



City of
Joondalup

DRAFT AGENDA FOR BRIEFING SESSION

to be held on
TUESDAY 12 JULY 2005
in Conference Room 1,
Joondalup Civic Centre, Boas Avenue, Joondalup
commencing at 6.30 pm

Public Question Time

**Members of the public are requested to lodge questions
in writing by 4 pm on Monday 11 July 2005.
Answers to those questions received within that timeframe will,
where practicable, be provided in hard copy form
at the Briefing Session.**

**GARRY HUNT
Chief Executive Officer
8 July 2005**

BRIEFING SESSIONS

The following procedures relating to the conduct of Briefing Sessions were adopted at the Council meeting held on 31 August 2004.

PURPOSE OF BRIEFING SESSIONS

For the most effective decision-making, elected members/Commissioners must have the opportunity to gain maximum knowledge and understanding of any issue presented to the Council on which they must vote. It is reasonable for elected members/Commissioners to expect that they will be provided with all the relevant information they need to understand issues listed on the agenda for the next or following ordinary Council meetings. The complexity of many items means that elected members/commissioners may need to be given information additional to that in a staff report and/or they may need an opportunity to ask questions of relevant staff members. This is achieved by the elected members/commissioners meeting as a body to receive a briefing on issues listed for Council decision. It is considered Briefing Sessions are much more efficient and effective than elected members/Commissioners meeting staff on an individual basis for such a purpose, with the added benefit that all elected members/Commissioners hear the same questions and answers.

Briefing Sessions conducted by the City are open to the public with the exception of confidential items that are to be considered by Council behind closed doors. In addition to having the opportunity to receive detailed presentations from staff and consultants about matters that are to be on the Council Meeting Agenda for decision, Briefing Sessions are the forum used by the City to receive deputations from the public, ratepayer and other community groups, about matters of interest and due for consideration and decision of Council.

To protect the integrity of the decision-making process it is essential that Briefing Sessions be conducted in keeping with agreed procedures that are consistently applied.

PROCEDURES FOR BRIEFING SESSIONS

- 1 Dates and times for sessions should be set well in advance where practical.
- 2 The CEO will ensure timely written notice and the agenda for each session is provided to all members.
- 3 Session papers should be distributed to members at least three days prior to the meeting. This does not preclude submission of late items where considered appropriate by the CEO.
- 4 The Mayor/Chairman of Commissioners or other designated member is to be the presiding member at all sessions.
- 5 Elected members/Commissioners, employees and consultants shall disclose their financial and conflicts of interest in matters to be discussed.
- 6 Interests are to be disclosed in accordance with the provisions of the Act as they apply to ordinary Council meetings. Persons disclosing a financial interest will not participate in that part of a session relating to their interest and shall leave the meeting room.

- 7 There is to be no opportunity for a person with an interest to request that they continue in the session.
- 8 A record should be kept of all sessions. As no decisions will be made, the record need only be a general record of items covered but should record disclosures of interest with appropriate departures/returns.
- 9 Elected members/Commissioners have the opportunity to request matters be included on the agenda for consideration at future Strategy or Briefing Sessions by:
 - (a) Request to the Mayor/Chairman;
 - (b) Request to the Chief Executive Officer; or
 - (c) Submitting a Notice of Motion to a Council meeting in keeping with Standing Orders.
- 10 An exception to point 7 above would be a situation where a consultant who has/declares a financial interest in the matter, is asked to attend a Strategy or Briefing Session to provide information only, on that matter being considered at the Session.
- 11 Briefing Sessions will be open to the public unless the session is being briefed on a matter for which a formal Council meeting may be closed.
- 12 Briefing Sessions will be the forum that ratepayer, community and other groups and members of the public can make a deputation on Council meeting agenda matters before the Council. Persons wanting to arrange deputations must do so in keeping with the procedures then applicable.
- 13 Items to be addressed will be limited to matters listed on the forthcoming agenda.
- 14 Briefings will only be given by staff or staff and consultants, for the purpose of ensuring that elected members and the public are more fully informed.
- 15 All questions and discussions will be directed through the chair. There will be no debate style discussion, as this needs to take place in the ordinary meeting of Council when the issue is set for decision.
- 16 A period for Public Questions be held at the commencement of Briefing Sessions that relate only to items on the agenda.

PUBLIC QUESTION TIME

Public question time is provided at meetings of Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions raised at the Briefing Session must relate only to items on the agenda.

