

# MINUTES

City of Joondalup

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

MEETING DATE



ON TUESDAY, 27 MARCH 2007



**MINUTES OF COUNCIL MEETING  
HELD ON TUESDAY, 27 MARCH 2007**

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**CLOSURE**

# CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP  
CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 27 MARCH 2007

## DECLARATION OF OPENING

The Mayor declared the meeting open at 1905 hrs.

## ANNOUNCEMENT OF VISITORS

Nil.

## ATTENDANCES

### Mayor:

TROY PICKARD

### Councillors:

Cr KERRY HOLLYWOOD	North Ward
Cr TOM McLEAN	North Ward
Cr STEVE MAGYAR	North-Central Ward
Cr ALBERT JACOB	North-Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr MICHELE JOHN	South-West Ward
Cr SUE HART	South-East Ward
Cr BRIAN CORR	South-East Ward
Cr RUSSEL FISHWICK	South Ward
Cr RICHARD CURRIE	South Ward

### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director, Corporate Services
MR CLAYTON HIGHAM	Director, Planning and Community Development
MR DAVID DJULBIC	Director, Infrastructure Services
MR IAN COWIE	Director, Governance & Strategy
MS CHRISTINE ROBINSON	Acting Manager, Marketing Communications & Council Support
MR CHRIS TERELINCK	Manager, Approvals Planning & Environmental Services
MR LAURIE BRENNAN	Media Advisor
MS JANET HARRISON	Administrative Services Co-ordinator
MS LESLEY TAYLOR	Administrative Secretary

There were 23 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME****The following questions were taken on notice at the Council meeting held on 27 February 2007:****Mr M Sideris, Mullaloo:**

*Q1 In January this year the Director of Liquor Licensing sought comment from the current Council as to whether this Council had any objection at all to any application by the Mullaloo Tavern for an extending trading hour permit from 10pm Sunday to 12pm Sunday and no objection or negative comments were made by the Council. Please advise local affected residents why this Council declined in any way to advise the Director that a previous Council in November 2002 made a clear decision in refusing any extended trading and also established in writing a number of policy guidelines that were required to be satisfied before the City of Joondalup would ever support any extended trading hour permit regarding this redevelopment?*

*Q2 Since this Council has ignored that unequivocal standing decision and declined to subsequently consult in any way with the affected local residents itself in accordance with the above established guidelines, but instead left that consultation solely up to the Tavern on the basis that despite the fact that they are the applicant for the extended hours that they can be relied on to regulate themselves.*

*Please advise in writing exactly when this Council publicly debated this issue and resolved to overturn the above Council decision and to ignore all established guidelines and decide itself, yet again, to allow this redevelopment to do whatever it wants, whenever it wants, without any regard to the amenity and the health of affected residents and ratepayers?*

A1-2 On 26 November 2002 Council resolved to strongly oppose an application for extended trading hours until 2am from Thursdays to Saturdays, and until 12 midnight on Sundays. A specific proposal to extend trading hours on a continuing and permanent basis had been lodged with Liquor Licensing (and referred to the Council) at the time.

Since opening the new development, the proprietors have occasionally applied for extended trading permits for individual nights, to no lesser or greater degree than many other tavern and hotel venues within the City.

Individual applications have variously been supported or not supported – depending on the characteristics of the request. For example, requests for extended Sunday trading have been allowed where Monday is a public holiday. Similarly, various taverns/hotels obtained extended trading permits for weekend nights during the World Cup Soccer tournament.

In responding to applications lodged, the City is guided by:

- The management practices employed by hotel/tavern operators
- Track record of performance and successful patron management
- The timing and date of the event planned.
- The nature of any planned entertainment, and
- The potential use of outdoor areas

The Council did not, in fact, adopt a policy at the time of making its 2002 decision.

Future applications for extended trading will also be considered carefully in terms of the operational characteristics of the event planned and potential impacts that could result.

The City has an obligation and a responsibility to respond to applications that may be lodged.

**Mrs R Boucher, Quinns:**

*Q1 At the SAT hearing on Friday 23 February, the lawyers of the Council and Rennet agreed that the zoning question had been resolved. Can you explain the outcome of this matter and is it positive for the purchasers?*

A1 The point of agreement was about the interpretation of the term occupancy in relation to a certificate that is sought under the Strata Titles Act. The lawyers did not in fact make a judgment or establish an agreed position in relation to the zoning.

The point of agreement accepted by the SAT to be appropriate was that the density coding of the land does not prevent the SAT from granting a certificate under section 23 of the Strata Titles Act. There was not otherwise any agreement by the parties or any determination by the SAT relating to the zoning of the land, as that is not relevant to the certificate required under the Strata Titles Act.

**Ms M Moon, Greenwood:**

*Q1 When the City approved the application for strata title at the Mullaloo Tavern did the lot area of each group dwelling meet the minimum lot area of Table 1 of the R-Codes?*

A1 The WAPC approved the application to strata title the tavern developments, not the City. It is assumed by the City that the WAPC was satisfied the lot areas of the residential component of the development were satisfactory.

**Ms M Macdonald, Mullaloo:**

*Q1 At the hearing of SAT into the remarking of the bays at Mullaloo Tavern, Mr Chaney stated that there were multiple dwellings on the tavern site which is coded R20. Is it the City's position that multiple dwellings are allowed on R20 areas under the R-Codes?*

A1 No decision was issued at the SAT hearing of Friday 23 February 2007, other than for the matters to be adjourned until 30 March.

For information, the Council minutes of August 2002 reflect that the dwellings were assessed as multiple dwellings at that time.

Judge Chaney has not determined that there are multiple dwellings on the tavern site. When the re-development of the site was approved in 2002 the City understood it was possible for multiple dwellings to be approved on the site.

The SAT subsequently (in 2005) determined in an unrelated matter that multiple dwellings are not permitted where the density coding is R30 or less.



**Mr G Smith, Warwick:**

*Q1 Question relates to a letter received by me on 31 October from the City regarding a proposed local area traffic management, effectively speed humps, in Hawker Avenue outside Hawker Primary School. What is the current situation in relation to this matter?*

A1 The traffic treatment being considered in Hawker Avenue, Warwick is the installation of two low-profile speed plateaus at the eastern and western ends of Hawker Park Primary School.

The purpose of the proposed treatment is to slow traffic in the school zone. Current 85th percentile speed (the speed at which 85% of the vehicles travel at, or below) is 56km/h at the west end of school and 62km/h at the east end of school. The volume of traffic is around 2900 vehicles per day.

This proposal to address speed outside the school was initiated by the school. The consultation phase is now complete with the majority of stakeholders approving the proposal. The proposal is now awaiting Main Roads WA approval for signage and line marking. Construction will be carried out as soon as practical after receiving Main Roads approval.

**The following questions were submitted in writing prior to the Council meeting on 27 March 2007:****Mr M Sideris, Mullaloo:**

*I am informed that the CoJ RMS (Record Management System) robot normally automatically logs and then inserts an RMS File Reference number entry into each ordinary email received by the CoJ info@ email address.*

Will the Council now confirm in writing:

*Q1 If the RMS system robot now logs all internally generated emails, letters and documents, and stores them all automatically in the same way as those as that are submitted to the COJ from outside the CoJ via the info@ email address?*

A1 The above statement is incorrect. The RMS system robot is a 'document registration stamp' process that adds details such as a document reference number to a corporate record. Whilst these details are added automatically, the registration details e.g. subject keywords are required to be completed by the employee.

It is the responsibility of employees to make a determination as to whether an email constitutes a 'corporate record' for the purposes of the *State Records Act 2000*. Only those emails that are 'corporate records' are required to be captured in RMS.

*Q2 If the RMS system robot now automatically logs upon entry to the COJ all building and development plans submitted to the CoJ for any reason and then similarly stores them all electronically (as per the recommendation of the previous Commissioners) in an unalterable electronic form?*

A2 Building and development plans are in paper form and to convert them into an electronic format, the plans and associated documents need to be scanned. The process is that the officer who scans the plans also registers the details in RMS.

Since August 2004, all incoming building licence applications are captured into the City's recordkeeping system. A project is in place to capture those received prior to this date, as well as the approved applications.

Q3 *If the written answer to any of the above is that they are not automatically logged onto the CoJ RMS (Record Management System) upon entry and not then stored in an unalterable way, will Council please explain why both building and development plans submitted to the CoJ from outside and all internal correspondence, including that from staff and councilor's are treated so very differently from the external ratepayers correspondence received by the COJ, and why precisely these records are not automatically stored in an unalterable fashion?*

A3 Building and development plans and internal correspondence determined as corporate records are retained within the City's recordkeeping system in the same manner as correspondence received from an outside source.

Q4 *Why exactly is this deliberately limited use of a very expensive electronic record management system by the CoJ still being allowed to occur in 2007 since the failure to apply it thoroughly in both of these areas clearly facilitates the alteration and destruction of all internal records and building and development plans, including those received from Government Departments, and obviously prevents the CoJ from operating any recognised and proper process of self governance and self regulation?*

A4 All documents deemed a corporate record are retained within the City's recordkeeping system, whether they are incoming correspondence, outwards correspondence or those created internally. An average of 500 documents are captured daily. Any documents destroyed are in accordance with the General Disposal Authority for Local Government Records and approved by the Chief Executive Officer's delegated officer.

Q5 *What action will this Council now take to ensure that recognised and proper processes of self governance are able to be properly applied to all its operations, including most notably planning and building control which has been and currently remains a high profile issue of public concern, since the last CEO appointed has apparently still not dealt properly with this issue of internal records management in accordance with Australian Standards and only appointed yet another member of staff who to date has apparently ignored both of these critical issues of control, which constitutes the very foundation of business governance - unalterable and complete internal record keeping?*

A5 An officer's recordkeeping responsibilities are highlighted as part of the City's Induction Program. A separate training session is then provided on the usage of the City's recordkeeping system, which again highlights the recordkeeping responsibilities. RMS User Guides (covering the usage of the system) and Records Services Guides (covering records management issues) are also made available to officers. The requirements of the City's Recordkeeping Plan are also highlighted during these sessions.

**Mrs M Macdonald, Mullaloo:**

*I refer to the answer given to my questions in agenda for the Council meeting of 27 February 2007:*

- Q1** *In answer to my Question 4 you state that there was to be no change of use for the convenience store. Can you state as the bottle shop now occupies the place where the convenience store was on the development approval why there was no change of use or has the City already approved a change of use?*
- A1** The approved fit out plan for the tenancy complies with the terms of the August 2002 approval. The tenancy in the question was approved in total as a “convenience store/bottle shop”.
- Q2** *In answer to Question 6 you state that Councillors are not being asked to approve multiple dwellings in R20. Last Friday at the SAT hearing the judge stated that there were multiple dwellings on site. When did Councillors give approval for multiple dwellings in an R20 area?*
- A2** The development was classified as having multiple dwellings within it when it was assessed in August 2002.
- Q3** *With reference to question 10, does the premises conform to all the standards relating to disability, that is the Disability Discrimination Act including the Building Codes of Australia, the provisions of Australian Standards for car parking 2890.1, in particular car parking widths, access ways, pathways and visual aids?*
- A3** The building complies with the requirements of the Building Code of Australia in relation to disabled access. Compliance with the Building Code of Australia does not ensure compliance with the Disability Discrimination Act. The City does not administer the Disability Discrimination Act. For parking information, please see A4. below.
- Q4** *With reference to question 16 re egress and ingress what does acceptable mean in relation to safety, this is not understood? Does the building meet the Australian Standards 2890 part 1 and 2890 part 2 for parking widths, egress and ingress design provisions and line of sight provisions (commercial vehicles) headroom (commercial vehicles) and if not where is the development specifically not compliant with respect to the egress and ingress?*
- A4** The issue currently before the SAT is caused by the building not currently complying with the standards. Modifications are necessary to bring the parking areas into conformity. Sight lines and access points have previously been reviewed and found to accord with necessary standards. On the issue of commercial vehicles, the Australian Standards prescribe minimum head height for certain types of vehicles. The development complies to the standards for small commercial vehicles, and the building was designed with these limitations and the applicants were aware that specialised servicing arrangements would need to be made for on site servicing.

**Mr R Privilege, Edgewater:**

*I refer to the on-going indebtedness of the group styled as the Mullaloo Progress Association Inc to the City, in the sum of \$10,000.00, following their failed efforts in Court to stop the construction of the wonderful redevelopment of the Mullaloo Tavern.*

*I ask as follows:*

*Q1 Is the CEO aware that at all material times, Ms Marie McDonald, of Mullaloo, was an Executive Member of that Association and that she has nominated for Central Ward?*

A1 The Chief Executive Officer is aware that Ms Macdonald has been a member of the Mullaloo Progress Association from documentation provided to the City and that she has nominated for the Central Ward.

*Q2 Has that Association paid the whole or any of the \$10,000.00 debt?*

A2 No.

*Q3 Isn't it the case that the debt was actually in the sum of \$60,000.00 but reduced to \$10,000.00 following the intervention of Commissioner Clough on behalf of the said group?*

A3 At the Council meeting held on 13 December 2005 it was agreed to progress action to recover the amount of \$10,000.00 (rather than \$60,978.12) from the Mullaloo Progress Association Inc by way of a payment plan spread over five years. This amount was determined to be within the payment range of the Association.

*Q4 Has Ms McDonald offered to pay all or any of that debt on behalf of her Association?*

A4 This is not a question of the City but a question about an individual.

*Q5 Can the CEO confirm that Ms McDonald still to this day criticises the operations of the Mullaloo Tavern?*

A5 This is not a question of the City but a question about an individual.

**Mr K Robinson, Como:**

*Q1 When did Mr Robinson first notify the City that his Council allocated vehicle had been broken into and various items of property stolen?*

A1 Mr Robinson verbally advised the City on 21 August 2006 that his car had been broken into and that a window had been broken. He subsequently verbally advised the City on 29 August 2006 that personal items had also been stolen during the break in.

*Q2 Why was Mr Robinson required to prepare a statutory declaration detailing the items stolen from the vehicle?*

A2 Mr Robinson was asked to provide a statutory declaration because he was unable to provide any other form of proof of ownership or purchase for some of the items claimed in particular CDs, which were the highest value item claimed.

- Q3 *Why was Mr Robinson not notified until many weeks after advising the City of the theft that a standard claim form needed to be completed?*
- A3 Mr Robinson did not initially provide any detail of the value of the items stolen and it was assumed that they would be below the insurance excess.
- Q4 *When did the City receive the completed claim form from Mr Robinson?*
- A4 The City received the completed and signed claim form on 11 January 2007.
- Q5 *When did the City lodge the claim form?*
- A5 The City's records indicate the claim form was sent to the insurer on 12 January 2007.
- Q6 *What processes are in place to guarantee that the City receives appropriate service including response times from its insurer?*
- A6 The City's insurance claims for motor vehicle are managed through a broker who has a client manager assigned to manage the customer relationship between the insurer and the City and ensure appropriate levels of customer service. Given the time when the claim was lodged, the nature of what has been claimed and the supporting evidence, the time frame that has been experienced is not unexpected.
- Q7 *What action has the City taken to resolve the delays in processing the claim lodged by Mr Robinson?*
- A7 Refer answer to question 6 and additionally the City has been in regular contact with the broker and/or insurer either to provide additional information or to get feedback on the progress of the claim.
- Q8 *What is the anticipated timeframe for a response to be provided?*
- A8 No firm timeframe has been indicated at this time but as the City provided responses to the insurer in regard to all of their queries at this point, it is not expected that it will be much longer.
- Q9 *The December list of accounts also shows cheque 77441 being made payable to myself for infringement costs. I never received such a cheque. It would be appreciated if an explanation could be provided as to why the matter has been published in such a manner.*
- A9 Cheque 77441 for \$642.71 was drawn in the name of Mr Robinson on 14 December 2006 and mailed to Mr Robinson on 15 December 2006 to an address he provided together with an explanatory covering letter setting out the details of the payment. The cheque was presented and cleared through the City's bank account on 22 December 2006.

**Mr J Christanopoulos, Kingsley***Proposed Luisini Winery Development*

- Q1 *What is the guarantee by Council that the restaurant size of 150 patrons remains at this maximum if the floor area of the restaurant has not been reduced to accommodate a 150 seat restaurant and still remains at 250 patrons?*
- A1 Council is not the determining authority for the application. If approved, any conditions of planning approval relating to occupancy and/or floorspace would be enforced by the Western Australian Planning Commission (WAPC).
- Q2 *What is the size of the buffer zone around Lake Goollelal and how far from the lake is the closest point of this proposed development?*
- A2 There is a generic 50m wetland buffer around Lake Goollelal. The proposed development is located at a distance of approximately 35m – 40m from the lake.
- Q3 *What were the reasons for not pursuing an alternative entrance to the site from Hocking Road?*
- A3 An access from Hocking Road was proposed in 2001 during preliminary discussion with the City. However, CALM and other stakeholders opposed this location as natural bushland would have been required to be removed. The access road would have created a physical barrier between the park and the lake which was considered undesirable.
- The current access proposal has been evaluated as acceptable.
- Q4 *What does "bush forever" mean?*
- A4 Bush Forever is a WAPC policy that identifies 51,200 hectares of regionally significant bushland (and any associated wetlands) in the Perth Metropolitan Area.
- Q5(a) *What is the City's calculation of the required number of car parking bays used in their standard calculations for this proposed development?*
- A5(a) 111 car parking bays would be required for the proposed development – based on normal methods of calculation.
- Q5(b) *As per recommendation 1b what is the short fall of car parking bays according to the City's calculation?*
- A5(b) If approved in its current format, there would be a shortfall of 46 car parking bays.
- Q5(c) *Is the Council aware that if approved this would be the only parking available to people visiting Lake Goollelal and that no allowance has been made in any car-parking number calculations to the significant number of people who would use the car-park for other purposes such as bike riding, walking and not to patronise any of the facilities of the development?*
- A5(c) This was raised with the Elected Members at the Briefing Session held in 20 March 2007.

- Q5(d) *Are Councillors aware that the proposed overflow car park is on a "bush forever" site?*
- A5(d) This has been drawn to the attention of the Elected Members in Report CJ053-03/07.
- Q5(e) *What type of arrangements are made to deal with environmental concerns of the proposed "overflow" car park and how do these arrangements differ to those of the main car park?*
- A5(e) The Department for Environment and Conservation is responsible for assessing potential environmental impacts and has raised no objection to the proposed development.
- Q6 *Have all Councillors read p85 of the Officer's conclusions in the meeting agenda stating*
- 'It is recommended that the WAPC be advised that the application is not supported, as it is likely that the development will adversely impact on the amenity surrounding residential areas in its current form. This is attributed to a lack of adequate car parking and an inappropriate scale and intensity of the proposed commercial use for the site'.*
- and that if appropriate development conforming to the guidelines of DPS2 would more than likely be supported by the community?*
- A6 The Elected Members have access to the Officer's report.
- Q7 *Is the Council planning to receive more detailed information concerning the proposed boardwalk especially with respect to potential generation of Acid Sulphate Soils?*
- A7 If approved, it is anticipated that the WAPC would require the proposal to satisfy contemporary Acid Sulphate Soil identification and management protocols.

**Mr M Caiacob, Mullaloo:**

*Re: Provision of Dog Excreta Bags to Public Open Space and Increasing the number of "Dog Free" Reserves*

- Q1 *As this item raises process for applications for dog free reserves and following the Mayor's Media release on 24 January 2007 regarding extending the foreshore reserve of Hillarys Dog Beach has any of the approximate 20 requests a year for dog free reserve been related to the Hillarys Dog Beach?*
- A1 No, the 20 requests are an approximate number of requests, generally made verbally to City officers and mainly relate to making additional parks "dog free" and not to the Hillarys Dog Beach.

**Mr S Kobelke, Sorrento:**

Q1 *Can ratepayers please be advised where in the Local Government Act 1995, or indeed this Council's Standing Orders, is it provided that a question cannot be asked of an elected member at a meeting of Council?*

A1 The Local Government (Administration) Regulations state that:

*“7(1) Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined:*

*(a) by the person presiding at the meeting.”*

They go on to state:

*“7(3) Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and to receive a response.*

*7(4) Nothing in subregulation (3) requires:*

*(a) a council to answer a question that does not relate to a matter affecting the local government.”*

Questions asked of, or directed to, the actions of individual Elected Members are, by their very nature, individual matters. They are not “matters affecting the local government” as a whole entity. Consequently, the City applies the principle identified in Clause 1 of Regulation 7 and does not answer questions asked of individual Elected Members.

**Mr M Caiacob, Mullaloo:**

*Re: Oceanside Promenade, Mullaloo - Proposed Traffic Calming Treatments*

Q1 *Why does this report make clear reference to altering the parking allocation in the beach car park to include truck loading bays and taxi ranks when the public have been informed at the Briefing Session that it does not form part of the recommendation or the possible resolution of Council?*

A1 The reallocation of parking bays to taxi/loading bays is currently being considered/investigated due to the current requirements for this area. Following investigations, should the City decide to carry out this allocation of bays, then a specific report requiring Council adoption would be prepared regarding this matter.

Q2 *Why is this misrepresentation in the report not considered to be a breach of the Local Government Act?*

A2 There is no misrepresentation in the report and any revised parking allocations will be placed before Council at a later stage to enable a decision on implementation.



- Q3 *As this location has always supported the surf life saving, the beach, Tom Simpson park, the beachside car park, the Mullaloo Beach Hotel and bus stops, why hasn't the reason for the commercial vehicles parking on the pavement been identified, as this is a Development Application compliance issue not a general Infrastructure issue?*
- A3 There are two aspects to this matter. The Development Application compliance issues are being dealt with by the City, and simultaneously, the City is endeavouring to recognise the demand for additional servicing needs in the area.
- Q4 *Following advise from the Director of Planning at the briefing session that "the lack of head height was the reason for commercial vehicles not entering the building and subsequently parking illegally", could I please be advised what was the slab to slab height between the Ground to First floor on the Council approved Development Application plans was?*
- A4 The statement is not agreed. The head height clearance in the Development Application plans was shown to be 3.5m. Notably the height is typically impacted by servicing and the placement of ducts etc, which are the subject of detailed design at the Building License stage.
- Q5 *Has the City advised SAT of the possible further reduction of parking bays attributable to the Mullaloo Beach Tavern, if not will the City advise SAT prior to its final determination of this possible further reduction?*
- A5 No. The proceedings before the SAT relate to parking on site, its conformity to standards, and the issue of the strata titling of the development.
- Q6 *Has the City received the developers Consultant report on AS2890 compliance, if so on what date?*
- A6 A report has not been requested. The matter is before the SAT. In order to establish its satisfaction on parking standards, the SAT is relying on the findings of an agreed assessment by 2 traffic engineers, each engaged by the City or the landowner. The assessment is as yet not finalised.
- Q7 *Were the numerous photos, submitted by myself, of illegal commercial vehicle parking between October 2006 and February 2007 forwarded to the Infrastructure Services department to assist with the preparation of this report and its recommendation?*
- A7 Yes, in the preparation of Report CJ049-03/07 Oceanside Promenade, Infrastructure Services considered the information relating to Oceanside Promenade.

**Mr A Savory, Kingsley:**

- Q1 *Approval has been given for the construction of a link road from Woodlake Retreat Kingsley to Wanneroo Road. Would Council please advise the present position with regard to funding for this project and provide an indication of a start and completion date.*
- A1 The City has allocated \$934,264 for the construction of this project. The extension of Woodlake Retreat will be carried out in conjunction with Department of Environment and Conservation (DEC) to build the link road and also provide a 30 bay car park, shared paths and other associated infrastructure as part of the project.

The City and DEC have submitted a development application to the West Australian Planning Commission (WAPC) and are currently waiting advice on this submission. Following approval from WAPC the City and DEC will enter into the detailed design stage and will ultimately advertise a public tender for the construction of these works.

The intersection of the Woodlake Retreat extension and Wanneroo Road requires a four-way traffic controlled intersection to be installed. Main Roads WA is responsible for these works.

Main Roads WA has approved funding for this intersection and has preliminary indicated that it would be ready for construction in approximately October 2007. Start and finish dates are tied directly with Main Roads WA timeframe to construct the intersection, therefore currently at this stage, works would commence approximately October 2007 and be completed early in 2008.

**Mr M Sideris, Mullaloo:**

*With regard to the published decision of the State Administrative Tribunal in Rennet – City of Joondalup which dealt with the onsite parking at the Mullaloo Beach Tavern, and this week’s published Briefing Report on Oceanside Promenade, Mullaloo – Proposed Traffic Calming Treatment, I see that embodied in this report is the recommendation for “allocating one or two bays in the car park on the beachside of Oceanside Promenade as loading bays Monday – Friday (times to be determined) excluding public holidays for the use of delivery vehicles and outside these hours they would be used by taxis.”*

*Since these matters have only now been publicly placed before Council, would Council now inform me as an affected ratepayer of the following:*

- Q1 *How could the SAT come to a proper conclusion and make the correct decision regarding the number and size of the provided onsite carparking bays when the City failed to declare to the SAT the known lack of onsite commercial service parking, and its lack of compliance with the BCA and Australian Standards, as made very clear in the published decision of the SAT?*
- Q2 *When did Council first decide to gift away a further three or four more car bays “over the road” since the officers commenced that process at the SAT last year and the loading bays referred to above require at least 1.5 ordinary carparking bays?*
- Q3 *Why has the Director of Planning only now verbally and publicly admitted – at the Briefing Session of 20 March – that the ceiling head height of the ingress point to the tavern site does not properly allow for commercial vehicles access, is not compliant at all with the Council approved Development plans for the facility, and has allowed the creation of a serious hazard and conflict point, since the new Tavern first opened in 2005?*
- Q4 *Why in light of the above fact did the current Director of Planning allow the Building Licence both to be issued and signed off as compliant with the Development Approval conditions, when the submitted (building application) plans clearly identified that commercial vehicles would not be able to access the site and he clearly knew well in advance that this action would ultimately necessitate this Council gifting this developer \$100,000’s in further planning benefits, road works, and signage at ratepayers expense, as yet again indicated in this report?*

- Q5 *Why yet again are ratepayers now expected to pay for all these extra works, when the CEO and the Directors knew in advance that this would be the practical outcome of their actions in allowing the development conditions to be varied from those originally set and approved by Council, especially since they have publicly disputed all these claims until the point the SAT process became effectively closed?*
- Q6 *Why does this current report fail to advise Council and affected ratepayers that it needs to first seek comment from the Executive Director TransPerth Regional and School Bus Services – the responsible authority for Public Transport in WA – regarding its new proposal to construct speed humps on a public commuter route at ratepayers expense, because of the road hazards that the City has already allowed to be created by varying the Tavern redevelopment approval, and that these comments need to be considered before the City can properly make such a recommendation to Council?*
- Q7 *Bearing in mind all of the above, and the fact that Racing Gaming and Liquor has been granting extraordinary Extended Trading Permits contrary to written Council policy, because City officers declined to inform Racing Gaming and Liquor of its lawful standing orders, one is entitled to now ask whether this Council can in any way be seen to be providing good governance to ratepayers when it repeatedly allows City officers to vary the requirements of the Building Code of Australia for selected developments in a completely uncontrolled manner and then expects ratepayers to put up with the amenity and safety problems created and to pay all the bills in order to bail the Council out of such problems that it has clearly allowed officers of the City to create, despite being forewarned that this is exactly what would occur?*
- A1-7 Many of the comments made or inferred in the questions are rejected. It should be noted that:
- Proceedings before the State Administrative Tribunal relate to parking within the tavern site, and not to parking in the near vicinity. There has been no attempt to withhold any information from the SAT.
  - Commercial vehicle parking within the tavern site is compliant for small vehicles but not for larger vehicles. Suppliers need to take this into account if they wish to enter the decked car park.
  - The Town Planning Scheme does not regulate head height of service access areas.
  - Extended trading permits have been allowed for one off events and not for regular trading – there has been no breach of Council policy.
  - Any proposal to alter the road would include consultation with necessary authorities using normal processes before any option was implemented.
  - The proposal being put to the Council represents a potential practical solution to various traffic related issues in the area.

**The following questions were submitted verbally at the Council meeting held on 27 March 2007:**

As Presiding Person, the Mayor stated that any statements made prior to the asking of questions will be ruled out of order.

**Mr M Caiacob, Mullaloo:**

Q1 *Re: Proposed Traffic Calming Treatments in Oceanside Promenade, Mullaloo – Could I please be advised of the exact financial arrangements occurring for the proposed traffic calming in Oceanside Promenade? The report states it is to be listed for consideration in the 2007/08 budget for approximately \$30,000. I was advised by the CEO on 1 March 2007 that the bollards for the verge area had been ordered and the City will arrange for installation immediately following delivery.*

A1 The traffic treatments listed on the agenda tonight are a different issue to the bollards.

Q2 *Re: Questions previously received by Mr Caiacob – In relation to Question 3, why is the City claiming there is additional servicing needs in the area of Mullaloo, when the Surf Club has its own service bays and all commercial vehicle parking illegalities relate to the Tavern's non-compliance?*

A2 *Response by Mayor Pickard:* These issues are currently being investigated and a further report will be presented to Council regarding your question.

**The following questions were tabled at the meeting by Mr M Caiacob, Mullaloo:**

Q3 *What ambiguity currently exists in the delegation of powers within Policy 3.2 Height and Scale of Buildings within Residential Areas?*

Q4 *Can the City advise me which class of design vehicle was used to design and assess the Mullaloo Tavern's off-street commercial servicing?*

- SRV
- MRV
- HRV or
- AV

A3-4 These questions will be taken on notice.

**Ms M Macdonald, Mullaloo:**

Q1 *On Sunday night the residents of Mullaloo were subjected to excessive levels of noise from music at the Surf Club from 7.30 to 11.45 pm. As a lessor of the Surf Club, what action is the City taking to ensure that residents are not subjected to such disturbance again?*

A1 The City is not aware of this issue but will investigate it.

**Mr A Bryant, Craigie:**

Q1 *Recently I had a recycling bin delivered with a plastic leaflet on the top giving me instructions as to what should be put in. On Page 1 Council tells me to put in long life milk and juice cartons. On Page 4 of the same instructions it says long life milk and juice cartons are not to be put in. Would you please tell me what to do?*

A1 The City will review the instructions.

**Mr S Kobelke, Sorrento:**

Q1 *Re: CJ038-03/07 - Postponement of Extraordinary Election Date. With two Councillors resigning within twelve months of the election, does the City consider that there is a problem with leadership at the City of Joondalup?*

A1 *Response by Mayor Pickard:* No.

