

MINUTES

City of Joondalup

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

MEETING DATE



ON TUESDAY, 29 AUGUST 2006



City of
Joondalup

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**MINUTES OF COUNCIL MEETING
HELD ON 29 AUGUST 2006**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 29 AUGUST 2006

DECLARATION OF OPENING

The Mayor declared the meeting open at 1900 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

T PICKARD

Councillors:

Cr K HOLLYWOOD	North Ward	
Cr T McLEAN	North Ward	
Cr A JACOB	North-Central Ward	
Cr S MAGYAR	North-Central Ward	
Cr J PARK	Central Ward	
Cr G AMPHLETT	Central Ward	<i>Absent from 2232 hrs to 2234 hrs</i>
Cr M JOHN	South-West Ward	
Cr M EVANS	South-West Ward	
Cr S HART	South-East Ward	<i>Absent from 1933 hrs to 1934 hrs</i>
Cr B CORR	South-East Ward	
Cr R FISHWICK	South Ward	
Cr R CURRIE	South Ward	

Officers:

Chief Executive Officer	G HUNT
Acting Director, Planning and Community Development:	C TERELINCK
Director, Corporate Services:	M TIDY
Director, Infrastructure Services:	D DJULBIC
Director, Governance & Strategy:	I COWIE
Manager, Marketing Communications & Council Support:	M SMITH
Media Advisor:	L BRENNAN
Administrative Services Co-ordinator:	J HARRISON
Administrative Secretary:	L TAYLOR

There were 18 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME**The following questions were taken on notice at the Council meeting held on 8 August 2006:****Ms M Moon, Greenwood:***Re: Currambine Village Structure Plan report*

Q1 *What is the definition for an aged persons' facility and or aged persons development?*

DPS2 nursing home: means premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care.

A1 *If the question refers to a definition within District Planning Scheme No 2 (DPS2) of 'aged persons' facility' or 'aged persons' development', these specific terms are not defined.*

Q2(a) *Will the nursing home style accommodation be for patients?*

Q2(b) *Will the nursing home style accommodation be for lodging or the person's permanent place of residence? (Very important)*

Q3 *As Nursing Home style accommodation is not a land use in the DPS2, what do the planners consider the appropriate land use for the nursing home style accommodation?*

A2-3 *In the context of DPS2, a Nursing Home is defined as:*

'premises in which persons who do not require constant medical attention are received as patients and lodged for the purposes of medical supervision and nursing care.'

Q4(a) *In the report it is stated: The current provisions of DPS2, the R-Codes and relevant policies are therefore considered adequate to assess future development applications for the intended land uses (p45).*

What are the current development controls for nursing home under the DPS2 and Residential Design Codes?

Q4(b) *What are the current development controls for nursing home style accommodation under the DPS2 and Residential Design Codes?*

Q4(c) *What are the current development controls for Residential building and or Lodging house under the DPS2 and Residential Design Codes?*

Q4(d) *What are the current provisions of the DPS2 and R-Codes that would apply to the nursing home style accommodation?*

Q5(a) *Does the R-Code on the land apply to Nursing Home Style accommodation?*

Q5(b) *Does the R-Code on the land apply to Nursing Home?*

Q5(c) *Does the R-Code apply to Residential Building and or lodging house?*

Q5(d) *Does the R-Code apply to any use other than one specified as dwelling?*

A4-5 The Residential Design Codes deal with the following residential land uses:

- single houses;
- grouped dwellings;
- multiple dwellings;
- aged or dependent persons dwellings;
- single bedroom dwellings; and
- Inner city housing

The density provisions and development standards of the R-codes would therefore apply to the above uses.

The DPS2 does not (nor was it intended to) set out development standards in substantial detail for all land use classifications.

The DPS2 provides standards or procedures to assess setbacks, landscaping and the provision of car parking. In regard to building height, any building in the Residential Zone will be assessed in accordance with Policy 3-2 – Height and Scale of Buildings in the Residential Area.

Q6(a) *Does the R-Code on the land apply over the whole mixed use development or only over apartments allocated for dwellings? (EG if nursing home style apartments are located in the mixed use area will the R-Code apply?)*

A6(a) The R-Code density would apply to development as outlined in A4-5 above.

Q7(a) *Does the Policy 3.2 Height and Scale of Buildings within Residential Area apply in the mixed-use zone?*

Q7(b) *Is there any height restrictions that apply to the mixed-use zone?*

Q8 *Is the policy intended to apply to buildings which uses are not dwelling?*

A7-8 Policy 3-2 applies to development within the Residential Zone. There are no height provisions within DPS2 that specifically relate to the Mixed Use zone.

The density, building height, setbacks, car parking, open space and privacy requirements of residential development can be assessed in accordance with the R-Codes for residential development. Mixed Use development would be assessed under DPS2 in terms of setbacks, car parking, and landscaping, as well as under the provisions of the R-Codes (item 9 p 45).

Q9(a) *Is nursing home style accommodation considered to be residential development in context with the above statement?*

Q9(b) *Is nursing home style accommodation a residential use dealt with by the Residential Design Guides?*

Q9(c) *If the R-Code of the land does not apply to nursing home style accommodation which setbacks, building height, car parking and open space and privacy requirements will be used to assess this component?*

I believe that without being informed what the land use for the nursing home style accommodation will be, without being informed if the tenants will reside permanently or as patients and lodged, without being informed if the nursing style accommodation is controlled by density or has any development controls or which provisions of the DPS2 and R-Codes would apply the Council is not in a position to say whether the DPS2 and R-Codes are adequate to assess a planning application. It seems the provision within the DPS2 is purely the Discretionary clause.

If the answers show that the R-Code will not apply to the nursing home style accommodation and the height policy does not apply in the mixed used area it is already clear that development controls need to be determined in consultation with the community through a structure plan and that the DPS2 does not adequately allow assessment of nursing home style accommodation and height in the mixed use zone.

Aged persons dwellings receive a land bonus allowing 1/3 more dwellings and with nursing style accommodation which does not need to meet the code on the land this development has the potential of being far larger in scale than which was put to the community in the structure planning process.

Tell me why the structure plan needs to be removed rather than changed the existing structure plan was already for the aged, a retirement village?

A9 Refer Answer 4-5 above.

Ms M Macdonald, Mullaloo:

Q1(a) *I refer to your answer to Mr Sideris' question in the agenda for the Council meeting of 8 August 2006 regarding the matter before the State Administrative Tribunal and the Mullaloo Tavern. Where is it stated that the number of bays provided is 119 instead of 121 and that the remaining 38 bays in question do not meet conditions 1 or 2 of the approval?*

A1(a) The information was in a joint witness statement provided by two independent traffic engineers for consideration by the State Administrative Tribunal (SAT) at the hearing on the issue of the Stop Direction Notice and the Strata Title refusal relating to the Mullaloo Tavern.

Q1(b) *As these facts were known before the building certificate was issued and therefore the plans were not consistent with the planning approval, how was the building certificate able to be issued?*

A1(b) It is not known which Building Certificate is referred to in the question. The evidence of the traffic engineers was prepared in June 2006, whereas the building approval for the development was issued in December 2003. The Building Approval did not supercede any other approvals and did not remove the requirements of any other approvals.

Q2 *The stop direction issued to the owners of the Mullaloo Tavern and to the Planning and Development Act 2005 contains a schedule, which states:*

“Item 1 The Development – Use or part of the land mainly Level 1 for hotel/tavern.”

I have been informed by the Mayor that this description of the use relates to the Liquor Licensing Act and not the Planning and Development Act 2005. Given that this estoppel is the primary document before the State Administration Tribunal, has the Tribunal been misled as to the use approved for this building?

A2 No, the matter of land use was not in dispute at the hearing.

The following questions were submitted in writing prior to the Council meeting on 29 August 2006:

Mr John Chester, Kingsley:

Q1 *The Kingslake Estate, Kingsley, which is situated immediately adjacent to the eastern side of Lake Goollelal contains a serious anomaly, namely all residents in this estate only have septic tanks for the disposal of their sewage. There is a strong likelihood that nutrient-rich leachates coming from these tanks are adding to the failing environmental health of Lake Goollelal.*

Can the City use its considerable influence to encourage the Water Corporation to expedite deep sewerage of this estate?

A1 The provision of sewer throughout the metropolitan area is governed by the Water Corporation after agreement with the State Government.

The Kingslake Estate is a group of lots all over 2000m² in area. All of the Estate remains on a septic tank effluent disposal system and the southern portion of the estate is currently serviced by Aerobic Treatment Units (ATU). Due to environmental concerns associated with the possible degradation of environmental water bodies, this portion of the Kingsley development was required to install wastewater systems that are capable of removing phosphates which contribute to groundwater pollution (the ATU system).

In January 2006, the WA Department of Health wrote to the City seeking comments on areas that should be given Infill Sewerage Priority on Health grounds. Whilst previous studies of the Yellagonga Wetlands did not attribute a high level of nutrient contamination from septic systems in the area, the City's response was to request that priority to be given to the pocket of housing located east of Lake Goollelal. The groundwater flows from this area into the lake and nutrient contaminated waste should be diverted away from the wetlands whenever possible.

The outcome of this review has not been officially released at this time. However, preliminary advice from the Department of Health this week revealed that the Kingsley estate was not being recommended as a priority area for sewerage infill. This is due to the large lot sizes, the low density of housing, the provision of mains water supply to the area and the existence of sandy soils which are capable of filtering nutrients before contaminating groundwater.

Should the preliminary advice be confirmed, the City will continue to lobby for deep sewerage in this area.

Mrs M Zakrevsky, Mullaloo:

Note: Since the publication of the initial response in the agenda for this meeting, further information has been received:

Re: CJ127-08/06 – Appendix 1, Stamped Page 49 – Annual Plan Quarterly Progress Report April – June 2006. My questions relate to the statements on Pages 49 and 50 which are that the Spring, Summer and Autumn Editions of Council News have been printed and Distributed to the Community.

As I have received the Council's "Budget News" with my Annual Rates notice by mail, but in the last year I have not received any other Council News publications.

Q1 *How are the other issues of Council News distributed?*

Q2 (a) *Specifically, if Council distributes the quarterly editions through a hand delivered system, what is the name of the contractor that Council uses for its "Council News" distribution?*

(b) *If not this system, then what system does Council use for its distribution of "Council News" to the Community to back the statement on stamped Pages 49 and 50 in Appendix 1?*

A1-2 The Budget News publication forms part of the Council News publication series prepared by the City of Joondalup to communicate with its residents. The Budget News is included with the City's rate notices and is distributed via Australia Post.

The Council News is distributed by Salmat Distributors and is delivered to every household within the City.

As a result of the concern raised, checks were carried out of the surrounding properties where it was advised the Council News had been previously received.

In the particular instance referred to, it appears that there was a breakdown in communication by the specific distributor of that area. This has been rectified.

Dr Vincent Cusack, Kingsley:

Q1(a) *I refer to the whopping increase in the "flat tax" refuse charge, which rose from \$155 to \$189 in this financial year, and I ask, is this a one off increase to pay for the comprehensive recycle bin rollout?*

A1(a) The current increase is as a result of the implementation of a number of progressive strategies emanating from the City's Waste Management Strategy adopted by Council in 2005 which has a "Towards Zero Waste" philosophy. The current and future fee increases are in part as a result of:

- Introduction of a universal recycling bin service;
- Upgrade to the existing recycling sorting plant in Wangara;
- Introduction of resource recovery into the region;
- Improved environmental controls at Tamala Park landfill site;
- Increased fuel costs associated with collection services; and
- Increased in State Government landfill levy.

Q1(b) *Will this increase be reversed next year, or will Council be too tempted to leave the charge at \$189, in order to supplement general revenue?*

A1(b) The household refuse rate is a fee for service and each year the budget is drafted on this principle. There is no attempt to supplement general revenue.

Q2 *Presently, the two person operated truck collects waste oil and car batteries, from residents verges, and I ask, what arrangements has Council put in place for residents waste oil and car batteries under the 'pending' recycle arrangements?*

A2 The tender for the collection and delivery of recyclables, advertised on 19 August 2006, included the provision for the collection of these items.

Q3 *Can Council confirm that it does not recycle (even plain A4) office paper?*

A3 Council has a recycling service for office paper.

Q4 *Where does Council sell the newspapers that it collects from the recycle pickup?*

A4 The newspapers are sold through a broker who then sells them to the highest bidder.

Q5(a) *As a current member of the Sustainability Advisory Committee (SAC), and considering council's commitment to the sustainability principles, can I ask why the SAC has not met since this Council was elected back in May?*

Q5(b) *When is the next SAC meeting likely to be?*

A5(a)&(b)

A meeting of the Sustainability Advisory Committee is scheduled for Thursday 31 August 2006.

Mr Dean Stephens, Currambine:

Re: CEO's Delegated payments List for the month of July. List item: Payee: Mike Smith - Payment No:76162 - dated: 21 July 06 - Item Description: daily allowance for conference - Payment Amount: \$525.00

Q1 *What was the conference he attend and who did he go with?*

A1 The Conference was the Australian Marketing Institute – 2006 Government Marketing Conference. The Mayor also attended this Conference.

Q2 *Did Mike Smith and/or any other who attended this conference declare an interest?*

A2 There is no financial interest for Mike Smith to declare. The report notes a payment that has already been made to Mr Smith. There is no financial benefit or loss to Mr Smith with Council noting the payment.

Q3 *How many others attended this conference at the City's expense and what relationships do their have with each other?*

A3 Two people attended, the Mayor and Mike Smith. The relationship between the two is that one is the Mayor and the other is an employee of the City.

Q4 *Was there any reports written by Mike Smith or the other attendants and where is it and how does it relate to their work?*

A4 A report is currently being prepared by Mike Smith on the Conference. The Conference was about Government Marketing and Mr Smith is the Manager of Marketing for the City.

Q5 *Why are the other attendants funded by the City not named in the "payments list", (if any)?*

A5 Mr Smith sought a cash advance and that is what is reflected in the payment. The Mayor did not seek such an advance for attending the Conference. The cash advance is paid under Council Policy 8-2.

Q6 *Is "this" conference item related to all the other listed "conference items", and what was the total cost of the City's involvement with this conference?*

A6 The item raised in the question only relates to the cash advance for Mr Smith. The two attendees at the Conference were funded for travel, accommodation and conference registration. It is estimated that the total cost for the two attendees to attend the Conference will be approximately \$6,000.

Mr Ed Burton, Kingsley:

Q1 *What specific days and times are the public toilets at Barridale Park open, or are they, in fact, permanently locked?*

A1 Toilets are locked at all times due to vandalism. User groups are provided with keys for access during training and game days.

Q2 *Will Council provide the orange dog "pick up" bags at Barridale Park, as the bins are already provided there?*

A2 Bags are currently being provided to a selected number of parks (6) for a trial to identify costs and maintenance issue if the service were to be expanded to all parks. A report outlining the options identified in the trial will be presented to Council later this year for its consideration.

Q3 *When does Council plan to resurface the South end of Kingsley Drive?*

A3 Kingsley Drive has been submitted as a Road Rehabilitation project for the 2007/08 Metropolitan Regional Road Program (MRRP). The MRRP is a program administered by Main Roads WA using funds from the "State Road Funds to Local Government Agreement". At this time a final decision on which roads will be funded is awaited. Funding will be confirmed by the end of this year by the Minister for Planning and Infrastructure and the City can respond further at that time.

Mr D Biron, Mullaloo:

Q1 *Will Council please explain in detail in writing why following the issue of the following written answer in February 2006 to a submitted question regarding noise reports - namely that :*

A13 *'A summary of the results of the sound level analysis assessment is available upon request. This Consultant has been engaged by the City to provide an independent report at a cost to the City.'*

Joondalup City Council are still refusing to supply even any such summary notably in respect of the noise report of the 1ST May 2004 despite repeated written requests and the noise report itself under a still incomplete FOI application going back 2 and half years?

- Q2** *When will the Council finally complete my outstanding FOI application and provide all the requested documents clearly covered by the ambit of my FOI application and not just those it is prepared to release? My FOI application of March 2004 clearly required the release under the FOI Act of all documents relating to building works at a specified address but the City has chosen not to provide them without claiming any exemption or reason for this corrupt refusal. For example despite swimming pools requiring an application for a building license the City of Joondalup at the highest level persists in claiming that this building work is not covered by the term building work? Please explain in considerable written detail this ongoing corruption of required legal process?*
- Q3** *Similarly no plans have been provided to me under FOI for any building work carried out at the specified address nor any legal exemption claimed for this refusal to disclose any of these documents. Either no plans were submitted as required by Council policy or the City of Joondalup has deliberately destroyed them all contrary to the operation of the State Records Act and the FOI Act. Which answer is it -*
- (a) has the Council retained these plans? Or*
- (b) has the Council destroyed them?*
- Q4** *In written answers provided recently by the Council in relation to the operation of the electronic document management system of the City it is clearly stated that this system produces a number of reports and that all City documents are retained onto this electronic system. Again no reports from this system have been provided to me as part of my still outstanding FOI application despite all these reports being clearly covered by the ambit of my FOI application. Please explain in written detail the reasons for the ongoing refusal of the City to provide any of these reports since they were yet again covered by the ambit of my FOI application, and the City has made no claim for their exemption from either disclosure or supply?*

A1-4 These questions will be taken on notice.

Mr M Sideris, Mullaloo:

With reference to the questions previously asked for the 06/07 budget meeting of Council and the need to resubmit them during the public statement time and not recorded as questions, I again ask the following questions and in accordance with my verbal statement made during the public statement time expand them as follows.

- Q1** *Advise what are the actual 2 Reserve Account numbers for Cash in Lieu Parking, 1 being for the CBD and the other being the non CBD areas.*

A1

Joondalup City Centre Parking Reserve

Account	8161	Balances
Account	8162	Funds Movements

Cash in Lieu of Parking Reserve

Account	8241	Balances
Account	8242	Funds Movements

Q2 *Advise what City Policy is used to authorise and enable the Reserve Account for Cash in Lieu Parking CBD area, when the current Structure Plan for this area clearly states that this Policy is under review.*

A2 Reserve accounts are established and governed by the provisions of section 6.11 of the Local Government Act 1995 not by Council policy. The reserve account for cash in lieu parking CBD area was established by Council resolution in accordance with the Act. Whether a policy, that might impact the calculation or collection of cash in lieu of parking monies, is under review or not will not preclude the existing policy from continuing while the review is underway unless Council resolves otherwise. In either case the existence and operation of the reserve fund would not be affected unless Council resolves otherwise.

Q3 *What where the specific Cash in Lieu contributions collected from developers (identify the development) for each of the following financial year 2000/01, 01/02, 02/03, 03/04, 04/05, and 05/06 and for both these CoJ Reserve Accounts.*

Joondalup City Centre Parking Reserve

Opening Balance	<u>388,501.00</u>
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2000/2001

Interest	23,407.63
Refund to Joy Tours	(16,200.00)
Closing Balance	<u>395,708.63</u>

2001/2002

	Lot 1 (47) Boas Avenue	
Hawk Construction Services	Joondalup	40,500.00
Interest		19,164.03
Closing Balance		<u>455,372.66</u>

2002/2003

	167 Grand Boulevard	
Roklen Investments Pty Ltd	Joondalup	8,100.00
	167 Grand Boulevard	
Roklen Investments Pty Ltd	Joondalup	8,100.00
Interest		19,695.00
Transfer to Municipal Fund		(439,246.00)
Closing Balance		<u>52,021.66</u>

2003/2004		
Hans Café	167 Grand Bde Joondalup	8,100.00
	80 Reid Promenade	
RAMS	Joondalup	56,700.00
Hans Café	167 Grand Bde Joondalup	8,100.00
Roklen Investments Pty Ltd	167 Grand Bde Joondalup	8,100.00
	165 Grand Boulevard	
Australand Investments	Joondalup	89,100.00
	Interest	7,000.00
Closing Balance		<u>229,121.66</u>
2004/2005		
Roklen Investments Pty Ltd	167 Grand Bde Joondalup	8,100.00
Closing Balance		<u>237,221.66</u>
2005/2006		
	Molloy Promenade	
Proven	Joondalup	97,200.00
GC Constructions	17 Davidson Terrace	24,300.00
Closing Balance		<u><u>358,721.66</u></u>
<u>Cash in Lieu of Parking Reserve</u>		
Opening Balance		<u>376,884.00</u>
2000/2001		
Webb Brown Neaves	(unknown)	1,200.00
Closing Balance		<u>378,084.00</u>
2000/2001		
Interest		23,484.69
Closing Balance		<u>401,568.69</u>
2001/2002		
Interest		17,981.52
Closing Balance		<u>419,550.21</u>
2002/2003		
Interest		16,890.00
Transfer to Municipal Fund (Works)		(72,567.00)
Closing Balance		<u>363,873.21</u>
2003/2004		
Interest		17,000.00
Transfer to Municipal Fund (Works)		(23,493.00)
Closing Balance		<u>357,380.21</u>

2004/2005**2005/2006**

No transactions

Closing Balance 30 June 2006357,380.21

Q4 *What were the interest rate payments made to each of these Cash in Lieu Reserve Account for the years 00/01, 01/02, 02/03, 03/04, 04/05, and 05/06 financial years.*

A4 The amount of interest earned and allocated to the reserves in each year is included in the transaction details provided in the response to question 3.

Q5 *For the financial years 00/01, 01/02, 02/03, 03/04/ 04/05, and 05/06 for each Reserve Account advise precisely when, where and on what any monies were withdrawn or transferred from any of these Cash in Lieu Parking Reserve Accounts.*

A5

Joondalup City Centre Parking Reserve**2000/2001**

Refund to Joy Tours		16,200.00
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2002/2003

Transfer to Municipal Fund (Works)			
Lotteries House carpark extension		82,917.00	
Transit Station Car Park		80,000.00	
Collier Pass Parking		276,329.00	
			439,246.00

Cash in Lieu of Parking Reserve**2002/2003**

Transfer to Municipal Fund (Works)			
Woodvale Community Care Centre		15,000.00	
Transit Station Car Park		57,567.00	
			72,567.00

2003/2004

Transfer to Municipal Fund (Works)			
Collier Pass Parking		23,493.00	23,493.00

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

Mr M Caiacob, Mullaloo:

Q1 *Re: CJ148-08/06 Residential Building (short stay):*

(a) *Can a residential building be occupied by families regardless of tenure?*

(b) *Can a single dwelling regardless of any tenure of time be occupied by families?*

A1 The definitions of both terms are contained in the Residential Design Codes. Single dwellings are designed for permanent accommodation and residential building is designed for temporary accommodation. The residential building definition refers to the relationship between occupants and does not currently include provision for families to stay in a residential building for a temporary period of time. A key point as to what determines 'temporary' or 'permanent' is not defined in the Residential Design Codes.

