

DRAFT AGENDA

Briefing Session City of Joondalup

A BRIEFING SESSION
WILL BE HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



to be held on

TUESDAY, 12 SEPTEMBER 2006

PUBLIC QUESTION TIME



Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 11 September 2006.

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



GARRY HUNT
Chief Executive Officer

8 September 2006



City of
Joondalup

www.joondalup.wa.gov.au

PROTOCOLS FOR BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

Protocols for Briefing Sessions

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

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

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

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

PUBLIC QUESTION TIME

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

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

PUBLIC STATEMENT TIME

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

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

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

PROCEDURE FOR PUBLIC STATEMENT TIME

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

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

DISCLAIMER

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

DEPUTATION SESSIONS

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

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **12 September 2006** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted verbally at the Briefing Session held on 22 August 2006.

Mr M Caiacob, Mullaloo:

Re: Item 16: Initiation of Proposed Amendment No 31 to District Planning Scheme Number 2 for the purpose of public advertising.

Q1 *Is the City reviewing its Town Planning Scheme and have you requested an exemption from the Planning Commission agreeing that a consolidation of the Scheme and public submissions are not necessary?*

A1 The process for a Scheme review is underway. The review has not been initiated formally and there has been no approach to the Commission about the manner in which it will be handled in relation to the new legislation.

Q2 *As the report makes it clear that it is a review, why is an amendment occurring and not a review (reference Town Planning and Development Act, Section 7AA)?*

A2 The report relates to a proposed amendment to the Scheme to make various changes to issues that have arisen since the Scheme was adopted. There has been no formal resolution of the Council to undertake a review.

Ms M Moon, Greenwood:

Re: Item 16: Initiation of Proposed Amendment No 31 to District Planning Scheme Number 2 for the purpose of public advertising.

Q1 *Is short stay use for families or for unrelated people?*

A1 The R-Codes define residential building as:

“A building or portion of a building, together with rooms and outbuildings separate from such building 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.”

Q2 *Does item 16 state in the report that this is a review?*

A2 This is a proposed amendment to the Scheme, not a review.

4 PUBLIC STATEMENT TIME

The following statements were submitted verbally at the Briefing Session held on 22 August 2006.

Mr M Caiacob, Mullaloo:

Re: Item 16 – Initiation of Proposed Amendment No 31 to District Planning Scheme No 2 for the Purpose of Public Advertising

Mr Caiacob raised his concerns in relation to this Item, and was of the opinion that the review of the DPS 2 should be undertaken as an advertised review so that the public are afforded an opportunity to make a submission. He felt any review of the DPS 2 should not be undertaken by way of an amendment.

Ms M Moon, Greenwood:

Re: Item 12 – Change of Use from Single House to Residential Building (Short Stay Accommodation): Lot 102 (17) Foston Drive, Duncraig

Ms Moon spoke in relation to this Item and stated an ‘appropriate use’ class for short stay accommodation needs to be determined.

5 APOLOGIES AND LEAVE OF ABSENCE

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

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.

7 REPORTS

ITEM NO	TITLE	WARD	PAGE NO
ITEM 1	REVIEW OF CODE OF CONDUCT – [09358] [74591]	All	1
ITEM 2	GRAFFITI TAGGING - STUDY PROPOSAL - RESPONSE TO NORTH METROPOLITAN ZONE OF WALGA – [07004]	All	7
ITEM 3	RESPONSE TO WALGA'S SYSTEMIC SUSTAINABILITY STUDY – [12542]	All	10
ITEM 4	MINUTES OF POLICY COMMITTEE MEETING HELD ON 24 AUGUST 2006 – [01435]	All	17
ITEM 5	LOCAL GOVERNMENT RATING OF LAND USED FOR CHARITABLE PURPOSES – [00104]	All	21
ITEM 6	MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 1 AND 8 AUGUST 2006 – [74574]	All	28
ITEM 7	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2006 – [07882]	All	31
ITEM 8	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2006 – [07882]	All	34
ITEM 9	CONTRACT 004-06/07 SUPPLY AND MAINTENANCE OF ORNAMENTAL STREET LIGHTS IN JOONDALUP AND ILUKA – [17593]	North	36
ITEM 10	CITY WATCH COMMUNITY SECURITY PATROL SERVICE - SERVICE REVIEW – [23565] [89558]	All	40
ITEM 11	CONSIDERATION OF THE OUTCOME OF PUBLIC ADVERTISING FOR PROPOSED DPS2 AMENDMENT 33 AND STRUCTURE PLAN NO. 7: LOT 4 (25) SHEPPARD WAY, MARMION – [88575] [18577]	South	47
ITEM 12	PROPOSED MIXED USE DEVELOPMENT AT LOT 201 (88) LAKESIDE DRIVE, JOONDALUP – 42 MULTIPLE DWELLINGS AND ASSOCIATED USE (CONVENIENCE STORE) – [86007]	North	57
ITEM 13	PROPOSED FOURTEEN (14) GROUPED DWELLINGS ABOVE EXISTING COMMERCIAL TENANCIES (HEATHRIDGE CITY SHOPPING CENTRE) - 1-11/ 99 CARIDEAN STREET, HEATHRIDGE – [63542]	North Central	68

ITEM 14	PROPOSED ROOF OVER PORTION OF THE VEHICLE EXIT LANE – MULLALOO TAVERN – LOT 100 (10) OCEANSIDE PROMENADE, MULLALOO – [02089]	North Central	79
ITEM 15	INITIATION OF AMENDMENT TO DPS2 AND LOCAL PLANNING POLICY – SHORT STAY ACCOMMODATION – [72584]	All	85
ITEM 16	CONDITION OF HIRE FOR CITY OF JOONDALUP FACILITIES - CHILD PROTECTION POLICY – [36566]	All	91
ITEM 17	COMMUNITY DEVELOPMENT STRATEGY – [07116]	All	95

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

LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 120906.pdf](#)

ITEM 1 REVIEW OF CODE OF CONDUCT – [09358] [74591]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For Council to review the Code of Conduct of the City of Joondalup and make one amendment.

EXECUTIVE SUMMARY

The Local Government Act 1995 requires each Local Government to review its Code of Conduct within 12 months of an ordinary election. This report assists the Council to conduct a review and, consequently, comply with the legislation.

It is also noted that the State Government is introducing legislation which will establish a uniform Code of Conduct for all Local Governments. The precise timing of the introduction of the uniform statewide Code is uncertain but is likely to occur within the next 6 months. Following the introduction of the uniform Code, the City will need to make a decision on whether to abolish its individual Code or whether to amend the Code to complement the uniform one.

BACKGROUND

The Local Government Act 1995 requires every local government to adopt a Code of Conduct that establishes the level of behaviour expected of its elected members, committee members and employees.

The former City of Wanneroo first adopted its Code of Conduct in April 1997, which subsequently became the Code of Conduct for the newly created City of Joondalup in July 1998. The Code has been reviewed in accordance with the Local Government Act 1995 since that time.

The Code of Conduct has not been reviewed since the suspension of the elected Council in December 2003. Consequently, it is considered timely to review the Code again. This accords with the Act's requirement that it be reviewed within 12 months of each ordinary election.

Council at its meeting held on 14 December 2004 considered the following motion that was carried at the Annual General Meeting of Electors held on 22 November 2004:

“That the words “and ratepayers” be added to Recommendation 25 in the Governance Review (refer Item CJ276-11/04 for Council meeting of 23 November 2004, Appendix 2, Page 32) so that this recommendation will read “All elected members must adhere to the Code of Conduct and refrain from vilifying fellow elected members, staff and ratepayers”.

In response to the motion carried by the AGM, Council resolved as follows:

“That the Joint Commissioners:

- 13 *in relation to Motion 12 of the Annual General Meeting of Electors held on 22 November 2004, NOTE that recommendation No 25 referred to in the motion is a recommendation of the Governance Review Panel and cannot be altered by the City, however, the issue on non-vilification of ratepayers will be considered as part of the review of the Code of Conduct.”*

It is also noted that the legislation which establishes the parameters for Codes of Conduct in Local Government is about to change dramatically.

In 2003, the then Minister for Local Government & Regional Development introduced to Parliament a Local Government (Official Conduct) Amendment Bill 2003. This Bill has passed through the Legislative Assembly and is now in the Legislative Council awaiting debate. The Minister for Local Government & Regional Development anticipates that the Bill will pass through the Parliament in the Spring Session and will come into operation later in the year.

The purpose of the Bill is to introduce a new disciplinary framework to deal with individual misconduct by local government Council members. At present, apart from prosecution, the only avenue for action in response to inappropriate individual behaviour is against the whole Council.

The Bill contains detailed provisions enabling regulations to be made prescribing the uniform rules of conduct for elected members. A draft of these rules has been prepared which covers the following key areas: -

- Standards of general behaviour;
- Use of information;
- Securing unauthorised advantages or disadvantages;
- Disclosing certain interests (not financial); and
- Restriction on receiving, and requirement to disclose, certain gifts.

The Bill also details the establishment of a standards panel to consider of breaches of the rules of conduct by Elected Members. More serious breaches or repeated minor breaches are to be referred to the Director General of the Department of Local Government and Regional Development, who may direct the matters to the State Administrative Tribunal (SAT) for consideration.

A copy of the Local Government (Official Conduct) Amendment Bill 2005, the Second Reading speech and the relevant explanatory memorandum are attached (Attachments 1, 2 and 3).

DETAILS

The City's current Code of Conduct is attached (Attachment 4). This provides a range of guiding principles and it establishes values and ethical standards which guide the behaviour of Elected Members and employees when dealing with each other and members of the public. Part 5 of the Code deals with conflicts of interest and disclosures of interest. Such conflicts arise where there are incompatibilities between one's public duty and interests which are personal or which relate to immediate family members, business partners or close associates.

Part 6 of the Code covers a range of matters including:

- The use of confidential information (the Code prohibits using confidential information to gain improper advantage for either the person or another person or body);
- Improper or undue influence (the Code prohibits using a position to improperly influence any other person to gain an advantage or benefit);
- Gifts and acts of hospitality (the Code limits the extent to which gifts of hospitality can be accepted);
- Disclosure of election campaign contributions (the Code requires all electoral candidates to comply with the Local Government Act 1995 and its associated regulations in relation to disclosing electoral donations);
- Personal behaviour (the Code indicates that people should, amongst other things, act in accordance with the requirements of the Code, perform duties impartially, act in good faith, make no allegations which are improper or derogatory and not publicly reflect adversely upon decisions);
- Honesty and integrity (the Code supports being frank and honest in official dealings and resolving conflict through discussion);
- Administrative and management practices (the Code supports maintaining full and accurate records); and
- Defamation (where the Code notes that Members only have qualified privilege against defamation).

Part 7 of the Code deals with the use of Council property. The Code requires Members to be scrupulously honest in the use of Council facilities and resources.

The Code also covers corporate obligations in relation to communication and public relations as well as whistle-blower protection provisions.

With the possibility of regulations being finalised in the near future to implement the uniform statewide Code of Conduct, a comprehensive analysis of the current Code in relation to the model Code prepared by the WA Local Government Association (WALGA) and the Codes of other Local Governments does not appear to be an efficient use of resources. However, one issue which has been identified as problematic is the definition for token gifts under the current Code. This indicates that “token gifts or moderate acts of hospitality can be accepted under the Code”. However, the Code defines these gifts or acts of hospitality as being less than \$200 in value. This \$200 amount has not been amended for a numbers of years.

A comparison has been made with a range of other Councils to identify the amount set for the definition of a token gift. These amounts are as follows:

- City of Canning – Maximum of \$30
- City of Subiaco – Less than \$50
- City of Perth – Of or below \$100
- Town of Cambridge – Of or below \$100
- Shire of Roebourne – Of or below \$199
- Town of Vincent – Less than \$200
- Town of Kwinana – Of or below \$200
- City of Kalgoorlie-Boulder – Of or below \$250
- City of Fremantle – Of or below \$250
- City of South Perth – Less than \$200 but more than \$100
- City of Wanneroo – Less than \$500 but more than \$50

Attachment 5 identifies CPI increases over the past 10 years. This shows that a value of \$200 in 1997 would be worth over \$250 in 2006 dollar terms. With several Councils using \$250 or more as the maximum value for a token gift, it would appear reasonable to increase the value of a token gift to \$250.

The amount set should also be increased in general accordance with CPI movements in future years or until the City's Code is replaced by the uniform Code.

Issues and options considered:

The Council may decide to:

- Amend its current Code of Conduct in accordance with the recommendation in this report;
- Retain the current Code of Conduct pending proclamation of the Local Government (Official Conduct) Amendment Bill 2005 and the introduction of uniform Code provisions.

Link to Strategic Plan:

The current Code of Conduct links the guiding principles of the Code to those contained within the Strategic Plan for the City.

Legislation – Statutory Provisions:

5.103. Codes of Conduct

- (1) *Every local government is to prepare or adopt a Code of Conduct to be observed by council members, committee members and employees.*
- (2) *A local government is to review its Code of Conduct within 12 months after each ordinary elections day and make such changes to the Code, as it considers appropriate.*

Regulation 34B and 34C of the Local Government (Administration) Regulations 1996 states:

34B. Codes of conduct (token gifts) — s. 5.103(3)

- (1) *In this regulation — “gift” does not include —*
 - (a) *a gift from a relative as defined in section 5.74(1);*
 - (b) *a gift as defined in regulation 30A of the Local Government (Elections) Regulations 1997;*
 - (c) *an educational or professional benefit conferred on an employee to further or improve the knowledge or skill of the employee by:*
 - (i) *this State, another State, a Territory, the Commonwealth or a body established under a written law; or*
 - (ii) *an incorporated association under the Associations Incorporation Act 1987, or a corresponding law of another State or Territory, if the employee is eligible for membership of that body on the basis of tasks he or she performs for the local government;*

“token gift” means a gift of, or below, a value specified by the particular local government.

- (2) A Code of Conduct is to contain a requirement that a Council member or an employee cannot accept a gift, other than a token gift, from a person who is undertaking, or is likely to undertake, business:
- (a) that requires the person to obtain any authorisation from the local government;
 - (b) by way of contract between the person and the local government; or
 - (c) by way of providing any service to the local government.
- (3) A Code of Conduct is to contain a requirement that the CEO is to keep a register of token gifts that are recorded under subregulation (4).
- (4) A Code of Conduct is to contain a requirement that a Council member or an employee who accepts a token gift from a person referred to in subregulation (2) is, subject to subregulation (5), to record:
- (a) the names of the persons who gave, and received, the token gift;
 - (b) the date of receipt of the token gift; and
 - (c) a description, and the estimated value, of the token gift.
- (5) If the particular local government decides that:
- (a) a specified thing given by way of hospitality; or
 - (b) a thing given by way of hospitality that belongs to a specified class of things, does not need to be recorded under subregulation (4), the specified thing, and things belonging to the specified class, do not need to be so recorded.

34C. Codes of conduct (disclosure of interests affecting impartiality) — s. 5.103(3)

- (1) In this regulation —
- “employee”** has the meaning given by section 5.70;
- “interest”** means an interest that would give rise to a reasonable belief that the impartiality of the person having the interest would be adversely affected but does not include an interest as referred to in section 5.60.
- (2) A Code of Conduct is to contain a requirement that a Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting that will be attended by the member or employee.
- (3) A Code of Conduct is to contain a requirement that a Council member or an employee is to disclose any interest that he or she has in any matter to be discussed at a Council or committee meeting in respect of which the member or employee has given, or will give, advice.
- (4) A Code of Conduct is to contain a requirement that disclosure of an interest under subregulation (2) or (3) is to be made at the meeting immediately before the matter is discussed or at the time the advice is given, and is to be recorded in the minutes of the relevant meeting.

Risk Management considerations:

Failure to review the Code of Conduct in accordance with legislation and/or best practice will lead to:

- Breach of the relevant legislation provisions; and
- The Code of Conduct becoming outdated with contemporary practices.

Financial/Budget Implications:

Not applicable

Policy implications:

The Code of Conduct is a Council policy and is a crucial document of the City. It must be read in conjunction with other such documents as the: -

- Governance Framework;
- Strategic Plan;
- Local Government Act 1995.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

With the Code of Conduct having not been reviewed for some time and pending the proclamation of the Local Government (Official Conduct) Amendment Bill 2005, it is appropriate to amend the amounts attributed to a token gift and effect the change requested at the Annual General Meeting of Electors in 2004.

ATTACHMENTS

Attachment 1	Local Government (Official Conduct) Amendment Bill 2005
Attachment 2	Second Reading Speech
Attachment 3	Explanatory memorandum to Bill
Attachment 4	City of Joondalup's Code of Conduct
Attachment 5	CPI Increases

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council AMENDS the City's Code of Conduct as shown in Attachment 4 to this Report.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120906.pdf](#)

ITEM 2 GRAFFITI TAGGING - STUDY PROPOSAL - RESPONSE TO NORTH METROPOLITAN ZONE OF WALGA – [07004]

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

PURPOSE

To formulate a response to the North Metropolitan Zone of the Western Australian Local Government Association (WALGA) on the research proposal relating to graffiti tagging.

EXECUTIVE SUMMARY

This report recommends:

- That the City provides a statement of support for the research project on graffiti tagging to the WALGA Zone;
- That the City provides financial support for this project if other Councils in the Zone support the proposal financially; and
- That the City agrees to work collaboratively with other local governments and with WALGA to reduce graffiti crime and damage.

BACKGROUND

At the meeting of the North Metropolitan Zone of WALGA on 3 August 2006, a proposal from Genevieve Rowles was tabled in relation to graffiti tagging. The Zone has requested that member Councils consider the issues detailed in the paper written by Genevieve Rowles (Attachment 1) and provide feedback to the next Zone meeting on 28 September 2006.

It is noted that the issue of graffiti received some prominence at the Annual General Meeting (AGM) of WALGA where a report was presented on graffiti management which was instigated by the City of Belmont. The report is included as Attachment 2. In response to this paper, the AGM carried the following motion:

“That WALGA continues to lobby the State Government to address the issue of graffiti by:

- (a) ensuring a State-wide approach is taken to graffiti;*
- (b) seeking representation to the State Judiciary to impose greater penalties on convicted graffiti offenders;*
- (c) setting up a central reporting point through the WA Police Service;*
- (d) working with State Government to develop policy guidelines for the collection and reporting of incidences of graffiti;*
- (e) working with State Government to research and develop mechanisms for ascertaining the true cost of graffiti across the State;*
- (f) allowing sufficient resources to the WA Police Service so they can properly record and investigate graffiti offences; and*
- (g) giving the WA Police Service the ability to shut down websites specifically used for displaying illegal graffiti tags.”*

Thus, the general issue of graffiti is being pursued by WALGA on behalf of local government. This knowledge provides a context for this report which deals with the proposal from Ms Rowles.

DETAILS

Ms Rowles is a forensic document examiner who is completing a Masters in Forensic Science Degree with the University of Western Australia. Her thesis is considering the nexus between traditional handwriting examinations and graffiti tag examinations to determine the similarities of the spatial properties of tags when compared to handwriting.

Ms Rowles is a resident of Joondalup. Her proposal is seeking support for her study. The first option she provides is based on a budget of \$132,740 which includes a research assistant salary of \$118,000 over 2 years. Her second option involves a cost of \$64,000 which deletes the research assistant proposal and includes a 2 year scholarship of \$49,300.

While the research is considered useful, it is suggested that the City respond to the WALGA Zone in terms of support for initiatives to address graffiti rather than specifically agreeing to funding. However, should other Councils in the Zone support funding, it is suggested that the City agree to financial support on a proportionate basis with the other contributors. It should be noted that there is no money allocated in the budget for this purpose.

Issues and options considered:

Council has three options. It could agree to a budget adjustment and offer to provide monies to support the research. Alternatively, it could provide a general indication of support with no financial commitment attached unless others make a commitment. Finally, it could indicate that it does not consider the research to be a priority.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

Not applicable.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Ms Rowles' report does not make it clear exactly how much money she is seeking from the City of Joondalup for this research initiative. The City's budget does not identify monies to support research projects of this type.

Policy implications:

Not applicable.

Regional Significance:

Research would be beneficial to the whole of Western Australia.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

Not applicable.

ATTACHMENTS

Attachment 1	Proposal from Genevieve Rowles
Attachment 2	WALGA Report

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 REPORTS to the North Metropolitan Zone of WALGA that it is supportive of initiatives to reduce the instance of graffiti but offers no specific funding unless other Councils in the Zone offer financial support. In this case, the financial support would be on a proportionate basis with the other contributors;**
- 2 AGREES to work collaboratively with other local governments and with WALGA to reduce graffiti crime and damage.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120906.pdf](#)

ITEM 3 RESPONSE TO WALGA'S SYSTEMIC SUSTAINABILITY STUDY – [12542]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Ian Cowie
Governance and Strategy

PURPOSE

To provide a response to the Western Australian Local Government Association's (WALGA) Systemic Sustainability Study.

EXECUTIVE SUMMARY

WALGA is seeking feedback on an interim report titled "In Your Hands; Shaping the Future of Local Government in Western Australia". This report poses a range of questions for local governments to answer and provides a framework against which individual local governments can assess their financial sustainability.

Proposed responses to the questions raised within the interim report are provided for consideration.

