

# 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



on **TUESDAY, 15 MAY 2007**

PUBLIC QUESTION TIME



### Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 14 May 2007. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



**GARRY HUNT**  
Chief Executive Officer  
11 May 2007



City of  
Joondalup

[www.joondalup.wa.gov.au](http://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 **TUESDAY, 15 MAY 2007** commencing at **6.30 pm**

### ORDER OF BUSINESS

#### **1 OPEN AND WELCOME**

#### **2 DEPUTATIONS**

#### **3 PUBLIC QUESTION TIME**

The following questions were raised verbally at the Briefing Session on 17 April 2007:

**Mr M Caiacob, Mullaloo:**

*Re: Item 2 – Tourism Precinct Status for Joondalup*

*Q1 What Public Consultation Process has the City followed to over rule or over ride the State Referendum on 7 day trading which after consulting with the community rejected 7 day trading by a majority of 20% of the population?*

*A1 No consultation has taken place to date. The report gives consideration to commencing a process to seek Tourism Precinct status and consultation will be required before the State Government will consider such change.*

*Re: Item 8 – Hillarys Animal Beach*

*Q2 Were the topics of Extending Hillarys Dog Beach and Designating Joondalup as a Tourism Precinct specifically subject to a Strategy Session, briefing Session or Council Meeting?*

*A2 Response by Mayor Pickard: The issue of tourism precinct status was discussed at a Strategy Session, but the issue of Hillarys dog beach was not.*

**Mr R de Gruchy, Sorrento:**

*Re: Item 16 – Aquatic Facilities Assessment – City of Joondalup Leisure Centres, Craigie*

*Q1 What is the difference in costs between “conceptual drawings” and full architectural working drawings with sufficient detail necessary for the Council to go to tender?*

*A1 Conceptual drawings will be sufficient for the Council to understand exactly what the design will look like and what Elected Members would be approving. The conceptual drawings would not be adequate for tender documentation.*



Q2 *Will this Council accept that a 50 metre pool has long been a necessary addition to the facilities at the Craigie Leisure Centre and include funding for construction of this pool in next year's budget?*

A2 That determination is not able to be made this evening. The first step would be a motion to list this matter for consideration as part of the budget process. The second process would be the formal adoption of the budget.

## **4 PUBLIC STATEMENT TIME**

**The following statements were raised at the Briefing Session on 17 April 2007:**

**Mr R de Gruchy, Sorrento:**

Mr de Gruchy spoke in relation to Item 16 – Aquatic Facilities Assessment – City of Joondalup Leisure Centres, Craigie and the need for a 50 metre outdoor pool. Mr de Gruchy submitted an attachment that was presented to Council in September 2003 – Attachment 1 refers.

**Mr M Caiacob, Mullaloo:**

Mr Caiacob spoke in relation to Item 2 – Tourism Precinct Status for Joondalup and the need for alignment between the Community Consultation Strategy and the Tourism Development Plan.

## **5 APOLOGIES AND LEAVE OF ABSENCE**

**Leave of Absence previously approved**

Cr M Macdonald	14 May 2007 to 22 May 2007 inclusive
Cr B Corr	10 August 2007 to 1 September 2007 inclusive

## **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

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## **8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

## **9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

## **10 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 150507.pdf](#)

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

**WARD:** All

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

### **PURPOSE**

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 3 April 2007 to 26 April 2007.

### **EXECUTIVE SUMMARY**

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

### **BACKGROUND**

Not Applicable.

### **DETAILS**

<b>Document:</b>	<b>Deed of Caveat</b>
<b>Parties:</b>	City of Joondalup and Warwick Cinema Syndicate
<b>Description:</b>	To ensure new trustee (Warwick Cinema Syndicate P/L) enters into the existing Deed over property relating to reciprocal car parking – 639 Warwick Road
<b>Date:</b>	03.04.07

<b>Document:</b>	<b>Restrictive Covenant</b>
<b>Parties:</b>	City of Joondalup and Marmion Estate P/L
<b>Description:</b>	Restrictive Covenant to restrict vehicular access for Lot 61 (No 14) Leach Street, Marmion (CSIRO subdivision) required in order to satisfy Condition 7 of the WAPC's subdivision approval
<b>Date:</b>	26.04.07

<b>Document:</b>	<b>Copyright – Local Studies Collection</b>
<b>Parties:</b>	City of Joondalup and Amanda MacFarlane
<b>Description:</b>	Registration of copyright consent of interview – 18 April 2007 for Local Studies Collection
<b>Date:</b>	26.04.07

<b>Document:</b>	<b>Copyright – Local Studies Collection</b>
<b>Parties:</b>	City of Joondalup and Rosemary Webb
<b>Description:</b>	Registration of copyright consent of interview for Local Studies Collection
<b>Date:</b>	26.04.07

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

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

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That the schedule of documents executed by means of affixing the common seal covering the period 3 April 2007 to 26 April 2007 be NOTED.**

## **ITEM 2                    POSTPONEMENT OF EXTRAORDINARY ELECTION – [58586]**

**WARD:**                    South-West

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

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### **PURPOSE/EXECUTIVE SUMMARY**

For Council to postpone the date for an extraordinary election to fill the vacancy created by the resignation of former Councillor Marie Evans.

### **BACKGROUND**

Councillor Marie Evans resigned on 2 March 2007 in written notice to the Chief Executive Officer as required by Section 2.31(3) of the Local Government Act 1995 (the Act).

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

- “1        *NOTE that the Electoral Commissioner has agreed in writing to be responsible for all elections for the City of Joondalup until 31 December 2011;*
  
- 2        *DECLARE, in accordance with section 4.20(4) of the Local Government Act 1995, the Electoral Commissioner to be responsible for all Council elections for the City of Joondalup between now and 31 December 2011;*
  
- 3        *DECIDE, in accordance with section 4.61(2) of the Local Government Act 1995, that the method of conducting all Council elections for the City of Joondalup between now and 31 December 2011 will be postal elections;*
  
- 4        *CONFIRM that Resolutions 2 and 3 are not a binding contract with the Electoral Commissioner to conduct all elections until 31 December 2011 and nothing shall prevent Council from rescinding the decisions at any time in the future.”*

The Council at its meeting held on 27 March 2007 resolved that Council:

- “1        *AGREES in principle to postpone the date for the extraordinary election to fill the vacancy within the South-West Ward to that of the Ordinary Election on Saturday, 20 October 2007;*
  
- 2        *REQUESTS that the Chief Executive Officer approach the Electoral Commissioner to seek his approval for this postponement.”*

Advice has been received from the Western Australian Electoral Commission (WAEC) acceding to the City’s request to defer filling the vacancy until the 2007 Local Government Ordinary Elections.

### **DETAILS**

Section 4.8 of the Act states that if a position on Council becomes vacant because of a resignation, an extraordinary election will generally be held. Section 4.9(2) then states that an extraordinary election should be held within four months of the vacancy occurring. However, section 4.16(4) states that if a vacancy occurs after the third Saturday in January in

an election year, but before the third Saturday in July in that election year (as is the case in relation to this resignation) “Council may, with the approval of the Electoral Commissioner” fix the ordinary election day as the day for holding any poll needed for the extraordinary election to fill that vacancy.

This provision allows for an extraordinary election to be postponed, with the vacancy arising from Cr Evans’ resignation to be filled at the October 2007 elections.

**Issues and options considered:**

Council could decide on an alternative date for holding the extraordinary election. The indicative costs obtained from the Western Australian Electoral Commission for the extraordinary election held on 31 March 2007 for the vacancy in the Central Ward is \$30,000. An extraordinary election for the South-West Ward could be expected to cost this amount. With the election process taking 80 days and the term of former Cr Evans being scheduled to expire in October 2007, it is likely that the person who filled the position through an extraordinary election would hold the seat for approximately three months.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

The following statutory provisions relate to this report. Each has been mentioned within the report.

- Section 2.31(3)
- Section 4.8
- Section 4.9(2)
- Section 4.16(4)

**Risk Management considerations:**

Not Applicable. Council needs to follow statutory processes.

**Financial/Budget Implications:**

An amount of \$40,000 was listed on the 2006/07 revised budget to conduct the recent extraordinary election. A majority of these funds are due to be expended upon receipt of the invoice from the WAEC.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.



**Consultation:**

Following the 27 March 2007 decision, consultation was made with the WAEC.

**COMMENT**

Section 4.16(4) requires the Council to determine to defer filling the vacancy until the next ordinary election. As the approval of the WAEC has been received, it is recommended that the Council does defer filling the vacancy until the 2007 October elections, in line with its in principle decision made on 27 March 2007.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 NOTES that the Western Australian Electoral Commissioner has granted his approval to allow the Council to defer the vacancy in the South West Ward until the 2007 Local Government ordinary elections;**
- 2 In accordance with Section 4.16(4) of the Local Government Act 1995, AGREES to fix the 2007 Local Government ordinary elections as the day for the holding of the extraordinary election to fill the vacancy in the South West Ward created from the resignation of former Councillor Marie Evans.**

## ITEM 3                      SMOKE-FREE BEACHES – [00434]

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Ian Cowie Governance and Strategy

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### PURPOSE/EXECUTIVE SUMMARY

To inform Council of the issues and implications involved in establishing smoking prohibitions at the City's beaches.

### BACKGROUND

Council at its meeting held on 27 February 2007 requested a report on the implications involved in establishing a local law that would prohibit smoking on the City's beaches.

Several large Councils in New South Wales (NSW) made similar decisions in 2006, resulting in the adoption of smoke-free beach policies within their local government areas. Their campaign, "cleaner, healthier, happier", demonstrates the rationale behind their decisions; namely, improving environmental condition of beaches, advancing public health and improving the overall amenity of local beaches.

In Western Australia (WA), increased lobbying by the Health Department, Australian Council on Smoking and Health and the Cancer Council have foreshadowed the recent trend to increase smoking prohibition levels in WA's public areas. As such, recent laws have been introduced to further promote the State's anti-smoking cause.

The report outlines the processes undertaken by the NSW Councils; their applicability and transferability to Western Australian Councils; the implications of other State legislation, should a local law of this nature be introduced by the City of Joondalup; and current WA legislative trends towards increased smoking prohibitions.

### DETAILS

#### Eastern State Trends

NSW Councils Manly, Mosman and Warringah were the first local government authorities in Australia to introduce smoke-free zones at local beaches. They achieved this by adopting a local policy (the equivalent of a local law in WA) that was supported by a provision contained in the NSW *Local Government Act 1993* (LGA). Mosman Council's "Management of Smoking in Public Places" local policy is provided as Attachment 1.

The Mosman policy not only applies to the prohibition of smoking on Council beaches, but also currently extends to the following:

- Smoking within 10 metres of all children's play areas under Council's care.
- Smoking on or around all Council playing fields, sporting grounds, bushland, reservoir park and foreshore reserves.
- Smoking within 10 metres of the entrances to Council owned or managed buildings including balconies or covered areas of those buildings.
- Smoking by persons within alfresco dining areas on public land where Council has conditioned such approvals to occupy the land.
- Smoking at all Council run events on its beaches, reserves, parks, ovals and playing fields.

After consultation with a representative at Manly Council, it was explained that NSW Councils are able to adopt policies of this nature due to a provision in the LGA (NSW) that deals with erecting Council notices. Section 632 of the LGA (NSW) provides NSW Councils with extensive powers to erect signs that prohibit specific behaviours on Council land. The allowable terms for these notices are so far-reaching that prohibiting the actions of smokers on Council beaches is easily accommodated by the Act. The relevant section of the LGA (NSW) is provided as Attachment 2.

Mosman Council only very recently (in March 2007), unanimously passed a blanket prohibition on smoking in every Council-controlled public space. This is the most progressive smoking restriction enforced by a local government in Australia and is also one of the strictest applied in the world. Mosman Councillors are of the belief that the ban is mostly self-regulated due to the large support residents have for the prohibition. Authorised officers issue fines of \$110 to offenders if they do not comply with the policy. Residents fulfil the role of deterring offenders by negatively commenting on their behaviour to support the new laws. It is difficult to judge the effectiveness of self-regulation, as the laws are only very recent.

### Western Australian Trends

Current Western Australian laws, regarding smoking prohibitions, extend to smoking within enclosed buildings and the entrances of government buildings. Pubs, clubs and hotels are now also included within these regulations, due to recent amendments to the *Tobacco Products Control Regulations 2006*. There are no current Western Australian laws that extend smoking prohibitions to public-open space. Here, it is only the *Litter Act 1979* that applies if people drop cigarette butts. This Act imposes a fine of up to \$1000 for such littering.

The City of Fremantle is looking to overcome this by banning smoking within their cafe and restaurant alfresco areas. This would be the first application of smoking restrictions to public open-space areas in Western Australia. The initiative has extensive support from the Health Minister, John Kobelke, the Cancer Council and Australian Council on Smoking and Health; however, considerable dissent has come from the Hotel Association who claim members will be affected by the restriction, as patrons will not be able to smoke outside of the public bars, situated along the café/restaurant strip.

In relation to smoking prohibitions on beaches, dissent may be considerably less than in the case of Fremantle, as smokers will not have backing from large associations who could support the law's opposition. The law will only affect smoking behaviour and will not impact on industries or businesses in the surrounding areas.

### Applicability to WA

The *WA Local Government Act 1995* does not contain similar provisions as those included in the LGA (NSW). Consequently, WA Councils would need to derive their powers of restriction from other LGA (WA) provisions or legal sources if they wished to limit smoking behaviours. This is providing they do not contravene other relevant legislation or regulations.

Section 3.5 of the LGA (WA) allows Councils to make local laws in order to effectively perform the functions that Part 3 of the Act prescribes. The functions of local government are described in a liberal fashion within the Act, so it is not foreseeable that creating a local law of this nature would be inconsistent with any provisions contained in the LGA (WA). However, it is important that local laws not be inconsistent with state legislation that influences the regulation of smoking.

Section 44 of the City's *Local Government and Public Property Local Law 1999*, refers to the need for persons attending the City's beaches to comply with any sign erected on the beach. This provision is similar to s. 632 of the LGA (NSW), although it is adopted at a local

government level and not state. Combined with the legislative powers the LGA (WA) provides for local governments, section 44 should enable the City to erect signs that prohibit smokers from consuming cigarettes on its beaches.

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

Objective 1.4:

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

Objective 2.1:

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

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

Placing a smoking prohibition on the City's beaches will require the development of a local law for the City. The law will need to address the consideration of a possible infringement to offenders that is set within reason, whilst remaining sufficient enough to deter specific behaviours.

Should the City seek to adopt a local law of this nature, legal advice must be sought to ensure that inconsistencies with state government legislation and regulations do not occur. The City will also need to consider in greater detail the areas of applicability for the law by demarcating specific boundaries for the ban. This will be best achieved during the drafting stages of the local law.

### **Risk Management considerations:**

As a local law of this nature has never previously been adopted by any local government authority in WA, there is a risk to the City that its residents may dissent to the law's introduction. Some may consider decreasing the freedoms of smokers within open-public space as a breach of personal liberty, and it is difficult to say whether the Joint Standing Committee for Delegated Legislation would agree, (as it is ultimately the Committee's decision whether the law should stand or not).

Should the City undertake the process required to create the local law, having no precedent for the law at any other Council in the state, it is difficult to judge whether the Joint Standing Committee would accept the law's terms if considerable public dissent ensues. This could be potentially costly to the City in terms of developing a law which is disallowed. The City has contacted the Joint Standing Committee to seek its views on such a law, however, the Committee representative was unable to give a definitive answer.

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

It would be appropriate for a lawyer to approve the wording of any draft local law. It is estimated this could cost up to \$5000.

In addition to legal costs, enforcing the ban is estimated to be in the region of one (1) full time employee per annum. It is anticipated that this position would be spread over several enforcement officers who would patrol the beaches over the summer period. The combined salary of these officers would be approximately \$86, 801. Costs of \$42, 400 must also be taken into account for the purchase and operation of a vehicle.

The cost of producing and erecting signs is \$120/sign. The most effective locations in which to place these signs would be at the entrance of all beach access areas for both pedestrians and vehicles. Currently, the City has approximately 90 beach access areas, meaning that the

cost of signage would be in the region of \$10, 800. Additional signage may also be required along the beach to reinforce the ban. This may double the amount of necessary signs.

**Policy implications:**

Not applicable.

**Regional Significance:**

Should the City chose to adopt a local law of this nature, it will set a standard for other Councils within the region to consider.

**Sustainability implications:**

The impact of cigarette-butt littering is such that the chemicals they contain (specifically cadmium, lead and arsenic) can leach into the City's marine environment within an hour of contact with water. As a consequence, water contaminations occur and marine animals are at risk of ingesting hazardous and lethal chemicals.