Prior to the Meeting/Briefing Session

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

At the Meeting/Briefing Session

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

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.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;
- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

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 Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

The following rules apply to public question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions 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 Council employee;*
- *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;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

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.

Disclaimer

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

DEPUTATION SESSIONS

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

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 12 JULY 2005** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted by Mr S Kobelke, Sorrento to the Briefing Session held on 21 June 2005:

Q1 *In the past three years has the Council or its Officers made any direct approaches to owners of the commercial properties on West Coast Drive Sorrento between Raleigh Rd and the Plaza with suggestions that the owners make upgrades to their premises to make them more appealing for tourism or for redevelopment?*

A1 With the exception of any discussions that may have been held during the preparation of the Sorrento Beach redevelopment plan, no.

Q2 *Can the Council provide all information on approaches to discuss redevelopment (both formal and informal) by owners or agents acting for the owners of commercial properties on West Coast Drive Sorrento between Raleigh Rd and the Plaza in the last two years?*

A2 It is not possible to provide this type of information. The organisation receives many enquiries about the development restrictions for land within the City.

Q3 *Currently if a building application/subdivision application is submitted that falls outside Council guidelines, letters are sent to surrounding households requesting comment. Why is it that when a height and scale question is to hand that can quite possibly affect residents up to half a kilometre away the Council still persists in only asking residents within the surrounding 3 or 4 houses?*

A3 As subdivision applications do not involve issues of height and scale, these applications are not advertised for comment. Advertising of development applications is undertaken in accordance with the requirements of Council's Policy 3.1.9 – Height and Scale of Buildings within a Residential Area. The policy is in place to provide some surety to adjoining owners in regard to building bulk and overshadowing. This requires notification of landowners within 15 metres of the subject site, as these will be the owners directly affected by a proposal.

- Q4 *The CEO has announced that consultants will be engaged to undertake a review to draw up a coastal commercial height and scale policy for Joondalup. As the Commissioners would be almost at the end of their time at the City of Joondalup can they confirm now that they would not be prepared to vote on such a policy and defer such a matter on to the incoming Council?*
- A4 This will be a matter for the Council to decide when the draft policy is presented for their determination.

The following questions were submitted by Mr V Cusack, Kingsley to the Briefing Session held on 21 June 2005:

- Q1 *Item 4. 2005/06 Business & Community Directory - Joondalup Business Association. Is this money well spent?*
- A1 This is for the Commissioners to decide. The Joondalup Business Association requested Council to reconsider its decision of 15 March 2005 and reviews were carried out with further options presented. Market research conducted in late 2003 indicated that the project is strong and is recognised within the community.
- Q2 *Item 7 – Public Toilet Facilities in the Joondalup CBD – Community Consultation. A great amount of money is proposed for a temporary solution. What contribution has the business community made to this facility?*
- A2 The toilets are portable and can be relocated elsewhere. The ultimate solution will come about when the City develops off-street parking, and it is intended to have toilets put into such facilities. Consideration has been given to addressing anti-social behaviour and these toilets reduce such activity. The toilets also address the need within the CBD.

The following questions were submitted by Mr M Caiacob, Mullaloo to the Briefing Session held on 21 June 2005:

- Q1 *Item 3 – 2005 Public Participation Strategy. What further amendments were made to the strategy after its internal presentation?*
- A1 There have been some minor changes and improvements as would occur with any report. No significant change has been made.
- Q2 *Item 21 – Response to Proposed State Land Redevelopment and Renewal Authority. The Minister’s reasons for the establishment of this development authority are urban renewal and urban infill projects, transit-orientated development and major regional centres, i.e., Network City. Following residents’ opposition previously to planned urban infill, could I have an indication from the Council and the City as to which suburbs within the City of Joondalup will or may be affected by this planning authority?*
- A2 The CEO has participated in a number of meetings with representatives of the WA Local Government Association (WALGA) and with other Chief Executive Officers. There has been no infill-type placement suggested. The types of projects identified in discussion are matters such as the Midland Redevelopment Authority and Armadale Authority and it is understood the Government is looking at ground fill sites south of Fremantle. There has been no other indication and the proposal of WALGA is focussed on ground fill sites on a partnership basis.

The following questions were submitted by Mr M Sideris, Mullaloo to the Briefing Session held on 21 June 2005:

Q1 *Item 14 – Proposed extension to the existing bottleshop cool room and construction of a second courtyard for the Woodvale Tavern. Could you advise the current patron numbers and the proposed patron numbers for this site?*

A1 Patronage at the Woodvale Tavern is currently limited by legislation to a maximum capacity of 550 persons.

