposal, or
2. Defer consideration of a proposal, and seek revised details, where substantial revisions are required, and major changes need to be documented to provide a full 'picture' of the proposal, or
3. Refusal, in the case of a proposal which clearly conflicts with the TPS. In such a case, the refusal needs to be substantiated by appropriate planning grounds, drawn from the TPS where possible.

Retail Floorspace

The most frequent issue raised in submissions is the size of the proposed centre. The Council has the ability to control the size of the centre in respect of its retail floorspace, but does not set out a limit for non-retail uses. The total composition of the centre is an issue that must be evaluated on its merits.

Schedule 5 of Town Planning Scheme No 1 limits the centre to a gross leasable area of 3000m² used for retail purposes.

The retail floorspace requirement was calculated accordingly:

Retail Floorspace Proposed:	
Supermarket	2350m ²
Liquor	200m ²
Chemist	125m ²
Hairdresser	50m ²
Beauty Salon	25m ²
Newsagent	112.5m ²
Bread	50m ²
Take Aways	100m ²
TOTAL PROVIDED	3012.5m²
MAXIMUM ALLOWABLE	3000.0m²

The proposal exceeds the permitted retail space by 12.5 m². This could be reduced by the imposition of an appropriate condition of development approval.

In addition, the non retail component of the proposal is as follows.

Non-Retail Floorspace Provided	
Seafood	50m ²
2x Restaurant/Tavern	175m ²
Tavern	
Real Estate	100m ²
Travel	25m ²
Dry Cleaning	75m ²
Optometrist	75m ²
Consulting Rooms	318m ²
TOTAL NON-RETAIL NLA	818m²

Many of the uses proposed can be found in other local village centres within the City, and these successfully provide a range of services for their respective local communities. However, in other cases they are often 'buffered' from adjoining residential areas, by being co-located with Parks, or office commercial land uses at the periphery of the centres. It should also be noted that other centres have not incorporated such an emphasis on outdoor uses such as a stage in such close proximity to residents. There is concern from a technical point of view regarding the combination of the:

1. Building bulk when compared to the area of the lot,
2. Type of uses and facilities proposed, and
3. Proximity of elements of the development to nearby residences.

The combination of land uses and bulk of development on a site of this size raises the above questions. There is also the cumulative impact of carparking provision to consider, as described below.

Car Parking

The City of Joondalup Town Planning Scheme No 1 requires car parking for shops at a rate of 1 bay per 10 m² of gross floor area (GFA) up to 1000 m² plus 1 bay per 7.5 m² of GFA over 1000m² (other parking ratios apply to non-retail uses). The Scheme was adopted in 1972 and Council has had concerns about the application of this standard.

In 1998 Council recognised the deficiencies in applying parking standards from TPS1. Council decided to amend TPS1 and adopt a new parking policy based upon Draft District Planning Scheme No 2. Although the amendment was not finalised, the policy was not revoked and continues to apply.

The Council has discretion available under TPS1 to vary parking standards. The adopted policy formed a significant component of guiding the exercise of discretion under TPS1. The proposal was therefore assessed for its conformity with the parking standards of Draft District Planning Scheme No 2. as set out on the following table.

Carparking

Neighbourhood Shopping Centre & Consulting Rooms	Draft District Planning Scheme No 2	Provided by the applicant
Alfresco dining and outdoor theatre were assessed separately.	Neighbourhood Shopping Centres under 10,000sqm: 7 bays per 100m ² GFA and 5 bays per practitioner (5x9=45bays)	279 bays on-site – of which 67 are undercroft bays. (Excluding the additional 17 bays proposed as on-street parking along Waterford Drive)
TOTAL	291 bays	279 bays

The parking shortfall of the proposal is symptomatic of the inability of the lot to cater for the uses proposed, from a technical point of view. Under other circumstances, say in the case where the shortfall is the only outstanding issue, the matter of the carparking discretion may be considered more favourably, however in the context of this proposal, the cumulative impact of overdeveloping the site is not supported.

On-Street parking

The applicant has sought permission for 17 on-street parking bays along Waterford Drive and considers these bays to be an essential component of the village shopping centre and recreational uses proposed. On-street parking was assessed on its merits following consideration of concerns from adjacent residents on Waterford Drive. The provision of on street parking in this location is not supported on this occasion, due to the intended function of the road, the potential for vehicle conflict and the prevailing grade and the bend in the road. The future parking behaviour of site visitors would also need to be monitored to assess the extent and appropriateness of allowing cars to be parked in the proposed location.

