



**MINUTES OF COUNCIL MEETING  
HELD ON 1 NOVEMBER 2005**

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# CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 1 NOVEMBER 2005

## OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

## ATTENDANCES

CMR J PATERSON - Chairman  
CMR P CLOUGH - Deputy Chairman *Absent from 1943 hrs to 1947 hrs*  
CMR M ANDERSON  
CMR S SMITH *Absent from 1940 hrs to 1941 hrs*  
CMR A FOX

## Officers:

Chief Executive Officer	G HUNT
A/Director, Planning and Community Development:	D DJULBIC
Director, Corporate Services:	P SCHNEIDER
A/Director, Infrastructure Services:	P PIKOR
Manager, Marketing Communications & Council Support:	M SMITH
Manager Approvals, Planning Environmental Services	C TERELINCK
Media Advisor:	L BRENNAN
Committee Clerk:	L TAYLOR
Minute Clerk:	G KELLY

There were 17 members of the Public and 1 member of the Press in attendance.

## PUBLIC QUESTION TIME

**The following questions were taken on notice at the Council meeting held on 11 October 2005:**

**Mr M Caiacob, Mullaloo:**

Q1 *As the Report is to be sent to Edith Cowan University to ensure unbiased, what knowledge of the issues in the Joondalup electorates and representatives context are known and which local expert is to be commissioned?*

A1 The report has been forwarded to the Centre for Social Research at the Edith Cowan University. The request is for the faculty to review the report to ensure it has been written in a balanced and unbiased way. It is not intended that the faculty review the technical aspects of the discussion paper as it has been drafted in accordance with the provisions of the Local Government Act and the guidelines issued by the Local Government Advisory Board.

**Mr T Sampson, Hillarys:**

Q1 *Re: Hillarys Shopping Centre, Flinders Avenue, Hillarys. There has been a noise problem there for two years, which has been tested and verified. A wall has been built and the top of it filled in. The Centre was supposed to put insulation inside the wall and put a roller door on it, but this has not happened. The owner has stated that he has no intention of doing it.*

A1 The City is currently discussing sound attenuation requirements for the shopping centre with the owner and tenant of the property. This includes attenuation works for the loading bay and attenuation works to reduce the noise from trucks servicing the shopping centre.

The City is committed to ensuring that noise levels emanating from the shopping centre comply with the provisions of the Environmental Protection (Noise) Regulations and is currently examining options put forward by the owner of the shopping centre. Insulation of the loading bay may not be necessary if other planned works (eg. the enclosing of the delivery area) will reduce the noise to an acceptable level.

Should the owner not take adequate measures to address the noise issue in a timely manner, then the City will ask that the Environmental Protection Notice served with respect to the noise be reconsidered by the Appeals Conveyor (this Notice has currently been placed on hold). The advice of Acoustic Consultants engaged to control noise emissions will determine the extent of works required to be conducted to reduce noise emissions to an acceptable level.

**The following questions were submitted in writing prior to the Council meeting on 1 November 2005****Mr J Bombak, Joondalup:**

*These questions are directed to the CEO, Garry Hunt.*

Q1 *Has the CEO previously received any complaints from a Council officer and/or heard of an allegation that he/she was threatened and/or intimidated during the course of the City of Joondalup Inquiry?*

Q2 *If the answer is yes:*

(a) *when was the complaint received?*

(b) *who was the person who allegedly made the threat?*

(c) *have you as CEO thoroughly investigated the complaint?*

(d) *what was the outcome of the investigation?*

(e) *have you referred the matter or complaint to the presiding member?*

(f) *If not, why not?*

(g) *in the interests of open and accountable government, will you release to the ratepayers copies of all documentation relating to the complaint for their information?*

Q3 *If the answer is no:*

- (a) what action will you be undertaking to investigate this allegation to ensure that utmost probity is maintained?

A1-3 These questions will be taken on notice.

**Mr S Kobelke, Sorrento:**

*With regard to Late Item No 1 from Briefing Session. Minutes of the Policy Committee held 18 October 2005*

*With regard to Recommendation 2. "Requests that a draft policy be presented on Policy 3-2 - Height and Scale.....that includes coastal areas and is based on the expectation that a full public participation is undertaken" The following 5 questions relate to this.*

Q1 *With the five Commissioners part of the Policy Committee, would one be drawing the correct conclusion to say that the Officers and Commissioners will be discussing at length the draft Height and Scale Policy (No 2 of recommendation) that is presented within the Policy Committee Structure?*

Q2 *If that is a fact can one conclude that only a policy that the Commissioners agree with will be taken from the Policy Committee onto the Council (Commissioners) for a decision to go out to public comment?*

Q3 *Has the draft policy already been submitted to the Policy Committee? If not when is it anticipated that the draft policy will be with the Policy Committee?*

Q4 *When does Council expect the Policy Committee will be able to send a firm policy onto the Council for a decision to send it out for public comment.*

Q5 *Does Council expect that this policy will go to public comment, be reviewed and go back with recommendations for a final Council decision before the forthcoming elections? (The Minister has indicated an April/May election timetable).*

A1-5 Dialogue with the community and Commissioners has indicated on an informal basis that the desire is to have the most robust mechanism in place to regulate coastal height. With this in mind, a report is being prepared covering the options available for developing controls over height. The preliminary view is that controls be implemented with the District Planning Scheme, rather than by a policy approach. Scheme provisions can be easier to defend on appeal and where decisions of the Council might be contested.

In regard to public engagement and the Council's involvement in the process, the Council would need to be satisfied with a draft proposal and adopt a resolution accordingly in order for a draft DPS amendment to be advertised for public comment. Following a statutory advertising period (usually 42 days in duration) the Council would consider a subsequent report on submissions and only then decide if it endorsed the amendment and wished to have it finalised (with the ultimate determination being by the Hon Minister for Planning).

In terms of the timing of the process, the preliminary view is that it would be prudent to wait until after the Christmas period before starting the submission period, in order to give an opportunity for maximum public awareness and comment if desired. The likely scenario is that the Council could be considering finalisation at about mid 2006, although this depends on whether the proposal is considered to have merit and also the outcome of the advertising period.

**Mr M Sideris, Mullaloo:**

*Over the past couple of Council meetings I have asked questions to the Order to Comply issued against the building of the Mullaloo Tavern, which were originally submitted to try and understand how and why the Order to Comply issued against the Tavern builder was limited to the basement or undercroft.*

*The subsequent questions were specifically directed to the fact that the Order to Comply referred to a 'Lift 1' and 'Stair 1' which has now been confirmed extend beyond the basement level and through the entire building.*

*The answers to date have clearly established that the facts are:*

- *The builder lodged plans to construct the building, which were approved, i.e. the building licence plans.*
- *Then the builder proceeded to build the undercroft (basement) in a manner which was not as approved, hence the Order to Comply;*
- *This Order to Comply identified a number of non compliances which included a 'Lift 1' and 'Stair 1' contrary to the answer as given verbally at the last meeting and recorded in the Minutes, the builder continued to construct the building with this non complying 'Lift 1' and 'Stair 1' beyond the undercroft level and at the time they submitted plans showing the amended layouts of those same non complying 'order to comply' components, the building was at Level 3. As this is a matter of fact and confirmed by previous answer on record.*

*Q1 Can you now advise why the 'Order to Comply' was not also amended to include all the unauthorised construction, or alternatively rescinded and therefore save the developer, the City and the community unnecessary costs?*

*With respect to a previous question, I was advised that amendment plans for the amended upper levels for the Tavern submitted on 6 October 2004 were lodged for approval and not for discussion, with approval granted on 17 November 2004.*

*A1 It is not a "matter of fact" that the building was at level 3 when the first set of plans were submitted to the City seeking approval to alter the design of the internal layout of the building from the original building licence approval.*

*However, the builder did start work on the basement before the City approved the proposed changes to that area.*

*As advised in reply to previous questions to Council, the lift 1 and stair 1 on all levels other than the basement had received building licence approval before they were constructed, therefore, the Notice did not require amendment.*

- Q2 (a) as the covering letter from Hardy Bowen acting on behalf of the developer clearly stated that they were "for discussion purposes only" and can you advise why it is still claimed by the City that they were for approval?*
- (b) can you advise at what date did Hardy Bowen or the developer or their appointed agent formally submit written confirmation that the plans were for approval?*

- (c) *why this formal application does not appear to have been registered by the City's excellent electronic record keeping system as inwards correspondence?*

A2(a)-(c) The plans in question dated 6 October 2004 and approved on 17 November 2004 were not marked for discussion purposes only.

**Mrs M Macdonald, Mullaloo:**

Q1 *I refer to the answers to my Questions for the 11 October 2005 regarding credit card payments and the answer given. The following extract from the report states:*

- (c) *Department of Local Government and Regional Development.*

(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.*

*I ask again, given this statement, why does Council believe that the level of disclosure, a single line entry, showing a payment to the bank, which has **not** provided the goods and services, the subject of the payment, is appropriate and meets the requirements of the Act?*

A1 The Department of Local Government and Regional Development stated that in their view the payment for credit cards is being made direct to the organisation that issued the card, that is the bank, not to the individual vendor.

Q2 *The answer to my question at the same meeting to:*

*Why isn't the advice from the lawyer, auditor and Department of Local Government attached to this report?*

*was: It is common practice for advice obtained from legal and professional advisors to be summarised in reports of Council.*

*Whilst it may be advisable to summarise for report purposes, my question asked why the legal and professional reports were not attached to the report. Does the administration believe that Commissioners, Councillors and Ratepayers are not capable of reading these reports? Was this level of disclosure adequate for the Council meeting, given the McIntyre Inquiry recommendations?*

A2 Full access to legal advice was available to Commissioners, if requested.

Q3 *Mr Hunt was quoted in the paper as having stated that the City needed to improve on its communication with ratepayers to restore trust. Why does he believe that in providing **less** information in the warrant of payments than that provided during Mr Delahaunty's period as CEO and that provided by Mr Smith early in his period as CEO, is improving communication and restoring trust? Isn't it a fact that by providing minimal information he is sending a message to ratepayers that the Administration is an elitist group whose activities need not be scrutinised and this does nothing to restore trust?*

- A3 Council requested the CEO to provide a report on the detail to be provided in the Warrant of Payments in relation to credit cards.

In preparing for that report, extensive consultation was undertaken including the Department of Local Government and Regional Development, the City's lawyers, auditors and other local authorities.

The results of that research was contained within CJ210-10/05. Council took this information into consideration and resolved:

- 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.

- Q4 *With respect to the Mullaloo Beach Hotel:*

(a) *Can you tell me the size of the floor area used for the calculation of patron numbers excluding toilets and corridors, what was the resulting patronage allowed in that area after dividing it by 0.85 and what were the limiting factors that reduced that figure to 396?*

- A4 (a) The Health (Public Building) Regulations 1992 define the parts of the building that are used for calculation purposes to allow the grant of a Form 4 Certificate of Approval (for maximum accommodation numbers). The floor area for that purpose is 569m<sup>2</sup>. Exit widths and the provision of ablutions are also factors that must be considered. Based on floor area alone the theoretical potential would be for 669 persons. However in reality, the width of the available exits reduced the actual occupancy to 396 persons.

(b) *Have the owners or any agent for the owners appealed the decision of 396 patronage?*

- A4 (b) At the time that this answer was drafted 31 October 2005 the City had not been advised of any appeal.

(c) *Has the City checked that the patron numbers are not succeeding 396 given that lack of parking in the area and the disturbances that have occurred since the tavern opened?*

- A4 (c) The maximum accommodation calculated under the Health (Public Building) Regulations are for the safety and amenity of the general public who enter the premise and does not have any influence on car parking requirements. The City has checked the patron levels and will continue to monitor them as part of its routine inspections for all premises of this type.



**Ms K Woodmass, Kingsley:**

Q1 *How many times in total did the City's officers meet with Meath Care or their representatives to discuss all aspects including rezoning, subdivision and the development proposal for the aged care centre on Hocking Road, Kingsley over the past three years? How many hours does this total?*

A1 This information is not documented, therefore is not able to be provided.

**Mr M Baird, Duncraig:**

*I would like the following matters raised at the next scheduled meeting of Joint Commissioners:*

Q1 *The 5 Year Capital Works Program released as part of the City's 2005/2006 Budget process continues to be an unprofessional document in its omissions and errors, and failed to meet the level of accuracy promised in correspondence to myself by the Chairman of Commissioners (24 August and 14 December 2004). This document is the only detailed indication to the ratepayers of what is proposed in the coming Budget year, and the listing of Culwalla, Alder, Oleaster and Paveta parks as reticulation prospects for 2005/2006 and nothing for the next four years is inaccurate and indicative of a lazy or contemptuous attitude to the public. Who is responsible for the document and why does it continue to regurgitate redundant selections without regard to reviewed policy?*

Q2 *The Joondalup City's 5 Year Capital Works Program, the only detailed listing of expenditure that the public has ready access to, has a history of inaccurate costings and expenditure. For example:*

- *Rogers Park in Greenwood has play equipment expenditure listed at \$14,800 for Budget 1999/2000 but the items resplendent in this park wouldn't come anywhere near half that costing.*
- *Cinq Ports Park reticulation was costed at \$46,920.00 but was later revealed to have been paid for by Main Roads, not by the City of Joondalup.*
- *The adjoining Sycamore and Killen Parks were costed at over \$84,000 when the real costing was less than half that amount.*
- *Portree Park in Duncraig was costed to include extra funding for reticulation of Glengarry Drive median at a budgeted \$68,340 up from \$47,353, but this median expense was later revealed to have been 'funded by the Parks and Local Road Enhancement program'*

*Apart from throwing doubt on the credibility of the people responsible for producing this document, such errors have the effect of reducing the actual development work provided for with the budgeted funds. Many of these errors have been pointed out at, or prior to, the conclusion of the budget process, yet were never rectified.*

*Again, why does the City of Joondalup take such a relaxed attitude to accuracy in the 5 Year Capital Works Program and is the department responsible going to lift its game?*

- Q3 *If the City is going to have relevant Budget input from the ratepayers then it would seem essential to have accurate Budget proposals/costings produced and timely accessibility for public perusal, particularly of the 5 Year Capital Works Program. In December 2000 the Minister for Local Government recommended that the City of Joondalup provide copies of the draft Five Year Capital Works Program “in conjunction with” the Principal Activity Plan to “provide valuable information to the community of individual projects which may impact on them in the future.” Can the Commissioners have this recommendation given official status rather than rely on the Administration’s qualified statement 16 July 2003 that: “Whilst there is no legislative requirement nor Council decision to make the Five Year Capital Works documentation available as part of the Principal Activity Planning public comment process, administration are supportive of making this document available”. And can this Five Year Capital Works Program be made available “in conjunction with” the Principal Activity Plan rather than be inhibited by the further qualification of 16 July 2003 that such availability would be “following due consideration by Council.” It would be absurd to limit public access to the draft Five Year Capital Works Program until after Council’s consideration. Public input should be at or prior to Council consideration. It is, after all, a draft document, and public input should not just be an afterthought to Council’s consideration.*
- Q4 *When ratepayers provide input into the Budget process it would not seem too much to ask that the City at least provide an individual written response to that input. This has been the practice prior to this year’s budget. This year there was no opportunity given for any discussion on matters raised, and the best we got were some selective and abbreviated answers, buried in attachments to the meeting minutes.*
- Q5 *Is there any reason why Macaulay Park cannot have the same standard and quantity of play equipment as the similarly sized/located Geddes Park, Annato Park, Brazier Park, Filbert Park or Oleaster Park? Can we have at least a flying fox attachment to the very basic slide/platform which was installed post-haste a couple of months ago.*

A1-5 These questions will be taken on notice.

**The following questions were taken on notice at the Briefing Session held on 25 October 2005:**

**Mr M Caiacob, Mullaloo:**

- Q1 *Given that the SAT may issue a costs order, has the City ever applied for and/or been awarded costs by the SAT?*

A1 The State Administrative Tribunal came into effect in the beginning of 2005. Under the current system, the City has neither applied for/nor been awarded costs.

**Mr M Sideris, Mullaloo:**

- Q1 *Re Item 5 - List of Payments made during September 2005. Could you please provide me with details of the credit card transactions listed in the Attachment to this report?*

A1 There is one transaction to Westpac Bank for payment of credit cards.

- Q2 *What goods or services were provided?*

A2 The goods and services provided on the September credit card payments were:

Hire of a lectern  
Airfare for AAPA Asphalt conference  
Accommodation for AAPA Asphalt conference  
Purchase of Australian Construction Standards  
Seminar - Public Private Partnerships  
LGMA Membership - CEO  
Monthly credit card fees

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

**Mr M Caiacob, Mullaloo:**

Q1 *Is the City aware of any planning appeal regarding patron numbers at the Mullaloo Beach Tavern?*

Q2 *Is the appeal number in the vicinity of 1000 persons?*

A1-2 The City is not aware of any appeal having been lodged and has definitely not had any mention of numbers like 1000.

**Ms S Hart, Greenwood:**

Q1 *What was the purpose and cost of the advertisement in the West Australian informing readers to watch this space as there will be an advertisement in there next week?*

Q2 *What was the purpose and cost of the full-page advertisement, and do ratepayers need to expend money like this?*

A1-2 The cost of the advertisements will be taken on notice. With regard to the intent of the first advertisement, the City is in a market where obtaining staff, (for example, planning staff) is extremely difficult and if the City is not in the market quickly indicating the type of staff it will be seeking, then the City could be too late. The overall cost of running the advertisements was cheaper than running individual advertisements because the Joondalup banner and number of the items was only run once instead of in each single advertisement.

**Ms M Moon, Greenwood:**

*Re: Mixed use developments, dwellings above office/shops, multiple dwellings, dwellings over dwellings, group dwellings not stating dwellings over office/shops which is the definition and the residential design codes of mixed use development.*

Q1 *Why when amendments were made to the DPS2 by the City to keep it in line with the new Residential Design Codes were the development standards for dwellings above shops/offices not included or addressed as it is causing great problems?*

A1 This question will be taken on notice.

**Ms M Zakrevsky, Mullaloo:**

*Two years ago visitors to our Open Garden Charity Days who parked within the median strip or partly on the footpath in our street were warned by the City Rangers to move their vehicles immediately, otherwise they would be fined for illegal parking.*

Q1 *How many vehicle owners were warned and how many fined for being illegally parked on the pavement near the steps into the Mullaloo Beach Tavern, Oceanside Promenade, Iluka Street and Warren Way on the weekends of 22/23 October 2005 and 29/30 October 2005?*

A1 This question will be taken on notice. The City gave a direction for patrols of both Rangers and security from the first night the Tavern was open and the City has issued a number of infringements to people who have parked illegally.

Q2 *Did any City of Joondalup employees request the Mullaloo Tavern Management/bouncers to advise patrons that there was available parking in their premises and incorrectly parked vehicles on footpaths/pavements and across driveways would be fined?*

A2 The City cannot give any information regarding parking within the establishment. The City did alert the Tavern management that any patrons parking on the footpath would be fined.

**Mr S Kobelke, Sorrento:**

Q1 *On the basis that the Review for Electoral Boundaries is not required until 26 August 2007, which is almost two years away, why is the City rushing with other amendments to get this through?*

A1 The decision of Council in relation to ward boundaries, electoral numbers and names of boundaries was dealt with in April/May 2005 and the City is continuing with the process.

Q2 *Can Council confirm tonight that the rumours emanating from Local Government administration around Perth that the Joondalup Administration is moving to downsize the Council is incorrect?*

A2 The City is unaware of this rumour.

*Response by Cmr Paterson:* Council will make the final decision and this is something that will be looked at as this issued is progressed.

**Mr S Magyar, Heathridge:**

Q1 *Re: CJ226-11/05 - Minutes of the Audit Committee Meeting held 18 October 2005. Recommendation 3 refers to independent Audit Committee members. Has the City given any thought to requesting the Minister to amend the Act to allow payment of a specialist Committee member to help out in this very specialist field?*

A1 No.

Q2 *When will spraying for the natural areas adjoining the dual use paths going through the foreshore areas be carried out? Spraying has been done inside the fence line which I believe is under the control of one section of our Works Department, but there is no evidence of any weed management control in the natural area part inside the fences?*

A2 There is a Foreshore Management Plan. The City is putting together a work schedule as to which areas should be given priority. This question will be taken on notice to ascertain details of the work schedules.

**PUBLIC STATEMENT TIME**

**The following statements were submitted verbally at the meeting; a summary of each statement is shown below:**

**Ms M Macdonald, Mullaloo:**

Mrs Macdonald raised concerns in relation to responses given to questions regarding the Mullaloo Beach Hotel development and good governance within the City.

**Ms M Moon, Greenwood:**

Ms Moon spoke in relation Residential Design Codes within the DPS2.

**Mr M Sideris, Mullaloo:**

Mr Sideris raised concerns on the impact of the opening of the Mullaloo Tavern on the community.

**Mr M Caiacob, Mullaloo:**

Mr Caiacob highlighted how planning decisions can affect the amenity of an existing residential zone, in regard to the Mullaloo Tavern parking and Tom Simpson Park.

Mr Caiacob also made reference to SAT appeals within the City and suggested a bond be applicable to all development applications.

**Ms S Hart, Greenwood:**

Ms Hart raised concerns in relation to time restraints on ratepayers for Public Question Time and was of the opinion that questions had not been answered adequately.

**APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY****Disclosure of Financial Interests**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

<b>Name/Position</b>	<b>Cmr S Smith</b>
<b>Item No/Subject</b>	Item CJ235-11/05 – Round 4 State Underground Power Program
<b>Nature and extent of interest</b>	Cmr Smith has a contract to purchase a property in a suburb in the City that has overhead powerlines.

<b>Name/Position</b>	<b>Cmr P Clough</b>
<b>Item No/Subject</b>	Item CJ238-11/05 – Review of Home Business Policy 7-9 Consideration following Advertising
<b>Nature and extent of interest</b>	Cmr Clough operates a Category 1 home business.

### Disclosure of interest affecting impartiality

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

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	Item CJ226-11/05 - Minutes of the Audit Committee Meeting held 18 October 2005
<b>Nature and extent of interest</b>	In relation to Items within the Audit Committee Minutes as follows:  Item 2 – Audit Committee Charter - as the role of a Chief Executive Officer is referred to within the draft Audit Charter and whether or not a CEO should participate as part of the committee structure;  Item 3 – Internal Audit Services - as this issue deals with the day-to-day operations of the City and there may be a potential for bias;  Item 4 – Corporate Credit Cards - as he is the holder of a corporate credit card;  Item 6 – Human Resources Policies and Procedures - as the Human Resources Area reports directly to the CEO.

<b>Name/Position</b>	<b>Mr Peter Schneider, Director Corporate Services</b>
<b>Item No/Subject</b>	Item CJ226-11/05 - Minutes of the Audit Committee Meeting held 18 October 2005
<b>Nature and extent of interest</b>	In relation to Item 4 within the Audit Committee Minutes as follows: Corporate Credit Cards - as Mr Schneider is listed on the authority to be issued with a credit card.

<b>Name/Position</b>	<b>Cmr A Fox</b>
<b>Item No/Subject</b>	Item CJ240-11/05 - State Administrative Tribunal Appeal No DR570 of 2005 - Sharose Investments Pty Ltd & Anor V City of Joondalup – Lot 501 (107) Warwick Road (North-East Corner) Currajong Road, Duncraig: Proposed Child Care Centre – Draft Conditions of Approval (Without Prejudice)
<b>Nature and extent of interest</b>	Cmr Fox advised she is acquainted with the applicant, however she will deal impartially with this matter.

<b>Name/Position</b>	<b>Cmr S Smith</b>
<b>Item No/Subject</b>	Item CJ242-11/05 – Community Sport & Recreation Facilities Fund (CSRFF)
<b>Nature and extent of interest</b>	Cmr Smith's grandson plays junior soccer.

<b>Name/Position</b>	<b>Mr Mike Smith – Manager Marketing, Communications and Council Support</b>
<b>Item No/Subject</b>	Item CJ243-11/05 - Turf Wicket Maintenance
<b>Nature and extent of interest</b>	He is a life member of the Joondalup Districts Cricket Club.

## CONFIRMATION OF MINUTES

### C59-11/05                    MINUTES OF COUNCIL MEETING, 11 OCTOBER 2005

**MOVED** Cmr Anderson, **SECONDED** Cmr Clough that the Minutes of the Council Meeting held on 11 October 2005 be confirmed as a true and correct record.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

## ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

### Craigie Leisure Centre

I am pleased to announce that the problem with the 800-metre deep bore which was delaying the opening of the upgraded Craigie Leisure Centre has been rectified. The bore has been sealed at 801 metres, the water temperature is ideal and it is expected the contractors will complete the job by the middle of next week.

The water from the bore will be used to heat the swimming pools and we will announce an opening date for the \$10.3 million project as soon as possible.

### Abalone Season

The City is undertaking advertising about parking and beach access in the coming Abalone Season. The season begins next Sunday and in previous seasons, the City has received many complaints about Abalone fishers trampling sand dunes and parking illegally.

The advertisements warn that, if necessary, City Rangers will issue infringements.

### Rates Winners

Congratulations to all our Rates Incentive Scheme winners to whom I had the pleasure of presenting some great prizes last week.

Winning the major prize – a \$3,000 bank account from Westpac was Mr Paul Titmuss of Warwick.

A \$1,000 shopping spree from Lakeside, Joondalup Shopping City went to Ms Devon Plumley of Greenwood.

A \$500 bank account from Bendigo Bank went to Mr G Devine of Joondalup, and \$500 cash from Mortgage Choice to Alexander and Elizabeth Stewart, Kinross.

In all, we presented more than \$9,000 worth of prizes, we congratulate the winners and thank our sponsors very much.

## PETITIONS

Nil.

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**CJ222 - 11/05 2004/05 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENTS – [79573]**

**WARD:** All

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

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**PURPOSE**

To endorse the 2004/05 Annual Report and Annual Financial Statements, and to set a date for the Annual General Meeting of Electors.

**EXECUTIVE SUMMARY**

In accordance with Section 5.53 of the Local Government Act 1995, the 2004/05 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's auditors have completed the audit of Council's financial report for the 2004/05 financial year. The abridged Financial Statements will form part of the 2004/05 Annual Report.

The Annual Report and the Financial Report will form an integral part of Council's Annual Report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 28 November 2005 at 7.00 pm.

**BACKGROUND**

Both the Annual Report and the Financial Report reflect on the City's achievements during 2004/05 and focus on the many highlights of a busy year.

The City's auditors have completed the audit of Council's financial report for the 2004/05 financial year.