The proposed patron numbers for the Woodvale Tavern will be maintained at 550.

Q2 *Why is there no recommendation to send this out for public comment and advertising, particularly for those people within the affected zone as defined by the Liquor Licensing Act?*

A2 The report comments on the experiences of Council in dealing with alfresco issues at the tavern. The application has been referred to the adjoining landowners but not to the residential owners who are some distance away from the alfresco area. This is a planning application and not an application for the Liquor Licensing Court.

The following question was submitted by Mr S Magyar, Heathridge to the Briefing Session held on 21 June 2005:

Q1 *Re: Outstanding Business item relating to Standing Orders Local Law. Are the Commissioners aware that Mr McIntyre is interested in looking at the issue of Standing Orders? Has the City contacted the Inquiry to see if Mr McIntyre will make any recommendations on Standing Orders?*

A1 The City is not aware of what Mr McIntyre might be putting in his report. It is understood he will not be highlighting what might be in his report. The current Standing Orders Local Law dates from 1997. The CEO is happy to contact the Inquiry office but is not hopeful of a definite response.

4 APOLOGIES AND LEAVE OF ABSENCE

5 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Manager, Approvals Planning & Environmental Services, Mr Chris Terelinck, declared an interest that may affect his impartiality in Item 9 – State Administrative Tribunal Appeal No 67 of 2005: Lewis Timms vs City of Joondalup – Medical Centre Extension: Lot 715 (110) Flinders Avenue, Hillarys as one of the Doctors at the practice is a personal acquaintance.

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ITEM 1 CHANGE OF TIME OF COUNCIL MEETING - [02154]**WARD:** All**RESPONSIBLE****DIRECTOR:** Garry Hunt
Chief Executive Officer

PURPOSE

To change the time of the Council Meeting to be held on 9 August 2005 from 7.00pm to 12 noon to facilitate the presence of students from high schools within the district.

EXECUTIVE SUMMARY

At the Council Meeting held on Tuesday 28 June 2005 it was resolved:

That Council:

- 1 *NOT PROCEED with the proposal to hold a future Council Meeting at an alternative venue due to the relatively small area of the City of Joondalup;*
- 2 *In order to increase the profile and importance of civic issues amongst local students, INVITES Student Council members from all high schools within the district to attend the Council meeting due to be held on Tuesday, 9 August 2005 during Local Government Week 2005;*
- 3 *REQUESTS the Chief Executive Officer to investigate the possibility of holding the Council meeting scheduled for Tuesday 9 August 2005 during school hours.*

It is recommended that the 9 August 2005 Council Meeting commence at 12 noon (instead of 7.00pm) to allow Student Councillors from all high schools within the district to attend as part of a City of Joondalup initiative to increase the profile and importance of civic issues amongst local students.

BACKGROUND

It was requested that a report on the costs associated with holding a Council Meeting at a suitable location within the City of Joondalup other than the Council Chamber be undertaken.

Such a report was undertaken and presented to Council at its meeting held on Tuesday 28 June 2005.

Following discussion of the report, Council resolved the following at the meeting held on Tuesday 28 June 2005:

That Council:

- 1 *NOT PROCEED with the proposal to hold a future Council Meeting at an alternative venue due to the relatively small area of the City of Joondalup;*

- 2 *In order to increase the profile and importance of civic issues amongst local students, INVITES Student Council members from all high schools within the district to attend the Council meeting due to be held on Tuesday, 9 August 2005 during Local Government Week 2005;*
- 3 *REQUESTS the Chief Executive Officer to investigate the possibility of holding the Council meeting scheduled for Tuesday 9 August 2005 during school hours.*

Council, at the meeting held on 4 November 2004, resolved the meeting schedule for 2005, which determined that Council Meetings commence at 7.00 pm.

It is now necessary to resolve to officially change the time of the Council Meeting due to be held on Tuesday, 9 August 2005 from 7.00 pm to 12 noon to facilitate the presence of high school students at that meeting.

DETAILS

Issues and options considered:

The original intent of the report presented to the 28 June 2005 Council Meeting was to examine the feasibility of holding a Council Meeting at a venue other than the Council Chambers.

The Council resolved that rather than hold a Council Meeting at one high school within the district, that an option was to invite student councillors from all high schools within the district to a Council Meeting.

