



MINUTES OF COUNCIL MEETING
HELD ON 26 APRIL 2000

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON WEDNESDAY,
26 APRIL 2000

ATTENDANCES

Mayor:

J BOMBAK, JP

Absent from 2100 hrs to 2105 hrs

Elected Members:

Cr P KADAK

Lakeside Ward

Cr D S CARLOS

Marina Ward

Cr S P MAGYAR

Marina Ward

Cr A T NIXON

North Coastal Ward

Absent from 2028 hrs to 2035 hrs

Absent from 2036 hrs to 2040 hrs

Cr J F HOLLYWOOD, JP

North Coastal Ward

Cr A A WALKER

Pinnaroo Ward

Cr P ROWLANDS

Pinnaroo Ward

Cr T BARNETT

South Ward

Cr A W WIGHT, JP

South Ward

Cr A L PATTERSON

South Coastal Ward

Cr G KENWORTHY

South Coastal Ward

Cr J A HURST

Whitfords Ward

Absent from 2048 hrs to 2050 hrs

Cr C MACKINTOSH

Whitfords Ward

Officers:

Chief Executive Officer:

L O DELAHAUNTY

Director, Resource Management:

J B TURKINGTON

Director, Planning & Development:

C HIGHAM

Director, Infrastructure Management:

D DJULBIC

Executive Manager, Strategic Planning:

R FISCHER

Manager, Executive Services:

K ROBINSON

Manager, Council Support Services:

M SMITH

Manager, Library Services:

N CLIFFORD

Publicity Officer:

L BRENNAN

Minute Clerk:

L TAYLOR

In Attendance

Mr Tony Thompson, President, North West Metro Business Association

APOLOGIES AND LEAVE OF ABSENCE

Nil

There were 9 members of the Public and 2 members of the Press in attendance.

The Mayor declared the meeting open at 1906 hrs.

The Mayor welcomed Mr Tony Thompson as this evening's invited guest and invited him to say a few words.

Mr Thompson thanked elected members for the invitation to attend this evening's Council meeting.

Mr Thompson gave an overview of the role of the North West Metro Business Association within the community and advised the association was the major representative of small business within the City of Joondalup. Currently the association had approximately 212 members from a diverse range of industries, located primarily within the City of Joondalup, but also some within the City of Wanneroo.

The association's facilities have been made available to the Sunset Coast Hinterland Tourism Group, to be used as a weekend tourist bureau, as well as both the Joondalup Owners and Traders Association.

Mr Thompson advised the North West Metro Business Association was a sponsor of the project to establish a substantial business incubator within the Joondalup region. Project team members consist of representatives from the association, City of Joondalup and Edith Cowan University.

The services provided by the Business Enterprise Centre are free to users. In the 1998/99 financial year, a total of approximately 576 new clients were sent by the full-time facilitator; with approximately 57 new business starts within the region; resulting in employment for 110 full-time positions.

Mr Thompson expressed his wish that the good working relationship with elected members and officers of the City of Joondalup should continue.

PUBLIC QUESTION TIME

The following questions, submitted by Mrs M Zakrevsky of Mullaloo, were taken on notice at the Council meeting held on 11 April 2000:

The questions relate to Craigie Open Space and its management.

Q1 When are members of the Conservation Advisory group likely to have access to this plan prepared by Council staff and the Friends of Craigie Open Space?

A1 This document is available in draft form from the Friends of Craigie Open Space.

Q2 When is the Management Plan envisaged to be implemented in view of the fact that the wet cool planting season for revegetation by the community is less than two months away?

A2 Funds will be provided in the 2000/2001 Maintenance Budget for the initial base works. This work will have no direct impact on the Draft Management Plan adoption process.

Q3 When can funds for access pathways and rubbish dumping deterrent fencing be accessed and used for the protection of this 56.7 hectares of bushland, a vital part of the Hepburn Heights, Pinnaroo Park, Woodvale Northern Bushland corridor planned for as far back as 1901?

A3 Council officers are currently negotiating a funding grant from Water Corporation for some initial restoration works. Work for the Dole funding is also currently being negotiated. Funds are to be considered within the 2000/2001 Budget submissions.

These initiatives will proceed and projects developed to commence in conjunction with finalisation of the Draft Management Plan.

The following questions were submitted by Michael Baird of Duncraig:

Q1 Can the Council re-establish a Working Party, involving Councillors and the public, to review the current Park, Median & Road Reserve Landscaping policies (5.2.2 and 5.2.6) and the associated development criteria ([\\coj03\techserv\parks\docs\gdo0952.doc](http://coj03\techserv\parks\docs\gdo0952.doc))?

A1 Prior to initiating the establishment of a Working Party, it would be preferable for Mr Baird to meet with Ward Councillors and Council Officers to identify the concerns he has with the current policies.

*Q2 In 1997, when verge and median development was first approved, preference was only given in the 1997/98 budget for such development. Has the Council (or Commissioners) ever approved an on-going **preference** to verge and median development? If so, when. If not, why is it continuing?*

A2 Council has allocated funds for this purpose within the Capital Works submissions.

Q3 In Council answers to questions from the public 25 August 1998, there was indicated an intention to seek community comment on the verge and median review. Was this ever done? If so, when? If not, when will it be done?

A3 Council receives on-going requests for additional works with regard to dry park development, medians and verge enhancement. No specific survey was proposed or undertaken. There is no current proposal to initiate a review.

Q4 A number of verges and median areas appear in the priority listings for dry parks. Why is this and why are some even listed as priority one for reticulation? When did the Council approve the combining (or so-called "alignment") of dry parks with verges and medians in the development programme, to the extent that a verge or median can become a dry park?

A4 Officers compiled a listing of all areas to enable Councillors to understand the extent of areas involved. Combining of dry parks and medians was undertaken to maximise efficiency and water utilisation. Verges and medians are not calculated as dry parks as they are designated road reserves.

Q5 The Reserves & parks policy 5.2.2 gives no criteria for reticulation of dry parks apart from a very general reference to environment and cost. Has the Council (or Commissioners) ever considered or approved the criteria listed on the document [\\coj03\techserv\parks\docs\gdo0952.doc]. If so, when? If not, why not?

A5 Policy 5.2.2 – Reserves and Parks have no specific criteria regarding park features. Each park is assessed independently. The criteria referred to on document [\\coj03\techserv\parks\docs\gdo0952.doc] forms a basis for independent assessment.

Q6 In the document [\\coj03\techserv\parks\docs\gdo0952.doc] the priority one economic factors override, and even militate against, the present priority two criteria of community need. Do the present Councillors consider this very technical appraisal meets the community requirements?

A6 The listing of dry parks as Priority 1, 2 or 3 is to provide Councillors and staff with a method of assessment. This was adopted to assist the Council to list the parks in an order after taking into consideration a number of factors.

Mr Michael Baird, Duncraig:

- With respect to the answers given to the questions I submitted for this evening's meeting and in particular Answer 4 that verges and medians are not calculated as dry parks as they are designated road reserves, I have a document which is a listing of dry parks per suburb and it clearly lists verges and medians in that list:*

Q1 Will Council review my earlier question which stated:

“A number of verges and median areas appear in the priority listings for dry parks. Why is this and why are some even listed as priority one for reticulation? When did the Council approve the combining (or so-called “alignment”) of dry parks with verges and medians in the development programme, to the extent that a verge or median can become a dry park?”

Response by Mayor Bombak: What is the date of this publication?

Response by Mr Baird: The document states Parks/Budgets/2000/Retic Costs which I obtained earlier this year.

A1 Response by Director, Infrastructure Management: In so far as the 152 dry parks are concerned, these are all dry parks. There is no medians or verges listed within the 152 parks. The document Mr Baird refers to may list some adjacent verges and medians which could be accommodated at the same time.

Q2 On reading the list and the first item of Burns Beach, the only two items listed under the dry parks per suburb sheet for Burns Beach are Burns – landscape strip of verge and and third – large road island, option to connect to foreshore system. There are no other parks, verges or medians listed on the sheet.

- A2 *Response by Director Infrastructure Management:* These are options to connect to the foreshore park. This is listed as an opportunity to take advantage of an existing bore in an adjacent park.
- Q3 *Why is the dry park listing not separate from the median and verge listing as there is a separate budget quota for both dry parks and medians? Why are these all on the one sheet?*
- A3 *Response by Director Infrastructure Management:* I would reiterate that all relevant information is being presented to elected members in relation to existing dry parks that are able to be reticulated in any adjacent verges or medians which can be done at the same time in a cost effective manner.
- Q4 *Has the Council or Commissioners (not officers of the City) ever considered or approved the criteria listed on the document [coj03] which lists the criteria priorities for dry parks?*
- A4 *Response by Director Infrastructure Management:* Council has a Policy 5.2.2 which categorises all of Council's parks into dry parks, reticulated parks, conservation areas etc and provides a platform to work from. In so far as the criteria is concerned, to the best of my knowledge this has not been formally adopted by Council as a policy, but is certainly used as a working document by officers and elected members to determine priority listing as a guide.
- Q5 *Do the present Councillors consider that the technical appraisal methods currently in use meet the community requirements?*
- A5 *Response by Mayor Bombak:* This issue will be addressed at Budget time. I would invite you to meet all elected members at the conclusion of this meeting where you may put your case to each member individually should you wish.
- *The Chief Executive Officer advised the dry parks issue had been a bone of contention, even under the former City of Wanneroo. One of the ruling factors has been the viability of reticulating some of the smaller, pocket parks. One of the problems is the large cost involved in putting down a bore, and the justification of this for a small park. As far as priorities are concerned, staff through a technical report will submit recommendations to Council, hence the reference by the Mayor to budget time. Elected members will then take requests into consideration, allocating funds to dry parks in accordance with how funds are best expended to meet the needs of the community.*
- Q7 *Why have the suburbs of Duncraig and Greenwood, two of the largest and oldest suburbs in the City of Joondalup been neglected in the dry park development program? Out of a total of 29 Priority 1 parks and 39 Priority 2 parks, these two suburbs have almost 50%, yet in three years of dry park development, only two dry parks have been reticulated in those suburbs.*
- A7 *Response by Mayor Bombak:* Once again, priorities are assessed at Budget time and I invite you to take up your concerns regarding the amount of development in your area with the elected members concerned.

Mr Barry Higgins, Carabooda:

Q1 I understand a Customer Service Team Award was recently made by the City to one of its Departments? Could the details of this Award be released?

A1 Response by Chief Executive Officer: I believe the Award you are referring to is one which is awarded by a Customer Service Committee which is representative of the various Directorates across the organisation internally. This Committee makes judgment on a regular basis of those who stand out for particular awards. Recently a mystery shopper survey was undertaken by an independent organisation, assessing on various criteria such as how each business unit respond to telephone calls, counter enquiries and mark accordingly.

The recent Award was made available to Library Services.

Q2 Did the Council Support Services team also win a similar award recently?

A2 Response by Chief Executive Officer: This is correct.

Mr Higgins offered his congratulations to the team of Council Support Services.

DECLARATIONS OF FINANCIAL INTEREST

Cr Nixon declared an interest in Item CJ091-04/00 – Appointment of Representative – Joondalup Health Campus Community Board of Advice as he has in the past undertaken work for the Joondalup Health Campus and his wife is currently a permanent employee of the Health Campus.

Mayor Bombak declared an interest in Item CJ099-04/00 – Proposed (60) Walk-Up Apartments, (4) Two Storey Grouped Dwellings and Convenience Store: Part Lot 6 (Proposed Lots 1 and 2) Lakeside Drive – cnr Boas Avenue and Wattlebird Loop, Joondalup as he has an interest in property in Boas Avenue, Joondalup.

CONFIRMATION OF MINUTES

C16-04/00 MINUTES OF COUNCIL MEETING – 11 APRIL 2000

MOVED Cr Wight, SECONDED Cr Rowlands that the Minutes of the Council Meeting held on 11 April 2000, be confirmed as a true and correct record.

The Motion was Put and

CARRIED

ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

CONDOLENCES

On behalf of elected members, management and staff of the City of Joondalup, I extend my deepest sympathy to Mr Peter Pikor, Manager of Infrastructure Management Services and his family on the sad loss of their wife and mother, Anne after losing her long fight with illness.

NEW ENVIRONMENTAL OFFICER

I am pleased to announce that the City has appointed a new Environmental Officer to focus on the environmental initiative “Agenda 21”.

Local Agenda 21 covers ecologically sustainable development and the greenhouse effect.

The City would like to welcome Environmental Scientist, John Goldsmith, to the newly created position of “Local Agenda 21 Officer” and wish him success in his appointment.

FESTIVAL APPRECIATION

Volunteers who helped make the Joondalup Festival 2000 such a great success are to be thanked at an Appreciation function.

The volunteers who worked in many areas of the Festival have been invited to attend a special function on Friday, 5 May 2000.

Well done and thank you to all.

CITY TRAVEL SURVEY

Results of a local travel survey conducted in the areas of Mullaloo, Beldon, Woodvale, Kallaroo and Craigie are now available.

A world expert on the subject, Werner Borg, will be available to present the results of the survey to elected members.

The study involved a sample 400 residents, asking them to keep a one-day travel diary. The Department of Transport carried out the survey which it says will allow the Department to “paint a picture” of transport patterns and needs in the area.

This will be an important planning tool for transport requirements within the City of Joondalup.

NEW COUNCIL DIRECTORY

The new Community Directory is now being printed and will be delivered to all residents and businesses in the latter half of this week.

The directory contains an up to date list of Council services, including direct phone numbers for the community to use and should be a handy reference for the City’s 160,000 residents as a further step by the City to focus on its customers.

SAFER WA WORKSHOP

Representatives of agencies involved in safety and security have praised the hosting of a “Safer WA” Workshop by the City of Joondalup over the weekend of 14-15 April 2000. The workshop was attended by Cr Carol Mackintosh on both days.

The City’s call on the State Government for clear guidelines on the role of Councils and Council Security Rangers was well received.

There was widespread acceptance of the view that we should all work together on the issue of safety and security in our community and that the “grey areas” should be removed to clearly define the distinctive roles which shall be played by Police and Local Government.

When defined, these roles must be marketed to the community to prevent any confusion.

Cr Mackintosh gave an overview of the “Safer WA” Workshop and stated this was well attended by Safer WA district and local community chairpersons, deputy chairpersons and members; as well as members of the WA Police, both metropolitan and country.

Cr Mackintosh advised the main goals of Safer WA were best described by the following phrases:

- *prevention, rather than cut crime control;*
- *create the future, don’t just want until it happens;*
- *caring and sharing, the key to a safer WA;*

Cr Mackintosh offered thanks and congratulations to Mr John Hudson, President of Safer WA and special thanks to Pat, Greta and Karen who looked after the catering needs of guests.

PETITIONS

C17-04/00 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 26 APRIL 2000

1 PETITION REQUESTING TRAFFIC CONTROL – WEST VIEW BOULEVARD, MULLALOO – [19140]

A petition containing 45 unverified signatures has been received from residents of Mullaloo requesting that some form of traffic control be put into place on West View Boulevard, Mullaloo. The petitioners are concerned at the speed of traffic on West View Boulevard, particularly as the road is used by a high percentage of young children.

This petition will be referred to Infrastructure Management for action.

2 PETITION EXPRESSING CONCERN AT PARKING PROBLEMS BATAVIA PLACE, KALLAROO – [01412 08077 00055]

Two petitions of 41-signatures and 37-signatures respectively and 2 letters have been submitted by Mr R Johnson, JP MLA, Member for Hillarys on behalf of Kallaroo residents expressing their concern at parking congestion problems associated with the drop-off and collection of children from the Springfield Primary School, Kallaroo.

These petitions and letters will be referred to Infrastructure Management for action.

MOVED Cr Rowlands, SECONDED Cr Wight that the petitions:

- 1 requesting that some form of traffic control be put into place on West View Boulevard, Mullaloo;**
- 2 expressing concern at parking congestion problems associated with the drop-off and collection of children from the Springfield Primary School, Kallaroo;**

be received and referred to the appropriate Business Units for action.

The Motion was Put and

CARRIED

Cr Magyar advised he wished to raise a Point of Order, being:

“Under paragraph 1 of Clause 4.6 of Local Law Standing Orders, directing the Chair's attention to a breach of Clause 3.2 of Standing Orders.

Cr Magyar reminded the Chair that under Clause 4.6, paragraph 3 of Standing Orders this Council may in a particular case resolve by majority that a different ruling shall be substituted for the ruling given by the Chairperson.

Cr Magyar specified the grounds of the breach in accordance with Clause 4.6 of Standing Orders..

