



City of  
**Joondalup**

# **DRAFT AGENDA FOR BRIEFING SESSION**

to be held on  
**TUESDAY, 15 NOVEMBER 2005**  
in Conference Room 1,  
Joondalup Civic Centre, Boas Avenue, Joondalup  
commencing at 6.30 pm

## **Public Question Time**

**Members of the public are requested to lodge questions  
in writing by close of business on Monday, 14 November 2005  
Answers to those questions received within that timeframe will,  
where practicable, be provided in hard copy form  
at the Briefing Session.**

**GARRY HUNT  
Chief Executive Officer  
11 November 2005**

## **PROTOCOLS FOR BRIEFING SESSIONS**

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

### **INTRODUCTION**

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

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

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

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

### **PURPOSE OF BRIEFING SESSIONS**

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

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

### **Protocols for Briefing Sessions**

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

- 1 Briefing Sessions will be open to the public except for matters that relate to a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

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

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## **PUBLIC QUESTION TIME**

The following protocols for the conduct of Public Question Time were adopted  
at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

## **PROCEDURE FOR PUBLIC QUESTION TIME**

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public. Both questions are to be read in total.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.

- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.

Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.

- 9 The Mayor or presiding member shall decide to:

Accept or reject the question and his/her decision is final;

Nominate a member of the Council and/or City employee to respond to the question;

Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session.

- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Briefing session, that is not relevant to a matter listed on the draft agenda, or;
  - making a statement during public question time;they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the notes of the Briefing Session.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **PUBLIC STATEMENT TIME**

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

### **PROCEDURE FOR PUBLIC STATEMENT TIME**

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the notes of the Briefing Session.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **DISCLAIMER**

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

## **DEPUTATION SESSIONS**

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

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

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

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

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 15 NOVEMBER 2005** commencing at **6.30 pm**

### **ORDER OF BUSINESS**

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

**The following questions were submitted to the Briefing Session held on 25 October 2005:**

**Mr S Kobelke, Sorrento:**

*Q1 With regard to Item 15 and Item 16.*

*Why has Item 15 not have the same starting clause 1 "Advise the SAT that the Council remains opposed to the approval of the development" that Item 16 has?*

**A1** It is noted that Item 15 is silent in relation to this matter and the agenda item will be modified to correct this inconsistency.

*Q2 Referring to the above items. Will the residents who will be affected if the approvals are given by SAT be advised that the appeals are on. And what opportunities are open for the residents or other interested parties to either write or attend in person the SAT process to comment on the loss of amenity they will have if approvals are given?*

**A2** The City (or its appointed representative in the SAT review process) will seek to identify those persons that will be adversely impacted by the proposed development and seek their support in being an expert witness in terms of explaining the impact that a proposed development may have on the amenity of a property. This approach is similar to the request for the review of the decision made in relation to the proposed development at 3 Glenelg Place, Connolly.

During the review process, the City or its nominated representative normally present background information to the Tribunal. This would include identifying correspondence that has been received either in support or against the proposed development.

Further, should a person believe that they should be allowed to join the proceedings, they can make application under Section 38 of the State Administrative Tribunal Act.

Q3 *It would be fair to say that whoever is hearing these matters at the Tribunal would never approve a child care centre next to their own home, can we have a commitment from the Council that should either of these applications be approved by SAT that Council will take a vigorous public position to call into question the SAT process?*

A3 At its meeting held on the 30 August 2005, Council was required to consider a request from the State Administrative Tribunal Appeal (SAT), to provide a draft schedule of conditions of approval in relation to a development at Lot 407 (3) Glenelg Place, Connolly. Council provided the conditions as requested by SAT and further resolved as follows:

*“4 REQUESTS the Chief Executive Officer to approach the Western Australian Local Government Association to take up at an industry level the issue of procedures adopted by the State Administrative Tribunal that require conditions to be submitted before the State Administrative Tribunal has made its determination.”*

The City has subsequently expressed its concern to the industry body in relation to the new procedures adopted by SAT in terms of requiring local authorities to provide draft schedule of conditions of approval, without prejudice, before a decision is made on the application. The concerns identified by Council include:

- (a) The loss of time in terms of preparing these draft schedules of conditions, should the request for a review of the decision be dismissed;
- (b) Preparing these conditions prior to all the issues being identified during the preliminary part of the appeal process; and
- (c) The perception of the community that Council is favouring the proposed development by preparing these draft conditions of approval, before that decision has been made.

The City has now requested WALGA to give consideration to pursuing this matter on behalf of the industry.

Q4 *When an applicant is refused approval of a development by a Council, and they appeal, is it automatic now that SAT will move to mediation and ask Council for a list of conditions. Do they ever just say no, we (SAT) do not see you have a case?*

A4 It has become the view of SAT that it will seek to take appeals through the mediation process, unless the applicant seeks to go directly to a hearing or the matter is to be reviewed in terms of a point of law. Generally, the process for reviewing the decision is determined by the SAT member.

Whether the matter is referred to a hearing or through mediation, it is the current position of SAT that it will require a decision-maker to issue a draft schedule of conditions without prejudice, if that decision-maker has refused the application.

Unless there is a fatal flaw in relation to the appeal, as determined by SAT, the Tribunal will be required to go through the necessary process until either the request for review is withdrawn or a decision is made in relation to the request for review.

Q5 *Does Council believe that the SAT process is jeopardising the effective running of Local Government planning?*

A5 The SAT process was legislated by the State Government following a review of the previous appeal process. The number of requests for review to the SAT is minor compared to the number of applications dealt with by the City on a yearly basis, and the powers of SAT are similar to the old appeals system. The major differences encountered to date relate to the time allowed for the Council to respond to appeals, which in itself puts greater pressure on resources to ensure that the required information can be provided to SAT.

**Mr M Caiacob, Mullaloo:**

Q1 *Re Items 15 and 16 – SAT Hearings.*

*When a SAT appeal is instigated by an applicant aggrieved by a town planning decision, does that party pay a fee or financially contribute to the City's expenses incurred for that SAT appeal?*

A1 Applicants pay an application fee at the tribunal.

Q2 *Given that the SAT may issue a costs order, has the City ever applied for and/or been awarded costs by the SAT?*

A2 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

Q3 *Could I have a breakdown of details of Payment 4109 to Perkins Builders for \$645,665.90?*

A3 This payment relates to Craigie Leisure Centre. A breakdown of the payment will be provided to Mr Sideris.

**Mr S Magyar, Heathridge.**

Q1 *Items 15 and 16 – SAT hearings: Who are Allerding Burgess, mentioned in the recommendation of Item 16, and why are they being used for this matter and not for Item 15?*

A1 Allerding Burgess are town planning consultants, specialising in advocacy in SAT hearings. An amendment is proposed to the recommendation of Item 15 to accord with the recommendations of Item 16.

Q2 *Re Late Item 4 – Ocean Reef Marina Structure Plan. Will this matter be referred to the Sustainability Advisory Committee and the Conservation Advisory Committee for their input?*

A2 No structure plan is in place at this time. The City has not appointed the consultants and the development of the program is yet to be determined. In due course the matters relating to the specific roles of the two advisory committees will be taken into account.

#### **4 PUBLIC STATEMENT TIME**

**The following public statements were submitted to the Briefing Session held on 25 October 2005:**

**Mr M Caiacob, Mullaloo:**

Re: State Administrative Tribunals

Mr Caiacob raised the following points:

- The conditions applicable to Item 16 appear very non-demanding on the applicant, when conditions should be developed to protect the amenity of adjoining residents on issues of children's and vehicle noise, and car movements. This could be overcome by reducing attendance numbers, rather than applying condition (h).
- Conditions should also include parking control measures at the applicant's expense, to prevent parking on roadways and verges. If this potentially dangerous situation is not dealt with now it will become a further financial burden on the ratepayers, rather than the applicant.
- The original report noted that if approval was to be considered, this concern could be addressed by prohibiting car parking around these sections of Marybrook Road.
- The proposed conditions do not adequately address amenity issues and it is the Council's role to direct and control the City's affairs.

Re: Meeting dates:

Mr Caiacob raised the following points:

- The Governance Review and the McIntyre Inquiry recommendation 23 deals with considering Council committees.
- Many other items raised within these two reports have passed through the City's agenda.
- I am concerned that certain aspects of the Inquiry report are used to assist the administration whilst other aspects are not mentioned or considered.
- The Commissioners should seriously consider all relevant documents concerning Council committees and debate relevant issues in Council, before embarking on a three weekly meeting process that has proven to fail elected members in respect of unity, transparency, open accountability and governance.

**Mr S Kobelke, Sorrento:**Re: State Administrative Tribunals

Mr Kobelke raised the following points:

- When a matter goes to the SAT, I believe there should be the opportunity to invite a local resident who is affected, providing they wish to be involved.
- I am also concerned that planners only look at the planning issues and I feel that the community can miss out.
- I would like to put to the Council that if we are going to the SAT, then another person who has experience in community relations, will represent the Council and talk about community issues and how it will affect them.

**5 APOLOGIES AND LEAVE OF ABSENCE****6 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.

Nil.

### 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</b> – Chief Executive Officer
<b>Item No/Subject</b>	Item 5 - Australian Business Excellence Framework
<b>Nature and extent of interest</b>	Mr Hunt formerly had a contract to provide services to SAI Global. Mr Hunt did not receive an income.

<b>Name/Position</b>	<b>Mr Garry Hunt</b> – Chief Executive Officer
<b>Item No/Subject</b>	Item 12 - West Perth Football Club - Sponsorship Proposal
<b>Nature and extent of interest</b>	A relative of Mr Hunt plays for West Perth.

<b>Name/Position</b>	<b>Mr Mike Smith</b> - Manager, Marketing Communications and Council Support
<b>Item No/Subject</b>	Item 13 - Request to reconsider decision not to close Pedestrian Access Way between Camm Place and Cohn Place, Hillarys
<b>Nature and extent of interest</b>	One of the applicants is a relative of Mr Smith.

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**LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information 151105.pdf](#)

## **ITEM 1            SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD:**            All

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

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### **PURPOSE**

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 11 October 2005 to 1 November 2005.

### **EXECUTIVE SUMMARY**

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

### **BACKGROUND**

Not Applicable.

### **DETAILS**

Document:            Caveat  
Parties:              City of Joondalup and Cornel John Crews  
Description:        Withdrawal (temporary) of Caveat to enable mortgage registration,  
17 Parker Avenue, Sorrento  
Date:                 11.10.05

Document:            Copyright  
Parties:              City of Joondalup and Tony Sharpnel  
Description:        Recording of historical importance  
Date:                 11.10.05

Document:            Management Statement  
Parties:              City of Joondalup and Australand Holdings  
Description:        Deed of Easement enabling reciprocal rights of access/carparking,  
165 Grand Boulevard, Joondalup  
Date:                 11.10.05

Document:            DPS Amendment  
Parties:              City of Joondalup and Western Australian Planning Commission  
(WAPC)  
Description:        Final Approval of Amendment No 29 – rezoning of 107 Eddystone  
Avenue, Craigie  
Date:                 11.10.05

Document: Deed of Agreement  
Parties: City of Joondalup and Robert Winter  
Description: Execution of legal agreement, Lot 174 Raleigh Road, Sorrento  
Date: 11.10.05

Document: Covenant  
Parties: City of Joondalup and Excel Education  
Description: Restrictive Covenant to prohibit vehicular access from Shenton Avenue to future Lots 1001 and 9000 Shenton Avenue  
Date: 11.10.05

Document: Agreement  
Parties: City of Joondalup and Onboas Pty Ltd  
Description: Legal Agreement for Battle of the Bands event  
Date: 18.10.05

Document: Covenant  
Parties: City of Joondalup and Investa Residential Development P/L  
Description: Restrictive Covenant to restrict vehicular access – Lot 124 (92) Cook Avenue, Hillarys  
Date: 1.11.05

Document: Covenant in Gross  
Parties: City of Joondalup and Corinne Kemsley, John Kemsley, Andrzej Stopzynski and Eva Poray-Wilczynski  
Description: Restrictive Covenant in Gross to restrict land use to residential – Lot 5 (58) Constellation Drive, Ocean Reef  
Date: 1.11.05

Document: Easement  
Parties: City of Joondalup and Owners of Heathridge Medical Centre Strata Plan 12085 and Isodor P/L  
Description: Public Access Easement to facilitate public access over private land, 83 Caridean Street, Heathridge  
Date: 1.11.05

Document: Caveat  
Parties: City of Joondalup  
Description: Withdrawal of Caveat to allow transfer of land – Lot 6 (931) Whitfords Avenue, Woodvale  
Date: 1.11.05

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

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

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the schedule of documents executed by means of affixing the Common Seal for the period 11 October 2005 to 1 November 2005 be NOTED.**

## **ITEM 2            MINUTES OF THE NORTH METROPOLITAN ZONE OF THE WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION MEETING HELD ON 29 SEPTEMBER 2005 - [02089]**

**WARD:**            All

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

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### **PURPOSE**

This report deals with the adoption of the Minutes of the North Metropolitan Zone of the Western Australian Local Government Association meeting held on 29 September 2005 and the recommendations made at that meeting.

### **EXECUTIVE SUMMARY**

This report considers a series of recommendations made by the member Councils of the North Metropolitan Zone that have regional significance for the City of Joondalup and which are deemed appropriate to be tabled before Council.

### **BACKGROUND**

The North Metropolitan Zone is comprised of the three north metropolitan local governments, these being the Cities of Joondalup, Stirling and Wanneroo. The Zone is a WALGA endorsed forum that deals with issues that affect the Zone members both regionally and operationally as local governments. Matters of concern that affect the Zone are forwarded to WALGA for consideration. Currently, Commissioner Smith, Chief Executive Officer, Director, Corporate Services and Manager, Audit and Executive Services represent the City at the North Metropolitan Zone meetings.

It is considered that the matters recommended for consideration by WALGA at the Zone meeting should go before the Council formally as these matters affect the operation of the City both in a regional context and at a general local government context.

### **DETAILS**

There are a number of recommendations made at the North Metropolitan Zone meeting held on 29 September 2005 that should be noted by Council. These are:

1            **Mayoral Vehicle Amendment to Regulations**

Request that the Western Australian Local Government Association pursue on behalf of Local Government an amendment to the Local Government (Administration) Regulations to allow Council to provide a vehicle for official Council business and private use to the position of Mayor in recognition of the substantial after hours commitments provided by Mayors.

## 2 Resource Recovery Rebate Scheme - RRRS

That WALGA write to the Waste Management Board expressing concern regarding the Waste Board promoting an excessively high Landfill Levy and supporting the need for credible research to support any increase in the Landfill Levy.

## 3 Local Government Rating Exemption

That WALGA be requested to initiate a study of:

- The rate of increase of ILUs operated by organisations currently enjoying charitable exemption status under local government rating legislation;
- The change in proportion of ILU properties to other residential properties in local authorities;
- Projected shifts in rate burdens if current trends continue;
- Experience and practice in other Australian states; and
- Possible changes to legislation to ensure no continuing inequities between life tenants in ILUs operated by 'charitable' organisations and fee simple owners of similar resources who are only distinguished from life tenants in ILUs by the requirement to pay municipal rates.

and to report back to North Metropolitan Zone by March 2006.

## 4 Underground Power – Financing Local Government Contributions

- 1 That WALGA be requested to canvas local governments for statements of experience, problems and recommend that improvements to obviate existing difficulties in applying rates and/or service charges to provide revenue to fund underground power schemes.
- 2 That WALGA be requested to liaise with the Department of Local Government and Regional Development to secure appropriate changes to the LGA to facilitate improvements for rating and service fee application for underground power projects sponsored by local governments.

## 5 Biodiesel

- 1 That a study group from the North Zone examine the possibilities of creating a partnership with one or more fuel generating companies to examine the possibility of conversion of waste plastics and waste oil collected by local authorities to low sulphur biodiesel fuel.
- 2 That the study include an examination of potential cost benefits that may be available from a lower fuel excise regime and from grants available for new initiatives in producing alternative energy.

## 6 Regional Approach to the Community Safety and Crime Prevention Partnership Agreement

- 1 That the North Zone Committee in principle SUPPORTS the continuation of discussions working towards a joint regional approach to the community safety and crime prevention partnership agreement.

- 2 That the North Zone INVITE the Office of Crime Prevention to provide a presentation to the Committee on the Community Safety and Crime Prevention Partnership and City of Bayswater be invited to attend.
- 3 That each Local Authority ADVISES their Council of the activities to date or seeks support for a regional approach to a partnership agreement.
- 4 That the appropriate officers for each authority MEET with the Office of Crime Prevention to discuss the regional partnership approach.

**Issues and options considered:**

As discussed above.

**Link to Strategic Plan:**

The North Metropolitan Zone provides a regional forum for the discussion of collective and strategic issues affecting the operation of local government.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

The recommendations of the report deal with regional strategies to concerns affecting the North Metropolitan Zone councils.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Copies of the reports submitted to the Western Australian Local Government Association North Zone meeting on each of the subject matters detailed in the recommendation are included (Attachment 2 refers).

## ATTACHMENTS

- Attachment 1 Minutes of the Meeting of the North Metropolitan Zone held on 29 September 2005
- Attachment 2 North Zone Agenda Reports

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

That the minutes of the meeting of the North Metropolitan Zone held on 29 September 2005 forming Attachment 1 to this Report be RECEIVED and the following recommendations contained therein be NOTED:

### 1 Mayoral Vehicle Amendment to Regulations

Request that the Western Australian Local Government Association pursue on behalf of Local Government an amendment to the Local Government (Administration) Regulations to allow Council to provide a vehicle for official Council business and private use to the position of Mayor in recognition of the substantial after hours commitments provided by Mayors.

### 2 Resource Recovery Rebate Scheme - RRRS

That WALGA write to the Waste Management Board expressing concern regarding the Waste Board promoting an excessively high Landfill Levy and supporting the need for credible research to support any increase in the Landfill Levy.

### 3 Local Government Rating Exemption

That WALGA be requested to initiate a study of:

- The rate of increase of ILUs operated by organisations currently enjoying charitable exemption status under local government rating legislation;
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- Projected shifts in rate burdens if current trends continue;
- Experience and practice in other Australian states; and
- Possible changes to legislation to ensure no continuing inequities between life tenants in ILUs operated by 'charitable' organisations and fee simple owners of similar resources who are only distinguished from life tenants in ILUs by the requirement to pay municipal rates.

and to report back to North Metropolitan Zone by March 2006.

### 4 Underground Power – Financing Local Government Contributions

- 1 That WALGA be requested to canvas local governments for statements of experience, problems and recommend that improvements to obviate existing difficulties in applying rates and/or service charges to provide revenue to fund underground power schemes.

- 2** That WALGA be requested to liaise with the Department of Local Government and Regional Development to secure appropriate changes to the LGA to facilitate improvements for rating and service fee application for underground power projects sponsored by local governments.
- 5 Biodiesel**
- 1** That a study group from the North Zone examine the possibilities of creating a partnership with one or more fuel generating companies to examine the possibility of conversion of waste plastics and waste oil collected by local authorities to low sulphur biodiesel fuel.
  - 2** That the study include an examination of potential cost benefits that may be available from a lower fuel excise regime and from grants available for new initiatives in producing alternative energy.
- 6 Regional Approach to the Community Safety and Crime Prevention Partnership Agreement**
- 1** That the North Zone Committee in principle SUPPORTS the continuation of discussions working towards a joint regional approach to the community safety and crime prevention partnership agreement.
  - 2** That the North Zone INVITE the Office of Crime Prevention to provide a presentation to the Committee on the Community Safety and Crime Prevention Partnership and City of Bayswater be invited to attend.
  - 3** That each Local Authority ADVISES their Council of the activities to date or seeks support for a regional approach to a partnership agreement.
  - 4** That the appropriate officers for each authority MEET with the Office of Crime Prevention to discuss the regional partnership approach.

*Appendices 1 and 15 refer*

To access this attachment on electronic document, click here: [Attach1brf151105.pdf](#)  
[Attach15brf151105.pdf](#)

## **ITEM 3            STANDING ORDERS LOCAL LAW 2005   -   [01369] [08122] [05885]**

**WARD:**            All

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

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### **PURPOSE**

For the Council to consider adopting the Standing Orders Local Law 2005 following consideration of the submissions received during the legislated public submission period.

### **EXECUTIVE SUMMARY**

This report considers the review of the Standing Orders Local Law that currently governs the operations of Council, Committee and electors meetings that was adopted by the former City of Wanneroo in 1997.

In an effort to ensure that the City of Joondalup had a set of current and enforceable local laws that applied to its operations, a comprehensive review of all local laws was undertaken. The Standing Orders Local Law is the final local law to be reviewed that pertained to the former City of Wanneroo.

The revised Standing Orders have been drafted with the assistance of the City's solicitors are based on the following principles:

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

A number of recommendations contained within the 'Governance Review – Final Report', presented to the Council on 23 November 2004 (Item CJ276-11/04 refers), highlighted the need for the Council to adopt a revised set of Standing Orders to overcome the shortcomings of the existing set of meeting procedures.

The revised local law addresses all the identified shortcomings of the current set of Standing Orders, paying particular attention to the clauses relevant to Notices of Motion and Revocation Motions.

Section 3.12 of the *Local Government Act 1995* details the procedure to be followed when adopting a new local law.

The legislative public submission period closed on 21 October 2005 with the three (3) submissions being received, two (2) from members of the public and one (1) from the Department of Local Government and Regional Development.

This report provides comments relating to the submissions received and suggests further changes to the proposed Standing Orders Local Law 2005 as a result of the submissions received.

It is therefore recommended that the Council adopts the proposed Standing Orders Local Law 2005.

## **BACKGROUND**

With the split of the former City of Wanneroo on 1 July 1998, all the local laws of the former City of Wanneroo became the local laws of the City of Joondalup.

Since that time there has been a concerted effort to review those former local laws and revise them to better reflect the operations of the City of Joondalup. This also allowed the City to have a complete and updated set of enforceable local laws. The comprehensive review of the Standing Orders Local Law is scheduled to be the final local law reviewed from the former City of Wanneroo. This review initially commenced in late 1999 and has continued to progress to-date.

The proposed Standing Orders Local Law was based on the intent and reference to well-structured Council meetings as described in the publication 'The Preparation of Agendas and Minutes – A guide for Western Australian Local Governments', as produced by the then Department of Local Government.

The guide makes the following statement:

*'With well-structured agendas a Council can have meetings that are efficient and effective in that they produce good decisions that are made following analysis of sound advice and constructive debate. At the end of such meetings those involved should be satisfied that the local government and the community have gained maximum benefit from the valuable time that has been contributed. A well-structured agenda will provide the elected body with the maximum time to debate and set policy and strategy and to plan for the future. It is generally agreed that short, sharp meetings directed towards decisions are the ones most likely to achieve good results.'*

As part of the recommendations from the Governance Review – Final Report that was presented to the Council on 23 November 2004 included the following:

*Recommendation 3:*

Council take urgent action to adopt contemporary standing orders.

*Recommendation 4:*

Upon adoption of the new Standing Orders Local Law all Elected Members, CEO and relevant staff undertake appropriate training.

*Recommendation 7:*

In the review of the Standing Orders Local Law strong consideration be given to limiting the potential abuse of meeting outcomes by inappropriate use of procedural motions. Training in meeting procedures for Elected Members to include content on the appropriate use of procedural motions.

*Recommendation 8:*

The role of the presiding person in controlling abuse of personal explanations be strengthened in the review of the Standing Orders Local Law.

*Recommendation 10:*

The treatment of notices of motion should be an essential element of the review of the Standing Orders Local Law. It is essential the Standing Orders should stipulate that where a notice of motion, including a rescission motion, is placed on the agenda it should be moved at the first available meeting or else lapse. If the mover is not present then another member should be authorised to move it, failure to do so would render the matter as lapsed. There should be a position that a similar notice of motion cannot be moved for at least three months unless it is approved by an absolute majority of the Council.