As has been past practice, the Financial Report included within the Annual Report is an abridged version. The full Financial Statements, together with the notes to and forming part of the Financial Statements will be available as a separate document.

Council resolved on 27 March 2001 that Council:

*“Endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.”*



## DETAILS

### Issues and options considered:

The Annual Report for the City of Joondalup and the holding of the Annual General Meeting of Electors are statutory requirements of the Local Government Act 1995. The issue to consider is the date to hold the Annual General Meeting of Electors, being aware of the decision of the Council on 27 March 2001 and the limitations in being able to finalise the necessary documentation required to be available.

### Link to Strategic Plan:

Strategy 4.1 of the City's Strategic Plan 2003-2008:

*"To manage the business in a responsible and accountable manner"*

### Legislation – Statutory Provisions:

Local Government (Financial Management) Regulation 51(2) states:

*"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor's report on that financial report"*

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - (a) *a report from the mayor or president;*
  - (b) *a report from the CEO;*
  - (c) *and (d) deleted*
  - (e) *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
  - (f) *the financial report for the financial year;*
  - (g) *such information as may be prescribed in relation to the payments made to employees;*
  - (h) *the auditor's report for the financial year;*
  - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993, and;*
  - (i) *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

**5.54 Acceptance of Annual Reports**

(1) *Subject to subsection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* absolute majority required*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

**5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

Section 5.56 of the Local Government Act 1995 states:

**5.56 Planning for the future**

(1) *A local government is to plan for the future of the district.*

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

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business.

It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:

- Attendances and Apologies
- Contents of the 2004/2005 Annual Report
- General Business

The Local Government Act 1995 was amended, removing the need for the City to prepare a Principal Activity Plan (former Section 5.56 of the Local Government Act 1995). The Act now requires the City to prepare a more general plan for the future.

The revised requirement for the City to plan for the future did not apply prior to preparing the 2005/06 budget. The Council has however agreed to set its direction by adopting a Strategic Financial Plan.

As the changes to the Act are not applicable until next year, the City has included in the 2004/05 Annual Report information on how it has performed against the identified principal activities. In addition the major initiatives for the 2005/06 financial year have also been identified as included in the Strategic Financial Management Plan.

**Risk Management considerations:**

The risk associated with not adopting the 2004/05 Annual Report and failure to set a date for the Annual General Meeting of Electors will result in non-compliance with the requirements of the Local Government Act 1995.

**Financial/Budget Implications:**

Nil.

**Policy implications:**

Nil.

**Regional Significance:**

Nil.

**Sustainability implications:**

Nil.

**Consultation:**

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual report to be made available publicly.

**COMMENT**

As occurred last year, and in line with modern innovative marketing methods and good environmental and sustainability practices, it is proposed that the Annual Report and Full Audited Financial Statements will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at libraries, leisure centres and customer services centres.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2004/05 and convenes the Annual General Meeting of Electors for Monday 28 November 2005.

**ATTACHMENTS**

Attachment 1            2004/05 Annual Report and Annual Financial Statements.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that Council:**

- 1 ACCEPTS the 2004/05 Annual Report and Annual Financial Statements of the City of Joondalup forming Attachment 1 to Report CJ222-11/05;**
- 2 CONVENES the Annual General Meeting of Electors on Monday 28 November 2005 at 7.00 pm in the Council Chamber;**
- 3 ADVERTISES by public notice that the City of Joondalup Annual Report will be available from approximately 4 November 2005;**
- 4 in accordance with Local Government (Financial Management) Regulation 51(2) PROVIDES a copy of the Annual Report and Annual Financial Statements to the Executive Director.**

Cmr Anderson spoke to the Motion.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf251005.pdf](#)*

**CJ223 - 11/05    SETTING OF MEETING DATES – 2006 – [08122]**

**WARD:** All

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

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**PURPOSE**

To set Council's meeting dates for the 2006 calendar year.

**EXECUTIVE SUMMARY**

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current three weekly cycle of meetings be maintained.

**BACKGROUND**

At its meeting held on 26 March 2002, Council reviewed its decision-making process and adopted the following 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period:

Week 1	Strategy Session on the 1 <sup>st</sup> Tuesday;
Week 2	Briefing Session on the 2 <sup>nd</sup> Tuesday, with deputation sessions held at the commencement of Briefing Sessions;
Week 3	Council meeting on the 3 <sup>rd</sup> Tuesday.

Following the appointment of the Council on 5 December 2003, further consideration was given to the meeting cycle and the process outlined below came into place in March 2004:

Week 1	No meeting scheduled.
Week 2	Briefing Session commencing at 6.30 pm on the 2 <sup>nd</sup> Tuesday. Deputation sessions held at the commencement of Briefing Sessions. Strategy Session commencing at the conclusion of the Briefing Session;
Week 3	Council meeting commencing at 7pm on the 3 <sup>rd</sup> Tuesday.

A further review of this system was commenced in July 2004 as it did not allow an item to progress from a Strategy session and be included in the agenda for the next week's Briefing Session.

At its meeting on 31 August 2004, the Council reverted to the three weekly meeting cycle of Strategy Session/Briefing Session/Council meeting and adopted protocols for the conduct of Strategy Sessions and Briefing Sessions in line with the operating guidelines produced by the Department of Local Government and Regional Development.

At its meeting held on 9 August 2005, Council reviewed and adopted revised protocols for Strategy Sessions and Briefing Sessions, based on its current decision-making process, previous decisions of the Council in setting parameters for Strategy and Briefing Sessions and the recommendations from the Governance Review – Final report.

## **DETAILS**

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

Council is in recess during January each year, and meetings are set from February to December to be held on a Tuesday evening. In order to accommodate the 2006 Easter period and Anzac Day, the Briefing Session and Council meeting during April are recommended to be held on Wednesday evenings.

At such time as an election is called following the outcome of the McIntyre Inquiry, there may be a need to submit a further report to Council to alter the already agreed Council meeting dates to assist with the induction of newly elected members.

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

4.3.3 Provide fair and transparent decision-making processes.

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

Section 5.3 of the Local Government Act 1995 states:

#### ***Ordinary and Special Council meetings:***

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

***Public Notice of Council or Committee meetings***

- 12 (1) At least once each year a local government is to give local public notice of the dates on which and the time and place at which –
- (a) *the ordinary Council meetings; and*
  - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*
- are to be held in the next 12 months;*
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*

**Risk Management considerations:**

Failure to set and advertise Council's meeting dates will contravene the requirements of the Local Government Act 1995.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The current three weekly cycle of meetings is working well and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

At such time as an election is called following the outcome of the McIntyre Inquiry, there may be a need to submit a further report to Council to alter the already agreed Council meeting dates to assist with the induction of newly elected members.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Anderson, **SECONDED** Cmr Clough that Council:

- 1     **MAINTAINS** its current ‘rolling’ three weekly meeting cycle, being:
  - Week 1        **Strategy Session (closed to the public);**
  - Week 2        **Briefing Session;**
  - Week 3        **ordinary Council meeting;**
  
- 2     **AGREES** to hold informal deputation sessions in conjunction with the Briefing Session;
  
- 3     **SETS** the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:

<b>Strategy Sessions - to be held at 6.30 pm in Conference Room 1</b>	<b>Briefing Sessions - to be held at 6.30 pm in Conference Room 1</b>	<b>Council meetings - to be held at 7.00 pm in the Council Chamber.</b>
<b>Tuesday 7 February 2006</b>	<b>Tuesday 14 February 2006</b>	<b>Tuesday 21 February 2006</b>
<b>Tuesday 28 February 2006</b>	<b>Tuesday 7 March 2006</b>	<b>Tuesday 14 March 2006</b>
<b>Tuesday 21 March 2006</b>	<b>Tuesday 28 March 2006</b>	<b>Tuesday 4 April 2006</b>
<b>Tuesday 11 April 2006</b>	<b>Wednesday 19 April 2006</b>	<b>Wednesday 26 April 2006</b>
<b>Tuesday 2 May 2006</b>	<b>Tuesday 9 May 2006</b>	<b>Tuesday 16 May 2006</b>
<b>Tuesday 23 May 2006</b>	<b>Tuesday 30 May 2006</b>	<b>Tuesday 6 June 2006</b>
<b>Tuesday 13 June 2006</b>	<b>Tuesday 20 June 2006</b>	<b>Tuesday 27 June 2006</b>
<b>Tuesday 4 July 2006</b>	<b>Tuesday 11 July 2006</b>	<b>Tuesday 18 July 2006</b>
<b>Tuesday 25 July 2006</b>	<b>Tuesday 1 August 2006</b>	<b>Tuesday 8 August 2006</b>
<b>Tuesday 15 August 2006</b>	<b>Tuesday 22 August 2006</b>	<b>Tuesday 29 August 2006</b>
<b>Tuesday 5 September 2006</b>	<b>Tuesday 12 September 2006</b>	<b>Tuesday 19 September 2006</b>
<b>Tuesday 26 September 2006</b>	<b>Tuesday 3 October 2006</b>	<b>Tuesday 10 October 2006</b>
<b>Tuesday 17 October 2006</b>	<b>Tuesday 24 October 2006</b>	<b>Tuesday 31 October 2006</b>

<b>Tuesday 7 November 2006</b>	<b>Tuesday 14 November 2006</b>	<b>Tuesday 21 November 2006</b>
<b>Tuesday 28 November 2006</b>	<b>Tuesday 5 December 2006</b>	<b>Tuesday 12 December 2006</b>
<b>January 2007 - Recess</b>		

- 4 in accordance with Regulation 12 Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates detailed in (3) above.

Discussion ensued in relation to the asking of questions during Public Question Time.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

**CJ224 - 11/05 JOONDALUP - JINAN RELATIONSHIP PLAN – [52469] [11014]**

**WARD** All

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

**PURPOSE**

To seek Council endorsement of the Joondalup Jinan Relationship Plan.

**EXECUTIVE SUMMARY**

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002 and in September 2004 the Chairman of Commissioners led a delegation to Jinan where a Protocol of Friendly Relations was signed. This was followed by a visit to the City of Joondalup by delegates from Jinan in November 2004 when an official protocol agreement formalising the Sister City Relationship between the two Cities was duly signed.

At its meeting on 9 November 2004 Council resolved inter alia as follows:

*“REQUEST that a further report is presented to Council outlining developments arising from the Jinan delegation visit scheduled for November 2004 and to provide details for a 5-10 year plan to establish and sustain the sister-city relationship that includes details on how the relationship will be measured and monitored;”*



The City finalised the draft Joondalup-Jinan Relationship Plan, which will guide the development of the Sister City Relationship over the next 5 years. The draft Relationship Plan recommends, among other details, biennial visits rather than annually between the two Cities.

The draft Plan was released for public comment and the submission period closed on 30 September 2005. The City received no submissions from the public or the stakeholders in relation to the plan. The City did receive endorsement from the Mayor of Jinan and he has given written undertaking as follows “*I look forward to a long-term relationship with substantial cooperation between the two cities and will do our best to contribute to the Jinan - Joondalup Relationship plan*”.

*This report recommends that Council ADOPTS the Joondalup – Jinan Relationship Plan shown as Attachment 1 to Report CJ224-10/05.*

## **BACKGROUND**

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002 and, in late 2003, the City received an invitation to lead a delegation to Jinan in September 2004 where a Protocol of Friendly Relations to establish a formal Sister City relationship was signed. In August 2004 the Chairman of Commissioners extended an invitation to official representatives from the City of Jinan to form a delegation to visit Joondalup in November 2004. The delegation lead by Mr Duan Yihe, Director of the Standing Committee of Jinan’s People Congress from Jinan was received by the City of Joondalup from 19 – 22 November 2004. During this visit the two Cities signed an official protocol agreement formalising the Sister City relations between the two Cities

In March 2005 the City of Joondalup received advice from the Jinan Foreign Affairs Office that Mayor Bao was proposing to make a visit to Joondalup in August 2005 and furthermore Mayor Bao was extending an official invitation to the City of Joondalup to travel to Jinan to attend the China Shandong (Jinan) Twin Cities Tourism Conference to be held from 21-23 October 2005.

Council at its meeting on 12 April 2005 resolved to:

- 4 *DEFER the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People’s Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Fair from 21-23 October 2005 until the draft Relationship Plan is presented to Council in May 2005;*

With respect to the Council resolution to DEFER the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People’s Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Conference from 21-23 October 2005 until the draft Relationship Plan is presented to Council, it should be noted that Council at its meeting on 9 August 2005 (CJ157-08/05 refers) received the draft Joondalup – Jinan Relationship Plan and resolved to:

- 1 *Endorse the draft Plan shown as Attachment 1 to be disbursed to all interested parties for a comment period no longer than 30 days;*
- 2 *Present the draft plan to Mayor Bao and his delegation from Jinan in August 2005 seeking support for the draft plan;*

- 3 *Request a further report on the draft plan be presented to Council for final endorsement following the receipt of comments from interested parties and the Jinan delegation.*

Full details of the history of the relationship with Jinan can be found in the following reports previously submitted to Council:

CJ007-02/04	Invitation to further formalise friendly relations with Jinan in Shandong Province, China
CJ155-07/04	Delegation to formalise friendly relations with Jinan in Shandong Province, China
CJ250-11/04	Overview of the official visit to Jinan (Shandong Province), China by the Joondalup delegation – September 2004
CJ306-12/04	Overview of the Official Visit from Jinan Delegation (Shandong Province), China to Joondalup – November 2004
CJ066-04/05	Notification of visits between Joondalup and Jinan sister cities during 2005
CJ157-08/05	Draft Jinan – Joondalup Relationship Plan
CJ187-09/05	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

## **DETAILS**

The City developed the Joondalup – Jinan relationship Plan through a consultative process that called upon stakeholders to give input into the plan. A survey was circulated earlier this year and all the responses were analysed in order to develop the themes arising for the plan. The Plan was drafted in June 2005 and submitted to Council for approval to go out for community consultation. The draft plan was advertised in late August 2005 for 30 days and submissions closed on 30 September 2005.

During the visit in August 2005 from Mayor Bao and his delegation the draft plan was discussed at the industry meetings. The City explained to the stakeholders and delegates from Jinan that the draft Plan will provide a blueprint for the Cities to guide the activities that they wish to focus upon and pursue over the next five years. The draft Plan will assist the City of Joondalup to provide information to its community about the ongoing relationship and provides measures that will show how the relationship benefits both Cities.

The City sought agreement from the Jinan delegates to review the draft Plan to ensure that it is feasible and can to be progressed. The Jinan Delegates expressed satisfaction with the draft Plan indicating that it was a good plan for achieving what needs to be done in the long term. They further advised that they would provide formal comment on the plan in the near future. The City received a letter from Mayor Bao in September 2005 stating “ I look forward to a long term relationship with substantial cooperation between the two cities and will do our best to contribute to the Joondalup- Jinan Relationship Plan.”

**Issues and options considered:**

The Plan will require ongoing monitoring and resources will need to be allocated to ensure the plan is implemented.

The Plan will need to be reviewed annually to determine progress and will need to undertake a major review after 5 years.

The Plan may require that further consultation be undertaken in future and this would require the allocation of time and resources.

**Link to Strategic Plan:**

This item links to the City's Strategic Plan 2003-08 under Key Focus Area One - Community Well-being through the following outcome:

“The City of Joondalup is recognised globally as a community that values and facilitates Lifelong Learning”

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities;
  - 1.1.1 Continue the development of the City as a learning City – plan for student growth;
  - 1.1.2 Continue the development of learning precincts and relationships with local stakeholders and service providers.
- 1.2 To meet cultural needs and values of community;
  - 1.2.1 Continue to enhance and create new cultural activities and events.

And under Key Focus Area Three – City Development

“The City of Joondalup is recognised for investment and business opportunities.”

- 3.5 To provide and maintain sustainable economic development;
  - 3.5.1 Develop partnerships with stakeholders to foster business development opportunities;
  - 3.5.2 Assist the facilitation of local employment opportunities.

**Legislation – Statutory Provisions:**

There are no legislative requirements that relate to this report.

**Risk Management considerations:**Ethical Risk

The Plan must be considered the foundation upon which the sister city relationship can be built. Ongoing community consultation will be a key success factor for ongoing planning in order to maintain integrity, accountability and ongoing support to the sister city relationship.

Project Risk

The Plan provides a discreet project for the City to undertake which will require ongoing and adequate project management skills and the allocation of resources. Project planning will need to identify all tasks, actions and associated costs.

Funding Risk

The cost of funding the Plan in its entirety has not yet been determined and this will need to be done in the implementation-planning phase. The implementation phase will need to identify specific projects and potential costs over the next 5 years and will require approval through the annual planning and budget approval process.

**Financial/Budget Implications:**

The current level of funding that has been allocated to the Joondalup – Jinan Relationship to date has been as follows:

2001/2	\$15,000	Utilised by former Mayor Bombak's outbound visit
2002/3	\$15,000	Not utilised
2003/4	\$15,000	Not utilised
2004/5	\$15,000	Utilised for outbound and inbound delegations
2005/6	\$15,000	Utilised for an inbound delegation

It is envisaged that a minimum amount of \$15,000 should be allocated annually to meet expenses related to either an inbound or an outbound visit. With respect to the Joondalup - Jinan Relationship Plan any projects that result from the implementation of the plan will need to be submitted for approval through the annual budget process of the City. The Plan clearly outlines this process.

**Policy implications:**

At this point in time the City does not have any associated policy to guide Sister City Relationships. It may be necessary for this matter to be referred to the Policy Committee to consider if the City needs an overarching policy to guide formation and direction of sister city relationships in general.

**Regional Significance:**

The potential for Sister City Relationships to grow regional economic development is quite significant. The potential for development with a country like China and its massive markets has real opportunities for the northwest metropolitan region. The City can facilitate interest and involvement in the Jinan marketplace through partnerships with local agencies such as the Business Enterprise Centre, the Joondalup, Wanneroo and Stirling Business Associations and the City's home based business network.

The Joondalup-Jinan Relationship Plan does not specifically emphasise regional approaches but it does not preclude developmental activities of regional significance.

**Sustainability implications:**

The sister city relationship with Jinan, China has been constructed with the intent of achieving positive social, environmental, economic and relationship management outcomes. The draft Relationship Plan is clearly built to reflect the constructs of sustainability. To date social and economic outcomes have been achieved. The Relationship Plan, once endorsed, will further strengthen this relationship with respect to its sustainability and environmental outcomes.

**Consultation:**

A web page has been constructed that contains up to date information on the progress of the relationship with online opportunities for the community to comment or provide ideas for the City to consider. The draft Joondalup - Jinan Relationship Plan was posted on the web page during the public comment until the end of September 2005. Furthermore advertisements were placed in the community news and copies were made available through the City's libraries and customer service centre outlets.

**COMMENT**

To date the Joondalup - Jinan Sister City relationship has been highly successful with a number of key outcomes being achieved. The Joondalup - Jinan Relationship Plan will give more impetus to the exchange programs and will clearly provide a suitable role for the City to fulfil.

**ATTACHMENTS**

Attachment 1            Joondalup – Jinan relationship Plan

**VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council ADOPTS the Joondalup – Jinan Relationship Plan shown as Attachment 1 to Report CJ224-11/05.

**MOVED Cmr Anderson, SECONDED Cmr Smith that:**

- 1        Council DEFERS the adoption of the Joondalup-Jinan Relationship Plan, until after completion of the workshop referred to in 2 and 3 below;**
- 2        Council REFERS the plan to a workshop comprising the Joondalup Stakeholder Group and members of the last delegation to Jinan, not being members of the Stakeholder Group;**
- 3        the workshop is to consider the long term strategic implications (over the next 20 years) of the plan, and to identify meaningful and appropriate long term strategic key performance indicators and appropriate measures to be included with the plan.**

Discussion ensued in relation to future cultural and economic implications for the City.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf251005.pdf](#)

## **CJ225 - 11/05 MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 18 OCTOBER 2005 – [01435]**

**WARD:** All

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

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### **PURPOSE**

To submit the Minutes of the Policy Committee meeting held on 18 October 2005, for noting by Council.

### **EXECUTIVE SUMMARY**

The first meeting of the Policy Committee was held on 18 October 2005.

*It is recommended that Council:*

- 1 *NOTES the Minutes of the Policy Committee meeting held on 18 October 2005 forming Attachment 1 to Report CJ225-11/05;*
- 2 *REQUESTS that a draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas, that includes coastal areas and is based on the expectation that full public participation is undertaken;*
- 3 *REQUESTS that a report be submitted to the Policy Committee on a Council Policy that commits all policies of the Council to sustainability objectives.*

### **BACKGROUND**

Council at its meeting held on 26 April 2005 resolved to:

*“ESTABLISH a Policy Committee comprising membership of the five Commissioners with the following terms of reference:*

- (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.”*

## DETAILS

A meeting of the Policy Committee was held on 18 October 2005 and the following motions were moved:

- That:
  - 1 the Policy Committee DETERMINES that the following Council Policies are to be drafted in the following order of priority:
    - (a) Policy 3-2 – Height and Scale of Buildings within Residential Areas;
    - (b) Sustainability;
    - (c) Financial Planning – Strategic Matters;
    - (d) Economic Development;
    - (e) Service provision;
    - (f) Community Development;
    - (g) Public Participation.
  - 2 a draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas, that includes coastal areas and is based on the expectation that full public participation is undertaken.
- That the Policy Committee REQUESTS a report on a revised Sustainability Policy that commits all policies of the Council to sustainability objectives.
- That meetings of the Policy Committee be held on a six-weekly cycle in accordance with the Council's current meeting cycle.

### Issues and options considered:

As contained within the minutes of the Policy Committee.

### Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

### Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 states:

A local government may establish (absolute majority required) committees of 3 or more persons to assist the council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

### Risk Management considerations:

Nil.

**Financial/Budget Implications:**

Nil.

**Policy implications:**

The Policy Committee will review all policies categorised as “Council Policies”.

**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 was designed to reflect the themes of economic, social and environmental sustainability as well as good governance.

**Consultation:**

It is proposed that major Council policies be subject to community consultation processes as determined by the Policy Committee.

**COMMENT**

The Minutes of the Policy Committee held on 18 October 2005 are submitted to Council for noting, and endorsement of the recommendations.

**ATTACHMENTS**

Attachment 1 Minutes of the Policy Committee meeting held on 18 October 2005

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Fox that Council:**

- 1 **NOTES** the Minutes of the Policy Committee meeting held on 18 October 2005 forming Attachment 1 to Report CJ225-11/05;
- 2 **REQUESTS** that a draft policy be presented to the Policy Committee on Policy 3-2 – Height and Scale of Buildings within Residential Areas, that includes coastal areas and is based on the expectation that full public participation is undertaken;
- 3 **REQUESTS** that a report be submitted to the Policy Committee on a Council Policy that commits all policies of the Council to sustainability objectives.

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18agn011105.pdf](#)*



**Disclosure of interest affecting impartiality**

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

<b>Name/Position</b>	<b>Mr Garry Hunt – Chief Executive Officer</b>
<b>Item No/Subject</b>	<i>Item CJ226-11/05 - Minutes of the Audit Committee Meeting held 18 October 2005</i>
<b>Nature and extent of interest</b>	<p><i>In relation to Items within the Audit Committee Minutes as follows:</i></p> <p><i>Item 2 – Audit Committee Charter - as the role of a Chief Executive Officer is referred to within the draft Audit Charter and whether or not a CEO should participate as part of the committee structure;</i></p> <p><i>Item 3 – Internal Audit Services - as this issue deals with the day-to-day operations of the City and there may be a potential for bias;</i></p> <p><i>Item 4 – Corporate Credit Cards - as he is the holder of a corporate credit card;</i></p> <p><i>Item 6 – Human Resources Policies and Procedures - as the Human Resources Area reports directly to the CEO.</i></p>

<b>Name/Position</b>	<b>Mr Peter Schneider, Director Corporate Services</b>
<b>Item No/Subject</b>	<i>Item CJ226-11/05 - Minutes of the Audit Committee Meeting held 18 October 2005</i>
<b>Nature and extent of interest</b>	<p><i>In relation to Item 4 within the Audit Committee Minutes as follows:</i></p> <p><i>Corporate Credit Cards - as Mr Schneider is listed on the authority to be issued with a credit card.</i></p>

**CJ226 - 11/05      MINUTES OF THE AUDIT COMMITTEE MEETING  
HELD 18 OCTOBER 2005 - [50068]**

**WARD:** All

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

**PURPOSE**

To submit the minutes of the Audit Committee to Council for noting.

## EXECUTIVE SUMMARY

A meeting of the Audit Committee was held on 18 October 2005, with the following items being discussed:

- Local Government Amendment Act 2004 and Local Government (Audit) Amendment Regulations 2005
- Audit Committee Charter
- Internal Audit Services
- Corporate Credit Cards
- Write-Off of Monies
- Human Resources Policies and Procedures

*It is recommended that:*

- 1 *Council NOTES the minutes of the Audit Committee meeting held on 18 October 2005 forming Attachment 1 to Report CJ226-11/05;*
- 2 *from 2006, the external Auditors meet with the Audit Committee prior to the audit of the annual Financial Statements being conducted;*
- 3 *Council REQUESTS the Chief Executive Officer to review the draft Audit Charter by modifying the words to more appropriately reflect:*
  - *Legislative requirements*
  - *Oversight and monitoring role of the Audit Committee*
  - *Clarification of the role and function of the Committee*
  - *Terms of appointment of the independent Committee members*
  - *Quorum numbers and composition of Committee*
  - *Interaction with the Internal Auditor*
  - *Status of independent persons*
- 4 *Procedure 5.9 – Use of Credit/Charge Cards be reviewed in light of the Local Government Operational Guidelines Number 11 in relation to use of corporate credit cards and the discussions that occurred at the Audit Committee meeting held on 18 October 2005.*

## BACKGROUND

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

## DETAILS

A meeting of the Audit Committee was held on 18 October 2005, and the minutes are attached for noting – Attachment 1 refers.

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

As contained within the minutes of the Audit Committee.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

**Local Government Amendment Act 2004**

Amendments to the Act regarding audit include the insertion of a new division 7.1A entitled “Audit Committee”. The new division deals with the establishment, membership, decision-making and duties that a local government can delegate to an Audit Committee. It also includes a new section 7.12A dealing with “Duties of local government with respect to audits”.

**Local Government (Audit) Amendment Regulations 2005**

Amendments have been made on several minor issues such as definitions and interpretations. The most significant change has been the inclusion of new regulation 16, which deals with the “Functions of the Audit Committee”

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The minutes of the Audit Committee meeting held on 18 October 2005 are submitted to Council for noting.