BACKGROUND

In January 2006 WALGA commissioned a comprehensive study into the Systemic Sustainability of Local Government in Western Australia. "In Your Hands; Shaping the Future of Local Government in Western Australia" is the interim report of the Systemic Sustainability Study panel (Attachment 1). The document highlights a range of issues for consideration by local governments and, based on this feedback, a final report will be prepared.

DETAILS

The interim report's questions and suggested responses are as follows:

- Q1** *What are the important dimensions of sustainability for a Local Government? How could these dimensions be used to strengthen or enhance the future role of Local Government in Western Australia?*
- A1** The most important dimension of sustainability is relevance. If local government loses its relevance, its sustainability must be questioned. There are numerous elements which allow local government to be relevant. These include financial capacity, skill base, legislative authority, etc.
- Q2** *Do Councils believe it is important to have an agreed vision for the sector developed with State Government?*
- A2** The vision for local government should be set by local government. Any agreed vision would be most effective if it is developed with the State Government. However, the vision should not be developed by the State Government.
- Q3** *Do Councils believe it is necessary to define the roles and responsibility of Local Government?*

- A3 Roles are broadly defined within the Local Government Act and other legislation. If such roles and responsibilities are defined more specifically, local government loses flexibility which could impact on its relevance. Local government should have general powers to operate as is currently the case.
- Q4 *Are there other significant principles that should define the scope and role of Local Government activities?*
- A4 The principles identified in Chapter 3 (covering respect, engagement, autonomy, responsiveness, etc.) appear comprehensive.
- Q5 *Is there a need for more transparent and authoritative sector-wide financial practices to be developed? (The Panel suggests that these should include debt policies, the rating mechanism, policy choices, accounting practice, asset management systems and policies, and consistent monitoring and reporting of a Council's financial position and performance.)*
- A5 Great care needs to be taken in terms of the development of sector-wide financial practices. For instance, some Councils will have valid reasons to take on significant debt while others will not need to. Further, while consistent monitoring and reporting allows for cross-local government comparisons, it does not assist local governments to provide services and be responsive to local communities.
- Q6 *Would there be benefit in defining a best practice debt policy? How could this be applied to best effect across the industry?*
- A6 There can be no best practice debt policy as each local government's situation is different. However, it is important that local governments are informed of levels of debt which can bring viability into question.
- Q7 *Is there value in monitoring rate increases and matching them with financial sustainability?*
- A7 Rate increases should be determined by individual local governments based on the needs of the Council as the decision maker.
- Q8 *Would the requirement for a 'New Zealand-style services policy' statement, that clearly states the roles and functions than an individual authority is prepared to adopt and that details the number, nature and method of service delivery, improve or strengthen the sustainability of Local Government in Western Australia?*
- A8 Local governments produce a range of statements which indicate to the community what they are doing. These include strategic plans or plans for the future and many would have customer service charters. It is considered important for local government autonomy that individual local governments continue to set their service direction. However, it is appropriate for local governments to identify the level of services they will be providing to their communities to ensure expectations are clear.
- Q9 *If there is a need for more consistent accounting policies, what would be the best way to introduce them? Are there capacity, capability or systems issues that would preclude their successful introduction?*
- A9 Local governments are required to comply with accounting standards and this is considered sufficient.
- Q10 *Is there a need for the development of accepted industry standards of asset management? How might these be successfully introduced in Western Australia?*

- A10 A range of Councils are working on improving asset management in a variety of ways. However, again it is considered important to provide flexibility and there should not be one standard which fits all local governments unless the standard is high level, broad and flexible to complement the varying capacities of individual local governments.
- Q11 *Do Councils believe that there is a need for regular sustainability monitoring?*
- A11 It is up to each individual local government to monitor its “sustainability” and take action to ensure that it maintains or enhances its position in the future.
- Q12 *What would be the most important issues to monitor in order to assess financial sustainability?*
- A12 It should be up to each individual local government to monitor its financial sustainability in terms of the actions it wishes to take.
- Q13 *The Panel invites Local Governments to conduct the financial sustainability self-assessment included in Appendix 3. This will enable participating authorities to identify their positioning and performance against WA Local Government benchmarks as set out elsewhere in this document.*
- A13 See “Comment” section of this report.
- Q14 *Do Councils believe that the principles of Local Government should more clearly address the principles of ‘subsidiarity’ and ‘correspondence’ in strengthening and confirming its role and relationship with the State Government?*
- A14 The role of local government and its relationship with the State should be left broad to enable flexibility. Should local government be concerned about cost shifting in a particular area, it is incumbent on local government, through WALGA, to tackle the State on this matter.
- Q15 *How applicable do Councils believe the Panel’s definition of community of interest is? Are there measures or experiences Council can identify that may help to better quantify or rate the attributes – to assist planning, jurisdictional and service enhancement?*
- A15 It is extremely difficult to identify communities of interest in any finite way. This is because people have different communities of interest for different areas of their lives. (That is a shopping community of interest will be different from a schooling community of interest, etc.)

In particular the Panel wants individual Councils to comment on the key dimensions that define a sustainable Local Government’s boundaries. In providing commentary to question 16, please reference your Council’s responses to the sustainability self-assessment.

- Q16 *The Panel wishes to discuss the potential dimensions for assessing a Local Government’s boundaries with the sector. What dimensions does your Council believe are important? How can they be defined?*
- A16 A local government’s boundary should be based on a variety of factors. The Local Government Act identifies factors for the Advisory Board to take into consideration (including communities of interest, physical features, demographic trends, economic factors, history, etc) and this is considered sufficient.

Q17 *Is workplace planning an important consideration of your Council?*

A17 Workplace planning is an important consideration.

Q18 *Has your Council adopted any innovative strategies to ensure the industry recruits and retains the best and most appropriate workforce for the future? Are there specific measures you consider appropriate to strengthen the governance capabilities of elected Councillors?*

A18 The City has used a variety of mechanisms to recruit and retain its workforce. These strategies are used by many Councils and include the use of specialised recruitment firms and attractive enterprise bargaining arrangements. The governance capabilities of elected members have been enhanced by a very extensive induction program conducted by the City.

Q19 *Do Councils believe that there is a role for an objective and independent sectoral audit process on issues dealing with financial sustainability?*

A19 There could be some benefit from an independent sectoral audit process if the audit was performance-based. However, it would be important to ensure that this did not lead to all local governments operating in the same way. Should this be the case, the essence of “local government” would disappear.

Q20 *What are the strengths and weaknesses of a two-tiered system of Local Government? Are there particular services that are best delivered on a regional basis?*

A20 For smaller, particularly non-metropolitan local governments there are potential advantages to a two-tiered system of local government with services such as road construction provided on a regional basis.

Q21 *Do Councils believe that there is a need for State-wide resource sharing arrangements? How could these be structured for best effect?*

A21 There are a range of resource sharing arrangements operating within local government at the moment. The Department of Local Government and Regional Development has attempted to encourage this. It is considered that the current initiatives in this area are adequate and sufficient.

Q22 *The Panel asks Councils to consider these and other potential changes to the Local Government Act as part of the development of an industry response to this study.*

A22 The Report makes a range of suggestions. Responses to each are as follows:

- Increase tender limit from \$50,000 to \$100,000:
This is supported.
- Increase the threshold for major land transactions to \$2 million:
This is supported.
- Establish asset management plans and require the establishment of reserves to fund the replacement of infrastructure:
This should be at the discretion of individual local governments. However replacing assets is, obviously, vitally important.
- Allow for flexibility in paying Councillors and the mandatory number required:
Further consideration should be given the amounts which elected members can receive.
- Introduce mandatory training programs for Councillors:

The City has obtained extremely strong commitment for voluntary training programs. The necessity for mandatory training is questioned.

- Allow Councils to conduct postal voting without using the WA Electoral Commission:
This is supported.
- Introduce less prescriptive requirements in relation to business planning and the disposal of land and other property:
The preparation of business plans is considered important and these provisions have not constrained the City's operations in the past.
- Revisit the rate exemptions provision within the Act:
This approach is supported.
- Allow Councils to hold electronic meetings:
The provisions in the Local Government Act which allow for electronic meetings in certain circumstances are supported.
- Have external decision making criteria to guide local governments in rate setting:
While this may be useful for some, it could be seen as a way of standardising the setting of rates and reducing local autonomy and is, therefore, not supported.
- Increase the level of developer contributions for public facilities:
This is supported in theory and needs further consideration from a planning and asset management perspective.

Q23 What improvements should be made to the distribution of FAGS in Western Australia? How might incentives to pursue best use of own source revenue be developed? How might the concept of a minimum grant be modified to ensure the grant is awarded based on sustainable performance by authorities?

A23 The issue of Financial Assistance Grants being paid on the basis of efficiency is a concept which has previously been considered and rejected by the Commonwealth Government. It requires further consideration.

Q24 What role can the State Government play in supporting Councils and the industry to address the challenge of change and more sustainable operation? Does the Industry require some form of transitional funding to assist Councils plan for and execute a change agenda consistent with the themes identified in this review?

A24 The State Government's support is always valuable. However, local government needs to be careful that it does not abrogate its responsibility as a decision maker as it seeks State Government funding to implement changes.

Q25 Do Councils believe that there is a need for a State Government-established fund to help achieve specific reform objectives?

A25 Such a fund would be useful but, again, local governments need to be careful that the fund does not ultimately lead to a reduction in local government autonomy.

Q26 Do the current arrangements for capacity building in the Local Government sector meet the needs of the sector?

A26 The City has rarely used current capacity building arrangements and, consequently, is not in a good position to comment. However, additional guidance from the Department on specific legislative matters, in the form of guidelines and frequently asked questions, would be very useful.

Issues and options considered:

Council could:

- Accept the suggested responses;
- Amend the suggested responses as it considers appropriate; or
- Not provide a response.

Link to Strategic Plan:

Not applicable.

Legislation – Statutory Provisions:

The interim report of the Systemic Sustainability Study panel makes reference to a range of provisions in the Local Government Act and these are commented on in this report.

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

The Systemic Sustainability Study has state wide implications.

Sustainability implications:

The Systemic Sustainability Study addresses local government sustainability.

Consultation:

Not applicable.

COMMENT

The study panel's report includes an individual local government financial sustainability self-assessment tool. The City of Joondalup is currently examining itself against this tool and the results will be reported to Council and to WALGA. The document "In Your Hands; Shaping the Future of Local Government in Western Australia" is available in the Councillors' Reading Room.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council ENDORSES a submission being forwarded to WALGA along the lines presented in this report as the City of Joondalup's response to questions in WALGA's Systemic Sustainability Study.

ITEM 4 MINUTES OF POLICY COMMITTEE MEETING HELD ON 24 AUGUST 2006 – [01435]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit the unconfirmed minutes of the Policy Committee to Council for information and to seek endorsement of various policies.

EXECUTIVE SUMMARY

A meeting of the Policy Committee was held on 24 August 2006.

It is recommended that Council NOTES the unconfirmed Minutes of the Policy Committee meeting held on 24 August 2006, forming Attachment 1 to this Report and endorses the recommendations contained therein.

BACKGROUND

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

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

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

DETAILS

A meeting of the Policy Committee was held on 24 August 2006 and the minutes of the meeting form Attachment 1 to this Report.

The items of business considered by the Policy Committee were:

- 1 Council Policies:
 - Financial Planning – Strategic Matters
 - Economic Development;
 - Community Development; and
 - Public Participation.
- 2 Proposed policy to assist with assessing requests for purchase of Public Open Space Reserves

- 3 A Nuclear Free City – Policy
- 4 Freeman of the City

Requests were also raised for reports in relation to the following policies:

- City's Art Collection – (Policy 5-3 - Cultural Development)

A review of the policy on the City's art collection was requested, to clarify the intent of the policy and to enable elected members to become more involved in the City's art collection.

- Use of Council Chamber and meeting rooms (Policy 8-3 – Elected Members – General)

A review of the policy relating to the use of the Council chamber and meeting rooms was requested, to enable relationships to be built with State and Federal politicians.

Issues and options considered:

As detailed in the minutes of the meeting held on 24 August 2006.

Link to Strategic Plan:

This item has a general connection to the Strategic Plan.

Legislation – Statutory Provisions:

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

Risk Management considerations:

Not applicable.

Financial/Budget Implications:

Not applicable.

Policy implications:

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

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The unconfirmed Minutes of the Policy Committee meeting held on 24 August 2006 are submitted to Council for information and to seek endorsement of various policies.

As part of the consideration of the proposed policies, the Policy Committee has suggested a number of changes which have been reflected and are submitted to the Council for consideration.

ATTACHMENTS

Attachment 1	Minutes of the Policy Committee meeting held on 24 August 2006.
Attachment 2	Summary of Public Submissions
Attachment 3	Economic Development Policy
Attachment 4	Financial Planning Policy – Strategic Matters
Attachment 5	Community Development Policy
Attachment 6	Public Participation Policy
Attachment 7	Schedule of submissions – Proposed Draft Policy for request for sale of public open space reserve
Attachment 8	Proposed Policy – Requests for Sale of Public Open Space Reserves
Attachment 9	Draft Policy – Freeman of the City of Joondalup

VOTING REQUIREMENTS

Absolute majority.

RECOMMENDATION**That Council:**

- 1 NOTES the unconfirmed Minutes of the Policy Committee meeting held on 24 August 2006, forming Attachment 1 to this Report;**
- 2 ADOPTS the:**
 - (a) Economic Development Policy shown at Attachment 3 to this Report;**
 - (b) Financial Planning – Strategic Matters Policy shown at Attachment 4 to this Report;**
 - (c) Community Development Policy shown at Attachment 5 to this Report; and**
 - (d) Public Participation Policy shown as Attachment 6 to this Report;**
- 3 RECEIVES the Community Submissions shown as Attachment 2 to this Report;**
- 4 THANKS the Joondalup Business Association and the Business Development Association (North West Metro) for their submissions;**

- 5**
- (a) RECEIVES the submissions shown at Attachment 7 to this Report;**
 - (b) Pursuant to Clause 8.11.3 of District Planning Scheme No 2 ADOPTS for final approval the policy regarding Requests for Sale of Public Open Space Reserves, as modified and forming Attachment 8 to this Report;**
 - (c) In accordance with the abovementioned policy, BY AN ABSOLUTE MAJORITY, AMENDS the Town Planning Delegations by inserting new clauses 2(i) & 3(h), as follows:**
 - 2 (i) the determination that a request for sale of POS should not proceed where:**
 - (i) there is no clear benefit to the community; and/or**
 - (ii) such proposals do not promote sustainability objectives.**
- And**
- 3(h) the determination that a request for sale of POS should not proceed;**
- 6** **ENDORSES the draft Policy – Freeman of the City of Joondalup, forming Attachment 9 to this Report and MAKES the draft policy available for public comment for a period of 30 days;**
- 7** **REQUESTS a review of the following policies:**
- (a) Policy 5-3 - Cultural Development, in relation to the City’s art collection;**
 - (b) Policy 8-3 – Elected Members – General, in relation to the use of the Council Chamber and meeting rooms.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf120906.pdf](#)

ITEM 5 LOCAL GOVERNMENT RATING OF LAND USED FOR CHARITABLE PURPOSES – [00104]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The purpose of this report is to provide a response to the Minister for Local Government and Regional Development with a copy to the Western Australian Local Government Association in relation to the Minister's proposed strategies to implement the recommendations of the Local Government Advisory Board into the general issue of local government rating of land used for charitable purposes.

EXECUTIVE SUMMARY

Broadly speaking the Minister's proposed strategies are supported. Strategy 5 in relation to exempting vacant land on the basis that it would be used in the future for charitable purposes is not supported. This would financially penalise local governments, is open to manipulation and goes against basic rating principles.

Although not included in the proposed strategies it is recommended that the Minister be asked to consider the impacts of the burden of rate exemptions on individual local governments. There is a contradiction in how pensioners in their own homes are supported by the whole community through a State rebates and deferrals scheme but the burden of rate exemptions rests with individual local governments.

BACKGROUND

In December 2004 the then Minister for Local Government & Regional Development requested the Local Government Advisory Board examine and report on the general issue of local government rating of land used for charitable purposes. This was in response to a number of approaches that had been made to her office in relation to this matter.

The Board has completed its investigation and has provided a report to the Minister. The Minister has considered the recommendations and has proposed strategies for implementing the recommendations. Prior to finalising the proposals for implementation he has written to each local government seeking feedback on what is proposed.

The Western Australian Local Government Association is also preparing a response to the Minister's request and has written to each local government seeking their responses to be consolidated into a formal response from the Western Australian Local Government Association.

The response to the Minister is required by October 2006.

DETAILS

The Minister has proposed eight strategies in relation to recommendations of the Advisory Board. They are summarised as follows:

Strategy 1

Independent Living Units (ILU) owned and operated by religious, charitable and other not-for-profit organisations (NFPO) are to be rated if the accommodation is not subsidised. The nature and level of the subsidy will be prescribed in the Local Government Act 1995 Regulations.

These arrangements are to apply to ILUs in villages established after 1 July 2007 and, from 1 July 2015, to all retirement villages. Existing leaseholders will not be rated while they hold their lease.

Response

This is broadly supported on the premise that if a facility is not subsidised then it is effectively self supporting and not charitable in nature. The rationale for why already established villages will not be covered by these arrangements until 1 July 2015 is that many residents have entered into leases having been told they would not have to pay rates. It is proposed that existing leaseholders will not be rated while they hold their lease even if this tenure goes beyond 2015, ie the village would be rated from 2015 but they will not be able to pass this on to tenants who had leases from prior to 1 July 2007.

Strategy 2

Religious, charitable and other NFPOs providing aged care services and receiving care subsidies in accordance with the Aged Care Act 1987 (Commonwealth) are to be exempted from rates. This may require an amendment to the Act and/or Regulations.

Response

This is broadly supported again on the basis that if no subsidy were being received by the facility then it is effectively not charitable in nature. It is presumed that the nature and level of subsidy that is proposed to be prescribed by regulation in 1 above, would equally apply to this strategy as well so that very minor subsidies cannot be orchestrated in order to gain a rate exemption.

Strategy 3

Land held by NFPO community housing providers and used for crisis accommodation or housing for people with a disability should be exempt from being rated. This may require an amendment to the Act and/or Regulations.

Response

Some of this type of accommodation is already exempt under the charitable provisions of the Act. The proposal is generally supported however there needs to be very clear definitions around the notions of crisis accommodation and housing for people with a disability.

Strategy 4

Request the Local Government Advisory Board to undertake further work to determine how to isolate the types of community housing that should be rated without negatively impacting upon –

- occupiers of this housing that are financial disadvantaged
- community housing providers

Response

The request to undertake further work is supported and the key issues in relation to determining any form of exemption are around the issue of clear definitions and guidelines on which a local government can make an assessment and clear provisions requiring applicants requesting an exemption to supply information that enables the assessment to be done.

Strategy 5

The Act and/or regulations to be amended to address the following matters in relation to vacant land –

- vacant land that is held for use as a charitable purpose in the future is exempt from rates
- the owner of the vacant land seeking an exemption is to provide information to the relevant local government that is sufficient for it to be able to satisfy itself of the future land use intended
- if the land is not eventually used for charitable purpose, back rates are to be paid to compensate for the time that it was previously exempted. Back rating is to extend back for a period not exceeding 15 years from the time a decision is made that an exemption is not appropriate.

Response

This strategy is not supported. It would be almost impossible to come up with guidelines setting out the basis for justification that land is held for use as a charitable purpose in the future. The back rating provisions would be very difficult to implement. There is already considerable community resistance to the existing back rating provisions in the Act. Also, the inflationary effects of 15 years would make the back rating worth far less than if the rates had been received at the actual time that they were due. Philosophically this strategy goes against a lot of the principles on which rating currently applies. No other property is rated on the basis of how it might be used in the future.

Strategy 6

That the Act and/or Regulations be amended to prescribe that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property.

Response

It has already been established in case law that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property despite the fact that it is not spelt out in the current legislation. The issue really is not that this type of use should not jeopardise the overall dominant use but

the question of the quantum of what constitutes incidental and ancillary. Any proposal that could define incidental and ancillary would be supported.

Strategy 7

That the Act and/or Regulations be amended to clarify that it is possible to rate part of a property, if that part is clearly non charitable and not incidental or ancillary to a dominant charitable purpose.

Response

In conjunction with Strategy 6 this proposal would be supported.

Strategy 8

That the Act and/or Regulations be amended so that organisations seeking a rate exemption are required to provide local governments with the relevant information to allow it to make a considered decision about whether land is being used for a charitable purpose.

Response

This proposal is strongly supported particularly if the regulations also provide guidelines as to the type of information that is required to be provided. This is an area that causes great difficulty for the City in its current assessments of applications for exemptions from rates. It is not unusual for the City to be challenged as to why information needs to be provided or the type of information that is requested to be provided.

Issues and options considered:

Broadly speaking, many of the proposed strategies are supported with perhaps some suggestions for clarification. Strategy 5 however is strongly opposed. There is no way of controlling the justification of future use. The ability to back rate 15 years is really no compensation at all to the local government if the use changes. In fact the lost value of rates over that time means that this would be a net financial loss to the local government.