Roundabout

A roundabout was added to the proposal, to facilitate ease of entry from Waterford Drive. It was suggested that Council fund this aspect of the plan. Council does not have funds available to facilitate the construction of the roundabout, and the need for this seems to have been generated specifically by the access location proposed by the applicant. It is recognised that traffic management in the area could contribute to the level of service of the road and provide speed reduction to the benefit of the immediate locality. This aspect of the proposal should be the subject of further dialogue with the City. The evaluation should also consider the Flinders /Waterford intersection

Council's Draft Design Policy 1994

This Policy document was quoted extensively by the applicant in support of this proposal but the document was not adopted as planning Policy. The background behind the formulation of this early Policy is not clear. It is not a relevant consideration of this proposal since it is not an adopted Policy of the Council.

Outdoor Stage

One of the main objections consistently raised in submissions received relates to the outdoor stage and its potential to generate noise in the evening when the centre is expected to close. This aspect of the proposal is controversial.

The applicant has engaged an acoustic consultant to report on potential sound levels in consultation with the Department of Environmental Protection in an attempt to address this issue.

The conclusions of the acoustic report are not accepted because it proposed to adjust the assigned noise levels in the Regulations (by seeking a form of exemption to the regulations) to suit the development rather than the development being modified to suit the residential environment. The stage under the scenario proposed by the applicant's acoustic consultant would be between 10 dB(A) and 22dB(A) in excess of the Assigned Noise Levels. The applicant has subsequently proposed to install a permanent speaker system with a limited noise output. This option has also been assessed and will not comply with the Regulations.

The stage also takes up part of the lot that could be otherwise used to 'centralise' the building bulk and reduce the extent of built development. This could also free up a portion of the site to provide the required number of on-site carparking bays

On balance the stage proposal is not supported due to the concerns raised by submissions and inability to comply with the Environmental Protection (Noise) Regulations 1997. The report infers that the noise caused would exceed limitations upon noise in residential areas.

Skateboard Ramp

The skateboard ramp aspect of the proposal has attracted significant public opposition and concern relating to the potential for undesirable people to 'hang around' the centre and the anti-social behaviour that could arise. Difficulties in supervising activity in this area are noted. Although town planning approvals cannot regulate human behaviour, recent initiatives have attempted to reduce the creation of public spaces that may contribute to anti-social behaviour. In this case, the area could be well supervised, however this is unproven. Council has previously adopted a position not to support the construction of such facilities where the support of the community is not apparent.

Tavern & Liquor Store

The liquor store is a permitted use ('P') and the tavern is a discretionary use ('AA') under Town Planning Scheme No 1. Submissions received objected to this proposal fearing 'undesirable' people hanging around drinking and 'unsociable behaviour'. There is no statutory ability for the Council to refuse the liquor store based solely on the proposed use of the tenancy. The "restaurant/tavern" shown on the plans has attracted similar concerns, however the proponent has advised that it is intended to use this tenancy as a restaurant only. Parking demand has been calculated on this basis. Given the desire to add vibrance and extended trading hours to the centre, this aspect of the proposal is supported.

Landscaping

The proposal does not comply with the 3.0 metre landscaping strip requirements adjoining Street frontages. The applicant seeks Council's discretion to locate the parking area closer to the site perimeter than the 3.0 metres. The site is significantly lower than Waterford Drive, and the grade separation provides visual relief between the street and the car parking area. The proposal also provides open space and landscaping in the central area where the stage, skateboard track, children's play area, and open area has been proposed.

Verge areas would be landscaped to a high standard with extensive tree planting. At the base of the retaining walls dense planting will be provided and for safety reasons, a balustrade rail will be provided atop the retaining wall along Waterford Drive and Flinders Avenue.

Building Bulk

The proposal presents a high façade to the west, due to the fall of the lot, and the chosen floor level of the supermarket. The wall would not result in any overlooking, although its existence would be starkly different to the current outlook over the vacant site.