**ATTACHMENTS**

Attachment 1 Minutes of the Audit Committee meeting held 18 October 2005

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Smith, **SECONDED** Cmr Clough that:

- 1 Council NOTES the minutes of the Audit Committee meeting held on 18 October 2005 forming Attachment 1 to Report CJ226-11/05;**
- 2 from 2006, the external Auditors meet with the Audit Committee prior to the audit of the annual Financial Statements being conducted;**
- 3 Council REQUESTS the Chief Executive Officer to review the draft Audit Charter by modifying the words to more appropriately reflect:**
  - **Legislative requirements**
  - **Oversight and monitoring role of the Audit Committee**
  - **Clarification of the role and function of the Committee**
  - **Terms of appointment of the independent Committee members**
  - **Quorum numbers and composition of Committee**
  - **Interaction with the Internal Auditor**
  - **Status of independent persons**
- 4 Procedure 5.9 – Use of Credit/Charge Cards be reviewed in light of the Local Government Operational Guidelines Number 11 in relation to use of corporate credit cards and the discussions that occurred at the Audit Committee meeting held on 18 October 2005.**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19agn011105.pdf](#)*

**CJ227 - 11/05 DISBANDMENT OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE – [53469]**

**WARD:** All

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

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**PURPOSE**

To recommend that Council disbands the CBD Enhancement Project Steering Committee.

## EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee has fulfilled its original purpose under the requirement of the Regional Assistance Funding program which was to make recommendations to Council concerning broad project priorities, financial monitoring and the financial self-sufficiency of the project beyond 2003/04.

Now approximately four years after the Commonwealth Government initially funded the CBD Enhancement Project, the Committee is encountering recurring difficulties to achieve quorum, which raises questions as to the Committee's ongoing feasibility.

A survey was undertaken in September 2005 to gauge the views of the committee regarding its operation. The survey highlights that the views are diverse and in general all the committee members want to see an effective model in place that can address the issue confronting the growth and development of the CBD.

This report recommends that the Committee be disbanded and requests the Chief Executive Officer advise the committee members of the Council's decision and thank them for their contribution. Furthermore the report recommends the concept of holding three (3) public forums to be held in February, July and November 2006 with the intention to invite comment from the community to inform the activities required in the CBD and to outline new ways and options to enhance the Joondalup CBD.

## BACKGROUND

In 2001 the City received financial assistance from the Commonwealth Government's Regional Assistance Program (RAP) for the CBD Enhancement Project. At the 9 April 2002 Council Meeting, Council resolved to establish a CBD Enhancement Project Steering Committee as part of the requirement of the funding allocation and to also make recommendations to Council concerning broad project priorities, financial monitoring of the project, and to recommend strategies for the project's financial self-sufficiency beyond the 2003/04 financial year. The final part of the RAP funding was acquitted in December 2003, after which Council approved to fund the project for the 2004/05 and 2005/06 financial years.

The objectives of the Committee are:

- To make recommendations to Council in relation to creating a sustainable business environment in the Joondalup CBD that includes a coordinated approach to marketing and promotion; and
- To provide advice to Council on issues that affect the viability of the Joondalup CBD, and items that are referred to the Committee from the City of Joondalup Administration.

Since the Committee's inception it has provided recommendations and advice to Council on a number of matters.

The history of achievements of the CBD Enhancement Committee include:

Facilitated a workshop with business community to develop priority actions for the CBD including the development of a marketing plan.	Completed April 2002
Supported the continuation of the Night Markets program and recommended that in house coordination rebuild the night markets program.	Completed October 2002 – ongoing
Supported and initiated a proposal to establish a community art gallery in Central Walk.	Completed October 2002

Supported the concept to develop a small business attractions kits – marketing promotional materials was developed.	Completed 2002
Commissioned annual survey on growth of the CBD.	Completed 2002-2004
Supported the joint production of the Joondalup Business and Community Directory.	Completed 2002 Ongoing
Supported the integration of CBD activities into the summer events calendar for the City.	Completed 2002-3
Supported the development of Joondalupdate – a business focused news letter.	Completed 2003
Supported the development of a CBD Food and Entertainment promotion.	Completed 2003
Initiated the concept of developing a swap meet/car boot sale scenario to be held on Sunday morning in the CBD area.	Awaiting agreement from West Perth Football Club
Supported the development of new signage for Central walk.	Completed 2003
Supported the proposal to hold the Perth Criterion series in Joondalup.	Completed 2003
Investigated the potential for increasing the number of liquor outlets in the CBD.	Completed 2003
Investigated the potential for attracting a lotteries licences and newsagency to the CBD.	Completed 2003
Supported the attraction of a world cup rugby game to Joondalup.	Completed 2003
Supported the participation of the City in the Annual Business Opportunities Expo.	Completed 2003-4
Provided advice on the need for increased parking within the CBD	Ongoing
Supported an ECU home-based business outreach program jointly funded with City of Wanneroo	Completed 2004
Commissioned research through ECU Collaborative research partnership to undertake a study of CBD economic activities and opportunities.	Completed 2004-5
Supported the proposal to investigate and establish a free CAT bus transport service for the CBD.	Completed 2005
Recommended and supported the need for public toilets in the CBD.	Completed 2005

The Committee has played an important role in maintaining commitment to the development of the Joondalup CBD.

Over the past 12 months the CBD Enhancement Committee's effectiveness is declining and that membership was constantly changing as past members resigned and new members joined. In December 2004, a structured interview process was undertaken to gain views from committee members with respect to the ongoing commitment to the committee.

The significant findings from the structured interviews indicated that:

- Committee members did not appear to be familiar with the two objectives;
- The two primary objectives for the CBD Enhancement Committee do not appear to have been broken down into achievable strategies that can be "owned" by members of the committee;
- The scope of the objectives does not appear to have been defined. Committee members are not clear as to the extent of their brief, and this may create dependency on the City's Administration to identify issues they can address;

- The majority of issues are currently raised, refined and acted upon by the City's Administration. The contribution of committee members does not appear to be significant or in some instances, sufficiently satisfying given their individual capacities to progress matters; and
- Principals of sustainability are not evident as drivers in the development of the CBD.

The committee resolved that it needed to become more strategic in its approach and determined to undertake a strategic planning workshop in order to refocus its direction on key issues within the CBD.

A planning workshop was held in May 2005 and a number of key directions were articulated as follows:

- 1 Review the boundaries of the CBD to see if the scope of the boundary can be increased;
- 2 Market and promote the Joondalup CBD/City Centre;
- 3 Increase parking bays;
- 4 Enhance the culture, atmosphere and attractiveness of the CBD;
- 5 Utilise vacant land;
- 6 Enhance the awareness and support for 'buying local';
- 7 Get an agreed vision of the City Centre; and
- 8 Establish the role of the City of Joondalup in enhancing Joondalup CBD.

The Committee's planning has not been progressed to date and the CBD Enhancement Committee has not had a quorum at its meetings since May 2005.

## **DETAILS**

The last two Committee meetings held in 2005 have been 'counted out' due to the lack of a quorum being achieved. The prospect of disbanding the Committee was informally discussed by Committee members at the 17 August 2005 Committee meeting (counted out due to lack of quorum). One of the five Committee members present at the meeting objected to the Committee being disbanded. The other four Committee members generally agreed that, if a quorum and real outcomes could not be achieved, then the Committee should be disbanded. A further two Committee members were apologies for the meeting.

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

At the informal Committee meeting held on 17 August 2005, the committee members discussed and generally supported the idea to disband the Committee.

### Committee Membership

A pending item for the last three Committee meetings (but which could not be officially raised due to insufficient quorums) was that the City has received three new applications for membership on the Committee, which would replace the positions of recently resigned Committee members. The Committee currently requires six out of the seven filled positions to attend the meetings to achieve a quorum, and the failure to meet this quorum has prevented recent Committee meetings from taking place.

In September 2005 the City wrote to each member of the seven remaining committee members requesting information from each with respect to the future of the committee. The following questions asked were:

- 1 Do you support the continuation of the CBD Enhancement Project Steering Committee;
- 2 Do you support the creation of a new forum to replace the CBD Enhancement Steering Committee; and
- 3 Do you support the disbanding of the CBD Enhancement Project Steering Committee?

The feedback on responses received is summarised as follows:

- Supports the disbandment of the committee and the setting up of an alternative forum
- The concept of the CBD Committee is supported, however for it to work then members must be truly representative of the stakeholder groups present in the CBD. This active representative has not been a feature of the committee and the primary cause of the perceived ineffectiveness of the committee. If this situation cannot be addressed through more effective communications then any alternative model will also waste resources.
- Supportive of the creation of an alternative forum that meets to discuss issues that affect the City.
- Supports disbanding the CBD committee.
- Supportive of the creation of a new forum to replace the CBD committee
- Supports the continuation of the committee with recommendation that the committee needs constructive intervention by the City to rejuvenate the committee. The City needs to have a natural nexus with stakeholders groups and needs the input from the people who live and work in the City.
- Advised at last meeting in August he was supportive of the Committee and did not agree with disbandment.

In summary, the views of the committee are diverse:

- 3 members are supportive of the CBD Committee but have questioned its current effectiveness;
- 3 members are supportive of the committee being disbanded and a new forum being created; and
- 1 member was solely supportive of disbandment of the committee.

The survey highlights the view that generally the committee members want to see an effective model in place, which can address the issues confronting the continuing needs for growth and development of the CBD.



**Link to Strategic Plan:**

The Committee supports the following Outcomes in the Strategic Plan:

- The City of Joondalup is recognised for investment and business development opportunities.
- The City of Joondalup is recognised as a great place to visit.
- The City of Joondalup is recognised as a unique City.
- The City of Joondalup provides social opportunities that meet community needs.
- The City of Joondalup is a Cultural Centre.
- The City of Joondalup has an effective integrated transport system.
- The City of Joondalup recognises the changing demographic needs of the stakeholder.

**Legislation – Statutory Provisions:**

Section 5.11 of the Local Government Act 1995 covers the disbandment of Committees.

**Risk Management considerations:**

If the Committee is disbanded the following risks should be considered:

- Lack of community input into the CBD development;
- Potential ramifications from the community if the Committee is disbanded without the City signalling other ways in which it will support and oversee the development of the CBD and/or City Centre; and
- Reduced capacity for the business community to be formally represented in issues affecting the viability of the CBD.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Joondalup CBD is contained within the Joondalup Strategic Regional Centre.

**Sustainability implications:**

The sustainability of the Committee has undergone significant issues with maintaining effective representation in order to meet the quorum requirements. Over the past two years there have been many resignations of Committee members and appointment of new Committee members, this also become an issue of continuity for the Committee.

**Consultation:**

The prospect of disbanding the Committee was informally discussed by Committee members at the 17 August 2005 Committee meeting (counted out due to lack of quorum). One of the five Committee members present at the meeting strongly objected to the Committee being disbanded. The other members present at the meeting generally agreed that, if the problem in achieving quorum was not rectified, then the Committee should be disbanded.

Each of the Committee members were subsequently sent a letter asking if they would like to see the Committee be disbanded.

**COMMENT**

Members of the CBD Enhancement Committee attended a workshop in May 2005 with a view to developing a strategic Work Plan to guide the future direction of the CBD. The draft Work Plan focuses on issues such as parking, marketing and promotion, which are all projects currently being dealt with by the City. This most recent contribution from the Committee is one amongst many substantial achievements over the years. However, high levels in turnover of committee members and the inability to form a quorum for regular meetings indicated that present arrangements for carrying out the functions of the Committee were not working. Recent inquiries with members indicate that there is support for disbanding the Committee.

It is therefore proposed that in the event that Council agrees to disband the Committee, research be undertaken to identify best practice economic development models that could be adopted to meet the continuing support needs of the Joondalup CBD. The research findings will be incorporated into a set of forums proposed by this report to be held throughout 2006 that will provide opportunity for community to give comment and to inform the City about the activities required in the CBD. The forums will provide an opportunity to engage with the business sector in particular and to outline new ways and options to enhance the Joondalup CBD area.

The research investigation will also take into account an existing network called the Joondalup Stakeholders Group. This group meets quarterly and is chaired by the Chairman of Commissioners, with attendance from the CEO and Directors. The Stakeholders Group represents an alternative opportunity for strong input from local business leaders.

**ATTACHMENTS**

Not Applicable.

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cmr Smith, SECONDED Cmr Anderson that Council:**

- 1 DISBANDS the CBD Enhancement Project Steering Committee;**
- 2 REQUESTS the Chief Executive Officer to advise the Committee members of Council's decision and thank them for their contribution;**

- 3 ENDORSES the concept of holding three (3) public forums to be held in February, July and November 2006 with the intention to invite comment from the community to inform the activities required in the CBD and to outline new ways and options to enhance the Joondalup CBD.**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

**CJ228 - 11/05 2005/06 JOONDALUP NIGHT MARKETS - SETTING  
OF FEES - [03575]**

**WARD:** Lakeside

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

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**PURPOSE**

To recommend an amendment to the 2005/06 Schedule of Fees and Charges relating to the Joondalup Night Market stallholder fees.

**EXECUTIVE SUMMARY**

As part of its strategic vision to create a vibrant City Centre, the City initiated the Joondalup Night Markets in 1998. The Night Markets were coordinated by external contractors from 1998/99 until the end of 2001/02, after which the City undertook coordination responsibilities.

The Night Markets have been very successful with an estimated attendance of 2,500 people per night throughout December 2004 and January 2005. A summary of the Joondalup night markets stallholder participation and public attendance figures for the past two years is shown as Attachment A to this report. The Joondalup night markets have also become an integral component of the Joondalup festival.

This report recommends that Council approve to amend the Schedule of Fees and Charges in relation to the Joondalup Night Markets, increasing stallholder fees in line with all other fees and charges set in the City's 2005-6 budget.

*This report recommends that Council BY AN ABSOLUTE MAJORITY:*

- 1** *In accordance with section 6.15, 6.16 and 6.17 of the Local Government Act 1995 AMENDS the 2005/2006 Schedule of Fees and Charges in relation to the Joondalup Night Markets to list stall fees (inclusive of GST) at:*
- (a) \$31.50 per Night Market for stallholders that have public liability insurance;*
  - (b) \$36.50 per Night Market for stallholders that do not have public liability insurance;*

- (c) *A discounted upfront amount of \$410 for stallholders that have public liability insurance to attend every Night Market and the Joondalup Festival;*
  - (d) *A discounted amount of \$510 upfront for stallholders that do not have public liability insurance to attend every Night Market and the Joondalup Festival;*
  - (e) *\$80 per day or \$150 for the weekend of the Joondalup Festival for stallholders that have public liability insurance; and*
  - (f) *\$90 per day or \$170 for the weekend for stallholders that do not have public liability insurance.*
- 2 *ADVERTISES the proposed new charges in accordance with Section 6.19 of the Local Government Act 1995; and*
- 3 *In accordance with section 6.19 of the Local Government Act 1995 IMPLEMENTS the proposed new charges effective from 21 November 2005.*

## **BACKGROUND**

As part of its strategic vision to create a vibrant City Centre, the City initiated the Joondalup Night Markets in 1998. The former City of Wanneroo agreed to the establishment of pilot night markets in the Joondalup Central Business District (CBD) in February 1998. After the success of this trial the operations of the night markets were tendered (Tender 039-98/99), resulting in the City of Joondalup receiving three applications for this contract. The contract was awarded to Brian Laurance and Associates Pty Ltd (trading as Galleria Art and Craft Market) from 1 October 1998 until 30 September 2001 with the option of a further three years at the conclusion of this period.

Brian Laurance and Associates Pty Ltd declined the opportunity to extend the contract after the original three years were completed. This resulted in a further call for tenders in which two applications were received. Keith Anthonisz (trading as Future Systems) and Stephen Farey (trading as Big Splash Events) were awarded the contract (No. 014-01/02) for a three-year period from November 2001 to November 2004.

It is important to note that the minutes from the City of Joondalup Council meeting, dated 23 October 2001 & 13 November 2001 (Item CJ364 - 10/01), stated:

*“There was only one other tender received, indicating that there is very little interest in managing the markets.”*

Added to this is the fact that only three submissions (of which two were considered) were received by the City of Joondalup when the original call for tenders was placed in 1998. This means that a total of four valid submissions were received for the night market operations when combining the original tender in 1998 and the second tender in 2001. This illustrates the continuing lack of interest in a private operator managing the Joondalup Night Markets.

### Withdrawal of Contractor

Over the course of 2001/02 the night markets popularity decreased, as the variety of stallholders and entertainment dwindled and repeat patronage became more infrequent. Advertising and promotion of the night markets was extremely limited during this time.

During the same period, the City received a number of written and verbal complaints from stallholders regarding the management of the night markets. A significant number of stallholders indicated that they would not return to the Joondalup Night Markets if the current operators continued. On 1 October 2002, the City of Joondalup received a letter from the operators of the Joondalup Night Markets (Future Systems and Big Splash Events) requesting to formally withdraw from the operations of the Joondalup Night Markets.

#### Coordination of Night Markets by the City

A proposal to run the Joondalup night markets on an “in-house” basis for the 2002/03 season was put to Council at its 26 November 2002 meeting, given the short amount of time available until the season began and the lack of viable alternative options. Council approved that a full review of the Joondalup Night Markets be conducted after the 2002/03 season (CJ280 - 11/02). Council supported the in house operation of the Night Markets.

In house operation of the markets required the City to be responsible for the day-to-day operations and organization of the night markets. This involved undertaking tasks such as entertainment co-ordination, database management, advertising and promotions and ensuring that the night markets conform to all regulatory requirements.

The Night Markets to date have been very successful with an estimated attendance of 2,500 people per night throughout December 2004 and January 2005. A summary of the Joondalup night market stallholder participation and public attendance figures for the past two years are shown as Attachment A to this report.

#### **DETAILS**

In 2004/05 the fee for a Night Market stall was \$30 per night for stallholders that possessed public liability insurance, or \$35 for stallholders that did not possess public liability insurance. These fees have now been in place for three years. It is proposed that the stall fees are increased by approximately 5% to \$31.50 per night (GST inclusive) and \$36.50 per night (GST inclusive) respectively. The 5% increase aligns with the overall increase for fees across the City as prescribed in the 2005/06 budget.

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

During the 2005/06 budget deliberations the budget for the nights market with respect to fees and revenue was reviewed and increased from previous years. In order to meet 2005/06 budget requirements of increased revenue from stallholder fees, the forthcoming season’s stallholder fees need to be ratified by an absolute majority of Council and once ratified the new schedule of fees for the night markets program will need to be advertised in accordance with section 6.19 of the Local Government Act 1995. The night markets are scheduled to commence on 25 November 2005 and will finish on the weekend of the Joondalup Festival in March 2006.

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

The operation of the Joondalup night markets links to the City’s Strategic Plan under the following areas:

<i>Outcome</i>	<i>Objective</i>	<i>Strategy</i>
<i>The City of Joondalup is a cultural centre.</i>	<i>1.2 To meet the cultural needs and values of the community.</i>	<i>1.2.1 Continue to enhance and create new cultural activities and events</i>
<i>The City of Joondalup is recognised as a great place to visit.</i>	<i>3.2 To develop and promote the City of Joondalup as a tourist attraction.</i>	<i>3.2.1 Create and promote cultural tourist attractions.</i>

<i>The City of Joondalup is recognized for investment and business development opportunities.</i>	<i>3.5. To provide and maintain sustainable economic development.</i>	<i>3.5.1 Develop partnerships with stakeholders to foster business development opportunities.</i>
<i>The City of Joondalup is recognised as a unique City.</i>	<i>4.4 To develop community pride and identity.</i>	<i>4.4.1 Build and develop marketing opportunities to promote the City.</i>

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

Section 6.16 of the Local Government Act 1995 states that fees and charges may be amended from time to time during a financial year.

Section 6.17 of the Local Government Act 1995 outlines how fees are to be set.

Section 6.19 of the Local Government Act 1995 states that local public notice must be given if fees are set after the annual budget has been adopted.

### **Risk Management Considerations:**

Although the fee increase is marginal, there is a risk that stallholders may not earn enough money to cover the stallholder fees and this may result in negative impacts. Some stallholders may decide it is not financially viable to be involved in the markets. In the past the City has received a few complaints with respect to the fee level. Therefore during the 2005/06 season the City will undertake a 'price sensitivity analysis' in consultation with stallholders and will benchmark fees charged by other metropolitan market operations.

During the course of the season this 'price sensitivity analysis' will look at stallholder profits and their ability to pay increased fees in future years.

The City will also review its position on whether or not the night markets should be market tested and tendered out. All these matters will be the subject of the pending review during the 2005/06 season.

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

The night markets (Project F371) has an approved expenditure budget of \$110,000 and an operating revenue budget of \$45,000. The net project cost budget is \$65,000.

#### In Kind Costs

In addition to this, there are in kind costs associated with officer time for the planning, preparation, delivery and reporting of the night markets. In kind costs are also incurred for a range of tasks such as marketing, setting up of road closures and signage etc and need to be considered. It is difficult to estimate this into a monetary value given the range of officers and salary rates which can range from \$21.00 to \$48.00 per hour. A rough estimation of in kind costs for the 2004/05 night markets season would be approximately \$5,000.

## Revenue

To date the City has received over 60 enquiries from prospective stallholders. To date the City has not started the promotion or marketing of the 2005/06 night market season and when this occurs it is likely that there will be an increase in enquiries. Historically the City has averaged 57 stalls per week (refer Attachment A) and it is unlikely that the City would attract more than 60-70 stallholders for the 2005/06 season.

The expected revenue of operating the night markets will largely depend upon the number of paying stallholders that attend on each market night and the amount that these stallholders are charged to set up a stall. Based on previous years, revenue was in the range of \$25,000 - \$30,000.

The City's revenue for 2005/06 is expected to be approximately \$35,000 if the anticipated growth in stallholder numbers for the 2005/06 season is between 60-70 stallholders and the request to increase fees is approved. To ensure that the expenditure budget aligns with expected revenues the project will be financially managed on a weekly basis by the City and variable operational costs would be adjusted accordingly to ensure the project remains within budget constraints.

This year the Joondalup Festival will include extra night patrol security to enable stallholders to leave their stalls set up over night. This will minimise the conflicts seen in 2004/05 caused by road-blocks inhibiting stallholders from setting up their stalls. The extra security is paid for by an increased cost of \$10 per stall. In addition to the security amount, the City will also charge an extra \$10 per day over the festival weekend in order to increase its revenue potential. The rationale for the higher increase over the festival weekend is justifiable given the increased patronage. The Festival attracts in excess of 60,000 people and has extensive publicity and advertising through a variety of media outlets including community news, 94.5FM and the West Australian lift out. Also it should be noted that there is increased demand for stalls over the Festival weekend and therefore it is reasonable to set a higher fee. The \$10 increase represents approximately 15% increase from the previous years. Thus in 2005/06 each stallholder will pay \$20 in extra fees per Festival day to cover security and the proposed fee increase.

The following table summarises the proposed changes in fees for 2005/06:

<b>Payment Option for Night Markets/Joondalup Festival</b>	<b>Basis</b>	<b>2005/06 Fee</b>
Cost per Night Market for stallholders that have public liability insurance	5 % increase	\$31.50
Cost per Night Market for stallholders that do not have public liability insurance	5 % increase	\$36.50
Reduced prepaid cost to attend every Night Market and the Joondalup Festival for stallholders that have public liability insurance	\$24 per Night Market/Festival Day	\$410
Reduced prepaid cost to attend every Night Market and the Joondalup Festival for stallholders that do not have public liability insurance	\$30 per Night Market/Festival Day	\$510
Cost for a stall at only the Joondalup Festival for stallholders that have public liability insurance	\$20 per day increase	\$80 per day or \$150 for the weekend
Cost for a stall at only the Joondalup Festival for stallholders that do not have public liability insurance	\$20 per day increase	\$90 per day or \$170 for the weekend

Each proposed 2005/06 night market fee reflects at least a 5% increase over 2004/05 fees and at least a 15 % increase over the festival weekend.

### Expenditure

The operating budget of \$110,000 for the 2005/06 financial year is made up of \$80,000 for materials and contracts and \$30,000 for employee costs. Given that the revenue of \$45,000 is unlikely to be reached the budget expenditures have been revised to ensure the potential shortfall does not exceed the overall adopted budget limits set for the project. The table below outlines the revised expenditure items and shows that the budget has been developed to a total expenditure cost of \$65,000 not \$80,000. Should revenues exceed the conservative revised budget estimates then the variable cost components of the budget will be adjusted in accordance with any revenue increases received during the course of the season.

### Materials and contracts

Major expenses related to materials and contracts for the night markets are shown below as actual expenditure for the 2004/05 season and approximate projected expenditure for the 2005/06 season.

	<b>Actual</b>	<b>Forecast</b>
	2004/05	2005/06
Materials and contracts costs		
Contract/Casual Labour	\$ 3,840	\$20,000
Misc expenses		\$ 2,500
Advertising and printing	\$21,000	\$16,000
Promotions	\$14,000	\$15,000
Hire of equipment	\$10,000	\$ 8,000
Public liability insurance	\$ 8,500	\$ 8,500
Production costs	\$20,000	\$15,000
<b>TOTAL</b>	<b>\$77,340</b>	<b>\$65,000</b>

The current approved budget for Project F371 is outlined as follows:

### **APPROVED BUDGET POSITION 2005/06**

<b>F371 CBD Enhancement Project - Night Markets</b>	<b>2005/06</b>	<b>2006/07</b>	<b>2007/08</b>	<b>2008/09</b>	<b>2009/10</b>
<b>Revenue</b>					
Stallholder Fees	45000	45000	45000	45000	45000
<b>Operating cost</b>					
Staff Costs	30,000	30,000	30,000	30,000	30,000
Materials and contracts	80,000	95,000	95,000	95,000	95,000
Total Operating Costs	<b>110,000</b>	<b>125,000</b>	<b>125,000</b>	<b>125,000</b>	<b>125,000</b>
Net Cash Cost of Project	65,000	80,000	80,000	80,000	80,000

### **Policy implications:**

The night market project is not directly covered by a policy of council, however there is a general link between it and the City's 'Centres Strategy' (Policy 3.3) and the 'Environmental Sustainability Policy' (Policy 2.1).



**Regional Significance:**

The Joondalup night markets are now a well recognized cultural activity in Perth's northern suburbs and attracted nearly 30,000 people last year and over 60,000 people during the Joondalup Festival. It is an important attraction for City of Joondalup residents as well as the broader Perth metropolitan community and interstate and international visitors.