Q2 *Due to an unprecedented number of burglaries in Mullaloo and Kallaroo and what appears to be waning visual presence of the security service, could I request that the security service be advised of these break-ins and requested to liaise closely with the police?*

A2 *Response by Mayor Pickard:* This information will be passed on to City Watch to liaise with the Police to find out locations and increase vigilance in those two suburbs.

The following question was tabled at the meeting by Mr M Caiacob, Mullaloo:

Q3 *Why was the applicant advised to apply for a Residential Building (short stay accommodation) when the R-Code will be removed?*

A3 This question will be taken on notice.

Mr E Burton, Kingsley:

Q1 *I submitted questions to Council on 18 July 2006, some of which were taken on notice. On 8 August 2006 I received the answers to the questions on notice. I refer to my question to commence construction of the extension of Woodlake Retreat from the retirement village to facilitate and provide additional parking area for workmen etc., the reply was inter alia that the land immediately west of the retirement village is currently in private ownership and subject to a forthcoming subdivision.*

As a large proportion of the land has previously been developed and, in fact, building along the eastern boundary backing Wanneroo Road extends from the southern boundary to the northern boundary, I am perplexed as to why this land was not suited when the original application was made, further what affect will this have on the commencement of the construction of the extension of Woodlake Retreat?

A1 This question will be taken on notice.

Response by Mayor Pickard: The Ward Councillors, Cr Corr, Cr Hart and myself and the State Member for Kingsley and the State Member for Wanneroo met officials from Main Roads at Diane Guise's office and we are progressing with the discussions relative to the road, its extension and the four way lights.

Q2 *Could Council please advise the name of the consulting engineer or company who will be responsible for the design of the extension of Woodlake Retreat, further what time frames has been reached for this commencement and construction?*

A2 *Response by Mayor Pickard:* At this stage no contractor has been engaged, no tender has been issued. Council is still in the process of finalising the design with CALM, the Department of the Environment, Main Roads and the Department of Planning and Infrastructure and at this stage there is no scheduled date.

The funds for the original three way lights are in this financial year's budget and will be constructed in this financial year. The City has requested a 'whole of government' approach relative to the construction of the road and the traffic lights, that request has gone to the Minister's Policy Advisor. The City of Wanneroo has also been in touch with the Minister's office about the 'whole of government' approach, in other words getting all agencies including the City to sit down and resolve this issue once and for all.

Mrs M Macdonald, Mullaloo:

Q1 *Re: CJ148-08/06 – The Health Act requires that local governments administer Health Laws. The house referred to was a dwelling. If Council agrees to allow the owner to conduct a business of providing short term accommodation at the address, will the owner be required to meet new standards under the Health Act and, if so, how will the building be defined under the Health Act?*

Q2 *Has the City adopted the recommendations of the Health Act with respect to buildings and their use or does it have variations to that Act within its local law?*

A1-2 These questions will be taken on notice.

Mr R de Gruchy, Sorrento:

Q1 *When will the feasibility study commence into the need for a 50-metre pool at Craigie Leisure Centre and when does Council expect to have the final report available for a decision?*

A1 A draft brief has been prepared for the appointment of consultants. \$30,000 has been set-aside in the 2006/07 budget to undertake this research. It is hoped to commence the study in December 2006, Council will consider the findings and recommendations of the study.

Q2 *Re: Recently commissioned geothermal bore – Will Council confirm that the capacity of the geothermal bore is, as was originally approved, still sufficient to cater for the demands of an outdoor 50-metre pool in addition to the current requirements?*

A2 The capacity of the bore with some minor modifications should be able to cater for a 50-metre pool, but this cannot be confirmed at this time. The original specifications were for that purpose.

Mr M Sideris, Mullaloo:

Q1 *Recently the City refused to identify and supply the date and location of the land transfer in Wangara relating to the cash in lieu land transfer for the Mullaloo Tavern. Would Council please confirm that this transaction did in fact occur, that it has a copy of the title deed transfer details and that this record was used for reference to the redevelopment report presented to Council in 2002, for the Supreme Court in 2003 and for the current State Administrative Tribunal hearing in 2006 as dealt with by the current elected Council?*

Q2 *Further to Council's previous answers relating to the non sale of the car park opposite to the Mullaloo Tavern on the grounds that they did not own it, would Council please explain why they stated to the Supreme Court and the State Administrative Tribunal that the Tavern owners had indeed funded the construction of the car park opposite the Tavern when the car park existed at least ten years earlier?*

A1-2 These questions will be taken on notice.

Mr S Kobelke, Sorrento:

Q1 *Re: Wyllie Group's new tavern and boardwalk across the Hillarys Boat Harbour proposal – Can Council confirm that at the Briefing Session the week prior to the Council Meeting on that matter, the applicants had indicated they would present a deputation to the Commissioners but failed to appear on the night?*

Q2 *Since the Commissioners voted unanimously not to approve the Wyllie Group's proposal due to concerns regarding the parking and transport at the Hillary's Boat Harbour, what has changed in relation to these matters that the City would support the increased infrastructure proposal that is before Council tonight?*

A1-2 These questions will be taken on notice.

C57–08/06**EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]**

MOVED Cr Hart, SECONDED Cr Corr that public question time be extended for a period of ten (10) minutes.

The Motion was Put and**CARRIED (13/0)**

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

Mr A Bryant, Craigie:

Q1 *I have asked a lot of questions to Council since 22 February 2005 referring to the land that Council owns at the corner of Perilya Road and Camberwarra Drive, Craigie where it has been proposed that the Western Australian government has set aside \$890,000 to provide residents of Craigie with a community centre. The answer has been that the City is negotiating with Department of Community Development in regard to the ownership of that block. Can you tell me if there is any progress on when the community centre is to be built?*

A2 The City has received advice from the Department of Community Development this week and will pass an outline of the information on to Mr Bryant.

Mrs M Zakrevsky, Mullaloo:*Re: Lists of Payments*

Q1 *What is Council's policy regarding the provision and distribution locations of dog poo bags for dog walkers (Ref: CJ143-08/06 Appendix 4 Item 7206 Monopak Pty Ltd costing \$5,415.58) and also what are the penalties for non compliance (i.e., not picking up dog poo) particularly in sports ground and children's playgrounds where health and safety are being compromised?*

A1 *Response by Mayor Pickard:* The former Council resolved to provide dog clean up bags at six parks. A report has been requested on other opportunities to expand that particular network. There are a range of issues that need to be considered by the elected members and the report will be presented to Council later this year.

In relation to fines associated with the Local Law, the penalty is \$100.00.

Q2 *Re: CJ143-08/06 Appendix 4 – Where are the indoor rented plants located costing \$1302.10 for the month of June for "Indoor plant rental" and where are the floral arrangements and floral desk arrangements located costing \$440.00 per month? These amounts are shown every month.*

A2 The plants and floral arrangements are in various offices and located in public areas in the building, and two of the flower arrangements have recently been cancelled.

Dr V Cusack, Kingsley:

Q1 *The public toilets in Barridale Park are locked at all times due to vandalism. Can Council please tell me why we are paying \$1.7M to the City Watch patrols if we cannot even access public toilets at Barridale Park?*

A1 The City Watch patrols do provide an effective service however there are no guarantees that they can stop vandalism of public facilities. The groups that use the toilets do appreciate the fact that the locking of the facility stops vandalism and anti-social behaviour.

Q2 *Can Council tell me what we have to do in Kingsley to get dog pick up bags at Barridale Park and the road fixed on the south end of Kingsley Drive?*

A2 *Response by Mayor Pickard:* The report on dog clean up bags will be presented to Council this year. With regard to the condition of the road at Kingsley Drive, I raised the matter with the Kingsley and Greenwood Ratepayers Association.

That section of Kingsley Drive has been submitted as part of the 2007/08 funding programme for the Metropolitan Regional Road Programme; a programme where the State contributes two thirds to the City's one third. The City will not know the results until the end of this year and subject to the outcomes, will determine what is done in the short term. If no funding is forthcoming from the State Government, the City will look at resurfacing that particular section in Kingsley Drive and it may be repaired as part of the local roads programme.

PUBLIC STATEMENT TIME

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

Mr M Caiacob, Mullaloo:

Mr Caiacob raised his concerns regarding residential building labelling on the District Planning Scheme No 2 review.

Cr Hart left the Chamber at 1933 hrs and returned at 1934 hrs.

Mrs M Macdonald, Mullaloo:

In accordance with Clause 5 of the City's procedure for Public Statement Time, the statement made by Mrs M Macdonald was ruled out of order by Mayor Pickard.

Mr M Sideris, Mullaloo:

Mr Sideris spoke about his submission regarding the City's proposal to purchase Lot 6 Lawley Court, Joondalup.

Mr S Kobelke, Sorrento:

Mr Kobelke spoke on CJ148-08/06 on the proposed Hillarys Boat Harbour upgrade.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

CONFIRMATION OF MINUTES

C58-08/06

MINUTES OF COUNCIL MEETING, 8 AUGUST 2006

MOVED Cr McLean, SECONDED Cr Amphlett that the Minutes of the Council Meeting held on 8 August 2006 be confirmed as a true and correct record.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

CRAIGIE LEISURE CENTRE OPENING

Craigie Lesiure Centre's official opening on Sunday, 27 August 2006 was a great success.

Thousands of residents turned out to "The Big Splash" – the City of Joondalup's party to officially open the refurbished Centre.

Almost a thousand residents queued more than 100 metres from the entrance to the centre's skatepark before the party had even started.

The first 300 were rewarded with a free show bag valued at over \$50 and a host of free activities and fun.

Residents obviously appreciate the \$10 million upgrade which has made Craigie Leisure Centre one of the best facilities in WA.

I was joined in the official party by WA Minister for Sport John Kobelke, Councillors and CEO, Mr Garry Hunt.

Chief Executive Officer, Garry Hunt paid tribute to all the people who had been involved with the project from its inception to opening, and I agree with him.

SMALL BUSINESS BOOST

Tomorrow, small business in the Joondalup region will receive a significant boost with the launch of an innovation program for young business people.

The City of Joondalup has received a Federal Government grant of \$193,000 for the project.

ThinkLearn seeks to improve the creativity of 48 business entrepreneurs under the age of 35 in the Cities of Joondalup and Wanneroo.

The two Cities will run the program in partnership with West Coast TAFE and the Small Business Centre, and the program will be launched by our Federal Member for Moore, Dr Mal Washer.

This is a pilot program and our region has been selected to try this scheme to gauge its success for the rest of Australia.

HEATHRIDGE PRIMARY PRECINCT CRIME PREVENTION FORUM

The City in conjunction with Heathridge Primary School held the Heathridge Primary Precinct Crime Prevention Forum upon approach from the headmaster to Cr Magyar. The City was engaged by the school to assist them address a host of anti-social issues that the school currently faces.

The forum was attended by 16 stakeholders including agencies and community group representatives, with a whole of stakeholder approach addressing the serious issues of anti-social behaviour in and around the Heathridge Primary Precinct.

I take this opportunity to thank all the agencies involved. A host of strategies have been developed that will be reviewed in two months time. I am confident with the co-operation and open communication from all stakeholders for a positive impact to address the issue of anti-social behaviour around the Precinct.

I would also publicly thank Cr Magyar, who was approached initially by the school and engaged as Ward Councillor and myself for assisting in tackling what is a big issue. This demonstrates the positive impact that both the Mayor and Councillors are able to achieve for the local community.

DECLARATIONS OF FINANCIAL INTEREST

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

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

Name/Position	Mr Ian Cowie – Director Governance and Strategy
Item No/Subject	CJ146-08/06 - Proposed Precinct Upgrade Hillarys Boat Harbour - Swan Location 13455, 86 Southside Drive, Hillarys
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Cowie was a member of the Statutory Planning Committee of the Western Australian Planning Commission when it considered the Wyllie Group proposal for Hillarys Boat Harbour.

Name/Position	Cr Albert Jacob
Item No/Subject	CJ147-08/06 – Proposed Use Not Listed – Outbuilding for Storage of Household Items on Vacant Strata Lot – Lot 2 (21) Congressional Crescent, Connolly
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicants are Cr Jacob's parents

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

Nil.

PETITIONS

Nil.

CJ137 - 08/06 STRATEGIC PLAN - KEY PERFORMANCE INDICATORS – [20560]

WARD:	All
RESPONSIBLE A/DIRECTOR:	Mr Ian Cowie Governance and Strategy

CJ060822_BRF.DOC:ITEM 1

PURPOSE

To provide Council with information on the Strategic Plan Key Performance Indicators Report for 2005/06.

EXECUTIVE SUMMARY

The Strategic Plan Key Performance Indicator (KPI) Report is a key instrument in the Council's reporting framework.

This report contains information about Council's performance against the Strategic Plan 2003 – 2008 for the period 1 July 2005 to 30 June 2006.

For easy reference the KPI report shown as Attachment 1 includes:

- A graphical representation of all KPIs, and
- Supporting details for the KPIs categorised as economic, environmental and/or social indicators.

BACKGROUND

At the meeting of 14 December 2004, Council endorsed the new *Corporate Reporting Framework* requiring that reports on the achievement of the Strategic Plan KPIs be provided to Council on an annual basis. (Item CJ307-12/04 refers).

Sixty-three KPIs were initially produced to measure progress against the Strategic Plan, categorised according to their indicator type (social, economic, and/or environmental).

On 28 March 2006, Council received a report recommending the approval of a revised set of KPIs, and at that meeting endorsed the KPIs and established targets.

DETAILS

The 2005/06 KPI report is shown as Attachment 1 to this report.

The KPIs measure progress against the Strategic Plan and link directly to the outcomes in the Key Focus Areas of:

- Community Wellbeing;
- Caring for the Environment;
- City Development; and
- Organisational Development.

The KPI measures were collected utilising a number of sources including:

- 2005/06 Community Perceptions Monitor;
- Tourism Western Australia;
- Australian Bureau of Statistics; and
- Data collected by the City.

Link to Strategic Plan:

Key Focus Area 4: Organisational Development

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

Legislation – Statutory Provisions:

The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia.

Section 2.7 states:

The role of the council:

(1) *The council:*

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

Section 5.56 – Planning for the Future

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

Risk Management considerations:

The KPI Report provides Council with an overall assessment of progress against the Strategic Plan, and assists in the identification of key areas for improvement.

Financial/Budget Implications:

Nil.

Policy Implications:

The stated objective of Council's Public Participation Policy 1-2 is:

To outline the City's commitment to actively involve the community in Council's planning, development and service delivery activities.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Strategic Plan KPIs have been categorised as social, environmental and/or economic.

Consultation:

Not Applicable.

COMMENT

The Strategic Plan KPIs have been developed to allow for an annual assessment of Council's progress against the Strategic Plan.

The KPIs are designed to give indicative outcome measures and in many cases need to be read as a 'family' of measures to give a reasonable indication of progress. In many cases, trend data collected over several years will be necessary before a true picture of progress towards the vision can be seen.

To ensure the City's KPIs can be reviewed as a time series for performance comparisons, the 2004/05 figures have been included where available.

In some instances measures are not currently available. As data becomes available it will be reported to Council.

It is recognised that the measurement of some of the KPIs may not be solely attributed to the strategies implemented by the City and that outside factors will influence outcomes. However, these measures are considered necessary to enable tracking of overall progress against the Strategic Plan.

It is to be noted that the Strategic Plan is due for a major review during 2006/07 and this will include a review of the KPIs.

ATTACHMENTS

Attachment 1 2005/06 Strategic Plan Key Performance Indicators Report.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ACCEPTS the 2005/2006 Strategic Key Performance Indicators Report for 2005/2006 forming Attachment 1 to Report CJ137-08/06.

MOVED Cr Magyar, SECONDED Cr Park that Council:

- 1 **ACCEPTS the 2005/2006 Strategic Key Performance Indicators Report for 2005/2006 forming Attachment 1 to Report CJ137-08/06;**
- 2 **REFERS to the Conservation Advisory Committee, Key Focus Area 2, Caring for the Environment, requesting the Conservation Advisory Committee to develop Strategic Key Performance Indicators for the preservation of Joondalup's natural biodiversity;**

- 3 REFERS the 2005/2006 Strategic Key Performance Indicators Report to the Sustainability Advisory Committee for advice on development of Sustainability Indicators.**

Discussion ensued.

During discussion on the matter, it was requested that each part of the Motion be voted upon separately.

MOVED Cr Magyar, SECONDED Cr Park that Council:

- 1 ACCEPTS the 2005/2006 Strategic Key Performance Indicators Report for 2005/2006 forming Attachment 1 to Report CJ137-08/06;**

The Motion was Put and

CARRIED (13/0)

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

MOVED Cr Magyar, SECONDED Cr Park that Council:

- 2 REFERS to the Conservation Advisory Committee, Key Focus Area 2, Caring for the Environment, requesting the Conservation Advisory Committee to develop Strategic Key Performance Indicators for the preservation of Joondalup's natural biodiversity;**

The Motion was Put and

CARRIED (9/4)

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

MOVED Cr Magyar, SECONDED Cr Park that Council:

- 3 REFERS the 2005/2006 Strategic Key Performance Indicators Report to the Sustainability Advisory Committee for advice on development of Sustainability Indicators.**

The Motion was Put and

CARRIED (9/4)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf220806.pdf](#)

CJ138 - 08/06 COMMUNITY PERCEPTIONS MONITOR 2006 – [47968]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ060822_BRF.DOC:ITEM 2

PURPOSE

To present to Council the results of the 2006 Community Perceptions Monitor.

EXECUTIVE SUMMARY

The survey is conducted annually to measure the level of overall satisfaction with the City, and its performance in delivering specific services and facilities. The survey involves telephone interviews with residents of the City of Joondalup.

The 2006 survey shows an overall satisfaction rating of 77%. This is a slight increase from the 2005 satisfaction levels of 75%.

BACKGROUND

Community Satisfaction Surveys have been conducted annually since 2000.

The most recent survey was conducted in May 2006 by Catalyse, an independent market research company, using a similar format to the 2003, 2004 and 2005 Customer Satisfaction Monitors to enable annual comparisons to be made.

The main objectives of the 2006 survey were to determine:

- Overall satisfaction with the City of Joondalup;
- Perceived importance and satisfaction for selected services and facilities; and
- Performance gaps.

This latest customer research was undertaken during May 2006 and involved random sampling and telephone interviewing of 602 respondents from within the City. The sample was crosschecked to ensure that it significantly matched the demographic profile and population spread of Joondalup in terms of age, gender and location to obtain a representative sample. Importance and performance were measured to give details of the greatest service delivery gaps.

The sampling size produces a sampling precision of +/- 5% at the 95% confidence interval – ie there is a 95% certainty that the results obtained will be within +/- 5% if a census was conducted of all households within the City of Joondalup. This percentage is in accordance with the level specified by the Auditor General for surveys of performance.

DETAILS

Issues and options considered:

Satisfaction levels are recorded from those respondents who feel familiar enough with the service or facility to be able to comment. Respondents are surveyed on satisfaction as well as importance of the service or facility.

The overall satisfaction rating in 2006 was 77%. This is a slight increase from 2005 levels of 75%. Satisfaction with the services and facilities provided by Council was highest in the North and Central wards and among newer residents, and the survey indicates that there is greatest room to improve satisfaction among those residents aged 35-54 years.

The areas of **high importance** and **high satisfaction** in 2006 were:

- Weekly rubbish collection
- Library and Information Services
- Parks, gardens and open spaces
- Bulk rubbish collections
- Roads maintenance

The areas of **high importance** and **lower satisfaction** in 2006 were:

- Leadership and consultation
- Providing good value for money
- Graffiti, vandalism & anti-social behaviour
- Youth services
- Local traffic

Those areas where the greatest variations have occurred from the 2005 Satisfaction Monitor are:

Service	2005	2006	Variation
Provision of mobile security patrols	65%	72%	↑
Responding to letters and emails in an efficient and effective way	64%	74%	↑
Provision of facilities and services for youth	77%	68%	↓
Australian Citizenship ceremonies	89%	76%	↓
Provision of public health services *	88%	79%	↓
Immunisation**	94%	78%	↓

Note

* The question asked was phrased differently in 2006, and this may have impacted on the responses.

** The Immunisation Service had a higher profile in the previous two years due to the State Government Meningococcal C Program that required an increased level of service as part of the local school vaccination program.

This year a number of questions were asked on community satisfaction with the accessibility of information about Council services, and consultation with the community. Specific questions were in relation to community satisfaction with Council's performance in:

- providing an informative website;
- providing a regular and informative newsletter;
- consulting the community about local issues; and
- informing the community about local issues.

Seventy-eight percent of respondents were satisfied with the accessibility of information on the Council website, 70% of respondents were satisfied with Council's newsletter, 69% were satisfied with consultation on local issues, and 75% of respondents felt they were informed about local issues.

Benchmarking with other Local Government Authorities (LGAs) was included as part of the survey.

The LGAs participating in the benchmarking syndicate were:

- City of Armadale;
- Town of Bassendean;
- City of Belmont;
- Town of Claremont;
- City of Cockburn;
- City of Fremantle;
- City of Joondalup;
- Town of Kwinana;
- City of Mandurah;
- City of Melville;
- Serpentine-Jarrahdale Shire;
- City of South Perth; and
- City of Wanneroo.

The City set the benchmark for the following areas:

- Council's encouragement and support for education and training opportunities; and
- Providing an informative website.

The 2006 Survey included a question on voter behaviour. Respondents were asked whether they voted in the May Local Government Elections, and those respondents who said no were asked for the reason.

Forty-four percent of respondents said they voted in the elections. (It is to be noted that the actual voter turnout for the 2006 City of Joondalup local government elections was 27%. The high percentage of respondents indicating that they voted in the elections may be due to a perception that voting in local government elections is compulsory).

Seniors were most likely to vote with 57% of those aged 55 and over voting, compared to 34% of those aged 18-34 years, and 43% of those aged 35 – 54 years.

The major reasons for not voting were:

- Lack of interest;
- Insufficient knowledge of candidates; and
- Lack of awareness of the elections.

A full report of all survey results is shown as Attachment 1 to this report.

Link to Strategic Plan:

Key Focus Area:

Organisational Development.

Objective 4.2:

To provide quality services with the best use of resources.

