



City of  
**Joondalup**

# **DRAFT AGENDA FOR BRIEFING SESSION**

to be held on

**TUESDAY, 4 OCTOBER 2005**

in Conference Room 1,  
Joondalup Civic Centre, Boas Avenue, Joondalup  
commencing at 6.30 pm

## **Public Question Time**

Members of the public are requested to lodge questions  
in writing by 4 pm on Monday 3 October 2005.  
Answers to those questions received within that timeframe will,  
where practicable, be provided in hard copy form  
at the Briefing Session.

**GARRY HUNT**  
Chief Executive Officer  
30 September 2005

## **PROTOCOLS FOR BRIEFING SESSIONS**

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

### **INTRODUCTION**

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

### **PURPOSE OF BRIEFING SESSIONS**

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### **Protocols for Briefing Sessions**

The following protocols will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters that relate to a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).
- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.

- 5 The Presiding Member at the commencement of each Briefing Session shall:
  - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
  - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
  - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
  - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
  - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
  - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
  - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
  - (a) A request to the Chief Executive Officer; or
  - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.
- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## **PUBLIC QUESTION TIME**

Public question time is provided at meetings of Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions raised at the Briefing Session must relate only to items on the agenda.

### **Prior to the Meeting/Briefing Session**

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

### **At the Meeting/Briefing Session**

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;
- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

**The following rules apply to public question time:**

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **Disclaimer**

Responses to questions not put in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

## **DEPUTATION SESSIONS**

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

A time period of fifteen (15) minutes is set-aside for each deputation, with five (5) minutes for Commissioners' questions. Deputation sessions are open to the public.

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

## **CITY OF JOONDALUP – BRIEFING SESSION**

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on TUESDAY, 4 OCTOBER 2005 commencing at 6.30 pm

### **ORDER OF BUSINESS**

#### **1 OPEN AND WELCOME**

#### **2 DEPUTATIONS**

#### **3 PUBLIC QUESTION TIME**

The following questions were submitted to the Briefing Session held on 13 September 2005:

**Mr S Magyar, Heathridge:**

Q1 *Item 1 - Overview of the official visit From Jinan Delegation (Shandong Province), China to Joondalup – August 2005 and to provide further notification of an invitation to visit Jinan in October 2005.*

*Under 'background', the report lists the previous reports submitted to Council on this item. Can provision of such information be standard within reports?*

A1 This request will be forwarded to the CEO for consideration.

Q2 *Item 2 - Material Variances for the Financial Year ending 30 June 2006.*

*Why is the City considering adopting a variance amount of \$50,000 or 5 per cent, whichever is higher? Would it not be more open and accountable to go to the lower figure as a variance?*

A2 The Department has given the option as some councils refer to dollar value rather than a percentage. It is not anticipated that there will be many issues with the proposed recommendation, and additional information can be provided to Council as and when required.

#### **4 APOLOGIES AND LEAVE OF ABSENCE**

#### **5 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

## **6 REPORTS**

ITEM 1	DEVELOPMENT OF GOVERNANCE RELATED PROTOCOLS – [25548, 08122, 76541, 01139, 02154].....	1
ITEM 2	REVIEW OF WARD BOUNDARIES, NAMES AND ELECTED MEMBER REPRESENTATION – [16878] .....	9
ITEM 3	POLICY REVIEW – [26176] .....	16
ITEM 4	PROTOCOLS FOR PUBLIC QUESTION AND STATEMENT TIME – [01122, 12950, 02154, 08122] .....	24
ITEM 5	SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876] .....	34
ITEM 6	WARRANT OF PAYMENTS 31 AUGUST 2005 – [09882].....	37
ITEM 7	WARRANT OF PAYMENTS – CREDIT CARD PAYMENTS – [09882] [18049] .....	40
ITEM 8	FINANCIAL ACTIVITY STATEMENT FORMAT – [07882] .....	46
ITEM 9	INTERIM FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2005 – [07882].....	49
ITEM 10	ON-STREET PARKING HAMPTON COURT, JOONDALUP – [38494].....	52
ITEM 11	PROPOSED TRAFFIC TREATMENTS, CHICHESTER DRIVE, WOODVALE [04026].	55
ITEM 12	PROPOSED MULTIPLE DWELLING AND OFFICE DEVELOPMENT LOT 346 (37) PICCADILLY CIRCLE, SOUTH WEST CNR MCLARTY AVENUE, JOONDALUP – [68559].....	59
ITEM 13	PROPOSED WESTERN POWER ZONE SUBSTATION TO BE LOCATED ON PART OF PINNAROO MEMORIAL CEMETERY LAND - GIBSON AVENUE, PADBURY (NORTH OF GIBSON PARK) – [07104].....	67
ITEM 14	PROPOSED KINROSS NEIGHBOURHOOD SHOPPING CENTRE INCLUDING A SUPERMARKET, RESTAURANT/SHOP (CAFÉ), LIQUOR STORE, TWO TAKEAWAY FOOD OUTLETS, ELEVEN NON-RETAIL TENANCIES AND TWO AUTOMATIC TELLER MACHINES – LOT 2278 (3) SELKIRK DRIVE, KINROSS – [62554].....	77
ITEM 15	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – AUGUST 2005 – [07032].....	93
ITEM 16	SUBDIVISION REFERRALS PROCESSED BETWEEN 1 AND 31 AUGUST 2005 – [05961].....	97

## **7 REPORT OF THE CHIEF EXECUTIVE OFFICER**

## **8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## **9 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**

## **10 OUTSTANDING PETITIONS**

## **11 REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS**



**LATE ITEMS / ADDITIONAL INFORMATION**

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional Information 041005.pdf](#)

## **ITEM 1                      DEVELOPMENT OF GOVERNANCE RELATED PROTOCOLS – [25548, 08122, 76541, 01139, 02154]**

**WARD:**                      All

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

---

### **PURPOSE**

To seek Council endorsement of the Governance Framework 2005.

### **EXECUTIVE SUMMARY**

The Governance Framework was prepared following the recommendations of the *Governance Review – Final Report*.

The Framework is a component of the ‘Welcome Pack’ for newly Elected Members.

The Framework has undergone significant review and further development following Council feedback and the discovery of additional source documents.

This report provides Council with the Draft Governance Framework 2005 for endorsement.

### **BACKGROUND**

The Governance Framework was prepared following the recommendations of the *Governance Review – Final Report*. These recommendations were presented to the Council at its meetings of 22 November and 14 December 2004 and were as follows:

#### ***Recommendation 17***

*Any person who is elected to the role of Mayor at the City of Joondalup should undertake a high quality course or equivalent training in the role of Mayor. Such a course will make it very clear that the Mayor needs to have –*

- (a) A thorough understanding of the roles as defined in the Act;*
- (b) A sound grasp of standing orders;*
- (c) No greater rights than other Elected Members;*
- (d) An inalienable responsibility to treat all members with fairness and objectivity and the need to develop the Council as a team; and*
- (f) A sound understanding of the code of conduct.*

#### ***Recommendation 19***

*All persons elected as Mayor at the City of Joondalup in future years should participate in the Mayors and Presidents Support program so that a skilled mentor is available to assist an inexperienced Mayor.*

#### ***Recommendation 23***

*The City of Joondalup develop a protocol in terms of a working relationship between the Mayor and CEO. Such a protocol, which should be adopted by the Council, would define the*

*responsibilities, requirements of both parties and the manner and timeliness that such liaison would occur.*

### **Recommendation 34**

*Council develop an Elected Member training plan. Elected Members be asked to give a commitment that they will take a full training suite related to their responsibilities during their time in office. An essential part of the training plan must be a high quality induction program that includes a tour of the administration area including all the departments/service areas and a detailed update on current and committed projects.*

The Council, at the meetings on 22 November and 14 December 2004, agreed to progress the development of the following: -

- *Guidelines relating to public question time*
- *Protocols and procedures relating to Strategy and Briefing Sessions*
- *Standing Orders*
- *Code of Conduct*
- *Electronic controls within the Council Chamber*
- *Induction program for Mayors and Councillors/Commissioners*
- *Roles and responsibilities;*
- *Meeting procedures;*
- *Ongoing training program focusing on:*
  - *Local Government Act 1995 and associated legislation;*
  - *Industry related support programs.*

A draft 'Welcome Pack' for Elected Members has been developed incorporating:

- An Induction program for Elected Members – the program covers all relevant topics and includes information on potential training that the Elected Members should consider undertaking to enhance their knowledge in specific areas of their responsibilities;
- An ongoing Training and Development Program for Elected Members;
- Organisational Structure;
- Procedures;
- Entitlements/Expenses; and
- Code of Conduct.

The report contained reference to the various sections contained in the Governance Framework including sections on:

- The legislative framework for local government;
- Council meetings;
- Roles and responsibilities;
- Relationships;
- Corporate Documents;
- Governance Principles;
- Governance Charter; and
- A self-assessment tool.

The Governance Framework was compiled following extensive research of a number of best practice documents and following discussions with a number of other Local Governments. A number of personnel have contributed to the draft document and a full list of documents used to inform the Governance Framework has now been compiled, and included in the document.

## **DETAILS**

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

Considerable research was undertaken to inform the development of the Governance Framework. The following documents have been utilised:

- Murdoch University Senate, Statement of Governance Principles;
- Governance Framework and Statement – City of South Perth;
- On Board Leadership – John Carver;
- Reinventing Your Board, A Step by Step Guide to Implementing Policy Governance – John Carver and Miriam Mayhew Carver;
- Good Governance Guide 2004 – The Principles of Good Governance within Local Government - Municipal Association of Victoria;
- Excellence in Governance for Local Government – CPA Australia;
- WALGA – Training and Development Program for Elected Members;
- Existing documentation held by the City of Joondalup;
- Corporate Governance Charter - WA Local Government Association adopted in December 2004;
- Lessons for Local Government - City of Belmont published by the Department of Local Government and Regional Development April 2003;
- Lessons for Local Government - City of South Perth published by the Department of Local Government and Regional Development;
- Extract of Minutes City of Joondalup - Responses to Governance Review - November 2004;
- Elected Members Welcome Pack - City of Joondalup - May 2003;
- Elected Member Induction - Local Government Operational Guidelines Number 4 published by the Department of Local Government and Regional Development - Updated March 2005;
- City of Wollongong Governance Manual 2004;
- Council Forums - Local Government Operational Guidelines Number 5 published by the Department of Local Government and Regional Development - January 2005;
- Managing Public Question Time - Local Government Operational Guidelines Number 3 published by the Department of Local Government and Regional Development - August 2002;
- The Business of Local Government (a training course for elected members)- a joint WALGA and Australian Institute of Company Directors Course;
- WALGA State Council performance assessment questionnaire (which was converted to relate to the City of Joondalup rather than WALGA);
- Local Government Act 1995;
- City of Joondalup Governance Review Report May 2004;
- Sustainability Reporting Guidelines – Global Reporting Initiative; and
- ASX Corporate Governance Council – Principles of Good Corporate Governance and Best Practice Recommendations.

The Consultant utilised to assist in the preparation of the Governance Framework had extensive knowledge of, and association with, the WA Local Government Association (WALGA) and drew on the documents produced by that organisation. WALGA is the peak

lobbying and advocacy organisation for Western Australia's local government bodies and provides support, direction and leadership to local governments in relation to a range of issues including governance. The documents produced by WALGA are considered to be 'best practice' and were developed specifically to inform good governance in local government.

Every effort has been made by all personnel involved in the development of the framework to identify sections that have been taken from other documents, and to guarantee that appropriate permission has been granted for use of such publications. All documents used in the preparation of the Governance Framework have been appropriately recorded and acknowledged in the Framework itself.

The Induction Program, a component of the 'Welcome Pack', has been developed to focus on relationship building and group dynamics was also endorsed by the Council. The Governance Framework has also been developed with an emphasis on appropriate and effective working relationships to complement the Induction Program, and Training and Development Program.

In order to augment effective working relationships it is intended that the CEO and Directors will participate in the Induction and Training Program (including training on the Governance Framework with Elected Members).

The Framework includes a set of Governance Principles that are intended to provide the foundation for what the Council is trying to achieve (the 'what'), and a Governance Charter that provides the actions and practices that will turn the principles into reality (the 'how').

The Framework also includes a self-assessment and evaluation component. The self-assessment is intended to provide Council with an assessment of its performance against the governance principles and charter on an annual basis. The self-assessment will be used to inform an action plan for improvement (including the development of ongoing training programs).

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

Outcome: The City of Joondalup is an interactive community.

Objectives: To ensure the City responds to and communicates with the community.

Strategy: Provide fair and transparent decision-making processes.

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

The Local Government Act 1995 is the principal piece of legislation governing the operations of all local governments in Western Australia and contains many sections that relate to the roles and functions of the Mayor, Councillors, Chief Executive Officer and employees. The following sections of the Local Government Act 1995 are applicable:

#### **2.7. The role of the Council**

(1) The Council —

- (a) directs and controls the local government's affairs; and
- (b) is responsible for the performance of the local government's functions.

(2) Without limiting subsection (1), the Council is to —

- (a) oversee the allocation of the local government's finances and resources; and

- (b) determine the local government's policies.

## **2.8. The role of the mayor or president**

### **(1) The mayor or president —**

- (a) presides at meetings in accordance with this Act;
- (b) provides leadership and guidance to the community in the district;
- (c) carries out civic and ceremonial duties on behalf of the local government;
- (d) speaks on behalf of the local government;
- (e) performs such other functions as are given to the mayor or president by this Act or any other written law; and
- (f) liaises with the CEO on the local government's affairs and the performance of its functions.

- (2) Section 2.10 applies to a Councillor who is also the mayor or president and extends to a mayor or president who is not a Councillor.

## **2.9. The role of the deputy mayor or deputy president**

The deputy mayor or deputy president performs the functions of the mayor or president when authorised to do so under section 5.34.

## **2.10. The role of Councillors**

A Councillor —

- (a) represents the interests of electors, ratepayers and residents of the district;
- (b) provides leadership and guidance to the community in the district;
- (c) facilitates communication between the community and the Council;
- (d) participates in the local government's decision-making processes at Council and committee meetings; and
- (e) performs such other functions as are given to a Councillor by this Act or any other written law.

## **5.41. Functions of CEO**

The CEO's functions are to:

- (a) advise the Council in relation to the functions of a local government under this Act and other written laws;
- (b) ensure that advice and information is available to the Council so that informed decisions can be made;
- (c) cause Council decisions to be implemented;
- (d) manage the day-to-day operations of the local government;
- (e) liaise with the mayor or president on the local government's affairs and the performance of the local government's functions;
- (f) speak on behalf of the local government if the mayor or president agrees;
- (g) be responsible for the employment, management supervision, direction and dismissal of other employees (subject to section 5.37(2) in relation to senior employees);
- (h) ensure that records and documents of the local government are properly kept for the purposes of this Act and any other written law; and
- (i) perform any other function specified or delegated by the local government or imposed under this Act or any other written law as a function to be performed by the CEO.

**Risk Management considerations:**

The *Governance Review – Final Report* made a number of recommendations that are being considered by the Council. The need to establish clear protocols relating to governance is critical in enhancing the decision-making process of the City of Joondalup.

The Governance Framework provides guidelines on the processes that will ensure the good governance of the City of Joondalup, and highlights a number of other documents that set down the fundamental principles of good governance.

The proposed framework establishes the respective roles and responsibilities of the Council and Management, promotes ethical and responsible decision making, promotes timely and balanced disclosure, respects the rights of the community and other stakeholders, recognises and manages risk, and encourages better performance by all participants in the governance process at the City of Joondalup.

**Financial/Budget Implications:**

There will be ongoing costs associated with the implementation of these protocols and principles and these costs have been budgeted for within the 2005/06 operational budget.

**Policy implications:**

The Governance Framework and associated documents describe the principles and key roles that will guide Council in its decision-making. The adoption of protocols and principles relating to good governance of the City of Joondalup will impact on all Council policies and the implementation of such policies.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Consideration of the recommendations of the Governance Review Panel and the establishment of a Governance Framework setting out governance principles will ensure that Council's management and organisational practices will be professional and that decisions will be informed and will take into account the needs of the community to which it is primarily accountable.

The proposed governance framework and associated documentation is designed to ensure effective, transparent and sustainable management of the City's affairs.

**Consultation:**

A number of 'best practice' documents have been researched in preparing the proposed protocols and principles including:

- Murdoch University Senate, Statement of Governance Principles;
- Governance Framework and Statement – City of South Perth;
- On Board Leadership – John Carver;
- Reinventing Your Board, A Step by Step Guide to Implementing Policy Governance – John Carver and Miriam Mayhew Carver;
- Good Governance Guide 2004 – The Principles of Good Governance within Local Government - Municipal Association of Victoria;
- Excellence in Governance for Local Government – CPA Australia;

- WALGA – Training and Development Program for Elected Members;
- Existing documentation held by the City of Joondalup;
- Corporate Governance Charter - WA Local Government Association adopted in December 2004;
- Lessons for Local Government - City of Belmont published by the Department of Local Government and Regional Development April 2003;
- Lessons for Local Government - City of South Perth published by the Department of Local Government and Regional Development;
- Extract of Minutes City of Joondalup - Responses to Governance Review - November 2004;
- Elected Members Welcome Pack - City of Joondalup - May 2003;
- Elected Member Induction - Local Government Operational Guidelines Number 4 published by the Department of Local Government and Regional Development - Updated March 2005;
- City of Wollongong Governance Manual 2004;
- Council Forums - Local Government Operational Guidelines Number 5 published by the Department of Local Government and Regional Development - January 2005;
- Managing Public Question Time - Local Government Operational Guidelines Number 3 published by the Department of Local Government and Regional Development - August 2002;
- The Business of Local Government (a training course for elected members)- a joint WALGA and Australian Institute of Company Directors Course;
- WALGA State Council performance assessment questionnaire which was converted to relate to the City of Joondalup rather than WALGA;
- Local Government Act 1995;
- City of Joondalup Governance Review Report May 2004;
- Sustainability Reporting Guidelines – Global Reporting Initiative; and
- ASX Corporate Governance Council – Principles of Good Corporate Governance and Best Practice Recommendations.

Consultation has also occurred with Judy Hughes MLA, Member for Kingsley in order to obtain her experience in induction processes in local government and state parliament, and with other local governments to ascertain their protocols for good governance.

## **COMMENT**

Considerable emphasis is now placed on improving the quality of corporate governance. Good governance is vital to local democracy and the Governance Framework, once established, will support Council to improve governance practices. The Governance Framework is, therefore, a critical component of the Elected Members 'Welcome Pack'.

The Governance Framework has been developed to provide assistance and support to Elected Members in their role on Council, and a number of 'best practice' documents have been referenced in the compilation of the framework.

The Governance Framework will be a component of the Elected Members Welcome Pack and will complement the Induction Program and ongoing Training and Development Program. The Framework places emphasis on the 'what to' as well as the 'how to' in an effort to balance technical information with the essence of effective working relationships – both critical to good governance.

Good Governance is dependant upon the Council working together in the best interests of the whole community and this can only be achieved if the working relationships between elected members, and between elected members and the CEO and staff are courteous and based on mutual respect for the opinions and roles of others.



The Self-Assessment Tool included in the Framework is considered to be an excellent vehicle for the ongoing monitoring of Council's observance of, and adherence to, good governance as defined in the Governance Principles and Governance Charter, and a methodology for developing an action plan to address governance gaps or priorities.

The draft Governance Framework has been based on the findings and recommendations of the Governance Review. The outcomes of the Inquiry Panel are not known at this stage however it is likely that the Framework will need to be revisited following the final report of the Inquiry.

## **ATTACHMENTS**

Attachment 1            Draft Governance Framework

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council ADOPTS the Governance Framework 2005 shown as Attachment 1 to this Report.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf041005.pdf](#)*

## **ITEM 2            REVIEW OF WARD BOUNDARIES, NAMES AND ELECTED MEMBER REPRESENTATION – [16878]**

**WARD:**            All

**RESPONSIBLE**    Mr Garry Hunt  
**DIRECTOR:**      Chief Executive Officer

---

### **PURPOSE**

For the Council to give consideration to the proposed discussion paper and the process involved for the review of ward boundaries and elected member representation.

### **EXECUTIVE SUMMARY**

The Local Government Act 1995 requires all local governments to review their ward boundaries and elected member representation every eight years.

With the City of Joondalup being established on 1 July 1998 and adopting its preferred ward structure and elected member representation model on 27 August 1999, the Council is required to undertake its review by 26 August 2007. The review could take a number of months to complete and be submitted to the Local Government Advisory Board for consideration.

The review involves the preparation of a discussion paper and consultation with the community prior to the Council agreeing on a preferred option and submitting it to the Local Government Advisory Board.

*It is recommended that Council AGREES to:*

- 1      *CONDUCT a review of its Ward names, boundaries and elected member representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2      *SEEK public submissions on the discussion paper forming Attachment 1 to this Report;*
- 3      *REQUEST a further report be presented to Council following the completion of the statutory public consultation as required by Schedule 2.2 of the Local Government Act 1995.*

### **BACKGROUND**

The City of Joondalup was established by virtue of the Joondalup and Wanneroo Order 1998 which came into operation as of 1 July 1998. The Order created two new local governments, the City of Joondalup and the Shire (now City) of Wanneroo.

The Local Government Act 1995 came into operation on 1 July 1996 and places a legislative requirement on all local governments to review their ward boundaries and elected member representation every eight (8) years.

At the creation of the City of Joondalup, there was a requirement to establish its ward boundaries, the number of wards, and elected member representation per ward. This review

was carried out in accordance with the legislation and on 27 August 1999 the District of Joondalup (Ward Boundaries, Representations and Elections) 1999 was gazetted.

Following this Order, the City of Joondalup is required to complete its review by 26 August 2007. Given the process to be followed it is anticipated that the review may take some time to complete prior to submitting it to the Local Government Advisory Board for consideration.

The Council at its meeting held on 17 May 2005 (Item CJ084-05/05 refers) resolved as follows:

*That Council:*

- 1 *AGREES to undertake a review of the City of Joondalup ward boundaries and representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2 *REQUESTS the Chief Executive Officer to prepare a discussion paper regarding the review of ward boundaries and elected member representation to be presented to the Council for further consideration;*
- 3 *STATES that the intention of this resolution is to progress the process and that it is also the intention that an elected Council will decide Ward boundaries at the appropriate time.*

The proposed draft discussion paper has been prepared by researching:

- Information package – Review of Wards and Representation produced by the Local Government Advisory Board;
- The discussion papers of the Cities of Melville and Swan;
- The previous discussion paper when establishing the City of Joondalup and the Shire of Wanneroo in 1999.

## **DETAILS**

The elected Council of the City of Joondalup is currently under suspension pending the outcome of the McIntyre Inquiry. Upon completion of the Inquiry, a decision to dismiss or reinstate the elected Council will be made.

As a result of the suspension of the elected Council, the City of Joondalup is being governed by five (5) Commissioners appointed by the Minister as per the Local Government Act 1995. The structure of the elected Council consists of a Mayor, elected by the electors, and fourteen (14) Councillors across seven (7) wards, with two (2) Councillors representing each ward. The current ward structure of the City of Joondalup is as follows:

<b>Ward Suburb (Electors)</b>	<b>Number of Electors</b>	<b>Number of Councillors</b>	<b>Councillor : Elector Ratio</b>	<b>% Ratio Deviation</b>
<b>Lakeside -</b> Joondalup (4746) Edgewater (3206) Woodvale (6695)	14,647	2	1:7323	- 0.01%
<b>Marina -</b> Ocean Reef (5299) Connolly (2394) Heathridge (4533)	12,226	2	1:6113	16.51%
<b>North Coastal -</b> Burns Beach (148) Iluka (2131) Kinross (3801) Currambine (3993)	10,073	2	1:5036	31.22%
<b>Pinnaroo -</b> Beldon (2739) Craigie (3929) Padbury (5896)	12,564	2	1:6282	14.20%
<b>South -</b> Kingsley (9713) Greenwood (7314) Warwick (2916)	19,943	2	1:9971	- 36.18%
<b>South Coastal -</b> Sorrento (5492) Marmion (1676) Duncraig (11303)	18,471	2	1:9235	- 26.13%
<b>Whitfords -</b> Mullaloo (4049) Kallaroo (3625) Hillarys (6917)	14,591	2	1:7295	0.37%
<b>Total</b>	<b>102,515</b>	<b>14</b>	<b>1:7322</b>	

### Issues and options considered:

The following options are available to the Council following the completion of the public consultation process, as defined by the Local Government Act 1995:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all the wards into which the district is divided;
- Changing the name of a district or ward;
- Changing the number of offices of councillor on a council; and
- Specifying or changing the number of offices of councillor for a ward.