**Sustainability implications:**

The Joondalup night markets are a major draw card as a tourist and cultural attraction, resulting in economic and social benefits for Joondalup. In particular, there are significant economic benefits directly for stallholders and businesses in the Joondalup CBD. There are also ongoing and indirect benefits resulting to businesses as they receive ongoing patronage from night markets attendees and increased exposure.

The night markets also provide significant social benefits as they meet a strong community demand and recognized need to develop a 'cultural' nightlife in Joondalup. The markets provide for an exceptional programme of free family entertainment in a safe family friendly environment.

**Consultation:**

Consultation throughout the night market season will be required with stallholders to ascertain future pricing for stallholder fees.

Furthermore the City will in accordance with section 6.19 of the Local Government Act 1995 advertise locally the fees for the forthcoming season.

**COMMENT**

There are over 500 prospective stallholders listed on the City's stallholder database, with demand for stalls well exceeding supply. It is anticipated that a 5% increase in stallholder fees will not have a significant impact on the success of the Night Markets and with the pending future review and price sensitivity analysis the City will be in a much stronger position to make future decisions about the night markets program.

**ATTACHMENTS**

Attachment A            Joondalup Night Markets Stallholders Participation and Attendance Summary

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cmr Fox, SECONDED Cmr Clough that Council:**

**1     In accordance with section 6.15, 6.16 and 6.17 of the Local Government Act 1995 AMENDS the 2005/2006 Schedule of Fees and Charges in relation to the Joondalup Night Markets to list stall fees (inclusive of GST) at:**

- (a)     \$31.50 per Night Market for stallholders that have public liability insurance;**
- (b)     \$36.50 per Night Market for stallholders that do not have public liability insurance;**

- (c) **A discounted upfront amount of \$410 for stallholders that have public liability insurance to attend every Night Market and the Joondalup Festival;**
  - (d) **A discounted amount of \$510 upfront for stallholders that do not have public liability insurance to attend every Night Market and the Joondalup Festival;**
  - (e) **\$80 per day or \$150 for the weekend of the Joondalup Festival for stallholders that have public liability insurance;**
  - (f) **\$90 per day or \$170 for the weekend for stallholders that do not have public liability insurance.**
- 2 ADVERTISES the proposed new charges in accordance with Section 6.19 of the Local Government Act 1995;**
- 3 In accordance with section 6.19 of the Local Government Act 1995 IMPLEMENTS the proposed new charges effective from 21 November 2005.**

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20agn251005.pdf](#)*

**CJ229 - 11/05 OCEAN REEF MARINA STRUCTURE PLAN  
DEVELOPMENT - [04171] [07303]**

**WARD:** Marina

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

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**PURPOSE**

To consider the appointment of Clifton Coney Group (CCG) as external project managers of the Ocean Reef Marina structure plan development project.

**EXECUTIVE SUMMARY**

The Ocean Reef Marina development site is located on the coast at Ocean Reef and is approximately 46 hectares in area. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the sea sports club and sea rescue building.

It is proposed that a structure plan be prepared which will broadly identify the major components of the development such as boat pens, recreation areas, natural bushland, restaurants and shops.

The development of the structure plan will require a range of specialist consultancy services such as, community consultation and public relations, environmental, planning and urban design, architectural, engineering and infrastructure, geotechnical, marine, land survey and heritage.

The Clifton Coney Group has to date been providing external project management services for this project in accordance with an existing contract with the City. This report recommends that the Council continues to use the services of the CCG for this project based on hourly rates and in accordance with the terms and conditions of the contract between the City and CCG dated 18 December 2002.

## **BACKGROUND**

Council purchased Part Lot 1029, comprising 24.4 ha of land at Ocean Reef adjacent to the boat launching facility in 1979. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses.

The Ocean Reef Marina development site is located on the coast at Ocean Reef and is approximately 46 hectares in area. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the sea sports club and sea rescue building.

The site includes Foreshore Reserve 20561, City owned land, Lots 1029 and 1032, Groyne Reserve 36732 and Breakwater Reserve 39014 both vested in the City and Water Corporation land Lot 1033.

The first stage of the project focuses on identifying a concept design and structure plan for Ocean Reef Marina to meet the social/lifestyle needs of the region, promote economic development and protection of the environment in a sustainable way.

The structure plan will broadly identify what should be part of the development, which might include elements like boat pens, recreation areas, natural bushland, restaurants/shops. Physical development of the site will be a future project, once Council has considered the best way for development to take place.

Consultants required for this project will include services such as project management, community consultation and public relations, environmental, planning and urban design, architecture, engineering and infrastructure, geotechnical, marine, land survey and heritage.

A Project Control Group consisting of City officers, State Government Departmental representatives and relevant consultants has been established to manage the project. Clifton Coney Group has currently been appointed as the external Project Manager for this project, in accordance with their existing contract with the City, up to the appointment of the required consultants stage.

The primary objective of this project is to assess the viability of development proposals for the Ocean Reef Marina consistent with Council's original intent to develop a regional mixed-use boat harbour facility to enable the development of a range of recreational, commercial and service uses, ancillary to the boat harbour launching facilities.

At its meeting held on 9 August 2005 the Council considered a report (CJ156-08/05) on the Ocean Reef Marina project and resolved as follows:

*That:*

- 1 *Council APPROVES the preparation of a structure plan in accordance with Part 9 of District Planning Scheme No 2 for the Ocean Reef Marina Development and the calling of tenders for key consultants required to prepare the plan for the following key areas:*  
  
*Urban design;*  
*Engineering services;*  
*Environmental services;*  
*Community consultation and public relations;*
- 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;*
- 4 *Council formally expresses its appreciation to the State Government for its contribution to this project.*

#### **DETAILS**

In accordance with Parts 2 and 3 of the resolution CCG have submitted their proposal to the City offering two alternatives being a lump sum fee or appointment on hourly rates.

The lump sum fee excluding GST for each phase of the projects is as follows:

Preliminary Feasibility	Stage 1	\$48,344
Business Case	Stage 2	\$28,856
Public Exhibition	Stage 3	\$57,712
Master Planning	Stage 4	\$48,344

The current hourly rates for key personnel that are subject to CPI adjustments are as follows:

Project Manager	\$150
Assistant Project Manager	\$118
Value and Risk Management Specialist	\$166

#### **Project Scope**

The project will consist of four stages extending over an 18-month period. The first three stages will focus on the development of the structure plan and the final stage will conclude with the production of the structure plan in accordance with Council's Planning Scheme requirements.

The structure plan will identify areas for future uses based on previous studies and preliminary investigations of the study area's characteristics. It will result in detailed design required for a structure plan (as identified in *District Planning Scheme No.2*), identifying areas where development can occur and key infrastructure required.

The first three stages will conclude with the delivery of the structure plan, implementation strategy and a summary report outlining the findings and conclusions of the study team to Council.

The structure plan will include design drawings, perspectives and designation of land for particular uses and densities of development.

The following draft indicative program for the project will be confirmed on appointment of the consultant team:

#### Preliminary Feasibility – Stage 1 (4 months)

Consultant research and assessment  
Establish Project Control and Community Reference Groups  
Scoping Workshop to establish vision, guiding principles and triple bottom line criteria for option evaluation  
Identify and formulate preliminary development options  
Report to Council

#### Business Case – Stage 2 (3 months)

Development Options Workshop to identify preferred options - assess feasibility of each option and prepare documentation for public exhibition  
Design development of options  
Preliminary business case and feasibility analysis compiled for the preferred options  
Report to Council

#### Public Exhibition – Stage 3 (6 months)

Detailed Analysis and Costing  
Implementation Workshop to select the Preferred Option Strategy  
Public exhibition of Draft Structure Plan options  
Prepare Draft Structure Plan and Implementation Strategy Reports  
Submission of final report to Council

#### Structure Planning - Stage 4 (5 months)

Preparation of material for Structure Plan in accordance with *District Planning Scheme No.2*  
Submission of final report to Western Australian Planning Commission

The Project Objectives are as follows:

- Developing a Structure Plan in accordance with the City's objectives
- Ongoing review and management of risk
- Sustainable redevelopment of the Ocean Reef Marina
- Community involvement in and ownership of the process in developing the Structure Plan
- Identification of the proportion of bushland areas for conservation and rehabilitation
- Business Case for the preferred option including a review of the commercial potential of the site

- Engagement of a consultant team to finalise project documentation
- Environmental Management System for implementation with the Structure Plan
- Development of a Structure Plan incorporating best practice sustainable development principles and concepts
- A Structure Plan document for Council and State Government endorsement and public exhibition

**Link to Strategic Plan:**

Development of Ocean Reef Marina will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

*Caring for the Environment:* The structure plan will incorporate bushland sensitive design criteria and will recognise the conservation values of the site utilising best practice urban design principles in the plan.

*Community Wellbeing:* Providing a cohesive system of integrated land use planning that balances built form and land use, community needs and the environment.

*City Development:* Encourage local employment and economic development through the urban design of the development.

*Organisational Development:* Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community.

**Legislation – Statutory Provisions:**

The Council at its meeting held on 17 December 2002 resolved to accept the tender submitted by Clifton Coney Stevens (WA) Pty Ltd (CCG) to provide program and project management consultancy services to the City of Joondalup for a period of up to five years based on the rates schedule detailed in Report CJ 314 - 12/02. The contract entered into with the CCG is non exclusive and the City has the ability to appoint alternative project managers to undertake works at its discretion in conjunction with or independent of services provided by CCG.

The recommended appointment is in accordance with the terms and conditions of the contract between the City and CCG dated 18 December 2002.

**Risk Management considerations:**

The City's Project Control Group has developed a risk management report for the project. The report will be reviewed by consultants once appointed and on an ongoing basis. The Project Control Group is currently and will continue to formulate strategies to mitigate these risks.

**Financial/Budget Implications:**

This project has a budget allocation of \$1.184m.

The cost estimates for the development of the structure plan are as follows:

Stage	Stage Estimate \$	Government Contribution \$	City Contribution \$
1 Preliminary Feasibility	179,850	179,850	0
2 Business Case	394,350	394,350	0
3 Public Exhibition	372,350	125,800	246,550
4 Structure Planning	108,900	0	108,900
<b>Total</b>	<b>1,055,450</b>	<b>700,000</b>	<b>355,450</b>

**Policy implications:**

Not applicable.

**Regional Significance:**

The Ocean Reef Marina development is a regionally significant project highlighted by the funding offered by the State Government to expedite the preparation of the structure plan.

**Sustainability implications:**

A key element of the design outcomes for this project will be consideration and demonstration of urban design and environmental design solutions for the site that are acceptable to Council and the community and that incorporate best practice for coastal development.

The Structure Plan should be developed in consideration of its ability to demonstrate principles and concepts of sustainable development. Under this brief the consultant is encouraged to proactively respond to challenges of sustainable development, and is required to demonstrate how sustainable development initiatives can be responsibly incorporated into the design approach

**Consultation:**

Extensive consultation has been undertaken in the past with key stakeholders and the community in regards to this project and will be required throughout the structure plan process. It is intended to utilise the services of external communications and public relations consultants to supplement in-house skills to facilitate positive consultation, participation and marketing of the project. The City's Public Participation Strategy will be applied to this project.

**COMMENT**

CCG as an organisation have the background knowledge of this project and have the capabilities to deliver the project as required by the City. Their proposed team consists of Mr Peter Yeomans as Project Director, Mr Corey Verwey as Project Manager and Mr Philip Binet as Project Administrator. Mr Yeomans is CCG's Risk and Value Management specialist who was instrumental in developing the Risk Management Report for the project and has been heavily involved in both the Craigie Leisure Centre and proposed Works Depot projects. Mr Binet has had exposure to the project since January as a contract administrator. Mr Verwey is new to CCG and relatively new to Australia however has extensive master planning experience in South Africa. Mr Verwey has completed some planning work on the east coast of Australia.

It is recommended that Council Appoints CCG as external project managers for the Ocean Reef Marina project on hourly rates. The intent of an hourly rate appointment is that CCG will only be used as and when required. This gives the City flexibility over the tasks assigned to CCG and control over the hours utilised and ultimately the costs incurred. Additionally the City would retain its right to cease using CCG for this project at any stage in accordance with the existing contract between the parties.

**Issues and options considered:**

CCG have been used as project managers on a number of the City's major projects including Ocean Reef and the Craigie Leisure Centre. In more recent times the City has also appointed a project management coordinator who has taken on responsibility for the delivery of project outcomes such as the Craigie Leisure Centre and management of the CCG contract. The additional internal expertise has reduced the City's reliance on independent project managers. It is planned that the Project Management Coordinator will take a lead role in the delivery of the outcomes required of the Ocean Reef Project in conjunction with the external project managers.

Given the significance and sensitivity of the Ocean Reef Project it is considered preferable that CCG be engaged as external project managers based on hourly rates. In the event that CCG is not appointed the services of alternative project management consultancy firm may need to be sought. In the event that alternative project managers are required tenders will need to be sought, as the estimated fees for project management based on a lump sum contract will exceed \$50,000.

**ATTACHMENTS**

Attachment 1            Clifton Coney Group Project Management Proposal

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that Council APPOINTS Clifton Coney Group (WA) Pty Ltd (CCG) to provide Project Management Services for the preparation of a Structure Plan in accordance with Part 9 of District Planning Scheme No. 2 for the Ocean Reef Marina Development based on hourly rates and in accordance with the terms and conditions of the contract between the CITY and CCG dated 18 December 2002.**

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 21 refers*

*To access this attachment on electronic document, click here: [Attach21agn251005.pdf](#)*



## **CJ230 - 11/05 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2005 – [09882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services

### **PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of September 2005 to note.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of September 2005, totalling \$10,784,267.79.

*It is recommended that Council NOTES the Chief Executive Officer's list of accounts paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations as shown in Attachments A and B to Report CJ230-11/05, totalling \$10,784,267.79.*

### **BACKGROUND**

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

### **DETAILS**

The table below summarises the payments drawn on the funds during the month of September 2005. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	<b>Cheques</b> 72684 - 73067 <b>EFT</b> 3844 - 4120 <b>Vouchers</b> 93A – 99A	\$10,784,267.79,
Trust Account		Nil
		<b>\$10,784,267.79</b>

### **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 list of payments is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable

**Sustainability Implications:**

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

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 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 list of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A	CEO's Delegated Payment List for the month of September 2005
Attachment B	Municipal Fund Vouchers for the month of September 2005

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Clough, **SECONDED** Cmr Anderson that Council **NOTES** the Chief Executive Officer's List Of Accounts paid under delegated power in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations as shown in Attachments A and B to Report CJ230-11/05, totalling \$10,784,267.79.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf251005.pdf](#)

## **CJ231 - 11/05 DELEGATED AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO EXTEND CONTRACTS – [07032]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services

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### **PURPOSE**

This report seeks Council approval for a delegated authority to formalise the Chief Executive Officer's (CEO) approval of contract extensions on tenders accepted by Council, subject to the satisfactory performance of the contractor.

### **EXECUTIVE SUMMARY**

The current practice for contract extensions on tenders accepted by Council is that, subject to satisfactory performance they are approved by the CEO.

The contractor's performance is reviewed annually, and a report is provided to the CEO seeking his approval to extend or not extend, depending on the result of that review.

It is intended that this delegated authority will eliminate the need for an additional recommendation to be included on each tender report where there is an option to extend, and procedurally provide a more effective and efficient process.

*It is recommended that Council APPROVES by an absolute majority the delegated authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance.*

### **BACKGROUND**

The current practice for contract extensions on tenders accepted by Council is that, subject to satisfactory performance they are approved by the CEO. The performance review is carried out by the user business unit and feedback provided to the contracts section. That information is included in a report to the CEO as part of the justification for the extension.

The CEO currently has a delegated authority to accept publicly invited tenders up to the value of \$250,000. Tenders expected to exceed that amount are referred to Council for approval.

In May 2005 the CEO queried his power to exercise an option to extend a contract entered into following a public tender process. A legal opinion was sought and the advice received is outlined in the details section of this Report.

## **DETAILS**

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

Legal advice was sought in regard to the standard wording used in the City's tender resolutions, in terms of whether they clearly identified who (the Council or CEO) had the responsibility for extending an awarded contract.

The legal opinion stated that although the wording was slightly ambiguous, under section 5.41(d) of the Local Government Act the CEO has the power to extend the contract – provided the CEO does not extend the contract beyond the “total term of the contract” specified by the Council in the resolution. Alternatively it would also be acceptable for Council to approve the extension.

The City has three options in relation to the contract extension decision:

- (1) Refer all extensions back to Council for a decision to extend;
- (2) Insert an additional clause into all contracts that have a provision to extend, thereby authorising the CEO to extend; or
- (3) Creating a delegated authority for the CEO to approve all contract extensions on tenders approved by Council;

As an interim measure option (2) has been adopted, however it is considered that it would be administratively more simplistic and representative of Council's intent, to have a general delegation in place, i.e. option (3)

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

- 4.1. To manage the business in a responsible and accountable manner.

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

Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders are to be publicly invited if the consideration under the contract is expected to be more than \$50,000.

### **Risk Management considerations:**

This new delegated authority would be limited to the terms and conditions approved by resolution of Council when the original tender is awarded.

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

Not Applicable

### **Policy implications:**

The Delegated Authority Manual will need to be amended.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

Not Applicable

**COMMENT**

A delegated authority for the CEO to approve contract extensions would eliminate the need for the additional resolution to be included on all tender reports were there is an option to extend.

Should Council however wish to specifically approve any particular contract extension, they could do this by passing a resolution to that effect when accepting the tender.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:** That Council APPROVES the Delegated Authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance.

**MOVED Cmr Anderson, SECONDED Cmr Smith that:**

- 1 Council APPROVES the Delegated Authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance;**
- 2 a condition of this delegation is that the Chief Executive Officer reports to the Audit Committee on a six monthly basis on the exercising of this delegation.**

Cmr Anderson spoke to the Motion.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

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## **CJ232 - 11/05 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2005 – [07882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services

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### **PURPOSE**

The July 2005 financial activity statement is submitted to Council to be noted.

### **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 \$1.5m against the year to date budget of \$2.1m. The \$0.6m under spend is because of delays in normal Capital Works caused by adverse weather conditions.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2005 as shown in Attachment A to Report CJ232-11/05.*

### **BACKGROUND**

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

### **DETAILS**

The financial activity statement for the period ended 31 July 2005 is appended as Attachment A.

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

Not Applicable

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

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 as amended, requires financial information to be presented to Council in a Financial Activity Statement monthly providing explanations of material variances to budget.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Refer attachment A.

**Policy implications:**

All expenditure included in the financial statements is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

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

**Consultation:**

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

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 31 July 2005.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Anderson, **SECONDED** Cmr that Council **NOTES** the Financial Activity Statement for the period ended 31 JULY 2005 as shown in Attachment A to Report CJ232-11/05.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4agn011105.pdf](#)*

## **CJ233 - 11/05 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2005 – [07882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services

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### **PURPOSE**

The August 2005 financial activity statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The August 2005 year to date report shows an overall variance (under spend) of \$2.1m 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 surplus of \$50.6m compared to a budgeted surplus of \$49.0m at the end of August 2005. The \$1.6m variance is primarily due to early receipt of government grants, contributions and cost savings in employee costs and materials and contracts.
- **Capital Expenditure** is \$4.6m against the year to date budget of \$5.1m. The \$0.5m under spend is due to delays in Information Technology projects, delays in Capital Works caused by adverse weather conditions offset by the purchase of heavy and light vehicles earlier than budgeted.

*That Council **NOTES** the Financial Activity Statement for the period ended 31 August 2005 as shown in Attachment A to Report CJ233-11/05.*

### **BACKGROUND**

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



**DETAILS**

The financial activity statement for the period ended 31 August 2005 is appended as Attachment A.

**Issues and options considered:**

Not Applicable

**Link to Strategic Plan:**

Objective 4.1.1      Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Refer attachment A.

**Policy implications:**

All expenditure included in the financial statements is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

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

**Consultation:**

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

## ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 August 2005.

## VOTING REQUIREMENTS

Simple Majority

**MOVED** Cmr Clough, **SECONDED** Cmr Anderson that Council **NOTES** the Financial Activity Statement for the period ended 31 August 2005 as shown in Attachment A to Report CJ233-11/05.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5agn011105.pdf](#)

## **CJ234 - 11/05 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2005 – [07882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services

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## PURPOSE

The September 2005 financial activity statement is submitted to Council to be noted.

## EXECUTIVE SUMMARY

The September 2005 year to date report shows an overall variance (under spend) of \$5.6m 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 surplus of \$46.3m compared to a budgeted surplus of \$44.1m at the end of September 2005. The \$2.2m variance is primarily due to greater than budgeted interest income and lower than budgeted expenditure in employee costs and materials and contracts.

- **Capital Expenditure** is \$6.5m against the year to date budget of \$9.9m. The \$3.4m under spend is due to delays in purchasing heavy and light vehicles, delays in Capital Works caused by adverse weather conditions and delays on the geo-thermal bore for Craigie Leisure Centre.

*That Council NOTES the Financial Activity Statement for the period ended 30 September 2005 as shown in Attachment A to Report CJ234-11/05.*

## **BACKGROUND**

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

## **DETAILS**

The financial activity statement for the period ended 30 September 2005 is appended as Attachment A.

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

Not Applicable

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

Objective 4.1.1 – Ensure financial viability and alignment to plan.

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

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

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

### **Risk Management considerations:**

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

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

Refer attachment A.

### **Policy implications:**

All expenditure included in the financial statements is drawn from the City's accounting records.

### **Regional Significance:**

Not Applicable

**Sustainability implications:**

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

**Consultation:**

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

**ATTACHMENTS**

Attachment A Financial Activity Statement for the period ended 30 September 2005.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Anderson, **SECONDED** Cmr Clough that Council **NOTES** the Financial Activity Statement for the period ended 30 September 2005 as shown in Attachment A to Report CJ234-11/05.

Cmr Anderson spoke to the Motion.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6agn011105.pdf](#)

**Disclosure of Financial Interests**

*A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.*

<b>Name/Position</b>	<b>Cmr S Smith</b>
<b>Item No/Subject</b>	<i>Item CJ235-11/05 – Round 4 State Underground Power Program</i>
<b>Nature and extent interest</b>	<i>Cmr Smith has a contract to purchase a property in a suburb in the City that has overhead powerlines.</i>

*Cmr Smith left the Chamber, the time being 1940 hrs.*

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**CJ235 - 11/05    ROUND 4    STATE    UNDERGROUND    POWER  
PROGRAM – [04396] [04396]**

**WARD:** All

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

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**PURPOSE**

To consider an Expression of Interest submission for the provision of underground power and street lighting as part of Round 4 of the State Underground Power Program.

**EXECUTIVE SUMMARY**

The State Underground Power Program is a State Government initiative introduced in 1996. It is run by the Office of Energy and implemented by Western Power (WP) with the goal of having underground power distribution to half of Perth's houses by 2010. The extent of underground power in the City of Joondalup already exceeds the 60% mark.

The State Underground Power Program improves the reliability of power in an area, accelerates the renewal of the power infrastructure, reduces maintenance and maintenance costs, enhances the visual appearance of a suburb, reduces tree pruning costs, improves illumination and safety and increases property values.

The Office of Energy has now announced Round 4 of the State Underground Power Program (SUGPP) and has requested Expressions of Interest for project areas by 11 November 2005. Expression of Interest projects will be evaluated by January 2006, short listed projects announced by March 2006 and projects finalised for start of construction in March 2007 – a timeline of approximately 18 months.

The State Underground Power Program projects are funded 50% by the State Government and 50 % by the Local Government Authority (LGA). The City has previously resolved that its funding will be on a user pays principle and therefore funded by the property owner.

The main criterion for Round 4 projects is reliability. Western Power has reported that the areas likely to benefit most from the replacement of overhead power lines with underground power are Sorrento, Marmion, Duncraig and Greenwood.

Therefore the suburbs of Sorrento, Marmion, Duncraig and Greenwood are proposed for nomination as Expression of Interest projects.

*It is recommended that Council:*

- 1     **SUBMITS** an Expression of Interest in Round 4 of the 2005/06 State Underground Power Program;
- 2     **NOMINATES** the suburbs of Sorrento, Marmion, Duncraig and Greenwood as project areas for the Expression of Interest Submission.

## **BACKGROUND**

The City has approximately 53,000 residential properties of which around 19,000 are serviced by overhead power and the remainder by underground power. Similarly the street lighting is based on this supply network with generally timber poles for overhead power and steel poles for underground power. Except for Iluka, Harbour Rise Estate in Hillarys and Joondalup City Centre, the street lighting is owned and operated by Western Power.

The City made a previous submission to the Office of Energy in 2003 for grants for the provision of underground power as part of this program. In 2003 a submission was made for seven project areas - Marmion, Sorrento, Duncraig (two areas), Hillarys, Kallaroo and Mullaloo. This submission was not successful.

## **DETAILS**

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

#### **Extent of overhead power area in City**

At the present time there are approx 19,000 properties spread over 12 suburbs with overhead power in the City. The majority of this was installed from the mid 1960's to the early 1980's and equates to around 34% of the City. The extent of overhead power is shown at Attachment 1 and the associated costs in the table at Attachment 2.

#### **Status of State Underground Power Program**

The State Underground Power Program is a State Government initiative introduced in 1996 and run by the Office of Energy and implemented by Western Power (WP). The goal of this program is to have underground power distribution to half of Perth's houses by 2010. The extent of underground power in the City of Joondalup already exceeds the 60% mark.

The State Underground Power Program improves the reliability of power in an area, accelerates the renewal of the power infrastructure, reduces maintenance and maintenance costs, enhances the visual appearance of a suburb, reduces tree pruning costs, improves illumination and safety and increases property values.

The Office of Energy has now announced Round 4 of the State Underground Power Program and has requested Expressions of Interest for project areas by 11 November 2005. All EOI submissions will be assessed using technical and non-technical criteria to select about 7-9 short listed project areas. Those Local Government Authorities with short listed projects will be invited to develop detailed proposals including surveys of residents and funding strategies to cover the design and construction costs. The timeline from Expression of Interest, Detailed Design, approval of the Minister and signing of formal agreements can take up to 18 months.

#### **Cost of Conversion in the City using the State Underground Power Program**

The latest Round 4 Guidelines provide a budget rate of \$6000 - \$7000 per lot. Therefore, the total cost of overhead to underground power conversion across the City is around \$132M. The current program sets a limit of only one project area per Council per round (to more equitably distribute the limited funding around the state).