Service Access

In addition, the location of the service access to the supermarket in this location also raises the issue of amenity intrusion caused by servicing of the development. This can be overcome by regulating times of service delivery in keeping with the requirements of relevant noise abatement conditions, reinforced by an appropriate condition of approval. Alternately, relocation of the service access would also assist with this aspect of the proposal. Appropriate

safety measures to ensure visibility for drivers and pedestrians need to be developed in consultation with the City.

Other issues

Correspondents have also raised issues regarding the viability of some of the tenancies proposed in the development. Council's Town Planning Scheme does not regulate such matters related to commercial competition.

In addition, there has also been concern raised about the intended 3000m² cap on retail development and the fact that a portions of the site has been excised to create the police station lot. The police station lot was in fact created on the land that had been earmarked for a petrol station, and therefore the impact on the commercial site is minimal.

CONCLUSION

The proposal is largely consistent with the "Commercial" zoning of the land. However, there are numerous aspects of the proposal that have resulted in substantial community objection.

The applicant has indicated a preparedness to be flexible in regard to design.

The proposal could be amended to accord with the bulk of those objections and to ameliorate the planning concerns from a technical point of view.

The proposal is generally consistent with the retail floorspace requirements of Town Planning Scheme No 1 with the exception of the 12.5m² of retail floorspace that must be deleted.

A significant public response was received raising concerns over the current proposal, based on the size and content of the centre and a belief that the stage, skateboard ramp and tavern will attract 'undesirable people' and 'anti-social behaviour'. The 'quality of life' of residents is of paramount importance and has been a major objective in assessing the acceptability of this proposal in this location. The 'additional' elements included in the proposal contribute to the demand for carparking and reduce the amount of land available for this purpose. The reconfiguration of these aspects of the proposal would lend itself to the development conforming with the requirements of the Town Planning Scheme.

Based on the above, the following recommendation is presented for consideration.

RECOMMENDATION:

That Council:

- 1 EXERCISES discretion pursuant to clause 9.1 (1) of the City of Joondalup Town Planning Scheme No.1 (TPS 1) by:**
 - (a) applying the car-parking ratios of (Draft) District Planning Scheme No 2 (DPS 2) of 7 bays per 100sqm GFA and 5 car bays per practitioner, in keeping with Council resolution CJ152-09/98 for this development, in lieu of the carparking provisions of TPS 1;**

- (b) reducing the landscaping strip of 3.0 metres to 1.0 metre in width, as allowed by clause 5.9 of TPS 1;

2 APPROVES the development application (dated 25 March 1999) and plans (dated 25 October 1999) subject to the following conditions:

- (a) the total retail Net lettable area (NLA) of the centre being reduced to a maximum of 3,000 m²;
- (b) the outdoor stage and skateboard ramp being deleted;
- (c) the tenancy marked “restaurant/tavern” being approved and used as a restaurant only;
- (d) plans being submitted showing the carparking area amended to provide additional carparking bays in accordance with the requirements of Draft DPS2, prior to the submission of a building licence, to the satisfaction of the City;
- (e) the service entry to the supermarket being the subject of a management agreement with the owner of the land to ensure that servicing occurs during the day only, within the parameters expressed under noise abatement regulations, and to the satisfaction of the City;
- (f) traffic management measures being designed and constructed at the intersection on Waterford Drive (at the cost of the proponent) to the satisfaction of the City;
- (g) all traffic management measures being completed prior to occupation of building alterations and additions;
- (h) the visual bulk of the proposed building being reduced to the western facade by using materials, colours and mature landscaping when viewed from adjoining residential development to the satisfaction of the City;
- (i) detailed plans being submitted depicting pedestrian access improvements at all entrances and exits to the centre and their relationship with taxi ranks, bus stops and into car parks;
- (j) submission and implementation of a Construction Management Plan prior to commencement of any works and being to the satisfaction of the City. Such a plan must detail phasing in construction, construction vehicle access, storage areas, refuse disposal, maintenance of shopper access and parking bays, ameliorative measures to control noise and dust pollution to adjacent residents associated with earthworks and general construction;
- (k) disabled parking bays being provided in accessible locations to main entrance and constructed/marked in accordance with specifications approved by the City;