Advice from the Local Government Advisory Board is that the discussion paper should not detail the Council's preferred option.

Following the completion of the requested statutory process, including public consultation, a report will be submitted to the Council at which time a preferred option is to be agreed upon prior to referring the matter to the Local Government Advisory Board.

**Link to Strategic Plan:**

- Objective 1.3 To continue to provide services that meet changing needs of a diverse and growing community.
- Objective 3.3 To continue to meet changing demographic needs.
- Objective 4.3 To ensure the City responds to and communicates with the community.
- Strategy 4.3.3  
Provide fair and transparent decision-making processes

**Legislation – Statutory Provisions:**

Schedule 2.2 Clause 6 of the Local Government Act 1995 requires a local government to carry out a review of its ward boundaries and number of offices of Councillor for each ward at least once every eight (8) years:

*“Schedule 2.2*

- 6 *A local government the district of which is divided into wards is to carry out reviews of:*
- (a) its ward boundaries; and*
  - (b) the number of offices of councillor for each ward,*
- from time to time so that not more than 8 years elapse between successive reviews.”*

Schedule 2.2(6)(3) of the Local Government Act 1995 states:

*“A local government is to carry out a review described in subclause (1) or (2) at any time if the Advisory Board requires the local government in writing to do so.”*

**Risk Management considerations:**

The associated risk with not undertaking the review of ward boundaries and elected member representation is that the Council would not be complying with its legislative requirements. Recent amendments to the Local Government Act 1995 allows the Local Government Advisory Board to request a local government to carry out a review of its representation at any time.

**Financial/Budget Implications:**

There are no specific funds available to undertake the review but it will be absorbed as part of normal operations.

**Policy implications:**

Not Applicable.

**Sustainability implications:**

The review of ward boundaries and elected member representation across the City of Joondalup will:

- Attempt to provide a fair and equitable representation for the electors of the district;
- Ensure that the correct level of representation will assist individual members performing their role under section 2.10 of the Local Government Act, and;
- Aid in the ability of the Council to provide good government to the people of its district.

**Consultation:**

The level of community consultation for the review is governed by the Local Government Act 1995 and the Local Government Advisory Board detail the required minimum.

The review process involves a number of steps:

- Council resolves to undertake the review
- Public submission period opens
- Information provided to the community for discussion
- Public submission period closes
- The Council considers all submissions and relevant factors and makes a decision
- The Council submits a report to the Local Government Advisory Board (the Board) for its consideration; and
- (If any change is proposed) the Board submits a recommendation to the Minister for Local Government and Regional Development (the Minister).

Schedule 2.2(7) of the Local Government Act 1995 states:

*“Reviews*

- (1) *Before carrying out a review a local government has to give local public notice advising:*
  - (a) *that the review is to be carried out; and*
  - (b) *that submissions may be made to the local government before a day fixed by the notice, being a day that is not less than 6 weeks after the notice is first given.*
- (2) *In carrying out the review the local government is to consider submissions made to it before the day fixed by the notice.”*

It is intended that two (2) public workshops be held across the City to allow members of the public to be informed of the process. In addition to the statutory requirements and public forums, relevant community/sporting groups, residents/ratepayers associations and other public bodies will be advised of the review.

Any changes approved by the Minister, where possible, will be in place for the next ordinary election.

The advice from the Local Government Advisory Board is not to contain any preferred option of the Council in the discussion paper that is circulated for public feedback. Whilst the Council may have a preferred position, the public notice must not limit the possible responses and suggestions from the community.

## COMMENT

The purpose of the review is to evaluate the current arrangements and consider other options to find the system of representation that best reflects the characteristics of the district and its people. Any of the following may be considered:

- Creating new wards in a district already divided into wards;
- Changing the boundaries of a ward;
- Abolishing any or all the wards into which the district is divided;
- Changing the name of a district or ward;
- Changing the number of offices of councillor on a council; and
- Specifying or changing the number of offices of councillor for a ward.

The Board considers that the ratio of councillors to electors is always significant. It is expected that each local government will have similar ratios of councillors to electors across the wards of the district.

The current average ratio of councillors (14) to electors (102,515) across the seven wards is one councillor to every 7322 electors. The Minister for Local Government and Regional Development has indicated that he will not consider changes to ward boundaries and representation that result in councillor/elector ratios that are greater than plus/minus 10% of the average councillor/elector ratio for the local government. Given that guideline, the current ward structure, based on current elector numbers per ward, for the City of Joondalup does not meet this requirement, with only the Lakeside and Whitfords Wards falling within the plus/minus 10% guideline.

The following table provides comparison figures of councillor to elector ratios:

	<b>Councillor : Elector Ratio</b>
City of Joondalup – current	1 : 7322
Average of <b>all</b> local governments in WA *	1 : 957
Average of the 30 <b>metropolitan</b> local governments in WA *	1 : 2852

\* Information supplied by the Local Government Advisory Board.

It is intended that, prior to seeking public feedback on the discussion paper, it will be submitted to the appropriate faculty of Edith Cowan University to ensure the paper has been written in an unbiased way.

**ATTACHMENTS**

Attachment 1	Discussion paper.
Attachment 2	Processes associated with reviewing ward boundaries and representation – Local Government Advisory Board.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council AGREES to:**

- 1 CONDUCT a review of its Ward names, boundaries and elected member representation in accordance with Schedule 2.2 of the Local Government Act 1995;**
- 2 SEEK public submissions on the discussion paper forming Attachment 1 to this Report;**
- 3 REQUEST a further report be presented to Council following the completion of the statutory public consultation as required by Schedule 2.2 of the Local Government Act 1995.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf041005.pdf](#)



## **ITEM 3            POLICY REVIEW – [26176]**

**WARD:**            All

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

---

### **PURPOSE**

To provide Council with a report detailing:

- Recommendations for the delineation of Council and City policies according to the Policy Governance Framework; and
- Recommendations for a revised Policy Manual following a review of the City Policies.

### **EXECUTIVE SUMMARY**

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

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

Council Policies, according to the new Framework, will be developed by the Policy Committee and be subject to community consultation as determined by the Committee. City Policies are to be drafted by City officers and referred to Council for review and endorsement, and referral for public advertising where required or through a decision of Council.

Following the endorsement of the Policy Framework a review has been undertaken of the current Policy Manual to separate Council and City Policies to align with the new Policy Governance Framework prior to Council Policies being referred to the Policy Committee, and a further review has been undertaken of City Policies to ensure:

- They accurately reflect the policy positions of Council
- They are presented in a standardised format, and
- That procedural information has been removed from the Policy Statements.

This report provides recommended revisions to a number of City Policies for consideration of the Council, and a list of Council Policies for referral to the Policy Committee.

## BACKGROUND

Council disbanded the Policy Manual Review Committee and established a Policy Committee at the meeting of 26 April 2005 (*refer CJO64 – 04/05*). Council endorsed the following terms of reference for the Policy Committee:

- (a) *To make recommendations to Council on the development and review of Strategic (Council) policies to identify the direction of the Council;*
- (b) *To initiate and formulate strategic (Council) policies;*
- (c) *To devise and oversee the method of development (level and manner of community consultation) for the development of strategic (Council) policies;*
- (d) *To review the Council Policy Governance Framework in order to ensure compliance with provisions of the Local Government Act 1995.*

The report to the Council Meeting of 26 April 2005 recommended a new framework for the development and review of policies at the City of Joondalup consisting of two distinct sets of policies:

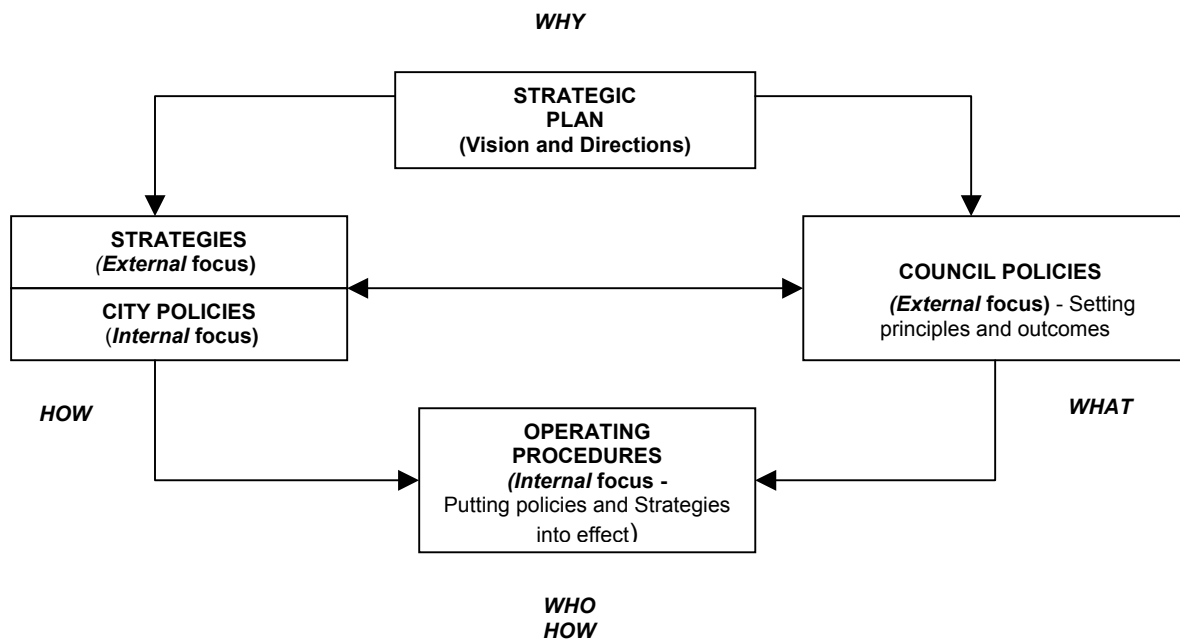
- 1 *Council Policies* - strategic policies that set governing principles and guide the direction of the organisation to align with community values and aspirations. These policies have a strategic external focus and align with the Mission, Vision and Strategic Directions.
- 2 *City Policies* - policies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

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

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

The Policy Framework also delineated operating procedures from policies. Operating procedures were defined as *administrative procedures and implementation plans giving effect to the Council Policies and Strategies determined by Council and supporting sound administration of the organisation.*

Operating procedures are to be approved by the CEO unless the CEO specifically refers them to Council.

**Diagram 1. Policy Framework**

In order to progress the Policy Framework and to facilitate the work of the Policy Committee in the development and review of Council Policies a detailed review of the Policy Manual has been undertaken with a view to ensuring that the current policies:

- Have been accurately categorised as 'Council' and 'City' policies and therefore support the Policy Governance Framework endorsed by Council;
- Accurately reflect the policy positions of Council;
- Are policy statements and do not include procedures;
- Are presented in plain English; and
- Fulfill Council's statutory responsibilities.

## DETAILS

### Issues and options considered:

The review excluded some portions of the Policy Manual, specifically:

- Sections 3.1 and 3.2 – matters relating to development, many of which are subsidiary policies developed under the District Planning Scheme (DPS2) and will require a specific review process; (These local planning policies are currently being reviewed as a separate exercise in accordance with the provisions of the DPS2 and a separate report/s will be provided to Council following that review).
- Council policies (other than their categorisation) as these policies are to be referred to the Policy Committee for review and development – gaps in Council Policies have, however, been identified for referral through to the Policy Committee for consideration and further development.

## **Statutory Policies**

There are a number of policies that are statutory requirements. In these instances, there has been some amalgamation of policies (eg – those relating to Human Resource management) and in others a return to the broader policy position.

### **Policies and Local Laws:**

There were a number of instances identified where a slight amendment to the local law (due for review) could address the issue that the policy sought to address. An example of this is Policy 5.5.1 – Burning of Garden Refuse and Cleared Vegetation. There were other instances where the local law addressed the issue. (eg – 5.3.2 Sand drift control)

### **Duplication:**

There were some issues identified where legislation, regulations or local laws already address the matter. For example, 5.3.3 - vehicle crossing – is covered in the Uniform Local Government Provisions;

### **Matters which cross Functional Areas**

There are a number of areas where policies have been combined where they relate to specific resources of the City. For example matters relating to parks and reserves have been incorporated into a single policy.

### **Policies and Delegations**

Where there is a simple delegation of authority (eg – authority to waive fees) it is questionable that a separate policy needs to be determined. If the policy is limiting the delegation then this should be contained within the delegation and as such, is simply duplicated. In some instances, the policy has been recommended for deletion, as its only purpose is to then provide a basis for a delegation of power. Given that the delegation of power is reviewed annually, this seems unnecessary.

A summary of the recommended revisions (including amalgamations and deletions) to the City Policies is shown as Attachment 1.

All policies (Council and City) have been aligned to the key focus areas contained within the Strategic Plan. Once a review has been completed of all associated management procedures and delegations, these will be cross-referenced to each policy for ease of access.

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

This item has a general connection to the Strategic Plan.

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

The Local Government Act 1995 is the legislation under which Local Government bodies are constituted and contains detailed reporting and operational requirements which a Council has a duty to comply with. The Act establishes the framework for the system of local government in Western Australia.

Section 1.3 (2) states that the Act is intended to result in:

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

The degree to which this is achieved is dependant on the processes and practices for planning, and policy development.

Part 3 of the Act outlines the functions of local governments:

Section 3.1 - A *general function* to provide for good government

Section 3.4 - A *legislative function* to make local laws, and

Section 3.8 - An *executive function* to provide services and facilities.

The separation of powers and duties in relation to the Council and the Chief Executive Officers as detailed in the Local Government Act 1995 are:

Under the Act (Section 2.7) the role of the Council is to:

- (a) Direct and controls the local government's affairs;
- (b) Be responsible for the performance of the local government's functions;
- (c) Oversee the allocation of the local government's finances and resources; and
- (d) Determine the local governments policies.

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

Policy development is central to good governance. Good governance is about formalising, and making clear and consistent, the decision-making processes in the organisation. The framework proposed in this report will help facilitate decision-making and appropriate delegation of accountability and responsibility within and outside the organisation and ensure that the varying needs of the stakeholders are appropriately balanced; that decisions are made in a rational, informed and transparent fashion; and that those decisions contribute to the overall efficiency and effectiveness of the organisation.

Local Government operates under State legislation and Council is responsible for controlling the functions of the local government through its decision-making and policy development role.

The distinction between policy matters and procedural matters is central to the role of Council and the role of the CEO, and to the administration of local government. The new Policy Framework will assist Council to concentrate on policy matters rather than procedural issues, and for the CEO to provide advice to the Council and implement the decisions of Council.

#### **Policy implications:**

The report recommends changes to a number of policies of Council.

#### **Regional Significance:**

Not Applicable

**Sustainability implications:**

The review and development of policies will align with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be 'A *sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan determines the long-term orientation of the Council and was developed in consultation with the community. The Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

The policies of Council (Council and City policies) support the achievement of the Strategic Plan and state Council's position on social, environmental, and economic matters as well as governance issues.

The policy positions of Council attempt to balance the social, environmental and economic interests of the City, and the review of policies of the Council will ensure that social, economic, and environmental changes are reflected in policy statements and objectives.

**Consultation:**

One of the most important roles Council has is to participate in making policy and decisions on behalf of the community. An essential part of policy making is identifying community needs, setting objectives to meet those needs, establishing priorities between competing demands and allocating resources.

The City of Joondalup values effective consultation in developing a positive relationship with its community; recognising that community input can assist in policy and decision making processes. Council also recognises the right of the community to be informed and influence decisions that affect their lives. As a result of this commitment Council has endorsed a Policy Framework that supports Council (major) policies being devised in consultation with the community.

The framework is intended to ensure that Council is in touch with the community and that the major policy decisions accurately reflect the views and aspirations of the community.

**COMMENT**

Setting and reviewing policies is a prime responsibility of the Council. The Policy Governance Framework will provide Council with a structure to effectively lead the development and review of Council and City Policies.

A number of the 'City' Policies contained in the current Policy Manual were deemed to be procedures or guidelines and, as such, the domain of the CEO in his role of managing the day-to-day operations of the organisation.

The review of the 'City' Policies has resulted in a number of changes to 'City' Policies in order to remove the procedural elements and to standardise the policy format.

The review has also provided a clear delineation between Council and City Policies in accordance with the Policy Framework endorsed by Council and the first meeting of the Policy Committee will review the Council Policies and make recommendations for the review and further development of Council Policies.

The revised 'City' Policies and the removal of procedures from the polices will enable the Council to fulfil its role as set out in the Local Government Act 1995, those being; directing affairs, taking responsibility for the performance of the local government's functions, overseeing the allocation of finances and resources, deciding on matters of policy, ensuring that services and facilities are integrated with and do not unnecessarily duplicate other public services, and monitoring the performance through the CEO to ensure efficiency and effectiveness in service provision.

During the review of the current Policy Manual a number of gaps were identified in City Policies, namely public access to documents, debt financing and foreshore height. These policies are currently being drafted and a separate report will be provided to Council.

The following current Council policies have been nominated as 'Council' Policies for referral to the Policy Committee for review and further development:

- Environmental Sustainability
- Leisure
- Child Care Centres
- Height and Scale of Buildings within Residential and Commercial Areas
- Centres Strategy
- Setting Fees and Charges
- Code of Conduct
- Public Participation

The following policy areas have been nominated as 'gaps' in Council policies for consideration and development by the Policy Committee:

- Financial Planning – Strategic Matters
- Economic Development
- Service Delivery (range/scope/role)
- Community Development; (include leisure, cultural development etc)

Council resolved to refer the resolution of the Sustainability Advisory Committee dated 14 October 2004 concerning development of a statement of principles that commits all policies of Council to sustainability objectives to the newly formed Policy Committee, and it is recommended that this item be considered by the initial meeting of the Committee.

## **ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Summary document outlining Council and City Policies and summarising revisions to City Policies. |
| Attachment 2 | Revised Policy Manual  |
| Attachment 3 | Index of Existing Policy Manual  |

## **VOTING REQUIREMENTS**

Absolute Majority

## RECOMMENDATION

### That Council:

- 1 **BY AN ABSOLUTE MAJORITY, REVOKES** the existing Policy Manual as outlined on Attachment 3 to this Report and as LAID ON THE TABLE at the Council meeting held on 11 October 2005;
- 2 **BY AN ABSOLUTE MAJORITY, ADOPTS** the revised Policy Manual shown as Attachment 2 to this Report;
- 3 **NOTES** that the following Council Policies are as previously adopted by Council and refers them to the Policy Committee for review and further development:
  - 1-1 Leisure
  - 1-2 Public Participation
  - 2-1 Environmental Sustainability
  - 3-1 Child Care Centres
  - 3-2 Height and Scale of Buildings within Residential and Commercial Areas
  - 3-3 Centres Strategy
  - 4-1 Code of Conduct
  - 4-2 Setting Fees and Charges
- 4 **NOTES** that all local planning policies are currently under review in accordance with the provisions of the District Planning Scheme No 2 and will be the subject of further reports to Council;
- 5 **CONVENES** a meeting of the Policy Committee;
- 6 **REFERS** the resolution of the Sustainability Advisory Committee dated 14 October 2005, concerning the development of a statement of principles that commits all policies of Council to sustainability objectives, to the Policy Committee.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf041005.pdf](#)*



## **ITEM 4                      PROTOCOLS FOR PUBLIC QUESTION AND STATEMENT TIME – [01122, 12950, 02154, 08122]**

**WARD:**                      All

**RESPONSIBLE DIRECTOR:**                      All

---

### **PURPOSE**

For the Council to consider the outcomes of the public consultation period and to agree to protocols for public question and statement time.

### **EXECUTIVE SUMMARY**

The Council at its ordinary meeting held on 14 December 2004 agreed to:

- *NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;*
- *AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;*
- *AGREE to the community being involved in developing protocols for public question time and statement time within the constraints imposed by the Local Government Act 1995 and the need for Council meetings to progress the ordinary business of the Council.*

The Council further agreed at its ordinary meeting held on 26 April 2005:

- 1     *Council AGREES to invite all members of the following committees to be part of developing the protocols for public question time and statement time:*
  - *Conservation Advisory Committee*
  - *Sustainability Advisory Committee*
  - *Senior Interests Advisory Committee*
  - *Youth Advisory Council*
  - *CBD Enhancement Committee*

- 2     *A report on the findings of the workshops be PRESENTED to Council in June 2005.*

A workshop was held where all members of the nominated committees were invited. A total of 17 committee members attended and took part in the workshop by working in groups and responding to questions pertaining to protocols for public question and statement time.

The feedback from the workshop was collated and analysed. The following is a summary of the findings:

- There is support for a time-slot for a statement time;
- By allowing public statements, the City will be better informed about matters of public interest and may receive information that better informs the decision-making process of Council;
- A timeframe of between 2 and 4 minutes should be permitted per statement with the Chair making decisions dependent on the circumstances;

- Council should respond formally to statements, if only to acknowledge and thank people making statements and records should be kept of both statement and response;
- There was a mixed response as to whether a statement should precede a question that is asked during public question time;
- Questions at Public Question Time should be limited, with support for a maximum of 2 minutes per person. Ultimately, the Chair can make these decisions dependent on circumstances;
- Most participants supported the notion that written questions should be submitted 5 working days prior to the meeting of Council where a response is requested;

Following the analysis, a proposed set of guidelines was prepared and submitted to the Council for its consideration. At the Council meeting held on 19 July 2005, Council resolved as follows:

*“That Council:*

- 1 *AGREES to seek public comment on the draft protocols relating to public question and statement time contained in Option 1 for a period of thirty (30) days subject to:*
  - (a) *the deletion of the reference to a response being given to statements;*
  - (b) *deletion of the requirement in Item 2 – Procedure for Public Statement Time - that statements be provided in a written form and handed to an employee;*
  - (c) *deletion of the words “will be required ...” in Item 2 – Procedure for Public Question Time” and their replacement with “will be encouraged ...”;*
- 2 *REQUESTS a further report on the protocols relating to public question and statement time following the conclusion of the public comment period as detailed in (1) above.”*

Submissions were invited by public advertisement on 9 August 2005 in the local newspaper. Copies of the draft protocols were also available on the City’s website and through its customer service centres and libraries. Public submission closed on 12 September 2005 with four (4) submissions being received.

*This report recommends that Council:*

- 1 *BY AN ABSOLUTE MAJORITY REVOKES Part 2 its decision C180-12/02 of 17 December 2002 as detailed on Attachment 4 to this Report and REPLACES it with the revised protocols for public question time and public statement time as detailed on Attachment 1 to this Report;*
- 2 *in accordance with Clause 3.2 of the Standing Orders Local Law 1997, AMENDS the order of business for all its ordinary meetings of Council that are open to the public by placing “Public Statement Time” immediate after “Public Question Time”;*
- 3 *INCLUDES a period of time to allow members of the public to make a statement as part of its Briefing Sessions that are open to the public.*

## BACKGROUND

Recommendation 1(b) of the Governance Review Panel – Final Report stated:

*“1(b) Members of the public who have a specific interest in a matter may be given an opportunity to address the Council if they submit a written request to the CEO at least 24 hours before the session.”*

Subsequent to this, at the Annual General Meeting of Electors held on 22 November 2004, the following motion in relation to the introduction of public statement time was moved.

