



City of
Joondalup

DRAFT AGENDA FOR BRIEFING SESSION

to be held on

TUESDAY, 7 MARCH 2006

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 5.00 pm on Monday, 6 March 2006
Answers to those questions received within that timeframe will,
where practicable, be provided in hard copy form
at the Briefing Session.

PETER SCHNEIDER
Acting Chief Executive Officer
2 March 2006

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.
- 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, 7 MARCH 2006** 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 on 14 February 2006.

Mr S Kobelke, Sorrento:

Re: Item 24 Delegated Authority Report

Q1 Would it be a fair statement to say that much of the delay in processing residential building applications relates to the significant number that have variations to the R Codes and require a comment period.

A1 On the basis that the question relates to the types of residential development covered by the Residential Design Codes (RDC), for development such as single houses, grouped dwellings etc., the RDC provide two pathways for planning approval. The first pathway is the simpler process where planning approval is not required, as the development has been designed to comply with the acceptable standards of the Residential Design Codes.

The second pathway is where the applicant has chosen to vary from the Acceptable Standards and to seek approval under the Performance Criteria, which requires them to substantiate the variation based on certain criteria set out in the RDC. The onus is on the applicant to provide the detailed information to substantiate those changes as part of the application for planning approval.

There can be various reasons for the time taken in the processing of the planning approvals. One of the biggest causes is the content of applications received by the City that do not properly address the submission requirements of the Residential Design Codes.

Q2 Has consideration been given to undertaking community research of neighbours who have objected to an R Code variation that was subsequently approved by Officers/Council in order to assess the long term damage this is doing to community well being?

A2 The primary objective of the Codes (including its discretionary aspects) is to express standards for development that provide the community with an acceptable level of amenity.

- Q3 *Is it fair to say that most R Code variations relate to building height/cone of vision and setbacks.*
- A3 No, this is not the case. To clarify, of the 10 design elements covered by the RDC, 9 of those design elements are capable of being varied through the Performance Criteria set out in the RDC. It is considered that the variations to the privacy, streetscape, building setbacks and site work design elements of the RDC are the primary areas where discretion is sought.
- Q4 *If this is the case will be expect that R Code variations will become even more prevalent as residential blocks are subdivided and accordingly smaller.*
- A4 The sizes of the blocks in the district are determined by the density coding applicable to the land. Where development occurs in the higher density coded area, it is likely that there will be a greater need to consider variations to the Residential Design Codes, based on the circumstances relating to the site and adjoining properties.
- Q5 *What difficulties, in a general sense, would there be if there were no discretion (Officer or otherwise) to the R Codes in Height, setbacks and scale?*
- A5 The RDC are a “performance based” document, which consists of “Acceptable Standards” and “Performance Criteria” and as such, seeks to be more responsive to design outcomes relating to the site and adjoining sites, rather than providing a prescriptive framework.

The document was developed by the State Government and applies throughout the state. Although the document has application throughout the state, it provides flexibility for the applicant to apply for, and the City/Council (following consultation) to consider whether an exercise of discretion is warranted in that particular case, based on the circumstances relating to that site and adjoining sites. This only occurs if the applicant chooses to vary from the Acceptable Standards of the RDC.

Re: Item 27 Subdivisions - Item SU 1363-05

- Q6 *Would Council please advise the specific details of this approval. How do the two lots plus a small section of the third make 4 blocks? Has the extreme drop on the unrelated owners site been taken into account?*
- A6 There are two concurrent approved applications for subdivision relating the subject properties: one for the amalgamation of three properties (Lots 142, 143 & 144 Drakes Walk) and the other for a survey-strata subdivision over the amalgamated lots into four lots ranging between 412m² and 487m² in area. The land has a density code of R20, which requires an average lot area of 450m² and no minimum lot area.

The applicant has been advised through conditions of subdivision approval that the City needs to be satisfied as to the extent of grading and stabilising of the land in relation to abutting properties. In addition, any retaining walls over 500mm in height will require the City's approval. The City has not been consulted prior to the commencement of cut and fill of the properties.

Q7 *There has been a significant man made change to increase the levels of this entire site. Is Council monitoring the situation?*

A7 The City's officers have been made aware of the site works, and monitoring the situation. The landowner will be contacted with the regard to the need to comply with the relevant subdivision conditions.

Re: Item 26 Height of Developments adjacent to Coast

Q8 *Most of the public submissions for this Item covered both the Draft Policy and the DPS2 amendment. The City has advised that it is prepared to accept the early submissions on the DPS2.*

The community has made a clear statement in their submissions on both matters. Can the Commissioners confirm that Council will treat these submissions as part of the public comment on the DPS2 Amendment that is currently open?

A8 Submissions on the draft policy that state an intent that the comments are also on the proposed DPS2 amendment, will be treated as early submissions for the purposes of the DPS2 amendment. This would accommodate the majority of the submissions. The remainder of the submissions would be referred to in the scheme amendment report.

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

Mr J Hollywood, Burns Beach:

Re: Consideration of final adoption of the Currambine District Structure Plan, Lots 9505, 929 and 1574 Delamere Avenue, Currambine:

Q1 *What is Council's policy on any commercial development being built next to residential housing?*

A1 There is no Council policy in relation to this issue. Such an application would be assessed in accordance with the requirements of District Planning Scheme No 2 and the R-Codes.

Q2 *Would it be possible for residents to meet with the Commissioners prior to the Council meeting?*

A2 Set processes are in place to manage such issues and it is considered that agreeing to this request may set an undesirable precedent.

Q3 *Are there any proposals for a tavern on this site?*

A3 The City is not aware of a proposal for a tavern. This item relates to a structure plan and not to the zoning of the land. The land has been zoned for many years and there are uses within the zoning that could be considered by a developer. Such matters will be determined during the development application process.

Mrs M Sampson, Hillarys:

Re: Hillarys Shopping Centre

Q1 Once the noise barrier has been approved, what is the timeframe for the shopping centre owners to build the barrier?

A1 There is no timeframe, however there is an environmental notice on the shopping centre owners to deal with the noise issue. If works do not progress the City can invoke the notice.

Q2 Will Council have the power to invoke the notice.

A2 Yes.

Mr M Caiacob, Mullaloo:

Re: Height and scale policy:

Q1 Submission 199 in regard “natural ground level” is responded to by the note “The definition does not mean that the highest point of a site becomes the starting point to measure the maximum 10 metre height for the whole development”.

I refer Commissioners to the report into the development application of the Mullaloo Tavern. The applicant stated that a three-storey level could be constructed at the upper level of the site. The City stated 12 metres above ‘mean’ natural ground level according to the WAPC Coastal Policy. Other current scenarios indicate that natural ground level may be up to 7 metres above the kerb line from the front facades.

Will the Commissioners review the definitions and policy statement to ensure that clear intent is shown in the policy to maintain a 10-metre height limit from pavement to the uppermost part of the building?

A1 This is a matter for Council to review and determine.

Re: Hillarys Shopping Centre noise wall:

Q2 Did the meeting involving the two parties’ solicitors come to a decision on how the noise issue was to be resolved at the loading bay area?

A2 Yes

Q3 If yes, was the decision the same as the recommendation before the Commissioners in this agenda?

A3 The meeting of all parties was held to determine the best way to move forward and resolve the issues between the owner of the site, the occupier of the site and the neighbours. The recommendation before the Council follows consideration of the advice received from acoustic consultants and the City’s Planning and Noise Officers.

Q4 If no, what was the purpose of the officers and solicitors meeting with representatives of Coles?

A4 Not applicable.

- Q5 *What was the total cost to the ratepayers for City officers and the City's solicitors to meet with representatives of Coles?*
- A5 The cost of the solicitors' advice to date is \$1,440. The cost for officers' time is not tracked at the level of detail required to answer this question.

Mr S Magyar, Heathridge:

- Q1 *List of payments for November 2005: Payment 73700, Cheque for \$580.80 to Specialised Security Shredding: What were the documents that were shredded; were they shredded in accordance with the State Records Act and did they involve any documents relating to the former CEO?*

- A1 The documents disposed of related to advertised job applications, financial records, records relating to the former City of Wanneroo, duplicate copies of corporate documents that are retained in the City's official recordkeeping system or non-corporate documents.

These documents are disposed of in accordance with the 1999 General Disposal Authority for Local Governments Records, which is published by the State Records Office of Western Australian. This schedule is included in the City's Recordkeeping Plan that received approval from the State Records Commission in March 2004.

No documents related to the former Chief Executive Officer.

4 PUBLIC STATEMENT TIME

The following statements were made at the Briefing Session on 14 February 2006:

Mr M Caiacob, Mullaloo:

Proposed local planning policy in regard to height of developments in non-residential zones adjacent to the coast

Mr Caiacob did not consider the response to his submission addressed or identified the concerns raised by him and requested Commissioners to consider the public submissions and not the summaries provided in the agenda.

Former elected members of the City of Joondalup

Mr Caiacob provided an alternative suggestion than the presentation of an acknowledgement of services to former elected members.

Whitford Community Ratepayers and Recreation Association Community Bus

Mr Caiacob spoke in support of the community bus.

Mr S Magyar, Heathridge:

Annual General Meeting of Electors held on 28 November 2005

Mr Magyar spoke in support of the establishment of a committee to consider motions raised at Annual General Meetings of Electors.

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. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

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.

Nil.