Legislation – Statutory Provisions:

The purpose of the Local Government Act 1995 is set down in Part 1 – Introductory Matters:

Section 1.3 (2):

This Act is intended to result in:

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

Risk Management considerations:

Monitoring levels of customer satisfaction with services provided by Council is essential to ensuring the relevance of those services, and the optimum use of Council resources.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The 2006 Monitor was conducted by surveying 602 residents of the City of Joondalup.

COMMENT

The 2006 report includes a *Performance Gap Analysis* whereby importance and performance were measured to give details of the City's greatest service delivery gaps to highlight which services and facilities need to be improved, monitored and celebrated. The City will put significant emphasis on the areas highlighted for improvement in 2006/07.

The survey results will also be used to inform the review of the Strategic Plan, and in planning for, and improving, the delivery of services and facilities to the community.

It is to be noted that the City is currently investigating other models for conducting market research into community satisfaction with other local governments in the north metropolitan area – the Cities of Stirling and Wanneroo. This will be the subject of a further report to Council once the investigation is finalised.

ATTACHMENTS

Attachment 1 Community Perceptions Monitor Results 2006

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Jacob that Council RECEIVES the information contained in the 2006 Community Perceptions Monitor forming Attachment 1 to Report CJ138-08/06.

Discussion ensued. Information will be provided to Elected Members in relation to the cost of the survey.

The Motion was Put and

CARRIED (13/0)

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf220806.pdf](#)

CJ139 - 08/06 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [18576]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ060822_BRF.DOC:ITEM 3

PURPOSE

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 10 July 2006 to 27 July 2006.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

Document: Easement
Parties: City of Joondalup, Adia Pty Ltd and WFF Developments
Description: Partial surrender of easement to acknowledge existing structures – 10 Davidson Terrace, Joondalup
Date: 10.07.06

Document: Covenant
Parties: City of Joondalup, S Duncan, T Duncan, S and L Duncan
Description: Restrictive Covenant to restrict vehicular access from Mullaloo Drive and Karalundie Way, Mullaloo – Condition of Subdivision
Date: 27.07.06

Document: Easement
Parties: City of Joondalup/Armstrong Jones together with ING, City of Joondalup and Public Transport Authority of WA
Description: Public Access Easement to satisfy WAPC subdivision condition for Lakeside Shopping Centre, Joondalup
Date: 27.07.06

Document: Structure Plan
Parties: City of Joondalup and W A Planning Commission
Description: Certification of endorsed modifications to Kinross Neighbourhood Centre Structure Plan
Date: 27.07.06

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

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

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr Jacob that the schedule of documents executed by means of affixing the Common Seal for the period 10 July 2006 to 27 July 2006 be NOTED.

The Motion was Put and

CARRIED (13/0)

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

CJ140 - 08/06 PUBLIC PARTICIPATION/COMMUNITY EDUCATION STRATEGY UPDATE – [75521] [84574]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

CJ060822_BRF.DOC:ITEM 4

PURPOSE

To provide the Council with recommendations for revisions to the City's Public Participation Strategy 2005 following findings from a research program looking at ways of increasing community participation.

EXECUTIVE SUMMARY

At the meeting of 26 April 2006, the Council recommended that the Public Participation Strategy 2005 be revised (CJ062 – 04/06 refers) following recent research findings into the factors that may encourage people to take up opportunities to participate. The Strategy has been updated with the recommended changes highlighted. The major changes are contained in the section on community education and information, which have been revised to reflect the research findings.

This report recommends that Council ADOPTS the revised Public Participation Strategy 2005 shown as Attachment B to Report CJ140-08/06.

BACKGROUND

Council adopted the Public Participation Strategy 2005 (*Attachment A refers*) on 28 June 2005 (CJ123-06/05 refers). Following adoption of the Strategy, a research program was undertaken to look at ways of increasing community participation in Council's planning, development and service delivery activities.

The findings from the research were the subject of a report to Council on 26 April 2006 (CJ062-04/06 refers) and the following motion was put and carried unanimously.

That Council:

- *NOTES the content of Report CJ062-04/06 and the findings from the program of research;*
- *AGREES to the revision and further development of the Public Participation Strategy as outlined in Report CJ062-04/06, subject to Section 6 – Task Definition incorporating the words Council decisions after the words Australian Standards;*
- *SUPPORTS the further development and implementation of community education programs in line with the community education objectives outlined in Report CJ062-04/06.*

The Strategy has been revised accordingly (*Attachment B refers*).

DETAILS

Issues and options considered:

To comply with the decision of the Council, sections 4 and 6 (*Attachment B refers*) of the Strategy have been revised. For ease of reading, these revisions have been highlighted.

Community Education for Participation

The revised Strategy recommends a two-pronged approach to community education. Firstly, a generic community education program will be developed and offered to new citizens of the City, which will identify how local people can contribute to the City's planning, development and service delivery activities. Secondly, there will be 'participation specific' community education provided for discrete projects such as the reviews of the District Planning Scheme and the Strategic Plan 2003 – 2008.

A project plan has been developed to facilitate a City project team in designing and implementing the generic program.

The focus of the generic program would be as follows:

- The obligations of citizenship
- The role of the City in local governance
- Why community participation in local governance is important
- The difference between consultation and participation
- Typical opportunities to participate e.g. community representation on an established committee of Council, volunteer activities
- How opportunities to participate will be communicated and managed
- How the community will be able to evaluate the City's performance in managing a participative process

'Participation specific' community education will be developed on an 'as needed' basis, and targeted toward a particular portion of the City, whether at the level of a suburb, a ward or Citywide. Community education will be provided on the following:

- The purpose of a specific public participation project
- The background/history of the project
- The non-negotiable aspects of the project e.g., financial constraints, legislative requirements, Australian Standards etc
- The potential impact of the project on their lifestyle/personal situation
- How the public will be able to participate
- How public input will be used to inform final decisions
- The timescale of the project and how the public will be able to assist in evaluating the effectiveness of the process.

As the purpose of community education - whether generic or specific - is to increase levels of participation in local governance through empowering the community, evaluation of its effectiveness is necessary. In this way, a process of continuous improvement for design and delivery of community education will be in place. Evaluation will therefore be based on the extent to which the community education objectives are met.

Link to Strategic Plan:

The City's Strategic Plan 2003 – 2008 states that decisions of Council will be guided by a number of underlying principles:

Community Focus

We will work in partnership with our community to build capacity, and develop community ownership and identity.

Leadership through partnerships and networks

We will develop partnerships and networks throughout the community.
We will develop a supportive and trusting relationship with our community.

Further, objective 4.3 of the Strategic Plan is “to ensure the City responds to and communicates with the community and identifies the following strategies to meet this objective:

- Provide effective and clear community consultation
- Provide accessible community information
- Provide fair and transparent decision-making processes

Legislation – Statutory Provisions:

The Local Government Act (1995) Section 1.3(2)(b) promotes the following:

“Greater community participation in the decisions and affairs of local governments.”

Risk Management considerations:

Failure to provide adequate community education for participation may result in continuing low levels of community interest and involvement in local governance.

Financial/Budget Implications:

Costs associated with development of generic community education for public participation, including one off development of support materials and running 20 workshops in 2007 have been identified at approximately \$30,000. Funding is being sought to support the program through the Department of Immigration and Multicultural Affairs (DIMA) “Harmony Day Programme.”

There may be costs associated with ‘participation specific’ community education and such costs will be built into each project, or allocated from a central Public Participation Project budget.

Policy Implications:

This report provides information that should enhance the City's capacity to achieve the intent of the Council's Public Participation Policy 1-2.

Regional Significance:

Not Applicable.

Sustainability Implications:

Community support and collaboration is critical for achievement of sustainable outcomes.

Consultation:

The research project on community participation contributing to the review of the Strategy involved a two-stage process of quantitative and qualitative data collection. The first stage involved the distribution of 5080 questionnaires to residents from all wards of Council selected on a randomised basis from Council databases. The final sample included 558 respondents or an average response rate of approximately 11%. A comparison of the demographics of the City of Joondalup with those in the sample revealed respondents closely matched the population of the City as a whole. Of the 558 people who returned their questionnaires, 176 volunteered to take part in Stage Two of the research. That there were no intrinsic incentives to participate in Stage Two, indicates considerable community support for, and interest in, the project.

COMMENT

The review of the Public Participation Strategy is an important step in the process of encouraging local people to become involved in local governance. The research conducted by the City in the second half of 2005 identified the importance for stakeholders of being able to understand the purpose of the participative process, and their contribution to it.

Development and delivery of generic and 'participation specific' community education programs will play a significant role in building positive relations with the community.

ATTACHMENTS

Attachment A	Public Participation Strategy 2005
Attachment B	Revised Public Participation Strategy 2006

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Hart, SECONDED Cr McLean that Council ADOPTS the revised Public Participation Strategy 2005 shown as Attachment B to Report CJ140-08/06.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that an additional Point 2 be added to the Motion as follows:

"2 AMENDS the Public Participation Strategy (Attachment B), page 3 of 14 by deleting the paragraph:

"Increasingly local government is expected to engage citizens in key public decision-making processes. A new, more collaborative style of decision-making is not only required but results in better decisions."

AND REPLACES IT WITH:

"The Local Government Act 1995, Section 1.3(2) states the intention of the Act is to result in better decision making by local governments, greater community participation in the decisions and affairs of local government and greater accountability of local governments to their communities. This Public Participation

Strategy details how, at the administrative level, the City of Joondalup will use a new, more collaborative style of decision making resulting in better decisions.

The Public Participation Strategy is part of Council Policy 1-2 Public Participation. The public's right to participate in the affairs of the City of Joondalup are also detailed in the Local Government Act and Regulations, and the City's Local Law, Standing Orders 2005".

The Amendment was Put and

LOST (6/7)

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

The Motion as Moved Cr Hart, Seconded Cr McLean was Put and

CARRIED (13/0)

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3a9n290806.pdf](#)

CJ141 - 08/06 APPOINTMENT OF DELEGATES TO THE POLICY COMMITTEE – [26176]

WARD: South

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To appoint South Ward members to the Policy Committee.

EXECUTIVE SUMMARY

A resignation has been received from Cr Richard Currie as member of the Policy Committee.

This report recommends that Council:

- 1 *ACCEPTS the resignation of Cr Richard Currie as South Ward member on the Policy Committee;*
- 2 *BY AN ABSOLUTE MAJORITY, APPOINTS the following South Ward delegates to the Policy Committee:*

*Cr R Fishwick as Member;
Cr R Currie as Deputy Member.*

BACKGROUND

At its meeting held on 24 May 2006, the Council appointed the following delegates to the Policy Committee:

	Members	Deputy Members
	Mayor T Pickard	-
North Ward	Cr K Hollywood	Cr T McLean
North-Central Ward	Cr S Magyar	Cr A Jacob
Central Ward	Cr J Park	Cr G Amphlett
South-West Ward	Cr M Evans	Cr M John
South-East Ward	Cr S Hart	Cr B Corr
South Ward	Cr R Currie	Cr R Fishwick

DETAILS

Cr Richard Currie has tendered his resignation as a member of the Policy Committee due to conflicting commitments with the meeting arrangements of the Policy Committee.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Policy Committee comprises of the Mayor and one Councillor from each Ward, with the fellow Ward Councillor appointed as deputy member. For consistency with the current structure of the Policy Committee, it is appropriate that Cr Fishwick be appointed as member and Cr Currie as deputy member.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Hart, SECONDED Cr Hollywood that Council:

- 1 ACCEPTS the resignation of Cr Richard Currie as South Ward member on the Policy Committee;**
- 2 APPOINTS the following South Ward delegates to the Policy Committee:**
Cr R Fishwick as Member;
Cr R Currie as Deputy Member.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

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

**CJ142 - 08/06 MINUTES OF AUDIT COMMITTEE MEETING HELD
ON 25 JULY 2006 – [50068]**

WARD: All

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

CJ060822_BRF.DOC:ITEM 6

PURPOSE

To submit the unconfirmed minutes of the Audit Committee to Council for information.

EXECUTIVE SUMMARY

A meeting of the Committee was held on 25 July 2006.

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

- 1 Audit of annual financial statements
- 2 Quarterly Report - Corporate Credit Card Usage
- 3 Quarterly Report - Corporate Credit Card Usage of the CEO
- 4 Half Yearly Report - Contract Extensions
- 5 Write off of monies
- 6 Audit Committee Charter

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Audit Committee meeting held on 25 July 2006, forming Attachment 1 to Report CJ142-08/06;*
- 2 *ADOPTS the amendment to Clause 4.6 of the Audit Charter to read as follows:*

“4.6 The City “may pay” a remuneration to each external person who is a member of the committee on the basis of an annual fee to be set as part of the budget process”;
- 3 AUTHORISES the Chief Executive Officer to invite applications for the position of external committee member in accordance with the adopted Audit Committee Charter and the Local Government Operational Guidelines Number 9.

BACKGROUND

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

DETAILS

Issues and options considered:

As detailed in the minutes of the meeting held on 25 July 2006.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

Local Government Amendment Act 2004

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

Local Government (Audit) Amendment Regulations 2005

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The unconfirmed minutes of the Audit Committee meeting held on 25 July 2006 are submitted to Council for information.

It is recommended that the Audit Charter be amended, as outlined in Attachment 2, to reflect the remuneration of external persons to the committee.

ATTACHMENTS

Attachment 1	Minutes of the Audit Committee meeting held on 25 July 2006.
Attachment 2	Audit Committee Charter, with proposed amendment.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the unconfirmed Minutes of the Audit Committee meeting held on 25 July 2006, forming Attachment 1 to Report CJ142-08/06;
- 2 ADOPTS the amendment to Clause 4.6 of the Audit Charter to read as follows:

"4.6 The City "may pay" a remuneration to each external person who is a member of the committee on the basis of an annual fee to be set as part of the budget process";
- 3 AUTHORISES the Chief Executive Officer to invite applications for the position of external committee member in accordance with the adopted Audit Committee Charter and the Local Government Operational Guidelines Number 9.

MOVED Cr McLean, SECONDED Cr Fishwick that:

- 1 **Council NOTES the unconfirmed Minutes of the Audit Committee meeting held on 25 July 2006, forming Attachment 1 to Report CJ142-08/06;**
- 2 **Council AMENDS the Audit Charter to read as follows:**

"4.6 The City "may pay" a remuneration to each external person who is a member of the committee on the basis of an annual fee to be set as part of the budget process";

add a new clause 4.7 to read as follows:

"4.7 That when appointing the external member to the Audit Committee as detailed within the Audit Charter, the Council may prefer to appoint a person who is enrolled to vote in the elections for the City of Joondalup in accordance with the provisions of the Local Government Act, 1995."

3 **Part 4 (Membership) of the Audit Charter be renumbered to reflect the changes as detailed in (2) above;**
- 4 **Council AUTHORISES the Chief Executive Officer to invite applications for the position of external committee member in accordance with the adopted Audit Committee Charter (as detailed in 2 above) and the Local Government Operational Guidelines Number 9.**

Discussion ensued.

AMENDMENT MOVED Cr Magyar, SECONDED Cr Hart that an additional Point 5 be added to the Motion as follows:

“5 Council REQUESTS the CEO to ensure that the minutes and agendas, and all the attachments to the minutes and agendas of the Audit Committee, and for all other Committees of Council are made publicly available on the City’s website at the Committee Minutes and Agendas page.”

Discussion ensued.

The Amendment was Put and

CARRIED (13/0)

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

The Original Motion as amended, being:

That:

1 Council NOTES the unconfirmed Minutes of the Audit Committee meeting held on 25 July 2006, forming Attachment 1 to Report CJ142-08/06;

2 Council AMENDS the Audit Charter to read as follows:

“4.6 The City “may pay” a remuneration to each external person who is a member of the committee on the basis of an annual fee to be set as part of the budget process”;

add a new clause 4.7 to read as follows:

“4.7 That when appointing the external member to the Audit Committee as detailed within the Audit Charter, the Council may prefer to appoint a person who is enrolled to vote in the elections for the City of Joondalup in accordance with the provisions of the Local Government Act, 1995.”

3 Part 4 (Membership) of the Audit Charter be renumbered to reflect the changes as detailed in (2) above;

4 Council AUTHORISES the Chief Executive Officer to invite applications for the position of external committee member in accordance with the adopted Audit Committee Charter (as detailed in 2 above) and the Local Government Operational Guidelines Number 9;

5 Council REQUESTS the CEO to ensure that the minutes and agendas, and all the attachments to the minutes and agendas of the Audit Committee, and for all other Committees of Council are made publicly available on the City’s website at the Committee Minutes and Agendas page.

was Put and

CARRIED (13/0)

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

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf220806.pdf](#)

CJ143 - 08/06 LIST OF PAYMENTS MADE DURING THE MONTH OF JULY 2006 – [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
DIRECTOR Corporate Services

CJ060822_BRF.DOC:ITEM 7

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of July 2006 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of July 2006, totalling \$7,531,414.08.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for July 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to Report CJ143-08/06, totalling \$7,531,414.08.

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 July 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 76031 – 76350 EFT 6981 - 7383 net of cancelled payments	\$5,525,738.99
	Vouchers – 176A, 178A- 179A, 180A ,182A & 185A	\$2,005,675.09
Trust Account		Nil
		\$7,531,414.08

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 Chief Executive Officer 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 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

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

COMMENT

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

ATTACHMENTS

Attachment A	Chief Executive Officer's Delegated Payment List for the month of July 2006
Attachment B	Municipal Fund Vouchers for the month of July 2006

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Fishwick that Council NOTES the Chief Executive Officer's list of accounts for July 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A and B to Report CJ143-08/06, totalling \$7,531,414.08.

The Motion was Put and

CARRIED (13/0)

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf220806.pdf](#)

CJ144 - 08/06 REVISED COMMUNITY EMERGENCY MANAGEMENT ARRANGEMENTS – [33514]

WARD: All

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

CJ060822_BRF.DOC:ITEM 8

PURPOSE

To seek endorsement of the City's Revised Community Emergency Management Arrangements, prepared in accordance with State Emergency Management Plan guidelines.

EXECUTIVE SUMMARY

The current Operational Emergency Management Plan has been reviewed in accordance with the State Emergency Management Plan Guidelines to reflect the current City of Joondalup Emergency Recovery details.

The title has been changed to reflect the current approach to involve the community in Emergency Management.

It is recommended that Council:

- 1 *ENDORSES the Community Emergency Management Arrangements as revised forming Attachment 1 to Report CJ144-08/06;*
- 2 *MAKES AVAILABLE on the City's website the Community Emergency Management Arrangements forming Attachment 1 to Report CJ144-08/06.*

BACKGROUND

Council adopted the existing City of Joondalup operational Emergency Management Plan at its ordinary meeting of November 2003, in accordance with the existing State Emergency Management Plan guidelines and policy statement No. 7.

Plans are to be reviewed bi annually in accordance with the plans and guidelines.

DETAILS

Issues and options considered:

The document attached (Community Emergency Management Arrangements) has been reviewed in accordance with the current State Emergency Management Plan guidelines to reflect the current City of Joondalup Emergency Management recovery details.

This plan replaces the Operational Emergency Management Plan previously adopted by Council in November 2003.

The title has been changed to reflect the current approach to involve the community in Emergency Management.

The revised Community Emergency Management Arrangements has 9 specific parts:

Part 1 Management

This section provides an overview of the area covered by the Management Guidelines, objectives of the Community Emergency Management Plan and a summary of existing plans the City has available, and outlines arrangements and agreements with other local authorities for assistance during community recovery.

Part 2 Planning

This section outlines the duties and responsibilities of the Emergency Management Committees:

Local Emergency Management Committee (L.E.M.C.)

District Emergency Management Committee (D.E.M.C.)

This describes the structure of the Committees and identifies responsibilities of the various agencies that are involved in an emergency incident.

Part 3 Response

This section outlines Local Government specific involvement and responsibility based on the following principles:

- An outline of the identified risks and hazards and the agency responsible for initial action;
- Evacuation principals and process to apply if required; and
- Population details and evacuation route map for transporting of mass numbers of people.

Part 4 Recovery Management Principles and Concepts

This section outlines Local Government Specific involvement and responsibility based on the following principles:

- (a) Recover from disaster is an enabling and supportive process which allows individuals, families and communities to attain a proper level of functioning through the provision of information, specialist services and resources.
- (b) Effective recovery requires the establishment of planning and management arrangements, which are accepted and understood by recovery agencies, combat agencies and the community.
- (c) Recovery Management arrangements are most effective when they recognise the complex, dynamic and protracted nature of recovery processes and the changing needs of affected individuals, families and groups within the community over times.
- (d) The management of disaster recovery is best approached from a community development perspective and is most effective when conducted at a local level with the active participation of the affected community and a maximum reliance on local capacities and expertise.
- (e) Recovery management is most effective when human service agencies play a major role in all levels of key decision making which may influence the well being and recovery of the affected community.
- (f) Recovery from disaster is best achieved where the recovery process begins from the moment of disaster impact.
- (g) Recovery planning and management arrangements are most effective when they are supported by training programs and exercises that ensures recovery agencies and personnel are properly prepared for their role.
- (h) Recovery from disaster is most effective where recovery management arrangements provide a comprehensive and integrated framework for managing all potential emergencies and disasters and where the assistance measures are provided in a timely, fair, equitable manner and are sufficiently flexible to respond to a diversity of community needs.

Part 5 Emergency Contacts Directory

This provides officers with a contact address, name and number for a variety of recovery items, e.g.

- Transport
- Emergency Coordination Centres
- City of Joondalup Emergency Evacuation Centres

Part 6 Testing, Exercising and Reviewing the Arrangements

The City of Wanneroo/City of Joondalup Local Emergency Management Committee coordinates annual review of exercise arrangements and results. Desktop exercises have been successfully undertaken by both cities.

Part 7 Support Plan

This encompasses the three main areas involved in recovery:

Operation Services Support Plan
Community Services Support Plan
Environment Health Support Plan

Part 8 City of Joondalup Emergency Assets Register

Itemised fleet and plant list.

Part 9 Emergency Risk Management

Recovery Management
AWARE Project Summary (All West Australians Reducing Emergencies)

Link to Strategic Plan:

Key to focus area 1.
Community Well-Being
To work with the community to enhance safety and security in a healthy environment.

Legislation – Statutory Provisions:

The revised Community Emergency Management Arrangements is in keeping with the requirements of the State Emergency Management Act 2005, and the provisions of the State Emergency Management Advisory Committee Policy Statement No. 7, Western Australian Emergency Management Arrangements.

Risk Management considerations:

The City has implemented the AWARE project in association with the City of Wanneroo.