*Recommendation 11:*

Confidential items should be listed in the agenda to be handled at the end of the meeting or if such an item requires attendance by a specialist advisor then the item should be subject to a special meeting.

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

*“That Council in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Local Law 2005”, forming Attachment 2 to Report CJ153-08/05, in order to seek public comment.”*

The Standing Orders Local Law was advertised for public comment in accordance with section 3.13(3) of the *Local Government Act 1995 (the Act)*, with public submissions closing on Friday 21 October 2005. Copies of the proposed local law were also forwarded to the Minister for Local Government & Regional Development as required by *the Act*.

## **DETAILS**

When drafting the revised set of Standing Orders, the following general principles applied:

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

The revised Standing Orders Local Law has included relevant sections of the *Local Government Act 1995* in the form of footnotes. These footnotes do not form part of the local law, and therefore if there is a change to the legislation the footnote can be easily amended without the need to amend the entire local law. The addition of these footnotes also allows for direct reference to *the Act* without the need to refer to other documents. This will enable a quicker and easier level of interpretation of the Standing Orders.

As a result of the recommendations from the 'Governance Review – Final Report' and the shortcomings of the existing Standing Orders, the review has paid close attention to the drafting of Part 6, which relates to revocation motions.

At the close of public submissions, a total of three (3) submissions were received which included one (1) from the Department of Local Government & Regional Development. A copy of the submissions, along with comments in response to the suggestions in the submissions is attached to this report.

**Issues and options considered:**

The comprehensive review of the Standing Orders Local Law has been progressing for some time and throughout the review a number of issues and options were considered when dealing with the overall intent and purpose of the local law and also when drafting individual clauses.

The submissions that have been made are required to be considered by the Council prior to final adoption of the Local Law.

Following the public submissions period, the following changes are suggested to the proposed local law which are different to what was adopted by the Council on 11 October 2005 and as advertised for public submissions:

Clause 3.2(2)(c) - insert the word 'greater' at the commencement of the sub-clause.

Clause 3.2(2)(d) – insert the word 'more' at the commencement of the sub-clause.

Clause – Heading – on the first line of the heading the words 'Local Government Act 1995' have been inserted.

- Clause 5 – (i) in the definition of the word 'Act' in the words 'Local Government Act 1995' have been amended to be in italics.  
(ii) in the definition of the word 'Regulations' the words 'Local Government Act 1995' have been amended to be in italics.

Clause 7(2) – the words 'Interpretation Act 1984' have been amended to be in italics.

Clauses 14(1) and (2) – the sub-clauses have been amended to be listed in alphabetical order (a) – (m).

Clauses 14(1) – a new sub-clause (item of business) has been included to allow for either an elected member or the CEO to announce proposed motions of which previous notice has been given to be considered at the next meeting. The procedure of this new sub-clause is detailed in sub-clause 26(10) of the local law.

Clause 45 – sub-clause (2) (3) and (4) have been deleted and the penalty provisions only relate to sub-clause (5), which has subsequently been renumbered to cater for the deleted sub-clause.

Clause 46(2) – this clause has been amended to make it clearer that the presiding person has the authority to adjourn the meeting after serious disorder.

Clause 75 – this clause has been amended to better reflect the requirements for members to disclose interests at meetings at which they are observers.

Clause 73 – has been amended to clarify that the clause relates to elected member Committees only.

Clause 25(2) – the word ‘come’ has been deleted and the word ‘cause’ has been inserted.

Clause 26(4)(b) – the word ‘that’ has been deleted.

Clause 26(8) – the word ‘is’ has been deleted.

Clause 48 – in the last paragraph the letter (d) has been inserted.

Clause 64 (2) – after the word ‘motion’, the words ‘that the debate be adjourned’ be inserted.

Clause 65(2) – after the word ‘motion’ the words ‘that the motion be now put’ be inserted.

Clause 66(2) – after the word ‘motion’ the words ‘that the meeting be now closed’ be inserted.

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

#### *Outcomes:*

*The City of Joondalup is an interactive community.*

#### *Objectives:*

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

#### *Strategies*

*4.3.3 Provide fair and transparent decision-making processes.*

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

Section 3.1 of the *Local Government Act 1995* states:

- (1) The general function of a local government is to provide for the good government of the persons of the district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Section 3.4 of *the Act* states:

The general function of a local government includes legislative and executive functions.

Section 3.5(1) of *the Act* states:

A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

Sections 3.12 and 3.13 of *the Act* detail the procedures for the making a local law:

Section 3.12 of *the Act* states:

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - (a) give Statewide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
    - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
  - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers *the Act* under which the local law is proposed to be made, to that other Minister; and
  - (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

\* *Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers *the Act* under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
  - (a) stating the title of the local law;
  - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - (c) advising that copies of the local law may be inspected or obtained from the local government's office.

- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —  
  
“**making**” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Section 3.13 of *the Act* states:

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Section 3.16 of *the Act* requires a local government to undertake periodic reviews of its local laws, which states:

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

The City is currently at the stage as detailed in section 3.12(4) of *the Act*. Section 3.13 states that if, following consideration of the submissions, the local law to be made is significantly different to that which was publicly advertised, the City is to recommence the procedure as detailed under Section 3.12 of *the Act*.

### **Role of the Joint Standing Committee on Delegated Legislation**

The Joint Standing Committee on Delegated Legislation is a joint committee of the Parliament of Western Australia comprising 8 members with equal representation from the Legislative Council and Legislative Assembly.

The Committee has been delegated by Parliament the task of scrutinising subsidiary legislation in accordance with its terms of reference. These terms of reference were set in June 2001.

Local laws are subsidiary legislation, which are capable of disallowance by either House of Parliament under section 42 of the *Interpretation Act 1984*. Disallowance is the device by which the Parliament maintains control of the power to make subsidiary legislation that it has delegated, by primary legislation (Acts of Parliament), to local governments, State Departments and other agencies of Government. In the case of local governments, this power is granted by the *Local Government Act 1995* and other particular Acts such as the *Health Act 1911* and the *Dog Act 1976*, etc.

Scrutiny by the Committee and disallowance are accountability mechanisms to guard against the making of local laws that are either unlawful by going beyond the power that is delegated or offending one of the Committee's terms of reference.

The other accountability mechanisms impacting on local laws are:

- the local community, who under the Act are required to be consulted on proposed local laws;
- the Minister for Local Government and Regional Development, who is charged with administering the Department of Local Government and Regional Development which monitors local law making;
- the Government, which can request the Governor to make regulations or local laws under the Act that repeal or amend local laws or prevent certain local laws being made; and
- the courts, which can pronounce on the validity of local laws.

Because it is Parliament that delegates the power to make local laws, the Parliament can, by disallowance, ensure that the power is not abused or exercised inappropriately. The Committee, through being empowered by Parliament to scrutinise local laws on its behalf, can recommend to Parliament that a local law be disallowed if it offends one of its terms of reference.

The Committee recommends disallowance as a last resort. Such action will usually only occur in circumstances where the local government does not satisfy the concerns of the Committee. In the majority of cases to date, local governments have been willing to provide the Committee with a suitable written undertaking to amend or repeal parts of local laws so as to deal with the particular concerns.

Copies of the local law and an explanatory memorandum are to be sent directly to the Committee as soon as a local government has gazetted a local law. This material needs to be provided to the Committee so it can carry out its duty of looking at the gazetted local laws.

### **National Competition Policy (NCP)**

The National Competition Policy (NCP) requires a local government when making or amending a local law to see if any clauses restrict competition and if so, that the restrictions can be justified in terms of overall public benefit outweighing the disadvantages. It should also be established that the objectives of the local law can only be achieved by the restrictions.

In accordance with the National Competition Policy Local Law Review Guidelines, local governments are not required to review:

- local laws relating to council proceedings;
- local laws relating to staff entitlements; and
- adopted model local laws gazetted under the *Local Government Act 1995* or produced by WALGA (and reviewed in accordance with National Competition Policy principles) to the extent that the model is adopted by the council without substantial change.

As the proposed Standing Orders Local Law 2005 relates to Council proceedings, the Council is exempt from conducting a review in accordance with NCP. These exemptions allow councils to minimise review costs in circumstances where there would be little public benefit in conducting a full review.

**Risk Management considerations:**

The risk associated with not progressing with the adoption of a revised set of Standing Orders is that the proceedings of Council and Committee meetings will continue to be governed by a local law that has numerous shortcomings in its operations.

The failure to complete the review will mean that the City has not complied with section 3.16 of the *Local Government Act 1995*.

**Financial/Budget Implications:**

There will be costs associated with the final advertising of the local law, including its gazettal.

**Policy implications:**

The Standing Orders Local Law governs the meeting procedures. As the order of business in the proposed local law includes provision for a public statement time, necessary guidelines/policies will need to be developed in due course.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

A revised set of Standing Orders that offers a contemporary approach to governing the proceedings of Council and Committee meetings will greatly assist the decision-making process.

**Consultation:**

As required by *the Act*, the six (6) week public submission period commenced with a notice being placed in the statewide newspaper on 24 August 2005 and concluded on Friday 21 October 2005 with three (3) submissions being received.

Advertisements were also placed in the local newspaper on 25 August 2005, 1 September 2005, 15 September 2005 and 13 October 2005, with the draft local law being available at the City's libraries and customer service centres and available electronically on the website.

**COMMENT**

The proposed Standing Orders Local law has been based on the best practice principles of well-structured agendas that are short and sharp, which allows sufficient time to debate, and set policy and strategy to achieve the best results for the community.

The proposed local law includes the repeal of the current Standing Orders Local Law carried over from the former City of Wanneroo, being:

City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette - 30 October 1997.

The repeal of the current local law coincides with the commencement of the proposed local law. The City's solicitor has reviewed the proposed local law to ensure that the content is within the bounds of operation of the *Local Government Act 1995*.

The intent of each of the submissions received during the public submission period has been attached to this report and contains relevant comments to each suggested submission. The recommended changes to the local law following the submissions have been made and detailed on the draft local law. The proposed changes do not make the local law significantly different to what was originally submitted for public submissions, therefore Section 3.13 of *the Act* does impact on the procedure.

It is recommended that the proposed local law be adopted by an absolute majority decision of the Council.

The revised set of Standing Orders will assist in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.

## ATTACHMENTS

Attachment 1          Summary of the public submissions and relevant comments made.  
Attachment 2          Proposed Standing Orders Local Law 2005.

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

### That Council:

- 1          **NOTES** the submissions received in response to the Standing Orders Local Law 2005;
- 2          **in accordance with Section 3.12(4) of the Local Government Act 1995 ADOPTS BY AN ABSOLUTE MAJORITY** the Standing Orders Local Law 2005 forming Attachment 1 to this Report;
- 3          **REQUESTS** the Chief Executive Officer to progress the remaining actions in order to finalise the local law as detailed in (2) above, in accordance with sections 3.12(5), (6) and (7) and 3.15 of the Local Government Act 1995.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach16agn221105.pdf](#)  
[Attach2brf151105.pdf](#)

## **ITEM 4 STATUS OF OPERATIONS AT THE JOONDALUP BUSINESS CENTRE (JBC) FORMERLY KNOWN AS THE JOONDALUP BUSINESS INCUBATOR - [03082] [51024]**

**WARD:** Lakeside

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

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### **PURPOSE**

To provide Council with an overview of the progress of the Joondalup Business Centre (JBC) (formerly known as the Joondalup Business Incubator) since it became operational in April 2003.

### **EXECUTIVE SUMMARY**

In April 2000, Council endorsed the proposal to construct a business incubator in Joondalup in partnership with Edith Cowan University and the Joondalup Business Association (*CJ074-04/00 refers*)

In total, the project received \$801,800 startup funding from the Lotteries Commission, Federal Government and also through contributions from:

- The City of Joondalup - cash contribution of \$51,800 (the City subsequently provided an additional \$35,000)
- Edith Cowan University - cash contribution of \$200,000 plus land

A Board of Management (formed under the Associations Incorporation Act) managed the project and the Joondalup Business Incubator (JBI) was formally opened on 15 Barron Parade, Joondalup in April 2003. The Board appointed a manager to oversee operations but by early 2004 the Board had concerns with respect to the sustainability of the JBI as it had a fluctuating tenancy (between 7 to 11 tenants out of 27 offices).

In 2004, the trading name (JBI) was changed to *Joondalup Business Centre (JBC)*. The Board also decided to tender the entire management of the JBC following a review of its operations.

The contract was awarded to Artisan Developments Pty Ltd, who put in place a number of strategies to attract tenants.

In the three months of operation, from April to June 2005, the Management Team has turned around the JBC's financial viability. At the monthly general meeting in October, the management team reported to the Board that the JBC was fully occupied and now the Board could focus efforts on new longer-term strategies.

A recent benchmarking survey with other Incubators in Western Australia showed that the JBC is now operating as one of the top three most effective incubators in Western Australia.

*It is recommended that Council:*

*That Council:*

- 1 *NOTES the overview of the progress on the status of the Joondalup Business Centre as outlined in this Report;*
- 2 *REQUESTS the Chief Executive Officer to forward a letter of congratulations and thanks to the Board of Management of the Joondalup Business Centre for its role in making the Joondalup Business Centre a leading and best practice incubator in Western Australia.*

## **BACKGROUND**

In April 2000 Council received a report in which it was suggested that the City of Joondalup construct a business incubator in Joondalup in partnership with Edith Cowan University (ECU) and the Joondalup Business Association (JBA). It was proposed that the project partners would contribute in cash and in kind towards the project and that grant funding would be sought from the Commonwealth Government. It was resolved that Council:

- 1 *ENDORSES the action to apply for the Commonwealth Funding Grant of \$500,000 for the construction of the Business Incubator;*
- 2 *AGREES to commit \$51,800 in the 2001/02 Financial Year as its contribution to the project should the grant application be successful.”*  
*(Item CJ074-04/00 refers)*

The project partners agreed that the incubator would be managed by a ‘not for profit’ incorporated association formed under the Associations Incorporation Act, and was to be run by a Board of Management comprising of a Chairperson, Vice-Chairperson, Secretary, Treasurer and up to seven ordinary Committee members.

Each of the foundation members, being the City of Joondalup, Edith Cowan University (ECU) and the Joondalup Business Association (JBA), were entitled to appoint two representatives from their organisations onto the Board of Management (the Board) to oversee the development of the incubator project, and administer the grant funds.

A constitution was drafted and the Board was incorporated as the “*Business Development Association (North West Metropolitan) Inc.*” and registered the “*Joondalup Business Incubator*” (the Incubator) as its trading name.

In 2000 the City of Joondalup, ECU and JBA successfully made a joint application for capital funding to the Commonwealth Government, under the Department of Employment, Workplace Relations and Small Business (DEWRSB) program for the development and accommodation of business incubators. In total, the project received \$801,800 startup funding from:

- City of Joondalup - cash contribution of \$51,800
- Lotteries Commission - \$ 50,000
- Edith Cowan University - cash contribution of \$200,000 plus land
- DEWRSB funding - \$500,000

In April 2002 Council received a development application from Edith Cowan University and approval was granted for the construction program to commence at 15 Barron Parade, Joondalup (*CJ54-04/04 refers*).

During the construction phase a number of unforeseeable building issues arose and by July 2002 the Board of Management had ascertained that the start up funding would not be sufficient to employ a Manager for the Incubator. Accordingly, the Board made a submission to the City in October 2002 and Council granted funding of \$35,000 to assist with the operational aspects of the project (*CJ 250-10/02 refers*)

### Tenancy Issues

In February 2003 a manager was appointed, and the Incubator was operating for trade by April 2003. During 2003 the Incubator experienced difficulty in attracting tenants and during the course of 2003 and by early 2004, the Board was having concerns with respect to ongoing sustainability of the Incubator given that it had a fluctuating tenancy of between 7-11 tenants which was well under its full capacity of 27 tenants. The situation became critical by June 2004 and the Board of Management determined to review its operational management strategy.

In order to ensure the Incubator maintained a solvent trading position whilst new strategies were being developed, the Board again approached the City of Joondalup for support. The Council supported their requests and provided two additional funding grants of \$9,900 in July 2003 (*C125-07/03 refers*) and \$3000 in June 2004 (*CJ138-06/04 refers*).

### Review of Joondalup Business Incubator operations

In 2004 the trading name *Joondalup Business Incubator* was changed to *Joondalup Business Centre* (JBC) through a resolution of the Board. Membership on the Board was also expanded to include community representatives.

Currently, there are three community representatives on the JBC Board – with one of those positions being held by a representative of the Westpac Bank. The Westpac Bank is the major ‘naming rights’ sponsor for the JBC.

The JBC also has a second major sponsor who holds the naming rights for the JBC Training Room – being Scope Vision. This sponsor does not hold a board position.

In June 2004, the Board resolved to review management of the Incubator and decided to tender out a contract for the entire management of the Centre. Two tenderers expressed interest and after nine months of deliberations and negotiations the contract was awarded to Artisan Developments Pty Ltd.

Complete details of the Joondalup Business Centre project can be found in the following reports to Council:

- CJ074-04/00 North West Metro Business Association for establishment of a Business Incubator
- CJ232-09/00 Business Incubator – establishment of an Incorporated Body
- C54-04/02 Proposed Business Incubator – Lot 502 Collier Pass, Joondalup for the North west Metro Business association
- CJ250-/02 Joondalup Business Incubator Project
- C161-08/03 Joondalup Business Incubator – Contribution toward rates levied
- C125-07/03 Joondalup Business Incubator – Contribution towards rates levied
- CJ117-06/04 Appointment of Representatives to External Committees
- CJ138-06/04 Joondalup Business Incubator – Request for Financial Assistance

## **DETAILS**

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

#### Contract of management of JBC

In April 2005 the JBC Board of Management signed a contract with Mr Glynn Jones and Mrs June Thom-Allan principals of Artisan Developments Pty Ltd to manage the JBC and they commenced the day-to-day management of the JBC in accordance with the provisions of their contract.

At the time of signing their contract, the Management Team were aware that the Joondalup Business Centre (JBC) was operating below optimal level of capacity and that the Board had reduced spending on all variable operational costs in order to ensure that the revenues being earned were not exceeding expenditure outgoings.

The JBC was in a position of no growth and was not able to make any transfers to capital and maintenance replacement reserves since the centre became operational. Its annual operating budget for 2003/04 was \$110,000. It had a total of twelve tenants with an approximate tenancy of \$7000 per month.

#### Turnaround in JBC operations

The key focus for the new Management Team was to undertake a strong marketing campaign to attract tenants. They did this by initially reviewing the pricing structure and operating policies and procedures of the JBC, and then by introducing a range of support services to assist tenants.

The impact of these strategies and the skill of the Management Team have resulted in a turnaround within 3 months of operation. By June 2005, the financial situation of the JBC had improved, the occupancy rate had increased to 89% and the 3 vacant offices were “under offer” from prospective tenants to take up occupancy during the July to September 2005 quarter. Revenue had also steadily increased with new tenants taking up occupancy and the ongoing review and monitoring of expenses by the Management Team.

### **2004/05 Annual General Meeting**

At the JBC’s Annual General Meeting held on 18 October 2005, the Board accepted the end of year accounts (audited by Bain and Associates). The financial statement showed a total actual income of approximately \$104,000 and a total actual expenditure of \$108,500. This represented an operating loss of \$4,500 for the 2004/05 financial year.

During the AGM, the Board was advised that feedback from tenants with respect to the new Management Team was very positive. It was also advised that JBC was in a strong financial position and that there would likely be a surplus of funds at the end of the 2005/06 financial year to be placed into reserves for the future.

At that meeting, a new Board for 2005/06 was appointed and the retiring Chairperson, Mr Tony Thompson praised the Management Team for the work they had done and the outstanding achievements to bring the JBC up to full occupancy. The new Board comprises of the following:

Chairperson	Mr Louis Prospero (Community member)
Deputy Chairperson	Mr David Curry (JBA)
Treasurer	Mr Russell Poliwka (JBA)
Secretary	Mrs Donna McFetridge (ECU)

Members:

Mr Tony Thompson	(Community member)
Mr Michael Kruse	(Westpac Bank)
Prof. Robert Harvey	(ECU)
Commissioner Michael Anderson	(City of Joondalup)

Current JBC status

At its monthly general meeting in October 2005 the Management Team reported to the Board that the Centre was now fully occupied. They recommended that the Board could now focus its effort on new longer-term strategies and the management team can continue to focus on assisting tenants in growing and developing their business.

**Link to Strategic Plan:**

**Key Focus Area 3 – City Development**

*The City of Joondalup is recognised for investment and business development opportunities.*

Objective 3.5: To provide and maintain sustainable economic development

Strategy 3.5.1 Develop partnerships with stakeholders to foster business development opportunities

Strategy 3.5.2 Assist the facilitation of local employment opportunities

**Legislation – Statutory Provisions:**

The Joondalup Business Centre is an Incorporated Association under the Associations Incorporations Act.

**Risk Management considerations:**

ECU has recently undertaken a full risk assessment analysis with the risk assessment team of ECU and confirms the JBC risk profile is considered low, however the Board will now focus on supporting the new management team in order to maintain the outstanding record to date.

**Financial/Budget Implications:**

Nil.

**Policy Implications:**

The Joondalup Business Centre has a general connection to Policy 2.1: - Environmental, Social and Economic Policy.

### Regional Significance:

The Joondalup Business Centre has significant regional status. The centre represents the only small business incubator in the Northwest Metro Region and services both the cities of Joondalup and Wanneroo.

### Sustainability Implications:

The JBC is now in a strong position to provide sustainable economic growth to the City through development of new fledgling businesses. The mentoring, advisory and support services that it offers provide a competitive edge for new business start ups in the north west metro region.

A recent benchmarking survey with other Incubators in Western Australia showed that the JBC is now operating as one of the top three most effective incubators in Western Australia.

Incubator Name	Comment	Support	Capacity	Occupancy	Operational
Joondalup Business Centre	Full-time Manager	Full-time Admin Officer	27	27 (100%)	Since 2003
Coastal Business Centre (Fremantle)	BEC* Management	Full-time Admin Officer	70	35 (50%)	Since 1997
Rockingham Business Development Centre	BEC Management	Full-time Admin Officer	33	31 (94%)	Since 1996
Welshpool Business Enterprise Centre	Full-time Manager	Admin officer	40	40 (100%)	Since Oct 1993
Midland Enterprise Centre	Full-time Manager BEC is a 5 minute walk away from the Incubator	Nil	40	32 (80%)	Since 1989
Stirling Regional Business Centre	Co-Managed by BEC and a Manager	Admin Officer	25	10 (40%)	By end of 2003
The Commercial Centre (Albany)	BEC Management	Admin Officer is a tenant business	20	Not available	Since 1998
Kalgoorlie-Boulder Small Business Incubator	BEC is located in the Incubator	Admin to BEC	14	Not in operation	Mid Dec 2003
Kwinana Technology Business Incubator	BEC Management	Full-time Admin Officer	20	Not available	Mid 2003

Gosnells Centre for Business Development	BEC is co-located with incubator	Admin Officer	37	17 (46%)	2004
Ellenbrook	Co-Manager	Nil	16	14 (88%)	1999
Perth City	Co-Manager	Nil	11	11 (100%)	1997

\* *Business Enterprise Centre*

Source: Data collected in September/October 2005 by contacting each Incubator Manager who provided details above

### **Consultation:**

Not Applicable.

### **COMMENT**

The City of Joondalup has played an integral role in the set-up and development of the JBC. The City has provided significant levels of funding, advice and support in different ways to ensure the JBC becomes a viable and vibrant option for small business growth and development. By taking a leadership role in the project the City has shown that it is capable of producing effective outcomes for the benefit of the business environment of Joondalup. The commitment of the people who served on the Board of Management should be recognised within the community as it is through their tenacity, time and effort that has enabled the JBC to survive through hard times and then flourish through a concerted effort by the Board in thinking creatively to find solutions to manage the JBC in an effective manner.