### **User Pays Principle**

State Underground Power Program projects are funded 50% by the State Government and 50% by the Local Government Authority (LGA). In turn the LGA can fund its portion of a project or elect to recover the cost from affected ratepayers/residents using a user pays principle. The user pays principle is used by most metropolitan Councils since the inception of the State Underground Power Program.

The City adopted the user pays principle at its meeting of 13 March 2001 (Report CJ065-03/01 refers) and reaffirmed the principle at a further meeting of 24 July 2001 (Report CJ246-07/01 refers).

Under the user pays principle, the current cost to ratepayers is 50% of the budget cost per lot, which equals \$3,500.

### **State Underground Power Program Selection Criteria**

In Round 4 of the State Underground Power Program, the major criterion is Power System Reliability and this is determined by Western Power. This is to maximise the benefits of the State Underground Power Program against those areas with the greatest risk of damage or where the OHP network is performing poorly.

The technical criteria for reliability to assist in the selection of a project area in the State Underground Power Program include:

- Level of Faults - the number and type of faults experienced in an area – pole top fires, pole related traffic crashes, equipment failures, conductor clashing;
- Power quality & Network growth – power quality complaints, television interference, voltage drops and faulty conductors;
- Network characteristics - proximity to zone substations, coastal areas and storm damage, age of existing infrastructure.

Non-technical criteria are used to further assess submissions which are competitive in terms of power system reliability criteria. Some of the non-technical criteria used for selection of a project area include:

- Community support to fund the 50% cost share - a level of support of around at least 60-80% provides evidence to WP/Office of Energy that the proposed project area scheme will be supported;
- Contiguity of Project Area and number of lots - the completeness of an area with minimal deviations into other OHP or UGP areas, and around 1000 lots per project area for project efficiency;
- Rezoning and Commercial Areas Upgrades - provides an opportunity to improve customer service and expand WP's business in a project area.

### **Benefits of the State Underground Power Program to the City**

There are benefits to the City of being involved in the State Underground Power Program and these include:

- Possible increased property valuation through GRV which can lead to increased rates revenue;
- Better visual and cleaner streetscape and reduced tree pruning costs;

- Better street lighting leading to a safer community with less crime, vandalism and graffiti and less opportunity for crime, vandalism and graffiti;
- Reduced street lighting costs if high efficiency lamps are used;
- A healthier community - better night time walking/exercise environment and more use of public transport because of safer access to public transport facilities;
- Safer roads with less possible collision objects such as power poles close to the road, stay poles and stay wires.

### **Costs of the State Underground Power Program to the City**

The City will incur costs as a result of a successful submission and these can include:

- Possible contribution costs in lieu of pruning;
- Administration costs for detailed submissions;
- External consulting costs for surveys, public relations and technical advice;
- Project management and coordination costs;
- The cost of additional street lighting to Australian Standards.

Some of these costs can be recouped as part of a project if a submission is successful.

The main criterion for Round 4 project is reliability. As a result the City has sought reliability information to ensure that localities with a low level of reliability are nominated in the first instance.

Western Power has now reported that the areas “likely to benefit most from the replacement of overhead power lines with underground power are Sorrento, Marmion, Duncraig and Greenwood.” These suburbs are highlighted on Attachments 2 and 3. The 2004/2005 pruning costs for these suburbs are also listed.

### **Sewer Infill Scheme**

The Sewer Infill scheme under the control of the Water Corporation is currently in progress within the City with recently completed works in parts of Sorrento, Duncraig and Mullaloo and more works planned over the next 3 years. The City’s submission of project areas to the State Underground Power Program will take into account these works so that conflicts are minimised. The infill sewer areas are shown on Attachment 1.

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

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

The specific objectives achieved from the above KFAs are:

- KFA 1 Community Wellbeing - Objective 1.4 - To work with the community to enhance safety and security in a healthy environment;
- KFA 2 Caring for the Environment - Objective 2.1 - To plan and manage our natural resources to ensure environmental sustainability;
- KFA 3 City Development - Objective 3.1 - to develop and maintain the City of Joondalup’s assets and built environment.



**Legislation – Statutory Provisions:**

Not Applicable

**Risk Management considerations:**

Risk issues for the City with the State Underground Power Program are mainly financial. This would occur if an Expression of Interest project proceeds to a Detailed Proposal and the City proceeds to undertake the project.

By signing the Formal Agreement to proceed with a project area construction, it becomes the City's responsibility to manage its 50% contribution over the scheme period.

**Financial/Budget Implications:**

There are 3 main issues for the City when considering a State Underground Power Program project submission - the costs of administering a project area, the detailed costing scheme to be applied and any increased energy cost for street lighting to Australian Standards.

It is considered that additional staff resources will be required by the City to administer a State Underground Power Program project area scheme. This will include resources to handle ratepayer enquiries, to manage the survey consultation process, to manage the technical issues and to manage the modelling, payments and cash flows to WP's Project Manager. It is anticipated that an internal Project Manager will need to handle the overall project management of these issues for the life of project.

The detailed costing scheme will need to be considered by the City prior to a residents' survey so that any proposed City contributions in lieu of tree pruning costs, payment plans, discounts and other energy costs can be calculated. Western Power has suggested that the City may consider:

- A one fifth contribution in recognition of reduced pruning costs and the generally improved value of the area;
- Using a fixed service fee rather than a variable payment based on Gross Rental Value (GRV);
- Discounts to property owners adjacent to existing transformers, substations and large transmission lines;
- Special consideration to multiple connections on one lot.

There will be a cost to the City for its contribution to the scheme because of its own facilities in a project area. The energy consumption of buildings on reserves, bores, carpark lighting is used on a pro rata basis for working out its proportional cost to underground the overhead network which supplies those facilities. For the suburb of Duncraig, this cost is in the order of \$70,000. A similar approach is used for business and schools.

The final issue is the ongoing cost for the additional street lighting. This will be charged as part of the City's existing contract with Western Power. However, this may be offset by more efficient street lighting luminaires and lamps and this will be determined when the detailed design is undertaken.

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Improvements in street lighting and reduced tree pruning as part of the State Underground Power Program enables the City to improve the sustainability of its operations.

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

Environmental Benefits – are achievable through using the latest technology in illumination and illumination control equipment. Newer type luminaires such as metal halide and compact fluorescent use less energy for the same amount of lumination output than the most common used luminaires of mercury vapour. They are also less dangerous in terms of disposal of mercury lamps.

Financial Benefits accrue through less tree pruning to minimise conflict with overhead power lines, more efficient lighting technology to reduce ongoing energy costs and potential reduction of costs associated with vandalism.

**Consultation:**

Consultation will be required when a project area is selected for a detailed submission. At that time a detailed lot by lot survey will be undertaken outlining the costs, benefits and preferred payment options.

The previous survey undertaken in Duncraig in 2001 was used mainly to determine residents' opinion on two issues - whether they were in favour of underground power and who should pay. As a result of the survey where only 27% of residents supported the user pays principle, Council resolved to not proceed with that project.

**COMMENT**

The State Underground Power Program provides an opportunity to upgrade the standard and reliability of electricity in existing OHP areas. The existing street lighting is upgraded to Australian Standard at the same time as part of the project area.

The City has requested reliability figures for all its overhead power areas. Western Power has advised that Sorrento, Marmion, Duncraig and Greenwood are the areas most likely to benefit from an underground power scheme and it is recommended that these suburbs and contained project areas are submitted for 2005/06 Round 4 Expression of Interest projects.

**ATTACHMENTS**

Attachment 1	Map detailing Over Head Power and Infill Sewer Areas across the City.
Attachment 2	Table detailing the number of lots per locality with overhead power, the cost of a State Underground Power Program scheme and additional costs.
Attachment 3	Proposed 2005 Underground Power Project Areas.

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Fox, SECONDED Cmr Clough that Council:**

- 1 SUBMITS an Expression of Interest in Round 4 of the 2005/06 State Underground Power Program;**
- 2 NOMINATES the suburbs of Sorrento, Marmion, Duncraig and Greenwood as project areas for the Expression of Interest Submission.**

The Motion was Put and

**CARRIED UNANIMOUSLY (4/0)**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf251005.pdf](#)

*Cmr Smith entered the Chamber, the time being 1941 hrs.*

## **CJ236 - 11/05 PROPOSED PARKING SCHEME AMENDMENT - BARRADINE WAY, CRAIGIE – [10369] [04233]**

**WARD:** Pinnaroo

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

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### PURPOSE

To request Council to give consideration to amending the City of Joondalup Parking Scheme by changing the current parking prohibitions in Barradine Way, Craigie to maximise the safety of students attending the Whitfords Catholic Primary School.

### EXECUTIVE SUMMARY

The City has received correspondence and verbal requests from residents in Barradine Way, Craigie, concerned about the parking difficulties created by parents picking up their children from the nearby Whitfords Catholic Primary School and the children's safety. The parking of vehicles on verges is also causing damage to the verges and some reticulation.

An assessment of the reported parking difficulties in Barradine Way, Craigie was undertaken by the City in conjunction with residents to determine a suitable solution.

Together with the affected residents, the school has been consulted and supports the proposed amendments to the City's Parking Scheme.

In keeping with clause 33 of the City's Parking Local Law 1998, which provides for Establishing and Amending the Parking Scheme, it is recommended that Council:

- 1 *REVOKES the current parking prohibition - "NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm Monday to Friday" currently located on the south side of Barradine Way, Craigie adjacent to the Whitfords Catholic Primary School as shown in Attachment 2 to Report CJ236-11/05;*
- 2 *REVOKES the current parking prohibition, "NO PARKING - 8.15 to 9.15 am and 3.00 to 4.00 pm Monday to Friday" on the west side of Barradine Way, Craigie from the northern boundary of Lot 840 to Lot 836 as shown in Attachment 2 to Report CJ236-11/05;*
- 3 *AMENDS the current "NO STOPPING ANYTIME" prohibition on the north side of Barradine Way, Craigie at the north east corner of Barradine Way, Craigie and at the corner of Barradine Way, Craigie and Barunga Way, Craigie to - "NO STOPPING ANYTIME CARRIAGEWAY AND VERGE" as shown on Attachment 1 to Report CJ236-11/05;*
- 4 *EXTENDS the parking prohibition, "NO STOPPING ANYTIME CARRIAGEWAY AND VERGE" on the north side of Barradine Way, Craigie, west of Barunga Way, Craigie between the existing "No Stopping anytime" prohibitions as shown in Attachment 1 to Report CJ236-11/05;*
- 5 *INSTALL the parking prohibition, "NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm School days only", to apply from the "No Stopping" prohibition adjacent lot 843, north along Barradine Way, Craigie to the northern boundary lot 845 as shown in Attachment 1 to Report CJ236-11/05.*

## **BACKGROUND**

The City has received thirty-two referrals from residents in Barradine Way over a period of several years, requesting Ranger patrols during school pick up and set down times. Investigations have confirmed that the current parking prohibitions and restrictions should be amended to increase safety for the school children and minimise verge damage caused by vehicles.

Representatives from the City attended a site meeting with residents on 28 June 2005 and a further meeting with the School's Principal was held on 2 August 2005 to advise on the proposed amendments to parking restrictions and prohibitions in Barradine Way.

Correspondence was also sent to nine residents who had previously written to the City on the matter and inviting comment on these proposals. The City has received one reply from a resident supporting the proposed amendments.

The Principal from the Whitfords Catholic Primary School also contacted the City supporting the proposal.

## **DETAILS**

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

The current parking prohibitions and restrictions in Barradine Way Craigie, adjacent the Whitfords Catholic Primary School are a combination of both statutory requirement at street corners and restrictions aimed at achieving orderly traffic flows at peak pick up times for children.

The proposed amendments aim to address concerns of residents and parents of school children dropped off and picked up after school in Barradine Way. All parties have expressed concerns for the safety of students, damage to verges and traffic flows.

**Link to Strategic Plan:**

The recommendations in this report are 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 Section 3.12 (Procedure for Making Local Laws) of the Local Government Act (1995).

Clause 33 of the City of Joondalup Parking Local Law (1998) provides for:

*“Establishing and Amending the Parking Scheme*

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 all 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>	1.7230.4615.0529.999
<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>	\$ 700.00 (estimated)

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The amendment of the current parking restrictions and prohibitions in Barradine Way as recommended, will improve safety for school children and promote better traffic flow within this street.

**Consultation:**

Discussions have been held and correspondence sent to residents and the Whitfords Catholic Primary School concerning the proposed parking prohibitions. The proposed amendments are supported by the various parties.

**COMMENT**

Whitfords Catholic Primary School has primary and pre primary facilities and is fenced at the Barradine Way entry/exit. The school has been very proactive in addressing safety for its students by having a teacher managing student access and egress from the school grounds to Barradine Way. However, the use of Barradine Way has raised some issues regarding parking and safety.

The recommended parking prohibitions apply sound principles that provide for:

- (a) *maximising safety of young students and promoting orderly traffic flow;*
- (b) *parking of parents vehicles on the same side of the road as the school so that young students do not have to negotiate traffic and cross the road to reach their parents vehicle when being picked up after school, and*
- (c) the parking restrictions applying only on school days and at the peak times when students are being dropped off at school. Parking is then permitted at all other times with the least inconvenience to residents.

The City's Parking Scheme will require continual review to meet changes in relation parking enforcement including near schools. Any proposed amendments to parking prohibitions and restrictions must consider traffic flows to ensure that any new amendments effectively control parking at these locations.

**ATTACHMENTS**

Attachment 1	Map showing proposed parking prohibitions
Attachment 2	Map showing current parking prohibitions

**VOTING REQUIREMENTS**

Absolute Majority

**Call for One-Third Support**

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

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

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

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

One-third of Commissioners indicated their support for this Item.

**MOVED Cmr Clough, SECONDED Cmr Anderson that Council:**

- 1 REVOKES the current parking prohibition - “NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm Monday to Friday” currently located on the south side of Barradine Way, Craigie adjacent to the Whitfords Catholic Primary School as shown in Attachment 2 to Report CJ236-11/05;**
- 2 REVOKES the current parking prohibition, “NO PARKING - 8.15 to 9.15 am and 3.00 to 4.00 pm Monday to Friday” on the west side of Barradine Way, Craigie from the northern boundary of Lot 840 to Lot 836 as shown in Attachment 2 to Report CJ236-11/05;**
- 3 AMENDS the current “NO STOPPING ANYTIME” prohibition on the north side of Barradine Way, Craigie at the north east corner of Barradine Way, Craigie and at the corner of Barradine Way, Craigie and Barunga Way, Craigie to - “NO STOPPING ANYTIME CARRIAGEWAY AND VERGE” as shown on Attachment 1 to Report CJ236-11/05;**
- 4 EXTENDS the parking prohibition, “NO STOPPING ANYTIME CARRIAGEWAY AND VERGE” on the north side of Barradine Way, Craigie, west of Barunga Way, Craigie between the existing “No Stopping anytime” prohibitions as shown in Attachment 1 to Report CJ236-11/05;**
- 5 INSTALL the parking prohibition, “NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm School days only”, to apply from the “No Stopping” prohibition adjacent lot 843, north along Barradine Way, Craigie to the northern boundary lot 845 as shown in Attachment 1 to Report CJ236-11/05.**

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf251005.pdf](#)*

**CJ237 - 11/05    CLOSE OF ADVERTISING FOR AMENDMENT NO 30 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE LOT 200 (157) KINROSS DRIVE, KINROSS FROM "COMMERCIAL R20" TO " RESIDENTIAL R30" – [13571]**

**WARD:** North Coastal

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

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## **PURPOSE**

The purpose of this report is for the Council to consider submissions received during the advertising period and to consider adopting as final Amendment No 30 to District Planning Scheme No 2 (DPS2) without modification.

## **EXECUTIVE SUMMARY**

Lot 200 (157) Kinross Drive, Kinross is currently zoned 'Commercial' with a density code of R20 (Attachment 1 refers). Amendment No 30 proposes to rezone the lot to 'Residential' and apply a density code of R30 (Attachment 2 refers) to facilitate the future development of 6 grouped dwellings on the lot (Attachment 3 refers).

Council at its meeting on 19 July 2005 (CJ148-07/05) resolved to initiate Amendment No 30 to DPS2 for public advertising. The advertising period closed on 12 October 2005 and a total of five (5) submissions were received, three of which were from service authorities and all of which supported or did not object to the proposal (Attachment 4 refers).

Whilst the proposal would result in the loss of commercial zoned land, it is acknowledged that commercial uses on the subject site do not appear viable given its location and small allocation of retail floor space (500m<sup>2</sup>) under Schedule 3 of DPS2. Furthermore, the retail component of the subject lot was effectively removed as Council approved the development of a childcare centre on the subject lot. The Kinross locality is well serviced by the existing commercial centre on the corner of Kinross Drive and Edinburgh Avenue, and the development of the Kinross Neighbourhood Centre, located on the corner of Selkirk Drive and Connolly Drive, will provide further commercial land use opportunities.

It is not expected that the proposed rezoning will generate any traffic-related issues. Moreover, adoption of the proposed amendment will facilitate the provision of residential living choices in accordance with the City's Strategic Plan.

In the event that the subject site is rezoned to 'Residential', the current allocated retail floor space for Lot 200 in Schedule 3 of DPS2 will need to be removed which can occur as a part of the DPS2 review currently being undertaken.

It is therefore recommended that Council grants final approval to Amendment No 30 to DPS2 by supporting the following resolutions:

- 1     *Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 30 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' to 'Residential' and recoding the site from R20 to R30;*



- 2 *AUTHORISE the affixation of the Common Seal to, and endorse the signing of, the amendment documents;*
- 3 *NOTE the submissions received and advise the submitters of the Council's decision.*

## BACKGROUND

<b>Suburb/Location:</b>	Lot 200 (157) Kinross Drive, Kinross
<b>Applicant:</b>	Cardno BSD
<b>Owner:</b>	Masterkey Properties Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	836m <sup>2</sup>
<b>Structure Plan:</b>	N/A

The subject site is 1836m<sup>2</sup> in size and is currently vacant. The site is located adjacent to residential development with a density of R40 and opposite to the subject site, existing residential development at an R20 density. The site is located in close proximity to a number of services on Kinross Drive, which include a bus route, a nearby local park, a high school, a primary school and a neighbourhood commercial centre located on the corner of Kinross Drive and Edinburgh Avenue.

The subject site is listed under Schedule 3 of the DPS2 as Portion Lot 2 (400) Burns Beach Road (North) with a maximum retail floor space area of 500m<sup>2</sup> for Commercial purposes. Should Council resolve to approve the proposed rezoning after the completion of the advertising period, Schedule 3 of the DPS2 will have to be amended to reflect the removal of the allocated retail floor space.

In October 2004, Council approved a 96-place childcare centre on the subject site (Report CJ237-10/04 refers). The applicant has not lodged a Building Licence and the site remains undeveloped.

At its meeting on 19 July 2005, Council resolved the following:

- 1 *Pursuant to Section 7 of the Town Planning and Development Act 1928, AMEND the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' with a density code of R20 to 'Residential', with a density code of R30 for the purposes of advertising for a period of 42 days;*
- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.*

In accordance with the above resolution, the proposal was forwarded to the Environmental Protection Authority which subsequently advised that Amendment No 30 would not warrant the preparation of an Environmental Review.

## DETAILS

### Issues and options considered:

The application proposes to rezone Lot 200 (157) Kinross Drive, Kinross from a 'Commercial' zone with density code of R20 to a 'Residential' zone with a density of R30. The R30 density would allow the development of six (6) dwellings whilst the current R20 density would only allow the development of four (4) dwellings.

The indicative development plan submitted by the applicant shows six (6) single storey dwellings based on the proposed R30 density (Attachment 3 refers). The proposed single storey grouped development will front Kinross Drive with a common driveway servicing the proposed four (4) rear dwellings and two separate driveways to service the front two (2) dwellings. While the plan is indicative only, it does demonstrate the potential development of the lot.

The issues associated with the proposed amendment on the subject lot include:

- Suitability of the proposed residential land use and density code;
- The viability of the current Commercial zoned land, and the previous approval granted for a childcare centre.

### Options

Council, in considering Amendment No 30 may:

- Not adopt Amendment No 30.
- Adopt Amendment No 30 without modification.
- Adopt Amendment No 30 with modification.

With all of the above options, the proposal is then forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning & Infrastructure's determination.

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

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

Objective: 3.3 – To continue to meet changing demographic needs.

Strategy 3.3.1 – Provide residential living choices.

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

Section 7 of the Town Planning and Development Act 1928 together with section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 5 refers).

When the proposed amendment was forwarded to the Environmental Protection Authority (EPA) for assessment after Council resolved to initiate the amendment process, as is normal practice, the EPA decided that an environmental review of the proposed amendment was not required. Advertising for 42 days could therefore be undertaken.

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

**Risk Management considerations:**

Not Applicable

**Financial/Budget Implications:**

Not Applicable

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The proposed rezoning will facilitate the development of six (6) medium density dwellings. The development of the medium density housing is considered appropriate given the location of the subject site to a number of services that includes a bus route on Kinross Drive, a nearby local park, a high school, a primary school and a local neighbourhood centre. This accords with Strategy 3.3.1 "Provide Residential Living Choices" of the City's Strategic Plan and the State Government policy, the Liveable Neighbourhoods Community Design Code.

**Consultation:**

In accordance with the Town Planning Regulations 1967, the proposed amendment was advertised for a period of 42 days from 31 August 2004 to 12 October 2005. Advertising was in the form of a sign erected on site, adjoining landowners being notified in writing and advertisements placed in the West Australian (31 August 2005) and the local newspaper (1 September 2005). The proposal was also placed on the Council's website, and displayed at the Council's offices.

Upon closure of public advertising, a total of five (5) submissions were received, three of which were from service authorities and all of which supported or did not object to the proposal (Attachment 3 refers).

**COMMENT**

Whilst it is recognised that there would be a loss of commercial zoned land, it is acknowledged that commercial uses on the subject site do not appear viable given its location and allocated retail floor space. This has previously been recognised with Council's approval of a childcare centre which effectively removed the retail component of the subject lot (CJ237-10/04 refers).

Under the DPS2, the permitted land uses within the Commercial zone are not restricted to retail activity. Land uses such as offices, consulting rooms, medical centres and restaurants are permitted ('P') use classes within the Commercial zone however, these types of development would be limited due to the size and location of the subject lot.

The Kinross locality is well serviced by the existing commercial centre on the corner of Kinross Drive and Edinburgh Avenue. The development of the Kinross Neighbourhood Centre, located on the corner of Selkirk Drive and Connolly Drive, will also offer a variety of commercial services and outlets. Given the 500m<sup>2</sup> of retail floor space that is allocated to the subject site under Schedule 3 of the City's DPS2, and the location of surrounding commercial activity, the size and viability of any proposed convenience store would be limited.

It is not expected that the proposed rezoning will generate any traffic-related issues. Moreover, adoption of the proposed amendment will facilitate the provision of residential living choices in accordance with the City's Strategic Plan.

No objections were received as a result of the public advertising of Amendment No 30. It is therefore considered that rezoning and recoding of the subject site in accordance with Amendment No 30 is an appropriate planning option. In the event that Council and the Minister approve the rezoning, the current allocated retail floor space in Schedule 3 of DPS2 would need to be altered accordingly. This could occur as a part of the DPS2 review currently being undertaken.

## ATTACHMENTS

Attachment 1	Proposed Amendment No 30 to District Planning Scheme No 2 Zoning Map
Attachment 2	Proposed Amendment No 30 to District Planning Scheme No 2 R-Code Map.
Attachment 3	Site Plan for future 6 grouped dwellings
Attachment 4	Schedule of Submissions
Attachment 5	Town Planning Scheme Amendment process flow chart.

## VOTING REQUIREMENTS

Simple Majority

**MOVED** Cmr Clough, **SECONDED** Cmr Fox that Council:

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 30 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' to 'Residential' and recoding the site from R20 to R30;**
- 2 AUTHORISES the affixation of the Common Seal to, and endorse the signing of, the amendment documents;**
- 3 NOTES the submissions received and ADVISES the submitters of the Council's decision.**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf251005.pdf](#)

### **Disclosure of Financial Interests**

*A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.*

<b>Name/Position</b>	<b>Cmr P Clough</b>
<b>Item No/Subject</b>	<i>Item CJ238-11/05 – Review of Home Business Policy 7-9 Consideration following Advertising</i>
<b>Nature and extent interest</b>	<i>Cmr Clough operates a Category 1 home business.</i>

*Cmr Clough left the Chamber, the time being 1943 hrs.*

## **CJ238 - 11/05 REVIEW OF HOME BUSINESS POLICY 7-9 – CONSIDERATION FOLLOWING ADVERTISING – [13048]**

**WARD:** All

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

### **PURPOSE**

The purpose of this report is for the Council to consider submissions received during the advertising period of the revised Home Business Policy, and to consider proposed changes.

### **EXECUTIVE SUMMARY**

It is proposed to update references within the Home Business policy that relate to Council's previous Town Planning Scheme and include guidelines on the provision of on site car parking.

Council, at its meeting of 19 July 2005 (CJ149-07/05 refers) considered the proposed changes and resolved to initiate advertising of the revised policy. The advertising period closed on 1 September 2005 and one submission was received (Attachment 1 refers).

In addition to the proposed changes, additional details relating to the parking requirements for categories 2 & 3 to ensure that 1 additional bay per employee is provided and that all parking is provided within the lot boundary should also be included in the policy.

It is recommended that Council:

- 1 *In accordance Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the Revised Home Business Policy 7-9, as shown in Attachment 2 to Report CJ238-11/05;*
- 2 *NOTES the submission received and advises the submitter of the Council's decision;*
- 3 *INCLUDES additional details relating to parking requirements for categories 2 & 3 to ensure that 1 additional bay per employee is provided and that all parking is provided within the lot boundary.*

## BACKGROUND

The Home Business Policy was first adopted in June 1999 (Report CJ213-06/99 refers) and has been subject to minor reviews in September 1999 (Report CJ297-09/99 refers) and February 2002 (CJ020-02/02 refers).

On 19 July 2005 Council considered the changes to the Home Business Policy and resolved to advertise it for public comment. The proposed changes were:

- Replacing reference to section 3.24 of the Town Planning Scheme to read:  
4.4 of the City's District Planning Scheme No 2.
- Statements for the provision of car parking for the three categories of Home Businesses which reads:
  - (i) Category 1  
No additional car bays necessary.
  - (ii) Category 2  
2 bays for the residents of the dwelling, plus 1 bay per customer.
  - (iii) Category 3  
2 car bays for the residents of the dwelling, plus 1 per number of intended clients that are expected to visit the premises.
- Additional statement for Category 3 Home Business with regards to clients visiting the premises, which reads:  
Customer visits must be by appointment only.