Link to Strategic Plan:

The proposal is consistent with the following Strategic Objectives as outlined in the City's Strategic Plan 2003-2008:

- 1.1.3 Support whole-of-life learning and creation of knowledge opportunities;
- 1.3 To continue to provide services that meet changing needs of a diverse and growing community; and
- 4.3 To ensure the City responds to and communicates with the City.

Legislation – Statutory Provisions:

Regulation 12 (2) of the Local Government (Administration) Regulations 1996 requires a local government to give local public notice of any change to the date, time and place of a meeting:

“12. Public notice of council or committee meetings – s.5.25(g)

- (1) *At least once each year a local government is to give local public notice of the dates on which and time and place at which –*
 - (a) *the ordinary council meetings; and*
 - (b) *the committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public, are to be held in the next 12 months.*
- (2) *A Local Government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).”*

This is the only statutory provision to be adhered to when considering this proposal. The Council has previously resolved its meeting schedule for 2005, any change to this would require an amendment to the original decision and appropriate advertising.

Risk Management considerations:

Nil.

Financial/Budget Implications:

The cost involved in providing notice of the change in meeting time will be approximately \$500 in local advertising.

Policy implications:

Not Applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Consultation has been undertaken with all 13 high schools within the City of Joondalup. Initial indications through discussions with the school is there is strong support for the concept.

COMMENT

In order to facilitate the presence of Student Councillors from all high schools within the district it is necessary to change the time of the Council Meeting on 9 August 2005 from 7.00pm to 12 noon.

It is important to ensure that students return to their school prior to finishing time of that school to allow them sufficient time to connect with their usual form of transportation home. Consultations have revealed that most schools finish at 3.10pm, while some finish at 2.45pm.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 in accordance with the Local Government (Administration) Regulations 1996, AMENDS the commencement time of the Ordinary Meeting of Council scheduled to be held on Tuesday, 9 August 2005 from 7.00 pm to 12 noon;**
- 2 in accordance with the Local Government Act 1995, GIVES local public notice of the change of meeting time as detailed in (1) above.**

ITEM 2 PROTOCOLS FOR PUBLIC QUESTION AND STATEMENT TIME - [12950] [02154] [08122] [10567]

WARD: All

RESPONSIBLE DIRECTOR: Garry Hunt
 Chief Executive Officer

PURPOSE

For the Council to consider the outcomes of the public workshops and to seek further consultation on a set of protocols for public question and statement time.

EXECUTIVE SUMMARY

The Council at its ordinary meeting held on 14 December 2004 agreed to: -

- *NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;*
- *AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;*
- *AGREE to the community being involved in developing protocols for public question time and statement time within the constraints imposed by the Local Government Act 1995 and the need for Council meetings to progress the ordinary business of the Council.*

The Council further agreed at its ordinary meeting held on 26 April 2005: -

1 *Council AGREES to invite all members of the following committees to be part of developing the protocols for public question time and statement time:*

- *Conservation Advisory Committee*
- *Sustainability Advisory Committee*
- *Senior Interests Advisory Committee*
- *Youth Advisory Council*
- *CBD Enhancement Committee*

2 *A report on the findings of the workshops be PRESENTED to Council in June 2005.*

A workshop was held where all members of the nominated committees were invited. A total of 17 committee members attended and took part in the workshop by working in groups and responding to questions pertaining to protocols for public question and statement time.

The feedback from the workshop has been collated and analysed. The following is a summary of the findings:

- There is support for a time-slot for a statement time;
- By allowing public statements, the City will be better informed about matters of public interest and may receive information that better informs the decision-making process of Council;

- A timeframe of between 2 and 4 minutes should be permitted per statement with the Chair making decisions dependent on the circumstances;
- Council should respond formally to statements, if only to acknowledge and thank people making statements and records should be kept of both statement and response;
- There was a mixed response as to whether a statement should precede a question that is asked during public question time;
- Questions at Public Question Time should be limited, with support for a maximum of 2 minutes per person. Ultimately, the Chair can make these decisions dependent on circumstances;
- Most participants supported the notion that written questions should be submitted 5 working days prior to the meeting of Council where a response is requested;

Following the analysis, a proposed set of guidelines has been prepared and is submitted to the Council for its consideration. It is recommended that the guidelines be advertised for public comment.