*“That a statement time be introduced next year by the Commissioners at Briefing Sessions and Council meetings to enable ratepayers the opportunity to voice a concern without the need to put it into question form, or arrange for a deputation, or raise a petition or communicate with the media. This motion endorses the officer’s comment for recommendation 1(b) in the Governance Review and not the Governance Review Panel’s Recommendation which is too restrictive.”*

In response to the above motion, the Council at its meeting held on 14 December 2004 resolved to:

- *NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;*
- *AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;*
- *AGREE to the community being involved in developing protocols for public question time and statement time within the constraints imposed by the Local Government Act 1995 and the need for Council meetings to progress the ordinary business of the Council.*

Further to that resolution, the Council at its meeting held on 26 April 2005 resolved that:

- *Council AGREES to invite all members of the following committees to be part of developing the protocols for public question time and statement time:*
  - *Conservation Advisory Committee*
  - *Sustainability Advisory Committee*
  - *Senior Interests Advisory Committee*
  - *Youth Advisory Council*
  - *CBD Enhancement Committee*
- *a report on the findings of the workshops be PRESENTED to Council in June 2005.*

All members of the nominated committees were forwarded details in early May 2005 of a proposed workshop to be held on 23 May 2005 in an effort to commence the consultation process in developing such protocols for public question and statement time.

A total of 45 committee members were invited to attend the scheduled workshop that was held on Monday 23 May 2005. Of those invited, 17 people attended the workshop with representation of each of the committees being in attendance.

An advertisement was placed in the local newspaper on 9 August 2005 inviting members of the public to make a submission relating to the protocols. Submissions closed on 12 September 2005, with four submissions being received.

## DETAILS

Following the workshop, the responses of each table were collated and were analysed accordingly in order to present a draft set of protocols to the Council for consideration. A copy of the report that summarises the findings is attached.

In summary the participants of the workshop presented the following outcomes:

- There is support for a time-slot for a statement time;
- By allowing public statements, the City will be better informed about matters of public interest and may receive information that better informs the decision-making process of Council;
- A timeframe of between 2 and 4 minutes should be permitted per statement with the Chair making decisions dependent on the circumstances;
- Council should respond formally to statements, if only to acknowledge and thank people making statements and records should be kept of both statement and response;
- There was a mixed response to whether statements should precede questions;
- Questions at Public Question Time should be limited, with support for a maximum of 2 minutes. Ultimately, the Chair can make these decisions dependent on circumstances;
- Most participants supported the notion that written questions should be submitted 5 working days prior to the meeting of Council where a response is requested.

As a result of the outcomes, draft protocols detailing two options were developed to govern the operations of a public statement and question time at Council meetings and Briefing Sessions. These were presented to the Council at its meeting held on 19 July 2005. The Council at that meeting modified Option 1 and sought public comment. A copy of the revised Option 1 is attached.

### Issues and options considered:

Following the close of the public consultation period, four (4) submissions were received and are summarised as follows:

Mr A G Bryant	Comment:
<ul style="list-style-type: none"> <li>➤ Disagrees with the limitation of two (2) minutes per person for both a question and a statement</li> </ul>	<p>This proposal was submitted as part of Option 2 presented to the Council but was not pursued as the preferred option presented for public consultation</p>
<ul style="list-style-type: none"> <li>➤ Agrees that there should be separate allocations of time for each question and statement with an allowance of two (2) minutes per person for questions and a further two (2) minutes per statement.</li> </ul>	<p>The option presented for public consultation provided for separate time allocations for the asking of public questions and statements. A limit of two (2) minutes per member of the public to ask a maximum of two (2) questions. The option also allows members of the public to make a statement to a maximum of two (2) minutes.</p>

<b>Mr M Norman Chairman Joondalup Community Coast Care Forum</b>	<b>Comment:</b>
<ul style="list-style-type: none"> <li>➤ Strongly supportive of the introduction of a public statement time and public question time.</li> </ul>	<p>The Local Government Act 1995 requires the City of Joondalup to allow for a period of time to be allocated as part of its Council meeting for members of the public to ask questions. The Council has agreed to consult with the community on the possibility of the introduction of a public statement time.</p>
<ul style="list-style-type: none"> <li>➤ The allocation of the period of time should be limited to a maximum time of three minutes per member of the public in which they can make a statement, ask a question or both. There should be no limit on the number of questions asked or statements made; the maximum time allocated for public question/statements during the meeting should be a maximum of 30 minutes.</li> </ul>	<p>Option 2 as presented to the Council following the workshop, canvassed this option. The Council at its meeting on 19 July 2005, agreed to consult with the wider community on the option that separated the period of time allocated for public questions and statements.</p>

<b>Mr S Kobelke</b>	<b>Comment:</b>
<ul style="list-style-type: none"> <li>➤ Supports the introduction of a public statement time.</li> </ul>	<p>The Local Government Act 1995 requires the City of Joondalup to allow for a period of time to be allocated as part of its Council meeting for members of the public to ask questions. The Council has agreed to consult with the community on the possibility of the introduction of a public statement time.</p>
<ul style="list-style-type: none"> <li>➤ Suggests that the period of public question time be set at 15 minutes with two extensions of 15 minutes each being allowed, with public question time not exceeding 45 minutes in total.</li> </ul>	<p>The findings of the workshop on public question time revealed that the time allocated should be between 30-40 minutes. The suggested period of time for public questions set at 30 minutes in the preferred option was based on the average number of people (during the period December 2004 to June 2005) asking two questions each at a maximum of 2 minutes per person, which equalled 26.5 minutes.</p>
<ul style="list-style-type: none"> <li>➤ Public question time for briefing sessions should be a maximum of 30 minutes.</li> </ul>	<p>The provision of a period for public to ask questions at briefing sessions is not a requirement of the Local Government Act, and is something the City agreed to introduce some time ago, which exceeds its statutory obligations.</p> <p>For the ease of understanding of the procedures for public question time and statement time by the elected members, employees and members of the public, consistency for the period of time at both Council meetings and briefing sessions is preferred.</p>

<p>➤ The concept of reading the two questions in total is sometimes difficult as a person may only ask their second question based on the answer to the first. The Mayor or Presiding Member should be able to have some discretion on the matter.</p>	<p>This procedure was included based on:</p> <ul style="list-style-type: none"> <li>➤ The ability to account for the period of time per member of the public; and</li> <li>➤ To allow the questions to be asked and understood by the relevant person who is required to respond.</li> </ul> <p>The opportunity always exists for member of the public to ask questions in writing prior to the Council meeting and, where practicable, for responses to be available at the meeting. Members of the public can then use their two (2) questions at the Council meeting to ask follow up questions to the response already provided.</p>
--	--

<b>Mr S Magyar</b>	<b>Comment:</b>
<p>➤ The introduction of public statement time is supported</p>	<p>The Local Government Act 1995 requires the City of Joondalup to allow for a period of time to be allocated as part of its Council meeting for members of the public to ask questions. The Council has agreed to consult with the community on the possibility of the introduction of a public statement time.</p>
<p>➤ Public question time should go after public statement time. Public statement time will then need to be strongly managed to ensure good time management.</p>	<p>The Local Government Act 1995 requires that public question time must precede any other matter that requires a decision of the Council. Therefore public question time must be the first matter listed on the Council agenda. The proposed Standing Orders Local Law details this order of business.</p>
<p>➤ Supporting documentation detailing heads of power and other background information, such as the relationship to the Council's Strategic Plan, should have been made available on the Council's website to enable the public to make a more informed submission.</p>	<p>It is unclear on the point being made. The Strategic Plan is available on the City's website.</p>
<p>➤ The draft procedures are too wordy and are less likely to be read and should be rewritten to create a friendlier relationship between Council and the public. The document needs to be redrafted to rebuild trust and respect between the public and the Council.</p>	<p>The draft procedures have been drafted specifically to ensure clarity and consistency in dealing with public question and statement time.</p> <p>As a result of this submission, a few modifications have been made to the wording of the protocols.</p>

<p>➤ The draft procedures document is all about controlling the public and little to do with the Council, its administration and the public working in partnership for the common good.</p>	<p>The procedures have been drafted to set clear protocols on the governing of public question and statement time. It is agreed that the protocols set procedures in place of what is expected by members of the public during these periods. It is important to note that public question and statement time is only to be used by members of the public and not elected members or employees.</p> <p>The Standing Orders Local Law provides for the rules to govern elected members and employees during Council and Committee meetings.</p>
<p>➤ The draft Procedures Document could further enhance opportunities for Council to exceed its requirements under the Local Government Act 1995 and associated Regulations to increase public participation and accountability. More could be done in this regard.</p>	<p>The Local Government (Administration) Regulations 1996 stipulates the period of time required for public question time at Council or Committee meetings (where the Council has delegated powers).</p> <p>The City of Joondalup has public question time at Briefing Sessions as well as Council meetings for periods of time that exceed the requirements of the legislation. The Council is also considering the introduction of public statement time at these two forums, which also exceeds the legislative requirements.</p>

A copy of Mr Magyar's redrafted protocols is attached.

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

Outcome – The City of Joondalup is an interactive community

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

4.3.3 Provide fair and transparent decision-making processes.

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

The Local Government Act 1995 and associated Regulations require that a period of time be allocated at the commencement of every Council meeting for the asking of and responding to questions asked by members of the public. The rules associated with the conduct of public question time are detailed within the legislation; however, public statement time is not a statutory requirement.

Section 5.25 of the Local Government Act 1995 states:

- 1 Time is to be allocated for questions to be raised by members of the public and responded to at —
  - (a) every ordinary meeting of a council; and

- (b) such other meetings of councils or committees as may be prescribed.
- 2 Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

The Local Government (Administration) Regulations 1996 state: -

**Regulation 5 - Question time for the public at certain meetings — s. 5.24(1)(b)**

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

**Regulation 6 - Minimum question time for the public — s. 5.24(2)**

- 1 The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- 2 Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

**Regulation 7 - Procedures for question time for the public — s. 5.24(2)**

- 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; or
  - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).
- 2 The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- 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 receive a response.
- 4 Nothing in subregulation (3) requires —
- (a) a council to answer a question that does not relate to a matter affecting the local government;
  - (b) a Council at a special meeting to answer a question that does not relate to the purpose of the meeting; or



- (c) a committee to answer a question that does not relate to a function of the committee.
- 5 If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
- (a) declare that he or she has an interest in the matter; and
  - (b) allow another person to respond to the question.

**Risk Management considerations:**

The risk to the Council is that failure to properly consider the findings of the workshops and wider public consultation process may dilute the public participation process.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The City recognises its responsibilities to work with its community towards an environmentally, socially and economically sustainable future. Consideration of the recommendations of the Governance Review Panel will enhance the social aspect of sustainability by demonstrating improved governance practices for the benefit of the community of the City of Joondalup.

**Consultation:**

The arranged workshop held on 23 May 2005 was Phase I of the consultation process in developing the protocols relating to public question and statement time. Wider public consultation on the option was Phase 2.

**COMMENT**

The process followed in preparing the draft set of protocols for public question and statement time has proven beneficial in obtaining the feedback from members of the public in determining reasonable guidelines for the operation of the time periods.

Specific comments relating to the individual submissions received have been included in this report.

Throughout the public consultation process there has been strong support for the introduction of a public statement time at both Council meetings and Briefing sessions.

The primary purpose of a meeting of the Council is to allow the Council to make informed decisions in the best interests of the City. A component of the meeting is to allow members of the public to ask questions.

The draft set of protocols generally encapsulates the findings of the workshops and the wider public consultation process. The proposed protocols establish clear and concise guidelines to enable public question and statement time to be effectively governed. It is therefore recommended that the draft set of protocols for public question and statement time as attached be approved.

The draft Standing Orders Local Law 2005 is currently advertised for public comment and submissions are due to close on 21 October 2005. The draft Standing Orders Local law 2005 allows for a public statement time.

If the Council desires to introduce a period of time as part of the Council meetings to allow members of the public to ask statements, prior to the introduction of the Standing Orders Local law 2005, it will be necessary to amend its order of business in accordance with Clause 3.2 of the Standing Orders Local Law 1997. Currently the briefing sessions that are open to the public do not include a public statement time. If the Council desires to include a public statement time at briefing sessions, it can do so merely by resolution.

## ATTACHMENTS

Attachment 1	Proposed protocols for public question time and public statement time
Attachment 2	Report on public question/statement time workshop – 24 May 2005.
Attachment 3	Protocols drafted by Mr S Magyar.
Attachment 4	Council's decision C180-12/02 of 17 December 2002

## VOTING REQUIREMENT

Absolute majority

## RECOMMENDATION

### That Council:

- 1 BY AN ABSOLUTE MAJORITY REVOKES Part 2 its decision C180-12/02 of 17 December 2002 as detailed on Attachment 4 to this Report and REPLACES it with the revised protocols for public question time and public statement time as detailed on Attachment 1 to this Report;**
- 2 in accordance with Clause 3.2 of the Standing Orders Local Law 1997, AMENDS the order of business for all its ordinary meetings of Council that are open to the public by placing “Public Statement Time” immediate after “Public Question Time”;**
- 3 INCLUDES a period of time to allow members of the public to make a statement as part of its Briefing Sessions that are open to the public.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf041005.pdf](#)

## **ITEM 5                    SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Chief Executive Officer

---

### **PURPOSE**

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 26 July 2005 to 20 September 2005.

### **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**

Document: Contract  
Parties: City of Joondalup and Thyssenterupp Elevator  
Description: Execution of Contract No 038-04/05 – Civic Chambers, Library and Administration lift services, upgrade and maintenance  
Date: 26.07.05

Document: Caveat  
Parties: City of Joondalup and W P and M A Notman  
Description: Withdrawal of and execution of Caveat – Lot 2 (7a) Reflection Close, Edgewater  
Date: 26.07.05

Document: Deed of Agreement  
Parties: City of Joondalup and Platinum No 2  
Description: Execution of Deed of Agreement to satisfy previous subdivision conditions – No 18 Dugdale Street, Warwick  
Date: 09.08.05

Document: Amendment  
Parties: City of Joondalup and Western Australian Planning Commission (WAPC) – signing only  
Description: DPS Amendment No 30 – rezoning of 157 Kinross Drive, Kinross  
Date: 09.08.05

Document: Grant of Easement Deed  
Parties: City of Joondalup and Halusek and Murphy  
Description: Grant of Easement, 17 Hammersmith Court, Joondalup

- Date: 23.08.05
- Document: Caveat  
Parties: City of Joondalup and M J French  
Description: Withdrawal of Caveat – 660 Eddystone Avenue, Beldon  
Date: 23.08.05
- Document: Easement  
Parties: City of Joondalup and Western Power  
Description: Grant of Easement – Lot 344 Grand Boulevard, Joondalup  
Date: 24.08.05
- Document: Deed of Agreement  
Parties: City of Joondalup and Department of Public Transport  
Description: Provision of commuter parking at Joondalup Rail Transit Station  
Date: 30.08.05
- Document: Section 70A  
Parties: City of Joondalup and B and K Heatley  
Description: Notification Ancillary Accommodation – Lot 113 (10) Skiff Way, Heathridge  
Date: 30.08.05
- Document: Copyright  
Parties: City of Joondalup and Chris Carman  
Description: Recording of historical importance  
Date: 06.09.05
- Document: Structure Plan  
Parties: City of Joondalup and Western Australian Planning Commission (WAPC)  
Description: Certification of Burns Beach Structure Plan  
Date: 06.09.05
- Document: Caveat  
Parties: City of Joondalup and Spargo and Zencich  
Description: Temporary Withdrawal of Caveat – Lot 2 (6) Aboco Close, Hillarys  
Date: 20.09.05
- Document: Accountability Documents  
Parties: City of Joondalup  
Description: Financial Counselling Service – Emergency Relief Accountability documents  
Date: 20.09.05

**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:**

Policy 2.3.3 titled Use of Common Seal and the Signatories for Contract Execution has the following objective:

*To provide a policy for the use of the common seal and signatories for the execution of agreements.*

**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

**RECOMMENDATION**

**That the schedule of documents executed by means of affixing the Common Seal for the period 26 July 2005 to 20 September 2005 be NOTED.**

## ITEM 6                      WARRANT OF PAYMENTS 31 AUGUST 2005 – [09882]

**WARD:** All  
**RESPONSIBLE** Mr Peter Schneider  
**DIRECTOR:** Corporate Services & Resource Management

### PURPOSE

The Warrant of Payments for the month ended 31 August 2005 is submitted to Council for approval.

### EXECUTIVE SUMMARY

This report details the payments drawn on the funds during the month of August 2005, totalling \$35,928,370.52 and seeks approval by Council for the payments listed.

*It is recommended that Council:*

- 1        *APPROVES for payment the vouchers, as presented in the Warrant of Payments to 31 August 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$35,928,370.52;*
- 2        *APPROVES the removal of outstanding accounts information from future Warrant of Payments reports in accordance with clause 8 of the Local Government (Financial Management) Amendment Regulations (No 2) 2005.*

### 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 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 details the payments drawn on the funds during the month of August 2005 and seeks approval by Council for the payments listed.

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 72326 - 72683 <b>EFT</b> 3586 - 3843 <b>Vouchers</b> 83A – 92A	\$35,928,370.52
Trust Account		Nil
		<b>\$35,928,370.52</b>

The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of August 2005 was \$1,582,591.05.

It is to be noted that clause 8 of the Local Government (Financial Management) Amendment Regulations (No 2) 2005 has repealed the former Regulation 13 (4), which required the total of all other outstanding accounts that remain unpaid to be calculated and reported to Council.

The removal of outstanding accounts information from future Warrant of Payments reports is therefore recommended.

### **CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT**

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$35,928,370.52 which is to be submitted to Council on 20 September 2005 has been checked, is fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown were due for payment.

.....  
PETER SCHNEIDER  
Director Corporate Services & Resource Management

### **CERTIFICATE OF CHAIRMAN OF COMMISSIONERS**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$35,928,370.52 was submitted to Council on 20 September 2005

.....  
JOHN PATERSON  
Chairman of Commissioners

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

Not Applicable

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

Objective 4.1.1 – Ensure financial viability and alignment to plan.

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

The Council has delegated to the CEO the exercise of its power 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 2005/06 Annual Budget, or approved in advance by Council.

#### **Policy Implications:**

All expenditure included in the warrant of payments is drawn from the City's accounting records which are maintained in accordance with Policy 2.4.1.

**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 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

**COMMENT**

All expenditure included in the warrant of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

The amount of outstanding accounts at any time is not material compared to the liquid fund held by the City as it represents on average between 2% to 3% of the City's cash holdings. It is not anticipated that the removal of such information will have any significant adverse impact on the quality of information provided in the warrant of payments report and is therefore recommended.

**ATTACHMENTS**

Attachment A                                      Warrant of Payments for Month of August 2005  
Attachment B                                      Municipal Fund Vouchers for Month of August 2005

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION****That Council:**

- 1        APPROVES for payment the following vouchers, as presented in the    Warrant of Payments to 31 August 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$35,928,370.52;**

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
<b>Municipal Account</b>	<b>Cheques 72326 - 72683 EFT 3586 - 3843 Vouchers 83A – 92A</b>	<b>\$35,928,370.52</b>
<b>Trust Account</b>		<b>Nil</b>
		<b>\$35,928,370.52</b>

- 2        APPROVES the removal of outstanding accounts information from future Warrant of Payments reports in accordance with clause 8 of the Local Government (Financial Management) Amendment Regulations (No 2) 2005.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf041005.pdf](#)



## **ITEM 7                      WARRANT OF PAYMENTS – CREDIT CARD PAYMENTS – [09882] [18049]**

**WARD:**                      All

**RESPONSIBLE DIRECTOR:**                      Mr Peter Schneider  
Corporate Services and Resource Management

---

### **PURPOSE**

The purpose of this report is to provide Council with information on the details to be included in the Warrant of Payments in relation to credit card payments.

### **EXECUTIVE SUMMARY**

Council has previously requested that research be undertaken and a report be submitted on the level of detail to be provided in the Warrants of Payments in relation to credit card payments.

Particulars were obtained from the City's legal representatives, auditors, the Department of Local Government and Regional Development and other local governments.

Based on the information provided it is recommended that Council:

- 1        *AGREES that the payee name be provided on the single line credit card payments included in the Warrant of Payments;*
- 2        *AMENDS the wording of the recommendation in the Warrant of Payments report to reflect the CEO's delegated power to make payments and Council's procedural role in noting the report;*
- 3        *REQUESTS that the Director of Corporate Services and Resource Management prepare a quarterly report for the Audit Committee on the corporate credit card usage of the CEO and Mayor.*

### **BACKGROUND**

At the Council meeting held on 22 February 2005, when considering CJ009-02/05 Warrant of Payments 31 December 2004, it was resolved inter alia that Council:

- 2        *Requests the Chief Executive Officer to provide a report to Council in due course on the detail to be provided in the Warrant of Payments in relation to credit card payments, such report to outline:*
  - *the role of the Council;*
  - *processes used by other local governments;*
  - *advice from the Department of Local Government;*
  - *legal requirements;*
  - *recommendations of the City's Auditors;*
  - *any other information considered appropriate by the CEO.*

- 3 *Requests that the current procedures continue pending the submission of the report outlined in 2 above.*

*Regulation 13 of the Local Government (Financial Management) regulations 1996 states:*

*List of Accounts:*

- (1) *If the Local Government has delegated to the CEO the exercise of its power to make payments from the municipal fund or the trust fund, a list of accounts paid by the CEO is to be prepared each month showing for each account paid since the last list was prepared –*
- (a) *the payee's name;*
  - (b) *the amount of the payment;*
  - (c) *the date of the payment; and*
  - (d) *sufficient information to identify the transaction.*
- (2) *A list of accounts for approval to be paid is to be prepared each month showing-*
- (a) *for each account which requires council authorization in that month –*
    - (i) *the payee's name;*
    - (ii) *the amount of the payment; and*
    - (iii) *sufficient information to identify the transaction; and*
  - (b) *the date of the meeting of the council to which the list is to be presented.*
- (3) *A list prepared under sub regulation (1) or (2) is to be –*
- (a) *presented to the council at the next ordinary meeting of the council after the list is prepared; and*
  - (b) *recorded in the minutes of that meeting.*

## **DETAILS**

In accordance with Council's resolution of 22 February 2005, information has been obtained on the details to be provided in the Warrant of Payments in relation to credit cards as follows:

(a) **City's Legal Representatives**

- (i) **Compliance** – the legal opinion is that the City's single line entry for credit card payments contained in Attachment B of the Warrant of Payments is not sufficient to satisfy regulation 13(1) for two reasons.

First, the entry does not show the payee's name. Second, in the absence of the payee's name, Attachment B (Municipal Fund Cheques & Vouchers for the relevant month) cannot satisfy the requirement of a list under regulation 13.

The lawyers suggest that, the inclusion of the payee name i.e. Westpac Bank, would be sufficient to satisfy regulation 13(1).

In the legal representatives' view it is not necessary for the single credit card payment to be itemised into the individual credit card transaction for each card holder as it would be impractical for the City to include every sub amount relating to each invoice or account in the list, nor does regulation 13(1) require it.

In the lawyers' opinion the unique number which appears under the column headed "Payment Number" of Attachment A (CEO's Delegated Payments List for the relevant month) is sufficient to identify the transaction in accordance with regulation 13(1)(d). A person could seek further details concerning the

transaction utilising the unique payment number under the first column of Attachment A.

- (ii) Role of Council - the legal representatives' short answer is that the proper role of Council is to satisfy the requirements of regulation 13. If Council takes the action as recommended in (i) above then regulation 13(1) will be satisfied and Council will be compliant.

Regulation 13(2) is not relevant to the CEO's payments made under delegated authority as specified in regulation 13(1). This is because the CEO's list of delegated payments does not require the approval of Council. The delegated payments list is merely presented to Council (for information and scrutiny) and must be recorded in the minutes. The Council does not enjoy the discretion to not approve the CEO's delegated expenditure that he has already made to a payee or payees i.e. the CEO has already exercised his delegated power, therefore it is not open to Council to resolve to disallow or rescind the payments.

- (iii) Other – for the reasons outlined in (ii) above, the lawyers suggest the Officer's recommendation be amended to reflect the language of regulation 13(1) along the following lines:

“That the CEO's List of Accounts be paid under delegated power in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 at Attachment A is presented to Council for noting”.

The lawyers have also provided a suggestion, for some minor changes to the headings of the documents and attachments to reflect the language of regulation 13(1).

(b) City Auditors

The auditors advise that based on their understanding of regulation 13(1) (d) of the Local Government (Financial Management) Regulations 1996, and in their opinion, the information provided on the Warrant of Payments schedule is considered sufficient to enable the identification of a transaction remitted for payment.

Specifically in relation to credit card payments, by using the voucher number identified on the Warrant of Payments schedule it is possible to trace through to a journal which allocates the credit card payment, by cardholder, to the appropriate expenditure account. In addition, a file is maintained by the Finance Officer which includes the relevant credit card statements and attached supporting documentation (i.e. receipts).