- (l) the undercroft carpark area being secured after business hours, to discourage anti-social behaviour;
- (m) all car park lighting should be reduced after 10pm at night and thereafter limited to security lighting only. All lighting must be internally directed and must not overspill into adjacent residential properties or roads;
- (n) the car park design, landscaping and lighting to be designed to improve visibility and security of shoppers during the day and night;
- (o) 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) unless otherwise specified by this approval. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied;
- (p) retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Details, signed by a practising Structural Engineer, must approved by the City prior to construction;
- (q) all plant, air conditioners must be designed to comply with the Environmental Protection (Noise) Regulations and be located behind facade walls in unobtrusive locations relative to adjoining residential development;
- (r) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge/s. Landscaping being thereafter maintained to the satisfaction of the City;
- (s) 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 City prior to the commencement of construction;
- (t) suitably screened bulk bin area(s) are to be provided prior to the development first being occupied in accordance with the attached specification. Provision being made for service vehicle access to all food tenancies and bin storage areas for all tenancies within the centre. Bin storage areas must be drained to connect with sewer;
- (u) measures being implemented to maintain the visual privacy of adjoining residents along the southern and western lot boundary which may include fencing and screen planting to the satisfaction of the City;
- (v) no amplification of sound being permitted in the al fresco area;

- (w) an anti-graffiti coating being applied to the development to the satisfaction of the City;
- (x) the liquor store and supermarket having the same hours of operation.

Footnotes

- 1 The applicant must obtain separate approvals for proposed building works, signage and public buildings and eating house approvals from the City.
- 2 Verge parking embayments on Waterford Drive do not form part of this application, and are not supported.
- 3 ADVISES the respondents accordingly.

For the attachment to this report, see Appendix 9 at the rear of the agenda, or click here: [Attach9ag2112.pdf](#)

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**CJ453-12/99 APPLICATION TO CLOSE PEDESTRIAN
ACCESSWAY BETWEEN HAWKER AVENUE AND
WARWICK RAILWAY STATION CAR PARK,
WARWICK - [09122J]**

SUMMARY

The Church of the Latter-Day Saints owns both properties that adjoin the pedestrian accessway (PAW) between Hawker Avenue and Warwick Railway Station car park. A representative from the church has requested the closure to enable an amalgamation of the three parcels of land.

The subject pedestrian accessway provides for a convenient pedestrian and cycle access point to the Warwick Bus/Rail Station car park and access between Hawker Avenue Primary School and Warwick Bus/Rail Station car park. There was not any support for closure submitted during the advertising period though a high level of objection was received. Most of the objections state that the above PAW is used regularly as pedestrian access to Warwick Station for commuting purposes to places of work and education; in some cases by numerous family members.

A PAW linked to a rail and bus terminal is likely to have a high incidence of use and in this particular case the level of objection received supports this. The closure of this PAW would have a significant impact on local residents, many of whom use it on average ten times weekly. Based on this PAW's strategic location and the level of opposition to its closure, this proposal should not be supported.

BACKGROUND

On 5 July 1995, at a Special Meeting of Council, a resolution was passed to support the closure of the PAW between Moffat Place and the Warwick Railway Station Car Park. Thirty-one letters of objection were received along with two petitions. Westrail also conducted a count on the number of people using the PAW and on one day alone, midweek, from 6.00am to 6.00pm, 189 people used the PAW between Moffat Place and Warwick Railway Station Car Park.

DETAILS

The Church of the Latter-Day Saints owns both properties that adjoin the PAW between Hawker Avenue and Warwick Railway Station Car Park. A representative from the church has requested the closure to enable an amalgamation of the three parcels of land. Advice received from the applicant states that if approval was given to close the above PAW, the church does not have any immediate plans to develop the site other than to extend the car parking area.

The subject PAW links Hawker Avenue to the northeastern corner of the Warwick Railway Station car park (Attachment 1). It is bounded by the chain mail fence of the car park belonging to the Church of the Latter-Day Saints on the one side and a residence on the other that is also owned by the applicants.

At the end of the PAW there is a light pole that illuminates over the Warwick Railway Station car park and there is also a light pole mid-way along the PAW, in the car park of the church which may offer some illumination to the PAW. A site inspection was carried out by a Council officer and in a half hour period, witnessed 13 people using the PAW.

Service Authorities

This application was referred to the servicing authorities, the Western Australian Planning Commission (WAPC), the Department of Transport (DOT) and Westrail for their comments.