The other issue that needs to be considered and is not part of the Minister's proposed strategies is the whole notion that the burden for rate exemptions falls on the local government in which the land in question is located. There is a whole of State approach to providing concessions by way of rebates and deferrals for pensioners living in their own homes. This is on the basis that all eligible persons should have these basic entitlements regardless of where they choose to live. Although the quantum of the rebates and deferrals would be dependent on the rates levied on that property and these will vary from council to council the fact that they are entitled to a rebate or a deferral is universal across the State. A local government that has a significant proportion of eligible persons in relation to pensioner rebates and deferrals is not penalised financially for that fact.

It seems unreasonable that if a local government is not penalised for the number of pensioners living in their own properties within the local government area, why the local government should bear the full burden of rates exemptions on the retirement or aged care facilities that are located within its area. The whole community should bear the burden of the cost of these arrangements.

Link to Strategic Plan:

Key focus area 1 Community Wellbeing

1.3 provides social opportunities that meet community needs

Key result area 3 City Development

3.3 recognises the changing demographic needs of the community

Legislation – Statutory Provisions:

The strategies proposed by the Minister are for a number of changes to be made to the Act and/or Regulations.

Risk Management considerations:

No applicable.

Financial/Budget Implications:

There are potential financial implications for the City in relation to a number of these strategies. The full extent would need to be determined on the basis of the final detail which is not included in the strategy proposals.

Policy implications:

No applicable.

Regional Significance:

No applicable.

Sustainability implications:

There are issues of long term financial sustainability in relation to these proposals. The changing demographics and the increase in numbers of people occupying the types of facilities covered by these proposals will increase the burden of the exemptions being passed to the remaining members of the community. This will become increasingly difficult to manage in the long term, in particular if each local government is required to carry the burden of all of the rate exemptions within their local government area.

Consultation:

The Minister has sought the views from each local government in relation to strategies that he is proposing as a result of the recommendations from the Local Government Advisory Board into the general issue of local government rating of land used for charitable purposes. The Western Australian Local Government Association is also seeking comments from members so that it can provide a consolidated response to the Minister's request.

COMMENT

Whether or not the specifics of the strategies are supported the whole issue of land used for charitable purposes and exemptions is becoming an increasingly difficult area, administratively, for local governments. There is a clear lack of guidelines, definitions and objective measures for determining whether the land is used for charitable purposes.

This confusion causes difficulties for local government in being able to make assessments about whether land is used for charitable purposes and equally causes confusion for property

owners who are seeking exemption but have no clear way of determining whether they are eligible or indeed what information they should be providing in order to demonstrate eligibility.

ATTACHMENTS

Attachment 1 Letter from the Minister for Local Government & Regional Development dated 3 August 2006

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the Minister for Local Government & Regional Development be provided with the following response in relation to the issue of local government rating of land used for charitable purposes and a copy be provided to the Western Australian Local Government Association as follows:

1 In relation to the eight proposed strategies the City's responses are as follows -

(a) Strategy 1

This is broadly supported on the premise that if a facility is not subsidised then it is effectively self supporting and not charitable in nature.

(b) Strategy 2

This is broadly supported again on the basis that if no subsidy were being received by the facility then it is effectively not charitable in nature. It is presumed that the nature and level of subsidy that is proposed to be prescribed by regulation in Strategy 1, would equally apply to this strategy as well so that very minor subsidies cannot be orchestrated in order to gain a rate exemption.

(c) Strategy 3

The proposal is generally supported however there needs to be very clear definitions around the notions of crisis accommodation and housing for people with a disability.

(d) Strategy 4

The request to undertake further work is supported and the key issues in relation to determining any form of exemption are around clear definitions and guidelines on which a local government can make an assessment and clear provisions requiring applicants requesting an exemption to supply information that enables the assessment to be done.

(e) **Strategy 5**

This strategy is not supported. It would be almost impossible to come up with guidelines setting out the basis for justification that land is held for use as a charitable purpose in the future. The back rating provisions would be very difficult to implement. There is already considerable community resistance to the existing back rating provisions in the Act. The inflationary effects of 15 years would make the back rating worth far less than if the rates had been received at the actual time that they were due. Philosophically this strategy goes against a lot of the principles on which rating currently applies. No other property is rated on the basis of how it might be used in the future.

(f) **Strategy 6**

It has already been established that incidental and ancillary non charitable land uses do not jeopardise the overall dominant charitable purpose of a property despite the fact that it is not spelt out in the current legislation. The issue really is not that this type of use should not jeopardise the overall dominant use but the question of the quantum of what constitutes incidental and ancillary. Any proposal that could define the quantum of incidental and ancillary is supported.

(g) **Strategy 7**

In conjunction with Strategy 6 this proposal is supported.

(h) **Strategy 8**

This proposal is strongly supported particularly if the regulations also provide guidelines as to the type of information that is required to be provided. This is an area that causes great difficulty for the City in its current assessments of applications for exemptions from rates. It is not unusual for the City to be challenged as to why information needs to be provided or the type of information that is requested to be provided.

- 2 That the Minister be urged to give serious consideration to a whole of State approach to the issue of rating exemptions for land used for charitable purposes, such that individual local governments are not unfairly burdened due to the amount of land within their local government area that is used for charitable purposes. There should be equity and fairness in rating or exemption of these types of facilities in the same way that there is a whole of State approach to the provision of rebates and deferrals for pensioners.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120906.pdf](#)

ITEM 6 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE MEETINGS HELD ON 1 AND 8 AUGUST 2006 – [74574]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
 Corporate Services

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee meetings to Council for noting and endorsement of the recommendations of the Committee.

EXECUTIVE SUMMARY

Meetings of the Chief Executive Officer Performance Review Committee were held on 1 August 2006 and 8 August 2006.

It is recommended that Council NOTES the Minutes of the Chief Executive Officer Performance Review Committee held on 1 and 8 August 2006 forming Attachment 1 to this Report and ENDORSES the recommendations contained therein.

BACKGROUND

The Chief Executive Officer Performance Review Committee is formed for the purpose of conducting the annual performance reviews of the CEO in accordance with the following terms of reference -

- (a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*
- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer;*
- (e) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
- (f) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.*

The CEO's annual performance review is required to be undertaken in August of each year or as soon thereafter as is possible. The 2006 review is currently underway.

DETAILS

Issues and options considered:

As contained within the minutes of the Chief Executive Officer Performance Review Committee.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

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

Section 5.38 of the Local Government Act 1995 (the Act) states that each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of employment.

Risk Management considerations:

The performance review process is designed to evaluate and assess the CEO's performance against key performance indicators on an annual basis. The requirement for the performance review is a contractual one between the Chief Executive Officer and the Council. The Contract provides for the review to be conducted by the Chief Executive Officer's Performance Review Committee. Failure to undertake the review as required in the contract terms would risk a breach of contract.

Financial/Budget Implications:

The provisions of the Chief Executive Officer's Employment Contract in relation to performance reviews requires that the Performance Review Committee engage an independent consultant to advise it and assist it in undertaking the Chief Executive Officer's performance review. Provisions have been made within the City's consultancy budget for the engagement of a suitable consultant to assist the Committee in the performance review process.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The minutes of the Chief Executive Officer Performance Review Committee are submitted to Council for noting.

ATTACHMENTS

Attachment 1 Minutes of the Chief Executive Officer Performance Review Committee held on 1 August 2006 and 8 August 2006.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Minutes of the Chief Executive Officer Performance Review Committee held on 1 and 8 August 2006 forming Attachment 1 to this Report and ENDORSES the recommendations contained therein.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120906.pdf](#)

ITEM 7 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 JUNE 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

The June 2006 report for the year ended 30 June 2006 has not been audited and is presented to Council as an interim report.

The June 2006 year to date report shows an overall variance (under spend) on operations and capital of \$22m when compared to the year to date revised budget approved by Council at its meeting of 21 February 2006 (CJ029-02-06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$14.3m compared to a budgeted surplus of \$8.9m at the end of June 2006. The \$5.4m variance is primarily due to additional interest income and contributions and lower than budgeted expenditure in employee costs. This is partially offset by reduced revenue from government grants and subsidies.
- **Capital Expenditure** is \$24.8m against the year to date budget of \$41.8m. The \$17m under spend is due to delays in purchasing heavy and light vehicles and in the construction of infrastructure assets and council projects.

In rate setting terms after taking into account, non-cash movements, other cash movements and reserve fund transfers the closing funds position at 30 June 2006 was \$12.0m. This is in line with the estimated surplus of \$12.1m used for the 2006/07 Budget.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 June 2006 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

The interim financial activity statement for the period ended 30 June 2006 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the revised 2005/06 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A - Financial Activity Statement for the period ended 30 June 2006.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 June 2006 forming Attachment 1 to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120906.pdf](#)

ITEM 8 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2006 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

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

EXECUTIVE SUMMARY

The July 2006 year to date report shows an overall variance (under spend) of \$375k when compared to the year to date budget approved by Council at its meeting of 25 July 2006 (JSC25-07/06).

This variance can be analysed as follows:

- The **Operating** Deficit is \$4.7m compared to a budgeted deficit of \$5.1m at the end of July 2006. The \$0.4m variance is primarily due to additional interest income, additional fees and charges and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from government grants and subsidies and contributions.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2006 forming Attachment 1 to this Report.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 31 July 2006 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2006/07 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

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

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 July 2006 forming Attachment 1 to this Report.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf120906.pdf](#)

ITEM 9 CONTRACT 004-06/07 SUPPLY AND MAINTENANCE OF ORNAMENTAL STREET LIGHTS IN JOONDALUP AND ILUKA – [17593]

WARD: North

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

PURPOSE

This report is to seek the approval of Council for the City to engage High Speed Electrics on a sole provider basis for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka for an initial period of twelve (12) months with two (2) further twelve-month optional extensions at the absolute discretion of the City (Contract 004-06/07).

EXECUTIVE SUMMARY

Tenders were advertised on 27 July 2005 through statewide public notice for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka. Tenders closed on 11 August 2005. Two Submissions were received from:

- Energize Electrics
- High Speed Electrics

Only one Respondent was able to meet the City's requirements, consequently, the City conducted further market assessments to ascertain availability of alternative suppliers or products and to determine the best possible options for the City. The findings confirmed no known products in the market place other than that offered by High Speed Electrics were compatible with the City's existing lighting equipment.

It is recommended that Council:

- 1 *ACCEPTS the tender submitted by High Speed Electrics on a sole provider basis for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka in accordance with the requirements in Tender 004-05/06 at the rates as set out in the schedule at Attachment 1 to this Report for an initial period of twelve (12) months with two (2) further twelve-month optional extensions at the absolute discretion of the City;*
- 2 *Delegates to the Chief Executive Officer Authority to approve if considered appropriate each of the twelve-month optional extensions and any price variations sought subject to satisfactory compliance with, and performance of, the requirements of Tender 004-05/06 by High Speed Electrics.*

BACKGROUND

The Scope of Work involves Supply and Maintenance of Ornamental Street and Pathway Lighting in Joondalup City Centre and Beaumaris Beach Estate, Iluka.

DETAILS

Tenders were advertised on 27 July 2005 through statewide public notice for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka. Tenders closed on 11 August 2005. Two Submissions were received from:

- Energize Electrics
- High Speed Electrics

Only one Respondent, High Speed Electrics, was able to meet the City's requirements. Energizer Electrics withdrew its tender due to a conflict of interest with High Speed Electrics, being its sub-contractor. This issue did not directly involve the City however concerns about the situation meant the City was reluctant to proceed with the acceptance of the tender until it had been resolved.

The City conducted further market assessments to ascertain availability of alternative suppliers or products and the best possible options for the City. The findings confirmed no known products in the current market place other than that offered by High Speed Electrics were compatible with the City's existing lighting equipment.

Issues and options considered:

It was noted that the costs of materials for the maintenance and replacement of the existing streetlights had increased significantly. An assessment of the schedule of rates against the previous schedule identified an overall average increase of 9% based on normal requirements. Many of these increases are due to cost escalation in raw materials such as copper and plastics. The other contributing factor to price increases includes reduction in quantity of items now required by the City (affected unit pricing), costs of specially manufactured items to replace obsolete items or materials and increased transportation costs for items manufactured overseas and interstate.

Reverse engineering was considered an option, which involved re-engineering of the materials required to identify any alternative options from another supplier that may or may not meet the initial design specifications but would operate to meet the requirements for normal street lighting. However, due to time constraint and resources required for undertaking this as a project, it was deemed not viable for there was no guarantee of any cost effective outcome for the City.

The unique and/or exclusive nature of the lighting fixtures and fittings is a major contributor to the rising costs of maintenance.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

3 City Development.

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:

A statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

It is considered that awarding the contract to the recommended Supplier will represent a low risk to the City based on it being a very well established service provider with the capacity to supply the goods and complete the required services. It is a third party accredited company to ISO9001.

Financial/Budget Implications:

The City has sufficient funds in its operational budget for this Contract to proceed. The total cumulative Contract value over the three (3) years of the Contract is approximately \$900,000 (excluding GST) based on previous requirements.

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

High Speed Electrics has been undertaking work of this nature for many years for both the City and Mains Roads Department, WA. The company has a third party accredited Quality Assurance System ISO9001 for Electrical Installation and Maintenance of Street Lighting.

The price offered has increased by an average 9% per annum in comparison with previous contract rates.

Due to the length of the period since the original tender submission was received the City has sought and obtained confirmation from High Speed Electrics that the Statement of Requirements and the Schedule of Rates as previously submitted are still current.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Absolutely Majority.

RECOMMENDATION**That Council:**

- 1 ACCEPTS the tender submitted by High Speed Electrics on a sole provider basis for the Supply and Maintenance of Ornamental Street Lights in Joondalup and Iluka in accordance with the requirements in Tender 004-05/06 at the rates as set out in the schedule at Attachment 1 to this Report for an initial period of twelve (12) months with two (2) further twelve-month optional extensions at the absolute discretion of the City;**
- 2 BY AN ABSOLUTE MAJORITY DELEGATES to the Chief Executive Officer Authority to approve if considered each of the twelve-month optional extensions and any price variations sought subject to satisfactory compliance with, and performance of, the requirements of Tender 004-05/06 by High Speed Electrics.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf120906.pdf](#)

ITEM 10 CITY WATCH COMMUNITY SECURITY PATROL SERVICE - SERVICE REVIEW – [23565] [89558]

WARD: All

RESPONSIBLE DIRECTOR: Mr Dave Djulbic
Infrastructure Services

PURPOSE

For Council to exercise its option to extend its current contract with Wilson Security Pty Ltd for the provision of community security and patrol services within the City of Joondalup to its full term to 17 December 2009.

EXECUTIVE SUMMARY

The City has entered into a contract with NGR Pty Ltd to provide security and patrol services. The contract was for a 12 month period commencing on 18 December 2004, with options to extend at the City's discretion for 4 subsequent 12 month periods (subject to satisfactory performance reviews) for a maximum of 5 years duration in total.

In May 2006, NGR Pty Ltd was sold to Wilson Security. The City Watch contract is now being undertaken by Wilson's as the contract was been assigned to them as part of the sale. There has been no adverse impact on service provision as the service delivery company has been retained by Wilson's along with the majority of the City Watch Officers who deliver the service.

On appointment of NGR Pty Ltd in November 2004, the (then) Council of the City of Joondalup resolved that a report be submitted to Council prior to extension of the contract beyond 2 years. The third year of the contract commences on 18 December 2006.

In summary, performance by the contractor has been good. All key performance indicators have been met or exceeded in the majority of cases.

It is recommended that Council resolves to extend Contract 014-04/05 with Wilson Security Pty Ltd (previously NGS Guards and Patrols) for the provision of community security patrol services for the full term of the contract to 17 December 2009.

BACKGROUND

A security or patrol service (known as 'City Watch') has been provided in various forms by the City since 1997. The service was initially provided by a combination of Rangers and Security staff. In 2000, a new approach was taken with Rangers being separated from the service, and contractors appointed to provide the service following a public tender process.

Following some questioning by the community and Council on the need for the service and how it should be funded, these questions were put to the community in the referendum held in conjunction with the 2001 Biennial Local Government Elections. In relation to the question on provision of the service, 27,423 responses were provided, with 18,742 indicating their support for continuing the service.

The current service is provided under contract, and operates on a 24 hour, 7 days per week, 365 days per year basis, covering 6 patrol zones. Wilson Security Pty Ltd (previously NGR Pty Ltd and trading as NGS Guards and Patrols) is the present service provider.

There are 8 key performance indicators that are required to be met. Comment about these indicators and the degree to which they have been achieved appears below.

Resource deployment is able to be varied by the City within the overall parameters of the contract and is currently tailored to suit periods where most incidents occur:

Hours/Shift	Hours	Vehicles	Days	Zones	Total Hours per Annum
0430 - 1630	12	3	Mon - Fri	6	9,360
1630 - 0430	12	6	Mon - Sun	6	26,208
0430 - 1630	12	6	Sat - Sun	6	7,488
2000 - 0500	9	1	Thu - Sat	CBD	1,404
				Total	44,460

The main role of City Watch is to provide a visible deterrent to anti social behaviour, to observe and report matters that may require immediate Police attention, and to provide feedback to other City service units on issues that may require attention.

City Watch patrols work closely with the local Police having direct two way and mobile phone contact with the Joondalup Police Incident Management Unit that directs and manages Police resources. All staff engaged by the contractor are licensed Security Guards and have a First Aid Certificate level 1.

Some other services provided include:

- Removal of used syringes
- Attending to noise complaints on behalf of Environmental Health Officers
- Attending to all alarms in City buildings
- Checking City buildings and facilities to ensure they are secured each day/night
- Checking and confirming that facilities used have been paid for and are authorized
- Checking facilities after use, recording any damage and advising bookings staff for repairs and cost recovery.
- Arranging emergency repairs to City buildings or facilities after break in/accident.
- Delivering “Welcome Packs” to new residents and promote the City Watch service.
- Reporting broken or not working street lights.
- Undertaking “Party Alert” patrols, especially on weekends and when the City’s Recreation Halls are booked.
- Providing “Holiday Alert” patrols and specific checks on properties where residents have advised they will be on holidays.
- Providing special target patrols at specific times and locations where anti social behaviour has been identified.
- Providing first aid assistance if required.
- Assisting Police at traffic accident scenes.

- Identifying dumped or stolen vehicles and reporting their location to Rangers/Police.
- Assist in locating missing persons, particularly aged people who may wander away from their care facility.
- When requested, usually by a neighbour or relative, visit a residence to check on the location and well being of the resident who may not have been sighted or does not answer the telephone.

DETAILS

Issues and options considered:

The contract provides in essence, for the contractor to provide staff for the City Watch patrols on an hourly rate basis, their uniforms, appropriate vehicles, communications equipment, and GPS unit in each vehicle, and all support services. The City provides fuel for the vehicles used in the service, administrative support and liaison during office hours and the 1300 655 860 after hours telephone answering service.

Ongoing monitoring of the level and effectiveness of services provided is undertaken by measurement of performance against 8 indicators:

Key Performance Indicator 1

Number of kilometres traveled per day. Average per patrol vehicle per 12 hour shift to be 200 km or higher.

Key Performance Indicator 2

Respond to seventy five percent of incident calls within 10 minutes

Key Performance Indicator 3

Customer Contacts through direct introduction with Welcome Packs

Key Performance Indicator 4

Independent market research survey conducted. Minimum levels of 70% satisfaction and 80% awareness of the service, to be achieved and maintained.

Key Performance Indicator 5

Reporting requirements and timelines as set by the City to be met on time and to the standard established in the tender documentation and templates as agreed from time to time.

Key Performance Indicator 6

To attend all targeted patrols and visits to special areas of interest and identified hot spots in consultation with the City and other agencies. Target to be 50 per month under standard hours and to rise proportionately with increased patrols, determined and measured as an output of service provision.

Key Performance Indicator 7

To attend all additional patrols over and above those outlined at clause 3bii) of the Contract "Standard Hours of Service Provision per year" and requested by the City.

Key Performance Indicator 8

Achieve a 75% satisfaction and acceptance rating from service recipients responding to follow-up by City staff.

Overall performance against these KPI's is summarised as follows. Areas shaded indicate that the KPI is taken on an annual basis (KPI 4), or the occasions where an additional service or request was added (KPI 7):

MONTH	KPI 1		KPI 2		KPI 3		KPI 4		KPI 5		KPI 6		KPI 7		KPI 8	
	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No	Yes	No
January 2004	✓		✓		✓				✓		✓				✓	
February	✓		✓		✓				✓		✓					X
March	✓		✓		✓				✓		✓					X
April	✓		✓		✓				✓		✓				✓	
May	✓		✓		✓				✓		✓				✓	
June	✓		✓		✓		✓		✓		✓				✓	
July	✓		✓		✓				✓		✓				✓	
August	✓		✓		✓				✓		✓				✓	
September	✓		✓		✓				✓		✓				✓	
October	✓		✓		✓				✓		✓				✓	
November	✓		✓		✓				✓		✓				✓	
December	✓		✓		✓				✓		✓				✓	
January 2005	✓		✓		✓				✓		✓				✓	
February	✓		✓		✓				✓		✓				✓	
March	✓		✓		✓				✓		✓				✓	
April	✓		✓		✓				✓		✓					X
May	✓		✓		✓				✓		✓				✓	
June	✓		✓		✓		✓		✓		✓				✓	
July	✓		✓		✓				✓		✓				✓	
August	✓		✓		✓				✓		✓				✓	
September	✓		✓		✓				✓		✓				✓	
October	✓		✓		✓				✓		✓				✓	
November	✓		✓		✓				✓		✓					X
December	✓		✓		✓				✓		✓		1		✓	
January 2006	✓		✓		✓				✓		✓				✓	
February	✓		✓		✓				✓		✓				✓	
March	✓		✓		✓				✓		✓				✓	
April	✓		✓		✓				✓		✓				✓	
May	✓		✓			X			✓		✓				✓	
June	✓		✓			X	✓		✓		✓				✓	

In the 29 months since the contract was awarded, there have been a total of 232 'check' points at which performance has been assessed. Of the 6 instances where the KPI was not met, 2 are the most recent and were at the request of the City (pending amendments to the Mayor's message in Welcome Packs for new residents), indicating that performance requirements were met on 98% of occasions.