The auditors were not requested to provide advice on the role of Council, as this is not within the scope of their expertise.

(c) Department of Local Government and Regional Development.

- (i) Compliance – the Department of Local Government & Regional Development (the department) is of the view that in relation to the list of “Municipal Fund Cheques & Vouchers” that identifies the payment of credit cards, the listed payment is being made direct to the organisation that issued the card not to the individual vendor. Therefore the list would comply if the name of the organisation to which the payment is made were stated i.e., Westpac Bank.

- (ii) Role of Council – the department concurs with the advice given by the legal representatives in this regard.

Additionally the department states where the credit card is being used with authority delegated under S 5.46 of the Local Government Act 1995 and in the case of the CEO, the Council has the role of deciding how the record of exercise is to be presented. Therefore it would be acceptable for the CEO's credit card usage to be reviewed by, for instance, the Audit Committee on a periodic basis to ensure there is no breach of the procedure covering the use of credit cards.

- (iii) Other – the department advises that in its view the reference in regulation 13(1)(d) to the word “transaction” relates to the purchase of goods, not to the payment for them. Therefore to comply, there is a need to identify the goods purchased. It does accept however in some cases there are many items purchased from a supplier that are paid for by one cheque and in these cases reasonable steps could be taken to at least identify the major purchases.

(d) Other Local Governments.

- (i) Compliance – From the Warrant of Payments reports sampled for twelve metropolitan Councils, none included credit card payments in the list of payments prepared in relation to regulation 13. This could be explained by the fact that most organisations would interpret “list of accounts paid” to equate to creditor payments and therefore not include bank fees and charges etc.
- (ii) Role of Council – all Council's sampled had delegated power to the CEO to make payments, however the wording of the officer recommendations varied widely including that Council receive, endorse, confirm and approve the list of payments.
- (iii) Other – the majority of Council's sampled also include a brief description of the goods being purchased for each cheque or EFT raised. Of those Council's that did not include a description, the volume of transactions processed appeared to be considerably higher than those that did.

**Issues and options considered:**

As explored in the “Details” and “Comments” sections of this report.

**Link to Strategic Plan:**

The Warrant of Payments links to the Strategic Plan outcome of: “The City of Joondalup is a sustainable and accountable business” and in particular objective 4.1 which is “to manage the business in a responsible and accountable manner”.

**Legislation – Statutory Provisions:**

Regulation 13 of the Local Government (Financial Management) Regulations 1996 – outlined in the “Background” section of this report.

**Risk Management considerations:**

Council has delegated authority to the CEO to develop procedures for the authorisation, payment and approval of accounts. The City currently has in place procedures to cover the above, inclusive of Corporate Procedure 5.9 Use of Credit/Charge Cards. These procedures

were reviewed following an internal directorate examination, forensic audit and internal audit which was the subject of a separate report to the current audit committee. The procedure covers matters such as the issue and return of credit cards, lost or stolen cards, what purchases can be made by credit cards, credit card limits and approval of expenditure, documentation requirements and management review.

**Financial/Budget Implications:**

Not Applicable

**Policy implications:**

Policy 2.4.1 – Accounting, states that the CEO is responsible for the good management of Council's finances.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

By ensuring that expenditure is incurred in accordance with procedures and within budget parameters, financial viability and sustainability is maintained.

**Consultation:**

No community consultation was required in relation to this report, however in researching the subject matter several external sources were directly consulted i.e. lawyers, auditors and Department of Local Government and Regional Development.

**COMMENT**

From the research undertaken, it is evident that the City is required to include the Payee name against its monthly credit card payment to the bank in order to satisfy the requirements of regulation 13 of the Local Government (Financial Management) Regulations 1996 (the regulations). Apart from that one amendment, the City's single line entry for credit card payments is sufficient to satisfy regulation 13.

The role of Council in the Warrant of Payments process is to receive the list of accounts paid which is purely a procedural process due to the fact that the CEO has been delegated the power to make payments from the municipal fund or trust fund in accordance with regulation 12 of the regulations. This will necessitate a slight change to the wording of the officer recommendation in the Warrant of Payments report in the future.

In addition, based on the information supplied by the department it would be prudent, from a governance perspective, for Council to request that the Director Corporate Services and Resource Management prepare a quarterly report on the usage of the CEO's credit card for review by the Audit Committee. Although not mentioned in the department's advice, it would also be considered prudent to include the Mayor's credit card usage in such a report, for similar reasons given for the CEO.

Other changes to improve the Warrant of Payments include minor modifications to the wording of attachments, which will be made as a matter of administrative procedure.

The final issue covered relates to whether a description of the goods purchased should be provided for each cheque. Both the auditors and legal representatives state that in their opinion the Warrant of Payments is compliant without this level of detail, however in the

department's opinion it should be included and within the industry, many but not all Councils do provide it. Currently, the finance system cannot handle this automatically without producing the detail for each invoice as opposed to each cheque, which would significantly add to the number of pages in the agenda attachments. Larger councils with similar transaction volumes to the City do not include this information in their payments list. Presumably the reasons for this would include interpretations of the regulations similar to those of the City's auditors and legal representatives, the amount of double handling required to summarise the information and the amount of officer time involved in reviewing the descriptions to ensure they do not breach privacy and FOI requirements.

At the moment both Council members and members of the public can and do raise questions on the details of individual cheques or EFT's at Briefing Sessions and Council meetings and are provided with the relevant information.

## **ATTACHMENTS**

Nil

## **VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

### **That Council**

- 1 AGREES that the payee name be provided on the single line credit card payments included in the Warrant of Payments;**
- 2 AMENDS the wording of the recommendation in the Warrant of Payments report to reflect the CEO's delegated power to make payments and Council's procedural role in noting the report;**
- 3 REQUESTS that the Director of Corporate Services and Resource Management prepare a quarterly report for the Audit Committee on the corporate credit card usage of the CEO and Mayor.**

## **ITEM 8                      FINANCIAL ACTIVITY STATEMENT FORMAT – [07882]**

**WARD:**                      All

**RESPONSIBLE  
DIRECTOR:**                Mr Peter Schneider  
                                    Corporate Services and Resource Management

---

### **PURPOSE**

To request Council's determination of the preferred format to be adopted for future financial reports as presented under the Local Government (Financial Management) Regulations 1996

### **EXECUTIVE SUMMARY**

Regulation 34(3) of the Local Government (Financial Management) Regulations 1996 has been amended, prescribing the format to be used in reporting financial information to Council effective from the month of July 2005.

The amended Regulation requires a Financial Activity Statement to be presented to Council monthly and gives the Council the option to have the statement prepared by nature and classification, by program or by business unit.

The July 2005 year to date financial information has been prepared in the three prescribed formats for consideration by Council and determination as to the preferred format for future reporting.

It is recommended that Council APPROVES that future financial information presented in the monthly Financial Activity Statement according to Nature and Type classification.

### **BACKGROUND**

The Local Government (Financial Management) Amendment Regulations (No. 2) 2005 included a replacement to Regulation 34 requiring the local government to prepare each month a statement of financial activity, reporting on the sources and applications of funds for that month as set out in the Rate Setting Statement included in the annual budget.

The former Regulation 34(3) of the Local Government (Financial Management) Regulations 1996 (provided that the monthly financial reports are to be prepared in such form as the local government considers to be appropriate.

The amended Regulation 34(3) of the Local Government (Financial Management) Regulations 1996 provides that a monthly financial activity statement is to be prepared as set out in the annual budget for the Rate Setting Statement.

The only option given to Council under the amended Regulation 34(3) is to determine how the financial information will be shown in the prescribed statement, either by nature and classification, by program or by business unit.

**DETAILS****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 states:

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34(3) of the Local Government (Financial Management) Regulations 1996 as amended, states:

The information in a statement of financial activity may be shown —

- (a) according to nature and type classification;
- (b) by program; or
- (c) by business unit.

**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:**

Not Applicable

**Policy implications:**

All expenditure included in the financial statements is drawn from the City's accounting records, which are maintained in accordance with Policy 2.4.1.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The Financial Activity Statement will report on the actual financial performance of the City in relation to its adopted budget, which has been structured on financial viability and sustainability principles.

**Consultation:**

Not Applicable

**COMMENT**

The new Financial Activity Statement requirements have occurred as a result of amendments to the Local Government Act 1996 and associated Regulations.



Regulation 34(3) prescribes that the information in a statement of financial activity may be shown -

- (a) according to nature and type classification; (Attachment A)
- (b) by program; (Attachment B) or
- (c) by business unit. (Attachment C)

Despite the way this sub-regulation is drafted, the Department of Local Government and Regional Development confirmed that the monthly financial information could be presented in any of the three formats listed at the discretion of the Local Government. The three formats are attached for consideration.

It has long been accepted that whilst information presented by cost objects (programs and activities) or by cost centres (business units) are useful for expense allocation and cost centre accountability purposes, they are less informative and difficult to comprehend in matters of disclosure and less effective in cost management and control.

It is therefore suggested that for more meaningful disclosure to the Council and the public, a financial activity statement presented by nature and classification would be more appropriate and is therefore recommended.

The Financial Activity Statement as recommended will be accompanied by notes providing explanations of material variances to the budget and is attached herewith for consideration.

The explanatory notes only accompany the recommended format by nature and will vary should the adopted format be different.

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

Not Applicable

#### **ATTACHMENTS**

Attachment A	Financial Activity Statement by Nature and associated Notes
Attachment B	Financial Activity Statement by Program
Attachment C	Financial Activity Statement by Business Units

#### **VOTING REQUIREMENTS**

Simple majority.

#### **RECOMMENDATION**

**That Council APPROVES that future financial information presented in the monthly Financial Activity Statement according to Nature and Type classification as shown in Attachment A to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf041005.pdf](#)*

## ITEM 9 INTERIM FINANCIAL REPORT FOR THE PERIOD ENDED 31 JULY 2005 – [07882]

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Peter Schneider Corporate Services and Resource Management

---

### PURPOSE

To present the July 2005 financial report to Council in the standard format for information.

### EXECUTIVE SUMMARY

The July 2005 year to date report shows an overall variance (under spend) of \$2.7m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07-05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual deficit of \$3.0m compared to a budgeted deficit of \$5.1m at the end of July 2005. The \$2.1m variance is primarily due to early receipt of government grants, contributions and cost savings in employee costs, materials and contracts.
- **Capital Expenditure** is \$0.3m against the year to date budget of \$0.1m. The \$0.2m over spend is due to the purchase of heavy and light vehicles earlier than budgeted.
- **Capital Works and Council Projects** expenditure is \$1.2m against the year to date budget of \$2.0m because of delays in normal Capital Works caused by adverse weather conditions.

*It is recommended that Council NOTES the interim Financial Report for the period ended 31 July 2005.*

### BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements.

### DETAILS

The interim financial report for the period ended 31 July 2005 is appended as Attachment A. Recent amendments to the Local Government (Financial Management) Regulations 1996 have prescribed new formats for the production of financial activity statements which have been outlined in a separate report contained within this agenda. Once a decision on the new format has been made, the July financials will be represented to Council for noting.

### 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 states:

- (1) A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.

Regulation 34(3) of the Local Government (Financial Management) Regulations 1996 as amended, states:

The information in a statement of financial activity may be shown —

- (a) according to nature and type classification;
- (b) by program; or
- (c) by business unit.

**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 statements is drawn from the City's accounting records which are maintained in accordance with Policy 2.4.1.

**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 21 May to 20 June 2005.

**COMMENT**

All expenditure included in the financial statements is in accordance with the 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

This report is an interim report and will be represented to Council in the new financial format adopted by Council as outlined in a separate report within this agenda.

## **ATTACHMENTS**

Attachment A            Financial Report for the period ended 31 July 2005.

## **VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

**That Council NOTES the interim Financial Report for the period ended 31 July 2005.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf041005.pdf](#)*

**ITEM 10                      ON-STREET      PARKING                      HAMPTON      COURT,  
JOONDALUP – [38494]**

**WARD:**                      Lakeside

**RESPONSIBLE  
DIRECTOR:**              Mr Peter Pikor (Acting Director)  
   Infrastructure and Operations

---

**PURPOSE**

To amend the City of Joondalup Parking Scheme in accordance with Clause 33 of the City's Parking Local Law 1998 by implementing time restriction parking in Hampton Court, Joondalup.

**EXECUTIVE SUMMARY**

The businesses of Hampton Court are seeking to restrict parking on the road adjacent to their properties to assist in regulating and controlling moving traffic and parked vehicles. The main aim of the parking time restrictions is to share the available parking bays with as many vehicles as possible, maximising the vehicle turnover and bay use in keeping with the time limit that is applied. The proposed two hour parking restriction in Hampton Court, Joondalup is shown on Attachment 1.

*It is recommended that Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 City's Parking Local Law 1998 by the installation of a two (2) hour parking restrictions covering four (4) parking bays on the northern and southern side of Hampton Court, Joondalup between the hours of 8.00am to 5.30pm Monday to Friday and from 8.00am to 1.00pm Saturday.*

**BACKGROUND**

The City of Joondalup has received correspondence from businesses of Hampton Court, Joondalup highlighting their concerns in relation to parking congestion with vehicle parking demand far exceeding the available number of parking bays.

The development of new businesses and strata dwellings in Grand Boulevard north of Shenton Avenue has created additional demands for on-street parking in Hampton Court. Parking demand particularly during business hours has also been exacerbated by spillover parking from the nearby Joondalup Health Campus.

Hampton Court contains a mixture of residential apartments and professional suites that have their own private parking at the rear of these properties. Parking within these properties is limited and only available for residents and tenants.

The City has written to all seven owners of these properties inviting comment on the proposed time limit restrictions.

No comments were received in relation to the City's proposal.

**DETAILS**

**Issues and options considered:**

The businesses have raised concerns that vehicles are parking on both sides of the road for long periods of time restricting the availability of parking for their customers and visitors.

In view of this, the businesses have requested that consideration be given to the installation of on road parking restrictions in Hampton Court, Joondalup. The locality of Hampton Court is shown on Attachment 2.

At an on site meeting held on the 15 May 2005 it was recognised that a requirement exists for timed parking to be installed at this location.

**Link to Strategic Plan:**

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective: 3.3 to continue to meet changing demographic needs.

Strategy: 3.3.2 Integrate plans to support community and business development.

**Legislation – Statutory Provisions:**

The City of Joondalup Parking Local Law 1998 was made in keeping with the requirements of the Local Government Act (1995):

33 The local government may by resolution constitute, determine, vary and indicate by signs:

- (a) Prohibitions;
- (b) Regulations; and
- (c) Restrictions,

On the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this local law or any other written law.

**Risk Management considerations:**

Not Applicable

**Financial/Budget Implications:**

<b>Account No:</b>	1.7230.4615.0529.9999
<b>Budget Item:</b>	Parking Control Signs
<b>Budget Amount:</b>	\$68,090.00
<b>YTD Amount:</b>	\$11,354.00
<b>Actual Cost:</b>	\$200.00

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

In each instance, a copy of the proposal was also circulated to adjacent businesses and landowners for comment. An on site meeting was held to obtain feedback on parking issues in Hampton Court, Joondalup. Comment provided at the time, supported the recommendations to improve the current on road parking.

**COMMENT**

The requirement for on-street parking will provide formalised parking for motorists and assist local businesses by ensuring that motorists have a more equal opportunity to park their vehicles close to where they want to do business. The proposal to restrict parking on the roads, as shown on Attachment 1, will regulate parking, maintain the general traffic flow at all times and therefore increase the level of parking availability during business hours.

As the parking proposals form an integral part of the overall on road parking strategy, the implementation of parking restrictions as per the attachment is supported.

**ATTACHMENTS**

Attachment 1            Parking Restrictions Hampton Court, Joondalup  
Attachment 2            Locality Plan

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council AMENDS the City of Joondalup Parking Scheme in accordance with Clause 33 City's Parking Local Law 1998 by the installation of two (2) hour parking restrictions covering four (4) parking bays on the northern and southern side of Hampton Court, Joondalup between the hours of 8.00am to 5.30pm Monday to Friday and from 8.00am to 1.00pm Saturday.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8bfr041005.pdf](#)*

## **ITEM 11                      PROPOSED                      TRAFFIC                      TREATMENTS                      - CHICHESTER DRIVE, WOODVALE – [04026]**

**WARD:**                      Lakeside

**RESPONSIBLE  
DIRECTOR:**                      Mr Peter Pikor (Acting Director)  
Infrastructure and Operations

---

### **PURPOSE**

The purpose is to address the petitioners' concerns in relation to excessive speed and traffic volumes in Chichester Drive, Aston Rise, Ellis Grove and Solus Grove, Woodvale.

### **EXECUTIVE SUMMARY**

On 30 March 2004 (CJ060-03/04), a 112-signature petition from residents of Chichester Drive, Aston Rise, Ellis Grove and Solus Grove in Woodvale was presented to Council for consideration. The petitioners were requesting the City to install traffic calming devices to reduce excessive vehicle speeds and antisocial driver behaviour on these streets.

In order to assess the traffic implications of this request, Council approved the formation of a local area working group to include representatives from Chichester Drive and surrounding streets.

Meetings were held with a residents working group to define the issues and then consider possible remedial treatments.

The working group developed three proposed traffic treatment options for Chichester Drive. These options, in the form of a questionnaire, were submitted to all residents covered in the wider traffic study area. An independent Traffic Engineer subsequently collated the feedback from the residents and the findings were presented to the working group for their consideration.

There was strong support for Option 2 A, which was subsequently endorsed unanimously by the working group. This option, which has narrow traffic islands together with a painted median in Chichester Drive, Woodvale and traffic islands to selected intersecting roads, is shown on Attachment 1.

*Accordingly this report recommends that Council:*

- 1        *LISTS the sum of \$95,000 for consideration in the Draft 2006/07 Five Year Capital Works Budget for the Traffic Management Treatment of Chichester Drive, Woodvale in accordance with the approved working group Option 2A as shown on Attachment 1 to this Report;*
- 2        *NOTES that following the installation of the traffic treatment, the Chief Executive Officer will arrange for traffic to be monitored every 3 months for a 12 months period;*
- 3        *ADVISES the petitioners accordingly;*
- 4        *THANKS the working group members for their input and time into developing the traffic treatment for Chichester Drive, Woodvale.*



## BACKGROUND

On 30 March 2004 a 112-signature petition was presented to Council from residents of Chichester Drive, Aston Rise, Ellis Grove and Solus Grove, Woodvale requesting the City to install traffic calming devices to reduce excessive vehicle speeds and antisocial driver behaviour on these streets.

Council resolved to:

- 1 *APPROVE the formation of a local area working group for Chichester Drive, Aston Rise, Ellis Grove, Solus Grove and other surrounding streets;*
- 2 *CONTINUE to support the targeting of excessive speed and anti social behaviour through community involvement in the “Community Speed Watch” Program;*
- 3 *ADVISE the petitioners accordingly*

Subsequently a local area working group was formed, being drawn from residents bounded by Trappers Drive and Timberlane Drive in Woodvale. Representatives from Main Roads WA were requested to participate in the working group meetings, however, were unable to provide a representative due to other commitments. The WA Police Service however was able to attend and provided useful input to the working group.

## DETAILS

### Issues and options considered:

Chichester Drive is 1.41 kilometres in length and 7.4 metres wide local road that runs from the northern end to the southern end of Trappers Drive in Woodvale and provides access to approximately 96 residential properties, the North Woodvale Primary School, Woodvale Tavern and Chichester Park.

On Chichester Drive, Woodvale the annual average daily traffic volume ranges from between 2,000-2,200 vehicles per day with the 85 percentile vehicle speed being 60 km/hr.

Following the decision of Council on the 30 March 2004, a local area working group was formed to investigate options to target excessive speed and antisocial behaviour occurring in Chichester Drive, Woodvale and surrounding streets.

The working group considered a number of options for the traffic treatment of Chichester Drive, Woodvale.

The preferred options for the traffic treatment of Chichester Drive, Woodvale were:

- 1 Narrow traffic islands;
- 2 Narrow traffic islands and intersection islands to selected side roads;
- 3 Narrow traffic islands with roundabouts at selected side roads.

A questionnaire that consisted of these three preferred options for possible traffic management of Chichester Drive was distributed within the traffic study area.

A total of 600 questionnaires were distributed and 282 replies were received (47% response).

An independent Traffic Engineer collated the feedback and presented the findings to the working group for their consideration.

The working group supported the general community feedback and consequently Option 2A was chosen as the preferred option.

This option incorporates recent approval from Main Roads WA for this 7.4m road width to have a narrow central painted median. This median treatment will be along the entire length of Chichester Drive, Woodvale.

The total estimated cost of the traffic treatment is \$95,000.

As part of the residents' working group support for the Traffic Management Concept Plan 2A, it was also requested that traffic be monitored every three months for the twelve months following the installation.

A copy of the agreed Traffic Management Concept is shown at Attachment 1.

**Link to Strategic Plan:**

3.1 To develop and maintain the City of Joondalup's Assets and Built Environment.

**Legislation – Statutory Provisions:**

Not Applicable

**Risk Management considerations:**

The installation of the Traffic Management Treatment will improve safety for all road users.

**Financial/Budget Implications:**

The estimated cost of the Chichester Drive Traffic Management Treatment is \$95,000. Currently there is no budget allocated in the 2005-2006 Financial Year for these works.

It is proposed that consideration be given in the Draft 2006/07 Five Year Capital Works Budget for the implementation of the Traffic Management Treatment of Chichester Drive, Woodvale.

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The installation of the preferred treatment will enhance the safety of the public environment.

**Consultation:**

A residents' working group was formed to develop and consider the Traffic Management for Chichester Drive.

All residents and landowners in the Traffic Study area were posted a copy of a questionnaire, which included options to comment on for the Traffic Management of Chichester Drive. The feedback from residents was collated and presented to the working group for their consideration.

**COMMENT**

The final traffic management scheme outcome for Chichester Drive is based on being acceptable to the local community, while also satisfying the criteria of improving safety of all road users and improving amenity for local residents. This Traffic Management Treatment can be listed for funding consideration in the 2006/07 Five Year Capital Works Programme. In the interim, the City will continue to work with the Police to target excessive speed and antisocial behaviour on Chichester Drive and surrounding streets.

**ATTACHMENTS**

Attachment 1            Option 2A: Narrow Islands and Intersection Islands to Selected Roads.

**VOTING REQUIREMENTS**

Simple majority

**RECOMMENDATION****That Council:**

- 1        LISTS the sum of \$95,000 for consideration in the draft 2006/07 Five Year Capital Works Budget for the Traffic Management Treatment of Chichester Drive, Woodvale in accordance with the approved working group Option 2A as shown on Attachment 1 to this Report;**
- 2        NOTES that following the installation of the traffic treatment, the Chief Executive Officer will arrange for traffic to be monitored every 3 months for a 12 months period;**
- 3        ADVISES the petitioners accordingly;**
- 4        THANKS the working group members for their input and time into developing the traffic treatment for Chichester Drive, Woodvale.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf041005.pdf](#)*

## **ITEM 12                    PROPOSED MULTIPLE DWELLING AND OFFICE DEVELOPMENT LOT 346 (37) PICCADILLY CIRCLE, SOUTH WEST CNR MCLARTY AVENUE, JOONDALUP – [68559]**

**WARD:** Lakeside

**RESPONSIBLE DIRECTOR:** Mr David Djulbic (Acting Director)  
Planning and Community Development

### **PURPOSE**

To request Council to determine an application for planning approval for a proposed multiple dwelling and office development in the City North Precinct of the City Centre at Lot 346 (37) Piccadilly Circle, south west cnr McLarty Avenue, Joondalup.

### **EXECUTIVE SUMMARY**

An application has been received from SGMS Pty Ltd in City North for office and residential uses. Overall the proposal comprises 117 m<sup>2</sup> of office space (4 offices) and 943.8 m<sup>2</sup> for residential purposes (11 multiple dwellings). The proposed height of the building is three storeys. There will be a loft on top of the three storeys at the corner of Piccadilly Circle and McLarty Avenue, Joondalup.

The density, height and urban form of the development will contribute to an urban form that is compatible with the overall City Centre environment.