7 REPORTS

ITEM 1	REDESIGN OF THE COUNCIL CHAMBER – [14977]	1
ITEM 2	BUSINESS EXCELLENCE FRAMEWORK CITY POLICY – [26176]	5
ITEM 3	LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2006 – [09882]	9
ITEM 4	WRITE OFF OF MONIES – RANS MANAGEMENT GROUP – [46492] [04881]	11
ITEM 5	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2006 – [07882]	14
ITEM 6	PROPOSED ROAD CLOSURE FOR EXCESS ROAD RESERVE: OCEAN REEF ROAD AND MITCHELL FREEWAY, BELDON – [42015]	17
ITEM 7	PROPOSED CLOSURE OF PORTION OF THE LANEWAY BETWEEN LEACH STREET & WEST COAST DRIVE, MARMION – [09031]	22
ITEM 8	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – JANUARY 2006 – [07032]	28
ITEM 9	CHANGE OF USE FROM SHOWROOM TO PLACE OF WORSHIP: LOT 1 (1/15) VANDEN WAY, JOONDALUP – [18562]	31

ITEM 10	PROPOSED AMENDMENTS TO THE JOONDALUP CITY CENTRE PLAN AND MANUAL - ARENA JOONDALUP COMPLEX, NORTHERN RECREATION DISTRICT – [55582] [00152]	37
ITEM 11	INITIATION OF LOCAL PLANNING POLICY - SATELLITE DISH, AERIALS AND RADIO EQUIPMENT – [81513]	44

- 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**

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 070306.pdf](#)

ITEM 1 REDESIGN OF THE COUNCIL CHAMBER – [14977]

WARD: North Ward

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

To give consideration to possibly redesigning the Council Chamber.

EXECUTIVE SUMMARY

Following some of the recommendations from the Governance Review Final Report and a decision by the Council to examine the possibility of utilising the Council Chamber for alternative community related uses, architects were appointed in December 2004 to prepare a project plan to progress the matter.

A number of conceptual options were prepared by the architects along with indicative costings ranging upwards of \$429,000. Subsequent to those costings being prepared, further discussions occurred with an interior designer to examine the concept of redesigning the Council Chamber table only to meet the recommendations of the Governance Review Panel.

There are no funds allocated in the 2005/06 budget, and with a newly elected Council scheduled to return in May 2006, it is suggested that the matter be referred to it for consideration.

BACKGROUND

An independent panel conducted a review of the Governance operations of the City of Joondalup in May 2004. One of the recommendations was:

“Review the structure of the Council Chamber to make it more conducive to a better meeting environment. At the very least Council needs to review the electronic controls for the meeting.”

Subsequent to the Governance Review Panel’s report, the Joint Commissioners made the following resolution on 10 August 2004 (CJ174-08/04 refers):

“5 REQUEST the CEO to prepare a report for Council covering the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and at the same time to allow for greater availability and usage for performing arts and other community events.”

A further report was presented to the ordinary meeting of the Council held on 14 December 2004 the following resolution was carried: -

“That the Joint Commissioners ENGAGE James Christou and Partners to undertake the process as detailed within Report CJ302-12/04 regarding the possible modification of the Council Chamber, at a fixed cost of \$6,000 plus GST to be charged to Account 1.1110.4201.0001.9999 – CEO Consultancy.”

Subsequent to the decision of the Council held on 14 December 2004, a brief was issued to the architects and a number of site meetings occurred to further discuss the concept. The brief issued to the architects was based on the Council decision of 10 August 2004, for the redesign to deal with the following aspects:

- meeting the recommendations of the Governance Review – Final Report being to review the structure of the Council Chamber to make it more conducive to a better meeting environment; and
- to allow for greater availability and usage for performing arts and other community events.

Following the designs prepared by the architect, an interior designer was contacted to explore further options based on redesigning the chamber to assist in the environment for Council meetings.

DETAILS

Issues and options considered:

The conceptual drawings for the redesign of the Council Chamber have considered a number of options and issues in order to meet the resolution of the Council.

The conceptual drawings provided by the architect were indicatively costed at \$429,000. These indicative costings did not include:

- Professional fees;
- Relocation of furniture and equipment (by Council);
- Demountable screens etc, required for different uses of the Council Chamber;
- Upgrade of lighting, finishes etc.;
- Contingencies;
- Cost escalation.

It also needs to be noted that the indicative costings of the furniture is not at the same standard as currently installed.

Following receipt of the conceptual drawings from the architect, contact with made with an interior designer to examine alternative designs of the chamber in an effort to meet the recommendation of the Governance Review Panel only.

The indicative costs provided by the interior designer provided for the following works:

- Remove a section of the dais located at the presiding person's chair;
- Remove existing Council Chamber table;
- Remove existing carpet;
- Install new Council chamber table with removable desks;
- Install new power and data outlets.

The indicative costs for the works was approximately \$75,000. This costing does not allow for an alteration to the existing sound system.

Link to Strategic Plan:

Objective 1.2

To meet the cultural needs and values of the community

Strategies

- 1.2.1 Continue to enhance and create new cultural activities and events
- 1.2.2 Create cultural facilities.

Objective 3.1

To develop and maintain the City of Joondalup's assets and built environment.

Strategies

- 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Objective 4.3

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

Strategies

- 4.3.1 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

There are currently no funds identified in the 2005/06 budget to undertake any redesign of the Council Chamber.

Policy implications:

Not applicable.

Regional Significance:

A redesign of the Council Chamber may allow for greater availability and usage for community groups within the region.

Sustainability implications:

The potential redesign of the Council Chamber may allow for a more conducive environment for the decision-makers and the members of the public while possibly providing an alternative facility for the public to utilise for alternative uses.

Consultation:

Not applicable.

COMMENT

The decision of the Council to explore possible redesigns of the Council Chamber was as a result of the recommendations of the Governance Review Panel.

The Civic Centre and Joondalup Library were opened in 1997, and were purpose built facilities.

With the proposed changes in the number of offices of Councillors from 14 to 12, there may be the need to modify the Council Chamber table to better reflect the makeup of the elected Council.

The newly elected Council is scheduled to take office following the elections to be held on 6 May 2006. Given the pending return of elected members and the fact that no funds exist in the current budget, it is recommended that the matter be referred to the newly elected Council for consideration.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council REFERS the matter of redesigning the Council Chamber to the newly elected Council, paying particular attention to the recommendations of the Governance Review Panel and the decision of the Council dated 10 August 2004.

ITEM 2 BUSINESS EXCELLENCE FRAMEWORK CITY POLICY – [26176]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Office of CEO

PURPOSE

For the Council to adopt the City Policy 8-10, Australian Business Excellence Framework.

EXECUTIVE SUMMARY

The Council adopted, as a City Policy, the use of the Australian Business Excellence Framework in November 2005.

This report provides a Draft City Policy - Australian Business Excellence Framework for the review and endorsement of the Council.

The adoption of City Policy 8-10 shown as *Attachment 1* to this report will provide the City with a policy position as well as a practical methodology for continuous improvement across all management aspects of the organisation, and better practice in the provision of services to the community.

BACKGROUND

At the Council Meeting of November 2005 the Council adopted, as a City Policy, the use of the Australian Business Excellence Framework as the City's leadership and management framework for a period of five (5) years.

DETAILS

Issues and options considered:

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.

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).

The categories create a specific structure in which the City will be able to review, question and analyse leadership and management systems.

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"> • Evaluation Fee - \$2,050 • Site Visit Fee - \$3,750 per day <i>(includes travel and accommodation expenses)</i> <p>Category level:</p> <ul style="list-style-type: none"> • Evaluation Fee - \$1,050 • Site Visit Fee - \$2,750 per day <i>(includes travel and accommodation expenses)</i>

Policy implications:

The Business Excellence City Policy will provide a policy framework that aligns the City's performance management systems and practices with the principles of the Business Excellence Framework".

The aim of the Policy is to adopt a proven business improvement model that promotes excellent leadership and management practices and processes.

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.

The adoption of the Australian Business Excellence Framework City Policy will provide the City with a policy position as well as 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.

ATTACHMENTS

Attachment 1 Draft City Business Excellence Framework Policy

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY ADOPTS the Australian Business Excellence Framework City Policy, shown as Attachment 1 to this Report for a period of five (5) years.

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf070306.pdf](#)

ITEM 3 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2006 – [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 January 2006 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2006, totalling \$6,700,042.62.

It is recommended that Council NOTES the CEO's list of accounts for JANUARY 2006 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 \$6,700,042.62.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of January 2006. 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	Cheques 74108 - 74351 &	3,693,354.64
	EFT 4986 - 5270	
	Vouchers 121A - 124A &	3,006,687.98
	Vouchers 128A - 130A	
Trust Account		Nil
		\$ 6,700,042.62

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Council has delegated to the CEO the exercise of its 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 January 2006
Attachment B	Municipal Fund Vouchers for the month of January 2006

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for January 2006 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 \$6,700,042.62.

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf070306.pdf](#)

ITEM 4 WRITE OFF OF MONIES – RANS MANAGEMENT GROUP – [46492] [04881]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
 Corporate Services

PURPOSE

To obtain Council approval to write-off monies outstanding as a result of the voluntary liquidation of the RANS Management Group.

EXECUTIVE SUMMARY

The RANS Management Group was responsible for the management and operation of the City's Leisure Centres from 1 February 2001 until it sought voluntary liquidation on 12 June 2002. The Liquidators managed the Leisure Centres until 12 July 2002 when full management returned to the City. As a consequence of the liquidation \$31,424.04 recorded as due to the City remained outstanding. Subsequent verification has confirmed the amount is unrecoverable and approval is therefore sought from Council to write off the outstanding monies.

It is recommended that Council APPROVES the write-off as a bad debt, the sum of \$31,424.04, being the amount of outstanding monies as a result of the voluntary liquidation of the RANS Management Group.

BACKGROUND

Council resolved at its meeting of 28 November 2000 to award a lease to RANS Management Group for the operational management of the City's Leisure centres. The period of the lease was for 5 years, with an option of a further 5 years, commencing on 1 February 2001. (Item CJ337 – 11/00 refers). A cash bond of \$184,000 was deposited with the City under the terms of the lease.

The RANS Management Group went into voluntary liquidation on 12 June 2002. Mr Ian Carson and Mr Rod Slattery of PPB Chartered Accountants were appointed as Liquidators. (Item JSC3 – 06/02 refers).

An agreement was reached between the Liquidators and the City of Joondalup to continue operations of the Leisure Centres until 31 July 2002 to allow the City to analyse future management operations of the Leisure Centres. (Item JSC3 – 06/02 refers).

The City resumed control of operation of the Leisure Centres on 12 July 2002 after receiving a revised proposal from the Liquidator. (Item C89 – 07/02 refers).