Overall, it is considered that performance of the contractual requirements has been met.

Whilst there is not necessarily a direct link, City Watch can have an influence on crime. Crime statistics are used as a measure of the success of policing in an area and can be compared to other Police Districts to gauge overall success and identify crime trends. The following is an extract from the Police data and details the number of crime incidents in the City of Joondalup for the years 2003, 2004 and 2005:

Year	Incidents
2003	15,201
2004	12,110
2005	11,143

Link to Strategic Plan:

Provision of the City Watch Community and Security Patrol Service is in keeping with the City's Strategic Plan Key Focus Area 1. - Community Wellbeing:

- Outcome: The City is a safe and healthy City;
- Objective 1.4: Continue to implement the Safer Community Program.

The City Watch Community and Security Patrol Service is a key component of the Safer Community Program.

Legislation – Statutory Provisions:

The provision of this service is at the discretion of the Council, as there are no statutory obligations requiring the City to undertake this activity.

Risk Management considerations:

There are a number of risks associated with continuing or discontinuing the service. Given the most recent survey results and good performance indicators, cancellation of the service is not likely to be well received by the community, although the funds could be placed into capital works or some other service.

If discontinued, the City would need to make other provisions for some of the services undertaken that could not be readily discontinued, such as responding to alarm monitors or facilities checks.

Additional service/demands could be added to the service if the situation demands it, under existing contractual provisions.

Financial/Budget Implications:

Account No:	1682246200001
Budget Item:	City Watch Contract Services
Budget Amount:	\$1,815,032
YTD Amount:	\$ 302,670
Actual Cost:	\$ 66288

The City Watch contract costs approximately \$1,609,613 for a whole year, being provision for the community patrol service by the contractor, fuel costs of \$120,000 and \$50,000 for additional patrols over and above the specified hours. The other main components of the

budget cover in house staff costs, public relations, promotions and communication costs including provision of the emergency telephone 1300 655 860 number.

Policy implications:

Not applicable.

Regional Significance:

The provision of community security patrols by neighbouring local governments is seen as important and making a strong contribution to safety and security within the region. The Cities of Bayswater and Joondalup provide contracted security patrols, the City of Stirling provides a dedicated in house patrol service and the City of Wanneroo has its Rangers attend to security and safety matters. The four cities comprise two Metropolitan Police Districts and have a total population in excess of half a million people.

Sustainability implications:

The Community Security Patrol Service assists with maintenance of a safe and secure social environment which contributes to building communities where residents' quality of life is enhanced or preserved.

Consultation:

Meeting Key Performance Indicator 4 of the contract requires the City to undertake independent market research surveys to determine satisfaction and awareness levels of the service.

In this regard, the City participates in an annual survey process of residents, where satisfaction with its services are assessed and compared to 12 other local governments who also participate. The results of the survey are shown with services placed on a grid comparing community levels of satisfaction with the importance placed on their provision.

The most recent survey was concluded in June 2006, it indicates that satisfaction levels are relatively high, with 72% of residents surveyed satisfied, 12% neutral and 16% dissatisfied.

This compares favourably with the 2005 result, which indicated satisfaction of 65%.

In terms of satisfaction and importance, the researchers assigned a 'monitor' recommendation with respect to the City Watch Service, indicating that while importance and satisfaction levels were not low, initiatives to increase awareness and effectiveness should not be discarded.

In this regard, anecdotal evidence suggests that there is a perception in the community that the City Watch Service and Officers should do more. This perception may be caused mainly through a misunderstanding of roles, responsibilities and legislative authority as compared to Police. The close liaison with Police and timely response to residents' requests for assistance, frequently see City Watch vehicles in the area of concern assessing the need for Police attendance and reporting back to Police. Where appropriate City Watch Officers will attend to the matter and this may have contributed to confusion in what are Police and City Watch roles.

It is recognised that the City Watch Community Security Patrol Service needs to have its profile raised to better inform the community of all aspects of the service and how it can assist residents. However, there is little point in promoting a service until a decision on the contract extension is made. Therefore, subject to the Council renewing the City Watch contract, it is proposed that a comprehensive Marketing Plan for the City Watch Community

Security Patrol Service be prepared by officers to raise community awareness of what the service does and the benefits provided.

COMMENT

The Contractor has substantially met the Key Performance Indicators each month during operation of the contract. The service appears valued by the community, and as such extension of the contract for its full term is recommended. While the contract allows for 12 month extensions at the City's discretion, in practice review of performance is ongoing, and any issues that may arise can be resolved by management.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council EXERCISES its option to extend Contract 014-04/05 with Wilson Security Pty Ltd (previously NGR Guards and Patrols) for the provision of community security and patrol services in the City of Joondalup to 17 December 2009.

ITEM 11 CONSIDERATION OF THE OUTCOME OF PUBLIC ADVERTISING FOR PROPOSED DPS2 AMENDMENT 33 AND STRUCTURE PLAN NO. 7: LOT 4 (25) SHEPPARD WAY, MARMION – [88575] [18577]

WARD: South

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

PURPOSE

The purpose of this report is for Council to consider submissions received during advertising of the scheme amendment and structure plan and to consider whether to support the amendment and structure plan for final approval.

EXECUTIVE SUMMARY

The proposals relate to Lot 4 (25) Sheppard Way, Marmion, which contains an old service station building that has been converted for use as a dry cleaning business. The proposed scheme amendment and structure plan also relate to an adjoining Western Power transformer site (Lot 1), which is intended to be relocated at the applicant's expense to a small parcel of open space at Reserve 34962 (26) Cliverton Court, Marmion.

The intent of the proposals is to guide the future subdivision and redevelopment of the land in a coordinated and integrated manner to create a medium density mixed use residential development.

The proposed scheme amendment seeks to rezone the site from 'Commercial' to 'Mixed Use' and to increase the residential density code applicable to the land from R20 to R50. The proposed structure plan seeks to facilitate the redevelopment of the site and includes an indicative building footprint plan showing six two storey residential dwellings and two 'mixed use' buildings.

On 21 February 2006 Council resolved to commence advertising. Advertising closed on 17 May 2006 and 11 submissions were received, being six objections and five neutral submissions. The concerns about the proposed scheme amendment relate to the proposed increase in density from R20 to R50, preference to retain the Commercial zoning, the impact this development will have on the existing shopping centre and potential increases in traffic. The main concerns about the structure plan relate to building height and the inclusion of a proposed tower element on the corner of Sheppard Way and Whiley Road, land use permissibility, and potential land use conflicts.

The assessment of the proposal is that it could be implemented so as to negate any of the substantive concerns mentioned, by the incorporation of various actions as stated in this report.

It is recommended that Council:

- adopts as final the scheme amendment without modification.
- adopts the structure plan with modifications relating to land use permissibility, building height, setback modifications and a new clause restricting the maximum number of dwellings permitted, and

- forwards both to the Western Australian Planning Commission (WAPC) for final adoption and certification.

BACKGROUND

Suburb/Location:	Lot 4 (25) Sheppard Way & Lot 1 (4) Whiley Road, Marmion
Applicant:	Urbanplan
Owner:	Lot 4: L Beardmore & E Marra; Lot 1: Western Power Corporation
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	Lot 4 – 2,000m ² . Lot 1 – 17.5m ²
Structure Plan:	Draft Sheppard Way Structure Plan No 7

At its meeting of 21 February 2006 (Item CJ018 – 02/06 refers), Council resolved to initiate this amendment and advertise the amendment and structure plan in the following terms:

- 1 *Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Sheppard Way Structure Plan (Structure Plan No 7) as per Attachment 2 to Report CJ018-02/06 for the purpose of public advertising and make it available for public comment for 42 days, subject to modification of clause 1.5.2 vii to read “Residential parking shall be provided in accordance with the Residential Design Codes. Parking for other uses shall be assessed in accordance with the Scheme, and subject to landowner agreement, reciprocal parking with the adjoining shopping centre may be considered.”;*
- 2 *Pursuant to Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion from ‘Commercial’ with a density code of R20 to ‘Mixed Use’, with a density code of R50 for the purposes of advertising for a period of 42 days;*
- 3 *NOTES that the advertising of the scheme amendment and structure plan proposals are to occur concurrently;*
- 4 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;*
- 5 *ADVISES the applicant that all necessary approvals relating to the proposed relocation of the Western Power transformer infrastructure to Reserve 34962 (26) Cliverton Court (Cliverton Park), Marmion must be effected prior to Council further considering the draft structure plan and scheme amendment upon completion of the public advertising period.*

In accordance with resolution 4 above, the proposal was referred to the Environmental Protection Authority, who advised that an environmental review was not required. The scheme amendment and structure plan were then advertised for 42 days as required by resolution 2 above.

A development application was submitted to the Western Australian Planning Commission (WAPC) for the relocation of the Western Power transformer and was conditionally approved by the WAPC on 17 August 2006.

Location

The subject land is adjacent to the Marmion Shopping Centre with residential development opposite the site. Attachment 1 contains a locality plan and aerial map of the site. The site was previously occupied by a service station, which closed and the underground tanks removed in 2002. The buildings on the site are currently occupied by a dry cleaning premises.

DETAILS

The scheme amendment application proposes to rezone Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion from 'Commercial' R20 to 'Mixed Use' and recode it from R20 (average lot size of 500m) to R50 (average lot size of 180m²). Attachment 2 contains the scheme amendment plans. The R50 density would allow the development of a maximum of 11 dwellings, while the current R20 density would allow the development of four dwellings.

The indicative plan which forms part of the structure plan application shows six, two-storey dwellings, and two 'Mixed Use' buildings with commercial tenancies on the ground floor and a residential dwelling above.

The proposed development will front Sheppard Way and Whiley Road with a common driveway from Sheppard Way servicing four dwellings, including the two Mixed Use buildings. Four separate driveways would service the other four residential dwellings (one on Sheppard Way and the remaining three on Whiley Road). While the plan is indicative only, it demonstrates the potential development of the lot (refer Attachment 4).

A Western Power transformer pad is located on Lot 1 Whiley Road and is also subject of this amendment. The applicant proposes to relocate the transformer to Reserve 34962 (26) Cliverton Court (Cliverton Park), Marmion. The relocation is dependant on a separate statutory process as it relates to development upon reserved land, which requires the approval of the WAPC. In accordance with the February 2006 Council resolution, the applicant lodged a development application to relocate the transformer and this was subsequently approved by WAPC on 17 August 2006.

Applicants' Submission

The applicants have raised the following comments to support the amendment and structure plan:

“(The structure plan) provides medium density residential housing in an urban infill site within a residential area. This helps reduce further urban expansion over greenfields sites and makes efficient use of the existing infrastructure and services in the neighbourhood.

(The subject land) is within cycling distance of the coast and has a full array of shopping and most community facilities next door.

Locating medium density households adjacent to the shopping centre and the bus routes servicing this area increases people's accessibility and mobility to services. The fact that the bus route links up to the railway line servicing Perth and also provides an alternative option for commuters working in Perth who may choose to use public transport to get to work over the private car.

The location of the development close to facilities also makes walking and cycling a viable option for short trips.”

Consultation:

In accordance with the Council resolution, the scheme amendment and structure plan were advertised for a period of 42 days, with signs on site, a notice in the Joondalup Times and on the City's website and letters sent to surrounding landowners and service authorities. Eleven submissions were received, being four neutral submissions from service authorities, one neutral submission from a resident and six submissions objecting to the rezoning and/or various provisions within the draft structure plan. Attachment 5 is a summary of the submissions received. Full copies of all submissions have been placed in the Councillors' reading room for information.

In regard to the scheme amendment, the issues raised in the public consultation relate to both the rezoning from Commercial to Mixed Use and the recoding from R20 to R50. Specifically:

- The suitability of rezoning the subject land to allow for medium density residential development adjacent to a shopping centre, which operates up to 9pm, six days a week.
- The increase in density from R20 to R50
- The increased traffic as a result of the development
- The impact this will have on the shopping centre
- Objection to rezoning in its entirety.

The primary issues raised in regard to the structure plan as a result of the public consultation are:

- objection to the density of the development
- objection to the tower element on the corner of Sheppard Way/Whiley Road
- the suitability of permitting a dry cleaning establishment
- objection to nil rear setbacks
- objection to the permissibility of staging the development
- objection to a two storey development, which will reduce the visibility of the shopping centre from Sheppard Way.

These issues are analysed in the comment section of the report.

Options:Scheme Amendment

The options available to Council in considering the structure plan proposal are:

- Determine that the scheme amendment, without modification(s), is satisfactory, adopt it as final and forward to the WAPC for approval by the Minister for Planning & Infrastructure.
- Determine that the scheme amendment, with minor modification(s), is satisfactory, adopt it as final and forward to the WAPC for approval by the Minister for Planning & Infrastructure.
- Refuse to adopt the scheme amendment and forward it to WAPC for the Minister for Planning & Infrastructure to make a determination.

Structure Plan

The options available to Council in considering the structure plan proposal are:

- Determine that the structure plan, without modification(s), is satisfactory, adopt it as final and forward to the WAPC for endorsement.
- Determine that the structure plan, with minor modification(s), is satisfactory, adopt it as final and forward to the WAPC for endorsement.
- Refuse to adopt the structure plan.

Should Council require modifications to the structure plan (for example, to delete the tower component of the development) or refuse the structure plan, the applicant has a right to request the State Administrative Tribunal review the decision.

Policy implications:

Not applicable.

Risk Management considerations:

Not applicable

Legislation – Statutory Provisions:

Attachment 6 details the scheme amendment process. In accordance with the Town Planning Regulations, the scheme amendment was advertised for a period of 42 days.

Attachment 7 details the structure plan process. Clause 9.6 of DPS2 outlines that Council has 60 days to make a decision upon the close of the public comment period or longer if agreed to by the applicant. In accordance with clause 9.6.2, an extension of time up to an additional 60 days has been agreed to by the applicant.

Link to Strategic Plan:

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

Objective 3.3	To continue to meet changing demographic needs.
Strategy 3.3.1	Provide residential living choices.

Financial/Budget Implications:

Not applicable

Regional Significance:

The proposal is unlikely to have any regional significance.

Sustainability implications:

The proposed structure plan and scheme amendment will facilitate residential dwellings and mixed use buildings at a medium density, promoting both economic and social sustainability.

The development of the medium density housing has advantages, including close proximity to a bus route on Sheppard Way, a nearby local park, a primary school and a local neighbourhood centre. This accords with strategy 3.3.1 "Provide Residential Living Choices"

of the City's Strategic Plan and the State Government policy – 'Liveable Neighbourhoods Community Design Code'.

COMMENT

A range of issues were raised by the community during the public consultation period. The issues raised, together with responding comments in relation to those issues are as follows:

Scheme Amendment Issues

Rezoning

In four of the submissions received, objection is raised to the rezoning to allow for residential development. Such concerns include the impact on the existing shopping centre, and the precedent for other centres to be similarly rezoned.

Comment

The shopping centre site and the adjacent lot accommodating the professional centre are both zoned Commercial. In one of the submissions it is identified that the centre has recently had a long term vacancy. The structure plan allows for up to 200m² commercial floor space. There is another local centre within 750m of this site, being Duncraig Village, on the corner of Marmion Avenue and Burregah Way, Duncraig. It is considered that these sites should provide sufficient commercial zoned land to service the local centre needs of this locality.

In regard to compatibility of residential abutting onto the centre, it is noteworthy that the shopping centre, restaurant and specifically the liquor store, operates until 9pm, six days a week. The indicative building footprint plan identifies three dwellings adjacent to the liquor store. It is considered that, providing that prospective purchasers are aware that the centre does operate in the evenings at least six days a week, the uses can co-exist.

It is not considered that a precedent would be set for other centres to be rezoned, as each application must be considered on its own merit, and is not justified by other similar applications but on its individual planning merit.

Density

The increase in density from R20 to R50 is raised as a concern in two of the submissions.

Comment

The only site nearby that has a density of R50 is the Seacrest Retirement Village on the corner of Harman Road and Marmion Avenue, Sorrento. Another nearby site at 3 Hocking Parade Sorrento (adjacent to Sorrento Beach Resort) has been developed to an R40 density. The R50 coding would potentially allow up to 11 dwellings. However, the indicative building plan included in the structure plan shows only eight dwellings, which equates to an R40 density.

The applicant has advised that the R50 density has been requested in order to be able to meet the minimum and average lot size requirements under the R Codes given the configuration shown on the indicative plan (Attachment 4). Including a clause in the structure plan to restrict the maximum number of dwellings to eight would allow for development in accordance with the indicative building plan and give the flexibility to allow smaller minimum lot sizes under the R50 density. Therefore in order to address the concerns about density, it is recommended that the structure plan limit the number of dwellings to not more than eight.

Structure Plan Issues

Land Use Permissibility

Clause 1.5.2 xxiv of the structure plan details the land uses permitted and those excluded. The structure plan provides a list of permitted land uses and details a number of land uses that are excluded. However the structure plan only details four excluded uses and does not detail that the 30 other land uses ordinarily permitted or discretionary under the Mixed Use zone are not permitted. It is appropriate to clarify that, notwithstanding the uses that are ordinarily able to be considered in the Mixed Use zone, only those specified within the structure plan can be considered.

The draft structure plan lists a dry cleaner as a permitted land use. The submission from the Health Department of WA suggests the structure plan and amendment should comply with the Environmental Protection Authority guide regarding separation distances between industrial and residential land uses. This guideline recommends a separation of 100m between a dry cleaning premises and residential development, due to the potential noise and odour impacts associated with a dry cleaners. Table 1 of DPS2 lists a dry cleaners as a use not permitted (X) in a Mixed Use zone.

Comment

The applicant proposes a staged development with stage one being development of the lots fronting Whiley Road, and the existing dry cleaners still operating in the building on the remainder of the lot. Even if a dry cleaners use was listed as a prohibited use, this staged process could still occur as the dry cleaners would have non conforming use rights. A non conforming use right means that an existing use, such as the dry cleaners, which have the necessary planning approvals in place, can continue to operate even if a scheme provision or structure plan provision is introduced that later prohibits that use. In response to the Health Department concern, it is recommended that the structure plan be modified such that a dry cleaner is a prohibited (X) use.

Further, it is considered that there was an oversight in not including dwellings in the list of permitted uses. It is recommended that single and grouped dwellings be permitted/discretionary uses in accordance with the Mixed Use zone under Table 1 and that the clause be reworded.

A chemist is a use that is not specifically listed in the Land Use Table of DPS2 because it is considered to be a shop. A proposed shop use is not supported in this type of development and therefore it is recommended that a chemist use be excluded from the list.

In summary, it is recommended that clause 1.5.2xxiv be modified to address the above matters.

Building Height

Three of the submissions express concern about the potential building height and/or concern the tower element will be used for signage purposes.

Comment

The natural ground levels drop three metres across the site, so there is potential for the strata development fronting Sheppard Way to be constructed at a substantially higher level as compared with the shopping centre. Therefore, the dwellings may reduce the visibility of a portion of the shopping centre from Sheppard Way. However, the subject property could presently be developed with a commercial use of a similar height and scale.

As the site has a fall across the lot of up to three metres this will result in the proposed rear strata lots being up to 12 metres above the existing ground level. In order to ensure that the development is of a height and scale that is commensurate with the surrounding locality, it is recommended that the clause be modified to also restrict development height to no more than 2 storeys. Further, the structure plan does not allow discretion to seek any increase in height above 9.5m and with the recommended variation this would similarly not allow for discretion to consider development of more than two storeys.

Concern is also raised in two submissions regarding the proposed tower element. The structure plan permits a tower element on the corner dwelling only to a maximum height of 11 metres. Clause 1.5.2 xii of the structure plan states that signage shall be located on the mixed use buildings and therefore signage erected on the tower would not be supported, as the tower is for residential purposes only.

Notwithstanding, it is considered that a tower element is not essential to create an appropriate building design, and it is recommended that clause 1.5.2 xvii, which allows the tower element, be deleted. The height of all development on this site would therefore be restricted to not more than 9.5m above the kerb level and not more than two storeys.

Setbacks

One of the submissions raises concern about the proposed nil setback to the rear.

Comment

The provisions permitting a nil rear setback internal to the development are supported. The shopping centre site has existing car parking bays up to the rear boundary of this property. Therefore, and in response to this submission, it is recommended that a provision be included in the structure plan requiring commercial buildings to be setback from the shopping centre to allow for pedestrian access between the existing car park and the frontage to the commercial tenancy.

In addition, clause 1.5.2 xi is proposed to be reworded to strengthen the requirement that buildings are to have major openings facing onto the shopping centre and therefore, ensures there will not be any blank walls abutting the centre.