Variations to the residential density and the plot ratio are sought under the City's District Planning Scheme 2 (DPS2) and Joondalup City Centre Development Plan and Manual (JCCDPM). Discretion to vary the area of balconies for the multiple dwellings is requested under the Residential Design Codes (R-Codes).

The variations sought for the residential density and plot ratio are considered acceptable under the DPS2 and JCCDPM. The area of balconies meets the Performance Criteria set out in the R-Codes. Given that the development will contribute to the desired character of the City Centre area and is compatible with other developments in the vicinity, the proposed development is supported.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 346 (37) Piccadilly Circle, cnr McLarty Avenue
<b>Applicant:</b>	SGMS Pty Ltd
<b>Owner:</b>	SGMS Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Central City Area
<b>Lot Size:</b>	951m <sup>2</sup> (an allowance for the corner truncation, as set out in the R-Codes, increases the size of the lot to 965m <sup>2</sup> for assessment purposes).

Lot 346 Piccadilly Circle, Joondalup which is currently vacant, is located within the 'City North' area of the Joondalup City Centre, where it is designated for "General City Use". The preferred uses are residential, retail, office, accommodation, residential, leisure and entertainment, cultural facilities, community facilities and medical suites.

## DETAILS

The proposed development includes the following features:

- The proposed development consists of 11 multiple dwellings and 4 office units;
- The ground level consists of residential and office units;
- The height of building is three storeys including a loft;
- The total number of car parking bays provided is 17 which includes one disabled parking bay;
- Service, vehicle access and car parking for all units are provided from the rear laneway;
- The upper level residential units are accessed via stairs located at the front and rear of the building;
- The office units address the street frontage with zero setback from both streets (Piccadilly Circle and McLarty Avenue),
- Balconies and stores have been provided for the residential units; and
- The office tenancy frontages include colonnade and pedestrian shelter awnings that extend over the road reserve.

### Issues and options considered:

The applicant is seeking Council's discretion in the following areas:

- (a) residential density
- (b) plot ratio
- (c) area of balconies

Council has the discretion to:

- Approve the application
- approve the application subject to conditions; or
- Refuse the application.

### Link to Strategic Plan:

It is likely that this development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City of Joondalup. The relatively high density of the development will contribute and assist in supporting the local economy.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan.

### Legislation – Statutory Provisions:

Development within this area is controlled by the provisions of DPS2, JCCDPM and the R-Codes.

#### District Planning Scheme No 2

The site is zoned "Centre" under DPS2.

When determining this application Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 are relevant:

- 4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the*

*Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.*

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.*

6.8 *Matters to be Considered by Council*

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

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

- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*

*any other matter which in the opinion of the Council is relevant.*

### Residential Design Codes (R-Codes)

The provisions of the R-Codes apply in regard to all residential development unless otherwise specified in DPS2 or relevant Structure Plans.

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, which shall be exercised having regard to the clause 2.3.4 (2) of the R-Codes as follows:

*2.3.4 (2) Discretion shall be exercised having regard to the following considerations:*

- (i) *the stated purpose and aims of the Scheme;*
- (ii) *the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
- (iii) *the Performance Criterion of Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) *any Local Planning Strategy incorporated into the Scheme;*
- (vi) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (iv) *orderly and proper planning.*

### Development Standards Table

The following table summarises the development details:

<b>Standard</b>	<b>Required</b>	<b>Provided</b>
Front Setback Side/Rear Setbacks	0m As per BCA	0m 0m
Plot Ratio	Maximum=1.0 or 965 m <sup>2</sup>	1.14 or 1112.4 m <sup>2</sup> (Consists of 962.4 m <sup>2</sup> residential and 150 m <sup>2</sup> office)
Height	3 storeys max Roof spaces can be utilised to provide the additional accommodation	3 storeys plus loft within roof space
Storerooms	1 per dwelling, 4m <sup>2</sup> area	1 per dwelling, 4m <sup>2</sup> area
Balconies	1 per dwelling 10 m <sup>2</sup> area	1 per dwelling, 9 m <sup>2</sup> - 16 m <sup>2</sup>

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

Not applicable

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

Not applicable

**Policy implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation**

The proposal has not been advertised as the form of the development is in keeping with the intent of the JCCDPM and other development that has occurred in the City Centre.

**COMMENT**

The proposed development will integrate well with the character of the City Centre. Together with the hotel development being constructed on the adjacent Lot 345 Grand Boulevard, Joondalup and the proposed development approved by the Council for Lot 347 Hammersmith Court, Joondalup, the proposal will create an urban wall along Piccadilly Circle and McLarty Avenue, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal.

The overall design of development provides a three storey 'urban wall' along the road frontages with a tower element on the corner. The parking spaces are located along the Right of Way.

The glazed office fronts and pedestrian shelter will ensure that active frontages will face the streets and will help to bring life into the public spaces of the built form.

**Land use**

As the application provides for both multiple dwellings and office space, the proposed uses comply with the preferred General City land uses for which the lot has been earmarked under the JCCDPM.

The proposal provides four (4) office tenancies of different configurations. In this form, the office space is flexible enough in the future to accommodate other permitted uses under the JCCDPM including retail, entertainment and restaurant/café.

With a diverse mix of residential accommodation ranging from 1 to 3 bedroom units, the proposal reflects the type of residences desirable within a central area.

**Residential Density**

There are no specific residential density requirements in the 'general city' precinct of the City North. Therefore, Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map, the R-20 density applies unless Council determines that a higher code should apply. The proposal has an equivalent density of R-114. This density is consistent with other approved developments within the City Centre.



Therefore, it is recommended that Council determines that the proposed density at R-114 is considered to be appropriate given that the site is in a prominent location within the City, where higher densities are appropriate and encouraged by the principles of the JCCDPM.

### **Plot Ratio**

For “General City Use” the JCCPDM requires that the development have a maximum plot ratio of 1.0 (965m<sup>2</sup>). The plot ratio for the multiple dwelling component is 0.99 (962.4m<sup>2</sup>) and for the commercial component is 0.15 (150m<sup>2</sup>). The overall plot ratio is therefore 1.14 (1112.4m<sup>2</sup>).

It is considered that the required plot ratio of 1.0 is counter-productive to the development of an appropriate style building that achieves the form expected, and desirable (for example a 3 storey building) for this site. Given that the proposed development complies with the majority of other development standards, in particular car parking, it is considered that the site would not be over-developed at the proposed plot ratio.

The plot ratio of the office development is considered to be appropriate as it integrates with other existing developments in the area. The development maximises the potential of this land, which is desirable, given that the adjoining area is being developed. The proposed office areas could be used in the future for other permitted uses under the JCCDPM including retail, entertainment, and restaurant/café.

It is therefore recommended that, in accordance with Clause 4.5 of DPS2 and having regard to the criteria of Clause 6.8, that Council determines that the additional plot ratio above the maximum 1.0 plot ratio for the office space is appropriate in this instance. This is on the basis that the proposed built form integrates with the surrounding areas and will not have an adverse effect upon the occupiers of the development or on the locality.

### **Balconies**

Clause 3.4.3 of the Residential Design Codes requires each multiple dwelling to be provided with a balcony with a minimum area of 10 m<sup>2</sup> and minimum dimension of 2 metres. Six residential units have balconies with an area 9m<sup>2</sup>, whilst the remaining balconies comply with the requirements of the R-Codes.

The variation (9 m<sup>2</sup> in lieu of 10 m<sup>2</sup>) is considered minor as the balconies are proportionate to the size of the dwellings proposed, provide a useable area of open space and are accessible from a habitable room. Therefore, the variation to the area of balconies meets the performance criteria under the R-Codes by providing open air space to each residential unit. It is to be noted that the balcony to the gymnasium is not assessed under the R-Codes as it is not appurtenant to a dwelling.

### **Conclusion**

It is considered that the development will provide accommodation and office facilities to meet the future demands of the growing City Centre. It will be characteristic of the development already approved in the immediate area and will add value to the City Centre.

The proposed density, plot ratio and areas of balconies are also considered appropriate in this instance, and it is therefore recommended that the development be approved, subject to appropriate conditions.

## ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **EXERCISES** discretion under Clauses 4.2.4 and 4.5 of the District Planning Scheme No 2 and determine that the:
  - (a) proposed plot ratio for the development of 1.14 in lieu of 1.0; and
  - (b) development having a density of R-114,is appropriate in this instance;
- 2 **EXERCISES** discretion under Clause 2.34 of the R-codes and determines that the performance criteria of Clause 3.4.3 have been met and that the area of balconies of 9 m<sup>2</sup> in lieu of 10 m<sup>2</sup> is appropriate in this instance;
- 3 **APPROVES** the application for Planning Approval dated 18 November 2004 and amended plans dated 11 August 2005, submitted by SGMS Pty Ltd for a development comprising 4 offices and 11 multiple dwellings on Lot 346 (37) Piccadilly Circle, corner McLarty Avenue, Joondalup, subject to the following conditions:
  - (a) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes and radio masts to be designed and located so not to be visible from the primary street;
  - (b) No obscure or reflective glazing being used for the commercial units fronting onto public spaces and road reserves;
  - (c) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
  - (d) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;
  - (e) One car parking space is to be allocated to each commercial unit;
  - (f) The footpath treatment in the adjoining road reserve to be continued to the property boundary in a design with a finished floor level that matches the existing paving and at a grade 2% rising from the kerb line, prior to the development first being occupied;
  - (g) Suitable capping is to be provided to the satisfaction of the City along southern boundary so that any gap between the existing wall of the adjoining development on the joint boundary and the proposed parapet

- walls of this development is closed. The capping is to be painted to match the development;
- (h) The ground level walls of the development to be coated with sacrificial coating to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
  - (i) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off street Car parking (AS2890). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;
  - (j) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed storm water drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
  - (k) The ceiling clearance for the colonnade and awnings shall be a minimum height of 2.75m, measured from the finished level of the footpath.

**Footnote:**

- (i) A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- (ii) It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- (iii) There is insufficient room along the Right of Way boundary to position the bins for collection. Bins will need to be collected from the two bin stores;
- (iv) An acoustic report will be required with the building application demonstrating that noise from the gym will comply with the Environmental Protection Act 1986;
- (v) Building plans to include mechanical ventilation details;
- (vi) The need to advise the City if any commercial units are intended for food premises to ensure suitable design of rear access, exhaust canopy & duct plumbing.

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf041005.pdf](#)

**ITEM 13                    PROPOSED                    WESTERN                    POWER                    ZONE  
SUBSTATION TO BE LOCATED ON PART OF  
PINNAROO MEMORIAL CEMETERY LAND -  
GIBSON AVENUE, PADBURY (NORTH OF GIBSON  
PARK) – [07104]**

**WARD:**                    Pinnaroo

**RESPONSIBLE  
DIRECTOR:**            Mr David Djulbic (Acting Director)  
                                 Planning and Community Development

---

**PURPOSE**

This report is to request Council's consideration of an application for Approval to Commence Development for a proposed Western Power electricity zone substation in Padbury and to provide advice to the Western Australian Planning Commission (WAPC).

**EXECUTIVE SUMMARY**

The site on which the substation is proposed to be located is part of the Pinnaroo Memorial Cemetery landholding, as shown on attachment 1. The site abuts Gibson Avenue, Padbury and is north of Gibson Park.

The application was lodged following Western Power's analysis of various alternative locations for a new substation. The analysis included discussion and liaison with various stakeholder groups.

Western Power's preferred site option was advertised for public comment for 21 days. Submissions were received and these primarily relate to the following issues:

- Human health
- Visual impact;
- Change of location of the site for the substation;
- Closeness of the residential development to the proposed substation;
- Access road to the site for the proposed substation; and
- Devaluation of properties

The Department for Planning and Infrastructure (DPI) has indicated that this development would be exempt from the need to obtain the WAPC's approval. However, as the application for approval has been lodged, Council was advised to continue dealing with the application.

It is recommended that the WAPC be advised that the substation is not supported unless it is relocated further away from the nearby residents to provide adequate separation and opportunities for landscaping and screening. The proposal represents a significant change to the use of the reserve and has the potential to impact upon the residential amenity of the near neighbours.

## BACKGROUND

<b>Suburb/Location:</b>	Gibson Avenue Padbury
<b>Applicant:</b>	Western Power Corporation
<b>Owner:</b>	Pinnaroo Valley Memorial Board
<b>MRS Reservation:</b>	Public Purposes-Special Uses
<b>Site Area:</b>	1.08 hectares

The proponent previously held a parcel of land located on the northern side of Hepburn Avenue opposite Lilburne Reserve/Duncraig Fire Station for the proposed substation. This was the longstanding intended site for the notional substation.

The designated site was however identified as having some vegetation values, and accordingly it was listed in the State Government's Bush Forever policy. (The policy seeks to retain vegetation in an urban setting with a particular focus on the metropolitan coastal plain).

As a consequence of the Bush Forever listing, Western Power began to consider new options for the location of a substation. During 2004 and 2005, Western Power had discussions with various stakeholders and a new preferred site was identified on the Pinnaroo Memorial Cemetery landholding.

After settling on its preferred option, Western Power lodged an application for approval to commence development with the Council and the WAPC.

The subject site is intended to occupy a site area of approximately 1.08 hectares and is located on the eastern side of Gibson Avenue, Padbury approximately 170 metres north of the junction of Gibson Avenue and Pinnaroo Drive. Houses are located on the western side of Gibson Avenue, facing the proposed site.

The subject land is reserved as a Special Use Reserve and is earmarked as part of the Pinnaroo Cemetery. The land is under the control of the Metropolitan Cemeteries Board.

## DETAILS

The proposal includes a landscaped buffer at the periphery of the site, within which three transformers, three switch rooms and one control room would be built. The structures would be set back approximately 15m from the street boundary and side boundaries. These structures will be approximately 3m in height. The extent of the proposal is shown at attachment 2.

A service driveway would be constructed from Gibson Avenue to provide occasional access for Western Power vehicles.

Cabling to and from the facility is proposed to be underground.

## Issues and options

It has been established that the proposal is exempt from requiring the approval of the Council or the WAPC. The advice received from the DPI has however suggested that the application be processed given that it was lodged for determination by the WAPC.

The exemption from requiring planning approval for certain public works is contained within clause 16(1a) of the Metropolitan Region Scheme Text.

Submissions were received opposing/supporting the proposed location of the substation. The main issues associated with the proposal are the potential visual and amenity impacts on the adjoining residential properties.

Having received a development application on land reserved under the Metropolitan Region Scheme, Council is required to provide advice to the WAPC on whether it:

- supports the application with or without conditions; or
- does not support the application.

**Link to Strategic Plan:**

Not applicable

**Legislation – Statutory Provisions:**

Development on this site is controlled by the Metropolitan Region Scheme. The WAPC is the determining authority in this instance.

**Development Standards under District Planning Scheme 2 (DPS 2)**

The District Planning Scheme does not provide standards for consideration of a proposal of this type.

**Risk Management Considerations:**

Not applicable

**Financial/budget implications:**

Not applicable

**Policy Implications:**

Not applicable

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

The proposal was advertised for public comment for a period of 21 days, with the submission period closing on 17 August 2005. Nearby owners were contacted in writing, one sign was placed on the site and an advertisement was placed in the local newspaper.

The submissions received included concerns about the following themes:

- Human health and the potential impact of electromagnetic fields (EMF)
- Visual impact of the facility;
- Change of location of the site for the substation and the preconception that it was to be built on Hepburn Avenue;
- Closeness of the residential development to the proposed substation being situated across Gibson Avenue;

- Access road to the site for the proposed substation; and
- Potential for devaluation of properties

A total of 8 submissions were received which are summarised below:

<b>Submission</b>	<b>Technical Comments</b>
<p>Western Power, being mindful of the high environmental value of the original site in Hepburn Conservation Area, which was purchased by them several years ago, approached the Friends of Hepburn &amp; Pinnaroo Bushland, regarding the selection of an alternative site. The Friends Group agreed to represent the community in this process.</p> <p>This site was selected by a process of elimination of all possible alternative sites within the allowable area for a substation. It was found to be the only site that met all environmental, social and economic criteria.</p> <p>There has been a significant amount of negotiation between state members of parliament, relevant government departments and other organisations to reach agreement on this site.</p> <p>The site is on a part of Gibson Avenue that has no houses fronting on to it and is therefore not in direct line of sight of any houses. The site is already quite well screened from the road. Further screening is proposed.</p> <p>From an environmental viewpoint, the impact will be much less than the original site, as this site is in a badly degraded part of Pinnaroo Cemetery Reserve, affected by a couple of bad bushfires over the years and by extensive weed growth.</p> <p>Building the substation on this site will allow the original site to remain an integral part of Hepburn Conservation Area, as has occurred with the original FESA Site, to ensure that the whole area is preserved intact in its natural state for the community to enjoy.</p>	<p>The information is noted.</p> <p>Council representatives were invited to discuss the proposal on several occasions. At no time was approval (in kind or otherwise) given for the proposed development.</p>

<p>The proposal should be setback further into the bush. The access road could run beside the park.</p>	<p>Refer to comments below.</p>
<p>The substation could have been placed alongside Freeway reserve so as not to intrude on homeowners. There appears to be plenty of land between Hepburn Avenue-Ocean Reef that can be used. Western Power informed us it is going ahead and will be completed by December 2006 but we were not informed. According to Western Power, it was all finalised. Residents affected by these kinds of changes should be advised before planning takes place and not after approval when we are unable to take any action. When we bought our property we were of the understanding that the land would always be bush land as it was owned by the Cemeteries Board and would be used for cemetery purpose and not a power station.</p>	<p>The location is the result of further investigations as a consequence of the original site location being unsuitable. Various other locations were considered inappropriate because they had other constraints, including Bush Forever.</p> <p>The land is reserved under the Metropolitan Region Scheme and this application is to be determined by the Western Australian Planning Commission as submitted.</p> <p>It is acknowledged that the intended use of the land has been earmarked for considerable time as being by The Metropolitan Cemeteries Board</p>
<p>My house will be 50 metres from the transformer. Living close causes health problems cancer etc. Checked a few websites regarding cancer and magnetic fields and No. 7 Mueller Court is closer than 50 metres. It will also affect resale value of these properties and won't be staying on my property if this goes ahead.</p>	<p>The proposal will have to comply with the Environmental Protection Act. The proponent has advised that the proposal will accord with relevant guidelines.</p>
<p>Unknown effects on the health of people in the surrounding areas.</p> <p>Visual pollution for those who have to look at it.</p> <p>Devaluation of properties in the vicinity.</p> <p>Bought our home knowing it needed a lot of work but felt the effort was worthwhile because we had a lovely view across the park. Now if Western Powers proposal goes ahead our view will be of a substation.</p> <p>We are very disappointed that the original site has been changed. That site is not close to any houses where as Gibson Avenue faces on to the side of houses in the opposite streets.</p> <p>No longer will we be able to walk in the park and around the surrounding bush land as we do most days but will have to walk round the sub station.</p>	<p>The proposal will have to comply with the Environmental Protection Act.</p> <p>Existing landscaping is to be retained where possible and further landscaping will have to be provided. Refer to comments below.</p> <p>No information has been provided to substantiate this statement and loss of value is not a proper planning consideration.</p> <p>Existing landscaping is to be retained where possible and further landscaping will have to be provided. Refer to comments below.</p> <p>The location preferred represents the best site in the opinion of Western Power.</p> <p>It is correct to conclude that part of the cemetery land will be fenced off and general public access will be precluded.</p>



Hope that the City will prevent this madness from going ahead.	The Western Australian Planning Commission is the determining authority in relation to this application, although the Council can raise concerns based on its own evaluations of the proposal.
Against the proposal of the substation on Gibson Avenue in Padbury. My kids play in the park less than 30 meters away and wants to know why it was moved from Hepburn Avenue.	The original site was identified for conservation under “Bush Forever”.
If it improves the power supply in this area which is at present third world standard, therefore totally supports it.	Comments noted.

### Applicant’s Response to Submissions

In support of the application, Western Power contends that the proposed substation is required to meet the growing needs of the community in the Padbury and surrounding areas.

Western Power has provided comments in an attempt to answer the issues raised by surrounding property owners during the advertising process, which is reproduced below:

#### Health effects of electromagnetic fields (EMFs).

*This matter has been studied for by medical scientists for 30 years and no adverse health effects that can be attributed to power frequency EMFs have been found. (There are some internet sites that state the opposite but these sites are from sources without appropriate qualifications and the information from these sources do not have any scientific foundation).*

*EMFs are found where ever electricity is used including the home and at work. Western Power designs and operates all of its systems to comply with World Health Organisation (WHO) recommendations. The WHO recommends a limit of 1000 milli Gauss (mG) for continuous exposure 24 hours per day.*

*Western Power’s experience with its 140 substations around the state is that at the perimeter of the substation a typical EMF level of 3 to 15 mG can be expected. This is no more than that which can be attributed to the 132kV transmission line that already runs along Gibson Avenue. EMFs due to house hold wiring and appliances can, and are commonly much greater and readings of say 100 to 300 mG near domestic meter boxes are typical for most residences.*

*Although all of the EMF levels referred to above are significantly less than the WHO recommended levels, these levels still reduce very rapidly with distance. For example, the levels referred to above for the domestic meter box would decrease to about 1 or 2 mG at approximately 1 metre from the box. (1 or 2 mG is the typical back ground level found every where). Similarly, the few milli Gauss that would be measured at the substation fence will also reduce rapidly with distance to 1 or 2 mG.*

*In short, small as the EMF readings are from the substation, they will not be measurable at the footpath of Gibson Avenue and will be completely masked by other electrical installations. Everyone is exposed to low level EMFs and leading epidemiologists after 30 years of research not been able to attribute them to any health problems.*

### Visual Impact

*Western Power accepts that the issue of the visual impact of its new substations is a matter of concern to the members of the public and as a consequence it takes what ever steps that are possible in order to reduce this impact.*

*The position of the substation on the site makes the maximum use of the screening effects that can be gained from the natural vegetation existing on the site. The substation has been set back as far as possible so that the vegetation along the Gibson Avenue side of the site will provide a natural buffer. Where gaps occur in the natural vegetation additional plantings will be carried out by a qualified landcare consultant to fill those gaps. Plant species that are natural to the area will be used.*

*In consultation with the City of Joondalup and people residing in Mueller Court, immediately opposite the site tree plantings have already been completed in the verge of Mueller Court to provide further visual screening. Also, where requested by specific residents, landscaping designed to provide even more screening on private properties is being carried out.*

*Although the Padbury zone substation will not be completely invisible to passers by, its visual impact will be low.*

*Experience with recently completed zone substations such as those at Rivervale, Wanneroo and North Perth has shown that new residents to the area were happy to move onto building sites adjacent to the abovementioned examples.*

### Disappointment to the change of location for the site.

*The original site in Hepburn Avenue was purchased by Western Power in 1993 but since that purchase it was incorporated into the Bush For Ever scheme and any development on the site would not be permitted. The new site in Gibson Avenue is not affected by the Bush For Ever arrangements. Floristic surveys carried out on the new site has indicated that no regionally significant vegetation or declared rare flora exists there.*

*A major road, a 132kV transmission line and a local road are between the substation and nearby residences. The nearest residence will be about 60 metres away from the building or plant in the substation yard. There are a number of locations in the Perth metropolitan area where substations are considerably closer to residences with out causing any undue impact on them.*

*It has to be set further back into the bush.*

*The position of the new site was influenced by the operational requirements of the Metropolitan Cemeteries Board (MCB), the owner of the land. Also, setting the site further back into the bush would have required the provision of two transmission line entries from the existing 132kV transmission line in Gibson Avenue to the substation. The line entries would have had a greater impact on the area and would have been visually more intrusive. As the owner of the land, the MCB's requirements had to be considered.*

### The access road could run beside the park.

*The access road is contained within the site on the southern side, adjacent to Gibson Park.*

### Location of the substation adjacent to the freeway.

*This option was considered in 1993 when the original site in Hepburn Avenue and the present site was being considered. This option was not deemed to be viable as access from the freeway is not possible, the line entries from Gibson Avenue would be too long and*

*obtrusive, the land is part of Bush For Ever and the impact on cemetery operations would be very much greater.*

*Proximity of residence to transformer.*

*The transformers will be located at the rear of the site and will be about 120 metres from the nearest residence. Transformers do not generate additional EMFs and levels will be much the same as those low levels already existing in the area. Low profile control rooms which will be about 3 metres high will be located at the front of the site behind the vegetation buffer zone adjacent to Gibson Avenue.*

*The issue of EMFs and health has been addressed in the first point above.*

*Modern transformers now have low noise characteristics and they should not be audible at the substation perimeter fence or any residences in the area.*

*Proximity to significant trees.*

*The site was positioned so that the largest of the trees including those at the rear of the site which provide a nesting habitat for parrots will be unharmed. As stated earlier in this response, any additional plantings will be of species that occur naturally in the area. A landcare consultant will carry out the work. It is also worth noting that according to the MCB, all of the understorey vegetation in the area on which the substation will be located was planted/introduced by the MCB many years ago as the area was considered to be degraded. It will be Western Power's objective to improve the quality of the vegetation in the buffer zone over what already exists in the area. Existing walk trails at the eastern end of the site currently used by the public will not be affected.*

## **COMMENT**

The land is reserved under the Metropolitan Region Scheme as "Public Purposes - Special Uses". Consequently, any development of this land is not subject to the provisions of the DPS2. The reservation applicable to this land allows the site to be developed for "public purposes", with the Western Australian Planning Commission as the determining authority.