Accordingly I direct the Chair's attention to the fact that this meeting of Council is being run according to an agenda that does not comply with the provisions of Clause 3.2 of Standing Orders, which states:

“The order of business at an ordinary meeting of the Council shall, unless otherwise resolved by Council, be as near as practical, to the following:

- Apologies and Leave of Absence
- Public Question Time
- Confirmation of Minutes
- Announcements by the Mayor without Discussion
- Declarations of Financial Interest
- Questions with Due Notice
- Questions without Due Notice
- Petitions
- Reports of Committees
- Report of the Chief Executive Officer
- Motions of which previous notice has been given
- Motions for further action
- Date of Next Meeting
- Question Time
- Closure”

Tonight's agenda has omitted four items listed in Clause 3.2 of Standing Orders, namely Questions with notice, Questions without notice, Motions for further action and Question Time at the end of the Meeting.

Mayor Bombak sought the advice of Chief Executive Officer prior to making a ruling on this issue.

Chief Executive Officer advised it was his belief that this issue was the same as raised by Cr Magyar previously. At the request of Cr Magyar a legal opinion was obtained from Watts and Woodhouse, Council's solicitors. The opinion given by John Woodhouse clearly indicated that 3.2 as a section in the Standing Orders is there to be used as the Council resolved from time to time, and he did not believe it is correct that it has to be resolved this way for each meeting.

Chief Executive Officer suggested that should Cr Magyar have any further information or questions, it may be wise in view of the fact that Council is forming a Working Party to look at the issue of Standing Orders that Mr Woodhouse be invited to attend when the committee first meetings in order that members may ask questions directly of him.

Mayor Bombak stated in view of legal advice received and the fact that a committee has already been formed to deal with the issue of Standing Orders it was his belief Cr Magyar did not have a Point of Order, and intended to rule as such.

Cr Magyar challenged Mayor Bombak to put his ruling to the test on the floor under paragraph 3 of Clause 4.6 of Standing Orders that is, does the floor accept the ruling of the Mayor?

MOTION OF DISSENSION

MOVED Cr Nixon, SECONDED Cr Magyar that the Council dissents from the Mayor's ruling on the point of order raised by Cr Magyar that the order of business for tonight's ordinary meeting is contrary to Standing Orders Local Law.

The Motion of Dissension was Put and

LOST

It was requested that the vote of all members present be recorded:

In favour of the Motion: Crs Magyar and Nixon

Against the Motion: Mayor Bombak, Crs Mackintosh, Hurst, Patterson, Kenworthy, Wight, Barnett, Rowlands, Walker, Hollywood, Carlos and Kadak

POLICY**CJ085-04/00 REVIEW OF COUNCIL'S POLICY ON CIRCUSES -
[08909]****WARD - All****SUMMARY**

A petition has been received requesting Council to reconsider its current policy of permitting wild non domesticated animals to perform in circuses in the City of Joondalup. Cr Nixon has tabled a motion in response to the petition that Council ban from using any Council land within the jurisdiction of the City of Joondalup, any circus which uses any wild (ie non-domesticated) animal as a part, or whole, of any of its acts.

This reports details the background to circuses performing in the City, and some of the key arguments in favour and against of circuses with wild non-domesticated animal performing.

The City does not have any reserves that are suitable for the conduct of circuses and it is therefore recommended that the City only support circuses that do not use wild animals, (such as lions, tigers, bears, monkeys and elephants) whether caged or uncaged, to perform in the City of Joondalup.

BACKGROUND

Over the last seven years the issue of wild (i.e. non-domesticated) animals (such as lions, tigers, bears, monkeys and elephants) performing in the City has been debated within Council on a number of occasions. In August 1996 the Council of the former City of Wanneroo considered, at great length, the issue of banning circuses exhibiting performing animals from operating within the municipality (Item P83-08/96 refers). The Council considered the various points of view offered by the Humane Society of WA, the Royal Society for the Protection and Care of Animals WA Inc (RSPCA) and Animal Liberation WA, and ultimately resolved to uphold the existing policy on circuses, as follows:

“Circuses affiliated with the Circus Federation of Australia, and non-traditional circuses, be permitted to use Council facilities at Ariti Avenue Reserve or Liddell reserve South. Neither of these reserves shall be used to accommodate a circus more often than once in any 12 month period.”

It is important to note both reserves are located in the City of Wanneroo.

There has been ongoing opposition to the City's existing policy, as illustrated by the current 218 signature petition and a 1996, 459 signature petition opposing performance by wild animals in circuses within the City.

It is interesting to note that both petitions to date have exactly the same message to the Mayor and Councillors, now as in the past. The current petition has been organised by the same people as previously. The petition is undated and many of the petitioners are residents of other metropolitan Local Authorities.

DETAILS

The following are the arguments for and against wild animals performing in circuses:

In November 1993 the following comments were received from Mr Steve Robinson, Secretary of the Circus Federation of Australia.

“It has been brought to the attention of the Circus Federation of Australia that your Council is considering banning traditional Australian circuses with animals on the basis of a letter from animal liberationists. Because such a ban could affect, directly and indirectly, the lives and lifestyles of some thousands of Australians and hundreds of animals I would ask that your Council look beyond the glib, emotional claims and take time to research the true facts.

There are currently 14 traditional circuses operating in this country for 52 weeks of every year without any subsidies or assistance from any level of government. Of these circuses, 80% have qualified for membership of the Circus Federation of Australia. The Federation was formed some years ago as an industry self-regulating body to develop a Code of Ethics for Circuses and to liaise with the many government departments controlling the industry.

The experience of the Federation is that liberationist's submissions are usually based on half truths, untruths or “incidents” overseas impossible to verify and irrelevant to Australia. To counter some common claims:

- 1. Animals are not trained by goads, loaded whips, food deprivation, electric shock or abuse of their genitals.*
- 2. Circus animals are not removed from the wild. Most circus big cats are eighth and ninth generation captive bred. Proof for a start that captivity suits them. The only animals not bred in circuses yet are elephants due to the absence of bull elephants in any Australian circus. However, owners of circus cow animals are cooperating with breeding programs run by zoos with bulls. In any event, the last importation of an elephant for an Australian Circus was over 30 years ago.*
- 3. Training is done by positive reinforcement only.*
- 4. Circus animals are not stressed by their training or transport. Quite the opposite. A recent study by the RSPCA, UK, which commissioned an eminent ethologist to study animals in many circuses over an eighteen month period, found that circus animals were demonstrably less stressed than their counterparts in the wild or zoos. This was because they were free of predators, had an assured high quality food supply, the best of veterinary care when needed, the training stimulated them mentally and physically and their travelling was completely normal and part of their usual routine. A recent study in Australia showed that the average circus animal spends less time travelling each year than does the average suburban human commuter.*

5. *Non-animal 'circuses' are NOT viable. Both Circus OZ and the Fruit Fly Circus, which are frequently touted as alternatives to real circuses, cannot survive without massive grants from the public purse. Yet traditional Australian animal circuses are thriving despite the fact that they make no claims on the public purse at all. This is because they give the public what they want. The public are not fools. If they believed the unfounded claims of the liberationists they would not patronise us and there would be no need for us to be banned – we would be cut out of business anyway. The truth is that the public are voting in favour of real circuses in the purest possible way – by spending their money to buy tickets.*
6. *Many local councils have not banned circuses. Despite intensive campaigns by Animal Liberation less than 1% of Australian Local Governments have banned circuses. Several councils which initially succumbed to the liberationist's approach reversed their ban once in possession of all the facts.*
7. *RSPCA Australia does have a policy against circuses. This was established by a National Council of some dozen or so delegates. At grassroots level it is not a popular policy and a challenge to it is currently underway. Even RSPCA inspectors admit that they have no problems with the majority of Australian circuses. This is reflected by the astonishingly low number of prosecutions against circuses despite the plethora of regulations under which we operate.*

It is the contention of the Circus Federation of Australia that the City of Wanneroo should continue to allow circuses to visit the City – providing such circuses are certified members of the Federation. All members of the Federation have had to achieve the high standards set out in our Code of Ethics – a \$30,000 document compiled over three years by a veterinary consultant. This would ensure that your City is visited by reputable circuses. Furthermore, by continuing to provide a suitable location your inspectors will have much more control over the operation of circuses than would be the case if you instituted a ban and circuses were forced onto private land."

Since 1993, the Circus Federation of Australasia Inc has indicated that there has been considerable change with respect to this issue.

A set of guidelines, drawn up and issued by the National Consultative Council for Animal Welfare (NCCAW), comprising State Government representatives, the RSPCA, the Circus Federation and other interested Animal Welfare Groups was to be implemented after being specifically approved by the RSPCA.

This set of guidelines was to be implemented by each State by way of Subordinate Legislation or otherwise incorporated into the appropriate Animal Welfare Legislation. The RSPCA and the Circus Federation agreed to lobby the various Governments, however it is reported that the RSPCA subsequently reneged on this position. The NCCAW Code for care and management of Circus Animals has been adopted by every State in Australia except for West Australia where the State Government is currently considering submissions.

Exhibition of animals in Circuses is now far more strictly regulated than it was in 1993. Circuses are now licensed and must comply with the Code of Practice in each State. The Code regulates such things as cage sizes, exercise space, time and length of transportation, training methods, social groupings and relationships and suitability and safety of animals to be displayed.

The Circus Federation suggests that because of their strict observance of the Code of Practice for exhibited animals the Council might be prepared to adopt a resolution as follows:

Council will as a matter of policy permit Circuses with performing animals to be conducted within the City Of Joondalup on either private or Council owned or controlled land, provided that such Circus is an accredited member of the Circus Federation of Australasia and complies with the National Standards for Circus animals as set out in NCCAW Statement No. 26.

Perth City Council adopted a similar Resolution in March 1999 following requests to ban animal Circuses and after submissions by this Federation.

The General Secretary of the RSPCA in Western Australia in 1993 forwarded a copy of the Australian Policy of the Royal Society for the Prevention of Cruelty to Animals concerning the use of Animals for Sport and in Entertainment. The RSPCA has confirmed its position has not changed and is detailed below:

“Captive Animals

RSPCA Australia is opposed to any degree of confinement likely to cause suffering. Capture, transportation and acclimatisation of animals cause distress and suffering which are unacceptable. As there are already large numbers of animals in captivity, and more being bred, further captive should also be prohibited. Animals need to be kept in such a way which is appropriate to their respective species, in sufficient space containing the necessary shelter and cover so as not to cause stress or suffering.

Performing Animals

- (a) RSPCA Australia is opposed to the use of animals for any form of entertainment where suffering is likely to be caused.*
- (b) RSPCA Australia is totally opposed to exhibitions or representations of animals in circuses, travelling menageries and theatres.*
- (c) RSPCA Australia is concerned that, whensoever they be used, animals shall not be caused any suffering or distress.*

The RSPCA policy offers the following explanatory notes:

- (i) “Entertainment” is an inclusive term taking in all animal acts including the use of animals be street traders etc.*
- (ii) Circus animals are kept most of the time in close confinement, in abnormal social groups and are continually being transported – all causes of stress.*

They are subjected to forced training, performing to a timetable and performing acts which do not come naturally to them.”

COMMENT

A number of metropolitan local authorities have banned the use of their reserves by Circuses. They include: Bayswater, Fremantle, Kalamunda, Mosman Park, Nedlands, Swan, Armadale, Peppermint Grove, Victoria Park, Cambridge and Vincent Councils. The reason for the bans vary between municipalities and range from supporting the views of the RSPCA to concerns in relation to wear and tear on their reserves.

Currently a proposed Animal Welfare Bill formulated by the Department of Local Government is expected to be presented before the next sitting of Parliament, due at the end of the autumn session. This Bill does not cover circuses specifically, however circuses are likely to be included in the Animal Welfare Bills' Code of Conduct. It is expected that the new legislation will be more stringent in terms of the care and welfare of animals.

The Animal Welfare Bill's Code of Conduct will cover such things as standards in relation to the care and management of animals. Circuses will need to adhere to this code of conduct.

The City's current policy requires amendment as a matter of course as there is no suitable Council reserves to accommodate circuses. The City's parks are all relatively close to residences and would have an unacceptable impact on the amenity of the area due to noise and parking problems. Ground availability is also limited due to extensive use by sporting clubs.

If Council wished to support the continuation of performance by Circuses it can only effectively do so by encouraging performances at other venues in the City, i.e. reserves which are not under the direct ownership and control of the City. The Manager, Arena Joondalup has indicated that the Arena could be utilised as a venue for circuses but would be subject to State Government policy and ground availability at the time.

It is considered that the RSPCA provides a useful sound benchmark to judge community sentiment on this issue. The RSPCA is strongly opposed to performances of animals in circuses considering it is detrimental to the welfare of animals. It is recommended that the City delete 5.2.7 - Circuses and adopts a policy supporting performance by circuses that do not include wild animals, whether caged or uncaged, to perform in the City of Joondalup (Attachment One refers).

OFFICER'S RECOMMENDATION: That Council:

- 1 **DELETES** policy 5.2.7 - Circuses;
- 2 **ADOPTS** a policy on Circus Performance, forming Attachment 1 to Report CJ085-04/00 which prohibits the use of reserves controlled by Council for performance by circuses where those circuses incorporate wild animals (such as lions, tigers, bears, monkeys or elephants) whether caged or uncaged.

Cr Magyar advised he wished to raise a Point of Order in that this matter had previously been raised by a Motion of which previous notice had been given by Cr Nixon.

Cr Nixon stated he had previously advised fellow elected members of his intentions. Discussion ensued.

Chief Executive Officer stated Cr Nixon's notice was given by e-mail and did not meet the format of a Notice of Motion. It was a requirement that any Notice of Motion be in writing, 7 clear days prior to the meeting.

Mayor Bombak requested Chief Executive Officer to read aloud the e-mail sent to all elected members on 18 April 2000 at 3.39 pm, which stated:

“Dear All

Subject: Circuses

I will be moving an amendment to the Motion in regard to circuses at the next Council meeting, specifically that Council adopts a policy on circus performance which prohibits the use of reserves controlled by the Council for performance by circuses where those circuses incorporate any animals, whether caged or uncaged.

The adoption of such a policy is consistent with the recent decision taken by the City of Wanneroo which recently effectively banned any circuses with any animals from Council land. I understand the vote was passed with only two dissenting votes.”

Discussion ensued.

MOVED Cr Patterson, SECONDED Cr Wight that Council DELETES Policy 5.2.7.

The Motion was Put and

CARRIED

It was requested that the vote of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Kadak, Carlos, Nixon, Walker, Rowlands, Barnett, Wight, Kenworthy, Patterson, Hurst, and Mackintosh

Against the Motion: Crs Hollywood and Magyar

MOVED Cr Patterson, SECONDED Cr Wight that Council RECOGNISES the fact that there are no suitable Council reserves to accommodate circuses in the City of Joondalup.

The Motion was Put and

CARRIED UNANIMOUSLY

MOVED Cr Patterson, SECONDED Cr Wight that Council DOES NOT endorse any policy regarding circuses due to the fact that council has no wish to interfere with the right of residents in the City of Joondalup to attend circus performances if they so desire.

The Motion was Put and

CARRIED

It was requested that the vote of all members present be recorded:

In favour of the Motion: Mayor Bombak, Crs Hurst, Patterson, Kenworthy, Wight, Barnett, Rowlands and Walker

Against the Motion: Crs Kadak, Carlos, Magyar, Nixon, Hollywood and Mackintosh

The Motion was Put and

CARRIED

Appendix 1 refers, click here: [Attach1min260400.pdf](#)

Cr Nixon left the Chamber at this point, the time being 2028 hrs.

**CJ086-04/00 REVIEW OF POLICY 3.1.9 – HEIGHT AND SCALE
OF BUILDINGS WITHIN A RESIDENTIAL AREA –
[08375]**

WARD - All

SUMMARY

Council adopted Policy G3-17 (3.1.9) Height and Scale of Buildings within a Residential Area (DP78-03/98 refers) at the meeting of Joint Commissioner's on 24 March 1998. Some concern has been raised regarding the application of the policy. While the objectives and overall approach of the policy are supported it has become evident that the policy requires review particularly in relation to the definition of "Natural Ground Level" and the plot ratio requirement.

At the meeting held on 23 November 1999 a report was considered proposing that the policy be modified by the deletion of the plot ratio and adjustment to the definition of "Natural Ground Level". Council resolved to adopt the draft amended policy and make it available for public inspection and comment.