Summary

In conclusion, it is recommended that:

- the scheme amendment be adopted for final approval without modification.
- the structure plan be adopted for final approval with modifications relating to land use permissibility, building height, setback modifications and a new clause being added limiting the number of dwellings to a maximum of eight.

ATTACHMENTS

Attachment 1	Location and Aerial site Plans
Attachment 2	Proposed Amendment No 33 To District Planning Scheme No 2 Zoning and R-Code Maps
Attachment 3	Draft Sheppard Way Structure Plan No 7
Attachment 4	Indicative building footprint – included in the structure plan
Attachment 5	Submission Table
Attachment 6	Town Planning Scheme Amendment process flowchart
Attachment 7	Structure Plan process Flowchart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 ADOPTS for final approval without modification Amendment No. 33 to the City of Joondalup District Planning Scheme No. 2 which seeks to rezone Lot 4 (25) Sheppard Way and Lot 1 (23) Whiley Road, Marmion from ‘Commercial’ with a density code of R20 to ‘Mixed Use’, with a density code of R50;

2 AMENDS Attachment 3 to this Report (The Sheppard Way Structure Plan No 7) as follows:

(a) Clause 1.5.2 v. to be modified to read:

“Commercial buildings shall be setback from the shopping centre to allow for pedestrian access between the existing car park and the frontage to the commercial tenancy.”

(b) Modify clause 1.5.2 xi to add in at the end of the point, the following:

“Specifically, buildings shall have habitable rooms and/or major openings facing both streets and/or the shopping centre, as well providing visually interesting elevations to both streets/the shopping centre.”

(c) Modify clause 1.5.2 xv to read as follows:

“The maximum Building Height, as measured from existing curb level shall be: wall height – 7 metres; Roof ridge – 9.5 metres, with all buildings being a maximum of two storeys;”

(d) Delete clause 1.5.2 xvii and renumber all subsequent sub-clauses accordingly.

(e) Clause 1.5.2 xxiv. of the structure plan relating to land use permissibility shall be deleted and replaced with the following:

Notwithstanding the land use permissibility outlined in Table 1 (The Zoning Table) of District Planning Scheme No. 2, the following uses are those permitted or discretionary:

Bank:	P
Grouped Dwelling:	D
Hairdresser:	P
Home Business – Category 1, 2 & 3:	P
Medical Centre:	P
Newsagent:	D
Office:	P
Single House:	P*

All other uses are not permitted (X)

Refer clause 3.2.2 of the Scheme for the meanings of the above symbols.

- * **In accordance with clause 2.3.3 of the Residential Design Codes, planning approval is required for the erection of a single house on lots less than 350m².**

(f) Insert a new clause 1.5.2 xxvi that reads:

“The structure plan area shall accommodate a maximum of eight dwellings.”

- 3 RESOLVES that the Sheppard Way Structure Plan No. 7 document as modified in accordance with point 2 above, be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;**
- 4 Subject to certification by the Western Australian Planning Commission, ADOPTS the Sheppard Way Structure Plan No 7 and proposed modifications as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document.**
- 5 NOTES the submissions received and ADVISES the submitters of the Council’s decision.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf120906.pdf](#)

ITEM 12 PROPOSED MIXED USE DEVELOPMENT AT LOT 201 (88) LAKESIDE DRIVE, JOONDALUP – 42 MULTIPLE DWELLINGS AND ASSOCIATED USE (CONVENIENCE STORE) – [86007]

WARD: North

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

PURPOSE

To request Council's determination of an application for forty-two multiple dwellings and a convenience store, within the Lakeside District of the Joondalup City Centre at Lot 201 (88) Lakeside Drive, Joondalup.

EXECUTIVE SUMMARY

The applicant proposes to construct a residential apartment complex, comprising three separate buildings of one, three and four storeys in height on the eastern side of Lakeside Drive, Joondalup. Forty-two residential multiple dwellings and one commercial unit are proposed as part of the development. Although the dwellings will be located within three separate buildings, the development will present as a continuous built form, as seen from the street frontages.

The proposal generally meets the statutory requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) and is generally consistent with a previous approval issued by Council for the subject site in April 2005. Due to minor revisions, a new application for planning approval has been submitted.

On this basis, it is recommended that the application be conditionally approved.

BACKGROUND

Suburb/Location: Joondalup
Applicant: Greg Rowe and Associates
Owner: Webberton Holdings
Zoning: **DPS:** Centre
 MRS: Urban
Site Area: 3705m²
Structure Plan: Joondalup City Centre Development Plan and Manual

The subject site is located on the eastern side of Lakeside Drive, approximately 250-metres south of the intersection with Shoveler Terrace and directly opposite the WA Police Academy complex. The property is zoned Centre under the City's District Planning Scheme No 2 (DPS2) and is subject to the provisions of the JCCDPM.

Under the JCCDPM, the site is located within the Lakeside District and is designated as "Landmark Apartments".

Council has previously considered two applications for planning approval for this site.

In December 2004, the City refused an application for 41 multiple dwellings on the subject land. The application was refused for a number of reasons, including a shortfall of 8 car parking bays and the design exceeding the setback requirements of the JCCDPM.

In April 2005, development approval was issued for 45 multiple dwellings and one commercial unit on the subject land. As part of this approval, Council exercised its discretion to allow variations to open space, residential density and also plot ratio for single-bedroom dwellings within the development.

The current application is a revision of the design approved by Council in April 2005. The revisions are minor in nature and generally relate to the internal configuration of dwellings, balcony design, relocation of services and amenities and a height reduction for one of the proposed buildings. The applicant has advised that the proposed revisions are required to address the changing market demand for apartments in the Joondalup City Centre, whilst also creating a more efficient design for the development.

DETAILS

The proposed development includes the following features:

- Three separate buildings, comprising a four storey building on the western portion of the site, a three storey building on the eastern portion of the site and a single level building on the northern boundary of the site;
- 42 multiple dwellings (including 15 single bedroom dwellings) ranging in size from 66m² to 123m²;
- A 75m² convenience store fronting Lakeside Drive;
- The total number of parking bays provided is 74, including one disabled bay;
- Service vehicle access and car parking to be provided from a right of way at the rear of the property, accessible from Sittella Turn.

The main design changes between the development approved in April 2005 and the subject application are as follows:

- A reduction in the number of dwellings;
- Height reduction for part of the development;
- A reduction in net lettable area of the proposed convenience store from 100m² to 75m²;
- The relocation of a proposed communal gymnasium.

The applicant has requested that Council again exercises discretion and allows variations to some requirements of the JCCDPM and the R Codes.

The relevant requirements of the JCCDPM are summarised below:

Standard	Required	Proposed
Front and Side Setbacks	0m, with maximum 2m	0m, with maximum 2m
Height	2 storeys minimum, 13.5m maximum	1 storey minimum, 13.5 maximum
Open Space	60%	35%
Car Parking	74	74
Storerooms	1 per dwelling, 4m ² each	1 per dwelling, 4m ² each

Link to Strategic Plan:

The proposal is considered to be consistent with the following objectives 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

Legislation – Statutory Provisions:

DPS2 requires development in the Centre Zone to be in accordance within an approved Structure Plan. The relevant Structure Plan is the JCCDPM. Variations to the standard requirements are sought for residential density, open space and also plot ratio for one-bedroom dwellings. Council is also required to exercise discretion for a convenience store as an associated use of the development.

The provisions of DPS2 which enable Council to consider variations to the standard requirements of the JCCDPM are identified below:

4.5 Variations to Site and Development Standards and Requirements.

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

4.8 Car Parking Standards

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

6.8 Matters to be considered by Council

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

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

- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Residential Design Codes 2002 (R-Codes)

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

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

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

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 proposed development was not advertised, as it is generally consistent with the JCCDPM, and proposes to reduce the number of dwellings previously approved by Council in April 2005.

Landmark Apartment sites are designated within the JCCDPM as having the potential to utilise building height and residential density to R100 as a point of orientation within the Lakeside District. The only variations to the prescribed standards proposed as part of this development are open space and height variations. These variations are considered not to have the potential to adversely impact on the amenity of adjoining properties.

A 43 signature petition was received in August 2005 requesting that the previously approved development at the subject site be modified to have direct access to Lakeside Drive. This matter is addressed in the Comment section of this report.

COMMENT

Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject land is located within the Lakeside District of the JCCDPM. The JCCDPM outlines development control standards for the subject land. Within the district, the subject site is designated "Landmark Apartment Developments". Such sites present the opportunity to create a significant landmark for the district and provide a point of orientation within the locality.

Land use and character

Residential development is identified as the preferred use on the site. The JCCDPM states that Landmark Apartment sites may be developed to include associated uses that are for the benefit of the predominant use, being residential. The applicant proposes to include a commercial unit to be used as a convenience store.

It is generally considered that a convenience store is an associated use within the residential development and will provide a useful service within the Lakeside District.

Site Access

Vehicle access to the development is proposed to be from a right of way adjacent to Sittella Turn. The proposed access arrangement is consistent with the previously approved development at the subject site, approved by Council in April 2005.

The proposed access arrangement is consistent with the JCCDPM, which identifies Lakeside Drive as a major road carrying a medium volume of vehicles at moderate to higher speeds. It is anticipated that traffic volumes along Lakeside Drive will increase to the point where the road will need to be upgraded to a four lane dual carriageway with vehicle access points along its length required to be strictly controlled.

Section 3 of the JCCDPM (Urban Form) shows the intended form of urban development in the locality and clearly shows an overall desire for vehicle access to be provided from rear laneways in order to maintain an "urban wall" along primary street frontages.

In support of this principle, the Lakeside District design guidelines of the JCCDPM are very specific with regards to access. The guidelines require that all dwellings in the Lakeside District address the primary street frontage and obtain vehicle access from other streets.

Section A3.2 of the Lakeside District design guidelines states that "for landmark sites, car parking shall be provided out of sight of primary frontages." The proposed development is consistent with this requirement.

Section A4.1 of the Lakeside District design guidelines also requires that the primary frontage of development shall be to Lakeside Drive and that vehicle access shall be provided from rear laneways.

The proposed access arrangements are considered consistent with the relevant guidelines and requirements for the future upgrade of Lakeside Drive. As such, direct access from Lakeside Drive, as requested in the petition received in August 2006, is not supported.

Residential Density

The standard density permitted on the site is R60. The proposed density of the development is equivalent to R100. The JCCDPM gives Council the discretion to consider a density bonus to R100 where Council is satisfied that the proposed development would achieve the following:

- (a) creates an appropriate landmark; and
- (b) enhances the overall legibility and amenity of the Lakeside District and the City Centre.

Section A4.3 of the JCCDPM indicates that building height is a key determinant of the landmark quality of a building. The section states that buildings on the subject site should be at least 2 storeys in height. To the Lakeside Drive frontage, the proposal will be four storeys facing Lakeside Drive with the elevation to Greenshank Park being three storeys with partial undercroft parking. Compared with surrounding buildings, the proposal will be a prominent landmark building (the surrounding buildings are two storey) and will therefore act as a key reference point within the greater Joondalup City Centre area.

This site is also located near the entrance to the TAFE College and Police Academy and therefore represents an important reference point for those key regional facilities. There is also the opportunity for the proposed multiple dwellings to provide student accommodation to service these training facilities and the nearby ECU Campus.

The residential density standard for R100 prescribes a minimum site area of 100m² per unit. Given that the lot has an area of 3705m² the site would permit 37 units. The Acceptable Development standards of the Residential Design Codes allow a density bonus of one third in area for the provision of single bedroom units, where those units are no greater than 60m² in floor area. In this instance, the single bedrooms units have an area greater than 60m², averaging 67m² for the internal area, not including balconies or storerooms.

The performance criteria of the Residential Design Codes state that single bedroom dwellings are “*Dwellings that provide limited accommodation, suitable for one or two persons*”. Although larger than 60m², all units have only one bedroom and one open plan living area. It is considered that the 15 single bedroom units are generally only suitable for one or two persons, and therefore meet the performance criteria of the R-Codes.

If Council resolves that the 15 single bedroom units meet the performance criteria of Clause 4.1.3 of the R Codes, this aspect of the development will attract a density bonus of one third in area.

The proposed residential density of R100 for a site area of 3705m² is calculated as follows:

Minimum land area per Unit	Area Calculation
2 and 3 bedroom units (100m ² per unit)	27 units @ 100m ² = 2700m ²
Single bedroom dwellings (66.67m ² per unit) given a one third (33.33m ²) density bonus per unit	15 units @ 66.67m ² = 1000m ²
Total area	3700m²

Car Parking

The car parking standards for multiple dwellings and single bedroom dwellings are outlined in the JCCDPM. Given the size and nature of the proposed convenience store, it is considered

appropriate that the car parking standards for a Convenience store, as outlined in the DPS2 should apply (4 bays per 100sqm).

The table below outlines the car parking requirements associated with the proposed development, as outlined in the JCCDPM:

Land Use	Number/ Area	Parking Standard	Parking Required	Parking Provided
Multiple Dwelling	27	2 bays / dwelling	54	54
Single Bedroom	15	1 bay / dwelling	15	15
Convenience Store	75m ²	4 bays / 100m ²	3	4
Total			72	74*

*Inclusive of one disabled bay

The proposed development complies with the car parking requirements of the JCCDPM and DPS2.

Plot Ratio

The JCCDPM states that “the plot ratio requirements set out in the R Codes” shall not apply to development in the Lakeside District.

Height

Under the provisions of the JCCDPM, a minimum height requirement of two storeys applies to Landmark Apartment sites in the Lakeside District. Proposed buildings A and B, where the residential component of the development is proposed to be located, satisfy this requirement. While proposed building C is only one storey in height, the building is to be used as a vehicle garage fronting the right of way on the northern boundary of the development site. Building C is a minor component of the development and will not affect the “Landmark” status of the development, given that it has no frontage to Lakeside Drive or public open space.

The JCCDPM further states that buildings in the Lakeside District are required to have a maximum street frontage height limit of 13.5 metres, with development above this height to be set back behind a 60 degree height plane. The proposed development satisfies the maximum building height requirement.

Setbacks

Under the provisions of the JCCDPM, development on Landmark Apartment sites is required to be setback 0–2 metres from all street frontages. The development generally satisfies this requirement. Buildings A and B, where the residential component of the development is proposed to be located, have nil setbacks to all boundaries, with the exception of a small portion of Building B which is setback further than 2 metres from the property line due to a boundary truncation affecting the site.

Balconies

The R Codes require multiple dwellings to be provided with private balconies of 10m², with a minimum dimension of 2 metres, accessible from a habitable room. All dwellings proposed in the development satisfy this requirement.

Store Rooms

The R Codes require that multiple and grouped dwellings be provided with a store room of 4m², accessible from outside the dwelling. All dwelling proposed in the development satisfy this requirement.

Site Coverage / Open Space

The JCCDPM does not specifically include an open space requirement for landmark apartments within the Lakeside District, however the R Codes allocates a 60% open space requirement for sites coded R100. The proposed development has an open space provision of 35%.

The performance criteria of the R Codes in relation to open space requires that there is sufficient open space around buildings:

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

As the proposed development is located within the Lakeside District of the Joondalup City Centre, it is intended that development will have a character and urban design consistent with a city centre where interaction between public and private spaces is encouraged. This is consistent with the nil setback requirements for Lakeside Drive, as specified in the JCCDPM.

Open space around buildings is considered inappropriate for this development, as it would detract from the active frontages the development will have to Lakeside Drive and public open space.

The proposed private open space and communal facilities within the development will be of high amenity to the residents of the apartment complex. All dwellings are proposed to have balconies of at least 10m², contributing to the amenity of the development. The development is bounded on two sides by Public Open Space, and has active frontages to the east, which will improve surveillance and increase security to the units.

It is recommended that in this instance, an open space allocation of 35% be supported as it complements the building, adds to a streetscape that is consistent with the provisions of the JCCDPM and provides for the future needs of residents. The proposed 35% open space is consistent with the development approval issued for the site in April 2005.

Communal Open Space

Pursuant to the Residential Design Codes 2002, a communal open space requirement of 16m² per dwelling (total 672m²) applies to development on land coded R100. The proposed development satisfies this requirement, through the provision of a centrally-located communal open space area of 700m².

Conclusion

The proposed development complies with the majority of the requirements as outlined in the JCCDPM. The proposal is considered to be a landmark development by virtue of its height, size and location.

The proposed density bonus for single bedroom dwellings, variations to the height and open space requirements and the provision of a convenience store are considered minor in the

context of the overall development and will not have an adverse impact on the adjoining areas. It is considered that the development will contribute to the identity of the area as a city centre where high-density development is expected.

The variations will serve to promote a city centre character, which is appropriate for the area, and will not adversely impact upon the surrounding areas. It is therefore recommended that the proposed development be approved, subject to conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to clause 4.5 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) A residential density bonus up to a maximum of R-100 in recognition that the building will create a suitable landmark that will be legible in terms of the surrounding Joondalup City Centre area;**
 - (b) An open space provision of 35% in lieu of 60% is acceptable in this instance;**
 - (c) A Convenience Store is an associated use and therefore permitted as part of a landmark apartment development;**
 - (d) Single bedroom dwellings with a plot ratio (floor area) greater than 60m² is acceptable in this instance;**
 - (e) A height of 1 storey in lieu of 2 storeys is acceptable for proposed Building C;**
- 2 Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that:**
 - (a) The car parking standard for the use “Convenience Store” shall be four (4) car parking bays per 100m² Net Lettable Area;**
- 3 APPROVES the application for Planning Consent dated 26 June 2006 submitted by Greg Rowe & Associates on behalf of the owners Webberton Holdings, for 42 multiple dwellings and a convenience store at Lot 201 Lakeside Drive, Joondalup, subject to the following conditions:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and AS 2890.5 (on street parking). Such areas are to be constructed, drained, marked and thereafter maintained to the**

satisfaction of the Manager Approvals Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;

- (b) All stormwater to be discharged to the satisfaction of the Manager Approvals Planning and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (c) The driveways and crossovers to be designed and constructed to the satisfaction of the Manager Approvals Planning and Environmental Services before occupation of development;
- (d) The footpath treatment in the adjoining road reserve to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;
- (e) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (f) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (g) A refuse management plan indicating the method of rubbish collection to be submitted at part of the building licence and approved by the Manager Approval, Planning and Environmental Services;
- (h) All boundary walls and parapet walls being of a face brick or equivalent finish and made good to the satisfaction of the Manager Approvals Planning and Environmental Services;
- (i) The submission of an acoustic consultant's report demonstrating to the satisfaction of the Manager Approvals Planning and Environmental Services that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (j) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning and Environmental Services, for the southern setback areas adjoining Greenshank Park and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans;
- (k) Landscaping, reticulation and all verge treatment is to be established at the applicant's expense in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services;
- (l) The levels of the proposed development shall match the existing road levels to the satisfaction of the Manager Approvals Planning and Environmental Services.

Footnotes:

The applicant is advised of the following:

- 1 Plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover;**
- 2 A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;**
- 3 A separate application being made to the City of Joondalup for approval to commence development and sign licence prior to the installation of any advertising signage;**
- 4 Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf120906.pdf](#)

**ITEM 13 PROPOSED FOURTEEN (14) GROUPED
DWELLINGS ABOVE EXISTING COMMERCIAL
TENANCIES (HEATHRIDGE CITY SHOPPING
CENTRE) - 1-11/ 99 CARIDEAN STREET,
HEATHRIDGE – [63542]**

WARD: North-Central

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

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval to construct 14 grouped dwellings above an existing commercial development at Heathridge City Shopping Centre.

EXECUTIVE SUMMARY

The development is for the proposed addition of 14 residential dwellings above an existing commercial development, forming part of the Heathridge City Shopping Centre (HCSC). The proposal also includes a new public alfresco area in the forecourt of the shopping centre.

The development of residential land uses above commercial tenancies is quite unique outside of the Joondalup City Centre area.

Council is requested to exercise its discretion in relation to the grouped dwelling land use for the site and a shortfall of 6 car parking bays. Council is also requested to exercise its discretion in assessing the development criteria for setbacks, parking calculations and open space requirements under clause 4.2.1 of the Residential Design Codes 2002 (R-Codes), for mixed-use developments.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the City of Joondalup Strategic Plan. It will contribute to the diversity of housing choice, which will suit the needs of the changing demographics of the community.

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

BACKGROUND

Suburb/Location:	Lot 740 (1-11/ 99) Caridean Street, Heathridge
Applicant:	Peter Raynes Design Consultant
Owner:	Strata Management for Heathridge City Shopping Centre
Zoning:	DPS: Commercial R20
	MRS: Urban
Site Area:	6012m ²
Structure Plan:	Not Applicable

The existing HCSC was developed in 1986. The subject site is adjoined by Heathridge Shopping Centre (Lot 741) to the east and a battleaxe shaped lot (Lot 745) to the south and west (refer Attachment 1).

Lot 745 is a "Community Purpose" site owned by the City of Joondalup. There is an existing "right-of-carriageway" over the access leg of Lot 745, which forms part of an agreement with

the subject HCSC site (see attachment 3). This is currently being used as a rear access for the commercial units of the HCSC site. This main portion of lot 745 is not being used, and is currently a grassed area forming part of the adjoining public open space.