Limiting cigarette-butt littering by prohibiting their consumption on the City's beaches may contribute to greater environmental protection and sustainability.

**Consultation:**

Consultation with the Manly Council in NSW was carried out to gather information on the processes its Council undertook to make its beaches smoke-free.

**COMMENT**

The City's Local Government and Public Property Local Law 1999 currently prohibits smoking inside City buildings and vehicles. Introducing a smoking ban on the City's beaches may create a precedent for further bans in public areas within the City. Potential prohibitions may extend to alfresco dining areas, etc.

**ATTACHMENTS**

Attachment 1	Mosman Council's "Management of Smoking in Public Places" local policy
Attachment 2	Section 632 of the <i>Local Government Act (NSW) 1993</i>

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1 NOTES the implications involved in adopting a local law that prohibits smoking on Council beaches;**
- 2 AGREES to the City drafting a local law to prohibit smoking on the City's beaches and engaging with the community as part of this process.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf150507.pdf](#)

## **ITEM 4                      KINGSLEY    COMMUNITY    FACILITIES    FUND    – [75521]**

**WARD:**                      South-East

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

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### **PURPOSE/EXECUTIVE SUMMARY**

This report provides information on the consultation process undertaken with respect to the Community Funds for Kingsley and the issues arising from that process. It is recommended that Council uses the monies contained in the Community Facilities Fund (Kingsley) to support the proposal to build an additional room at the Kingsley Clubrooms for Kingsley Seniors.

### **BACKGROUND**

At the meeting of Council on 10 October 2006 (C75 – 10/06 refers), Council resolved that:

*...the City seeks public comment, for an advertised period of 28 days on a proposal to use the monies in the Community Facilities Fund (Kingsley) (which amounted to \$274,545.00 as at 30 June 2006) for an appropriate project within the suburb of Kingsley that will directly benefit the local Kingsley community.*

The monies referred to as those in the Community Facilities Fund became available in May 2005 as a result of the disposal of an asset, namely the site of Lot 5 (10) Poimena Mews, Kingsley – the demolished Yagan Pre-Primary School.

Advertisements were published in the community newspapers and on the City's website inviting submissions from the community by the closing date of 5 December 2006. Submissions could be received by email, through the use of an online link to a survey and by post.

### **DETAILS**

By 5 December 2006, 8 proposals had been received from individuals. After the closing date, 1 proposal supported by 6 people was received through the post.

All except the late responses were requesting facilities that would enhance the general appearance and utility of the local outside area including requests for upgraded play equipment, a skate park, lighting a cycle way for safety reasons, upgrading the oval to provide an additional cricket ground, a community garden for local residents and upgrading the appearance of Kingsley Drive. Another suggestion was for rebates for residents to purchase one of three options for conserving and recycling water. Details of all the proposals, the issues that prompted them, and the potential benefit of each proposal, can be found in Attachment 1 to this report.

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

Given that a number of the proposals may be addressed through the City's existing capital works program, that the water-saving proposal could form part of a City-wide initiative in the future and that there is some doubt about the broad benefit of other proposals to the wider community in Kingsley, it is suggested that the proposal from the Kingsley Senior Citizens to extend the Sports Hall at the Kingsley Clubrooms be supported.

Council could decide to support this proposal, choose another proposal or proposals to support or reject all proposals.

**Link to Strategic Plan:**

There are links to the following Key Focus Areas:

Community Wellbeing:

*The City provides social opportunities that meet community needs*

Objective:

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

Strategy 1.3.1

Provide leisure and recreational activities aligned to community expectations

Strategy 1.3.2

Provide quality-of-life opportunities for all community members

Organisational Development:

*The City is an interactive community*

Objective:

To ensure the City responds to and communicates with the community

Strategy 4.3.1

Provide effective and clear community consultation

Strategy 4.3.2

Provide accessible community information

Strategy 4.3.3

Provide fair and transparent decision-making processes

**Legislation – Statutory Provisions:**

Not applicable

**Risk Management considerations:**

The Risks identified below all concern ethical decision-making.

- 1 The proposal with the greatest amount of community support was received after the closing date. However, as with all those received, this proposal has merit. Failure to consider this proposal may result in some dissatisfaction in the Kingsley community.

- 2 Proposals were received from people living outside the Kingsley area, even though they were for the benefit of the suburb. Community dissatisfaction may arise from funding proposals by people who are not locals.
- 3 In total, only 9 proposals were received and individuals, rather than groups submitted most of them. In the event that one proposal is selected over others, there may not be sufficient levels of community support to justify that selection.

**Financial/Budget Implications:**

The proposal selected by Council will be fully costed. If Council selects the proposal to construct the additional room as recommended, it may cost significantly more than the amount available in the Fund. The actual costs can only be determined once a design for the room has been prepared.

**Policy implications:**

Allocation of funds for the benefit of the community has previously been addressed under City Policy 5.2: Community Funding with the following objective:

To support the City's role as a community partner in building capacity, developing community ownership and community identity.

Currently a budget to the value of \$86,000 is distributed to the community in the form of grants under the auspices of the Community Funding Guidelines. There are comprehensive guidelines on eligibility, assessment criteria and conditions of funding for proposals, which may include:

- Small capital projects and items
- One-off projects, activities or events
- Seeding grants for projects, activities or events which can demonstrate independent viability after an appropriate period
- Projects, activities or events where all other potential sources of funding have been exhausted or are not available

**Regional Significance:**

Not applicable

**Sustainability implications:**

The approved proposal should be sustainable - socially, environmentally and economically.

**Consultation:**

Availability of funds was advertised as detailed in the report. If the recommended proposal is supported, it is suggested that consultation occurs with the groups who currently use the facility to obtain their support before a final decision is made on the work.

**COMMENT**

Following selection of a proposal for funding, a detailed costing of the project will occur.

**ATTACHMENTS**

Attachment 1                      Summary of proposals received



**VOTING REQUIREMENTS**

Simple majority

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

- 1 Subject to obtaining support from the groups which currently use the Kingsley Clubrooms, SUPPORTS the proposal to build on an additional room at the Kingsley Clubroom for the Kingsley Seniors, using the monies in the Community Facility Fund (Kingsley);**
- 2 REQUESTS the preparation of design drawings, which will enable the proposal to be costed in detail.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf150507.pdf](#)

## **ITEM 5                      ICLEI-A/NZ - WATER CAMPAIGN™ PROGRAM – [24597]**

**WARD:** All

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

### **PURPOSE/EXECUTIVE SUMMARY**

To provide the Council with an overview of the International Council for Environmental Initiative's Water Campaign™ which is being delivered through its Australia/New Zealand Office (ICLEI-A/NZ) and seek Council's endorsement to join this campaign.

### **BACKGROUND**

The ICLEI-A/NZ Water Campaign is an international freshwater management program which aims to build the capacity of local government to reduce water consumption and improve local water quality.

The campaign was introduced and piloted in Australia in 2002 with the assistance of five ICLEI member Councils: the Shire of Sutherland and the Cities of Melbourne, Mitcham, Port Phillip and Wollongong.

The program has since expanded and there are currently 88 Councils participating in the program in South Australia, Victoria, NSW, Western Australia and Tasmania. Participating Councils within Western Australia are as follows:

Shire of Augusta-Margaret River	City of Mandurah
Town of Bassendean	City of Melville
City of Bayswater	Town of Mosman Park
City of Belmont	Shire of Mundaring
Shire of Boddington	Shire of Murray
City of Bunbury	City of Nedlands
Town of Cambridge	Shire of Peppermint Grove
Shire of Capel	City of Perth
Town of Claremont	City of Rockingham
Town of Cottesloe	City of South Perth
Shire of Cuballing	City of Subiaco
Shire of Harvey	Shire of Serpentine-Jarrahdale
Shire of Kalamunda	Shire of Wandering
Town of Kwinana	Shire of Waroona

The Water Campaign is delivered by ICLEI-A/NZ in collaboration with local and state governments, water authorities and the Australian Government. In Western Australia the program is delivered with the support of the Government of Western Australia.

ICLEI-A/NZ has formed a partnership with the Western Australian Local Government Association who hosts the WA ICLEI-A/NZ Water Campaign Coordinator.

## DETAILS

### Issues and options considered:

The Water Campaign provides councils with a tested program model, covering a broad spectrum of water management issues. The program involves progressing through five milestones, that guide participating councils through a process of local research, policy making, action planning, implementation and evaluation.

- Milestone 1 Undertake a water consumption inventory and water quality checklist
- Milestone 2 Establish a water consumption reduction goal and water quality improvement goal
- Milestone 3 Develop and adopt a local action plan
- Milestone 4 Implement policies and actions to work towards integrated freshwater resource management and quantify the benefits
- Milestone 5 Monitor and report on water consumption reductions, water quality improvements and water management initiatives

The Water Campaign supports the systemic identification and evaluation of the water resource management challenges facing local governments at three levels:

- 1 Corporate  
What councils can control within their own operations
- 2 Community  
How councils can influence their community through land use planning, education and regulation
- 3 Catchment  
How a collective group of Councils can work together for long-term improvement in water management. ICLEI-A/NZ is currently developing and piloting an approach to assist participants to engage with other Councils and stakeholders to address water management at the catchment level.

### Potential Benefits of Membership

According to ICLEI-A/NZ, the following are some of the benefits of participation:

- Achieve environmental and economic benefits through reducing water consumption
- Expand the capacity of Council by increasing knowledge in the area of water management
- Reduce demand on potable water supply and wastewater facilities
- Demonstrate wiser use of water within Council operations and the local government area
- Increase use of wastewater and on-site retention of stormwater

- Reduce peak flow levels in urban waterways

### **Support Provided**

The Water Campaign supports Councils to:

- Improve environmental performance by using best practice management approaches in the areas of open space, construction and waste collection
- Save money through the installation of water efficient devices in Council buildings
- Influence the community through the promotion of water sensitive urban design
- Change community consumption patterns through influence and community education
- Demonstrate leadership to the community and amongst other councils through the sustainable management of water resources
- Access an extensive peer network of participants from across Australia
- Protect local water bodies from contaminants entering through drainage systems

### **Other**

In addition, ICLEI-A/NZ will provide the following for Water Campaign participants:

- Promotion and Recognition
- Presentations by ICLEI-A/NZ staff to Elected Members and senior management
- Promotion of actions that Councils have implemented
- Recognition events to celebrate Council milestones and achievements
- Communication and media materials to help Councils gain local support for their initiatives
- Assistance with planning local media events

Technical and program training will include:

- Water Campaign Inventory Tool to establish a comprehensive inventory of water consumption and identify the priority areas for action
- Quantification tool kits to assist with the quantification of benefits resulting from the implementation of actions
- Training workshops in the milestones and assistance in developing action plans
- Direct one-to-one support over the phone to follow up the workshops
- Access to expertise and networks of Councils to exchange ideas and solutions
- Information and Publications

- Access to Water Campaign website
- Workbooks, case studies, monthly bulletins
- Advice on funding opportunities and programs
- Access to a network of councils willing to exchange ideas and solutions regarding water management issues

### **Potential Issues**

Potential issues associated with participating in the Water Campaign will be the allocation of resources to project manage the project and associated costs of implementation of action plans.

Councils that participate in the Water Campaign are required to identify a primary contact who will act as the key contact and facilitate/coordinate Council's involvement in the program. Participants are encouraged to develop a cross department team that inputs into the direction of the program.

ICLEI-A/NZ have advised that experience across participating Councils indicates that the achievement of Milestones 1 and 2 approaches a day per week for 12 to 16 weeks. The development of local action plans becomes the responsibility of departments identified through the inventory process as the areas in which water consumption and water quality issues are influenced.

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

Outcome

The City of Joondalup is environmentally responsible in its activities.

Objective 2.1

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

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

Not applicable.

### **Risk Management Considerations:**

The risk associated with introducing the Water Campaign program will be resourcing and committing to achieve the milestones.

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

As a member of ICLEI, the Water Campaign participation fee is \$1,650.

The City will need to allocate a part-time resource (approximately 10 – 15 hours per week) that would coordinate, monitor and report the progress of the program.

Further costs will be determined upon completion of milestone 3 when specific projects and programs are identified through the Local Action Plan process.

**Policy Implications:**

Not applicable.

**Regional Significance:**

There is the opportunity for regional partnerships to be further developed through participation in the Water Campaign. For example the City of Joondalup and the City of Wanneroo are about to commence the Yellagonga Integration Catchment Management Plan which will integrate with the Water Campaign.

**Sustainability Implications:**

As water is one of our most precious resources, better management of water quality and use can achieve improved future sustainability.

**Consultation:**

A project of this nature has a community component, which will require community consultation and engagement to occur, including community education and promotional campaigns.

**COMMENT**

The City is currently undertaking the development of a Master Landscaping Plan. It is envisaged that strategies emanating from this Plan will assist the City in reducing its water usage and align with the overarching Water Campaign Program.

The City, by joining the Water Campaign program, has the opportunity to take a leadership role in the local area and be part of a growing network of local governments, in Western Australia and nationally, who have identified integrated water resource management as a priority for financial, environmental and social reasons.

**ATTACHMENTS**

Attachment 1            Water Campaign – Local Water Action

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the action of the Chief Executive Officer for the City of Joondalup joining the ICLEI-A/NZ Water Campaign and commencing actions to achieve the five milestones at a cost of \$1,650.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf150507.pdf](#)

## **ITEM 6                    ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2007 – [20560]**

**WARD:**                    All

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

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### **PURPOSE**

To present the Annual Plan 2006/07 Quarterly Progress Report for the period 1 January to 31 March 2007.

### **EXECUTIVE SUMMARY**

The Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2006/07.

*It is recommended that Council RECEIVES the Annual Plan 2006/07 Quarterly Progress Report for the period 1 January – 31 March 2007 shown as Attachment 1 to this Report.*

### **BACKGROUND**

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis. (Item CJ307-12/04 refers)

### **DETAILS**

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

The Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the 2006/07 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported are the shaded sections of Attachment 1. Details of progress on projects from the previous two quarters, which have already been received by Council, are provided for background information.

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

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

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

**Legislation – Statutory Provisions:**

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

*This Act is intended to result in:*

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

**Risk Management considerations:**

The quarterly progress reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

**Financial/Budget Implications:**

Not applicable

**Policy implications:**

In accordance with Policy 8-6, Communications, the Council recognises and acknowledges the importance of consistent, clear communication and access to information for its stakeholders.

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable.

**Consultation:**

Not applicable.

**COMMENT**

The Council receives monthly reports against the Capital Works Program which supplement the information contained in the Annual Plan Quarterly Progress Reports.

**ATTACHMENTS**

Attachment 1            Annual Plan Progress Report for the period 1 January – 31 March 2007.

**VOTING REQUIREMENTS**

Simple Majority



**RECOMMENDATION**

**That Council RECEIVES the Annual Plan Quarterly Progress Report for the period 1 January – 31 March 2007 shown as Attachment 1 to this Report.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf150507.pdf](#)*

## **ITEM 7 CITY OF JOONDALUP ENVIRONMENT PLAN 2007-2011**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Ian Cowie Governance and Strategy

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### **PURPOSE**

For Council to review the Draft City of Joondalup Environment Plan 2007-2011 and agree to seek comments on the Plan from the Conservation Advisory Committee (CAC) and the Sustainability Advisory Committee (SAC).

### **BACKGROUND**

The City of Joondalup's Strategic Plan 2003-08 articulates in strategy 2.1.3:

*“To develop a coordinated environmental framework including community education”*

In order to deliver this strategy, a Strategic Environmental Plan for the City was developed with the intention of providing an overarching framework to all environmental planning across all the City's activities. The Draft Plan 2007-2011 is provided as Attachment 1.

### **DETAILS**

Development of the City of Joondalup Environment Plan began in early November 2006. The development process included:

- General research of similar Plans adopted by other local governments
- Development of a structure for the Plan
- Preliminary meetings with relevant employees to obtain ideas that would inform the eventual content of the Plan, on a cross-organisational basis
- Development of draft actions and strategies for inclusion in the Plan
- The facilitation of an “Environment Plan Workshop” with attendance of staff across the organisation to comment upon the aforementioned actions and strategies
- Continued liaison with staff after the workshop to assist in revising the Plan's actions and strategies
- Drafting of the Plan
- Consideration of the Draft Plan at the March Council Strategy Session
- Amendments made to the Draft

The final draft of the Environment Plan considers the five focus areas of land, water, air quality, biodiversity and waste management over a four-year span. Each focus area includes an overarching objective, introductory comments and an outline of previous achievements, actions and strategies table and an additional table that summarises significant strategic objectives across the spheres of Government.