A Provision for Doubtful Debts was created in 2002/2003 for \$31,424.04 in anticipation that there would be insufficient funds available for unsecured creditors, and in line with generally accepted accounting principles.

DETAILS

In October 2005 the City received confirmation from the liquidator, PPB Chartered Accountants, that pursuant to S508 (1) of the Corporations Act 2001, an AGM was called to deal with the final accounts and winding up of RANS. As a result of the winding up there were no dividends payable to creditors. Based on this information the City is left with no alternative other than to write-off as a bad debt the amount of \$31,424.04 previously provided for as doubtful.

It should be noted that there will be no cash impact as a result of this write-off, it is merely an accounting entry required to finalise the accounts associated with the RANS liquidation.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Not Applicable

Legislation – Statutory Provisions:

Section 6.12 (1) (a) of the Local Government Act 1995 gives the Council the power to write off any amount of money owing to the City. By authority of section 5.42 of the Act, the Council delegated this authority to the CEO who in turn delegated his authority up to the limits provided in the instrument of delegation, to other employees under section 5.44 of the Local Government Act 1995, as stated in the Register of Delegation of Authority manual under Write off of Monies. The delegated Authority to write off monies is for individual items to \$20,000.00.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

All amounts to be written off were charged back to the revenue accounts originally credited when the Provision for Doubtful Debts was created in 2002/03.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

Confirmation was received from the Liquidator on 12 October 2005 that no dividends were available to unsecured creditors. Therefore the amount of \$31,424.04 is unrecoverable. It is recommended that the amount be written off as a bad debt against the previous Provision for Doubtful Debts entry made in 2002/03. There is no cash impact on the accounts of the City as a result of this write-off and the matter is being referred to Council as it exceeds the CEO's delegated authority to write off monies.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES the write-off as a bad debt, the sum of \$31,424.04 being the amount of outstanding monies as a result of the voluntary liquidation of the RANS Management Group.

ITEM 5 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Director Corporate Services

PURPOSE

The January 2006 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The January 2006 year to date report shows an overall variance (under spend) of \$15.4m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07-05).

This variance can be analysed as follows:

- The **Operating Surplus** is \$31.3m compared to a budgeted surplus of \$25.4m at the end of January 2006. The \$5.9m variance is primarily due to greater than budgeted rates, interest income and contributions, reimbursements and donations and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from fees and charges and government grants and subsidies.
- **Capital Expenditure** is \$11.6m against the year to date budget of \$21m. The \$9.4m under spend is due to delays in purchasing heavy and light vehicles and in the construction of Infrastructure assets.

Note: The January 2006 report was prepared prior to the adoption of the 2005/06 Revised Budget. Comparatives are therefore YTD Actual vs. original YTD Adopted Budget.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 January 2006.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 31 January 2006 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 approved 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

Note: The January 2006 report was prepared prior to the adoption of the 2005/06 Revised Budget. Comparatives are therefore YTD Actual vs. original YTD Adopted Budget.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 January 2006.

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 January 2006.

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf070306.pdf](#)

ITEM 6 PROPOSED ROAD CLOSURE FOR EXCESS ROAD RESERVE: OCEAN REEF ROAD AND MITCHELL FREEWAY, BELDON – [42015]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

To request Council approval to advertise a proposed road closure for portion of Ocean Reef Road and adjacent Mitchell Freeway reserve that are surplus to requirements of the Department for Planning & Infrastructure and Main Roads WA.

EXECUTIVE SUMMARY

The Department for Planning & Infrastructure (DPI) has advised of its intention to rationalise the road reserve and status of surrounding reserves/lots in proximity to the Ocean Reef Road frontage to the Beenyup Water Treatment Plant. At present, the surplus road reserve in this area extends up to 96m in depth. The closure of the subject portion of road reserve will result in the reserve of Ocean Reef Road being not less than 40m. It is proposed to include the former road reserve and other land into the adjoining Reserve 28971 (the Beenyup Water Treatment Plant).

There are a number of services within the existing road reserve that can all be protected by various easements over the land. The Water Corporation has no plans for building within the area. The Council's preferred site for the relocation of its work depot is within the existing Water Corporation reserve and will not be affected by these proposed boundary adjustments.

The Council's only involvement in this process is to advertise the proposed road closure and resolve whether to support its closure. The road reserve land is not owned or managed by Council and therefore the Council has no entitlement to the land.

It is recommended that Council INITIATES the permanent closure of the excess portion of the road reserve of Ocean Reef Road, Beldon and the adjacent section of the Mitchell Freeway reserve, as shown on Attachment 2 to this Report for the purposes of public advertising for a period of 35 days.

BACKGROUND

Suburb/Location:	Beldon
Applicant:	Department for Planning & Infrastructure
Owner:	Crown (State of Western Australia)
Zoning:	DPS: Residential
	MRS: Urban
Site Area:	Not known
Structure Plan:	Not Applicable

In 2002, Main Roads WA (MRDWA) requested that Council commence action to close the subject portion of road reserve in accordance with Section 58 of the Land Administration Act (LAA). At that time, initial consultation with service authorities was undertaken and there were a number of objections received. In addition, the Water Corporation was proposing to

realign its access road to Beenypup Water Treatment Plant and the City was considering relocating its works depot to the road reserve land, once the road reserve was closed. The proposed road closure did not proceed at that time due to the objections received from the service authorities and the uncertainty of the location for Council's works depot.

In October 2005, DPI wrote to the City advising that it is proposed to:

- (a) close those portions of Ocean Reef Road as shown on the attached plan (Attachment 2) for inclusion into Reserve 28971 (Beenypup Water Treatment Plant);
- (b) close the portion of the Mitchell Freeway reserve as shown on the attached plan (Attachment 2) for inclusion into Reserve 28971 (Beenypup Water Treatment Plant);
- (c) Transfer Lot 96 (currently owned by Main Roads) to the State of WA for inclusion into Reserve 28971 (Beenypup Water Treatment Plant);
- (d) Cancel Reserve 41897 (land for St Johns Ambulance) and amalgamate this land into Reserve 28971 (Beenypup Water Treatment Plant).

Refer Attachment 2 for the plan prepared by DPI identifying the land described above.

In regard to the above, the City is required to advertise the road closures and resolve to close the roads in accordance with the requirements of the LAA. In addition, the City has the opportunity to comment on the proposed transfer of Lot 96 and cancellation of Reserve 41897 (originally set aside for an ambulance depot) for inclusion into Reserve 28971.

At its December 2005 meeting, Council determined that an area of 2.5 hectares within the Beenypup Water Treatment Plant reserve is the preferred site for the proposed Council works depot (resolution 1 of Item CJ295-12/05 refers). The preferred site is contained within the existing reserve for Beenypup Water Treatment Plant and the proposed road closures and other proposals outlined above would not affect the area proposed for the City of Joondalup works depot relocation.

The City is required by the LAA to undertake the public consultation on this matter. The subject land is not owned or managed by the City, and it therefore has no entitlement to the land.

DETAILS

Issues and options considered:

The subject portions of road reserves were identified as surplus to MRDWA and DPI requirements in 2002. The Council has the option to:

- (a) resolve to advertise the road closures, or
- (b) resolve to not advertise the road closures or only advertise part of the closures

Previously, the road closures did not proceed as there are a number of services within the road reserve land that made the land unsuitable for development. At that time the Council was considering relocating its works depot to the road reserve land. Given that the City is no longer wishing to pursue use of this land for the works depot, the services located in the road reserve could be protected via an easement within Reserve 28971.

Link to Strategic Plan:

Objective 2.1

To plan and manage our natural resources to ensure environmental sustainability

Strategies 2.1.1

Maintain and protect natural assets to retain biodiversity

Objective 4.2

To provide quality services within the best use of resources

Strategies 4.2.1

Provide efficient and effective service delivery

Legislation – Statutory Provisions:

The road closure is required to be undertaken in accordance with Section 58 of the Land Administration Act (LAA). This section of the Act outlines that the proposed road closure must be advertised for 35 days with a notice to be placed in a newspaper. The Council is then to consider any submissions lodged, resolve to close the road, and forward the request to the Minister for Planning & Infrastructure via DPI for a determination.

In regard to the inclusion of Lot 96 and Reserve 41897 into Reserve 28971, the Council is requested to provide comment to the DPI, however, there is no statutory process that the Council is required to conduct.

Risk Management considerations:

If the City did not support the proposed road closures, the land would remain as a road reserve. It is considered that if the land is included in the Beenyup Water Treatment Plant reserve, then it can be effectively managed by the Water Corporation. Overall, there are no identified risk management considerations.

Financial/Budget Implications:

The City is responsible for all costs associated with advertising the proposed closure. The current budget has sufficient funds to cover these costs.

Policy implications:

Not applicable

Regional Significance:

The subject land contains mature native vegetation that has been identified in Bush Forever. The adjoining Reserve 28971 is identified in Bush Forever as Site 303. By including the subject land into Reserve 28971, this will result in better protection mechanisms for this regionally significant vegetation. Attachment 3 (aerial photo) shows the extent of vegetation on the subject land.

Sustainability implications:

The inclusion of this land into the adjoining reserve will result in stronger mechanisms being in place for the protection of the existing mature native vegetation on site.

Consultation:

Initial consultation was undertaken with service authorities in 2001/02 in order to identify any services located within the road reserve land. This revealed that there were a number of services located within the road reserve land that would make the land unsuitable for future development, or alternatively would require relocation of those services. The location of the services and substantial cost to relocate the services resulted in the City not pursuing the proposed relocation of the Council's works depot to this road reserve land and therefore the road closure did not proceed at that time. However, as it is now proposed to include the subject road reserve within the adjacent Water Corporation reserve with no development proposed on the land, easement for the services can be created.

If this proposal is supported by the Council, nearby landowners will be notified in writing, a notice placed in the newspaper and a sign erected on site, seeking comment on the proposed road closure, with the advertising period being for 35 days. A notice will also be placed on the City's website. Upon the closure of advertising, the matter will be again presented to Council for consideration, together with details of submissions received.