**Mr G Stuart, Heathridge:**

Q1 *Can we please have a rubbish bin at the eastern end of Lysander Park, Heathridge?*

A1 This question will be taken on notice.

**PUBLIC STATEMENT TIME****Mr M Caiacob, Mullaloo:**

Mr Caiacob made a statement regarding illegal parking of vehicles and excessive noise in Mullaloo.

**Dr M Apthorpe, Ocean Reef:**

Dr Apthorpe spoke about the advantages of the beach shade shelter at the south end of Beaumaris Beach in Ocean Reef.

**Mr D Mason, Pearsall:**

Mr Mason spoke against CJ054 - 03/07 Change of Land Use from Light Industrial, Office and Workshop to Landscape Supplies: Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood.

**Mrs J Mason, Pearsall:**

Mrs Mason spoke against CJ054 - 03/07 Change of Land Use from Light Industrial, Office and Workshop to Landscape Supplies: Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood.

**Ms M Macdonald, Mullaloo:**

Ms Macdonald made a statement about a disturbance at Mullaloo on Saturday, 24 March 2007.



The lineup includes local and national acts as well as visiting artists from France, the UK, the Solomon Islands and the USA.

The Community Street Parade will feature 3000 community members and school students on Saturday, 31 March 2007 at 5.30 pm. This should be a spectacle.

Don't forget the Fireworks Finale signalling the end of the two-day celebration on Sunday, 1 April 2007 at 8.30 pm.

With music and entertainment on four stages, street performers, Children's Corner, Youth Alley, market stalls and food, there is something for everyone to enjoy at the 2007 Joondalup Festival.

For further information call the City of Joondalup on 9400 400 or visit the City's website at [www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

### **FREEWAY BIKE HIKE**

The Festival follows another big event for Joondalup, the recent Freeway Bike Hike, which saw a record field of 7000 people cycle either from Belmont or Greenwood to Joondalup CBD.

It was a fantastic ride. This is a major event and is becoming cycling's answer to the City-to-Surf fun run.

The event raises money for the Asthma Foundation. Streets were closed to traffic and cafes and restaurants were open to allow participants to enjoy the Joondalup atmosphere – trade was vibrant.

### **YOUTH FORUM**

Another important event held since our last Council meeting was the City of Joondalup's first 'Speak Out Youth Forum'.

About 117 students from 13 High Schools in the City were given the opportunity to speak out and voice their opinions.

The forum was an invaluable way to interact with the City's young people – and most importantly to listen to what they had to say.

Students were invited to suggest strategies of communication between young people and Local Government.

Responses included online and personal contact with Council or City of Joondalup representatives such as school visits and more forums.

This forum, coupled with the pending engagement of young people aged between 18 to 25, will arm the City with valuable intelligence on how the City can better engage young people to ensure that they have a strong voice in the decision-making forums of our City.

**PRAYER TIME**

I would like to take this opportunity to thank the many people who have called the Mayoral office, written to me and stopped me in the street to express appreciation at the introduction of a Prayer prior to the commencement of Council meetings.

This is a timely reminder to all Elected Members that it is not Chamber opportunists that speak on behalf of the community, but rather it is the residents and ratepayers in the suburbs, on the streets and in the shopping centres that are the true voice of our community.

(The Mayor then read extracts from correspondence received).

**DECLARATIONS OF INTEREST****Disclosure of Financial Interests**

Nil.

**Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Mr Garry Hunt</b> – Chief Executive Officer
<b>Item No/Subject</b>	Item CJ043-03/07 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Relates to CEO credit card expenditure

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item CJ043-03/07 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Tidy was a participant/guest at the City Xmas lunch listed in Appendix 1 to the report

<b>Name/Position</b>	<b>Cr R Fishwick</b>
<b>Item No/Subject</b>	CJ049-03/07 - Oceanside Promenade, Mullaloo – Proposed Traffic Calming Treatments
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Relative owns property in close proximity to the proposed traffic calming treatments.



<b>Name/Position</b>	<b>Cr K Hollywood</b>
<b>Item No/Subject</b>	CJ051-03/07 – Proposed Single Storey Extensions to Beaumaris Medical Centre: Lot 3 (64) Constellation Drive, Ocean Reef
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood attends this surgery/medical centre.

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ054-03/07 – Change of Land Use from Light Industrial, Office and Workshop to Landscape Supplies: Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Consultant is a former business associate of CEO

<b>Name/Position</b>	<b>Cr K Hollywood</b>
<b>Item No/Subject</b>	CJ059-03/07 – Proposed Amendment to Burns Beach Structure Plan, Northern Residential Precinct and other Minor Changes
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood resides on the border of the new development

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

CJ060-03/07            NOMINATIONS FOR FREEMAN OF THE CITY OF JOONDALUP

## PETITIONS

### **C010-02/07            PETITIONS SUBMITTED TO THE COUNCIL MEETING – 27 MARCH 2007**

1            PETITION IN RELATION TO RETENTION OF SHADE STRUCTURE LOCATED ON BEACH ADJACENT TO VOLANTE ELBOW, OCEAN REEF - [04435 06427]

A 215-signature petition has been received from residents of the City of Joondalup requesting urgent consideration to the retention of the shade structure located on the beach adjacent to Volante Elbow, Ocean Reef and the allocation of funds to coat the structure with fire and graffiti proof paint.

The petitioners state the shade structure is well utilised by local residents and visitors. Retention of the structure and the application of a suitable paint to prevent fire and graffiti would ensure that the structure continues to be well utilised by future generations of beach goers.

2            PETITION REQUESTING IMPROVEMENTS/BEAUTIFICATION ALONG GIBSON AVENUE AND LIVINGSTONE WAY AND WHITFORDS AVENUE AND GIBSON AVENUE, PADBURY - [07082] [87504]

Cr John tabled a 40-signature petition on behalf of residents of the City of Joondalup requesting the following:

- 1            installation of footpaths along Gibson Avenue and Livingstone Way, Padbury;
- 2            planting and pruning plants along Livingstone Way;

- 3 beautification of the embankment leading up to the drainage site along Whitfords Avenue from Gibson Avenue east to the bus stop;
- 4 tidying of the verges on corner blocks of Gibson Avenue and Livingstone Way.

**MOVED Cr John, SECONDED Cr Hart that the petitions requesting:**

- 1 **urgent consideration to the retention of the shade structure located on the beach adjacent to Volante Elbow, Ocean Reef and the allocation of funds to coat the structure with fire and graffiti proof paint;**
- 2
  - (a) **installation of footpaths along Gibson Avenue and Livingstone Way, Padbury;**
  - (b) **planting and pruning plants along Livingstone Way;**
  - (c) **beautification of the embankment leading up to the drainage site along Whitfords Avenue from Gibson Avenue east to the bus stop;**
  - (d) **tidying of the verges on corner blocks of Gibson Avenue and Livingstone Way;**

**be RECEIVED, referred to the CEO and a subsequent report presented to Council for information.**

**The Motion was Put and**

**CARRIED (11/0)**

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

### **PRESERVATION OF ORDER – MEMBERS OF THE PUBLIC**

At the request of Mayor Pickard, the Chief Executive Officer read out Clause 45, sub clauses (2), (3), (4) and (5) of the Standing Orders Local Law 2005, for the benefit of the meeting and members of the gallery.

## **CJ037 - 03/07 DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD:** All

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

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### **PURPOSE**

To provide Council with a listing of those documents executed by means of affixing the Common Seal during the period 13 February 2007 to 27 February 2007.

## EXECUTIVE SUMMARY

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are executed by affixing the Common Seal are reported to the Council for information on a regular basis.

## BACKGROUND

Not Applicable.

## DETAILS

<b>Document:</b>	<b>Section 70A Notification</b>
<b>Parties:</b>	City of Joondalup, J J Arnez, J D Arnez and M M Mosonyi
<b>Description:</b>	To restrict occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 866 (2) Amity Close, Sorrento.
<b>Date:</b>	13.02.07

<b>Document:</b>	<b>Joint Management Agreement</b>
<b>Parties:</b>	City of Joondalup and Minister for Education
<b>Description:</b>	Joint Management Agreement for the shared use and management of the City's oval on Falkland Reserve and the tennis courts, soccer pitch and change rooms based at Kinross College.
<b>Date:</b>	13.02.07

<b>Document:</b>	<b>Restrictive Caveat for Ancillary Accommodation</b>
<b>Parties:</b>	City of Joondalup, Kevin McAuley and Julie R McAuley
<b>Description:</b>	Notification under Section 70A of restrictive caveat on ancillary accommodation 19 Favenc Way, Padbury (Lot 736 P10992, Vol 1327 Fol 0623) – ancillary accommodation shall only be used as accommodation for dependent members of the family of occupiers of the principal dwelling on the same lot.
<b>Date:</b>	27.02.07

### Issues and options considered:

Not Applicable.

### Link to Strategic Plan:

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

### Legislation – Statutory Provisions:

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Some of the documents executed by the City may have financial and budget implications.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The various documents have been executed by affixing the Common Seal of the City of Joondalup and are submitted to the Council for information.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr McLean **SECONDED** Cr John that the schedule of documents executed by means of affixing the common seal covering the period 13 February 2007 to 27 February 2007 be **NOTED**.

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

## **CJ038 - 03/07 POSTPONEMENT OF EXTRAORDINARY ELECTION DATE – [58586]**

**WARD:** South-West

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

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### **PURPOSE / EXECUTIVE SUMMARY**

For Council to postpone the date for an extraordinary election to fill the vacancy created by the resignation of Cr Evans.

### **BACKGROUND**

Councillor Marie Evans resigned on 2 March 2007 in written notice to the Chief Executive Officer as required by Section 2.31(3) of the Local Government Act 1995 (the Act).

The Council at its meeting held on 9 August 2005 resolved to:

- “1 *NOTE that the Electoral Commissioner has agreed in writing to be responsible for all elections for the City of Joondalup until 31 December 2011;*
- 2 *DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for all Council elections for the City of Joondalup between now and 31 December 2011;*
- 3 *DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting all Council elections for the City of Joondalup between now and 31 December 2011 will be postal elections;*
- 4 *CONFIRM that Resolutions 2 and 3 are not a binding contract with the Electoral Commissioner to conduct all elections until 31 December 2011 and nothing shall prevent Council from rescinding the decisions at any time in the future.”*

### **DETAILS**

Section 4.8 of the Act states that if a position on Council becomes vacant because of a resignation, an extraordinary election will generally be held. Section 4.9(2) then states that an extraordinary election should be held within four months of the vacancy occurring. However, section 4.16(4) states that if a vacancy occurs after the third Saturday in January in an election year, but before the third Saturday in July in that election year (as is the case in relation to this resignation) “Council may, with the approval of the Electoral Commissioner”, fix the ordinary election day as the day for holding any poll needed for the extraordinary election to fill that vacancy.

This provision allows for an extraordinary election to be postponed, with the vacancy arising from Cr Evan’s resignation to be filled at the October 2007 elections.

**Issues and options considered:**

Council could decide on an alternative date for holding the extraordinary election. The indicative costs obtained from the Western Australian Electoral Commission for the extraordinary election to be held on 31 March 2007 for the vacancy in the Central Ward is \$30,000. An extraordinary election for the South-West Ward could be expected to cost this amount. With the election process taking 80 days and the term of former Cr Evans being scheduled to expire in October 2007, it is likely that the person who filled the position through an extraordinary election would hold the seat for approximately three months.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The following statutory provisions relate to this report. Each has been mentioned within the report.

- Section 2.31(3)
- Section 4.8
- Section 4.9(2)
- Section 4.16(4)

**Risk Management considerations:**

Not Applicable. Council needs to follow statutory processes.

**Financial/Budget Implications:**

An amount of \$300,000 is listed on the 2006/07 budget to conduct the 2007 May elections. Given the change to the election date, the remaining funds will not be expended this financial year and have been highlighted during the mid year budget review process.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No consultation has been made with the Electoral Commissioner at this stage.

## COMMENT

Section 4.16(4) of the Act requires Council to make the final decision in relation to postponing elections following receipt of the Electoral Commissioner's approval. This report is designed to authorise the commencement of the postponement process. Council will need to formally resolve to postpone at a subsequent meeting once the Electoral Commissioner's approval has been obtained.

## ATTACHMENTS

Nil.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cr McLean SECONDED Cr John that Council:**

- 1 AGREES in principle to postpone the date for the extraordinary election to fill the vacancy within the South-West Ward to that of the Ordinary Election on Saturday, 20 October 2007;**
- 2 REQUESTS that the Chief Executive Officer approach the Electoral Commissioner to seek his approval for this postponement.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

## **CJ039 - 03/07 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 8 FEBRUARY 2007 – [00906]**

**WARD:** All

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

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## PURPOSE

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

## EXECUTIVE SUMMARY

A meeting of the Sustainability Advisory Committee was held on Thursday 8 February 2007.

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

- Resignations from the Sustainability Advisory Committee
- Response to WALGA's Systemic Sustainability Study
- Response to Review of Advisory Committees of Council
- Exxonmobil – Australia's Energy Future

- City of Joondalup Bicycle Plan
- City of Joondalup Water Usage
- Water Grants Available for 2007
- Grey Water
- Rainwater Tanks
- Cities for Climate Protection Australia Measures Evaluation Report

*It is recommended that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 8 February 2007 forming Attachment 1 to this Report and takes appropriate action in relation to the Motions raised at that Committee meeting.*

## **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:

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

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

## **DETAILS**

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

The Motions moved at the Sustainability Advisory Committee meeting held on 8 February 2007 are shown below, together with officer's comments.

#### **1 Resignations from the Sustainability Advisory Committee**

The following Motion was moved:

*"That the Sustainability Advisory Committee recommends to Council that it:*

- 1 *ACCEPTS the resignations of Mr Kieron D'Arcy, Dr Martin Breuckner and Dr Vincent Cusack;*
- 2 *THANKS Mr D'Arcy, Dr Breuckner and Dr Cusack for their commitment and significant contribution to the work of the Committee;*
- 3 *REDUCES membership of the Sustainability Advisory Committee to 11 members."*

#### Officer's Comment:

The reduction in membership will assist in ensuring that a quorum is reached for future meetings.



## **2 Response to WALGA's Systemic Sustainability Study**

The following Motion was moved:

*"That the Sustainability Advisory Committee NOTES the contents of the Report to Council with respect to WALGA's systemic sustainability study"*

### Officer's Comment

No further action is required.

## **3 Response to Review of Advisory Committees of Council**

The following Motions were moved:

*"That the Sustainability Advisory Committee:*

- 1 NOTES Council Report CJ174-10/06 Review of Advisory Committees of the Council;*
- 2 Advises Council that it wishes to retain its current committee format, with a reduction of members to 11, until the October 2007 local government elections;*
- 3 Reconsiders different committee structure models at its last meeting prior to the October 2007 local government elections"*

### Officer's Comment

Recommendations 2 and 3 are supported.

## **4 Exxonmobil – Australia's Energy Future**

The following Motions were moved:

*"That the Sustainability Advisory Committee:*

- 1 NOTES the report on Exxonmobil and Australia's Energy Future.*
- 2 THANKS Mr Brian Fleay of the Sustainable Coalition for Peak Oil for his presentation on peak oil;*
- 3 ADVISES Council that the issue of peak oil has major implications for the lifestyle of the residents of the City of Joondalup;*
- 4 ADVISES Council that peak oil has major implications for the sustainability of the City and the Sustainability Advisory Committee should examine the issue of the City adopting the oil depletion protocol raised by Mr Brian Fleay;*

- 5 *ADVISES Council that addressing peak oil should be major consideration in strategic planning for the City of Joondalup;*
- 6 *REQUESTS the City's administration to report on the progress in implementing the state and local government BASIXs framework."*

Officer's Comment

Research and investigations are underway to develop reports regarding the oil depletion protocol and the BASIXs framework.

**5 City of Joondalup Bicycle Plan**

The following Motion was put:

*"That the Sustainability Advisory Committee:*

- 1 *NOTES the Report and progress made in relation to the City's bike plan.*
- 2 *REQUESTS Council to include installation of bike racks at all Council owned or managed public facilities, for consideration in its half yearly budget review"*

Officer's Comment

This matter was mentioned at the mid year Budget Review Process.

**6 City of Joondalup Water Usage**

The following Motion was put:

*"That the Sustainability Advisory Committee:*

- 1 *NOTES the Report on the City's water usage.*
- 2 *REQUESTS information to be provided to its next meeting to clarify the bore water usage data and to advise of water saving strategies being carried out by the City"*

Officer's Comment

The water usage data has been clarified and will be reported to the next meeting of the Sustainability Advisory Committee.

**7 Water Grants Available for 2007**

The following Motion was put:

*"That the Sustainability Advisory Committee NOTES the Report on water grants available for 2007."*

Officer's Comment

No further action is required.

## **8 Grey Water**

The following Motions were put:

*“That the Sustainability Advisory Committee REQUESTS Council to support the administration’s initiative of taking the issue and reuse of the waste water at Beenyup to the State Government as a matter of priority.”*

*“That the Sustainability Advisory Committee:*

- 1 NOTES the City’s recent initiative of introducing a discount on fees for greywater systems;*
- 2 SUPPORTS the concept of community seminars on greywater/rainwater tank opportunities.”*

### Officer’s Comment

The City is hosting a Great Gardens workshop on 21 March 2007 where greywater/rainwater tank opportunities and health and environmental risks will be discussed.

## **9 Rainwater Tanks**

The following Motions were put:

*“That the Sustainability Advisory Committee*

- 1 NOTES the report on rainwater tanks and CONSIDERS the various options for encouraging the uptake of rainwater tanks;*
- 2 SUPPORTS the concept of community seminars on greywater/rainwater opportunities and these seminars are to include the health and environmental risks and the advertising of the importance of conserving water in a forthcoming community publication.”*

### Officer’s Comment

The City is hosting a Great Gardens workshop on 21 March 2007 where greywater/rainwater tank opportunities and health and environmental risks will be discussed.

## **10 Cities for Climate Protection Australia Measures Evaluation Report**

The following Motion was put:

*“That the Sustainability Advisory Committee notes the results of the Cities For Climate Protection Australia Measures Evaluation.*

### Officer’s Comment

No further action is required.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION:**

The following reports were requested at the meeting of the Sustainability Advisory Committee:

- 1 Report on the potential to enhance the pedestrian and dual use paths linking Whitfords Avenue, Whitford City Shopping centre, Ocean Reef Road and the coast.**

Officer's Comment

This matter will be considered as part of the Capital Works Program and the outcome of the process will be reported back to the Committee.

- 2 Report relating to the setting of meeting dates of the Sustainability Advisory Committee, providing options on whether meetings should be set on an 8-week cycle or held on an as-needs basis at the discretion of the presiding person.**

Officer's Comment

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

- 3 Report on the current status and review process for the Bike Plan.**

Officer's Comment

This is an infrastructure matter and is being investigated.

- 4 Report providing information to the Sustainability Advisory Committee in relation to the City's policy on removal and protection of trees.**

Officer's Comment

The City does not currently have a policy on this matter. Policy issues need to be considered by the City's Policy Committee. However, the City does have Fact Sheets on street tree maintenance and removal and verge treatment guidelines available on its website.

- 5 Report on the merit of the City establishing a Sustainability Forum system, to enable major sustainability issues to be workshopped with concerned residents.**

Officer's Comment

A report on different methods for engaging the community in sustainability matters is being investigated and will be reported in conjunction with the review of Committee structures.

**Link to Strategic Plan:**

Key Focus Area: Organisation Development

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

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

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

**Sustainability Implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

A significant number of recommendations and requests for Reports have been made by the Sustainability Advisory Committee, which will require further research, analysis and reporting in order to progress the requests of the Committee.

**ATTACHMENTS**

Attachment 1            Minutes of the Sustainability Advisory Committee meeting held on 8 February 2007.

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1        **NOTES the unconfirmed minutes of Sustainability Advisory Committee held on 8 February 2007 forming Attachment 1 to Report CJ039-03/07;**
- 2        (a)     **ACCEPTS the resignations of Mr Kieron D’Arcy, Dr Martin Breuckner and Dr Vincent Cusack;**
- (b)     **THANKS Mr D’Arcy, Dr Breuckner and Dr Cusack for their commitment and significant contribution to the work of the Committee;**

- (c) **REDUCES membership of the Sustainability Advisory Committee to 11 members;**
  - (d) **NOTES that the Committee wishes to retain its current format, with a reduction of members to 11, until the October 2007 local government elections;**
  - (e) **NOTES that the Sustainability Advisory Committee will consider different committee structure models at its last meeting prior to the October 2007 local government elections;**
  - (f) **NOTES the advice of the Committee in relation to peak oil and AGREES that the Committee examine an oil depletion protocol;**
- 3 CONSIDERS the installation of bike racks at all Council owned or managed public facilities during the next budget process.**

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Corr** that Point 2 (f) be amended and a new Point 2 (g) be added to the Motion as follows:

- “2 (f) NOTES the advice of the Committee in relation to peak oil that:
- (i) the issue of peak oil has major implications for the lifestyle of the residents of the City of Joondalup;
  - (ii) peak oil has major implications for the sustainability of the City;
  - (iii) addressing peak oil should be a major consideration in strategic planning for the City of Joondalup;
- (g) ENDORSES the Committee examining an oil depletion protocol and REQUESTS further reports to Council regarding peak oil;”

Discussion ensued.

**The Amendment was Put and**

**LOST (2/9)**

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

**The Motion as Moved Cr John, Seconded Cr Fishwick was Put and CARRIED BY AN ABSOLUTE MAJORITY (11/0)**

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

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf200307.pdf](#)*

**CJ040 - 03/07 APPOINTMENT OF A DEPUTY MEMBER - TAMALA PARK REGIONAL COUNCIL MEETING TO BE HELD 12 APRIL 2007 – [41586]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Ian Cowie Governance and Strategy

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**PURPOSE / EXECUTIVE SUMMARY**

For the Council to give consideration to appointing Councillor Fishwick to deputise for His Worship the Mayor at the Tamala Park Regional Council meeting to be held on 12 April 2007.

**BACKGROUND**

The Tamala Park Regional Council was established for the development of approximately 165 hectares of Lot 118 Mindarie. It comprises the following local governments:

- City of Joondalup;
- City of Perth;
- City of Stirling;
- City of Wanneroo;
- Town of Vincent;
- Town of Victoria Park
- Town of Cambridge

Each local government is represented on the Regional Council, with the City of Joondalup being represented by His Worship the Mayor Troy Pickard and Councillor Michele John. The Regional Council meets on the second Thursday of every second month, with its next meeting scheduled to be held on Thursday, 12 April 2007.

**DETAILS**

The Mayor is scheduled to be intrastate on 12 April 2007 and will be unable to attend the scheduled meeting of the Regional Council.

Legal advice has recently been received by both the Mindarie Regional Council and Tamala Park Regional Council, which indicated that there is no power for member Councils to appoint permanent deputies to the Regional Council. Consequently, if the City's appointed member to the Regional Council is unable to attend the meeting, a nominated deputy cannot just attend in his or her place. Instead, the City needs to appoint a person to act in place of the member on each occasion when the member could not attend.

Due to the Mayor's absence, and as Councillor Fishwick was the previously nominated deputy, it is recommended that Councillor Fishwick represent the City at the meeting on 12 April 2007.

**Issues and options considered:**

The options available to the Council are to:

- agree to appoint another member to act in the place of the Mayor during his absence; or
- not agree to appoint another member.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The legislation, which is constraining the appointment of deputies, is the *Interpretation Act 1984*.

Section 52(1) and (2) of the *Interpretation Act 1984* states:

- (1) Where a written law confers a power or imposes a duty upon a person to make an appointment to an office or position, including an acting appointment, the person having such a power or duty shall also have the power –
  - (b) (Where the person appointed is) expected to become unable, for any other cause to perform the functions of such office or position, to appoint a person to act temporarily in place of the person so appointed during the period of suspension or other inability but a person shall not be appointed to so act temporarily unless he is eligible and qualified to be appointed to the office or position;
  - (c) To specify the period for which any person appointed in exercise of such a power or duty shall hold his appointment.
- (2) For the purposes of subsection (1)(b), “cause” includes:
  - (a) Illness;
  - (b) Temporary absence from the State; and
  - (c) Conflict of interest.

The key provisions, which create problems for the appointment of deputies, are the word ‘unable’ in subsection 1(b) and the requirement to specify the period of appointment in subsection 1(c).

**Risk Management considerations:**

The risk to the City of Joondalup is that if another member is not appointed to represent the City in the absence of the Mayor, then the City will not be fully represented and therefore not have its allocated voting rights on matters before the Regional Council.



**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not applicable.

**COMMENT**

Prior to the legal advice being received, Councillor Fishwick was the nominated deputy for His Worship the Mayor. It is recommended that Councillor Fishwick represent the City at the meeting of the Tamala Park Regional Council to be held 12 April 2007.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Currie, SECONDED Cr Hollywood that:**

- 1 Due to the absence of His Worship the Mayor Troy Pickard, and in accordance with the provisions of section 52 of the Interpretation Act 1984, Council temporarily APPOINTS Councillor Russ Fishwick as the deputy member to act on behalf of His Worship the Mayor and represent the City at the meeting of the Tamala Park Regional Council to be held on Thursday, 12 April 2007;**
- 2 Council ADVISES the Tamala Park Regional Council of the decision in (1) above.**

**The Motion was Put and**

**CARRIED (11/0)**

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

## **CJ041 - 03/07 YELLAGONGA REGIONAL PARK ENVIRONMENT CENTRE FEASIBILITY STUDY – PRESENTATION OF FINAL REPORT - [60510]**

**WARD:** North

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

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### **PURPOSE**

To consider the outcomes of the feasibility study into an Environment Centre within the Yellagonga Regional Park and to determine whether, and if yes, how an Environment Centre should be progressed.

### **EXECUTIVE SUMMARY**

The City of Joondalup and the City of Wanneroo have partnered together to undertake a feasibility study for an Environment Centre within the Yellagonga Regional Park.

The outcome of the participative phase indicated that of the five sites identified as being preferred or satisfactory, Lot 1 Lakeside Drive Joondalup was the most suitable site for an Environment Centre. The second site that could accommodate most aspects for the centre was Scenic Drive Wanneroo.

The feasibility study concludes that two options for an Environment Centre exist. Firstly, at Lot 1 Lakeside Drive Joondalup and secondly, at Scenic Drive Wanneroo as they have the greatest potential in terms of proximity to population bases and public access. The two sites also offer an aesthetic environment with respect to access to Lake Joondalup. The executive summary of the feasibility study is shown as Attachment 1.

This report recommends that Council support, in principle, the development of an Environment Centre at Lot 1 Lakeside Drive Joondalup and presents the full Feasibility Study to the community for their comment for a period of six (6) weeks.

### **BACKGROUND**

Since the early 1990's, a number of government agencies, educational institutions and the community have prepared various proposals for an Environment Centre in the Yellagonga Regional Park. The Yellagonga Regional Park Management Plan 2003-2013, prepared by the Department of Environment and Conservation (DEC) in liaison with the Cities of Wanneroo and Joondalup, gives consideration to the development of an Environment Centre within the Regional Park.

The latest proposal to undertake a feasibility study to develop an Environment Centre at Lot 1 Lakeside Drive Joondalup was presented to the City of Joondalup Council in June 2003. The proposal was not supported due to budget constraints.

During the budget deliberation process in 2004/05, the City of Joondalup agreed to allocate \$15,000 to undertake a feasibility study for Lot 1 Lakeside Drive Joondalup. The DEC also contributed \$35,000 towards the study.

Following a request from the City of Joondalup for a matching financial contribution for this initiative, the City of Wanneroo at its Council meeting on 7 June 2005, resolved to:

- 1 *AGREE to participate in a joint feasibility study with the City of Joondalup for the establishment of an Environment Centre within the Yellagonga Regional Park;*
- 2 *CONTRIBUTE up to \$15,000 towards the cost of undertaking the study on the basis that the draft project plan is reviewed to incorporate the City's requirements and the City being involved in jointly managing the project;*
- 3 *FURTHER CONSIDER the City's position regarding future resourcing and support for the centre following completion of the feasibility study.*

On 30 November 2005 the two Cities brought together over 100 people at a "Visioning Workshop for an Environment Centre". The participants included representatives from local indigenous and friends' groups, as well as community members, politicians and representatives from both Councils. The objective of the night was to gather community aspirations with respect to the centre, the type of centre, what the centre would do and finally the most suitable location for the proposed centre.

From the outcomes of the workshop it became clear that the community would prefer a building, located either at Lot 1, Perry's Paddock, Luisini's Winery or at a site to the north of Ocean Reef Road, on the south western side of Lake Joondalup.

Participants also indicated that a number of key criteria must be considered when selecting the Environment Centre Site. These are:

- Accessibility – a centre should be close to public transport, roads, paths etc.
- Security – a centre should be located in an area where security does not become an issue.
- Visibility – a centre should be visible from the road. This would attract passers by as well as minimise security issues.
- Environmental damage – this must be kept to minimal levels, locating the Centre on/near Acid Sulphate Soils is a concern. Flora and fauna must not be damaged.
- A centre should not be built on highly valued conservation areas – a thorough examination of heritage/historical/indigenous values would have to be undertaken.
- A Centre should not impact on amenity of nearby residents.

During the workshop, participants were asked to provide expressions of interest in serving on a "Community Reference Group" to provide advice to the project team responsible for the feasibility study. A number of nominations were received. The Community Reference Group (CRG) was convened in March 2006.

The CRG's objectives were to:

- Contribute to the feasibility study by providing local knowledge and expertise;
- Liaise with individuals, community and stakeholder groups and the organisations that they represent on the status or advancement of the feasibility study;
- Ensure ongoing involvement throughout the feasibility study process;
- Provide an impartial view as to the location of the site for the proposed Environment Centre.