Four assumptions are used to underpin the actions and strategies contained in the focus area tables of the Plan. These assumptions relate to the themes of: partnerships, education, regular reviews and effective implementation. The key environmental project for the City, (the construction of a Yellagonga Regional Park Environment Centre), encompasses all four of these assumptions and seeks to represent a pinnacle for environmental achievement within the Environment Plan.

The City's Sustainability Policy 5-4 will guide the implementation of the Plan and a review schedule and reporting mechanism is incorporated as the Plan's conclusion.

**Issues and options considered:**

Council could:

- Support sending the Draft Plan to CAC and SAC for comment.
- Amend the Draft Plan and support sending the amended Plan to CAC and SAC for comment.
- Reject the Draft Plan; or
- Seek broad public input on this or an amended Draft Plan

**Link to Strategic Plan:**

2 Caring for the Environment

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

2.2 To manage waste effectively and efficiently in alignment with environmentally sustainable principles.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

The City's policies relating to the environment will need to be reviewed following the implementation of the Environment Plan, to ensure consistency.

**Regional Significance:**

Many regional partnerships will be developed or reinforced through the Environment Plan's implementation.

**Sustainability implications:**

The Environment Plan will assist in providing an overarching framework for specific City environmental strategies and actions with the aim of ensuring environmentally sustainable management of the City's natural assets.

**Consultation:**

It is proposed that the Draft Plan be considered by CAC and SAC, as the City's advisory committees with a specific interest in environmental issues, before being formally adopted by Council.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1            Draft City of Joondalup Environment Plan 2007-2011.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council REQUESTS the City's Conservation Advisory Committee and Sustainability Advisory Committee to review the Draft City of Joondalup Environment Plan 2007-2011 forming Attachment 1 to this Report and provide advice and comment on the Draft Plan to Council.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf150507.pdf](#)*

## ITEM 8 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2007 – [09882]

**WARD:** All

**RESPONSIBLE DIRECTOR** Mr Mike Tidy  
Corporate Services

### PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of March 2007 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2007, totalling \$9,588,510.34.

It is recommended that Council NOTES the CEO's list of accounts for March 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$9,588,510.34

### BACKGROUND

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

### DETAILS

The table below summarises the payments drawn on the funds during the month of March 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 78385 - 78597 EFT 10557 - 10967 Net of cancelled payments	\$7,400,933.87
	<b>Vouchers</b> 252A - 255A & 258A – 261A	\$2,154,514.37
Trust Account	<b>Cheques</b> 201303 - 201364 Net of cancelled payments	\$33,062.10
<b>Total</b>		<b>\$9,588,510.34</b>

### Issues and Options Considered:

Not Applicable

**Link to Strategic Plan:**

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

**Risk Management Considerations:**

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

**Financial/Budget Implications:**

All expenditure from the Municipal Fund was included in the 2006/7 Annual Budget as adopted by Council at its meeting of 25 July 2006, or approved in advance by Council.

**Policy Implications:**

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

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment A | CEO's Delegated Municipal Payment List for the month of March 2007 |
| Attachment B | CEO's Delegated Trust Payment List for the month of March 2007     |
| Attachment C | Municipal and Trust Fund Vouchers for the month of March 2007      |

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for March 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$9,588,510.34.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf150507.pdf](#)*

## **ITEM 9                      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2007 – [07882]**

**WARD:** All

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

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### **PURPOSE**

The March 2007 financial activity statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The March 2007 year to date report shows an overall variance (under spend) of \$5.1 m when compared to the year to date revised budget approved by Council at its meeting of 27 February 2007 (CJ036-02/07).

Details of the variance are provided in the attached notes and can be summarised as follows:

The **Operating Surplus** is \$23.9m compared to a budgeted surplus of \$22.8m at the end of March 2007. The \$1.1m variance is primarily due to additional income from fees and charges and lower than budgeted expenditure mainly in employee costs, materials and contracts and utilities. This is partially offset by lower than budgeted government grants received.

**Capital Expenditure** is \$11.3m against the year to date budget of \$15.4m. The \$4.1m under spend is due to delays in purchasing of vehicles, recycling bins, buildings and in the construction of infrastructure assets.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2007 forming Attachment A 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 March 2007 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 Revised Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 31 March 2007.

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 March 2007 forming Attachment A to this Report.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf150507.pdf](#)*

## **ITEM 10                    MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE MEETING HELD ON 18 APRIL 2007 – [51567]**

**WARD:** All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Strategic Financial Management Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

A meeting of the Strategic Financial Management Committee was held on 18 April 2007.

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

- Item 1      Comparison of local governments ranked by total revenue.
- Item 2      Development of the 2007/08 Budget.
- Item 3      Framework and work plan for examining Committee issues.
- Item 4      Options and potential role of the City in the development of the Joondalup Central Business District.

*It is recommended that Council:*

- 1      *NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 18 April 2007, forming Attachment 1 to this Report;*
- 2      *ENDORSES the:*
  - (a)      *key parameters for establishing the development of the draft 2007/08 budget based on increases in fees and charges of 4.4% (subject to statutory limits), employment cost increases being maintained in line with current Enterprise Bargaining Agreement provisions of 4% and non employment operating costs increases being maintained at 3.5% recognising that this increase will not be uniform and areas will vary;*
  - (b)      *programme for the adoption of the 2007/08 budget.*

### **BACKGROUND**

At its meeting held on 2 November 2004 (Item CJ249-11/04 refers) Council established the Strategic Financial Management Committee with the following terms of reference:

- 1      Promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues;

- 2 In particular advise Council on:
  - (a) How funding can be achieved for any major capital works project before the Council makes a commitment to a project;
  - (b) Levels of service delivery – determine:
    - (i) which services to be provided;
    - (ii) Standards of service. Such standard will be determined with reference to:
      - best industry practice standards where applicable;
      - internally agreed standards which will be determined with reference to local community expectations;
  - (c) Preparation of the Plan for the Future with high priority being given to ensure that the Plan is achievable in the long term;
  - (d) Alignment of the Plan for the Future to the Council’s Strategic Plan;
  - (e) Consideration of public submissions to the Plan for the Future;
  - (f) Final acceptance of the Plan for the Future’
- 3 Policy development and review of policies with financial implications for the City.

## DETAILS

### Issues and options considered:

The Motions moved at the Strategic Financial Management Committee meeting held on 18 April 2007 are shown below, together with officer’s comments.

#### **Item 1      Comparison of local governments ranked by total revenue.**

The following motion was moved at the Committee meeting on 18 April 2007:

*“That:*

- 1 *the report on Comparison of Local Governments Ranked by Total Revenue be RECEIVED;*
- 2 *the Strategic Financial Management Committee NOTES that the City of Joondalup has the lowest adjusted rate levy per population of comparative local authorities;*
- 3 *the Strategy Financial Management Committee REQUESTS that a report of similar content and context be submitted to the Committee on an annual basis prior to the budget deliberations.”*

#### Officer’s Comment

The Committee’s request for an annual report has been scheduled for preparation in January each year and for submission to the Strategic Financial Management Committee.

**Item 2            Development of the 2007/08 Budget.**

The following motion was moved at the Committee meeting on 18 April 2007:

*“That the Strategic Financial Management Committee recommends to Council the ENDORSEMENT of the:*

- 1        *key parameters for establishing the development of the draft 2007/08 budget based on increases in fees and charges of 4.4% (subject to statutory limits), employment cost increases being maintained in line with current Enterprise Bargaining Agreement provisions of 4% and non employment operating costs increases being maintained at 3.5% recognising that this increase will not be uniform and areas will vary;*
- 2        *programme for the adoption of the 2007/08 budget.”*

**Officer’s Comment**

Endorsement noted.

**Item 3            Framework and work plan for examining Committee issues.**

The following motion was moved at the Committee meeting on 18 April 2007:

*“That the Strategic Financial Management Committee:*

- 1        *NOTES the report regarding the preparation of an alternate framework and work plan for examining alternative revenue streams, asset management, property portfolio, expenditure and the Strategic Financial Plan (Plan for the Future);*
- 2        *requests that rather than just receiving reports on the issues, they be workshopped by the Committee, with a programme commencing with the next Committee meeting in early May 2007, which addresses the alternate revenue stream topic.”*

**Officer’s Comment**

The next meeting of the Strategic Financial Management Committee to workshop revenue streams has been scheduled for 10 May 2007.

**Item 4            Options and potential role of the City in the development of the Joondalup Central Business District.**

The following motion was moved at the Committee meeting on 18 April 2007:

*“That the Strategic Financial Management Committee NOTES the presentation by the Chief Executive Officer regarding the potential role of the City in the development of Joondalup CBD.”*

**Officer’s Comment**

Recommendation noted.

**Link to Strategic Plan:**

Key Focus Area 4 - Organisational Development

- 4.1 To manage the business in a responsible and accountable manner;
- 4.1.1 Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

In accordance with Section 2.7 of the Local Government Act 1995, included in the role of the Council is the responsibility to oversee the allocation of the local government's finances and resources.

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

**Risk Management considerations:**

The main risk considerations related to the SFMC are of an economic nature and pertain principally to issues of sustainability.

**Financial/Budget Implications:**

The terms of reference of the SFMC include promoting and advocating sound financial advice to the Council on strategic financial management issues.

**Policy Implications:**

Not Applicable.

**Sustainability Implications:**

The terms of reference of the SFMC are consistent with establishing a sustainable financial plan for the future by advising Council on funding for capital works projects, levels of service and preparation of the Strategic Financial Plan.

**Consultation:**

Not Applicable.

**COMMENT**

The minutes of the Strategic Financial Management Committee are attached for Council's consideration.

**ATTACHMENTS**

Attachment 1 Minutes of the Strategic Financial Management Committee meeting held on 18 April 2007

**VOTING REQUIREMENTS**

Simple majority

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

- 1 NOTES the unconfirmed minutes of the Strategic Financial Management Committee meeting held on 18 April 2007, forming Attachment 1 to this Report;**
- 2 ENDORSES the:**
  - (a) key parameters for establishing the development of the draft 2007/08 budget based on increases in fees and charges of 4.4% (subject to statutory limits), employment cost increases being maintained in line with current Enterprise Bargaining Agreement provisions of 4% and non employment operating costs increases being maintained at 3.5% recognising that this increase will not be uniform and areas will vary;**
  - (b) programme for the adoption of the 2007/08 budget.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf150507.pdf](#)*

## **ITEM 11                    OFFER TO PURCHASE LOT 1254 (21) EDINBURGH AVENUE, KINROSS - ANGLICAN HOMES INC - [17167]**

**WARD:**                    North

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

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### **PURPOSE**

For the Council to give consideration to disposing of Lot 1254 (21) Edinburgh Avenue, Kinross to Anglican Homes Inc (trading as Amana Living).

### **EXECUTIVE SUMMARY**

Following the decision of Council at its meeting held on 24 April 2007 to defer the issue of the sale of Lot 1254 (21) Edinburgh Avenue, Kinross to Anglican Home Inc., a revised valuation has been received at \$500,000 at its current zoning. Anglican Homes Inc have indicated that they desire to use the site to expand the services currently offered on the adjacent land.

The Council may:

- Determine to dispose of the land to Anglican Homes Inc. or dispose of the site by public auction or tender;
- Retain the site;
- Rezone the site.

An indicative value of the site at R40, taking into consideration the detriments and encumbered portions of the site, would be \$775,000. A scheme amendment required to rezone the site could take up to twelve (12) months.

### **BACKGROUND**

At the Council meeting held on 24 April 2007 (Item CJ070-04/07 refers) a proposal was presented for the Council to consider commencing the process to dispose of Lot 1254 (21) Edinburgh Avenue, Kinross to Anglican Homes Inc (trading as Amana Living).

At that meeting Council resolved:

*“That consideration of Offer to Purchase City Owned Land at 21 (Lot 1254) Edinburgh Avenue, Kinross be DEFERRED to the next meeting of Council pending the receipt of a current land valuation, identification of the options in which the land may be disposed and clarification of the rezoning process.”*

The City initially received a formal offer from Anglican Homes Inc to purchase Lot 1254 (21) Edinburgh Avenue, Kinross for the price of \$440,000, which was the value of the land in May 2006.

Subsequent to the decision of the Council of 24 April 2007, the land has been valued at \$500,000.



The property in question is a battleaxe block situated behind Kinross Shopping Centre and was acquired by the City free of charge via a legal agreement with the subdivider for community purposes.

## **DETAILS**

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

The following options are available:

- 1 Determine if the City is to dispose of the land at its current zoning.
- 2 If yes to (1) above, determine how to dispose of land by:
  - (a) public auction;
  - (b) public tender; or
  - (c) 'private treaty' to a nominated party (Anglican Home Inc.).
- 3 If no to (1) above, retain the property and decline the offer made by Anglican Homes Inc.
- 4 Commence the process to rezone the property, and at the completion of the process, determine the future of the land.

Should the Council pursue Option 4 and commence the rezoning process, caution would need to be taken to ensure a transparent process takes place.

The appropriateness of a rezoning and/or increase in density will depend on factors such as the impact on, and compatibility with, adjoining sites, the suitability of the location of the site for the particular zone proposed, the availability of nearby supporting facilities, and the potential loss of land with that particular zoning.

A scheme amendment would need to follow the following process, which may take up to twelve (12) months:

- Development of a concept plan;
- Should the proposed development be supported, referred to the Environmental Protection Authority (EPA) for review;
- City to advertise for 42 days;
- The Council to consider submissions received following public consultation, then either decide to support or oppose the amendment;
- The amendment is then referred to the Western Australian Planning Commission (WAPC) for recommendation to the Minister.

An indicative independent valuation was undertaken to determine the value of the property zoned at R40, its most likely residential zoning should a rezoning process be commenced. An initial value has been set at \$807,000 based on an amount of \$443 per square metre. However, the Valuer has stated that the site is detrimented by its rear position and has encumbered portions totalling 354 square metres. Given these restrictions, a discount would have to be applied giving it an indicative value of \$775,000 at an R40 zoning. The exact valuation of the site at R40 is also more difficult to predict without an approved structure.

It must be stressed that this valuation was only indicative and not a sworn valuation due to too many unknown factors.

**Link to Strategic Plan:**

1.3.2 *Provide quality of life opportunities for all community members*

3.1.4 *Develop an Asset Management Strategy*

3.3.1 *Provide residential living choices*

**Legislation – Statutory Provisions:**

Section 3.58 of the Local Government Act 1995 determines how a local government may dispose of property which is as follows:

**“3.58. Disposing of property**

(1) *In this section –*

*“dispose” includes to sell , lease, or otherwise dispose of, whether absolutely or not;*

(2) *Except as stated in this section, a local government can only dispose property to –*

(a) *the highest bidder at public auction; or*

(b) *the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.*

(3) *A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property –*

(a) *it gives local public notice of the proposed disposition –*

(i) *describing the property concerned;*

(ii) *giving details of the proposed disposition; and*

(iii) *inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given;*

*and*

(b) *it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.*

(4) *The details of a proposed disposition that are required by subsection (3)(a)(ii) include –*

(a) *the names of all other parties concerned;*

(b) *the consideration to be received by the local government for the disposition; and*

(c) *the market value of the disposition as ascertained by a valuation carried out not more than 6 months before the proposed disposition.*

- (5) *This section does not apply to –*
- (a) *a disposition of land under section 29 or 29B of the Public Works Act 1902;*
  - (b) *a disposition of property in the course of carrying on a trading undertaking as defined in section 3.59;*
  - (c) *anything that the local government provides to a particular person, for a fee or otherwise, in the performance of a function that it has under any written law, or*
  - (d) *any other disposition that is excluded by regulations from the application of this section.*

If the Council was to dispose of the property to the Anglican Homes Inc, the requirements of Section 3.58 of the Local Government Act 1995 does not apply as it would be regarded as an 'exempt disposition' under the regulations as the offer is from a 'benevolent' organisation. In order to ensure transparency in the process, if sold to Anglican Homes Inc, it is proposed that the requirements of the Act be followed. Section 3.59 of the Local Government Act 1995 relating to the preparation of a business plan does not apply as the disposal of the site would not be considered a major land transaction.

**Risk Management considerations:**

Risk management considerations would be limited to the financial consequences of holding un-utilised property with no planned future use. Financial risk would be lowered if the value of this property was realised.

**Financial/Budget Implications:**

There are no financial or budget implications at this stage. All valuations have been paid for out of existing budgets. However, should the sale of this property be realised, the City will receive significant (one-off) income.

**Policy implications:**

There are no policy implications at this stage.

**Regional Significance:**

There is no regional significance regarding this issue.