COMMENTServices with the road reserve land

The subject road reserve land contains a Water Corporation water main located along the southern boundary of the land (adjacent to the Water Treatment Plant). In 2001 the Water Corporation lodged an objection to the proposed road closure due to the presence of this main. As it is proposed to amalgamate this land into the adjacent reserve for which the management order is granted to the Water Corporation, this objection would be satisfied by way of a reserve over the main.

Telstra has advised that there is Telstra cable located within the road reserve, and on that basis it objected to the proposed road closure when first considered in 2001. However, Telstra advised that it would be satisfied if the subject land were to be included in the Water Corporation reserve. As the road reserve land is now proposed to be amalgamated into the Water Corporation reserve, this matter is addressed.

Alinta Gas also objected to the proposed road closure in 2001. However, it advised that this matter could be addressed via creation of a 5m wide easement to protect the Alinta Gas mains.

Western Power also lodged an objection to the road closure in 2001 due to the presence of switchgear and cables within the road reserve land. Western Power advised at that time "the objection would be lifted if the City supported relocation of the cable, at a cost of \$100,000 or creation of an easement." In this instance, as development is no longer proposed on the land, the cable could be protected via an easement.

Given that it is now proposed to include the subject road reserve land into the Water Corporation reserve and there are no proposals for building on this land, the concerns of the service authorities can be addressed and easements lodged to protect the services.

Other land transfers

Reserve 41897 was originally set aside as a reserve for a future depot for St John Ambulance. St John Ambulance has advised that the reserve is now surplus to its requirements and the recent construction of a Joondalup depot precludes the need for an ambulance depot in the Beldon vicinity.

MRDWA has advised that it owns Lot 96 and that the land is no longer required. It has therefore agreed to transfer this land into Reserve 28971. In addition, the section of Mitchell Freeway as shown on Attachment 2 is surplus to requirements and MRDWA has advised that this is also proposed to be amalgamated into Reserve 28971. This section of the freeway reserve would also have to be zoned under the Metropolitan Region Scheme and the Council's District Planning Scheme as part of the process.

In regard to these specific other land transfers, the Council is not required to undertake any processes, but when the Council considers the road closures after advertising, it is recommended that the Council advises DPI of its comments on these matters.

Future use of the land

At this time the City is not aware of any proposed use of the land. Given that there will be a number of easements that traverse the subject land (to protect the services within the land), that land will be constrained for development in the future.

MRS Amendment Process

In regard to the Metropolitan Region Scheme (MRS), the Ocean Reef road reserve is currently zoned Urban, the surplus freeway land is reserved for Primary Regional Roads and the Water Corporation reserve is Reserved for Public Purpose, specifically for the Water Authority of WA. If all of the land is to be included in the existing Water Corporation reserve, it is recommended that the Department for Planning & Infrastructure be requested to initiate an amendment to the MRS to reserve all the land for Public Purpose.

With the new Planning and Development Act 2005 coming into operation on 9 April 2005, the Council can request an automatic amendment of its District Planning Scheme to comply with an amendment to the MRS without the need for a separate local amendment. This matter can be addressed with a resolution requesting DPI to undertake the MRS amendment and automatic local scheme amendment, however, such a resolution would be more appropriate when Council again considers this matter at the conclusion of advertising of the proposed road closures.

In conclusion, the proposed road closures as detailed on Attachment 2 are supported for the purposes of advertising.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Plan showing proposed road closures and land amalgamation
Attachment 3	Aerial Photo of the subject land

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council INITIATES the permanent closure of the excess portion of the road reserve of Ocean Reef Road, Beldon and the adjacent section of the Mitchell Freeway reserve, as shown on Attachment 2 to this Report for the purposes of public advertising for a period of 35 days.

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf070306.pdf](#)

ITEM 7 PROPOSED CLOSURE OF PORTION OF THE LANEWAY BETWEEN LEACH STREET & WEST COAST DRIVE, MARMION – [09031]

WARD: South

RESPONSIBLE Mr Clayton Higham
DIRECTOR: Planning and Community Development

PURPOSE

The purpose of this report is to seek Council approval to close to through vehicular traffic portion of the laneway between Leach Street and West Coast Drive, Marmion.

EXECUTIVE SUMMARY

Since 2002, several complaints have been received from the residents adjacent to the laneway between Leach Street and West Coast Drive, Marmion regarding parking, vehicle speed and antisocial behaviour.

In August 2005, Council resolved to advertise the proposal to close the laneway by use of bollards at the mid point (refer Attachment 1). The closure would prevent through traffic while still allowing use by pedestrians. Seventeen (17) submissions were received, with some parties suggesting that the bollards be placed closer to West Coast Drive. A submission also proposed that the vehicle crossover to West Coast Drive be closed.

In order to prevent this laneway being used as a short cut and thoroughfare for vehicles yet still providing pedestrian access, it is recommended that Council:

- 1 *SUPPORTS the request to close a portion of the laneway between Leach Street and West Coast Drive, Marmion, specifically a 0.3m wide strip adjacent to the West Coast Drive road reserve.*
- 2 *REQUESTS that, in accordance with Section 58 of the Land Administration Act 1997, the Department for Planning & Infrastructure close that portion of the laneway as detailed in point 1;*
- 3 *In regard to the road closure land, as described in point 1, REQUESTS that the Department for Planning & Infrastructure set aside this land as a separate reserve for the purposes of "Pedestrian Access" and that a Management Order be granted to the City of Joondalup;*
- 4 *ADVISES the adjacent landowners that upon the creation of the Pedestrian Access reserve the existing "crossover" to the laneway to West Coast Drive will be removed and new kerbing put in place and bollards placed within the pedestrian access reserve and adjacent to the driveway of Lot 37 (38) West Coast Drive as shown on Attachment 2 to this Report.*

BACKGROUND

Suburb/Location:	Marmion
Applicant:	City of Joondalup
Owner:	Crown land
Zoning:	DPS: Not Applicable
	MRS: Not Applicable
Site Area:	Not Applicable
Structure Plan:	Not Applicable

Since 2002, the City has received several complaints from the residents adjacent to the laneway regarding parking, vehicle speed and antisocial behaviour.

At its meeting of 5 April 2005, while considering the proposed rezoning from Local Reserves “Parks and Recreation” to “Urban Development” of Lot 61 (14) Leach Street, Marmion (former CSIRO site) Council resolved, in part, to:

“Direct the CEO to investigate the implementation of a suitable traffic management treatment within the laneway linking West Coast Highway through to Leach Street in conjunction with the preparation of the draft structure plan.”

Following the City’s consultation with the immediately affected land owners, Council, at its meeting of 30 August 2005 (item CJ175 – 08/05 refers), resolved to:

“INITIATES the permanent road closure of Laneway Number 6 between Leach Street and West Coast Drive to vehicular traffic at mid-point in accordance with the requirements of the Land Administration Act (1997).”

In accordance with the Act, the proposal has been advertised and a number of submissions were received. As the adjoining landowners had requested different locations for the bollards in their submissions, two on site meetings were held with the adjoining landowners. At the meeting of 6 February 2005 all abutting residents were in attendance and all agreed to a revised location for the bollards. The revised location for the bollards is shown on Attachment 2.

DETAILS

Issues and options considered:

The laneway provides vehicle access to all four (4) adjoining properties and also acts as a pedestrian thoroughfare. There are garages that front onto the laneway and it is a frequently used pedestrian thoroughfare, therefore it has not been considered appropriate to close the laneway entirely.

There was further concern from local residents about safety within the laneway especially due to the speed of traffic using the laneway and suggested inadequate sight lines at the intersection of the laneway with West Coast Drive. Use of traffic claming devices such as speed humps has been considered, however this option was not considered appropriate to control the issues.

Alternative location of proposed closure

Initial consultation with the adjoining owners resulted in the proposal for the laneway to be closed at the midpoint via use of bollards being advertised (refer Attachment 1).

Whilst there were submissions in support for use of bollards at the mid point, in four (4) of submissions it was suggested that the bollards be placed at the West Coast Drive end. It was suggested that this would alleviate the concern about vehicle sight line problems from West Coast Drive for one of the residents fronting West Coast Drive that want access to their garages to be via Leach Street. If this alternative location were preferred, an option supported by all abutting residents is to place bollards adjacent to the West Coast Drive road reserve as shown on Attachment 2.

The Department for Planning Infrastructure (DPI) recommended that if it is the Council's intention to place bollards in the laneway, it would be required to close that portion of the road (laneway) where the bollards are to be placed and it was recommended that the Council request that the portion of laneway be made a reserve for pedestrian access and a management order given to the City of Joondalup.

In summary, Council has the option to:

- (a) request the creation of a pedestrian access reserve and bollards adjacent to the West Coast Drive road reserve;
- (b) request the creation of a pedestrian access reserve and bollards be placed at the mid point of the laneway (as advertised);
- (c) Allow the laneway to remain open to vehicles.

Link to Strategic Plan:

This recommended proposal is in line with the Council's Strategic Plan, as detailed below:

Objective 1.4

To work with the community to enhance safety and security in a healthy environment

Strategies 1.4.1

Continue to implement the Safer Community Program

Objective 3.1

To develop and maintain the City of Joondalup's assets and built environment

Strategy 3.1.1

Plan the timely design, development, upgrade and maintenance of the City's infrastructure

Objective 4.2

To provide quality services with the best resources.

Strategy 4.2.1

Provide efficient and effective service delivery

Legislation – Statutory Provisions:

The Department of Land Information (DLI) has advised that the laneway is Crown Right of Access, approved and dedicated on the approval of Crown Plan 5288 dated 27/04/1939. Therefore, the closure procedure is the same as for a Public Road.

Under the Local Government Act 1995, section 3.5, the laneway can be closed by Order, subject to community consultation, to through vehicular traffic, however it needs to be renewed every four years. A permanent closure, as required in this case, is undertaken under the Land Administration Act 1997.