The City of Joondalup should be recognised particularly for the partnership research project that was funded by the City and undertaken by the Small and Medium Enterprise Research Centre at ECU. The partnership project undertook an extensive research project into incubator developments and sustainability. The Research identified the best practice aspects that made successful incubators.

The City and the Joondalup community can be proud of this achievement as it means that many new businesses will emerge and hopefully take up their future business from within the boundaries of the City of Joondalup. The multiplier effects that will result over time will ensure the City is recognised for investment and business development opportunities.

### **ATTACHMENTS**

Nil.

### **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the overview of the progress on the status of the Joondalup Business Centre as outlined in this Report;**
- 2 REQUESTS the Chief Executive Officer to forward a letter of congratulations and thanks to the Board of Management of the Joondalup Business Centre for its role in making the Joondalup Business Centre a leading and best practice incubator in Western Australia.**

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt</b> – Chief Executive Officer
<b>Item No/Subject</b>	Item 5 - Australian Business Excellence Framework
<b>Nature and extent of interest</b>	Mr Hunt formerly had a contract to provide services to SAI Global. Mr Hunt did not receive an income.

## **ITEM 5            AUSTRALIAN            BUSINESS            EXCELLENCE FRAMEWORK - [89549]**

**WARD:**                    All

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

**PURPOSE**

For Council to adopt Australian Business Excellence Framework as its leadership and management framework.

**EXECUTIVE SUMMARY**

The Australian Business Excellence Framework has been adopted by a number of Australian organisations including many Australian and Western Australian Local Governments. The Framework provides a systematic process for the continuous review and improvement of all aspects of the leadership and management aspects of the City, and provides a basis for measuring adherence to business excellence principles.

Adoption of the Framework will provide the City with an opportunity to:

- Improve leadership and management practices
- Assess the performance of the leadership and management systems
- Build the results into the strategic planning processes, and
- Benchmark where the organisation stands in terms of the marketplace.

This report recommends that the Council adopt the Australian Business Excellent Framework as the City's leadership and management framework.

**BACKGROUND**

The Business Excellence Framework is an integrated leadership and management system that describes the essential features, characteristics and approaches of leadership and management systems in order to promote sustainable and excellent performance.

The Framework was developed in 1987 and was one of the first four global excellence frameworks. It was initially developed in response to Commonwealth Government and general industry calls for Australian enterprises to be more efficient and competitive. The Framework is reviewed and updated annually by a committee formed of management and leadership experts to reflect current and proven management thinking and practices.

A number of leading Australian organisations use the Framework to assess themselves and inform their strategic planning processes. The list of organisations utilising the Framework includes Local Governments in Australia namely, City of Wollongong, Hobart City Council, Brisbane City Council, Caloundra City Council, City of Perth, City of Melville, City of Swan, City of Nedlands, City of Stirling, City of Belmont, City of Fremantle, and City of South Perth.

The Framework was developed with the objective of describing the principles and practices that create high performing organisations. The categories and items are used by organisations to assess their performance and drive continuous and sustainable improvement in their leadership and management systems.

The Framework is also used as the assessment criteria for the Australian Business Excellence Awards that recognise organisations for their achievements in excellence and improvement.

## **DETAILS**

The Australian Business Excellence Framework translates the principles of Business Excellence into a set of criteria that can be used for assessment and improvement planning. The assessment can be either internal (self-assessment) or external (evaluation towards an Australian Business Excellence Award).

The Framework identifies:

- Twelve Principles of Business Excellence.
- Seven interrelated Categories that emphasise the holistic nature of the model.
- Seven Categories, and
- Twenty-Two items (spread across the seven categories).

Success, according to the framework, can only be maximised if organisations have sound systems and processes for all seven categories in place. The categories create a specific structure in which organisations can review, question and analyse their leadership and management system. The seven categories of the framework are:

1. Leadership
2. Strategy and Planning
3. Knowledge and Information
4. People
5. Customer and Market Focus
6. Innovation, Quality and Improvement
7. Success and Sustainability

Each of the categories includes a statement of intent and consists of a number of subcategories called Items. There are twenty-two Items spread across 7 Categories.

The Framework provides descriptions for each of the items and these descriptions have been designed specifically to provide guidance to organisations as to what they must address in order to achieve sustained improvement.

The table below details each of the categories and the corresponding items:

Category	Item
1. Leadership	1.1 Strategic direction 1.2 Organisational culture 1.3 Leadership throughout the organisation 1.4 Environmental and community contribution
2. Strategy and Planning	2.1 Understanding the business Environment 2.2 The planning process 2.3 Development and application of resources
3. Knowledge and Information	3.1 Collection and interpretation of data and information 3.2 Integration and use of knowledge in decision making 3.3 Creation and management of knowledge
4. People	4.1 Involvement and commitment 4.2 Effectiveness and development 4.3 Health, safety and well being
5. Customer and Market Focus	5.1 Knowledge of customers and markets 5.2 Customer relationship management 5.3 Customer perception of value
6. Innovation, Quality and Improvement	6.1 Innovation process 6.2 Supplier and partner processes 6.3 Management and improvement of processes 6.4 Quality of products and services
7. Success and Sustainability	7.1 Indicators of success 7.2 Indicators of sustainability

An organisation's performance against each Item of the Framework can be assessed on four dimensions. The Item's are evaluated by exploring how the organisation:

1. Puts plans and structures into place;
2. Deploys those plans and structures;
3. Measures and analyses the outcomes; and
4. Learns from its experience.

These are known as the 'Assessment Dimensions' of Approach, Deployment, Results and Improvement (ADRI).

The Framework can also be used to conduct a guided assessment and/or self-assessment process that involves an external consultant (guided assessment) or representative group from the organisation who have been received training on the Framework (self-assessment) gathering data and information on organisational performance using the business excellence framework template. The aims of the guided assessment and self-assessment are to identify:

- Current strengths – those approaches, policies and processes that the organisation has in place that can be built on in the future; and
- Opportunities for improvement – additions and/or enhancements to approaches, polices and processes that will enable improved performance.

The outcome of a self-assessment process is a set of prioritised action plans that take the most important opportunities for improvement through to implementation.

**Issues and options considered:**

The Australian Business Excellence Framework has been adopted by a number of Australian organisations including Australian and Western Australian Local Governments. The framework is being used by these organisations to:

- Improve management and leadership practices;
- Assess the performance of their leadership and management systems;
- Build the results into the strategic planning processes, and
- Benchmark where their organisation stands in terms of the marketplace.

Key Benefits of adoption of the Business Excellence Framework are considered to be:

- A consistent set of benchmarks against which the City can evaluate itself.
- Opportunity to do a self-assessment or guided assessment against the criteria - one of the outcomes of the guided assessment is a 'gap analysis' that provides the basis for developing improvement strategies.
- It is a logical way for the City to recognise, integrate and build on past improvement initiatives.
- It provides a mechanism for improvements in service provision and community relations.

A number of staff have previously received training on the framework and have attained either Certificate III in Business Excellence and/or Certificate IV in Organisational Assessment.

**Link to Strategic Plan:**

Key Focus Area 4 Organisational Development

Outcome The City of Joondalup is a sustainable and accountable business

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

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The Australian Business Excellence Framework provides an opportunity to assess the current state of the whole organisation against the criteria, to identify strengths and opportunities for improvement, and to prioritise opportunities for improvement.

The principles and categories characterise the essential features, characteristics and approaches of leadership and management systems to achieve sustainable and excellent performance and includes an assessment of governance whereby organisations are required to assess how responsibilities to all stakeholders are identified and effective systems of leaderships, authority, accountability and relationships are implemented to fulfil them.

The framework also requires organisations to assess their environmental and community contribution and the impact on the community in terms of the extent to which the organisation minimises harm and maximises community well-being, how the organisation assesses the risks its business activities and practices pose to the community, how it reduces those risks through its policies and practices, its impact on the natural environment, and contribution to the community in terms of processes for community involvement.

### Financial/Budget Implications:

The following costs may be applicable:

Training (Certificate 111 in Business Excellence and Certificate 1V in Organisational Assessment)	\$1,300 per participant.
Organisational Assessment	Cost of consultant to conduct external organisational assessment and prepare report.
<p>Application for Awards</p> <p>Application for Awards can be at two levels:</p> <p>Award level – requires an evaluation against all categories in the Framework</p> <p>Category level – an evaluation against a category nominated in the application form.</p>	<p>Award level:</p> <ul style="list-style-type: none"> <li>• Evaluation Fee - \$2,050</li> <li>• Site Visit Fee - \$3,750 per day (<i>includes travel and accommodation expenses</i>)</li> </ul> <p>Category level:</p> <ul style="list-style-type: none"> <li>• Evaluation Fee - \$1,050</li> <li>• Site Visit Fee - \$2,750 per day (<i>includes travel and accommodation expenses</i>)</li> </ul>

### Policy Implications:

Not Applicable.

### Regional Significance:

Not Applicable.

### Sustainability Implications:

The Australian Business Excellence Framework provides a vehicle and process for sustainable business improvement. The Framework provides the methodology for a planned, systematic approach to assessing and identifying improvements to the City's leadership and management systems, and, therefore, sustainable business improvement.

The Business Excellence Framework will assist the City to progress and assess organisational sustainability that will result in improved services to the community, greater efficiencies in operations, and improved community and stakeholder relations.

Adoption of the Framework will assist the City to focus on business excellence and long-term sustainability.

**Consultation:**

Not Applicable.

**COMMENT**

The Australian Business Excellence Framework is a powerful tool, which will assist the City to achieve long-term improvement by introducing best practice methodologies across all aspects of the organisation, and to integrate and deploy quality management into its total leadership and management systems.

The framework has been specifically designed to assist organisations to measure current performance and to continually improve performance in order to provide:

- Improved service delivery/provision to the community.
- Improved community satisfaction.
- Improved operational efficiency.
- Improved organisational performance.
- Improved employee morale.
- Improved council member, community, government and key stakeholder relations.

Utilisation of the Australian Business Excellence Framework will provide the City with a practical methodology and process for driving continuous improvement throughout the organisation, and will provide a solid basis for continual improvement and better practice in the provision of services to the community.

The Australian Business Excellence Framework is a model that can facilitate the implementation of the Governance Framework recently adopted by the Council. The Australian Business Excellence Framework will enable the assessment, progression and implementation the Governance Framework by providing a template against which to assess the key features of a local government authority of excellence.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council ADOPTS the Australian Business Excellence Framework as the City's leadership and management framework as outlined in this Report.**

## ITEM 6 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 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 October 2005 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2005, totalling \$5,849,529.66.

*It is recommended that Council NOTES the CEO's List of accounts for October 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to this Report, totalling \$5,849,529.66.*

### 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 October 2005. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 73068 - 73385 <b>EFT</b> 4121 - 4408 <b>Vouchers</b> 100A -102A & 104A - 106A	\$5,849,529.66
Trust Account		Nil
		<b>\$5,849,529.66</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.

**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 October 2005  
Attachment B          Municipal Fund Vouchers for the month of October 2005

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for October 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to this Report, totalling \$5,849,529.66.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach3brf151105.pdf](#)*

## **ITEM 7                    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2005 - [07882]**

**WARD:**                    All

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

The October 2005 year to date report shows an overall variance (under spend) of \$7.5m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07-05 refers).

This variance can be analysed as follows:

- The **Operating** Surplus From Operations is \$42.2m compared to a budgeted surplus of \$39.9m at the end of October 2005. The \$2.3m variance is primarily due to the early receipt of grant funding, greater than budgeted interest income and lower than budgeted expenditure in employee costs and materials and contracts.
- **Capital Expenditure** is \$7.9m against the year to date budget of \$13.2m. The \$5.3m under spend is due to delays in purchasing heavy and light vehicles, delays in Capital Works and delays on the geo-thermal bore for Craigie Leisure Centre.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2005.*

### **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 October 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 Activity Statement is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred 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 October 2005.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 October 2005.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf151105.pdf](#)*

## **ITEM 8            BROOKMOUNT RAMBLE, PADBURY - (WESTERN SECTION) PROPOSED CLOSURE TO VEHICULAR TRAFFIC - [76556]**

**WARD:**                 Pinnaroo

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

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### **PURPOSE**

The purpose of this report is to seek Council approval to initiate closure to vehicular traffic on the western section of Brookmount Ramble, Padbury, near the North City Christian Centre.

### **EXECUTIVE SUMMARY**

The City has received complaints from residents who have properties which back onto the western end of Brookmount Ramble in Padbury. There is currently a cul-de-sac at the western end of Brookmount Ramble, which is consistently targeted with antisocial driver behaviour. In addition, vandalism to the gate and padlock, which provides car park access from the cul-de-sac to the Al Hedaya Mosque access, is a recurring problem.

Although City Watch patrols and the Police have been active in this area, due to the remote location of Brookmount Ramble the nearby residents continue to experience ongoing anti social issues.

Following a consultation process with local residents and representatives from the Al Hedaya Mosque, a closure to vehicular traffic is considered the most appropriate treatment.

As Brookmount Ramble is a public road a closure to vehicular traffic is required to be advertised and undertaken in accordance with the Local Government Act 1995 Section 3.50.

*It is recommended that Council:*

- 1        *INITIATES the closure of the western section of Brookmount Ramble, Padbury to vehicular traffic, as shown at Attachment 1 to this Report, in accordance with the requirements of the Local Government Act 1995 Section 3.50;*
- 2        *LISTS for consideration the amount of \$5,000 in the 2005-2006 Half Year Budget Review for the installation of lockable bollards and associated traffic calming treatment in Brookmount Ramble.*

### **BACKGROUND**

Brookmount Ramble was initially constructed to alleviate traffic and parking issues, which were being experienced by residents in Walter Padbury Boulevard and Chadlington Drive, Padbury. These traffic issues were due to the traffic generated by a number of organisations such as the Anglo Indian Association, North City Christian Centre and Al Hedaya Mosque, which are located in this area.

Brookmount Ramble is however located in a remote location and as a consequence is now experiencing antisocial driver behaviour along the entire length of the road. The cul-de-sac located at the western end of the road is being subjected to vehicles carrying out 'donuts' and vandalism to infrastructure in this general area. The situation has reached a level of frustration from residents where nails and wooden logs have been illegally placed on the cul-de-sac to deter this behaviour.

Following consultation with residents backing onto this cul-de-sac and representatives from the Al Hedaya Mosque, it was agreed that the installation of lockable bollards approximately 150 metres east of the cul-de-sac, along with an associated traffic calming treatment, would assist to curtail the current antisocial behaviour occurring. The location of the proposed treatment is shown on Attachment 1. The Mosque would be supplied with keys for the bollards to allow access to its rear driveway and car park.

## **DETAILS**

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

A number of options including the installation of additional traffic management treatments and increased patrols by City Watch were explored, however closure to vehicular traffic at the western section of Brookmount Ramble, Padbury is deemed the most appropriate course of action.

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

This recommended proposal is in line with Strategies:

- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.2 To provide quality services with the best resources.

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

As a public road, under the Local Government Act 1995 Section 3.50 the Local Government may, by public notice, order that a thoroughfare that it manages is closed to the passage of vehicles for a period exceeding 4 weeks.

### **Risk Management considerations:**

As a risk management strategy, the partial closure will exclude vehicles from a location, which due to its remote location, is experiencing antisocial driver behaviour and property damage.

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

The installation of lockable bollards and associated traffic calming treatment is estimated at \$5,000. There is currently no funding allocated in the Budget for this treatment. It is considered that funds can be listed in the Half Year Budget Review.

### **Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The City has been consulting with adjacent residents, representatives of the Al Hedaya Mosque and the North City Christian Centre regarding the problems being experienced on Brookmount Ramble.

The provision of lockable bollards with an associated traffic calming treatment will prevent vehicles from reaching the western end of Brookmount Ramble to carry out antisocial driver behaviour in the cul-de-sac.

The statutory requirement is to advertise the proposed road closure for public comment for a period of 35 days. The adjacent landowners will be notified in writing and signs will be placed at the entrance to the road. In addition, an advertisement will be placed in local newspapers.

**COMMENT**

Due to the remote location of Brookmount Ramble and the limited impact on the general public using this road, a closure to vehicular traffic at the western section is considered the most appropriate treatment to alleviate the problems being encountered by the adjacent residents and organisations. There is general support for this proposed treatment as it is recognised there are benefits to local residents and this can also minimise property damage that is currently being experienced. The funding for the proposed treatment can be listed for consideration in the Half Year Budget Review.

**ATTACHMENTS**

Attachment 1      Locality Plan

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 INITIATES the closure of the western section of Brookmount Ramble, Padbury to vehicular traffic, as shown at Attachment 1 to this Report, in accordance with the requirements of the Local Government Act 1995 Section 3.50;**
- 2 LISTS for consideration the amount of \$5,000 in the 2005-2006 Half Year Budget Review for the installation of lockable bollards and associated traffic calming treatment in Brookmount Ramble.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf151105.pdf](#)*

## **ITEM 9            MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 26 OCTOBER 2005 - [12168]**

**WARD:**            All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 26 October 2005 for endorsement by Council.

### **EXECUTIVE SUMMARY**

The intention of this report is to inform Council of the proceedings of the meeting of the Conservation Advisory Committee held on 26 October 2005.

There were three items of business on the October Conservation Advisory Committee Agenda, being a draft manual for Bushland Friends Groups, a proposed listing of reserves in the District Planning Scheme No 2 and a deputy member nomination for Friends of Maritana Bushland.

For the past ten years community members working within the Bushland Friends Groups framework have been assisting the City to manage and maintain the City's Natural Areas. There are currently eleven groups engaged in these activities.

It has been recognised that there is a need for the City to produce a handbook to establish the guidelines for a mutually beneficial working relationship between volunteers undertaking bush care activities and Council.

A draft of the Friends Group manual was circulated at the meeting to allow Committee members to comment.

At the August 2005 meeting, the Committee requested to be provided with a list of reserves, which have been identified using the Perth Biodiversity Templates, as having environmental significance. The list comprises of reserves that have been assessed as being the best ecologically in the City, it does not include reserves that form part of the Bush Forever Directory.

Committee members endorsed the list, with the addition of Alfreton Park Duncraig, bringing the total number of reserves be placed on Schedule 5 of the District Planning Scheme No 2 to thirty. The list of reserves is shown on Attachment 2.

The Friends of Maritana Park, Kallaroo are represented on the Conservation Advisory Committee. Ms Nicole Mattingley was nominated as a deputy to represent this Friends group.

The Committee resolved the following recommendations:

- 1 *That the Conservation Advisory Committee recommends that the list of reserves, as shown on Attachment 2 of the October 2005 Conservation Advisory Committee Minutes, be included under Schedule 5 of the District Planning Scheme No 2.*
- 2 That Council endorses Ms Nicole Mattingley as Deputy Representative of the Friends of Maritana Park, Kallaroo on the Conservation Advisory Committee.

*The Conservation Advisory Committee's Terms of Reference allows for a representative and deputy for each bushland group.*

*It is recommended that Council:*

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 26 October 2005 forming Attachment 1 to this Report;*
- 2 *NOTES the list of reserves, as shown on Attachment 2, as recommended by the Conservation Advisory Committee for inclusion in Schedule 5 of the City's District Planning Scheme No 2;*
- 3 *NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect national areas of significance under Schedule 5 of the District Planning Scheme No 2;*
- 4 *APPOINTS the Friends of Maritana bushland Deputy Representative, Ms Nicole Mattingley, to the Conservation Advisory Committee.*

## **BACKGROUND**

The Conservation Advisory Committee is a Council Committee that advises on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Committee meets on a monthly basis.

Committee membership comprises of a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

## **DETAILS**

### **Issues and Options**

At the Council Meeting of 20 September 2005 Council resolved the following:

*NOTES that a list of bushland reserves managed by the City in order of management priority has been prepared and that the Chief Executive Officer will provide a future report on the Conservation Advisory Committee's review of these reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of District Planning Scheme No. 2.*

The Committee has reviewed the bushland list prepared and is requesting that this list of thirty reserves be included under Schedule 5 of the District Planning Scheme No 2.

At the October Conservation Advisory Committee meeting the following motion was put and carried:

- That the Conservation Advisory Committee recommends that the list of reserves, as shown on Attachment 2, of the October 2005 Conservation Advisory Committee Minutes be included under Schedule 5 of the District Planning Scheme No 2.

### Friends of Maritana Bushland

The Friends of Maritana bushland are a recently formed community bush care group. Council has appointed a representative from this group and it is proposed that a deputy also be appointed. The Conservation Advisory Committee recommends:

- That Council endorses Ms Nicole Mattingley as Deputy Representative of the Friends of Maritana Park, Kallaroo on the Conservation Advisory Committee.

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

#### Key Focus Area

Caring for the Environment.

#### Outcomes

The City of Joondalup is environmentally responsible in its activities.

#### Objectives

To plan and manage our natural resources to ensure environmental sustainability.

#### Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

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

The Local Government Act 1995 allows a council to establish committees to assist a Council to exercise the powers and discharge duties that can be delegated to a committee.

#### District Planning Scheme No. 2

Details of the Scheme and the implications to Council, if the reserves as identified are included under Schedule 5 of the District Planning Scheme No 2, are as follows.

The City of Joondalup's District Planning Scheme No 2 lists among its aims and objectives as:

- *To provide the Council and residents with appropriate mechanisms to protect identified places of landscape or environmental value within the City.*
- *To ensure that adequate regard is given to the protection of the natural environment in the determination of land use and development proposals in accordance with sustainable development principles.*

*To achieve the above aims and objectives, Part 5 Special Controls Landscape/Environment Protection, forms part of the document, the details of which follow:*

*Schedule 5 contains details of those places and objects within the City that the Council has classified as having significance for the purpose of protection of the landscape or environment.*

*If the Council at any time considers that a place or object has significance from the point of view of protection of the environment or landscape, the Council may classify the place or object accordingly and shall add details thereof to Schedule 5 by amendment to the Scheme.*

*If Council at any time considers that any Schedule 5 place or object should no longer be subject to the provisions of this clause the Council may initiate an amendment to the Scheme for the deletion of the place or object from Schedule 5.*

*Notwithstanding any other provisions of the Scheme to the contrary, the approval of the Council is required for the following development on or in relation to any place of landscape value or environmental value listed in Schedule 5:*

- (a) the clearing, excavation or filling of any land;*
- (b) the felling, removal, killing or causing of irreparable damage to any tree;*
- (c) the erection of any fence;*
- (d) the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building; or*
- (e) the alteration or removal of any building or object or part thereof.*

The Council may enter into agreements with any State or Commonwealth government authority or other body in Western Australia for the preservation or conservation of any place or object listed in Schedule 5.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**Environmental

Conservation Advisory Committee objective “ To make recommendations to Council for the Conservation of the City of Joondalup’s natural biodiversity”.

Social

To promote partnerships between Council and the Community to protect the City of Joondalup’s natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

**Consultation:**

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

**COMMENT**

The Conservation Advisory Committee has been working with Council to produce a local biodiversity strategy for the City. Natural areas of high ecological value have been identified by utilising structured processes made available to Council by the Western Australian Local Government Association, through the Perth Biodiversity Project (PBP). The Local biodiversity Guidelines produced by the PBP, advise that natural areas identified through this process be protected by the use of town planning schemes.