The final membership of the CRG was as follows:

<b>Name</b>	<b>Group/ Organisation</b>
Barry Fitzsimmons	City of Joondalup Conservation Advisory Committee
Colin Vann	Community member
Derrick Phillips	Friends of Yellagonga
Doolann-Leisha Eatts	Nyoongar Elder
Esandra Colbung	Bibbulman Tribal Group
John Chester	DEC Yellagonga Regional Park Advisory Committee, City of Wanneroo Environmental Advisory Committee
Judy Hughes	Member for Kingsley
Ken Travers	Member for North Metropolitan Region
Lyn Williamson	Edith Cowan University
Michael Mac Shane	North Metro Catchment Group
Michelle McManus	Community member
Oriel Green	Northern Suburbs Reconciliation Group
Peter Bombak	Community member
Thomas Perrigo	National Trust of Western Australia
Wendy Herbert	Joondalup Community Coast Care Forum

In May 2006 Gresley Abas Architects and EVOLVE Solutions were contracted through a tender process to undertake the Yellagonga Environment Centre feasibility study.

On Wednesday 21 June, CRG members, Project Team members (including representatives from the Cities of Wanneroo and Joondalup and the DEC), invited observers and the consultant team toured seven potential environment centre sites within the park. The nominated sites were:

- Lot 1 Lakeside Drive
- Neil Hawkins Park
- North Ocean Reef Road (Apalie Trail)
- Perry's Paddock
- Corner Duffy Terrace & Whitfords Avenue
- Luisini Winery
- Scenic Drive

The sites were identified from the research and consultative processes undertaken prior to the site visit.

Following the site visits a series of workshops with the CRG were conducted from June to November 2006. Members from the CRG and the Project Team were presented with regular updates of the consultant's findings including case studies, situational analysis and potential activities that could be run from an Environment Centre.

The objective of the final workshop, which occurred on 15 November 2006, was for the CRG to nominate their preferred site based on the information they had received and their subsequent deliberations.

The chosen site was to be subject to further concept development, a business strategy and financial investigations into the costs of developing the preferred site as well as greater detail on the activities that could be pursued from it.

An open ballot was conducted with the outcome that the CRG selected Lot 1 Lakeside Drive in Joondalup as the preferred site with Scenic Drive in Wanneroo as their second preference for a site.

## DETAILS

The purpose of the Feasibility Study was to consider community needs and aspirations with respect to establishment of an Environment Centre for the Yellagonga Regional Park (YRP). The study would take into account the natural, cultural and historic heritage of the YRP and produce a report including a detailed justification for the type of centre and the potential location and uses of the centre. Detailed financial analysis was undertaken on the various options.

The study included the assessment and analysis of several site options within the Regional Park, where the potential facility could be located. Initially, seven sites were examined. Following detailed situational analysis of the sites each site was ranked as follows: Unsatisfactory, Satisfactory or Preferred. The sites and rankings are provided below.

- Lot 1 Lakeside Drive Joondalup: ***Preferred***
- Neil Hawkins Park: *Satisfactory*
- Scenic Drive Wanneroo: ***Preferred***
- Ocean Reef Road: *Unsatisfactory*
- Perry's Paddock Wanneroo: ***Preferred***
- Duffy Terrace Joondalup: *Unsatisfactory*
- Luisini Winery: *Satisfactory*

From the rankings, two sites were excluded from further study (Ocean Reef Road and Duffy Terrace). The remaining five sites were subject to further detailed analysis, including a SWOT analysis (Strengths, Weaknesses, Opportunities, Threats) and scenario feasibility, to determine the types of activities that could be conducted at each site. The preferred and satisfactory sites were then further analysed to produce the final report of the feasibility study.

## Issues and Options:

The outcome of the feasibility study and the participative phase indicated that of the five sites identified as being preferred or satisfactory, Lot 1 Lakeside Drive Joondalup was the most suitable site for an Environment Centre. The second site that could accommodate most aspects for the centre was Scenic Drive Wanneroo. The following are summaries of the two sites:

### 1 Lot 1 Lakeside Drive Joondalup:

The gross estimated internal floor area of the proposed YRP Environment Centre at this site is 675m<sup>2</sup>. The building is to follow the natural contours at the top of the ridge at Lot 1, looking down the slope towards ideal views of Lake Joondalup to the west and north.

To minimise the impact of the structure on the landscape it is recommended that investigations be undertaken into how the building might be designed to blend in with the existing natural slope of the site.

With part of the structure positioned against the slope, significant advantages in climatic performance (maintaining the indoor thermal comfort of the building to minimize reliance on artificial heating and cooling loads) would be achieved.

The estimated capital cost to design, build and commission the YRP Environment Centre at Lot 1 Lakeside Drive Joondalup is \$3.79m (including GST, at December 2006 with 10% p.a. escalation thereafter, equating to an estimated building cost of \$4.67m by January 2009).

## 2 Scenic Drive Wanneroo:

The gross estimated internal floor area of the proposed YRP Environment Centre at this site is 495m<sup>2</sup>. It is proposed that the building is sited adjacent to existing community facilities and infrastructure, and very close to the lakeshore edge. A good northerly aspect is achieved and the building can be nestled within an encircling grove of *Paperbark* and *Melaleuca*. The promontory provides a unique opportunity to create a boardwalk to cross over onto the nearby island in Lake Joondalup.

The estimated capital cost to design, build and commission the YRP Environment Centre at Scenic Drive is \$2.62m (including GST, at December 2006 with 10% p.a. escalation thereafter, equating to an estimated building cost of \$3.23m by January 2009).

The operating costs associated with the proposals for an Environment Centre differ between the site at Lot 1 Lakeside Drive Joondalup and the site at Scenic Drive Wanneroo. The difference in costs relate to the different types of infrastructure and activities relating to the Centres. The following tables show the costing for the two sites:

Table 1. Financial Analysis of Lot 1 Lakeside Drive Joondalup

Summary of Financial Analysis – Lot 1				
Some Key Income Indicators				
	Number/Frequency	Income	Expenses	Profit
Tenants	4	\$60,000		\$60,000
Shop Sales		\$60,000	\$40,000	\$20,000
Amphitheatre	12	\$6,000	600	\$5,400
Café Lease		\$20,000		\$20,000
Bike Hire	2000	\$20,000	2000	\$18,000
Trading Projections - Full Operation				
Gross Revenue		\$277,200		
Operating Costs		\$381,100		
Operating Profit		-\$103,900		
Recommended Local Government Annual Contribution				\$115,000

Table 2. Financial Analysis of Scenic Drive Wanneroo

Summary of Financial Analysis- Scenic Drive				
Some Key Income Indicators				
	Number	Income	Expenses	Profit
Tenants	2	\$30,000		\$30,000
Shop Sales		\$50,000	\$25,000	\$25,000
Island Entry Fee	2500	\$5,000		\$5,000
Café Lease		\$20,000		\$20,000
Bike Hire	1000	\$10,000	\$1,000	\$9,000
Trading Projections - Full Operation				
Gross Revenue		\$200,400		
Operating Costs		\$283,000		
Operating Profit		-\$82,600		
Recommended Local Government Annual Contribution				\$75,000

The feasibility study concludes that two options for an Environment Centre exist. Firstly, at Lot 1 Lakeside Drive Joondalup and secondly, at Scenic Drive Wanneroo as they have the greatest potential in terms of proximity to population bases and public access. The two sites also offer an aesthetic environment with respect to access to Lake Joondalup. The following points identify the features that both sites could have in common;

- An interpretative facility with a key focus on local, regional & global environmental issues and the cultural heritage of the region.
- An educational facility capable of supporting environmental education programmes both externally in the field as well as internally with seminar based presentations.
- A facility which provides opportunities for local government environmental officers (i.e. accommodation) to interact with the community in providing community based environmental information and in developing new initiatives and programmes.
- A facility that supports and provides accommodation and resources for community based local environmental and cultural groups.
- The provision of space which can be leased for the establishment of a centre to promote individual and community well being. This would include services and programmes that promote a healthy lifestyle for the individual, as well as a retail outlet specialising in the promotion of healthy and sustainable living.
- The creation of a community garden for demonstration of environmentally sound practices within an important wetland catchment region.
- A retail outlet for the sale of appropriately themed foods and goods including possible sale of produce from the community garden.
- The provision of a space which can be leased as a food and beverage outlet which will serve as an additional attractor for the facility whilst supporting and promoting produce that is aligned with best-practice environmentally sustainable principles.
- A facility that provides the necessary administrative accommodation, amenities and functional support required for the uses described above.
- A bike hire service.

The following points identify the different features of an Environment Centre, dependent upon whether it is to be located at either Lot 1 or Scenic Drive:

Table 3: Comparison of features between Lot 1 and Scenic Drive

<b>Features specific to Lot 1</b>	<b>Features specific to Scenic Drive</b>
An outdoor amphitheatre for community, public and private functions.	A walk trail across to the adjacent island to allow increased interpretive opportunities and income generation
The provision of space that can be leased for a business incubation unit supporting environmentally based business enterprise and initiatives.	
The provision of office space for the environmental management staff of both Local Governments.	

**Link to Strategic Plan:**

The undertaking of a feasibility study for an Environment Centre links to the City of Joondalup Strategic Plan 2003-2008 under the following areas:

*Caring for the Environment - The City of Joondalup is a cultural centre*

1.2 *To meet the cultural needs and values of the community*

1.2.1 *Continue to enhance and create new cultural activities and events*

1.2.2 *Create cultural facilities*

*Community Well Being - The City of Joondalup is environmentally responsible in its activities*

2.1 *To plan and manage our natural resources to ensure environmental sustainability*

2.1.1 *Maintain and protect natural assets to retain biodiversity*

*Organisational Development - The City of Joondalup is an interactive community*

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

4.3.1 *Provide effective and clear community consultation.*

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

A number of risks have been identified associated with this project proceeding to implementation. However, there are no major risks in undertaking further consultation as recommended in this report other than the raising of public expectation should the project not proceed.

**Financial/Budget Implications:**

The feasibility study project has a total funding allocation of \$65,000 comprising of contributions from:

- City of Joondalup      \$15,000
- City of Wanneroo      \$15,000
- CALM                      \$35,000

It is anticipated that by the end of the feasibility study project all costs will be expended accordingly.

The feasibility study contains detailed costings for the design and construction stages for an Environment Centre, however final costs will depend on which site is finally selected for development.

It is proposed within the Feasibility Study Report that the project be funded through a combination of sources with the Federal and State Government supplying the capital funding for the project and the two Cities making a contribution for infrastructure and capital works. It is considered that this would strengthen the opportunity for funding from other sources and help to secure partnerships with other agencies. There are a number of grant opportunities available for ongoing and operational costs associated with the proposed Centre. Section



11.9.1 of the full report provides a detailed assessment of potential funding strategies for ongoing operational and project activities.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The YRP is by nature a strategic regional natural asset for the two Cities and the State of Western Australia. It is imperative that the YRP wetlands are managed effectively and protected. The development of an Environment Centre is in keeping with the YRP Management Plan and, to this end, the feasibility study project has immense regional significance. The project represents an important demonstration of cross-local government-jurisdiction cooperation and participation.

**Sustainability Implications:**

An Environment Centre will be designed to enhance sustainability of the wetlands through its educational and other roles.

**Consultation:**

As referred to previously, public participation has involved:

- A community information forum on 20 December 2004 to set the context in which to undertake a feasibility study
- A “Visioning Workshop for an Environment Centre” on 30 November 2005
- Establishment of a Community Reference Group and ongoing consultative processes utilising e-mail, mail, workshops and meetings with the CRG to ensure all stakeholders are fully informed and granted full opportunity to offer input to the process.

The project is now ready for broad public consultation. This report suggests that this occur for a period of six weeks. The public will be informed of the community consultation process through advertisements in the community newspapers, and letters and hard copies of the report will be made available in all City libraries and customer service centres.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1          Executive Summary

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hart, SECONDED Cr Magyar that Council:**

- 1        NOTES the final report of the Yellagonga Regional Park Environment Centre Feasibility Study forming Attachment 1 to Report CJ041-03/07;**
- 2        NOTES the Community Reference Group recommendation for the preferred site for an Environment Centre to be at Reserve 43290, Lot 12050, 580 Joondalup Drive, Joondalup (formerly known as Lot 1);**
- 3        In principle, SUPPORTS the development of an Environment Centre at Reserve 43290, Lot 12050, 580 Joondalup Drive, Joondalup (formerly known as Lot 1);**
- 4        APPROVES the release of the final report of the Yellagonga Environment Centre Feasibility Study for public consultation for a period of six (6) weeks.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf200307.pdf](#)*

## **CJ042 - 03/07    EXTENSION OF TERMS FOR ELECTED MEMBERS – [58586]**

**WARD:** All

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

Following passage of the Local Government Amendment Bill through Parliament in 2006, the terms of all Elected Members have been extended from May to October in the year in which the terms were due to conclude. Local government ordinary elections will now be held on the third Saturday in October rather than the first Saturday in May.

In 2007, the ordinary elections will be held on Saturday, 20 October.

Submitted for information.

**MOVED Cr McLean, SECONDED Cr John that Council NOTES that the terms of Councillors McLean, Amphlett, Magyar, Corr and Currie have been extended until October 2007 as a result of amendments to the *Local Government Act 1995*.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

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

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	Item CJ043-03/07 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Relates to CEO credit card expenditure

<b>Name/Position</b>	<b>Mr Mike Tidy, Director Corporate Services</b>
<b>Item No/Subject</b>	Item CJ043-03/07 – Minutes of the Audit Committee Meeting held 6 March 2007 (Item 2 – Quarterly Report – Corporate Credit Card Usage)
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of interest</b>	Mr Tidy was a participant/guest at the City Xmas lunch listed in Appendix 1 to the report

## **CJ043 - 03/07 MINUTES OF THE AUDIT COMMITTEE MEETING HELD 6 MARCH 2007 - [50068]**

**WARD:** All

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

A meeting of the Audit Committee was held on 6 March 2007.

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

- Introduction of Auditor to Members of the Audit Committee
- Quarterly Report – Corporate Credit Card Usage
- Half-Yearly Report – Contract Extensions
- Write-Off of Monies
- Consideration of the Auditor's Management Letter for the Audit of the Accounts for the year ended 30 June 2006
- Appointment of External Member of Audit Committee
- Microsoft Exchange Email Problem – 20-22 December 2006
- 2006 Compliance Audit Return

*It is recommended that Council:*

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 6 March 2007, forming Attachment 1 to Report CJ043-03/07;*
- 2 *RECEIVES the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 and that the management responses to each of the issues raised be supported;*
- 3 *READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only after the October 2007 Elections;*
- 4 *ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 3 to Report CJ043-03/07;*
- 5 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;*
- 6 *in accordance with Regulation 13 of the Local Government (Audit) Regulations 1996, NOTES the audit of the provisions omitted from the Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 4 to Report CJ043-03/07.*

## **BACKGROUND**

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

## **DETAILS**

Mr Patrick Warr of Bentleys MRI Perth, the City's newly appointed auditors addressed the Committee and presented an overview of the processes Bentleys will undertake in conducting the forthcoming audit for the City, together with a list of anticipated timelines that each process would occur.

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

The Motions moved at the Audit Committee meeting held on 6 March 2007 are shown below, together with officer's comments.

#### **Quarterly Report – Corporate Credit Card Usage**

The following Motion was moved:

*“That the Audit Committee NOTES the report on the corporate credit card usage of the CEO for the quarter ended 31 December 2006.”*

#### Officer's Comment

No further action is required.

#### **Half-Yearly Report – Contract Extensions**

The following Motion was moved:

*“That the Audit Committee NOTES the report detailing contracts extended by the CEO during the half-year period between July 2006 and December 2006.”*

#### Officer's Comment

No further action is required.

#### **Write-Off of Monies**

The following Motion was moved:

*“That the Audit Committee RECEIVES the report of monies written-off under delegated authority for the period July to December 2006.”*

#### Officer's Comment

No further action is required.

**Consideration of the Auditor's Management Letter for the Audit of the Accounts for the year ended 30 June 2006**

The following Motion was moved:

*"That the Audit Committee RECOMMENDS to Council that the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 be RECEIVED and the management responses to each of the issues raised be supported."*

**Officer's Comment**

The Auditor's Management Letter identified six issues. Two of these have since been addressed and completed. A further two relating to stock takes and infrastructure valuations will be addressed in this year's financial accounts. The remaining two relate to the deletion of old IT user accounts which is not considered a significant issue and the review of log files which will be addressed in the next financial year.

**Appointment of External Member of Audit Committee**

The following Motion was moved:

*"That the City READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only."*

**Officer's Comment**

This position will not be advertised until the Council Elections in October 2007.

**Microsoft Exchange Email Problem – 20-22 December 2006**

The following Motion was moved:

*"That the Audit Committee NOTES the report into the Microsoft Exchange email system failure in December 2006."*

**Officer's Comment**

No further action is required.

**2006 Compliance Audit Return**

The following Motion was moved:

*That the Audit Committee recommends that Council:*

- 1 *ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 1 to this Report;*
- 2 *in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;*

- 3 *REQUESTS the Department of Local Government and Regional Development to prepare a Local Government Compliance Audit Return that lists all requirements set forth in the table to Audit Regulation 13 to assist local governments to undertake the audit.*

Officer's Comment

The Compliance Audit is required to be presented to the Audit Committee prior to consideration by the Council. Following adoption of the Compliance Audit Return at the 27 March 2007 Council meeting, the Mayor and the Chief Executive Officer will jointly certify it.

Minor changes were made to the Compliance Audit Return following clarification on responses provided.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

## COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 6 March 2007 are submitted to Council for noting, and for endorsement of the following matters:

- Consideration of the Auditor's Management Letter for the Audit of the Accounts for the year ended 30 June 2006
- Appointment of External Member of Audit Committee
- 2006 Compliance Audit Return

## ATTACHMENTS

Attachment 1	Minutes of the Audit Committee meeting held on 6 March 2007
Attachment 2	Provisions, Local Government Act 1995 and Regulations
Attachment 3	2006 Compliance Audit Return
Attachment 4	Statutory Requirements (as per Audit Regulation 13)

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 6 March 2007, forming Attachment 1 to Report CJ043-03/07;
- 2 RECEIVES the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 and that the management responses to each of the issues raised be supported;
- 3 READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only after the October 2007 Elections;
- 4 ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 3 to Report CJ043-03/07;
- 5 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;
- 6 in accordance with Regulation 13 of the Local Government (Audit) Regulations 1996, NOTES the audit of the provisions omitted from the Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 4 to Report CJ043-03/07.



**ADDITIONAL INFORMATION**

The following amendments are required to be made to this report:

- Page 25 of the agenda, under “Purpose”, the wording to be amended to read: ” .....minutes of the Audit Committee to Council ...”
- At the Briefing Session held on 20 March 2007, it was requested that an additional point be added at the end of the recommendation. During the updating of the recommendation, point 6 was inadvertently omitted. A revised recommendation is provided.

**MOVED Cr McLean, SECONDED Cr Magyar that Council:**

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 6 March 2007, forming Attachment 1 to Report CJ043-03/07;**
- 2 RECEIVES the report on the Management Letter by the auditors in relation to the audit of the annual financial accounts for the financial year ended 30 June 2006 and that the management responses to each of the issues raised be supported;**
- 3 READVERTISES for an external member representative on the Audit Committee for the term October 2007 to October 2009 in the Joondalup and Wanneroo Times only after the October 2007 Elections;**
- 4 ADOPTS the completed Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 3 to this Report;**
- 5 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, SUBMITS the completed Compliance Audit Return to the Department of Local Government and Regional Development;**
- 6 REQUESTS the Department of Local Government and Regional Development to prepare a Local Government Compliance Audit Return that lists all requirements set forth in the table to Audit Regulation 13 to assist local governments to undertake the audit;**
- 7 in accordance with Regulation 13 of the Local Government (Audit) Regulations 1996, NOTES the audit of the provisions omitted from the Local Government Compliance Return for the period 1 January 2006 to 31 December 2006 forming Attachment 4 to Report CJ043-03/07.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendices 3 & 19 refer*

To access this attachment on electronic document, click here: [Attach3brf200307.pdf](#)  
[Attach19agn270307.pdf](#)

## **CJ044 - 03/07 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2007 – [09882]**

**WARD:** All

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of January 2007, totalling \$11,291,467.47.

*It is recommended that Council NOTES the CEO's list of accounts for January 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$11,291,467.47.*

### **BACKGROUND**

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

### **DETAILS**

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

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 77690 – 78077 EFT 9240 - 10153 net of cancelled payments	\$7,790,087.35
	<b>Vouchers</b> 228A – 235A & 239A- 242A	\$3,448,832.99
Trust Account	<b>Cheques</b> 201192 - 201263 Net of cancelled payments	\$52,547.13
	<b>Total</b>	<b>\$11,291,467.47</b>

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

Not Applicable

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

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

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council NOTES the CEO's list of accounts for January 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ044-03/07, totalling \$11,291,467.47**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4bfr200307.pdf](#)*

## **CJ045 - 03/07 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2007 – [09882]**

**WARD:** All

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of February 2007, totalling \$7,210,241.63

*It is recommended that Council NOTES the CEO's list of accounts for February 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$7,210,241.63*

### **BACKGROUND**

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

### **DETAILS**

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

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 77078 - 78384 EFT 10154 - 10556 Net of cancelled payments	\$4,966,963.40
	<b>Vouchers</b> 244A - 246A & 249A - 251A	\$2,224,017.23
Trust Account	<b>Cheques</b> 201264 - 201302 Net of cancelled payments	\$19,261.00
<b>Total</b>		<b>\$7,210,241.63</b>

**Issues and Options Considered:**

Not Applicable.

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

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

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council NOTES the CEO's list of accounts for February 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ045-03/07, totalling \$7,210,241.63**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf200307.pdf](#)*

**CJ046 - 03/07 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2007 – [07882]**

**WARD:** All  
**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Director Corporate Services

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**PURPOSE**

The January 2007 financial activity statement is submitted to Council to be noted.

**EXECUTIVE SUMMARY**

The January 2007 year to date report shows an overall variance (under spend) of \$14.6m when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06).

Details of the variance are provided in the attached notes and can be summarised as follows:

- The **Operating Surplus** is \$34.3m compared to a budgeted surplus of \$25.9m at the end of January 2007. The \$8.4m variance is primarily due to additional interest income, fees and charges, profit on asset disposal and lower than budgeted expenditure mainly in employee costs. This is partially offset by lower than budgeted government grants received.
- **Capital Expenditure** is \$9.3m against the year to date budget of \$15.5m. The \$6.2m under spend is due to delays in purchasing of vehicles, recycling bins and in the construction of infrastructure assets.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2007 forming Attachment A to Report CJ046-03/07.*

## **BACKGROUND**

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

## **DETAILS**

The financial activity statement for the period ended 31 January 2007 is appended as Attachment A.

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

Not Applicable.

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

Objective 4.1.1 – Ensure financial viability and alignment to plan.

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

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended, requires the local government to prepare each month a statement of financial activity reporting on the sources and applications of funds as set out in the annual budget.

### **Risk Management considerations:**

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

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

Refer attachment A.

**Policy Implications:**

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2006/07 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 31 January 2007.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council NOTES the Financial Activity Statement for the period ended 31 January 2007 forming Attachment A to Report CJ046-03/07.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf200307.pdf](#)*



**CJ047 - 03/07 MINUTES OF EXTERNAL COMMITTEES – [02153]  
[01435] [41196]**

**WARD:** All

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

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**PURPOSE/EXECUTIVE SUMMARY**

To submit minutes of external committees to Council for information.

**DETAILS**

The following minutes are provided:

- Meeting of the Cities of Wanneroo and Joondalup North West Corridor Coordinating Committee held on 29 January 2007
- Meeting of the Tamala Park Regional Council Meeting held on 8 February 2007

**ATTACHMENTS**

Attachment 1 Meeting of the Cities of Wanneroo and Joondalup North West Corridor Coordinating Committee held on 29 January 2007

Attachment 2 Meeting of the Tamala Park Regional Council held on 8 February 2007

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cr McLean, **SECONDED** Cr John that Council **NOTES** the Minutes of the:

- 1 Meeting of the Cities of Wanneroo and Joondalup North West Corridor Coordinating Committee held on 29 January 2007 forming Attachment 1 to Report CJ047-03/07;**
- 2 Meeting of the Tamala Park Regional Council held on 8 February 2007 forming Attachment 2 to Report CJ047-03/07.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf200307.pdf](#)

**CJ048 - 03/07 ASSET MANAGEMENT POLICY – [08881]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Infrastructure Services

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**PURPOSE/EXECUTIVE SUMMARY**

To endorse the Asset Management Policy.

**BACKGROUND**

The City of Joondalup is currently participating in the Western Australian Asset Management Improvement (WAAMI) Program. The objective of this program is to assist the City in developing best practice asset management policies and procedures.

A draft policy was prepared and reviewed at the first WAAMI workshop held on November 13 2006. Based on feedback from the workshop, the policy was prepared for Council consideration and endorsement.

**DETAILS**

The Asset Management Policy defines the City's decision-making principles that will ensure a structured and co-ordinated approach to asset management.

**Issues and options considered:**

Council could agree to:

- Accept the draft policy
- Amend the draft policy
- Request that the draft policy be advertised for public comment
- Reject the draft policy

**Link to Strategic Plan:**

This item has a direct link to achievement of the City's Vision: *"A sustainable City and community that are recognised as innovative, unique and diverse."*

It also aligns with two specific strategies:

- 3.1.1 *'Plan the timely design, development, upgrade and maintenance of the City's infrastructure'*
- 3.1.4 *'Develop an Asset Management Strategy'*

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

This policy has an objective to minimise risk through a co-ordinated approach to asset management.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

City Policies are drafted by Officers for administrative and operational imperatives and have an internal focus. They still require Council endorsement that occurs as part of the normal Council meeting cycle. Council may also direct that the policy be advertised for public comment prior to adoption.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

This policy has an objective to provide sustainable infrastructure.

**Consultation:**

The draft Policy has been developed by the Asset Management Working Group.

**COMMENT**

Infrastructure maintenance has been identified as one of the main threats to the sustainability of Western Australian Local Governments. The endorsement of an Asset Management Policy will be a significant step in the City's Asset Management journey.

Once adopted, it will provide high-level direction for the City in its quest to become a 'Sustainable City'.

**ATTACHMENTS**

Attachment 1      Draft Asset Management Policy

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr John that Council ENDORSES the Asset Management Policy forming Attachment 1 to Report CJ048-03/07.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf200307.pdf](#)*

<b>Name/Position</b>	<b>Cr R Fishwick</b>
<b>Item No/Subject</b>	CJ049-03/07 - Oceanside Promenade, Mullaloo – Proposed Traffic Calming Treatments
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Relative owns property in close proximity to the proposed traffic calming treatments.

## **CJ049 - 03/07 OCEANSIDE PROMENADE, MULLALOO PROPOSED TRAFFIC CALMING TREATMENTS – [02111]**

**WARD:** North Central

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Infrastructure Services

### **PURPOSE**

To report on traffic and pedestrian safety issues in Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo.

### **EXECUTIVE SUMMARY**

At the Council meeting of 21 November 2006 in relation to parking prohibitions Oceanside Promenade, Mullaloo, Council requested a report on traffic and pedestrian safety issues in Oceanside Promenade between Marjorie Street and Mullaloo Drive, Mullaloo.

An investigation into the issues was carried out and various options considered addressing the number of pedestrian and vehicular conflict areas that were identified.

It is recommended that Council:

- 1 *ADOPTS the proposed Traffic Management Scheme Concept as shown in Attachment 1 to Report CJ049-03/07;*
- 2 *LISTS \$30,000 for the proposed traffic management scheme as depicted at Attachment 1 to Report CJ049-03/07 for consideration by Council as part of the 2007/08 budget deliberations;*

- 3 *SEEKS the endorsement of Main Roads WA to implement a 40 kph speed limit on the section of Oceanside Promenade depicted in Attachment 1 to Report CJ049-03/07.*

## BACKGROUND

**Suburb/Location:** Mullaloo

Oceanside Promenade provides a north-south coastal link between Mullaloo Drive and Ocean Reef Road as well as access to the beach, Mullaloo Surf Life Saving Club, Tom Simpson Park and the Mullaloo Beach Hotel. Oceanside Promenade is classified as a District Distributor “B” road in the Perth Metropolitan Functional Road Hierarchy and the posted speed limit is 50km/hr.

The average daily traffic volumes on Oceanside Promenade south of West View Boulevard in February/March 2005 were measured at 7016 vehicles per day (7 day average). The 85<sup>th</sup> percentile traffic speed was measured at 59 km/hr. For the week the traffic counts were undertaken, the weekday daily traffic volumes varied from 6351 to 7244 vehicles per day with Saturday being 6351 and Sunday being 8576.

January 2007 average daily traffic volumes on Oceanside Promenade, north of Mullaloo Drive were measured at 9364 vehicles per day and the 85<sup>th</sup> percentile traffic speed was measured at 48 Km/hr. Between Iluka Avenue and Marjorie Street the average daily traffic volumes on Oceanside Promenade were measured at 9372 vehicles per day and the 85<sup>th</sup> percentile was measured at 52 Km/hr.

This latest data represents the peak summer volumes.

There were no reported crashes for this section of Oceanside Promenade over the five-year period 1/1/2001 to 31/12/2005 (Main Roads Crash Data).

The location of the site is shown below:



Source: [www.whereis.com](http://www.whereis.com)

This section of Oceanside Promenade attracts a large number of pedestrians and vehicular traffic as it provides access to one of the best beaches in Joondalup, with many facilities and is where the Mullaloo Surf Life Saving Club is located. The Mullaloo Beach Hotel generates additional traffic and pedestrian patronage.

## **DETAILS**

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

Whilst the current roadway arrangement meets Austroads and Australian Standard requirements, the area now supports surf life saving, the beach, Tom Simpson park, the beachside car park, the Mullaloo Beach Hotel and bus stops. The concentration of all these activities has resulted in a significant number of vehicular and pedestrian movements occurring on Oceanside Promenade between Mullaloo Drive and Marjorie Street and in particular during the summer months.

In order to address this situation and improve the amenity of this area as well as recognising the level of community demand for all of the facilities provided, it was concluded that some changes to the road and footpath system could be undertaken that would increase the level of safety and traffic management provided and also add to the amenity of the area.

Various options were considered to provide a lower speed environment in order to facilitate pedestrians crossing the road, for vehicles entering and leaving the beachside carpark and the Hotel and at the same time add to the amenity of this area.

The recommended solution as shown in Attachment 1 includes a speed hump at each end of the treatment to lower the speed of vehicles in the zone and to identify the area as a slow speed zone. The proposal includes raised median islands and a pedestrian refuge island within a painted median between two speed humps which act to reduce the road width and prevent southbound right turning vehicles entering the beachside car park exit, better delineation of the beachside carpark exit to improve traffic flow and improvements to footpath arrangements on the beach side of Oceanside Promenade.