Under this Act, a road closure as defined in the DLI's Crown Land Administration and Registration Practice Manual requires a Council resolution to initiate the road closure process. A further resolution to close the road, after the public consultation process has been undertaken, is then required. The request is then forwarded to the Minister for Planning & Infrastructure, via DPI, for final approval. In closing the portion of the laneway, the City would need to resolve to request that the portion of the road to be closed be a reserve for the purpose of "pedestrian access" and that the City would accept a management order for this reserve.

Risk Management considerations:

If the laneway is not closed, there are traffic safety concerns in relation to the pedestrian/vehicle conflict as well as safety concerns for vehicles exiting the laneway to West Coast Drive especially given the limited sight lines available for drivers.

Placing bollards at the West Coast Drive end of the laneway, removing the laneway crossover, and placing 'no through road' signs at both ends of the laneway should alleviate the problem of other residents turning into the laneway from Leach Street to access West Coast Drive. However, there is still a risk that people may turn into the laneway from Leach Street, until they are aware that this access is no longer available. However, this situation should only be short term.

Financial/Budget Implications:

There are sufficient funds in the budget to cover costs associated with the closure process, installation of bollards and removal of the crossover (\$3,000 estimated).

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

The laneway will remain open for pedestrian access to and from the beach and the addition distance that vehicles would need to travel is less than 350m. Closure of portion of the laneway to vehicles will improve social amenity of the neighbours and will not increase vehicle travelling distances by more than 350m. The laneway will still be open for pedestrian access from Leach Street to West Coast Drive.

Consultation:

The proposed closure was advertised for a period of 35 days and a total of 17 submissions were received, being 4 non-objections from servicing authorities, 10 residents supporting the proposed closure, and 3 residents objecting to the closure of the laneway to vehicles. Refer Attachment 3 for a summary of the submissions received. Full copies of all submissions have been placed in the Commissioner's reading room for information.

All advertising referred to the proposal to place bollards at the mid point of the laneway. A number of the submissions did request that the bollards be placed at the West Coast Drive end of the laneway. This is an option that is given further consideration in this report.

As outlined previously, the location of the proposed bollards was further discussed with the adjoining owners at two on-site meetings. At the second meeting, all adjacent landowners were present and a number of options for placement of the bollards was discussed. All four landowners agreed to the use of new kerbing, vegetation, and bollards adjacent to the West Coast Drive road reserve in order to close the laneway at that point.

COMMENTProposed Closure to Through Traffic

In two objections received there was concern about the additional travel distance should the laneway be closed to through traffic.

The additional distance to the Marmion shopping centre is not more than 100m and the maximum increase in travel distance for vehicles travelling from West Coast Drive to Leach Street or vice versa is not more than 350m. Vehicle access from West Coast Drive to Leach Street will still be available via Troy Avenue or Ozone Road. This is not considered a significant additional distance to travel in a vehicle. Pedestrian travelling distances will not be increased as the laneway will still be open to pedestrians.

Location of Proposed Bollards

The proposed closure of the laneway to through traffic was advertised outlining of the intention to place bollards at the mid point of the laneway. Four (4) of the submissions, including three submissions from the abutting residents, suggested that the bollards be placed closer to West Coast Drive.

The option of putting bollards at the mid-point of the laneway is no longer supported as there is a garage located adjacent to the rear boundary of 38 West Coast Drive and should the bollards be placed at the mid point, there would be an inadequate turning area from the garage. In addition, it would result in those residents with garages to the rear of 36 & 38 West Coast Drive having to use West Coast Drive for access for those garages, however the resident at 38 West Coast Drive would prefer to use Leach Street.

A site meeting was held on 6 February 2006 with all adjoining landowners present. At that meeting various options were considered and all landowners unanimously supported the bollards being adjacent to the West Coast Drive road reserve and the verge modified at that point.

The front driveways of both 36 & 38 West Coast Drive are adjacent to the laneway and have direct access onto those laneways (refer to the photos included in Attachment 4). If bollards were placed adjacent to West Coast Drive road reserve only, then through drivers could potentially cross onto the adjacent driveways and still use the laneway as a thoroughfare. This was raised with both landowners and the owners of 38 West Coast Drive agreed to place planter boxes or have the City install bollards in the laneway adjacent to the driveway

to ensure that vehicles cannot use their driveway as a thoroughfare. The owner of 36 West Coast Drive still wants their front driveway (that connects from the laneway to West Coast Drive) to remain open. This landowner is aware that there is potential for drivers to use their driveway as a thoroughfare but has advised that they support this option. Her driveway is located 0.3m from the West Coast Drive road reserve. Therefore if this option is pursued, the pedestrian access reserve would need to be not more than 0.3m in width.

In conclusion the concept to close this laneway to vehicles, however, keep it open to pedestrians, is supported. The option supported by all adjacent landowners and City officers is to close a 0.3m wide portion of the laneway adjacent to West Coast Drive and create a pedestrian access reserve adjacent to the West Coast Drive road reserve in which bollards can be placed. It is recommended that DPI be requested to grant the management order over the new reserve to the City of Joondalup. Once the reserve is created, the City can then place bollards within that pedestrian access reserve and modify the road pavement in that location adjacent to West Coast Drive.

ATTACHMENTS

Attachment 1	Closure location as advertised
Attachment 2	Revised location of closure
Attachment 3	Summary of Submissions
Attachment 4	Photos of laneway adjacent to West Coast Drive

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 SUPPORTS the request to close a portion of the laneway between Leach Street and West Coast Drive, Marmion, specifically a 0.3m wide strip adjacent to the West Coast Drive road reserve;**
- 2 REQUESTS that, in accordance with Section 58 of the Land Administration Act 1997, the Department for Planning & Infrastructure close that portion of the laneway as detailed in point 1;**
- 3 In regard to the road closure land, as described in point 1, REQUESTS that the Department for Planning & Infrastructure set aside this land as a separate reserve for the purposes of “Pedestrian Access” and that a Management Order be granted to the City of Joondalup;**
- 4 ADVISES the adjacent landowners that upon the creation of the Pedestrian Access reserve the existing “crossover” to the laneway to West Coast Drive will be removed and new kerbing put in place and bollards placed within the pedestrian access reserve and adjacent to the driveway of Lot 37 (38) West Coast Drive as shown on Attachment 2 to this Report.**

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf070306.pdf](#)

ITEM 8 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – JANUARY 2006 – [07032]

WARD: All

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

PURPOSE

To report on the number and nature of applications considered under Delegated Authority.

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a yearly basis. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

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

This report provides a list of the development applications determined by those staff members with delegated authority powers during the months of November and December 2005 (see Attachment 1 and 2 respectively) and now includes the codes variations referred to above.

BACKGROUND

The number of development applications determined for January 2006 under delegated authority and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of January 2006		
Type of Approval	Number	Value (\$)
Development Applications	72	\$6,581,716
R-Code variations (Single Houses)	43	\$935,912
Total	115	\$7,517,628

No applications were determined by Council during this month.

The number of development applications received in January 2006 was 87 (This figure does not include any applications that may become the subject of the R-Code variation process).

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

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

DETAILS

Issues and options considered:

Not Applicable

Link to Strategic Plan:

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Legislation – Statutory Provisions:

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

Risk Management considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 72 applications determined, during January 2006, consultation was undertaken for 20 of those applications.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

ATTACHMENTS

Attachment 1 January 2006 Approvals – Development Applications

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Council NOTES the determinations made under Delegated Authority in relation to the applications described in this Report for the month of January 2006.

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf070306.pdf](#)

ITEM 9 CHANGE OF USE FROM SHOWROOM TO PLACE OF WORSHIP: LOT 1 (1/15) VANDEN WAY, JOONDALUP – [18562]

WARD:	North
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development

PURPOSE

To request the Council determination of an application for planning approval for a change of land use from a Showroom to a Place of Worship at Lot 1 (1/15) Vanden Way, Joondalup.

EXECUTIVE SUMMARY

An application for planning approval has been received for a change of land use from a Showroom to a Place of Worship (Church) at 1/15 Vanden Way, Joondalup. The subject land is occupied by an existing commercial development that consists of 10 units. The lot has a land area of 5,672m² and is zoned Service Industrial under the City of Joondalup District Planning Scheme No 2 (DPS2). (See Attachment 1)

A Place of Worship is a ‘Discretionary’ use under the DPS2 within the Service Industrial zone.

The original planning approval issued in 1993 allowed for 10 commercial units to be erected on the site. The City subsequently received an application for planning approval in 2004 for a change in land use of Unit 1 from Showroom to a Place of Worship (church). The approval was issued on the 2 October 2004 under delegated authority.

One of the conditions of the 2 October 2004 approval was that the proposed use was valid for a period of 12 months only, after which, the applicant would be required to seek a new planning approval. The purpose of this condition was to permit the use to operate for a limited period of time, which would then allow the City to assess the impact of the proposed use and provision of onsite parking on the surrounding area.

The October 2004 approval has lapsed and the applicant is now seeking to obtain a new planning approval for the existing use. The details of the current application are the same as the 2004 application.

The Town Planning delegations were modified on 12 October 2004. Due to the car parking considerations involved with this application, the current application for planning approval is now required to be determined by Council.

It is recommended that the application be approved subject to:

- There being no restriction on the validity of the approval; and
- Appropriate conditions relating to the days and hours of operation and the seating capacity during those periods.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	Philip Chia
Owner:	Cheng Han Pty Ltd
Zoning:	DPS: Service Industrial
	MRS: Central City Area
Site Area:	5,672m ²
Structure Plan:	Not applicable

The subject site is located on Vanden Way, Joondalup which is on the western side of the Central City area and is zoned Special Industrial. The overall area of the lot is 5,672m² and includes 10 units (1 warehouse and 9 showrooms).

The original planning approval for this site was issued during 1993. The required car parking for the site under the then Town Planning Scheme No 1 was 86 car parking bays, however, a variation was granted to reduce the requirement to 72 bays.