Western Australia is a diverse state that presents a variety of hazards and risks that differ from one local government area to another. As per the Emergency Management Act 2005 - Section 36(a), it is a function of Local Government to ensure that effective local emergency management arrangements are prepared and maintained to deal with hazards and risks that their communities may face.

Financial/Budget Implications:

Within the 2006/07 budget provision has been made for employment of an Emergency Management Coordinator in conjunction with the City of Wanneroo (50/50 funding).

In the event of a significant emergency incident a “State Emergency Declaration” will enable the City to recover some costs associated with recovery of the community.

Policy Implications:

The City is required to adopt and maintain Community Emergency Management arrangements in accordance with the Emergency Management Act 2005.

Regional Significance:

Joint agreements exist between:

- 1 City of Wanneroo and City of Joondalup
Local Emergency Management Committee
District Emergency Management Committee
North West Metropolitan District
Local Emergency Management and District Emergency Committees
- 2 Metropolitan North and East Recovery Group for provision of mutual aid and for recovery during emergencies.

Agreement between 7 local authorities adopted by the Council at the Ordinary Meeting of 18 May 2004.

Sustainability Implications:

In the event of an emergency incident the sustainability implications will depend on incident type and overall impact to the community.

Consultation:

There is extensive consultation initially during development of the former Emergency Management Operational Plan, the AWARE program and the establishment of the Metropolitan North and East Recovery Group.

Recovery Plan and regular meetings of Local Emergency Management Committee and District Emergency Management Committee involving hazard agencies and other stakeholders.

COMMENT

There are a number of supplementary Emergency Management plans that are prepared for specific events and these are retained on the file within Operations Services. (See Attachment 2. Emergency Management Plant Inventory List).

ATTACHMENTS

Attachment 1 Revised Community Emergency Management Arrangements

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr John that Council:

- 1 **ENDORSES the Community Emergency Management Arrangements as revised forming Attachment 1 to Report CJ144-08/06;**

2 MAKES AVAILABLE on the City's website the Community Emergency Management Arrangements forming Attachment 1 to Report CJ144-08/06.

Cr Fishwick spoke in support of the Motion.

The Motion was Put and

CARRIED (13/0)

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

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf220806.pdf](#)

CJ145 - 08/06 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 26 JULY 2006 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Director Infrastructure Services

CJ060822_BRF.DOC:ITEM 9

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 26 July 2006 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee meeting held on 26 July 2006.

The Committee resolved the following recommendations:

- 1 That the Committee recommends that Ms Alice Stubber become a member of the Conservation Advisory Committee.
- 2 That the Conservation Advisory Committee advise Council that Council should request that the issues regarding the cost of undertaking the relevant assessments and the cost of providing and maintaining infrastructure should be addressed through relevant state planning policies and guidelines. In addition, the document should be cross-referenced to the Waters and Rivers Commission statement dated 6 June 2001.
- 3 That the Conservation Advisory Committee advise Council that it should request that it should make a further submission on the issues of bio-diversity and include green corridors between bushland reserves.

- 4 That the Conservation Advisory Committee advise Council that the cost of management and infrastructure, in regard to regional open spaces, should be examined further.
- 5 That the Conservation Advisory Committee request Ranger Services to fully utilise their powers under the Off-Road Vehicles Act 1978.
- 6 That Council investigate an integrated partnered approach between the W.A. Police Service and the City Ranger Services.
- 7 That the Conservation Advisory Committee request Council to review the City's Local Law penalty for off-road vehicles.
- 8 That the Conservation Advisory Committee request Council to create an awareness campaign regarding the unauthorised use of vehicles in Council reserves.
- 9 That Council refer the issue to WALGA for a coordinated statewide approach.

BACKGROUND

The Conservation Advisory Committee (CAC) is a Committee established by the Council to advise it on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The CAC meets on a monthly basis.

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

DETAILS

At the 26 July 2006 meeting of the CAC Ms A Stubber was nominated by members to become a member of the CAC. Ms Stubber currently chairs the Swan Catchment Council's Coastal and Marine Committee and is a former member of the City of Wanneroo's Conservation Advisory Committee.

Two reports were tabled for discussion, the first being a Council Planning Report CJ084-06/06 Draft Guideline for the Determination of Wetland Buffer Requirements and the second being the Western Australian Local Government Association Review of Current Public Open Space Policy and Practice.

The first report considered Council's response to the Guideline which seeks to assist planners, landowners, developers and architects to identify appropriate buffers between their developments and wetlands. This report had been referred to the CAC from Council for consideration.

The second report was the Western Australian Local Government Association Review of Current Public Open Space Policy and Practice. Committee members considered Council's response to the call from WALGA for submissions on a report it is preparing that will go the Western Australian Planning Commission.

The CAC recommended that the City should make a further submission to WALGA with more emphasis placed on bio-diversity issues especially in relation to green corridors (bushland linkages).

The unauthorised entry of motorcycles into Craigie Bushland and other bushland reserves and methods to solve the problem was also discussed.

Issues and options considered:

Link to Strategic Plan:

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

Strategies

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Environmental

Conservation Advisory Committee objective - "To make recommendations to Council for the Conservation of the City's natural biodiversity".

Social

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

Consultation:

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

COMMENT

The following comments are provided in regard to the Conservation Advisory Committee's recommendations:

- 1 That the Committee recommends that Ms Alice Stubber become a member of the Conservation Advisory Committee.**

Officers Comment

The Terms of Reference of the Conservation Advisory Committee make provision for individuals with specialist knowledge of the natural environment to become members of the committee following nomination and endorsement by Council. The nomination of Ms A Stubber is in accordance of the CAC Terms of Reference.

- 2 That the Conservation Advisory Committee advise Council that Council should request that the issues regarding the cost of undertaking the relevant assessments and the cost of providing and maintaining infrastructure should be addressed through relevant state planning policies and guidelines. In addition, the document should be cross-referenced to the Waters and Rivers Commission statement dated 6 June 2001. (Refers to Item 2 of the 26 July 2006 CAC Agenda draft Guidelines for the Determination of Wetland Buffer Requirements).**

The CAC members felt that the guidelines did not indicate who would be responsible for the cost of determining the extent of buffers surrounding wetlands and the further costs of maintaining these buffers. Members also thought that the Western Australian Planning Commission in its document did not prescribe the extent of the areas required to be wetland buffers, however, the Waters and Rivers Commission Statement of 6 June 2001 did give clear information on the extent of buffer widths.

These concerns should be referred to the Western Australian Planning Commission for consideration.

- 3 That the Conservation Advisory Committee advise Council that it should request that it should make a further submission on the issues of bio-diversity and include green corridors between bush-land reserves. (Refers to Item 2 of the 26 July 2006 CAC Agenda Western Australian Local Government Association Review of Current Public Open Space Policy and Practice).**

Committee members expressed the view that the WALGA Review did not consider the protection of bio-diversity within public open space. They also considered that green corridors (bushland linkages) should have been included within the document.

These matters should be referred to the Western Australian Local Government Association for consideration.

- 4 That the Conservation Advisory Committee advise Council that the cost of management and infrastructure, in regard to regional open spaces, should be examined further.** [Item 2 of the 26 July 2006 CAC Draft Guidelines for the determination of Wetland Buffer Requirements].

The Committee voiced a concern that coastal local government authorities were bearing all the burden for constructing as well as maintaining coastal reserves that were clearly a regional facility and utilised by large numbers of people who were not Joondalup residents. They expressed the view that although visitors from other locations were always welcome in Joondalup, State Government assistance to manage reserves that were clearly of regional amenity value would be welcomed.

This matter should be referred to the Western Australian Local Government Association for consideration.

- 5 That the Conservation Advisory Committee request Ranger Services to fully utilise their powers under the Off-Road Vehicles Act 1978.**

Committee members expressed the view that because of the growing incidence of motorbikes illegally accessing the City's bushland reserves, Ranger Services should deal with offenders both under the local law provisions as well as under the Off-Road Vehicles Act 1978.

In relation to trail bikes, the major issue is the problem of successfully apprehending offenders. This is due to the ability of these vehicles to quickly enter pedestrian pathways, thick bushland and other areas where ranger patrol vehicles are unable to access. Many of the motorbikes that enter bushland illegally do not have number plates or other means of identification. This makes it very difficult to accurately identify and apprehend the perpetrators.

Off-Road vehicle patrols undertaken by the Ranger Services Unit require significant resources and appropriate equipment to control any unauthorised access.

The City will continue to monitor off-road vehicle activity within the City's parks and reserves, as part of its ongoing enforcement program for off-road vehicles in accordance with the City's Parking Local Law and the Off-Road Vehicles Act.

- 6 That Council investigate an integrated partnered approach between the W.A. Police Service and the City's Ranger Services.**

The Committee suggested that to combat the use of unauthorised use of motor vehicles the City should utilise a range of strategies including public education, improved fencing and enforcement.

The City currently meets monthly with the Joondalup Police and City of Wanneroo representatives to discuss community safety and ranger issues. The issue of off-road vehicles will be raised at the next available meeting to highlight the Committee's concerns.

7 That the Conservation Advisory Committee request Council to review the City's Local Law penalty for off road vehicles.

Currently the penalty for the unauthorised use of motor vehicles within a reserve under the City's Parking Law 1998 is \$60. Committee members felt that this penalty does not act as a deterrent and should be reviewed and this matter will be considered as part of the review of local laws in 2007.

8 That the Conservation Advisory Committee requests Council to create an awareness campaign regarding the unauthorised use of vehicles in Council reserves.

Members felt that an awareness campaign using the media should be commenced to bring the issue of the unauthorised use of vehicles in the City's reserves to the public's attention. The City's Marketing Section could advise on options in this area.

9 That Council refer the issue to WALGA for a coordinated statewide approach.

It was suggested that the unauthorised use of motor vehicles within public reserves would be a statewide issue and the City should start dialogue with WALGA to look at solutions. Accordingly, this matter should be referred to that organisation for its consideration.

ATTACHMENTS

Attachment 1 Minutes of 26 July 2006 meeting of the Conservation Advisory Committee.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr Magyar, SECONDED Cr Park that Council:

- 1 NOTES the minutes of the Conservation Advisory Committee meeting held on 26 July 2006 forming Attachment 1 to Report CJ145-08/06;**
- 2 APPOINTS Ms Alice Stubber as a member of the Conservation Advisory Committee;**
- 3 AGREES to refer the Conservation Advisory Committee's comments on wetland buffers to the Western Australian Planning Commission for consideration;**
- 4 AGREES to refer the Conservation Advisory Committee's comments in relation to bio-diversity and inclusion of green corridors to the Western Australian Local Government Association for consideration;**
- 5 NOTES the Conservation Advisory Committee's request that the City fully utilise its powers under the Off-Road Vehicles Act 1978, SUPPORTS the position that offenders caught by the City will be fully prosecuted, and NOTES that the City is currently undertaking further discussion with neighbouring owners to improve perimeter fencing and prevent access.**

- 6 **NOTES** the Conservation Advisory Committee's request for the City to investigate an integrated partnered approach between the WA Police Service and the City in relation to off-road vehicle use in Council's parks and reserves, and **SUPPORTS** the City's response which has been to list this matter for the next liaison meeting with the Police and City of Wanneroo;
- 7 **NOTES** that the City's Local Laws are regularly reviewed and **AGREES** to the Conservation Advisory Committee's request that consideration be given to the level of penalties for off road vehicles when the next review of this local law occurs in 2007;
- 8 **AGREES** to the Conservation Advisory Committee's request for Council to create an awareness campaign regarding the unauthorised use of vehicles in Council reserves;
- 9 **AGREES** to write to the Western Australian Local Government Association seeking further consideration of the unauthorised use of vehicles in public reserves.

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

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

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf220806.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Ian Cowie – Director Governance and Strategy
Item No/Subject	CJ146-08/06 - Proposed Precinct Upgrade Hillarys Boat Harbour - Swan Location 13455, 86 Southside Drive, Hillarys
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Cowie was a member of the Statutory Planning Committee of the Western Australian Planning Commission when it considered the Wyllie Group proposal for Hillarys Boat Harbour.

CJ146 - 08/06 PROPOSED PRECINCT UPGRADE HILLARYS BOAT HARBOUR - SWAN LOCATION 13455, 86 SOUTHSIDE DRIVE, HILLARYS – [01081]

WARD: South-West

RESPONSIBLE A/DIRECTOR: Mr Chris Terelinck
Planning and Community Development (Acting)

CJ060822_BRF.DOC:ITEM 10

PURPOSE

The purpose of this report is to enable Council to provide comments to the Western Australian Planning Commission (WAPC) in regard to an application for the upgrade of existing facilities within the eastern, northern and southern precincts of Hillarys Boat Harbour (HBH).

EXECUTIVE SUMMARY

An application has been received for a \$5.8 million refurbishment and upgrade of public facilities, access and landscaping within the eastern, northern and southern precinct of HBH.

This precinct upgrade is part of a \$9 million “Hillarys Boat Harbour – Enhancement Program (HBH Enhancement Program)”, which forms a four year major capital works program managed by the Department for Planning and Infrastructure (DPI).

The works that form part of this application are considered to be in accordance with the recommendations of the Hillarys Boat Harbour Structure Plan (HBHSP) and Implementation Strategy (November 2004).

The proposed upgrade of existing facilities within HBH and provision of additional infrastructure for the benefit of the public and users of the harbour is encouraged. It is considered that the works proposed as part of this application will improve the usability and functioning of the harbour, ensuring that the harbour remains one of Perth’s premier recreational and tourist facilities.

The WAPC is the determining authority for this application, and it is recommended that the application be supported subject to appropriate conditions.

BACKGROUND

Suburb/Location:	Crown Land, Swan Location 13455, 86 Southside Drive, Hillarys
Applicant:	Department for Planning and Infrastructure
Owner:	Department of Land Information – Crown Land
Zoning:	DPS: Parks & Recreation
	MRS: Parks & Recreation
Structure Plan:	Hillarys Boat Harbour Structure Plan (HBHSP) and Implementation Strategy (November 2004) (Prepared and implemented by the DPI)

Attachment 1 contains an aerial photograph and location plan of the HBH.

The DPI has previously sought the City's comment for other developments forming part of the HBH Enhancement Program. Comment has subsequently been forwarded to the WAPC, under delegated authority, for the following proposals:

- 1 Additions to the Western Breakwater (completed);
- 2 Improvements to the southern car park (completed);
- 3 Replacement of existing jetty (E-jetty) close to Harbour's boat entrance;
- 4 Northern Precinct upgrade (completed);
- 5 Beach (bunker) toilets upgrade (estimated completion winter/ spring 2006);
- 6 Pen holders ablutions, northern section (estimated completion winter/ spring 2006);
- 7 Boat ramp toilets (estimated completion winter/ spring 2006).

DETAILS

The DPI is managing a four-year major capital works program, known as the HBH Enhancement Program, which is aimed at improving current facilities at HBH and providing new improved services and amenities.

According to the DPI, HBH has deficiencies in many areas. These include a lack of shaded areas, formal seating areas, BBQ facilities, access for pedestrians and emergency vehicles, lighting, precinct definition, wind protection and general aesthetics.

The concept plan for the precinct upgrade has been developed by Blackwells & Associates, on behalf on the DPI, and is intended to upgrade public areas across the harbour (ie non-lease areas), with particular reference to the inner zone. The applicant has stated that the precinct upgrade project has been developed in connection with the recommendations in the HBHSP and Implementation Strategy.

The precinct upgrade aims to improve certain areas of the eastern, northern and southern precincts of HBH (See Attachment 2 – upgrade plans and Attachment 3 – precinct plan). These upgrades include:

- Hard landscaping including the replacement of old paving, new street furniture and shade shelters, barbeques, new paths and retaining walls;
- Soft landscaping to include new trees and gardens;
- Improved access to the internal harbour beaches and facilities;
- Provision of boardwalks to key areas providing greater paving widths and closer interface with the pedestrian and the water's edge;

- Provision of stepped lawn terraces to the main lawn of the southern picnic area. This flows into stepped lawn terraces to the boardwalks and beach where access is currently precluded by the significant drop off a limestone wall;
- Improved access for disabled across the harbour;
- Upgraded access from the bus stop on West Coast Drive;
- Improvements to harbour lighting;
- BBQ and picnic shelters/facilities;
- Improvements to pedestrian and cycle access across the harbour;
- Public artwork;
- Foundation and services for the previously approved Rotary Wishing Well;
- Replace the existing stage with a large shade structure associated with the ramped harbour boardwalks and lawn terraces;
- Potential location for future community purpose building to the eastern entrance, kiosk café and floating pontoon in the northern beach area (not part of this application).

The DPI has stated that the proposal has identified all the issues relating to a Disability Access audit of the site prepared by the Independent Living Centre of Western Australia in 2001. These improvements include:

- Changes in the levels of the land; addition of 1 in 20 ramps for ease of wheelchairs;
- Enabling of wheelchair access along the boardwalks;
- Extending of the widths of paths;
- Enhanced access to grassed areas and amphitheatres;
- Enhanced access to picnic and BBQ areas.

The applicant has stated that all proposed boardwalks are accessible by wheelchairs, as identified by the Public Access 3 recommendation of the HBHSP.

It has been identified that the landscape architects, commissioned by the DPI, have been conscious of not making the universal access facilities appear any different from the balance of the works. This is to fully integrate such elements such as the access ramps, which also form major seating/meeting areas.

The timing of all works is to be staged, with most works being conducted over the winter months, being the quieter period for the harbour. It is proposed that the initial works will include the northern picnic area and main entry promenade.

The applicant concludes that, *“the Enhancement Program seeks to address a number of key issues within the harbour, ensuring that it continues to be one of the northern suburb’s premier recreational and boating facilities, a place of work for many and a popular place to visit for the local community and tourists alike.”*

Issues and options considered:

Council has the discretion to recommend to the WAPC:

- support of the application without conditions;
- support of the application with conditions; or
- not support the application.

Link to Strategic Plan:

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

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

Legislation – Statutory Provisions:

The subject land is zoned "Parks & Recreation" under the Metropolitan Region Scheme (MRS) requiring the proposal to be referred to the Western Australian Planning Commission (WAPC) for its determination. Subsequently, Council does not give approval for the proposed development. Council's role is to provide comment to the WAPC, prior to its determination.

When considering an application for Planning Approval, the following clause of District Planning Scheme No 2 is relevant to this application:

6.8 Matters to be considered by Council:**6.8.1 The Council when considering an application for Planning Approval shall have due regard to the following:**

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;
- (b) any relevant submissions by the applicant;
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;
- (e) any other matter which under the provisions of the Scheme, the Council is required to have due regard;
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;
- (i) the comments or wishes of any objectors to or supporters of the application;
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and
- (k) any other matter which in the opinion of the Council is relevant.

The HBHSP and Implementation Strategy (November 2004) is a framework to guide the development within HBH for the next ten years. The HBHSP is a document which has been created by the DPI (not the City of Joondalup). The structure plan contains a series of recommendations relating to various functions of the harbour and the implementation strategy provides guidance as to how these recommendation should be fulfilled.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

It is considered that the proposal will result in a more vibrant and interactive environment, which is accessible to all persons, enhancing the operation and functioning of HBH.

Consultation:

The DPI has advised the City that it has conducted its own public consultation for the proposed works. This included workshops with various stakeholders such as local residents, Hillarys Boat Harbour Lease Holders, penholder representatives, Sorrento Sea Search and Rescue, Hillarys Yacht Club, Canoeing WA and the licensee of Hillarys Boat Harbour Fun Park.

The first workshop was held by the DPI in June 2005 in which various strengths and weaknesses of the HBH site were discussed. From this feedback Blackwells & Associates developed a concept plan.

On 15 February 2006 a follow up workshop was held with stakeholders, in which the DPI explained that the concept plan was met with a positive reaction from stakeholders.

The DPI has stated that it has had several individual meetings with key leaseholders of Hillarys Boat Harbour at various stages during the development of the concept plan to obtain their views on the plan.

The DPI has maintained contact with the Wyllie Group with regard to their proposed development, which includes a boardwalk towards the northern access landscape works.

The precinct upgrade masterplan, the subject of this application, was advertised by the DPI for a period of 21 days, inviting public comment (11 May 2006 to 1 June 2006). This advertising was conducted as follows:

- Advertisement in local papers;
- Display at Hillarys Boat Harbour and Joondalup Public Library;
- Information available on website.

At the completion of advertising, the DPI advised that eight submissions were received by email, telephone or by personal contact. DPI's summary of the submissions is as follows:

Submission	DPI's Comments
Email: Submission providing a total alternative concept plan.	The proposal promotes an extensive additional retail and café area in the northern recreational/public area of the harbour, which is contrary to the Hillarys Boat Harbour Structure Plan and Implementation Strategy (November 2004).
Email: Business proposal provided for car parking signage.	An advertising proposal. Not a proper submission.
Email: Boardwalk outside Jetty's restaurant blocking access to larger vessels near cafés through bridge link.	This is related to Wyllie Group's development and not this precinct upgrade.
Email & Phone Call: Issues concerning consultation process, water quality and tourism vs aquatic use of harbour. Concerns raised over the Wyllie Group development proposal.	Submission contained mostly factual inaccuracies, phone call was mainly concerned with the Wyllie Group development proposal.
Email: Good that it will be more family friendly. Concern over the southern shared use path/coastal boardwalk through car park and need to cross car parking area twice to get from Sorrento Beach to HBH.	Not directly related to the precinct upgrade.
Phone Call: Importance of wheelchair access at harbour and would like a clock near the beach.	Universal access is a high priority for this proposal. The clock can be considered in detailed design at later stages.
Email: It is important to have universal access. Request for disability access consultant to advise on project.	Disability Access Consultant has advised on design and has been involved in project from the beginning.
Personal Contact: Landscaping and other maintenance suggestions to improve areas provided.	Some practical suggestions on detailed design to decrease maintenance concerns, once constructed. Suggestions to be incorporated into detailed design, with other suggestions to be considered in design at later stages.

COMMENT

The HBH Enhancement Program will see an upgrade and enhancement of existing facilities within the eastern precinct and parts of the northern and southern precincts of HBH (see Attachment 3 – Precinct Plan).

It is considered that the provision of new boardwalks to key areas and providing greater paving widths and closer interface with the pedestrians and the water's edge will ensure that adequate areas continue to be set aside for pedestrian access. This will enhance the link between Sorrento Quay and the eastern beach precinct and improve access to both the northern and southern beaches.