**Sustainability implications:**

The sale of this property will assist in developing a sustainable City. It is proposed that any funds received be transferred to the Strategic Asset Management Reserve for future infrastructure asset renewal.

**Consultation:**

No consultation has taken place at this stage as this report merely seeks approval to advertise the proposal for comment. This advertising will constitute the required consultation.

**COMMENT**

Amana Living is the principal aged care agency of the Anglican Diocese of Perth. It has indicated that it will use the site to improve services offered to the ageing community of the

local area. If Amana Living was to use the site for these purposes, they could do this under the current zoning and not require a scheme amendment as a nursing home is a 'discretionary' use of the land under its current zoning.

The land in question could be considered surplus to the requirements of the City given the number of other properties within the Kinross area zoned for community purposes. Within 800 metres of the subject site there is another parcel of land zoned for community purposes (Selkirk Drive, Kinross). The Selkirk Drive site is larger, has street frontage, adjoins a park and the new shopping centre. This site would appear to be a more attractive site at which to develop community facilities, however, is not held in freehold by the City.

The Council needs to decide if it desires to dispose of the land, and if yes by which method. The property in question is a battleaxe block situated behind the Kinross Shopping Centre with little use to the City or other potential purchasers. The valuation report comments that Anglican Home Inc "represents the only viable entity for purchase of the site", particularly as they are an adjoining landowner.

Since the receipt of the revised valuation, Anglican Homes Inc. have verbally agreed that it would be prepared to purchase the site at the amount of \$500,00 subject to it confirming the valuation.

## **ATTACHMENTS**

Attachment 1	McGees valuation – 11 May 2006 (\$440,000)
Attachment 2	McGees updated valuation – 27 April 2007 (\$500,000)
Attachment 3	Locality Plans

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 In accordance with Section 3.58 (3) of the Local Government Act 1995 AGREES to give local public notice of the proposed disposition of Lot 1254 (21) Edinburgh Avenue, Kinross to Anglican Homes Inc (trading as Amana Living) for the amount of \$500,000;**
- 2 NOTES that the procedure to be followed in (1) above invites public submissions for a period of two (2) weeks following the placement of the local notice;**
- 3 REQUESTS a further report following the close of submissions as required by Section 3.58 (3) of the Local Government Act 1995, prior to giving final consideration to disposing of Lot 1254 (21) Edinburgh Avenue, Kinross.**

*Appendix 20 refers*

*To access this attachment on electronic document, click here: [Attach20brf150507.pdf](#)*

## **ITEM 12                    MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 28 MARCH 2007 [12168]**

**WARD:**                    All

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

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### **PURPOSE**

To submit the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 28 March 2007 for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee meeting held on 28 March 2007.

One item was listed on the meeting agenda, which was Strategic Plan Key Performance Indicators. This report had been referred from Council to the Conservation Advisory Committee for the members' information and the Committee's comment.

It is recommended that Council:

- 1        *NOTES the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 28 March 2007 forming Attachment 1 to this Report;*
- 2        *NOTES the resignation of Ms Sue Bailey from the Conservation Advisory Committee;*
- 3        *THANKS Ms Bailey for her commitment and significant contribution to the work of the Community;*
- 4        *BY AN ABSOLUTE MAJORITY REDUCES the membership of the Conservation Advisory Committee to fourteen members.*

### **BACKGROUND**

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

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

### **DETAILS**

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

The Motions moved at the Conservation Advisory Committee meeting held on 28 March 2007 are shown below, together with officer's comments.

## **1 Resignation of Committee Member and proposed reduction of membership of Conservation Advisory Committee**

The following Motion was moved at the meeting on 28 March 2007:

*“That the Conservation Advisory Committee:*

- *ACCEPTS the resignation from Ms Sue Bailey and thanks her for her contribution to the Committee*
- *REQUESTS Council to reduce the official number of members on the Conservation Advisory Committee by one person to enable a quorum to be achieved”.*

### Officer’s Comments

Due to the resignation of Ms Sue Bailey from the Committee it is recommended that membership be reduced. In the future, nominations for Committee membership may be considered from bushland friends groups who have not yet formed. At this juncture no nominations have been received.

## **2 Strategic Plan Key Performance Indicators**

The following Motion was moved at the meeting on 28 March 2007:

*“That the Conservation Advisory Committee:*

- *THANKS the staff for adopting the process and participating in the project;*
- *REQUESTS Administration to provide the number of volunteer hours that are spent in the natural areas managed by the City;*
- *REQUESTS a list of the range of indigenous plant species found within the City of Joondalup.”*

### Officer’s Comment

The CAC requested that officers provide the numbers of hours spent by volunteers working in the natural area reserves managed by the City. The Natural Areas Friends Groups Manual that was produced as a collaboration between Friends Groups and staff, contains a form to be completed by Friends Project Coordinators that accounts for the hours spent by volunteers. As the Manual has only recently been adopted information on these hours has not been used consistently at this stage.

At the end of the current planting season, information from Friends Groups on hours worked should be received by the City.

The CAC also requested a list of the range of plant species that occur naturally within Joondalup. This list and the soil types they are found in will be distributed prior to the next CAC Meeting.

### **3 Formation of a Working Group**

The following Motion was moved at the meeting on 28 March 2007:

*“That the Conservation Advisory Committee form a Working Group to hold informal meetings to highlight key issues within the Urban Natural Areas KPIs report and to target those areas which need investment now and to report back to the Conservation Advisory Committee. The Working Group to be chaired by Cr John and its members to consist of the following persons:*

*Cr M John (Presiding Person)  
Ms A Stubber  
Dr M Apthorpe  
Mr J Chester  
Mrs W Herbert  
Cr S Hart”*

#### Officer’s Comments

The formation of a working group to discuss issues associated with natural areas management and the KPIs associated with this management is supported.

### **4 Requests for Reports**

A Motion was moved at the meeting on 28 March 2007 that the Conservation Advisory Committee be provided with the following reports:

- 1 A copy of the report provided to the Sustainability Advisory Committee which clarifies the bore water usage data and advises of water saving strategies.

#### Officer’s Comment

This report can be provided to the CAC at the next meeting

- 2 A report on the cost of non-flammable fence posts to be erected in selected areas of high-conservation value bushland, in conjunction with ring lock wire fencing

#### Officer’s Comment

A report on this matter can be provided at the next CAC Meeting. There was a concern amongst some committee members that native vegetation is being pruned away from the flammable pine fencing posts to a large extent. The committee has requested that non-flammable alternatives to pine fencing posts be explored.

- 3 A report on coastal dune rehabilitation/coastal erosion

#### Officer’s Comment

A detailed and extensive management plan examining the condition of the City’s coastal dunal system was produced in 2002. This document “The Joondalup Coastal Foreshore Natural Areas Management Plan” was produced in consultation with the Joondalup Community Coast Care Forum and the CAC. The management plan is due to be reviewed this year. The Plan is available for the CAC members to peruse both in hardcopy and on the City’s Website. It is considered that a budget submission be compiled as part of the current budget deliberations to fund the Management Plan Review.

4 A list on different plant species

Officer's Comment

A comprehensive list of indigenous plant species and the associated soil types will be provided to CAC Members prior to or at the next CAC Meeting

5 A report on the depletion of Tuart trees

Officer's Comment

Committee members expressed concerns that the tuart trees both in Joondalup and on the Swan Coastal Plain are in decline. In 2003 the then Department of Conservation and Land Management in collaboration with Edith Cowan University and Murdoch University and a number of organizations formed the Tuart Health Research Group. This body has published many bulletins and reports. The Report that outlines phase one of the research project will be made available to CAC Members prior to the next meeting of the Committee.

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Key Focus Area

Caring for the environment.

Outcomes

The City is environmentally responsible in its activities.

Objectives

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

Strategies

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

**Legislation – Statutory Provisions:**

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.



**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**Environmental

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

Social

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

**Consultation:**

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

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1            Minutes of 28 March 2007 Meeting of the Conservation Advisory Committee.

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1        NOTES the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 28 March 2007 forming Attachment 1 to this Report;**
- 2        NOTES the resignation of Ms Sue Bailey from the Conservation Advisory Committee;**
- 3        THANKS Ms Bailey for her commitment and significant contribution to the work of the Community;**
- 4        BY AN ABSOLUTE MAJORITY REDUCES the membership of the Conservation Advisory Committee to fourteen members.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf150507.pdf](#)*

## **ITEM 13                    WEST COAST DRIVE: DUAL USE PATH ENHANCEMENT PROJECT – [54597]**

**WARD:**                    South

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

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### **PURPOSE**

The purpose of this report is:

- To seek Council endorsement of the report presented by Consultants Cardno BSD Engineers on the West Coast Drive Dual Use Path Enhancement Project.
- To enable progression to Public Consultation and comment stage of the project.

### **EXECUTIVE SUMMARY**

Cardno BSD Consulting Engineers have completed the feasibility study as commissioned for the West Coast Drive Dual Use Path Enhancement Project.

The Preliminary Report has addressed tasks defined in the Consultant Brief which include:

- Site and Environmental investigation
- Stakeholder Consultation
- Concept Design
- Technical Considerations
- Cost estimates

### **BACKGROUND**

During 2006 the West Coast Drive Dual Use Path Upgrade was identified as a high priority project.

This project comprises the western verge interface with the foreshore dunes and extends from Beach Road in Marmion, north to the Sorrento Surf Lifesaving Club in Sorrento. This section of road forms part of the Sunset Coast Tourist Drive and is in high demand for public recreation activities such as walking, running and cycling.

As part of the budget process for the 2006/07 Capital Works Program funds were allocated to undertake a feasibility study of the proposed project.

A Consultant Brief was prepared for the project and Cardno BSD Engineers were commissioned in September 2006.

### **DETAILS**

The study commenced with a bus tour for Elected Members. The purpose of the bus tour was to facilitate and stimulate feedback from a practical on site experience of the project in its entirety and to highlight specific locations of interest.

Based on feedback from the bus tour the initial Concept Design of the urban interface, inclusive of material research, was developed and presented at the Strategy Session on 7

November 2006. Council reviewed the initial Concept and general support was given with several minor changes requested.

The Revised Concept Design reflecting these changes along with further environmental assessments and mapping by the Consultant Team form the Preliminary Report to Council.

**Issues and options considered:**

Key issues identified by the stakeholders were:

- The provision of a safe shared path environment, maximising available width for combined pedestrian and cyclist use, while keeping the impact on the existing dunal system to a minimum.
- Location of nodes / outlooks for enhancement, catering to a broad section of the community.
- Visual permeability connecting to the beach and dunal vegetation emphasising the natural beauty of the coastline.
- Creation of a definite edge between the man made and natural elements providing protection for the dunal vegetation and discouraging vegetation / sand encroachment on the dual use path.
- Use of 'natural appearing' materials being durable and sustainable.
- Create an integrated look to the project with coordinated placement of street furniture and signage with consideration for visual permeability / pollution.
- Create a design language that is understated but distinctive, compatible with existing improvements to the north and south.
- Revegetate and rehabilitate the natural vegetation and develop an ongoing management plan for the dunal system.

The initial Concept Design took into consideration the various material options for the posts, fencing, low kerbing and path. The revised Concept Design reflects the preferred options with consideration for the identified key issues and cost factors.

General condition of the foreshore vegetation and rehabilitation opportunities have been documented in the Preliminary Report and further detailed Implementation and Management Plans will form part of the works undertaken following the Public Consultation phase and as part of the detailed design phase of the project subject to future budget deliberations by the Council.

**Link to Strategic Plan:**

Key Focus Area 3: City Development

Outcome:

The City of Joondalup has well maintained assets and built environment.

Objectives 3.1:

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

Strategy 3.1.1

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

**Legislation – Statutory Provisions:**

Not applicable

**Risk Management considerations:**

All design proposals are required to meet Australian Standards where applicable.

**Financial/Budget Implications:**

Cost estimates are included in the Preliminary Report with a detailed cost breakdown provided in Appendix E.

The estimated sum is \$4.25 million.

The estimate incorporates project design and documentation, public consultation, installation of the dual use path and fencing, hard landscaping to areas of interest and toilet block. A cost escalation factor has also been included.

Costs to revegetate and rehabilitate the dunal system are not included in this estimate. Further detailed investigation with Implementation and Management Plans will form part of future works and will be costed separately and considered by the Council as part of future budget deliberations.

It is proposed at this point in time to fund the project over two financial periods being 2007/2008 and 2008/2009. This will enable the consultation, detailed design and tender documentation preparation to occur during the 2007/2008 budgetary period. It is then intended to tender and undertake the construction works in one stage during the 2008/2009 budgeting period.

**Policy implications:**

Not applicable

**Regional Significance:**

The enhancement of this section of West Coast Drive is of significant amenity value to the residents of Joondalup, the community at large and visitors to Perth.

This is the most picturesque part of the Sunset Coast Tourist Drive and uniquely one of the only parts of the coast directly accessible from a district distributor road.

**Sustainability implications:**

Technical Considerations have been included in the Preliminary Report, which includes material assessment for durability and maintenance implications.

Environmental investigations have been undertaken in a broad manner and outlined in the Preliminary Report. Implementation and Management Plans will be detailed in the future scope of works.

**COMMENT**

A range of future consultation is anticipated once Council has endorsed the concept design for public comment. The consultation will likely include meetings with key groups, including Sorrento Surf Lifesaving Club, the Joondalup Coast Care Forum and the Marmion Angling Club. In addition, there will be opportunities for local residents to learn about the proposal

and give their feedback through at least one Community Open Night to be held near the project site and by having project drawings displayed for public viewing and comment at the Joondalup Administration Centre, City website and locally displayed.

In order to generate public awareness of the proposed consultation process, a marketing and communications strategy will be developed. Such strategy may include:

- Media releases and advertisements in local papers;
- Utilization of the City's website;
- Displays at Customer Service Centres located at Joondalup Administration Centre and Whitford City Shopping Centre;
- Letter box drops within the immediate locality.

## **ATTACHMENTS**

Attachment 1            West Coast Drive Dual Use Path Upgrade, Summary of Preliminary Report to Council by Cardno BSD, Consulting Engineers

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1        ENDORSES the Summary Report West Coast Drive Dual Use Path Upgrade/Landscape Improvements (May 2007) and its contents for the purpose of Public Consultation forming Attachment 1 to this Report;**
- 2        APPROVES progression of the project to the next stage of Public Consultation seeking public feedback via:**
  - (a)     an advertised 60-day public comment period;**
  - (b)     a Community Open Night and consultation with key stakeholders;**
  - (c)     drawings to be displayed for public viewing at City of Joondalup's Administrative Centre, City website and locally displayed;**
- 3        NOTES following the public consultation a report will be presented to Council outlining the public comments and any recommended amendments to the preliminary concept design as a result of public feedback.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf150507.pdf](#)*

## **ITEM 14                    OUTCOME OF STATE ADMINISTRATIVE TRIBUNAL MEDIATION   PROPOSED CHANGE IN LAND USE FROM MEDICAL CENTRE AND SINGLE HOUSE TO CHILD CARE CENTRE AT LOTS 53 & 54 (34 & 36) BRIDGEWATER DRIVE, KALLAROO – [45219]**

**WARD:**                    Central

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

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### **PURPOSE**

To consider the outcome of a State Administrative Tribunal (SAT) mediation hearing.

### **EXECUTIVE SUMMARY**

At its December 2006 meeting, Council refused an application for a change of land use from medical centre and single house to child care centre at Lots 53 and 54 (nos. 34 and 36) Bridgewater Drive, Kallaroo (Item CJ251-12/06 refers).

The applicant subsequently appealed to the SAT against Council's decision.

Mediation conferences were held on 13 March and 22 March 2007 to discuss the matter under appeal.

The outcome of that mediation has resulted in possible changes to the design of the child care centre to address the reasons of refusal. These changes include the addition of new buffer areas, a realignment of proposed store-room and laundry additions and an increased fence height along the southern boundary of the site.

An independent acoustics assessment has been carried out, which concluded that the proposed changes would attenuate potential noise issues.

It is considered that the changes will assist in minimising any amenity impacts of the child care centre. It is recommended that Council accept the revised plan and provide the SAT with a draft set of conditions of planning approval.

The final position of the Council on the modified proposal will then be presented to the next mediation hearing, which is to be held on Tuesday 29 May 2007.

### **BACKGROUND**

**Suburb/Location:**    Lots 53 and 54 Bridgewater Drive, Kallaroo  
**Applicant:**            Braig Pty Ltd  
**Owner:**                Mr N Scafidas  
**Zoning:**                **DPS:** Residential  
                                 **MRS:** Urban  
**Site Area:**            0.1547 hectares (combined)  
**Structure Plan:**      Not applicable

To the immediate east and south-east of the subject site is an area of public open space (Whitfords Park West). To the north-east of the subject site is Springfield Primary School.