A development application for a change of use was submitted to the City on 17 June 2004. An assessment of the proposed use of the site for a church indicated that, in a worst case scenario, a 30% shortfall in car parking between the hours of 10am and midday on a Sunday morning would occur. However, given that the other uses on the site generally did not operate on a Sunday, demand for car parking by these uses was minimal. At all other times, the parking demand for the church uses would be met by the existing car parking spaces allocated to that unit.

The use of the site as a Place of Worship was approved under delegated authority on 2 October 2004, subject to the use operating for a period of 12 months only from the date of that approval. Following the expiry of that time period, the applicant was required to submit a new application for planning approval to continue the use of the site as a church.

The approval included a condition requiring a disabled parking space to be provided. This condition was met by the amalgamation of two car parking spaces into one, resulting in the number of onsite car parking bays being reduced to 71. The exercise of discretion was used to allow the reduction in the number of car parking bays.

The applicant submitted the application for renewal to the City on 12 October 2005 which was twelve (12) days after the expiry of the 2004 approval. The effect of that original decision has no further effect as it was for a limited period of 12 months only.

On 12 October 2004, Council adopted modified Town Planning delegations. In effect, since the car parking variation is greater than 10%, the current can no longer be determined under delegated authority and is to be referred to Council.

DETAILS

The applicant seeks to continue operating as a church from Unit 1 in a similar manner as to how the land use is currently operating (presently without a Planning Approval).

The current application involves the following:

- During Monday to Friday from 9am to 5pm, 10 people will occupy the unit to operate daily business;
- On Sundays, Place of Worship congregations will be held from 10am to 12pm;
- On Friday or Saturday night once a month, 20 people will gather in the unit from 7.30pm to 9.30pm; and

- On a Saturday and Sunday night twice yearly from 7.30pm to 9.30pm, 30 people will accommodate the unit.

When considering the proposed operation times, arrival and departure times should be taken into account, and as such, approximately 30 minutes either side of those times have been considered in the assessment of any potential impact.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

It will address Strategy 1.3.2 and 1.3.3, which seek to provide quality-of-life opportunities for all community members and provide support, information and resources.

Legislation – Statutory Provisions:

Clause 3.2.2 describes a 'D' land use as a use that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2. Clause 6.6.2 allows Council to determine whether the application needs to be advertised as set out in Clause 6.7 of the DPS2.

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

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.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:**Policy 7-10 – Cash-in-lieu of Car Parking**

DPS2 provides the ability for the consideration of a cash payment in lieu of the provision of on-site provision. The DPS2 provisions are supplemented by Policy 7-10 – Cash-in-lieu of Car Parking.

In this instance, given that there is no current or expectation of public parking being provided in the immediate locality, it is not considered appropriate that the cash-in-lieu provisions are relevant to this application. In this instance, any discretion in the provision of car parking is considered on the merits of the application, and the potential impact on the surrounding area.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The application was not advertised for public comment as it was considered that the proposal would not cause any significant impact or loss of amenity on the surrounding area. No complaints or issues have arisen in regard to the operation of the church since its initial approval.

Additionally, a signed letter of support from the Strata Manager of the units where the church is located was submitted with the application.

COMMENT

When the site was originally approved for a showroom development in 1993, a total of 86 car parking spaces were required. A car parking variation was granted for the development, and as such, 72 spaces were required to be provided as part of the original approval.

On 2 October 2004, Planning Approval was granted for a Place of Public Worship (church), subject to a disabled car parking bay being provided. To achieve this, approval was given for a reduction in the number of car parking bays from 72 to 71.

In granting the 2004 approval, it was acknowledged that the proposed use of the site for a church on a Sunday morning would result in a 30% shortfall in car parking (101 car parking spaces required compared with 71 onsite bays), between the hours of 10am and midday on a Sunday morning. However, this shortfall would only occur if all the other commercial tenancies on this site operated on a Sunday and during the hours of 10:00am and midday. The church use would only need 25 car parking spaces, as set out in the DPS2, to satisfy its demand whereas there are 71 spaces onsite. At all other times, the parking demand for the church activities would be met by the existing car parking spaces allocated to that unit (8 bays).

The following table below represents the number of people visiting unit 1 within other specific time frames and on each individual day. At these times, the number of parking spaces allocated to that unit (8 bays) would satisfy the demand for parking at other times based on Scheme requirements:

Time/Frequency	People	Bays Required
9 am-5 pm Monday-Friday	10	2.5
10 am-12 pm Every Sunday	100	25
7:30 pm-9:30 pm Friday or Saturday night (once a month)	20	5
7:30 pm-9:30 pm Friday & Saturday night (twice yearly)	30	7.5

Conclusion

It is noted that a shortfall of car parking will only occur on the site, based on Scheme requirements, during the Sunday congregation if the church operates to its maximum capacity and all the other uses on the site operate at the same time as the Sunday morning congregation time. During all other times of operation the parking for the site will be sufficient.

The City has no record of any complaints in relation to car parking or the operation of the Place of Worship at this site.

Having regard to the information above and the proposed operation of the Place of Worship, it is considered the amenity of the surrounding area will not be affected by the continued use of the site as a church. Therefore the development in its current form is considered to be acceptable.

ATTACHMENTS

Attachment 1 Locality Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that car parking provided at 71 bays in lieu of 101 bays is appropriate in this instance;**
- 2 APPROVES the application for Planning Approval dated 12 October 2005 submitted by Philip Chia, the applicant, on behalf of the owner, Cheng Han Pty Ltd, for a change of use for a Place of Worship at (1/15) Vanden Way, Joondalup, subject to the operation of the Place of Worship being limited as follows;**
 - (a) Monday to Sunday - no more than 10 persons, except for those periods identified in (b) and (c) below;**
 - (b) Sundays - no more than 100 persons between the hours of 9.30am – 12.30pm;**
 - (c) Friday, Saturday and Sunday (7:00pm to 11:00pm) no more than 30 persons.**

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf070306.pdf](#)

ITEM 10 **PROPOSED AMENDMENTS TO THE JOONDALUP CITY CENTRE PLAN AND MANUAL - ARENA JOONDALUP COMPLEX, NORTHERN RECREATION DISTRICT – [55582] [00152]**

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
 Planning and Community Development

PURPOSE

To request Council to consider advertising proposed amendments to the Joondalup City Centre Plan and Manual (JCCDPM) to include development provisions for the Arena Joondalup Precinct within the Northern Recreation District of the City Centre.

EXECUTIVE SUMMARY

Lot 101 Kennedy Drive, Joondalup, and the Joondalup Baptist College comprise the Northern Recreation District within the JCCDPM. Currently, there are no provisions that specifically guide development within this District.

The proposed amendments include adding objectives, interpretations, permitted land uses and development provisions for the site, to be known as the Arena Joondalup Precinct. The proposed Permitted Uses are based on the intentions for the land as a major regional sporting complex as described in the Plan portion of the JCCDPM. The proposed Permitted Uses are drawn from the range of “P” and “D” uses within the Private Clubs/Recreation Zone of DPS2. The proposed Permitted Uses in part reflect the current land uses on the site, as well provide a broader range of land uses that complement the existing uses.

The owner of the site currently has an application for review (an appeal) before the State Administrative Tribunal (SAT) in regard to the Western Australian Planning Commission’s (WAPC) refusal of an application to establish a stand-alone child care facility on the site.

It is considered that the proposal is satisfactory for the purposes of initiating public advertising. In view of the link between the proposed amendments to the JCCDPM to the current appeal before the SAT, Council’s determination should be forwarded to the SAT, along with an estimated timeframe for the completion of the structure plan process by Council.

It is recommended that Council:

- 1 *Pursuant to clause 9.6 of the City of Joondalup’s District Planning Scheme No 2, ADOPTS the proposed amendments to the Joondalup City Centre Plan and Manual to include objectives, interpretations, permitted land uses and development provisions for the Arena Joondalup Precinct within the Northern Recreation District as per Attachment 3 to this report and make these available for public comment for a period of 28 days;*

- 2 *ADVISES the State Administrative Tribunal of the Council’s decision to advertise the draft structure plan, that Council’s final determination will have regard to the comments received during public advertising period, and an estimated timeframe for the completion of the structure plan process by Council.*

BACKGROUND

Suburb/Location:	Lot 101 (25) Kennedy Drive, Joondalup
Applicant:	Planning Applications Consultants
Owner:	Western Australian Sports Centre Trust
Zoning: DPS:	Central City Area
MRS:	Centre
Site Area:	30.12 hectares
Structure Plan:	Joondalup City Centre Plan and Manual

Location

Lot 101 and the Joondalup Baptist College comprise the Northern Recreation District within the JCCDPM. Lot 101 is located south of Moore Drive, north of Shenton Avenue and west of Joondalup Drive (see Attachments 1 & 2). Lot 101 is approximately 30 hectares in area and its northern portion is occupied by the Arena Joondalup sports and recreation complex. The site adjoins the existing Lake Joondalup Baptist College located to the south. Kennedy Drive intersects the site and provides vehicular access to the existing open-air car park for Arena Joondalup.

A special events railway station adjacent to Arena Joondalup to cater for large sporting and recreational events has been informally considered by the Public Transport Authority.

Proposed Child Care Centre

In July 2004, the City received a development application for a stand-alone child care centre on the Arena Joondalup site. The City did not support this application and the WAPC, as the determining authority, did not approve the application for the following reasons:

- 1 *The proposed development is contrary to the intent of the Joondalup City Centre Development Plan and Manual, Northern Recreation District;*
- 2 *Permitting such uses within the Northern Recreation District not clearly associated with Sport and Recreation would be contrary to the orderly and proper planning of the locality.*

The proponent is currently pursuing a review of the decision of the WAPC with the SAT. This action has prompted the applicant to lodge a structure plan over the site in order to address the lack of planning controls in the JCCDPM and, therefore, satisfy one of the reasons for WAPC's refusal relating to "orderly and proper planning of the locality". SAT, at its directions hearing on 27 January 2006, adjourned to a further directions hearing on 31 March 2006 "in order to allow the City of Joondalup to consider and determine the Structure Plan lodged by the applicant".

It is noted that, although the City of Joondalup is not directly involved in the above proceedings, it is acknowledged that the review arose from the current planning framework (JCCDPM) for the land.