It is noted that as a consequence of the review of City/Council Policies, this policy has been renumbered to Policy 7-9, and this new number will be referred to in this report.

## DETAILS

### Issues and options considered:

The Home Business Policy supplements DPS2 Home Business Category definitions (Attachment 3) by providing relevant details relating to each category of home business. This includes:

- Number of Customers
- Floor space
- Hours of operation
- Protection of amenity
- Management Plans (category 3 only)

The policy also includes provisions relating to community consultation in instances where a home business proposal is seeking variations to the standards provided in the policy.

The review of the policy was initiated to evaluate its performance since its inception in September 1999. Whilst the policy is performing satisfactorily, some changes are proposed to guide the provision of onsite car parking bays for the proposed home business and to align the current policy to the appropriate clauses in DPS2.

The amendment to the current policy is shown on Attachment 2. In addition it is recommended that additional modifications be made to category 2 and 3 to state that an additional bay is required per employee and parking bays should be provided within the lot boundary. The additional modifications are highlighted in Attachment 2.

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

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

Objective 3.3	To continue to meet changing demographic needs
Strategy 3.3.1	Provide residential living choices
Objective 3.5	To provide and maintain sustainable economic development
Strategy 3.5.2	Assist the facilitation of local employment opportunities.

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

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies and amendments or additions to policies.

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

The policy provides parameters for decision making thereby promoting consistency and reducing the risk of ad hoc or inappropriate decisions.

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

In the 2004/2005 financial year, the City received \$8050 in fees for Home Business applications.

#### **Policy implications:**

To improve the performance of the Home Business Policy by:

- Providing guidelines to the Home Business applicant for the provision of onsite car bays.
- To align the current Home Business Policy with DPS2.

#### **Regional Significance:**

Not Applicable

#### **Sustainability implications:**

Working from home has positive sustainability implications. These include improved quality of family life and the creation of diverse employment opportunities, furthermore home businesses decreases the dependency on the home vehicle for commuting purposes, which significantly reduces the impact on the environment.

**Consultation:**

The draft policy was advertised for a period of 21 days from 11 August 2005 to 1 September 2005. Advertisements were placed in the Joondalup Times newspaper on 11 and 18 August 2005.

Upon closure of public advertising one submission supporting the changes in principle and giving additional comments, was received. The submission is shown in Attachment 1. It is not considered that the submission raises any issues that would warrant changes to the draft policy.

**COMMENT**

The policy has been operating for approximately six (6) years, and is considered to function well. The intention of revising the current Home Business Policy 7-9 is to provide guidelines to the applicant for the provision of onsite car parking and to align the policy with the City's DPS2.

Providing guidelines for the provision of car parking will enable the City to monitor the number of visitors to a premise should the City receive any complaints that relate to the operating of home business. Car parking requirements will also ensure the protection of street amenity as all street parking is to be provided on site and no on street parking is permitted.

The policy is also aligned with the DPS2, which ensures that the appropriate statutory provisions of DPS2 are relevant when considering applications for Home Business.

Approval of the revised Home Business policy is therefore recommended.

**ATTACHMENTS**

Attachment 1	Schedule of Submissions
Attachment 2	Modified Draft Policy
Attachment 3	DPS2 Home Business Category definitions

**VOTING REQUIREMENTS**

Absolute Majority

**OFFICER'S RECOMMENDATION:** That Council BY AN ABSOLUTE MAJORITY:

- 1 in accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the Revised Home Business 7-9, as shown in Attachment 2 to Report CJ238-11/05;
- 2 NOTES the submission received and ADVISES the submitter of Council's decision;
- 3 INCLUDES additional details relating to parking requirements for Categories 2 and 3 to ensure that one (1) additional bay per employee is provided and that all parking is provided within the lot boundary.

**MOVED Cmr Smith, SECONDED Cmr Anderson that Council:**

- 1 in accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the Revised Home Business 7-9, as shown in Attachment 2 to Report CJ238-11/05 subject to the following amendments:



- (a) stamped page 166  
clause 3(d) under Category 3 (iii)  
that the wording of this sub-clause be consistent with (iii) Category 2;
  - (b) stamped page 167  
3(f) that all the words after the first sentence are removed;
- 2 **NOTES** the submission received and **ADVISES** the submitter of Council's decision;
- 3 **INCLUDES** additional details relating to parking requirements for Categories 2 and 3 to ensure that one (1) additional bay per employee is provided and that all parking is provided within the lot boundary.

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (4/0)**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf251005.pdf](#)

*Cmr Clough entered the Chamber, the time being 1947 hrs.*

**CJ239 - 11/05 PROPOSED DEVELOPMENT OF ONE  
COMMERCIAL TENANCY AND SEVEN MULTIPLE  
DWELLINGS: LOT 507 (81) GRAND BOULEVARD,  
JOONDALUP – [70469]**

**WARD:** Lakeside

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

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**PURPOSE**

To request the Council's determination of an application for planning approval for a development containing one commercial tenancy and seven multiple dwellings in the City North District of the Joondalup City Centre, at Lot 507 (81) Grand Boulevard, Joondalup.

**EXECUTIVE SUMMARY**

The application is for a proposed three-storey development to be located on No 81 Grand Boulevard, which is within the City North Precinct of the Joondalup City Centre. The subject lot, which is 542m<sup>2</sup> in area is designated as General City under the Joondalup City Centre Development Plan and Manual (JCCDPM). The development includes one commercial tenancy and one multiple dwelling at ground floor level and a total of six multiple dwellings on the first and second floors of the development. Parking is on ground level accessible via a rear laneway and the building is accessible from Grand Boulevard and the rear parking area.

There are no specific residential density requirements in City North for Generally City designated lots. Clause 4.2.4 of the text to Council's District Planning Scheme No 2 (DPS2) indicates that unless otherwise specified on the Scheme Map, the R-20 density applies unless Council determines that a higher density coding should apply. The proposed density of development is approximately R-130. Council discretion is requested under clause 4.2.4 of the District Planning Scheme No 2 for a residential density coding of R-160 to be applied to the site in lieu of R-20.

The proposed development complies with the JCCDPM in having a total plot ratio no greater than 1.0. The development is similar in scale and bulk to other approved developments in the City North Precinct of Grand Boulevard. Therefore, it is recommended that the application for Planning Approval be granted.

## BACKGROUND

<b>Suburb/Location:</b>	Joondalup City Centre – City North
<b>Applicant:</b>	Barry Sword
<b>Owner:</b>	Duelmaster Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Site Area:</b>	542m <sup>2</sup>
<b>Strategic Plan:</b>	Joondalup City Centre Development Plan and Manual

The development site, which is currently vacant, is located on Grand Boulevard between Hampton Terrace and Queensbury Road within the City North Precinct of the Joondalup City Centre. The lot to the north has been approved for a three storey commercial and multiple residential development and the lot to the south for a three storey medical centre. Both adjoining developments are currently under construction.

The proposed development consists of one commercial tenancy at ground level and seven multiple dwellings. All of the residential units have 2 bedrooms and balconies that overlook the street or the rear parking area.

Development standards contained within the JCCDPM are shown below:

Standard	Required	Provided
Front Setback	0 metres	0 metres
Side Setback	As per BCA*	0 metres
Secondary street setback	0 metres	0 metres
Plot Ratio	1.0 (542m <sup>2</sup> ) maximum	0.98 (533m <sup>2</sup> )
Height	Three storeys maximum	Three storeys maximum
Parking	1 bay per 30m <sup>2</sup> Net lettable area (Commercial) and 1 bay per dwelling (Residential) = total of 8 parking bays required	9 Parking Bays provided

## DETAILS

### Issues and options considered:

The development requires Council discretion to be exercised under clause 4.2.4 of the City of Joondalup District Planning Scheme No 2 in relation to residential density and Clause 2.3.4 of the Residential Design Codes for an open space variation.

Council has the discretion to:

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

**Link to Strategic Plan:**

The proposed development is consistent with the City's Strategic Plan 2003–2008 by providing a range of commercial and residential accommodation that contributes to a vibrant City Centre and community.

**Legislation – Statutory Provisions:**

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the Joondalup City Centre Development Plan and Manual.

When determining this application Clauses 4.2.3, 4.2.4 and 6.8 of the DPS2 apply:

- 4.2.3 *Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.*
- 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 R-20 density code applies unless the Council determines that a higher code should apply.*
- 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:**

The proposed development is located within the City North Precinct of the Joondalup City Centre. The Joondalup City Centre is planned to be a multi-functional centre, which provides a range of services and opportunities for the residents of the north west Corridor.

**Sustainability implications:**

The proposed development comprising of commercial and residential land uses has the potential to contribute to a multi-functional city centre and therefore contribute to sustainable development within the City of Joondalup.

**Consultation:**

The proposed development was not advertised as the form and scale of the development is consistent with other approved developments within the Generally City designated lots in Joondalup City North and is expected under the provisions of the JCCDPM.

**COMMENT**Land Use

The proposal provides for both multiple dwellings and commercial/office space, and as such, the proposed uses comply with the preferred uses identified within the City North Precinct for Generally City Lots under the JCCDPM.

Residential Density

There are no specific residential density requirements in the designated General City lots within City North Precinct of the Joondalup City Centre. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the Scheme Map, the R-20 density applies until Council determines that a higher density coding should apply for that site. The proposal has an equivalent density of R-130. Given that there is no such density coding as R-130 is specified in the Residential Design Codes 2002, it is considered that a density coding of R160 is appropriate for the purpose of assessing the residential component of the development.

It is recommended that Council determines that the proposed density at R-160 in lieu of R-20 is considered to be appropriate given that the development provides both commercial and residential land uses, has a nil setback to Grand Boulevard and therefore adds to the creation of an urban wall along the main north south axis of the City Centre and is generally in keeping with the building bulk of other developments in the City North Precinct of the City Centre.

### R-Codes Requirements Multiple Dwellings R-160

Clause 4.2.3 of DPS2 requires that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.

The JCCPDM does not specify development requirements for multiple dwelling developments within the General City land use area of City North. For the purpose of determining the application, the development standards of R-160 as detailed in the R-Codes have been applied.

Development standards (R-160) for multiple residential dwellings contained within the R-Codes:

Standard	Required	Provided
Open space	60%	57%
Balconies for Multiple dwellings	One balcony 10m <sup>2</sup>	All units have a balcony with a minimum of 10m <sup>2</sup>
Storerooms	1 per dwelling, 4m <sup>2</sup> area	1 per dwelling, 4m <sup>2</sup>

### Open space

Where the provision of open space for a development does not meet the acceptable development standards detailed in Table 1 of the R-Codes (General Site Requirements) the development is expected to meet the performance criteria. The performance criteria for Clause 3.4.1 details:

*Sufficient open space around buildings;*

- *To complement the building;*
- *To allow attractive streetscape;*
- *To suit the future needs of residence, having regard to the type and density of the dwelling.*

The form, setback and scale of the building is consistent with City Centre development and particularly lots fronting Grand Boulevard being the main North South axis of the City Centre. It is considered that in this instance the provision of open space meets the performance criteria of the R-Codes.

### Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street.

The commercial and residential units comply with the required nil front setback. Essentially, the design promotes the interaction between the commercial tenancies and the adjoining public streets creating animated spaces at a human scale.

The proposed zero setback will contribute to creating an urban wall along the streetscape edge, 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 upper floor residential balconies overlook the public streets and therefore provide surveillance of public areas. The building can be accessed internally from the car parking area at the rear to both the residential and commercial units.

### **Conclusion**

It is recommended that the application be approved with the increased density and variation to the open space requirement.

### **ATTACHMENTS**

Attachment 1                      Location Plan and Aerial photo  
Attachment 2                      Development plan

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Fox that Council:**

- 1        EXERCISES discretion under Clauses 4.2.4, of District Planning Scheme No 2 and determines that the equivalent development density of R-160 in lieu of R-20 is appropriate in this instance;**
- 2        APPROVES the application for planning approval dated 08 August 2005 submitted by Barry Sword for 1 commercial tenancy and 7 multiple dwellings on Lot 507 (81) Grand Boulevard, Joondalup subject to the following conditions:**
  - (a)        The driveway needs to be reduced to a width of 4.5 metres where it meets the rear laneway, in order to achieve acceptable sight lines;**
  - (b)        Visitors' bays must be a minimum 2.5 metres wide;**
  - (c)        The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;**
  - (d)        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 Manager Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;**

- (e) The gradient between the disabled parking bay and the building entrance at rear to be a maximum of 5%;
- (f) Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
- (g) With reference to condition (f) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
- (h) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (i) Obscured or reflective glazing shall not be used at the ground level;
- (j) Any advertising signage shall be subject to an application for Planning Approval;

**Footnote:**

- 1 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;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf251005.pdf](#)

***Disclosure of interest affecting impartiality***

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

<b>Name/Position</b>	<b>Cmr A Fox</b>
<b>Item No/Subject</b>	<i>Item CJ240-11/05 - State Administrative Tribunal Appeal No DR570 of 2005 - Sharose Investments Pty Ltd &amp; Anor V City of Joondalup – Lot 501 (107) Warwick Road (North-East Corner) Currajong Road, Duncraig: Proposed Child Care Centre – Draft Conditions of Approval (Without Prejudice)</i>
<b>Nature and extent of interest</b>	<i>Cmr Fox advised she is acquainted with the applicant, however she will deal impartially with this matter.</i>

**CJ240 - 11/05 STATE ADMINISTRATIVE TRIBUNAL APPEAL NO DR570 OF 2005 - SHAROSE INVESTMENTS PTY LTD & ANOR V CITY OF JOONDALUP – LOT 501 (107) WARWICK ROAD (NORTH-EAST CORNER) CURRAJONG ROAD, DUNCRAIG: PROPOSED CHILD CARE CENTRE – DRAFT CONDITIONS OF APPROVAL (WITHOUT PREJUDICE) – [39873]**

**WARD:** South Coastal

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

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**PURPOSE**

For Council to consider a draft schedule of conditions of approval – without prejudice - that may be imposed on the proposed development, should the State Administrative Tribunal (SAT) uphold the request for a review of Council's decision to refuse the application for planning approval. These conditions are without prejudice to Council's position and will not affect the decision to be handed down by the SAT.

**EXECUTIVE SUMMARY**

Council, at its meeting held on 9 August 2005, resolved to refuse an application for Planning Approval involving a for Child Day Care Centre at No 107 Warwick Road (north-east corner) Currajong Road, Duncraig.

On 6 September 2005, consultants acting on behalf of the applicant lodged an appeal against the Council's decision with the State Administrative Tribunal.

Planning Consultants have been engaged to act as Council's advocates in this appeal.

The case management hearing for this appeal was held on Wednesday 19 October 2005. Council has been directed to:

- provide a draft schedule of conditions – without prejudice, by 15 November, 2004;
- provide a Section 24 bundle (list of documentation to be relied on in the hearing) for exchange by 15 November, 2005;
- expert witnesses on noise to meet and compile a report for consideration at the mediation hearing, identifying those issues which are in agreement and those issues which are in dispute – distribution of the report to occur on or before the 7 December, 2005; and
- half day mediation hearing to be held on the 14 December 2005.

A hearing on the planning issues would be determined at the half day mediation hearing to be held on 14 December 2005.



It is now a general practice of the SAT to issue direction orders prior at the case management hearing that requires the determining authority to supply to the applicant and the SAT, a draft schedule of conditions. These draft conditions are to be provided “without prejudice” to the decision makers position on the appeal.

Due to the short time frames that are set by SAT, the early commencement of the process to obtain Council’s approval for the draft schedule of conditions of approval - without prejudice for this matter, has occurred. This will also happen when the City receives notification of a request for review of an application that involved the refusal of that application in order to allow Council a reasonable time to consider the proposed draft schedule of conditions of approval.

The recommendation seeks Council’s:

- (i) determination on the proposed draft conditions of approval, on a “without prejudice” basis;
- (ii) authorisation for the appointed Planning Consultants to respond to any changes or variations to the draft conditions of approval agreed to by Council, provided they act within the intent of the draft conditions of approval.

## BACKGROUND

<b>Suburb/Location:</b>	Duncraig
<b>Applicant:</b>	Sharose Investments Pty Ltd and Chemello Nominees
<b>Owner:</b>	Sharose Investments Pty Ltd and Chemello Nominees
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Site Area:</b>	1407m <sup>2</sup>
<b>Structure Plan:</b>	Not applicable

The property is located on the north-east corner of Warwick and Currajong Road at a ‘T’ junction with limited vehicular access. The site is directly opposite a Local Reserve (Galston Park) on the southern side of Warwick Road and approximately 150 metres from an aged care facility adjacent to another Local Reserve (Percy Doyle Reserve). It is approximately 400 metres from Duncraig Primary School and 500 metres from the nearest shopping centre (Marri Road).

The existing building was previously used as consulting rooms for Medical Practitioners (psychiatrists).

The application for a Child Day Care Centre accommodating 47 children and 8 staff was recommended for refusal at the Council meeting of 9 August 2005. The Council refused the application for the following reasons:

- 1 The proposed site is not considered appropriate as it does not adjoin non-residential use as encouraged by Policy 3.1.1 – Child Care Centres;
- 2 The commercial nature of the proposed use is not compatible with existing uses of other land within the locality, contrary to clause 6.8.2 (a) of District Planning Scheme No 2 (DPS2);
- 3 The proposal is located on an access road in a residential area, contrary to Policy 3.1.1 – Child Care Centre;

- 4 The nature of the roads giving access to the subject land is inappropriate contrary to clause 6.8.2(c) as it will distribute traffic to nearby access roads;
- 5 The changes to the car parking area and the increased intensity of uses will adversely impact upon the amenity of the adjoining residential property at No 39 Currajong Road;
- 6 The potential for car parking overflows onto the access road and the adverse impact on adjoining and surrounding residential properties.

## **DETAILS**

The site contains a single storey building, previously used as consulting rooms with three practitioners. This building is located near the eastern boundary of the site. The car parking area serving this building is located between the building and Currajong Road, with vehicle and pedestrian access from that road. A landscaping strip separates the car parking area and the residential house located at 39 Currajong Road.

The applicant proposes to modify and carry out additions to the existing building and convert it to a CDCC with 47 children, 8 staff and an associated car park. It is proposed to operate from 7am to 6pm, Monday to Friday.

Fifteen car bays are proposed to be provided on-site to accommodate visitor and staff car parking arising from the CDCC. These spaces are to be located along the northern side of the lot adjacent to 39 Currajong Road. The car parking area at the corner of Currajong and Warwick Roads is to be altered to form part of the children's play area.

The proposal includes replacement of an existing retaining wall that abuts Warwick and Currajong Road. Further, additions to the existing building have been proposed at the eastern and southern sides of the existing building.

Council's planning policy on Child Care Centres requires that 8% of the total site area consist of landscaping including a 3 metre wide landscaping strip at both street frontages. The applicant has provided a 3 metre wide strip and 10% of the total site area is dedicated to landscaping.

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

It is the stated practice of the SAT that it will require a decision maker to provide a draft schedule of conditions of approval, without prejudice, which are to be considered as part of the appeal process. This will apply to those developments that a decision maker has refused.

Planning conditions presented to the SAT either by the City or the applicant are without prejudice to the final decision and are a guide for the residing member/s in determining the request for a review of a Council decision. In the event that an appeal is upheld, the SAT can impose any conditions that it considers relevant to the development in the context of statutory controls.

Council has now been directed by the SAT to provide the schedule of conditions on or before 15 November 2005. Should Council be in a position where it cannot meet this deadline, there may be scope to extend this deadline to after the Council meeting to be held on 22 November.

**Link to Strategic Plan:**

Not Applicable

**Legislation – Statutory Provisions:**State Administrative Tribunal Act 2004

## Section 34 Directions

- (5) The Tribunal may give a direction requiring a party to produce a document or other material, or provide information, to the tribunal or another party despite any rule of law relating to privilege (other than legal professional privilege) or the public interest in relation to the production of documents.

Relevant Provisions of District Planning Scheme No. 2 (DPS2)*3.4 The Residential Zone*

*The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.*

*Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Planning Codes (R Codes), and the allocation of a residential density code to an area of land.*

*Cultural and recreational development may be located where the Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.*

*The objectives of the Residential Zone are to:*

- (a) maintain the predominantly single residential character and amenity of established residential areas;*
- (b) provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City; and*
- (c) provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

**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.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

The review process will involve costs associated with engaging Planning Consultants to prepare for and defend Council's decision, in addition to staff time. The costs are unknown, as this will depend upon the complexity of the appeal and the process involved.

**Policy Implications:**

Policy 3-1 - Child Care Centres

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable

**Consultation:**

The original application was advertised for 14 days in accordance with clause 6.7.2 of DPS2 by way of letters sent to 5 nearby residents. A total of six submissions were received, being 5 objections and 1 non-objection.

**COMMENT**

As part of the review process, the determining authority (as stated in SAT practice notes) will be required to provide a draft schedule of conditions on a without prejudice basis to SAT and the applicant, where developments have been refused by Council and are now the subject to the SAT review process. In order to provide Council with sufficient time to consider and determine the appropriate conditions for this site on a without prejudice basis, this report has been prepared to pre-empt the directions to be given by SAT at the case management hearing on 19 October 2005.

At the hearing held on 19 October 2005, the following directions were given:

- provide a draft schedule of conditions – without prejudice, by 15 November, 2004;
- provide a Section 24 bundle (list of documentation to be relied on in the hearing) for exchange by 15 November, 2005;
- expert witnesses on noise to meet and compile a report for consideration at the mediation hearing, identifying those issues which are in agreement and those issues which are in dispute – distribution of the report to occur on or before 7 December, 2005; and
- half day mediation hearing to be held on 14 December 2005.

A hearing on the planning issues would be determined at the half day mediation hearing to be held on 14 December 2005.

The application was refused, as the proposal does not satisfy the City Policy 3-1 Child Care Centres and District Planning Scheme No 2. The conditions recommended have arisen from the following issues identified in the Council's report on 9 August 2005:

If SAT upholds the appeal, the following issues should be addressed as conditions of approval:

**Noise**

Concerns exist about noise generated from the proposed CDCC inconveniencing the adjoining residences. The concerns relate to the general increase in background noise, the possibility of excessive noise emanating from the children, vehicles accessing the site before 7am and throughout the day and the general increase in car associated noise.

Consideration has been given to the residential nature of the locality, the number of immediately adjacent residences and the times at which noise is to be generated, particularly the noise emanating from the car park early in the morning. Conditions (d) to (i) in the recommendations are proposed in order to minimise the potential impact of noise. Refer to Attachment 2 for Condition (f).

### Car Parking

The child care centre will require additional car parking provision over the existing use. The submitted plans provide for 15 car parking bays on site which satisfies the requirements for the centre.

### Landscaping

The proposed development provides 10% landscaping, and includes a three metre wide landscaping strip at both Warwick and Currajong Roads, which satisfies the minimum requirements prescribed by Policy 3-1. The existing landscaping strip located between the existing car parking area and 39 Currajong Road is to be removed for the relocation of the car parking area. A detailed landscaping plan is to be submitted Condition (n) addresses this issue.

### Retaining Walls

Currently, the site has a two part staggered retaining wall abutting Warwick and Currajong Roads. As part of this application, the applicant has proposed to replace the upper retaining wall only, which will be of a similar scale and height to the existing one. Should planning consent be given to this proposed development, any fencing proposed to be located on top of the upper wall should be conditioned to be visually permeable as defined by the R-Codes. Conditions (o) and (p) address this issue.

It is considered that the conditions mentioned above are required to protect the amenity of the surrounding area – having regard to the circumstances relating to this matter. The other recommended conditions are standard ones applicable to any non-residential development.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Development Plan

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Fox, **SECONDED** Cmr Clough that Council:

- 1 ADVISES the State Administrative Tribunal that the Council remains opposed to the approval of the development at Lot 501 (107) Warwick Road (north-east corner) Currajong Road, Duncraig;**
- 2 SUBMITS, without prejudice, the following draft schedule of conditions to the State Administrative Tribunal:**
  - (a) The parking bays, driveway and points of ingress and egress to be designed in accordance with the Australian Standard for Off Street Carparking (AS2890). Such areas are to be upgraded, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**

- (b) The proposed crossovers to be constructed to the specification and satisfaction of the Manager Infrastructure Management & Ranger Services;
- (c) All storm water must be contained on-site to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
- (d) The air conditioning systems shall comply with the following to the satisfaction of the Manager, Approvals, Planning and Environmental Services:

  - (i) The air conditioning unit/s are not to be located on the side of the child care centre facing the adjacent residences;
  - (ii) The air conditioning condenser units with Sound Power Levels (Lw) shall not exceed the following:

    - (a) Lw= 76 dB (A) on either heating or cooling cycle for only one condenser;
    - (b) Lw= 73 dB (A) on either heating or cooling cycle for two condensers;
- (e) The fixed play equipment should be plastic and comply with Australian Standards AS 4685-1-6. Furthermore, children's plastic trucks or cars shall have rubber tyres to reduce noise disturbance;
- (f) The areas marked in red at the eastern and northern lot boundaries shall not be used as an outdoor children's play area;
- (g) Hard surfaces are not to be used in the outdoor play areas. To minimise noise and reduce the potential for injuries, recycled rubber under-surfacing or other suitable materials are to be used to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
- (h) The play areas for the kindergarten groups shall be positioned as far as practicable from the boundary fences adjoining residential properties;
- (i) The external windows and doors are to be kept closed when music is being played. Playing outdoor music is not permitted;
- (j) A maximum of forty seven (47) children and 8 staff are permitted on site at any one time;
- (k) A separate application is to be made to the City for Approval to Commence Development and Building Licence prior to the installation of any shade sails;
- (l) 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;
- (m) The operating hours for the Child Care Centre shall be between 7am to 6pm Monday to Friday;

- (n) The lodging of landscaping plans, to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
  - (o) Any fencing on top of the retaining wall shall be visually permeable as defined by the Residential Design Codes 2002 to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
  - (p) The retaining wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
- 3 **AUTHORISES** the appointed firm of Allerding Burgess to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Resolution 1 and 2 above.

Discussion ensued in relation to traffic safety issues.

**AMENDMENT MOVED** Cmr Anderson, **SECONDED** Cmr Smith that a new Point 2 be added to the Motion as follows, with Points 2 and 3 being renumbered 3 and 4:

**“2 *DRAWS to the attention of the State Administrative Tribunal matters relating to traffic safety, particularly along Currajong Road, Duncraig which occur as a result of the limited road reserve;*”**

Cmr Anderson spoke to the Amendment.