The area generally to the west of the subject site is predominantly residential, comprising mainly single houses.

In 1981, the existing house on Lot 53 was approved for use as a Surgery, requiring internal modifications and the development of a car park at the front of the property, which still exists. In more recent times, the use of the building has reverted back to a single house.

A house was approved on Lot 54 in 1980, with various additions to the property approved over the following years.

In December 2005, an application for planning approval for a change of land use from single house and medical centre to child care centre (and associated car park) was lodged with the City. The proposed child care centre was to accommodate 76 children and 8 staff, and was proposed to operate from 7:00am to 6:00pm, Monday to Friday, with children proposed to arrive from 7:15am onwards.

On 12 December 2006 Council resolved to refuse the application for the following reasons:

- 1 *The traffic impact of the development will have an adverse and potentially dangerous affect on the locality;*
- 2 *The proposed development is not considered to be located in the preferred location for Child Care Centres, as encouraged by Policy 3.1.1, as it is located adjacent to residential properties;*
- 3 *The increased intensity of uses will adversely impact upon the amenity of the adjoining and nearby residential properties;*
- 4 *The commercial nature of the proposed use is not compatible with existing uses of other land within the locality;*
- 5 *The proposed design of the development will adversely impact the amenity of adjoining properties by way of the building bulk that will be created by the proposed setback reduction.*

This decision was subsequently appealed to the SAT, the proceedings of which form the basis of this report.

Following the lodgement of the appeal, two mediation hearings were held in March 2007 to consider the decision under review. At the first mediation hearing, the SAT ordered as follows:

- 1 *Currently, this matter is before the Tribunal for mediation. Pursuant to s54(b) of the State Administrative Tribunal Act 2004, mediation is to be held in private unless directed otherwise by the mediator. The Tribunal directs that the matter may be presented as an ordinary item to the respondent's council meeting of 22 May 2007 but does not permit the re-advertising of the proposal as there is no substantive modification to the proposed development being considered;*
- 2 *The applicant is to provide any supplementary information to the respondent by 3 April 2007;*
- 3 *The supplementary information provided by the applicant is to be considered by the respondent at its meeting of 22 May 2007;*
- 4 *The matter is listed for mediation at 10.00am on Tuesday, 29 May 2007;*

- 5 *The parties have liberty to apply for the date of the directions hearing to be brought forward to earlier date, if necessary.*

Following the mediation hearings and pursuant to Point 2 of the SAT orders, the applicant has submitted revised plans for consideration by Council. Council is required to consider the revised plans and present its position on the matter to the next mediation hearing on 29 May 2007.

## **DETAILS**

The main features of the revised plans are as follows:

- Realignment of laundry and store-room additions to meet the required 1.5m setback from the western boundary and provide an acoustic barrier to the adjoining 38 Bridgewater Drive;
- Relocation of play areas to provide buffer zones to adjoining properties;
- Relocation of play equipment to provide a larger buffer distance to adjoining properties;
- Increase in fence height to 2.2m along the southern boundary;

The above modifications, together with the reasons of refusal are further discussed in the Comment section of this report.

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

Council has the discretion to:

- Accept the modifications as recommended;
- Reject the modifications as recommended in whole or part; or
- Require further modifications.

Should Council resolve to accept the modifications, Council is then required to provide the SAT with a schedule of draft conditions, to allow a minute of consent to be prepared. This will bring the appeal to a conclusion, and allow the applicant to proceed with the proposed development.

Should Council reject the modifications, the matter will most likely progress to a full Hearing before the SAT.

Should Council require further modifications, an additional directions hearing will be required, where further discussion on Council's position will occur. Council would be required to request that the SAT provide additional time for any additional modifications to be presented to Council.

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

Not applicable

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

The applicants have requested the SAT to review Council's decision under the State Administrative Tribunal Act 2005 (SAT Act), which has a different decision making process to the DPS2.



Council is required to determine and convey its position on the amended plans to the SAT and the applicant. Council does not make a formal planning decision as such. The review process of the SAT means that it effectively operates in place of the Council on the appeal.

The process under the SAT Act will result in a “Minute of Consent” if both parties agree to a mediated outcome or if no agreement is reached, the matter is then taken to a hearing and the SAT will then make its decision on the request for a review.

**Risk Management considerations:**

Section 87 of the SAT Act allows for the awarding of costs where the Tribunal is not satisfied that a party has genuinely attempted to make a decision on a matter under appeal, based purely on the merits (planning aspects) of the proposal.

**Financial/Budget Implications:**

The City has engaged Allering and Associates (Town Planning Consultants) and ND Engineering (Acoustic Consultants) to represent the Council at the Hearings.

Currently, the matter is being dealt with through the mediation process. However, if Council is not agreeable to the mediation, the matter may escalate to a full hearing. In this case, the City may need to engage the services of consulting traffic engineers and/or solicitors to represent Council at the hearing.

If the proposal is not agreed at mediation, the escalation of the appeal to a hearing may result in expenditure of approximately \$20-50,000 to facilitate the Council’s position being reaffirmed in proceedings brought by the landowner.

Further, as stated in the Risk Management Considerations section of this report, Section 87 of the SAT Act allows for the awarding of costs against a party, in certain circumstances.

**Policy implications:**

Policy 3-1 Child Care Centres

This policy sets out guidelines for the development of child care centres including the requirements for the provision of car parking and landscaping, the preferred location of child care centres, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas (Attachment 4 refers).

Policy 7-1 State Administrative Tribunal – Mediation and Revised Development Proposals

This Policy sets out protocols for City officers attending SAT mediations on behalf of Council (Attachment 5 refers).

In accordance with the Policy, it was requested that the mediation session be held in public. It was further requested that any revised plans presented by the applicant during the course of the review be re-advertised for public comment, prior to the matter being presented to Council.

However, the SAT ordered that all mediation occur in private and further, that the revised plans are not to be subject to public advertising.

The Policy also requires that the CEO appoint an independent external advocate to represent the City. In this instance, town planning consulting firm Allering and Associates was appointed to represent the Council.

**Regional Significance:**

Not applicable

**Sustainability implications:**

Not applicable.

**Consultation:**

The original planning application was advertised for public comment for a period of 28 days, from 25 May to 22 June 2006. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Further, 25 letters advising of the proposal were also sent to properties in the immediate locality.

There were 36 submissions received during the public advertising period. The submissions comprised 15 letters of support for the proposal, 3 neutral submissions and 18 objections. In addition, a 44-signature petition objecting to the proposal was also received.

The main issues raised during the advertising period are outlined below:

- Traffic Impact
- Lack of parking
- Potential for increased crime and undesirable behaviour
- Negative impact on property values
- Non-compliance with the City's Child Care Centres Policy;
- Non-compliance with the Child Care Services Regulations
- Increased demand on sewerage facilities in the immediate area

In accordance with Council policy, it was requested that the revised plans be re-advertised for public comment. However, the SAT has ordered that no further advertising of the modified proposal take place.

**COMMENT**

The applicants have appealed against Council's decision to refuse the application for planning approval for a change of land use from single house and medical centre to child care centre.

As part of the mediation process, amended plans have been prepared which address some of the issues raised by Council in its decision to refuse the original application. Other issues identified by Council require reconsideration as to whether the reasons for refusal can be substantiated.

**Revised Plans**

The revised plans submitted by the applicant have addressed a number of concerns raised in Council's decision to refuse the original application.

The laundry and storeroom additions have been redesigned to ensure a setback of 1.5m is provided to the adjoining property at 38 Bridgewater Drive, satisfying the requirements of Council Policy 3-1. The reorientation of these additions will also act to provide an acoustic buffer between the proposed playground area and 38 Bridgewater Drive (refer to Attachments 2 and 3).

The outdoor play area has been modified to provide a clear demarcation as to what age groups are permitted to occupy each area. The original plans had a stand-alone “playground” area whereas the revised plans provide clearly identified areas for ‘babies, kindy and schoolies’ age groups. As the potentially noisiest group, the ‘schoolies’ area is situated at the furthest point from any residential properties, adjacent to public open space.

The outdoor play area for 0-2 year olds is proposed to be located along the western portion of the southern boundary, to provide a buffer zone between the outdoor play area for older children and adjoining properties.

An acoustics report has been submitted by the applicant, stating that the revised layout complies with the requirements of the Environmental Protection (Noise) Regulations 1997.

The revised plan, and supporting information, has also been assessed by the City’s Acoustic Consultant, who has advised that the layout meets the requirements of the Regulations, subject to the ‘schoolies’ play area being relocated to a minimum 4-metres from the southern boundary of the site.

A copy of the acoustics report prepared by the applicant’s consultant, and the review prepared by the City’s consultant are available for reading in the Councillors’ reading room.

#### Original Reasons of Refusal

#### **The traffic impact of the development will have an adverse and potentially dangerous affect on the locality**

In the decision to refuse the original application, Council took the view that there was the potential for adverse safety and traffic impacts arising from the proposed development.

In this regard, a traffic impact report was previously prepared in support of the proposal. This report was assessed as part of the original submission and found to be acceptable from a traffic and safety prospective.

This report has subsequently been reviewed. This confirms that Bridgewater Drive has sufficient capacity to cater for the anticipated traffic generated by the development and there are no safety concerns regarding a child care centre’s operation.

It is considered unlikely that this reason for refusal would be upheld by SAT.

#### **The proposed development is not considered to be located in the preferred location for Child Care Centres, as encouraged by Policy 3.1.1, as it is located adjacent to residential properties.**

Policy 3-1 states that, where possible, it is preferred to locate child care centres adjacent to non-residential uses such as shopping centres, medical centres/consulting rooms, school sites and community purpose buildings to minimise the impact such centres will have on the amenity of the residential area.

The proposed child care centre is to be located adjacent to an area of public open space to the east, single houses to the west and south and is diagonally opposite a school to the north-east. The location of the proposed child care centre in relation to other uses is considered acceptable and the implementation of various measures to control noise emissions from the development will minimise any impact on nearby residential areas.

In this regard it is considered that the proposal meets the location criteria outlined within the Policy that the Childcare Centre be adjacent to a non residential use to offset “noisy” generating uses.

The other component of the Policy criteria requires that child care centres be located on local distributor roads and not access roads.

Whilst it is acknowledged that Bridgewater Drive is classified as an “access road” under the Metropolitan Road Hierarchy, it clearly functions as a “local distributor road” as noted by both the City’s and the Applicant’s traffic engineers who have reviewed this proposal.

It is likely that the SAT will give greater weight to the road’s function, rather than its technical description under the Metropolitan Road Hierarchy.

It is also likely that SAT will not find any substantial inconsistency of this proposal against Council’s policy which would warrant an adverse finding against the proposal. As such, it is considered unlikely that this reason for refusal would be upheld by the SAT.

**The increased intensity of uses will adversely impact upon the amenity of the adjoining and nearby residential properties**

Council has asserted that the proposed Child Care Centre would result in amenity impacts for landowners in close proximity to the subject site. In light of this concern, it should be noted that:

- Child care centres are potentially permissible in the Residential Zone, subject to Council approval;
- The development site generally meets the location criteria established in Policy 3-1.

**While no specific amenity issues have been identified, it is assumed that the main concerns would relate to noise from children and traffic.**

As a result of the perceived amenity concerns, the applicant engaged an acoustics consultant to review the development proposal and identify measures that would ensure that noise levels affecting neighbouring properties would meet the requirements of the Noise Regulations. The proposed measures include:

- 1 Construction of a 2.2m high solid fence along the southern boundary of the site (common boundary with 4 Shelley Place);
- 2 Realignment of the laundry and store-room area to provide a buffer on the western boundary of the site (common boundary with 38 Bridgewater Drive);
- 3 Establishment of a 4m wide buffer zone along the western boundary of the subject site for a distance of 15m from the residence to the south, with this area to be used exclusively as a Babies Play Area.

The City’s Acoustic Consultant has reviewed the revised layout and has advised that the design will meet the requirements of the Noise Regulations, subject the ‘schoolies play area’ being relocated away from the south-eastern corner of the site to a point at least 4 metres from the southern boundary of the site.

In light of the above measures being reviewed and endorsed by the City’s Acoustic Consultant, it is considered unlikely that the SAT would find that any noise generated by the proposed development would either be undue or adverse.

**The commercial nature of the proposed use is not compatible with existing uses of other land within the locality**

As stated earlier in the report, the use class Child Care Centre is a potentially permissible use in the Residential zone.

The traffic impact of the proposal has been reviewed by the City on two occasions, and is considered to be minimal. Further the noise impact of the development will be mitigated by a number of changes to the design of the development.

In light of the above, it is considered unlikely that this reason of refusal would be upheld by the SAT.

**The proposed design of the development will adversely impact the amenity of adjoining properties by way of the building bulk that will be created by the proposed setback reduction.**

The design of the development has been amended to comply with the setback requirements of Council Policy 3-1. In particular, the laundry and store-room additions at 36 Bridgewater Drive are now proposed to be setback 1.5m from the common (western) boundary with 38 Bridgewater Drive, instead of the previously proposed 1.0m.

**CONCLUSION**

The majority of the reasons for refusal issued by Council in December 2006 are considered unlikely to be upheld by the SAT if the matter proceeds to a hearing.

The anticipated traffic impact of the development is considered to be minimal, while the development generally meets the location criteria outlined in Council Policy 3-1. Further, the design of the proposed childcare centre has been amended to comply with Council setback requirements.

It is considered that the main issue of contention relates to the perceived noise impact from the development.

The modified layout as prepared by the applicant in Attachment 3 is considered to be an acceptable mediated outcome, subject to a minor change to relocate one of the outdoor playing areas.

It is therefore recommended that Council agrees to submit a draft schedule of conditions to the SAT in order to finalise the appeal, based on the mediated plans received by the City on 4 April 2007. It is further recommended that Council authorises Allering and Associates to attend the next Directions Hearing on 29 May 2007 to further discuss Council's position on this matter.

**ATTACHMENTS**

Attachment 1	Location Plan and Aerial Photo
Attachment 2	Original Development Plan
Attachment 3	Revised Development Plan
Attachment 4	Policy 3-1 (Child Care Centres)
Attachment 5	Policy 7-1 (State Administrative Tribunal – Mediation and Revised Development Proposals)

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 RESOLVES to support the proposed change of land use from single house and medical centre to Child Care Centre at Lots 53 and 54 (nos. 34 and 36) Bridgewater Drive, Kallaroo, based on the revised plans and acoustic report received by the City on 4 April 2007;**
- 2 SUBMITS the following draft schedule of conditions to the State Administrative Tribunal without prejudice:**
  - (a) The opening hours of the child care centre is restricted to 7:00am to 6:00pm, Monday to Friday. The children shall arrive no earlier than 7:15am;**
  - (b) A maximum of seventy-six (76) children and eight (8) staff are permitted for the proposed child care centre;**
  - (c) A sign is to be erected to the satisfaction of the Manager Infrastructure Services, and at the applicant's cost, to advise parents that they cannot park on the existing verge;**
  - (d) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Infrastructure Management Services prior to the development first being occupied. These works are to be done as part of the building programme;**
  - (e) The layout of the child care centre playground is to be in accordance with the revised plans received by the City of Joondalup on 4 April 2007, with the exception of the 'schoolies play area' which is to be relocated away from the south-eastern corner of the site to a point at least 4 metres from the southern boundary of the site;**
  - (f) The provision of a 2.2 metre high masonry wall along the southern boundary of the property;**
  - (g) Bin store area shall be provided with a concrete floor grades to an industrial waste connected to sewer;**
  - (h) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals, Planning & Environmental Services, for the development site and adjoining road verge for approval with the Building Licence application. For the purpose of this condition a survey of the existing trees shall be carried out, all mature Tuarts shall be inspected and assesses by a registered arboricultural consultant, a safety/maintenance report shall be prepared for the purpose of this development by this consultant and a detailed landscape plan shall drawn to a scale of 1:200 and show: the location and type of existing vegetation to be retained or removed, the location of proposed trees and shrubs, any new lawns to be established and areas to be reticulated or irrigated;**

- (i) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services;
  - (j) Lots 53 and 54 Bridgewater Drive being amalgamated and a new Certificate of Title being issued for the amalgamated block, prior to the issuing of a Building Licence;
  - (k) Eight parking bays shall be marked and permanently set aside for the exclusive use of staff;
- 3 **AUTHORISES** the appointed firm of Allerding and Associates to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Points 1 and 2 above.