Alinta Gas and the Water Corporation do not have any service plant within the PAW and therefore do not object to the proposal. Western Power does require modifications to its plant and it also requires an easement over the length and width of the PAW to be granted in its favour. Telstra objected to the proposal due to having plant within the PAW but has stated that provided an easement is put in place to protect its equipment, Telstra's objection will be withdrawn. The applicant has agreed to pay the necessary costs and meet any conditions in relation to this closure.

The WAPC has objected to the proposal stating that closure of the pedestrian accessway will result in longer and less convenient pedestrian and cycle access to the Warwick Bus/Rail Station car park and access between the Hawker Avenue Primary School and Warwick Bus/Rail Station car park. The DOT's advice is that it strongly objects to closure of this PAW, as it is a significant link between the southwestern corner of the Warwick subdivision and the Warwick Bus/Rail interchange. Further, its closure would increase the walking distance for "walk on" public transport passengers by 400 metres.

Westrail's Urban Passenger Division strongly opposes this closure stating that it is a vital accessway to the public transport system. Its closure would discourage the use of public transport by making access inconvenient and the elderly and children would have considerably further distances to walk. Westrail also stated that closure of the PAW would add further vehicular congestion to the freeway system.

Public Advertising Period

This application was advertised for thirty days seeking public comment. During this time the City received 19 letters of objection along with a petition of objection containing 81 signatures. All of the signatories to the petition could not be shown on Attachment 1, due to living outside of the area shown. It is stated that these signatures were collected over a three-hour period.

Almost all of the submissions state that numerous family members use the PAW on a regular basis for commuting purposes. They state that the two alternative routes are too far for them to walk, are not as safe and given the extremes of summer and winter weather conditions will cause undue hardship. It is also stated that some consideration should be given to the elderly and the effect extra walking would have on them. Some of the objections state that they are astonished that the City would even consider such a proposal due to the position of the PAW.

Sixteen of the objections mention the closure of the PAW from Moffat Place to Warwick Railway Station and how local residents have already been greatly inconvenienced by losing the most central pedestrian route into the railway station.

COMMENT

The reason submitted by the adjoining landowner for requesting this closure would not appear to justify the obvious inconvenience its closure would bring to local residents. As indicated by most of the submissions received the PAW is used for daily commuting to places of employment and education, an average of ten times a week on a regular basis.

An alternative entrance to the north off Hawker Avenue increases the walking distance for public transport users by an amount considered excessive. The extra walking distance to the access on Beach Road in the south would be even greater for most commuters who have objected to closure, making this access also an unsuitable alternative.

Though a formal survey of pedestrian usage has not been conducted with regard to this application, it can be assumed that a proportion of the public transport users who used the PAW between Moffat Place and Warwick Railway Station now use this PAW. This assumption is reinforced by the content of the public submissions received.

Having convenient pedestrian access to public transport can be a high priority when people are considering the purchase of property. This may be to either avoid using private cars on a regular basis or because family members do not drive. A railway and bus terminal within a locality can be an invaluable public facility but to retain its value it is important for access to be convenient.

The subject pedestrian accessway provides for a convenient pedestrian and cycle access point to the Warwick Bus/Rail Station car park and access between Hawker Avenue Primary School and Warwick Bus/Rail Station car park. In light of the objections received and the strong supporting argument to retain the PAW, it is recommended that closure not be supported.

RECOMMENDATION

That Council does NOT SUPPORT the closure of the pedestrian accessway between Hawker Avenue and Warwick Railway Station Car Park, Warwick.

For the attachment to this report, see Appendix 10 at the rear of the agenda, or click here: [Attach10ag2112.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ454-12/99 CITY OF JOONDALUP VEHICLE LICENCE
NUMBER PLATES – [06574]**

SUMMARY

With the birth of the new City of Joondalup and the development of its corporate image, the City has secured City of Joondalup vehicle licence plates, numbers 1 to 20, for exclusive use of elected members.

It is recommended that Council Policy 2.2.1 be amended to include the issue of these plates to elected members as an optional piece of equipment. These plates are to be returned to the City upon completion of the elected members' term of office with any transfer costs being met by the City.

BACKGROUND

As a part of establishing a corporate image for the new City of Joondalup, corporate vehicle number plates have been designed by the City and the Department of Transport for sale to interested persons.