At the close of the submission period, being 30 December 1999, four submissions were received raising various comments in relation to the policy. Attachment 2 provides a summary of the submissions received and recommendations relating to each.

Draft Policy 3.1.9 – Height and Scale of Buildings within a Residential Area (Attachment 1) is recommended for adoption with modifications.

BACKGROUND

The Department of Local Government Inquiry (DOLG Inquiry) into the approval of the Parin residence at Lot 560 Manakoora Rise, Sorrento was critical of Council's residential policies, in particular the building height and retaining walls policies. Recommendation 6 of the Inquiry Report reads as follows:

“6. Council’s retaining walls and height policies should be re-written setting out clear objectives, guidelines and definitions.”

There was also continuing community concern regarding the impact of large dwellings. Accordingly after an extensive consultative process including direct contact with the industry Policy G3-17 (3.1.9) Height and Scale of Buildings in a Residential Area (DP78-03/98 refers) was adopted at the meeting of Joint Commissioners 24 March 1998.

Since adoption of Policy G3-17 (3.1.9) Height and Scale of Buildings within a Residential Area (DP78-03/98 refers) some concern has been expressed regarding the application of the subject policy and it became evident that the policy required review in the following areas:

- Difficulties from industry and assessment with the concept and application of the “Building Threshold Envelope”;
- The definition of “Natural Ground Level”;
- Plot ratio requirement; and
- Bring in line with proposed DPS No 2.

Building Threshold Envelope

The current building threshold envelope is based upon the Australian Model Code for Residential Development (AMCORD). The AMCORD approach is a building envelope created over each site that defines the building height depending on the distance from the boundaries. This has been perceived as a building height limit but it is only the point at which amenity should be separately investigated.

The height threshold increases as the setback distance from side and rear boundaries increases. Planes are projected at 45 degrees from a height of 3.5 metres above natural ground level at the side and rear boundaries, and a vertical plane at 3.0 metres from the front boundary. In the case of side and rear boundaries, this means that the building height threshold increases by 1 metre from the set boundary height of 3.5 metres for each 1 metre distance from the boundary. This has been perceived as a 3 dimensional form presenting difficulty when relating to the 3 dimensional form of some proposed buildings. It is less complicated to calculate the height of the building and the distance from the boundary to determine whether a development application is required.

Under this refined approach an assessment of an application can use spot heights for salient points of the building above natural ground level in relation to that point and the distance from the nearest boundary. If there is any doubt at all in the application of the “Building Threshold Envelope” the application should be dealt with as a development application and amenity assessed.

The following table simplifies the above:

Distance From Boundary	Height above Natural Ground Level
0m	3.5m
0.5m	4.0m
1.0m	4.5m
1.5m	5.0m
2.0m	5.5m
2.5m	6.0m

3.0m	6.5m
3.5m	7.0m
4.0m	7.5m
4.5m	8.0m
5.0m	8.5m

To simplify the application of the “Building Threshold Envelope” it is proposed to alter the definition as follows:

“Building Threshold Envelope” shall mean the invisible envelope over a building site described by a height above natural ground level of 3.5m at the side and rear boundaries increasing in line (metre for metre) with the distance to the closest boundary to a height of 8.5 metres but not extending closer than three metres to the street boundary.

It should be noted that the current policy contains provisions for applications where a building height of 8.5 metres or the building threshold is exceeded. In these cases an application for development approval is required which must include a written justification by the applicant including the likely impact of the height and location of the building (s) on the amenity of nearby landowners and the surrounding area generally.

Natural Ground Level

“Natural Ground Level” is currently defined as follows:

- “(a) *the contour or spot levels (RL) of previously undisturbed land noted on a site plan or site survey plan;*
- “(b) *land within areas having terraced retaining walls constructed as part of subdivisional works shall be deemed to have a natural ground level corresponding with the halfway height of the retaining wall at the site boundary;*
- “(c) *Land within areas having been recontoured without retaining as part of subdivisional works shall be deemed to have natural ground level coinciding with the recontoured ground;*
- “(d) *Where land has been previously disturbed, natural ground level shall be deemed to be based on existing records or where there are no adequate records, an estimate as determined by the Chief Executive Officer.”*

Interpretation of the definition has been problematic in the past and has been surrounded with some confusion due to uncertainty of which situation to apply in which case. In order to simplify the definitions it is intended to delete (b), label existing (c) as (b), (d) as (c) and modify (b) as follows:

- “(b) *land within areas having been recontoured with or without retaining walls as part of the approved subdivisional works shall be deemed to have natural ground level coinciding with the recontoured ground;*

Concern has been expressed in regards to the need to set a floor level as a datum. This is not favoured as it means that some applications will not be assessed for impact on amenity when they should be and may require others to be assessed when not necessary.

Plot Ratio

Plot ratio was the principal tool for limiting over-development of sites prior to the introduction of the R Codes. The issue of residential building height has been exacerbated in recent times by removal of the plot ratio limit and the general reduction in lot sizes.

Plot ratio was included in the policy as it was determined that an approach based on the plot ratio requirement in conjunction with height criteria would add to control of the impact of dwellings on amenity.

The policy includes the application of a plot ratio requirement of 0.5:1 to all development in the residential area with the exception of residential development for which plot ratio is otherwise assigned in Table 1 of the R Codes (plot ratio controls are applicable to grouped and multiple dwellings in the R40 and higher density coding, although not in areas coded below R40).

It is considered that the plot ratio requirement may be deleted as there is sufficient control within the Residential Planning Codes such as the provision of open space on each lot (which impacts upon site cover). This requirement in addition to the application of the general height criteria is effective in limiting the bulk and scale of development.

DETAILS

Relevant Legislation

Clause 5.11 of the Scheme outlines the provisions with respect to the preparation of planning policies and amendments or additions to policies. Clause 5.11(b)(ii) states that Council shall review the draft Policy in the light of any submissions made and then resolve to either formally adopt the draft Policy with or without modification or not proceed with the draft Policy.

Advertising

At the close of the submission period, being 30 December 1999, four submissions were received raising various comments in relation to the policy. Attachment 2 provides a summary of the submissions received and recommendations relating to each.

COMMENT

Submissions

The submissions have been summarised and comments provided as per Attachment 2. A number of issues were raised, however the common issues are as follows:

- Application of the policy on narrow lot frontages;
- Written comments being sought from landowners within 15 metres of the boundary of the subject land as opposed to adjoining and adjacent properties.

With respect to the application of the policy in areas containing narrow lot frontages part 2(c) of the policy statement enables an applicant to provide justification with respect to the aspects of the development, which exceed the threshold set out in the policy.

It is considered that the existing requirement being, *“affected landowners of land within 15 metres of the boundaries of the subject land and on the opposite side of the street”* be notified, covers adjoining and adjacent properties adequately.

The submission from the Royal Australian Institute of Architects raises the issue of denial of natural justice, reference is made to paragraph 1 under the heading policy statement where it states:

“..If it is unclear from the application due to lack of detail or complicated design whether the threshold is exceeded or not, the application shall be considered to exceed the building threshold envelope.”

The submission states that if council cannot decide whether or not there is a breach then a breach will be assumed even if it does not occur. Although the term breach is not considered appropriate in relation to this policy, it is intended to modify the policy by way of deleting the words, “or complicated design” from paragraph 1 of the policy statement. Therefore only those applications that do not provide adequate detail will be considered to exceed the building threshold envelope.

Assessment and Reasons for Recommendation

It is recommended that the draft policy as per Attachment 1 be adopted.

ADDITIONAL INFORMATION

With reference to Appendix 2 (Page 1) at the rear of the Agenda relating to Report CJ086-04/00 the words **“as approved”** have been inadvertently omitted from Point 3 (b):

Accordingly, Point 3 (b) should now read as follows:

- 3 (b) *Land within areas having been recontoured with or without retaining walls as part of the approved subdivisional works shall be deemed to have natural ground level coinciding with the recontoured ground **as approved**;*

MOVED Cr Hollywood, SECONDED Cr Rowlands that Council, in accordance with clause 5.11 of Town Planning Scheme No 1, ADOPTS the amended Draft Policy 3.1.9 - Height and Scale of Buildings within Residential Areas forming Appendix 2 hereto.

Discussion ensued.

The Motion was Put and

CARRIED

Appendix 2 refers, click here:[Attach2min260400.pdf](#)

**CJ087-04/00 PROPOSED POLICY FOR LOTS 6 AND 7
WANNEROO ROAD, KINGSLEY – [36543]**

WARD - South

SUMMARY

A draft policy entitled ‘Design Guidelines for Waterview Estate, Kingsley’ has been prepared for Council’s consideration.

The draft policy (Attachment 1), entitled ‘Design Guidelines for Waterview Estate, Kingsley’ aims to provide guidelines, which encourage the integrated development of the precinct, promote a high standard of residential amenity and an interesting and intimate streetscape. The flexibility provided by the guidelines essentially assist prospective purchasers, in that, lot area can be maximised for development.

It is recommended that the draft policy be adopted to enable it to be advertised for public comment.

BACKGROUND

Lot No	6 and 7
Street Address	Wanneroo Road
Land Owner	Rockingham Park Pty Ltd and Butte Holdings Pty Ltd
MRS Zoning	Parks and Recreation and Urban
TPS Zoning	Parks and Recreation and Urban Development
Lot Area	1.3795 ha and 1.4563 ha

In July 1999 the Western Australian Planning Commission approved the subdivision of Lots 6 and 7 Wanneroo Road, Kingsley into 35 single residential lots ranging in size from 358m² to 486m² and 2 grouped dwelling lots (Page 3 of Attachment 1).

Condition 19 of the subdivision approval requires the subdivider to prepare design guidelines for adoption by the Local Government to control development within the application area. The subject condition is required to be cleared by the City at the time of the clearance stage of the subdivision. The applicant has sought clearance of the subject subdivision.

In the past design guidelines have been formulated for individual subdivisions. From a planning implementation point of view it is considered that formulating design guidelines that are generic in nature, that can be applied to all development within the municipality, is the preferable approach. Given the time constraints in this case Council officers have formulated design guidelines for the subject subdivision, which are intended to be adopted as policy. The policy can then be absorbed by the generic design guidelines once these have been adopted.

DETAILS

Current Proposal or Issue

Development is generally controlled by the Residential Planning Codes (Codes) which were gazetted on 30 January 1991 in the form of a Statement of Planning Policy No 1 under the provision of Section 5AA of the Town Planning and Development Act. The Codes are the basis for the control of residential development within local authorities throughout the state and provide prescribed detail with respect to setbacks, open space, and frontages.

The draft policy (Attachment 1), entitled 'Design Guidelines for Waterview Estate, Kingsley' aims to provide guidelines which encourage the integrated development of the precinct, promote a high standard of residential amenity and an interesting and intimate streetscape. The policy aims to provide for flexibility in design of dwellings on the lots. The policy contains the following variations:

- Reduced front setback from 6 metres to 4 metres average with a minimum of 3 metres. This provides for an intimate streetscape and maximises the useable area of the lot.
- Reduced rear setback from 4 metre average to 3 metre minimum.
- Reduction in the open space requirement for lots less than 400m² to 40% from 50%. This provides for greater site cover given the small lot size.
- Fencing to primary street frontages being a maximum height of 1.8m, designed to be visually permeable, two thirds of the fencing should be 'open in nature' and a maximum solid portion of 750 mm measured from ground level.

Relevant Legislation

Clause 5.11 of the City of Joondalup's Town Planning Scheme No. 1 allows Council to prepare planning policies relating to planning or development within the Scheme Area. Under the City's Town Planning Scheme a policy shall only become operative after the following steps have been taken:

1. Draft policy to be prepared and adopted by Council.
2. Draft policy to be advertised for public comments for at least 21 days.
3. Council to review draft policy in the light of any submissions made and then resolve to either finally adopt the draft policy with or without modification; or not proceed with draft policy.
4. Notice of final adoption of policy to be published in a newspaper circulating in area.

The City's Private Property Local Law 1998 is currently being amended to allow control of fences higher than one metre within the front setback area.

COMMENT

Issues

The proposed policy will adequately control the detailed development of houses on the lots within the Waterview Estate which can be administered as part of the planning and building licence approval process. The proposed policy aims to provide guidelines, which encourage the integrated development of the precinct, promote a high standard of residential amenity and an interesting and intimate streetscape. The flexibility provided by the guidelines essentially

assist prospective purchasers, in that, lot area can be maximised for development. In order for the above to occur, it is recommended that Council adopt the attached draft policy.

MOVED Cr Wight, SECONDED Cr Barnett that Council in accordance with clause 5.11 of the City of Joondalup's Town Planning Scheme No 1, ADOPTS the attached draft policy forming Attachment 1 to Report CJ087-04/00 entitled 'Design Guidelines for Waterview Estate, Kingsley', to enable it to be advertised for public comment.

Discussion ensued.

The Motion was Put and

CARRIED

Appendix 3 refers, click here: [Attach3min260400.pdf](#)

FINANCE AND COMMUNITY DEVELOPMENT

CJ088-04/00 REGISTER OF DELEGATED AUTHORITY – [07032]

WARD - All

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 months of March and April 2000.

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 months of March and April 2000 are shown as Attachment A.

MOVED Cr Rowlands, SECONDED Cr Wight that Council NOTES the Register documenting the delegated authority exercised by the Chief Executive Officer, for the months of March and April 2000 forming Attachment A to Report CJ088-04/00.

The Motion was Put and

CARRIED

Appendix 4 refers, click here: [Attach4min260400.pdf](#)

**CJ089-04/00 APPOINTMENT OF REPRESENTATIVES -
STANDING ORDERS REVIEW COMMITTEE -
[01369] [05885]**

WARD - All

SUMMARY

The first meeting of the Standing Orders Review Committee has been scheduled to be held on Tuesday 2 May 2000 at 5.00 pm. Council is required to appoint two Councillors as representatives to this Committee.

BACKGROUND

At its meeting held on 28 March 2000, Council resolved to:

“defer further consideration of the proposed local law “City of Joondalup Standing Orders Local Law 2000” until such time as a Councillors’ Standing Orders Review Committee presents Council with its report on the proposed local law;

form a Standing Orders Review Committee;

endorse the formation of the Standing Orders Review Committee consisting of:

**Mayor
Deputy Mayor
Cr S Magyar
2 Councillors
Chief Executive Officer”**

DETAILS

The first meeting of the Standing Orders Review Committee has been scheduled to be held on Tuesday 2 May 2000 at 5.00 pm, and Council is required to appoint two Councillors as representatives to this Committee.

MOVED Cr Wight, SECONDED Cr Kenworthy that Council APPOINTS Cr A Patterson and Cr C Mackintosh as representatives on the Standing Orders Review Committee.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY**

**CJ090-04/00 VACANCIES - WESTERN AUSTRALIAN MUNICIPAL
ASSOCIATION – VARIOUS COMMITTEES [02011]**

WARD – All

SUMMARY

The Western Australian Municipal Association (WAMA) has invited member Council to submit nominations to various committees.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Nominations for all vacancies close on Thursday 11 May 2000 at 4.00 pm.

DETAILS

The Western Australian Municipal Association has invited member Council to submit nominations to the following committees:

- WA Planning Commission
- WA Planning Commission Transport Committee
- WA Planning Commission Statutory Planning Committee
- WA Planning Commission Infrastructure Coordinating Committee
- Local Government Advisory Board
- Advisory Council on Waste Management
- Community Titles Advisory Committee

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

Nominations for all vacancies close on Thursday 11 May 2000 at 4.00 pm.

**1 WA PLANNING COMMISSION – WAMA METROPOLITAN MEMBER
AND DEPUTY MEMBER; WAMA NON-METROPOLITAN MEMBER AND
DEPUTY MEMBER – Panel of 4 names for each position**

Nominations are invited from elected members with a significant knowledge and/or experience of town planning issues.

The Commission will:

- provide advice to the Minister or Town Planning Schemes and amendments throughout the State;
- prepare Town Planning Schemes for areas of State or regional significance outside the Metropolitan Region;
- co-ordinate the provision of infrastructure for land development and the planning of transport;
- undertake all things that are necessary to perform its functions (Section 18(2) of the WA Planning Commission Act 1985)

Information on the roles, function and operations of the WA Planning Commission forms Attachment 1.

The term will commence upon appointment for a period of approximately three years, up to a maximum of five years. Meetings are held monthly on the 4th Tuesday of each month at 2.30 pm. Meetings run for approximately three hours and are held at the Ministry for Planning, Albert Facey House, 469 Wellington Street, Perth. Commissioners may be required to participate in planning related sub-committees, which occasionally meet outside the Metropolitan area.