The Amendment was Put and

**CARRIED (5/0)**

The Original Motion as amended, being:

That Council:

- 1 **ADVISES** the State Administrative Tribunal that the Council remains opposed to the approval of the development at Lot 501 (107) Warwick Road (north-east corner) Currajong Road, Duncraig;
- 2 **DRAWS** to the attention of the State Administrative Tribunal matters relating to traffic safety, particularly along Currajong Road, Duncraig which occur as a result of the limited road reserve;
- 3 **SUBMITS**, without prejudice, the following draft schedule of conditions to the State Administrative Tribunal:
  - (a) The parking bays, driveway and points of ingress and egress to be designed in accordance with the Australian Standard for Off Street Carparking (AS2890). Such areas are to be upgraded, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;



- (b) The proposed crossovers to be constructed to the specification and satisfaction of the Manager Infrastructure Management & Ranger Services;
- (d) All storm water must be contained on-site to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
- (d) The air conditioning systems shall comply with the following to the satisfaction of the Manager, Approvals, Planning and Environmental Services:

  - (i) The air conditioning unit/s are not to be located on the side of the child care centre facing the adjacent residences;
  - (ii) The air conditioning condenser units with Sound Power Levels (Lw) shall not exceed the following:

    - (a) Lw= 76 dB (A) on either heating or cooling cycle for only one condenser;
    - (b) Lw= 73 dB (A) on either heating or cooling cycle for two condensers;
- (e) The fixed play equipment should be plastic and comply with Australian Standards AS 4685-1-6. Furthermore, children's plastic trucks or cars shall have rubber tyres to reduce noise disturbance;
- (f) The areas marked in red at the eastern and northern lot boundaries shall not be used as an outdoor children's play area;
- (g) Hard surfaces are not to be used in the outdoor play areas. To minimise noise and reduce the potential for injuries, recycled rubber under-surfacing or other suitable materials are to be used to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
- (h) The play areas for the kindergarten groups shall be positioned as far as practicable from the boundary fences adjoining residential properties;
- (i) The external windows and doors are to be kept closed when music is being played. Playing outdoor music is not permitted;
- (j) A maximum of forty seven (47) children and 8 staff are permitted on site at any one time;
- (k) A separate application is to be made to the City for Approval to Commence Development and Building Licence prior to the installation of any shade sails;
- (l) 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;
- (m) The operating hours for the Child Care Centre shall be between 7am to 6pm Monday to Friday;

- (n) **The lodging of landscaping plans, to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
  - (o) **Any fencing on top of the retaining wall shall be visually permeable as defined by the Residential Design Codes 2002 to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
  - (p) **The retaining wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
- 4 AUTHORISES the appointed firm of Allering Burgess to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Resolution 1 and 2 above.**

Discussion ensued.

**was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf251005.pdf](#)*

**CJ241 - 11/05 STATE ADMINISTRATIVE TRIBUNAL APPEAL NO DR577 OF 2005 – LOVE V CITY OF JOONDALUP – LOTS 61 AND 62 (NO 1-3) MARYBROOK ROAD (NORTH-WEST CORNER) OCEAN REEF ROAD, HEATHRIDGE: PROPOSED CHILD CARE CENTRE – DRAFT CONDITIONS OF APPROVAL (WITHOUT PREJUDICE) – [23970]**

**WARD:** Marina

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

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## **PURPOSE**

For Council to consider a draft schedule of conditions of approval – without prejudice - that may be imposed on the proposed development, should the State Administrative Tribunal (SAT) reverse the Council's refusal of the above development.

## **EXECUTIVE SUMMARY**

Council, at its meeting held on 30 August 2005, resolved to refuse an application for a Child Day Care Centre (CDCC) on Lots 61 & 62 (1&3) Marybrook Road, Heathridge.

A request for a SAT review of Council's decision has been lodged by the applicant. The case management hearing for this appeal is scheduled for Friday 21 October 2005. The refusal of the application involved, in part, objection to the proposed land use. This is an issue that mediation would not resolve and as such, it is expected that the matter will require a hearing.

It is anticipated that at that hearing, directions will be provided to both parties in relation to the hearing. Experience shows that limited time is likely to be available to prepare the necessary information as required by the SAT.

To provide Council with a reasonable opportunity to consider and determine appropriate conditions of approval – without prejudice, the report has been prepared in anticipation of SAT issuing directions based on its recently adopted practices.

The key issue is the appropriateness of the land use in this locality. In addition, other areas of primary concern are identified below:

- potential noise problems from play equipment, on-site vehicular movements and parking, activities in the centre and plant equipment;
- hours and days of operation;
- traffic movement in the street and verge parking;
- fencing details to the street;
- shade structures over play equipment and courtyards;
- signs;
- lighting and
- landscaping to the street.

Conditions (without prejudice) to address the issues mentioned above and the application of Council's standard conditions are all proposed to be part of the recommendation to SAT.

Should circumstances change as a consequence of the case management hearing on the 21 October 2005, Council can vary its response accordingly.

## BACKGROUND

<b>Suburb/Location:</b>	Heathridge
<b>Applicant:</b>	Anthony Love
<b>Owner:</b>	Synergy WA Pty Ltd and Tonic Holdings Pty Ltd
<b>Zoning:</b>	<b>DPS2:</b> Residential R20
	<b>MRS:</b> Urban
<b>Site Area:</b>	1433 m <sup>2</sup> (Amalgamation of Lots 61 & 62)
<b>Structure Plan:</b>	Not applicable

The proposed 56 place CDCC will be located on Lots 61 and 62 Marybrook Road, Heathridge. The two lots are proposed to be amalgamated into one and the two existing houses on these lots will need to be demolished for the construction of the new CDCC.

The subject site will have a land area of 1433m<sup>2</sup> and is located on the north-west corner of corner of Marybrook and Ocean Reef Roads, Heathridge, which forms a "T" junction. The site is located approximately:

- 200 metres from Conidae Park;
- 300 metres from the Belridge City Shopping Centre and Littorina Park;
- 670 metres from Belridge High School; and
- 450 metres from Eddystone Primary School.

The application for the CDCC was recommended for refusal in the Council Agenda of 30 August 2005. Council resolved to refuse the application for the following reasons:

*The proposal is contrary to the principles of orderly and proper planning as:*

- (a) *The proposed site is not considered appropriate as it does not adjoin non residential uses as encouraged by Policy 3.1.1 – Child Care Centres;*
- (b) *The commercial nature of the proposed use is not compatible with existing uses of other land within the locality, contrary to clause 6.8.2 (a) of DPS 2;*
- (c) *The proposal is located on an access road in a residential area, contrary to Policy 3.1.1 – Child Care Centres;*
- (d) *The nature of the roads giving access to the subject land is inappropriate contrary to clause 6.8.2 (c) as it will distribute traffic to nearby access roads;*
- (e) *The increased intensity of uses will adversely impact upon the amenity of the adjoining residential property at No 5 Marybrook Road; and;*
- (f) *The potential for car parking overflows onto the access road and the adverse impact on adjoining and surrounding residential properties.*

## **DETAILS**

The proposed development consists of a new single storey building and will be set back:

- 3.0 metres from the southern (Ocean Reef) boundary;
- 9.6 metres from the eastern (Marybrook Road) boundary;
- 3.45 metres from the western boundary; and
- 18.55 metres from the northern boundary

The development site is located at the corner of Ocean Reef Road and Marybrook Road, Heathridge. The configuration of Ocean Reef Road is that it has a:

- (a) slip lane to allow traffic travelling east to:
  - (i) use a separate left turn lane to gain access into Marybrook Road, Heathridge; and
  - (ii) slow vehicles down for the movement into Marybrook Road, Heathridge.
- (b) separate right turn lane to allow traffic travelling west to turn into Marybrook Road, Heathridge.

The two turn lanes from Ocean Reef Road merge approximately 27metres from the southern side of the proposed crossover to the CDCC.

Vehicle and pedestrian access to the site is from Marybrook Road. The proposed double crossover is setback approximately 6.0 metres from the common boundary with No 5 Marybrook Road, Heathridge.

The car parking area serving this building:

- is located on the northern side of the site, abutting the property boundary of No 5 Marybrook Road, Heathridge;
- has a central driveway with parking on either side;
- provides a total of seventeen spaces, which includes one disabled parking bay;
- nine of the car parking spaces are to be located along the common boundary with No 5 Marybrook Road, Heathridge;
- has a 3.0 metre landscaping strip between the boundary to Marybrook Road, Heathridge and the car parking area (eastern side) and a play area between the western side of the car parking area and the western boundary of the site; and
- a paved 250mm strip separates the car parking area from the common boundary with No 5 Marybrook Road, Heathridge with a small triangular landscaping area at the corners of the car parking spaces.

The property at No. 5 Marybrook Road, Heathridge is setback approximately 1.65 metres from the common boundary with the development site. The design of the dwelling at No. 5 Marybrook Road, Heathridge has two bedrooms, service areas and a family room that are located along this common boundary.

The play areas for the centre are located in three primary areas, with each area linked together with narrower strips of open space. The western play areas are located against the properties that front Norlup Place and No. 5 Marybrook Road, Heathridge.

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

It is the stated practice of the SAT that it will require a decision maker to provide a draft schedule of conditions of approval, without prejudice, which are to be considered as part of the appeal process. This will apply to those developments that a decision maker has refused.

Having regard to the case management hearing being held on the 21 October 2005, Council can either:

- (a) continue with this process of determining the draft conditions of approval without prejudice, in anticipation of this direction being given; or
- (b) place this process on hold until directed by SAT to provide the conditions within the period of time determined at the relevant case management hearing.

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

Not applicable

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

##### State Administrative Tribunal Act 2004

Council is a party to the SAT review process and as such, would be subject to any directions issued by SAT:

### Section 34 Directions

- (5) *The Tribunal may give a direction requiring a party to produce a document or other material, or provide information, to the Tribunal or another party despite any rule of law relating to privilege (other than legal professional privilege) or the public interest in relation to the production of documents.*

#### Relevant provisions of District Planning Scheme No 2 (DPS2)

Council, in considering the draft conditions of approval, will be required to have regard to the provisions of clause 6.8, which is shown below:

#### 6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Approval:

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council, when considering whether or not to approve a “D” or “A” use application, shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

**Risk Management considerations:**

Not applicable

**Financial/Budget Implications:**

The review process will involve costs associated with engaging Planning Consultants to prepare for and defend Council's decision, in addition to staff time. The costs are unknown, as this will depend upon the complexity of the appeal and the process involved.

**Policy implications:**

Policy 3-1 Child Care Centres

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

The proposal was advertised for public comment for a period of 21 days. Adjoining and nearby owners were contacted in writing, two signs were placed on the site and an advertisement was placed in the newspaper. A total of 7 submissions were received being 6 objections and one non-objection.

**COMMENT**

As part of the review process, the determining authority (as stated in SAT practice notes) will be required to provide a draft schedule of conditions on a without prejudice basis to SAT and the applicant, where developments have been refused by Council and are now the subject to the SAT review process. In order to provide Council with sufficient time to consider and determine the appropriate conditions for this site on a without prejudice basis, this report has been prepared to pre-empt the directions to be given by SAT at the case management hearing on the 21 October 2005.

The application was refused, as the proposal does not satisfy the City Policy 3-1 Child Care Centres and District Planning Scheme No 2 in terms of the CDCC being adjacent to single residential uses, noise and traffic impacting on the amenity of the surrounding area.

If SAT upholds the appeal, the following issues should be addressed as conditions of approval:

### Noise

The four adjoining residential houses will be impacted by noise in the following way:

- The location and the total amount of external play areas. The equipment used in the play areas.
- Vehicles parking. The adjoining property at No.5 Marybrook Road will be the mostly affected as the existing dwelling is setback at 1.65 m from the common boundary.
- Music being played by the children.
- Noise from the exhaust and air conditioning systems.

The above issues were mentioned in the Acoustic Report provided by the applicant. To address these issues conditions (d) to (k) in the recommendation are proposed in order to minimise the potential impact of noise.

It is also suggested that the applicant should construct a brick wall along the boundaries adjoining the residential properties to further help attenuate noise from the play areas and parking spaces - condition (l).

### Parking

It is reasonable to expect that the concentration of street traffic flows at peak times and when special occasions are held, that may lead to overflow and drivers may elect to park on the verge or street to avoid conflict. This is likely to impact on the safety of the road system. Therefore it is suggested that on-street parking not be permitted to occur in this locality - condition (m).

### Landscaping

The proposal complies with the general requirements of DPS2. However a more detailed landscaping plan is required to be submitted to address trees to be retained, trees to be planted in the car park and other issues - conditions (n) to (r).

### Fence

The applicant is proposing a fibro fence along all the boundaries, except the frontage to Marybrook Road. However, the City considers that a fibro fence not to be acceptable for a commercial activity where high aesthetic standards are required, particularly in a residential area. Therefore it is suggested that a solid brick wall with infill panels should be constructed along the boundary facing Ocean Reef including the corner truncation – condition (s).

The high pool fencing proposed along Marybrook Road is considered acceptable.



### Shade Sails

No shade sails have been shown on the plans. Most CDCC have shade sails, which require Council approval before erection. Therefore, condition (t) of the recommendation requests that the applicant submit plans for any shade sails to be submitted as part of this application.

### Sign

The applicant has not indicated on the plans any signage proposed for the Child Day Care Centre which would require Council approval. Therefore, condition (v) of the recommendation requires the applicant to submit plans for any proposed signs.

It is considered that the conditions mentioned above are required to protect the amenity of the surrounding area – having regard to the circumstances relating to this matter. The other recommended conditions are standard ones applicable to any non-residential development.

### **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Development Plans

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Fox, SECONDED Cmr Clough that Council:**

- 1 ADVISES the State Administrative Tribunal that the Council remains opposed to the approval of the development at lots 61 and 62 (No 1-3) Marybrook Road (north-west corner) Ocean Reef Road, Heathridge;**
- 2 SUBMITS, without prejudice, the following draft schedule of conditions to the State Administrative Tribunal:**
  - (a) The parking bays, driveway 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, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**
  - (b) All storm water must be contained on-site to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
  - (c) The proposed crossovers are to be constructed to the specification and satisfaction of the Manager Infrastructure Management & Ranger Services;**
  - (d) Roof, window and wall mounted exhaust fans are not permitted. All exhaust fans shall be contained within the roof space or ceiling and shall be ducted to the exterior to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**

- (e) The air conditioning systems shall comply with the following to the satisfaction of the Manager, Approvals, Planning and Environmental Services:
- (i) The air conditioning unit/s are not to be located on the side of the child care centre facing the adjacent residences;
  - (ii) The air conditioning units at ground level facing the adjacent residences are to be located at least 6 metres from the boundaries;
  - (iii) The air conditioning condenser units with Sound Power Levels (Lw) shall not exceed the following:
    - (a) Lw = 76 dB (A) on either heating or cooling cycle for only one condenser;
    - (b) Lw = 73 dB (A) on either heating or cooling cycle for two condensers;
- (f) The fixed play equipment should be plastic and comply with the Australian Standards AS 4685-1-6. Furthermore, children's plastic trucks or cars shall have rubber tyres to reduce noise disturbance;
- (g) Hard surfaces are not to be used in the outdoor play areas. To minimise noise and reduce the potential for injuries, recycled rubber under surfacing or other suitable material is to be used to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (h) The play areas for the kindergarten groups shall be positioned as far as practicable from the boundary fences adjoining residential properties;
- (i) The external windows and doors are to be kept closed when music is being played. Playing outdoor music is not permitted;
- (j) Car bays 1 to 9 are restricted to staff parking only;
- (k) The boundary fences abutting the residential properties shall be of masonry construction to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
- (l) The lodging of detailed landscape plans, to the satisfaction of the City, for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:
- (i) the location and type of existing vegetation to be retained;
  - (ii) the location of proposed trees and shrubs
  - (iii) any lawns to be established;
  - (iv) areas to be reticulated or irrigated;

- (m) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
  - (n) The proposed fence along Ocean Reef Road, including the corner truncation shall be constructed as a solid brick wall with in-fill panels to the satisfaction of the Manager Approvals, Planning & Environmental Services. The fencing details proposed to be constructed along the Marybrook Road frontage, as shown on the plans, is approved as proposed;
  - (o) A separate application is to be made to the City for Approval to Commence Development and Building Licence prior to the installation of any shade sails;
  - (p) 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;
  - (q) A maximum of fifty-six (56) children and 10 staff is permitted on site at any one time;
  - (r) The operation hours of the Child Care Centre are to be from 7:00am to 6:00pm from Monday to Friday;
  - (s) Lots 61 & 62 Marybrook Road being amalgamated prior to the issue of a building licence;
- 3 AUTHORISES the appointed firm of Allering Burgess to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Resolution 1 and 2 above.**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf251005.pdf](#)

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

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

<b>Name/Position</b>	<b>Cmr S Smith</b>
<b>Item No/Subject</b>	<i>Item CJ242-11/05 – Community Sport &amp; Recreation Facilities Fund (CSRFF)</i>
<b>Nature and extent interest</b>	<i>Cmr Smith's grandson plays junior soccer.</i>

## **CJ242 - 11/05 COMMUNITY SPORT & RECREATION FACILITIES FUND (CSRFF) – [22209]**

**WARD:** All

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

### **PURPOSE**

For Council to consider the applications received for consideration as part of the Community Sport & Recreation Facilities Fund (CSRFF) and to make recommendations to the Minister of Sport & Recreation regarding funding and the City's prioritised projects.

### **EXECUTIVE SUMMARY**

The Minister for Sport & Recreation has allocated nine million dollars from the Community Sport & Recreation Facility Fund for the 2005/06 round of applications. The City of Joondalup is requested to assess, rank and rate all applications received from sporting and community groups located within the region. Two (2) community sporting groups, submitted applications for consideration.

It is recommended that Council:

- 1 *NOTES the Community Sports & Recreation Facilities Fund (CSRFF) applications and ENDORSES the project assessments, as stated below:*

<b><i>Applicant's Rank</i></b>	<b><i>Applicant's Rating</i></b>
<i>1 Joondalup Kinross Junior Football Club</i>	<i>Well planned and needed by Local Government.</i>
<i>2 Sorrento Soccer, Sports &amp; Social Club</i>	<i>Needed by Local Government, more planning required.</i>

- 2 *LISTS \$23,283.33 for consideration in the 2006/07 draft budget subject to the Joondalup Kinross Junior Football Club Meeting, one third of the project's total cost, the Club being granted \$23,283.33 from CSRFF and that the Club agrees to meet the operating costs of additional floodlights as per the Council's policy;*
- 3 *ADVISES the Sorrento Soccer, Sports and Social Club that Council NOTES its proposed project, however more planning is required and the City will work with the Club to further develop the application inline for next year's funding round considerations by Council;*
- 4 *NOTES that the future replacement of floodlighting on City parks and reserves will be in accordance with the Council Policy at the time.*

## BACKGROUND

The Department of Sport & Recreation has invited Local Government Authorities and incorporated, not for profit sporting clubs and community groups to submit applications for funding to develop basic, sustainable infrastructure for sport and recreation. The CSRFF program aims to increase physical activity and participation through the development of good quality, well designed and well utilised facilities.

This year the Department of Sport & Recreation has placed a greater emphasis on a planned approach to facility provision and applicants have been encouraged to consider planning, design and management issues to demonstrate need for their project. The CSRFF program represents a partnership opportunity for community organisations to work with Local Government Authorities and the Department of Sport & Recreation in the construction or upgrade of sporting and community facilities.

A CSRFF grant will not exceed one third (1/3) of the total completed cost of the project, with the remaining funds to be contributed by the Local Government Authority and the applicant's own cash or 'in-kind' contribution to the project. CSRFF grants are available in one of two categories:

- 1 Annual Grants, and
- 2 Forward Planning Grants.

Annual grants will be given to projects of a less complex nature, which have a total project value between \$1,000 and \$50,000. Grants in this category must be claimed in the next financial year.

Forward Planning grants will be given to projects of a more complex nature, requiring a period of between one and three years to complete, for grants of between \$50,001 and \$1.5 million. Grants given in this category can be claimed in either the first, second or third year of the triennium in which the funds were allocated.

The City of Joondalup is required to assess, rank and rate all applications from organisations that fall within its boundaries and forward these rankings and ratings to the Department of Sport & Recreation for consideration against all other submissions from Western Australia. The Minister for Sport and Recreation will announce the successful applications in February 2006, with grants available in the 2006/07 financial year or in another financial year as nominated by the applicant.

All applications were assessed against the following key principles of the Formal Facilities Assessment Process:

- Project Justification
- Community Input
- Access and Opportunity
- Financial Viability
- Potential to Increase Physical Activity
- Planning Approach
- Management Planning
- Design
- Co-ordination

The City of Joondalup is requested, by the Department of Sport & Recreation, to place a priority ranking and rating on all applications based on the following criteria:

- Well planned and needed by the Local Government
- Well planned and needed by applicant
- Needed by the Local Government, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

## **DETAILS**

The City of Joondalup received two (2) applications for the Community Sport & Recreation Facilities Fund (CSRFF). A summary of the project descriptions and the breakdown of funding requested for each application have been included as Attachment 1. The assessment of the two (2) applications are as follows:

### **Project 1**

#### Joondalup Kinross Junior Football Club

This application is well planned and needed by the Local Government. It is considered that the City should financially support this application by contributing one-third of the total project cost. This recommendation is consistent with Council Policy 6-1 Reserve Parks and Recreation Grounds". In accordance with the policy, the Joondalup Kinross Junior Football Club will be responsible for meeting the operating costs of the additional floodlights.

Windermere Park is heavily utilised throughout the summer and winter seasons and this project would not only benefit the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club, but will also increase physical activity opportunities for the local community. The new lighting standards would greatly enhance the capacity of the park to accommodate an increased number of teams for evening training and could assist to facilitate use of the passive surrounds for unstructured activities such as walking due to the increased visibility and security that they would provide. The lights will not have a negative impact on local residents and represents a sound financial decision for the City of Joondalup providing value for its commitment.

The total cost for the Joondalup Kinross Junior Football Club's floodlighting project is \$69,850.01. It is recommended that the City of Joondalup lists \$23,283.33 for consideration in the 2006/07 draft budget subject to the Joondalup Kinross Junior Football Club meeting 1/3 of the project's total cost, the Club being granted \$23,283.33 from CSRFF and that the Club agrees to meet the operating costs of additional floodlights as per the Council's policy.

### **Project 2**

#### Sorrento Soccer, Sports & Social Club

This application is needed by the applicant and by the Local Government, however in assessing the project, the City concluded that more planning is required. The proposal involves the installation of floodlighting on three (3) sports fields at Percy Doyle Reserve. This is a large scale project with the total cost estimated at \$292,235.00.

In assessing the project, the City acknowledged the benefits that the enhanced floodlighting would provide to the Sorrento Soccer, Sports and Social Club in its capacity to provide training opportunities for its participants. The additional floodlighting would also offer increased visibility and security for local community members who utilise Percy Doyle Reserve for unstructured physical activity.

The club's financial contribution towards this project involves negotiating a significant loan to meet its obligations. The City was concerned for the club's ability to service this loan in the short term and arranged a meeting to discuss this issue. The club was understanding of the City's position and agreed that the project required further planning. A number of initiatives were discussed to enable the club to raise funds towards the project and the City committed to work with the club in developing the application in line with next year's funding round considerations by Council.

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

The City has a responsibility to manage a consistent approach towards facility provision in its efforts to meet the requirements of individual user groups. After reviewing the expression of interest applications and meeting to discuss the projects with the organisations concerned, the City engaged the services of a floodlighting consultant to develop luminary designs for each project. Both clubs were consulted on their specific requirements and the City provided the consultant with a design brief that drew attention to the need for a standard approach that could be adopted Citywide.

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

Outcome      The City of Joondalup provides social opportunities that meet community needs.

Objectives:    1.3      To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies     1.3.1    Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3    Provide support, information and resources.

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

Australian Standard 2560 - Guide to Sports Lighting - Part 2.3: Lighting for Football (All Codes).

The scope of this code sets out specific recommendations for the lighting of outdoor football grounds for all codes commonly played in Australia (Rugby League, Rugby Union, Australian Rules and Soccer). The standard provides recommendations on lighting to facilitate an adequate visual environment for training and competition levels of play.

The design brief and specifications provided to the consultant requested that the luminary designs for each project be in accordance with this Australian Standard.

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

In recommending that the Sorrento Soccer, Sport and Social Club conduct further planning in the development of their proposal, the City raised concerns with the potential financial risks that such a large-scale loan would place on the Club.

**Financial/Budget Implications:**

It is proposed that the funding recommendations presented to Council be listed for consideration in the City's 2006/07 draft budget, subject to approval for the projects being provided by CSRFF. The process involved for projects seeking approval through the CSRFF program, is designed to enable a comprehensive assessments to be carried out and allow adequate time for successful applications to be budgeted for in the forthcoming financial year.

**Policy implications:**

The City is receiving an increasing number of requests from sport and recreation clubs and associations to improve the standard of floodlighting that is provided at its active sporting parks. The current Council policy states that the City "shall at its cost, install and maintain up to two lighting standards, each fitted with up to two floodlights of approximately 1000W capacity per luminary."

Where sporting clubs seek additional floodlighting at a reserve, applications will only be approved if the applicant is incorporated and agrees to meet the operating costs of additional floodlighting. Any approval from the City will be based on a 1/3<sup>rd</sup> contribution from the Association, 1/3<sup>rd</sup> from Council and 1/3<sup>rd</sup> from the Community Sport and Recreation Facilities Fund or a similar funding source. The application from the Joondalup Kinross Junior Football Club complies with the Council's floodlighting policy.

The future replacement of floodlighting on City parks and reserves will be in accordance with the Council Policy at the time.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The Community Sport & Recreation Facilities Fund (CSRFF) aligns with the City's strategic plan and supports the goals and objectives of leisure and recreational services in the provision of increased opportunities for participation in sport and physical activity.

The City has followed a clear and equitable process to enable applicants with the opportunity to meet with City staff and receive feedback on their proposed projects to help ensure that the projects meet the program aims and objectives.

The program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to leisure, recreational and health services.

**Consultation:**

The Community Sport & Recreation Facilities Fund (CSRFF) was advertised via a formal Expression of Interest, in the Community Newspaper in July 2005. The Expression of Interest forms are designed to provide the City with details of the applicant's proposed project and enable feedback prior to a full submission being lodged. In doing so, the City aims to assist potential applicants, whilst helping to save valuable resources (time and effort) from being spent on aspects that do not meet the program guidelines.