The Conservation Advisory Committee is seeking support from Council to protect the significant natural areas it manages, and identified by the PBP process by placing them in Schedule 5 of the District Planning Scheme 2. This course of action is supported, and would form part of the progression required to produce a local biodiversity strategy at the City of Joondalup. City officers have assessed the hundred reserves that contain bushland and are managed by the City. These reserves have been placed in order of management priority. The Committee has reviewed the list of reserves and has requested Council to place thirty reserves under Schedule 5 of the District Planning Scheme No 2. A further report will be provided on the Committee’s recommended list of reserves and the process impact of this proposal to protect natural areas under the District Planning Scheme No 2.

**ATTACHMENTS**

- |              |                                                                            |
|--------------|----------------------------------------------------------------------------|
| Attachment 1 | Minutes of Conservation Advisory Committee meeting held on 26 October 2005 |
| Attachment 2 | List of Bushland Reserves                                                  |

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1** NOTES the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 26 October 2005 forming Attachment 1 to this Report;
- 2** NOTES the list of reserves, as shown on Attachment 2 to this Report, as recommended by the Conservation Advisory Committee for inclusion in Schedule 5 of the City's District Planning Scheme No 2;
- 3** NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect national areas of significance under Schedule 5 of the District Planning Scheme No 2;
- 4** BY AN ABSOLUTE MAJORITY APPOINTS the Friends of Maritana bushland Deputy Representative, Ms Nicole Mattingley, to the Conservation Advisory Committee.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf151105.pdf](#)

**ITEM 10      PROPOSED NURSING HOME AND AGED OR  
DEPENDANT PERSONS' DWELLINGS: LOT 28  
(FORMERLY PORTION LOT 62) AND LOT 63  
HOCKING ROAD KINGSLEY – REVISED  
APPLICATION FOR PLANNING APPROVAL – [12306]  
[13201]**

**WARD:** South

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

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**PURPOSE**

To request Council's determination of a new application for planning approval for the development of a Nursing Home and Aged or Dependant Persons' Dwellings in Kingsley.

**EXECUTIVE SUMMARY**

The development site is located between Hocking Road and Whitfords Avenue, Kingsley and is commonly referred to as the Meath site. To the east of the site is the Cherokee Caravan Park and to the west of the site is the Yellagonga Regional Park (Attachment 1 refers).

The Council originally approved development of the land on 14 December 2004.

The applicant is seeking approval for revised plans for the development of a Nursing Home and 38 Aged or Dependant Persons' Dwellings. Whilst the major land uses have remained the same in the two proposals, it is the proposed built form and design layout that are different between the two development proposals.

The proposed 38 Aged or Dependant Persons' Dwellings (single storey) are located to the front of the site, adjoining Hocking Road. The Nursing Home dependent living facility (3 storeys plus basement) is located to the rear of the site, adjacent to the Whitfords Avenue frontage, while the Nursing Home assisted living facility (two storeys plus basement) is located on the central part of the lot (Attachment 2 refers)

All vehicular access to the development site will be obtained from Hocking Road and a traffic report for the expected traffic flow and parking requirement of the site has been submitted with the application. Additionally, acid sulphate soil testing has been undertaken on the site and a report on the testing has also been submitted with the application.

The Council is required to consider the following under the Residential Design Codes 2002 (the Codes):

- 1 Plot ratio;
- 2 Aggregate driveway width;
- 3 Parapet wall lengths; and
- 4 Retaining and fill.

Additionally, Council is required to consider the following:

- (i) Building height threshold projection; and
- (ii) Parking provided at 78 parking bays for the proposed Nursing Home.

Submissions were received during the advertising period and comments were also received from external bodies that were consulted during this process.

The new proposal represents a development of reduced bulk and height. Technically, it conforms to standards.

Having regard to the provisions of the City of Joondalup District Planning Scheme No 2 (DPS2), the Codes and the submissions received, it is recommended that the application for Aged or Dependant Persons' Dwellings and Nursing Home be approved.

## BACKGROUND

<b>Suburb/Location:</b>	Kingsley
<b>Applicant:</b>	Design Inc Perth P/L
<b>Owner:</b>	Meathcare Inc
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Site Area:</b>	Lot 28 and Lot 63 combined – 26421m <sup>2</sup>
<b>Structure Plan:</b>	Not Applicable

Lot 63 Hocking Road, Kingsley was previously zoned 'Rural' and Lot 62 Hocking Road, Kingsley (now known as Lot 28) was a 'Park and Recreation Reserve' under DPS2 (Attachment 1 refers). The Minister for Planning approved the rezoning of Lot 63 from 'Rural' to 'Residential' and a portion of Lot 62 (considered surplus to the needs of the adjacent Yellagonga Regional Park) from 'Park and Recreation Reserve' to 'Residential', with a density code of R20 as part of Metropolitan Region Scheme (MRS) Amendment No 1037/33 (North West Districts Omnibus No 5).

There was no special development requirements applied to the site as a consequence of the MRS amendment process. The rezoning of the land as Residential with a density of R20 was gazetted on 25 May 2004 as Amendment 12 to the DPS2.

Following the rezoning, the owners proposed an aged care development on the subject site. The original application was referred to the Council in December 2004. The overall height of the dependant component of the Nursing Home was a concern and the recommendation pertaining to the proposal was for the application to be refused. The Council did, however, approve the proposed development for the following reasons, as stated in the minutes of that meeting:

- *The site is zoned Residential under DPS2 and a nursing home and aged persons' dwellings are discretionary uses;*
- *It is questionable as to whether the building height affects the amenity to such an extent that this development should not go ahead;*
- *There are several cogent arguments that suggest that the development and its context near the lake might be appropriate;*
- *The officer's conclusion within the report states that the use of the site for nursing home and aged persons' dwellings is supported;*
- *The amenity of the site would provide a suitable barrier to the development in terms of height.*

In order to comply with the conditions of the previous approval, to address some of the concerns of the City and to improve service provision within the development, the owners are proposing a modified version of the original plans.

A comparison of the approved and proposed uses for the site is shown below:

<b>Development Application approved 30/12/2004 – DA04/0060</b>	<b>Current Proposal – DA05/0548</b>
<p>Consisted of:</p> <p>39 Aged or Dependant Persons' Dwellings and a Clubhouse;</p> <p>A 30 unit, 60 bed Nursing Home for assisted living;</p> <p>A 110 bed Nursing Home for dependant living; and</p> <p>An administration building for the site and general Meath Care Inc. business.</p>	<p>Proposes:</p> <p>38 Aged or Dependant Persons' Dwellings and a Clubhouse;</p> <p>A 30 unit, 60 bed Nursing Home for assisted living; and</p> <p>A 118 bed Nursing Home for dependant living.</p> <p>Deleted in this proposal.</p>

The applicant proposes, through the revised plans, to address some of the conditions and concerns of the previous planning approval.

### **Application timeline**

- 03/08/2005: Application received by the City.
- 03/08/2005: Application referred to the Western Australian Planning Commission (WAPC) and the Department for Planning and Infrastructure (DPI).
- 03/08/2005: Application referred to the Department of Environment (DoE) and by extension the DoE Land and Water Quality Branch (LWQB).
- 03/08/2005: Application referred to the Department of Conservation and Land Management (CALM).
- 11/08/2005: Amended plans requested.
- 15/08/2005: Comments received from WAPC/DPI.
- 24/08/2005: Comments received from DoE and LWQB.
- 26/08/2005: Amended plans received.
- 15/09/2005: Advertising commenced.
- 17/10/2005: Advertising concluded.

### **DETAILS**

The proposal comprises the following aspects (See Attachment 3 for details):

- 38 Aged or Dependant Persons' Dwellings each with a double garage and store area and ranging from 2 to 3 bedrooms in each dwelling.
- A 30 unit, 60 bed, nursing home component for assisted living.
- A 118 bed nursing home component for dependant living.
- Connected basement parking for the nursing home components.
- Recreation facilities.

- Vehicular access to the majority of the development is provided via two main entrances, and nine Aged or Dependant Persons' Dwellings are accessed directly from Hocking Road via six driveways.
- The Aged or Dependant Persons' Dwellings front Hocking Road and also orientate towards the adjoining Yellagonga Regional Park.
- The Nursing Home component is orientated predominantly towards the Whitford Avenue frontage and the eastern boundary of the site adjacent to Cherokee Village Caravan Park.

The following is a summary and comparison between the variations approved 30/12/2004 and proposed development:

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Proposal Summary	Consisted of:  39 Aged or Dependent Persons' Dwellings and a clubhouse;  A 30 unit 60 bed nursing home for assisted living;  A 110 bed nursing home for dependant living; and  An administration building for the site and general Meath Care Inc. business.	Proposes:  38 Aged or Dependent Persons' Dwellings and a clubhouse;  A 30 unit 60 bed nursing home for assisted living; and  A 118-bed nursing home for dependant living.
Aged or Dependent Persons' Dwelling  Unit size (Residential Design Codes Acceptable Development plot ratio area is 100sqm)	Ranged from approximately 108-139m <sup>2</sup>	Now range from approximately 110-139 m <sup>2</sup>
Aged or Dependent Persons' Dwelling  Lot size minimum 293.3m <sup>2</sup> , and average 333.3m <sup>2</sup>	Minimum 260sqm and average complied	Minimum 294.3sqm and average complies
Aged or Dependent Persons' Dwelling	39 units as part of original DA approval – conditioned to comply with adaptable housing	38 units as part of current proposal – all now comply with the requirements of adaptable housing
Stores	Stores ranged from 3.7- 4m <sup>2</sup> original DA approval.	Now range from 3.5-4.0m <sup>2</sup> .

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Parking	81 bays for Aged or Dependent Persons' Dwelling including 39 double garages and 3 visitors bays; and  114 bays for nursing home component and administration building	80 bays for Aged or Dependent Persons' Dwellings including 38 double garages 1 for each unit and 4 visitors bays  78 bays for nursing home component
Administration Building	Was included in the original DA	Is no longer proposed on site
Setbacks	Compliant	Compliant
Fencing	Was required to meet Residential Design Codes (Condition u. of the approval) and Council Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space although this was not specifically stated in the conditions or footnotes.	Has been submitted in accordance with the Codes and the City's policy. Additionally, the City, as part of an application to amalgamate the lot, has detailed plans of the proposed fencing and is expecting a bond to be paid for the development of such.
Dual Use path	Requested by CALM	A dual use path as per Attachment 7 shall be a conditioned should the development be granted approval.
Driveway width  Acceptable development maximum aggregate driveway width 9 m.	Approved 51 metres in lieu of 9 metres aggregate.	Proposed 55 metres in lieu of 9 metres aggregate
Building Height Envelope Policy 3.2 – Height and Scale of Building Within Residential Areas	Exceeded BHE to northwest of site adjacent Whitfords Ave and the Yellagonga Regional Park. The approved height worst-case scenario is 16 metres.	Proposed to exceed BHE to northwest of the site adjacent Whitfords Ave and the Yellagonga Regional Park. The proposed height is 14.4 metres adjacent to Whitfords Ave and 14.7 metres adjacent to Yellagonga Regional Park.  Proposes less of a projection than previous proposal

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Advertising	<p>The proposal was advertised for 30 days with nearby and adjoining owners being notified in writing, two signs placed on site and a newspaper advertisement for three consecutive weeks.</p> <p>8 submissions were received. 2 were non-objections. 1 was a petition including 76 signatures.</p>	<p>The proposal was advertised for 30 days. A sign was placed on site on both the Hocking Road and Whitfords Avenue frontage, the proposal was advertised in the Joondalup Community Times on three occasions, the proposal was available electronically via the City's website and letters were sent directly to nearby and adjoining owners and respondents to the previous application.</p> <p>5 submissions were received, being three objections, one non-objection and one expression of concern (not marked as an objection by the respondent).</p>
Acid Sulphate Soils (ASS)	The applicant provided the required information as set out in Planning Bulletin No. 64 – Acid Sulphate Soils	An ASS report was submitted as part of this application, and has been reviewed by the DoE's Land and Water Quality Branch.
Retaining walls	The original application did not specifically propose retaining, although it was clear that retaining would be required to develop the site in accordance with the approved plans.	This application includes retaining walls to a maximum height of 2.1 metres at one point on the northern elevation immediately adjacent to Whitfords Ave. The majority of the retaining does not exceed 1.2 metres in height, and much of the retaining proposed retains excavation.
Open Space Provision	The aged or dependant person's dwellings did not comply with the open space provisions of the Residential Design Codes 2002.	The proposed aged or dependant person's dwellings comply with the open space provisions of the Residential Design Codes 2002.

The table below summarises the variations proposed by the current application:

Issue	Current Proposal DA05/0548
<p>Aged or Dependent Persons' Dwellings</p> <p>Residential Design Codes Acceptable Development plot ratio area is 100sqm</p>	Plot Ratio ranges from approximately 110-139 m <sup>2</sup>
<p>Stores</p> <p>Residential Design Codes Acceptable Development is 4 m<sup>2</sup></p>	Range from 3.5-4.0m <sup>2</sup> .

Issue	Current Proposal DA05/0548
Parking	80 bays for Aged or Dependent Persons' Dwellings including 38 double garages 1 for each unit and 4 visitors bays  78 bays for nursing home component – subject to the discretion of Council.
Setbacks	Compliant except where variations exist to Clause 3.3.2 of the Codes – Buildings on Boundary – as discussed further in this report.
Driveway width  Acceptable development maximum aggregate driveway width 9 m.	Proposed 55 metres in lieu of 9 metres aggregate
Building Height Envelope Policy 3.2 – Height and Scale of Building Within Residential Areas	Proposed to exceed BHE to northwest of the site adjacent Whitfords Ave and the Yellagonga Regional Park. The proposed height is 14.4 metres adjacent to Whitfords Ave and 14.7 metres adjacent to Yellagonga Regional Park.
Retaining walls	This application includes retaining walls to a maximum height of 2.1 metres at one point on the northern elevation immediately adjacent to Whitfords Ave. The majority of the retaining does not exceed 1.2 metres in height, and much of the retaining proposed retains excavation.

#### Issues and options considered:

Council has the discretion to:

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

#### Link to Strategic Plan:

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

The proposal will address Strategy 1.3 in its entirety, which seeks to continue to provide services that meet changing needs of a diverse and growing community.

It will also address Strategy 3.1, which seeks to develop and maintain the City of Joondalup's assets and built environment.

The proposal will address Strategies 3.3.1 and 3.3.2, which seek to provide residential living choices and integrate plans to support community and business development.

It will also address Strategy 3.5.2, which seeks to assist the facilitation of local employment opportunities by providing an increased population to frequent nearby commercial land uses.

## Legislation – Statutory Provisions:

### DPS2

The site is zoned 'Residential' under DPS2 and has a density coding of R20. A 'Nursing Home' and 'Aged or Dependant Persons Dwelling' are 'D' (discretionary) uses within the Residential zone. A 'D' use is, 'a use that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 6.7.'

When determining this application, clauses 4.5, 4.8 and 6.8 of the DPS2 are particularly relevant:

#### 4.5 *Variations to Site and Development Standards and Requirements.*

4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (b) *have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

*approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

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

#### 4.8 *Car Parking Standards*

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

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

## 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.*

### The Codes

The Codes apply to the aged or dependant persons' dwellings proposal on the subject lot. Clause 2.3.4 of the Codes allows the consideration of variations to the 'Acceptable Development' standards set out in the Codes.

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

Not Applicable.

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

Not Applicable.

#### **Policy Implications:**

The application exceeds the City of Joondalup Policy 3.2 – Height and Scale of Buildings Within a Residential Area threshold limit and as such, Council is required to consider this policy in relation to the proposed development.

### Regional Significance:

The adjacent Yellagonga Regional Park is of significant environmental importance to the region. Development of the subject land must be sympathetic to possible environmental impacts and should aid in facilitating the better enjoyment of the Regional Park for the public.

### Sustainability Implications:

The proposed development seeks to achieve sustainability by providing diversity of housing choice and ageing in place for the senior members of our community. This will be achieved through the utilisation of existing infrastructure. The proposed development will further provide employment within the City.

Additionally, the proposal includes appropriate landscaping within the adjacent Regional Park and environmental fail-safes that will maintain and protect the sensitive environmental setting.

### Consultation:

#### Advertising

The application was advertised for a period of 30 days. A sign was placed on site on both the Hocking Road and Whitfords Avenue frontage, the proposal was advertised in the Joondalup Community Times on three occasions, the proposal was available electronically via the City's website and letters were sent directly to nearby and adjoining owners and respondents to the previous application.

Five (5) submissions were received, being three objections, one non-objection and one expression of concern (not marked as an objection by the respondent).

A summary of the submissions and responses to those submissions is shown below:

Objection/Comment	Technical Comment
No Objection	Noted
Objection to the proposed development as it would see the existing market garden and fruit and vegetable shop shut down.	The market garden is a non-conforming use on the subject site. The zoning for the site and the Land Use Table within the DPS2 allows the property owners to consider various land use options for the development of their land.
Concern regarding the speed of traffic along Hocking Road and suggests a roundabout on the corner of Lakeway Drive and Hocking Road to slow traffic down. Objects to any proposed closure of Hocking Road at the Wanneroo Road end.	The applicant has provided a traffic study that suggests that the traffic generated by this proposal will be less than if the site was developed as single housing only. No closure of Hocking Road is proposed in this application.
Objection. The proposal fails to meet the criteria for land use specified by the Metropolitan Region Scheme (MRS) Amendment.  The test for the Meath Care proposal set by the MRS amendment is 'does it have a high visual amenity and will it be a low traffic generator'. It will not have high visual amenity.	The MRS amendment did not specify criteria for land use. The MRS amendment recommended rezoning of the land to Residential R20. Various options for development are available to the owner.  The proposal is adjacent to a caravan park, Hocking Road and a residential estate, Whitfords Avenue and a reserve, and Yellagonga Regional Park. It is considered that the proposed development will be constructed in material and design of a high standard,

Objection/Comment	Technical Comment
<p>It will not be a low traffic generator.</p> <p>The traffic report is not accurate.</p>	<p>and will appropriately interface with the existing uses. The applicant has provided a traffic study that suggests that the traffic generated by this proposal will be less than if the site was developed as single housing only.</p> <p>Qualified traffic consultants' have presented the traffic report. The City has assessed the report and its conclusions, and found the analysis to be satisfactory.</p>
<p>Objection. The development proposal will have a significant impact on the environment and is radically different from the typical 'residential' development that would have been envisaged in assessing the original rezoning proposal or scheme amendment.</p> <p>Expert advice given by its own officers to the Joondalup Commissioners opposed the proposal on environmental grounds.</p> <p>The effect of increased traffic flow on the Yellagonga Park needs re-appraisal in the light of significant changes to the proposal as first assessed by the Environmental Protection Authority (EPA).</p> <p>The effect of the proposal on the adjacent wetlands needs re-appraisal in the light of significant environmental impacts and changes to the proposal as first assessed by the EPA.</p>	<p>The environmental assessment of the site was conducted prior to the rezoning of the site. The MRS amendment rezoned the site to Residential without special development conditions and therefore, development of the site is to be expected in accordance with the framework set out in the DPS2. Furthermore, there is no statutory link between the rezoning process and the development approval process. The current application will be assessed on its merits.</p> <p>The original proposal was opposed by the City on the grounds of height and scale, although this position was not supported by Council. The revised application seeks to reduce the impact of the height and scale of the development, and the applicant has undertaken significant environmental testing submitted as part of this proposal.</p> <p>The environmental assessment of the site was conducted prior to the rezoning of the site. The MRS amendment rezoned the site to Residential and therefore development of the site is to be expected. The applicant has provided a traffic study that suggests that the traffic generated by this proposal will be less than if the site was developed as single housing only. The City has assessed the report and concurs with the findings of the report.</p> <p>The environmental assessment of the site was conducted prior to the rezoning of the site and was based on the proposed zoning of residential. The MRS amendment rezoned the site to Residential and therefore development of the site is to be expected. The City has consulted extensively with external government departments on the matter of this development.</p>

### Referrals

Comments were also sought in accordance with the requirements of the DPS2 from external parties, being the WAPC (DPI), DoE, DoE Land and Water Quality Branch, and CALM.

Comments received from these authorities are as follows:

WAPC (DPI):

*'The development is proposed to back onto Whitfords Avenue, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS).*

*There are no land requirements for the ORR, which affect the proposal, and no proposed access onto the ORR.*

*Pursuant to clause 3 under the Notice of Delegation there is no requirement to refer the application to the Department for Planning and Infrastructure.'*

DoE:

*'The Department of Environment (DoE) has assessed the proposal and has no objections to the proposed development.'*

DoE Land and Water Quality Branch (LWQB):

*'Based on the information provided, the LWQB concurs with the report's conclusions that no specific ASS management is required for the proposed site works. However, given the potential presence of some ASS within the local area, the DoE recommends that the quality of any dewatering effluent generated during site works be monitored for total acidity and pH and the monitoring contingency matrix attached (\*) be adopted to ensure that any potential risks to the environment are minimized.*

*Should the earthworks program for the site change such that ASS may be disturbed in any way, a comprehensive Acid Sulphate Soil Management Plan (ASSMP) should be developed and submitted to DoE for review and approval prior to commencement of the proposed disturbance.*

*If any soil strata are encountered during development works which were not previously identified during investigations at the site, these soil strata should be assessed for their acid generating potential and the management plan for the site amended as required.'*

\* Note - the matrix referred to in this letter has not been included in this report and is addressed as a footnote to the recommendation.

CALM:

*'Given it is difficult to determine if the new plans have addressed all issues previously raised by CALM I have attached CALM's submission to the original development application for further consideration by the City of Joondalup.'*

The comments received from CALM are summarized below:

(i) Consultation with the local community

CALM suggests consultation with local community, specifically community interest groups dedicated to the adjoining Regional Park.

(ii) Midge Plagues

CALM notes that midge plagues can be problematic around Lake Goollelal. CALM suggests that information advising prospective tenants be supplied.

(iii) Drainage Management and nutrient enrichment of the Yellagonga Wetlands

CALM requests that the proponent construct appropriate drainage management infrastructure within the development site to contain storm water. There is to be no discharge of water into the adjoining Yellagonga Regional Park. The Department of Environment should be consulted in relation to the need for a drainage and nutrient management plan.

(iv) Connection to Sewer

The development should be subject to connection to sewer.

(v) Dewatering during construction

Monitoring of dewatering effluent should be undertaken regularly to ensure ASS are not exposed.

(vi) Pre-construction Boundary Definition

No vegetation, earth spoil or any other debris shall be deposited within Yellagonga Regional Park. CALM has requested that the common boundary between the site and CALM land be surveyed before commencement of construction and a temporary fence be erected to define the lot boundary.

(vii) Removal of Rubbish

CALM requests that the proponent removes any rubbish from CALM land that emanates from the subject site.

(viii) Boundary Interface

CALM requests that final boundary fencing be to their satisfaction.

(ix) Landscape Amenity

CALM raises concern regarding the scale of the development in close proximity to Yellagonga Regional Park. CALM recommends that the proponent should plant and maintain a screen of vegetation within Lot 29 Hocking Road to help improve the landscape amenity of the area.

(x) Recreation Facility

CALM suggests construction of a dual use path and a contribution to recreation facilities within the Regional Park.

## COMMENT

At its December 2004 meeting, Council granted planning approval for the proposed use and development of the site as a Nursing Home and Aged or Dependant Persons' Dwellings. The revised application before Council retains the previously approved land uses, but seeks variations to the proposed built form and minor changes to the design layout.

The applicant has provided justification (Attachment 6 refers) for the revised plans and the proposed variations as established by this report.

The proposal complies with the provisions of the District Planning Scheme No 2, related policies and the Residential Design Codes 2002 except where stated below:

### **DPS2 Standards:**

#### Use Class Proposed:

The proposed assisted living facility and the dependant care facility are subject to the provisions of DPS2. The proposal complies with those provisions. With regard to use class, the development can be classified as follows:

<b>Applicants Description</b>	<b>DPS2 Use Class</b>
Independent Living Villas:	Aged or Dependant Persons' Dwellings
Assisted Living Facility:	Nursing Home
Dependant Living Facility:	Nursing Home

A 'Nursing Home' and 'Aged or Dependant Persons' Dwellings' are 'D' uses within the Residential Zone. A 'D' use is, 'a use that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 6.7.'