DETAILS

The JCCDPM is an agreed structure plan under the City's DPS2 that relates to the Centre Zone of the Joondalup City Centre. The subject site is located in the Northern Recreation District of the Centre Zone. There are currently no detailed provisions for this District within the Manual portion of the JCCDPM.

Proposed Amendments to the Joondalup City Centre Plan and Manual

The proposed amendments to the JCCDPM (see Attachment 3) are intended to provide the framework for the future expansion of the Arena Joondalup complex as a major regional sporting facility, and to provide certainty for future land uses on the site.

Part 1 of the structure plan sets out the proposed statutory provisions that will guide the future development of the site, by including the following:

- Objectives and Interpretations, including a Sporting Academy.
- Permitted certain land uses, including a number of land uses that are to be incidental to the primary land use, and others that support and/or relate to sport and recreational activities.
- Planning provisions relating to setbacks, building height, building form, materials and finishes, and car parking.

Figure 2 in Part 1 of the structure plan shows the structure plan area. Part 2 Explanatory Report provides background for Part 1.

Applicant's Justification

The applicant has provided the following comments regarding the proposal:

"The Arena Joondalup site has been partially developed. A current Master Plan shows likely developments in the short to medium term. All infrastructure is in place together with major buildings and facilities. Arena Joondalup is a focal point for the community.

The reason for addressing land use provisions in the Structure Plan is to provide certainty for current and future land uses on the site. With the exception of sporting academy, all the proposed land uses currently occur on site under the broad interpretation of the JCCDPM. "The complex is intended to be multifunctional, servicing entertainment, leisure, cultural, social and business functions in addition to the sports programme." The land use description in the JCCDPM appears to have been based on the original proposed master plan for the site. The detailed list of indoor sporting and social facilities accurately described the facilities as originally built. The indoor social facilities were described as including restaurant, bar, kiosk, function rooms, tenancy space, crèche and administrative facilities.

The Joondalup community's demands and expectations for the site have evolved since the original proposal. There are limited constraints to the future development of the site.

- *The site is relatively isolated from the major services of the Centre Zone. It is likely the users of Arena Joondalup will use cars to travel between the Arena and other Districts in the City Centre;*
- *An opportunity was missed to use the Baptist College as a buffer between the adjoining residential zone and the more intensely used Arena Joondalup Precinct. As a consequence, any future develop of facilities on the Moore Drive side of the Arena Joondalup site will need to comply with appropriate planning requirements to minimise amenity conflict between the land uses on the Arena Precinct Site and the residential zone;*
- *The site is large and development of relatively small structures (such as facilities for possible sporting academy facilities, child care services, extended tenancy spaces and administrative facilities for sporting / recreational organisations) should be easy. However, they will need careful location because facilities such as sporting halls and ovals require large amounts of space on relatively level ground."*

Issues and options considered:

There are currently no development provisions, and therefore no specific development controls, for the Northern Recreation District of the JCCDPM. Subsequently, the JCCDPM does not provide any direction for the further development of the Arena Joondalup Precinct to facilitate it becoming the major sporting and recreational complex in the north-west District of the City Centre.

The issues associated with the proposed amendments to the JCCDPM in relation to Lot 101 include:

- The suitability and implications of the proposed Objectives, Interpretation of a Sporting Academy and Permitted Uses for the Northern Recreation District, and the current SAT appeal relating to the site.
- The suitability of the proposed associated proposed development provisions in facilitating the future expansion of the Arena Joondalup Precinct as a major regional sporting facility, as well as the appropriate built outcome for the allowable uses in terms of impacts, particularly on surrounding properties.

Options

Council may undertake the following courses of action:

- Support the initiation of the proposed amendments to the JCCDPM for the purposes of public advertising;
- Determine that the proposed amendments to the JCCDPM should not be advertised until specified matters have been included or addressed; or
- Not support the initiation of advertising of the proposed amendments to the JCCDPM for stated reasons.

Link to Strategic Plan:

Objective 1.2

To meet the cultural needs and values of the community

Strategy 1.2.1

Continue to enhance and create new cultural activities and events

Objective 1.3

To continue to provide services that meet changing demographic needs of a diverse and growing community

Strategy 1.3.1

Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

Objective 3.5

To provide and maintain sustainable economic development

Strategy 3.5.2

Assist the facilitation of local employment opportunities

Legislation – Statutory Provisions:

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to approval of the Western Australian Planning Commission (WAPC). Should Council determine the amendment to the Structure Plan is satisfactory, advertising of the proposal is required in accordance with clause 9.5 of DPS2.

Upon the completion of public advertising, Council is required to consider all submissions within sixty (60) days and proceed to either adopt or refuse to adopt the amended Structure Plan, with or without modifications.

Risk Management considerations:

Should Council support the proposal without modification, its advice may be considered as inconsistent with its non-support of the stand-alone child care facility currently the subject of a review by the SAT.

There is a risk that the SAT will uphold the appeal on the child care facility if the proposed amendments to the JCCDPM are supported by Council and subsequently approved by the Western Australian Planning Commission.

Financial/Budget Implications:

There are no known financial or budgetary implications associated with the proposed amendments to the JCCDPM.

Policy implications:

There are no policy implications associated with the proposed amendments to the JCCDPM.

Regional Significance:

The proposed amendments to the JCCDPM are regionally significant as they seek to facilitate further development of the existing significant sporting facility that supports the overarching intent of for the City being the largest sub-regional centre (satellite CBD) outside of the Perth with the major regional sporting complex located in the north-west District of the City Centre.

Sustainability implications:

The proposed amendments to the JCCDPM will facilitate the future social, cultural, environmental and economic sustainability of the City Centre by enabling expanded uses on the existing Arena Joondalup site to better utilise existing services and promote greater use of the public transport system.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days. In view of the significance of the site, an advertising period of 28 days is recommended.

Advertising would consist of written notification of all adjoining landowners, a sign or signs erected in a prominent location/s on the site, an advertisement being placed in the Joondalup community newspaper and a notice being placed on the Council website.

COMMENT

It is considered that there are some proposed Permitted Uses that may be inappropriate in terms of the intentions within the Northern Recreation District of the JCCDPM. These have no proposed statutory connection to the sporting or recreational uses of the land, and the incidental nature of the use may be considered marginal. These uses include Child Care Centre, Restaurant, and Reception Centre and the implications of these will need to be considered in the broader context of permissible land uses, particularly with those in the CBD.

With regard to the proposed Child Care Centre use, locating such a use has been problematic in some other areas of the City in terms of the impact on residential amenity. The subject land is separated from residential land by roads and the Joondalup Baptist College, and the proposed setback provisions of the draft structure plan would provide further separation. This use is therefore unlikely to have a detrimental impact on the surrounding area. Furthermore, the provision of a Child Care Centre may add value to the existing activities on the site and the area generally.

At this time, the proposed inclusion of a Child Day Centre as a permitted land use in the draft structure could be supported. The appropriateness of this land use, and the other proposed land uses, can be further considered following the public comment period, having regard to any submissions received.

Notwithstanding the above, the relationship between the current SAT appeal relating to a proposed Child Care Centre and the structure plan proposal need to be considered by Council in a consistent manner. It is apparent that the SAT will be awaiting the outcome of Council's decision on the draft structure plan, and whether a Child Care Centre is a permitted use under that structure plan.

Traffic Impacts

The City normally requires either a traffic study or traffic report to be submitted at the structure plan stage. The Arena Joondalup complex is already utilised for major events without significant traffic problems, and the uses that may be incorporated as part of the Sporting Academy are largely unknown at this stage. Therefore, it is not considered that a traffic study is required at this point in time, however, the proposal will be further assessed during the public advertising period.

Conclusion

It is considered that the draft amendments to the JCCDPM will provide an appropriate framework for the future expansion of the Arena Joondalup Precinct. This is in line with the intentions of the JCCDPM in relation to the site being multifunctional and servicing a range of activities in addition to the existing sports and recreational functions.

It is recommended that the proposal to amend the JCCDPM to facilitate the development of the Arena Joondalup complex by including the appropriate objectives, interpretations, land uses and associated proposed development provisions be advertised for public advertising for a period of 28 days. In addition, the SAT is to be advised of the Council decision regarding initiation of the proposed amendments, as well as being provided with a realistic timeframe for Council to finalise the structure plan process to enable an informed and proper appeal determination.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	JCCDPM Districts Plan
Attachment 3	Draft amendments to JCCDPM – Arena Joondalup Precinct, Parts 1 & 2
Attachment 4	Structure Plan Process

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 Pursuant to clause 9.6 of the City of Joondalup’s District Planning Scheme No 2, ADOPTS the proposed amendments to the Joondalup City Centre Plan and Manual to include objectives, interpretations, permitted land uses and development provisions for the Arena Joondalup Precinct within the Northern Recreation District as per Attachment 3 to this Report and make these available for public comment for a period of 28 days;**
- 2 ADVISES the State Administrative Tribunal of the Council’s decision to advertise the draft structure plan, that Council’s final determination will have regard to the comments received during public advertising period, and an estimated timeframe for the completion of the structure plan process by Council.**

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf070306.pdf](#)

ITEM 11 INITIATION OF LOCAL PLANNING POLICY - SATELLITE DISH, AERIALS AND RADIO EQUIPMENT – [81513]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Clayton Higham Planning and Community Development

PURPOSE

To recommend that Council initiates a draft local planning policy relating to satellite dishes, aerials and radio equipment in the Residential zone, for the purpose of public advertising.

EXECUTIVE SUMMARY

Currently there is no local planning policy in relation to satellite dishes, aerials and radio equipment (generically termed communication equipment for the purpose of this report) in the Residential zone. District Planning Scheme No 2 (DPS2) currently does not require planning approval for this type of communication equipment where it is less than 2m in horizontal or vertical dimension, however, there is no stipulation with regard to maximum height or location of the equipment.

While some forms of communication equipment in a residential area are considered acceptable, others have a potentially detrimental impact on the visual amenity of adjoining owners and the locality. It is considered appropriate that a policy be initiated to guide the size and location of communication equipment via a local planning policy.