In addition, bollards are being installed on the eastern side at the Mullaloo Beach Hotel to prevent vehicles from parking or driving on the footpath.

As part of this treatment consideration is being given to allocating one or two bays in the car park on the beachside of Oceanside Promenade as loading bays Monday – Friday (times to be determined) excluding public holidays for the use of delivery vehicles and outside these hours they would be used by Taxis.

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

The recommendation in this report is supported by the following objectives in the City's Strategic Plan 2003-2008:

- |                 |   |
|-----------------|---|
| Objective: 1.4  | To work with the community to enhance safety and security in a healthy environment        |
| Strategy: 1.4.2 | Contribute to the protection of human health  |
| Objective: 3.1  | To develop and maintain the City of Joondalup's assets and built environment.             |
| Strategy: 3.1.1 | Plan the timely design, development, upgrade and maintenance of the City's infrastructure |

Objective: 3.2 To develop and promote the City of Joondalup as a tourist attraction  
Strategy: 3.2.1 Create and promote cultural tourist attractions

Objective: 3.3 To continue to meet changing demographic needs  
Strategy: 3.3.2 Integrate plans to support community and business development

**Legislation – Statutory Provisions:**

Nil.

**Risk Management considerations:**

Although there has been no reported crash history, there is potential for future incidences given the high volume of pedestrians and vehicular traffic in the area particularly in summer.

**Financial/Budget Implications:**

To be listed in future capital works program for consideration in 2007/08 budget. Estimated cost of proposed traffic management treatment is \$30,000.

**Policy Implications:**

Nil.

**Regional Significance:**

Mullaloo beach attracts visitors and tourists from all over, as it is part of the tourist Sunset strip as well as being listed as one of the best beaches in Perth on all the tourism websites.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Nil.

**COMMENT**

Given the findings of the Traffic Assessment, the proposed Traffic Management treatment is considered to be the most appropriate and effective given that it has to be retrofitted into an existing road reserve in a built up area.

**ATTACHMENTS**

Attachment 1 Oceanside Promenade – Marjorie Street to Mullaloo Drive Traffic Management Concept Plan.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 ADOPTS the proposed Traffic Management Scheme Concept as shown in Attachment 1 to Report CJ049-03/07;**
- 2 LISTS \$30,000 for the proposed traffic management scheme as depicted at Attachment 1 to Report CJ049-03/07 for consideration by Council as part of the 2007/08 budget deliberations;**
- 3 SEEKS the endorsement of Main Roads WA to implement a 40 kph speed limit on the section of Oceanside Promenade depicted in Attachment 1 to Report CJ049-03/07.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf200307.pdf](#)*

## **CJ050 - 03/07 PROVISION OF DOG EXCRETA BAGS TO PUBLIC OPEN SPACE AND INCREASING THE NUMBER OF “DOG FREE” RESERVES – [07169]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Infrastructure Services

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### **PURPOSE**

To provide Council with information on the impact of providing dog excreta bags at Public Open Spaces and to enable Council to make a decision in relation to extending their availability, and also give consideration to an approach to deal with requests for Dog Free reserves.

### **EXECUTIVE SUMMARY**

The City has trialled dog excreta bags at six parks since 1999. This report presents findings which are drawn from the trial and outlines four options for consideration as follows:

- 1 Provide excreta bags to selected parks based on specified criteria
- 2 Provide excreta bags to all parks
- 3 Continue the service to the existing six parks only
- 4 Terminate the current trial and stop providing excreta bags



The report recommends that Council:

- 1 *LISTS for inclusion as part of the 2007/2008 draft budget considerations \$244,000 for the provision of dog excreta bags to all parks in categories 3, 4 and 5 as depicted at Attachment 1 to this Report;*
- 2 *SUPPORTS a process which would require a request for the establishment of “Dog Free” reserves to be dealt with on a case-by-case basis by petition and a subsequent public consultation process to determine community views and support prior to Council giving formal consideration on this matter.*

## **BACKGROUND**

### **Provision of Dog Excreta Bags to Public Open Spaces:**

The City operated with an Urban Animal Committee in the 1990s which, amongst other things, considered a range of matters relating to dogs including the provision of excreta bags at Public Open Spaces (POS).

The Committee agreed that a trial program for the provision of excreta bags should be implemented to enable the Committee to understand the issues and costs involved in the provision of excreta bags.

The trial commenced on 1 July 1999 at six selected locations within the City, being:

- Seacrest Park, Sorrento
- Chichester Park, Woodvale
- Glengarry Park, Duncraig
- Granadilla Park, Duncraig
- Flinders Park, Hillarys
- Broadbeach Park, Hillarys

The locations were selected because they reflected areas of community concern.

Two additional locations outside of the trial sites were subsequently supplied with dog excreta bags due to particular circumstances as follows:

#### **1 Foreshore dual use path following its completion in 2004/05**

The Dual Use Path traverses the foreshore bushland and it was agreed that due to the distance involved, provision of excreta bags was essential.

#### **2 Sir James McCusker Park, Iluka**

The provision of excreta bags here is funded by the developer Beaumaris Land Sales (who currently maintain this park in accordance with a subdivision agreement). The park has large lakes and picnic facilities for the community, making the provision of excreta bags important.

It should also be noted the animal beach at Hillarys is provided with dog excreta bags although this is not part of the trial. Bags are regarded as an essential item here because the area is designated as an animal beach.

### **Dog Free Reserves:**

The City's Animals Local Law 1999 currently designates 10 areas of POS, either completely or in part to be "dog free", that is, where dog exercising is prohibited (refer attachment 2). The Local Law allows for the enforcement of these "dog free" areas and fines are able to be imposed on people exercising dogs in these areas. The current penalty is \$100 through an infringement notice.

The City receives approximately 20 requests a year to make additional parks "dog free".

### **DETAILS**

#### **Provision of Dog Excreta Bags to Public Open Spaces:**

Since introducing the trial in 1999, a total of 3,542,500 bags have been supplied by the City.

The trial has identified that many responsible dog owners bring their own dog excreta bags to the park while others make use of bags that are provided by the City. However, there are also dog owners who do not use the excreta bags at all. Consequently, the provision of dog excreta bags by the City does not eradicate problems caused by dog excreta, although it does assist to reduce the problem created by people who, otherwise, would not bring their own bag.

The trial has generated some concerns regarding the use of 'plastic excreta bags' and the long-term environmental impact that results from depositing these to landfill. The bags purchased are biodegradable and will decay over a period of approximately six months. This is important in cases where filled excreta bags are not placed in bins but dumped in the bush. However, once landfilled, the bags will not degrade.

There are four options available for consideration by Council in relation to dog excreta bags.

1 *Provision of excreta bags to selected parks based on specified criteria*

This option is **supported** as it responds positively to community demand, reflects the success of the trial as demonstrated by the number of bags used yet, through the establishment of criteria for provision, limits costs and inefficiency.

2 *Provision of bags to all parks*

This option is **not supported** for three reasons. The first is the high cost associated with the provision of bags and the collection of excreta at the large number of parks within the City. The City currently maintains 217 reticulated and 124 dry parks, all of which would need servicing under this option.

The second reason is that there are a significant number of small POS sites where the need for bags would not be great. This is because residents would generally have access to larger parks nearby where bags would be available.

The third is that the City maintains a number of parks that are designated as "Dog Free". On this basis, there is no point in providing dog excreta bags at these locations.

3 *Continuation of the service to the existing six parks only*

This option is **not supported** as it represents an inconsistent approach. The trial at the six parks has provided the City with information regarding usage and costs associated with provision of excreta bags and the disposal of excreta. Consequently, the trial should now cease. To continue provision at the trial locations in the current format would disadvantage residents not able to access these parks.

4 *Terminate the current trial and stop providing excreta bags*

This option is **not supported** as it would have a significant impact on the community who have become used to using the excreta bags during the extended trial period.

**Analysis of Option 1:**

In supporting this option, it is necessary to establish a sound basis for identifying which POS sites should be provided with dog bags. Adopting criteria as the basis for POS selection would also provide the community with a clear indication as to why certain parks have excreta bags and why others do not.

POS is currently categorised in two different ways. One way relates to whether the POS is reticulated or dry (which has little relevance to dog use) while the second way is according to usage.

The usage category is further divided into the following 6 categories:

*Category 1* High Use POS for sporting purposes. This includes:

- Active play areas used for organised sports;
- Those which share a joint boundary with Department of Education land.

*Category 2* Other High Use POS. This includes

- POS where major picnic facilities have been installed to provide eating and play areas;
- POS with unique features such as water attractions or lakes;
- POS used for public events; and
- Foreshore reserves and public beaches (excluding the dog beach).

*Category 3* Medium Use POS.

*Category 4* High Use POS (foreshore dual use paths and conservation areas).

*Category 5* Dog specific. This includes:

- Hillarys dog beach; and
- Designated dog exercise areas for training.

*Category 6 – Low Use POS.*

The City's POS have been surveyed to determine usage levels which, in turn, determines a category from the above. Currently, the City's POS sites are divided between the six categories as follows:

<u>Category</u>	<u>Number</u>
Category 1	21
Category 2	17
Category 3	157
Category 4	5
Category 5	1
Category 6	141

POS usage is considered to be the most effective method for selecting which sites should be provided with dog bags. Consequently, it appears appropriate to establish the criteria for bag location based on use category.

If this is accepted, it would appear reasonable to avoid locating bags at POS sites in Categories 1 and 2. These POS sites are used for sport, operate in conjunction with a school oval, contain major picnic facilities or have unique features and high public utilisation. Encouraging dogs in these places by providing dog excreta bags has a higher potential for creating conflict between uses and could cause health issues if excreta is not collected.

It would also appear reasonable to avoid locating bags at POS sites which fall within Category 6. These sites are often small and have limited community use. Therefore, the provision of bags in these locations would be inefficient.

Consequently, the criteria for determining which POS sites receive dog excreta bags should be those sites which fall within Categories 3, 4 and 5. This means that 163 sites would be provided with bags and on average two bins would be utilised per site (these sites are identified in Attachment 1).

The costs associated with dog excreta bags are as follows assuming an average of two bins over all POS sites in Categories 3, 4 and 5. (It should be noted that several of the trial sites fall within these categories and already have bins.)

## **1 Provision of bins and stands to collect used excreta bags**

Provision of bins to date has been achieved at a very low cost, as there has been a consistent supply of "second-hand" bins available from the City of Wanneroo. The cost of additional bins is expected to be between \$5 and \$10 per bin if second-hand bins are acquired.

Each bin will need to be affixed to a stand with a chain and padlock. The cost of these items is expected to be \$110.00 per bin to purchase and install.

Estimated Cost for additional bins and stands is approximately **\$39,120**

## 2 Bin cleaning

Based on the trial, it is expected that bin cleaning would need to occur at least three times per year. The cost of a clean is estimated at \$25.00 per service. This price is based on the existing trial sites. However, the contractor who was cleaning the bins is no longer providing this service and the cleaning is currently being undertaken by City staff on a temporary basis. The price of bin cleaning may increase when a new contractor to clean bins is appointed.

Estimated bin cleaning costs: **\$24,450**

## 3 Provision of bags

Bags can currently be purchased for \$23.50 per 1000 when purchased in bulk lots of 200,000. This equates to 2.35 cents per bag.

Estimated Annual Cost for provision of bags: **\$50,000**

## 4 Tipping fees

These fees are currently \$36.50 per tonne and it is estimated that each bin will produce one tonne of rubbish per annum which translates to an annual cost of \$11,534.

Estimated Annual Tipping Fee Costs: **\$11,899**

## 5 Operating Costs

The following budget estimate is based on outsourcing the service. Consideration was given to providing this service in-house, however, due to the fact that the current truck is operating at about full capacity, it was determined that outsourcing was a more cost effective option at this point in time. Otherwise a significant capital commitment would be required to purchase a new truck.

Contractors provide park bin clearance services across a number of metropolitan municipalities. Under normal circumstance, services are scheduled to suit council's preferred clearance regime. This often requires that bins be serviced once, twice or three times per week, with some sites requiring daily servicing, depending on the level of usage for each site.

On an indicative basis, contractors could service public litter bins for the City of Joondalup for a budget cost estimate of \$3.50 per lift.

This rate is based upon the following assumptions:

- 1 Currently, the City's vehicle dedicated to servicing public litter bins is utilised to capacity with bins being serviced twice per week;
- 2 Maintaining average collection levels comparable to that achieved across existing park bin systems in other metropolitan municipalities;

- 3 The rate reflects current prices and would be subject to rise and/or fall over time; and
- 4 The rate has been estimated based upon tipping of refuse at Council's designated disposal facility, with Council paying landfill charges.

Estimated Operational Cost: **\$118,664**

**The following table summarises costs associated with expanding the dog excreta bag service to include category 3, 4 and 5 parks (163 sites serviced twice weekly):**

ITEM		CAPITAL COST	OPERATING COST	TOTAL COST
(1)	Provision of bins and stands to collect used excreta bags	\$39,120	-	\$39,120
(2)	Bin Cleaning	-	\$24,450	\$24,450
(3)	Provision of Bags	-	\$50,000	\$50,000
(4)	Tipping Fees	-	\$11,899	\$11,899
(5)	Operating Cost	-	\$118,664	\$118,664
<b>Total</b>		<b>\$39,120</b>	<b>\$205,013</b>	<b>\$244,133</b>

#### **Dog Free Reserves:**

In relation to increasing the number of reserves identified as "Dog Free" it is recommended that this matter should be dealt with via the petition process. That is, the City will give consideration to establishing a "Dog Free" reserve following the receipt of a petition to Council, nominating the park and subsequent reasons in support of such actions. It is then recommended that Council enter into a public consultation process to determine community views and support for such a proposal prior to giving formal consideration in relation to the matter.

This approach to deal with it by petition on a case by case basis clearly outlines to the public that the Council is prepared to give due consideration to this sensitive matter and the process involved.

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

- 3 City Development
  - 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

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

Not Applicable.

**Risk Management Considerations:**

There is a significant cost for provision of dog excreta bags to Category 3, 4 and 5 sites and this does not guarantee that these parks will be rid of dog excreta. It is also noted that dogs generate significant feeling within the community. There will be a number who will be highly supportive of additional POS sites being designated “dog free”, however, many dog owners in particular may be unhappy that they can no longer exercise their dogs in such areas if they become dog free.

**Financial/Budget Implications:**

In order for the City to extend the dog excreta bag service to all Category 3, 4 and 5 parks the following funds are required: (refer above table)

Capital Cost	\$ 39,120
Additional Annual Operational Cost	<u>\$205,013</u>
Total	<u>\$244,133</u>

**Regional Significance:**

Alignment with the City of Stirling which currently provides “bags” to all reticulated parks.

**Consultation:**

- Public consultation may be considered appropriate should Council decide to progress with this initiative. This is because the supply of bags to POS sites which, to date, have not received a supply, could be viewed as encouraging dogs and members of the public may have strong views on this.

**ATTACHMENTS**

Attachment 1	POS sites in Categories 3, 4 and 5.
Attachment 2	Animals Local Law 1999 – Prohibited Dog Exercise Areas

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 LISTS for inclusion as part of the 2007/2008 draft budget considerations \$244,000 for the provision of dog excreta bags to all parks in categories 3, 4 and 5 as depicted at Attachment 1 to Report CJ050-03/07;**
- 2 SUPPORTS a process which would require requests for the establishment of additional “Dog Free” reserves to be dealt with on a case-by-case basis by petition and a subsequent public consultation process to determine community views and support prior to Council giving formal consideration on this matter.**

**AMENDMENT MOVED Mayor Pickard, SECONDED Cr Corr that Point 1 be amended to read as follows:**

**“1 LISTS for inclusion as part of the 2007/2008 draft budget considerations \$301,000 for the provision of dog excreta bags to all parks in categories 1, 2, 3, 4 and 5 as depicted at Attachment 1 to Report CJ050-03/07;”**

Cr Magyar foreshadowed his intention to move a different motion should the Motion under consideration not be successful.

**The Amendment was Put and**

**CARRIED (9/2)**

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

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

**That Council:**

- 1 LISTS for inclusion as part of the 2007/2008 draft budget considerations \$301,000 for the provision of dog excreta bags to all parks in categories 1, 2, 3, 4 and 5 as depicted at Attachment 1 to Report CJ050-03/07;**
- 2 SUPPORTS a process which would require requests for the establishment of additional “Dog Free” reserves to be dealt with on a case-by-case basis by petition and a subsequent public consultation process to determine community views and support prior to Council giving formal consideration on this matter.**

**was Put and**

**CARRIED (8/3)**

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

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10agn270307.pdf](#)*



**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr K Hollywood</b>
<b>Item No/Subject</b>	CJ051-03/07 – Proposed Single Storey Extensions to Beaumaris Medical Centre: Lot 3 (64) Constellation Drive, Ocean Reef
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood attends this surgery/medical centre.

**CJ051 - 03/07 PROPOSED SINGLE STOREY EXTENSIONS TO BEAUMARIS MEDICAL CENTRE: LOT 3 (64) CONSTELLATION DRIVE, OCEAN REEF – [24526]**

**WARD:** North-Central

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

**PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for extensions to an existing Medical Centre at Lot 3 (64) Constellation Drive, Ocean Reef.

**EXECUTIVE SUMMARY**

An application has been received for single storey extensions to the rear of an existing Medical Centre at the Beaumaris Shopping Centre. The extensions are proposed to have a nil boundary setback to the rear in lieu of a six (6) metre rear setback. The extensions will abut an existing park.

The proposed extensions will provide additional consulting and treatment rooms within the Medical Centre.

This application is required to be determined by Council as the proposed addition has a setback variation that exceeds the maximum that can be approved under Delegated Authority.

It is recommended that the application be approved as the proposed setback variations will not adversely affect the amenity of the area.

**BACKGROUND**

**Suburb/Location:** Lot 3 (64) Constellation Drive, Ocean Reef  
**Applicant:** Churchill Knight  
**Owner:** Cutmere Pty Ltd  
**Zoning:** **DPS:** Commercial  
**MRS:** Urban  
**Site Area:** 0.2238 ha  
**Structure Plan:** N/A

The Beaumaris Neighbourhood Centre, which was approved in 1992, is located at the corner of Constellation Drive and Beaumaris Boulevard (Attachment 1 refers). The centre consists of the following uses:

Beaumaris Shopping Centre	(Lot 1 Constellation Drive);
Beaumaris Community Centre	(Lot 2 Constellation Drive);
Beaumaris Medical Centre	(Lot 3 Constellation Drive);
Beaumaris Professional Centre	(Lot 4 Constellation Drive); and
Vacant Land	(Lot 5 Constellation Drive).

These developments are located on separate lots. There is a reciprocal parking and access agreement in place between the Shopping Centre, Medical Centre, Community Centre and Professional Centre which enables staff and customers of these premises to utilise the various car parking areas on all these sites.

The Beaumaris Medical Centre, which is located at No 64 (Lot 3) Constellation Drive, Ocean Reef, is the subject of the development application before Council. The Medical Centre abuts a local reserve to the east (Santiago Park).

## DETAILS

The application for planning approval is for a single storey extension to the rear of the existing Medical Centre, with a nil setback to the rear boundary. The extension comprises additional consulting and treatment rooms (Attachment 2 refers).

The relevant requirements of the District Planning Scheme No 2 (DPS2) are summarised below:

Standard	Required	Provided	Compliance
Front Setback	9 m	40m	Yes
Side Setback (north-western boundary)	3 m	5.6m	Yes
Side Setback (south-eastern boundary)	3 m	6.2m	Yes
Rear Setback	6 m	Nil	No
Landscaping	8% of site 3m landscape strip along street boundary	more than 8% 3m landscape strip	Yes
Number of car bays: Neighbourhood Centre Existing <u>Additions</u> Total	292 bays <u>10 bays</u> 302 bays	321	Yes

The applicant has provided justification for the nil setback to the rear boundary stating that:

- *The proposed nil setback will not jeopardise access through the site or the Medical Centre;*
- *The existing service area is considered an unsafe and uninviting pedestrian environment;*

- *Limiting access to the rear will assist with controlling antisocial behaviour;*
- *Access to the rear will still be available via the driveway to the east of the Medical Centre; and*
- *Development to the rear boundary will limit the area that is unexposed and reduce those areas hidden from view.*

**Issues and options considered:**

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

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

**4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
  - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

- (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

#### 4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

- 4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

<i>Setback from street boundary</i>	<i>9.0 metres</i>
<i>Setback from side boundary</i>	<i>3.0 metres</i>
<i>Setback from rear boundary</i>	<i>6.0 metres</i>

- 4.7.2 *Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

#### 4.8 CAR PARKING STANDARDS

- 4.7.3 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

- 4.7.4 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*

- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was not advertised as it was considered that no landowners within the locality would be adversely affected by the development.

**COMMENT**

The original application for Planning Approval for the Beaumaris Neighbourhood Centre covered one super lot. The assessment of all standards was based on this super lot. Although the super lot was subsequently subdivided into five lots, reciprocal rights to car parking and access are in place through a legal agreement.

**Rear Boundary Setback**

The applicant proposes a nil boundary setback to the rear of the development in lieu of the 6 metres required under Clause 4.7 of DPS2.

The rear of the Medical Centre currently consists of a grassed area and a bitumen area used to store the centre's bins. The Medical Centre backs onto Santiago Park. There is no parking provided at the rear of the Medical Centre nor is there any through vehicular access.

It is considered that the proposed nil boundary setback will not have an adverse affect on the amenity of the area and can be supported. Given the layout of the site, the development will not restrict pedestrian or vehicle access through the rear of the site.

As this portion of the site adjoins a local reserve that slopes downwards in an easterly direction, no landowners within the locality will be adversely affected by the development.

The proposed extensions will not affect the storage or collection of bins. Currently the bins are stored at the rear of the Medical Centre to the left of an existing driveway. Should Council resolve to support the additions, the bin store will be relocated to the right of the driveway at the rear of the medical centre.

### **Car Parking**

The car parking assessment for the original approval of the Neighbourhood Centre under the then Town Planning Scheme No. 1 required 328 car bays.

The District Planning Scheme No. 2 was gazetted on 28 November 2000. Under DPS2 the parking requirement for the Neighbourhood Centre is 292 bays. There is an excess of 29 car parking bays as 321 car bays currently exist over the total site. The proposed additions require a further 10 car parking bays.

As the total development has an excess of 29 car parking bays, the parking is satisfied based on the reciprocal parking agreement which allows users and staff to park throughout the Neighbourhood Centre.

### **Conclusion**

The proposed additions will make effective use of an under-utilised area at the rear of the Beaumaris Medical Centre. The proposed setback variation will not restrict vehicular or pedestrian movement around the site and will reduce the opportunity for anti-social behaviour within the site.

Sufficient car parking exists across the whole site to support the proposed extensions.

Based on the above, it is recommended that the application for planning approval be granted.

### **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Site Plan

### **VOTING REQUIREMENTS**

Simple Majority

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

- 1 EXERCISES discretion under Clause 4.5 of the District Planning Scheme No 2, and determines that the rear setback of nil in lieu of 6.0 metres is appropriate in this instance;**
- 2 APPROVES the application dated 10 November 2006, submitted by Churchill Knight, the applicant, on behalf of the owner, Cutmere Pty Ltd, for additions to an existing Medical Centre on Lot 3 (64) Constellation Drive, Ocean Reef subject to the following conditions:**
  - (a) All construction works shall be contained within the property boundary;**
  - (b) The boundary wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
  - (c) The boundary wall shall be treated with non-sacrificial anti-graffiti coating.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf200307.pdf](#)*

**CJ052 - 03/07 PROPOSED REMOVAL OF DEED OF COVENANT - LOT 6 (NO 37) ENDEAVOUR ROAD, HILLARYS – [11967]**

**WARD:** South-West

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

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**PURPOSE**

To seek Council's consent to remove the existing deed of covenant that restricts land uses upon the subject property.

**EXECUTIVE SUMMARY**

Lot 6 (No. 37) Endeavour Road, Hillarys is located at the intersection of Endeavour Road and Whitfords Avenue (refer Attachment 1). The site currently contains two separate buildings, namely a Bunnings Warehouse fronting Endeavour Road and a showroom development fronting Whitfords Avenue.

A covenant exists on the property at Lot 6 Endeavour Road, Hillarys. The Council negotiated the imposition of a covenant on the land in the early 1990's. The purpose of the covenant is to restrict the uses on the site to certain specified land uses and was originally required as part of the scheme amendment process to rezone the land under the previous Town Planning Scheme No 1 (TPS1).

The scheme amendment proposed the rezoning of the site from 'Special Development A' to 'Service Industrial', however, due to concerns raised by local residents as to the possible type of industrial uses on the land, the proposed zoning was modified to 'Special Zone (Restricted Use) - Commercial Uses Approved by Council'. The amendment was considered and approved by the Council and the Minister for Planning in 1994 and the covenant placed over the site in 1996.

Upon gazettal of the City's District Planning Scheme No 2 (DPS2) in November 2000, the subject land was rezoned to 'Business'. The 'Business' zone permits the majority of land uses specified by the covenant, in addition to a range of other uses. The land use issues that originally triggered the requirement for the covenant no longer exist under the 'Business' zone.

DPS2 is the principal document that controls land use permissibility upon land within City of Joondalup. For consistency and transparency, other means of land use control, such as covenants, are not considered appropriate. It is therefore recommended that Council agrees to the covenant being removed.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 6 (No 37) Endeavour Road, Hillarys
<b>Applicant:</b>	Not applicable
<b>Owner:</b>	Westfield Management Ltd & Perpetual Trustees Company Ltd
<b>Zoning:</b>	<b>DPS:</b> Business R20
	<b>MRS:</b> Urban
<b>Site Area:</b>	2.8732 hectares
<b>Structure Plan:</b>	Not applicable

Attachment 1 shows the location of the subject site, while Attachment 2 is the covenant document.

A history (summarised) of the rezoning of the site and establishment of the covenant is as follows:

- Amendment No 436 to TPS1 was initiated by Council for the purposes of advertising (Report C20736 refers) on 27 July 1988, to rezone the site from 'Special Development A' to 'Service Industrial'.
- Council considered public submissions and resolved to defer Amendment No 436 and requested a further report be prepared with respect to land uses, together with a meeting between the Council, the developer and affected residents.



- The proposed zoning under Amendment No 436 is modified from 'Service Industrial' to 'Special Zone (Restricted Use) - Commercial Uses Approved by Council' and adopted by Council on 20 December 1989 (Report D21227 refers). The modification was sought in order to address community opposition raised during the amendments advertising period, particularly a proposed tyre fitting premises and car service tenancy near to the lots northern boundary adjacent to Whitfords Avenue.
- The Minister requests Council to re-advertise the modified version of Amendment No 436 on 18 May 1990.
- Council considers submissions and resolves to adopt modified version of Amendment No 436 on 22 August 1990 (Report E20823 refers).
- Council identifies the restricted land uses and requires the registration of the covenant to restrict land uses on 28 November 1990 (Report E21138 refers).
- Amendment No 436 came into effect on 6 May 1994.
- The Deed of Covenant restricting land use was registered on the land on 6 March 1996.

## DETAILS

The purpose of the covenant was to restrict land uses on the site to certain specified land uses, as outlined in the table below.

A restrictive covenant is negative in nature in that it requires the owner of the burdened land not to undertake particular activities or exercise certain rights.

Upon gazettal of DPS2 on 28 November 2000, the subject land was rezoned to 'Business'. In areas of the City not controlled by structure plans, land use permissibility in the 'Business' zone is controlled through Table 1 (the Zoning Table) of DPS2.

The following table outlines the land uses set out under the covenant and their corresponding land use and classification under the 'Business' zone within DPS2.

<b>DEED OF COVENANT LAND USES (All Permitted)</b>	<b>DPS2 BUSINESS ZONE (Including use class classification and permissibility for those land uses) P=Permitted; D=Discretionary</b>
Office	Office – P
Consulting Rooms	Consulting Rooms - P
Funeral Directors	Funeral Parlour - D
Restaurants	Restaurant – P
Places of Worship	Place of Worship - D
Amusements/Recreation -	
Pool/snooker room	Amusement facility/parlour - D
Art Gallery	Art Gallery – P
Cinema	Cinema – D
Night Clubs	Night Club – D
Amusement Parlour	Amusement facility/parlour - D
Video Hire	X* use – Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)

Showrooms -	
Hardware Store	Hardware Store - D
Nursery	Garden Centre – P
Domestic Appliances (white goods) sales and repairs	Showroom – P
Furniture	Showroom – P
Ceramics	Showroom – P
Bicycle sales and service	Showroom – P
Stationary supplies	X* use - Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)
Computer office equipment	Showroom – P
Handicrafts	X* use - Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)
Laundrette	Laundrette – P
Pawnbrokers	X* use - Shop not exceeding 200m <sup>2</sup> Net Leasable Area (NLA)

**Note:** X\* use means a shop land use can be considered in the 'Business' zone at Council's discretion provided that it meets the criteria set out within clause 3.6.3 of DPS2.

In addition to the uses listed within the covenant, the 'Business' zone would ordinarily allow a range of other uses to be considered on the site. Attachment 3 is the Zoning Table from DPS2, highlighting the uses that could be considered for the site.

The business zoning of the land under DPS2 controls land use and therefore the covenant is redundant.

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

Council can consider the following options:

- Agree to the removal of the covenant.
- Not agree to the removal of the covenant.

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

The recommendation in this report is not linked to the objectives and strategies of the City's Strategic Plan 2003-2008.

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

Not Applicable.

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

Not Applicable.

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

Not Applicable.

#### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The covenant sought to alleviate concerns that service industrial type activities would be undertaken from the site. Upon gazettal of DPS2, the site was rezoned to 'Business' and the likely intent would have been to remove the covenant at that time, however, this did not occur.

Given that TPS1 was revoked upon gazettal of DPS2 in 2000, the land use restriction related issues that triggered the requirement for the covenant in the early 1990's no longer exist. The land uses that can be considered under the Covenant and within Business Zone are essentially the same. However, a range of additional uses can also be considered under the 'Business' zone, as outlined in Attachment 3.

**Vehicle Repair**

It should be noted that a vehicle repair land use, which includes both vehicle repairs and tyre fitting, is currently a prohibited 'X' use in the 'Business' zone, however is proposed to become a discretionary 'D' use in the Business Zone should proposed Amendment No 31 (as adopted by Council on 27 February 2007) be granted final approval by the Minister for Planning and Infrastructure.