#### Height of the Proposed Buildings

As the site is zoned residential, Council Policy 3.2 (Height and Scale of Buildings within Residential Areas) applies to the site. The proposed 2 and 3 storey buildings of the Nursing Home exceed the building height envelope (BHE) established under the Policy to a large extent at the northwest corner of the site. The dependant living component of the Nursing Home is considered to be the building of most concern, being three storeys in height plus a basement level.

The BHE is not a statutory instrument that restricts the height of buildings, however, it does provide for an approval process that ensures that the impact of the development is appropriately considered.

In most situations, the BHE is intended to ensure that standard residential housing does not adversely impact on adjoining or surrounding properties by way of bulk or scale. In this instance, there is no adjoining housing that will be directly impacted upon by the 2 and 3-storey proposal. As such the City must consider the impact of the height and scale of the proposed buildings on the amenity of the area, particularly given that there are no other similar height developments in the vicinity

The development site is also located next to the Yellagonga Regional Park and the effect of the building on the amenity of the Regional Park should be carefully assessed.

The revised plans include a reduction in the overall height of the nursing home component of the development from the previously approved application, as it addresses Whitfords Avenue and the Yellagonga Regional Park, by a maximum of 1.3 metres. The maximum height of the proposal is now 14.7 metres above natural ground level (relative level). The proposed development takes advantage of the significant contour of the site, with the basement at the north-eastern corner of the site being completely underground and then emerging along Whitfords Avenue until fully exposed as a storey of the development at the north-western corner of the site.

The applicants seek to address the issue of height and scale by proposing significant landscaping and advanced species planting at this point on the site. The applicant has liaised with the City and CALM to develop an appropriate landscaping plan for both the subject site and the adjacent Regional Park. The effect of this landscaping will significantly ameliorate the impact of the height of the development, especially in the northwest corner adjacent to Whitfords Avenue and Yellagonga Regional Park.

The landscaping plan as developed with the City and CALM will provide an attractive interface between the subject site and the Regional Park. The plan includes significant planting in the Regional Park, the construction of a dual use path and areas designed for seating along the path for the public enjoyment of the area.

The provision of housing for a large number of people adjacent to the Regional Park will significantly increase the number of community members that have access to the enjoyment of the Park.

In addition, the applicant proposes an elevation design to create a facade of ordinary terrace style residential housing to 'deinstitutionalize' the development. The overall development addresses the respective boundaries and streetscape in such a way as to create an active outlook in all directions and large windows to the external boundaries promote passive surveillance of the adjoining streets and the Yellagonga Regional Park.

### **Car parking and Traffic**

DPS2 does not have specific standards that apply to the car parking provision for a nursing home and as such the City is required to determine an acceptable standard in this case. The applicant has submitted a traffic report prepared by Shawmac Consulting Engineers, which concludes that traffic generated from the site would have less of an impact than if the site was developed for single residences. The City concurs with the general conclusions of the report and do not consider that the proposed development will impact on the existing road network.

The report includes a detailed car-parking matrix for the anticipated demand for car parking for the Nursing Home component. The matrix takes account of all staff and visitors at the site at any one time and also assumes that the residents of the assisted living facility will require 30 car bays (one per apartment). Experience shows that the standard demonstrated appears to be a generous allocation, ie is generally more than expected to be required.

The report indicates that the peak parking requirement will be approximately 70 bays, while the nursing home facility proposes 78. Whilst the nursing home component of the development has 178 beds in total, the expectation that residents of the nursing home are not generally likely to be in possession of and/or driving a vehicle, specifically in the dependant living facility, is reasonable.

It is considered that parking provided for the nursing home component of the proposal is adequate for the needs of the development.

Parking for the aged or dependant persons' dwellings has been provided for with two parking bays per dwelling and four visitors' bays. The Codes require one space per dwelling where the dwelling has a plot ratio of 100m<sup>2</sup> or less plus one visitors bay per 4 dwellings.

As the dwellings exceed the plot ratio requirement of the Codes, there is no specific measurement for parking in this case. However, if parking is calculated at a rate of 1 bay per 100m<sup>2</sup> of plot ratio area plot ratio per dwelling, then the parking requirement for the aged or dependant persons' dwellings based on dwelling size will equate to 1.39 bays per dwelling, or 53 (52.82) bays. Additionally, the requirement for 1 visitor bay per four dwellings equates to 10 (9.5) bays for a total of 63 parking spaces required.

The proposal includes 76 bays for the dwellings plus four visitors' parking bays for a total of 80 parking spaces. Furthermore, 16 of the proposed dwellings have additional parking for two vehicles in the dwelling driveway with a minimum depth dimension of 5.4 metres as required by the Codes.

It is considered that the parking provided for the aged or dependent persons' dwellings is in excess of that which would be required by the Codes, and is adequate for the needs of the development.

### **Environmental Impacts:**

The proposal has the potential for significant implications on the environment, specifically, that it is located adjacent to the Yellagonga Regional Park and that parts of the Park are at risk regarding the possibility of acid sulphate soils (ASS).

The rezoning of the site required that the site be assessed for its suitability for residential development. The matter of soil contamination and the presence of acid sulphate soils on the site and the general environmental impact of the development were referred to the Environmental Protection Authority (EPA) during the amendment to the MRS.

A summary of the EPA comments as an extract from the DPS2 - Amendment No 12 is reproduced below:

*'The EPA advise that it has decided that the overall environmental impact of the amendment's implementation would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage.'*

The EPA did, however, provide some advice for the development, primarily that the site be used for low traffic generating uses, that the site be connected to sewer, that site contamination be assessed and that a road acts as an interface between the subject lot and the adjacent Regional Park.

The DEP was also invited to comment on the amendment, which included the concept plans for an aged care facility on the site, during the advertising process. The DEP's response included the following conditions:

*'the Commission [Water and Rivers Commission of the DEP] has no objection to proposal 15 subject to the following conditions:*

- 1 The small portion of wetland abutting Whitfords Avenue on Pt Lot 62 [now Lot 28] (to remain zoned as Parks and Recreation) should be fenced and revegetated with native species to enhance its conservation value.*
- 2 The Western Australian Planning Commission uses the funds from the sale of the southern portion of Pt Lot 62 to acquire privately owned land within the Yellagonga Regional Park boundary.*

Furthermore, the Water and Rivers Commission indicated that they considered the Conservation Category Wetland to the northwestern corner of Lot 62 Hocking Road, Kingsley [now Lot 28] to be degraded and that they were prepared to waive the 50 metre buffer requirement in order to allow for the rezoning of the southern portion of Lot 62 Hocking Road, Kingsley to be rezoned Urban.

After considering all the submissions, the validity of the proposed amendment and the possible impacts on the environment, the WAPC and the City supported the rezoning of the land for residential purposes.

The rezoning of the land subsequent to the gazettal of the amendment forms part of an 'assessed scheme' under the provisions of the Environmental Protection Act 1986 (the Act), and as such it is considered that the proposal does not need further referrals to the EPA in relation to any proposal on the land which complies with the provisions of the DPS2. The EPA has confirmed that if the proposal is consistent with the DPS2 no referral is required under section 38 of the Act.

Furthermore, officers of the EPA do not consider that the development as proposed will have a significant effect, if implemented, on the environment, and as such have indicated that no referral to the EPA will be required under section 48I of the Act, and that the EPA does not intend to call in the proposal for assessment.

The applicant has undertaken significant ASS testing for the site based on DoE guidelines, which has been reviewed by the DoE LWQB. The LWQB, who are the guiding authority on acid sulphate soils, have concurred with the conclusions of the report as presented to the City.

It should be noted that the basement finished floor level of 29.4RL is higher than corresponding road levels of Whitfords Avenue, which required excavation of the surrounding land for the construction of Whitfords Avenue.

#### **Relationship with adjoining reserve:**

Council Policy 3.2.6 (Subdivision and Development Adjoining Areas of Public Open Space) encourages development that adjoins public areas to orientate toward the open space, with large blank walls to be avoided. The proposed development of the nursing home and aged or dependant persons' dwellings that adjoin the open space are appropriately orientated to overlook the space and provide the appropriate passive surveillance of the area.

The boundary fencing proposed as part of this revised application is considered to comply with Policy 3.2.6. In addition, the City, as part of the proposed amalgamation of the two lots, has required a bond to be paid to the City as a guarantee that the works will be undertaken as proposed.

#### **Dual use path:**

During the WAPC consideration of the MRS rezoning of the subject site, a dual use path alongside the development site between Hocking Road and Whitfords Avenue was highlighted as a desired outcome.

It has subsequently been determined that the land immediately adjacent to the western boundary of Lot 28 Hocking Road is in private ownership and that a dual use path connecting Hocking Road and Whitfords Avenue cannot be achieved at this time. However, the landscaping plans proposed for the development include a dual use path within the Regional Park adjacent to the western boundary of Lot 63 Hocking Road, with provision made for a future link to Hocking Road.

If the proposed development is approved, a condition is proposed to be included on the approval requiring the applicant to construct the dual use path as proposed.

**Plot ratio size of the aged or dependant persons' dwellings:**

The standard Codes requirement for the size of an aged or dependant persons' dwelling is 100m<sup>2</sup>. The proposed sizes of the dwellings range from approximately 110m<sup>2</sup> to 139m<sup>2</sup>. The larger units contain 3 bedrooms and one dwelling type includes a study.

The performance criteria of the Codes require dwellings that accommodate the special needs of the elderly or physically dependent persons and are designed to allow for "ageing in place", taking into account the:

- proportion of dwellings designed to meet the Australian Standards;
- location of the site in relation to public transport and convenience shopping,
- topography of the site; and
- demand for aged persons' accommodation,

if the maximum plot ratio is to be exceeded.

All of the proposed aged or dependant persons' dwellings have been designed to incorporate the standards set out in AS 4299 (Adaptable Housing), allowing for appropriate future modifications to be made to the dwelling at a low cost. Additionally, the design of the proposal is such that all aged or dependant persons' dwellings are wheelchair accessible, further promoting the principles of ageing in place.

It is considered that the proposed aged or dependant persons' dwellings are a key element of the ageing in place philosophy and genuine over 55's accommodation. Therefore, it is considered that the proposed size of the dwellings will not compromise the provision of bona fide aged or dependant persons' accommodation.

**Internal boundary setbacks:**

The proposal includes parapet walls to the boundaries of the aged or dependant persons' dwellings in excess of the acceptable development provisions of the Codes. The Codes allow parapet walls to be a maximum length of 9 metres up to one side boundary without the need for an exercise of discretion. It is considered that the proposed setback variations make effective use of space, enhance privacy, enhance the amenity of the development, do not have significant adverse effect on adjoining properties, and will not restrict access to sunlight and ventilation to habitable rooms and outdoor living spaces of adjoining properties.

The proposed design is in keeping with development of this type, and promotes safety and security for the development. It is considered that the proposed development meets the performance criteria of the Codes and that there will be no negative impact as a result of the variation.

**Aggregate Driveway Width:**

The total width of the Hocking Road frontage is approximately 161.5 metres, whilst the proposal includes driveways and access roads to the Hocking Road frontage to a maximum width of 55 metres. The Codes acceptable development criteria allow for a maximum driveway width of 9 metres per lot.

However, this also represents a driveway width of approximately 34% of the total frontage, complying with the acceptable development criteria of the Codes of a maximum driveway width of 40% of the frontage.

It is considered that if the subject site had been divided into single residential lots, it is likely that the total driveway width on the developed lots would be equal to or more than the proposed driveway width in this proposal. Further, that the proposed driveways and access roads do not represent an excess of driveway width at the street frontage, and as such, it is considered that the proposed driveway width meets the performance criteria of the Codes.

**Retaining walls:**

The applicant proposes retaining and fill to a maximum height of 2.1 metres to facilitate the construction of the undercroft on the northern boundary adjacent to Whitfords Avenue. Elsewhere the retaining has a maximum height of 1.2 metres and comprises both excavation and fill.

The retaining is essential to the development of the site, which is significantly contoured, particularly to the northernmost portion. The retaining allows for development of the site to be sympathetic to the needs of aged and dependant persons, whilst still maintaining the visual impression of the natural level of the site.

The retaining complies with the performance criteria of the Codes where relevant and will contribute to the desired built outcome of the development.

**Storeroom provision:**

The applicant proposes storerooms for each aged or dependant persons' dwelling, with internal measurements varying from 3.5sqm to 4sqm in area. The standard requirement for internal area of storerooms is 4sqm as a minimum. The applicant has submitted that the overall size of each dwelling, in addition to a double lock up garage for each dwelling and extra internal storage space in each dwelling will provide more than adequate storage space for each dwelling. It is considered that the variation meets the performance criteria of the Codes.

**Outdoor living areas:**

The revised proposal complies with the Codes requirements for outdoor living areas.

**EPA advice:**

The EPA advised that low traffic generating uses would be appropriate on the site. The applicant has provided a traffic study report that suggests the traffic generated by the proposal will be:

- (i) less than the traffic that would be generated by the development of the site with single houses; and
- (ii) more than the current traffic generation based on existing uses.

The City generally concurs with the conclusions of this report.

The EPA generally concluded that 'Residential' was an appropriate zoning for the site and advised that a low traffic generating use for the site was appropriate. Having regard to the traffic study report and that a "permitted" use of the site for single houses would result in a greater volume of traffic numbers than the proposed development, it is considered that this aspect of the development satisfies the EPA advice on this issue.

**Comments received from CALM:**

The City has noted the comments from CALM and as a result, points (ii) – (iv) and (vi) – (x) form conditions should the development be granted approval and point (v) a footnote. With regard to point (i) of CALM's comments, the application has been advertised in accordance with the requirements of the DPS2.

**Conclusion:**

Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, Residential Design Codes 2002 and the Council's other relevant policies. It has been established generally that Council supports the use of the site as proposed, however, some concerns based on height and scale of the development have been raised.

Predominantly, the development complies with the acceptable development provisions of the Codes. The variations proposed are immediately adjacent to non-residential properties, meet all the relevant performance criteria of the Codes and are considered to have a minimal impact on adjacent residential properties.

The building height projection is considered significant, however, is proposed to be adequately screened by landscaping, is designed so as to provide for improved amenity and is also considered to be a key element in the provision of the proposed service. Further, it is considered that the building height projection does not have a significant negative impact on the surrounding area or adjacent properties.

The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the DPS2. It will contribute to the provision of residential living choices, provide services for changing needs of the population, help create employment opportunities and support the local economy.

Having regard to the:

- submissions and advice received;
- details of the application; and
- provisions of the District Planning Scheme No 2,

It is recommended that Council approve the application with conditions.

**ATTACHMENTS**

Attachment 1	Locality Plans
Attachment 2	Development Plans
Attachment 3	Aerial Photograph
Attachment 4	Applicant's submission/justification

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **EXERCISES** discretion under the City of Joondalup District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.5.4 and 4.1.2 have been met and that:
  - (a) Maximum plot ratio for Aged or Dependants Persons' Dwellings of 139 m<sup>2</sup> in lieu of 100m<sup>2</sup>;
  - (b) Aggregate driveway width of 55 metres in lieu of 9 metres;
  - (c) Parapet walls exceeding 9 metres in length up to more than one side boundary;
  - (d) Retaining walls and fill exceeding 500mm within 1 metre of a common boundary and within the setback area;
- 2 **ACKNOWLEDGES** that due regard has been given to Policy 3.2 and that the building height threshold projection beyond 8.5 metres to the north boundary (proposed 14.7 metres) is appropriate in this instance;
- 3 **DETERMINES** that 78 parking bays provided for the Nursing Home is acceptable in this instance;
- 4 **APPROVES** the application for Planning Approval dated 3 August 2005 submitted by Design Inc Perth P/L, the applicant, on behalf of the owner, Meath Care Inc, for a Nursing Home and Aged and Dependant Persons' Dwellings on Lot 28 and Lot 63 Hocking Road, Kingsley, subject to the following conditions:
  - (a) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
  - (b) Bin storage and wash down facilities shall be provided in each area of this development, within a suitable distance of service areas and to the satisfaction of the city. Bin areas shall consist of a concrete floor that grade evenly to an industrial floor waste gully connected to sewer and a hose cock installed to the satisfaction of the Manager, Approvals Planning and Environmental Services;
  - (c) The 240 litre refuse carts shall be serviced by one of two methods. They can be collected from the side of the driveway by a "one-man robotic arm vehicle", which requires a driveway width of 6500 mm. The bins must be spaced a minimum 400 mm apart in order to allow the arm space between them. Alternatively, the bins could be serviced by a small refuse vehicle manned by two operatives who will remove the bins from the bin store area and return them after they have been emptied. This vehicle would require a minimum driveway width of 6200mm. The method chosen is required to be indicated in the Refuse Management Plan required as per Condition (a) of this approval;

- (d) 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 are to be done as part of the building programme;
- (e) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the Manager, Approvals, Planning & Environmental Services. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (f) 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 Manager, Approvals, Planning & Environmental Services prior to the commencement of construction;
- (g) The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup Health Local Laws 1999 and the Sewerage (Lighting, Ventilation and Construction) Regulations 1974;
- (h) The Strata Management Plan shall specify that residents use off-site commercial car wash facilities;
- (i) A Memorial shall be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems;
- (j) The development shall be connected to the sewer;
- (k) Aged or Dependant Persons' Dwellings shall be constructed in accordance with Clause 4.1.2 of the Residential Design Codes 2002;
- (l) The portion of the development approved for Aged or Dependant Persons' Dwellings shall be occupied by at least one Aged or Dependant Persons, or the surviving spouse of such a person;
- (m) Aged or Dependant Persons' are defined as disabled, physically dependant or aged over 55;
- (n) Visitors' car parking bays number 1 – 14 as indicated in RED on the approved plans shall be signposted;
- (o) Pedestrian access shall be provided in accordance with Clause 3.5.5 of the Residential Design Codes 2002;

- (p) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:
- (i) the location and type of existing and proposed trees and shrubs within the car park area;
  - (ii) any lawns to be established;
  - (iii) areas to be reticulated or irrigated.
- The plan is to be drawn according to the landscape master plan (No 1912-MEA-LS-01 Rev A) submitted to the City on 11 August 2005;
- (q) 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 Manager, Approvals, Planning & Environmental Services;
- (r) All natural areas to be clearly marked and any re-vegetation treatment described;
- (s) A Dual Use Path is to be constructed in a location as per extract from Landscape Master Plan (Dwg No 1912-MEA-LS-01A) received by the City on 1 September 2005;
- (t) All the proposed planting outside of the western boundary, immediately adjacent to Lot 28, shall to be deleted;
- (u) The final plant selection is to be to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (v) A Nutrients and Irrigation Management Plan is to be provided as part of the detailed landscape plan;
- (w) An additional exit shall be provided within the basement carpark of the dependant living component of the Nursing Home. Alternatively, the applicant shall establish to the satisfaction of the Principal Building Surveyor that the building can comply with a classification of 'Class 2' building under the Building Codes of Australia;
- (x) With regard to nutrient loading, the stormwater system must be installed in accordance with Department of Environment recommendations and requirements as sought by the applicant and in accordance with the response from the Department of Environment dated 30 August 2005.;
- (y) Lot 28 and Lot 63 Hocking Road, Kingsley shall be amalgamated prior to the issue of a building licence.

#### Footnotes:

- 1 Planting to provenance should be used wherever possible. This will enrich biodiversity, provide habitats for fauna, contribute to the amenity and heritage of the location, create sense of identity and minimize the use of water and fertilizers.

- 2 The use of plants regarded as environmental weeds in close proximity to Yellagonga Regional Park should be avoided and is not supported. Exotic plant species should be used sparingly with regards to the visual qualities of the natural landscape, avoiding creation of foreign elements clashing with the surrounding areas.
- 3 Development shall comply with the natural light and ventilation provisions of the Building Code of Australia.
- 4 Development shall comply with all relevant provisions of the Health Act 1911, Hairdressing Establishment Regulations 1972, Health (Public Building) Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Public Swimming Pool) Regulations 1964, Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
- 5 The undercroft carpark is required to be provided with ventilation in accordance with AS1668.2.
- 6 Development shall comply with the Environmental Protection Act and the Environmental Protection (Noise) Regulations 1997.
- 7 The development is adjacent to the Yellagonga Regional Park and as such, may experience midge and mosquito swarms during the warmer months of the year. Pesticide treatment of Lake Goollelal, Lake Joondalup, Beenyup Swamp and Walluburnup Swamp is conducted for times when trapped mosquito species and numbers warrant treatment but no treatment of these wetlands is conducted or is likely to be conducted for midges.
- 8 The Department of Environment Land and Water Quality Branch recommends that the quality of any dewatering effluent generated during site works be monitored for total acidity and pH. Should the earthworks program from the site change in any way such that acid sulphate soils could be disturbed, a comprehensive acid sulphate soil management plans should be developed and submitted to the Department of Environment for review and approval prior to commencement of the proposed disturbance.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf151105.pdf](#)

**ITEM 11            PROPOSED            CHANGE            OF            USE  
(SHOWROOM/WAREHOUSE            TO            VEHICLE  
SALES/HIRE PREMISES):            LOT 1 S/P 46944 (1/10)  
FRANKLIN LANE, JOONDALUP - [51180]**

**WARD:**            Lakeside

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

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**PURPOSE**

To request the Council's determination of an application for planning approval for a change of use from Showroom/Warehouse to Vehicle Sales/Hire Premises, including the determination of a car-parking standard for Vehicle Sales/Hire Premises, at Lot 1 S/P46944 (1/10) Franklin Lane, Joondalup.

**EXECUTIVE SUMMARY**

The development site is located at 10 Franklin Lane in Joondalup (Attachments 1 and 2 refer). The lot has a land area of 4109m<sup>2</sup> and is zoned Service Industrial under the City of Joondalup District Planning Scheme No 2 (DPS2). The existing building on the subject site was approved as a Showroom/Warehouse development in 2004. The lot has Service Industrial zoned sites to all side and rear boundaries and across the road.

The applicant proposes a Vehicle Sales/Hire Premises in one unit of the existing development (Attachment No.3 refers), which is 288m<sup>2</sup> in area. Vehicle Sales/Hire Premises is a permitted ('P') use under Table 1 (Zoning Table) of the DPS2 in the Service Industrial Zone. It is proposed to have three staff involved in the operation of this business on this site.

The application is placed before Council, as the DPS2 does not specify a parking requirement for the Use Class - Vehicle Sales/Hire Premises. Under Clause 4.8.2 of the DPS2, where there is no requirement specified, Council is required to determine the parking standard.

In this case, it is requested that Council determine the following car parking standard:

*"1 car parking bay per 200m<sup>2</sup> of display area plus 1 car parking bay per employee for a Vehicle Sales/Hire Premises."*

The proposed parking standard was developed having regard to certain parking standards within the current DPS2 and other planning Schemes. The application of this proposed standard would mean that the car parking currently provided for the existing commercial unit would meet the parking demand required for the proposed use.

The proposed development complies with the intentions of the Service Industrial Zone in the DPS2 and will assist in meeting key objectives of the Strategic Plan.

It will contribute to investment and business development opportunities, help create employment and support the local economy.

Having regard to the provisions of the DPS2, it is recommended that Council determine the parking standard as proposed and that the application for planning approval be granted.

## BACKGROUND

<b>Suburb/Location:</b>	Joondalup
<b>Applicant:</b>	Angela Briffa
<b>Owner:</b>	JJN (WA) Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Service Industrial
	<b>MRS:</b> Urban
<b>Site Area:</b>	4109m <sup>2</sup>
<b>Structure Plan:</b>	Not Applicable

An approval for a Showroom/Warehouse development of eight units on the subject site was granted on 30 September 2004 subject to conditions. A building licence was sought and granted for the development on 24 November 2004 and a practical completion inspection was conducted on 22 July 2005. The City recommended approval for the Strata Title application on 02 August 2005.