The development was previously approved by Council at its meeting of 9 September 2003 (CJ205 – 09/03). This approval was subject to a number of conditions. It is noted that the previous assessment was considered under the provisions of a multiple dwelling, within the Residential Design Codes 2002 (R-Codes). Since that time, and as a result of new case law, the proposal is now considered as grouped dwellings.

The previous approval was not acted upon and the statutory 2-year planning approval period for this development has since lapsed. Consequently, the applicant has now re-submitted the plans under cover of a new application for planning approval.

DETAILS

The application is for 14 new residential units above an existing commercial development. The 14 dwellings comprise of 6 three-bedroom, 2 two-bedroom and 6 single-bedroom dwellings. The existing commercial tenancies at the ground floor level are to remain. A new outdoor alfresco dining area is proposed for the existing restaurant.

Car parking for the dwellings is proposed to be located at the rear (south) of the site along with dedicated storage facilities for each unit. Access to the parking area is proposed along the existing service access roads to the west and east of the subject development. Customer parking for the commercial units will remain as existing at the front of the shopping centre.

The property is located in close proximity to schools, recreation parks and other retail shopping areas. The applicant believes that the siting of the development will negate any impact on the surrounding residential properties due to the distance of the development from the residential areas.

The applicant states *“the proposal will be more community friendly, by incorporating studio and family style living above the retails units, a concept used for centuries in Europe. The development will propagate a stronger commitment to the centre and its environment.”*

The applicant concludes that *“the unique design of the unit proposal, articulating the facades and levels, separate roofs over adjoining dwellings and creative use of materials and colour, will create a sense of identity for what is largely an undervalued and under developed area.”*

Options:

Council has the discretion to:

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

Link to Strategic Plan:

The City’s Strategic Plan 2003 – 2008 contains the following objective and strategy:

Objective 3.3	To continue to meet the changing demographic needs of the community by providing residential living choices.
Strategy 3.3.1	Provide residential living choices.

Legislation – Statutory Provisions:

The development is subject to the provisions of the City's District Planning Scheme No 2 (DPS2) and the R-Codes.

The objectives of the "Commercial" zone pursuant to the provisions of Clause 3.7 of DPS2 aim to:

"provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential."

A grouped dwelling is classified as a "D" (discretionary) use under DPS2, which requires Council to exercise its discretion to approve or refuse an application, having regard to the provision of Clause 6.8, as follows:

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.*

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, which can be exercised having regard to the following:

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

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:

It is considered that the proposal will assist in providing a more vibrant and interactive environment in the functioning of the shopping centre, with residents living on site, rather than having to commute to a shopping centre.

Consultation:

Letters advising of the proposal and inviting comment were sent to 150 surrounding and adjoining landowners. Additionally, an on-site sign and a newspaper advertisement advised of the proposed development and invited public comment. The public comment period was for 30 days from 21 March 2006 to 20 April 2006.

A total of 7 responses were received, including 3 objections and 4 non-objections.

Summary of Submissions Received	Technical Response
We require a strong watertight assurance that the parking areas of 89 Caridean Street, Heathridge will be 100% off-limits to any commercial vehicle parking during the development.	To avoid parking and access conflict between adjoining properties, any approval could be contingent on a construction management plan, which incorporates details of commercial vehicle parking and access during construction.
Although I object to this development, I doubt that it will have any effect on the outcome. Like the new development on the corner of Caridean Street & Admiral Grove, it will be very dense. Maybe the whole thing will fall down?	The zoning of the property allows for Commercial as well as consideration of Residential Development. The structural sufficiency of the proposed residential units will be required to meet the relevant Australian Standards prior to a Building Licence being issued.

<p>Heathridge Primary School is next to the development. Please ensure that the residential units do not overlook the primary school buildings. The increase in parking and traffic around the school site should also be considered.</p>	<p>The location and orientation of the proposed development is such that the main focus of windows and balconies of the residential units is towards the car parking area to the north of the site.</p> <p>The traffic generating characteristics of a proposal of this size will not have any discernable impacts on the surrounding road network.</p>
<p>Development of the shopping centre is long overdue. It has been stagnant for some 20-years, whilst surrounding areas (Belridge) have started from scratch and boomed. I strongly encourage the development, and look forward to the City of Joondalup doing a streetscape makeover and upgrade of the whole shopping centre.</p>	<p>Noted.</p>

COMMENT

The proposed development of residential land uses above commercial tenancies is not unusual within the City of Joondalup, however this type of development has usually occurred in the Joondalup City Centre area. Therefore it can be said that development of this kind within Heathridge, is relatively unique.

The design of this structure is such that it is more akin to that of a mixed-use development as it is a building that contains residential dwellings, in conjunction with commercial and non-residential uses. Mixed-use developments usually involve residential dwellings being built above the commercial tenancies. Such dwellings would normally be classified as Multiple Dwellings, as defined in the R-Codes. However, as no dwelling on the lot is vertically above part of any other residential dwelling, the proposal is required to be classified as a grouped dwelling development.

It is noted that six of the dwellings proposed as part of this development, are Single Bedroom Dwellings. Single Bedroom Dwellings as defined by the R-Codes are, *“dwellings that contain a living room and no more than one other habitable room that is capable of use as a bedroom.”*

Having regard to the above, the combination of new and existing land uses support the conclusion that the “Mixed Use” provisions of the R-Codes should be considered when assessing the proposal. The design and functioning of the proposed development has been completed in such a way that the development is more akin to that of a mixed-use development. Subsequently, the development criteria for setbacks, parking calculations, open space requirements and plot ratio have been assessed under clause 4.2.1 of the R-Codes, which provides development standards for the residential component of mixed-use developments.

Density and Development Potential

The subject site is zoned ‘Commercial’ with a density code of ‘R20’.

The area calculations for the grouped dwellings at the R20 coding requires an area of 500m² per dwelling.

The area requirements for single bedroom dwellings can be reduced by up to one third of the required lot area, pursuant to clause 3.1.3 of the R-Codes. In this instance, an R20 coded lot can be reduced in area to 333.33m² per unit, for single bedroom dwellings.

The following table below outlines the land area calculations for the proposed 8 grouped dwellings and 6 single bedroom dwellings:

Dwelling Type	Area Required
Grouped dwelling X 8 @ 500m ²	4000m ²
Single Bedroom Dwellings X 6 @ 333.33m ²	2000m ²
Total Area Required	6000m²
Total Area Provided	6012m²

Land Use

Pursuant to Table 1 of DPS2, the use of the subject site for the purposes of grouped dwellings is a “D” (discretionary) use. Under DPS2 a discretionary use is, “*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.*”

The consideration of a discretionary land use requires Council to exercise its discretion as to the approval or refusal of an application, having regard to the provisions of Clause 6.8 (Matters To Be Considered By Council) of DPS2.

In this instance the concept of grouped dwellings on a “Commercial” zoned site is supported, given that it would provide efficient utilisation and sharing of land and parking, is in close proximity to public open space and public transport (bus route) and provides a unique development for the shopping centre.

Open Space

The provision of residential dwellings above commercial tenancies does not allow dwellings to have ground level open space. This is similar to the situation for mixed-use developments within the Joondalup City Centre.

Subsequently the provision of open space for this development has been designed to meet the requirements of clause 4.2.1 of the R-Codes, “Dwellings in Mixed-use Developments”. This requires the outdoor living area for dwellings to have a balcony not less than 1.5m in depth and a minimum area of 4m². In this instance, each dwelling has been provided with a balcony area in excess of this minimum requirement.

The provision of open space in the form of balconies for each unit is considered to be appropriate for a mixed-use development, where residential land uses above commercial tenancies are built. This form of development is well established and has been successful within other parts of the City.

Parking (Commercial and Residential)

The existing shopping centre has a total of 109 car bays. The existing commercial land-uses within the centre make use of an area of approximately 1329m² of retail NLA (Net Lettable Area). As per Table 2 of DPS2 a total of 94 car bays are required based on a parking calculation of 7 bays per 100m² of NLA (shopping centres of less than 10,000m²). Therefore, the centre has an existing surplus of 15 car bays.

Clause 4.2.1 of the R-Codes outlines that the provision for car parking for dwellings may be reduced to one bay where on-site parking is available for other users, outside normal business hours. As there is parking available to visitors outside normal trading hours a requirement of one car bay per unit is acceptable. Therefore the residential component of this development would require the provision of 14 car bays.

The proposal also includes an additional alfresco area adjacent to the existing restaurant. The use of this area results in the loss of seven existing car bays. Typically, additional parking would be required for the use of an area for alfresco dining (Eg. Table 2 of DPS2, Restaurant = Greater of 1 bay per 5 of dining room or 1 bay per 4 guests). However, in this instance the alfresco area is for the purpose of public seating, and is not considered to intensify the commercial usage of the site. As a result additional parking would not be required for the proposed alfresco area.

Overall, the parking provision for the development will result in a shortfall of six car bays.

Land Use	Car Bays Required
Commercial parking @ 7 bays per 100sqm pursuant to Table 2 of DPS2 (1329m ² of NLA).	94 bays
Residential parking 14 dwellings @ (1 bay per dwelling pursuant to clause 4.2.1 of the R-Codes).	14 bays
TOTAL BAYS REQUIRED	108 BAYS
TOTAL BAYS PROVIDED (Includes loss of 7 car bays for alfresco dining)	102 BAYS (shortfall 6 car bays)

To cater for the shortfall in parking, a cash-in-lieu payment could be requested in accordance with clause 4.11 of DPS2. Alternatively, clause 4.5.3 allows the parking requirements to be varied after considering matters pursuant to clause 6.8 of DPS2 and that the Council is satisfied that the non compliance would have minimal adverse affect in terms of the amenity of the occupiers, inhabitants and users of the area.

A shortfall of six car bays is considered minimal given the co-usage of the parking and access and the parking agreement in place with the adjoining Heathridge Shopping Centre.

To assist in ameliorating the shortfall of six car bays it is recommended that the applicant provide lockable storage areas and racks for bicycles to encourage the use of alternatives means of transport to and from the mixed-use development.

Given various demands at different times of the day and that shared parking and access provision exists between the adjoining sites, it is considered that the variation of six car bays can be supported as having no impact on the amenity of the users, inhabitants and the general locality.

Access Agreements

Access to the site is provided via three separate driveways, with one being to the centre of the lot and the other two on the eastern and western sides of the site (see Attachment 1).

It is noted that two of the three driveways are located on adjoining properties and that these are used to gain access to the rear portion of the shopping centre to service the various commercial tenancies (bin and service yards). The subject site has an access agreement

with Lot 745 (owned by the City of Joondalup) and has a reciprocal access and parking agreement with the adjoining shopping centre (Lot 741).

It is not expected that the subject development will restrict possible future development of the Lot 745. If approved, the existing access and parking agreements would need to be updated to reflect the additional parking and access requirements for the proposed dwellings and the rights of each party.

Alfresco Dining Area

An alfresco dining area has been proposed for the existing restaurant. No specific details outlining the likely number of tables and chairs have been provided. However, the applicant has previously outlined that this area would not be solely utilised for patrons of the restaurant, but rather it be used as a public seating area.

The concept of this public space is supported as it allows interaction of shoppers and those wishing to stop and rest whilst utilising these facilities, whether they are paying customers or general public.

Elevation Treatments

The form of the development in reference to the proposed elevations is considered to be acceptable with good use of windows, façade treatments and roof pitch. The use of treatments such as rendered brick walls, tiles to pitched roof, columns and selected decorative mouldings will create a modern integrated and attractive mixed-use development.

Landscaping

Landscaping has already been provided in the form of a landscaping strip within the front portion of the lot, as well as to the property's verge. Upgrading of the landscaping across the site would be required to ensure that landscaping on the verge and within the property is of a standard and extent that is commensurate with the standard of the development proposed. In the event that the proposed development is approved, a condition requiring a landscaping plan for these upgrades should be required.

Lighting

No details of car park lighting have been provided as part of the application. Previous comments from the community (identified in Council report CJ205 – 09/03) have outlined that the rear service yard areas are dimly lit after hours and this contributes to incidents of antisocial behaviour. It is considered appropriate to require details of lighting to be provided prior to the issue of a building licence.

Management Plans & Acoustic Reports

It is recommended that the applicant provide a construction management plan, operational management plan and an acoustic consultant's report to ensure that the development is capable of complying with various requirements, in the event that approval is considered by Council.

A construction management plan should be provided to ensure that during the construction process the existing tenants within the commercial units and that of the adjoining properties are not hindered.

Additionally, an operational management plan should also be submitted illustrating how the operational issues such as bin pick-up times, goods delivery times, restaurant operating hours, restaurant music, alfresco areas, odours and nuisance will be addressed.

Prior to the issuance of a building licence, an acoustic consultant's report should be submitted for all installations, activities and processes, giving sound level measurements both individually and in combination.

It is also recommended that the applicant be required to advise any prospective purchasers, in writing, that the residential units may be subject to activities, odour or noise not normally associated with a typical residential development. The purchasers should recognise and accept that, in selecting to reside in this locality, that noise, odour, traffic and other factors that constitute part of commercial activities are likely to occur, which are not normally associated with typical residential developments.

Conclusion

It has been determined that the development complies with the density provisions of the R-Codes. Having regard to clause 6.8 of DPS2, it is considered that the discretionary land use of grouped dwellings above existing commercial tenancies, a shortfall of six car parking bays, and assessment of the development requirements for the proposal under clause 4.2.1 of the R-Codes is acceptable.

Having considered the applicant's justification as well as the community's views and requests following public consultation, it is recommended that the application be supported subject to standard conditions and specific conditions addressing lighting, landscaping and overall amenity of the centre.

ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans
Attachment 3	Existing Deed - Right of Carriageway plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clause 6.8 and 4.5.3 of District Planning Scheme No 2 and clause 2.3.4 of the Residential Design Codes 2002 and determines that:**
 - (a) a shortfall of 6 car parking bays;**
 - (b) assessment of the development requirements for the grouped dwellings under clause 4.2.1 (Dwellings in Mixed-use Development) of the Residential Design Codes 2002;****is appropriate in this instance;**
- 2 APPROVES the application dated 14 November 2005, submitted by Peter Raynes Designer, on behalf of the Strata owner(s) of Heathridge City Shopping centre, for a mixed use development incorporating an additional fourteen new grouped dwellings at Lot 740 (99) Caridean Street, Heathridge, subject to the following conditions:**

- (a) **Appropriate access and car parking easements to be prepared with the landowners of Lots 741 and 745 to reflect additional access and parking demands created by the proposed dwellings. The access and car parking easement documentation shall be completed to the satisfaction of the City prior to the occupation of the new dwellings, the granting of an easement in gross pursuant to section 196 of the Land Administration Act (at full cost of the owner) in favour of the City of Joondalup for Lot(s) 741, 745 and 740. For the purposes of this easement, it shall include land proposed for vehicular accessway(s), car parking areas and drainage where required for the benefit of the public at large. The easement must be registered on the title before the development is occupied;**
- (b) **A lighting plan shall be prepared for the subject site detailing existing and proposed additional lighting to upgrade and improve visibility and security for the site. Details shall be submitted to the satisfaction of the City prior to the issue of a building licence;**
- (c) **The lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**
 - (i) **the location and type of existing and proposed trees and shrubs within the car park area;**
 - (ii) **any lawns to be established;**
 - (iii) **any natural landscape areas to be retained; and**
 - (iv) **those areas to be reticulated or irrigated;**
- (d) **Landscaping and reticulation to be established in accordance with the approved plans prior to the new development first being occupied and thereafter maintained to the satisfaction of the City;**
- (e) **The annotated “alfresco dining area” adjacent to the existing restaurant as marked in red on the approved plans shall be utilised for public enjoyment and a general open area which may accommodate seating. The public shall be able to utilise and use this area whether they are paying customers or not, at any of the commercial tenancies of the centre, and the area shall not be exclusively associated with any commercial tenancy;**
- (f) **The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
- (g) **The driveway/s and crossover/s to be designed and constructed to the satisfaction of the City prior to the occupation of the dwellings;**
- (h) **Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;**
- (i) **Submission of a Construction Management Plan, to the satisfaction of the City, detailing phasing of construction, access, storage of materials,**

protection of pedestrians, footpaths and other infrastructure prior to the commencement of construction;

- (j) The applicant shall, in writing, advise prospective purchasers/ occupiers of the residential units that it may be subject to activities, odour or noise not normally associated with a typical residential development. The purchasers should recognise and accept that, in selecting to reside in this locality, that noise, odour, traffic and other factors that constitute part of commercial activities are likely to occur, which are not normally associated with typical residential developments;
- (k) Any roof mounted or freestanding plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (l) No obscure or reflective glazing to be used in the shop fronts facing into the shopping centre;
- (m) The provision of at least three lockable bicycle parking facilities in the location/s marked in red on the approved plans prior to the development first being occupied and being to the satisfaction of the City;
- (n) The preparation of a signage strategy to the satisfaction of the City prior to the issue of a Building Licence ensuring that signage for the tenancies is uniform in their size and location;
- (o) Prior to the issue of the Building Licence, the Applicant and/ or Builder is to arrange and submit to the City, an Acoustics Consultant's Report on all installations, activities and processes, giving sound level measurements both individually and in combination. This report shall include the presence of tonal components, amplitude or frequency modulations or impulses to ensure noise emissions are in compliance with the requirements of the Environmental Protection Act 1986;
- (p) The applicant shall provide adequate bin storage facilities for commercial and residential units to the satisfaction of the City. Bin areas to consist of a concrete floor graded to an industrial floor waste connected to sewer;
- (q) The applicant is to submit a Management Plan for approval, to the satisfaction of the City, of how the operational issues such as bin pick-up times, goods delivery times, restaurant operating hours, restaurant music, alfresco areas, odours and nuisance will be addressed.

Footnotes:

- (i) In relation to condition (e) above, the applicant is advised that if the alfresco area is deleted in the future, the land shall be restored for parking purposes;
- (ii) In relation to condition (o) above, the acoustic consultant's report shall address the issues including exhaust canopy discharges, plant and equipment, patron noise, bin pick-up vehicles, goods delivery vehicles and acoustic design of the residential units.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf120906.pdf](#)

ITEM 14 PROPOSED ROOF OVER PORTION OF THE VEHICLE EXIT LANE – MULLALOO TAVERN – LOT 100 (10) OCEANSIDE PROMENADE, MULLALOO – [02089]

WARD: North Central

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

PURPOSE

The purpose of this report is to request Council's determination of an application for Planning Approval for a proposed roof over a portion of the exit driveway on Lot 100 (No. 10) Oceanside Promenade Mullaloo.

EXECUTIVE SUMMARY

An application for Planning Approval has been received for a roof to be constructed over a portion of the southern driveway (exit lane) of the Mullaloo Tavern development. The structure is proposed to be setback 5.5 metres from the front boundary and 1.75 metres from the side boundary of the property. It is proposed that the roof structure will be located behind an existing column, which will partly screen the proposed addition from view from the street.

The structure has been proposed to improve the amenity for the adjoining residential property at No 6 Oceanside Promenade by reducing any noise that may emanate from the bottleshop or the exit driveway of the existing development. The proposal has the support of the adjoining neighbour.

The structure will require Council to exercise its discretion in relation to a front and side setback variation. The proposed setback variations would not adversely affect the adjoining property owner or the amenity of the area generally, and therefore, it is recommended that the application be supported.

BACKGROUND

Suburb/Location: 10 (100) Oceanside Promenade, Mullaloo
Applicant: Pei Yin Chang / Perrine Architects
Owner: Rennet Pty. Ltd.
Zoning: **DPS:** Commercial
 MRS: Urban
Site Area: 2,377m²
Structure Plan: Not Applicable

13/08/02 Approval granted by the Council for a mixed use development – tavern, shops and residential.

22/04/05 Planning application lodged for proposed shade sails over upper level car parking spaces, re-location of existing bi-fold tavern doors and a roof over a portion of the exit driveway.

28/07/06 Correspondence received formally separating application shade sail and roof cover into different applications and withdrawing of the proposal to re-locate bi-fold tavern doors.

The original 2005 planning application for the additions/alterations for the development contained three parts and these were:

- (a) relocation of a set of bi-fold doors on the tavern level to reduce the balcony area;
- (b) provision of shade sails on the upper level over car parking spaces; and
- (c) provision of roof cover over the exit driveway.

The owners have now decided to:

- (i) withdraw the request to re-locate the bi-fold doors as identified in a) above; and
- (ii) split parts b) and c) into two separate applications for planning approval.

In April 2006, the City issued a Stop Direction Notice to prevent the tavern from further trading due to non-compliance with certain conditions of planning approval relating to car parking. The owners appealed against the issue of that Notice. The SAT matter has reached a stage where both parties are awaiting a decision on the appeal.

Part b) relates to car parking spaces and as such, may be affected by the outcome from the SAT hearing and is therefore being held in abeyance pending the decision of the SAT.

However, part c) does not relate to car parking spaces and as such, is not affected by the issue of the Stop Direction Notice or the SAT hearing. Legal advice has confirmed that this part can be dealt with by Council.

DETAILS

The existing development site consists of two vehicular access points. The southern access point is the exit driveway for the development and abuts the boundary of the residential property at No 6 Oceanside Promenade. The roof cover is proposed to be located over this driveway.