In addition, clause 16(1a) of the Metropolitan Region Scheme text provides that certain public works are exempt from the obligation to receive approval to commence development. This exemption does technically apply to this application.

Gibson Park is located on the southern side of the proposed substation site, with the remaining abutting land being under the control of the Pinnaroo Cemeteries Board. Residential development is located on the western side of Gibson Avenue with the nearest house located approximately 50 metres from the proposed substation site.

## **Visual Impact**

The proposed substation will be partly visible from some of the houses along Mueller Court and from Gibson Park. However, Western Power has stated that they will have a tree planting program around the site and at the end of Mueller Court, in order to provide a landscape screen. It is proposed to erect a 3m high palisade fence surrounding the substation and the colour will be colorbond dove grey (pale eucalyptus) which will camouflage with the bush and at the same time providing screening and security to the area.

It is considered that although the landscaping will be provided, the power lines and the light poles may still be visible from the residential properties. In this context it is suggested that Western Power be requested to relocate the substation further back into the cemetery land to

mitigate these issues and allow for a wide boundary buffer to help screen the substation from the residential properties.

### **Environmental Impacts**

The following issues were raised in the submissions.

Some of the submissions raised concerns regarding health hazards relating to EMF. Western Power has stated that it designs and operates all of its systems to comply with World Health Organisation (WHO) recommendations.

Western Power has also confirmed that all their substations are designed to comply with the Environmental Protection (Noise) Regulations 1997. Western Power stated that should a transformer not comply with the relevant regulations, they would enclose it with a suitable noise enclosure to ensure compliance with the standards.

Relative to the above, though Western Power has stated that these issues will meet the legal requirements, it is quite understandable also the concerns of the adjoining residents given that the site for the substation is located approximately 50 metres from the nearest residence. Therefore to alleviate the fears of the adjoining residents it is suggested that the site for the substation be moved further into the cemetery land to mitigate these concerns.

### **Lighting**

It is proposed to provide six light poles, each measuring 7m in height. Western Power has stated that the lighting will be designed so that no light will spill onto neighbouring properties and will only be switched on in an emergency during the night. Western Power have advised that the likelihood of this occurring is small. The interval between the lights being switched on would be years.

Though the lights will be switched on in emergency only, they are still likely to be visually intrusive on the adjoining residential properties. In this context it is suggested that Western Power be requested to relocate the substation further back into the cemetery land.

### **Car parking and Traffic**

It is expected that the substation will be able to provide on-site parking to vehicles accessing the site. Further, as Gibson Avenue is a local distributor, it should be capable of catering for a range of vehicle sizes.

Western Power has indicated that on rare occasions, there may be the need for a vehicle containing its Rapid Response Transformer to access the substation and this would impact upon several trees within the median strip along Gibson Avenue. It is considered that this should be investigated further with Western Power to determine whether access for this vehicle, under traffic control, could be achieved without affecting the road system or trees within the street reserve.

If it is determined that the trees or existing road design would be affected, then:

- modifications should occur at Western Power's expense and to the satisfaction of the City; and
- any reasonable and healthy trees that are to be removed, should be replaced at Western Power's expense.

As stated in the above paragraphs, it is recommended that the proposed substation be located to the east of the proposed location, with access to site remaining from Gibson Avenue only.

### Conclusion

Having regard to the:

- (i) purpose of the Reserve under the Metropolitan Region Scheme;
- (ii) submissions received;
- (iii) potential visual and amenity impacts of the proposal on the adjoining residential properties;

It is recommended that the Western Australian Planning Commission be advised that the location of the proposed substation is not supported. Further, it is suggested that the site location be moved further inside the cemetery land to mitigate the concerns of local residents.

### **ATTACHMENTS**

Attachment 1            Location Plan  
Attachment 2            Development Plans

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That:**

- 1     Council ADVISES the Western Australian Planning Commission that:**
  - (a)     the proposed Western Power zone substation to be constructed on the portion of the Pinnaroo Valley Memorial Park, north of Gibson Park and abutting Gibson Avenue is not supported in the location proposed;**
  - (b)     it is of the opinion that the proposed substation should be relocated within the Metropolitan Cemeteries Board in order to address visual and amenity concerns of the community.**
  - (c)     it seeks the right to provide further comment on any revised location(s) for the proposed substation.**
- 2     The submitters be advised of Council's recommendation to the Western Australian Planning Commission.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf041005.pdf](#)*

**ITEM 14                      PROPOSED                      KINROSS                      NEIGHBOURHOOD  
SHOPPING                      CENTRE                      INCLUDING                      A  
SUPERMARKET, RESTAURANT/SHOP (CAFÉ),  
LIQUOR STORE, TWO TAKEAWAY FOOD  
OUTLETS, ELEVEN NON-RETAIL TENANCIES AND  
TWO AUTOMATIC TELLER MACHINES – LOT 2278  
(3) SELKIRK DRIVE, KINROSS – [62554]**

**WARD:**                      North Coastal

**RESPONSIBLE                      Mr David Djulbic (Acting Director)  
DIRECTOR:**                      Planning and Community Development

---

**PURPOSE**

To request Council's determination of an application for planning approval for a new Neighbourhood Shopping Centre on the corner of Connolly Drive and Selkirk Drive, Kinross.

**EXECUTIVE SUMMARY**

An application has been received for the construction of a new neighbourhood shopping centre in Kinross. The Kinross Neighbourhood Shopping Centre is proposed to be located on the north-eastern corner of Connolly Drive and Selkirk Drive.

A limit of 3,000m<sup>2</sup> of retail "net lettable area" (NLA) applies to the Kinross Neighbourhood Centre, which is set out in Schedule 3 of the DPS2.

Under the Kinross Neighbourhood Centre Structure Plan (KNCSP) the land uses that may be developed on this commercial site include a supermarket, specialty stores, offices, restaurants and café. As part of this development application, there is proposed to be a supermarket (2,518m<sup>2</sup>), restaurant/shop (café/deli), liquor store, two take-away food outlets, 11 non-retail tenancies and 2 Automatic Teller Machines (ATM).

The proposed single storey shopping centre is to be located to the southwest corner of the site, providing a main street frontage along Selkirk Drive with car parking being provided to the western and northern portions of the site. There are 7 existing kerbside parking bays located to the south of the site along Selkirk Drive.

Access to the site is proposed to be from three locations with the main access/egress being from Selkirk Drive and on the western (Connolly Drive) side of the shopping centre building. An access and service road is also proposed from Selkirk Drive, which is proposed to be located on the eastern side of the shopping centre building. The access/service road is proposed to be a shared driveway, which will be located between and on the shopping centre site and the adjoining civic and cultural site. The third access point to the rear of the shopping centre is proposed to be from Balliol Elbow, across the northern portion of the adjoining civic and cultural site owned by the COJ.

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

## BACKGROUND

31/05/2005	Application received.
20/07/2005	Technical assessment finalised as far as possible based on information received.
27/07/2005	Fax sent requesting further information from the applicant.
10/08/2005	Meeting with applicant to discuss issues raised in fax sent on 27/07/2005.
12/08/2005	Amended plans received
24/08/2005	Applicant advised, via email, that issues remain outstanding.
07/09/2005	Traffic Impact Statement received.
09/09/2005	Traffic Impact Statement assessment commenced.
21/09/2005	Road Safety Audit Recommended as per SKM Traffic Impact Statement.
27/09/2005	Road Safety Audit Received (Tarsco Pty Ltd).
28/09/2005	SKM confirmation that Road Safety Audit is acceptable.

<b>Suburb/Location:</b>	Lot 2278 (3) Selkirk Drive, Kinross
<b>Applicant:</b>	J. Prestipino Building Designs Pty Ltd
<b>Owner:</b>	Adriatic United Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Structure Plan:</b>	Kinross Neighbourhood Centre Structure Plan
<b>Site Area:</b>	1.3876ha

Connolly Drive is located to the west of the site, with Selkirk Street and established residential land located to the south. To the north of the subject site is an adjoining public open space reserve (McNaughton Park) which includes existing playing fields, clubrooms and a skate-park. Located east of the site is vacant land owned by the City of Joondalup (COJ).

The subject site has a lot area of 1.3876ha and is currently vacant, however, much of the verge areas have reticulated lawns including street trees along both Connolly Drive and Selkirk Drive. Existing footpaths abut the northern, western and southern boundaries of the site. Also, there is an existing underpass access to the west of the site, which allows pedestrian access between the subject site and other areas, and the western side of Connolly Drive.

The subject site is zoned “Centre” under the City’s District Planning Scheme No 2 (DPS2), which is regulated by the criteria as set out in the KNCSP. The KNCSP was endorsed by Council on 10 August 2004 (CJ182 – 08/04) and adopted by resolution of the Western Australian Planning Commission on 11 October 2004 (as amended).

The KNCSP is made up of three components which include:

- “Residential” land - R40 density;
- “Civic and Cultural” land (owned by the COJ which is vacant); and
- “Commercial” land, which is the subject of this application.

## DETAILS

The applicant is proposing to develop a shopping centre, built of concrete tilt-up panels with a metal deck roof. The building is proposed to be a maximum 8 metres in height stepping down to 5 metres along the street frontages.

The shopping centre is setback a minimum of 3.0 metres from Selkirk Drive having the main pedestrian entrances along the western and southern facades. These entrances are to be provided with two entry statements (awnings) providing a focus for pedestrian access.

All tenancies along the western and southern facades have individual doors with direct access from the external areas, with two of the tenancies proposing to have bi-fold doors installed. These tenancies have been provided with continuous awnings along the facades, 2.5 metres in width, with areas below being defined by planter boxes to the edge of the paved areas and umbrellas for possible cafes/ restaurants.

The current design of the proposed shopping centre has a gross floor area of 4,116m<sup>2</sup>. The applicant has stated that in accordance with the KNCSP, the site can accommodate a maximum 3,000m<sup>2</sup> of retail net lettable area, of which the proposed supermarket would occupy 2,518m<sup>2</sup>. The remaining 482m<sup>2</sup> is proposed to accommodate a variety of uses including:

- i) Liquor store
- ii) Restaurant/ Shop (Café/Deli)
- iii) Take Away Food Outlet (Subway)
- iv) Take Away Food Outlet (Fish and Chips)

The applicant has explained that the remainder of the floorspace is to be occupied by non-retail tenancies, such as offices, showrooms and two automatic teller machines (ATM's).

Within the site, pedestrian pathways have been incorporated into the design of the development. The pathways are 3.0 metres in width, allowing for pedestrian access through the parking areas. These areas are to be raised to facilitate traffic calming within the site. The pathways are to be integrated with the existing pedestrian/cycle pathways along the northern boundary (public open space area) and the western boundary, which leads to the existing pedestrian underpass (Connolly Drive).

Car parking for the development is proposed to be located to the western and northern portions of the site. The proposed design shows that a total of 247 on-site car bays can be provided. There are also 7 existing street bays along Selkirk Drive.

The site proposes two vehicle access points along Selkirk Drive with a possible third from Balliol Elbow. The main access is proposed to be from the western side of the shopping centre (Selkirk Drive), comprising of a two-way access/ egress point. The applicant has advised that the location of this main crossover is proposed for the convenience and safety of users, constructed as far from Connolly Drive as possible, without interfering with the existing street bays. A slip lane has also been provided along Selkirk Drive into this access point for safety purposes, whilst a two-lane egress is provided to reduce any backup of internal traffic.

The second access point from Selkirk Drive has been provided essentially as a service access to allow contractors to gain access to the bin storage areas and the loading dock, located along the eastern side of the proposed building. Further, this access way could also be used as a secondary access to the northern car parking area. This proposed access way is up to 6.85m in width, which includes up to a 3.42m strip of land on the vacant adjoining civic and cultural site. Due to difference in levels, a retaining wall of up to 1.5 metres in height is proposed along the eastern side of the access leg (located on the civic and cultural site).

The applicant has stated that as per Clause 6.1.2, item (xi) of the KNCSP, it is intended that parking circulation be linked with the abutting Civic and Cultural Land Use Area. Consequently, the applicant is proposing to construct a vehicular access way (and 28 adjoining car parking spaces) between Balliol Elbow and the shopping centre site, across the rear of the site owned by the COJ. The car bays and the access way are proposed to be



provided at the full cost of the applicant, subject to Council approval. The applicant has also advised that these parking bays and the access way will enhance circulation for the shopping centre site, as well as providing benefit for the users of the adjacent public open space.

A “traffic impact statement” has been provided by the applicant. The report indicates that the proposed internal traffic flows and access/egress from the subject property is adequate to cater for all customer vehicle movements during peak hours and service vehicle movements within the property. The traffic impact statement, prepared by Sinclair Knight Merz (SKM) dated September 2005, has taken into account the proposed future widening of Connolly Drive.

The consultant’s report to the applicant has requested that the applicant:

- provide cyclist parking to cater for observed high levels of cyclist activity in the area; and
- relocate the proposed loading dock ramp a minimum 3.5m south to allow for improved manoeuvrability for a prime mover/semi-trailer to reverse into the loading dock.

Some of the proposed car parking bays are affected by the turning circles of the prime mover/ semi-trailer and as such, the number of on-site car bays provided is required to be reduced from 247 to 241 onsite bays. The report suggests that all other areas are acceptable including the proposed access/egress points along Selkirk Drive.

The applicant considers that the proposed development is consistent with the requirements of the KNCSPP as previously approved by Council.

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

The applicant is seeking Council’s discretion for the following issues:

- (i) a shortfall of 6 car bays over the site; and
- (ii) a reduction in the landscaping requirement for the proposed development from 8% to 7.36%;

The applicant is proposing to construct the following works on the adjoining site owned by the COJ:

- (a) an access-way and parking area on the northern portion of the site, linking Balliol Loop and the shopping centre site; and
- (b) a service road partially on the western side of the COJ site, with a retaining wall on the eastern side of the service road.

Council’s support is required for the proposed works, before it can effectively deal with the proposed development. If Council does not approve of these works on its land, then there may be implications for the shopping centre development. The recommendation within the report is not to support the works identified in (a) above at this stage, and to support the proposed works in part (b) above.

Council has the discretion to:

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

**Link to Strategic Plan:**

The Strategic Plan states that development within Joondalup should assist in facilitating local employment.

**Legislation – Statutory Provisions:**The DPS2 and Kinross Neighbourhood Centre Structure Plan

When considering an application for Planning Approval, the following clauses of DPS2 are specifically relevant to this application:

**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.*

**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:**

Not applicable.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Not applicable.

**Consultation:**

The application was not advertised, as the development is consistent with the Kinross Neighbourhood Centre Structure Plan, which was endorsed by Council and approved by the WAPC following a period of public consultation.

**COMMENT**

The subject site is zoned “Centre” under the City’s District Planning Scheme No 2, which is regulated by the criteria set out in the KNCSP. The KNCSP is made up of three major areas. The western most component is for “Commercial” use, which is the subject of the development application. A vacant “Civic and Cultural” site, which is owned by the COJ and earmarked for community and civic purposes, is located to the east of the subject site. The third area is a “Residential” area with a density coding of R40. This area is located to the east of Balliol Elbow, which is largely built and/or under construction.

To the north of the subject site is an adjoining public open space area (McNaughton Park) with existing playing fields, clubrooms and skate-park. Established residential land is located to the south of Selkirk Drive.

The shopping centre is proposed to be single storey in nature and is to be made up of a supermarket (2,518m<sup>2</sup>), restaurant/shop (café/deli), liquor store, two take-away food outlets, 11 non-retail tenancies and 2 Automatic Teller Machine (ATM).

**Design**

The proposed shopping centre is to be constructed of concrete tilt-up panels with a metal deck roof. The development is to be single storey and up to 8 metres in height, creating a building façade, which gives the impression of a two-storey structure. This feature has been requested as part of the KNCSP.

The development has been designed with active frontages towards Selkirk Drive providing no blank facades fronting the street, as per the requirements of the KNCSP. The shopping centre has been developed close to Selkirk Drive to create an appealing façade, which is not dominated by car parking areas.

A continuous awning is proposed around the southern and western façade of the building to provide protection to pedestrians from the weather as required under the KNCSP. The applicant has provided in the design of the development an entry statement above the two main entrances to the internal areas. These entry statements create clearly defined elements making clear the entries to the shopping centre. This is seen as a good design principle.

External doors for customer access have been provided for tenancies to be located on the western and southern facades to provide activity to the outside areas of the shopping centre.

These tenancies have also been provided with a minimum of 70% glazing and minimum sill heights of 600mm as required under the KNCSP.

A bin storage area is proposed to be located on the eastern side of the centre as a solid enclosure, 2.7 metres in height. An internal service access has been provided to allow ease of use for tenants of the shopping centre. A pedestrian door is also provided to allow access to the bin storage area without the need to utilise the eastern service access road. The bin storage area is adequately screened from view from the street and public areas as required by the KNCSP.

The loading dock area to the shopping centre (supermarket) has been located to the northeast side of the proposed shopping centre. The location of this proposed facility is considered to be acceptable as it is not in view from the surrounding streets or residential properties. The area is buffered by the adjoining public open space and car parking area to the north, and has been screened from view to the east.

The design layout incorporates a ramp, retaining walls and planter boxes within the road reserve along Selkirk Drive. Structures within this area are not considered to be acceptable and should be located within the property boundaries. These are to be deleted from the plans.

Overall, the main street frontages, scale, setbacks, entry statements, awnings and open glazing of the shopping centre will facilitate an active building edge and a vibrant place. The proposed design has minimised the impact of service areas and bin storage areas on the general public and from the street frontages. The “main street” design is considered to complement Selkirk Drive and creates an attractive façade.

#### Floor Areas and Uses

Schedule 3 of DPS2 limits the retail “net lettable area” (NLA) of the Kinross Neighbourhood Centre to a maximum of 3,000m<sup>2</sup>. The applicant has applied for a maximum of 3,000m<sup>2</sup> NLA with this application, and 1,116m<sup>2</sup> of non-retail floor area (including such land uses as offices and showrooms).

The supermarket (2,518m<sup>2</sup>) will encompass the bulk of the floor space. The balance of retail NLA available to the applicant is 482m<sup>2</sup>. Of the remaining 482m<sup>2</sup>, it is proposed to use 474m<sup>2</sup> (resulting in a spare capacity of 8m<sup>2</sup>) as follows:

<b>PROPOSED USE</b>	<b>AREA (m<sup>2</sup>)</b>
Liquor Store	184
Restaurant/ Shop (Café)	135
Take Away Food Outlet (Subway)	93
Take Away Food Outlet (Fish and Chips)	62
<b>TOTAL AREA</b>	<b>474</b>

In terms of detail, the applicant has illustrated outdoor alfresco areas on the floor plans that have been submitted. It is recommended that these be deleted from this application, as this will have implications for the overall net lettable area. It is also noted that two ATMs are proposed which are considered to be non-retail.

The uses that have been proposed for retail purposes are considered to be acceptable in relation to the KNCSP. The use of the remaining 11 non-retail tenancies has not been specified. It is recommended that a condition be imposed limiting the NLA to a maximum of 3,000m<sup>2</sup> in which planning approval must be sought for the proposed use of all other non-retail tenancies.

### Parking and Access

The proposed site plan shows that there are to be 247 on-site car bays. The bulk of these bays are located on the western and northern sides of the property, with some bays being provided along the service access road to the east of the shopping centre building. Some of the parking bays within these areas are affected by the turning circles of the prime movers/semi trailers accessing the site, and will have to be modified and/or deleted. In addition, there are 7 existing street bays along Selkirk Drive of which 4 bays can be utilised as part of this development. The applicant has also shown a further 28 car bays within the northern portion of the adjoining civic and cultural site, which is land owned by the COJ.

Of the 247 on-site car bays shown on the site plan, 6 of those bays (bay no's 183-187 and 212) will have to be removed to provide adequate turning circles for prime mover/ semi-trailers to manoeuvre within the subject site. The removal of these bays would address the relevant recommendations of the "Traffic Impact Assessment" provided by SKM. It should also be noted that 2 car bays (bays 159 and 160) will also be affected by the sweep path of the prime mover/semi-trailers. These prime mover/semi-trailers would encroach into these bays when reversing into the loading dock. It is considered that these bays would not have to be removed on the basis that the deliveries by prime movers/ semi trailers would be infrequent. With an appropriate management plan for service vehicles delivering to the site, it could be ensured that deliveries by prime mover/semi-trailers to the site should not occur at peak periods. Overall, the total number of on-site car bays proposed would be reduced from 247 to 241 bays.

Clause 6.1.2 (xix) of the KNCSP states that verge bays shall be located along Selkirk Drive and may be credited towards the overall parking requirement for the neighbourhood centre. There are 7 existing verge bays along Selkirk Drive. Of these bays, 5 are considered to be of benefit to the shopping centre and could be included as part of the overall total number of car parking spaces. However, the traffic report provided by SKM has shown that prime movers/ semi-trailers would be required to drive across the kerb whilst negotiating a left-out turn. To address this issue, the number of existing kerbside bays within the road verge would need to be reduced from 5 to 4. The verge layout in this area would need to be amended to accommodate this turning movement from the site.

There are 3 other kerbside car bays in Selkirk Street (southeast), which is recommended for use as a new public bus stop, in accordance with criteria set out in Clause 6.1.2 (xx) of the KNCSP. This will require the applicant to liaise with the Public Transport Authority (PTA) for the possible relocation of the existing bus stop (which has no embayment) located on the eastern side of the corner for Selkirk Drive and Balliol Elbow.

The use of the 4 verge bays by the shopping centre is considered to be acceptable. These car bays are expected to be well utilised by the shopping centre patrons. Additionally the use of 3 existing verge bays for a recessed public bus stop is not considered to be detrimental to the surrounding residential properties and is also expected to be well utilised by patrons of the shopping centre.

The following table illustrates the available parking for the development.

**TABLE 1 – ON-SITE PARKING FIGURES**

<b>Land Use</b>	<b>Area (m2)</b>	<b>Parking Ratio</b>	<b>Total No Car bays Required</b>
Retail Floorspace	3,000	<i>7 bays per 100m<sup>2</sup></i>	210
Non-Retail Floorspace	1,116	<i>1 bay per 30m<sup>2</sup></i>	37
<b>Total Required</b>			247
<b>Total Provided (not including verge bays)</b>			241
<b>Shortfall</b>			6

Having regard to the above table, there is a shortfall of 6 car bays over the whole site.

As per Clause 6.1.2 (xix) of the KNCSP, these verge bays are required to be provided and may subsequently be credited towards the overall parking requirement for the site. It is considered that a credit of 4 existing verge bays towards the overall parking requirement would be acceptable in this instance. With the inclusion of the 4 existing verge bays, the overall shortfall would then be reduced to 2 car bays.

As per the requirements set out in Clause 4.11 of DPS2 – “Car parking – Cash in Lieu or Staging”, it is deemed that the applicant should provide a cash-in-lieu payment for the net shortfall of 2 car bays. This payment shall be utilised by the City to provide these two car bays in the future. Where possible, these bays should be provided within close proximity of this development.