Whilst there will be discretion to consider a vehicle repair land use should Amendment No 31 be approved, Clause 6.6.2 of DPS2 sets out how 'D' uses are dealt with, and public consultation for any proposal would be considered appropriate.

**Conclusion**

DPS2 is the principal document that controls land use permissibility upon the site and throughout the City of Joondalup. Other means of land use controls, such as covenants, are not considered appropriate, as this creates inconsistency with the DPS2. In this instance, the site has been zoned 'Business' with the introduction of DPS2, and it is therefore recommended that Council agree to the removal of the covenant.

**ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Copy of covenant upon Lot 6 Endeavour Road, Hillarys.
Attachment 3	Zoning Table

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 AGREES to the removal of the existing Deed of Covenant upon Lot 6 Endeavour Road, Corner Whitfords Avenue, Hillarys as shown in Attachment 1 to Report CJ052-03/07;**
- 2 AUTHORISES the affixation of the Common Seal to, and signing of the withdrawal of covenant documentation by the Mayor and Chief Executive Officer.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf200307.pdf](#)*

**CJ053 - 03/07 PROPOSED RESTAURANT, KIOSK AND ENVIRONMENT CENTRE (WITH ASSOCIATED CAR PARK AND LANDSCAPING) - LUISINI WINERY (LOTS 41-45 AND 82) NO 16 - 24 LAKEWAY DRIVE, KINGSLEY – [03186]**

**WARD:** South-East

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

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**PURPOSE**

The purpose of this report is to request Council to make a recommendation to the Western Australian Planning Commission (WAPC) regarding proposed additions to Luisini Winery on Lots 41 to 45 & 82 Lakeway Drive, Kingsley.

**EXECUTIVE SUMMARY**

The Luisini Winery redevelopment is proposed on Lots 41 to 45 & 82 Lakeway Drive, Kingsley. The land forms part of the Yellagonga Regional Reserve and is designated as Bush Forever by the WAPC.

The City is required to make a recommendation on the proposal to the WAPC as the site is located on land reserved for Parks and Recreation under the Metropolitan Region Scheme (MRS).

The ultimate development of the site that has been proposed by the National Trust, includes two main components being:

- 1 The renovation of the old remaining winery building, to be used as a museum and wine appreciation area (approved by the Western Australian Planning Commission on 27 January 2005); and
- 2 The proposed construction of a new building, access road, 65 bay carpark, landscaping to the west of the existing building to accommodate a restaurant, kiosk, outdoor dining areas, toilets and environmental centre.

An application to redevelop the site was previously considered by the Council on 12 October 2004. The Council resolved to make a recommendation to the WAPC that the application should not be supported.

The WAPC subsequently approved the restoration works of the existing building (to provide a museum). The approval however did not include the proposed new buildings and land uses on the site (as described in 2. above). An advice note was included in the decision notice, identifying the issues concerning any proposed new development on the site.

The key differences between the current application and the previous application are summarised as follows:

- The number of seats in the proposed restaurant is reduced from 250 to 150, however the floor area remains unchanged;
- Unsealed (ie natural vegetation) overflow parking for 30 vehicles is proposed on adjacent land; and
- Dual use paths and a boardwalk (shown as “interpretive wetland fringe walk trail” and viewing platform on the Landscape plan).

There have not been any changes in legislation since 2003 that impose additional requirements or factors in the assessment of this application.

It is recommended that Council advise the WAPC that it does not support the proposed development for reasons of lack of adequate car parking and the proposed commercial land use being of an inappropriate scale and intensity.

## BACKGROUND

<b>Suburb/Location:</b>	Lots 41 to 45 and Lot 82 Lakeway Drive Kingsley
<b>Applicant:</b>	National Trust
<b>Owner:</b>	Western Australian Planning Commission
<b>Zoning:</b>	<b>MRS:</b> Parks and Recreation Reserve
<b>Site Area:</b>	0.2117 Hectares
<b>Structure Plan:</b>	not applicable

The subject site is located on the eastern side of Lakeway Drive, approximately 150m south of the Hocking Road and Lakeway Drive intersection. The development site forms part of the Yellagonga Regional Park and is immediately east of Lake Goollelal. The properties to the east of the site are zoned Special Residential under District Planning Scheme No 2 (Scheme) with a density coding of R5.

Numbers 16-24 Lakeway Drive, have been identified as part of the much larger Bush Forever site – Site 299 – Yellagonga Regional Park, Wanneroo/Woodvale/Kingsley. Bush Forever is a non statutory WAPC regional policy that identifies 51,200 hectares of regionally significant bushland (and any associated wetlands) in the Perth Metropolitan Area.

An application was received on 3 November 2003 for the redevelopment of Luisini Winery including conservation works to existing buildings, restaurant, Educational Centre, Museum and Kiosk. A report to the (then) Council, recommended the application should not be supported for the following reasons:

- “(a) The increase in traffic along Lakeway Drive and Kingfisher Way is considered to be above what is appropriate in the context of the existing neighbourhood;*
- (b) The proposal would compromise the intent of Schedule 5 places and objects having significance, for the purpose of protection of the landscape and environment;*
- (c) The commercial land use is considered inappropriate in such proximity to low density residential development where a high standard of residential amenity is expected and where impacts of the development cannot be contained on site; and*
- (d) The car parking provided is considered to be inadequate for the proposed uses and therefore would create undesirable traffic and parking impacts.”*

The Council at its meeting on 12 October 2004 adopted this recommendation, subject to reason (c) being deleted.

The WAPC issued a decision on 27 January 2005, granting permission only for the proposed restoration works to the existing buildings on site to provide a museum. The WAPC also issued further advice as follows:

*“The Commission is concerned that the size and scale of the proposed development to the west of the existing winery building will have a detrimental impact on the amenity of nearby residences and on the essential character and values of the regional park. The application was advertised for public comment and was strongly objected to by surrounding landowners. This was on the basis of the bulk and scale of the development, excessive traffic, lack of sufficient car parking, noise and general loss of amenity largely associated with the proposed restaurant. Also, the City of Joondalup has advised that the provision for parking is not consistent with the requirements of the Council’s scheme. The preservation of the Heritage site is strongly supported but needs to be balanced against potential impacts on the park and surrounding area. This approval, therefore, is limited to the conservation and restoration of the existing winery building. A further application for approval to commence development under the Metropolitan Region Scheme will be required for the balance of the project.”*

## DETAILS

The existing building will operate as a museum and does not form part of this application as the WAPC has already granted permission for this element.

The proposed development (shown on Attachment 2 and 3) consists of:

- Construction of a new building (to the west of the existing building) to accommodate a restaurant with an outdoor dining area, a separate kiosk, toilets and an education/environment centre.
- Construction of a new access road with car parking for sixty five vehicles;
- Landscaping works (including new dual use paths and a boardwalk).
- Use of lot 82 Lakeway Drive for overflow car parking.

The differences between the application and the previous 2003 proposal are summarised as follows:

- Number of seats in restaurant reduced from 250 to 150, however the floor area of remains unchanged;
- Unsealed overflow parking for 30 vehicles proposed on the adjacent land; and
- Dual use paths and boardwalk (interpretive wetland fringe walk trail and viewing platform) as indicated on the landscape plan.

A comparison between the previous 2003 proposal and the current application is contained in the following table:

<b>2003 APPLICATION</b>	<b>2006 APPLICATION</b>
<b>Restaurant –</b> <ul style="list-style-type: none"> <li>• 429m<sup>2</sup> gross floor area</li> <li>• 305m<sup>2</sup> dining area.</li> <li>• Seating for 250 patrons</li> </ul>	<b>Restaurant</b> <ul style="list-style-type: none"> <li>• 429m<sup>2</sup> gross floor area</li> <li>• 305m<sup>2</sup> dining area.</li> <li>• Seating for 150 patrons</li> </ul>
<b>Environment Centre</b> <ul style="list-style-type: none"> <li>• 364m<sup>2</sup> gross floor area</li> <li>• 223m<sup>2</sup> net lettable area</li> </ul>	<b>Environment Centre</b> <ul style="list-style-type: none"> <li>• 364m<sup>2</sup> gross floor area</li> <li>• 223m<sup>2</sup> net lettable area</li> </ul>
<b>Museum</b> <ul style="list-style-type: none"> <li>• 1280m<sup>2</sup> net lettable area</li> </ul>	<b>Museum</b> <ul style="list-style-type: none"> <li>• 1280m<sup>2</sup> net lettable area</li> </ul>
<b>Kiosk</b> <ul style="list-style-type: none"> <li>• 31m<sup>2</sup> net lettable area</li> </ul>	<b>Kiosk</b> <ul style="list-style-type: none"> <li>• 31m<sup>2</sup> net lettable area</li> </ul>

The applicant has provided details about the proposal and these are summarised below:

### *Restaurant*

- *The restaurant will seat 150 persons.*
- *The opening hours of the restaurant will flexible, opening for breakfast, lunch and dinner. Appropriate and considerate closing times will be implemented if the restaurant is open for dinner.*
- *The floor area of the restaurant will remain unchanged from the previous application, measuring 305 square metres.*

### *Kiosk*

- *The proposed kiosk will be separate to the restaurant.*
- *It will cater for recreational users around Lake Goollelal.*
- *The kiosk will be open during daytime hours.*

### *Education/Environment Centre*

- *Provided as per the high recommendation in the approved Yellagonga Regional Park Management Plan 2003 – 2013.*
- *The centre will focus on education and community environment requirements.*

### *Museum*

- *Interpretation and conservation of the existing winery building on site has been approved by the WAPC.*
- *The museum will reflect the Luisini Winery together with the contribution of Italian migration to Western Australia, installations on the wine making processes used when the winery was functional and wine education programmes.*

### *Landscape Works*

- *Implementation of dual use pathways in collaboration with Department of Environment and Conservation.*
- *Development of an additional boardwalk to allow for recreational opportunities.*

### *Site works*

- *No major excavation works are proposed.*

### *Access and parking*

- *65 sealed car parking bays are proposed on the site.*
- *A further 30 unsealed bays are proposed as overflow parking on the adjacent Bush Forever site.*
- *Access to the site is proposed via Lakeway Drive, at the intersection with Plover Way.*

### *Applicant Justification*

The applicant provided a package of information in support of the proposal, including:

- *A traffic engineer's report;*
- *Environmental Management Plan;*
- *Stage I and Stage II Environmental Site Assessment;*
- *ASS Desktop assessment;*
- *Written response addressing the reasons for refusal as recommended by the Council;*  
*and*
- *Written submission outlining the proposed development.*



The written submission by the applicant is summarised as follows:

- *The aims and objectives of the proposal are:*
  - (i) *To provide an integrated and multi-faceted cultural, heritage, educational and recreational facility that is environmentally and economically sustainable;*
  - (ii) *To build on opportunities offered by the place by illustrating the historical and natural significance embodied by the former winery building and the natural wetlands system;*
  - (iii) *To develop a sustained visitation by offering a range of visitor experiences based on the interpretation and significance of the place and to also provide supporting amenities.*
- *The National Trust will undertake Acid Sulphate Soils Testing as requested and make the findings available to the City;*
- *Important consideration has been given to possible impacts on surrounding residential properties and this is reflected in the architectural and landscape design plans;*
- *The National Trust of Australia (WA) initially proposed to have the entrance to the winery from Hocking Road, however this proposal was opposed by CALM and the Environmental Groups associated with Yellagonga Regional Park. Following discussion with the City of Joondalup and the community, the proposed entrance at Plover Way was determined as the best possible solution due to all the other restrictions placed on the point of entry to the car park;*
- *The current entry point, with its close proximity to Hocking Road will encourage patrons to the winery to come along Hocking Road and not along Kingfisher Way prior to turning into Lakeway Drive to the winery;*
- *The proposal has the support of the Heritage Council of WA, CALM and all environmental groups associated with the Yellagonga Regional Park;*
- *The commercial use is considered essential in order to sustain the viability of the place (Luisini Winery). The current situation encourages vandalism and other negative impacts on the amenity of the area;*
- *Over 800 people were surveyed when preparing the business plan and there was a general acceptance by all concerned that some form of commercial use was essential for the viability of the place. By overwhelming response from the survey, an “eatery” was considered most appropriate;*
- *Uloth and Associates have calculated parking requirements on the basis one bay per four seats. For 150 seats in the restaurant, 38 bays will be required. The City has calculated parking requirements on the basis of one bay per five square metres of dining area. The restaurant has a floor area of 305 square metres, therefore 61 bays would be required; and*

- *Uloth and Associates have assumed that 50 percent of the patrons to the museum/kiosk, environment centre would also eat at the restaurant, and as such there should be a reciprocal parking allowance. The City has not included this allowance in its calculations.*

### **Options**

Council has the discretion to:

- Make a recommendation to the Western Australian Planning Commission supporting the proposal;
- Make recommendation to the Western Australian Planning Commission that the application should be refused.

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

Yellagonga Regional Park Management Plan 2003 – 2013.

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

The statutory provisions of DPS2 do not apply for land reserved under the Metropolitan Region Scheme (MRS). The WAPC is the decision maker for any development proposals on reserved land. Council is empowered only to make a recommendation on the proposal.

### **Risk Management considerations:**

A decision considered adverse by the applicant will give rise to the potential for an appeal.

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

Not Applicable.

### **Policy Implications:**

Not Applicable.

### **Regional Significance:**

Luisini Winery is located within land reserved for Parks and Recreation under the MRS and forms part of the Yellagonga Regional Park. The site has also been identified as Bush Forever by the WAPC.

### **Sustainability Implications:**

The Yellagonga Regional Park Management Plan provides broad directional basis for the conservation, recreation and landscape values of the park, with strategies to conserve the special features of the park.

### **Consultation:**

The proposal was advertised for public comment for a period of 30 days, from 20 November to 20 December 2006. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Letters were sent to 110 adjoining properties advertising the proposal in the locality bounded by Lakeside drive, Hocking Road, Wanneroo Road and Verdilla Lane.

During this consultation period 45 submissions were received. The submissions comprised of 12 letters in support, 10 neutral submissions and 23 objections to the proposal.

A breakdown of the submissions is shown below:

<b>Location of Submitters</b>	<b>In Support</b>	<b>Neutral Submission</b>	<b>Objection</b>
Area bounded by Lakeside Drive, Hocking Road, Wanneroo Road and Virdilla Drive	0	9	19
Other localities within City	10	1	4
Outside of City	2	0	0
<b>TOTAL</b>	12	10	23

#### Key issues arising from Public Advertising

Comments received in support of the application are summarised as follows;

- New residents in the nearby aged care facility will be within walking distance of the proposed development;
- The roundabout and directional signs will control traffic for the benefit of local residents;
- The redevelopment will be appreciated by persons using the surrounds of Lake Goollelal. The area will be enhanced with amenities provided for cyclists and walkers.
- The redevelopment will be an improvement on the eye sore at present. The building is of cultural and historical value to the community and should not be neglected. The redevelopment will preserve the history of the area for future generations.
- The boardwalk will be a great observation area and educational area.
- The establishment of a museum and/or artefact centre is a contemporary recognition of the original landowners.
- If marketed properly the site could become an attractive tourist spot.

Objection/concerns to the development application included the following issues:

- Traffic Impact;
- Proposed Access;
- Zoning of Lots 41-45;
- Appropriateness of commercial activity for this site;
- Potential noise and anti social behaviour;
- Impact on views of nearby residents over Lake Goollelal;
- Potential environmental impacts;
- ASS; and
- Insufficient Parking.

## COMMENT

### Yellagonga Regional Management Plan

The Yellagonga Regional Management Plan is a strategic document drafted by the City of Joondalup, City of Wanneroo and Department of Conservation and Land Management (CALM) to provide broad direction for the management of the Regional Park. Whilst the management plan does not identify specifically what development should occur on the Luisini Winery site, the proposed development is in accordance with the recommendations of the management plan.

### Land use

The site is reserved for “Parks and Recreation” under the Metropolitan Region Scheme. It is considered that the proposed environmental centre is consistent with the Parks and Recreation reservation as it will be associated with the Yellagonga Regional Park and will provide a focus for educational and research programs related to the park.

The proposed museum, which has already been granted approval by the WAPC, recognises the historical importance of the site and will preserve the existing winery building. The proposed museum will provide recreational opportunities for the community and is considered consistent with the Parks and Recreation reservation.

The proposed kiosk could be considered an associated incidental use to the museum and education centre and therefore would be consistent with the “Parks and Recreation” reservation.

The DPS2 does not define a café, however the Scheme identifies a “restaurant” use as:

*“any premises where the predominant use is for the preparation of food for sale and consumption within the building or portion thereof.....”*

The proposed café use could be classed as a restaurant use under DPS2 as it complies with the above definition. It can also be argued that the operating hours of the proposed café are similar to that of a restaurant in that evening meals will be served in addition to breakfast and lunch. For the purposes of this report, the term restaurant will be used in lieu of the term café.

The proposed restaurant is a commercial use, however the Yellagonga Regional Park Management Plan (2003 –2013) suggests appropriate commercial uses may be located within the Yellagonga Regional Park.

Luisini Winery has been identified in the Management Plan as a potential site for a restaurant, café or kiosk. The Management Plan lists a series of commercial guiding principles for Yellagonga Regional Park, stating that commercial activities should be compatible with the assigned purpose of the reserves within the park and that any commercial use should not compromise the natural and cultural values of the Park.

Whilst the Yellagonga Regional Park Management Plan has identified the Luisini Winery site as a potential location for a restaurant, café or kiosk use, Council needs to consider if the intensity and scale of the proposed commercial use would be appropriate in this location.

### Size and intensity of commercial use

The technical assessment of the previous application identified the close proximity of a commercial use to a low density residential area as an issue, with the impact on residential amenity being the main concern. Council however modified the City's recommendation and deleted this concern from the adopted resolution.

The WAPC subsequently advised the applicant it was concerned that the size and scale of the proposed development will have a detrimental impact on the amenity of nearby residences and on the essential character and values of the regional park.

Whilst the new application proposes a reduction in the capacity of the restaurant, the overall floor area remains unchanged. Further, there is potential for alfresco dining to increase the capacity of the restaurant.

The extent of the alfresco area has not been clearly defined on the plans, however it has been estimated that the gross floor area of the external dining area measures approximately 113m<sup>2</sup>. Should the application be approved, a condition can be imposed requiring more detailed plans to be submitted for approval, with the area and seating arrangement of the alfresco area more clearly defined.

The scale and intensity of the proposed commercial use and its potential adverse impact on the amenity of the nearby residential area are a concern. It is considered that the inappropriate scale of the commercial use for this site may also result in other issues relating to inadequate car parking and increased traffic flows through residential areas. The proposed scale and intensity of the commercial use should therefore not be supported.

### Traffic Impact

In response to this issue, the applicant commissioned a traffic impact study. A copy of the traffic report has been provided in the Councillors Reading Room for perusal.

The conclusion of this report is reproduced below:

- *“The proposed development is expected to generate approximately 400 vehicles per day.*
- *Traffic flow along Lakeway Drive south of Hocking Road could therefore increase from the existing 900 vpd to 1200 vpd per day;*
- *Traffic flow along Kingfisher Way could be expected to increase from 600 vpd to 800vpd*
- *Although both the existing and future traffic flows on Lakeway Drive exceed the suggested maximum of 800 vpd for an Access Street under (WAPC) Policy No DC 2.6, the flows are well below the acceptable maximum of 3, 000 vpd for a Local Distributor with direct lot access;*
- *The recommended parking provision for the proposed redevelopment is 65 spaces;*
- *The location of the proposed access driveway is endorsed;*
- *It is recommended that the initial portion of the access driveway be paved in contrasting colour to the existing road.*
- *The proposal will not discernibly impact on the operation of the intersection of Wanneroo Road and Hocking Road, taking into account the expected traffic generated by the Meath Care Facility.”*

The traffic impact study states that the proposal is expected to generate approximately 400 vehicle trips per day but may fluctuate between 300 and 700 trips per day. The predicted trips per day would result in an increase of 300 vehicles per day on Lakeway Drive and 200 vehicles per day on Kingfisher Way.

Main Roads of Western Australia (MRWA) "Metropolitan Functional Road Hierarchy" classifies Hocking Road, Lakeway Drive and Kingfisher Way as access roads with capacity to carry traffic volumes of up to 3000 vehicles per day (vpd). WAPC's Development Control Policy 2.6 (DC 2.6) definition of an access road is not consistent the MRWA definition, with DC 2.6 allowing a maximum of 800 vpd on an access road.

A traffic survey was conducted as part of the traffic impact assessment and identified Lakeway Drive as carrying approximately 900 vehicles per day and Kingfisher Way carrying 600vpd. The traffic movement survey concluded that Kingfisher Way and Lakeway Drive were already operating as local distributors, carrying traffic between Wanneroo Road and Hocking Road.

The traffic impact assessment and the findings of the study are considered to be accurate and appropriate, with the existing road system able to technically accommodate the additional volumes of traffic. However, it is recommended that a roundabout be considered at the intersection of the site entry, Lakeway Drive and Plover Way to provide safe vehicular access.

The Council's recommendation to the WAPC regarding the previous application to this site included the following reason for refusal:

*"The increase in traffic along Lakeway Drive and Kingfisher Way is considered to be above what is appropriate in the context of the existing neighbourhood;"*

The increased traffic flows through the residential area will be spread throughout the day, as opposed to all traffic arriving and leaving at the same time from the proposed development site. Given the existing road system is able to accommodate the proposed traffic flows, it is considered that this reason is no longer appropriate.

### Carparking

A formal car parking area of 65 sealed bays has been proposed on site in a teardrop formation. An additional informal and unsealed portion of the site for use as an overflow parking area has been proposed for up to 30 cars on an adjacent reserve that forms part of the Bush Forever site. Advice on the Bush Forever implications will be sought from the Bush Forever Office by the WAPC when considering the proposal.

The museum was approved by the WAPC in 2004, however this approval related to the refurbishment works, with a further development application required for the balance of works that includes the car park. The car parking requirements for the museum should therefore be considered as part of the assessment of the current application.

Whilst it is noted that there is no car parking standard for a museum and environmental centre use under DPS2, it is suggested that a calculation of one bay per 30m<sup>2</sup> NLA would be appropriate. This parking ratio is considered to be reasonable in this case as it is general standard that has been applied to other commercial use classes under DPS2.

Under the Scheme, the kiosk would be classified as a shop, which would require seven bays per 100m<sup>2</sup>. It is considered that a standard of seven bays per 100m<sup>2</sup> is too high for the kiosk use, given its operation will be incidental to other uses on the site.

The relevant carparking requirements of the DPS2 are summarised in the following table:

Use Class	Parking standard	Required	Proposed
Restaurant (305m <sup>2</sup> dining area and al fresco)	Greater of 1 per 5m <sup>2</sup> of dining room or 1 per 4 guests	61	65
Environment Centre (223m <sup>2</sup> Nett Lettable Area)	Use not listed, however suggested parking ratio of 1 per 30m <sup>2</sup> NLA	8	
Museum (1280m <sup>2</sup> NLA)	Use not listed, however suggested parking ratio of 1 per 30m <sup>2</sup> NLA	43	
<b>TOTAL</b>		<b>111</b>	<b>65</b>

The traffic impact assessment provided by the applicant advises that car parking for the restaurant use should be calculated at one bay per four guests (i.e. 38 car bays) and the museum, kiosk and environment centre should be calculated at one bay per 30m<sup>2</sup> of floor area. The proponent has calculated that 50 car parking bays would be required for the museum, environment and kiosk use and 38 for the restaurant. Notably, the applicant has not considered provision of parking bays for people visiting the park for picnics and other recreational activities.

A total of 65 sealed car bays is proposed for the development, as the applicant has calculated car parking requirements based on an assumption that 50 per cent of trips to the restaurant will be associated with the museum, environment centre and kiosk. Whilst it is acknowledged that a reciprocal parking concession could apply for the different uses on the site, the assumption that 50 percent of trips will be linked with the restaurant appears too high.

Restaurant uses are generally considered a use that would create a high car parking demand, whereas, the museum and the environmental centre would be considered low parking demand uses. It would seem unreasonable to reduce the restaurant parking numbers to such an extent as proposed by the Traffic Engineer for the proposed use, when the proposed museum and environmental centre uses would not normally generate a high parking demand. Further, it is considered difficult to accurately estimate the reciprocal nature of the uses proposed for the site, especially when the management and marketing of the restaurant will be the key determinant of the parking demand that would be created for this site.

The proposed informal car parking arrangement for overflow parking for up to 30 vehicles, which is on Bush Forever land, is also considered inappropriate. The movement of vehicles onto the Reserve may cause significant degradation of the natural vegetation through wear and tear. The parking of vehicles on the existing vegetation may create environmental issues as no formal drainage has been provided, with the potential for oil and petrol to contaminate the environment. Further, there is also an increased fire hazard with vehicles parked on the reserve, especially during dry periods. It is not desirable for the overflow parking area to be sealed as this would result in further encroachment into environmentally sensitive areas and would be visually intrusive.

The use of treatments such as "Ritter rings" or similar for the informal parking area is also considered to be inappropriate as excavation of the existing natural vegetation would be required. Further, this form of treatment would also not trap the contaminants such as oil, petrol, etc.

The proposed variation to the car parking requirements is not supported in this case. The proposed option of using an informal overflow car parking area on the Bush Forever site if there is an overflow is not supported. The traffic estimates for reciprocal use appear high with the potential for any overflow likely to result in street parking or on verges, which will adversely affect the amenity of adjoining residential properties.

### Environmental Implications

The applicant commissioned an Environmental Site Assessment and the Department of Environment and Conservation (DEC) has been consulted regarding the proposed development. DEC has raised no objection to the proposal, subject to the following condition:

- *"All landscaping, remediation, revegetation and park related infrastructure shall be designed, located and implemented in consultation with the Regional Parks Unit of the DEC."*

The *Water and Rivers Commission Position Statement: Wetlands (WRC, 2001)* requires a 50 metre buffer distance around a wetland area, with no built structures allowed to encroach. DEC has advised that whilst an adequate buffer is required to protect wetlands from potential deleterious impacts, the National Trust has committed to weed control and rehabilitation works in the fringing wetland vegetation of Lake Goollelal, and the 50m buffer distance is a generic measurement.

The Department of Water has also been consulted regarding the proposal and has raised no objection.

The proponent has commissioned a desktop Acid Sulphate Soils (ASS) assessment. The findings of this assessment were that no further testing would be required. Given the close proximity of the site to Lake Goollelal it is considered there may be a high risk of ASS. If the proposed boardwalk on the lake fringes or possibly within the lake is approved, there is likely to be excavation in highly sensitive areas, with a high risk of disturbing ASS soils.

The City has requested that further testing be undertaken near the site of the proposed buildings, to which the applicant has agreed.

### Heritage Status.

The site is listed on the Heritage Council of Western Australia (HCWA) Register of Heritage Places and therefore is a site of state importance. Further, the Yellagonga Regional Park, to which the development is contained, is cited within the DPS2 Schedule 5 as a place and object having significance for the purpose of protection of the landscape or environment.

The Council's recommendation to the WAPC regarding the previous application to this site included the following reason for refusal:

"The proposal would compromise the intent of Schedule 5 places and objects having significance, for the purpose of protection of the landscape and environment;"



Given that Luisini Winery is on the HCWA's State Register and that HCWA has no objection to the proposal, it is considered that the previous reason for refusal regarding the intent of Schedule 5 is no longer appropriate. Any development on and around this site must be sympathetic to the surrounding environment and comply with the requirements of the Heritage Council.

The National Trust is the proponent for the development, which ensures the heritage value of the site is maintained. It is considered that the proposal will upgrade and maintain the heritage value of the subject site and therefore has significant merit. However, the intensity of the commercial use and its on the surrounding locality is of concern.

### Noise Impact

Noise emissions from commercial activities are guided by the Environmental Protection (Noise) Regulations 1997 (the Regulations). The purpose of these regulations is to control extreme noise.

Uses such as restaurants have the potential to increase noise levels, with noise from alfresco dining areas and cars arriving and leaving the premises possibly creating a nuisance that may impact on amenity of the surrounding locality. In this case however, the residential properties are located at a sufficient distance of at least 40 metres from the proposed new buildings. It is therefore considered that the amenity of these residents will not be impacted upon in terms of increased nuisance noise.

### Issues Raised During Public Advertising

#### Traffic Impact

##### Issue

- *The data presented in the traffic impact assessments is five and a half years old and is not reflective of the current situation;*
- *Hocking Road, Lakeway Drive and Plover Way are all classified as access roads and are already operating above capacity;*
- *Increased traffic will result in a loss of amenity for nearby residents with increased noise and decreased safety.*

##### Comment

- The traffic impact statement has concluded that the existing traffic flows on either Lakeway Drive and Kingfisher Way have not increased significantly since the initial survey conducted in April 2001 and therefore the study findings and recommendations documented in the 5 February 2003 report are still applicable. The traffic report has also reviewed the Wanneroo Road and Hocking Road intersection, taking into account the Meath Health Care facility and has concluded this intersection is capable of accommodating the expected increase in traffic flows.
- As discussed earlier in this report, the findings of the traffic impact study identified the existing road system as being capable of accommodating the additional volumes of traffic.
- In terms of safety, the proposed main access onto Lakeway Drive opposite Plover Way is satisfactory, however the City has advised that a roundabout should be provided at the resulting 4-way intersection.

## Proposed Access

### Issue

- *An entrance from Hocking Road following the existing fire break would have minimal impact on the existing native flora and would reduce headlight glare, noise disturbances and traffic noise for residents.*

### Comment

Access to the site from Hocking Road was initially proposed in 2001 during preliminary discussions with the City, however CALM and all other environmental groups associated with Yellagonga Regional Park opposed this location, as natural bushland would need to be removed. The access road would have also provided a physical barrier between the park and the lake which was considered undesirable.

### Zoning of Lots 41-45 and inappropriate commercial activity on the site:

### Issue

- *When was the zoning of this site changed from Special Residential to commercial?*
- *The proposed development is inappropriate for an area zoned Special Residential.*
- *The current submission is centred on commercial maximisation. 150 seats is still too large for a restaurant on this site.*

### Comment

The site is reserved for “Parks and Recreation” under the MRS and has not been rezoned to “Commercial” or “Special Residential” in the DPS2 or MRS.