The City of Joondalup received three (3) Expressions of Interest by the 8 August 2005 closing date. Council officers assessed the Expressions of Interest and a meeting was held with each applicant to provide feedback on their proposed project. The three (3) applicants were presented with suggestions and directions to assist in their final application and encouraged to contact the City if they had any questions regarding their proposal prior to the closing date. It is also noted that the Whitford City Junior Soccer Club gave consideration to lodging an application in this round of funding considerations, however decided that their project required further planning and chose not to submit a final application.

After receiving the final submissions, the City arranged a meeting with the Sorrento Soccer, Sports and Social Club to discuss areas of concern within their application. This provided the club with an opportunity to clarify its position regarding the project's financial sources. The outcome derived was agreed to by both parties and illustrated the positive benefits of the consultation process.

### **COMMENT**

The Department of Sport & Recreation, through the Community Sport & Recreation Facilities Fund (CSRFF), aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

The program guidelines list floodlighting projects specifically as applications that will be considered for funding assistance. This indicates that the Department of Sport & Recreation recognises the need to improve the provision of floodlighting on active sporting fields to develop quality facilities that are safe for all participants. Improved floodlighting facilitates the important philosophies associated with sport and recreation of multi-use and shared use, whilst assisting in the long-term maintenance of the grounds by enabling even wear.

It is considered that the Joondalup Kinross Junior Football Club's application will have a positive impact on the provision of opportunities for increased participation in physical activity and represents a sound financial commitment toward sport and recreation in the Joondalup region for clubs and the community in general.

The submission from the Sorrento Soccer, Sports and Social Club has merit and would provide significant benefits to the City, the club and the local community. However, in assessing the application, it was concluded that the project required further planning and that the City would work with the club to develop the application inline with next years funding round considerations by Council.

### **ATTACHMENTS**

Attachment 1      Project Descriptions and Breakdown of Funding Requested from CSRFF Applications.

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Anderson, **SECONDED** Cmr Clough that Council:

- 1** **NOTES** the CSRFF applications and **ENDORSES** the project assessments, as stated below:

Applicant's Rank				Applicant's Rating
<b>1</b>	<b>Joondalup Football Club</b>	<b>Kinross</b>	<b>Junior</b>	<b>Well planned and needed by Local Government.</b>
<b>2</b>	<b>Sorrento Soccer, Social Club</b>	<b>Sports &amp;</b>	<b></b>	<b>Needed by Local Government, more planning required.</b>

- 2** **LISTS** \$23,283.33 for consideration in the 2006/07 draft budget subject to the Joondalup Kinross Junior Football Club meeting 1/3 of the project's total cost, the Club being granted \$23,283.33 from CSRFF and that the Club agrees to meet the operating costs of additional floodlights as per the Council's policy;
- 3** **ADVISES** the Sorrento Soccer, Sports and Social Club that Council notes its proposed project, however more planning is required and the City will work with the club to further develop the application in line for next year's funding round considerations by Council;
- 4** **NOTES** that the future replacement of floodlighting on City parks and reserves will be in accordance with the Council Policy at the time.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf251005.pdf](#)

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

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

<b>Name/Position</b>	<b>Mr Mike Smith – Manager Marketing, Communications and Council Support</b>
<b>Item No/Subject</b>	<b>Item CJ243-11/05 - Turf Wicket Maintenance</b>
<b>Nature and extent of interest</b>	<b>He is a life member of the Joondalup Districts Cricket Club.</b>

**CJ243 - 11/05 TURF WICKET MAINTENANCE – [28189] [08032]****WARD:** All**RESPONSIBLE DIRECTOR:** Mr David Djulbic (Acting Director)  
Planning and Community Development**PURPOSE**

To seek endorsement of the agreements developed for the three (3) cricket clubs that maintain the City's turf cricket wickets and to amend the 2005/2006 Schedule of Fees and Charges relating to the casual use of the City's turf cricket wicket facilities.

**EXECUTIVE SUMMARY**

At its meeting on 28 June 2005, Council agreed to provide financial assistance to three (3) cricket clubs, Joondalup Districts Cricket Club, Ocean Ridge Cricket Club and Whitfords & Districts Senior Cricket Club, to maintain the City's turf cricket wicket facilities from 2005/06 for a five (5) year period. As part of the Council report supporting this financial assistance, it was recommended that the maintenance agreements be presented to Council for endorsement.

The Maintenance Agreements have been developed to formalise the management of the City's turf cricket wicket facilities highlighting the club's responsibilities, the City's responsibilities, the financial arrangements involved, the management of casual booking requests and issues regarding changes to competition grades.

As part of preparing the agreements, the City reviewed arrangements for the casual use of turf cricket wicket facilities and the rates charged, revealing the need for changes to the Schedule of Fees and Charges. The existing fee of \$213.40 for a full day hire, is high in comparison to other Local Government Authorities, while the seasonal turf wicket hire fees of \$2,082.70 for one wicket and \$4,165.55 for two wickets will become redundant with the new agreements. It is recommended that a new base fee of \$165.00 for a full day hire is approved and the season turf wicket hire fees be removed from the City's Fees and Charges. The base fee is designed as a minimum charge to provide the City with flexibility in its fee structure to increase the hire rate for casual users that have specific requirements.

This report recommends the endorsement of the Maintenance Agreements and amendments to the fees charged for the casual use of turf cricket wicket facilities.

It is recommended that Council:

- 1 *ENDORSES the five (5) year agreements developed for the maintenance of the City's turf cricket wicket facilities as shown in Attachment 1 to Report CJ243-11/05;*
- 2 *AMENDS the 2005/2006 Schedule of Fees and Charges in relation to the casual use of turf cricket wicket facilities removing the fees for seasonal turf wicket hire of \$2,082.70 for one wicket and \$4,165.55 for two wickets, and changing the fees for a full day hire from \$213.40 (inclusive of GST) to:*

<i>Base Fee</i>	<i>\$165.00</i>	<i>(inclusive of GST)</i>
<i>Maximum Fee</i>	<i>\$500.00</i>	<i>(inclusive of GST), where specifically requested maintenance costs are identified;</i>

3 *ADVERTISES the proposed new charges in accordance with Section 6.19 of the Local Government Act 1995;*

4 *IMPLEMENTS the proposed new charges effective from 1 December 2005.*

## BACKGROUND

At the Council meeting on 28 June 2005, financial assistance totalling \$45,000 per annum was provided to three (3) cricket clubs, Joondalup Districts Cricket Club, Ocean Ridge Cricket Club and Whitfords & Districts Senior Cricket Club, to maintain the City's turf cricket wicket facilities from 2005/06 for a five (5) year period. As part of the City's support for financial assistance to the three (3) cricket clubs, it was intended that the agreement would be presented to Council for endorsement.

The Maintenance Agreements are designed to make the cricket clubs that utilise the City's turf cricket wicket facilities responsible for the management, maintenance and preparation of turf cricket wickets. They have been developed to formalise the arrangements between the City and the clubs, highlighting the club's responsibilities, the City's responsibilities, the financial arrangements involved, the management of casual booking requests and issues regarding changes to competition grades.

In developing the Maintenance Agreements, the City conducted research into arrangements for the casual use of turf cricket wicket facilities and the rates charged. Previously, the clubs were responsible for the costs incurred to maintain the wickets and as a result, they received the income generated through the hire of the facilities, with the City's role being to confirm the booking arrangements. The current fees relating to turf cricket wickets in the City of Joondalup's Schedule of Fees & Charges are:

Full Day	\$ 213.40
One Wicket (per season)	\$2,082.70
Two Wicket (per season)	\$4,165.55

In analysing these fees, it became evident that the casual hire rate charged by the City of Joondalup for the use of turf cricket wicket facilities, was high compared with fees levied by other Local Government. A summary of the fees levied by other Local Government Authorities is listed in Table 1: Casual Rates for Turf Cricket Wicket Facilities.

**Table 1 Casual Rates for Turf Cricket Wicket Facilities**

LOCAL GOVERNMENT AUTHORITY	½ Day Hire	Full Day Hire (GST exclusive)
City of Fremantle	\$60.90	\$120.00
City of Canning	\$84.95	\$137.50
City of Melville	\$87.50	\$135.00
City of Belmont	\$96.80	\$159.50
City of Wanneroo	-	\$189.75
City of Stirling	-	\$108.15
Town of Bassendean	-	\$198.10
<b>Average</b>	<b>\$82.55</b>	<b>\$149.70</b>

Note:

- A number of Local Government Authorities do not have fees listed in their Schedule of Fees and Charges for the casual use of turf cricket wickets.
- The figures listed above do not include GST.

## DETAILS

The Maintenance Agreement that has been developed (see Attachment 1), makes the cricket clubs that use turf cricket facilities responsible for the management, maintenance and preparation of turf cricket wickets for all scheduled matches, special matches, practice matches and casual matches that may be booked and all out of season works. The club is required to book the ground as per the City's standard booking procedures and the club is responsible for all costs associated with purchasing and maintaining equipment, materials and plant to carry out these works. In the event of deterioration to the facilities, the club is also responsible for reinstating the turf wickets to an acceptable safe standard.

The City is responsible to furnish and maintain reticulation to the turf cricket wicket facilities and all works associated with the upkeep and preparation of the broad acre grassed area surrounding the wickets. Inspections will be carried out by officers of the City and club representatives at the commencement of each summer season, with random inspections made at times deemed appropriate. If the facilities are assessed and considered dangerous, the City may restrict access to the wickets or terminate the agreement if there is repeated failure to observe the conditions outlined in the agreement. The City will review the agreement and its procedures in May each year to consider any recommendations prior to its renewal.

The City's financial contributions will be paid in October of each season and will be made into a separate bank account from which the club will submit an annual audited financial statement. The clubs will be charged the standard Grassed Area - Low Maintenance hire rate per senior team (\$284.60 - inclusive of GST) as per the City Schedule of Fees and Charges. With the new Agreements in place, the season turf wicket hire fees will become redundant and it is therefore recommended that they be removed from the City's Schedule of Fees and Charges.

The agreement also includes clauses relating to issues regarding changes to competition grades. Clubs will have a responsibility to inform the City immediately in the event that there are changes to the grades in which the club participates. Should the change of grades reduce the requirement for turf cricket wicket facilities, the City reserves the right to review the agreement.

In drafting the Maintenance Agreements, the City has established intent to make turf cricket wicket facilities more accessible to the wider community with a planned approach to maximise the usage of these facilities. Specific clauses have been included to consider booking requests from recognised cricket clubs and associations, schools and special groups. The City will contact the club to ensure that preparation of the turf cricket wicket is possible within the given timeframe and the club will prepare the wicket in good faith and in accordance with current standards as set by the West Australian Cricket Association.

The current fees listed the City's Schedule of Fees and Charges for the casual use of turf cricket wickets are considerably higher than those of other Local Government Authorities. The average full day rate indicated in Table 1: Casual Rates for Turf Cricket Wicket Facilities, is \$150.00.

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

Taking into consideration the average full day rate for the casual hire of turf cricket wickets, it would be advantageous for the City of Joondalup to position its fees to attract additional casual use. Using the average for full day hire as the basis, it is proposed that the City amend its 2005/06 Schedule of Fees and Charges as follows;

Casual Bookings	Full Day Hire	Base Rate	\$150.00 GST) <u>\$165.00</u>
-----------------	---------------	-----------	----------------------------------

The base rate is designed as a minimum charge to provide the City with flexibility in its fee structure and to increase the hire rate for casual users that have specific requirements. For those casual users that request a one-off booking (i.e. school and special groups) the City would charge the minimum full day hire rate. For organisations who request extended bookings and who have additional maintenance requirements, the City would have the ability to negotiate an appropriate fee for use.

As an example, the City may have a booking that requires additional maintenance (rolling of the wicket, repainting of crease lines) and/or specific requests (covering of the wickets) which result in further costs being incurred. These situations could be catered for as part of the full day hire charge with a maximum fee of \$500.00 per day.

It is not deemed necessary to install a ½ day hire rate, as all requests for the use of turf cricket wickets are for a full day booking with play not usually commencing until 10.30am.

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

Outcome      The City of Joondalup provides social opportunities that meet community needs.

Objectives:    1.3      To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies    1.3.1    Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.  
                  1.3.3    Provide support, information and resources.

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

Not Applicable

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

The Agreements that have been developed address a number of potential risk management issues surrounding the preparation and maintenance of the facilities. If, on inspection by City officers, the turf cricket wickets are considered dangerous or inappropriate for use, the City may cancel or restrict access. If in the event of repeated or gross failure to observe the conditions outlined in the agreement, the City may terminate the agreement.

The clubs are also required to establish a separate bank account for the City's contribution to be deposited and all expenditure to be applied against. This has been initiated so that the club can submit an annual audited financial statement to the City and all expenditure on the facilities can be monitored.

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

In previous years there has been limited casual use of the City's turf cricket wickets due to the clubs being financially responsible for maintaining the facilities and the casual hire fees being too high to attract potential users. However, with the new maintenance agreements designed to accommodate an increase in casual use opportunities, it is anticipated that the City will receive more interest in these facilities. As a result, it would be appropriate for the fees charged to be flexible and inline with other Local Government Authorities to create competition for the use of similar specialised facilities.

One particular organisation that has expressed an interest in using the City's turf cricket wickets at the Iluka District Open Space is the West Australia Cricket Association (WACA) for their Country Week competition. This booking alone could yield the City approximately \$1,500.00 in income.

It is also important to recognise that although the financial assistance which is included in the City's 2005/06 operating budget is capped at \$45,000 per annum for five (5) years, at the conclusion of this period the clubs will seek to renew the maintenance agreements.

<b>Account No:</b>	1.7210.4401.2115.9999 1.7210.4401.2201.9999 1.7210.4401.3120.9999
<b>Budget Item:</b>	Payment Contributions
<b>Budget Amount:</b>	\$45,000.00
<b>YTD Amount:</b>	\$ Nil
<b>Actual Cost:</b>	\$ Nil

**Policy implications:**

Not Applicable

**Regional Significance:**

The standard Maintenance Agreement that has been developed will be applicable for all three (3) cricket clubs concerned. In addition, the amended casual rate for use of turf cricket wickets will apply to all current and potential future turf facilities situated throughout the City of Joondalup.

**Sustainability implications:**

Through the provision of financial assistance to clubs who bare a cost that is not standard to most other sporting codes, the City is assisting the sport of cricket to sustain a hierarchy of playing opportunities for cricketers at both senior and junior levels.

In formalising the maintenance agreements with the three (3) cricket clubs concerned, the City is assisting to ensure the capacity of the clubs to produce wickets at a higher standard and therefore sustain participation within their individual cricket competitions.

**Consultation:**

Consultation has been conducted with the three (3) clubs in developing the Maintenance Agreements. City officers met with the President of each club to discuss the proposed agreement and they were also given an opportunity to present feedback and comments during the process.

**COMMENT**

The Agreements that have been developed for the maintenance of the City's turf cricket wicket facilities clearly outline the responsibilities of the City and the three (3) cricket clubs concerned. They have been designed in consultation with representatives from each club and act to formalise the desired management arrangement. If Council endorses the agreements, the next step in the process will be the signing of each document and the allocation of the maintenance contributions. With the onset of the summer season, it is timely for the City to process the agreements and distribute the funding that is allocated in the 2005/06 budget.

The new maintenance agreements coupled with the recommended amendment to the City's Schedule of Fees and Charges will greatly increase the opportunities for casual use of the City's turf cricket wickets. Previously, the Joondalup Districts Cricket Club and Ocean Ridge Cricket Club were responsible for the costs incurred to maintain the facilities that they used and the agreement that the City had with the Whitford and Districts Senior Cricket Club did not include provisions to cater for casual bookings. As a result, the City did not accept requests from casual users wishing to utilise turf cricket wickets. The City will now have the opportunity to develop a planned approach to maximise the usage of these facilities.

The new full day rate proposed is in line with fees levied at other Local Government Authorities and will provide flexibility for the City to compete for casual bookings of turf wickets.

## **ATTACHMENTS**

Attachment 1            Agreement for the Maintenance of Turf Cricket Wicket Facilities (2005/2006 - 2009/2010).

## **VOTING REQUIREMENTS**

Absolute Majority

**MOVED** Cmr Clough, **SECONDED** Cmr Fox that Council:

- 1        ENDORSES the five (5) year agreements developed for the maintenance of the City's turf cricket wicket facilities as shown in Attachment 1 to Report CJ243-11/05;**
- 2        AMENDS the 2005/2006 Schedule of Fees and Charges in relation to the casual use of turf cricket wicket facilities removing the fees for seasonal turf wicket hire of \$2,082.70 for one wicket and \$4,165.55 for two wickets, and changing the fees for a full day hire from \$213.40 (inclusive of GST) to:**

<b>Base Fee</b>	<b>\$165.00</b>	<b>(inclusive of GST)</b>
<b>Maximum Fee</b>	<b>\$500.00</b>	<b>(inclusive of GST), where specifically requested maintenance costs are identified;</b>
- 3        ADVERTISES the proposed new charges in accordance with Section 6.19 of the Local Government Act 1995;**
- 4        IMPLEMENTS the proposed new charges effective from 1 December 2005.**

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15agn011105.pdf](#)



## **CJ244 - 11/05 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – SEPTEMBER 2005 – [07032]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic (Acting Director)  
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 September 2005 (see Attachment 1) and now include the codes variations referred to above.

The number of development applications determined for September 2005 under delegated authority 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 September 2005</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	102	12,206,000
R-Code variations (Single Houses)	30	2,281,074
<b>Total</b>	<b>132</b>	<b>14,487,074</b>

In addition, there were two development applications determined by Council during this month at a value of \$4,200,000.

The number of development applications received in September 2005 was 107. 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 102 applications determined, during the report summary period, consultation was undertaken for 36 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.



## BACKGROUND

<b>Suburb/Location:</b>	Refer Attachment 1
<b>Applicant:</b>	Refer Attachment 1
<b>Owner:</b>	Refer Attachment 1
<b>Zoning:</b>	<b>DPS:</b> Various
	<b>MRS:</b> Various

## DETAILS

### Issues and options considered:

Ten subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 16 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of two hundred and sixty three (263) residential lots and six (6) strata residential lots. One application was not supported as follows:

Ref: SU307-05.01 – 10 Buckie Court, Warwick

This application was not supported due to insufficient vehicle access provisions and inadequate retaining wall details.

Ref: SU129145 - 500 Burns Beach Road, Burns Beach

This application is for subdivision of a portion of the 146 hectare site located north of Burns Beach Road and west of Marmion Avenue, being the area covered by the recently adopted Burns Beach Structure Plan (refer Attachment 2). The application relates to Stages 2 & 4 of the proposed subdivision of this site and comprises a portion of a larger area that was the subject of a previous subdivision application. The previous subdivision application involved the creation of 1150 residential lots, 7 areas of public open space and a primary school site.

To date, there have been four subdivision applications over the Burns Beach Structure Plan site, however only one application for 29 residential lots adjacent to the existing Burns Beach residential area has been granted approval by the Western Australian Planning Commission (WAPC). The other subdivision applications were held pending the final adoption of the Burns Beach Structure Plan by the WAPC.

### 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

**Regional Significance:**

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
Attachment 2	Burns Beach - Stage 2 & 4 Plan of Subdivision

**VOTING REQUIREMENTS**

Simple Majority

**MOVED** Cmr Clough, **SECONDED** Cmr Fox that Council **NOTES** the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ245-11/05 for the month of September 2005.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf251005.pdf](#)*

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**CJ246 - 11/05 BETTER BEGINNINGS PROGRAM – RELEASE OF FUNDS FROM LITERACY DONATIONS RESERVE FUND – [33530]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Planning and Community Development

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**PURPOSE**

To seek access to funds from the Library Literacy Program Reserve in order for the City to participate in the state wide Better Beginnings literacy program.

**EXECUTIVE SUMMARY**

Better Beginnings is a universal early intervention family literacy program that focuses on working in partnership with families to provide positive language and literacy influences for children in the first three years of life.

The program has been developed by the State Library of Western Australia in response to early years research that shows that learning to read is the most single important factor in school success. Children who have an early exposure to books, stories, reading and libraries learn to read more successfully, do better at school and in later life.

Contribution from the City to participate in this program in the first year would be \$13,200 for the purchase of gift books, which will be given to approximately 1650 babies expected to be born in the 2005/06 financial year. This gift book and accompanying guidance material for parents comprise the Better Beginnings toolkit, a key initiative of the program.

*It is recommended that Council:*

- 1 *ENDORSES the participation of the City of Joondalup in the Better Beginnings literacy program by contributing funds from the Library Literacy Program Reserve;*
- 2 *APPROVES the release of \$13,200 from the Library Literacy Program Reserve.*

**BACKGROUND**

Better Beginnings builds on the knowledge that early intervention, parent involvement and supportive communities play a critical role in the growth and development of young children to provide the opportunity for all children to realise their full potential.

Better Beginnings is one of a kind in Western Australia and a first in Australia. The program is based on strong cooperation between government and communities to strengthen support for young children and their families. Better Beginnings provides a crucial early base for lifelong literacy, success in formal schooling and improved life chances.

Early outcomes from the pilot evaluation of the Better Beginnings program conducted in partnership with Edith Cowan University demonstrated the program's success in connecting with families of young children, encouraging them to read and share books with their children and the use of public libraries.

This success has encouraged the State Government's continued financial commitment along with that of Local Government and funding from the Rio Tinto WA Future Fund to enable the Better Beginnings Program to be rolled-out to communities across Western Australia in 2005/06.

## **DETAILS**

The City proposed to establish a Bookstart program in 2002 to reach out to parents as soon as their child is born. The proposal was to involve a partnership with infant health clinic nurses. The nurse would provide a library kit to new mothers including information on early development and suggestions for parent involvement in the development of skills related to each phase.

The Council approved the establishment of a restricted Reserve Account titled "Library Literacy Program Reserve" on 24 September 2002 for the purpose of supporting literacy based library programs. Funds raised from the booksales are transferred to the Reserve Account to support future development of literacy programs.

The City generates approximately \$3,000 - \$6,000 a year through the sale of book donations, which are not suitable for stock. Council owned stock, which no longer meets stock collection management guidelines and is withdrawn from circulation is also included. This is only a very small amount.

For the past three years funds have been set aside for the Bookstart literacy program but with the introduction of the state-wide Better Beginnings program it is deemed economically advantageous for Council to share the costs and extend the programs benefit to all residents.

There are no funds allocated for this program in the 2005/06 budget. Libraries are seeking Council's permission to release this amount from the Library Literacy Program Reserve.

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

The City would not be able to undertake a program of this size without significant support from the State Government.

It is an excellent opportunity to be part of a statewide program aimed at capturing babies and their families and increasing the value of the public libraries within the City of Joondalup.

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

1.1.3 Support whole of life learning and creation of knowledge opportunities

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

#### *6.11 Reserve accounts*

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

### **Risk Management considerations:**

The cost of undertaking a project such as this would be outside of the reach of the City of Joondalup on its own. This provides the opportunity to leverage off the State Government.



**Financial/Budget Implications:**

There are no funds allocated for this program in the 2005/06 budget. However, funds are available within the Library "Library Literacy Program Reserve" which can be utilized for such purposes and an absolute majority is required by the Council to access this resource.

The cost of participating in this program is \$13,200.

**Policy implications:**

Not Applicable

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

The trial conducted by the State Wide library has undertaken research into the validity of the program to the community and it is deemed extremely worthwhile.

**COMMENT**

The purpose of the reserve fund matches the objectives of the Better Beginnings program. It is an excellent avenue to create increased awareness of the importance of literacy and public libraries from birth and to create opportunities for lifelong learning.

**ATTACHMENTS**

Nil

**VOTING REQUIREMENTS**

Absolute Majority

**MOVED Cmr Anderson, SECONDED Cmr Fox that Council:**

- 1 **ENDORSES** the participation of the City in the Better Beginnings literacy program by contributing funds from the Library Literacy Program Reserve;
- 2 **APPROVES** the release of \$13,200 from the Library Literacy Program Reserve.

The Motion was Put and

**CARRIED BY AN  
ABSOLUTE MAJORITY (5/0)**

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

Nil.

**MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN****C60-11/05 NOTICE OF MOTION NO 1 – CMR M ANDERSON - TO REVOKE - REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION – CMR M ANDERSON**

Cmr Michael Anderson has indicated that in accordance with clause 4.4 of the Standing Orders Local Law it is his intention to give the notice at the meeting to be held on 1 November 2005 for the following revocation motion to be considered at the Council meeting to be held on Tuesday 22 November 2005.

***“That BY AN ABSOLUTE MAJORITY, the resolution of Council in respect of CJ084-05/05, be REVOKED, being:***

***“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.”***

*AND REPLACES it with:*

***“3 That the Council considers any public submissions following the statutory six (6) week public consultation period relating to the review of the City of Joondalup’s ward names, boundaries and elected member representation at the earliest opportunity; and***

***4 following the review of public submissions as detailed in (3) above makes a recommendation to the Local Government Advisory Board for its consideration.”***

**Reason for motion:**

Cmr Anderson provided the following comments in support of his Notice of Motion:

When the original motion was passed, the Commissioners’ expectation was that their term would be completed by October 2005.

The Minister has, since the release of the Inquirer’s Report, indicated elections are unlikely before April or May 2006.

Accordingly, to allow the review process to continue, it is proposed to remove the limitation previously place on the Commissioners dealing with this matter once the community consultation period has been completed.

The Chief Executive Officer sought one-third support from Commissioners in relation to this proposed Notice of Motion. Cmr Smith sought clarification of the one-third support being only in terms of giving consideration to this Item at the next ordinary meeting of Council.

**C61-11/05 NOTICE OF MOTION NO 2 – CMR S SMITH – PROCEDURE IN RELATION TO PUBLIC QUESTION TIME**

CMR S Smith has indicated that in accordance with clause 3.12 of the Standing Orders Local Law, it is her intention to give the notice at the meeting to be held on 1 November 2005 for the following Notice of Motion to be considered at the Council meeting to be held on Tuesday 22 November 2005.

*“That Clause 3 of the procedure for public question time be reviewed, such that the interpretation of this clause does not preclude a member of the public from asking one question and waiting for the response before asking a second question.”*

**Reason for motion:**

CMR Smith provided the following comment in support of her Notice of Motion:

The clause is ambiguous and its current interpretation has not produced good outcomes.

**DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 22 NOVEMBER 2005** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2001 hrs; the following Commissioners being present at that time:

CMR J PATERSON  
CMR P CLOUGH  
CMR M ANDERSON  
CMR S SMITH  
CMR A FOX