The provision of stepped lawn terraces to the southern picnic area, which flows into stepped lawn terraces to the boardwalks and beach area is considered to provide a clear setting and more identifiable access point to the beach and picnic areas. The existing access to the beach area is precluded by a significant drop off limestone wall.

The addition of shaded areas with the inclusion of shade structures and increased tree planting is supported. This is considered to provide improved shelter for the public from the prevailing weather conditions.

The proposed addition of new BBQ facilities (accessible to disabled persons) is encouraged as it is seen as a benefit for the public, enhancing recreational facilities within the area.

The DPI is proposing to improve lighting throughout the harbour although specific details of the lighting have not been provided. However, the DPI has stated that improvement to the lighting is proposed for reasons of personal safety and confidence in using the site and to improve night-time aesthetics. These improved measures for public safety are encouraged.

The DPI is proposing that the main entrance to the eastern precinct site is to be through what is currently an underused public eating area that appears to be private and associated with the existing “fish and chip” outlet. This area adjoins a future proposed community purpose building (not part of this application). It is considered that this will assist in identifying this area as a main entry point to the beach and will be an improvement to the underutilised public seating area.

The inclusion of a 4.0 metre wide ramp for tractor and emergency vehicles access to the eastern precinct is considered to improve the effectiveness of emergency vehicles accessing the site as well as allowing for maintenance of the beach area.

Future development

The plans submitted by the applicant illustrate a possible future community purpose building to the entry of the southern car park adjacent to the “Great Escape” fun park. This building is proposed to house first aid, harbour information and possibly police or security agencies in a high profile location. The applicant has stated that this will be part of a future development application once funding is available, although it is illustrating now to demonstrate how the DPI foresees the future functioning of the harbour.

Additionally a future kiosk and floating pontoon is proposed within the northern precinct. The DPI has also explained that these have been provided as an example of possible future development. This would need to be part of a future development application, once funding is available.

It is also noted that the boardwalk linking Sorrento Quay with the northern beach precinct is not part of this development application.

Conclusion

Overall the precinct upgrade proposal is considered to meet the Strategic Development Statement of part Clause 2.4.3 of the HBHSP, which is to, “*Enhance public recreation uses in the eastern land use precinct and improve pedestrian circulation around the harbour edge.*”

The improved access for disabled persons, the upgrade of the beach areas, pathway networks, lighting and the provision of new facilities such as furniture, shade shelters and BBQ areas is considered to be a positive improvement. It is considered that the proposed works will be of benefit to the greater community enhancing safety, usability and access.

It is considered that the continuous upgrading and improvement of HBH will help preserve its function as a premier recreational and tourist facility meeting the needs of the community. Consequently it is recommended that the WAPC be advised that Council supports the application.

ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Upgrade Development Plans
Attachment 3	Precinct Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cr John, SECONDED Cr Evans that Council ADVISES the Western Australian Planning Commission that the application for the Precinct Upgrade and Community Purpose building at Hillarys Boat Harbour, 86 Southside Drive, Hillarys is SUPPORTED with the following advice:

- 1 The proposed additions are required to comply with the requirements of the Building Code of Australia 2006;**
- 2 The community purpose building, kiosk and floating pontoon to the eastern and northern precinct have not been considered as part of this application.**

Information is to be provided to Elected Members in relation to the following:

- Type of barbeques to be installed as part of the upgrade;
- Results of last six months' water quality testing undertaken by Department of Planning and Infrastructure

The Motion was Put and

CARRIED (13/0)

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

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf220806.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cr Albert Jacob
Item No/Subject	CJ147-08/06 – Proposed Use Not Listed – Outbuilding for Storage of Household Items on Vacant Strata Lot – Lot 2 (21) Congressional Crescent, Connolly
Nature of interest	Interest that may affect impartiality
Extent of Interest	The applicants are Cr Jacob's parents

CJ147 - 08/06 PROPOSED USE NOT LISTED – OUTBUILDING FOR STORAGE OF HOUSEHOLD ITEMS ON VACANT STRATA LOT - LOT 2 (21) CONGRESSIONAL CRESCENT, CONNOLLY – [62568]

WARD: North

RESPONSIBLE A/DIRECTOR: Mr Chris Terelinck
Planning and Community Development (Acting)

CJ060822_BRF.DOC:ITEM 11

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for a "use not listed", being a shed, intended for the storage of household items and garden equipment, located on a vacant strata lot.

EXECUTIVE SUMMARY

The proposed development is for a colour bond shed/garage on a rear vacant strata lot. The outbuilding is proposed for the storage of general household items and garden equipment associated with the front strata Lot 1.

As the proposed structure is not associated with a dwelling or the same lot, the Council is requested to exercise its discretion for a "use not listed" for its development on a vacant strata lot. Although the application is relatively simple in nature, the current Delegation Notice to officers does not allow the determination of a land use not listed in the DPS.

The proposal will not give rise to any adverse impact on the amenity of surrounding landowners due to its size, location on the land, or in regard to its usage. It is considered that this type of development, which would normally be expected within a residential area, is consistent with the objective of the residential zone and is subsequently recommended for approval.

BACKGROUND

Suburb/Location: 21 Congressional Crescent, CONNOLLY
Applicant: Outdoorworld
Owner: M & J Jacob
Zoning: **DPS:** Residential R20
MRS: Urban
Site Area: 547m²
Structure Plan: N/A

DETAILS

The applicant is proposing to construct a new 6.08m x 6.08m outbuilding (approximately 37m² in area) on a rear vacant strata lot for the purposes of storing household items and garden equipment associated with the front strata lot (Attachments 1 and 2 refer). The applicant owns both strata lots and resides on the front lot.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

There is considered to be no direct link to the strategic plan.

Legislation – Statutory Provisions:

The development is subject to the provisions of the City's District Planning Scheme No 2 (DPS 2). A "use not listed" is classified as an "A" use under DPS 2, which requires Council to exercise its discretion to approve or refuse an application, having regard to the provision of Clauses 3.3 and 6.8, as follows:

3.3 *Unlisted Uses*

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

6.8 *Matters to be considered by Council*

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*

- (e) *any other matter which under the provisions of the Scheme, the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The application was not advertised as the outbuilding was not considered to have any adverse impacts on the adjoining landowners being a development which is similar in nature to that which would normally be expected within a Residential zone. The type of structure in itself would normally not require the consent or involvement of neighbours in the majority of cases (unless the proposal was of a height and bulk that was in excess of the acceptable standards prescribed in the R Codes. In this case the application conforms to those standards).

COMMENT

The applicant has advised that the owners, who own both the front and rear strata lots, are proposing to construct a new outbuilding on the rear vacant strata lot for the purposes of storing household items and garden equipment associated with the front strata Lot 1. The front strata Lot 1, has an existing dwelling on the property.

An outbuilding, as defined within the Residential Design Codes 2002 (R-Codes) is, “*an enclosed non-habitable structure that is required to meet the standards of the Building Code of Australia and detached from any dwelling.*”

As the proposed outbuilding is not associated with a dwelling, being located on a vacant strata lot, the proposal needs to be assessed as a “use not listed”.

It is considered that the construction of an outbuilding on the vacant strata lot will not have any detrimental impacts on the surrounding landowners. The outbuilding complies with the standard setback, height and area requirements of the R-Codes. The use of the outbuilding for the storage of household items and garden equipment is not considered to have any detrimental impacts on the surrounding landowners.

It should also be noted that the plans lodged cover a range of standard details of various heights of the shed. For the avoidance of any doubt, a proposed condition of approval has been added to ensure that the proposal complies with the acceptable development standards of the Residential Design Codes.

It is considered that this type of development, which would normally be expected within a residential area, is consistent with the objective of the residential zone and is subsequently recommended for approval.

ATTACHMENTS

Attachment 1 Location Plans
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council:

- 1 EXERCISES discretion under clause 3.3 and 6.8 of District Planning Scheme No 2 and determines that:**
 - (a) the “use not listed” outbuilding is consistent with the objectives and purposes of the residential zone;**

- 2 APPROVES the application dated 17 May 2006, submitted by Outdoorworld, on behalf of the owner Marc & Julia Jacob, for a “use not listed” outbuilding at Lot 2 (21) Congressional Crescent, Connolly, subject to the maximum wall height of the shed not exceeding 2.4m and the roof ridge line not exceeding 4.2m, above natural ground level.**

Discussion ensued.

The Motion was Put and

CARRIED (13/0)

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

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf220806.pdf](#)

CJ148 - 08/06 CHANGE OF USE FROM SINGLE HOUSE TO RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION): LOT 102 (17) FOSTON DRIVE, DUNCRAIG – [20415]

WARD: South

RESPONSIBLE A/DIRECTOR: Mr Chris Terelinck
Planning and Community Development (Acting)

CJ060822_BRF.DOC:ITEM 12

PURPOSE

The purpose of this report is to request Council's determination of an application for Planning Approval for a change of use from a Single House to a Residential Building (Short Stay Accommodation) at Lot 102 (17) Foston Drive, Duncraig.

EXECUTIVE SUMMARY

An application has been received to change the land use of Lot 102 (17) Foston Drive, Duncraig, from Single House to Residential Building, for the purposes of Short Stay Accommodation.

The proposal was advertised for a period of 21 days. Five objections were received including a petition signed by 10 residents. The objections mainly related to potential noise, increased traffic & parking, anti-social behaviour and location of the proposal.

The proposed use is considered to be inconsistent with the objectives of the Residential Zone, and on this basis, it is recommended that the application be refused

BACKGROUND

Suburb/Location: Lot 102 (17) Foston Drive Duncraig
Applicant: Karen Hope
Owner: Karen Hope
Zoning: **DPS:** Residential
MRS: Urban
Site Area: 771 m²
Structure Plan: Not applicable

The subject property is zoned "Residential" with a density code of R20 being located on the northern side of Foston Drive, between Glengarry Drive and Doveridge Drive.

The existing building, approved as a single house in 1983, has four bedrooms, a games room, family/meals/kitchen, lounge/dining and a carport. There is a swimming pool and a garage/outbuilding at the rear of the property.

In April 2006 the City received a complaint alleging that the dwelling at 17 Foston Drive, Duncraig was being used as short stay accommodation without having Council approval. The allegation was confirmed following investigation by the City. The owner of the property was subsequently requested to submit a planning application for the unauthorised short stay accommodation.

DETAILS

The applicant has submitted details supporting the proposed use, as follows:

- 1 *This proposal aims to offer exclusive use of the whole property, fully furnished and equipped as short stay accommodation, specifically designed to appeal to families. It has four double bedrooms;*
- 2 *The maximum number of permitted visitors will be eight per booking. If a family/group consists of less than eight people, they will still have exclusive use of the property. A typical family group may be made up of parents, children and grandparents. There will be no “unrelated” visitors sharing the accommodation, as only one booking will be in place at any one time;*
- 3 *There will only be visitors’ vehicles at the property as there are no additional residents. It is anticipated that there could be one or maybe two vehicles on site when the property is occupied. There is garaging for two cars in the enclosed, remote-controlled carport with plenty of further off-street parking on both the double-width front driveway and beyond the carport at the rear;*
- 4 *Stays will be for a minimum of 7 days and a maximum of 60 days;*
- 5 *No additional impact on amenities or traffic volume in the locality is expected and no additions, changes or modifications to the property are necessary. This accommodation is intended for new migrant families or families on holiday requiring a fully furnished and equipped property (i.e self catering) for anywhere between 7 and 60 days where the time frame limits the viability of a traditional, residential lease. The property is ideally suited to family use (having designed, built and used as such) and is therefore compatible with the adjoining area. It is highly likely that there will consistently be fewer vehicles at this property than several houses in the immediate vicinity;*
- 6 *The property is situated 200 metres from a bus stop on Glengarry Drive, which is west of the freeway between Hepburn Avenue and Warwick Road, and is less than ten-minute walk from Greenwood Train Station. Access to the Mitchell Freeway via Hepburn Avenue is approximately 1 km distant;*
- 7 *The short stay accommodation will be managed and operated by myself, bookings taken and confirmed in advance using the Internet and/or telephone. The property will be advertised on websites dedicated to short stay accommodation. I have attached printouts, showing how property is presented on these websites for your information. (Please note, however, that these printouts do not indicate that the property is not currently available, whereas the live website does.) The person making the booking must first agree to the Standard Terms & Conditions (included with the letter for your information) which clearly state:*

- *The maximum number of permitted visitors*
- *That parties and functions are not allowed*
- *That any disturbance caused to neighbours including (but not limited to) noise may result in the termination of their stay and the loss of their bond.*

8 *When I proposed to use the property for short stay accommodation I visited my neighbours as a matter of courtesy and gave them my contact details should they have any concerns. (I was unaware at that time that Council Approval was required). I intend to give all adjoining neighbours my home and mobile telephone numbers again in case of disturbance. If a complaint is received, it will be investigated promptly and the visitors warned. A second complaint will result in immediate termination of stay. A local pool company will maintain the swimming pool as necessary in addition to the automated chemical system already in place, and a gardening contractor will maintain the lawns. General maintenance of the accommodation will be completed each time the property is vacant. Security (and safety) is provided for visitors by the following means:*

- *A remote –controlled garage door.*
- *Deadlocks to the external doors and a keyhole viewer and security fly screen to the front door.*
- *Window locks to all living areas.*
- *Fixed security screens to all bedroom windows.*
- *Fixed security screens to the laundry and both bathroom windows.*
- *A monitored alarm system with a new code issued for each booking.*
- *Two safes for which the visitors set their own combinations.*
- *Good external lighting and a doorbell*
- *Fully compliant swimming pool fencing*
- *Smoke detectors in both bedroom hall ways*
- *A fixed line telephone giving access to emergency services and free local calls.*

9 *There are no building additions or vehicle modifications necessary.*

10 *The entire property is proposed as short stay accommodation.*

The applicant has responded with further justification, which is enclosed as Attachment 3, following objections raised by nearby residents during the public advertising period.

Consultation:

The proposal was advertised for public comment for a period of 21-days, from 21 June 2006 to 12 July 2006. A sign was placed on site and an advertisement was placed in the newspaper, which invited public comment. At the conclusion of advertising, five submissions of objection had been received, including a signed petition (10-signatures). The various issues raised during the advertising period are outlined below:

- Parking & Traffic concerns;
- Devaluation of adjoining properties;
- Short stay accommodation use of building
- Possible noise & antisocial behaviour;
- Creating a precedent;
- Location of the proposal;
- Use of a website for advertising purposes.

Policy Implications:

Not Applicable.

Risk Management considerations:

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

Legislation – Statutory Provisions:

The relevant provisions of District Planning Scheme No 2 (DPS2) that control development within this zone and are applicable to the application for planning approval include:

3.4 The Residential Zone

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

Residential development is provided for at a range of densities with a variety of housing to meet the needs of different household types. This is done through application of the Residential Planning Codes (R Codes), and the allocation of a residential density code to an area of land.

Cultural and recreational development may be located where the Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.

The objectives of the Residential Zone are to:

- maintain the predominantly single residential character and amenity of established residential areas;*
- provide the opportunity for grouped and multiple dwellings in selected locations so that there is a choice in the type of housing available within the City; and*
- provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

A Residential Building is a Discretionary or "D" use in a Residential zone. A "D" use means:

A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2.

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of Clause 6.8, which is shown below:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent;*
- (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;*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

Link to Strategic Plan:

The proposal is linked to the following objective and strategy in the City's Strategic Plan 2003 – 2008:

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

Objective 3.3 To continue to meet changing demographic needs by providing residential living choices.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

COMMENT**Response to objections**Parking & Traffic

Concerns were raised in regard to the shortage of parking spaces on the site and the traffic impact on Foston Drive.

Comment:

The parking requirement for a "Residential Building" under Table 2 of DPS2 is for "1 bay per 2 persons".

The applicant has advised that there may be up to eight visitors, all of whom will be related, with only one booking at any one time. However, this mode of operation may vary if a change in circumstances occurs, such as a change in the ownership of the site. Approval for this land use applies to the land, and not the applicant of the proposal. That is, once the business commences, the business could be operated by any future owner of the land. Unless special conditions are imposed which are enforceable, then up to eight independent people could occupy the building.

The proposed use would require a minimum of four on-site car bays as set out in Table 2 of the DPS2.

As depicted on the development plans there is sufficient parking space, including the garage at the rear and the driveway and carport at the front, to satisfy this parking requirement.

Devaluation of adjoining properties

No evidence was submitted in support of this objection.

Use of building

Concerns were raised that although the accommodation is for overseas visitors/travellers the building could also be used for other uses such as safe houses, prison release rehabilitation and drug rehabilitation.

Comment:

If this application is supported it should be approved for short stay accommodation for visitors/travellers only, and not be allowed for building for any other short stay accommodation use.

Noise & Antisocial Behaviour

Several objections suggest that as the occupiers of the short stay accommodation will be transient, there is an increased risk for security, theft, noise disturbance and anti-social behaviour.

Comment:

The concerns of the adjoining residents are noted, however, the users of the short stay accommodation will have to abide normal laws, which govern any residential premise.

Create a precedent

There has been concern that the short stay accommodation will create a precedent, where approval of this proposal could be seen as encouraging other landowners to consider other business opportunities in the area.

Comment:

Although this concern is noted, each application is assessed on its own individual planning merits having regard to possible impacts of the proposal on the surrounding area.

Location of the proposal

There have been concerns raised about the suitability of the proposal within the residential area.

Investigation of the surrounding area has revealed that the prevailing land use is residential. The predominant density coding is R20, which is considered to be a "low density coding" under the Residential Design Codes. The nearest commercial centre is located approximately 1 km away (Glengarry Neighbourhood Shopping Centre) with the Glengarry Primary School approximately 500 metres away.

The use of a property for the purposes of short stay accommodation is considered to be a purely commercial undertaking. Unlike a bed and breakfast, where the owners of the property reside in the dwelling, this dwelling is vacant unless it is being used for short stay accommodation purposes.

Comment:

It is considered that the use of the site for commercial purposes is out of character with the area and is not an activity that would normally be expected within the Residential Zone, especially within a low-density area. A use of this kind is considered to be more appropriate in close proximity to other commercial land uses or within a Commercial Zone.

Use of a website

The issue of advertising the short stay accommodation on the Internet has raised doubts about the potential client base.

Comment:

This issue is noted, however, the method of advertising the short stay accommodation is not a planning consideration.

Residential Building

DPS2 gives the same meaning to a Residential Building as the definition contained within the RDC. The RDC defines a Residential Building as:

A building or portion of a building, together with rooms and outbuildings separate from such buildings but incidental thereto; such building being used or intended, adapted or designed to be used for the purpose of human habitation:

- *Temporarily by two or more persons; or*
- *Permanently by seven or more persons,*

Who do not comprise a single family, but does not include a hospital or sanatorium, a prison, a hotel, a motel, or a residential school.

Short Stay Accommodation is a use class that is not defined in DPS2. As the building will be used for temporary accommodation, the proposal is considered as a Residential Building. Neither the DPS2 nor the RDC provide specific development requirements for a Residential Building.

Design

There are proposed to be no changes to the design and appearance of the existing dwelling or property.

Land Use

One of the objectives of the Residential Zone, as outlined in Clause 3.4 of DPS2, is that it is “*intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.*” The Zone is also to provide for certain cultural and recreational development to occur where Council considers the same to be appropriate in residential neighbourhoods.

A Residential Building is a “D” (Discretionary) use within a residential zone. A “D” use means that the proposed use is not permitted, unless Council exercises its discretion. Council is required to exercise its discretion as to the approval or refusal of an application having regard to the merits of the proposal and the matters to be considered as set out in the DPS2 and other relevant documents.

It is considered that the location of the proposed Residential Building, adjacent to low-density single residential properties, is out of character with the predominant use of the area. The commercial use for short stay accommodation is considered to be more appropriate within close proximity to non-residential uses.

Conclusion

The proposed short stay accommodation is considered to be a commercial undertaking proposed within a low-density residential area (R20). Having regard to clause 3.4 of DPS2, the use of the site for commercial purposes is out of character with the area and is not a use that would normally be expected within the Residential Zone.

A commercial activity of this nature needs to be located carefully, having regard to the predominant use of the area and clause 6.8 of DPS2. Subsequently, a use of this kind is considered to be more appropriate in close proximity to other commercial land uses or within a Commercial Zone.

It is concluded that the proposed development is not consistent with the objectives for the residential zone and will adversely impact on the surrounding locality due to the location of the proposed commercial land-use in close proximity to single houses within a low-density residential area.

Having regard to the:

- details of the application;
- justification submitted by the applicant;
- the submissions received during the consultation process;
- provisions of the District Planning Scheme No.2;

it is recommended that the application for planning approval be refused.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plans
Attachment 3	Applicant’s response to objections

VOTING REQUIREMENTS

Simple Majority

OFFICER’S RECOMMENDATION: That Council:

- 1 REFUSES the application for planning approval for the proposed Residential Building (Short Stay Accommodation) dated 26 April 2006 at Lot 102 (17) Foston Drive, Duncraig, as the proposal is contrary to the orderly and proper planning of the locality for the following reasons:

- (a) The proposed commercial use is not consistent with the objectives of the residential zone;
- (b) The location of this commercial use in a low density residential zone is inappropriate;

2 ADVISES those who made a submission of its decision.

MOVED Cr Fishwick, SECONDED Cr Currie that consideration of Change of Use from Single House to Residential Building (Short Stay Accommodation): Lot 102 (17) Foston Drive, Duncraig be DEFERRED to clarify any legal issues.

The Motion was Put and

CARRIED (13/0)

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

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf220806.pdf](#)

CJ149 - 08/06 PROPOSED ADDITIONS TO AN EXISTING MOBILE TELECOMMUNICATIONS FACILITY AT LOT 11 (923) WHITFORDS AVENUE, WOODVALE – [08139]

WARD: Central

RESPONSIBLE A/DIRECTOR: Mr Chris Terelinck
Planning and Community Development

CJ060822_BRF.DOC:ITEM 13

PURPOSE

To request Council's determination of an application for Planning Approval for an extension to an existing Mobile Telecommunications Facility (MTF) at 923 Whitfords Avenue, Woodvale (Woodvale Park Commercial Centre).

EXECUTIVE SUMMARY

An application has been received for additions to an existing MTF, for use by Optus and Vodafone. The proposal is to extend the existing rooftop structure at the Woodvale Park Commercial Centre by two metres and install three new 1.3 metre long panel antennae.

Under the Commonwealth Telecommunications Act 1997 (as amended) and the Telecommunications (Low Impact Facilities) Determination 1997, the proposal does not meet the criteria to be classified as "Low Impact", thereby requiring planning approval from the City.