There is a meeting fee of \$6,800 per annum. Deputy members receive \$131 for a full day or \$86 for half day when attending meetings on behalf of a member.

The Committee will comprise the following representatives:

- Chairman (nominated by Minister)
- 6 Heads of Government agencies
- Lord Mayor, City of Perth
- WA Municipal Association (2 representatives)
- 2 Community representatives
- 1 Regional representative

Cr Nixon entered the Chamber at this point, the time being 2035 hrs.

2 WA PLANNING COMMISSION TRANSPORT COMMITTEE – WAMA MEMBER – Panel of 4 names

Nominations are invited from elected members with significant knowledge and/or experience of town planning and transport matters.

The terms of reference for the committee are in accordance with town planning legislation, to advise on transport and infrastructure policy and legislation.

The term will commence upon appointment for a period of approximately three years, up to a maximum of five years. Meetings are held bi-monthly on the 3rd Wednesday of alternate months (commencing March) at 2.30 pm. Meetings run for approximately 2 hours and are held at the Ministry for Planning, Albert Facey House, 469 Wellington Street, Perth.

There is a meeting fee of \$4,800 per annum. Deputy members receive \$131 for a full day or \$86 for half day, when attending meetings of behalf of a member.

The Committee will comprise of representatives or their nominees, as follows:

- Chairman
- CEO, Ministry for Planning
- Hon Minister for Regional Development nominee
- Person representing public transport
- Local Government Representative
- Commissioners for Main Roads
- Commissioner for Railways
- Director-General of Transport

3 WA PLANNING COMMISSION STATUTORY PLANNING COMMITTEE – WAMA MEMBER – Panel of 4 names.

Nominations are invited from elected members with significant knowledge and/or experience of town and statutory planning matters.

The terms of reference of the Committee is, in accordance with town planning legislation, to deal with statutory planning matters such as subdivision of land, strata titles, Local Government town planning schemes, etc.

The term will commence upon appointment for a period of approximately three years, up to a maximum of five years. Meetings are held weekly on Tuesdays at 12.00 noon. Meetings run for approximately two hours and are held at the Ministry for Planning, Albert Facey House, 469 Wellington Street, Perth.

There is a meeting fee of \$4,800 per annum. Deputy members receive \$131 for a full day or \$86 for half day when attending meetings on behalf of a member.

The Committee will comprise of representatives or their nominees as follows:

- Chairman
- CEO, Ministry for Planning
- Hon Minister for Regional Development nominee
- Persons with experience in planning & related matters
- Local Government representative
- Other persons WAPC may appoint
- Community representative

The Committee also deals with Metropolitan Region Scheme matters as the Perth Region Planning Committee, with the following additional members;

- Chairman from each District Planning Committee; Western Suburbs, South West, South East, Eastern, North West;
- A Perth City Councillor.

4 WA PLANNING COMMISSION INFRASTRUCTURE COORDINATING COMMITTEE – WAMA MEMBER – Panel of 4 names

Nominations are invited from elected members with significant knowledge and/or experience of town planning and infrastructure issues.

The terms of reference for this Committee is, in accordance with Town Planning legislation, to deal with infrastructure issues across the State.

The term will commence upon appointment for a period of approximately three years, up to a maximum of five years. Meetings are held bi-monthly on the 3rd Wednesday of alternate months (commencing February) at 2.30 pm. Meetings run for approximately two hours and are held at the Ministry for Planning, Albert Facey House, 469 Wellington Street, Perth.

There is a meeting fee of \$4,800 per annum. Deputy members receive \$131 for a full day or \$86 for half day when attending meetings on behalf of a member.

The Committee will comprise representatives or their nominees as follows:

- Chairman, WAPC
- CEO, Ministry of Planning
- Managing Director, Water Authority
- Director General of Transport
- CEO, Western Power
- CEO, Alinta Gas
- Director General of Education
- Commissioner for Health
- CEO, Commerce and Trade
- CEO, Resources Development
- Local Government representative
- Director General, Minerals & Energy
- Environmental Protection representative
- Commissioner of Main Roads
- State Treasury representative
- LandCorp representative
- Telecommunications industry representative
- Other persons WAPC may appoint

5 LOCAL GOVERNMENT ADVISORY BOARD – WAMA METROPOLITAN MEMBER AND DEPUTY MEMBER; WAMA NON-METROPOLITAN MEMBER AND DEPUTY MEMBER – Panel of 9 names

Nominations are invited from elected members or serving officers experienced in or with a knowledge and interest in matters pertaining to boundary changes in Western Australian Local Governments.

The Board will:

- consider proposals for changes to boundaries, wards and representation of Local Governments;
- recommend changes to the Minister for Local Government for his decision.

Under the Local Government Act 1995, the Board is required to take into account the following factors when considering boundary changes:

community of interest;
 physical and topographical features;
 demographic trends; economic factors;
 the history of the area; transport and communication;
 matters affecting the viability of Local Governments, and;
 the effective delivery of Local Government services.

In addition to the factors for consideration, the Board has adopted a set of Guiding Principles which it uses as a basis for considering changes to Local Government boundaries. These come under three general areas:

- A Local Government should have a sufficient resource base to be able to efficiently and effectively carry out the duties of a Local Government and allow them to be flexible enough to be responsive to the public's changing needs and be capable of embracing micro-economic reform. While Local Government grants make up part of a Council's resource base it is important that this is not their main source of revenue.
- The boundaries of a Local Government should allow for the efficient provision of services, population growth and access to a sufficient resource base to raise necessary funds and urban development. Boundaries should also be clearly identifiable, for example, have distinct geographical features, distinct communities of interest such as a neighbourhood, suburb or country town. The boundaries should also recognise other boundaries such as regional and electoral boundaries.
- A Local Government should reflect local communities, for example the geographical pattern of human activities (where people live, work, and engage in leisure activities) and the various linkages between local communities. They should have a centre, or centres, of administration and service easily accessible to its population; and ensure effective elected representation for residents and ratepayers. The Local Government should have external boundaries which integrate land use, environmental and transport systems and water catchment areas.

The term will commence on appointment for a period of three years. Meetings are held monthly (dependent on volume of work may sometimes be twice monthly) on the 3rd Thursday of the month at 11.00 am. Meetings run for approximately two hours and are held at the Department of Local Government, 32 St George's Terrace, Perth.

There is a meeting fee of \$4,800 per annum. Deputy members receive \$131 for a full day, or \$86 for half day when attending meetings on behalf of a member. Travelling expenses are paid as per Public Service rates.

The Advisory Board is made up of Local Government people with a broad knowledge and understanding of the pressures and expectations placed on Local Government, and is currently as follows:

- | | |
|---|------------------------------|
| • Cr Charlie Gregorini, City of Swan | Chairman |
| • Mr John Lynch, Executive Director DLG | Deputy Chairman |
| • Mr Garry Hunt, City of Perth | IMM Representative |
| • Cr Rod Willox, City of Stirling | WAMA Metropolitan Member |
| • Cr John Sabourne, Shire of Harvey | WAMA Non-Metropolitan Member |

6 ADVISORY COUNCIL ON WASTE MANAGEMENT –WAMA METROPOLITAN MEMBER; WAMA NON-METROPOLITAN DEPUTY MEMBER - Panel of 3 names for each position

Nominations are invited from elected members experienced or with an interest in waste management principles.

The Council advises the Minister for the Environment on waste management policies and regulations, and administers the WA Waste Management and Recycling Fund.

It is the intention of the State Government to amend the Environmental Protection Act to create a Waste Management Act during the next round of legislation. These appointments would be for the term of the current legislation and would commence on appointment by the Minister. Meetings are held monthly on the 3^d Wednesday of each month at 10.00 am. Meetings run for approximately three hours and are held at the Department of Environmental Protection, 9/141 St George's Terrace, Perth.

There is a meeting fee of \$73 per half day.

The Council will comprise of representatives from:

- Chairman – Ministerial appointment
- 2 industry representatives
- 3 community representatives
- 3 Local Government representatives.

7 COMMUNITY TITLES ADVISORY COMMITTEE – WAMA MEMBER AND DEPUTY MEMBER

Nominations are invited from elected member or serving officer experienced in or with a knowledge/interest in strata title issues.

The Committee's focus will change from a working Committee (dealing with the amendments to the Strata Titles Act) to an Advisory function, focusing on emerging trends and issues, and providing feedback and advice on reports and papers submitted for consideration and comment.

The term will commence upon appointment for a term of two years. Meetings are held every 2-3 months, on Wednesdays at 5.00 pm. Meetings run for approximately two hours and are held at REIWA House, Hay Street, Subiaco.

There is a sitting fee of \$50.

The Committee will comprise the following representatives:

- | | |
|---|-------------------------------|
| • Department of Land Administration | • Ministry for Planning |
| • Office of Strata Titles Referee | • WA Municipal Association |
| • Water Corporation | • Real Estate Institute of WA |
| • Institution of Surveyors WA | • Law Society of WA |
| • Australian Institute of Conveyancers WA Division Inc | • Strata Titles Institute |
| • Urban Development Institute of Australia WA Division Inc | |
| • Representative of each of owners of single- and multi-tier strata schemes | |

MOVED Cr Wight, SECONDED Cr Patterson that Council NOMINATES Cr Kenworthy for consideration of appointment as Western Australian Municipal Association Member to the WA Planning Commission.

The Motion was Put and

CARRIED

MOVED Cr Wight, SECONDED Cr Patterson that Council NOMINATES Cr Kenworthy for consideration of appointment as Western Australian Municipal Association Member to the Local Government Advisory Board.

The Motion was Put and

CARRIED

MOVED Cr Walker, SECONDED Cr Rowlands that Council NOMINATES Cr Hollywood for consideration of appointment as Western Australian Municipal Association Member to the Advisory Council on Waste Management.

The Motion was Put and

CARRIED

Cr Nixon declared an interest in Item CJ091-04/00 – Appointment of Representative – Joondalup Health Campus Community Board of Advice as he has in the past undertaken work for the Joondalup Health Campus and his wife is currently a permanent employee of the Health Campus.

Cr Nixon left the Chamber at this point, the time being 2036 hrs.

**CJ091-04/00 APPOINTMENT OF REPRESENTATIVE -
JOONDALUP HEALTH CAMPUS COMMUNITY
BOARD OF ADVICE - [15395]**

WARD - All

SUMMARY

A request has been received from the Joondalup Health Campus for an elected member representative to be appointed to the Community Board of Advice.

DETAILS

A request has been received from the Joondalup Health Campus for an elected member representative to be appointed to the Community Board of Advice. Meetings of the Board are held quarterly, commencing at 7.00 pm, and are held in the Executive Boardroom of the Joondalup Health Campus, Shenton Avenue, Joondalup. Meetings for this year have been set on the following dates:

15 June 2000
14 September 2000
14 December 2000.

Council has not in the past appointed an official representative to this Board, however Commissioner Marilyn Clark-Murphy attended meetings in an unofficial capacity.

Cr Magyar nominated Cr Carlos.

Cr Barnett nominated Cr Wight.

MOVED Cr Magyar, SECONDED Cr Hollywood that Council APPOINTS Cr D Carlos as representative on the Joondalup Health Campus Community Board of Advice.

The Motion was Put and

LOST

MOVED Cr Barnett, SECONDED Cr Kenworthy that Council APPOINTS Cr A Wight as representative on the Joondalup Health Campus Community Board of Advice.

The Motion was Put and

CARRIED

Cr Nixon entered the Chamber at this point, the time being 2040 hrs.

CJ092-04/00 WARRANT OF PAYMENTS FOR THE PERIOD ENDING 31 MARCH 2000 – [09882]

WARD - All

SUMMARY

This report details the cheques drawn on the funds during the month of March 2000. It seeks Council's approval for the payment of the March 2000 accounts.

BACKGROUND

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	020272-021165	4,595,009.59
Municipal	000197-000200	4,595,009.59
Trust		-
Reserve Account		-
	TOTAL \$	9,190,019.18

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 March 2000, the amount was \$1,523,763.98.

The cheque register is appended as Attachment A.

CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$9,190,019.18 which is to be submitted to each Councillor on 26 April 2000 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 \$9,190,019.18 submitted to Council on 26 April 2000 is recommended for payment.

.....
Mayor John Bombak

MOVED Cr Rowlands, SECONDED Cr Walker that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 March 2000, certified by the Mayor and Director of Resource Management and totalling \$9,190,019.18.

FUNDS	VOUCHERS	AMOUNT
		\$ c
Director Resource Management Advance Account	020272-021165	4,595,009.59
Municipal Trust Reserve Account	000197-000200	4,595,009.59
		-
		-
	TOTAL \$	9,190,019.18

The Motion was Put and

CARRIED

Appendix 5 refers, click here: [Attach5min260400.pdf](#)

CJ093-04/00 FINANCIAL REPORT FOR THE PERIOD ENDING 31 MARCH 2000 - [07882]**WARD - All**

SUMMARY

The monthly reports for the nine months ending 31 March 2000 are appended as Attachment A.

The March report reveals an overall surplus of \$13.7m on the City of Joondalup Budget, a decrease of \$2.6m on the previous period. This position can be analysed as follows:

- Operating Budgets show an overall surplus of \$0.8m at the end of March, a decrease of \$2.3m on the previous month primarily due to the timing of receipt of Operating Grants and Grants Commission funding against budget. The Operating Surplus increased considerably in February 2000 as a result of these receipts and the cumulative budgets to the end of March have brought the variances back in line.
- Capital Expenditure Budgets show a surplus of \$2.4m on budget in line with the previous month. This is primarily due to surpluses arising on the vehicles & plant replacement programme of \$1.1m, furniture and equipment of \$0.3m and computer and communications equipment of \$1.0m planned in the adopted budget.
- Capital Works budgets show a surplus of \$10.5m on budget against \$10.8m in the previous month. Included in this figure is:
 - \$5.5m for the planned cost of the Joondalup Depot, which will not now proceed this year
 - \$0.85m relating to the construction of Community Centres at Connolly and Currambine,
 - \$1.5m of roadworks deferred to 2000/2001 for inclusion in the City of Wanneroo Service Agreement as per Council Report CJ

The Service Agreement with the City of Wanneroo in 1999/2000 amounts to \$1.2m for capital works projects and of this amount \$0.9m has been billed to date.

MOVED Cr Wight, SECONDED Cr Barnett that the Financial Reports for the Period Ended 31 March 2000 be NOTED.

The Motion was Put and

CARRIED

Appendix 6 refers, click here: [Attach6min260400.pdf](#)

**CJ094-04/00 ANIMAL EXERCISE AREAS - BURNS BEACH TO
BEAUMARIS BEACH DUAL USE PATH - [07086]
[25198]**

WARDS - North Coastal, Marina, Whitfords and South Coastal

SUMMARY

It has been proposed that dogs be allowed to be walked along the dual path from Burns Beach to Iluka provided they are on a lead and the person with the dog be carrying doggy bags.

It has been further proposed:

- 1 That fair warning be given to public using the dual footpath between Hillarys Marina and Mullaloo beach for the purpose of walking their dogs, that the amount of animal excrement left on the footpath be monitored for the next two months, and if found to be an unacceptable level, the footpath shall be closed to dogs (with the exception of entrance to the dog beach). That fair warning be given in the form of public notice in the local community newspaper.
- 2 That the City of Wanneroo be approached in respect of providing the ratepayers of Wanneroo with their own horse and dog beach and parking facilities (as necessary).

This report details the background to the management of dog access areas in the City and issues associated with the proposed change in the City's management of these matters.

It is recommended that the City confirms its existing list of areas where dogs are prohibited and that an ongoing community education programme, as part of the Community Connections Project, be conducted to encourage dog owners to properly dispose of dog excrement.

It is also recommended that a review of the dual use coastal path be conducted to determine whether dogs on leads should be prohibited from all sections of the path.

It is further recommended that a profile of the suburb locations of the users of the horse exercise area be established, the demand for an extended dog exercise area be determined and the problems with the current dual use of the beach area be further examined.

BACKGROUND

It has been proposed that dogs be allowed to be walked along the dual path from Burns Beach to Iluka provided they are on a lead and the person with the dog be carrying doggy bags.

This proposal has been considered previously by the former City of Wanneroo. At its meeting in 1995 the former City of Wanneroo considered a 313 signature petition from the Burns Residents and Ratepayers Association seeking reclassification of the dual use pathway from Burns Beach to Iluka in order to allow the residents to walk their dogs on a lead (Item TP293-08/95 refers). The then City of Wanneroo resolved not to support the petition for the following reasons outlined in the report and advised the Burns Residents and Ratepayers Association that:

"Dogs can be walked on a lead along every road/street reserve (including the street/road reserves of Burns Beach Townsite and Ocean Reef Road) and in all other reserves vested in the City and designated as "dog exercise areas". Once Ocean Reef Road is extended to Burns Beach this road reserve can also be used to walk dogs on a lead."