The City was able to secure number plates 1 to 20 for exclusive use of elected members, with Number Plate 1 being reserved for the Mayoral vehicle.

DETAILS

In July 1999, and to ensure that elected members have appropriate equipment, material and information to enable them to perform their duties of office, the Council adopted Policy 2.2.1 – Issue and Return of Council Related Equipment to Elected Members.

It would be appropriate to include the issue of a City of Joondalup vehicle number plate as part of this policy. There would be no initial cost to either the City or the elected member to transfer the elected member's existing number plate to a City of Joondalup plate. The number plates have been ordered and are likely to take approximately eight weeks to deliver and a cost of \$150 per plate.

Policy 2.2.1 allows for any elected member after serving not less than two years to retain all equipment issued by the Council with the exception of:

- any equipment that is less than 2 years old (with the exception of mobile phones);
- equipment leased by the Council;
- security card;
- lounge key.

It is suggested that those elected members who choose to have a City of Joondalup vehicle licence plate be required to return it upon completion of their term of office. Any costs associated with the transfer of number plates will be borne by the City. The current estimate of these costs is \$15.00 per vehicle.

COMMENT/FUNDING

The development of the new City of Joondalup vehicle licence plates has assisted in the establishment of a corporate image for the new City of Joondalup. The ability for elected members to have City of Joondalup licence plates on their vehicles will only assist in developing the City's corporate image.

To determine which elected members obtain which number plates, it is suggested that it be agreed by mutual agreement by those elected members interested in the same number plate. Alternatively, if the choice can not be resolved by mutual agreement that the elected members draw lots to determine the outcome.

RECOMMENDATION

That Council Policy 2.2.1 – Issue and Return of Council Related Equipment to Elected Members, BE AMENDED to include:

1 under the heading “Equipment”:

“1 City of Joondalup vehicle licence number plate, selection of numbers 2 to 20 (optional)”;

2 an additional Clause (8) to read:

“Retiring elected members are to return the Council issued vehicle licence number to the City within fourteen (14) days of ceasing to be an elected member. Any costs associated with the transfer of the elected member's vehicle licence number plate shall be met by the City”.

CJ455-12/99 1999 INAUGURAL ELECTION RESULTS – [35216]

SUMMARY

At the 25 May 1999 meeting of the Joint Commissioners, it was resolved to declare the Electoral Commissioner responsible for the conduct of the City of Joondalup's inaugural elections as a postal election. Mr Brian Moore was accordingly appointed as the Returning Officer.

On Friday 26 November 1999, voting packages were sent out to 98,447 electors. At close of poll, 6.00pm, Saturday 11 December 1999, 27,164 (27.60%) voting packages were received by the Returning Officer.

Mr John Bombak, JP, received 6,899 votes to be declared the inaugural Mayor of the City of Joondalup. A full copy of the election results as prepared by the Returning Officer is contained in the 'details' section of this report.

BACKGROUND

A panel of inquiry was appointed in accordance with section 8.16 of the Local Government Act 1995 by the Minister for Local Government on 28 November 1997 to inquire into the report of the Royal Commission into the City of Wanneroo, dated September 1997.

One of the recommendations of the inquiry panel was that the former City of Wanneroo "take immediate steps to introduce postal voting for Council elections."

A report to the 25 May 1999 meeting of the Joint Commissioners outlined a number of reasons as to why the election should be conducted by the Electoral Commission as postal, including the:

- 1997 overall participation rate at postal voting elections was 47%, compared to a participation rate of 20% at vote in person elections.
- former City of Wanneroo's 1997 election voter turn out was 6.95%
- election is conducted by professional staff appointed for that sole purpose.
- appointment of the Electoral Commissioner removes any conflict of interest that may exist between elected members and the local government officers appointed to conduct the election.
- election process is overseen by an independent service provider with an in depth experience and adequate resources to perform the tasks.

DETAILS

On 26 November 1999, 98,477 voting packages were sent out to City of Joondalup electors. As of close of poll 6.00pm 11 December 1999, a total of 27,164 (27.60%) voting packages were received by the Returning Officer.

In accordance with section 4.77 of the Local Government Act 1995, the Returning Officer is to declare and give notice of the result of the election. The results of the election were advertised in the 15 December 1999 edition of the West Australian and 16 December 1999 edition of the Wanneroo Times.