The policy seeks to specify standards that are considered acceptable in residential areas. In principle, it is considered that smaller types of communication equipment or those that are not visible from the street or adjoining properties can be erected without the requirement for planning approval. Larger equipment that can be seen from the street or neighbouring properties should be subject to planning consideration.

The policy will provide guidance relating to the size and height of devices and will ensure that impacts on adjoining owners are minimised. It is noted that in the event that Council adopts the draft policy, amendments to DPS2 will be required to allow certain sizes and locations of communication equipment to be erected without the need for planning approval.

It is recommended that Council ADOPTS the Satellite Dish, Aerial and Radio Equipment Policy in accordance with Clause 8.11.3 of District Planning Scheme No 2 as shown in Attachment 1 to this Report as a draft policy for the purposes of advertising for a period of twenty one (21) days for public comment.

BACKGROUND

Communication equipment is defined in DPS2 as 'Communications Antenna' and is defined as:

Any mast, antenna, aerial, satellite dish and other associated equipment used for the reception or transmission of television or radio signals or for other electronic communication where its vertical or horizontal dimensions exceed two metres but does not include telecommunications infrastructure.

A 'Communications Antenna' is a discretionary use in the Residential, Mixed Use, Business, Commercial, Private Clubs and Recreation zones and rural zone. No specific development standards apply to satellite dishes, aerials or radio equipment in DPS2.

The Residential Design Codes provide some guidance on the acceptable location of communication equipment as follows:

A2.3 Antennas, satellite dishes and the like not visible from the street.

The City often receives complaints from adjoining owners where communication equipment has been installed. Many of the complaints relate to devices that have not had the appropriate development approval from the City, are large, and are sited inappropriately.

There is currently no policy relating to satellite dishes, aerials and radio equipment within the City of Joondalup. A policy can assist with setting the parameters for the consideration of the exercise of discretion.

DETAILS

Issues and options considered:

A proposed policy would provide guidance to those people looking at erecting devices on a residential property. Communication equipment can include satellite dishes, aerials and radio equipment. The policy provides guidance with regard to the location and maximum heights of such equipment.

While some types of communication equipment may be considered appropriate, such as domestic antennas, in some instances larger equipment can be particularly problematic. The draft policy states that the following are considered acceptable 'as of right' and would not require a planning approval:

- A satellite dish is located on the roof and has a diameter of not greater than 0.9m. (0.9m is based on an average Foxtel Satellite dish).
- A satellite dish (combined dish and support) which is located at existing natural ground and is 2.4m or less in total height (considered to be a standard size dish). The dish is to be located so as not to be visible from any street or adjoining property.
- A domestic TV antenna not greater than 4m in dimension.
- A radio antenna that is not greater than 2m in height if mounted on the roof, or does not project more than 2 metres above roof ridge if located at ground level and is not located between the street and the house.

A maximum of one of each type of communication equipment would be permitted, exclusive of a domestic TV antenna.

It is noted that in order to accommodate the provisions of the draft policy, DPS2 would need to be amended in the event that the draft policy is adopted. This would give statutory effect to the above 'as of right' provisions.

Options

In considering the draft local planning policy, Council can:

- Adopt the policy for the purpose of public advertising
- Modify the draft policy, then adopt it for the purpose of public advertising
- Not adopt the draft policy.

Link to Strategic Plan:

Objective 1.2 To meet the cultural needs and values of the community
(communication equipment is often used to gain access to a variety of overseas television programs)

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment

Strategy 3.1.1 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the requirements and process steps for the preparation of local planning policies. This clause enables the Council to prepare a Local Planning Policy in respect of any matter related to the planning and development of the scheme area.

Once the draft policy is prepared, it is required to be advertised by way of a notice published once a week for two consecutive weeks in a local newspaper, giving notice where the draft policy may be inspected. The draft policy would also be advertised on Council's website. The specified period for advertising is not to be less than twenty-one (21) days.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

It is proposed to implement a new City policy. Council has determined the City's policies as follows:

"A policy that is developed for administrative and operational imperatives and has an internal focus.

City policies are referred to Council for review and endorsement."

Regional Significance:

Not Applicable

Sustainability implications:

Satellite dishes, aerials and radio equipment have the ability to support and enhance the cultural wellbeing of the community. However, the size and location of the equipment can have an impact on the visual amenity of that same community.

Consultation:

The policy is required to be advertised for public comment for a twenty one (21) day period.

COMMENT

The policy seeks to specify standards relating to the installation of satellite dishes, aerials and radio equipment in residential areas and specifies when planning approval is required, development provisions, planning application requirements and details relating to advertising.

The draft policy attempts to provide a balance between a straightforward, 'as-of-right' approach to domestic communication devices, and the need to be mindful of the impact of such devices on adjoining owners.

In principle, it is considered that if communication devices are either relatively small, or cannot be seen from the street or adjoining properties, then specific planning approval should not be required. Alternatively, larger equipment that can be seen from the street or neighbouring properties should be subject to planning consideration. The policy will provide guidance relating to the size and height of devices and will ensure that impacts on adjoining owners are minimised.

It is noted that in order to accommodate the provisions of the draft policy, DPS2 will need to be amended in the event that the draft policy is adopted. Amendments to DPS2 principally relate allowing certain sizes and locations of communication devices to be erected without the need for a planning application as outlined in the draft policy.

It is considered that the draft policy will provide guidance when considering the location of communication equipment. It is recommended that the policy be initiated for public advertising.

ATTACHMENTS

Attachment 1 Draft Policy – Satellite Dishes.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ADOPTS the Satellite Dish Policy in accordance with Clause 8.11.3 of District Planning Scheme No 2 as shown in Attachment 1 to this Report as a draft policy for the purposes of advertising for a period of twenty one (21) days for public comment.

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf070306.pdf](#)

- 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**DUE DATE** MARCH 2006**SUBJECT** **REVISED SET OF KPIS FOR COUNCIL PROJECTS**
– ex JSC2-07/05 – STRATEGIC FINANCIAL PLAN 2005/06 TO 2008/09

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

RESPONSIBLE DIRECTORATE Office of the CEO**ACTION NUMBER** 97080**STATUS** This item was originally listed for November 2005. The report will be submitted to a future Strategy Session.**DUE DATE** MARCH 2006**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 were drafted in November 2005 and are being reviewed internally.

DUE DATE **MARCH 2006**

SUBJECT **SORRENTO DUNCRAIG AND OCEAN RIDGE LEISURE CENTRES
OPERATIONS AND MANAGEMENT REVIEW RECOMMENDATIONS**
– ex CJ093-04/04

“3 NOTE that this arrangement be reviewed as part of the proposed
Leisure Plan to be developed by the City.”

**RESPONSIBLE
DIRECTORATE** Planning and Community Development

ACTION NUMBER 70983

STATUS This item was originally listed for December 2005. 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. The Leisure Plan timeframes are to be considered as part of the Community Development Plan report to be presented to a Strategy Session.

Revised status:

The Community Development Strategy is in draft and will be circulated to the Council in March 2006. Endorsement of the Strategy will follow a public comment period in April and May 2006.

DUE DATE **MARCH 2006**

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 This item was originally listed for December 2005. 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.

The draft Cultural Plan will be part of the Community Development
Plan, which will be considered by the Council at the Strategy Session.

Revised status:

The Cultural Plan is in draft and will be circulated to the Council in
March 2006. Endorsement of the Strategy will follow a public comment
period in April and May of 2006. The Cultural Plan has some specific
recommendations with regard to indigenous issues.

DUE DATE **MARCH 2006**

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.

This matter will be considered in conjunction with a review of the Management Audit conducted.

DUE DATE **MARCH 2006**

SUBJECT **REVIEW OF DRAFT AUDIT CHARTER** - 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:

- Legislative requirements
- Oversight and monitoring role of the Audit Committee
- Clarification of the role and function of the Committee
- Terms of appointment of the independent Committee members
- Quorum numbers and composition of Committee
- Interaction with the Internal Auditor
- Status of independent persons

RESPONSIBLE DIRECTOR Office of the CEO

ACTION NUMBER 102561

STATUS This item was originally listed for December 2005. This matter was discussed at the Audit Committee held on 29 November 2005. A report will be presented to a future Audit Committee meeting.

DUE DATE	MARCH 2006
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 is currently being drafted, to be submitted to a future Council meeting.

DUE DATE	MARCH 2006
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	Advice from the Department of Local Government and Regional Development is that the Local Government (Official Conduct) Amendment Bill was presented to the Parliament at the end of 2005. The legislation is to be debated by parliament and it is anticipated could be in place by the second half of 2006. It is intended that as part of the legislation there will be a uniform Code of Conduct applicable to the local government industry.

DUE DATE	MARCH 2006
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	This item was originally listed for December 2005. A report will be submitted to Council in March 2006.

DUE DATE	MARCH 2006
SUBJECT	LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD – ex JSC3-07/05 -MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE “2 REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”
RESPONSIBLE DIRECTORATE	Planning and Community Development
ACTION NUMBER	97081
STATUS	This has been referred to the internal Parking Strategy Working Group.

DUE DATE	MARCH 2006
SUBJECT	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.

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. The 50 metre pool, as part of the facilities offered at the Craigie Leisure Centre would require the following before the City could proceed:

- (1) Detailed analysis of the performance of the Craigie Leisure Centre once the refurbishment has been completed.
- (2) Detailed market research of the community's needs that considers all market segments.

The Craigie Leisure Centre redevelopment project is inclusive of a geothermal water heating system which will be able to cater for a further 50 metre water space.

Revised Status:

Completion of the assessment of the new facilities will occur once the facility is operating fully. Consideration has been given in the present redevelopment to future extensions of the aquatic facilities.



**DECLARATION OF
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER
CITY OF JOONDALUP**

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

NAME

ADDRESS

QUESTIONS

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT
BRIEFING SESSION/COUNCIL MEETING**

NAME

ADDRESS

STATEMENT

.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....
.....

Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called