The reasons outlined in the report are detailed below:

- 1 The primary users of the dual-use pathway are pedestrians and cyclists and therefore by allowing dogs, it is likely to dissuade them from using the pathway.
- 2 The pathway is, on average, 2.5m wide and therefore there is a danger of dogs walking on a 2m long lead, startling the cyclists approaching from behind. Council has a responsibility towards the public and there could be a question of liability for any injury or damage caused by dogs.
- 3 The subject pathway winds through the foreshore reserve and takes a course through the dunes up and down, restricting visibility.
- 4 The Senior Ranger points out that complaints have been received from cyclists and pedestrians regarding dog excreta and attacks by dogs along this pathway. Walking dogs on a lead will, however, not solve these problems. Furthermore, the seclusion of this pathway from the built-up areas is likely to delay assistance in the event of a dog attack.
- 5 The pathway is not fenced and therefore if dogs are allowed they are likely to excrete on the adjoining reserve prohibited to the dogs.
- 6 From experience it is learnt that dog owners often do not adhere to the rules and have the tendency to let the dogs off the lead. This will lead to illegal usage of the beach as a dog exercise area and consequent policing of such offence would become a difficult task.
- 7 Currently dogs are prohibited along the dual-use pathway running between Hillarys Boat Harbour and the Hillarys animal exercise area and from Hillarys animal exercise area to Pinnaroo Point since it falls within prohibited foreshore reserves and therefore to allow dogs to be walked on a lead along the subject pathway would set an undesirable precedent.

DETAILS

Dog Exercise areas in the City of Joondalup are designated for this purpose under the City's Animal Local Law 1999. These areas include all public reserves that are managed by the City excluding road and street reserves and a number of prohibited areas. These areas are as follows:

- Hawkins Park, Joondalup, being Reserve No 28544;
- Whitford Node, Hillarys, being Reserve No 39497, except for part Swan Location 10789 as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram 678, and Pt Lot 158 of Swan Location 1370 Whitford Avenue, Hillarys;
- Mawson Park, Hillarys, being Reserve No 33401;
- MacDonald Reserve, Padbury, being Reserve No 33072;
- Heathridge Park, Heathridge, being Reserve No 34330;

- Blue Lake Park, Joondalup, being Reserve No 41893;
- Percy Doyle Reserve, Duncraig, being Reserve No 33894;
- “Central Park”, Lakeside Drive and Grand Boulevard, Joondalup being Lot 1101, Locations 3324 and 9809
- Foreshore Reserve 20561, other than:

All that portion of land comprising part Swan Location 11918 (Reserve 20561) as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram 678.

This area is known as the Hillarys Animal Exercise Area.

- Swan Location 11918 (Reserve 20561) as shown delineated in black and stippled on Department of Land Administration Miscellaneous Diagram 585. This area is the horse exercise area.

COMMENT/FUNDING

It is considered that dog owners have a high level of access to public open space to exercise their dogs. All parks, with the exception of 9 reserves, within the City's boundaries are designated dog exercise areas. Dog owners are also permitted to walk their dogs, provided they are on a leash, in most public places within the City of Joondalup.

Burns Beach to Iluka Dual Use Path

In addition to the reasons advanced in 1995 for not permitting dogs to be walked on the dual use path the following issues are also relevant:

- Members of the public report to the City's Rangers that when they have been jogging along the pathway they have been worried or felt intimidated by dogs.
- There have been situations where dogs on leashes have attacked each other and the dog owners have had little control over the situation.
- The area in question has long been recognised as a dog prohibited area and if the regulations were to be relaxed it is possible that the City would receive a public backlash over the matter.
- It is considered that the presence of dogs on the dual use pathway between Burns Beach and Iluka will have a negative effect on mammal and bird populations, resident and visiting, in the coastal heath land adjacent to the pathway.
- If the dogs are unrestrained they will chase and harass kangaroos, bandicoots and other native mammals often driving them from the habitat and upsetting the animals natural breeding cycles. Even if dogs are on a leash the dogs scent and barking can have a severe impact on the natural behaviours of native wild life. Coastal heath land on the Swan Coastal Plain is a rapidly diminishing commodity. The foreshore reserve between Burns Beach and Iluka is in very good condition in terms of vegetation and wildlife. The exclusion of dogs will help retain the health and bio-diversity of the area.

- Should dogs be permitted to exercise at this location it is likely there will be an increase in dog attacks and fouling of the pathway, as is the case with the dog beach at Hillarys.

It is understood that the proposal to permit dogs to be walked on a leash along the dual use path between Burns Beach and Iluka was discussed at the last meeting of the Joondalup Community Coast Care forum. The majority of those present supported not allowing access to dogs on leads on the path as it was considered it would be detrimental to the environment and wildlife and would lead to an increase in dog excrement.

Since May 1999, 14 complaints have been received from beachgoers in relation to dog owners permitting their dogs to use the above pathway.

Should Council wish to permit dogs to be walked on the dual use pathway it will necessitate an amendment to the local law. The process is detailed in Section 3.12, 3.13 and 3.15 of the Local Government Act 1995 and includes statewide public notification, an opportunity for the public to make submissions and publication in the Government Gazette.

It is considered that there should be no change to the current local law prohibiting access to dogs along the dual use pathway between Burns Beach and Iluka.

Hillarys Boat Harbour to Mullaloo Beach

Dogs are prohibited along the dual-use pathway running between Hillarys Boat Harbour and the Hillarys animal exercise area and from Hillarys animal exercise area to Pinnaroo Point and Mullaloo Beach except where the path traverses a road reserve.

The dual use path between Hillarys Marina and Mullaloo Beach traverses both the Foreshore Reserve and Road Reserves. As a consequence there are sections of the path where dogs on leads are permitted and areas where they are not. This causes problems for Rangers in patrolling these areas and confuses the public in relation to where dogs are permitted.

It is considered that an ongoing community education programme should be conducted as well as maintaining a strong Ranger presence in the area. At the same time a review of the dual use path system in the City of Joondalup coast should be conducted to determine in the future whether dogs should be prohibited on all areas of the dual use coastal path system in the City. A further report would then be submitted to Council concerning the success of the community education programme and patrols in the area as well as proposals for the future management of the dual use path.

Horse Exercise Area - Hillarys Animal Exercise Area

In order to determine the future of the horse exercise area, the following actions are considered appropriate. As part of the proposed community education programme a survey of horse owners be conducted to ascertain where they stable their horses. It is believed that the majority of these horses come from outside the City.

Problems with the current dual use of the beach area need to be further examined. There have been a number of concerns expressed by residents in relation to dogs attacking horses exercising at Hillarys. At present, dog owners are permitted to allow their dogs to leave the dog beach and enter the horse area provided the dogs are on leashes. This situation is difficult to police and the exercising of dogs and horses together presents difficulties regardless of whether a dog is on a leash or not.

At present, the Hillarys Animal Exercise Area is the only designated area on the northern metropolitan coast. There appears to be an increasing demand for use of the dog beach. The level of this demand needs to be further examined.

OFFICER'S RECOMMENDATION: That Council:

- 1 CONFIRMS its current schedule of areas in the City where dogs are prohibited;
- 2 NOTES an ongoing Community Education programme as part of the Community Connections Programme will be conducted to encourage owners to remove their dogs excrement from public places;
- 3 NOTES a review of the dual use coastal path system will be conducted to determine whether dogs should be prohibited on all areas of the dual use coastal path system in the City;
- 4 NOTES that a further report will be submitted detailing the outcomes of the Community Education Programme, review of the dual use coastal path system, profile of the suburb locations of the users of the horse exercise area, demand for the dog exercise area and problems with the current dual use of the beach area.

MOVED Cr Hollywood, SECONDED Cr Rowlands the matter pertaining to the animal exercise area – Burns Beach to Beaumaris Beach Dual Use Path be DEFERRED to the Ordinary meeting of the Council scheduled to be held on 9 May 2000 pending further consideration by elected members.

Cr Hollywood advised he had been approached by a ratepayer with a request to address elected members at a deputation this afternoon, but due to the short notice given, this was not possible. Accordingly, he sought to defer this item until 9 May 2000 to allow this deputation to occur.

Cr Hollywood congratulated Director Infrastructure Management and his staff on behalf of Burns Beach residents for the recently constructed footpath from Marmion Avenue to Burns Beach.

The Motion was Put and

CARRIED

INFRASTRUCTURE MANAGEMENT**CJ095-04/00 PETITION FOR UPGRADE OF MACAULAY PARK,
DUNCRAIG - [07635]**

WARD - South Coastal

SUMMARY

The Council, at its meeting dated 28 March 2000, received a petition from residents of Duncraig requesting the reticulation of Macaulay Park in Duncraig and provision of upgraded play equipment.

Macaulay Park is a dry park of .63ha and bounded by Macaulay Avenue, Netherby Road and the Mitchell Freeway.

Minor items of play equipment were installed in mid 1994 and the park has received standard dry park maintenance, in accordance with maintenance cycles.

The petition specifically requests that Macaulay Park be given a higher priority within the Dry Park Development Program due to its location and high community exposure.

It is recommended that these items be listed for consideration in the Five Year Capital Works Program.

BACKGROUND

Macaulay Park was developed as a dry park during 1985/86, in conjunction with various other dry parks in Duncraig, Greenwood and Warwick. Council policy-of-the-day was not to reticulate areas of Public Open Space less than 1.52ha unless they were connected to a larger Public Open Space area.

DETAILS

In July 1996 the former City of Wanneroo revised the Dry Park Policy and established a working party to prioritise all existing dry parks to enable a co-ordinated and efficient approach to provision of inground reticulation. Funds have been allocated annually within the Capital Works Budget for the Dry Park Development Program and 14 dry parks have been irrigated within the City of Joondalup since commencement of the program. The following criteria was adopted by the working party:-

- Priority 1 Proximity to existing reticulated park for joint utilisation of bore.
- Proximity to existing dry parks to enable shared use of bore. Percentage of indigenous vegetation.

- Priority 2 Individual dry park with high local community utilisation. Residential cell with minimal Public Open Space. <50% indigenous vegetation.
- Priority 3 50%> indigenous vegetation. Small isolated POS with minimal opportunity for community use.

Macaulay Park has been assessed as a Priority 2 park and is not currently programmed for inground reticulation due to the high number of Priority 1 parks (28) listed in the Five Year Budget Program.

The criteria adopted was designed to maximise utilisation of any bore by connection of surrounding dry parks and arterial road medians, eg. Greenlaw Park, Buckthorn Park and the Davallia Road median are connected to a single bore.

The isolated location of Macaulay Park within the suburb and its inability to link with existing dry parks in Greenwood due to the Freeway, prohibits connection to other parks.

The petition has raised a concern that the initial criteria fails to consider the community aspect of dry parks. At present, small isolated dry parks would not be developed until all other Priority 1 sites are completed. The Dry Park Development Program identifies 43 existing small, isolated areas of similar character to Macaulay Park spread throughout the older suburbs, of which eight are located within Duncraig.

Macaulay Park does provide an access point for pedestrians and cyclists to cross the Freeway via the footbridge which connects with Strathaven Park in Greenwood, which is also a dry park of .20ha.

The location of Macaulay Park within Duncraig identifies the park as isolated (see Attachment 1 - plan of suburb with Public Open Space marked). Due to this isolated location, the request for a review of the criteria appears justified. If this were to apply and the Dry Park Development Program was reviewed, the current program would have minor adjustments only, however the number of parks listed for development would increase significantly. Macaulay Park would be listed for consideration along with 46 other similar dry parks. It is therefore recommended that the initial criteria adopted be retained.

The alternative option would be to install a non-standard bore to supply the individual park. This option was considered previously, but rejected due to the long term inefficiency when compared to a standard bore shared between a large area of Public Open Space.

The provision of additional play equipment at Macaulay Park will only compound the dry park situation as the area is not utilised during summer. Existing items of equipment include:-

A-frame Climber
Character See Saw
Curved Slide

COMMENT/FUNDING

Staff from the City have met with the co-ordinator of the petition on two occasions to discuss the various issues relating to dry parks and the development program criteria.

Recent changes to suburb development standards have created a community view in the older suburbs that new areas receive special treatment. This view is not supported as the total areas of developed Public Open Space are similar. Within the newer suburbs, the Public Open Space has been combined into larger areas to improve community use opportunities.

Attachment 2 is provided to indicate the total areas of Public Open Space, both reticulated and dry, by suburb and population (as at December 1999) and also the number of lots within the suburb. This highlights the variations of Public Open Space between suburbs.

OFFICER'S RECOMMENDATION: That Council:

- 1 **LISTS** for consideration, the provision of additional play equipment for Macaulay Park in the Five Year Capital Works Program. The priority listing will be reviewed to determine the appropriate status for Macaulay Park;
- 2 **LISTS** for consideration, as a priority two ranking in Council's forward planning for the Dry Park Development Programme, the installation of inground reticulation in Macaulay Park;
- 3 **ADVISES** the petitioners accordingly.

MOVED Cr Patterson, SECONDED Cr Rowlands that Council:

- 1 **LISTS** for consideration, the provision of additional play equipment for Macaulay Park in the Five Year Capital Works Program. The priority listing will be reviewed to determine the appropriate status for Macaulay Park;
- 2 **LISTS** for consideration, as a priority two ranking in Council's forward planning for the Dry Park Development Programme, the installation of inground reticulation in Macaulay Park;
- 3 **ADVISES** the petitioners accordingly.
- 4 **in view of the frequency of such requests, PREPARES** a report to be presented to Council within four weeks regarding the criteria used to assess reticulation of dry parks, median strips and verges;

The Motion was Put and

CARRIED

**CJ096-04/00 COMMUTER PARKING - METHUEN WAY,
DUNCRAIG - [06123]****WARD** – South Coastal

SUMMARY

In May 1999, the City of Joondalup Joint Commissioners gave an undertaking to review the impact of all day commuter parking in Methuen Way, Duncraig. The review has now been completed and the following strategy to address growing community concern is presented for consideration.

BACKGROUND

Issues relating to commuter parking were first considered by the former City of Wanneroo shortly after the opening of the Northern Rail Line in 1993. Previous reports have detailed problems associated with commuter parking at Warwick, Whitfords and Edgewater Rail Stations (Item No.H10819, I19611, I11001 refer).

While parking in Hawker Avenue, Twickenham Drive, Trailwood Drive and Ellendale Drive has been problematic, all day commuter parking in Methuen Way has proved to be the most frustrating to address in a fair and equitable manner.

Essentially problems associated with all day commuter parking in Methuen Way have been brought about because an increasing number of commuters have found that the proximity to their place of residence, makes Methuen Way an attractive and convenient alternative for all day parking. The majority of commuters like local residents who utilise the access facility (footbridge) to the Rail Station, originate from within the South Coastal Ward and neighbouring Carine area.

With the increased popularity of Methuen Way for all day parking and as a set down and pick up point for commuters, came an increasing annoyance by local residents to what they perceived to be an inappropriate use of their local road.

In order to address the objections of residents to commuter parking and recognise the need to maintain public access to the rail station, the City has, over the years, considered numerous alternative parking bans such as time limited parking and full parking bans and the appropriateness of residential parking permits.

During previous investigations, it has been stressed that the implementation of parking restrictions also needs to be carefully considered. In most instances, parking bans have only been considered where parking is unsafe or when alternative parking is provided. Parking bans apply equally to all motorists and may therefore be restrictive to residents and visitors to properties in these areas. The enforcement of these parking bans also needs to be considered. Time limited bans place additional demands on policing and, in many instances, may be difficult to enforce.

Perhaps the most difficult aspect of finding an acceptable solution has been the difficulty associated with predicting the commuter's preparedness to walk long distances to the Rail Station.

For instance, in the case of Ellendale Drive, Heathridge, the restrictive nature of the parking bans meant that additional parking bans had to be considered for other roads within a 200m radius of the pedestrian footbridge (Item Nos. I19611 & I11001 refer). This occurs despite the provision of adequate parking facilities on the eastern side of the railway in Edgewater.

With this in mind and given the obligation to balance the needs of residents, visitors and commuters, a revised proposal was circulated to residents in Methuen Way for comment in April 1999.