The Yellagonga Regional Park Management Plan (2003 –2013) suggests appropriate commercial uses within the park, with Luisini Winery identified as a potential site for a restaurant, café or kiosk.

The concerns regarding the size of the restaurant and intensity of the commercial activity are noted and have been discussed in earlier sections of this report.

Potential noise and anti social behaviour.

### Issue

- *The size of the restaurant and seating with an unrestricted liquor licence would encourage large functions which are likely to result in after hours noise and anti-social behaviour.*

### Comment

The type of liquor licence that may be sought by the applicant at a later stage under the Liquor Licensing Act 1988 is a separate matter to the application before Council.

The City would not support an unrestricted Liquor Licence for the development site as suggested in the submission. If the development application is subsequently approved, the City will be consulted if an application is made for a liquor licence and such a request would be considered on its merits.

Impact on views of nearby residents over Lake Goollelal

Issue

- *The proposal would affect the uninterrupted views over Lake Goollelal for residents.*

Comment

There is the potential for some loss of the uninterrupted views across Lake Goollelal, however the significant outlook from properties would be retained.

Potential environmental impacts

Issue

- *The development will have a detrimental effect on the environment, ecology and wildlife;*
- *There may be pollution due to large number of people using a fragile area;*
- *No justification has been provided for the alteration of a pristine environment for commercial gain.*
- *The new building encroaches the buffer zone;*

Comment

DEC has been consulted regarding the proposed development and were provided with a copy of the Environmental Site Assessment. In response, DEC has raised no objection to the proposal.

With regard to the proposed building encroaching within the 50 metre wetland buffer, DEC has advised that the required buffer is a generic distance and that the National Trust has committed to weed control and rehabilitation works in the fringing wetland vegetation of Lake Goollelal.

The Department of Water has also been consulted regarding the proposal and has raised no objection.

### Acid Sulphate Soils

Issue

- *More detailed ASS investigations are required given the environmental and ecological significance of Lake Goollelal.*
- *Lake Goollelal soils are very unstable and there is a strong risk of disturbing Acid Sulphate Soils.*

Comment

The City has requested testing of the site to be undertaken, to which the applicant has agreed.

There is very little detail in relation to the proposed boardwalk, which is likely to be located in an area that has a much greater potential for disturbing ASS. If the application were to be approved, it would be recommended that:

- More detailed plans showing the location and design of the boardwalk would be required to be submitted for approval;
- Testing of the soils for ASS would be required specifically in those areas where the supports posts are to be located; and
- An ASS Management Plan would need to be developed prior to works being carried out.

These details would be referred to DEC as this is the peak body on this matter.

#### Insufficient Parking

#### Issue

- *Insufficient parking has been provided for the proposed development and will result in increased traffic congestion for residents, with parking on verges and the street.*
- *The restaurant should be decreased in size to accommodate the sites maximum area for parking.*

#### Comment

It is considered that the car parking proposed for the site will not be sufficient to meet the demand from the proposed development.

Council is only required to make a recommendation to the WAPC and cannot request that the applicant to reduce the size of the restaurant.

#### Conclusion

Whilst the enjoyment of the subject site and conservation of the heritage site is strongly supported, it should be balanced against potential impacts to adjoining landowners.

It is recommended that the WAPC be advised that the application is not supported, as it is likely that the development will adversely impact on the amenity surrounding residential areas in its current form. This is attributed to a lack of adequate car parking and an inappropriate scale and intensity of the proposed commercial use for the site.

#### ATTACHMENTS

Attachment 1	Locality plan
Attachment 2	Site plan/landscape plan
Attachment 3	Development Plan

#### VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 ADVISES the Western Australian Planning Commission that the Luisini Winery Redevelopment on Lots 41-45 & 82 Lakeway Drive Kingsley is not supported as:
  - (a) The scale and intensity of the proposed land use (commercial) is considered to be inappropriate for this site given its location within the Yellagonga Regional Park and the close proximity to low density residential development where a high standard of residential amenity is expected;

- (b) The car parking provided is considered to be inadequate for the proposed uses and therefore would create undesirable traffic and parking impacts;
- 2 ADVISES the applicant, The National Trust, of its recommendation to the Western Australian Planning Commission.

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

- 1 **ADVISES the Western Australian Planning Commission that the Luisini Winery Redevelopment on Lots 41-45 & 82 Lakeway Drive Kingsley is SUPPORTED, subject to the following conditions:**
- (a) **The subject lots being amalgamated, prior to the issuing of a Building Licence;**
  - (b) **The total number of seats permitted for the internal and external dining areas shall be limited to 150;**
  - (c) **Amended plans being provided for approval of the Manager Approvals, Planning and Environmental Services, detailing the following revisions:**
    - (i) **the overflow car parking area deleted and a total of 87 formal car bays provided on-site; and**
    - (ii) **the extent of the outdoor seating area clearly identified on the floor plan;**
  - (d) **The parking bays, driveways 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 program;**
  - (e) **An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
  - (f) **All landscaping, remediation, revegetation and park related infrastructure shall be designed, located and implemented in consultation with Regional Park Unit of the Department of Environment and Conservation and thereafter maintained in accordance with a management plan as agreed by the City and WAPC;**
  - (g) **The intersection of Plover Way, Lakeway Drive and the proposed access road to be created as a roundabout at the applicant's expense to the satisfaction of the City. Engineering drawings and specifications are to be submitted to the City for approval prior to construction;**

(h) **The preparation of a Management Plan for the approval of the Manager Approvals, Planning and Environmental Services to address (but not be limited to) the following:**

- A Seating capacity and opening hours of the café / restaurant;**
- B The use of the venue;**
- C The use and opening hours of the Environment Centre;**
- D A prohibition on the carrying out of functions (eg weddings)**

**and the site subsequently being used in accordance with the Management Plan;**

(i) **The provision of bicycle parking facilities to the satisfaction of the Manager Approvals, Planning and Environmental Services;**

(j) **An acid sulphate soil management plan shall be prepared and submitted for approval by the Department of Environment and Conservation. All site works shall cease if acid sulphate soils are found. Any further site works shall be carried out in accordance with the provisions of the approved acid sulphate soil management plan by the Department of the Environment and Conservation, and to the satisfaction of the City of Joondalup and the Department of Environment and Conservation;**

**2 AGREES that, on completion of the building works associated with the development on Lots 41-45 & 82 Lakeway Drive, the City will monitor street car parking and traffic movements in Lakeway Drive and Kingfisher Way Kingsley for a minimum period of 12 months;**

**3 ADVISES the applicant, The National Trust, of its recommendation to the Western Australian Planning Commission.**

#### **Footnote**

**I Please refer to the Water Quality Protection Note “Land use Compatibility in Public Water Source Areas” for a list of activities that are considered to be compatible or conditional within P3 areas. This document is available at [www.water.wa.gov.au](http://www.water.wa.gov.au) under “Drinking Water”.**

**II The proposed boardwalk jetty and walk trail being the subject of a detailed application for separate assessment.**

**III The development site is located within the Perth Groundwater Area where there may be a requirement to obtain a Groundwater Licence for the use of groundwater. The issue of a Licence is not guaranteed but if issued will contain a number of conditions including the quantity of water than can be pumped each year.**

Cr Corr gave the following reasons for his departure from the Officer’s recommendation:

The proposed development is generally in accordance with the recommendations of the Yellagonga Regional Park Management Plan, which identifies the site as a potential location for a restaurant, cafe or kiosk use.

The proposed development has received support from government agencies and other key stakeholders, and provides an opportunity to enhance a site of significant heritage and environmental importance in the community.

A total of 87 on-site car parking spaces are required to be provided on-site based on:

- (a) 61 car parking spaces for the restaurant use, and
- (b) 50% reciprocal car parking for both the Museum and Environmental Centre uses.

Discussion ensued.

Cr Hart foreshadowed her intention to move a different motion should the Motion under consideration not be successful.

**MOVED Cr John, SECONDED Cr Fishwick that Cr Hart be permitted an extension of five minutes to speak.**

**The Motion was Put and**

**CARRIED (10/1)**

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

Further discussion ensued.

**MOVED Cr John, SECONDED Cr Magyar that Mayor Pickard be permitted an extension of time to speak.**

**The Motion was Put and**

**CARRIED (11/0)**

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

**The Motion as Moved Cr Corr and Seconded Cr Magyar was Put and** **CARRIED (8/3)**

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

*Appendices 13 and 21 refer*

To access this attachment on electronic document, click here: [Attach13brf200307.pdf](#)  
[Attach21min270307.pdf](#)

<b>Name/Position</b>	<b>Mr Garry Hunt, Chief Executive Officer</b>
<b>Item No/Subject</b>	CJ054-03/07 – Change of Land Use from Light Industrial, Office and Workshop to Landscape Supplies: Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Consultant is a former business associate of CEO

**CJ054 - 03/07 CHANGE OF LAND USE FROM LIGHT INDUSTRIAL, OFFICE AND WORKSHOP TO LANDSCAPE SUPPLIES: LOT 395 (31) AND LOT 396 (29) CANHAM WAY, GREENWOOD – [24452] [26113]**

**WARD:** South-East

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

**PURPOSE**

To request Council's determination of a development application for a change of land use to Landscape Supplies.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for change of use to Landscape Supplies. The application covers two adjacent properties, which are to be merged to form a single landscape supply business.

The application is for a change of use from Light Industrial to Landscape Supplies at Lot 395 (31) Canham Way, Greenwood and for a Change of Use from Office and Workshop to Landscape Supplies at Lot 396 (29) Canham Way, Greenwood.

The determination of this application by Council is necessary because a car-parking requirement is not specified within the District Planning Scheme No 2 (DPS2) for the land use 'Landscape Supplies'. The DPS2 requires that Council determine a car parking standard for a use where there is not one specified

The proposed development is considered to be consistent with the objectives and purposes of the Service Industrial zone.

It is recommended that the application be approved, subject to the acceptance of a car parking standard for "Landscape Supplies" of 1 bay per 500m<sup>2</sup> display area and 1 bay per staff member.

**BACKGROUND**

**Suburb/Location:** Lot 395 (31) and Lot 396 (29) Canham Way, Greenwood.  
**Applicant:** Stonetraders Pty Ltd  
**Owner:** Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De Lestang, Ms HR Nageon De Lestang  
**Zoning:** **DPS:** Service Industrial  
**MRS:** Urban  
**Site Area:** 9711m<sup>2</sup>  
**Structure Plan:** Not Applicable



At its meeting of 27 February 2007, Council deferred this item pending further investigation about the potential impacts of managing bulk soils. The subject site is bordered by Hepburn Avenue to the north and Wanneroo Road to the east with access being from Canham Way only. The site and adjoining properties are zoned Service Industrial, with the combined land area being 9711m<sup>2</sup>.

The closest residential property is at number 15 Corrigan Way. This property is more than 60 metres from the site of the proposed development and shares rear and side boundaries with numbers 22, 24, 26 and 28 Canham Way. These properties are opposite the site of the proposed development.

A building licence for an Office and Workshop was issued for Lot 396 in 1977. Lot 396 is currently vacant.

A factory and office were approved for Lot 395 in 1975, followed by extensions to these buildings, which were approved in 1976. Following this, a garage and display garage were approved in 1978 and a display area in 1979. Shed additions were approved in 2001 and office additions in 2002. The existing buildings on lot 395 are currently utilised by a home improvement company.

## DETAILS

The details of the proposal are as follows:

- 1453m<sup>2</sup> of outdoor display area and 737m<sup>2</sup> of internal display area, utilising existing buildings;
- 709m<sup>2</sup> of soil bins, accessed by a one-way internal road system;
- A total of 30 car parking spaces, with 23 car parking bays for visitors, 6 for staff and 1 disabled bay.

The relevant requirements of DPS2 for the proposed uses are summarised below:

Standard	Required	Provided	Compliance
Front setbacks (Canham Way)	6m	23.4m	Yes
Rear Setback - Lot (Hepburn Avenue)	3m	1.2m	No. Refer to comments section and condition (e)
Rear Setback – Lot (Wanneroo Road)	3m	18.6m	Yes
Side Setback (southern boundary)	Comply with BCA – nil permitted	4.2m	Yes
Side Setback (north west boundary)	Comply with BCA – nil permitted	1.1m	Yes
Landscaping	8% of site	Not specified on plans	No. Refer to comments section and condition (e)
Car Bays*	1 per staff member = <b>6 Bays</b> 1 Bay per 500m <sup>2</sup> Total Display Area = <b>5 Bays</b> <b>Total = 11 Bays</b>	30 Bays	Yes

\* Refer to Comment section of report for Car Parking Standard.

The details submitted by the applicant show that the typical size of the soil bins to be used in conjunction with the proposed business are approximately 4m x 6m x1.9m (height). The floor of the proposed bins is to be compacted soil, which should act as an impervious surface.

**Consultation:**

Clause 6.7.2 enables public consultation to be undertaken prior to the consideration of an application for Planning Approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the Service Industrial zone, and in keeping with surrounding land uses. As such, public comment has not been sought.

**Policy Implications:**

Not Applicable.

**Risk Management considerations:**

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

**Legislation – Statutory Provisions:**

Landscape Supplies is a discretionary ("D") use in the Service Industrial Zone.

A "D" use means:

*"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2;"*

Clause 6.7.2 allows Council to seek public comment prior to considering an application for Planning Approval should this be considered appropriate or necessary.

**6.7 PUBLIC NOTICE**

**6.7.2 Notification of "D" Uses**

*Before considering an application for planning approval involving a "D" use, the Council may give notice in accordance with subclause 6.7.1.*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8 as follows:

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

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

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a "D" or "A" use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclause of this clause):*

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

A car parking standard is not prescribed by Table 2 of the DPS2 and as such Council's determination is required. Clause 4.8 allows Council to determine an appropriate parking standard as follows:

#### 4.8 CAR PARKING STANDARDS

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

#### 4.12 LANDSCAPING REQUIREMENTS FOR NON RESIDENTIAL BUILDINGS

4.12.1 *A minimum of 8% of the area of a development site shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

4.12.2 *When a proposed development includes a car parking area abutting a street, an area no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause.*

4.12.3 *Landscaping shall be carried out on all those areas of a development site which are not approved for buildings, accessways, storage purposes or car parking with the exception that shade trees shall be planted and maintained by the owners in car parking areas at the rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

It should be noted that the reason for the deferral is not, in brief, a town planning consideration. The management of this part of the business operation is covered by other legislation.

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

It is considered that the proposal does not have any Strategic Plan implications.

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

Not Applicable.

#### **Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**COMMENT**Land Use

The proposed change of use to 'Landscape Supplies' is considered to be consistent with the objectives of the Service Industrial Zone as set out by DPS2. The proposal will also be consistent with surrounding land uses and will not have an adverse impact on the amenity of adjoining owners or the locality.

The Canham Way road reserve and the properties at number 22, 24, 26 and 28 Canham Way will act as a buffer between the development site and the closest residential property, which is at 15 Corrigan Way. It is considered that the businesses being carried out from any of the properties opposite the proposed development would have a greater impact on surrounding residential properties than the proposal itself.

Management of Soils

The storage of unpackaged garden soil, including mulch, must comply with the Health (Garden Soil) Regulations 1998.

The Regulations state that the proprietors are required to provide warning signs and notices for persons who purchase any soil materials. Such notice is to advise that garden soil contains micro-organisms that may be harmful to health, and further caution that gloves should be worn when handling soil, soil should be kept damp when being handled and inhaling the mix should be avoided.

Potential health risks are associated with being in direct contact with garden soil and ingesting the micro-organisms. The health risk associated with the storage of garden soil is negligible.

There is no requirement to keep stored garden soil damp, however there is provision in the Health Act 1911 that if a nuisance were to occur, the City can require action to be taken to prevent dust. Such action could include the dampening of the soil.

Contaminated blended soils

Advice from the Department of Environment and Conservation (DEC) is that potentially, peat taken from locations, like the Stirling area, can be susceptible to Acid Sulphate Soil (ASS). However, the duty of care rests with the supplier of the soil to ensure that the provisions of the State Government's Contaminated Sites Guidelines are met.

When a supplier receives soils that may be contaminated with ASS, they can ensure that the soils are sufficiently neutralised by mixing in agriculture lime. A supplier may be required to provide certification regarding neutralisation of the soil to the DEC.

A company/supplier who blends soils is required to be licensed by the DEC. Should the supplier breach its licensing requirement or fail to meet the provisions of the Contaminated Sites Guidelines, the City was advised that these matters would be investigated by the DEC.

The applicant has advised the City that the proposal does not involve the blending of soils on-site.

### Car Parking

The DPS2 does not prescribe a car parking standard for Landscape Supplies. A total of 30 bays are proposed to service the proposed land use.

In this instance, it is considered appropriate that a car parking standard of 1 car parking space per employee and 1 parking space per 500m<sup>2</sup> of display area should apply, given that:

- The DPS2 requires 1 bay per 500m<sup>2</sup> outdoor display area as part of the parking standard for garden centres. Customers purchasing soil products would park by the soil bins and therefore, it is considered that a similar standard of one bay per 500m<sup>2</sup> total display area would be ample to cater for customers not purchasing soil products;
- Other local authorities use a standard of 1 bay per staff member only for landscape supplies and is considered sufficient;
- Customers may wish to browse display areas without actually purchasing soil products; and
- Temporary parking is available in the soil bin area for customers purchasing soil products, and will cater for cars with trailers.

Based on the above requirement, the required car parking provision for the proposed development would be as follows:

<b>Number of Staff Proposed / Display Area</b>	<b>Minimum Number of Car Parking Bays Required</b>	<b>Number of on-site Car Parking Bays provided</b>
6 Staff Proposed	6	12
2190.5m <sup>2</sup> display area	5	18
<b>Total</b>	<b>11</b>	<b>30</b>

Should these provisions be adopted, there is more than the required number of on-site car parking bays provided as part of the proposal to meet these standards. However, refer to comments in the landscaping section.

Whilst the business is proposed to be located across two independent lots, but owned by the one group, it is possible for one or both lots to be sold off in the future. This could potentially create problems with the operation of the current proposal in terms of car parking compliance and traffic circulation. Therefore, it is recommended that the applicant prepares a suitable agreement for approval by the City. The agreement should ensure that if any of the lots are sold, then suitable safeguards are in place to ensure the continued operation of the development proposal as submitted. If it is proposed to reduce the scale of the operation to only one lot, then planning approval should be sought to ensure continued compliance with the Scheme provisions.

### Landscaping

No landscaping detail has been provided as part of the current proposal. As such, it is suggested that a detailed landscaping plan is provided as part of the building licence submission. The detailed landscaping plan shall indicate the provision of a minimum 8% landscaping for the site, a 3 metre landscaping strip along all street boundaries and one shade tree per four car parking spaces as required by Clause 4.12 of DPS2.

The 3 metre landscaping strips required by Clause 4.12.2 of DPS2 will result in the provision of 577.5m<sup>2</sup> of landscaping. This represents 5.9% of the total site area and as such an additional 2.1% landscaping is required only. There is ample space on the southern (side) boundary to provide the remaining landscaping that will be required.

In order to comply with this condition, two car parking bays will have to be removed which will result in the provision of 28 car parking bays rather than 30 car parking bays. However, this is still more than adequate in order to meet the suggested standard and as such the proposal is supported.

The applicant will also be required to submit detailed plans in relation to the landscaping treatment proposed for the section of the site that abuts the Hepburn Avenue and Wanneroo Road frontages.

Further, the site currently has an existing electric fence within the boundaries of the property. This fencing has not been the subject of any approval. Consequently, the recommendation includes a condition that excludes the existing electric fence from this approval. A separate application for approval will also be required if the existing electric fence is to be retained, otherwise, the existing fence should be removed.

### Conclusion

The proposed change of use to 'Landscape Supplies' is considered appropriate and is supported.

The proposed parking standard will provide adequate parking for staff and visitors to the premises. On this basis, it is recommended that the application be approved.

### **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Aerial Photograph
Attachment 3	Zoning Plan
Attachment 4	Development Plan

### **VOTING REQUIREMENTS**

Simple Majority

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

- 1 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that a parking standard for "Landscape Supplies" of:**

**“one bay per 500m<sup>2</sup> display area plus one bay per employee”**

**is appropriate in this instance;**

- 2 APPROVES the application for planning approval dated 13 October 2006, submitted by Stonetraders Pty Ltd on behalf of the owners Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De Lestang & Ms HR Nageon De Lestang, for a Change of Use from Light Industrial, Office & Workshop to Landscape Supplies at Lot 395 (31) & 296 (29) Canham Way, Greenwood respectively, subject to the following conditions:**

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- (b) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (c) No access onto Wanneroo Road or Hepburn Avenue is permitted;
- (d) All signage shall be the subject of a separate Planning Application;
- (e) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning & Environmental Services for the site and adjoining road verge for approval with the Building Licence submission. These plans shall detail:

  - (i) A minimum of 8% Landscaping for the site;
  - (ii) An area no less than 3 metres in width, within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Manager Approvals, Planning and Environmental Services. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause; and
  - (iii) A minimum of one shade tree per four car parking bays; and
  - (iv) The proposed treatment of the site abutting the Hepburn Avenue and Wanneroo Road frontages;
- (f) The road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (g) The vehicle movement system shown on the approved plans, shall be clearly marked on the pavements and driveways prior to the commencement of operations;
- (h) Staff bays to be clearly marked to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (i) The two car parking bays closest to Canham Way are to be deleted. All parking bays shall be set back three (3) metres from the street boundary;



- (j) The site is to be used for “Landscape Supplies” as defined by the City of Joondalup District Planning Scheme No 2. Blending of soils on-site is not permitted as part of this approval;
- (k) A suitable agreement being prepared to the satisfaction of the Manager Approvals Planning and Environment, such an agreement is to ensure that the use of the two sites for Landscaping Supplies can continue, even if one or both lots are sold. If the scale of operation is to be reduced, then a new application for Planning Approval is to be submitted to ensure compliance with the Scheme provisions.
- (l) The agreement approved by the Manager Approvals Planning and Environment is to come into effect no later than 6 months after the commencement of the proposed use that is the subject of this approval;
- (m) Any costs associated with the preparation and finalisation of the agreement required in (k) is to be borne by the applicant.
- (n) The existing unauthorised electric fence is not part of the planning approval and is to be removed unless approval is granted under a separate application for Planning Approval;
- (o) A detailed soil management plan is to be submitted to, and approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of operations. The soil management plan shall cover, but not be limited to, methods of dust control and the delivery and storage of soils. All operations at the site are to be in accordance with the approved soil management plan.

Discussion ensued.

**AMENDMENT MOVED Cr Hart, SECONDED Cr John that additional Points 2 (p), (q) and (r) together with a Footnote be added to the Motion as follows:**

- “2
- (p) The height of any soil/soil mixes being limited to a maximum of 2m above ground level and stored only within the soil bins defined within the development application;
  - (q) The soils/soil mixes being kept moist at all times;
  - (r) The soil bins being reticulated to ensure that soils/soil mixes are kept moist at all times, such reticulation being:
    - (i) operational prior to the storage of any soils on site, and
    - (ii) provided in accordance with any necessary approval or exemption requirements of relevant state government authorities.

**Footnote**

- 1** The applicant complying with any requirements of the DEC/Health Department of WA regarding the management of soils/soil mixes including those containing manure.”

Discussion ensued.

**The Amendment was Put and**

**CARRIED (9/2)**

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

**AMENDMENT MOVED Mayor Pickard, SECONDED Cr Magyar that the words “...within 28 days...” be added to Point 2 (n) of the Motion after the word “removed”.**

**The Amendment was Put and**

**CARRIED (11/0)**

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

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

**That Council:**

- 1** Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, **DETERMINES** that a parking standard for "Landscape Supplies" of:

“one bay per 500m<sup>2</sup> display area plus one bay per employee”

is appropriate in this instance;

- 2** **APPROVES** the application for planning approval dated 13 October 2006, submitted by Stonetraders Pty Ltd on behalf of the owners Tait Nominees Pty Ltd, Winmee Pty Ltd, BM Nageon De Lestang & Ms HR Nageon De Lestang, for a Change of Use from Light Industrial, Office & Workshop to Landscape Supplies at Lot 395 (31) & 296 (29) Canham Way, Greenwood respectively, subject to the following conditions:

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
- (b) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;

- (c) No access onto Wanneroo Road or Hepburn Avenue is permitted;**
- (f) All signage shall be the subject of a separate Planning Application;**
- (g) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning & Environmental Services for the site and adjoining road verge for approval with the Building Licence submission. These plans shall detail:
  - (i) A minimum of 8% Landscaping for the site;**
  - (ii) An area no less than 3 metres in width, within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Manager Approvals, Planning and Environmental Services. This landscaped area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause; and**
  - (iii) A minimum of one shade tree per four car parking bays; and**
  - (iv) The proposed treatment of the site abutting the Hepburn Avenue and Wanneroo Road frontages;****
- (f) The road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (g) The vehicle movement system shown on the approved plans, shall be clearly marked on the pavements and driveways prior to the commencement of operations;**
- (h) Staff bays to be clearly marked to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (i) The two car parking bays closest to Canham Way are to be deleted. All parking bays shall be set back three (3) metres from the street boundary;**
- (j) The site is to be used for “Landscape Supplies” as defined by the City of Joondalup District Planning Scheme No 2. Blending of soils on-site is not permitted as part of this approval;**
- (k) A suitable agreement being prepared to the satisfaction of the Manager Approvals Planning and Environment, such an agreement is to ensure that the use of the two sites for Landscaping Supplies can continue, even if one or both lots are sold. If the scale of operation is to be reduced, then a new application for Planning Approval is to be submitted to ensure compliance with the Scheme provisions.**
- (l) The agreement approved by the Manager Approvals Planning and Environment is to come into effect no later than 6 months after the commencement of the proposed use that is the subject of this approval;**

- (m) Any costs associated with the preparation and finalisation of the agreement required in (k) is to be borne by the applicant.
- (n) The existing unauthorised electric fence is not part of the planning approval and is to be removed within 28 days unless approval is granted under a separate application for Planning Approval;
- (o) A detailed soil management plan is to be submitted to, and approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of operations. The soil management plan shall cover, but not be limited to, methods of dust control and the delivery and storage of soils. All operations at the site are to be in accordance with the approved soil management plan;
- (p) The height of any soil/soil mixes being limited to a maximum of 2m above ground level and stored only within the soil bins defined within the development application;
- (q) The soils/soil mixes being kept moist at all times;
- (r) The soil bins being reticulated to ensure that soils/soil mixes are kept moist at all times, such reticulation being:
  - (i) operational prior to the storage of any soils on site, and
  - (ii) provided in accordance with any necessary approval or exemption requirements of relevant state government authorities.

#### Footnote

- 1 The applicant complying with any requirements of the DEC/Health Department of WA regarding the management of soils/soil mixes including those containing manure.

was Put and

CARRIED (8/3)

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

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf200307.pdf](#)

## **CJ055 - 03/07 PROPOSED ROAD RESERVE CLOSURES - YELLAGONGA REGIONAL PARK – [04381] [01018]**

**WARD:** North and South-East

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

### **PURPOSE**

The purpose of this report is to seek Council's consent to initiate proposed road reserve closures within the Yellagonga Regional Park (the Park) to facilitate the amalgamation of the land.

### **EXECUTIVE SUMMARY**

The Western Australian Planning Commission (WAPC) has commenced a process to review and rationalise the land and management arrangements within the Park. As part of the exercise, a request has been received from the WAPC to close two portions of unconstructed road reserve to enable these to be amalgamated into the Park. The subject areas are adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to Lot 43 Bindaree Terrace, Kingsley.

Under legislation, the City is required to progress the road closure requests on behalf of the WAPC.

The WAPC has advised it will provide, through the Department for Planning and Infrastructure (DPI), any necessary easements to protect existing infrastructure within the road reserves. Should it be necessary to relocate any service infrastructure located within the subject land, this would be negotiated between the service agency and the managing agency for the land.

The current request for the road reserve closures will facilitate the process of amalgamating the portions of road reserve with the adjoining land within the Park. As the road reserves are not required, it is recommended that Council initiates the proposed road reserve closures within the Yellagonga Regional Park through the commencement of public advertising for a period of 35 days.

### **BACKGROUND**

**Suburb/Location:** Adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to Lot 43 Bindaree Terrace, Kingsley

**Applicant:** Western Australian Planning Commission

**Owner:** Western Australian Planning Commission & City of Joondalup

**Zoning:** **DPS:** Parks & Recreation  
**MRS:** Park & Recreation

**Site Area:** 6577m<sup>2</sup> & 3410m<sup>2</sup>

**Structure Plan:** Not applicable

The Yellagonga Regional Park is one of eight regional parks in the Perth Metropolitan Region. It comprises 1400 hectares and is primarily focussed on a wetland system that includes Lake Joondalup, Beenyup and Walluburnup Swamps, Lake Goollelal and the surrounding reserved land. The Park is located within the municipal boundaries of the Cities of Joondalup and Wanneroo.

Land within the Park consists of reserves managed by State Government agencies including the WAPC and Department of Environment and Conservation (DEC, formerly the Department of Conservation and Land Management (CALM)), the Cities of Joondalup and Wanneroo, as well as owned or managed by government agencies and private individuals (Attachment 2 refers).

The Yellagonga Regional Park Management Plan (the Plan) was adopted by the two local governments and CALM to ensure conservation of the Park and to facilitate its management. It includes the most appropriate tenure arrangements for the land within the Park, reserving land and providing Management Orders ('vesting') of the land to achieve comprehensive management of the Park. (Attachment 2 refers).

#### Unconstructed Road Reserve adjacent to Lot 70 Joondalup Drive, Joondalup

Lot 70 Joondalup Drive is located at the northern end of the Park near Lake Joondalup on the curve of Joondalup Drive (Attachment 1 refers). It is 1.416 hectares in area. Lot 70 is classified as a Bush Forever site. The Neerabup Water Supply Pumping Station is located on adjacent Lot 13404.

The subject portion of unconstructed road reserve adjacent to Lot 70 Joondalup Drive is 6577m<sup>2</sup> in area and is shown hatched on Attachment 1. Lot 70 is managed by the WAPC.

#### Unconstructed Road Reserve adjacent to Lot 43 Bindaree Terrace, Kingsley

Lot 43 is located at the southern end of the Park, adjacent to the western edge of Lake Goollelal (Attachment 1 refers). It is 1682m<sup>2</sup> in area. Bindaree Park abuts Lot 43 to the north.