It is recommended that the proposed development be approved, subject to conditions with particular reference to the proposal complying with the requirements of the Electromagnetic Energy Standards.

BACKGROUND

Suburb/Location:	Lot 11 (923) Whitfords Avenue, Woodvale
Applicant:	Connell Wagner
Owner:	Printfile Pty Ltd
Zoning:	DPS: Business
	MRS: Urban
Site Area:	1.0091 hectares
Structure Plan:	Not applicable

The Woodvale Park Commercial Centre is located on the northern side of Whitfords Avenue, between Timbercrest Rise and Trappers Drive.

An MTF was attached to an existing maintenance shelter on the roof of the Commercial Centre in 2004. The MTF includes the following features:

- (i) three panel antennae, each measuring 2.1 metres in length;
- (ii) one radio communications dish, measuring 300mm in diameter;
- (iii) one equipment shelter, located at ground level below the MTF.

The existing MTF is five metres in height when measured from the roofline of the shelter and seven metres in height when measured from the roofline of the commercial centre.

The existing MTF did not require planning approval as the proposed installation was considered to meet the relevant criteria of the Telecommunications (Low Impact Determination) Act 1997, as follows:

- (i) Panel antennae, not more than 2.8 metres long, protruding from a structure by not more than 3 metres and colour matched to its background;
- (ii) A radio communications dish, not more than 1.2 metres in diameter, protruding from a supporting structure by not more than 2 metres and colour matched to its background;
- (iii) An equipment shelter not more than 3 metres high, with a base area of not more than 7.5 square metres and colour matched to its background.

DETAILS

The proposal involves a two metre extension to the existing MTF on the roof of the Woodvale Park Commercial Centre. The proposed MTF is part of Vodafone's joint venture with Optus to share network infrastructure through the utilisation of existing mobile network sites.

The additional MTF infrastructure is proposed to comprise three 1.3 metre long panel antennae, contained within "slimline" casing, similar in colour and design to the existing MTF. No new radio communications dishes or equipment shelters are proposed.

The applicant's justification for the proposal is summarised as follows:

- (i) the proposal involves the co-location of existing and proposed MTF, which is consistent with state and national policy;

- (ii) the existing and proposed MTF will comply with all relevant Australian Standards relating to Electromagnetic Emissions (EME);
- (iii) the use of the site will prevent further sites in the locality being used as MTF locations, preventing a potential proliferation of MTF in the locality;
- (iv) the development complies with the WAPC Statement of Planning Policy No 5.2 (Telecommunications Infrastructure) with regards to the its design, location and estimated EME.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal has no Strategic Plan implications.

Legislation – Statutory Provisions:

The City of Joondalup District Planning Scheme No 2 (DPS2) is the relevant document for this proposal with Section 6.8 of DPS2 being the relevant Clause:

6.8 *Matters to be considered by Council*

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme, the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

City of Joondalup Planning Policy 7-11 – Telecommunication Facilities is the relevant Policy (Attachment 3 refers).

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The MTF proposal has been advertised for a period of 30 days, in accordance with the requirements of the City of Joondalup Planning Policy 7-11 – Telecommunication Facilities. The advertising was in the form of written notification to owners and occupiers within a 500 metre radius of the MTF location. A total of 995 letters were sent.

A total of 70 responses were received during the submission period, comprising 43 objections and 27 neutral submissions. This represents a response rate of 7.0%.

The main issues of objection raised were as follows:

- Health concerns regarding electromagnetic emissions (EME);
- Visual impact of the extension;
- Suitability of the development site with regards to sensitive areas;
- Devaluation of property values;
- Concern over potential interference with television reception;
- Concerns that Council would be supporting the proposal as a revenue raiser.

COMMENT

The various issues raised during the advertising period are discussed below.

Health Risks and Matters

Several objections infer that the main community concern is the adverse long-term health risks associated with MTFs as a result of EME. The concerns have been raised in relation to the possible effects on nearby residents and users of the commercial centre.

It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Communications Authority (ACA). The Radiation Frequency (RF) limits are established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The current cumulative EME level of the existing telecommunications facility is estimated to be 0.95% of the Australian Standards. The estimations for the maximum cumulative EME level for the proposed development, as provided by the applicant, is estimated to be 1.63% of the Australian Safety Standards, which is well below that which is allowable.

A copy of the EME estimations for the existing and proposed MTF is included as Attachment 4.

Should Council resolve to approve the development, it is recommended that a condition be imposed requiring the applicant to provide ongoing reports to the City demonstrating that the operating cumulative EME levels for the development are complying with the relevant Australian Standards for EME.

Visual Impact

The proposed extension to the existing MTF is two metres in length and is considered to be relatively minor. The existing MTF has been designed to complement the existing MTF, which itself was designed and coloured to complement the existing commercial centre. It is recommended that, if approved, a condition be imposed requiring that the proposed extension be coloured to complement the existing MTF.

Although the combined height of the MTF will be seven metres, when measured from the roofline of the maintenance shelter on the roof of the commercial centre, it is considered that the extension will have less visual impact than the development of a new stand-alone tower, which may be required if the subject application is refused.

Site Suitability

The City's Policy 7-11 (Telecommunications Facilities) states that the City, as a general rule, "does not support the installation of telecommunications facilities, particularly in the vicinity of schools, child care establishments, hospitals and general residential areas."

The subject site is a commercial centre, comprising various restaurants, showrooms and other businesses. The site is located approximately 60 metres east of the closest "sensitive" area, being the Timberside Retirement Villas. The site is located approximately 120 metres north of the closest "general residential" area, on the south side of Whitfords Avenue. The site is over 500 metres from the nearest primary schools, being Woodvale Primary School on Trappers Drive and Creaney Primary School on Creaney Drive, Kingsley.

The development involves the co-location of MTF services within the Woodvale area. This will minimise any potential proliferation of MTF throughout the locality and the possible development of MTF in more sensitive areas.

The EME estimations provided by the applicant have established that the estimated emissions will be within the Australian Standards. In this regard, the subject site is considered appropriate and is supported.

Negative Impact on Property Values

Property values are not considered to be a valid planning consideration. Nevertheless, no detailed information was submitted in support of the supposed negative impact on property values.

Interference with Television Reception

No supporting information or evidence was submitted in support of any potential interference with television reception in the immediate area. The City has not received any complaints from residents regarding reception interference from the existing MTF at the subject site.

Economic Benefit for Council

The subject site is privately owned and operated. If the proposal should be approved, Council would receive no financial benefit from this development. The proposal is required to be determined on its planning merits only.

CONCLUSION

The community's demand for mobile phone services has increased over recent years and to satisfy this demand, MTFs are required within the urban environment. Notwithstanding this, each application is required to be considered on its merits on planning grounds.

The proposed addition to the existing MTF at the Woodvale Park Commercial Centre is considered to be a suitable option, having regard to:

- (i) the distance of the existing MTF from sensitive areas;
- (ii) the commercial land use of the subject site;
- (iii) the proposed MTF will be co-locating with an existing MTF; and
- (iv) the design of the proposed addition.

The alternative option of providing a separate stand-alone monopole is considered to adversely impact on the visual amenity of the area, as compared to the retention of the "slimline" rooftop infrastructure, albeit at an increased height.

The technical evidence submitted by the applicant indicates that the estimated EME levels for the MTF will be well below the safety mandatory standard level. The issue of compliance with the health standards is a matter to be monitored and administered by the relevant Federal Health Agencies, however it is recommended that ongoing reports be provided to Council confirming that the MTF is operating in compliance with the relevant standards.

Having considered the applicant's proposal and the comments from nearby residents, it is recommended that the proposal be supported subject to conditions.

ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans
Attachment 3	Policy 7-11(Telecommunications Facilities)
Attachment 4	EME readings and estimations

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, SECONDED Cr Park that Council APPROVES the application for planning approval, dated 7 April 2006, submitted by Connell Wagner for additions to the existing mobile telecommunications facility at Woodvale Park Commercial Centre, Whitfords Avenue, Woodvale subject to the following conditions:

- 1 Submission of detailed reports at six monthly intervals to the satisfaction of the City, confirming that the Electromagnetic Energy (EME) levels being emitted from the modified and operational structure, are in accordance with the relevant standards. The report should also identify the EME levels being emitted during the peak usage periods;**
- 2 The colours of the monopole extension to be similar in colour to the existing monopole on the roof of the Woodvale Park Commercial Centre, to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- 3 The area surrounding the perimeter of the mobile telecommunication facility to be reinstated once construction work is completed;**
- 4 Written undertaking that all obsolete mobile telecommunication facilities at the subject site will be removed at the cost of the carrier and that the land be reinstated to the original state should the MTF not be required.**

The Motion was Put and

CARRIED (13/0)

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

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf220806.pdf](#)

**CJ150 - 08/06 MONTHLY TOWN PLANNING DELEGATED
AUTHORITY REPORT, DEVELOPMENT AND
SUBDIVISION APPLICATIONS – JULY 2006 –
[07032] [05961]**

WARD: All

**RESPONSIBLE
A/DIRECTOR:** Mr Chris Terelinck
Planning and Community Development (Acting)

CJ060822_BRF.DOC:ITEM 14

PURPOSE

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

EXECUTIVE SUMMARY

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

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

The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of July 2006 (see Attachment 1 and 2 respectively) for those matters identified in points 1-3 above.

BACKGROUND

The number of development and subdivision applications determined for July 2006 under delegated authority and those applications dealt with as a "Residential Design Codes variation for single houses" for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of July 2006		
Type of Approval	Number	Value (\$)
Development Applications	107	20,453,789
R-Code variations (Single Houses)	27	3,169,336
Total	134	23,623,125

The number of development applications received in July 2006 was 115.

Subdivision Approvals Determined Under Delegated Authority Month of July 2006		
Type of Approval	Number	Potential new Lots
Subdivision Applications	7	2
Strata Subdivision Applications	4	9

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 December 2005 considered and adopted the most recent Town Planning Delegation.

DETAILS**Issues and options considered:**

Not Applicable

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

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

Of the 107 development applications determined during July 2006, consultation was undertaken for 40 of those applications. Of the 11 subdivision applications determined during July 2006, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

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

COMMENT

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

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

ATTACHMENTS

Attachment 1 July 2006 decisions – Development Applications
Attachment 2 July 2006 decisions – Subdivision Applications

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Fishwick, SECONDED Cr Currie that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications described in Attachment 1 to Report CJ150-08/06 for the month of July 2006;**
- 2 subdivision applications described in Attachment 2 to Report CJ150-08/06 for the month July 2006.**

Discussion ensued.

The Motion was Put and

CARRIED (13/0)

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

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11agn290806.pdf](#)

CJ151 - 08/06 PROPOSED PURCHASE FROM LANDCORP OF LOT 6 LAWLEY COURT, JOONDALUP – [76472]

WARD: North

RESPONSIBLE A/DIRECTOR: Mr Chris Terelinck
Planning & Community Development (Acting)

CJ060822_BRF.DOC:ITEM 15

PURPOSE

The purpose of this report is to request the Council to approve the Business Plan without modification for the proposed purchase from Landcorp of Lot 6 Lawley Court, Joondalup.

EXECUTIVE SUMMARY

At its meeting of 27 June 2006, Council endorsed the Business Plan for the purpose of public advertising for the proposed purchase from Landcorp of Lot 6 Lawley Court, Joondalup (CJ108 – 06/06 refers). The Business Plan was prepared in accordance with Section 3.59 of the Local Government Act. The advertising period closed on 14 August 2006.

The Chief Executive Officer as authorised by the Council has executed a contract of sale for the purchase of the site.

In order to proceed with the unconditional purchase of the site, it is recommended that the Business Plan be approved and Landcorp be advised that the Council is prepared to proceed with the purchase.

BACKGROUND

Suburb/Location: Joondalup
Applicant:
Owner: West Australian Land Authority (Landcorp)
Zoning: **DPS:** Central Zone
MRS: Central City Area
Site Area: 7510m² (includes 930m² vested for road reserve)
Structure Plan: Joondalup City Centre Development Plan & Manual

Lot 6 Lawley Court, Joondalup has been designated as a location for public parking use since 1994, at which time it was incorporated in the Joondalup City Centre Development Plan and Manual.

In 2001, a Parking Study was prepared relating to control and management of public parking in the Joondalup Central Business District.

At its meeting on 12 February 2002, Council adopted the Joondalup City Centre Public Parking Strategy. The strategy supported maximisation of ground level on-street and off-street parking before progressing with the more expensive multi-level parking stations.

In 2005 the City engaged Uloth & Associates Consultants in Traffic Engineering and Transport Planning to update the earlier 2001 Parking Study and undertake a Car Parking Occupancy Survey of the Joondalup CBD including City controlled on-street and off-street public parking.

The survey highlighted the need for action to be taken to increase the availability of public car parking bays in the CBD North Zone. Lot 6 Lawley Court is located within the CBD North Zone of Joondalup and represents a strategically located site for use of parking of vehicles.

Negotiations progressed with Landcorp now provide the City with the opportunity to purchase Lot 6 Lawley Court, Joondalup for construction of an at-grade off-street public car park.

At its meeting of 27 June 2006, Council resolved as follows:

That Council:

- 1 *ENDORSES the Business Plan at Attachment 1 to Report CJ108-06/06 for the purpose of public notice in accordance with Section 3.59(4) of the Local Government Act;*
- 2 *Subject to 1 above, authorises the Chief Executive officer to enter into an Offer and Acceptance with Landcorp to purchase Lot 6 Lawley Court, Joondalup for the sum of \$1,767,500 for construction of an at-grade car park, with settlement no later than 16 November 2006, subject to the following conditions:*
 - (a) *the site to be encumbered as a temporary carpark for a period of not exceeding 5 years and thereafter the City having the right to lift the encumbrance at no cost to the City;*
 - (b) *the use of the site is to be solely for the parking of vehicles for a minimum of 5 years;*
 - (c) *the development of the whole site to be carried out by the City at the City's cost within 6 months of settlement;*
 - (d) *if the City decides to lift any encumbrance prior to the expiration of the 5 year period in (a) above, the City is to pay Landcorp the difference in valuation of the unencumbered market value less the amount of the encumbered market value escalated from the City's original acquisition date;*
 - (e) *the Business Plan at Attachment 1 to Report CJ108-06/06 is approved by the Council with or without modification after the consideration of public submissions.*

DETAILS

The opportunity to purchase Lot 6 Lawley Court, Joondalup and lock in the purchase price at the agreed value with extended settlement by 16 November 2006, can now be progressed.

A contract of sale reflecting the Council's approved terms of purchase has been prepared by Landcorp and executed by the Chief Executive Officer. The City appointed Solicitors to act on the City's behalf in dealing with the contract of sale.

At its meeting of 27 June 2006, the Council endorsed the Business Plan for the purpose of public advertising. Public submissions closed on 14 August 2006 and at the time of closing one submission was received. In order for the City to make the contract of sale unconditional, the Council's approval of the Business Plan without modification is required.

It will be necessary for the City to give notice to Landcorp that the Council has decided to proceed with the contract under Section 3.59 of the Local Government Act 1995.

Response to Advertised Business Plan

At its meeting of 27 June 2006, Council endorsed the Business Plan attached to the report (CJ 108 – 06/06 refers) for the purpose of public notice in accordance with Section 3.59 (4) of the Local Government Act.

The period for submissions has now closed, with one submission received.

It is noted that the author making the submission claims copyright over the document submitted and has refused the right to selectively publish any of the submission in an edited or altered form without approval.

As such, the following comments are made in relation to the 8 items raised in the submission received which is available in the Councillor's Reading Room.

Item 1

The purchase of the site meets the Council objectives of planning for the future growth of the City.

Item 2

Landcorp has defined the site specifically for use of parking of vehicles and the City intends to use the site for this purpose. The proposal is consistent with the Town Planning objectives for this land.

Item 3

The development of an at-grade public car park facility on the site will conform with the Joondalup City Centre Development Plan and Manual.

Item 4

Funds in the Cash in Lieu account were inadequate to meet this requirement.

Item 5

The concerns raised are not directly relevant to the Business Plan

Item 6

Lakeside Shopping Centre is a privately owned property which provides its own parking. Lot 6 Lawley Court, Joondalup is a public parking station that will be designed to meet parking obligations of the City. It is notable that the Lakeside Shopping Centre did not express any objections to the proposal during the advertising period.

Item 7

The State Government does not develop car parks for public use and had the opportunity to comment during the period of public notice.

Item 8

Policy 8-9 Investment relates to investment in the financial market and is not seen as affecting the investment acquisition of land for future development.

Issues and options considered:

At its meeting on 27 June 2006, Council considered the following issues and options.

- 1 Maximisation of on-street and off-street parking before progressing more expensive multi-level parking stations.
- 2 Economy of developing increased on-street and off-street parking
- 3 Purchasing
- 4 Not purchasing Lot 6 Lawley Court/leave site encumbered
- 5 Do nothing/lift encumbrances from Title.

Option 3 was considered the preferred option to be progressed. However Council could now decide to reject the business plan if it so wished. This option would mean that a prerequisite condition of purchase could not be fulfilled.

Link to Strategic Plan:

The proposal is linked to various objectives in the Strategic Plan as expressed below:

Objective 3.1

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

Strategy 3.1.1

To plan the timely design, development, upgrade and maintenance of the City's infrastructure.

Strategy 3.1.2

To facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

Objective 3.3

To continue to meet the changing demographic needs.

Strategy 3.3.2

To integrate plans to support community and business development.

Objective 3.4

To provide integrated transport to meet regional and local needs.

Strategy 3.4.2

To align use of land and modes of transport.

Legislation – Statutory Provisions:

Section 3.59 of the Local Government Act

The proposed purchase of a site in the Joondalup City Centre is identified as a major land transaction under this section.

This section of the Act provides that all major land transactions require a business plan to be prepared prior to entering into the transaction.

Pursuant to Section 3.59 (Commercial Enterprises by Local Government), a Business Plan was prepared for public exhibition and comment. Submissions closed on 14 August 2006.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Note: All figures quoted in this report are exclusive of GST.

The cost of purchasing the site from Landcorp at an Encumbered Market Value (with the City having the power to remove the encumbrances) is \$1,767,500.

The cost of constructing an at-grade car park with approximately 239 car bays was estimated by RBB Construction Cost Consultants on 26 May 2006, as being in the order of \$850,000, including professional fees but excluding escalation.

A provision of \$2.7m to meet the cost of the purchase of the site and development of an at-grade car park has been made in the Budget adopted by the Council at the Special Meeting held 25 July 2006 (JSC25-07/06 refers).

Policy Implications:

The Joondalup City Centre Public Parking Strategy, adopted by Council at its meeting on 12 February 2002, foreshadowed the maximisation of at-grade off-street parking in the medium term to be followed by construction of multi-level parking stations in the longer term.

Regional Significance:

The City of Joondalup is recognised as the second major City Centre to Perth CBD. To ensure the continued growth of the City to meet the needs of the region, adequate support services and infrastructure will be required.

Sustainability Implications:

It is important that a balance be achieved between private and public transport needs. The City Centre is well served by public transport. In relation to private transport, there is a need to provide additional parking to ensure ongoing sustainability of business and community activities in the City Centre.

Consultation:

The Business Plan was available for public inspection and comment for the statutory period of 6 weeks after a statewide public notice was lodged.

Members of the public were given the opportunity to lodge submissions on the issue for Council to consider. At the time of closing of the statutory period on 14 August 2006, one submission was received.

COMMENT

The purchase of the site for development of an at-grade car park is both a strategic and sustainable acquisition that will assist in addressing the need for additional car parking bays in the North Zone of the CBD for both the short and long term growth of the City. With escalating land and building costs, it would be in the City's interest to secure the site for developing a high number of off-street at-grade car parking bays.

The Council's acquisition and management of land for parking purposes is a longstanding principle of the planning of the Joondalup City Centre.

Landcorp has advised that, under their policy, a revaluation would be required if a contract was not entered into, and settlement occurring, within 3 months of the last valuation of the property (by 16 August 2006). If a contract to purchase (offer and acceptance subject to conditions) is entered into, the revaluation period is extended to 6 months (16 November 2006).

The current terms negotiated with Landcorp by the City provide an opportunity to lock in the purchase price of the site following the statutory requirement of the 6 week advertising period of the Business Plan and the conditional approval of the Council to purchase once the Business Plan has been approved by Council. That is, under these arrangements, the City has until 16 August 2006 to sign a conditional offer and acceptance, which would hold the purchase price at the agreed value until 16 November 2006. Beyond that date, a revaluation would occur.

A contract of sale for purchased of Lot 6 Lawley Court, Joondalup has been executed by the Chief Executive Officer and returned to Landcorp by the required date of 16 August 2006.

The submission received does not introduce any material issues which would give rise to withdrawing from the process of the intended acquisition of Lot 6.

In order for the contract of sale to become unconditional, it is recommended that the Business Plan be approved without modification and Landcorp be advised that the Council has decided to proceed with the contract of sale under Section 3.59 of the Local Government Act 1955.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cr McLean, SECONDED Cr Hollywood that Council in accordance with Section 3.59 (5) of the Local Government Act 1995, AGREES to proceed with the major land transaction without modification to purchase from Landcorp Lot 6 Lawley Court Joondalup, for the sum of \$1,767,500 for construction of an at-grade car park with settlement no later than 16 November 2006.

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (13/0)**

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

CJ152 - 08/06 INITIATION OF PROPOSED AMENDMENT NO 31 TO DISTRICT PLANNING SCHEME NUMBER 2 FOR THE PURPOSE OF PUBLIC ADVERTISING – [50574]

WARD: All

**RESPONSIBLE
A/DIRECTOR:** Mr Chris Terelinck
Planning and Community Development (Acting)

CJ060822_BRF.DOC:ITEM 16

PURPOSE

The purpose of this report is to seek Council's consent to initiate Amendment No 31 to District Planning Scheme No 2 (DPS2) for the purposes of public advertising.

EXECUTIVE SUMMARY

The District Planning Scheme No 2 (DPS2) controls how land may be utilised within the City of Joondalup. DPS2 commenced operation on 28 November 2000. As a result of a technical review, Amendment No 31 to DPS2 has now been prepared.

The amendment seeks to introduce various refinements, address interpretation issues, reflect recent legislative changes, and to provide clarity to the DPS2 text and accompanying maps. The issues have been identified through the ongoing operation of the DPS2. It is not intended to review the strategic direction of DPS2 as part of this amendment or introduce any proposals of a strategic nature.