An amended proposal, shown as Attachment 1, was subsequently approved by the Joint Commissioners in May 1999. At the same time, the City of Joondalup Joint Commissioners gave an undertaking to review the impact of all day commuter parking in Methuen Way, Duncraig (Item No. CJ168-05/99 refers).

It had also been anticipated that the proposed Hepburn Avenue (Greenwood) Rail Station would be completed or nearing completion during the review period. Unfortunately, this has not been the case and to date no specific time frame for completion of the rail station has been announced by Transport.

DETAILS

As previously stated, it is difficult to predict the preparedness of some commuters to walk long distances to the rail station. In addition, the popularity of the northern rail line and perhaps to some extent the lack of adequate parking on the eastern side of the rail line has led to an increase in all day commuter parking in Methuen Way. At last count, all day commuter parking has increased on average by around one to two vehicles every two to three weeks.

Whilst the majority of commuters have utilised the area set aside for commuter parking under the previous proposal, as anticipated the close proximity of the area not currently covered by any parking restrictions, south of the footbridge, has become increasingly popular amongst commuters.

Given the low speed environment, parking in this area is not particularly hazardous for other motorists, however the lack of footpaths in this area may lead to potential conflict between motorists and pedestrians.

Therefore in order to control parking in this area, it is proposed to increase the extent of the existing parking restrictions.

The proposed 'NO PARKING 6:30-9:30am, 4:00-6:30pm, Monday to Friday' is considered appropriate to allow a balance between the needs of commuters and residents alike. Essentially banning parking at peak arrival and departure times discourages ALL day parking while maintaining reasonable parking rights for residents and visitors at other times. This type of parking restriction was put forward by and received wide support from residents in April 1999.

While this proposal is likely to remove the potential conflicts associated with all day parking in this area, previous experience has shown that this may simply transfer the problem elsewhere. On this basis, an overall strategy to address this has also been considered.

To control the potential redistribution of commuter parking elsewhere along Methuen Way and the surrounding road network, it is also initially proposed to extend this parking restriction to include Brechin Court. If required, the ban could also be extended to include the northern section of Methuen Way and Argyll Place.

The incremental introduction of this parking ban is an overall strategy that is necessary to counter the possible redirection of commuter parking in the immediate area. Initially, this strategy is aimed at controlling commuter parking and then ultimately removing all day commuter parking from the local road network.

To achieve this, the final stage would see the implementation of the same parking restriction applied in the area currently set aside for commuters. This stage should however, only be considered for implementation when additional parking is provided at the proposed Hepburn Avenue rail station.

In the interim, it is also proposed to dedicate an area adjacent to the footbridge for set down and pick up only. This can be achieved by installing a limited (20m) 'NO PARKING' restriction. The 'NO PARKING' restriction '*allows motorists to immediately set down and pick up passengers or goods*' at anytime.

The type, extent and proposed stages of the overall strategy are shown on Attachment 2.

COMMENT

While the parking problems associated with all day commuter parking in Methuen Way have been ongoing for some time, at no time has it posed a realistic or significant safety threat to other road users. Essentially, commuter parking in this street is causing no more than a public nuisance or inconvenience and is therefore a social rather than safety issue.

Notwithstanding, it is likely that concerns associated with all day commuter parking, particularly in Methuen Way, will continue until such time as alternative commuter parking is provided by the State Government (Transport). As this may be some years away and given that commuters continue to use Methuen Way for all day parking, consideration on the implementation of more extensive parking restrictions is probably overdue.

On this basis, the incremental (staged) implementation of 'NO PARKING 6:30-9:30am, 4:00-6:30pm, Monday to Friday' as shown on Attachment 2 is recommended. Following installation of parking restrictions associated with stage 1 of the strategy, ongoing surveillance of parking patterns will be required. Implementation of the second stage will be dependent on the effect of the previous stage.

Ultimately, implementation of the final stage will effectively ban all day commuter parking in the area bounded by and including Methuen Way, Brechin Court and Argyll Place.

While this strategy may receive the support of local residents, it is conceivable that the majority of commuters displaced by this strategy may express their concerns directly to the City. On this basis, it may also be appropriate to approach the Minister for Transport on behalf of commuters, seeking that additional parking be provided at the rail station on the northern rail line and that a firm commitment be given in regard to construction of the proposed Hepburn Avenue Rail Station.

A total ban on all day commuter parking in Methuen Way and the surrounding street should however, not be considered prior to the construction of new or alternative purpose built commuter parking facilities on the northern rail line.

OFFICER'S RECOMMENDATION: That Council:

- 1 **ADOPTS** the proposed parking restriction strategy for Methuen Way shown on Attachment 2 to Report CJ096-04/00;
- 2 **APPROACHES** the Minister for Transport and local Members of Parliament, on behalf of commuters, seeking that additional parking be provided at rail stations on the northern rail line and that a firm commitment be given in regard to construction of the proposed Hepburn Avenue Rail Station;
- 3 **ADVISES** the residents of Methuen Way accordingly.

MOVED Cr Patterson, SECONDED Cr Wight that Council:

- 1 **ADOPTS** the proposed parking restriction strategy for Methuen Way “**NO PARKING** between 9.00 am and 5.00 pm Monday to Friday”, as shown on Attachment 2 to Report CJ096-04/00;
- 2 **APPROACHES** the Minister for Transport and local Members of Parliament, on behalf of commuters, seeking that additional parking be provided at rail stations on the northern rail line and that a firm commitment be given in regard to construction of the proposed Hepburn Avenue Rail Station;
- 3 **ADVISES** the residents of Methuen Way accordingly.

The Motion was Put and

CARRIED

Appendix 7 refers, click here: [Attach7min260400.pdf](#)

CJ097-04/00 BUSINESS ENTERPRISE CENTRE PROJECT - [43679]

WARD - All

SUMMARY

One of the Key Result Areas in the City's Strategic Plan is “Economic Vitality” with the objective to encourage sustainable economic growth and business opportunity, and to increase local employment. The North West Metro Business Enterprise Centre project seeks to

facilitate the creation, expansion, retention and development of sustainable business enterprises within the region. This report recommends a purchase for a Service Agreement arrangement for an amount of \$25,000, to support the North West Metro BEC operations to encourage sustainable economic development in the region. The support proposed is consistent with Strategy 3.1 of the Economic Vitality Key Result Area.

The outcome of the Service Agreement will require the North West Metro BEC to be fully accountable for the funding provided and to achieve increased economic activity through the development of new business and the creation of local employment. The key performance indicators for the Service Agreement will be the number of new business starts and subsequent economic activity generated; and the number of new jobs created through the start-up business. The proposed total operating budget for the North West Metro BEC is \$95,000 of which \$60,000 is provided by the Small Business Development Corporation; \$10,000 (in office space and facilities) from North West Metro Business Association and \$25,000 from Council.

BACKGROUND

In February 2000, the North West Metro Business Association, as the sponsoring organisation, submitted an application under the Community Grants Funding Program for the Business Enterprise Centre Project. The North West Metro Business Enterprise Centre project seeks to facilitate the creation, expansion, retention and development of sustainable business enterprises within the region.

The submission was not eligible under the guidelines for the Community Funding Program, as the project seeks support for the operation of the BEC, in particular funding for facilitator costs for direct consultation to new business contacts. Under the guidelines this is regarded as on-going administration which is outside the criteria allowed for a grant. However because of the significant part the North West Metro BEC plays in economic development of the region by encouraging new start-up businesses and employment, support is considered warranted.

The BEC is seen as a crucial partner and key stakeholder in the identification of opportunities to encourage and promote economic growth in the region.

In the past Council has provided funding support for the operation of the North West Metro BEC. It is proposed that a Service Agreement be entered into with the BEC to ensure that the funding of \$25,000 is fully accounted; that certain outcomes are achieved and Key Performance Indicators are met and reported.

The Small Business Development Corporation (SBDC) supports a network of 37 independent Business Enterprise Centres (BECs) throughout the State. Each centre has a management committee with representatives from business, public sector organisations and local government that support the BEC Manager. The Centres provide guidance on marketing, business planning, finance, market research, trade information, regulations, licensing and a range of other business improvement services.

Many local governments see the benefit in being involved with, and supporting the local BEC, and understand the value that the enterprise centre brings to their region. The following

Metropolitan Local Government Authorities provided funding assistance in 1998/99 to BEC's:

City of Belmont	\$40,000
City of Stirling	\$25,000
City of Rockingham	\$30,000
City of Swan	\$47,500 (Comprising of Malaga \$20,000 and Midland \$27,500.)
City of Subiaco	\$15,000

DETAILS

The North West Metro BEC is directed by a Committee of Management and employs a full time Business Development Manager, Mr Allan Birrell who provides facilitation services to new business contacts.

The committee meets monthly to develop policy and provide accountability to the community, ensure the smooth operation of the Centre, provide local business knowledge and assist with developing networks within the community. Committee Members also provide a valuable mentoring resource for Business Enterprise Centre clients. Cr L Ewen-Chappell is a member of the Executive Committee of the North West Metro Business Association which also constitutes the BEC Committee of Management.

The objectives of the North West Metro BEC project are:

1. To maximise the creation of employment opportunities by facilitating the establishment of new business start-ups within the North West Metropolitan Region.
2. To encourage and facilitate the development and broadening of the economic base within the North West Metropolitan Region.

To achieve these objectives the North West Metro BEC provides facilitation resources and guidance for prospective new business proprietors in marketing, business planning, finance, market research, trade information, regulations, licensing and a full range of other business improvement services. It also supports new business starters with a range of practical resources and facilities including seminars, library facilities, computer facilities and referral to appropriate professional service providers.

The outcome for the North West Metro BEC project is increased economic activity generated through the development of new business and the creation of new jobs as a result of the new business start-ups. As part of the Service Agreement the BEC will provide detailed statistical and outcome reports each six months to Council on the key performance indicators:

- Number of contacts;
- Confirmed New Business Start-ups;
- Estimated Jobs Created;
- Industry Category:
 - Professional Services;
 - Tourism Related;
 - Manufacturing;
 - Home Service;
 - Retail.

The North West Metro BEC has been effective in encouraging new business start-ups with a corresponding economic impact on the region. Statistics are maintained which measure the level of activity in the Centre. These statistics provide details of total contacts and the number of new business start-ups with the resulting estimation of new jobs generated.

Date	Total Contacts	New Business Starters	Full Time Jobs
1997/98	960	48	76
1998/99	1056	56	110

COMMENT/FUNDING

The BEC has a positive impact on the economic development of the region by encouraging new start-up businesses. The proposed budget for the North West Metro BEC is:

	SBDC	NWMBBA	COUNCIL	TOTAL
Facilitator costs for Direct Consultation to approximately 1100 contacts (Estimate for 2000/2001).	\$30,000		\$25,000	\$55,000
Office space and Facilities.		\$10,000		\$10,000
Research Material and Library Supplies.	\$5,000			\$5,000
Administrative Support.	\$15,000			\$15,000
Vehicle Costs.	\$10,000			\$10,000
Total:	\$60,000	\$10,000	\$25,000	\$95,000

Funding support for an amount of \$25,000 for the North West Metro BEC is recommended.

Subject to the signing of the Agreement for service the project will commence immediately.

Funding is available under:

Account No: D760
 Budget Item: Regional Economic Initiatives
 Budget Amount: \$30,000
 Actual Cost: \$25,000

MOVED Cr Kadak, SECONDED Cr Rowlands that Council APPROVES the allocation of \$25,000, subject to the signing of a Service Agreement, for the North West Metro Business Enterprise Centre.

The Motion was Put and

CARRIED

**CJ098-04/00 PROPOSED STRUCTURE PLAN - LOT 17
MINDARIE/TAMALA PARK – [41196 34437]****WARD - N/A**

SUMMARY

Lot 17 Marmion Avenue, Mindarie/Tamala Park (Lot 17), was purchased by the Cities of Perth and Stirling and the former Shire of Wanneroo in 1984. Following the allocation of the former City of Wanneroo assets by the Joint Commissioners in 1999 the City of Joondalup is a part owner. The development of Lot 17 has the potential to provide significant funds to the owners to the benefit of their residents.

The owners engaged The Planning Group who have prepared a Structure Plan for the development of Lot 17. The Structure Plan takes into account planning matters including environmental issues such as draft Bush Plan. It also takes into account the provision of linkages from the coast to Neerabup National Park, vehicular and pedestrian matters and the provision of public open space.

The formal submission of the Structure Plan by the owners to the City of Wanneroo (the Local Government in which Lot 17 is located) will commence the Statutory planning process. This process includes release for public comment.

BACKGROUND**Location**

Lot 17 comprises of a total area of 432 hectares and is dissected by Marmion Avenue (constructed) and Connolly Drive (unconstructed). It is located in the City of Wanneroo and abuts the City of Joondalup's northern boundary. It is situated in the localities of Tamala Park (southern portion) and Clarkson (northern portion) and west of Marmion Avenue is situated in the localities of Tamala Park (southern portion) and Mindarie (northern portion).

The site is located between the Indian Ocean and Neerabup National Park (see Attachment A).

Ownership

The land was acquired in February 1984 by the Cities of Perth and Stirling and the then Shire of Wanneroo as tenants in common in equal shares. The purpose of the purchase was to facilitate waste management and investment purposes.

In 1999, the Joint Commissioners appointed to split the former City of Wanneroo apportioned the former City of Wanneroo's share in equal portions between the new Cities of Wanneroo and Joondalup. Accordingly, the City of Joondalup's share is 1/6th.

The site is affected by two caveats:

- Water Corporation base site;
- Vodafone Network Pty Ltd site.

A portion of the site is leased to the Mindarie Regional Council for Waste Management purposes. The lease expires in 2011 with a further 21-year option. The lease area will need to be reviewed to remove those areas not required by the Mindarie Regional Council (MRC).

Bushplan

Draft Bush Plan proposes to update System 6 recommendations for the Swan Coastal Plain. Areas assigned regional significance by the draft Bush Plan are those that protect important landscapes, serve a range of recreational pursuits and contribute to the conservation of valuable ecological functions and resources.

Two draft Bush Plan sites affect Lot 17.

1. Area West of Marmion Avenue – Bush Plan Site 322

This site includes the portion of Lot 17 west of Marmion Avenue and extends to include Pt Lot 2 Burns Beach south of Lot 17.

2. Tamala Park – Bush Plan Site 323

This site is within the southern section of Lot 17 that is located between Marmion Avenue and Neerabup National Park. It excludes the Tamala Park Refuse Disposal facility itself and any land cleared of natural vegetation.

Bush Plan Site 323 also includes a portion of Lot 17 east of Connolly Drive that is proposed for a golf course.

MRS Amendment 992/33

The MRS Amendment No. 992/33 submission period closed on 31 December 1999. The Amendment proposed a number of changes to the MRS with respect to Lot 17.

The Metropolitan Region Scheme (MRS) applies the zonings to Lot 17 as detailed below:

Area	Current Zoning	Proposed MRS Amendment 992/33.
Lot 17 east of Marmion Avenue – north.	Rural	Urban Deferred
Lot 17 west of Marmion Avenue – north.	Urban	Urban
Lot 17 west of Marmion Avenue – south.	Rural	Parks & Recreation Reserve
Tamala Park Refuse Facility	Rural	Public Purposes and Parks and Recreation Reserve
Connolly Drive/Marmion Avenue	Important Regional Road Reserve	Important Regional Road Reserve

The Owners, following their respective Council or Joint Commissioners' consideration, made written submissions to the Western Australian Planning Commission.

These generally proposed:

That the reservation of the southern portion of Lot 17 west of Marmion Avenue for Parks and Recreation purposes is not supported pending further discussion and negotiation with the joint owners.

That the north portion of Lot 17 not affected by the operational buffer of the refuse disposal facility should be included in the Urban zone instead of the Urban Deferred zone.

The amendment documents should be modified to clarify that it may not be necessary to cease refuse disposal facility operations to permit the development of the land located outside the operational buffer.

The boundary of the Public Purposes reservation be reviewed in light of current and future operational requirements of the Tamala Park refuse facility in conjunction with the joint owners and the Mindarie Regional Council.

The Owners also jointly made a presentation at a hearing utilising the services of Mr John Woodhouse of Watts and Woodhouse.

The outcome of the submissions is not yet known.

Structure Plan

A structure plan was prepared by the owners in the early 1990's. The plan shows four principal development cells with only three having been formally accepted and endorsed by the joint owners. These cells are known as Mindarie North, Clarkson West and Clarkson East. These cells are either appropriately zoned for residential development or are generally within the proposed "Urban Deferred" zone of the MRS Amendment 992/33.