The subject portion of unconstructed road reserve adjacent to Lot 43 Bindaree Terrace is 3410m<sup>2</sup> in area and is shown hatched on Attachment 1. Lot 43 is owned and managed by the City of Joondalup.

### **DETAILS**

The WAPC has commenced a process of review and rationalisation of land and its management within the Park. The aim of this process is to develop and maintain integrated and coordinated management arrangements between the current managers of the Park and planning authorities. The outcome of the process is for the land parcels to be managed by the most appropriate State Government agencies, where possible, and involves land tenure changes. In most cases, the most appropriate management agency is the DEC.

The Yellagonga Regional Park Management Plan does not identify the road reserves for road construction in the future. The City has drainage infrastructure located in the road reserve adjacent to Lot 43 which would remain in place, however no easement would be required. Alinta and Water Corporation have infrastructure located in the road reserve adjacent to Lot 70 which would remain in place, and an easement required. The easement would be provided by the WAPC as owners of the land.

### **Options:**

The options available to Council are:

- Support the proposed road reserve closures.
- Not support the proposed road reserve closures.

**Link to Strategic Plan:**

Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

**Legislation – Statutory Provisions:**

A road closure is required to be undertaken by a local authority in accordance with Section 58 of the Land Administration Act 1997. A request can be made to close a road reserve and amalgamate that land into an adjoining property. As part of this process, service authorities are requested to provide details of any service plant that is located within the proposed road reserve to be amalgamated. If such infrastructure exists, the cost of relocation or provision of easements to protect and obtain access to that infrastructure, should the need arise in the future, are generally met by the applicant/landowner.

If Council supports the road closure, the proposal is advertised for public comment for a period of 35 days, as required under Section 58 of the Land Administration Act 1997. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the request, all relevant documentation is forwarded to the DPI with a request to formally close the road for its determination. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

If service infrastructure is located within the subject portions of land, the WAPC has advised that it would provide any necessary easements to protect and obtain access to that infrastructure. However, should infrastructure need relocation, the cost of relocation would be the subject of negotiation between the service agency and the managing agency of the area.

The City is responsible for all costs associated with advertising the proposed road reserve closure. The current budget has sufficient funds to cover the advertising costs.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed road reserve closures would facilitate the management of the Park in accordance with the Yellagonga Regional Park Management Plan 2003-2013 to achieve a more environmentally sustainable outcome.

**Consultation:**

The service authorities (Telstra, Western Power, Alinta Gas and Water Corporation) are consulted to determine if there are services or assets which would be affected by the proposed road reserve closure. At the time of preparing this report, responses from all service agencies had not been received.

If the proposal is supported by Council, public advertising will occur for 35 days as required under Section 58 of the Land Administration Act (LAA), as follows:

- Nearby landowners being notified in writing;
- A notice being placed in the local newspaper;
- A sign being erected on site;
- A notice being placed on the City's website.

Upon closure of advertising, the matter will be presented to Council for its further consideration, together with details of submissions received during the advertising period.

**COMMENT**

The City has not initiated the proposed road reserve closure and is not the determining authority for the proposal. However, the City is required by the LAA to undertake the public consultation on this matter as it relates to land within its jurisdiction.

The City has drainage infrastructure located in the road reserve adjacent to Lot 43 which would remain in place, however no easement would be required. Alinta and Water Corporation have service infrastructure located in the road reserve adjacent to Lot 70 which would remain in place, and an easement required. The easement would be provided by the WAPC as owners of the land.

The subject portions of road reserves are not required for the construction of roads. The proposed road reserve closures will facilitate management of the Park in accordance with the approved plan by enabling the process of amalgamating the portions of road reserve with the adjoining land within the Park. The proposed road reserve closures are unlikely to create any adverse impact on the Park and it is recommended that Council initiate the closure process and commence public advertising.

**ATTACHMENTS**

Attachment 1	Plans of subject road reserves for closure
Attachment 2	Yellagonga Regional Park Management Plan 2003 –2013 Existing Tenure Map and Management Areas

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council INITIATES the closure of portions of road reserve adjacent to Lot 70 Joondalup Drive, Joondalup and adjacent to Lot 43 Bindaree Terrace, Kingsley, as shown in Attachment 1 to Report CJ055-03/07, for the purposes of public advertising for a period of 35 days.



**MOVED Cr Corr, SECONDED Cr Hart that consideration of proposed road reserve closures – Yellagonga Regional Park be DEFERRED until the next ordinary meeting of Council.**

**The Motion was Put and**

**CARRIED (9/2)**

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

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf200307.pdf](#)*

## **CJ056 - 03/07 PROPOSED STANDARD STRUCTURE PLAN TEMPLATE – [80597]**

**WARD:** All

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

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### **PURPOSE**

The purpose of this report is to request Council's endorsement of a standard structure plan template to apply to future structure plan proposals.

### **EXECUTIVE SUMMARY**

A structure plan is a planning tool that sets out the vision and planning framework for the future development of an area of land. The City's adopted structure plans have been prepared by different planning consultants over time, resulting in their content and presentation being varied. At its meeting held on 31 October 2006, Council resolved to require the preparation of a standard template for future structure plans. The intention of the template is to provide clarification and uniformity in the content and format of the structure plan documents.

A structure plan template has now been prepared. Under the resolution, the template is to be adopted under District Planning Scheme No 2 (DPS2). Amending the DPS2 is, however, a lengthy process (up to 12 months) that includes compulsory public advertising. Since the template is principally a working document that sets out a standardised layout, inclusion in the DPS2 would be of no benefit.

It is therefore recommended that Council amends Part 2 of its 31 October 2006 resolution to remove the requirement to adopt a structure plan template under DPS2 and instead endorses the proposed structure plan template as a procedural document to be used through the planning assessment process for all future structure plan proposals.

## BACKGROUND

Provisions within structure plans are intended to supplement the requirements of DPS2 and the Residential Design Codes (R-Codes). Due largely to changes to the R-Codes over time, and the fact that the current structure plans have been developed over several years by different planning consultants, the wording and formatting of the adopted structure plans differ from one another.

This inconsistency in the wording of structure plans has created uncertainty in relation to the development and building approval processes, particularly for residential land.

At its meeting on 31 October 2006, Council in considering a range of standard amendments to existing structure plans resolved, in part, the following (CJ197-10/06 refers):

- 2 *REQUIRES the preparation of a standard structure plan template by the City, to be adopted through an amendment to District Planning Scheme No 2.*

## DETAILS

Further to the resolution of the Council, a structure plan template has now been prepared. The proposed template is based on the provisions of Part 9 and Schedule 7 of District Planning Scheme No 2, which set out matters that may be required to be included in structure plans.

A structure plan is comprised of 2 parts: Part 1 – Statutory Planning Section and Part 2 – Explanatory Report. The proposed template includes standard requirements for both Part 1 and Part 2 documents (Attachment 1 refers).

Part 1 includes headings and standard wording for the structure plan area, interpretations, enforcement date, DPS2 and R-Codes relationships, zones/reserves, retail nett lettable area, and general and special provisions. A section requiring the provision of 3 maps is also included, comprising the Zoning Map, the Residential Density Code Map and the Structure Plan Map.

Part 2 includes headings for background in terms of the characteristics of the site and planning context, the design philosophy, land uses, structure plan objectives and issues, and implementation/staging.

### Issues and options considered:

Council has the following options:

- Amend Part 2 of the 31 October 2006 resolution and accept the proposed structure plan template.
- Amend Part 2 of the 31 October 2006 resolution and accept the proposed structure plan template, with modifications.
- Not amend Part 2 of the 31 October 2006 resolution and require the template to be adopted through an amendment to DPS2.

**Link to Strategic Plan:**

The recommendation in this report is broadly linked to the objectives and strategies of the City's Strategic Plan 2003-2008. The template seeks to improve process and, as such, customer service. As an administrative issue, it is best dealt with through an administrative process rather than through an amendment to DPS2.

**Legislation – Statutory Provisions:**

Under the Local Government Act 1995 (LG Act), under regulations prescribed to deal with Section 5.25(e) of the LG Act, revoking or changing decisions made at Council or Committee meetings are to be dealt with in the following manner (italicised):

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Under the Local Government Act, public consultation is not required in order for Council to consider amending a former resolution.

**COMMENT****Proposed Structure Plan Template**

A structure plan is comprised of Part 1 – Statutory Planning Section, which includes required maps and Part 2 – Explanatory Report. The proposed structure plan template sets out minimum requirements for any structure plan. More complex structure plans may need additional information and headings. Similarly, structure plans over land that is significantly constrained by its topography, environmental factors and certain surrounding existing land uses, for example, would need to include additional information.

### Adoption Under DPS2

Council's resolution of 31 October 2006 requires a structure plan template to be adopted under DPS2. Amending DPS2 is, however, a lengthy process that includes compulsory public advertising. The template is principally a working document that sets out standard headings and wording, and inclusion in DPS2 would be of no benefit. In addition, should any changes be required to the template over time, the changes would need to go through the same scheme amendment process.

In view of the above, it is considered more appropriate to endorse the proposed template as a process document rather than adopting it under DPS2. It is recommended that Council reconsider its former resolution and remove this requirement.

### **ATTACHMENTS**

Attachment 1            Proposed Structure Plan Template

### **VOTING REQUIREMENTS**

Absolute Majority

### **MOVED Cr Amphlett, SECONDED Cr Jacob that Council:**

- 1        AMENDS Part 2 of Resolution CJ197-10/06 to remove the requirement to adopt a structure plan template under District Planning Scheme No 2 and ENDORSES the proposed structure plan template as a working document for the assessment of all future structure plan proposals;**
- 2        FORWARDS the decision to the Western Australian Planning Commission and submitters who were previously advised of Council's 31 October 2006 resolution.**

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (11/0)**

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

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf200307.pdf](#)*

## **CJ057 - 03/07 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – JANUARY 2007 – [07032] [05961]**

**WARD:** All

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

### **PURPOSE**

To report on the number and nature of applications considered under Delegated Authority.

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of January 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for January 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of January 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	125	19,765,094
R-Code variations (Single Houses)	43	3,017,085
<b>Total</b>	168	22,782,179

The number of development applications received in January 2007 was 75. (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Processed Under Delegated Authority Month of January 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	2	2
Strata Subdivision Applications	1	2

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 December 2005 considered and adopted the most recent Town Planning Delegation for a period of two years.

## **DETAILS**

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

Not Applicable.

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

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk Management considerations:**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

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

Not Applicable.

### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 125 development applications determined during January 2007, consultation was undertaken for 35 of those applications. Of the 3 subdivision applications determined during January 2007, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

**ATTACHMENTS**

Attachment 1	January 2007 decisions - Development Applications
Attachment 2	January 2007 decisions - Subdivision Applications

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 development applications described in Report CJ057-03/07 for the January 2007;**
- 2 subdivision applications described in Report CJ057-03/07 for the month of January 2007.**

**The Motion was Put and CARRIED (11/0) by En Bloc Resolution following consideration of Item CJ060-03//07, Page 153 refers.**

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

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf200307.pdf](#)*

## **CJ058 - 03/07 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE MEETINGS HELD ON 6 DECEMBER 2006 AND 7 FEBRUARY 2007 - [55511]**

**WARD:** All

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

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### **PURPOSE**

To submit the minutes of the Seniors Interests Advisory Committee meetings to Council for noting and endorsement of the recommendations contained therein.

### **EXECUTIVE SUMMARY**

Meetings of the Seniors Interests Advisory Committee were held on 6 December 2006 and 7 February 2007.

The items of business that were considered by the Committee on 6 December 2006 were:

- Review of Seniors Plan 2004-2008
- Seniors: This Is Your Life Event
- Presentation – Tales of Times Past – item withheld until a later date
- Presentation – Local Studies
- Presentation – Seniors Participation in 2007 Joondalup Festival



The items of business that were considered by the Committee on 7 February 2007 were:

- Review of Seniors Plan 2004-2008: Seniors Interests Advisory Committee Consultation
- Election of new presiding person
- Proposed Activities Budget and Name for 2007 Seniors Event
- Seniors Interests Advisory Committee Vacancy

*It is recommended that Council:*

- 1 *NOTES the confirmed minutes of the Seniors Interests Advisory Committee held on 6 December 2006 forming Attachment 1 to Report CJ058-03/07;*
- 2 *NOTES that the Budget for the 2007 Seniors event is subject to further investigation and will be presented at a later date;*
- 3 *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 7 February 2007 forming Attachment 2 to Report CJ058-03/07;*
- 4 (a) *ACCEPTS the resignation of Ms Sharleen Mann from the Seniors Interests Advisory Committee;*  
  
(b) *THANKS Ms Mann for her commitment and significant contribution to the work of the Committee;*
- 5 *NOTES the proposed review process for the Seniors Plan 2004 –2008;*
- 6 (a) *NOTES the report on the “Seniors: This is Your Life” event;*  
  
(b) *NOTES the Committee’s ENDORSEMENT of recommendations;*
- 7 *NOTES the report on the consultation process to be undertaken with the Seniors Interests Advisory Committee as part of the review of the Seniors Plan 2004 – 2008;*
- 8 (a) *NOTES the report on the Proposed Activities Budget and Name for the 2007 Seniors Event;*  
  
(b) *ENDORSES the name for the 2007 seniors event “Seniors: The Art of Ageing”;*
- 9 *NOTES the process undertaken to fill the Seniors Interests Advisory Committee Vacancy.*

## **BACKGROUND**

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

## **DETAILS**

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

The Motions moved at the Seniors Interests Advisory Committee meeting held on 6 December 2006 are shown below, together with officer's comments.

#### **1 Review of Seniors Plan 2004-2008**

The following Motion was moved at the meeting on 6 December 2006:

*"That the Seniors Interests Advisory Committee SUPPORTS the proposed review process of the Seniors Plan 2004-2008."*

#### **2 Seniors: This Is Your Life Event**

The following Motion was moved at the meeting on 6 December 2006:

*"That the Seniors Interest Advisory Committee:*

- 1 NOTES the report on the "Seniors: This is Your Life" event;*
- 2 ENDORSES the recommendations from the "Seniors: This is Your Life" report;*
  - (a) That the range and diversity of activities be continued in future seniors events;*
  - (b) That the objectives developed for this 2006 event become a benchmark in planning future seniors events, being adapted when appropriate to reflect the changing needs of seniors identified by the SIAC as well as universal current and contemporary issues identified by peak seniors organisations such as the Office of Seniors Interests & Volunteering, Council on the Ageing and the World Health Organisation;*
  - (c) That the SIAC working party, meets in February 2007 to commence the planning process for the next seniors event. At the same time, liaison begins with internal and external shareholders / potential partners to ensure the delivery of an extensive high quality program of activities. That promotion of future events includes meeting with a whole range of seniors groups throughout the community, to engage these groups and their members in participating in future events as individuals and/or as a group;*

- (d) *Given the worth of various activities and issues including those identified by the SIAC as well as acknowledged contemporary universal seniors issues, it is important that the working group explore a means of providing information for seniors in different and creative ways, which link the more thought-provoking issues within the context of enjoyable events and activities;*
- (e) *That \$5,000 be considered in the 2007/2008 budget deliberations to enable the City to provide a seniors event in 2007 and that the SIAC working group continue to be guided by the objectives, working with internal and external partners to showcase existing programs and activities in the community.*

#### Officer's Comment

In the report presented to the February meeting an estimated amount of \$7600 was recommended subject to further investigation and budget deliberations for the Seniors Event in 2007. It is therefore recommended that Council not proceed with recommendation 2(e) from the 6 December 2006 meeting, until a new recommendation can be put to the committee for inclusion in the 2007/08 budget considerations.

### **3 Presentation – Local Studies**

A presentation was given by Library Reference & Local Studies Officer.

Guest presenters at SIAC meetings offer opportunities for Committee members to increase their knowledge about a wide range of internal and external projects, programs and activities. The impact of such an initiative is widespread. As well as individual Committee members, beneficiaries include the collective Committee who integrate new information into recommendations and decision-making processes, which are advantageous for Council and the community.

### **4 Presentation – Seniors Participation in 2007 Joondalup Festival**

A presentation given by the Acting Cultural Development Co-ordinator regarding seniors' participation in the 2007 Joondalup Festival.

### **5 Review of the Seniors Plan 2004 – 2008: Seniors Interests Advisory Committee Consultation**

The following Motion was moved at the meeting on 7 February 2007:

*“That the Seniors Interests Advisory Committee UNDERTAKES the “Review of the Seniors Plan 2004 –2008; Seniors Interests Advisory Committee Consultation” in accordance with the proposed framework.”*

Committee members participated in a consultation workshop at the conclusion of the SIAC meeting on 7 February 2007. The workshop was facilitated by Ali Sumner, a consultant with POWA Institute. The Committee was asked to focus on two areas:

- Identify the current issues for City of Joondalup seniors;
- Identify the emerging issues for City of Joondalup seniors.

It is anticipated that consultation with other stakeholder groups will have a similar focus in any workshop environment, whilst more detailed questions can be asked in telephone/ mail surveys.

## **6 Proposed Activities Budget and name for 2007 Seniors Event**

The following Motions were moved at the meeting on 7 February 2007:

*“That the Seniors Interests Advisory Committee:*

- 1 *NOTES the report on the proposed activities budget for the 2007 Seniors Event;*
- 2 *NOTES the suggested names for the 2007 Seniors Event;*
- 3 *ENDORSES a name for the 2007 seniors event from suggestions offered or recommends another appropriate name;*
- 4 *ENDORSES the name “Seniors: The Art of Ageing” for the 2007 seniors event.”*

### Officer’s Comment

The name chosen for the 2007 event “Seniors: The Art of Ageing,” will continue with a theme started in 2006. It offers the opportunity to provide an extensive program of activities and events under a broad concept (the art of), in addition to “continuity,” with a positive recognisable theme for future events i.e. 2006 - Seniors: This is Your Life, 2007 - Seniors: The Art of Ageing, 2008 - Seniors: Ageing with Attitude.

## **7 Seniors Interests Advisory Committee Vacancy**

The following Motion was moved at the meeting on 7 February 2007:

*“That the Seniors Interests Advisory Committee NOTES the information provided about the “industry representative” vacancy and the process to be undertaken to fill that vacancy.*

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

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.
- 1.2 To meet the cultural needs and values of the community.
- 1.3 To continue to provide services that meet changing needs of a diverse and growing Community.
- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.3 To continue to meet changing demographic needs.
- 4.3 To ensure the City responds to and communicates with the community.

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

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Budget Amount:                   \$ 2000

Associated costs of the review will include advertising and printing of posters and pamphlets to promote the review to community members. Funds have been allocated in the 2006/07 budget to assist with the implementation of the Seniors Plan.

Any future initiatives that are to be undertaken by the City as a result of their inclusion in the Seniors Plan would need to seek funding approval through normal Council budget allocation processes.

**Policy Implications:**

The existing policies that are deemed to have the most impact on seniors are:

- Access and inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities)
- Rates (reduced rates for seniors)
- Fees and Charges (reduced fees for seniors for some services)
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

**Regional Significance:**

The Seniors Interests Advisory Committee is a locally focussed group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

**COMMENT**

Committee participation in the Seniors Plan 2004 – 2008 review and consultation process assists in ensuring that seniors are adequately represented in the planning processes and the strategic directions being developed for older people in the City.

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Minutes of Seniors Interests Advisory Committee meeting held 6 December 2006 |
| Attachment 2 | Minutes of Seniors Interests Advisory Committee meeting held 7 February 2007 |

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 **NOTES the confirmed minutes of the Seniors Interests Advisory Committee held on 6 December 2006 forming Attachment 1 to Report CJ058-03/07;**
- 2 **NOTES that the Budget for the 2007 Seniors event is subject to further investigation and will be presented at a later date;**
- 3 **NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee held on 7 February 2007 forming Attachment 2 to Report CJ058-03/07;**
- 4 (a) **ACCEPTS the resignation of Ms Sharleen Mann from the Seniors Interests Advisory Committee;**  
  
(b) **THANKS Ms Mann for her commitment and significant contribution to the work of the Committee;**
- 5 **NOTES the proposed review process for the Seniors Plan 2004 –2008;**
- 6 (a) **NOTES the report on the “Seniors: This is Your Life” event;**  
  
(b) **NOTES the Committee’s ENDORSEMENT of recommendations;**
- 7 **NOTES the report on the consultation process to be undertaken with the Seniors Interests Advisory Committee as part of the review of the Seniors Plan 2004 – 2008;**
- 8 (a) **NOTES the Report on the Proposed Activities Budget and Name for the 2007 Seniors Event;**  
  
(b) **ENDORSES the name for the 2007 seniors event “Seniors: The Art of Ageing”;**
- 9 **NOTES the process undertaken to fill the Seniors Interests Advisory Committee Vacancy.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf200307.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr K Hollywood</b>
<b>Item No/Subject</b>	CJ059-03/07 – Proposed Amendment to Burns Beach Structure Plan, Northern Residential Precinct and other Minor Changes
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Cr Hollywood resides on the border of the new development

**CJ059 - 03/07 PROPOSED AMENDMENT TO BURNS BEACH STRUCTURE PLAN, NORTHERN RESIDENTIAL PRECINCT AND OTHER MINOR CHANGES - [29557]**

**WARD:** North

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

**PURPOSE**

The purpose of this report is for Council to consider submissions received as a result of a public meeting and extended public consultation on proposed amendments to the Burns Beach Structure Plan.

**EXECUTIVE SUMMARY**

The Burns Beach Structure Plan covers 147 hectares situated north of Burns Beach Road and west of Marmion Avenue, Burns Beach. The structure plan includes objectives and development provisions to guide the subdivision and development of the site. It was adopted by the Council and certified by the Western Australian Planning Commission (WAPC) in 2005.

It is proposed to amend the structure plan to:

- rename the Special Design Precinct to the Northern Residential Precinct;
- add several medium density areas with associated development provisions;
- change the definition of ground lot level for all lots in the structure plan area;
- make minor amendments to existing provisions to provide greater clarity;
- add permissible land uses;
- amend permissible land uses in the Beach Shop/Lunch Bar and Restaurant Precinct and rename the Precinct;
- increase the size of the Local Shop Precinct and amend land use and car parking provisions; and
- include an update of the public open space (POS) schedule to reflect minor changes to the layout of POS resulting from subdivision approvals and the final design of the Northern Residential Precinct.

On 27 February 2007 Council resolved to defer the matter, pending the outcome of a public meeting to be held by the developer to explain the proposal, and a further opportunity being given for affected landowners to submit comments.

Notes of the proceedings of the public meeting attended by approximately sixty people have been provided to the City, and four (4) submissions were received. The issues raised relate to building height, car parking, the Local Shop Precinct, density, retaining walls, retention of topography and native vegetation, minor changes to the current development provisions and sand drift.

The concerns raised in submissions are analysed in this report. It is recommended that the Council adopt the proposed modified amendment to the structure plan, and submit the amendment to the Western Australian Planning Commission (WAPC) for adoption and certification.

## BACKGROUND

<b>Suburb/Location:</b>	Burns Beach
<b>Applicant:</b>	Development Planning Strategies
<b>Owner:</b>	Burns Beach Property Trust
<b>Zoning:</b>	<b>DPS:</b> Urban Development
	<b>MRS:</b> Urban/Parks and Recreation
<b>Site Area:</b>	147 hectares
<b>Structure Plan:</b>	Burns Beach

The Burns Beach Structure Plan (BBSP) covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue that is zoned 'Urban Development' under District Planning Scheme No 2 (DPS2). The BBSP will facilitate the future development of approximately 1600 dwellings.

The following seven development precincts are identified in the current BBSP:

- Residential R20 Precinct
- Residential R40 Precinct
- Special Residential Precinct
- Local Shop Precinct
- Beach Shop/Lunch Bar and Restaurant Precinct
- Parks & Recreation Reserve
- Special Design Precinct

This report is concerned with proposed detailed changes to some general provisions that do not impact on the overall structure plan, and significant proposed changes to the Special Design Precinct controls.

The BBSP was adopted by the Council on 15 March 2005 and certified by the WAPC on 3 May 2005. Staged subdivision of the subject land (for predominantly residential use) is currently underway, with approximately 450 lots created to date.



### Previous Council Resolution

Council considered the proposed amendments to the BBSP at its meeting on 31 October 2006 in order to decide whether or not to initiate public advertising, and resolved as follows (CJ196-10/06 refers):

- 1 Pursuant to clause 9.7 of the City of Joondalup's District Planning Scheme No 2, INITIATES public advertising of the proposed amendments to the Burns Beach Structure Plan, including additional provisions for the Northern Residential Precinct and minor changes to existing provisions, as per Attachment 3 to this report, for a period of 35 days, once the following changes have been undertaken:
  - (a) *MODIFY Section 3.0 Definitions, by deleting the existing definition of Ground Lot Level and inserting a new definition as follows:*
    - (i) *"Ground lot level" shall mean the finished level of the lot relative to the midpoint of the verge that it fronts (existing or established at subdivision stage) and immediately adjacent to the lot.*
  - (b) *MODIFY Clause 5.0 Residential R20 Precinct by inserting new provision 5.2 VI as follows:*

*"The ground lot level of each lot in this precinct shall be +/-0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots. Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute + / - 1.5 metres in lieu of + / -0.5 metres."*
  - (c) *MODIFY Clause 6.0 Residential R40 And R60 Precinct by inserting new provision 6.2 XVI as follows:*

*"The ground lot level of each lot in this precinct shall be +/-0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots. Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute +/- 1.5 metres in lieu of + / -0.5 metres."*
  - (d) *MODIFY Clause 9.0 Northern Residential Precinct by inserting new provision 9.2 V as follows:*

*"The ground lot level of each lot in this precinct shall be +1 / -0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots. Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute + / - 2 metres in lieu of +1 / -0.5 metres."*
  - (e) *MODIFY Clause 9.2 Land Use And General Provisions as follows:*
    - (i) *Dwellings shall be constructed to a maximum height of 2 storeys with loft areas within the roof space permitted;*

- (ii) *The maximum building height measured from natural ground level shall be:*
- A *Maximum wall height (with pitched roof) – 6.5 metres*
  - B *Maximum total building height to roof ridge – 9.5 metres*
  - C *Maximum wall and total height (parapet wall with concealed roof) – 7.5 metres*

2 *NOTES that land use permissibility provisions are proposed to be included in the Burns Beach Structure Plan through the Proposed Standard Amendments to Structure Plan report to be considered by Council at its meeting of 31 October 2006 (Item CJ197-10/06 refers).*

### Recent Council Resolution

After the completion of the ordinary consultation process, the Council considered whether to issue final approval to the Structure Plan changes on 27 February 2007, and resolved as follows (CJ023-02/07 refers):

“Council

- 1 *DEFERS consideration of the proposed amendments to the Burns Beach Structure Plan until the next Council meeting;*
- 2 *ACKNOWLEDGES that Peet Ltd will hold a public meeting on 12 March 2007, for all new and existing Burns Beach land owners and the Burns Beach Resident’s Association to explain the proposed amendments to the Burns Beach Structure Plan, from which meeting Peet Ltd is to provide the City with feedback on any outcomes by no later than midday 16 March 2007;*
- 3 *REQUESTS the CEO to write to all landowners and members referred to in 2 above advising of the public meeting arrangements and providing an opportunity for those people to make a further submission to the City on the amendments to the Structure Plan to be received by the City no later than midday 16 March 2007.”*

The public meeting was held on 12 March and notes of the meeting have been provided (see Attachment 8). All parties referred to in the resolution were consulted and submissions analysed for consideration by the Council (see Attachment 6).

### **DETAILS**

The current BBSP includes few development provisions for the northern portion of the site (the Northern Residential Precinct). The constraints of this land with its undulating topography were not dealt with in detail at the time of adopting the original structure plan. Detailed landscaping and urban design assessment of the land have now been completed for the Northern Residential Precinct, including engineering design proposals to deal with the steep nature of the land. This process has now advanced to the point that additional provisions to the BBSP are proposed to guide the future development of the land.

The proposed amendments provide for a range of dwelling types to be developed on a difficult part of the BBSP site, as well as providing extra clarity for existing provisions of the Structure Plan.

The proposed amendments are as follows:

Part 1 (Statutory Planning):

- Renaming of Special Design Precinct to Northern Residential Precinct;
- Inclusion of additional development provisions for the Northern Residential Precinct, including maximum wall and height provisions in the R40 and R60 density areas, and the provision for up to 4m high retaining walls;
- Clarification of existing provisions in the Residential R20, Residential R40 and R60 and Local Shop precincts in relation to front fencing, building setbacks and garage setbacks for lots with rear laneway access;
- Inclusion of the compliance with the City's District Planning Scheme No 2 in terms of land use permissibility and general provisions;
- Deletion of "Shop" use from the Beach Shop/Lunch Bar and Restaurant Precinct and modification of the name of the Precinct;
- Modification to the definition of Ground Lot Level in relation to the different Precincts.

Part 2 (Explanatory Report):

- Additional background information on the design philosophy of the Northern Residential Precinct;
- Amending existing areas and schedule of POS to reflect the final design of the Northern Residential Precinct and approved engineering plans resulting from subdivision approvals.

Attachment 2 provides a table of all proposed amendments and the accompanying technical comments. Attachment 3 shows the proposed amendments within Parts 1 and 2 of the structure plan (as tracked changes).

The bulk of the proposed amendments relate to the Special Design Precinct and were proposed by the applicant. Some other proposed changes were proposed by the City to assist with clarity and the operation of the document.

Council deferred consideration of the proposed amendments at its 27 February 2007 meeting in order for the developer, Peet Ltd, to hold a public meeting to explain the proposal, provide feedback of the public meeting to Council and to allow a further opportunity for affected landowners to submit comments.

At the public meeting, a range of views were provided which are considered in Attachment 8.

**Issues and options considered:**

The options available to Council are to:

- Adopt the proposed amendments to the BBSP and forward to the WAPC for final adoption and certification;
- Adopt the proposed amendments to the BBSP, with modifications, and forward to the WAPC for final adoption and certification;
- Refuse to adopt the proposed amendments to the BBSP.

**Link to Strategic Plan**

The proposed amendments to the BBSP is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

Objective 3.3            To continue to meet changing demographic needs.

Strategy 3.3.1        To provide residential living choices

**Legislation – Statutory Provisions:**

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to the approval of the WAPC. Should Council determine that the amendment to the structure plan is satisfactory, advertising of the proposal is required in accordance with Clause 9.5 of DPS 2.