A copy of the results is listed below.

**ELECTION NOTICE
CITY OF JOONDALUP
RESULTS OF INAUGURAL ELECTIONS**

The results of the Local Government Inaugural Elections conducted as postal elections on Saturday, 11 December 1999 are as follows:

CITY OF JOONDALUP– MAYORAL

COOPER Brian	5385
BOMBAK John	6899
CARLOS DON	6193
POLIWKA RUSSELL	4979
TAYLOR ARTHUR	3291

Therefore **John Bombak** is elected as Mayor and will hold office until 3 May 2003

CITY OF JOONDALUP – LAKESIDE WARD

EWEN-CHAPPELL Laeraine	1557
KADAK Paul	1585
MITCHINSON John	1033
DARBY-SMITH Terry	787
TAYLOR Arthur	803
KIMBER Paul	1037

Therefore **Paul Kadak** is elected as a Councillor and will hold office until 3 May 2003; and **Laeraine Ewen-Chappell** is elected as a Councillor and will hold office until 5 May 2001.

CITY OF JOONDALUP – MARINA WARD

MAGYAR Steve	1294
CARLOS Don	1800
HILL Michael	1042
GRECH Sam A	1230

Therefore **Don Carlos** is elected as a Councillor and will hold office until 3 May 2003; and **Steve Magyar** is elected as a Councillor and will hold office until 5 May 2001.

CITY OF JOONDALUP – NORTH COASTAL WARD

VENTHAM Arthur	347
RAVICHANDAR T	512
NIXON Andrew	1240
HOLLYWOOD John	958

Therefore **Andrew Nixon** is elected as a Councillor and will hold office until 3 May 2003; and **John Hollywood** is elected as a Councillor and will hold office until 5 May 2001.

CITY OF JOONDALUP - PINNAROO WARD

STROUD Rod	280
WALKER Allison	2238
COLLIER Malcolm	1094
ROWLANDS Peter	1934
CANNON Pat	961

Therefore **Allison Walker** is elected as a Councillor and will hold office until 3 May 2003; and **Peter Rowlands** is elected as a Councillor and will hold office until 5 May 2001.

CITY OF JOONDALUP - SOUTH WARD

BARNETT Tanya	2884
McILHONE John	1995
PRIESTNALL Graham	1624
WIGHT Tony	2026

Therefore **Tanya Barnett** is elected as a Councillor and will hold office until 3 May 2003; and **Tony Wight** is elected as a Councillor and will hold office until 5 May 2001.

CITY OF JOONDALUP - SOUTH COASTAL WARD

KENWORTHY Gerry	2355
WHITESIDE Michael	602
LAWSON Lynne	2195
PATTERSON Andrew Laurence	3293

Therefore **Andrew Laurence Patterson** is elected as a Councillor and will hold office until 3 May 2003; and **Gerry Kenworthy** is elected as a Councillor and will hold office until 5 May 2001.

CITY OF JOONDALUP - WHITFORDS WARD

HURST Judi	1567
MENEGOLA Bruno	413
ROCHESTER Les	1427
MACKINTOSH Carol	1480
HANCOCK Vicki	1443
PATRICK Mark A	603

Therefore **Judi Hurst** is elected as a Councillor and will hold office until 3 May 2003; and **Carol MacKintosh** is elected as a Councillor and will hold office until 5 May 2001.

BRIAN MOORE
RETURNING OFFICER

RECOMMENDATION

That Council receives the Returning Officer's report of the results of the City of Joondalup's inaugural elections held on 11 December 1999.

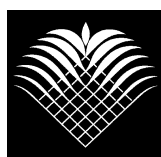
c:\temp\results report.doc

DATE OF NEXT MEETING

The next Ordinary Meeting of Council has been scheduled for **7.00 pm** on **TUESDAY, 8 FEBRUARY 2000** to be held at the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

FOR DECLARATION OF INTEREST FORM, CLICK HERE: [declaration_of
interest.pdf](#)



City of
Joondalup

QUESTION TO ORDINARY MEETING OF COUNCIL

NAME

ADDRESS

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QUESTION

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Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer
City of Joondalup
P O Box 21
Joondalup WA 6919

NOTE Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [Seatplan.pdf](#)