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf150507.pdf](#)

## **ITEM 15                    PROPOSED AMENDMENT NO 35 (LOCAL RESERVES) TO DISTRICT PLANNING SCHEME NO 2 – CONSIDERATION FOLLOWING ADVERTISING – [89579]**

**WARD:** All

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

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### **PURPOSE**

The purpose of this report is for Council to consider submissions received during advertising of proposed Amendment No 35 and to consider whether to support finalisation of the amendment.

### **EXECUTIVE SUMMARY**

The Conservation Advisory Committee (CAC) sought support from Council to protect the significant natural areas within the City as identified by the Perth Biodiversity Project (PBP) process, by placing them in Schedule 5 (Clause 5.3.1) – Places and Objects Having Significance for the Purpose of Protection of the Landscape or Environment, under DPS2.

Ninety four (94) reserves contain bushland that are managed by the City. The CAC has requested Council to place 31 of these reserves under Schedule 5 of the DPS2. Several of these reserves were grouped together and upon further examination of land title and zoning information, a total of 32 reserves are proposed to be placed within Schedule 5 of DPS2.

In order to facilitate this proposal, amendment to clause 5.3 of DPS2 is required, together with the reference to plans referred to and listed in Schedule 5 being outlined under Clause 1.4 - *Contents of the Scheme* of DPS2.

Of the 32 reserves, 16 contain bushland only and the remaining 16 have a combination of bushland and active/grassed areas (ovals, playgrounds). For reserves containing bushland only, the entire reserve is to be placed in Schedule 5. For the 16 reserves that have a combination of bushland and active/grassed areas, reference is made within Schedule 5 to accompanying plans, which delineate the bushland areas.

On 12 December 2006, Council resolved to commence advertising of the amendment for a period of 42 days. Advertising closed on 28 March 2007 and two submissions of no objection were received from the Water Corporation and Western Power.

It is therefore recommended that Council adopt the proposed scheme amendment for final approval, without modification.

### **BACKGROUND**

Council at its meeting on 12 December 2006 resolved:

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, **ADOPTS** the amendments to the City of Joondalup District Planning Scheme No 2 as outlined within revised Attachment 1 to Report CJ249-12/06 (forming Appendix 24 in the Minute Book) 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.*

### The Selected Reserves

The CAC has recommended that the Council consider listing 31 of the high priority natural areas in Schedule 5 of the City's District Planning Scheme for the protection of their environmental and landscape values. Several of these reserves were grouped together and upon further examination of land title and zoning information, a total of 32 reserves were identified to be placed within Schedule 5 of DPS2. The reserve location, title/address details, name, size and vegetation description are provided for all 32 reserves, together with a plan for each of the 16 reserves that have a combination of bushland and active/grassed areas (ovals, playgrounds), is shown in Attachment 1.

Of the 32 reserves, 30 are zoned Local Reserves 'Parks and Recreation' and two (Central Park & Lakeside Park) are zoned 'Centre' under DPS2.

### **DETAILS**

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

#### DPS2 Clauses

A number of clauses within DPS2 relate to the proposal. Clause 2.3 applies to local reserves generally, while Clause 5.3 allows specific areas/sites to be identified and listed in DPS2 under Schedule 5 as 'Places and Objects Having Significance for the Purposes of Protection of the Landscape or Environment.'

#### Differences between DPS2 provisions

The differences in DPS2 provisions relating to the development of Local Reserves is set out in table form below:

<b>Clause 2.3.3 of DPS2</b>	<b>Clause 5.3 of DPS2</b>
<p>Without written approval of Council, no person shall:</p> <ul style="list-style-type: none"> <li>• demolish or damage any building or works;</li> <li>• construct, extend, or alter any building or structure other than a boundary fence;</li> <li>• excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;</li> <li>• remove or damage any tree;</li> <li>• carry out or commence to carry out any other development on any Local Reserve.</li> </ul>	<p>Approval of the Council is required for:</p> <ul style="list-style-type: none"> <li>• the alteration or removal of any building or object or part thereof.</li> <li>• the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building.</li> <li>• the clearing, excavation or filling of any land;</li> <li>• the felling, removal, killing or causing of irreparable damage to any tree.</li> <li>• the erection of any fence.</li> </ul>

The principal differences within the clauses relate to;

- the expressions used to describe similar activities (eg tree removal, demolition of buildings),
- the erection of a fence requires Council approval under clause 5.3.

### Proposed Modification to Clause 5.3 of DPS2

Under Clause 5.3, it is proposed to insert the following new clause after clause 5.3.2.2:

- 5.3.2.3        *For the avoidance of doubt, the requirement for approval under clause 5.3.2.1 is in addition to any other requirement for approval under the Scheme.*

The effect of this proposed new clause is to ensure that it is clear that for reserves listed in Schedule 5, the provisions of both Clause 2.3.3 and Clause 5.3 of DPS2 apply to those reserves, and approval is required under both clauses.

### Proposed Modification to Clause 1.4 of DPS2

Under Clause 1.4, it is proposed to insert the following after (d) agreed Structure Plans:

- (e) Plans referred to in Schedule 5

As plans delineating the bushland areas of reserves will be included in DPS2 under Schedule 5, appropriate reference needs to be made to those plans.

### **Options**

The options available to Council in considering the amendment proposal are:

- Determine that the proposed scheme amendment is satisfactory, without modification.
- Determine that the proposed scheme amendment is satisfactory, with minor modification.
- Determine that the proposed scheme amendment is not satisfactory.

In all the above options, the proposal is forwarded to the WAPC for determination.

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

#### Key Focus Area - Caring for the Environment

##### Outcomes

The City of Joondalup is environmentally responsible in its activities.

##### Objectives

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

#### Strategies

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

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

Attachment 2 details the scheme amendment process. In accordance with the Planning and Development Act 2005, the scheme amendment was advertised for 42 days.

In accordance with the Planning and Development Act 2005, the proposal was referred to the Environmental Protection Authority, which advised that an environmental review was not required.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

Not applicable

**Policy implications:**

This proposal does not have any policy implications.

**Regional Significance:**

Not applicable.

**Sustainability implications:**

Environmental

A CAC objective is “To make recommendations to Council for the Conservation of the City of Joondalup’s natural biodiversity”.

Social

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

**Consultation:**

In accordance with the Council resolution, the scheme amendment was advertised for a period of 42 days, with a notice being placed in the Joondalup Times on 15 February 2007, the West Australian on 14 February 2007, on the City’s website, and letters sent to service authorities.

The advertising period closed on 28 March 2007 and two submissions of no objection were received from the Water Corporation and Western Power (refer Attachment 3).

**COMMENT**

Impact of Listing Reserves in Schedule 5 of DPS2

All local reserves currently have a level of protection under Clause 2.3.3 of DPS2 as it requires that, unless the proposed development is a public work exempted by the Planning and Development Act, or written approval of the Council is first obtained, no person shall

- demolish or damage any building or works,
- construct, extend, or alter any building or structure other than a boundary fence,
- excavate, spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved,

- remove or damage any tree or carry out or commence to carry out any other development on any Local Reserve.

The inclusion of these reserves into Schedule 5 may afford minimal increased protection under DPS2 from that they already have under Clause 2.3 of DPS2, as the differences between development provisions under Clause 2.3 and Clause 5.3 of DPS2 (as set out in the table under Details), do not differ greatly in significance, particularly with respect to vegetation removal.

However, inclusion of the reserves into Schedule 5 provides a clear commitment and indication that those reserves are important local conservation areas. The reserves are all owned by the Crown and management orders (vesting) in favour of the City of Joondalup are in place.

In its submission, the Water Corporation raises the issue of the need to protect their utilities within these Reserves by the creation of easements. However, this is not a matter specifically related to this scheme amendment proposal. All the Reserves are owned by the Crown, and the Water Corporation would need to pursue this matter with the Department for Planning and Infrastructure.

It is therefore recommended that Council resolve to grant final approval, without modification, to Amendment No. 35 to DPS2 to amend clauses 1.4 and 5.3 of DPS2 and to include 32 reserves (including accompanying maps) into schedule 5 of DPS2.

## ATTACHMENTS

Attachment 1	Proposed amendment No. 35 to DPS2
Attachment 2	Scheme Amendment process flowchart
Attachment 3	Schedule of Submissions

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 ADOPTS Amendment No 35 to the City of Joondalup District Planning Scheme No 2 without modification, as outlined within Attachment 1 to this Report , and forwards the proposal to the Western Australian Planning Commission for final approval;**
- 2 AUTHORISES the signing of, and the affixation of the Common Seal to, the amendment documents;**
- 3 NOTES the submissions received and ADVISES the submitters of the Council's decision.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf150507.pdf](#)

## **ITEM 16                   REQUEST FOR REMOVAL OF PATH WITHIN PUBLIC OPEN SPACE ON FORMER CSIRO SITE - NO. 14 (LOT 61) LEACH STREET, MARMION – [84563]**

**WARD:**                         South-West

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

### **PURPOSE**

For Council to consider initiating the process to amend Marmion Structure Plan No. 9 (the structure plan) for the deletion of a path within the bush land (public open space) as requested in a petition.

### **EXECUTIVE SUMMARY**

The Marmion Structure Plan guides the future subdivision and development of Lot 61 Leach Street, Marmion, to create 35 single residential lots and a public open space lot. The structure plan includes a vegetation management plan for the public open space, which provides for the rehabilitation and maintenance of the vegetation, and includes low impact pathways and bench seating. The vegetation management plan was prepared, with community input, by the Joondalup Coast Care Forum Inc.

A 22-signature petition from Marmion residents was tabled at the Council meeting on 27 February 2007. The petitioners object to the installation of a path through the public open space. Additional information to support the petition was requested and subsequently provided by the head petitioner.

There are no technical reasons why the path cannot be removed from the structure plan. However, in line with appropriate management of the public open space, the deletion of the path would require the site to be fully fenced to ensure no pedestrian entry. This has implications on the enjoyment of the regenerated open space by the community.

Should Council decide to support the petition to remove the path within the open space, an amendment to the vegetation management plan is required. Given that the vegetation management plan forms part of the structure plan, formal modification to the structure plan is required in accordance with the provisions of the District Planning Scheme No.2 (DPS2).

The vegetation management plan was prepared with a consultative approach, by the Joondalup Coast Care Forum Inc. Review of the additional information provided by the petitioners does not appear to alter the validity of the approved Vegetation Management Plan and its recommendations. It is recommended that Council not proceed to initiate the process to amend the structure plan.

### **BACKGROUND**

**Suburb/Location:** Lot 61 (No. 14) Leach Street, Marmion  
**Applicant:** City of Joondalup  
**Owner:** Marmion Estate Pty Ltd  
**Zoning:**       **DPS:** Urban Development  
                             **MRS:** Urban  
**Site Area:** 2.1885 hectares  
**Structure Plan:** Marmion Structure Plan No. 9

## BACKGROUND

In approving Amendment 24 to DPS2 to rezone the subject site for subdivision, the Minister for Planning and Infrastructure required a vegetation management plan for the open space area to be prepared in accordance with the City's Public Participation Policy. The landowner's consultant prepared a community consultation process which was considered and endorsed by the City to ensure it aligned with its Public Participation Policy.

The main components of the community consultation process were as follows:

- Identification of key issues and the role of the community in developing the vegetation management plan.
- Identification of key representatives from various community groups to comprise representatives of the vegetation management plan stakeholder group.
- Completion of two workshops with the vegetation management plan stakeholder group.
- Developing a vegetation management plan for the CSIRO site for City of Joondalup endorsement.

Two workshops with the vegetation management plan stakeholder group were undertaken in November and December 2006. Minutes were recorded at both workshops. The community consultation outcomes, Minutes, and a copy of the vegetation management plan have been provided in the Councillors' reading room.

The vegetation management plan stakeholder group comprised representatives from the local community, members of the Marmion Sorrento Duncraig Progress and Ratepayers Association (Inc), Joondalup Coast Care Forum (Inc), the developer and the developer's community consultation consultants. City officers attended the workshops as observers.

The consultation process was used to inform the development of the vegetation management plan. The vegetation management plan has been prepared by the Joondalup Community Coast Care Forum (JCCCF) at the land owner's cost for the public open space area to the north of the site and also includes the road verges immediately adjacent. Both areas are referred to in the vegetation management plan as a 'Park'.

The objectives listed in the vegetation management plan for the public open space are as follows:

- Develop the area to be used for passive recreation only – low impact pathways, seats and fencing.
- Protect remnant native vegetation and established trees (including during earthworks and building phases outside of the public open space).
- Retain trees and prune them to maximise landscaping values.
- Retain native understorey where it exists.
- Replant with local native trees and understorey plants (ie. use only local seed and cuttings). Develop a bushland setting.
- Encourage the establishment of a Friends Group to assist with the long-term maintenance of the park.

The vegetation management plan provides a total of 28 recommendations with respect to fire and weed control, retention and pruning of trees, rehabilitation plantings, access control and rubbish dumping, signage and handover. These recommendations have been prioritised and an implementation list provided within the vegetation management plan.

The vegetation management plan was then advertised for public comment as part of advertising for the structure plan. At that time, the path traversing through the public open space was not raised as an issue in the submissions received during the public advertising period, however comments/issues were raised relating to the retention and rehabilitation of remnant vegetation within the public open space area generally.

## DETAILS

A 22-signature petition has been received objecting to the installation of a path through the bush land (public open space) on the former CSIRO site at 14 Leach Street, Marmion (C03-02/07 refers). The path is yet to be constructed, however the perimeter of the site is fenced.

The petitioners state they, “*would like to see the bush land remain in its current condition and not be destroyed by this development*”.

Further information was requested by the petitioners to justify the request and is summarised as follows:

- The POS has been degraded since subdivision works began, with most existing plant species being inundated with sand and dust from the subdivision.
- Construction work necessitated access by men and machinery in the POS adding to further degradation and destruction of plants in the POS.
- POS currently almost devoid of indigenous plant species and a program to increase planting and rehabilitate the site is to commence this winter and continue into the next. Site needs time to re-establish itself once these plantings take place.
- Wrong time to have a pathway installed when existing species are under so much stress and new plantings are about to take place.
- Any more human activity in the POS can only have further detrimental impact with possible acts of vandalism.
- The proposed path through the POS is within 20 metres of the existing footpath surrounding the POS and therefore not necessary.
- Leave the POS as a small bush land reserve for flora and fauna, free from human access and activity.

It should be noted that approximately fourteen (14) of the petitioners also made submissions on the structure plan during its public advertising period. There were no submissions that raised the issue of the path within the public open space area.

The vegetation management plan aims to protect and enhance the public open space and adjacent road reserve/verge area for bush conservation purposes for the long-term enjoyment by the local community. One of the management objectives of the vegetation management plan, which was agreed upon by the vegetation management plan stakeholder group, is to develop the area to be used for passive recreation only, with low impact pathways, seats and fencing.

Recommendation 23 of the vegetation management plan states ‘*Construct meandering “liquid limestone” paths in the park, connected to the surrounding footpaths, as shown in Figure 3, Appendix 1*’. Figure 3, Appendix 1 of the vegetation management plan shows an internal path generally running east west within the firebreak area adjacent to residential lots that back onto the public open space, and another path from the Ozone Road footpath that connects to this path. Two bench seats are also shown on the vegetation management plan along the proposed paths (refer Attachment 1).

The request to delete the path does not give rise to any new planning issues, however it does propose a change to the details that were included in the structure plan.

**Issues and options considered:**

The petitioners' request to remove the path from within the public open space area may have several implications. The major issues identified relate to;

- The impact upon the structure plan and the vegetation management plan, together with its amendment under DPS2 to remove references relating to the paths and bench seating.
- The loss of public access and potential enjoyment of the public open space for passive recreation purposes resulting from the removal of the path within the public open space, and subsequent full fencing of the site to restrict public access.

Should Council agree to initiate the process to amend the structure plan to consider removing the path from the public open space, further details/information will be provided within a subsequent Council report.

The perimeter of the open space area is currently fenced, with three openings provided to facilitate pedestrian access to the internal paths. Council may wish to support the provision of fencing along both sides of the internal paths within the open space area. This would ensure additional protection of vegetation within the open space area.

The options available to the Council are:

- To support the process to amend the structure plan to remove references to the path within the open space area; or,
- To not support the process to amend the structure plan to remove references to the path within the open space area.
- To support the provision of fencing along both sides of the path within the open space area.

**Link to Strategic Plan:**

Amendment to structure plan is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

Objective 2.1 To plan and manage our natural resources to ensure environmental sustainability.

Strategy 2.1.1 Maintain and protect natural assets to retain biodiversity.

**Legislation – Statutory Provisions:**

Clause 9.7 of DPS2 enables Council to amend an agreed structure plan subject to the approval of the WAPC. Should Council determine that the amendment to the structure plan is satisfactory, advertising of the proposal is required in accordance with Clause 9.5 of DPS 2, although Council can waive this advertising if the amendment is considered minor.