The approved development complied with the DPS2. The subject unit has been approved with 140m<sup>2</sup> of Warehouse and 148m<sup>2</sup> of Showroom. It is one of two units in the development that face directly onto Franklin Lane.

The proposal is for a scooter sales and hire premises and sales of associated products. The proposed use of this unit falls under the Use Class of Vehicle Sales/Hire Premises in Schedule 1 of the DPS2.

The DPS2 does not provide a parking standard for this Use Class.

## DETAILS

The applicant proposes a scooter sales and hire premises with incidental sales of associated products. All scooter vehicles and associated product shall be displayed and stored within the unit and there will be no servicing of vehicles on site. The unit is strata titled with the provision of 6 parking bays and an equal one-eighth share of 6 common property bays.

### Proposed Carparking Standard

The parking standard for this Use Class is not set out in the District Planning Scheme No. 2 and therefore, Council is required to determine the parking standard. It is recommended that the following parking standard be applied:

*1 car parking bay per 200m<sup>2</sup> of display area plus 1 car parking bay per employee for a Vehicle Sales/Hire Premises*

**Issues and options considered:**

Council has the discretion to:

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

**Link to Strategic Plan:**

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

It will address Strategy 3.5.1 and 3.5.2, which seek to develop partnerships with stakeholders to foster business development opportunities and assist the facilitation of local employment opportunities.

**Legislation – Statutory Provisions:**

Clause 3.2.2 describes a ‘P’ land use as a use that is permitted, but which may be subject to any conditions that the Council may wish to impose in granting its approval. The following clauses are also relevant under the existing District Planning Scheme No 2:

**4.8 Car Parking Standards**

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

**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.*

*Schedule 1 (Clause 1.9) – Interpretations*

**Showroom** : *means premises providing large floor space used for the displaying of goods and which may involve the sale by wholesale or retail, or hire of such goods, being goods generally of a bulky nature and without limiting the generality of the forgoing including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies and second hand goods. The term does not include the sale of foodstuff, liquor or beverages, items of personal adornment, magazines, books, newspapers, paper products and medicinal or pharmaceutical products.*

**Vehicle Sales and Hire Premises** : *means any land or buildings used for the display, sale or hire of new or second-hand vehicles, and may include the servicing of such goods sold from the site.*

**Warehouse** : *means premises used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.*

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

### Sustainability Implications:

The proposed use will provide a service within the City that does not otherwise exist, contributing to the long-term sustainability of the City centre and the City in general.

### Consultation:

Comments were not sought, as it was considered that the proposal would cause no significant impact or loss of amenity to any adjoining property. Additionally, the immediate area is zoned Service Industrial and the use is considered to be consistent with the intentions of the DPS2.

### COMMENT

Council is required to assess the proposed development against the City of Joondalup DPS2. In this case, there is no parking standard established in the DPS2 for a Vehicle Sales/Hire Premises, requiring the Council to establish a parking standard in this case. There is, however, a standard for Car Sales Premises, which is not listed as a Use Class in the City's zoning table. The standard for Car Sales Premises is 1 bay per 200m<sup>2</sup> of display area plus 1 per employee.

The approved use of the subject unit is 140m<sup>2</sup> of warehouse and 148m<sup>2</sup> of showroom, measured at 1 bay per 50m<sup>2</sup> and 1 bay per 30m<sup>2</sup> respectively, equating to a total parking requirement of 7.73 bays.

Measuring the subject unit under the 'Car Sales Premises' standard would require 1.44 bays plus 1 bay per employee. To enable a neutral parking requirement from the approved use to the proposed use for the subject unit, this standard would then limit the business to 6 employees. The applicant proposes no more than 3 employees at this time.

There will be no servicing of vehicles on site and as such, the staff will be predominantly in sales, with bookkeeping for the business a possible ancillary use of the site.

It is considered that the proposed use is unlikely to generate a parking requirement in excess of the approved use. Additionally, it is also unlikely, given the physical limitations of the subject unit, that the business will require more than 6 staff at any one time.

Further support for this parking standard exists in researching the parking standards of other local authorities. Below is a table indicating the parking standard for a similar use in two other local government authorities:

Local Government	Comparable Use Class	Parking Standard	Required parking for this application
City of Wanneroo	Vehicle Sales/Hire Premises	1/200sqm vehicle display area plus 1/30sqm NLA	9.6 bays for entire unit NLA or 1.44 bays for entire unit as vehicle display area. 5.52 average.
Town of Vincent	Vehicle Sales and Hire Premises	3 spaces for the first 200qsm of display and sales area and thereafter 1 space/100sqm of display and sales area or part thereof.	4 bays

The parking standard for 'Car Sales Premises' in the DPS2 requires a similar number of parking bays as that of similar uses in other Schemes, and as such it is considered that the parking standard in the DPS2 for 'Car Sales Premises' is appropriate for the use class 'Vehicle Sales/Hire Premises'.

It is considered that the proposed use:

- complies with the intentions of the Service Industrial Zone; and
- will not negatively affect the amenity of the area and the carparking provided is adequate for the use being proposed for the site.

The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the DPS2. It will contribute to developing partnerships with stakeholders to foster business development opportunities, creation of employment opportunities and support the local economy.

Having regard to the:

- details of the application; and
- provisions of the District Planning Scheme No 2,

it is recommended that Council determines a parking standard of 1 bay per 200m<sup>2</sup> plus 1 bay per employee and approves the application with conditions.

## **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Aerial Photo
Attachment 3	Development Plans

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council:**

- 1 DETERMINES a parking standard of 1 bay per 200sqm of display area plus 1 bay per employee for the use class 'Vehicle Sales/Hire Premises' under clause 4.8.2 of the City of Joondalup District Planning Scheme No 2;**
- 2 APPROVES the application for Planning Approval dated 3 June 2005 submitted by Angela Briffa, the applicant, on behalf of the owner, JJN (WA) Pty Ltd, for a Change of Use from Showroom/Warehouse to Vehicle Sales/Hire Premises at 1/10 Franklin Lane, Joondalup, subject to:**
  - (a) The parking bays, driveways and points of ingress and egress are required to be designed and constructed in accordance with AS 2890.1. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services prior to the development first being occupied;**

- (b) All stormwater shall be contained onsite or diverted into the City's stormwater system to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (c) The driveway to be designed and constructed to the satisfaction of the Manager, Approvals Planning and Environmental Services before occupation of the grouped dwellings;
- (d) The crossover shall be constructed in concrete to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (e) A separate application shall be lodged with the City for Approval to Commence Development and Sign Licence prior to the installation of any signage on the subject unit;
- (f) The approved use at unit 1/10 Franklin Lane Joondalup shall be limited to a maximum number of 6 employees at any one time;
- (g) No display of goods or services associated with the approved use class of unit 1/10 Franklin Lane Joondalup shall occur except for within the permanent walls of unit 1/10 Franklin Lane Joondalup.

**Footnotes:**

- 1 The applicant is advised that they are obligated to comply with the Environmental Protection Act 1986.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf151105.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Garry Hunt</b> – Chief Executive Officer
<b>Item No/Subject</b>	Item 12 - West Perth Football Club - Sponsorship Proposal
<b>Nature and extent of interest</b>	A relative of Mr Hunt plays for West Perth.

## **ITEM 12 WEST PERTH FOOTBALL CLUB - SPONSORSHIP PROPOSAL - [05005]**

**WARD:** Lakeside

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

**PURPOSE**

For the Council to consider endorsing a five (5) year sponsorship agreement with the West Perth Football Club for the support and development of Australian Rules Football within the Joondalup region.

**EXECUTIVE SUMMARY**

The West Perth Football Club relocated to Arena Joondalup in 1994 and pays a licence fee to the West Australian Sports Centre Trust as a tenant of the facility. Since 2001, the City has been in negotiations with the Club regarding its tenure arrangements and opportunities for ongoing support. During this time, the City has provided the West Perth Football Club with financial assistance to aid its development within the region, with a total of \$43,202.50 being allocated to the Club through the City's Community Funding and Sports Development Programs.

In September 2005, the West Perth Football Club presented the City with a five (5) year sponsorship proposal (2005 - 2009) for the support and development of Australian Rules Football within the region and the upkeep and maintenance of the Club's playing facilities. In return for \$22,000 (inclusive of GST) per annum, the proposal offers a number of promotional benefits to the City.

With the 2005 football season now complete, it is recommended that the City considers sponsorship support to the club for the 2006 - 2010 seasons inclusive. In addition, for the level of sponsorship being requested, the West Perth Football Club needs to provide the City with enhanced sponsor benefits. In establishing a five (5) year partnership agreement commencing in 2006, the City will provide assistance to the West Perth Football Club to meet their responsibility of supporting football development within the Joondalup region.

*It is recommended that Council:*

1. *AGREES to enter into a five (5) year sponsorship agreement with the West Perth Football Club, for the support and regional development of Australian Rules Football within the City of Joondalup subject to annual reviews and further negotiations for enhanced community development opportunities and promotional benefits to the City;*

2. *AGREES to allocate \$22,000 (inclusive of GST) per annum from the City's Corporate Sponsorship budget, to the West Perth Football Club for a five (5) year period for the 2006 to 2010 seasons inclusive, subject to the finalisation of the sponsorship agreement outlined in recommendation 1;*
3. *NOTES that any funding to the West Perth Football Club is conditional upon the club remaining within the City of Joondalup.*

## **BACKGROUND**

In 1994, the West Perth Football Club relocated from its home at Leederville Oval to Arena Joondalup. The Club is a tenant of the facility and pays a licence fee of \$45,000 per annum to the West Australian Sports Centre Trust (WASCT) for their use of the main arena, changerooms, function facilities and administrative offices. In addition, the West Perth Football Club receives the following support from the WASCT;

- Rebate of 15% gross revenue from all home match day food and beverage takings and their two major functions "Players Auctions" and "Breckler Medal" dinner,
- WPFC to receive 100% of net profit on additional functions staged at Arena over and above the two current functions - the Players Auction and Breckler Medal,
- WPFC have the opportunity to operate a "Swan Brewery Beer Tent" at each home game with all revenue going to the Club,
- Discounted venue usage, gym membership, pool entry and use of the meeting room and function room at Arena.

The West Perth Football Club's tenure at Arena Joondalup is a unique situation compared with all eight (8) other West Australian Football League (WAFL) clubs. All other clubs in the WAFL competition have exclusive use arrangements (mostly facility leases) with their Local Government Authorities. Since October 2001, the City has been involved in ongoing negotiations between the West Perth Football Club and the WASCT regarding tenure arrangements at Arena Joondalup and opportunities for the City to provide ongoing support.

The West Perth football Club believe that the licence fee charged for their tenure at the Arena is limiting to their financial development. In 2001 the City engaged a consultant, to address this apparent inconsistency and to facilitate a working group to look at possible partnerships that would assist the Club. The working group included the City of Joondalup, Western Australian Football League, the Club and the Western Australian Sports Centre Trust and despite the licence fee being reduced from \$64,000 to \$45,000, the process fell short of achieving its primary objective of sourcing and developing partnership opportunities.

The City has provided the West Perth Football Club with financial assistance to aid its development within the region, with a total of \$43,202.50 being allocated to the Club since 2001. These grants have been allocated through two (2) of the City's sport and recreation funding programs,

- **Sport Development Program**

The Sport Development Program aims to assist not for profit and incorporated, local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents. Eligible clubs must be located within the City of Joondalup, represented at both junior and senior levels and establish identified pathways for local junior talent development.

- **Community Funding Program**

The Sport and Recreation Fund of the Community Funding Program provides not for profit and incorporated sporting clubs with assistance to conduct programs, projects and events that aim to increase participation in physical activity. Eligible projects must increase opportunities for people to participate in a wide range of sport and recreation activities, enhance the skills and knowledge of volunteers and be sustainable in the future.

Details of the funding provided to the West Perth Football Club through these two (2) programs has been listed below:

<b>Year</b>	<b>Amount</b>	<b>Program</b>	<b>Funding Source</b>
2001	\$ 2,365.00	School Holiday Clinics	Community Funding Program
2003	\$22,000.00	Rent Relief and School Holiday Clinics	Sports Development Program
2004	\$18,837.50	Rent Relief and School Holiday Clinics	Sports Development Program
<b>TOTAL</b>	<b>\$43,202.50</b>		

In September 2005, the City received a sponsorship proposal from the West Perth Football Club, requesting that the City enter into a five (5) year sponsorship agreement. The request is seeking \$22,000 (inclusive of GST) per annum in sponsorship, with the City's contribution to be invested into the regional development of Australian Rules Football within the City of Joondalup. The structure of the WAFL means that clubs have a responsibility to support football development within the region and the City's sponsorship will assist the West Perth Football Club to meet their obligations.

## **DETAILS**

The sponsorship proposal submitted by the West Perth Football Club included the following details:

### **Term**

five (5) year agreement (2005 - 2009) with an annual review.

### **Value**

\$22,000.00 (inclusive of GST)

### **Benefits to the City of Joondalup**

- Signage
  - ~ One Lollipop Sign behind the goals (5m x 3m).
  - ~ One Perimeter sign (6m x 1m).

- Club Playing Attire
  - ~ City of Joondalup Logo on the front of all senior squad jumpers and playing shorts.
- Player's Uniform
  - ~ City of Joondalup Logo on the club uniform of all senior squad players.
- Website
  - ~ City of Joondalup link on Club website.
- Promotions
  - ~ City of Joondalup Logo on all promotional correspondence; and
  - ~ Opportunities to distribute promotional information to members (1,400), sponsors and supporters.
- Corporate Box
  - - ~ One corporate box for all home games with City of Joondalup Logo affixed to the box.

In addition to the benefits listed above, the proposal provides the City with an opportunity to use the West Perth Football Club's media partnerships and exposure to promote its programs and services to the local community and potential tourists planning to visit the region.

### **Additional Costs**

All signage costs are the City's responsibility.

The West Perth Football Club's sponsorship proposal has been included as Attachment 1.

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

In assessing the proposal, three (3) options were considered as reasonable for the City to pursue:

- 1 Not to support the sponsorship proposal from the West Perth Football Club;
- 2 Support the sponsorship proposal from the West Perth Football Club as presented, with an annual review of the partnership arrangements; or
- 3 Provide support for the sponsorship proposal from the West Perth Football Club, subject negotiations for enhanced community development opportunities and promotional benefits to the City and the agreement commencing in 2006 for a five (5) year period.

It is recommended that the City pursue option 3 and agree to support the club. With the 2005 football season now complete, it is recommended that the City provide sponsorship support for the 2006 - 2010 seasons inclusively. As part of the recommendation to the club and the level of sponsorship being requested, it is felt that the West Perth Football Club

needs to provide the City with an enhanced list of benefits. Through negotiation with the Club for enhanced sponsor benefits, the City can establish a five (5) year partnership agreement with the West Perth Football Club, which will assist in the development of the sport and its delivery to City of Joondalup residents, whilst promoting Council services and programs.

The enhanced sponsorship benefits that would represent value for money to the City include;

- Confirmation and acknowledgement of the Club's change of name to the "Joondalup Falcons" from the 2006 season.
- Public Address announcements at all the games to state that the club is sponsored by the City of Joondalup.
- The City of Joondalup is acknowledged in all promotional and advertising material (in all Media Coverage stated in the Partnership Proposal) including programs, website, fliers, posters, mail-outs, radio, press, TV and video.
- Signage on the West Perth Football Club internet site, relating to all games – home and away.
- Acknowledgement of the City of Joondalup's support in all media releases and at major media events associated with the West Perth Football Club.
- All press conference signage to incorporate the "City of Joondalup" logo.
- Acknowledgement of the City of Joondalup's support at all public events associated with West Perth Football Club.
- Acknowledgement of the City of Joondalup's support as a sponsor in West Perth Football Club newsletters and other methods used to keep in contact with the Club's members, sponsors and supporters as listed in the proposal.
- Exposure and acknowledgement of the City of Joondalup with all programs run through the West Perth Football Club at schools, Carnivals, Holiday Clinics and Talent Programs.
- The opportunity for the City to provide direct promotion at games on programs, projects and events run by the City of Joondalup to players, members and supporters.
- 10 Complimentary tickets to each home game to be used by the City for community prizes and give-aways.
- Signage situated in key positions on the ground in full broadcast view to maximise the City's exposure at all home games.
- An autographed West Perth football, football jumper and team photo to be presented to the City of Joondalup each season.
- All club apparel to include the City of Joondalup logo (Officials & Players).
- Players to attend two (2) identified City functions throughout the year, with priority given to AFL listed players as the club representatives.
- Invitations for the City of Joondalup to all sponsor recognition events.
- City of Joondalup branding on a Corporate Box and exclusive use during all the home games.
- City of Joondalup Leisure Centre Activities to be held at half time at home games i.e Body Jam sessions.
- The opportunity for the City to set up promotional stalls at all WAFL and AFL games played at Arena Joondalup.
- The benefits offered to be retained for the full five (5)s of the contract.
- The benefits of the sponsorship are returned to the City for all pre-season, home and away and finals matches (WAFL and AFL), which the West Perth Football Club is associated with.

It is also recommended that the sponsorship be paid at the start of the 2006 season with the agreement to include an annual review process, which will assess the Club's compliance with the terms and conditions. It is important that the agreement has clear performance indicators to measure the sponsor benefits and community opportunities provided to the City.

#### **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.

These strategies are aligned to the sponsorship proposal's goal of providing assistance and support for the regional development of football within the City of Joondalup.

Outcome:      The City of Joondalup is recognised as a great place to visit.

Objectives:    3.2      To develop and promote the City of Joondalup as a tourist attraction.

Strategies:    3.2.3    Develop marketing strategies to support the promotion of the City of Joondalup as a tourist attraction.

The sponsorship proposal is supportive of this strategy as the benefits provided to the City in return for its financial contribution will offer increased exposure to the City's programs and services and assist in promoting Joondalup as a tourist destination.

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

Not Applicable.

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

There are a number of potential risks that need to be considered with regards to the recommendations made in this report.

The City of Joondalup has a range of district level clubs that play a management role in the development of sport within the region. Whilst the West Perth Football Club has the potential to offer more to a prospective sponsor than all other clubs through its ability to provide television, radio and print media exposure, this recommendation may set a precedent and the City could receive an increased number of sponsorship proposals from sporting clubs in the future. However, it is important to note that a majority of these district level sporting clubs currently receive a significant level of support from City through annual ground maintenance and the subsidised use of parks and community facilities.

The West Perth Football Club is an important organisation within the structure sport and recreation in the Joondalup region. If the club's membership decided that it would be in their best interest to relocate, the City could be faced with a number of issues.

- The club may choose to approach the City seeking an alternative Council owned facility.
- If the Club made a decision to relocate to a facility outside of the City of Joondalup, this would place a negative image on the City. This would also impact negatively on the regional development of the sport within the City of Joondalup.

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

The annual Corporate Sponsorship budget for 2005/06 is \$55,000 ex GST. This sponsorship allocation would greatly reduce the funds available for any future sponsorship requests that the City may receive in this financial year.

<b>Account No:</b>	1.1360.4403.0001.9999
<b>Budget Item:</b>	Corporate Sponsorship
<b>Budget Amount:</b>	\$55,000.00
<b>YTD Amount:</b>	\$9,210.00
<b>Actual Cost:</b>	\$20,000.00

In the 2006/07 financial year, the City would need to consider increasing the Corporate Sponsorship budget to accommodate the costs of the West Perth Football Club agreement from \$55,000 to \$75,000.

#### **Policy Implications:**

The City's Sponsorship approach is designed to ensure a coordinated approach towards sponsorship opportunities, with the development of agreements that aim to maximise benefits and create effective partnerships. Sponsorship is a mutually beneficial commercial partnership involving financial or in-kind investments made in return for marketing and promotional benefits. The proposal submitted by the West Perth Football Club meets these requirements, in that the City will receive a range of benefits in return for its financial contribution.

#### **Regional Significance:**

The West Perth Football Club is arguably the highest profile community sporting organisation based within the City of Joondalup. It has considerable regional significance and has been vested with the responsibility to facilitate the development of Australian Rules Football within the area. It is important for the Club to demonstrate its involvement within the community and its conduct of promotional days presenting the visions and future directions of the club would be invaluable.

#### **Sustainability implications:**

By entering into a five (5) year sponsorship agreement with the West Perth Football Club, the City is looking to provide the Club with longevity within the region. The financial assistance proposed will ensure that the Club strengthens its community and business partnerships within Joondalup confirming its home at the Arena.

**Consultation:**

In recent years, the City of Joondalup has met with representatives from the West Perth Football Club, the West Australian Sport Centre Trust and the West Australian Football Commission to discuss issues regarding the Club and opportunities for ongoing support to be provided. The City's goal has been to develop strategies to ensure the club's ongoing sustainability at Arena Joondalup. The options being considered within this report are as a result of the formal proposal submitted to the City and the consultation conducted with the club.

**COMMENT**

The City of Joondalup is responsible for the maintenance and upkeep of Council parks, reserves and facilities utilised by community sporting clubs and associations. Whilst those organisations that are based at Arena Joondalup are eligible to apply for assistance through the City's numerous funding programs, they do not receive the benefits of the ongoing maintenance spent to upkeep these facilities.

The West Perth Football Club has a strong membership base and advanced junior development programs. The sponsorship proposal submitted is an opportunity for the City to provide much needed financial support to the Club, in return for a range of marketing and promotional benefits. In negotiating the five (5) year sponsorship agreement with the West Perth Football Club, the City will discuss and explore a range of potential benefits and new innovative opportunities that may be available. The City can foresee events such as junior development days and Club promotional days as exciting vehicles to advertise its community services, programs and future events.

The five (5) year sponsorship agreement will provide the club with a degree of financial stability and assist them in their role as the organisation responsible for the regional development of football in the City of Joondalup. The City will receive a range of benefits that enhance the development of the sport within the region, provide a positive image on the City and its ability to provide assistance to regionally significant sporting organisations and help to promote Joondalup as a regional tourist destination.

**ATTACHMENTS**

Attachment 1            West Perth Football Club Sponsorship Proposal.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1** AGREES to enter into a five (5) year sponsorship agreement with the West Perth Football Club, for the support and regional development of Australian Rules Football within the City of Joondalup subject to annual reviews and further negotiations for enhanced community development opportunities and promotional benefits to the City;
- 2** AGREES to allocate \$22,000 (inclusive of GST) per annum from the City's Corporate Sponsorship budget, to the West Perth Football Club for a five (5) year period for the 2006 to 2010 seasons inclusive, subject to the finalisation of the sponsorship agreement outlined in Recommendation 1 above;
- 3** NOTES that any funding to the West Perth Football Club is conditional upon the club remaining within the City of Joondalup.

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf151105.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Mr Mike Smith</b> - Manager, Marketing Communications and Council Support
<b>Item No/Subject</b>	Item 13 - Request to reconsider decision not to close Pedestrian Access Way between Camm Place and Cohn Place, Hillarys
<b>Nature and extent of interest</b>	One of the applicants is a relative of Mr Smith.

**ITEM 13            REQUEST TO RECONSIDER DECISION NOT TO CLOSE PEDESTRIAN ACCESS WAY BETWEEN CAMM PLACE AND COHN PLACE, HILLARYS - [58535]**

**WARD:**                 Whitfords

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

**PURPOSE**

For Council to consider a request by landowners to close a Pedestrian Access way (PAW) between Camm and Cohn Places, Hillarys.