Two substantial columns extend from the main building towards the southern boundary and over the exit driveway. The distance between the two columns is approximately 14.5 metres. The columns are setback approximately 1.3 metres from the southern boundary and approximately 4.8 metres and 20 metres from Oceanside Promenade respectively. The roof cover over the exit driveway is proposed to be located between these two columns and set back 1.75 from the southern boundary.

The overall dimensions of the roof cover are approximately 3.0 metres by 14.5 metres. The length is slightly longer along the main building due to the angled alignment of the rear column.

The main building abuts Oceanside Promenade and the southern side of the building is setback 4.8 metres from the common boundary (southern) with No 6 Oceanside Promenade. Further, the topography of the site at No 6 Oceanside Promenade is such that the dwelling is located at a higher level than the level of the exit driveway.

The proposed structure does not comply with the front setback (9.0 minimum) by 3.5 metres (38.8%) and the side setback (3.0m minimum) by 1.25 metres (42%). Planning Delegation permits the City to determine applications that have a maximum setback variation of 10% for non-residential buildings and as such, the matter is required to be determined by Council.

Link to Strategic Plan:

Objective 3.1

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

Legislation – Statutory Provisions:

Unless otherwise provided for in Part 3 of the DPS2, Clause 4.7 sets out the setback requirements for non-residential buildings. The site is located within the Commercial Zone. Part 3.7 – The Commercial Zone of the DPS2, does not establish setbacks for non-residential buildings in this Zone. As such, the setback standards of Clause 4.7 apply, which are shown below:

4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS

4.7.1 Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:

<i>Setback from street boundary</i>	<i>9.0 metres</i>
<i>Setback from side boundary</i>	<i>3.0 metres</i>
<i>Setback from rear boundary</i>	<i>6.0 metres</i>

Council has the discretion under Clause 4.5 of the DPS2 to vary the development standards for non-residential buildings (clause 4.7 of the DPS2) as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8.1, as follows:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The applicant has referred the plans to the owner of the abutting residential property at No 6 Oceanside Promenade, who stated:

"I have fully inspected the drawings showing the roof cover over the bottle shop exit lane and hereby give my authorisation for Rennet Pty Ltd to proceed with its construction."

COMMENT

The development proposal is to construct a roof between two existing columns and over an existing exit driveway. Clause 4.7 requires a front boundary setback of 9.0 metres whereas the development application is for a setback of 5.5 metres. Furthermore the side boundary setback requirement is 3.0 metres whereas the planning application is for a setback of 1.75 metres.

It is noted that the westernmost column to be used to support the roof cover is located closer to the street and southern side boundary than the proposed roof cover.

The size of the front column is such that it will partly screen the roof cover from view from the street, thereby negating any issues associated with the front setback variation. Consequently, the proposed roof covering will not adversely affect the appearance of the property.

The proposed roof cover will provide further noise attenuation to the residential property located at No 6 Oceanside Promenade from the impact of any noise that may emanate from the driveway or bottle shop area.

The adjoining residential property is located at a higher level than the proposed roof and as such, the reduced setback will not impact on that property.

It is considered that the proposed development will be of benefit to the residents living at the adjoining property and it will not have an adverse impact on the amenity of the area generally. As such, it is considered that the proposed setback variations will satisfy the criteria set out in Clause 4.5.3 to allow a setback variation and therefore, it is recommended that the application for planning approval be granted.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plan
Attachment 3	Photographs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council APPROVES the application for Planning Approval dated 27 July 2006 submitted by Pei Yin Chang / Perrine Architects, the applicants on behalf of the owners, Rennet Pty Ltd for a proposed roof over a portion of the southern driveway on Lot 100 (10) Oceanside Promenade, Mullaloo, subject to the following conditions:

- 1 The colour and design of the roof to complement the colour and design of the existing building; and**
- 2 All stormwater must be contained on site to the satisfaction of the City.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf120906.pdf](#)

ITEM 15 INITIATION OF AMENDMENT TO DPS2 AND LOCAL PLANNING POLICY – SHORT STAY ACCOMMODATION – [72584]

WARD: All

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

PURPOSE

The purpose of this report is to recommend Council initiate an amendment to District Planning Scheme No 2 (DPS2) and a draft local planning policy relating to short stay accommodation, for the purpose of public advertising.

EXECUTIVE SUMMARY

Currently there is no specific land use in DPS2, and no local planning policy or guidelines, in relation to short stay accommodation. Short stay accommodation applications have been classified as a 'Residential Building' under DPS2, however, it is preferred that a more specific land use be adopted.

The current provisions within DPS2 and the Residential Design Codes do not provide specific requirements for short stay accommodation, and each proposal is assessed on its merits. The Hon Minister for Planning and Infrastructure also raised this issue with the Council in 2004 and requested that guidance be developed. As a result, an amendment to DPS2, supported by a draft policy, has been prepared for Council's consideration.

The amendment to DPS2 seeks to provide a definition of short stay accommodation and in which zones such accommodation would be permitted. The draft policy aims to provide parameters for the evaluation of proposals that may be lodged, addressing issues of location, density, and management.

It is recommended that Council initiate the proposed amendment to DPS2 (being Amendment No. 36) and draft Policy by seeking for public comment.

BACKGROUND

The Scheme has no definition for short stay accommodation. DPS2 gives the same meaning to a Residential Building as the definition contained within the Residential Design Codes 2002.

Neither the DPS2 nor the Residential Design Codes provide specific development standards and requirements for a Residential Building.

A 'Residential Building' is a discretionary use within the Residential, Mixed Use, Business, Commercial and Private Clubs and Recreation zones.

Following an inquiry into the Mullaloo tavern development, which did not have any adverse findings against the City, the Minister for Planning and Infrastructure recommended that a policy be put in place to guide the development of short stay accommodation. Specifically, the Minister recommended:

"The introduction of measures to guide the development of short stay accommodation in those zones where such development is permissible. As a minimum, such

measures should address the density of those forms of residential development for which there is currently no explicit density control.”

Currently, the DPS2 is silent on issues of permitted density and the cut off between a dwelling and a residential building (or other forms of temporary accommodation), mostly by virtue of the determination of what length of stay satisfies a reasonable test of being considered as permanent.

It could be stated that the DPS2 contains a ‘gap’ on this issue, however, it is notable that the Council has received only two applications over the past two years for short stay accommodation outside the City Centre area. In these circumstances, which are effectively rare applications, the Council is often required to consider applications on merit rather than merely in relation to standards. That is, if standards were developed for all matters, including those which may only occur once or twice, the process would become inefficient and cumbersome.

The two applications referred to above are:

- 3 Glenelg Place, Connolly. This proposal was to convert an existing medical centre into short stay accommodation. The proposal was refused by Council at its meeting of 26 April 2005. A subsequent appeal by the applicant to the State Administrative Tribunal was upheld, effectively reversing Council’s decision.
- 17 Foston Drive, Duncraig. This proposal is to utilise an existing residential dwelling for short stay accommodation. The proposal is yet to be determined.

DETAILS

Issues and options considered:

Proposed Amendment to DPS2

This proposal seeks to add the following definition into DPS2:

Short Stay Accommodation: means any land or buildings used for accommodation that may be occupied for a continuous maximum period of three months in a twelve month period, with a minimum of one month between each stay. The term excludes Motel, Hotel, and Bed and Breakfast.

In researching this issue, the policies and approach of other Councils were evaluated. A number of local authorities Town Planning Schemes define ‘short stay’ in a similar manner, including the Shire of Manjimup and Shire of Augusta-Margaret River. The proposed length of time for a ‘short stay’ is likely derived from the minimum length of a standard residential lease, being three months.

It is proposed that Short Stay Accommodation would be a prohibited (‘X’) use in the Residential, Special Residential, Service Industrial, and Rural zones, and a Discretionary (‘D’) use in the Mixed Use, Business, Commercial, and Private Clubs and Recreation zones.

A car parking standard at the rate of 1 bay per unit is proposed. This ratio is similar to that of the accommodation component of a Motel under DPS2.

The proposed amendment to DPS2 is Attachment 1.

Draft Policy

The draft policy (Attachment 2) proposes guidelines for the operation of short stay accommodation. The policy provides guidance with regard to the management and record keeping processes. In addition the policy encourages short stay accommodation in areas of tourist potential and close to main access roads.

Options

In considering the draft local planning policy, Council can:

- Adopt the scheme amendment and/or policy for the purpose of public advertising
- Modify the scheme amendment and/or draft policy, then adopt it for the purpose of public advertising
- Not adopt the scheme amendment and/or draft policy.

Link to Strategic Plan:

Short stay accommodation is likely to be used as tourist accommodation and therefore links with Strategy 3.2 (Lifestyle) of the City's Strategic Plan, which is intended to develop and promote the City of Joondalup as a tourist attraction.

Legislation – Statutory Provisions:

Scheme Amendment

Part 5 of the Planning and Development Act 2005 enables Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3 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.

Draft Policy

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies. Clause 8.11.1 enables the Council to prepare a local planning policy in respect of any matter related to the planning and development of the scheme area.

Once the draft policy is prepared it is required to be advertised in accordance with Clause 8.11.3 by way of a notice published once a week for two consecutive weeks in a local newspaper giving notice where the draft policy may be inspected. The draft policy would also be advertised on Council's website. The specified period for advertising should not be less than twenty one (21) days.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

It is proposed to implement a new policy.

Regional Significance:

Not applicable

Sustainability implications:

The proposed short stay accommodation policy could (if adopted) support tourism by providing alternative accommodation choices.

Consultation:

The Planning and Development Act 2005 require that, should Council adopt the amendment, it be advertised for a period of 42 days.

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.

Clause 8.11.3 of DPS2 requires that the draft policy to be advertised for a twenty one (21) day period. A notice would be published in the local newspaper for two consecutive weeks, and a notice would also be placed on the City's website. In this instance, it is considered appropriate that the draft policy be advertised for 42 days, concurrently with the proposed scheme amendment.

COMMENT**Short Stay Accommodation in the Residential Zone**

Short stay accommodation differs from a standard residential dwelling in that the later is intended for occupation on a permanent basis.

In considering the location of short stay accommodation, the potential impact on existing residential areas is an important factor. By its nature, short stay accommodation provides for a transient client. It may be argued that adverse impacts on amenity have the potential to arise from short stay accommodation, such as excessive noise, anti-social behaviour, or overcrowding of dwellings. There are also the less tangible yet important social factors, such as a sense of community and security that comes from knowing your neighbours.

From this point of view, the location of short stay accommodation in the Residential and Special Residential zones is not supported.

It is worthy to note that Bed and Breakfast is a land use in DPS2 that is a discretionary ('D') use within the Residential Zone. The differentiation between Short Stay Accommodation and Bed and Breakfast accommodation is that the latter accommodation requires the resident of the dwelling to be present as a permanent occupant of the dwelling. This allows

for greater supervision of the visitors to the site, and is a generally smaller scale activity given that the permanent residents of the dwelling share the dwelling.

Draft Policy

The policy will provide guidance and attempt to ensure that short stay accommodation is appropriately managed.

Specifically, the policy would address:

- The management of the accommodation, including submission of a Management Plan (this includes requiring appropriate documentation to be kept by the proprietor of the accommodation, and the submission of a plan detailing how the accommodation will be managed and operated).
- The density of the development. As short stay accommodation are not 'dwellings' for the purposes of the Residential Design Codes, R-Codes densities (eg R20, R40) do not apply. However, for the purposes of assessment, equivalent densities could be used. For areas outside the City Centre, an equivalent maximum density of R40 (1 unit per 250 sqm) is suggested. In the City Centre, given that short stay accommodation should be expected and encouraged in the City Centre, the density applicable to be site is proposed.
- The preferred location of short stay accommodation. Appropriately located short stay accommodation has the potential to encourage tourist and economic opportunities in the City of Joondalup. To maximise this potential, the draft policy requires the applicant to demonstrate that the short stay accommodation meets the needs of the intended clients, by reason of being in close proximity to main road, public transport, education facilities, areas of tourist interest, or the city centre.

A good example of the location of short stay accommodation is the Sorrento Beach Resort, West Coast Drive, Sorrento, which is close to Hillarys Boat Harbour, the coast, and transport routes.

It is recommended that the amendment to DPS2 and draft policy be initiated for public advertising.

ATTACHMENTS

Attachment 1	District Planning Scheme Amendment No 36
Attachment 2	Draft Policy – Short Stay Accommodation
Attachment 3	Town Planning Scheme Amendment process flowchart

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, **ADOPTS** the amendment to the City of Joondalup District Planning Scheme No 2 as outlined within Attachment 1 to this Report for the purposes of advertising for a period of 42 days;
- 2 Prior to the advertising period commencing **FORWARDS** the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review is required;
- 3 In accordance with Clause 8.11.3 of District Planning Scheme No 2 **ADVERTISES** the draft Short Stay Accommodation Policy as per Attachment 1 to this Report concurrently with Amendment No 36 for public comment for a period of forty two (42) days.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf120906.pdf](#)

ITEM 16 CONDITION OF HIRE FOR CITY OF JOONDALUP FACILITIES - CHILD PROTECTION POLICY – [36566]

WARD: All

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

PURPOSE

To provide background information on the new *Working With Children (Criminal Record Checking) Act 2004* and to amend the City Policy 7-3 Community Facilities – Built.

EXECUTIVE SUMMARY

In 2004, Council adopted the Condition of Hire for City of Joondalup Facilities Child Protection Policy, which stated that all sport and recreation clubs/associations and community groups with members under 18 years of age, will be required to provide the City with a copy of their organisation's Child Protection Policy in order to make a permanent booking in one of the City's community facilities (Item CJ 269 – 11/04 refers).

In 2005, all of the City's Policies were reviewed (Item CJ064 – 04/05 refers), and a new Policy 7-3 Community Facilities – Built was created, including a clause detailing the requirements of community groups to submit a Child Protection policy to the City.

The State Government has since enacted the *Working With Children (Criminal Record Checking) Act 2004*, which officially came into effect on 1 January 2006. This Act requires all employees (paid and unpaid) to undergo a Working with Children Check. The implementation of these checks has been phased over the next five (5) years.

This Act means that the clause regarding Child Protection in the Council Policy 7-3 Community Facilities – Built needs to be amended to indicate that community groups and sporting clubs must comply with the Act. The City's role in regards to Child Protection is to advocate for safe environments, and offer advice and assistance to its community groups and sporting clubs.

It is recommended that Council AMENDS City Policy 7-3 Community Facilities - Built by altering the section titled Child Protection as shown on Attachment 1 to this Report.

BACKGROUND

At its meeting on Tuesday 2 November 2004, Council adopted the "Condition of Hire for City of Joondalup Facilities Child Protection Policy" for inclusion into the City's Policy Manual (Item CJ 269 – 11/04 refers). The Policy stated that 'at the time of making a permanent booking for the use of a City of Joondalup facility, all sport and recreation clubs/associations and community groups with members under 18 years of age, will be required to provide the City with a copy of their organisation's Child Protection Policy. If the organisation does not have a current policy in place, a permanent booking will not be confirmed.'

At its meeting on Tuesday 26 April 2005, Council resolved to adopt a new framework for the development and review of policies at the City of Joondalup (Item CJ064 – 04/05 refers). A new City "Policy 7-3 Community Facilities – Built" was created, which states that 'prior to making a permanent booking for the use of a City facility, all community groups and

associations with members under 18 years of age are required to provide the City with a copy of their organisation's Child Protection Policy.'

The State Government has enacted the *Working With Children (Criminal Record Checking) Act 2004* which came into effect on 1 January 2006. The Act has several implications for the City, and outlines that all people employed (paid or un-paid) in child related work on more than five days per year must have applied for a Working with Children Check, or already hold a current Assessment Notice by the date they are required to under the phasing-in arrangements.

All volunteers undertaking child related work for sport and recreation clubs/associations and community groups will need to apply for a Working with Children Check, but the timing of the application varies. The following rules apply:

- All volunteers starting a new position involving child related work after 1 January 2006 must apply for a Working with Children Check prior to starting work.
- All volunteers starting a new position involving child related work (8-12 years) after 1 January 2007 must apply for a Working with Children Check prior to starting work.
- All volunteers who start child related work involving children aged 8-12 years before 1 January 2007 must apply for a Working with Children Check between 1 January 2007 and 31 December 2007.
- All volunteers who start child related work involving children aged 13-17 years after 1 January 2008 must apply for a Working with Children Check prior to starting work.
- All volunteers who start child related work involving children aged 13-17 years before 1 January 2008 must apply for a Working with Children Check between 1 January 2008 and 31 December 2008.
- All volunteers starting a new position involving child related work before 1 January 2006 must apply for a Working with Children Check between 1 January 2009 and 31 December 2009.

It is the responsibility of all employers, community groups, and sport and recreation clubs/associations to make sure that all employees or volunteers undertaking child related work comply with Act, and obtain the Working with Children Check in accordance with the phasing in requirements.

A Working with Children Screening Unit has been established, currently within the Department for Community Development, to implement the *Working with Children (Criminal Record Checking Act) 2004*. The State Government has announced its intention that the responsibility for the Working with Children Checks will be transferred from the Department for Community Development to the Commission for Children and Young People, once that Office is established.

DETAILS

With the new *Working With Children (Criminal Record Checking) Act 2004* coming into effect on 1 January 2006, the City 'Policy 7-3 Community Facilities – Built' needs to be reviewed to reflect the legislative changes. The City's terms and conditions for the use of community facilities are to be amended to reflect the need to comply with the legislation.

Link to Strategic Plan:

Outcome

The City of Joondalup provides social opportunities that meet community needs.

Objectives:

- 1.3 To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies

- 1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

The State Government has enacted the *Working With Children (Criminal Record Checking) Act 2004*, which came into effect on 1 January 2006. The City is required to comply with this legislation in the delivery of its own programs and services, but is not required to enforce the legislation on its community user groups. This is the role of the State Government.

Risk Management considerations:

With the new *Working With Children (Criminal Record Checking) Act 2004* that came into effect on 1 January 2006, the enforcement of the Act is now the responsibility of the State Government. By changing the City Policy 7-3 Community Facilities to advise community groups and sporting clubs to comply with the new Act, the City is remaining proactive. The requirement of all facility users to comply with their obligations ensures that the issue of child protection remains at the forefront. Community groups and sporting clubs will be reminded that they are required to comply with current legislation, and this information will be included in the City's terms and conditions of hire for sporting grounds and facilities.

Financial/Budget Implications:

The City will not be responsible for meeting any of the costs of applying for the Working with Children Check, that are incurred by sport and recreation clubs/associations and community groups.

Policy Implications:

The clause in City 'Policy 7-3 Community Facilities – Built' that relates to Child Protection Policies is a City Policy and needs to be amended by a Council decision (see Attachment 1).

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The enforcement of the *Working With Children (Criminal Record Checking) Act 2004* is the responsibility of the State Government. City officers will continue to provide assistance to sport and recreation clubs/associations and community groups regarding child protection issues, and will forward on relevant contact details of State Government departments where necessary.

The City will also communicate the amendment of the policy to all affiliated groups.

COMMENT

During the development of the original 'Condition of Hire for City of Joondalup Facilities Child Protection Policy', the City held a number of consultation sessions with sport and recreation clubs/associations and community groups with members under the age of 18 years who permanently book the City's facilities. The City also requested that all groups submit a Child Protection Policy or Code of Conduct to the Community Facilities Officer.

The work undertaken by City Officers has greatly increased awareness of child protection issues amongst the sport and recreation clubs/associations and community groups involved, and has better prepared these groups for the implications of the *Working With Children (Criminal Record Checking) Act 2004*.

With the introduction of the *Working With Children (Criminal Record Checking) Act 2004* on the 1 January 2006, there is no need for the City of Joondalup to enforce sport and recreation clubs/associations and community groups, with members under the age of 18 years, to have a Child Protection Policy or Code of Conduct. The changes made to the City Policy 7-3 Community Facilities ensure that the City is remaining proactive. By requiring all facility users to comply with the new Act, the City is increasing awareness of the issue of child protection.

ATTACHMENTS

Attachment 1 Policy 7-3 Community Facilities - Built

VOTING REQUIREMENTS

RECOMMENDATION

That Council AMENDS City Policy 7-3 Community Facilities - Built by altering the section titled Child Protection as shown on Attachment 1 to this Report.

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf120906.pdf](#)

ITEM 17 COMMUNITY DEVELOPMENT STRATEGY – [07116]

WARD: All

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

PURPOSE

To advise Council of the outcome of the community comment process and to seek endorsement of the Community Development Strategy.

EXECUTIVE SUMMARY

The Community Development Strategy is an overarching strategy supported by six plans, those being:

- Seniors Plan (endorsed November 2003)
- Access and Inclusion Plan (endorsed February 2004)
- Leisure Plan
- Families with Children Plan
- Cultural Plan, and
- Youth Plan

At the Council meeting in April 2006 (CJ060-04/06 refers) a draft copy of the Community Development Strategy was presented to the Council for consideration. The Council resolved that the draft document be advertised for public comment. The public comment process concluded on 13 June 2006.

A total of 46 responses were received and a summary of community responses are provided in attachment 2 to this report. A wide range of comments were received during the process, with the Youth Plan receiving the greatest number of responses. Other than grammatical or technical adjustments no revisions have been recommended.

Community Vision Inc provided a comprehensive written submission, however it is not proposed to amend based on the comments.