The fourth cell, Mindarie South is located within an area that has been identified as part of the non-urban wedge linking the Neerabup National Park and the coast.

This structure plan needs revision in view of the new standards such as the Ministry for Planning's Community Codes and to create an attractive urban estate that optimises the potential of the land, and to resolve key issues and constraints with respect to the land.

In late 1999 the owners engaged The Planning Group to prepare a new Structure Plan. On 23 March 2000 the consultants presented the Structure Plan to representative Councillors and Senior Staff from the owner Councils. A copy of the Structure Plan report has been placed in the Councillors' Reading Room. Attachment B indicates the general structure plan proposal.

The key features of the Structure Plan are:-

- A number of Land Use Precincts are established as follows:

Residential

West of Marmion Avenue

The Structure Plan proposes that the land west of Marmion Avenue be ultimately developed having regard to the principles of draft Bush Plan through the negotiated outcome process.

Three separate residential nodes containing a total of 684 Lots is proposed with the two northern nodes connected to Mindarie.

The third and southern node is located 500 metres north of the southern boundary of Lot 17.

East of Marmion Avenue

A development is proposed having regard for the constraint imposed by the buffer areas associated with the operation of Tamala Park. Development proposals are shown within the buffer area should the land become available in the future a total 1,974 Lots are proposed.

Commercial

The proposed Clarkson District Centre will abut Neerabup Road just north of Lot 17 and will provide the major retail focus for the district.

The Structure Plan proposes a Village Centre on 8,000m² of land approximately mid way between Marmion Avenue and Connolly Drive. The Village could contain a small amount of retail floor space, community base services, such as medical child-minding etc. The Centre would be adjacent to recreational and educational facilities for the community.

Urban Bushland

The Structure Plan retains areas of remnant bushland throughout the site including 56.5 hectares on the western side of Marmion Avenue. In addition, the majority of the refuse site would be available in the longer term as urban bushland following implementation of an appropriate remediable rehabilitation program.

The Bush Plan areas have been determined having regard for:

- the vegetation assessment undertaken by Mattiske Consulting;

- conservation principles of:
 - maximising the width of the proposed vegetation corridor;
 - the proposed urban bushland areas which should form a valuable component of the east-west corridor between the coast and Neerabup National Park;
- perimeter edge effects between bushland and residential development being planned provide significant buffer between significant vegetation and urban development;
- maintaining continuous corridors that link larger existing and future bushland areas.

Public Open Space

Regional Open Space

The western and eastern boundaries of Lot 17 adjoin Park and Recreation Reservations under the MRS.

Local Open Space

Local parks are strategically located. Between 9-10% of the gross subdivided area is provided for local parks.

Community Infrastructure

A primary school has been incorporated into the Structure Plan in accordance with the Ministry of Education guidelines.

Tamala Park Golf Course

Earlier studies recognise the possibility of an 18 hole golf course to the north of Kinross East between Connolly (future) Drive and the freeway reserve. The proposal has been incorporated into the Structure Plan.

Future Developments

During the structure planning study it has become apparent that there is a possibility of an 18 hole golf course on the Refuse Disposal Site.

DETAILS

Compensation

The area of Lot 17 is 432.5 hectares. The combination of draft Bush Plan and Metropolitan Region Scheme reservations, effectively quarantines 300 hectares (66%) of the land for public use.

It should be reinforced to Government agencies that the joint owners should receive full compensation without delay for any land reserved as a consequence of the MRS Amendment 992/33 or draft Bush Plan.

Tamala Park Refuse Disposal Site – Future Use and Lease Value

The MRC currently leases 252 hectares of Lot 17 for refuse disposal. The lease expires in 2011 and there has been a general understanding of the joint owners and the MRC that the operation could continue for a period of at least a further 21 years if community acceptance, Government licensing and return on investment were favourable.

The lease generates fees and has the potential to provide an increased fee if the lease is rolled over.

The MRC has developed a regional waste facility as a Class II landfill facility.

BSD Consultants in their October 1999 report “Development of Options for a Regional Waste Management Plan for the Mindarie Region” suggest that a likely scenario would be a further 14 years of operation of the landfill site. This scenario is dependent upon the approval of the Department of Environmental Protection (DEP) being forthcoming to the establishment of a new landfill cell as the existing landfill facility has a life expectancy of a further three years.

The MRC is currently examining secondary treatment options. These will have the capacity to further extend the life of the Refuse Disposal Site by reducing the volume into landfill.

There is an on-going commitment to rehabilitate the site.

The City needs to carefully examine the issue of refuse disposal on this site including the benefits to the community. This process is continuing and will be on-going for some time.

Legal Issues, Ownership and Representation

The development of Lot 17 is a major project involving many millions of dollars and taking many years to complete.

The management of the project within the Local Government framework and with four owners is a critical issue. Mr John Woodhouse of Watts & Woodhouse has been engaged by the owners to advise on a structure for ownership that will allow the joint owners to be properly represented in commercial and representational transactions.

Following research he proposes a joint venture agreement with the following key points:

- a party would be nominated to act for all owners;
- budget and agreed plans/delegations would be specified annually;
- liability would be several;
- a joint venture Management Committee would oversee activity;
- decisions would be made according to a defined voting system.

Options for a joint owner agreement for on-going management is still being pursued and will be presented to owner Council in due course.

Coupled with this issue is the need to prepare Strategic, Business and Action Plans for the next five years so as to link with Council's planning framework.

Response to Draft Bush Plan

Draft Bush Plan covers 2/3 of the area of Lot 17 – approximately 300 hectares. Whelans Consultants were engaged to prepare a report which the owners have used in making a submission to the Ministry for Planning (MFP) opposing Bush Plan.

Owner representatives have met with representatives of MFP and DEP who proposed that 25 hectares of urban zone land west of Marmion Avenue might be released if the remaining land covered by draft Bush Plan was ceded to the Government free of cost.

The owners did not agree to this and in response to draft Bush Plan have commissioned a structure plan (referred to above) to be prepared to have regard for planning and environmental issues. The owners also asked that no decision be made on draft Bush Plan until such time as the results of the planning study are known and can be factored into discussions concerning the draft Bush Plan impact on Lot 17.

Planning and Environmental Issues

The development of Lot 17 will be of significant benefit to the region creating new residential, commercial and recreation opportunities. A total of 2,658 residential Lots will be created including medium density housing units near transport nodes such as the Clarkson railway station and the Clarkson District Centre.

The development can avoid the need for a similar number of Lots at the end of the growth corridor and will promote shorter trips and other travel alternatives such as public transport.

The strategic planning and environmental objectives of the development include maintaining a suitable landfill site and possible secondary treatment plant with suitable buffers. The development can be managed in such a way that it maintains an acceptable bio-diversity of the area without sterilising large parcels of land from development.

A key objective will be the retention, where appropriate of areas of highest conservation value provision of open spaces offering recreation value and a managed east/west greenway though the site linking the coastal foreshore reserve to the Neerabup Park to the east. It is noted that the greenway is impacted upon by existing north/south regional roads.

A public eighteen-hole golf course is proposed in the south eastern portion of Lot 17 east of Connolly Drive. Alternatively, it could span Connolly Drive or another course could be established on Tamala Park.

Process

The progression of the proposed Structure Plan requires the formal submission to the City of Wanneroo for consideration in accordance with Town Planning Scheme No. 1.

The process requires advertising for comment and submissions and referral to the Western Australian Planning Commission (WAPC). Upon assessment of the submissions the City of Wanneroo Council considers the submissions and adopts the Plan. Further assessment is then made by the WAPC and a decision is made.

Final adoption occurs after the City of Wanneroo receives the WAPC decision.

It is possible that during this process that there will be occasions when negotiations will be held with the Planning Authorities to address concerns. Authority to undertake these negotiations is sought.

COMMENT/FUNDING

The development of Lot 17 has the potential to provide a significant return to the owners. This return would benefit over one-quarter of Perth's population. This opportunity is severely impacted upon by draft Bush Plan and the proposed MRS Amendment.

The owners have requested the Ministry for Planning to hold off any draft Bush Plan and MRS Amendment decisions affecting the site, pending further investigation and the presentation of the Structure Plan submission. The Planning Group has been engaged by the owners to prepare a structure plan. The submission of the Structure Plan to the City of Wanneroo for assessment in accordance with its Town Planning Scheme will commence the Statutory processes.

OFFICER'S RECOMMENDATION: That Council:

- 1 AUTHORISES the formal submission of the Structure Plan prepared by The Planning Group with the City of Wanneroo in accordance with Part 10 of the City of Wanneroo Town Planning Scheme No. 1;
- 2 AUTHORISES the joint owners to seek acceptable compensation, without any delay, for any land reserved as a consequence of the MRS Amendment 992/33 or Bush Plan;
- 3 AUTHORISES negotiations to realise the maximum capital return to the communities whilst protecting areas of environmental sensitivity;
- 4 REQUESTS the preparation of a Strategic, Business and Action Plans for Lot 17 covering a five year period;
- 5 SEEKS a further report recommending a suitable legal vehicle for dealing with joint ownership issues.

Cr Hurst left the Chamber at this point, the time being 2048 hrs, and returned at 2050 hrs.

MOVED Cr Magyar, SECONDED Cr Nixon that Council:

- 1 DEFERS consideration of the Structure Plan for Lot 17 Mindarie/Tamala Park until after the finalisation of the Metropolitan Region Scheme Amendment No. 992/33 Clarkson-Butler, Wanneroo for the following reasons:

- (a) the formal submission of the structure Plan prepared by the Planning Group with the City of Wanneroo in accordance with Part 10 of the City of Wanneroo Town planning Scheme No. 1 is premature as the land that may be urbanised is still unknown;
 - (b) authorising the joint owners to seek acceptable compensation, without any delay, for the land possibly reserved as a consequence of the MRS Amendment 992/33 or Bushplan has not taken into account the multiple roles of local government in the management of the metropolitan region on an ecologically sustainable basis;
 - (c) authorising negotiations to realise the maximum capital return to the communities whilst protecting areas of environmental sensitivity is a statement of the objects of government in reverse order of importance;
 - (d) requesting the preparation of a Strategic, Business and Action Plans for lot 17 covering a five year period prior to the finalisation of the MRS Amendment 992/33 is a waste of public funds as the plan is dependant on the outcome of the MRS Amendment;
- 2 SEEKS a further report recommending a suitable legal vehicle for dealing with joint ownership issues;
 - 3 SEEKS a further report on the ecological values of the greenway link from Neerabup National Park to the coastal foreshore reserves including suitable widths, land uses and management objectives for the link.

Discussion ensued.

The Motion was Put and

LOST

MOVED Cr Wight, SECONDED Cr Rowlands that Council:

- 1 AUTHORISES the formal submission of the Structure Plan prepared by The Planning Group with the City of Wanneroo in accordance with Part 10 of the City of Wanneroo Town Planning Scheme No. 1;**
- 2 AUTHORISES the joint owners to seek acceptable compensation, without any delay, for any land reserved as a consequence of the MRS Amendment 992/33 or Bush Plan;**
- 3 AUTHORISES negotiations to realise the maximum capital return to the communities whilst protecting areas of environmental sensitivity;**
- 4 REQUESTS the preparation of a Strategic, Business and Action Plans for Lot 17 covering a five year period;**

5 SEEKS a further report recommending a suitable legal vehicle for dealing with joint ownership issues.

Discussion ensued.

The Motion was Put and

CARRIED

PLANNING AND DEVELOPMENT

Mayor Bombak declared an interest in Item CJ099-04/00 – Proposed (60) Walk-Up Apartments, (4) Two Storey Grouped Dwellings and Convenience Store: Part Lot 6 (Proposed Lots 1 and 2) Lakeside Drive – cnr Boas Avenue and Wattlebird Loop, Joondalup as he has an interest in property in Boas Avenue, Joondalup.

Mayor Bombak left the Chamber at this point, the time being 2100 hrs.

Deputy Mayor, Cr Carlos assumed the Chair, the time being 2100 hrs.

CJ099-04/00 PROPOSED (60) WALK-UP APARTMENTS, (4) TWO STOREY GROUPE D WELLINGS AND CONVENIENCE STORE: PART LOT 6 (PROPOSED LOTS 1 & 2) LAKESIDE DRIVE - CNR BOAS AVENUE AND WATTLEBIRD LOOP, JOONDALUP - [22455]

WARD - Lakeside

SUMMARY

An application has been received for 64 residential units and a convenience store at Part Lot 6 (proposed Lot 1 & 2) Lakeside Drive – Cnr Boas Avenue and Wattlebird Loop, Joondalup.

The subject site is within walking distance to major educational/training institutions, public transport, major retail, entertainment facilities within the City Centre and walking distance to regional recreational areas. The proposal generally conforms to Town Planning Scheme No 1 (TPS1) and the Joondalup City Centre Development Plan and Manual.

Safety and traffic issues associated with vehicular and pedestrian movement have been adequately addressed. The shortfall of 11 carbays based on the requirements of the Residential Planning Codes (R-Codes) is supported.

The proposed two and three storey buildings create a continuous urban facade, thereby creating a prominent landmark building at this location within the City Centre. The buildings address the street with window locations and balconies providing natural surveillance of the surrounding areas. The design provides for ample communal open space, good pedestrian footpaths, variety of dwellings and complimentary landscaping. The development will be of a high quality and compatible with the surrounding land uses.

It is recommended that the Council exercise discretion under TPS1 to vary requirements of the Joondalup City Centre Development Plan and Manual in granting approval to the proposal relative to residential density, visitor car parking and retaining wall details which are warranted in this instance.

BACKGROUND

Lot	Part lot 6 (proposed lots 1 and 2)
Street Address	Lakeside Drive/Cnr Boas Avenue and Wattlebird Loop, Joondalup
Land Owner	Western Australian Land Authority, trading as Landcorp
MRS Zoning	Central City Area
TPS Zoning	Joondalup City Centre
Use Class	Residential and Convenience Store
Lot Area	8296m ²
Ward	Lakeside

The subject site is located on the south-east corner of Lakeside Drive and Boas Avenue immediately opposite the Council Chambers. The site is situated within the Lakeside District of the City Centre where the preferred uses for these lots are landmark apartments and associated uses.

DETAILS

The development proposal consists of the following elements:

- Two and three storey walk-up apartments (60 units), (4) two storey grouped dwellings and a convenience store of 130m² (plans attached);
- 5 Different styles of units are proposed. Unit A and B (2 bedrooms), Unit C & D (1 bedroom) and Unit E (3 bedrooms).
- The proposed residential density is R77 under the R-Codes.
- The level difference across the site is between 0.7 and 2.12 metres in height where terrace retaining is proposed.
- A total of 97 car parking bays are proposed on-site;
- All vehicle access to the site is via Wattlebird Loop;
- Communal open space (including swimming pool) and paths have been provided throughout the proposed development.

Carparking, Setbacks, Site Coverage, Plot Ratio and Density.

The proposed setbacks are in accordance with the development requirements for the Lakeside District. The open space proposed is 54% of the total site area (required 50%). The communal open space provided is 28% of the total site area (required 20%). There are no plot ratio requirements that apply to this proposed development.

The density for the Lakeside District is R60, however, since the land is a designated landmark site, the Council has the discretion to grant a density bonus of up to R100B, subject to the development satisfying design objectives of the City. The R100B coding (with density bonus) could be applied to this development where it can be demonstrated that the development would create an appropriate landmark building.

Car Parking Table based on R-Codes

Use	Parking Provision	No of Bays Req'd	No of Bays Provided
Grouped Dwellings	2 bays per GD (4 x 2)	8	
Multiple Units	0.35 bays per unit (60 x 0.35)	21	
Multiple Units	0.015 bays per m ² of plot ratio ie (0.015 x 5006m ²)	75.09	
Convenience Store	1bay per 30 m ² NLA i.e. 130 m ² = 4.3bays	4.3	
Total Deficient	108 – 97 = 11 bays	108.39	97
Note: 10% of required 108 car bays ie 11 bays require to be set aside as visitor bays. Car parking including visitor bays can be reduced where the Council controls on-street parking in the vicinity of the development under the R-Codes			

Urban Design Analysis

The proposed buildings are designed to address the street, by including a continuous facade along Lakeside Drive and Boas Avenue. The building design is of landmark proportions and will create an active street frontage on all four sides and will make a significant contribution to the streetscape.

Health

There will only be limited preparation of food at the convenience store. Bin store areas will be required for the convenience store use. Fencing and toilet requirements for the public swimming pool would have to be satisfied in accordance with the relevant State legislation.