**EXECUTIVE SUMMARY**

A request has been received from three adjoining landowners abutting the PAW between Camm Place and Cohn Place, Hillarys, to reconsider closure of the subject PAW and to seek the consent of the Department of Planning and Infrastructure (DPI) for the closure.

In October and November 2003, the Council first resolved to allow the matter to lie on the table, then determined that it supported the closure of the PAW.

The DPI subsequently determined (in its capacity as the final decision maker) that the closure not be allowed.

Under the City's Policy 7.16 – Pedestrian Accessways, Section 3.2 (f) states that in circumstances where Council supports PAW closure, however the DPI does not support closure, Council may request that the DPI reconsider its decision. For a request for reconsideration to be initiated, all landowners abutting the PAW are required to make a joint request to Council, with the request being supported by new information that addresses the matters raised by the DPI in its decision. Council will then consider the request and forward the decision to the DPI for consideration.

All four (4) adjoining landowners have made such a request, which is accompanied by information which, although addresses the matters raised by the DPI in its decision, is not considered to be new information as the issues have been raised and considered previously.

*It is recommended that the Council:*

- 1 *DOES NOT SUPPORT the applicants' request for reconsideration of the closure of the Pedestrian Access Way between Camm Place and Cohn Place, Hillarys for the following reason:*
  - *The information outlined within the request has been raised and considered previously.*
- 2 *ADVISES the applicants and the Department of Planning and Infrastructure of Council's decision accordingly.*

## **BACKGROUND**

**Suburb/Location:** Hillarys/Camm Place & Cohn Place  
**Applicant:** R&K Benstead, JD & GA Maddison & Mr & Mrs Healy  
**Owner:** Crown  
**Zoning:** **DPS:** Residential  
**MRS:** Urban

Council at its meeting on 21 October 2003 (CJ244-10/03 refers) considered a recommendation that the application to close the subject PAW not be supported. Council moved a motion that it 'lie on the table', pending further consideration by Ward Councillors.

Council at its meeting on 11 November 2003 (C245-11/03 refers) reconsidered the application to close the subject PAW by taking the motion from the table. The report recommendation to not close the PAW was lost. An alternative recommendation to support PAW closure was subsequently put and carried by the Council as follows:

- 1 *SUPPORTS the application to close the pedestrian accessway between Camm Place and Cohn Place, Hillarys for the following reasons:*
  - (a) *due to the completion of the additional Hillarys Harbour Rise residential precinct adjacent to Ewing Drive ,access to local facilities is not inconvenienced by the closure of this pedestrian accessway;*
  - (b) *access to the Flinders Street shopping centre and Medical Centre will not be inconvenienced;*
  - (c) *access to public transport is not inconvenienced;*
  - (d) *alternative access routes provide suitable access;*
  - (e) *Angove Drive is furnished with a footpath for safe pedestrian movement where as Ewing Street is not;*
  - (f) *it is not a designated safe route;*
  - (g) *nuisance elements , antisocial behavior and antisocial activities will be reduced;*

- 2 *ADVISES the Western Australian Planning Commission accordingly and seeks its consideration of the application to close the pedestrian accessway between Camm Place and Cohn Place, Hillarys.*

The Council's decision was then forwarded to the DPI for final determination on 20 November 2003. The DPI, in a decision dated 6 January 2004, did not approve the closure for the following reasons:

- It is considered that this PAW forms part of the strategic pedestrian network for the area.
- Closure would have an adverse impact on the level of access to neighbourhood facilities, Hillarys Boat Harbour and local recreation reserves.
- Alternative routes do not appear to provide suitable alternative access.
- The instances of nuisance and anti-social behaviour presented as justification for the closure does not appear to be directly linked to the PAW.

### **Summary of the PAW Closure Process**

#### Policy 7.16 – Pedestrian Accessways

The City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare policies relating to planning or development within the scheme area.

The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for the closure of PAWs. As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on accessibility to local community facilities from nearby homes. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use. The assessments are rated and a recommendation made whether to support closure or not.

#### Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessways Policy guides the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are requested to provide details of any services that may be within the PAW that would be affected by the proposed closure and whether those services can be modified or removed to accommodate the request.

Prior to the Department of Land Information (DLI) effecting the closure of a PAW, it is necessary for the DPI to support the closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view, however, this is done only if Council supports closure of the PAW. If the DPI does support closure then the DLI is requested to formally close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

## DETAILS

### Issues and options considered:

The City's Policy 7.16 – Pedestrian Accessways, Section 3.2 (f) states in circumstances where Council supports PAW closure, however the DPI does not support closure, Council may request that the DPI reconsider its decision.

For a request for reconsideration to be initiated, all landowners abutting the PAW are required to make a joint request, with the request being supported by new information that addresses the matters raised by the DPI in its decision. Council will then consider the request and forward the decision to the DPI for consideration.

All four (4) adjoining landowners have made such a request which was accompanied by additional information which has subsequently been reviewed.

The additional (new) information presented by the applicants to justify the reconsideration of the PAW closure is summarised as follows:

- A recent robbery occurred at one of the properties adjoining the subject PAW where a fish pond pump and fish were stolen.
- The PAW is being sprayed with herbicide on a regular basis, with resultant exposure and adverse health effect related issues.
- Footpath in the PAW is poorly maintained and a potential risk (public liability/duty of care related issues).

The applicants also provided responses to the four reasons why the DPI did not support PAW closure and these are summarised below:

- 1 *It is considered that this PAW forms part of the strategic pedestrian network for the area.*

*The applicants state that PAW is not part of a strategic pedestrian network and suggests that a road with no footpaths (Ewing Drive) does not form part of a 'strategic pedestrian network'. The applicant considers that if the PAW formed part of a 'strategic pedestrian network', it should have provided a path for pedestrians along Ewing Drive when Harbour Rise was planned and approved.*

- 2 *Its closure would have an adverse impact on the level of access to neighbourhood facilities, Hillarys Boat Harbour and local recreation reserves;*
- 3 *Alternative routes do not appear to provide suitable alternative access.*

The applicants state that the PAW does not improve access to Hillary's Marina as there is no advantage walking from Angove Street to the marina through the PAW, as you would need to rejoin Angove Street. The applicants suggest that Angove Street is a more direct and appropriate pedestrian path (with footpaths).

The applicants state that the PAW does not significantly improve access to neighbourhood facilities or reserves, as only a few houses in Camm Place, Cohn Place and along Ewing Drive immediately adjacent to Camm Place gain minimal advantage by using the PAW. The applicants suggest that for all other residents going either west to Angove Street or east to Waterford Street provides similar access to any reserve.

- 4 *The instances of nuisance and anti-social behaviour presented as justification for the closure does not appear to be directly linked to the PAW.*

The applicants suggest that it was highly likely that the PAW was used in the recent robbery (as outlined above).

#### Council's Previous Decision

Council supported the closure of the PAW in November 2003. However, the policy evaluation of the initial PAW closure request did support a technical recommendation at the time that the PAW closure not be supported.

#### Options

In considering this request, Council can:

- Support the request for reconsideration and request that the DPI reconsider their decision, or,
- Not support the request for reconsideration.

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

Not Applicable.

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

Not Applicable.

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

The existing footpath within the PAW has been inspected and is considered to be in good condition.

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

Not Applicable.

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

Not Applicable.

#### **Consultation:**

The proposal was previously advertised for thirty days from 16 June 2003 to 16 July 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius of the PAW.

A total of 48 questionnaires were returned and one (1) separate letter that strongly objected to the closure, stating that the PAW was an appealing factor in purchasing the property as it gives better access to Hillarys Marina and the nearby 'Harbour Rise' residential subdivision.

## COMMENT

In accordance with Policy 7.16, Council is required to consider 'new' information that supports the PAW closure, then forward their reconsideration decision to the DPI.

From a review of the information received from the applicants, it is not considered that any new information is provided as the issues have largely been raised and considered previously by the Council.

The submission raised by the adjoining landowners does not relate to the reasons why the DPI did not support PAW closure.

Whilst there is no reason to suggest that the recent robbery at one of the adjoining properties did occur, the use of the PAW to facilitate the robbery is unable to be substantiated.

The existing footpath within the PAW has been inspected and is considered to be in good condition, and thus, is not considered to be a public liability risk.

It is therefore recommended that Council not support the reconsideration request.

## ATTACHMENTS

Nil.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **DOES NOT SUPPORT** the applicants request for reconsideration of the closure of the Pedestrian Access Way between Camm Place and Cohn Place, Hillarys for the following reason:
  - **The information outlined within the request for reconsideration is not considered to be new information as the issues have been raised and considered previously;**
- 2 **ADVISES** the applicants and the Department for Planning and Infrastructure of Council's decision accordingly.

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf151105.pdf](#)

## **ITEM 14            SUBDIVISION REFERRALS PROCESSED BETWEEN 1 - 31 OCTOBER 2005 - [05961]**

**WARD:**                    South Coastal, Whitfords, Lakeside

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

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### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

### **BACKGROUND**

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

### **DETAILS**

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

Four subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 19 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of one (1) residential lot and two (6) strata residential lots. Two applications were not supported as follows:

#### **Ref: SU1183-05 – 19 Ranger Trail, Edgewater**

This application was not supported for the following reasons:

- 1        The proposal does not conform to the requirements of the Residential Design Codes with respect to minimum lot sizes for a survey-strata without the provision of a Common Property lot.
- 2        The frontage of the proposed lots would not allow for sufficient vehicular access, spacing and separation of building development.

- 3 Approval to the subdivision would result in the creation of a lot of a smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality.
- 4 The proposal does not conform to the requirements of the Residential Design Codes with respect to the provision of car parking for the existing dwelling.

**Ref: SU1237-05 – 18 Millimumul Way, Mullaloo**

This application was not supported for the following reasons:

- 1 The proposed lots do not comply with the minimum lot area of 700m<sup>2</sup> south of Hepburn Avenue for subdivision as required under the Government Sewerage Policy for the Perth Metropolitan Region 1995.
- 2 Approval to the subdivision would result in the creation of lots of a much smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality.
- 3 The proposal does not conform to the requirements of the Residential Design Codes with respect to:
  - (i) Clause 3.5.4 which requires that driveways are to be designed for vehicles to enter/exit the property in a forward direction where the distance from a car parking space to the street alignment is 15 metres or more;
  - (ii) Clause 2.3.3 which requires Development Approval to be issued by the City of Joondalup for a single dwelling on a lot less than 350m<sup>2</sup> in area.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

All proposals were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

**Risk Management considerations:**

The delegation process includes details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

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

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1      Schedule of Subdivision Referrals

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in this report for the month of October 2005.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf151105.pdf](#)*

## **ITEM 15 ANNUAL PLAN PROGRESS REPORT – JULY TO SEPTEMBER 2005 QUARTER - [20560]**

**WARD:** All

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

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### **PURPOSE**

To present the Annual Plan 2004/05 – Progress Report for the period 1 July to 30 September 2005 to Council.

### **EXECUTIVE SUMMARY**

At the meeting of 14 December 2004, Council endorsed the new ‘*Corporate Reporting Framework*’ and also the recommendation that regular progress reports against the Annual Plan be provided to Council and the community. (*Item CJ307-12/04 refers*). Accordingly, regular progress reports have been provided to Council (*Refer Items CJ029 - 03/05, CJ085-03/05 and CJ171 - 08/05*).

The Annual Plan for 2005/06 is shown as Attachment 1 to this Report. It is structured around the four Key Focus Areas of the Strategic Plan and details the annual priorities for the 2005/06 financial year. The first Progress Report for the period 1 July 2005 to 30 September 2005 is shown as Attachment 2 and contains information on progress against the milestones set for the quarter.

The progress report is a valuable tool for Council to measure the performance of the City particularly in relation to its achievement of pre-determined outcomes and objectives as set out in the Annual Plan. It is also a mechanism to provide information to the community thus meeting the City’s commitment to be open and transparent in its activities.

It is recommended that Council:

- 1 *NOTES the Annual Plan 2005/06 shown as Attachment 1 to this Report;*
- 2 *ACCEPTS the Annual Plan 2005/06 – Progress Report for the period 1 July 2005 to 30 September 2005 shown as Attachment 2 to this Report.*

### **BACKGROUND**

On 14 December 2004, following a review of the City’s Corporate Planning and Reporting System, Council endorsed the recommendations contained within Report *CJ307-12/04* proposing a new *Corporate Reporting Framework*. It was proposed that the new ‘*Corporate Reporting Framework*’ would include:

- The development of key performance indicators for the Strategic Plan 2003-2008 and that these indicators would be reported to both Council and the community on an annual basis; and

- The development of an Annual Plan which would document the Organisation's annual priorities for the achievement of the Strategic Plan and that quarterly progress reports, against the milestones included within the Corporate Plan would be provided to both Council and the community;

Accordingly the Annual Plan for 2004/05 was developed and regular progress reports provided to Council during the 2004/05 financial year (*Refer Items CJ029-03/05, CJ085-03/05 and CJ171-08/05*).

## DETAILS

### Issues and options considered:

The Strategic Plan 2003 to 2008 provides direction to the organisation. It is Council's key strategic document containing strategies and objectives for achievement of the City's Vision:

*"To be a sustainable City and community that are recognised as innovative, unique and diverse"*

The Annual Plan 2005/06 highlights the annual priorities for the organisation to achieve the Strategic Plan 2003 - 2008 and is structured around the four Key Focus Areas of:

- Community Wellbeing
- Caring for the Environment
- City Development
- Organisational Development

The Annual Plan 2005/06 contains a brief description of the key project/ programs and services that the City will deliver in the 2005/06 financial year and also includes pre-determined quarterly milestones.

The Annual Plan 2005/06 forms Attachment 1 to this report. Regular quarterly reports will be provided to Council and the community at the end of September, December, March and June of each financial year.

The key project/programs and services contained within the Annual Plan have been transferred into the *"Quarterly Progress Report Template"*. The template has been designed to briefly provide:

- Updates against some of the key projects
- Update against milestones due to be completed in each quarter
- Revised milestones for the next quarter where a target has not been achieved

The Quarterly Progress Report Template has been reviewed and redesigned for the 2005/06 reports. The template now displays information on progress against the milestones for all four quarters whereas the 2004/05 template only presented information on the milestones for the current quarter.

The 2005/06 template provides a clear and full evaluation of projects and programmes for the entire year as each quarter is added to the template. For ease of reading, the current quarter has been shaded grey.

The *'Quarterly Progress Report - July to September 2005 quarter'* forms Attachment 2 to this Report.

**Link to Strategic Plan:**

This item links to the Strategic Plan through Key Focus Area 4- Organisational Development.

*Outcome*                    *The City of Joondalup is a sustainable and accountable business*  
*Objective 4.1*            *To manage the business in a responsible and accountable manner*  
*Strategy 4.1.2*        *Develop a corporate reporting framework based on sustainable indicators*

**Legislation – Statutory Provisions:**

The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

*“This Act is intended to result in-*  
*(a) Better decision making by local governments*  
*(b) Greater community participation in the decisions and affairs of local governments*  
*(c) Greater accountability of local governments to their communities; and*  
*(d) More efficient and effective government*

**Risk Management considerations:**

The City has an obligation to be open and accountable whilst providing services efficiently and effectively. The provision of regular reports to the Council and the community ensures that the Council is informed on progress against major projects and programs and the community receives regular progress reports on the City’s activities.

Regular reporting ensures that the City is measuring and analysing current performance and feeding the results of that measurement into planning processes and using this to inform future planning in order to improve service delivery.

**Financial/Budget Implications:**

Not Applicable

**Policy Implications:**

Through Council’s Policy 8-6, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The Annual Plan 2005/06 aligns 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. Reports against the Annual Plan provide regular assessments against the progress of the City’s key projects, programs and services and, therefore, the City’s achievement of the Strategic Plan.

**Consultation:**

Not Applicable.

**COMMENT**

The Annual Plan 2005/06 highlights the annual priorities for the organisation to achieve the Strategic Plan. It includes milestones against Council Projects and other annual priorities (project, programs and services).

Council received regular progress reports on the Annual Plan for the 2004/05 financial year and will continue to receive ongoing progress reports on the performance of the 2005/06 Annual Plan.

The progress reports are a valuable tool for Council to:

- Measure the performance of the City– particularly in relation to its achievement of pre-determined outcomes and objectives, and
- Capture the results of performance measurement and feed them back into the planning processes that then guide the organisation to make the necessary changes to its activities and operations and (if necessary) make changes to its strategic outcomes and objectives.

The reports are also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

All project milestones set for the July to September 2005 quarter have been met with the exception of the Craigie Leisure Centre project. Stage 1 of the project has been completed on target. Problems have been encountered with the geo-thermal bore that has resulted in works and cost and time variations and delays. It is expected the issues will be resolved within the October – December 2005 quarter.

**ATTACHMENTS**

Attachment 1      Annual Plan 2005/06

Attachment 2      Annual Plan Progress Report – July to September 2005 quarter

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 NOTES the Annual Plan 2005/06 shown as Attachment 1 to this Report;**
- 2 ACCEPTS the Annual Plan 2005/06 – Progress Report for the period 1 July 2005 to 30 September 2005 shown as Attachment 2 to this Report.**

*Appendices 13 and 14 refer*

To access this attachment on electronic document, click here: [Attach13brf151105 .pdf](#)  
[Attach14brf151105.pdf](#)

**ITEM 16      PROPOSED EXTENSIONS TO LAKESIDE SHOPPING  
CENTRE FRONTING GRAND BOULEVARD AND BOAS  
AVENUE ON PART OF LOT 504 JOONDALUP DRIVE -  
[08431]**

**WARD:**            All

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

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At the time of distribution of this agenda, this report was not finalised.

*When this report becomes available the following hyperlink will be activated:*

[Additional Information 151105.pdf](#)

## NOTICE OF MOTION NO 1

### CMR M ANDERSON - TO REVOKE - REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION

At the Council meeting held on 1 November 2005, Cmr Michael Anderson in accordance with clause 4.4 of the Standing Orders Local Law gave notice of his intention to move the following Notice of Motion 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.

#### **Officer’s Comment**

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

*“That Council:*

- 1 AGREES to undertake a review of the City of Joondalup ward boundaries and representation in accordance with Schedule 2.2 of the Local Government Act 1995;***
- 2 REQUESTS the Chief Executive Officer to prepare a discussion paper regarding the review of ward boundaries and elected member representation to be presented to the Council for further consideration;***

- 3 *STATES that the intention of this resolution is to progress the process and that it is also the intention that an elected Council will decide Ward boundaries at the appropriate time.”*

Subsequent to that decision, a discussion paper on the review of Ward names, boundaries and elected member representation was presented to the Council at its meeting held on 11 October 2005 (CJ205-10/05 refers), where it was resolved as follows:

*“That Council AGREES to:*

- 1 *CONDUCT a review of its Ward names, boundaries and elected member representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2 *SEEK public submissions on the discussion paper forming Attachment 1 to Report CJ205-10/05;*
- 3 *CONDUCT two (2) independently facilitated workshops as part of the public submission period relating to the review of ward boundaries, names and elected member representation as detailed in 1 above, in order to explain the review process and engage the community;*
- 4 *HOLD the two (2) workshops as detailed in 3 above no later than three (3) weeks prior to the scheduled close of public submissions for the discussion paper on the review of ward boundaries, names and elected member representation;*
- 5 *REQUEST a further report be presented to Council following the completion of the statutory public consultation as required by Schedule 2.2 of the Local Government Act 1995;*
- 6 *MAKES the following changes to the discussion paper:*
  - *On Page 10:*
  - *Heading “Options to consider” to be amended to read “Matters to be considered”*
  - *The word “Option” as it relates to Options 1 to 6 inclusive to be removed;*
  - *Within “1”, remove the word “Maintain”.*
  - *Amend “2” to read “Creation of new wards ...”*
  - *Amend “3” to read “Changes to the boundaries ...”*
  - *Amend “4” to read “Abolition of all the wards ...”*
  - *Amend “5” to read “Changes to the names of ....”*
  - *Amend “6” to read “Changes to the number of ...”*
  
  - *On the attached ward maps shown on stamped pages 69 to 73 inclusive, the word “Option” to be amended to read “Example”*
  
  - *On the attached ward map shown on stamped page 73, the internal dark lines and the colours to be removed;*
- 7 *the CEO making modifications to the discussion paper, as a result of the review of the document by Edith Cowan University, that do not change the substance of the discussion paper or the examples.”*

The Local Government Act 1995 requires a local government to undertake such a review at least every eight (8) years. The City of Joondalup is required to complete its next review by 26 August 2007.

In accordance with the decision of 11 October 2005, a discussion paper was advertised for public submissions, with submissions due to close on 2 December 2005. In addition to the statutory public comment period, two (2) public workshops were held on the matter on 7 and 9 November 2005.

At the completion of the public submission period, a report will be presented to the Council for consideration prior to a recommendation being submitted to the Local Government Advisory Board.

## **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 officers (whether vacant or not) of members of the Council.*

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

Prior to giving consideration to the following recommendation, 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.

## NOTICE OF MOTION NO 2

### CMR S SMITH – PROCEDURE IN RELATION TO PUBLIC QUESTION TIME

At the Council meeting held on 1 November 2005, Cmr S Smith in accordance with clause 3.12 of the Standing Orders Local Law, gave notice of her intention to move the following Notice of Motion 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.

#### **Officer’s Comment**

The Council at its meeting held on 11 October 2005 adopted a revised set of protocols for public question time and also agreed to introduce a public statement time based on agreed protocols.

The development of the protocols was a result of a detailed public consultation process which involved public workshops and a general public comment period via local public advertising. The matter was presented to a number of Strategy Sessions in order to generate discussion and feedback from Council members.

Clause 3 of protocols relating to public question time reads as follows:

*“3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public. Both questions are to be read in total.”*

The intent of the clause was based on:

- The ability to account for the period of time per member of the public; and
- Allowing both the questions to be asked and understood by the relevant person who is required to respond.

During the wider public consultation period a similar concern was raised through a public submission. As part of the response to that concern, the following comment was included as part of the report presented to the Council at its meeting held on 11 October 2005, at the time the Council adopted the protocols:

*“The opportunity always exists for a member of the public to ask questions in writing prior to the Council meeting, and where practicable, for responses to be available at the meeting. Members of the public can then use their two (2) questions at the Council meeting to ask follow-up questions to the response already provided.”*

The agenda for the Council meeting is available to the public on the Wednesday evening immediately prior to the Tuesday Council meeting. Those questions requesting a response by the Council meeting are required to be submitted in writing by 5 pm the Friday prior to the Council meeting which allows members of the public two (2) working days to submit questions.