Under Clause 9.6, upon the completion of any public advertising period, Council is required to consider all submissions within sixty (60) days to either adopt or refuse to adopt the amended structure plan, with or without modifications. Attachment 2 sets out the structure plan process.

**Risk Management considerations:**

Not applicable.



**Financial/Budget Implications:**

A bond of \$100,000 has been provided by the subdivider to cover development and maintenance costs for the open space area.

**Policy implications:**

Not applicable.

**Regional Significance:**

The proposal is not considered to be regionally significant.

**Sustainability implications:**

The development of the public open space area in accordance with the vegetation management plan will assist in providing a habitat for native wildlife and contribute to local environmental sustainability.

**Consultation:**

The proposed amendment to the vegetation management plan is in effect an amendment to the structure plan, and would normally require public advertising for a minimum period of 21 days. Council could determine that the amendment is minor, and waive the advertising period.

**COMMENT**

The vegetation management plan was developed through an extensive consultative process, including public advertising, and utilising the expertise of the Joondalup Coast Care Forum Inc.

The request by the petitioners to remove the path requires formal amendment to the structure plan and will have implications with respect to the loss of public access to, and enjoyment of, the public open space area for passive recreational purposes.

There are no technical reasons why the path cannot be removed from the vegetation management plan. However, if the path is not constructed, then the vegetation will need to be protected from trampling by the erection of suitable fencing. This is to ensure that no damage occurs to the area.

Importantly, the two preferences for the open space area do not present any issues from a planning perspective. When the vegetation management plan was developed, the inclusion of the path, and its chosen alignment, reflected what was understood to be the position of the interested local stakeholders.

The petitioners' additional comments do not alter the validity of the approved Vegetation Management Plan and its recommendations.

An alternative option is for Council to consider fencing along both sides of the path within the open space area for increased protection. This fence would be similar to that used along beach access pathways throughout the City. The cost to provide this style of fence is approximately \$5000 and comprises pine posts and ring lock to a height of 1.2 metres.

Alternatively, the same fencing used to fence the perimeter of the open space area (and used within the City's conservation reserves) could also be used. The cost to provide this type of fence is approximately \$18,000 and comprises pine posts with pine cross beams with

plastic coated cyclone mesh to a height of 1.2 metres. Funds provided to the City by the developer for the open space area would be used to cover the cost to erect the fencing.

It is therefore considered appropriate that the adopted resolution (and vegetation management plan) remain in place.

It is recommended that Council not support the request, however support the provision of beach access style fencing along both sides of the path within the open space area.

## **ATTACHMENTS**

Attachment 1           Vegetation Management Plan – Figure 3 (Path and seat location plan)  
Attachment 2           Structure Plan Amendment Process Flowchart

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1       DOES NOT initiate the process to amend Agreed Marmion Structure Plan No. 9 to remove the internal path within the public open space area under District Planning Scheme No.2;**
- 2       SUPPORTS the provision of beach access style fencing along both sides of the path within the open space area and NOTES that funds provided by the subdivider for the open space area will be used to cover fencing construction;**
- 3       ADVISES the petitioners of Council's decision accordingly.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf150507.pdf](#)

## **ITEM 17                    WHITFORDS RATEPAYERS AND RECREATION ASSOCIATION COMMUNITY BUS – [07310]**

**WARD:** All

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

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### **PURPOSE**

To seek approval for the City to support the replacement of the Whitford Ratepayers & Recreation Association's Community Bus and continue to provide financial assistance for the service for a fixed period of five (5) years.

### **EXECUTIVE SUMMARY**

The City of Joondalup has had an ongoing relationship with the Whitfords Ratepayers and Recreation Association (WRRRA) in the provision of a community bus since 1979. Currently, the bus is listed on the City's asset register with the City supporting the WRRRA to meet the costs of vehicle maintenance, licensing and insurance (approximately \$2,700 pa).

In 2005, the WRRRA approached the City to commence the process for purchasing a new bus (at WRRRA's expense). The WRRRA requested that the City purchase the bus at a discounted rate (through the State Government's procurement system) and that the bus remain on the City's asset register.

In assessing this request, it was determined that the service provided by the WRRRA was valuable to the local community, and that support from the City should continue.

The process to replace the bus will involve the City selling the existing bus, purchasing the new vehicle (including the fitting of seatbelts for community safety) and advertise to the public its intension to sell the new bus to the WRRRA at a price equal to the vehicle change over cost.

It is recommended that Council:

- 1     *In accordance with Section 3.58(3) of the Local Government Act 1995 AGREES to give local public notice of the proposed disposition of the community bus to the Whitfords Ratepayers and Recreation Association Inc. for the amount of \$63,145;*
- 2     *NOTES that the procedure to be followed in (1) above invites submissions for a period of two (2) weeks following the placement of the local notice;*
- 3     *REQUESTS a further report to be presented to Council to give consideration:*
  - (a)   *to any submission received following the Local Public Notice period as required by Section 3.58(3) of the Local Government Act 1995, prior to giving final consideration to disposing of the community bus;*
  - (b)   *in the event of Council agreeing to dispose of the community bus in 3 (a) above, the necessary terms of agreement for the continuation of the community bus service.*

## BACKGROUND

The Whitfords Community Bus was first proposed in 1979 by the Whitford Community Ratepayers & Recreation Association as a service to the community. An agreement was established between the Shire of Wanneroo, the WRRRA and North Whitfords Estates, the Land and Property Developers. North Whitfords Estates agreed to contribute \$15,000 to purchase the bus, with the City of Wanneroo paying to initially licence, insure and service the bus.

The WRRRA consists of nominated members from organised groups from the City's south-west ward. The Association currently has representation from sporting clubs, scout groups, Independent Retirees Association, childcare and after school care operators and local school groups. The Association has existed for almost 30 years and has assisted community groups in providing recreational and leisure activities to its members and local ratepayers.

In 1995, the City of Wanneroo utilised the government agency CAMS (Contract and Management Services) to buy a replacement bus on behalf of the WRRRA. The Toyota 18 seat Coaster bus was purchased and the WRRRA contributed \$35,000, being the changeover cost of the vehicle. There was no cost to the City of Wanneroo for the purchase of the bus.

The WRRRA has responsibility for the management and bookings of the community bus. The Association is responsible for determining the fees and charges and these are set without endorsement from Council. All revenue generated is retained by the WRRRA.

In 2005, the WRRRA approached the City to commence the process for purchasing a new bus (at WRAA's expense), requesting that the City purchase the bus at a discounted rate and keep it on the City's asset register.

## DETAILS

### Issues and options considered:

When considering the WRRRA request, the City identified several issues:

- The City did not want the bus to remain on its asset register, as the vehicle was managed exclusively by the WRRRA.
- The bus was not available to all community groups in the City of Joondalup.
- A precedent could be set by the City listing the assets of community groups/clubs on its asset register.

In order to overcome these major issues, three (3) options have been considered:

- Option 1    Transfer the existing bus to the WRRRA and cease City contributions. This option is not supported by WRRRA.
- Option 2    Keep the current bus and the current arrangements. This option is not supported by WRRRA.
- Option 3    Support the WRRRA's decision to purchase a new bus. This was the preferred option of WRRRA.

### Option 3

In pursuing option 3, the City identified the following steps to be taken:

- 1    The City will sell the existing bus.

- 2 The City will purchase the new vehicle.
- 3 The City will advertise to the public its intension to sell the new vehicle to the WRRRA at a price equal to the change over cost.
- 4 WRRRA and the City will enter into an agreement detailing the financial support provided by the City.

When considering how the City would continue to support the WRRRA service, two (2) options were considered:

- A The City pays the WRRRA a lump sum total in support of the bus and its service, and then ceases any further arrangements with the WRRRA.

This option was not supported by WRRRA or Council (February 2006).

- B A new 5-year agreement is drafted with the City to support the WRRRA's community bus service. Supported by WRRRA.

#### Option B

Based on the City's current level of support, the City would pay insurance on the new bus. A quotation for insurance has been obtained on WRRRA's behalf through LGIS Insurance Broking. This quote enables the WRRRA to insure the bus at a cost of \$1,119.80 in its own name, without the City's involvement.

#### Summary of Costs

<i>Sale of the existing bus</i>	Independent Valuation	\$22,000	(market value)
<i>Purchase of the new bus</i>	On road cost (January 2007)	\$81,665	
	Seatbelts for new bus	\$ 3,480	
	Estimated Changeover Cost	<u>\$63,145</u>	
<i>Agreement (per annum)</i>	Vehicle Maintenance	\$ 2,000	(estimate)
	Insurance	\$ 1,500	(estimate)
	Licensing	\$ 650	
	Total	\$ 4,150	
	Allocation	<u>\$ 4,500</u>	+CPI per annum

#### Proposed Agreement

It is recommended that a new 5-year agreement is developed to meet the needs of the City and the WRRRA. Details of the proposed agreement include:

City to:

- Sign a 5-year agreement with the WRRRA.
- Contribute an annual amount equal of \$4,500 plus CPI towards insurance, licensing and scheduled maintenance (to be claimed back by the WRRRA).
- Negotiate insurance for the bus on behalf of the WRRRA. The cost of the insurance will be met by the WRRRA from the City's annual contribution.

WRRRA to:

- Sign a 5-year agreement with the City.
- Claim back from the City, the costs of insurance, licensing and scheduled maintenance.

This proposal will result in an annual contribution from the City to the WRRRA of \$4,500 plus CPI. It is proposed that in return for this support, the City will require the WRRRA to make the bus service available to all community clubs/groups within the City of Joondalup. Providing wider access to the community will assist to increase usage of the bus, provide additional revenue and assist in the future sustainability of the service.

WRRRA will be responsible for the management of the bus and the processing of all bookings. Any revenue collected by the WRRRA would be used towards the upkeep of the bus and fund raising for the purchase of a new bus in time.

A draft agreement has been developed covering all the details presented in this report and is included as Attachment 1.

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

The service provided by the WRRRA links with the following outcome in the City's Strategic Plan 2003-2008.

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

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

Strategies: 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.2 Provide quality-of-life opportunities for all community members.

1.3.3 Provide support, information and resources.

Outcome: The City of Joondalup has an effective integrated transport system.

Objective: 3.4 To provide integrated transport to meet regional and local needs.

Strategies: 3.4.1 Advocate and facilitate the creation of transport linkages.

**Legislation – Statutory Provisions:**Local Government Act 1995

Part 3 Functions of Local Governments

Division 3 Executive Functions of Local Governments

3.58 Disposing of property

(1) In this section —

“dispose” includes to sell, lease, or otherwise dispose of, whether absolutely or not;

“property” includes the whole or any part of the interest of a local government in property, but does not include money.

(2) Except as stated in this section, a local government can only dispose of property to —

(a) the highest bidder at public auction; or

(b) the person who at public tender called by the local government makes what is, in the opinion of the local government, the most acceptable tender, whether or not it is the highest tender.

(3) A local government can dispose of property other than under subsection (2) if, before agreeing to dispose of the property —

(a) it gives local public notice of the proposed disposition —

(i) describing the property concerned;

(ii) giving details of the proposed disposition; and

(iii) inviting submissions to be made to the local government before a date to be specified in the notice, being a date not less than 2 weeks after the notice is first given; and

(b) it considers any submissions made to it before the date specified in the notice and, if its decision is made by the council or a committee, the decision and the reasons for it are recorded in the minutes of the meeting at which the decision was made.

**Risk Management considerations:**

Providing financial support for a service that is not available to whole community could set a precedent if the City was approached by another organisation to offer a similar service. By requiring the WRRRA in Agreement Clause 3.6 to make the service available to the whole community, this risk is reduced.

**Financial/Budget Implications:**

<b>Account No:</b>		
<b>Budget Item:</b>	Item not currently listed	
<b>Budget Amount:</b>	2007/08	\$4,500
	2008/09	\$4,500 + CPI
	2009/10	\$4,500 + CPI
	2010/11	\$4,500 + CPI
	2011/12	\$4,500 + CPI
<b>YTD Amount:</b>	Nil	

**Policy implications:**

No policy implications were identified.

**Regional Significance:**

The City will require that the WRRRA shall make the bus available to all community organisations in the City of Joondalup. By providing an affordable transport option, this service will increase opportunities for community organisations to participate in activities throughout the City. This allows the organisations to expand their services and networks.

**Sustainability implications:**

No sustainability implications were identified.

**Consultation:**

The City has consulted with the WRRRA since its initial request was received in 2005. The WRRRA is supportive of the recommendations being made in this report.

**COMMENT**

The community bus provided by the WRRRA is valuable to the community organisations that utilise the service. The City is supportive of providing assistance to the WRRRA in the replacement of the existing bus and the continuation of the service. In requiring the WRRRA to expand the availability of the bus service to the wider community, the value of the City's contribution is increased, and gives all community organisations the opportunity to expand the services they offer.

Following the close of submissions as required by the legislation, a further report will be presented to Council before it considers to dispose of the bus and will also detail the proposed agreement between the City and the WRRRA for the continuation of the service.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple majority



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

- 1** In accordance with Section 3.58(3) of the Local Government Act 1995 **AGREES** to give local public notice of the proposed disposition of the community bus to the Whitfords Ratepayers and Recreation Association Inc. for the amount of \$63,145;
- 2** **NOTES** that the procedure to be followed in (1) above invites submissions for a period of two (2) weeks following the placement of the local notice;
- 3** **REQUESTS** a further report to be presented to Council to give consideration:
  - (a)** to any submission received following the Local Public Notice period as required by Section 3.58(3) of the Local Government Act 1995, prior to giving final consideration to disposing of the community bus;
  - (b)** in the event of Council agreeing to dispose of the community bus in 3 (a) above to the necessary terms of agreement for the continuation of the community bus service.

## **ITEM 18                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – MARCH 2007 – [07032] [05961]**

**WARD:**                    All

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

### **PURPOSE**

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

### **EXECUTIVE SUMMARY**

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

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

The normal monthly report on Town Planning Delegations identifies:

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

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of March 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for March 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of March 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	103	15,733,377
R-Code variations (Single Houses)	54	8,746,180
<b>Total</b>	<b>157</b>	<b>24,479,557</b>

The number of development applications received in March 2007 was 111. (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Processed Under Delegated Authority Month of March 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	4	3
Strata Subdivision Applications	0	0

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

## **DETAILS**

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

Not Applicable

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

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

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

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

### **Risk Management considerations:**

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

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

Not Applicable

### **Policy implications:**

Not Applicable

### **Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

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

Of the 103 development applications determined during March 2007, consultation was undertaken for 34 of those applications. Of the 4 subdivision applications determined during March 2007, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

The application for a proposed storage facility and compound at Central Node Foreshore – 239 Whitfords Avenue, Hillarys, submitted by Mullaloo Outrigger Canoe Club, was deferred at Agenda Settlement on 14 February 2007. The application was referred thereafter to the City for consideration under Delegated Authority on 22 March 2007. The agreed recommendation by the Officer acting under Delegated Authority was that the City advise the Western Australian Planning Commission (WAPC) that it does not support the application as it would adversely impact on the amenity of the foreshore area. At this stage, the WAPC has not made a determination on the application.

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

**COMMENT**

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

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

**ATTACHMENTS**

Attachment 1	March 2007 decisions - Development Applications
Attachment 2	March 2007 decisions - Subdivision Applications

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 The determinations made under Delegated Authority in relation to the development applications described in this report for March 2007 forming Attachment 1 to this Report;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in this report for March 2007 forming Attachment 2 to this Report.**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf150507.pdf](#)*

## **ITEM 19                    MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 4 APRIL 2007 – [55511]**

**WARD:** All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Seniors Interests Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

A meeting of the Seniors Interests Advisory Committee was held on 4 April 2007.

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

- Seniors Interests Advisory Committee Industry Representative Nominations;
- Seniors: The Art of Ageing 2007 Seniors Event;
- Eligibility for Seniors' Programs, Services and Payments;
- Presentation – Platinum 50+ Adventure.

*It is recommended that Council:*

- 1 *NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on 4 April 2007 forming attachment 1 to this Report;*
- 2 (a) *BY AN ABSOLUTE MAJORITY ENDORSES the Committee's recommendation that the Seniors Interests Advisory Committee Terms of Reference be amended to increase the number of members to twelve, comprising two Elected Members, four community members and six industry representatives;*  
  
(b) *BY AN ABSOLUTE MAJORITY, APPOINTS Mr Peter Boam, Ms Maria Bunn and Ms Lynda Waterman as industry representatives on the Seniors Interests Advisory Committee;*
- 3 *NOTES the proposed time line, which will enable the seniors' event working group to plan, develop and deliver the 2007 seniors event during the week of 10-14 September 2007.*

### **BACKGROUND**

The SIAC was established for the benefit of exchanging views with residents of the City on matters related to seniors, an ageing population and the need for community input into the Seniors Plan, the Strategic Plan and other matters that impact upon seniors.