The submitted development plans have illustrated the provision of 28 car bays on the adjoining civic and cultural site (Note: These car bays have not been included in the table above). These car bays are proposed to be provided at the full cost of the applicant. The applicant has also stated that the basis for the provision of these proposed car bays is to provide better access to and from the shopping centre; and additional parking for users of the shopping centre and the adjoining public open space to the north.

Clause 6.1.2 of the KNCSP requires that parking circulation be linked with the adjoining civic and cultural land. The “Development Plan” and “Illustrative Plan” within the KNCSP for the civic and cultural site is also indicative of the parking provided on the applicant’s plans. However, there is no current design proposals for the adjoining civic and cultural site. The timing for development of this site has not been scheduled and may still be many years before any certainty of the purpose, design and use is approved.

It is understood that the proposed car bays and access way on the COJ owned site may offer some benefit for the users of the adjoining public open space reserve. However the location of these bays, for the customers of the shopping centre, is not ideal being located some 90 - 120 metres away from the closest entrance of the shopping centre. Existing on-site parking bays are already available for the users of the adjoining public open space. Consequently, the provision of these parking bays is not considered to be a critical component of the shopping centre development. Therefore, the development of the proposed parking bays and access way on the COJ site is not supported at this stage.

Access to the proposed shopping centre site is proposed to be via two main points along Selkirk Drive. The main vehicular access point to the west of the proposed shopping centre incorporates a single-lane ingress and dual-lane egress crossover. A vehicular slip lane is proposed to be constructed on the northern side of Selkirk Drive to allow vehicles to enter the subject site without causing traffic inference for vehicles passing through. The applicant has

stated that the proposed dual-lane egress point will reduce any back up of traffic around this access point and thereby reducing any traffic issues for vehicles endeavouring to enter the site.

Initial concern was raised by the City concerning the location of this access point in relation to the future dual-lane road widening along Connolly Drive, to the west. The traffic report provided by SKM and subsequent road safety audit (Tarsc Pty Ltd) has determined that the proximity of the proposed western access point, in relation to the future road widening of Connolly Drive, is sufficient.

The second proposed access point, which is to be located to the east of the shopping centre, is principally been designed for use as a service road. This access way is to be provided as a shared access between the proposed shopping centre development and the adjoining civic and cultural site. The shared access way is considered to have various benefits to both parties, which include the:

- provision of a single access point, rather than a separate crossover for each site;
- greater flexibility in design; and
- more efficient use of land.

The proposed eastern access way will allow service vehicles to access the bin storage areas and loading dock areas within the site, while separating this activity from the rest of the shopping centre. The traffic report provided by SKM illustrates that a mountable kerb will have to be provided to allow service vehicles to negotiate a left-turn into the service access area.

A number of parking bays have been provided within this service access. Some have been allocated for customer use and others are for staff use. The use of the more centrally located bays for staff is considered to be more acceptable. The reasoning for this would be that the expected use of these bays would be for longer periods of time thus reducing the level of traffic movements and conflict between staff vehicles, pedestrians and services vehicles.

Due to the gradient of the land the proposed service access will require the construction of a retaining wall on the eastern side of the service access, which is within the civic and cultural site. The retaining wall would be up to 1.5 metres in height. The provision of this retaining wall is considered to be acceptable. The retaining wall will allow the civic and cultural site to remain on a higher level than that of the shopping centre and will also provide some buffer between the service access and bin storage areas of the shopping centre. The provision of a future access way between the service road and the COJ owned site is possible with modifications to the proposed retaining wall. This could include a ramp system, however, the details of this would not be known until the design of the future development on civic and cultural site is finalised.

A loading dock area has been provided to the northeast of the building. This is proposed for the use of the supermarket within the shopping centre site. The applicant is proposing to provide a 1.8 metre high solid wall screen to the loading dock, which is above the requirement set out in the KNCSPP.

Pedestrian access to the site has also been provided in the form of 3.0m wide pedestrian pathways linking the western edge of the building to the adjoining northern public open space reserve and providing a connection to the underpass to the west of the site (under Connolly Drive). These internal paths are proposed to link up with the existing pathway network, which surrounds the site. The pathways have been raised in height above the driveways to double as traffic calming measures within the site. These pathways are considered to be acceptable and form part of the requirements set out in Clause 6.1.2 of the KNCSPP.

The report provided by SKM has observed a high level of cyclists utilising the existing outer lying path system around the site. As part of their recommendations, SKM have stated that 25 bicycle racks should be provided on site to cater for this activity. It is recommended that this requirement be adopted as a condition of approval.

The access and parking proposals provided for this development are appropriate subject to imposition of certain conditions of approval. These conditions would include the deletion of the proposed parking on the civic and cultural site and minor amendments to the internal parking bays and access within the site. The shortfall of 2 bays is not considered to be detrimental to the overall development or the surrounding locality.

### Landscaping

The subject site is 13,876m<sup>2</sup> in area of which 8% (approximately 1,110m<sup>2</sup>) is required to be landscaped as per the KNCSP and Clause 4.12 of the City's DPS2. This includes a requirement for a 3m wide landscaping strip to be provided along all street frontages.

The applicant has provided a landscaping strip along the Connolly Drive street frontage, which for the most part, complies with the minimum 3.0m width. There are two small portions on the corner truncation area of Connolly Drive and Selkirk Drive, which are less than this requirement. These variations are considered to be minor and acceptable in the overall context of the location and design of the proposed landscaping strip.

The applicant has requested that discretion be given for the overall landscaping area requirement. This is due to the requirement in the KNCSP for active street frontages to be provided along Selkirk Drive where ordinarily a 3.0m landscaping strip would be required. In the applicant's calculations, 25% of the 3.0m strip along Selkirk Drive has been included in the overall provision, totalling an area of 126m<sup>2</sup>.

Site Area	13,876m <sup>2</sup>
3.0m Buffer and Boundary Landscaping	790.83m <sup>2</sup>
Internal Landscaping	194.05m <sup>2</sup>
25% of Main Street setback	126.44m <sup>2</sup>
Trees – 32 @ 1m <sup>2</sup> per tree	32.0m <sup>2</sup>
Trees – 10 @ 0.5m <sup>2</sup> per tree	5.0m <sup>2</sup>
<b>Total</b>	<b>1148.32m<sup>2</sup></b>

This total represents 8.27% landscaping of the site.

The original development application plans showed shade trees within the parking areas at a rate of 1 tree per 8 car bays. As per Clause 4.12 of the City's DPS2, shade trees need to be provided at a rate of 1 tree per 4 car bays. The addition of these trees was not included in the applicant's original landscaping calculations. Amended plans have been received showing compliance with this requirement.

There are existing street trees located within the street verge areas around the sites. Due to the location of the main western access point, the applicant will be required to remove one existing street tree. The loss of this street tree is considered acceptable provided that all other existing street trees are retained. It is also noted that much of the verge areas around the site are grassed, reticulated and well maintained.

There is some existing mature vegetation within the site, which could be retained and/or transplanted. The applicant will be encouraged to retain/relocate any of these mature trees where possible.



The proposed variation to the overall landscaping requirement within the site is considered acceptable. The existing grassed areas, public open space reserve and the adjoining civic and cultural site all offer an opportunity to blend the shopping centre landscaping into the surrounding locality and as such, the proposed reduction in the landscaping area will not have a negative impact on the surrounding areas.

### Lighting and Security

The applicant has provided lighting throughout the development. It is recommended that sufficient lighting should be provided around the subject site at all times to deter theft and anti-social behaviour.

It is noted that the service vehicle access to the east of the site has been provided with two security gates. These have been provided adjoining the loading dock and bin storage areas. It is considered that once the civic and cultural site is developed, this area would be largely concealed providing minimal surveillance from the street. The provision of gates will restrict vehicular and pedestrian access after hours, providing enhanced security.

### Conclusion

The proposed Kinross Neighbourhood Shopping Centre is considered to meet the objectives of the KNCSP and the City's DPS2. The shopping centre creates an active focus for the community offering a convenient and diverse range of retail and commercial uses, as well as encouraging employment and new business into the area.

The design and scale of the proposed building is appropriate for the area promoting a high standard of "Main Street" built form and an active edge to complement Selkirk Drive streetscape and creates an attractive façade to the street for visual amenity and interaction.

The well-integrated pedestrian pathway and cycle system assists in creating a people friendly environment, offering a choice of environmentally friendly transport methods in accessing the site and the surrounding areas.

The development is seen to be a benefit to the residents in the local area and is therefore recommended for approval.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Site plans, floor plans and elevations
Attachment 3	Kinross Neighbourhood Centre Structure Plan – Plan 3 (development Plan) and Plan 4 (illustrative plan)
Attachment 4	SKM – Turning circles and loading dock plan (Figure 1)

## **VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **EXERCISES** discretion under clause 4.5.1 of the City's District Planning Scheme No. 2 and determines that a reduction in the landscaping requirement from 8% to 7.36% is appropriate in this instance;
- 2 **EXERCISES** discretion for the 4 existing verge bays to be credited towards the overall parking provision for the development as, set out in clause 6.1.2 (xix) of the Kinross Neighbourhood Centre Structure Plan;
- 3 **APPROVES** the application for planning approval, dated 31 May 2005, submitted by J. Prestipino Building Designs Pty Ltd on behalf of the owners, Adriatic United Pty Ltd for the Kinross Neighbourhood Shopping Centre including a supermarket, restaurant/shop (café), liquor store, two takeaway food outlets, eleven non-retail tenancies and two automatic teller machines on Lot 2278 (3) Selkirk Drive, Kinross subject to the following conditions:
  - (a) The provision of a total of 247 car bays, of which, Council is prepared to accept:
    - (i) 4 verge car bays; and
    - (ii) cash in lieu payment for two spaces, at \$4,450 each;to satisfy the car parking requirement for this development;
  - (b) The retail net lettable area of the development shall not exceed 3000m<sup>2</sup> as identified in the Kinross Neighbourhood Centre Structure Plan and Schedule 3 of the City's District Planning Scheme No 2;
  - (c) The owners of Lot 2278 (3) Selkirk Drive, Kinross shall submit an application for reciprocal rights of access over the common access way that is located on the development site and the adjoining Civic and Cultural Land Use site. The reciprocal access is to be approved prior to practical completion and occupancy of the shopping centre. The owners of Lot 2278 (3) Selkirk Drive, Kinross shall be responsible to pay for all costs of and incidental to the preparation of the easement, including all stamping and registration fees to the satisfaction of the Manager Approvals, Planning and Environmental Services;
  - (d) The proposed parking area provided within the adjoining Civic and Cultural Land Use site and proposed access from Balliol Elbow being deleted as marked in RED on the approved plans;
  - (e) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car parking (AS2890) unless otherwise specified by this approval. Such areas are to be constructed, sealed, drained, permanently marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied;

- (f) A minimum of six (6) disabled car parking bays being provided and located convenient to the entrances and pedestrian pathways of the centre, to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (g) The internal parking layout being modified to remove car bays numbers 183, 184, 185, 186, 187 and 212 which are affected by the turning circles requirements of prime movers/ semi-trailers within the site (SKM report September 2005). These areas, as marked in RED on the approved plans, shall be redesigned to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (h) Car bays numbers 237, 238, 239, 240, 241 and 242 located centrally along the service access, shall be permanently marked as staff bays only, to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (i) The proposed docking ramp down be moved south by a minimum of 3.5 metres to allow for a prime mover/ semi-trailer to adequately manoeuvre and reverse into the loading dock area (SKM report September 2005) to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (j) Appropriate verge treatments being provided and incorporated into the building licence to facilitate safe turning movements in and out of the proposed crossovers along Selkirk Drive, to address the turning circles requirements of prime movers/ semi-trailers (SKM report September 2005). These areas, as marked in RED on the approved plans, shall be redesigned to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (k) The car park shall be designed to ensure slow speeds incorporating speed control devices such as minor level changes where necessary to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (l) The applicant to provide pram ramps and crossover facilities between the verge areas on the southern side crossovers along Selkirk Drive to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (m) A management plan being provided and approved prior to practical completion for service vehicles including the transport of rubbish and deliveries to the centre, to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (n) The provision of a minimum 25 bicycle racks convenient to the entrances of the proposed shopping centre, to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (o) A bus bay shall be provided on Selkirk Drive within the existing verge bay located to the southeast side. The applicant shall liaise with the Public Transport Authority and any other departments, as necessary, for the possible relocation of existing nearby bus stop(s) to this area, to the satisfaction of the Manager Approval, Planning and Environmental Services;

- (p) Services areas, bin and material storage areas shall be located away from public areas and screened from view of the street and public areas at all times, to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (q) Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and/or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction Manager Approval, Planning and Environmental Services;
- (r) The pedestrian pathways, landscaping areas, parking areas and/or associated access ways shall not be used storage (temporary or permanent) and/or display and/or be obstructed in any way at any time, without the prior approval of the Manager Approvals, Planning and Environmental Services;
- (s) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, prior to any site works commencing. The detailed plans should identify those existing mature trees that are to be retained or relocated on the site;
- (t) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being utilised and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (u) All existing street trees shall be retained other than the tree located at the site of the proposed western crossover on Selkirk Drive, as denoted on the approved plans;
- (v) All ramps, retaining walls and structures of the like, which are proposed to be located within the road reserve, shall be moved so that they are located entirely within the boundaries of the subject property;
- (w) No alfresco areas have been approved as part of this application. Any proposals for alfresco areas will require the submission of a separate application for planning approval;
- (x) All retaining walls within the subject site shall be of clean finish and made good to the satisfaction Manager Approval, Planning and Environmental Services;
- (y) An overall signage strategy for the shopping centre shall be submitted for approval to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (z) Any blank wall of the development, including any retaining walls shall be coated with a non-sacrificial anti-graffiti coating, to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (aa) Installation of lighting to the building, streets, parks and car parking areas, to encourage safe use after hours and deter theft and anti social behaviour, to the satisfaction of the Manager Approvals, Planning and Environmental Services;

- (bb) Any floodlighting being designed in accordance with Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible, internally directed to not overspill into nearby lots;
- (cc) The applicant shall submit plans and details illustrating an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration. The proposed stormwater drainage system is required to be approved by the City prior to the commencement of any site works and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (dd) Any amendments to the application as marked in RED on the approved plans shall be provided to the satisfaction of the Manager Approval, Planning and Environmental Services;
- (ee) The applicant/owner is to submit a detailed plan showing compliance with condition 2 (a). The remaining tenancies are not permitted to be used as Retail Net Lettable Area as defined in Appendix 4 of Statement of Planning Policy No. 9 - Metropolitan Centres Policy Statement for the Perth Metropolitan Region;
- (ff) The recommendations outlined within the SKM Traffic Impact Statement (September 2005) and subsequent Road Safety Audit (Tarsco Pty Ltd 23/09/2005) to be implemented at the applicant's cost prior to the occupation of the development, to the satisfaction of the Manager Infrastructure Management Services.

#### FOOTNOTES:

- 1 In relation to Condition (j) the applicant is advised to liaise with the City's Infrastructure Management Services for any amendments to the verge area and existing verge parking;
- 2 A building licence will be required to be submitted and approved prior to any shop fit-outs being undertaken;
- 3 The applicant is advised that the tree species shall be such that it has high branch free stems to allow surveillance and visibility of shop fronts, including large canopies to achieve adequate shading of car parking areas and the western facing portion of the building.

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf041005.pdf](#)

## ITEM 15 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – AUGUST 2005 – [07032]

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic (Acting Director)  
Planning and Community Development

### PURPOSE

To provide an explanation of the town planning delegated authority report included in this agenda and to submit items of Delegated Authority to Council for noting.

### 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 to staff 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 yearly basis. 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 identifies the major development applications that have been determined under delegated authority. A second approval process exists which deals with requests for Council to exercise its discretion to vary an acceptable standard of the Residential Design Codes for a single house. This process is referred to as “R-Codes variation approval for single houses” (this was introduced by the 2002 R-Codes).

This report provides a list of the development applications determined by those staff members with delegated authority powers during August 2005 (see Attachment 1) and now include the codes variations referred to above.

The number of “development applications” determined for August 2005 (including Council and delegated decisions) and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month Of August 2005</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	99	11,204,761
R-Code variations (Single Houses)	56	3,317,674
<b>Total</b>	<b>155</b>	<b>14,522,435</b>

There were two development applications determined by Council during this month at a value of \$2,200,000. The number of development applications received in August 2005 was 109. This figure does not include any applications that may become the subject of the R-Code variation process.

## BACKGROUND

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	Various – see attachment
<b>Owner:</b>	Various – see attachment
<b>Zoning:</b>	<b>DPS:</b> Various
	<b>MRS:</b> Not applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Joint Commissioners, at their meeting of 19 July 2005 considered and adopted the most recent Town Planning Delegation.

## 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.

City development is a key focus area of the City's Strategic Plan. The proposals considered by staff acting under delegated authority relate closely to the objectives of providing for a growing and dynamic community.

The Council adopted the Delegation of Authority instrument after detailed consideration, in accordance with the Strategic Plan objective of providing a sustainable and accountable business.

The delegation is necessary due to the large volume of development applications received for development within the City. It is a key instrument in providing a range of services that are proactive, innovative and using best practice to meet organisational and community needs. This is also a strategy of the City's Strategic Plan.

### Legislation – Statutory Provisions:

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees.

### 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 99 applications determined during the report summary period, consultation was undertaken for 51 of those applications.

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.

Without such a mechanism, it would be exceptionally difficult for the Council to be properly informed to make decisions itself, regarding approximately 70-110 planning applications per month.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

The delegation notice itself outlines specific delegations to respective levels and the limits to those levels of determination. The delegation allows the Director Planning & Community Development and Manager Approvals, Planning & Environmental Services to implement aspects of the District Planning Scheme No 2 that relate to the determination of certain types of development applications, and to process subdivision applications.

The Coordinator Planning Approvals and Senior Planning Officers (Planning Approvals) have authority to approve development applications that are in compliance with the District Planning Scheme No 2 or with minor variations to the applicable standard.

In addition to the major development applications dealt with under delegated authority, the Residential Design Codes and the District Planning Scheme provisions require an applicant to seek Council's written approval to exercise its discretion to vary an Acceptable Standard of the Residential Design Codes for a development that relates to a single house or additions to a single house, such as patios, outbuildings, carports, garages, retaining walls, etc. As this type of written approval requires an exercise of discretion, they are required to be reported to Council in accordance with the notice of delegation.



Where a development does not require planning approval (complying development), the application is dealt with as a building licence only. Should a building licence application be received and it is identified that an R-Codes variation is required, then the applicant will be requested to seek the relevant approval.

## **ATTACHMENTS**

Attachment 1            August 2005 Approvals – Development Applications  
Attachment 2            August 2005 Approvals – R-code variations for Single House

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the applications described in this Report for the month of August 2005.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf041005.pdf](#)*

## **ITEM 16                      SUBDIVISION                      REFERRALS                      PROCESSED BETWEEN 1 AND 31 AUGUST 2005 – [05961]**

**WARD:**                      South, Whitfords, North Coastal, South Coastal

**RESPONSIBLE  
DIRECTOR:**                      Mr David Djulbic (Acting Director)  
   Planning and Community Development

---

### **PURPOSE**

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-31 August 2005.

### **EXECUTIVE SUMMARY**

Attachment 1 is a schedule of the Subdivision Referrals processed from 1–31 August 2005. Applications were dealt with in terms of the delegation adopted by the Council in August 2005.

### **BACKGROUND**

**Suburb/Location:**                      Refer Attachment 1  
**Applicant:**                                      Refer Attachment 1  
**Owner:**    Refer Attachment 1  
**Zoning:**                      **DPS:** Various  
   **MRS:** Various

### **DETAILS**

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

Five subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 12 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of one (1) residential lot and six (6) strata residential lots.

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

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

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

All proposals 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 details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

**Financial/Budget Implications:**

Not Applicable

**Policy implications:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

No applications were advertised for public comment for this month, as either the proposals complied with the relevant requirements, or were recommended for refusal due to non-compliance.

**COMMENT**

Not Applicable

**ATTACHMENTS**

Attachment 1            Schedule of Subdivision Referrals

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the action taken by the subdivision control unit in relation to the applications described in this Report for the month of August 2005.**

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf041005.pdf](#)*

- 7 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 8 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 9 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**
- 10 OUTSTANDING PETITIONS**
- 11 REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS**

**BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS****DUE DATE**                    **OCTOBER 2005****SUBJECT**                    **OPTIONS FOR PURCHASE OF CORPORATE VEHICLES**  
- ex CJ230-10/04

4 request the Sustainability Advisory Committee to investigate and report to the Council on options (including hybrid vehicles) relating to the operating of corporate vehicles that adhere to best practice sustainability principles.

**RESPONSIBLE DIRECTORATE**      Office of the CEO/Strategic and Sustainable Development**ACTION NUMBER**      80993**STATUS**                    Research has been completed and a Report is being drafted and due for finalising in September 2005 and will be presented to Council in October 2005.

---

**DUE DATE**                    **OCTOBER 2005****SUBJECT**                    **REVISED SET OF KPIs FOR COUNCIL PROJECTS**  
- ex JSC2-07/05 – STRATEGIC FINANCIAL PLAN 2005/06 TO 2008/09

“3        REQUESTS the Chief Executive Officer to submit a report to Council on a revised set of KPIs for Council projects.”

**RESPONSIBLE DIRECTORATE**      Office of the CEO**ACTION NUMBER**      97080**STATUS**                    The report will be submitted to the October Strategy Session.

---

**DUE DATE**                    **OCTOBER 2005**

**SUBJECT**                    **CLIFTON CONEY GROUP APPOINTED AS INTERIM PROJECT MANAGERS**

ex CJ156-08/05 - OCEAN REEF MARINA STRUCTURE PLAN DEVELOPMENT

“2        Council NOTES that the Clifton Coney Group has been appointed as interim Project Managers up to the appointment of key consultants for the preparation of the structure plan as detailed in (1) above and is required to submit a proposal to manage the structure plan process in accordance with its term contract;

3        the proposal in Point 2 above to be submitted to Council for determination;”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    97784

**STATUS**                    It is anticipated that a report will be submitted to Council in October 2005.

---

**DUE DATE**                    **OCTOBER 2005**

**SUBJECT**                    **DRAFT JINAN-JOONDALUP SISTER CITIES RELATIONSHIP PLAN**

– ex CJ157-08/05

“3        REQUESTS a further report on a final Plan be presented to Council for endorsement following the receipt of comment from interested parties and the Jinan delegation.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO/Strategic and Sustainable Development

**ACTION NUMBER**    97618

**STATUS**                    A report will be finalised following the 30 days comment period Ending 30 September. The final report to Council is scheduled for October 2005.

---

**DUE DATE**                    **OCTOBER 2005**

**SUBJECT**                    **SITE ACQUISITION – WORKS DEPOT** – (ex CJ176-08/05)

- “1        REFERS back the report to the Officers for further clarification of issues surrounding the Normalisation Agreement;
- 3        REQUESTS the Chief Executive Officer to report on options for alternative sites as soon as practical;”

**RESPONSIBLE DIRECTORATE**    Infrastructure and Operations

**ACTION NUMBER**    98981

**STATUS**                    A report will be submitted to Council in October 2005.

---

**DUE DATE**                    **OCTOBER/NOVEMBER 2005**

**SUBJECT**                    **MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 18 SEPTEMBER 2003** – ex CJ213-09/03

- “3        DEFERS consideration of:
- (a)      Policy 2.5.1 Commercial Usage of Beachfront and Beach Reserves – as detailed in Attachment 2 to Report CJ213-09/03 pending a further report being presented to the Policy Manual Review Committee incorporating additional recommendations;
- (c)      Policy 2.6.4 – Environmental Sustainability – as detailed in Attachment 2 to Report CJ213-09/03 pending referral to the Environmental and Sustainability Committee for consideration;”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    57666

**STATUS**                    Reports will be submitted to the Policy Committee. It is anticipated that the Policy Committee will meet on an on-going basis.

A report was presented to the Strategy Session on 27 September 2005, which outlined that the current policies of the Council had been redrafted into Council policies and City policies. A final report will be presented to Council in October/November 2005. Those policies identified as Council policies will be referred to the Policy Committee for determination.