## **VOTING REQUIREMENTS**

Simple Majority

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

**BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**

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<b>DUE DATE</b>	<b>NOVEMBER 2005</b>
<b>SUBJECT</b>	<b>REPORT OF THE INQUIRY INTO THE CITY OF JOONDALUP</b> (ex C58-10/05)  2 the Council REQUESTS the Chief Executive Officer to draft for its consideration a response to the Minister with regard to the recommendations made in the Inquiry Report.
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	101475
<b>STATUS</b>	A review of the recommendations is currently being undertaken with a report to be submitted to the Special Council meeting on 14 November 2005.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>REVISED SET OF KPIS FOR COUNCIL PROJECTS</b> – ex JSC2-07/05 – STRATEGIC FINANCIAL PLAN 2005/06 TO 2008/09  “3 REQUESTS the Chief Executive Officer to submit a report to Council on a revised set of KPIS for Council projects.”
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO
<b>ACTION NUMBER</b>	97080
<b>STATUS</b>	This item was originally listed for November 2005. The report will be submitted to the November Strategy Session, with a view to a report to Council.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>SUSTAINABILITY OBJECTIVES FOR ALL COUNCIL POLICIES</b> – ex CJ225-11/05 - MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 18 OCTOBER 2005  “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.”
<b>RESPONSIBLE DIRECTOR</b>	Office of the CEO/Strategic and Sustainable Development
<b>ACTION NUMBER</b>	102557
<b>STATUS</b>	The matter was resolved by the Council at its meeting held on 1 November 2005. A meeting of the Policy Committee is scheduled to be held on 29 November 2005, where it will consider this matter and present a recommendation to the Council at its meeting to be held on 13 December 2005.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>DRAFT POLICY – POLICY 3-2 – HEIGHT AND SCALE OF BUILDINGS WITHIN RESIDENTIAL AREAS</b> – ex CJ225-11/05 - MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 18 OCTOBER 2005  “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;”
<b>RESPONSIBLE DIRECTOR</b>	Planning and Community Development
<b>ACTION NUMBER</b>	102559
<b>STATUS</b>	The matter was resolved by the Council at its meeting held on 1 November 2005. A meeting of the Policy Committee is scheduled to be held on 29 November 2005, where it will consider this matter and present a recommendation to the Council at its meeting to be held on 13 December 2005.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>REVIEW OF DRAFT AUDIT CHARTER</b> - ex CJ226-11/05 – MINUTES OF THE AUDIT COMMITTEE MEETING HELD 18 OCTOBER 2005
	3 Council REQUESTS the Chief Executive Officer to review the draft Audit Charter by modifying the words to more appropriately reflect: <ul style="list-style-type: none"><li>• Legislative requirements</li><li>• Oversight and monitoring role of the Audit Committee</li><li>• Clarification of the role and function of the Committee</li><li>• Terms of appointment of the independent Committee members</li><li>• Quorum numbers and composition of Committee</li><li>• Interaction with the Internal Auditor</li><li>• Status of independent persons</li></ul>
<b>RESPONSIBLE DIRECTOR</b>	Office of the CEO
<b>ACTION NUMBER</b>	102561
<b>STATUS</b>	A report will be submitted to the Audit Committee scheduled for 29 November 2005 where it will consider this matter and present a recommendation to the Council at its meeting to be held on 13 December 2005.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>OPTIONS FOR PURCHASE OF CORPORATE VEHICLES</b> - ex CJ230-10/04
	4 request the Sustainability Advisory Committee to investigate and report to the Council on options (including hybrid vehicles) relating to the operating of corporate vehicles that adhere to best practice sustainability principles.
<b>RESPONSIBLE DIRECTORATE</b>	Office of the CEO/Strategic and Sustainable Development
<b>ACTION NUMBER</b>	<b>80993</b>
<b>STATUS</b>	This item was originally listed for November 2005. The report is near completion and will be referred to the Sustainability Advisory Committee prior to presentation to Council.

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**DUE DATE**                    **DECEMBER 2005**

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

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

**RESPONSIBLE DIRECTORATE**    Infrastructure Services

**ACTION NUMBER**    98981

**STATUS**                    This item was originally listed for November 2005.  
A report will be submitted to Council in December 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **ENVIRONMENTAL SUSTAINABILITY** – ex CJ213-09/03 MEETING OF THE  
` MANUAL REVIEW COMMITTEE HELD ON 18 SEPTEMBER 2003

- “3        DEFERS consideration of:
- (c)    Policy 2.6.4 – Environmental Sustainability – as detailed in Attachment 2 to Report CJ213-09/03 pending referral to the Environmental and Sustainability Committee for consideration;”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    57666

**STATUS**                    This item was originally listed for November 2005. A meeting of the Policy Committee is scheduled to be held on 29 November 2005, where it will consider this matter and present a recommendation to the Council at its meeting to be held on 13 December 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REVIEW OF THE POLICY MANUAL**  
(ex Briefing Session 11 May 2004)

Comr Smith requested that the following comment, from the Minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, be taken into consideration within the proposed review of the Policy Manual:

*“General Business - Mr Carstairs indicated that it was important to ensure that sustainability issues are embedded into Council policy during the next 12 months to ensure ongoing sustainable outcomes in the City. Mr Carstairs believes that it is important to identify targets, outcomes and timeframes to implement these to ensure the best sustainability outcomes in the future.”*

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    71945

**STATUS**                    Council at its meeting on 11 October 2005 adopted a revised Policy Manual. This item was originally listed for November 2005. This matter will be considered by the Policy Committee at its meeting on 29 November 2005, in conjunction with the review of Council Policy 2-1 Environmental Sustainability.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REVIEW OF CODE OF CONDUCT – NON-VILIFICATION OF RATEPAYERS** - ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004

In relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct.

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    85109

**STATUS**                    This item was originally listed for November 2005. This matter will be considered by the Policy Committee in reviewing Council Policy 4-1 - Code of Conduct. The next meeting of the Policy Committee is scheduled for 29 November 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session 23 August 2005

Customer Satisfaction Monitor

Cmr Fox requested that a report be submitted to Council on options open to the City, either to undertake its own customer satisfaction monitor or jointly with other groups.

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    98584

**STATUS**                    This item was originally listed for November 2005. A draft report was submitted to the CEO who is seeking agreement with other Councils with a view to forming a joint survey approach across a number of similar sized Councils.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REDESIGN OPTIONS OF COUNCIL CHAMBER**  
- ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION

5            REQUIRE an urgent review be conducted and interim report prepared and presented at the December 2004 Council meeting with regard to the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    82351

**STATUS**                    Concept plans and costings were presented to the Strategy Session held on 27 September 2005. This item was originally listed for November 2005. Alternative options are being considered to those proposed by the architects. Following consideration of those options by the CEO, a report will be presented to the Strategy Session on 29 November 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **STRATEGIC PLAN FOR CITY'S ART COLLECTION** – ex CJ014-02/05 -  
ART COLLECTION PURCHASES

“3        REQUESTS that a strategic plan be developed for the art collection that takes into account an acquisition and disposal plan, and contains a strategy for the display of art works throughout the City's offices and appropriate buildings within the City of Joondalup, such as Edith Cowan University.”

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      88598

**STATUS**                    The Art Collection policy (5.3 Cultural Development) was endorsed as part of a suite of City policies at the Council meeting on 11 October 2006. This item was originally listed for November 2005. A draft strategy outlining the acquisition, disposal and display of artworks was developed in conjunction with the policy and will be forwarded to the Council at the 13 December meeting.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session 23  
August 2005

1.        Provision of Information to Council Members

Cmr Smith requested that a report be submitted to Council on the possibility of adopting protocols relating to the method and time limitations on all information provided to Council members, where such information is applicable to decisions being made at Council meetings.

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      98585

**STATUS**                    This item was originally listed for November 2005. Options relating to the possible protocols are being examined.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>LAND REQUEST FOR PROPOSED COMMUNITY HOUSE IN CRAIGIE LOT 671 (178) CAMBERWARRA DRIVE (CORNER OF PERILYA ROAD) – ex CJ186-08/05</b>
	<p>“1 DEFERS consideration of the land request for proposed Community House in Craigie, Lot 671 (178) Camberwarra Drive (corner of Perilya Road);</p> <p>2 OBTAINS from the Department of Community Development detailed outcomes for this proposed service, clearly stating how the community house will meet identified community needs;</p> <p>3 RECEIVES from the Department of Community Development projected costs of building the community house, giving reasons why the funds currently available will be inadequate if the arrangements for the sale of the land, Lot 671 (178) Camberwarra Drive, Craigie goes ahead;</p> <p>4 REQUESTS the Chief Executive Officer to provide relevant information on budgetary implications should the sale of Lot 671 (178) Camberwarra Drive, Craigie not be realised;</p> <p>5 REQUESTS that when this report is resubmitted, Option 4 is explored further, with a long term cost benefit analysis.”</p>
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
<b>ACTION NUMBER</b>	98989
<b>STATUS</b>	This item was originally listed for November 2005. A further report will be forwarded to the Council once the requested information is available for inclusion in an updated report.

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**DUE DATE**                    **NOVEMBER/DECEMBER 2005**

**SUBJECT**                    **PUBLIC OPEN SPACE**

ex CJ203-09/05 - APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO

3            REFERS the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.

**RESPONSIBLE DIRECTOR**      Planning and Community Development

**ACTION NUMBER**      100435

**STATUS**                    This matter will be submitted to the next Policy Committee scheduled for 29 November 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REVIEW OF WARD BOUNDARIES, NAMES AND ELECTED MEMBER REPRESENTATION – [16878]** ex CJ205 - 10/05

5            REQUEST a further report be presented to Council following the completion of the statutory public consultation as required by Schedule 2.2 of the Local Government Act 1995;

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      101501

**STATUS**                    Notice of the review was placed in the local newspaper, with public submissions closing early December 2005. The two public workshops are scheduled to be held on 7 and 9 November 2005. It is intended that a report will be presented to the Council in December 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **PROPOSAL TO PROTECT NATIVE AREAS OF SIGNIFICANCE** - ex  
CJ193-09/05 MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD  
ON 24 AUGUST 2005

4            REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee’s review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;

**RESPONSIBLE DIRECTOR**            Infrastructure Services

**ACTION NUMBER**            100428

**STATUS**                    The Conservation Advisory Committee has identified reserves of significance. A report by Planning & Community Development on the DPS2 implications will be submitted to Council in December 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **TENDER REGULATIONS**  
ex CJ043-03/05 2004 COMPLIANCE AUDIT RETURN

“3            EXPRESSES its concern that the Tender Regulations have not been followed and advises the Department of Local Government and Regional Development that the Council has requested that a report on this matter be submitted to the Audit Committee;”

**RESPONSIBLE DIRECTORATE**            Office of the CEO

**ACTION NUMBER**            89549

**STATUS**                    The matter has been referred to Stanton Partners to review the issue of non-compliance with the Tender Regulations. Once the review has been undertaken, a report will be submitted. The review is anticipated to be completed by 14 October 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **OUTCOME OF REVIEW OF PROCUREMENT PROCESSES**  
– ex CJ121-06/05 – REVIEW OF THE DELEGATED AUTHORITY MANUAL

“3        REQUESTS the Chief Executive Officer to advise the Audit Committee at the earliest possible opportunity of the outcome of the review of the procurement processes.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**

**STATUS**                    This matter will be presented to the next Audit Committee meeting.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY**  
– ex CJ168-08/05 - Report on funding to date to the City of Joondalup pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees

“5        NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    97788

**STATUS**                    A report will be submitted to Council following the completion of the McIntyre Inquiry.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>TOM SIMPSON PARK AND TEN LOTS IN MERRIFIELD PLACE, MULLALOO</b> ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004  In relation to Motion 16 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a report will be presented to the Council in early 2005 on the matter of including Lot 1 Oceanside Promenade and the grassed road reserve adjacent to Tom Simpson Park into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo;
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
<b>ACTION NUMBER</b>	85111
<b>STATUS</b>	A report will be presented to Council following a review of the City's asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>SORRENTO DUNCRAIG AND OCEAN RIDGE LEISURE CENTRES OPERATIONS AND MANAGEMENT REVIEW RECOMMENDATIONS</b> – ex CJ093-04/04  “3 NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.”
<b>RESPONSIBLE DIRECTORATE</b>	Planning and Community Development
<b>ACTION NUMBER</b>	70983
<b>STATUS</b>	Funding for development of the Leisure Plan was approved in the 2004/05 budget and worked commenced in November 2004. The development of the Leisure Plan will take approximately six months. The Leisure Plan is underway at this time and will provide guidance on this matter.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **ABORIGINAL ISSUES IN THE CITY OF JOONDALUP** – ex JSC29-08/04  
– MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS

“4        REQUEST that a report be submitted to Council on raising the profile of Aboriginal issues in the City of Joondalup as a significant part of the Cultural Plan.”

**RESPONSIBLE DIRECTORATE**    Planning and Community Development

**ACTION NUMBER**    77778

**STATUS**                    The forthcoming Cultural plan for the City will address raising both the profile of Aboriginal issues and the level of community exposure to local programs presenting Aboriginal artistic endeavour and culture. A comprehensive strategy addressing issues relating to the presentation of Aboriginal cultural activities, the participation of Aboriginal people in civic life in the city, and the consequential raising of community awareness of Aboriginal issues will be available for consideration as part of the draft cultural plan.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session  
September 2005

Risk Management Framework

Cmr Anderson requested a report on an overarching risk management framework for the City, to be presented to the next meeting of the Audit Committee.

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    99742

**STATUS**                    A report will be submitted to Council in December 2005.

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**DUE DATE**                    **DECEMBER 2005**

**SUBJECT**                    **PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA** – ex CJ338-12/02

“4        NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council.”

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      41269

**STATUS**                    A report was presented to Executive Management on 11 October 2004, with a further report outlining the City’s requirements to be decided at a future Executive meeting. The City’s decision was forwarded for consideration at the WALGA North Zone meeting on 25 November 2004.

At the WALGA North Zone meeting held on 25 November 2004 it was agreed that the item regarding the proposed Community Safety and Crime Prevention partnership be deferred to allow member Councils to provide their responses to the City of Stirling.

Chief Executive Officer to meet with officers of the Crime Prevention Unit.

WALGA has facilitated a Safety and Crime Prevention meeting. The following recommendation from this meeting is to be forwarded to the State Council via the various zone meetings:

That the Association does not support the State Local Government Community Safety and Crime Prevention Partnership until there is:

- acceptance by State Government of Local Government evidence based planning methods to develop community safety and crime prevention strategies;
- a flexible funding arrangement for community safety and crime prevention plans for Local Government;
- sustainable growth funding from State to Local Government to support the Local Government Community Safety and Crime Prevention plans and their implementation;
- a feasibility study undertaken into a regional based approach to community safety and crime prevention through a network of State Government funded staff to support Local Government develop a collaborative based approach to community safety and crime prevention planning and initiatives;
- Acknowledgement by the State Government that the management of graffiti and anti social behaviour are key issues of concern to Local Government.

The development of a MOU between State and Local Government that outlines the roles and responsibilities of State and Local Government in relation to community safety and crime prevention planning.

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<b>DUE DATE</b>	<b>DECEMBER 2005</b>
<b>SUBJECT</b>	<b>PERFORMANCE REVIEW COMMITTEE – CEO INITIAL PERFORMANCE REVIEW REPORT</b> - ex C54-09/05
	2 ENDORSES further discussion between the CEO and the Performance Review Committee to review and vary the Key Performance Indicators going forward with recommendations to be referred to Council.
<b>RESPONSIBLE DIRECTOR</b>	Corporate Services
<b>ACTION NUMBER</b>	100437
<b>STATUS</b>	This matter was initially considered at the CEO Performance Review Committee meeting held on 13 October 2005 and will be finalised at the next meeting of the Committee.

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<b>DUE DATE</b>	<b>EARLY 2006</b>
<b>SUBJECT</b>	<b>JOONDALUP – JINAN RELATIONSHIP PLAN</b> – ex CJ224-11/05
	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.
<b>RESPONSIBLE DIRECTOR</b>	Office of the CEO/Strategic and Sustainable Development
<b>ACTION NUMBER</b>	102695
<b>STATUS</b>	The matter will be referred to the next meeting of the Stakeholders.

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**DUE DATE**                    **FEBRUARY 2006**

**SUBJECT**                    **CONSOLIDATION OF INDICATORS THAT HAVE PARALLEL OBJECTIVES** – ex CJ171-08/05 – CORPORATE REPORTING SYSTEMS

“3        REQUESTS the Chief Executive Officer to provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.”

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

**ACTION NUMBER**      98977

**STATUS**                    A review of the indicators will be undertaken and a report will be considered by the Chief Executive Officer after the review has been completed.

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**DUE DATE**                    **FEBRUARY 2006**

**SUBJECT**                    **LOT 1 OCEANSIDE PROMENADE, MULLALOO**  
ex C83-05/03 NOTICE OF MOTION NO 4 – CR M CAIACOB

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      51161

**STATUS**                    A report will be presented to Council following a review of the City’s asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

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**DUE DATE**                    **FEBRUARY 2006**

**SUBJECT**                    **LANDSCAPING PLANS FOR JOONDALUP REGIONAL CULTURAL FACILITY** - ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION

“3        REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    82351

**STATUS**                    Consultation will take place as soon as is practicable following the finalisation of the purchase of the site which requires the lot to be formally subdivided. It is envisaged that a report will be submitted to Council once the purchase has been finalised.

**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **OVERVIEW OF THE OFFICIAL VISIT FROM JINAN DELEGATION (SHANDONG PROVINCE), CHINA TO JOONDALUP – AUGUST 2005 AND TO PROVIDE FURTHER NOTIFICATION OF AN INVITATION TO VISIT JINAN IN OCTOBER 2005** - exCJ187-09/05

2        REQUESTS the Chief Executive Officer when preparing the report evaluating the public comments received as part of the consultation period on the Joondalup-Jinan Relationship Plan to ensure that it encompasses five (5) and ten (10) year strategic horizon action plans;

5        ADVISES Mayor Bao that the Joint Commissioners will recommend that the incoming Council sends an official delegation to the City of Jinan as early as is feasible 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan.

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

**ACTION NUMBER**    100425

**STATUS**                    2        The Joondalup – Jinan Relationship Plan when endorsed will be further developed to incorporate implementation action planning. It is anticipated that this work will be completed in the Jan-March quarter of 2006 as outlined in the Annual plan.

5        A letter to Mayor Bao has been approved and sent to Jinan. **This part of the outstanding business item may therefore be removed from the agenda.**

**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD**

– ex JSC3-07/05 -MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE

“2        REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      97081

**STATUS**                    This has been referred to the internal Parking Strategy Working Group.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **LOCATION OF 50 METRE POOL AT CRAIGIE LEISURE CENTRE OR AN ALTERNATIVE LOCATION** – ex JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS

“2        REQUEST that a report be submitted to Council as to whether a 50 metre pool should be located at Craigie Leisure Centre or at an alternative location;”

**PETITION** – Council 28 June 2005

Two petitions of 144 and 125-signatures respectively have been received requesting the City of Joondalup make provision for a 50 metre, 8 lane outdoor pool at the Craigie Leisure Centre in the City's financial budget for 2005/06.

**RESPONSIBLE DIRECTORATE**      Planning and Community Development

**ACTION NUMBER**      77776 and 95549

**STATUS**                    The City has committed in September 2004 to a refurbishment project to the aquatic facilities at the Craigie Leisure Centre. Further development of the City's aquatic facilities, i.e. a 50 metre pool, would only occur as a result of:

- (1)        Detailed analysis of the performance of the Craigie Leisure Centre once the refurbishment has been completed.
- (2)        Detailed market research that considers all market segments.

The Craigie Leisure Centre redevelopment project is inclusive of a geothermal water heating system which could cater for a further 50 metre water space.

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**DUE DATE**                    **MARCH 2006**

**SUBJECT**                    **FIRE BREAKS AND PEDESTRIAN ACCESS TO BEACHES IN OCEAN REEF** ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003

“In relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:

- (c) REQUEST the CEO to provide Council with a report and suitable recommendations once investigations concerning the second fire break have been completed;”

**RESPONSIBLE DIRECTORATE**      Infrastructure Services

**ACTION NUMBER**      67033

**STATUS**                    With regard to pedestrian access to beaches in Ocean Reef, this matter has been addressed in Report CJ279-11/04. Also, as part of future staged development of Iluka, the developers intend submitting to the City design solutions for either a raised boardwalk or pathway linking the coastal dual use path to the north-western portion of the Iluka subdivision. It is at that time that consideration to the second firebreak can be given by the City.

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**DUE DATE**                    **JUNE 2006**

**SUBJECT**                    **EDGEWATER QUARRY SITE** - ex CJ300 - 12/04 - Site Acquisition - Works Depot

“REQUEST the City’s officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.”

**RESPONSIBLE DIRECTORATE**      Infrastructure Services

**ACTION NUMBER**      85135

**STATUS**                    This project is currently on hold until a determination is made on the acquisition of the Hodges Drive Depot site.

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**DUE DATE**                    **JUNE 2006**

**SUBJECT**                    **PROPOSED MODIFICATIONS TO CURRAMBINE STRUCTURE PLAN NO 14 – DELETION OF THE RESIDENTIAL MIXED USE PRECINCT AND REPLACEMENT WITH A SMALL LOT RESIDENTIAL PRECINCT AND MINOR MODIFICATIONS TO THE DEVELOPMENT PROVISIONS** – ex CJ088-04/04

“3        a separate report giving further consideration to the provision of retail land uses for the Currambine locality in relation to the City’s POLICY 3.2.8 – Centres Strategy, and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2, be prepared;”

**RESPONSIBLE DIRECTORATE**        Planning and Community Development

**ACTION NUMBER**        71026

**STATUS**                    Partially addressed in Report to Council 27 April 2004. Remainder to be reported as part of the Centres Strategy review, which is intended to be undertaken as soon as possible. It should be noted that review initiation is dependent on data release from the WAPC, and was anticipated to occur before December 2005.

This item was originally listed for December 2005. It is noted that the WAPC has not initiated any review of its Commercial Centres Policy or the data contained within that Policy. It is therefore proposed to commence the review of the City of Joondalup Centres Strategy independently of the WAPC review.

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**DUE DATE**                    **NOVEMBER 2006**

**SUBJECT**                    **TENDER NO 014-04/05 PROVISION OF SECURITY AND PATROL SERVICES IN THE CITY OF JOONDALUP – CITY WATCH**  
ex CJ272-11/04

“5        REQUEST a report be submitted to Council for consideration prior to the extension of the contract beyond two years.”

**RESPONSIBLE DIRECTORATE**        Infrastructure Services

**ACTION NUMBER**

**STATUS**                    The requested report will be provided to Council in November 2006.

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**DUE DATE**                    **2006**

**SUBJECT**                    **DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - ex**  
CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

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

**ACTION NUMBER**    40021

**STATUS**                    This item has been determined as a low priority for Council in 2005 and will be reconsidered in 2006.

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**DUE DATE**                    **Dependent on the release of the City of Joondalup Inquiry Report.**

**SUBJECT**                    **MAYOR D CARLOS (SUSPENDED) – REQUEST FOR PAYMENT OF LEGAL COSTS – ex CJ118-06/04**

“that no determination is made on this matter at this time and the item be DEFERRED until the McIntyre Inquiry completes its deliberations and issues a Report.”

**RESPONSIBLE DIRECTORATE**    Office of the CEO

**ACTION NUMBER**    73446

**STATUS**                    A report will be submitted following the completion of the McIntyre Inquiry.

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**DUE DATE**                    **Dependent on the release of the City of Joondalup Inquiry Report.**

**SUBJECT**                    **RELEASE OF REPORT OF THE FORENSIC AUDITOR**  
– ex C70-11/04

“That due to questions and motions raised at the Annual Meeting of Electors held on 22 November 2004, the Joint Commissioners CONSIDER releasing, at the Council meeting immediately following receipt of the information outlined below, the report of the Forensic Auditor into the employment contract of the former Chief Executive Officer that is currently marked confidential subject to:

The Acting CEO being requested to contact the following for comment on this proposed course of action, asking them to provide any information they consider should be taken into account by the Council when it makes its decision:

- Deloitte Touché Tohmatsu, the Forensic Auditor
- Mr McIntyre, who is conducting the current Inquiry into the City of Joondalup
- Fiocco’s Lawyers”

**RESPONSIBLE DIRECTORATE**      Office of the CEO

**ACTION NUMBER**      83764

**STATUS**                    Correspondence was forwarded to the relevant parties following the Annual General Meeting.

Fiocco Lawyers had no objection; Mr McIntyre had no position, however, Deloitte Touche Tohmatsu objected to the release of information on the basis that, without full understanding of the scope and context of the audit, it may not be correctly interpreted in the public arena. On that basis, it is not proposed to release the information at this time.

This document was admitted as evidence into the McIntyre Inquiry into the City of Joondalup. Advice has been sought from McLeod’s Lawyers relating to the ability of members of the public gaining access to this document.

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