It is recommended that Council:

- 1 *ENDORSES the Community Development Strategy document as shown in Attachment 1 to this Report;*
- 2 *NOTES the responses provided through the Community Comment process as shown in Attachment 2 to this Report;*
- 3 *formally ACKNOWLEDGES those groups and individuals who provided comment.*

BACKGROUND

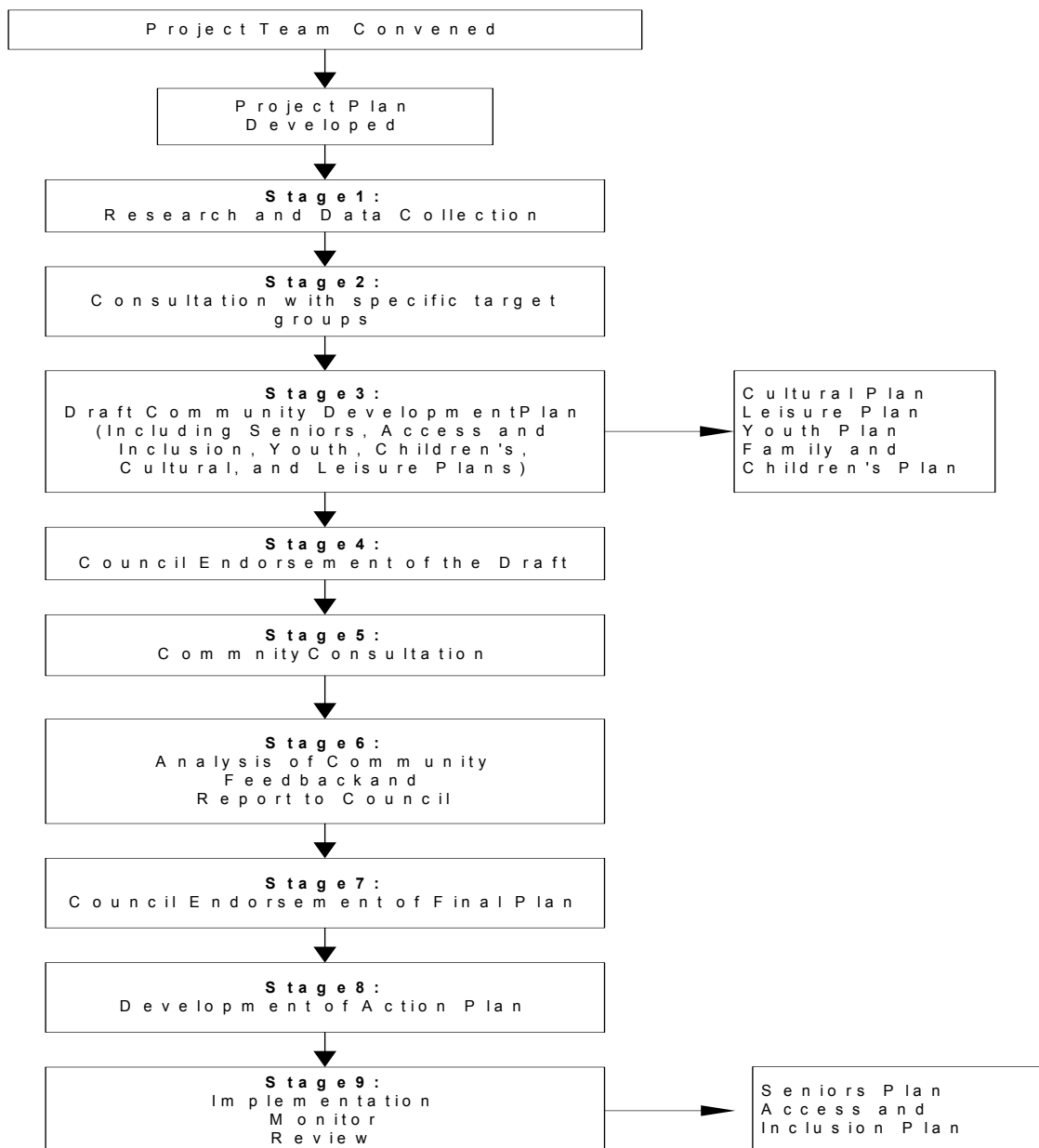
The Community Development Strategy provides an overall approach for the achievement of the City's social development goals for cultural and leisure programs, services and initiatives for seniors, young people, families with children and people with disabilities and/or access issues.

The objective of the Strategy is to bring together the City's social development plans. The Council has endorsed both the Seniors Plan and the Access and Inclusion Plan, in 2003 and 2004 respectively.

A public comment process was undertaken following Council endorsement of the draft Community Development Strategy in April 2006. The comment process was for a 60-day period (13 April 2006 to 12 June 2006).

The community comment process generated 46 responses from individuals and groups within the community. A summary of the responses received is provided in attachment 2.

The flow chart below outlines the process that has been followed to achieve the position that the project is now at. Stages one to six (with six being the review of the community comment process) have been completed.



DETAILS

The following methods were used to encourage community submissions on the Community Development Strategy:

- The Community Development Strategy document was made available on the City's web page, in addition to hard copies being obtainable at the libraries and leisure centres (copies of the document were forwarded to individuals and organisations upon request);
- A response form was developed to enable the community to comment on the Community Development Strategy document (available online and in hard copy);
- Advertisements informing the community of the Community Development Strategy and the opportunity for community comment were placed in the Community News in May 2006;
- Letters were sent to all community and sporting groups on the City's database advising them of the opportunity available to them to make comment on the Community Development Strategy document; and
- Copies of the strategy document were also sent to relevant State Government bodies such as: Department for Community Development, Department of Culture and the Arts and Department for Sport and Recreation.

Respondents were invited to either make comment on the whole document, or to focus on individual plans that were of interest or relevance to them.

A total of 46 responses were received:

- 9 on-line submissions;
- 37 written submissions using response form.

The City received an extensive submission from Community Vision Inc. The content of the submission is addressed within the comments provided on the community feedback (attachment 2).

Link to Strategic Plan:

- 1.2 To meet the cultural needs and values of the community.
- 1.3 To continue to provide services that meets the changing needs of a diverse and growing community.
- 3.3 To continue to meet changing demographic needs.

Legislation – Statutory Provisions:

The Local Government Act 1995 sets out a number of responsibilities for local government:

- (a) *Direct and control the City's affairs;*
- (b) *Is responsible for the performance of the City's functions;*
- (c) *Oversee the allocation of the City's finances and resources; and*
- (d) *Determine the City's policies.*

This role encompasses strategic planning mechanisms to ensure the continued sustainability of the organisation, the setting of strategic goals for the organisation and the monitoring of the City's performance against these strategic goals.

The State Disability Act (1993) requires all Local Governments to prepare Disability Plans. The City's Access and Inclusion Plan is the Disability Plan.

Risk Management considerations:

From a risk management perspective there are three key reasons that the City would undertake a social planning process of this complexity.

- Effective strategic and operational planning.
- Greater confidence in achieving planned strategic and operational planning.
- Improved decision-making processes.

Policy implications:

A Community Development policy has been developed. This policy was reviewed by the Policy Committee following a public comment period. This policy is the subject of a separate report to be presented to the Council on 19 September 2006.

Regional Significance:

The Community Development Strategy promotes a number of outcomes in relation to regional opportunities.

Sustainability implications:

The Community Development Strategy addresses social and community issues. The various components of the Strategy aim to:

- Strengthen the community so that members of the community are able to meet their own needs, achieve self reliance and meet their full potential; and
- Promote a socially just and equitable community, which is enriched by diversity and increased social participation by all groups.

COMMENT

The community submissions received were broad ranging and mostly supportive of the strategy. The submission received from Community Vision Inc was the only submission that was critical of the strategy.

The Seniors' Plan and Access and Inclusion Plan are not included in the strategy as they are due for review in 2006/07 and were not included for community comment. These plans will be the subject of public advertising as part of the review process.

ATTACHMENTS

- | | |
|--------------|--|
| Attachment 1 | Community Development Strategy Document |
| Attachment 2 | Summary of community submissions and the City's responses. |

VOTING REQUIREMENTS

Simple Majority.

**LATE ITEM CHANGE OF USE FROM SINGLE HOUSE TO
UNLISTED LAND USE: LOT 102 (17) FOSTON
DRIVE, DUNCRAIG – [20415]**

WARD: South Ward

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

Report to be circulated under separate cover when available, and posted on the web page at that time.

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

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

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 a Public 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 liaise with any member of the public who is not satisfied that the response to their question at public question time has been fair and reasonable;*
 - to review questions taken on notice and to request the CEO to change or modify the responses published in the agenda for the following meeting;*
 - to review petitions received by Council and to appraise the appropriateness of the actions taken in response to the petition;*
 - to advise Council on sections 1.3(2), 2.7 and 2.10 of the Local Government Act 1995 and on issues of accountability of Council to the local community;*
- 3 *APPOINTS the Mayor and one Councillor from each Ward to the Public Accountability Committee.”*

Cr Magyar has submitted the following comments in support of his motion:

The Report of the Inquiry into the City of Joondalup, October 2005, recommended that:

“A committee of the Council of the City of Joondalup should be established to supervise the answering of public questions and report on and recommend action relating to the answers to questions to the Council.”

This recommendation of the Inquiry has not been considered by the Elected Members, only by the Commissioners.

Consideration of this motion will assist Elected Members to identify ways to improve the processes of Council.

The 1995 Local Government Act states among its intents is to increase accountability of local governments to their communities and to increase the community's participation in the decisions and affairs of local government.

The Act also requires Elected Members to facilitate communication between the community and Council.

Finally, Council is responsible for the performance of the local government's functions and Council directs and controls the local government's affairs.

A Public Accountability Committee will assist Council and Elected Members to work towards the intent of the Act and assist in performing their roles as required under the Act.

It should be noted that this motion does not interfere with the Mayor's role regarding public question time as detailed in the Local Government Administration Regulations.

Officer's Comment:

Recommendation 13 of the McIntyre Inquiry report stated that "a Committee of the Council of the City of Joondalup should be established to supervise the answering of public questions and report on and recommend action relating to the answers to questions to the Council".

The City made a submission to the Minister for Local Government and Regional Development on the report in November 2005. In response to recommendation 13, the City commented that "this recommendation does not take into account the turn-around time for the answering of Council questions nor the fact that information with regard to answering questions will be obtained from officers regardless of a committee involvement. A committee would be time consuming and lead to delay in dealing with questions. The City currently has reviewed its public question time procedure".

The fourth term of reference which relates to advising "Council... on issues of accountability of Council to the local community" is broad in its scope. In this regard, the City has an Audit Committee whose charter covers a wide range of matters. These include considering internal audit plans and arrangements, the critical analysis of internal or external audit reports and the monitoring of ethical standards. One particular duty is to "identify and refer specific projects or investigations deemed necessary through the Chief Executive Officer, the Internal Auditor and the Council, if appropriate". The Committee then oversees any subsequent investigation.

With such a broad charter for the Audit Committee, it would appear inefficient and would create duplication if an Accountability Committee were to be established to consider "issues of accountability".

It is also noted that the City's Code of Conduct requires Elected Members and staff to respect other people and to act with honesty and integrity. These requirements will exist whether or not an Accountability Committee is established.

10 BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

11 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS**DUE DATE** **MARCH 2006****SUBJECT** **LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY** – Ex CJ168-08/05 - Report on Funding to date to the City of Joondalup Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees

“5 NOTES that a further report be prepared by Administration at a later date that quantifies the legal representation costs to the City. This report will not be able to be completed until the McIntyre Inquiry hands down its final report.”

RESPONSIBLE DIRECTORATE Office of the CEO**ACTION NUMBER** 97788**STATUS** A report is currently being drafted, to be submitted to a future Council meeting.

**DUE DATE
SUBJECT****APRIL 2006****PROPOSAL TO PROTECT NATIVE AREAS OF SIGNIFICANCE** - ex
CJ193-09/05 Meeting of the Conservation Advisory Committee held on 24 August 2005

- 4 REQUESTS the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;

**PROPOSAL TO PROTECT NATURAL AREAS OF SIGNIFICANCE
UNDER SCHEDULE 5 OF THE DISTRICT PLANNING SCHEME NO 2**

- ex Minutes of the Conservation Advisory Committee Meeting held 26 October 2006 CJ256-11/05

- "3 NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;"

**RESPONSIBLE
DIRECTOR
ACTION NUMBER
STATUS**

Planning and Community Development

100428 and 104027

The Conservation Advisory Committee has identified reserves of significance. A report by Planning & Community Development on the DPS2 implications will be submitted to Council in April 2006.

Revised Status:

Advice is being sought from the Department of Planning and Infrastructure in relation to this matter. It is anticipated that Planning and Community Development will submit a report to Council in June 2006.

Revised Status

Advice is currently being sought on the best way of legally incorporating open space that contains both bushland areas of conservation and active parks. As a consequence, this report will now be submitted to Council in July 2006.

Revised Status

It was originally anticipated for this report to be presented to Council in July 2006, however the required advice is yet to be received. A report will be prepared upon receipt of the advice.

Revised Status – 16 August 2006

A report is being finalised and will be presented for consideration shortly.

DUE DATE	APRIL 2006
SUBJECT	LANDSCAPING PLANS FOR JOONDALUP REGIONAL CULTURAL FACILITY - ex CJ248-11/04 – Joondalup Regional Cultural Facility Site Acquisition
	“3 REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	82351
STATUS	<p>Consultation will take place as soon as is practicable following the finalisation of the purchase of the site which requires the lot to be formally subdivided. It is envisaged that a report will be submitted to Council once the purchase has been finalised.</p> <p>Revised Status</p> <p>Advice has been received that the subdivision requirements have been completed and settlement will occur following the creation of the title for the subject site. Consultation will take place as soon as is practicable following settlement. A report will be submitted to the Council after the consultation phase.</p> <p>Revised Status</p> <p>The City has executed transfer documents at the end of June 2006 and returned to the Department of Training for execution.</p> <p>Revised Status – 29 August 2006</p> <p>A further report will be presented to Council during October 2006.</p> <p>Revised Status – 6 September 2006</p> <p>The landscaping proposals for the Joondalup Regional Cultural facility site were considered as part of the 2006/07 budget and it was determined that the landscaping not proceed. It was decided signage only would be placed on the site. This Item may therefore be removed from the Agenda.</p>

DUE DATE **JUNE 2006**

SUBJECT **CONSIDERATION OF POLICY – RECOVERY OF COSTS AWARDED TO THE CITY** - ex CJ266-12/05 - Report on the costs awarded to the City in the matter of the Mullaloo Progress Association and the City Of Joondalup and Rennet Pty Ltd CIV 1285 OF 2003

“3 REQUESTS the Chief Executive Officer to draft a policy for consideration of the Council in relation to recovering costs awarded to the City in legal proceedings.”

RESPONSIBLE DIRECTORATE Director Governance and Strategy

ACTION NUMBER 105477

STATUS A policy will be prepared in line with the decision of Council and forwarded for consideration.

DUE DATE **JUNE 2006**

SUBJECT **LOCAL LAWS RELATING TO CATS** Reports/Presentations Requested by Elected Members – Briefing Session – 1 August 2006

Mayor Pickard requested a report in relation to the City’s current local laws with respect to cats. Report to include information regarding other authorities and what is happening at a State Parliament level.

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 118501

STATUS A Briefing Paper has been prepared and distributed to Elected Members. This Item may therefore be removed from the Agenda.

DUE DATE	AUGUST 2006
SUBJECT	LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD – ex JSC3-07/05 -Minutes of the Strategic Financial Management Committee “2 REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”
RESPONSIBLE DIRECTORATE	Planning and Community Development
ACTION NUMBER	97081
STATUS	This has been referred to the internal Parking Strategy Working Group. Revised Status The Working Group is currently undertaking a review of the current Parking Strategy, analysing the parking supply and demand, as well as examining opportunities to increase the number of public parking bays in the CBD. A progress report will be presented to the Council in June 2006. Revised Status A report will be presented to the Strategic Financial Management Committee in August 2006. Revised Status – 6 September 2006 A Parking Strategy has been prepared which has been considered by Council at a Strategy session. This item may now be removed from the Agenda.

DUE DATE **SEPTEMBER 2006**

SUBJECT **REVIEW OF LEVEL OF DELEGATION TO THE CEO IN RELATION TO WRITE-OFF OF MONIES** – MINUTES OF THE AUDIT COMMITTEE MEETING HELD 26 APRIL 2006

- 3 REQUESTS the Audit Committee to review the level of delegation to the CEO to write-off monies before the end of the year 2006;
- 4 REQUESTS the Audit Committee to include the following references in the determination of the appropriate level of delegation to write-off monies:
- (a) The Local Government Act 1995, Section 1.3(2) (c) and (d), that is greater accountability of local governments to their communities and more efficient and effective local government;
 - (b) The Local Government Act 1995, Section 2.7(1):
 - (1) That the Council directs and controls the local government's affairs and is responsible for the performance of the local government's functions;
 - (2) Without limiting subsection (1), the Council is to oversee the allocation of the local government's finances and resources;
 - (c) The Local Government Act 1995, Section 5.41 (d) – the CEO's functions to manage the day to day operations of the local government;

RESPONSIBLE DIRECTORATE Corporate Services
115355

ACTION NUMBER

STATUS A report will be submitted to the next Audit Committee expected to be early October 2006.

DUE DATE	SEPTEMBER 2006
SUBJECT	PETITION OPPOSING PROPOSED CHILDCARE CENTRE, 34-36 BRIDGEWATER DRIVE, KALLAROO – ex C36-06/06 – PETITIONS SUBMITTED TO THE COUNCIL MEETING – 27 JUNE 2006 “Cr Park tabled a 44-signature petition from residents of the City of Joondalup strongly opposing the proposed childcare centre at 34-36 Bridgewater Drive, Kallaroo.”
RESPONSIBLE DIRECTORATE	Planning and Community Development 116526
ACTION NUMBER	
STATUS	The petition will be taken into consideration during the assessment of the proposal. This Item may therefore be removed from the Agenda.

DUE DATE	SEPTEMBER 2006
SUBJECT	WOODLAKE RETREAT - Reports/Presentations Requested by Elected Members – Briefing Session – 11 July 2006 Cr Corr requested a report providing elected members with an update in relation to Woodlake Retreat, to include authorities involved, when the development would start, and what commitments the developer had prior to commencing. It was advised the development was unable to proceed until such time as approval for the development had been given by the WAPC. To date, this approval has not been given.
RESPONSIBLE DIRECTORATE	Planning and Community Development 117323
ACTION NUMBER	
STATUS	WAPC approval has been given for the development. A briefing note to the Elected Members is currently being prepared. Revised Status – 6 September 2006 Regular updates are being provided to Elected Members. This Item may therefore be removed from the Agenda.

DUE DATE **SEPTEMBER 2006**

SUBJECT **LIBRARY FINES** - Reports/Presentations Requested by Elected Members – Briefing Session – 1 August 2006

Cr Fishwick requested a report on the cost benefit analysis with respect collection of library fines.

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 118504

STATUS A report will be prepared and distributed to Elected Members.

DUE DATE **SEPTEMBER 2006**

SUBJECT **CONTROL OF UNLICENSED MOTORBIKES** - Reports/Presentations Requested by Elected Members – Briefing Session – 11 July 2006

Cr Magyar requested a report in relation to the control of unlicensed dirt bikes/motorbikes within the City and the laws governing whether these can be confiscated from the owners and put up for public auction.

Information to be included within the report on whether the responsibility for apprehending offenders rests with the Rangers or Police.

RESPONSIBLE DIRECTORATE Infrastructure Services

117323

ACTION NUMBER

STATUS A report was presented to the Conservation Advisory Committee Meeting of 26 July 2006, which will ultimately be presented to Council.

Revised Status – 31 August 2006

This Item was presented to Council on 29 August 2006 as part of the minutes of the Conservation Advisory Committee meeting held on 26 July 2006 and may therefore be removed from the agenda.

DUE DATE **SEPTEMBER 2006**

SUBJECT **DEVELOPMENT OF THE JOONDALUP CENTRAL BUSINESS DISTRICT**
ex CJ131-08/06 - MINUTES OF STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 4 JULY 2006

“2 REQUESTS a further report be submitted to the next meeting of the Strategic Financial Management Committee on:

(a) options and potential role of the City in the development of the Joondalup Central Business District;

(b) a framework and work plan for:

Alternative Revenue Streams;

Asset Management;

Property Portfolio;

Expenditure;

Strategic Financial Management Plan (Plan for the Future).”

RESPONSIBLE DIRECTORATE Corporate Services

ACTION NUMBER 118894

STATUS A report will be submitted to the next meeting of the Strategic Financial Management Committee.

DUE DATE **SEPTEMBER 2006**

SUBJECT **CHANGE OF USE FROM SINGLE HOUSE TO RESIDENTIAL BUILDING (SHORT STAY ACCOMMODATION): LOT 102 (17) FOSTON DRIVE, DUNCRAIG** - ex CJ148-08/06

“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.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 120057

STATUS A revised report will be tabled at Council Meeting 19 September 2006.



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

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

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

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

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

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



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

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



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

NAME

ADDRESS

STATEMENT

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Please submit this form at the meeting or:

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- **email** to council.questions@joondalup.wa.gov.au

Please note that:

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