A total of 24 proposals are listed under proposed Amendment No 31. The proposals collectively seek to alter the wording of clauses, to delete existing clauses, to include new clauses and to address legislative changes and to correct identified use class, definition and map zoning issues. Legal advice was obtained from the City's solicitors with respect to all the proposals, with the exception of map zoning changes (Proposal 24).

The proposed amendment will improve the functioning of the DPS2, and it is therefore recommended that Council:

- 1 *REQUESTS the Minister for Planning and Infrastructure's consent for the advertising period for the proposed Scheme Amendment No 31 to District Planning Scheme No 2 to be extended from 42 days to 60 days;*
- 2 *Upon receiving the consent outline in 1 above, pursuant to Part 5 of the Planning and Development Act 2005, AMENDS the City of Joondalup District Planning Scheme No 2 as outlined within Attachment 1 to Report CJ152-08/06 for the purposes of advertising for a period of 60 days;*
- 3 *Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.*

BACKGROUND

The City's DPS2 came into operation on 28 November 2000. The DPS2 is subject to continual testing on appeal to the State Administrative Tribunal (relating to decisions issued by the City for development applications) and in the application and interpretation of standards and provisions within DPS2 in assessing development applications. This provides a starting point for a continual review process of the DPS2.

DETAILS

Issues and options considered:

The proposed modifications to DPS2 clauses and an explanation of the proposals are listed and explained below. The proposals below can be read in conjunction with Attachment 3 which shows the proposed text amendments tracked within the current DPS2.

Proposal 1 – Remove the Special Use Zone from DPS2 text and Scheme Map.

- Deleting the 'Special Use' zone from clause 3.1.1
- Deleting the 'Special Use' zone from the legend on the Scheme Map (clause 3.1.2)
- Deleting the reference to 'Special Use' zone from clause 3.2.2
- Deleting clause 3.17 and Schedule 2 – Section 3 (clause 3.17) Special Use Zones

Intent of Modifications

No land is zoned 'Special Use' within the City of Joondalup. The zone, clauses, scheme map legend and schedule relating to the 'Special Use' zone can be removed in its entirety.

Proposal 2 – New clause relating to multiple land uses in buildings

Inserting the following clause after clause 3.2.3;

- 3.2.4 Where a building or land is used, or a proposed building is designed, for more than one use, it shall be regarded for the purposes of the Scheme as being used or designed partially for each of those uses.

Intent of Modification

This clause would be helpful in clarifying that all land uses which may operate from a building specifically designed for more than one land use can be determined from the list of permissible land uses within Table 1.

Proposal 3 – Modification of building setback requirements and to address issue relating to retail activity in the Business and Mixed Use Zones

Modifying clause 3.6.2(a) by replacing the words 'no more than' with 'a minimum of',
Inserting the following clauses after clause 3.5.2 and 3.6.3 respectively;

3.5.3 The conditions specified in clause 3.5.2 are not standards or requirements for the purposes of clause 4.5.1.

3.6.4 The conditions specified in clause 3.6.3 are not standards or requirements for the purpose of clause 4.5.1.

Intent of Modifications

Modification of clause 3.6.2(a) would provide increased clarification to the reader.

The Clause would read:

“Buildings shall be set back a minimum of 6m from the street boundary. A lesser setback may be encouraged where location and design issues would make this appropriate.”

Clause 3.5.3 and 3.6.3 allows to Council to exercise discretion to allow shopping floorspace up to 200 sqm in a site in the Mixed Use or Business zones. A request for review (appeal) is currently being considered by the State Administrative Tribunal (SAT) against the provision of clause 3.6.3(a) of the DPS2. The applicant successfully argued that this clause is subject to clause 4.5.1 of the DPS2, which allows Council to vary a standard or requirement.

As the SAT has determined that the provisions contained within these clauses can be the subject of discretion (that is, discretion can be exercised to allow shopping floorspace above 200 sqm in those zones), this may have implications in relation to Council's Commercial Centres Policy which seeks to direct the location of shopping floorspace to Commercial zones.

Clause 3.5.3 and 3.6.4 are therefore proposed to ensure that the conditions cannot be varied by clause 4.5.1.

Proposal 4 – Modification to the Commercial Zone to include both existing and proposed shopping and business areas

Modifying clause 3.7.1 by inserting the words 'or proposed' following the words 'is intended to accommodate existing', and;

Modifying clause 3.7.1(a) by inserting the words 'or proposed' following the words 'make provision for existing'.

Intent of Modifications

The modification sought is to capture both existing and proposed shopping and business areas.

Proposal 5 – Relocating clause 3.18 to Part 1 of the Scheme.

Modifying clause 1.6(l) by deleting the full stop at the end of the clause and replacing it with ‘; and’.

Deleting clause 3.18 and inserting the following words after clause 1.6(l);

New Development Around (m)

Existing Railway Stations

In order to promote public transport usage, Council shall encourage appropriate transit-related development to take place around existing railway stations. This relates to both private property, and government owned land and air rights above that land where achievable.

Intent of Modifications

Clause 3.18 relates to promoting transit-orientated development around existing railway stations. This clause is currently within Part 3 – Zones, however, is not a zone within itself. It is therefore proposed to relocate this clause to Part 1 of DPS2 by renumbering it to 1.6(m). It is noted that the term ‘air rights’ means the ability to use or develop the air space (to a specified height) above the lot.

Proposal 6 – Residential Design Codes

Modifying clauses 1.9.1, 1.9.2, 1.9.3, 3.4, 4.1, 4.2, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.3, 4.3.1, 4.3.2, 4.4.3.2, 4.5.1 and Table 2 by replacing the word ‘Planning’ before the word ‘Codes’ with the word ‘Design’.

Intent of Modifications

The Residential Planning Codes (1991) was superseded with the Residential Design Codes of Western Australia in October 2002. This proposal seeks to ensure all references to the Residential Planning Codes in DPS2 are removed and replaced with the Residential Design Codes.

Proposal 7 – Planning and Development Act 2005

Modifying clause 2.2.1 by deleting the words ‘Metropolitan Region Town Planning Scheme Act, 1959, as amended’ and inserting the words ‘Act’.

Modifying clause 2.3.3 by deleting the words ‘Section 32 of’.

Modifying clause 4.6.1 by deleting ‘Section 7A4’ and inserting ‘section 50’ and deleting ‘Environmental Protection Act’ and inserting ‘Environmental Protection Act 1986’.

Modifying clause 5.2.3.4 by deleting the words ‘Town Planning and Development Act (as amended)’ and inserting the words ‘Act’.

Modifying clause 6.1.4 by deleting the words ‘Metropolitan Region Town Planning Scheme Act 1959’ and inserting the words ‘Act’.

Modifying clause 6.3.2 by deleting the words 'section 20 of the Western Australian Planning Commission Act 1985' and inserting the words 'the Act'.

Modifying clause 6.3.2 (i) by deleting the words 'Metropolitan Region Town Planning Scheme Act 1959' and inserting the words 'the Act'.

Modifying clause 6.3.4 by deleting the words 'Metropolitan Region Town Planning Scheme Act 1959' and inserting the words 'Act'.

Modifying clause 8.1.2 by deleting the words 'the Land Acquisition and Public Works Act 1902 subject to the modification referred to in Section 13 of the Town Planning and Development Act 1928 (as amended)' and inserting the words 'the Act and the Land Administration Act 1997'.

Modifying clause 8.2.4 by deleting the words 'Part V of the Act' and inserting the words 'the Act'.

Modifying clause 8.4 by deleting the words 'Part V of the Act and the rules and regulations made pursuant to the Act' and inserting the words 'the Act'.

Modifying clause 8.5.1 by deleting the words 'Section 11 of the Town Planning Act' and inserting the words 'the Act'.

Modifying clause 8.5.2 by deleting the words 'Section 11(1) of'.
Deleting clause 8.9.

Modifying clause 8.10.2 by deleting the words 'Section 10 of'.

Modifying clause 9.12.3 by deleting the words 'Part V of'.

Modifying clause 9.12.4 by deleting the words 'Section 8a of'.

Intent of Modifications

The Planning and Development Act 2005 came into effect on 9 April 2006. One of the purposes of the Act was to consolidate the provisions of several separate town planning related Acts into one Act. These were the Metropolitan Region Town Planning Scheme Act 1959, the Town Planning and Development Act 1928 and the Western Australian Planning Commission Act 1985.

This proposal seeks to ensure all DPS2 references to previous town planning related Acts are deleted and replaced with references, where required, to the current Planning and Development Act 2005.

Clause 8.9 is redundant as the necessary powers are contained within the Planning and Development Act 2005 under Part 13 - Enforcement and legal proceedings.

Proposal 8 – New clause relating to the removal of restrictive covenants relating to dwelling density

Inserting the following new clauses;

4.17 RESTRICTIVE COVENANTS

4.17.1 Subject to clause 4.17.2, a restrictive covenant affecting any land in the Scheme area by which, or the effect of which is that, the number of residential dwellings which may be constructed on the land is limited or restricted to less than that permitted by the Scheme, is hereby extinguished or varied to the extent that it is inconsistent with the provisions of the Residential Design Codes which apply under the Scheme.

4.17.2 Where clause 4.17.1 operates to extinguish or vary a restrictive covenant Council will not grant planning approval to the development of the land which would, but for the operation of clause 4.17.1, have been prohibited unless the application has been dealt with as an 'A' use and has complied with all of the advertising requirements of clause 6.7.

Intent of Modifications

A restrictive covenant is a legal agreement between two or more parties that places restrictions on the development of a particular parcel of land. The purpose of the above clauses is to allow the extinguishment or variation of restrictive covenants upon land that relate to the number of residential dwellings permissible on a lot. These covenants are not enforced through the planning application and approval process and covenants are essentially a civil matter.

It is intended that residential density is controlled via the density code applied to the land under DPS2 and the Residential Design Codes of Western Australia. However, on occasion, covenants have been imposed by land developers in regard to the number of permissible dwellings on a lot, and these are often in conflict with the provisions of DPS2. The proposed clause would allow the extinguishment or variation of the covenant to avoid any conflict between the covenant and DPS2.

It is not intended that these DPS2 clauses be used to require removal of covenants for marketing reasons (as are sometimes introduced by developers).

Proposal 9 – Rescission of Home Business – Category 1 approval

Deleting clause 4.4.1.2, which reads:

“If in the opinion of the Council the activity is no longer consistent with the limits of a Home Business – Category 1, or is otherwise causing a nuisance or annoyance to neighbours or to owners or occupiers of land in the neighbourhood, Council may serve notice on the person requiring the person to cease using the dwelling for the occupation.”

Intent of Modifications

Clause 4.4.1.2 allows the Council to serve notice on a person to cease using the dwelling for a Category 1 Home Business where the Council considers the activity is no longer consistent with the requirements set out in DPS2. Legal advice was obtained and suggested deletion of this clause from DPS2 as Part 13 of the Planning and Development Act 2005 adequately covers this enforcement issue.

Proposal 10 – Incorrect reference to Environmental Protection Act

Modifying clause 4.6.1 by deleting the words ‘Environmental Protect Act’ and replacing them with the words ‘Environmental Protection Act 1986’.

Intent of Modifications

This modification is required as the current reference to the ‘Environmental Protect Act’ is incorrect, where it should read ‘Environmental Protection Act 1986’.

Proposal 11 – Control of Advertisements

Modifying clause 5.1.4 (Consideration of Applications) by adding the words ‘and the provisions of any Local Planning Policy relating to signs or advertisements’ after the words ‘objectives of the Scheme’.

Modifying clause 5.1.8.3 by deleting the words ‘Minister or the Town Planning Appeal Tribunal in accordance with Part V of the Act’ and inserting the words ‘State Administrative Tribunal’.

Intent of Modifications

The proposed modification seeks to ensure that the provisions of any Local Planning Policy adopted by the Council relating to signs and advertisements are taken into account in considering applications for signage.

Legislation to introduce a new planning appeals system was promulgated on 18 April 2003. The new legislation abolished the right to appeal to the Minister for Planning and Infrastructure and introduced a revised process associated with appeals to the Town Planning Appeals Tribunal.

On 1 January 2005 the Town Planning Appeals Tribunal ceased to operate and was replaced by the State Administrative Tribunal. All planning appeals are now made to the State Administrative Tribunal. The proposed modifications will ensure the terms and references in DPS2 reflect current legislation.

Proposal 12 – Application for Planning Approval

Deleting clause 6.1.3(e) and replacing it with the following;

- (e) the carrying out of any building or works that affect only the interior of a building (excluding an increase in floorspace) and which do not materially affect the external appearance of the building except where the building is:
 - (i) located in a place that has been registered in the Register of Places under the Heritage of Western Australia Act 1990;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 5.2.2.

Inserting the following clauses after clause 6.1.3(g);

- (h) the demolition of any building or structure except where the building or structure is:
 - (i) located in a place that has been entered into the Register of Places under the Heritage of Western Australia Act 1990;
 - (ii) the subject of an Order under Part 6 of the Heritage of Western Australia Act 1990;
 - (iii) included on the Heritage List under clause 5.2.2;
 - (iv) located in an area that will in the opinion of Council affect a place included on the Heritage List pursuant to clause 5.2.2.
- (i) any works that are temporary and in existence for less than 48 hours or such longer time as the local government agrees;
- (j) any of the exempted classes of advertisements listed in Schedule 4 of the Scheme, except in respect of a place included on the Heritage List or which in the opinion of Council will affect such a place; and
- (k) one commercial vehicle, in accordance with clause 4.15
- (l) one recreational vehicle, in accordance with clause 4.16
- (m) A satellite dish, aerial or radio equipment, in accordance with the City's Local Planning Policy and as defined and listed in both Table 1 as 'Communications Antenna – Domestic' and Schedule 1 as 'Communications Antenna' within the Scheme.

Intent of Modifications

The changes and additions to the above clause are proposed in order to clearly outline under what circumstances an application for planning approval is required for various forms of development, demolition and use of land.

Clauses 4.15 and 4.16 specify the requirements for the parking of commercial and recreational vehicles in residential areas. It is considered appropriate that the parking of one commercial and recreational vehicle that is compliant with Clause 4.15 and 4.16 respectively do not require an application for planning approval. It is also considered appropriate that the erection of a single satellite dish, aerial or radio equipment that is compliant with the City's proposed Local Planning Policy does not require planning approval.

Proposal 13 – Deemed Refusal

Deleting clause 6.5.1 and replacing it as follows;

6.5.1 Notwithstanding the provisions of clause 6.9.1 (d):

- (a) Subject to clause 6.5.1 (b), an application for planning approval is deemed to have been refused if a determination in respect of that application is not conveyed to the applicant by the local government within 60 days of receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

- (b) An application for planning approval which is the subject of a notice under clause 6.7 or referred to other authorities under clause 6.4 is deemed to be refused where a determination in respect of that application is not conveyed to the applicant by the local government within 90 days of the receipt of the application by the local government, or within such further time as is agreed in writing between the applicant and the local government.

Inserting the following clauses after clause 6.5.1 (b)'

- 6.5.2 Notwithstanding that the application for planning approval may be deemed to have been refused, the Council may issue a decision in respect of the application at any time after the expiry of the periods specified in those clauses 6.5.1 (a) and 6.5.1 (b) respectively, and that decision shall be valid and effective as from the date of determination.
- 6.5.3 An application for planning approval shall, for the purpose of calculating time limits, be deemed not to have been received by the Council until such time as all the plans, information and details as may be reasonably required by the Council has been received by the Council.

Intent of Modifications

Currently, clause 6.5.1 reads:

“Notwithstanding the provisions of item (d) of subclause 6.9.1 an application which by the terms of the Scheme is required to be determined by the Council may be deemed by the applicant or proponent to have been refused where a decision determining the application has not been conveyed to the applicant or proponent by the Council within 60 days of the Council’s receipt of the application or within such further time as may be agreed in writing between the applicant or proponent and the Council.”

This clause allows an applicant to appeal to SAT where an application has not been determined within 60 days. The proposed changes are sought to clarify under what circumstances applications for planning approval are deemed refused. The modification will also specify from when the 60-day time period commences.

Proposal 14 – Public Notice

Modifying clause 6.7.1(a) by deleting the word ‘and’ after the word ‘notice;’ which appears at the end of the clause and replacing it with the words ‘and/or’.

Modifying clause 6.7.2 by inserting the words ‘(a), or (b), or (c), or a combination of these methods.’ after ‘clause 6.7.1’.

Intent of Modifications

The modification proposed seeks to ensure that a range of public advertising methods is available.

The City ensures that the extent of public notification is suitable for the type of application being considered, and there is a tendency for the City to be conservative (ie favours a wider coverage) with respect to the extent of public notification. Plain English is used in the wording of advertisements and signs.

Proposal 15 – Compliance with Conditions and Approvals on Appeal

Modifying clause 6.10.1 by deleting the words ‘, or the Minister or the Town Planning Appeal Tribunal’ and inserting the words ‘or the State Administrative Tribunal’.

Modifying clause 6.11 by deleting the words ‘the Minister or the Town Planning Appeal Tribunal’ after the words ‘given by’ and ‘imposed by’ and inserting the words ‘the State Administrative Tribunal’.

Intent of Modifications

Legislation to introduce a new planning appeals system was promulgated on 18 April 2003. The new legislation abolished the right to appeal to the Minister for Planning and Infrastructure and introduced a revised process associated with appeals to the Town Planning Appeals Tribunal.

On 1 January 2005 the Town Planning Appeals Tribunal ceased to operate and was replaced by the State Administrative Tribunal (SAT). All planning appeals are now made to the SAT. The proposed modifications will ensure the terms and references in DPS2 reflect current legislation.

Proposal 16 – Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

Deleting clause 8.6 and inserting the following clauses;

8.6 Delegation of Development Control Powers and Powers and Duties in Relation to other Planning Functions

8.6.1 The Council may, in writing and either generally or as otherwise provided by the instrument of delegation, delegate to a committee or an employee of the City, the exercise of any of its powers or the discharge of any of its duties under the Scheme, under this power of delegation.

8.6.2 Sections 5.45 and 5.46 of the Local Government Act 1995 and the Regulations referred to in section 5.46 apply to the delegation made under this clause as if the delegation were a delegation under Division 4 of Part 5 of that Act.

Intent of Modifications

No additional delegation of authority is proposed.

Clause 8.6 currently reads:

“The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate to all or any of the persons or committees referred to in Schedule 6 any power conferred or duly imposed on the Council under this Scheme.

Any delegation made under sub-cause 8.6.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.

A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.

A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.

A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power of the Council, insofar as such provisions are reasonably applicable.

A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.”

The above proposed clauses are based on clause 11.3 of the Model Scheme Text (MST), which appears as a schedule to the Town Planning Regulations 1967. Minor rewording of the Town Planning Delegation will be required in the event that this amendment is approved, however, there will be no change to the level of delegated authority that currently exists as a result of the above proposed amendment. Legal advice was obtained in drafting these clauses.

Proposal 17 – Submission of Structure Plan to Council

Modifying clause 9.4.2 by deleting the word ‘sixty’ and the number ‘(60)’ and inserting the word ‘ninety’ and the number ‘(90)’.

Intent of Modifications

This proposal seeks to increase the timeframe for Council to consider a structure plan application for the purposes of public advertising. In some instances, particularly with respect to complex structure plan applications, additional time is required to assess and make modifications to the submitted document prior to it being presented to the Council for consent to advertise.

Proposal 18 – Reconsideration and Appeal

Modifying clause 9.12.1 by inserting the words ‘or Commission’ after the phrase ‘determination of the Council’ and replacing the word ‘Council’ after the phrase ‘delivered to the’ with the words ‘appropriate body’.

Modifying clause 9.12.2 by deleting the number and word ‘35 days’ and replacing it with the number and word ‘60 days’.

Modifying clause 9.12.3 by deleting the words ‘the Minister or the Town Planning Appeal Tribunal’ and replacing it with ‘the State Administrative Tribunal’.

Intent of Modifications

Clause 9.12.1 is proposed to be modified to reflect that the applicant can make a reconsideration request to the Western Australian Planning Commission (WAPC) on requirements or decisions of the WAPC.

The proposal also seeks to increase timelines relating to the reconsideration of Structure Plans (from 60 days to 90 days) and seeks to include reference to the new State Administrative Tribunal.

Proposal 19 – Table 1 (clause 3.2) – The Zoning Table

Inserting the use classes 'Land Sales Office (Temporary) and 'Display Home' to Table 1 and allocate a 'P' use to both use classes within the Residential, Mixed Use, Business, Commercial and Service Industrial zones and a 'D' use in all remaining zones.

Inserting the use class 'Public Utility' to Table 1 and allocate a 'P' use in all zones.

Inserting the use class 'Resort' to Table 1 and allocate a 'D' use within the "Private Clubs/Recreation' Zone and a 'X' use within all remaining zones.

Inserting the use class 'Winery' to Table 1 and allocate a 'D' use in the 'Rural Zone' and an 'X' use within all remaining zones.

Inserting the use class 'Vehicle Panel Beating/Spray painting' to Table 1 and allocate a 'D' use in the 'Service Industrial' zone and 'X' use in all remaining zones.

Modifying the use class 'Amusement Facility/Parlour' by deleting the word 'Facility' and allocating a 'D' use in the 'Mixed Use' zone.

Modifying the 'Caretaker's Flat/House' use class in Table 1 by deleting the words 'Flat/House' and inserting the word 'Dwelling'.

Modifying the 'Market (Retail)' use class in Table 1 by deleting the word 'Market' and inserting the word 'Markets'.

Modifying the use class 'Vehicle Repairs' in Table 1 by substituting 'X' with 'D' under the 'Business' zone and substituting 'D' with 'P' under the 'Service Industrial' zone.

Modifying the use class 'Education Establishment' in Table 1 by deleting the word 'Education' and inserting the word 'Educational'.

Modifying the use class 'Holiday Village/Resort' in Table 1 by deleting the word 'Resort'.

Deleting the use class 'Supermarket' from Table 1.

Intent of Modifications

The above changes to the zoning table primarily seek to rectify existing anomalies that have been identified when assessing development applications. It is noted that a 'P' uses is a use that is permitted, a 'D' use is a use that is not permitted, but it which the Council may grant its approval, and an 'X' use is a use that is not permitted.

Currently all temporary land sales offices and display home applications are required to be dealt with as an 'unlisted use' under DPS2 as there is no use class for this form of development. It is therefore proposed to include both use classes within Table 1. It is considered appropriate to allow both these land uses to be considered within all DPS2 zones.

A definition of 'public utility' is provided within schedule 1 of DPS2, however no use class is allocated in Table 1. It is considered appropriate to include the use class 'public utility' within table 1 and allocate a 'P' use in all zones.