Building

Minor alterations to Unit types C & D have been undertaken relating to the exit travel distances from doors to exit points. Subsequent details relating to fencing and retaining will be required.

Relevant Legislation

The applicant has requested the Council to:

- vary the residential density under the R-Codes from R60 to R77;

- relax retaining wall heights and private open space for type B Units; and
- relax car parking standards

The Council has the authority to exercise discretion under Clause 5.9 of TPS1 and 4.3.5 of the R-Codes where it believes that the imposition of such requirement(s) would be unreasonable or undesirable having due regard to the merits of the application and orderly and proper planning principles.

COMMENT

The 3 main issues to be considered are as follows:

1 Residential Density

The R77 density is supported as the development achieves the desired objective of developing an apartment block of landmark proportions required by the Joondalup City Centre Development Plan and Manual. The landmark effect could be further improved by changes to the roof design for the building structures at the corner of Lakeside Drive and Boas Avenue by increasing the roof pitch. The proposal is likely to encourage further residential development and investor confidence within the City Centre.

2 Car Parking

A total of 97 on-site carbays have been provided for as opposed to 108 bays required (11 of which are visitor carbays) by the R-Codes. Concessions have been requested for the single bedroom units and the Council to exercise its discretion to reduce the amount of parking required. The applicant further advises that there are about 88 street carbays within close proximity to the development site, which also include abutting streets and provision of at least one carbay per unit. The applicants' justification for the reduction in car parking is based on the locational aspect of the site relative to good public transport, retail, educational, commercial and entertainment facilities within close proximity resulting in low vehicle reliance.

The R-Codes enable the Council to relax car policy requirements to a maximum of 50% required for the multiple units. The development is of a large scale and the reduction in car parking would be a one off case in this instance. The relaxation of 11 car parking bays in the form of visitor bays is supported for the following reasons:

- the resultant shortfall in car parking is not likely to result in parking demand beyond the capacity on parking provided on-site and, in the event this does occur, there is adequate provision made for on-street parking along the full frontages of the development. The general demand for visitor carparking is during after business hours and there is adequate street carparking provided for this purpose within the City Centre.
- this is the only development of this scale and type within the Lakeside District where other similar applications are not expected to occur.

The payment of cash in lieu for shortfall in car parking is not an option within the Lakeside District. The reason being that there are no designated car parking stations within this area, only the provision of on-site and street parking.

3 Retaining Walls

The lot slopes from Lakeside Drive to Wattlebird Loop. This will require retaining along lot frontages with the exception of Lakeside Drive. The residential lots on the eastern side of Wattlebird Loop face a north-south direction and are individually terraced to provide a step-down effect when viewed from the street. The proposed retaining wall along Wattlebird Loop will not affect the amenity and privacy of the adjacent lots since they are orientated away from the proposal. The stepping of the retaining wall will also reduce the wall height. As the subject lot is a corner site, the average height difference in levels takes into account the combined frontage of both streets and the finished floor levels of the whole site. The height of buildings and fill proposed along the Wattlebird Loop frontage is considered acceptable on the above basis and is unlikely to affect the amenity of the area. Other retaining details can be provided at the building licence stage.

Other issues to be considered include:

- Provision of 24m² private open space for 4 grouped dwellings (type B Unit). There is open space provided below the 1st floor and communal open space in excess of the minimum requirements within the site. The grouped dwellings have been included to offer a wider choice of accommodation. It is recommended that the 24m² of open space be waived in this instance.
- Provision and relocation of additional bin storage areas within acceptable distance to entry points for refuse collections. This issue can be conditioned of as a requirement to be satisfied prior to lodgment of building licence.
- Fencing and toilet facilities for swimming pool. Applicant would have to secure the necessary approvals from the Health Department of WA.
- Cooking should be limited within the convenience store, to minimise noise and odours.
- No dedicated loading bay has been provided for the convenience store. There is no restriction on parking a delivery truck in an on-street carbay. This matter can be resolved subsequent to the determination of this proposal.

Assessment and Reasons for Recommendation

The proposal is indicative of the continued interest and confidence in the development of inner city housing within the Joondalup City Centre. The proposed design satisfies the requirements of the Joondalup City Centre Development Plan and Manual in terms of the landmark proportions proposed and active street frontage/orientation. The development is compatible with the surrounding land uses including the provision of safe vehicular and pedestrian movements. The development variations proposed are within reason and would contribute positively towards achieving the objectives of inner city living with a variety of unit types.

It is recommended that the proposal be approved for the reasons stated in this report.

MOVED Cr Wight, SECONDED Cr Kadak that Council:

- 1 EXERCISES DISCRETION for (60) walk-up apartments, (4) two storey grouped dwellings and a Convenience Store on a portion of Part Lot 6, Lakeside Drive-cnr Boas Avenue and Wattlebird Loop, Joondalup, pursuant to Clause 5.9 of the City of Joondalup Town Planning Scheme No 1 and Clause 4.3.5 of the R-Codes to:**
 - (a) increase the number of dwellings permissible on the properties to 64 residential units, equivalent to R77, as opposed to R60 under the Residential Planning Codes;**
 - (b) relax the private open space requirement for type B Units in recognition of the higher proportion of functional open space;**
 - (c) relax the visitor carparking requirements from the total of 108 carbays to 97 carbays on the basis that adequate on-street carparking is provided in the vicinity;**

- 2 APPROVES (60) walk-up apartments, (4) two storey grouped dwellings and a Convenience Store on the abovementioned site, subject to the following conditions:**
 - (a) provision of 97 carbays to the satisfaction of the City;**
 - (b) proposed new Lots 1 & 2 to be amalgamated;**
 - (c) all stormwater to be collected on site and disposed of in a manner acceptable to the City;**
 - (d) the Wattlebird Loop verge area to be designed and constructed in a manner, compatible with the eastern verge;**
 - (e) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (f) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge/s with the building licence application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**

- the location and type of existing and proposed trees and shrubs within the carpark area;
 - any lawns to be established;
 - any natural landscape areas to be retained;
 - those areas to be reticulated;
 - details of paving areas.
- (g) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (h) details of all refuse storage and collection to be provided to the satisfaction of the City;
- (i) details of all retaining and fencing throughout the perimeter of the site to be submitted prior to submission of a building licence;
- (j) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of paths and other infrastructure;
- (k) the footpath treatment in the adjoining road reserves shall be continued to the building line to match the existing paving at a grade of usually 2% to the satisfaction of the City;
- (l) if the implementation of the development is carried out in stages, temporary soil stabilisation and fencing shall be installed to all undeveloped portions of the site and maintained to the satisfaction of the City;
- (m) any roof-mounted or free-standing plant or equipment such as air conditioning units, radio masts and satellite dishes shall be located/screened so as not to be visible from all street frontages;
- (n) security lighting being provided in the paving areas and walkways within the development;
- (o) the design of the fit-out for the Convenience Store shall be such that any potentially adverse impact associated with the use such as noise and odours on the amenity of residential units on-site are minimised;
- (p) all verge areas to be reinstated to their original condition at the cost of the owners or other alternative arrangements to the satisfaction of the City;
- (q) roof pitch of all buildings to be greater than 25 degrees.

Cr Carlos sought clarification of the differences between R60 and R77.

Discussion ensued.

The Chief Executive Officer advised that the conditions of subdivision require that a notification in the form of a memorial be placed on the Certificate of Title of all lots within the application area stating that “the amenity of this lot may be affected by the presence of midges from the adjoining lake system.”

The Motion was Put and

CARRIED UNANIMOUSLY

Mayor Bombak entered the Chamber at this point and resumed the chair, the time being 2105 hrs.

**CJ100-04/00 REQUEST FOR THE CLOSURE OF THE
PEDESTRIAN ACCESSWAY BETWEEN DERICOTE
WAY AND GREENWOOD VILLAGE SHOPPING
CENTRE, GREENWOOD - [47409]**

WARD – South

SUMMARY

A request has been received from the landowners whose properties adjoin the pedestrian accessway (PAW) which links Dericote Way with Greenwood Village Shopping Centre, Greenwood. The adjoining landowners state that they endure frequent and various acts of anti-social behaviour that they feel is attributed to living by the above accessway and its closure would alleviate many of the problems being experienced.

If this PAW were to be closed, the nearest alternative pedestrian access would be the footpath as indicated on Attachment 1. Alterations and extensions to the adjoining Greenwood Village Shopping Centre were approved by Council at its meeting of 14 March 2000 (CJ051-03/00 refers). One of the conditions of approval was the inclusion of a landscaping strip along the shopping centre’s eastern boundary and included in this landscaping strip is to be a pedestrian footpath. Part of the proposed alterations and extensions to the shopping centre is the development of six new shops near to the end of the PAW, (see Attachment 2).

If the refurbishment of the shopping centre goes ahead in accordance with the current conditional approval issued by Council dated 21 March 2000, this PAW will provide direct access to the six new tenancies. This PAW links Dericote Way not only with Greenwood Village Shopping Centre but the Greenwood Forest Hotel, a doctor’s surgery, a child health clinic and the City’s well used Calectasia Community Hall. PAW’s are often located specifically to provide convenient access to amenities and homebuyers may make the choice of purchasing properties in a particular area for this reason.

If the pedestrian access this PAW provides is closed, the extra walking distance involved for local residents to access the alternative pedestrian footpath, be it the proposed new footpath or the existing one, is considered excessive. The subject PAW is not only a direct access to the shopping centre but serves as a convenient pedestrian link to other community facilities on the periphery of the shopping centre. As some of the problems being experienced by adjoining landowners may be able to be dealt with by less drastic action than the permanent closure of this pedestrian link, this PAW is not recommended for closure.

DETAILS

In the letter of application one of the adjoining landowners states that in the seven years he has lived at this property he has had his property vandalised, holes kicked in his fence panels, as well as them being graffitied many times. Some patrons from the nearby hotel use his garden and the PAW as a public toilet and also dump bottles, cans and other items. Syringes have also been found within the PAW. He states that the PAW is continually overgrown and covered in rubbish which has been set on fire by children when it has accumulated. Further, that his young granddaughter found a discarded drug related item in his backyard and though this was sealed, the incident proved very distressing for his family. On one occasion, two young boys used the bollards within the PAW to climb over an adjoining fence to retrieve a ball. This gave cause for concern as one of the boys was playing with the water in the swimming pool.

The City referred this application to the service authorities, the Western Australian Planning Commission and the Department of Transport. Telstra, Alinta Gas and Western Power do not have any service plant within the PAW and therefore have raised no objections to the proposal. The Water Corporation objected to the proposal based on the fact that it has a sewer main located within the PAW. However, this objection will be withdrawn if the adjoining landowners agree to grant the Water Corporation an easement free of cost and a condition regarding the location of new boundaries in relation to existing sewer manholes is adhered to. Both of the adjoining landowners have agreed to these conditions.

The Western Australian Planning Commission does not support the closure of the PAW stating that closure would result in longer and less convenient pedestrian and cycle access to Greenwood Village Shopping Centre. The Department of Transport had no objection to the proposal.

Proposed Greenwood Village Shopping Centre Extensions

The recent approval of extensions to the shopping centre includes a pedestrian footpath in the landscaping strip from Leschenaultia Street along the eastern boundary of the shopping centre site, at the rear on the residences in Dericote Way. The proposed footpath would not provide an adequate alternative route to this PAW.

Public Advertising

During the standard thirty-day public advertising period of this proposal, the City sent letters to the owner-occupiers of surrounding properties. The advertising period produced eleven letters of objection, two from the same person and one from an objector whose address was omitted. Supporting submissions consisted of one individual letter and a petition with twenty signatures on it representing ten homes, though one is outside the area shown on Attachment 1.

The supporting letter came from an elderly lady who lives opposite the PAW and her comments were that she gets very frightened by the behaviour of older children and teenagers who loiter in the PAW and sometimes on her property. Also a lot of rubbish from the shopping centre blows up the PAW and across the road and due to poor health, she is not in a position to clean it up. This lady states that she did use the PAW but finds it too hazardous with the cans and broken bottles that litter the area.

The main argument in the letters of objection was the extra walking distance involved to local facilities if this PAW were to be closed. Three of the objection letters came from elderly people, one of them having a disability and they all state that the extra distance would make it difficult for them accessing the shopping centre and the doctor's surgery.

One objection was from someone who starts work at 5.00am and catches public transport in Ballentine Road. The comments were that closing the above PAW would add an extra ten minutes on each journey and this would be very inconvenient. Some objectors also state that this is the quickest route to Warwick train station for commuting purposes. Many of the objectors advised that they have not witnessed any anti-social behaviour within the accessway or seen syringes; though anti-social behaviour taking place on the car park at the back of the properties has been mentioned and also litter being left behind from parked cars.

Site Inspection

A recent site inspection found the PAW to have little rubbish but some evidence of graffiti that had been painted out. The PAW is short with good visibility during the day but poor at night as there is no direct lighting on either end of the PAW (see Attachment 3).

COMMENT

It is distressing for families to find drug related material within their property boundaries or close to where they live, but these unfortunate incidents do sometimes take place. Discarded syringes etc., are found in many public places such as on beaches and in parks, for which closure is not considered an appropriate option. The adjoining properties involved in this application also back on to a public car park and therefore closing the PAW may not prevent such items being thrown over the fences.

Formal closure of a pedestrian accessway is a permanent action and accessways were included in subdivisions to offer a quick convenient link to local amenities. If the proposed shopping centre extensions take place in accordance with the current approval, the subject PAW is well located for direct access to six new shops that are proposed. The City makes it clear in initial correspondence to applicants that it is unlikely that a recommendation of support will be given to close PAWs that are a strategic link to facilities such as shopping centres. It is considered important in these cases, especially when local objection has been raised that all other options other than closure are considered in the first instance.

With regard to the general vandalism and loitering in the PAW by noisy teenagers, more frequent Ranger Patrols may assist. One of the concerns raised by supporters to this closure is the accumulation of rubbish in the PAW that blows out on to Dericote Way. The shopping centre management have been contacted and requested to assist in reducing the incidence of rubbish build up in this area. As these measures may assist with the problems being experienced by adjoining landowners and because the PAW is considered to provide an important link to services and community facilities, closure is not recommended.

OFFICER'S RECOMMENDATION: That Council DOES NOT SUPPORT the application to close the pedestrian accessway between Dericote Way and Greenwood Village Shopping Centre, Greenwood.

MOVED Cr Wight, SECONDED Cr Barnett that consideration of the application to close the pedestrian accessway between Dericote Way and Greenwood Village Shopping Centre, Greenwood be DEFERRED to the Council meeting scheduled to be held on 23 May 2000 pending further consideration by elected members.

Cr Wight advised a request to address elected members at a deputation this afternoon had been received, but due to the short notice given, this was not possible. Accordingly, he sought to defer this item until 23 May 2000 to allow this deputation to occur.

The Motion was Put and

CARRIED

CJ101-04/00 DELEGATED AUTHORITY REPORT - [07032]

WARD - Various

SUMMARY

This report provides a resumé of the development applications processed by Delegated Authority from 1 March 2000 to 31 March 2000.

MOVED Cr Rowlands, SECONDED Cr Carlos that COUNCIL NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ101-04/00.

The Motion was Put and

CARRIED

Appendix 8 refers, click here: [Attach8min260400.pdf](#)

CJ102-04/00 SUBDIVISION REFERRALS PROCESSED 1 MARCH – 31 MARCH 2000 – [05961]

WARD - All

SUMMARY

Overleaf is a schedule of the Subdivision Referrals processed by the Subdivision Control Unit (SCU), from 1 March to 31 March 2000. Applications processed via the SCU were dealt with in terms of the delegation of subdivision control powers to the Chief Executive Officer (DP247-10/97 and DP10-01/98). The Chief Executive Officer subsequently delegated to the Manager, Urban Design and Policy Services, the authority to deal with these applications.

DETAILS

The total number of subdivisions processed will enable the potential creation of 14 additional residential lots, and 2 additional strata lots. The average processing time taken was 15 days.

MOVED Cr Kadak, SECONDED Cr Walker that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ102-04/00.

The Motion was Put and

CARRIED

Appendix 9 refers, click here: [Attach9min260400.pdf](#)

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 9 MAY 2000** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2110 hrs; the following elected members being present at that time:

J BOMBAK, JP
P KADAK
D S CARLOS
S P MAGYAR
A T NIXON
J F HOLLYWOOD, JP
A A WALKER
P ROWLANDS
T BARNETT
A W WIGHT, JP
A L PATTERSON
G KENWORTHY
J A HURST
C MACKINTOSH