---

---

**DUE DATE**                    **OCTOBER/NOVEMBER 2005**

**SUBJECT**                    **REVIEW OF THE POLICY MANUAL**  
(ex Briefing Session 11 May 2004)

Cmr Smith requested that the following comment, from the Minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, be taken into consideration within the proposed review of the Policy Manual:

*“General Business - Mr Carstairs indicated that it was important to ensure that sustainability issues are embedded into Council policy during the next 12 months to ensure ongoing sustainable outcomes in the City. Mr Carstairs believes that it is important to identify targets, outcomes and timeframes to implement these to ensure the best sustainability outcomes in the future.”*

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    71945

**STATUS**                    Reports will be submitted to the Policy Committee. It is anticipated that the Policy Committee will meet on an on-going basis.

A report was presented to the Strategy Session on 27 September 2005, which outlined that the current policies of the Council had been redrafted into Council policies and City policies. A final report will be presented to Council in October/November 2005. Those policies identified as Council policies will be referred to the Policy Committee for determination.

---

**DUE DATE**                    **OCTOBER/NOVEMBER 2005**

**SUBJECT**                    **DEVELOPMENT OF A STATEMENT OF PRINCIPLES COMMITTING POLICIES OF COUNCIL TO SUSTAINABILITY OBJECTIVES**  
– ex CJ064-04/05 – POLICY REVIEW

“5            REFERS to the newly formed Policy Committee for attention the resolution of the Sustainability Advisory Committee dated 14 October 2004 concerning development of a statement of principles that commits all policies of Council to sustainability objectives.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO/Strategic and Sustainable Development

**ACTION NUMBER**    91392

**STATUS**                    This will be referred to the first meeting of the Policy Committee. An internal review of the existing policies of the Council has commenced in accordance with the decision of Council dated 26 April 2005. It is anticipated that this review will be completed by mid July 2005, with a report to be presented to the Policy Committee during October/November 2005.

---



**DUE DATE**                    **OCTOBER/NOVEMBER 2005**

**SUBJECT**                    **REVIEW OF CODE OF CONDUCT – NON-VILIFICATION OF RATEPAYERS** - ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004

In relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct.

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      85109

**STATUS**                    This will be taken into consideration when reviewing the Council's Code of Conduct. A review of the Code has commenced and will be submitted to the Council as part of the overall review of the policies in October/November 2005.

---

**DUE DATE**                    **OCTOBER/NOVEMBER 2005**

**SUBJECT**                    **MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 24 AUGUST 2005**

4                    REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;

**RESPONSIBLE DIRECTOR**                    Infrastructure and Operations

**ACTION NUMBER**      100428

**STATUS**                    This matter will be initially discussed at the next Conservation Advisory Committee meeting on 28 September 2005 and then a future report will be presented to Council.

---

---

<b>DUE DATE</b>	<b>NOVEMBER 2005</b>
<b>SUBJECT</b>	<b>REPORT REQUESTED BY COMMISSIONERS</b> – Briefing Session 23 August 2005  Customer Satisfaction Monitor  Cmr Fox requested that a report be submitted to Council on options open to the City, either to undertake its own customer satisfaction monitor or jointly with other groups.
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	98584
<b>STATUS</b>	A report will be submitted to Council in November 2005.

---

<b>DUE DATE</b>	<b>NOVEMBER 2005</b>
<b>SUBJECT</b>	<b>AMENDMENT TO CITY'S STANDING ORDERS LOCAL LAW</b> - ex CJ307-12/02 – ANNUAL GENERAL MEETING OF ELECTORS  2(a) Motion 1 ( <i>requesting Council to make the various changes to public question time</i> ) be considered as part of the further review of the City's Standing Orders Local Law:
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	41272
<b>STATUS</b>	The Council at its meeting held on 9 August 2005 agreed to seek public comment on the draft 2005 Standing Orders Local Law. Appropriate advertising has commenced, with a report to be presented back to the Council following the consultation period, November 2005.

---

**DUE DATE**                    **NOVEMBER 2005**

**SUBJECT**                    **ESTABLISHMENT OF PROTOCOLS**

- ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004

In relation to Motion 1 of the Annual General Meeting of Electors held on 22 November 2004, the Council:

- 2            (d)        ESTABLISH clear protocols relating to:
- (i)        the attendance of invited guests or specialist advisors to Council meetings;
  - (ii)       the working relationship between the Mayor and CEO that complements the relevant sections of the Local Government Act 1995;
  - (iv)       necessary requirements for proposing amendments and changes to recommendations at Council meetings.

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      85096

**STATUS**

- (i)        The attendance of such persons has been dealt with as part of the Standing Orders Local Law review which is currently out for public comment.
- (ii)       The issue of relationships has been addressed as part of the Governance Framework for the City of Joondalup. A report will be presented on the framework to Council in October 2005;
- (iv)       This issue has been dealt with as part of the Standing Orders Local Law review which is currently out for public comment.

---

**DUE DATE**                    **NOVEMBER 2005**

**SUBJECT**                    **TENDER NO 014-04/05 PROVISION OF SECURITY AND PATROL SERVICES IN THE CITY OF JOONDALUP – CITY WATCH**

(ex CJ272-11/04)

“5        REQUEST a report be submitted to Council for consideration prior to the extension of the contract beyond two years.”

**RESPONSIBLE DIRECTORATE**      Infrastructure and Operations

**ACTION NUMBER**

**STATUS**                    The requested report will be provided to Council in November 2006.

---

---

**DUE DATE**                    **NOVEMBER 2005**

**SUBJECT**                    **REDESIGN OPTIONS OF COUNCIL CHAMBER**  
- ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION

5            REQUIRE an urgent review be conducted and interim report prepared and presented at the December 2004 Council meeting with regard to the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    82351

**STATUS**                    A meeting has been held with architects to discuss possible project plan options. Concept plans and costings have been finalised and were presented to the Strategy Session held on 27 September 2005.

---

**DUE DATE**                    **NOVEMBER 2005**

**SUBJECT**                    **STRATEGIC PLAN FOR CITY’S ART COLLECTION** – (ex CJ014-02/05 - ART COLLECTION PURCHASES)

“3            REQUESTS that a strategic plan be developed for the art collection that takes into account an acquisition and disposal plan, and contains a strategy for the display of art works throughout the City’s offices and appropriate buildings within the City of Joondalup, such as Edith Cowan University.”

**RESPONSIBLE DIRECTORATE**    Planning and Community Development

**ACTION NUMBER**    88598

**STATUS**                    The draft Art Acquisition Policy is to be considered as part of the organisational Policy Review process.

---

<b>DUE DATE</b>	<b>NOVEMBER 2005</b>
<b>SUBJECT</b>	<b>LAND REQUEST FOR PROPOSED COMMUNITY HOUSE IN CRAIGIE LOT 671 (178) CAMBERWARRA DRIVE (CORNER OF PERILYA ROAD) – (ex CJ186-08/05)</b>
	<p>“1 DEFERS consideration of the land request for proposed Community House in Craigie, Lot 671 (178) Camberwarra Drive (corner of Perilya Road);</p> <p>2 OBTAINS from the Department of Community Development detailed outcomes for this proposed service, clearly stating how the community house will meet identified community needs;</p> <p>3 RECEIVES from the Department of Community Development projected costs of building the community house, giving reasons why the funds currently available will be inadequate if the arrangements for the sale of the land, Lot 671 (178) Camberwarra Drive, Craigie goes ahead;</p> <p>4 REQUESTS the Chief Executive Officer to provide relevant information on budgetary implications should the sale of Lot 671 (178) Camberwarra Drive, Craigie not be realised;</p> <p>5 REQUESTS that when this report is resubmitted, Option 4 is explored further, with a long term cost benefit analysis.”</p>
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
<b>ACTION NUMBER</b>	98989
<b>STATUS</b>	A further report will be forwarded to the Council once the requested information is available for inclusion in an updated report.

---

<b>DUE DATE</b>	<b>NOVEMBER 2005</b>
<b>SUBJECT</b>	<b>REPORT REQUESTED BY COMMISSIONERS – Briefing Session 23 August 2005</b>
	<p>1 Provision of Information to Council Members</p> <p>Cmr Smith requested that a report be submitted to Council on the possibility of adopting protocols relating to the method and time limitations on all information provided to Council members, where such information is applicable to decisions being made at Council meetings.</p>
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	98585
<b>STATUS</b>	Options relating to the possible protocols are being examined.

---

---

**DUE DATE**                    **NOVEMBER/DECEMBER 2005**

**SUBJECT**                    **PUBLIC OPEN SPACE**

(ex CJ203-09/05 - APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO)

3            REFERS the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.

**RESPONSIBLE DIRECTOR**      Planning and Community Development

**ACTION NUMBER**      100435

**STATUS**                    A report is to be drafted for the next available meeting of the Policy Committee.

---

**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **TENDER REGULATIONS**

(ex CJ043-03/05 2004 COMPLIANCE AUDIT RETURN)

“3            EXPRESSES its concern that the Tender Regulations have not been followed and advises the Department of Local Government and Regional Development that the Council has requested that a report on this matter be submitted to the Audit Committee;”

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      89549

**STATUS**                    The matter has been referred to Stanton Partners to review the issue of non-compliance with the Tender Regulations. Once the review has been undertaken, a report will be provided to the Audit Committee for consideration.

---

**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **OUTCOME OF REVIEW OF PROCUREMENT PROCESSES**

– (ex CJ121-06/05 – REVIEW OF THE DELEGATED AUTHORITY MANUAL)

“3            REQUESTS the Chief Executive Officer to advise the Audit Committee at the earliest possible opportunity of the outcome of the review of the procurement processes.”

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**

**STATUS**                    This matter will be presented to the next Audit Committee meeting.

---

---

<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY</b> – ex CJ168-08/05 - Report on funding to date to the City of Joondalup pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees  “5 NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	97788
<b>STATUS</b>	A report will be submitted to Council following the completion of the McIntyre Inquiry.

---

<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>TOM SIMPSON PARK AND TEN LOTS IN MERRIFIELD PLACE, MULLALOO</b> (ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004)  In relation to Motion 16 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a report will be presented to the Council in early 2005 on the matter of including Lot 1 Oceanside Promenade and the grassed road reserve adjacent to Tom Simpson Park into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo;
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
<b>ACTION NUMBER</b>	85111
<b>STATUS</b>	A report will be presented to Council following a review of the City's asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

---

**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **PROPOSED MODIFICATIONS TO CURRAMBINE STRUCTURE PLAN NO 14 – DELETION OF THE RESIDENTIAL MIXED USE PRECINCT AND REPLACEMENT WITH A SMALL LOT RESIDENTIAL PRECINCT AND MINOR MODIFICATIONS TO THE DEVELOPMENT PROVISIONS** – ex CJ088-04/04

“3     a separate report giving further consideration to the provision of retail land uses for the Currambine locality in relation to the City’s POLICY 3.2.8 – Centres Strategy, and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2, be prepared;”

**RESPONSIBLE DIRECTORATE**     Planning and Community Development

**ACTION NUMBER**     71026

**STATUS**                    Partially addressed in Report to Council 27 April 2004. Remainder to be reported as part of the Centres Strategy review, which is intended to be undertaken as soon as possible. It should be noted that review initiation is dependent on data release from the WAPC, and is anticipated to occur before December 2005.

---

**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **SORRENTO DUNCRAIG AND OCEAN RIDGE LEISURE CENTRES OPERATIONS AND MANAGEMENT REVIEW RECOMMENDATIONS**  
– ex CJ093-04/04

“3     NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.”

**RESPONSIBLE DIRECTORATE**     Planning and Community Development

**ACTION NUMBER**     70983

**STATUS**                    Funding for development of the Leisure Plan was approved in the 2004/05 budget and worked commenced in November 2004. The development of the Leisure Plan will take approximately six months. The Leisure Plan is underway at this time and will provide guidance on this matter.

---



<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA</b> – ex CJ338-12/02
	“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council.”
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
<b>ACTION NUMBER</b>	41269
<b>STATUS</b>	<p>A report was presented to Executive Management on 11 October 2004, with a further report outlining the City’s requirements to be decided at a future Executive meeting. The City’s decision was forwarded for consideration at the WALGA North Zone meeting on 25 November 2004.</p> <p>At the WALGA North Zone meeting held on 25 November 2004 it was agreed that the item regarding the proposed Community Safety and Crime Prevention partnership be deferred to allow member Councils to provide their responses to the City of Stirling.</p> <p>Chief Executive Officer to meet with officers of the Crime Prevention Unit.</p> <p>WALGA has facilitated a Safety and Crime Prevention meeting. The following recommendation from this meeting is to be forwarded to the State Council via the various zone meetings:</p> <p>That the Association does not support the State Local Government Community Safety and Crime Prevention Partnership until there is:</p> <ul style="list-style-type: none"><li>• acceptance by State Government of Local Government evidence based planning methods to develop community safety and crime prevention strategies;</li><li>• a flexible funding arrangement for community safety and crime prevention plans for Local Government;</li><li>• sustainable growth funding from State to Local Government to support the Local Government Community Safety and Crime Prevention plans and their implementation;</li><li>• a feasibility study undertaken into a regional based approach to community safety and crime prevention through a network of State Government funded staff to support Local Government develop a collaborative based approach to community safety and crime prevention planning and initiatives;</li><li>• Acknowledgement by the State Government that the management of graffiti and anti social behaviour are key issues of concern to Local Government.</li></ul> <p>The development of a MOU between State and Local Government that outlines the roles and responsibilities of State and Local Government in relation to community safety and crime prevention planning.</p>

---

**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **ABORIGINAL ISSUES IN THE CITY OF JOONDALUP** – (ex  
JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS)

“4        REQUEST that a report be submitted to Council on raising the profile of Aboriginal issues in the City of Joondalup as a significant part of the Cultural Plan.”

**RESPONSIBLE DIRECTORATE**    Planning and Community Development

**ACTION NUMBER**    77778

**STATUS**                    The forthcoming Cultural plan for the City will address raising both the profile of Aboriginal issues and the level of community exposure to local programs presenting Aboriginal artistic endeavour and culture. A comprehensive strategy addressing issues relating to the presentation of Aboriginal cultural activities, the participation of Aboriginal people in civic life in the city, and the consequential raising of community awareness of Aboriginal issues will be available for consideration as part of the draft cultural plan.

---

**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session  
September 2005

Risk Management Framework

Cmr Anderson requested a report on an overarching risk management framework for the City, to be presented to the next meeting of the Audit Committee.

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    99742

**STATUS**                    A report will be submitted to Council in December 2005.

---

---

<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>PERFORMANCE REVIEW COMMITTEE – CEO INITIAL PERFORMANCE REVIEW REPORT</b>
	2 ENDORSES further discussion between the CEO and the Performance Review Committee to review and vary the Key Performance Indicators going forward with recommendations to be referred to Council.
<b>RESPONSIBLE DIRECTOR</b>	Corporate Services and Resource Management
<b>ACTION NUMBER</b>	100437
<b>STATUS</b>	The next meeting of the CEO Performance Review Committee has been scheduled for 13 October 2005 for the purpose of progressing the above resolution.

---

<b>DUE DATE</b>	<b>FEBRUARY 2006</b>
<b>SUBJECT</b>	<b>CONSOLIDATION OF INDICATORS THAT HAVE PARALLEL OBJECTIVES</b> – ex CJ171-08/05 – CORPORATE REPORTING SYSTEMS
	“3 REQUESTS the Chief Executive Officer to provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.”
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO/Strategic and Sustainable Development
<b>ACTION NUMBER</b>	98977
<b>STATUS</b>	A review of the indicators will be undertaken and a report will be considered by the Chief Executive Officer after the review has been completed.

---

**DUE DATE**                    **FEBRUARY 2006**

**SUBJECT**                    **LOT 1 OCEANSIDE PROMENADE, MULLALOO**  
(ex C83-05/03 NOTICE OF MOTION NO 4 – CR M CAIACOB)

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      51161

**STATUS**                    A report will be presented to Council following a review of the City’s asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

---

**DUE DATE**                    **FEBRUARY 2006**

**SUBJECT**                    **LANDSCAPING PLANS FOR JOONDALUP REGIONAL CULTURAL FACILITY** - ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION

“3      REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      82351

**STATUS**                    Consultation will take place as soon as is practicable following the finalisation of the purchase of the site which requires the lot to be formally subdivided. It is envisaged that a report will be submitted to Council once the purchase has been finalised.

---

**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **OVERVIEW OF THE OFFICIAL VISIT FROM JINAN DELEGATION (SHANDONG PROVINCE), CHINA TO JOONDALUP – AUGUST 2005 AND TO PROVIDE FURTHER NOTIFICATION OF AN INVITATION TO VISIT JINAN IN OCTOBER 2005**

2            REQUESTS the Chief Executive Officer when preparing the report evaluating the public comments received as part of the consultation period on the Joondalup-Jinan Relationship Plan to ensure that it encompasses five (5) and ten (10) year strategic horizon action plans;

5            ADVISES Mayor Bao that the Joint Commissioners will recommend that the incoming Council sends an official delegation to the City of Jinan as early as is feasible 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan.

**RESPONSIBLE DIRECTOR**      Office of the CEO/Strategic and Sustainable Development  
**ACTION NUMBER**      100425

**STATUS**                    3            The Joondalup – Jinan Relationship Plan when endorsed will be further developed to incorporate implementation action planning. It is anticipated that this work will be completed in the Jan-March quarter of 2006 as outlined in the Annual plan.

5            A letter to Mayor Bao has been approved and sent to Jinan. This part of the outstanding business item may therefore be removed from the agenda.

**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD**  
– (ex JSC3-07/05 -MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE)

“2            REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      97081

**STATUS**                    This has been referred to the internal Parking Strategy Working Group.

**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LOCATION OF 50 METRE POOL AT CRAIGIE LEISURE CENTRE OR AN ALTERNATIVE LOCATION** – (ex JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS)

“2        REQUEST that a report be submitted to Council as to whether a 50 metre pool should be located at Craigie Leisure Centre or at an alternative location;”

**PETITION** – Council 28 June 2005

Two petitions of 144 and 125-signatures respectively have been received requesting the City of Joondalup make provision for a 50 metre, 8 lane outdoor pool at the Craigie Leisure Centre in the City's financial budget for 2005/06.

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      77776 and 95549

**STATUS**                    The City has committed in September 2004 to a refurbishment project to the aquatic facilities at the Craigie Leisure Centre. Further development of the City's aquatic facilities, i.e. a 50 metre pool, would only occur as a result of:

- (1)        Detailed analysis of the performance of the Craigie Leisure Centre once the refurbishment has been completed.
- (2)        Detailed market research that considers all market segments.

The Craigie Leisure Centre redevelopment project is inclusive of a geothermal water heating system which could cater for a further 50 metre water space.

---

**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **FIRE BREAKS AND PEDESTRIAN ACCESS TO BEACHES IN OCEAN REEF** (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003)

“In relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:

- (c) REQUEST the CEO to provide Council with a report and suitable recommendations once investigations concerning the second fire break have been completed;”

**RESPONSIBLE DIRECTORATE**    Infrastructure and Operations

**ACTION NUMBER**    67033

**STATUS**                    As part of future staged development of Iluka, the developers intend submitting to the City design solutions for either a raised boardwalk or pathway linking the coastal dual use path to the north-western portion of the Iluka subdivision. It is at that time that consideration to the second firebreak can be given by the City.

---

**DUE DATE**                    **JUNE 2006**

**SUBJECT**                    **EDGEWATER QUARRY SITE** - (ex CJ300 - 12/04 - Site Acquisition - Works Depot)

“REQUEST the City’s officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.”

**RESPONSIBLE DIRECTORATE**    Infrastructure and Operations

**ACTION NUMBER**    85135

**STATUS**                    This project is currently on hold until a determination is made on the acquisition of the Hodges Drive Depot site.

---

**DUE DATE**                    **2006**

**SUBJECT**                    **DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - ex**  
CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

**RESPONSIBLE DIRECTORATE**      Office of the CEO/Strategic and Sustainable Development

**ACTION NUMBER**      40021

**STATUS**                    This item has been determined as a low priority for Council in 2005 and will be reconsidered in 2006.

---

**DUE DATE**                    **Dependent on the release of the City of Joondalup Inquiry Report.**

**SUBJECT**                    **MAYOR D CARLOS (SUSPENDED) – REQUEST FOR PAYMENT OF MAYORAL ALLOWANCE – ex CJ118-06/04**

“that no determination is made on this matter at this time and the item be DEFERRED until the McIntyre Inquiry completes its deliberations and issues a Report.”

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      73446

**STATUS**                    A report will be submitted following the completion of the McIntyre Inquiry.

---



**DUE DATE**                    **Dependent on the release of the City of Joondalup Inquiry Report.**

**SUBJECT**                    **RELEASE OF REPORT OF THE FORENSIC AUDITOR**

– ex C70-11/04

“That due to questions and motions raised at the Annual Meeting of Electors held on 22 November 2004, the Joint Commissioners CONSIDER releasing, at the Council meeting immediately following receipt of the information outlined below, the report of the Forensic Auditor into the employment contract of the former Chief Executive Officer that is currently marked confidential subject to:

The Acting CEO being requested to contact the following for comment on this proposed course of action, asking them to provide any information they consider should be taken into account by the Council when it makes its decision:

- Deloitte Touché Tohmatsu, the Forensic Auditor
- Mr McIntyre, who is conducting the current Inquiry into the City of Joondalup
- Fiocco’s Lawyers”

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      83764

**STATUS**                    Correspondence was forwarded to the relevant parties following the Annual General Meeting.

Fiocco Lawyers had no objection; Mr McIntyre had no position, however, Deloitte Touche Tohmatsu objected to the release of information on the basis that, without full understanding of the scope and context of the audit, it may not be correctly interpreted in the public arena. On that basis, it is not proposed to release the information at this time.

This document was admitted as evidence into the McIntyre Inquiry into the City of Joondalup. Advice has been sought from McLeod’s Lawyers relating to the ability of members of the public gaining access to this document.

---

---

<b>DUE DATE</b>	<b>ACTION COMPLETED</b>
<b>SUBJECT</b>	<b>REPORT REQUESTED BY COMMISSIONERS – Strategy Session 9 November 2004</b>  Use of the Council Chamber  Discussion ensued on the ability to make the chamber available for hire, on a cost-recovery basis, for certain formal occasions. It was requested that guidelines be prepared to assist the Mayor/Chairman in approving use of the Council Chamber.
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	82810
<b>STATUS</b>	As part of the review of the Council and City's policies, consideration has been given to incorporating relevant guidelines. This item may therefore be removed from the agenda.

---

<b>DUE DATE</b>	<b>ACTION COMPLETED</b>
<b>SUBJECT</b>	<b>PROPOSED PARKING RESTRICTIONS – HAWKER AVENUE, FARNE CLOSE AND SANDAY PLACE, WARWICK</b> (ex CJ260-11/04)  “4 <i>REQUEST the Acting Chief Executive Officer to conduct a further parking survey within relevant localities that are affected by patrons utilising the Warwick Rail Station and the Greenwood Station following a six month period after the commissioning of the Greenwood Rail Station.</i> ”
<b>RESPONSIBLE DIRECTORATE</b>	Infrastructure and Operations
<b>ACTION NUMBER</b>	82359
<b>STATUS</b>	A memo has been prepared and will be forwarded to the Commissioners. This item may therefore be removed from the agenda.

---

---

<b>DUE DATE</b>	<b>ACTION COMPLETED</b>
<b>SUBJECT</b>	<b>PETITION REQUESTING CLOSURE OF PEDESTRIAN ACCESSWAY – FAIRFIELD GROVE, HEATHRIDGE</b>
	<p>A 56-signature petition has been received from residents of Heathridge requesting the closure of the pedestrian accessway on Fairfield Grove, Heathridge.</p> <p>The closure of the accessway is requested on the grounds of:</p> <ul style="list-style-type: none"><li>➤ Lack of security – the accessway aids house burglaries;</li><li>➤ Antisocial behaviour in the accessway;</li><li>➤ Infrequent usage of the accessway.</li></ul>
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
	100525
<b>ACTION NUMBER</b>	
<b>STATUS</b>	Petitioner advised of the requirements to proceed with a request for closure of a pedestrian accessway. In the event that a request is received to close the accessway, a report will be submitted to Council. This item may therefore be removed from the agenda.

---