The use class 'Caretaker's Flat/House' is proposed to be changed to 'Caretaker's Dwelling' as the use of the term 'dwelling' is a more consistently used within DPS2 and the R-Codes.

The removal of the use class 'Market' and replacement with 'Markets' will align with the current DPS2 definition of 'Markets (Retail)' in Schedule 1 of DPS2.

The use class 'Resort' is defined in Schedule 1 of DPS2, however is not clearly listed in Table 1 of DPS2 as it is listed as 'holiday village/resort'. It is therefore proposed to add the use class 'Resort' and allocate a 'D' use to this use class within the "Private Clubs/Recreation" Zones and a 'X' use within all remaining zones. This will align with the 'Holiday Village' use class.

The use class 'Winery' is defined in Schedule 1 of DPS2, however is not listed in Table 1 of DPS2. It is therefore proposed to add the use class 'Winery' and it is considered appropriate to allocate a 'D' use in the 'Rural Zone' and an 'X' use within all remaining zones.

A new use class 'Vehicle Panel Beating/Spray painting' is proposed to be added to Table 1. It is considered appropriate to allocate a 'D' use for this land use in the 'Service Industrial' zone and 'X' use in all remaining zones.

As a result of the above use class addition, it is proposed to amend the use class 'Vehicle Repairs'. It is considered appropriate to replace 'X' with 'D' under the 'Business' zone and replace 'D' with 'P' under the 'Service Industrial' zone.

The use class 'Supermarket' is proposed to be deleted from Table 1 of DPS2 as this land use is considered and defined as a 'shop', which is already listed within Table 1 and Schedule 1 of DPS2 respectively.

The proposed minor amendment the use class 'Education Establishment' to read 'Educational Establishment' will ensure alignment to the definition in Schedule 1 of DPS2.

Proposal 20 – Table 2 (clause 4.8) – Car Parking Standards

Inserting 'Display Home' under the use class 'Corner Store' in the use class column and allocating '5 per Display home' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Land Sales Office' under the use class 'Industrial' in the use class column and Inserting '5 per Land Sales Office' under the Number of Onsite Car Parking Bays column in Table 2.

Inserting 'Recreation Centre' under the use class 'Public Worship' in the use class column and Inserting '1 per 2.5 persons based on facility capacity' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'High School' under the use class 'Health Centre' in the use class column and Inserting '2 per classroom and a minimum of 10 bays' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Open Air Display' under the use class 'Office' in the use class column and inserting '1 per 200m² Display Area' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Place of Assembly' under the use class 'Open Air Display' in the use class column and inserting '1 per 4 seats' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Special Place of Assembly & Sports Grounds' under the use class 'Single house' in the use class column and inserting '1 per 2.5 persons based on facility capacity' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'Vehicle Sales/Hire Premises' under the use class 'Tertiary College' in the use class column and inserting '1 per 200m² display area and 1 bay per employee' under the Number of On-site Car Parking Bays column in Table 2.

Inserting 'and in accordance with Local Planning Policy 3-1 Child Care Centres' under the Number of On-site Car Parking Bays column in Table 2 for the use class 'Child Care Centre'.

Deleting 'Minimum of 5' and replacing it with '5 bays per practitioner' under the Number of On-site Car Parking Bays column for the 'Consulting Rooms' use class in Table 2.

Deleting '1 per dwelling' and replacing it with 'As per the Residential Design Codes' under the Number of On-site Car Parking Bays column for the 'Aged or dependant persons dwellings' use class in Table 2.

Intent of Modifications

The proposed modifications seek to resolve issues that were identified where some types of development had no corresponding car parking standards. Car parking standards for land sales offices, display homes, open air display and vehicle sales/hire premises were obtained from previous Council decisions that set car parking standards for those forms of development.

The proposed car parking standards for Recreation Centres and Special Place of Assembly & Sports grounds have been derived from analysis of the parking demands for existing centres within the City.

Proposal 21 – Schedule 1 (clause 1.9) – Interpretations

Inserting the following new definitions into Schedule 1;

Costume Hire: means premises used for the purpose of the hire of fancy dress garments and accessories.

Floor area of a building: means –

- (a) for any building (or part of a building) that is subject to the Residential Design Codes, the gross total of the areas of all floors of the building being the areas specified in the definition of Plot Ratio contained in the Residential Design Codes.

- (b) for any other building (or part of a building), the gross total area of all floors of the building, including the area of any walls, however excluding the area of:
- lift shafts, stairs or stair landings common to two or more tenancies;
 - machinery, air conditioning and equipment rooms;
 - non habitable space that is wholly below natural ground level
 - areas used exclusively for the parking of wheeled vehicles at or below ground level
 - lobbies or amenities areas common to more than one tenancy;
 - balconies or verandahs open on at least two sides.

Hardware Store: means a shop in which tools, building materials, paint, garden improvement products and plants are for sale.

Health Centre: Shall have the same meaning as Medical Centre.

Industry – Service: means -

- (a) an industry – light carried out from premises which may have a retail shop front and from which goods manufactured on the premises may be sold; or
- (b) premises having a retail shop front and used as a depot for receiving goods to be serviced;

Kindergarten: means premises used for the purpose of the care and education of pre-school children.

Land Sales Office (Temporary): means a temporary building used solely for the purpose of land and/or development transactions associated with the site/locality upon which the building is located.

Laundrette: means premises in which machines for the washing and drying of clothes and fabrics are available for use by the public for reward.

Laundry: means premises, generally not open to the public, used for the purposes of washing, ironing or dry cleaning of clothes or fabrics.

Plot Ratio: means the ratio of the floor area of a building to the area of land within the boundaries of the lots on which that building is located.

Public Amusement: means premises used for the purpose of the amusement or entertainment of the public with or without charge.

Vehicle Panel Beating/Spray painting: means land and buildings used for, or in conjunction with, vehicle body repairs including panel beating, spray painting, chassis reshaping, application and sanding down of vehicle body filler.

Deleting the following definitions from Schedule 1 of DPS2:

Amusement Facility: means any land or buildings, open to the public, used for not more than two amusement machines where such use is incidental to the predominant use.

Piggery: shall have the same meaning given to the term in and for the purposes of the Health Act 1911

Modifying the following definitions in Schedule 1 of DPS2

Modifying the 'Act' definition in Schedule 1 by deleting the words 'Town Planning and Development Act, 1928 (as amended)' and replacing it with 'Planning and Development Act 2005'.

Modifying the 'Amusement Facility/Parlour' definition by deleting the definition and inserting the following:

Amusement Parlour: means premises, in which 2 or more amusement machines or computers are available for use by the public for amusement.

Modifying the 'Medical Centre' definition in Schedule 1 by deleting the definition and inserting the Model Scheme Text definition as follows;

Medical Centre: means premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).

Modifying the 'Set back' definition in Schedule 1 by deleting the word 'Set back' and replacing it with 'Setback'.

Modifying the 'Vehicle Repairs' definition in Schedule 1 by deleting the definition and inserting the following:

Vehicle Repairs: means the use of land and buildings for the purposes of conducting mechanical and electrical repairs and overhauls to vehicles and machinery including tyre recapping and retreading.

Intent of Modifications

The proposed modifications seek to resolve issues that were identified where some land use classifications, whilst appearing in Table 1, had no corresponding land use definition in Schedule 1. Where possible, definitions were obtained from the Model Scheme Text (MST) and where such landuse classifications were not listed in the MST, definitions were drafted with the assistance of legal advice.

Definitions for Plot Ratio and Floor space area have also been included.

Proposal 22 – Schedule 4 (clause 5.1.5) – Exempted Advertisements

Deleting the text forming the first paragraph under the heading 'SCHEDULE 4 (CLAUSE 5.1.5) – EXEMPTED ADVERTISEMENTS'.

Intent of Modifications

Removal of the first paragraph is considered appropriate as Schedule 4 should only list the advertisements (signs) that are exempt from planning approval, and the current wording is confusing.

Proposal 23 – Schedule 6 (clause 8.6) – Delegation of Development Control Powers

Deleting the heading and text contained within Schedule 6.

Intent of Modifications

Given rewording of clause 8.6 based upon MST provisions under proposal 16, the contents of schedule 6 are proposed to be deleted, however renumbering of schedule numbers is not required and schedule 6 will therefore be left blank. Legal advice was obtained in formulating this proposal.

The contents of Schedule 6 also refer to a Municipal Town Planner's Certificate that is an outdated qualification.

Proposal 24 – Modification of zonings on DPS2 map

Attachment 1 to this report contains the Scheme Amendment report and lists all proposed mapping modifications relating to each of those proposed modifications.

Intent of Modifications

The majority of the zoning changes outlined within Attachment 1 seeks to rectify anomalies identified as a result of a recent audit relating to reserves. Other changes seek to accurately portray correct zonings of land that have been identified through continual monitoring and review of DPS2.

The proposed mapping changes relating to portion of Lot 150 corner Warwick Road and Mitchell Freeway, Warwick, Portions of Lots 201 and 202 The Gateway and Lot 621 Eddystone Avenue, Edgewater are as a result of the gazettal of MRS Amendment No 188/33A – North West Omnibus No 6.

Options

The options available to Council in considering the scheme amendment proposal are:

- Not support of the initiation of the amendment to the DPS2
- Support the adoption of the amendment for the purpose of public advertising, or
- Support the adoption of the amendment, with modifications, for the purpose of public advertising

Link to Strategic Plan:

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

- | | |
|----------------|---|
| Objective 3.1 | To develop and maintain the City of Joondalup's assets and built environment. |
| Strategy 3.1.2 | Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup. |

Legislation – Statutory Provisions:

Part 5 of the Planning and Development Act 2005 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 2 refers).

Should the Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for a minimum of 42 days.

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

Risk Management considerations:

Not applicable

Financial/Budget Implications:

There are sufficient funds to cover this statutory process and associated advertising costs.

Policy implications:

This proposal does not have any policy implications.

Regional Significance:

The various proposals that collectively form proposed Amendment No 31 may be considered to be regionally significant as they seek to modify various clauses of DPS2 and zonings of land within the City of Joondalup that affect the use and development standards for land throughout the municipality.

Sustainability Implications:

Not Applicable.

Consultation:

The Planning and Development Act 2005 require that, should Council adopt the amendment, it be advertised for a minimum period of 42 days.

Given the significance of this proposal, a 60 day advertising period is considered appropriate, however the Minister for Planning and Infrastructure is required to consent to the proposed increase of the advertising period.

Notices would be placed in the local and state newspapers. The proposed amendment would also be displayed on the notice board at the Council administration building and on the City's website.

COMMENT

It is considered that proposed Amendment No 31 will improve the functionality of DPS2 and ensures that it remains accurate, up to date and will address existing issues identified in the technical review. The proposed amendment does not, however seek to review or modify the strategic direction of DPS2.

Advice was obtained from the City's solicitors with respect to all the proposals (with the exception of proposal 24 relating to DPS2 map zoning changes) in order to ensure the proposed modifications are acceptable in a legal context.

Attachment 3 contains the various pages of the DPS2 text where text changes proposed under proposals 1 to 23 have been included in red. Attachment 3 has been prepared to assist the Council to obtain a clear appreciation of how each proposal will modify the DPS2 text. A full copy of the DPS2 in both its current and proposed form is available in the Councillors reading room for perusal.

It is therefore recommended that Council initiate proposed Amendment No 31 to DPS2 for the purposes of public advertising. It is considered appropriate that the proposed amendment be advertised for a period of 60 days in lieu of the statutory 42 day period. The increase in advertising period will require the approval of Minister for Planning and Infrastructure prior to the commencement of advertising.

ATTACHMENTS

Attachment 1	Proposed Amendment No 31 list of proposals (1 to 24)
Attachment 2	Town Planning Scheme Amendment process flowchart
Attachment 3	Tracked version of DPS2 text pages that relate to DPS2 text modification proposals 1 to 23.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Jacob, SECONDED Cr Amphlett that Council:

- 1 REQUESTS the Minister for Planning and Infrastructure's consent for the advertising period for the proposed Scheme Amendment No 31 to District Planning Scheme No 2 to be extended from 42 days to 60 days;**
- 2 Upon receiving the consent outline in 1 above, pursuant to Part 5 of the Planning and Development Act 2005, ADOPTS the amendments to the City of Joondalup District Planning Scheme No 2 as outlined within Attachment 1 to Report CJ152-08/06 for the purposes of advertising for a period of 60 days;**
- 3 Prior to the advertising period commencing FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required.**

AMENDMENT MOVED Cr Hart, SECONDED Cr Corr that the following words be added to the end of Point 2 of the Motion:

"2 with the exception of Proposal 5;"

Discussion ensued.

The Amendment was Put and

LOST (3/10)

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

Further discussion ensued in relation to the motion.

The Motion as Moved Cr Jacob, Seconded Cr Amphlett was Put and CARRIED (13/0)

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

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf220806.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C59-08/06 NOTICE OF MOTION NO 1 – CR S HART - [61581, 22548]**

WARD - South East

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Hart gave notice of her intention to move the following motion at the Council Meeting to be held on 8 August 2006:

- 1 *That the City of Joondalup protect the amenity and lifestyle and choices of ratepayers, electors and the community in the south east ward of the City of Joondalup, and reject Network City in its entirety in the south east ward, until there is clear and demonstrable support from electors, ratepayers and the community in that Ward, after open and transparent consultation;*
- 2 *That the City of Joondalup informs the State Government of (1) above.*

BACKGROUND

At the Council meeting held on 8 August 2006, the following motion was moved:

- “1 *That the City of Joondalup protect the amenity and lifestyle and choices of ratepayers, electors and the community in the south east ward of the City of Joondalup, and reject Network City in its entirety in the south east ward, until there is clear and demonstrable support from electors, ratepayers and the community in that Ward, after open and transparent consultation;*
- 2 *That the City of Joondalup informs the State Government of (1) above.”*

Following discussion, the following procedural motion was carried:

That the following motion be DEFERRED pending a presentation being made to the Elected Members by the WA Planning Commission.

“MOVED Cr Hart, SECONDED Cr Corr:

- 1 That the City of Joondalup protect the amenity and lifestyle and choices of ratepayers, electors and the community in the south east ward of the City of Joondalup, and reject Network City in its entirety in the south east ward, until there is clear and demonstrable support from electors, ratepayers and the community in that Ward, after open and transparent consultation;*
- 2 That the City of Joondalup informs the State Government of (1) above.”*

On 15 August 2006, a presentation on Network City was made to the Elected Members by the Chairman of the Western Australian Planning Commission, Mr Jeremy Dawkins and Executive Director Urban Policy, Mr Martin Richardson.

DETAILS

Network City is a state government initiative that provides a broad framework for the future planning of Perth. The implementation of Network City will require community consultation prior to future consideration of the implementation of the Network City strategies.

Network City will be implemented through a Statement of Planning Policy (SPP), prepared by the WAPC and currently in draft form. An SPP is primarily directed towards broad general planning and facilitating coordination of planning throughout the state or a particular region.

The draft Network City SPP sets out the vision, values, principles and eight ‘headline statements’ to guide planning decisions for Perth and Peel. Local Town Planning Schemes are required to have due regard to any SPP which affects its district. If adopted, the SPP would have implications for the development of new policies, strategies, plans and schemes by the City of Joondalup, as these would need to align with the SPP. It is unlikely that the WAPC would allow the south-east ward of the City of Joondalup to be exempt from the SPP.

MOVED Cr Hart, SECONDED Cr Corr:

- 1 That the City of Joondalup protect the amenity and lifestyle and choices of ratepayers, electors and the community in the south east ward of the City of Joondalup, and reject Network City in its entirety in the south east ward, until there is clear and demonstrable support from electors, ratepayers and the community in that Ward, after open and transparent consultation;**
- 2 That the City of Joondalup informs the State Government of (1) above.**

Cr Magyar queried the process for continuing debate on this Item, which had been deferred from the Council meeting held on 8 August 2006. Mayor Pickard made reference to Clause 62 of the Standing Orders Local Law 2005 and advised it was in order for Cr Hart to open debate as the Mover of the Motion.

AMENDMENT MOVED Cr Park, SECONDED Cr John that Point 1 of the Motion be amended to read:

“1 That the City of Joondalup protect the amenity and lifestyle and choices of ratepayers, electors and the community and reject Network City in its entirety until there is clear and demonstrable support from electors, ratepayers and the community after open and transparent consultation;”

Discussion ensued.

**C60-08/06 SUSPENSION OF STANDING ORDERS LOCAL LAW 2005 – [02154]
[08122] [01369]**

MOVED Cr Hart, SECONDED Cr Evans that Clause 54 (1) of Standing Orders Local Law 2005 be SUSPENDED for the purpose of debate on Item C59-08/06 – Notice of Motion – Cr S Hart in order that Elected Members may speak more than once on this issue.

The Motion was Put and

LOST (5/8)

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

Discussion continued in relation to the Amendment as Moved by Cr Park, Seconded Cr John.

The Amendment was Put and

LOST (4/9)

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

Further discussion ensued in relation to the Motion as Moved by Cr Hart, Seconded Cr Corr.

The Motion as Moved Cr Hart, Seconded Cr Corr was Put and

LOST (3/10)

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

The Chief Executive Officer raised his concerns that the matter just dealt with may leave the community with some confusion in regard to Network City. He advised that under Clause 26 (3)(b) of the Standing Orders Local Law 2005 Elected Members were able to consider a different Motion relative to Network City, and provided suggested wording for consideration by the Council.

C61-08/06 NETWORK CITY - [22548]

MOVED Mayor Pickard, SECONDED Cr Park that Council:

1 ADVISES the Western Australian Planning Commission it has concern with the potential implications of Network City on the amenity and lifestyle of sectors of our community;

- 2 further advises the Western Australian Planning Commission and the community of Joondalup that it would propose that the adoption of any of the Network City principles will only be considered for implementation after extensive consultation process within the community.

Discussion ensued.

Cr Amphlett left the Chamber at 2232 hrs and returned at 2234 hrs.

1st AMENDMENT MOVED Cr Magyar, SECONDED Cr Jacob that Point 2 of the Motion be amended to read:

- “2 further advises the Western Australian Planning Commission that it would proposed that the adoption of any of the Network City principles will only be considered for implementation after extensive public participation utilising the City’s public participation strategy.”

Discussion ensued.

The 1st Amendment was Put and CARRIED (13/0)

In favour of the 1st Amendment: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

2ND AMENDMENT MOVED Cr Corr, SECONDED Cr Hart that Point 1 of the Motion be amended to read:

- “1 **ADVISES the Western Australian Planning Commission and the community of Joondalup that it has concern with the potential implications of Network City on the amenity and lifestyle of sectors of our community;**”

The 2nd Amendment was Put and CARRIED (13/0)

In favour of the 2nd Amendment: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

The Original Motion as amended, being:

That Council:

- 1 **ADVISES the Western Australian Planning Commission and the community of Joondalup that it has concern with the potential implications of Network City on the amenity and lifestyle of sectors of our community;**
- 2 **further advises the Western Australian Planning Commission that it would proposed that the adoption of any of the Network City principles will only be considered for implementation after extensive public participation utilising the City’s public participation strategy.**

was Put and CARRIED (13/0)

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

C62-08/06**NOTICE OF MOTION NO 2 – CR B CORR**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 29 August 2006:

That, with regard to Delegated Authority, if there are any objections or complaints from any source, verbal or written, about a Planning Application, the application must be brought to the attention of the Elected Members in the following way:

- 1 *Full details, including the objections or complaints, to be brought to the attention of Elected Members at the next Briefing Session;*
- 2 *If one, or more, of the Elected Members wants more details or to investigate further, the application to be put on the agenda for a decision at the next Ordinary Meeting;*
- 3 *If no Elected Member wants more details or to investigate further, the application to be passed under Delegated Authority.*

Officer's Comment

The current format for the Town Planning Delegations was implemented in 2005 in accordance with one of the recommendations of the City of Joondalup's Governance Review 2003 – Final Report, Recommendation 32 of the Final Report states:

"The Mayor or any Elected Member should not be involved in the exercise of delegated authority."

The Final Report also provided comments that no debate should occur during Briefing Sessions. The Council has subsequently adopted protocols relating to Strategy and Briefing Session.

An initial assessment of the proposed Notice of Motion has been carried out and, in part, its legality is questionable. Elected Members do not make decisions at Briefing Sessions, but ask questions to inform themselves for debate at Council. This motion, in part, leads to decisions being made about which items will be placed before Council. The Act gives no power to Elected Members to make such decisions outside of Council Meetings. Potentially there are major implications for the Delegated Authority approval process, which could result in:

- (i) a proposal, having being assessed and ready for determination, being subsequently considered at Council meeting;
- (ii) delays in the decision making process on an application for up to three weeks during a normal meeting cycle and longer if the Christmas period is involved;
- (iii) additional costs to the applicant due to the delay in the decision making process;
- (iv) applications ranging from retaining walls, patios, additions and alterations to single houses being referred to Council for possible determination;
- (v) an increase in appeals to SAT given that an applicant may deem the application refused if it has not been determined within 60 days, as set out in Clause 6.5.2 of the District Planning Scheme No. 2;

- (vi) increased pressure on the City's resources due to the additional workload placed on various parts of the organisation to support the proposed changes.

The planning delegation is currently scheduled to be discussed at the Strategy Session in October 2006. It is recommended that any decision on changes or review of the delegation process be held in abeyance until the proposed October 2006 strategy session is held.

MOVED Cr Corr, SECONDED Cr Hart that consideration of Notice of Motion No 2 – Cr B Corr be DEFERRED pending the holding of a workshop in relation to Delegated Authority.

The Motion was Put and

CARRIED (13/0)

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

ANNOUNCEMENT OF NOTICES OF MOTION FOR THE NEXT MEETING

C63-08/06

NOTICE OF MOTION – CR S MAGYAR - [61581]

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Magyar has given notice of his intention to move the following motion at the Council Meeting to be held on 19 September 2006:

“That:

- 1 Council, BY AN ABSOLUTE MAJORITY, ESTABLISHES an Accountability Committee as recommended by the McIntyre Inquiry, Recommendation 13 to rebuild goodwill between the Council and Electors;***
- 2 The Terms of Reference for the Committee are to be considered by the Committee at its first meeting after advice from the Chief Executive Officer.”***

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2253 hrs; the following Elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr A JACOB
Cr S MAGYAR
Cr J PARK
Cr G AMPHLETT
Cr M JOHN
Cr M EVANS
Cr S HART
Cr B CORR
Cr R FISHWICK
Cr R CURRIE