In accordance with its role, the Committee identified priority focus areas that complement various tasks and actions of the City's Seniors Plan 2004-2008. These include: seniors' health issues, transport accessibility and affordability and staying active through leisure and entertainment.

Recommendations of the Committee will facilitate progress on initiatives that are generated by the provision of ongoing Seniors Plan status reports. Other initiatives that complement the Seniors Plan such as the Transitions in Ageing Research Project Report will be useful resources to inform the review of the Seniors Plan, whilst the School Volunteer Program promotes intergenerational activities.

## DETAILS

### Issues and options considered:

The Motions moved at the Seniors Interests Advisory Committee meeting held on 4 April 2007 are shown below, together with officer's comments.

#### 1 Seniors Interests Advisory Committee Industry Representative Nominations

The following Motion was moved at the meeting on 4 April 2007:

*"That the Seniors Interests Advisory Committee:*

1 *NOTES the process undertaken to fill the "industry representative" vacancy;*

2 *NOTES the three nominations received from:*

<i>Ms Maria Bunn</i>	<i>Manager, Multicultural Aged Care Service WA</i>
<i>Ms Lynda Waterman</i>	<i>Senior Community Liaison Officer – Commonwealth Carelink</i>
<i>Mr Peter Boam</i>	<i>WA Retirement Villages Residents Association</i>

3 *SUBMITS Mr Peter Boam as its preferred nominee, who members determine to be most appropriate given the Committee's objective, to Council for endorsement and RECOMMENDS to Council that the Terms of Reference be altered to increase the number of members to twelve, comprising 2 Elected Members, 4 community members and 6 industry representatives."*

#### Officer's Comment

An extensive process was undertaken to fill the Committee's "industry representative" vacancy, including advertising widely. Three nominations were received, with some nominees possessing extensive skills, knowledge and experience ideally suited to making a significant contribution to the Committee.

The Committee declared its preferred candidate, whilst acknowledging that given the quality of the other two nominees, it would be advantageous for the Committee to increase its quota of industry representatives and invite the other two nominees to join the Committee. This would strengthen the depth of expertise on the Committee by including two individuals with many years of experience and expertise in contemporary issues such as multicultural aged care and community aged care.

#### 2 Seniors: The Art of Ageing - 2007 Seniors Event

The following Motion was moved at the meeting on 4 April 2007:

*"That the Seniors Interests Advisory Committee:*

1 *NOTES the proposed timeline to plan, develop and deliver the 2007 seniors' event;*

- 2        *ENDORSES that the 2007 seniors event be held during 10-14 September 2007.*

Officer's Comment

The seniors' event working group, which comprises several Committee members and an Officer, is currently meeting fortnightly. Members undertake to attend to various tasks. The working group is on track with the planning and development stages for the seniors' event to be held during the week of 10 –14 September 2007.

**3        Eligibility for Seniors' Programs, Services and Payments**

The following Motion was moved at the meeting on 4 April 2007:

*"That the Seniors Interests Advisory Committee NOTES the information provided in this report."*

Officer's Comment

This report reinforced the difficulty of identifying "seniors" as a single homogenous group. It established that identity, as "a senior" was often a personal choice for people aged fifty onwards. The report also provided information about eligibility for some local, state and commonwealth concessions, payments, services and programs.

**4        Presentation – Platinum 50+ Adventure**

The following Motion was moved at the meeting on 4 April 2007:

*"That the Seniors Interests Advisory Committee DEFERS Item 4 Presentation – Platinum 50+ Adventure to the next meeting of the Committee."*

Officer's Comment

The presentation provided up-to-date and accurate information about the City's Platinum 50+ Adventure Program. It also provided an opportunity for Committee members to ask questions and address concerns to the appropriate Officer who coordinates the program. Guest presenters continue to provide opportunities to inform the Committee and ultimately the community about a wide range of issues.

**Link to Strategic Plan:**

The Seniors Interests Advisory Committee is linked to the Strategic Plan through the following objectives:

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities;
- 1.2 To meet the cultural needs and values of the community;
- 1.3 To continue to provide services that meet changing needs of a diverse and growing Community;
- 1.4 To work with the community to enhance safety and security in a healthy environment;
- 3.3 To continue to meet changing demographic needs;
- 4.3 To ensure the City responds to and communicates with the community.

**Legislation – Statutory Provisions:**

Not Applicable.



**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

The existing policies that are deemed to have the most impact on seniors are:

- Access and inclusion (access to community facilities and public space: overcoming barriers that could prevent participation in community activities);
- Rates (reduced rates for seniors);
- Fees and Charges (reduced fees for seniors for some services);
- Use of community facilities (accommodation provided free of charge to seniors groups under the “subsidised use” policy).

**Regional Significance:**

The Seniors Interests Advisory Committee is a locally focussed group, established by Council to represent and advocate for the needs of seniors within the City of Joondalup.

**Sustainability implications:**

Not Applicable.

**Consultation:**

A consultation plan has been developed to ensure that the Plan captures current issues, trends and concerns.

**COMMENT**

Members continue to participate in decision-making about Committee membership, actively engage in planning and developing the City’s events and activities for seniors and are regularly informed about contemporary seniors issues, services, program and activities within the City and beyond. This ensures that seniors are adequately represented in the City’s planning processes and strategic directions being developed for older people living in the community within the City of Joondalup.

**ATTACHMENTS**

Attachment 1                      Minutes of the Seniors Interests Advisory Committee meeting held on  
4 April 2007

**VOTING REQUIREMENTS**

Absolute Majority

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

- 1 NOTES the unconfirmed minutes of the Seniors Interests Advisory Committee meeting held on 4 April 2007 forming Attachment 1 to this Report;**
- 2 (a) BY AN ABSOLUTE MAJORITY ENDORSES the Committee's recommendation that the Seniors Interests Advisory Committee Terms of Reference be amended to increase the number of members to twelve, comprising two Elected Members, four community members and six industry representatives;**  
  
**(b) BY AN ABSOLUTE MAJORITY, APPOINTS Mr Peter Boam, Ms Maria Bunn and Ms Lynda Waterman as industry representatives on the Seniors Interests Advisory Committee;**
- 3 NOTES the proposed time line, which will enable the seniors' event working group to plan, develop and deliver the 2007 seniors event during the week of 10-14 September 2007.**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf150507.pdf](#)*

## **ITEM 20                    MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 29 MARCH 2007 – [00906]**

**WARD:** All

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

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### **PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

A meeting of the Sustainability Advisory Committee was held on 29 March 2007.

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

- Setting meeting dates
- A Cleaner Energy Future for WA
- Notice of Motion – Cr S Magyar – Peak Oil

It is recommended that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 29 March 2007 forming Attachment 1 to this Report and takes appropriate action in relation to the Motions raised at that Committee meeting.

### **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:

- 1 To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
  - (a) environmentally responsible,
  - (b) socially sound, and
  - (c) economically viable
- 2 To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Councillors, representatives from ECU and TAFE, and community members with specialist knowledge of sustainability issues.

### **DETAILS**

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

The Motions moved at the Sustainability Advisory Committee meeting held on 29 March 2007 are shown below, together with officer's comments.

## 1 Setting Meeting Dates

The following Motion was moved:

*“That the Sustainability Advisory Committee APPROVES an eight weekly meeting cycle with the meeting dates for 2007 to be as follows:*

- 24 May 2007
- 19 July 2007
- 13 September 2007”

### Officer’s comment

No further action is required

## 2 A Cleaner Energy Future for WA

The following Motion was moved:

“That the Sustainability Advisory Committee:

- 1 *NOTES the recommendations made by the Greenhouse and Energy Taskforce in the ‘A Clearer Energy Future’ report to the Minister for the Environment and the Minister for Energy;*
- 2 *ADVISES Council that it should provide WALGA with the following comments associated with the Report following WALGA’s request for feedback:*
  - (a) *Congratulate the State Government on taking the first step towards addressing the greenhouse issue through the Report entitled ‘A Cleaner Energy Future for WA’;*
  - (b) *Express concern at the lack of regulatory direction in the Report;*
  - (c) *Express a desire for the State Government to provide greater financial support to local government in its initiatives in the area of cleaner energy, which have been significant;*
  - (d) *Encourage WALGA to promote local governments’ achievements in the area of cleaner energy through an educational campaign to show the community how well local government as a sector is doing in this area;*
  - (e) *Express a desire for a greater focus on the production and utilisation of biofuels in the Report;*
  - (f) *Express disappointment that the Report does not provide a greater focus on solar power. Such a focus could include the idea of subsidies or support for the approach taken by Japan to promote solar power;*
- 3 *SUGGESTS to Council that item (d) of this response, in particular, be raised at the next meeting of the North Zone of WALGA.*

### Officer’s Comment

Recommendations 2 and 3 are supported.

**NOTICE OF MOTION – CR S MAGYAR – PEAK OIL**

The following Motion was moved:

*“That the Notice of Motion be DEFERRED until the Sustainability Advisory Committee is in receipt of the Oil Depletion Report from the Officers.”*

Officer’s Comment

This report will be submitted to the next meeting on the Sustainability Advisory Committee.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION:**

The following reports were requested at the meeting of the Sustainability Advisory Committee:

**1 Oil Depletion Protocol**Officer’s Comment

This report will be submitted to the next meeting of the Sustainability Advisory Committee.

**2 Potential to enhance bike paths and bike trails with a view to a presentation by the Travelsmart Officer**Officer’s Comment

The Travelsmart Officer will be undertaking a review of the City’s bicycle path system and following that review will present findings and improvement proposal to the Committee.

**Link to Strategic Plan:**

Key Focus Area:

Organisation Development

Objective 4.3

To ensure the City responds to and communicates with the community

**Legislation – Statutory Provisions:**

The Committee is established in accordance with the Local Government Act 1995.

**Risk Management considerations:**

Not applicable.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not applicable.

**Regional Significance:**

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.

**Sustainability implications:**

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by elected members and community representatives with local knowledge and expertise.

**Consultation:**

Not applicable.

**COMMENT**

The Committee received a deputation from Councillor Strachan from the City of Fremantle, which highlighted the initiatives being undertaken by Fremantle to reduce energy consumption and greenhouse gas emissions. One key initiative highlighted was that City of Fremantle Council adopted the Kyoto Protocol in order to highlight to its community how serious the City is about the issue of Climate change. The City of Joondalup will investigate this matter and prepare a report to the Committee on this subject.

**ATTACHMENTS**

Attachment 1            Minutes of the Sustainability Advisory Committee meeting held on 29 March 2007

**VOTING REQUIREMENTS**

Simple Majority.

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

- 1        NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 29 March 2007 forming Attachment 1 to this Report;**
- 2        PROVIDES the Western Australian Local Government Association with the following comments associated with the “Cleaner Energy Future for WA” Report following Western Australian Local Government Association’s request for feedback:**
  - (a)      Congratulate the State Government on taking the first step towards addressing the greenhouse issue through the Report entitled ‘A Cleaner Energy Future for WA’;**
  - (b)      Express concern at the lack of regulatory direction in the Report;**
  - (c)      Express a desire for the State Government to provide greater financial support to local government in its initiatives in the area of cleaner energy which have been significant;**

- (d) Encourage Western Australian Local Government Association to promote local governments' achievements in the area of cleaner energy through an educational campaign to show the community how well local government as a sector is doing in this area;
  - (e) Express a desire for a greater focus on the production and utilisation of biofuels in the Report;
  - (f) Express disappointment that the Report does not provide a greater focus on solar power. Such a focus could include the idea of subsidies or support for the approach taken by Japan to promote solar power;
- 3 REQUESTS that Point (2)(d) above, be raised at the next meeting of the Western Australian Local Government Association North Metropolitan Zone.

*Appendix 18 refers*

To access this attachment on electronic document, click here: [Attach18brf150507.pdf](#)

## **8 REPORT OF THE CHIEF EXECUTIVE OFFICER**

## **9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

### **NOTICE OF MOTION NO 1 – CR MICHELE JOHN - DEVELOPMENT OF AN ELECTRONIC WEB-BASED EMAIL COMMUNICATIONS SYSTEM**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Michele John has given notice of her intention to move the following motion at the Council Meeting to be held on 22 May 2007:

***“That Council REQUESTS the Chief Executive Officer to prepare a report that details the potential development of an electronic web-based email communications system and database that will provide Council with the means of directly communicating advertised public notices to relevant ratepayers and stakeholders on a Ward basis electronically, rather than relying on a weekly printed media which many areas of our community do not receive regularly or at all.”***

### **REASON FOR MOTION**

Cr John submitted the following comment in support of her motion:

“Improving Council’s ability to communicate and liaise with our community and ratepayers will certainly assist the Councillors and the Administration in our public consultation processes.”

### **OFFICER’S COMMENT**

Through discussion with the Community Newspaper Group it is acknowledged that some areas of the community do not receive the local paper on a regular basis. The City has been examining other avenues to communicate with its residents for some time.

One of these ways is to implement a subscription-based web email system that allows members of the public to voluntarily be alerted on information about the City at the time it is posted to the web page. A fortnightly newsletter has recently been provided which appears in the local paper but will be available on-line. Software is currently being tested to allow people to subscribe to the newsletter and this should be available shortly. It is intended to develop this software to allow members of the public to subscribe and be alerted of other areas of interest relating to the City.



**NOTICE OF MOTION NO 2 – CR STEVE MAGYAR - TO CHANGE THE ORDER OF BUSINESS AT ORDINARY MEETINGS OF COUNCIL - [65597]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr Steve Magyar has given notice of his intention to move the following motion at the Council Meeting to be held on 22 May 2007:

*“That Council:*

- 1 *in accordance with Clause 14 of Standing Orders, changes the order of business at ordinary Council meetings:*
  - (a) *by including between Petitions and Reports, Elected Members Questions (With and Without Notice);*
  - (b) *by including between Announcement of Notices of Motion for the next meeting and Closure, Second Public Question/Statement Time;*
- 2 *ENDORSES the rules for Elected Members Question Time detailed in Attachment 1 to this motion;*
- 3 *ENDORSES the rules for Second Public Question Time detailed in Attachment 2 to this motion;*
- 4 *REVIEWS, after six (6) months, the operation of Elected Members Question Time and Second Public Question/Statement Time to determine if the changes were successful and should be formalised into the Standing Orders Local Law.”*

**REASON FOR MOTION**

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

“The cornerstone of democracy is the right to hold those in authority accountable. To hold organisations accountable there must be the opportunity to ask questions.

This motion will make the City of Joondalup more accountable than what it currently is:

Standing Orders states:

*“The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (m) inclusive of this sub clause. The order in which those items are to be dealt with is as resolved by the Council from time to time.”*

Therefore Council may resolve to change the order of business at a Council meeting.

This motion will make the City of Joondalup more accountable to its residents by allowing Elected Members to hold the administration publicly accountable by allowing Elected Members to place on the public record questions asked of the administration.

This motion will make the Council more accountable to its residents by placing on the public record the questions and concerns of the public who stay until the end of the meetings or briefing sessions.

This motion should be assessed by looking at the intent of the Local Government Act 1995, and the roles of the Council and the roles of the Elected Members as described in the Act.

Section 1.3(2) of the Act, states:

*Act is intended to result in –*

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

This motion is intended to result in greater community participation in the decisions and affairs of this local government and greater accountability of this local government to its community.

This motion is intended to assist in Elected Members in performing the roles of Councillors as defined in the Act under section 2.10(a) and (c):

- (a) represents the interests of electors, ratepayers and residents of the district;*
- (c) facilitates communication between the community and the Council.*

It should be noted that the 1995 Local Government Act and Regulations only set the minimum standards for the operations of local governments. There is nothing in the Act or Regulations that prevents a local government in exceeding the minimum standards and showing leadership in its interaction with its local community.”

#### **OFFICER’S COMMENT**

The notice of motion in its current form if carried by the Council can not be enacted due to the fact that the Council does not have the ability by resolution to add new or remove existing items to or from the order of business of the agenda of a Council meeting, it may only alter the order of which they can be discussed. For items to be added or removed from the order of the business of a Council meeting the Council would need to resolve to amend the local law with that process being governed by the Local Government Act 1995.

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf150507.pdf](#)*

## **10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



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

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

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * <span style="float: right;"><i>* Delete where not applicable</i></span> Interest that may affect impartiality*
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

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**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**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](mailto: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**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

**STATEMENT**

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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](mailto: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