Under Clause 9.6, upon the completion of the public advertising period, Council is required to consider all submissions within sixty (60) days to either adopt or refuse to adopt the amended structure plan, with or without modifications. Attachment 5 sets out the structure plan process.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable

**Policy Implications:**

The following Council policies are of relevance to this proposal:

- Policy 3-4 Height and Scale of Buildings Within The Coastal Area (Non-Residential Zones); and
- Policy 7-8 - Retaining Walls (Subdivision).

The proposed amendments to the BBSP seeks to establish building height limits within the structure plan in substitution for Policy 3-4, as well as establishing 4 metre high retaining walls, in lieu of 3 metre high retaining walls allowed under Policy 7-8.

**Regional Significance:**

The proposed amendments to the BBSP are not of regional significance. Further development of the BBSP area will nevertheless guide the development of additional low and medium density residential land in a sought-after coastal location within the northern corridor of the Perth metropolitan area.

**Sustainability Implications:**

It is considered that the proposed amendments to the Northern Residential Precinct provide for small lot and medium density subdivision (R40 and R60), which will facilitate efficient utilisation of the existing infrastructure, community facilities and public transport system in the locality, in line with the State's planning objectives.

The road network and orientation of residential lots within this Precinct have been designed in accordance with design and sustainability principles of Liveable Neighbourhoods (LN), which provides a guide to developing sustainable communities through subdivision design.

Furthermore, the proposed increased density will provide an opportunity for a wide variety of lot sizes and building styles throughout the structure plan area.

**Consultation:**

Council deferred consideration of the amendments at its meeting on 27 February 2007 to allow the developer to hold a public meeting to explain the amendments, submit feedback of the meeting and for any further public submissions to be lodged for consideration. Feedback from the public meeting and submissions were due by midday on 16 March 2007.

**COMMENT****Initial Public Submissions**

Two (2) submissions were received during the initial (statutory) public consultation period that closed on 21 December 2006. Both submissions raised concerns relating to the existing residential development in Burns Beach, building guidelines, social issues, parking and costs to existing landowners. These concerns are considered below.

Public Open Space

One submitter objected to the location of stormwater sumps and swales within POS areas on the basis that it was considered that the recreational area was reduced.

*Comment*

Drainage within POS areas is not directly related to the proposed modifications to the BBSP. The location and extent of POS areas is, nevertheless, considered in the overall layout of structure plans. Under the provisions of Liveable Neighbourhoods (LN), stormwater drainage for a site can be partially accommodated in POS areas as part of the design at the subdivision stage. The approved and proposed POS areas in the Northern Residential Precinct have been assessed in accordance with the LN criteria and are therefore considered acceptable.

Dust Control

One submitter is objecting to future stages of subdivision progressing until the dust levels currently being experienced are reduced.

*Comment*

Dust control is not related to the proposed modifications to the BBSP. The City monitors works on the site, including dust control, during subdivision works and liaises with the developer. Dust controls are in place for the BBSP site to minimise dust problems.

Character and Density of New and Existing Burns Beach Residential Areas

One submitter is concerned that the character and density of the Burns Beach residential area may be influenced by high density development in the new estate, contrary to commitments made by the developers, Peet Ltd and the City of Joondalup. Land values may therefore be affected.

*Comment*

The City is unable to comment on any commitments that may have been made by the developer, Peet Ltd. It is noted that the majority of the residential land to be developed in the new Burns Beach estate area is R20, similar to that in the existing Burns Beach residential area. Small pockets of R40 and R60 are to be developed to provide a variety of housing in the area. One area of R40 density was approved in the original structure plan north of the existing (old) Burns Beach residential area. Given the high value of land, it is likely that any development at the R40 and R60 density will be of a high standard.

Building Guidelines

One of the submissions agrees that the building guidelines should be transparent and free of any individual discrimination. Concern is raised that there are discrepancies relating to total height of the roof ridge as 9.5m, differences in levels at the verge and retaining walls 4m in height.

*Comment*

The proposed amendment and associated development provisions have been made publicly available for comment in accordance with the requirements of DPS2, and will remain available for public viewing on the City's website and in hard copy at the City's offices.

The proposed building heights for the Northern Residential Precinct are the same as those already established for the remainder of the BBSP. The proposal to allow up to 4m high retaining walls, largely on the rear boundaries of lots, is necessary to address the steep topography of the land within the northern precinct, and subsequent road and lot arrangements in a manner that would have the least impact on the streetscapes.

Social Issues

One submitter considers that high density developments will reduce privacy of each household, especially by raising heights of retaining walls. Concern is also raised that the perceived resulting lack of privacy will result in increased levels of social aggression and possible domestic disturbance.

*Comment*

Low and medium density areas are proposed in the Burns Beach estate. Two areas of R60 (medium) density are proposed adjacent to POS 2 at the highest point of the site. The inclusion of these areas is in line with the WAPC's previous requirement in relation to the initial structure plan to include an R60 density area adjacent to POS 6 near the foreshore. Inclusion of this area in this location was based on the principles of LN, encouraging higher density around POS areas to maximise access to and the use of these spaces, as well as to improve their surveillance.

The Residential Design Codes (R-Codes) regulate privacy and overlooking. As each new landowner lodges plans to develop new lots, each building is assessed under the R-Codes for compliance or otherwise. The submission has not provided any evidence of a correlation between residential privacy and levels of social aggression or domestic disturbance.

Effects on the New Landowners

One submission enquires what mechanisms are in place to inform the existing new landowners about changes to the structure plan provisions that occurred from when they purchased land.

*Comment*

As part of this amendment process, all current landowners in the new Burns Beach estate were consulted during the advertising period, by way of a letter. All landowners in the new Burns Beach estate are required to comply with the development provisions of the adopted BBSP. It is understood that purchasers also need to comply with the developer's design guidelines, which encompass all the structure plan provisions with some additional provisions (relating to aspects such as fencing).

Parking

One submission asks what proposed mechanisms are in place to supply the increased parking needs of residents if R60 density development is approved.

*Comment*

Future development of the all lots will be required to provide on-site car parking in accordance with the provisions of the R-Codes.

Costs Incurred

One submission asks about proposed parking and public access to the future proposed swimming beach, what this would cost and who will bear these costs. The location, number of parking bays and timeframe for the provision of parking near areas of POS is also requested.

*Comment*

A "possible future northern swimming beach" is noted on the current BBSP, north of Burns Beach and adjacent to the 144 hectares of land reserved as Parks and Recreation. This land is not under the City's care and management and therefore any costs are not known at this time.

The provision of car parking embayments adjacent to POS areas is considered when the respective stages of subdivision are carried out. The timeframe for release of stages of subdivision, and therefore associated public car parking, is flexible and dependent on the timing that various subdivision stages are proposed. The number of bays able to be provided depends on a range of factors such as road reserve widths, accessibility, stormwater drainage, services and verge landscaping requirements.

### **Further Information Required**

As a result of the resolution of Council at its meeting on 27 February 2007, the developer held a public meeting to explain the proposed amendment. Sixty people were noted as attending, however it has been noted that not all attendees registered.

Notes on the public meeting held on 12 March 2007 by Peet Ltd are provided in Attachment 8. The PowerPoint presentation attachment to the notes has not been included, however a full copy of the details of the meeting has been provided in the Councillor's reading room.

Additional diagrams were also requested by the City to help demonstrate the topography of the Northern Residential Precinct, and the proposed lot levels and retaining walls in relationship to dwellings and streets. These are provided in Attachment 7. The cross section diagrams demonstrating lot levels and retaining walls were also included in the PowerPoint presentation given at the public meeting.

### **Additional Public Submissions**

Four (4) submissions were received as a result of the City's additional public consultation, one being a late submission. One submission objected to an aspect of the proposed amendment and two submissions supported aspects of the proposal.

The issues raised in submissions relate to building height, car parking, the Local Shop Precinct, density, retaining walls, retention of topography and native vegetation, minor changes to the current development provisions and sand drift. The issues and responding technical comments are set out below:

#### **Building Height**

An objection was received to additional building height, on the basis that this would not be aesthetically pleasing to existing Burns Beach residents or enhance the streetscape. A separate submission supporting additional height in the Northern Residential Precinct was received, on the basis that the development would provide more housing and attract tourism.

#### ***Comment***

On 31 October 2006 (CJ196-10/06 refers) the Council resolved that the maximum overall building height to the roof ridge in the Northern Residential Precinct could be 9.5 metres, including a maximum wall height of 6.5 – 7.5 metres, depending on whether there is a pitched roof or a parapet wall with a concealed roof. These are the maximum heights currently permitted in all other Precincts of the structure plan. The amendment does not propose to allow an increase in the height of homes in the new Northern Residential Precinct.



### Car Parking

Concern was raised about the adequacy and safety of car parking areas for access to the foreshore, restaurant/cafe and public open space (POS) areas and wanting to avoid unsightly, large car parks that would attract anti-social behaviour. A separate objection was also raised about any additional public car parking bays along the coast road, at the expense of coastal dunes, the environment, residential amenity and safety.

#### *Comment*

A “possible future northern swimming beach” is noted on the current BBSP, north of Burns Beach and adjacent to the 144 hectares of land reserved as Parks and Recreation. This land is not under the City’s care and management and therefore details of associated public car parking are not known at this time.

The provision of car parking embayments adjacent to POS areas will be considered when the respective stages of subdivision are carried out. The number of bays able to be provided depends on a range of factors such as road reserve widths, accessibility, stormwater drainage, services and verge landscaping requirements. No large public car parks are proposed in the BBSP area.

### Local Shop Precinct

Concern has been raised about the commercial and community viability of the Local Shop Precinct and the submitter suggests that the developer constructs the Precinct to ensure a local shop and associated land uses occurs.

#### *Comment*

The City recognised that there may be pressure to develop the four proposed lots in the Local Shop Precinct for a single land use which may jeopardise the development of an intended retail and community hub. Council therefore required an addition to clause 7.3 at its 27 February 2007 meeting, as follows:

“ Wholly residential or office development is not permitted to occupy any one lot within the precinct”.

Peet Ltd indicated at the public meeting that it intends to develop the Precinct.

### Density

An objection has been received to R60 density development adjacent to POS 2 in the Northern Residential Precinct, concerned that it will dominate the skyline and surrounding area. Objection is also raised to any changes in density of land adjacent to POS 6, the circular parkland in the original structure plan that intrudes into the foreshore.

#### *Comment*

Accentuation of landmark features such as high points are a recognised urban design practice. At the Council meeting on 31 October 2006 (CJ196-10/06 refers), the total maximum building heights for this Precinct were required to be reduced to match the maximum building heights of other precincts in the structure plan area. They could be no more than 2 storey developments with loft spaces which would not be visually imposing.

The land adjacent to POS 6 is R60 density, as required by the WAPC through a modification to the structure plan in September 2005. No change to the existing density is proposed.

### Retaining Walls

One submission provided support for the proposed high retaining walls located at the rear of properties as these will provide a better streetscape outcome.

#### *Comment*

One design objective is to avoid high retaining walls to street frontages, which led to amending the road layout and lot arrangements as proposed. The proposal is in line with the City's direction on this matter.

### Minor Changes to Current Provisions

One submitter raised a concern that the public meeting did not address minor changes to current provisions.

#### *Comment*

The PowerPoint presentation given by the planning consultants at the public meeting focused on proposed amendments to the Northern Residential Precinct. The proposed minor changes to the current provisions do not affect residential landowners. Other changes to the current provisions relate to the Local Shop Precinct and the current Beach Shop/Lunch Bar/and Restaurant Precinct.

### Retention of Landform and Native Vegetation

An objection has been received to the lowering of the highest point and surrounding area in the Northern Residential Precinct, and associated clearing of several 'dwarf' Tuart trees. The submitter requests that the natural landform of the entire area above the 40 metres AHD contour be retained, and that POS 1C and POS 2 be enlarged to retain the trees.

#### *Comment*

The proposed levels for the Northern Residential Precinct are based on achieving an attractive streetscape, upon a steep and challenging area of land. Retaining walls of up to 4 metres in height are proposed at the rear of properties, so that the streetscape would not be affected by high retaining walls.

The City does not have any legislative measures to require the retention of native vegetation on private property. The location and extent of native vegetation to be retained is negotiated between the developer and the City at the structure plan or subdivision stage. In this case, the adopted priority is the retention of the stand of mature Tuart trees located in POS 2 and can be achieved through the proposed levels.

Notwithstanding the efforts to retain mature Tuart trees on the site, through the lengthy rezoning process that occurred before the original structure plan process, the developer was required to cede nearly 50% (140 hectares) of the original BBSP land holding (north of the developable area) as reserve land for Parks and Recreation purposes. The government also purchased 4 additional hectares to complement that acquisition.

Sand Drift

One submitter requested the insertion of a clause in the structure plan requiring sand drift be contained on site, and for the coastal dunes to be stabilised.

*Comment*

Dust issues have been addressed in the comments relating to an original submission.

The City, on behalf of the Department for Planning and Infrastructure as the current 'vesting' authority for the Burns Beach foreshore, oversees the management of the coastal dunes in accordance with the Burns Beach Foreshore Management Plan adopted by the WAPC.

**Conclusion**

The current BBSP includes few development provisions for the northern portion of the site (the Northern Residential Precinct). The constraints of this land with its undulating topography were not dealt with in detail at the time of adopting the original structure plan. Detailed landscaping and urban design assessment of the land have now been completed for the Northern Residential Precinct, including engineering design proposals to deal with the steep nature of the land. This process has now advanced to the point that additional provisions to the BBSP are proposed to guide the future development of the land.

The proposed amendments provide for a range of dwelling types to be developed on a difficult part of the BBSP site at the northern aspect, as well as providing clarity for existing provisions.

Enlargement of the Local Shop Precinct proposed as part of this amendment could provide for a small node of select retail and commercial activities and a community focus to better facilitate the active use of the adjoining POS areas and is, therefore, supported.

During the initial public advertising period it was noted that car parking provisions for Local Shop Precinct required review. Modifications to the Objectives and General Provisions of this Precinct were outlined in the 27 February 2007 Council report and are included in the recommendation to Council.

It is recommended that Council notes the outcome of the public meeting and adopts the proposed modified amendment to the structure plan, and submit the amendment to the Western Australian Planning Commission (WAPC) for adoption and certification, once the relevant modifications relating to car parking provisions for commercial land uses have been undertaken.

**ATTACHMENTS**

Attachment 1	Location Plan & Aerial
Attachment 2	Table of all proposed amendments (modified), with comments
Attachment 3a	Proposed Modifications to Burns Beach Structure Plan (tracked) - Part 1 and Plan 1 (as advertised)
Attachment 3b	Proposed Modifications to Burns Beach Structure Plan (tracked) - Part 2 (as advertised)
Attachment 4	Table 1 - The Zoning Table
Attachment 5	Structure plan process flowchart
Attachment 6	Schedule of all submissions, including previous advertising
Attachment 7	Additional diagrams for the Northern Residential Precinct
Attachment 8	Notes of public meeting (extract)

## VOTING REQUIREMENTS

Simple Majority

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

- 1 NOTES the outcomes of the public meeting held by Peet Ltd on 12 March 2007;**
- 2 ADOPTS the proposed amendment to the Burns Beach Structure Plan as per Attachments (3a) and (3b) of Report CJ059-03/07 and submits the amended structure plan to the Western Australian Planning Commission for final adoption and certification, once the following modifications have been undertaken:**
  - (a) MODIFY section 7.0 Local Shop Precinct by amending the title and clause 7.1 Objective, and Plan 1, to remove all references to a beach shop;**
  - (b) MODIFY section 7.0 Local Shop Precinct by amending clause 7.1 Objective, to remove the following sentence:**

**“The number of car parking bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application.”**
  - (c) MODIFY section 7.0 Local Shop Precinct by amending the second sentence of clause 7.3 General Provisions to read:**

**“Wholly residential or office development is not permitted to occupy any one lot within the precinct.”**
  - (d) MODIFY section 7.0 Local Shop Precinct by amending clause 7.3 General Provisions to include additional car parking provisions for non-residential land uses, as follows:**

**“A minimum of eight (8) on-site car parking bays shall be provided over the entire Precinct for future commercial development and shall be accessed from the rear laneway. The number of car parking bays shall be provided proportionate to the number of lots approved within the Precinct at the subdivision stage, to the satisfaction of the City of Joondalup.”**
- 3 Subject to certification by the Western Australian Planning Commission, AUTHORISES the affixation of the Common Seal to, and signing of, the modified amended Structure Plan;**
- 4 NOTES all submissions received and ADVISES the submitters of the Council’s decision.**

Discussion ensued.

**AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that a new Point 4 be added to the Motion as follows, with the existing Point 4 being renumbered as Point 5:**

**“4 ATTACHES to Report CJ059-03/07 the letter from Jason Hicks of Cardno BSD dated 23 March 2007 confirming that “a total of approximately 90 mallee tuarts were recorded within the bounds of the parks and recreation reserve north of the Burns Beach Estate;”**

Discussion ensued.

**The Amendment was Put and**

**CARRIED (11/0)**

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

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

**That Council:**

- 1 NOTES the outcomes of the public meeting held by Peet Ltd on 12 March 2007;**
- 2 ADOPTS the proposed amendment to the Burns Beach Structure Plan as per Attachments (3a) and (3b) of Report CJ059-03/07 and submits the amended structure plan to the Western Australian Planning Commission for final adoption and certification, once the following modifications have been undertaken:**
  - (a) MODIFY section 7.0 Local Shop Precinct by amending the title and clause 7.1 Objective, and Plan 1, to remove all references to a beach shop;**
  - (b) MODIFY section 7.0 Local Shop Precinct by amending clause 7.1 Objective, to remove the following sentence:**

**“The number of car parking bays required on site will be determined by Council and assessed against the merits of the specific case as part of a development application.”**
  - (c) MODIFY section 7.0 Local Shop Precinct by amending the second sentence of clause 7.3 General Provisions to read:**

**“Wholly residential or office development is not permitted to occupy any one lot within the precinct.”**
  - (d) MODIFY section 7.0 Local Shop Precinct by amending clause 7.3 General Provisions to include additional car parking provisions for non-residential land uses, as follows:**

**“A minimum of eight (8) on-site car parking bays shall be provided over the entire Precinct for future commercial development and shall be accessed from the rear laneway. The number of car parking bays shall be provided proportionate to the number of lots approved within the Precinct at the subdivision stage, to the satisfaction of the City of Joondalup.”**

- 3 Subject to certification by the Western Australian Planning Commission, **AUTHORISES** the affixation of the Common Seal to, and signing of, the modified amended Structure Plan;
- 4 **ATTACHES** to Report CJ059-03/07 the letter from Jason Hicks of Cardno BSD dated 23 March 2007 confirming that “a total of approximately 90 mallee tuarts were recorded within the bounds of the parks and recreation reserve north of the Burns Beach Estate;
- 5 **NOTES** all submissions received and **ADVISES** the submitters of the Council’s decision.

Discussion ensued.

**was Put and**

**CARRIED (11/0)**

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

*Appendices 20 and 22 refer*

To access this attachment on electronic document, click here: [Attach20agn270307.pdf](#)  
[Attach22min270307.pdf](#)

## **CJ060 - 03/07 NOMINATIONS FOR FREEMAN OF THE CITY OF JOONDALUP – [89597]**

**WARD:** All

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

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**MOVED** Mayor Pickard, **SECONDED** Cr Hart that consideration of Nominations for Freeman of the City of Joondalup be **DEFERRED** until the end of the agenda.

**The Motion was Put and**

**CARRIED (11/0)**

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

## **C11-03/07 COUNCIL DECISION – EN BLOC RESOLUTION - [02154]**

**MOVED** Cr McLean, **SECONDED** Cr John that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations en bloc, Council **ADOPTS** the following Items CJ037-03/07, CJ038-03/07, CJ042-03/07, CJ044-03/07, CJ045-03/07, CJ046-03/07, CJ047-03/07, CJ048-03/07, CJ051-03/07, CJ052-03/07 and CJ057-03/07.

**The Motion was Put and**

**CARRIED (11/0)**

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

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C12-03/07                    NOTICE OF MOTION – MAYOR TROY PICKARD - FEASIBILITY STUDY – COMBINED ANIMAL FACILITY AND PET CREMATORIUM - [61581]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following motion at the Council Meeting to be held on 27 March 2007:

***"That a report be presented to Council that:***

- 1            addresses the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Wanneroo;***
- 2            assesses the appropriateness of corresponding with the City of Wanneroo seeking an Administration report to the City of Wanneroo Council on the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Joondalup in the 07/08 financial year."***

**Reason for Motion**

Mayor Pickard submitted the following comment in support of his motion:

"The City of Wanneroo at their recent Council meeting passed a replica motion to investigate the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Joondalup. The City of Joondalup currently utilises, for a fee, an animal facility located in Malaga to house stray animals. The development of a jointly owned and operated facility in Wangara would decrease the costs associated with the Ranger down-time in transporting stray animals to Malaga and any accompanying fees. Additionally, the creation of an integrated animal facility incorporating such operations as a Pet Crematorium and commercial operations (vet, grooming etc) would provide a valuable revenue source to offset any associated operational costs. By engaging in a feasibility study with the City of Wanneroo, the City of Joondalup has the potential to reduce the capital and operational costs associated with such a facility and maximises the availability of land within and ownership of by the City of Wanneroo."

**Officer's Comment**

A report will be prepared on this matter and contact will be made with the City of Wanneroo to assess its support.

**MOVED Mayor Pickard, SECONDED Cr Magyar that a report be presented to Council that:**

- 1 addresses the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Wanneroo;**
- 2 assesses the appropriateness of corresponding with the City of Wanneroo seeking an Administration report to the City of Wanneroo Council on the feasibility of a joint study into a combined Animal Facility and Pet Crematorium with the City of Joondalup in the 07/08 financial year.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (11/0)**

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

**C13-03/07                    NOTICE OF MOTION – MAYOR TROY PICKARD - TREE PLANTING**  
**- [61581]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following motion at the Council Meeting to be held on 27 March 2007:

***"That a report be presented to Council that:***

- 1 identifies locations within the City of Joondalup where She Oak trees are located in close proximity to children's playground equipment;***
- 2 recommends an alternative native tree suitable for planting adjacent to children's playground equipment;***
- 3 provides cost estimates to remove all She Oak trees located in close proximity to children's playground equipment and replace them with a suitable native tree;***
- 4 seeks comment from the Conservation Advisory Committee on 1, 2 and 3 above prior to the presentation of the report to Council."***

**Reason for Motion**

Mayor Pickard submitted the following comment in support of his motion:

"There have been numerous instances in recent times where residents, specifically parents, have raised concerns about the location of She Oak trees adjacent to children's playground equipment. The She Oak trees shed a spiky nut that presents as a hazard for children recreating on the playground equipment. Replacement of this species with a suitably selected local tree species that provided adequate shade and did not shed nuts or pollen would be more appropriate and improve the safety and amenity of children's playground equipment within the City of Joondalup."



**Officer's comment**

A report will be prepared and presented to Council.

**MOVED Mayor Pickard, SECONDED Cr Jacob that Council a report be presented to Council that:**

- 1 identifies locations within the City of Joondalup where She Oak trees are located in close proximity to children's playground equipment;**
- 2 recommends an alternative native tree suitable for planting adjacent to children's playground equipment;**
- 3 provides cost estimates to remove all She Oak trees located in close proximity to children's playground equipment and replace them with a suitable native tree;**
- 4 seeks comment from the Conservation Advisory Committee on 1, 2 and 3 above prior to the presentation of the report to Council.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (11/0)**

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

**C14-03/07**

**NOTICE OF MOTION – CR SUE HART - ATTENDANCE AT CIVIC FUNCTIONS AND PROCEDURES FOR CITIZENSHIP CEREMONIES - [61581]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Hart gave notice of her intention to move the following motion at the Council Meeting to be held on 27 March 2007:

- “1 that a report be presented to Council seeking the appropriateness of publicising the names of those attending Civic functions and their relationship if any, to the elected member who invited them;***
- 2 that an explanation be provided with the details of the “proposed change to the arrangements for Citizenship Ceremonies”.***

**Reason for Motion**

Cr Hart submitted the following comment in support of her motion:

“Council resolved at its last meeting, as part of CJ036-02/07, to approve the transfer from the municipal fund of \$53,920 to increase the current budget allocation for Civic Functions to enable functions for volunteers, community groups and recognition of community members.

Part of the reasoning, contained in that report for the increase in funding, was a proposal that the City should give greater recognition to volunteers, community groups and community members for their contribution and efforts to the community of Joondalup and it was suggested that this be done through a number of civic functions. It was also proposed to change the arrangements for Citizenship Ceremonies.”

Cr Hart provided two main reasons behind the motion:

- (1) That publicising the names of those attending the civic function would assist in the goal of “giving greater recognition to volunteers”.
- (2) That publicising the names of those attending the Civic functions would enhance transparency and accountability in line with the requirement for public disclosures in the Local Government Act 1995.

#### **Officer’s comment**

A report can be prepared outlining the advantages and disadvantages of publishing names. It can also explain the proposed change to arrangements for Citizenship Ceremonies.

**MOVED Cr Hart, SECONDED Cr John that:**

- 1 a report be presented to Council seeking the appropriateness of publicising the names of those attending Civic functions and Councillor dinners and their relationship if any, to the elected member who invited them;
- 2 an explanation be provided with the details of the “proposed change to the arrangements for Citizenship Ceremonies.

Cr Hart, with the approval of the meeting requested that the words “and Councillor dinners” be inserted after the words “Civic functions” in Point 1.

**The Motion was Put and**

**LOST (2/9)**

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

**C15-03/07**

**NOTICE OF MOTION – CR STEVE MAGYAR - PROVISION OF COPIES OF SUBMISSIONS - [61581]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Magyar gave notice of his intention to move the following motion at the Council Meeting to be held on 27 March 2007:

***“That Council REQUESTS a report on providing copies of submissions made to Council, in response to public advertising calling for submissions or comments, on the Council’s website in a system similar to the one used by the Australian Parliamentary Committees.”***

**Reason for Motion**

Cr Magyar submitted the following comment in support of his motion:

“Council calls for public submissions or comments on many planning and policy issues. The submissions are often summarised in the report back to Council after the public comment time is completed. Some members of the public, who respond to the call for submissions, contact Elected Members, dissatisfied with the summary of their submissions. Working through the issues of the dissatisfied submitters can become time-consuming and may result in loss of goodwill between all parties involved.

Currently the Australian Parliamentary Committees publish on the Parliament Website copies of submissions made to the Committees.

If the City of Joondalup can develop a system similar to the Federal parliament’s system, then the City will be seen to be providing more open and accountable local government.”

**Officer's Comment:**

There are arguments for and against publishing all submissions received. The main argument in favour of publishing is openness and transparency. However, some people may not wish to have their views widely broadcast. In such cases, publishing submissions can lead people to submit comments which are constrained. It may also mean that some people will not make a submission.

While there is no right or wrong answer to the concept of publishing, on balance it is considered that the current process adopted by the City is adequate. That is, while submissions are summarised in reports, Elected Members are able to seek and read the whole submission should they wish before making decisions.

**MOVED Cr Magyar, SECONDED Cr Jacob that Council REQUESTS a report on providing copies of submissions made to Council, in response to public advertising calling for submissions or comments, on the Council’s website in a system similar to the one used by the Australian Parliamentary Committees.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (11/0)**

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

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING****NOTICE OF MOTION – CR STEVE MAGYAR - ESTABLISHMENT OF A COMMITTEE OF THE WHOLE**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Magyar has given notice of his intention to move the following motion at the Council Meeting to be held on 24 April 2007:

***That Council:***

- 1** *replaces the last three Briefing Sessions before the Local Government Elections in October 2007 with Meetings of the Committee of the Whole;*
- 2** *uses a model of the “Committee of the Whole” where all members of Council are members of the “Committee of the Whole” and the Committee makes recommendations to Council after considering the reports from the Officers or notices of motions from Elected Member.*

**Reason for Motion**

Cr Magyar submitted the following comment in support of his motion:

“There are many different models of decision making available for the City of Joondalup. Council should explore the possibilities to find the model that best suits Council. It is suggested that Council trial different models to make an informed decision on different decision making processes.

One advantage of “Committee of the Whole” over Briefing Sessions is that Elected Members are able to debate items and to receive briefings from Officers.”

**C16-03/07      MOTION TO GO BEHIND CLOSED DOORS - [61581] [02154]**

**MOVED** Cr Hart, **SECONDED** Cr John that in accordance with Section 5.23 (2) of the Local Government Act 1995 and Clause 67 of the Standing Orders Local Law 2005, the Council **AGREES** to hold the meeting behind closed doors to give consideration to Item CJ060-03/07 - Nominations for Freeman of the City of Joondalup.

**The Motion was Put and**

**CARRIED (11/0)**

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

*Members of staff with the exception of Chief Executive Officer, Director Governance and Strategy and Administrative Services Co-ordinator, and members of the public and press left the Chamber at this point, the time being 2208 hrs.*

**CJ060 - 03/07      NOMINATIONS FOR FREEMAN OF THE CITY OF JOONDALUP – [89597]**

**WARD:** All

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

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**MOVED Mayor Pickard, SECONDED Cr Magyar that Council:**

- 1      ENDORSES all nominations for Freeman of the City of Joondalup as detailed in Confidential Report CJ060-03/07;**
- 2      AUTHORISES the Chief Executive Officer to arrange to confer the awards at the next available meeting of Council or at a special event as determined by the Mayor in association with the Chief Executive Officer.**

**The Motion was Put and**

**CARRIED (11/0)**

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

*Appendix 23 refers (in official Minute Book only)*

**C17-03/07              MEETING TO GO TO OPEN DOORS - [61581 [02154]**

**MOVED Cr Hart, SECONDED Cr Magyar that the meeting be now held with open doors, the time being 2214 hrs.**

**The Motion was Put and**

**CARRIED (11/0)**

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

No members of the public and press were present in the Chamber at this point.

In accordance with the City's Standing Orders Local Law 2005, Mayor Pickard read aloud the motion in relation to CJ060-03/07 – Nominations for Freeman of the City of Joondalup.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2217 hrs; the following Elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr A JACOB  
Cr S MAGYAR  
Cr G AMPHLETT  
Cr M JOHN  
Cr S HART  
Cr B CORR  
Cr R FISHWICK  
Cr R CURRIE