BACKGROUND

The Council at its meeting held on 14 December 2004 resolved to:

- *NOTE the request from the electors to include a public statement time at Council meetings and Briefing sessions;*
- *AGREE to give consideration to the inclusion of a public statement time when reviewing the guidelines relating to public question time;*
- *AGREE to the community being involved in developing protocols for public question time and statement time within the constraints imposed by the Local Government Act 1995 and the need for Council meetings to progress the ordinary business of the Council.*

Further to that resolution, the Council at its meeting held on 26 April 2005 resolved that:

- *Council AGREES to invite all members of the following committees to be part of developing the protocols for public question time and statement time:*
 - *Conservation Advisory Committee*
 - *Sustainability Advisory Committee*
 - *Senior Interests Advisory Committee*
 - *Youth Advisory Council*
 - *CBD Enhancement Committee*
- *a report on the findings of the workshops be PRESENTED to Council in June 2005.*

All members of the nominated committees were forwarded details in early May 2005 of a proposed workshop to be held on 23 May 2005 in an effort to commence the consultation process in developing such protocols for public question and statement time.

DETAILS

A total of 45 committee members were invited to attend the scheduled workshop that was held on Monday 23 May 2005. Members were requested to indicate their attendance by 11 May 2005. Those members who had not been in contact were followed up with a telephone call. Of those invited, 17 people attended the workshop with representation of each of the committees being in attendance.

The participants were grouped in tables of 4 or 5 and worked through a series of questions relating to public question and statement time in an effort to develop an agreed position for a response. Where consensus could not be achieved this was recorded accordingly.

Issues and options considered:

Following the workshop, the responses of each table were collated and were analysed accordingly in order to present a draft set of protocols to the Council for consideration. A copy of the report that summarises the findings is attached.

In summary the participants of the workshop presented the following outcomes: -

- There is support for a time-slot for a statement time;
- By allowing public statements, the City will be better informed about matters of public interest and may receive information that better informs the decision-making process of Council;
- A timeframe of between 2 and 4 minutes should be permitted per statement with the Chair making decisions dependent on the circumstances;
- Council should respond formally to statements, if only to acknowledge and thank people making statements and records should be kept of both statement and response;
- There was a mixed response to whether statements should precede questions;
- Questions at Public Question Time should be limited, with support for a maximum of 2 minutes. Ultimately, the Chair can make these decisions dependent on circumstances;
- Most participants supported the notion that written questions should be submitted 5 working days prior to the meeting of Council where a response is requested.

As a result of the outcomes, draft protocols detailing the two options have been developed to govern the operations of a public statement and question time at Council meetings and Briefing Sessions. These are attached to this report.

In essence, the two options are proposing to either:

- Separate public question time and statement time in two distinct, allocated sessions as part of the order of business of Council meetings, or;
- Combine the asking of public questions and public statements into one part of the order of business.

Option 1:

A summary of the proposed protocols is as follows:

- Introduction of a public statement time;
- Public statement time will be for fifteen (15) minutes.
- Individual statements are not to exceed two (2) minutes per person;

- Statements made at a Council meeting must relate to the operations of the City of Joondalup. Statements made at a Special Meeting of the Council must relate to the purpose of the meeting. Statements made at Briefing Sessions must relate to a matter contained on the draft agenda.
- Members of the public wishing to make a statement are to register and the Presiding Member will call persons forward from the register;
- Statements are to be directed to the Presiding Member and are to be made with respect, and are not to be offensive, insulting to any person, slanderous or defamatory;
- Statements and any response will be summarised and included in the notes/minutes of the Briefing Session or Council meeting, with a response also being forwarded to the member of the public;
- For questions that require a response at the Council meeting or Briefing Session, it is requested that they be provided in writing to the CEO within the following deadlines:
 - For Briefing Sessions
 - by close of business on the working day immediately prior to the scheduled Briefing Session;
 - For Council meetings
 - By close of business two working days prior to the scheduled Council meeting;
- Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time will not exceed thirty (30), which includes the asking of and responding to questions.
- Each member of the public may ask two (2) questions and not exceed two (2) minutes in total – Members of the public are requested to ask both their questions at the same time. This allows for a more accurate time account per person.
- Statements are not to precede the asking of a question during public question time.
- Statements and Public Questions asked at a Briefing Session must relate to items listed on the draft agenda.

Option 2:

A summary of the proposed protocols is as follows:

- A combined period as part of the order of business for Council meetings and Briefing Sessions to allow members of the public to ask questions or make a statement.
- Members of the public wishing to ask a question or make a statement are to register and the Presiding Member will call persons forward from the register.
- When called, members of the public must indicate if they are asking a question or making a statement.
- Each member of the public will be allocated a maximum of two (2) minutes to ask questions or make a statement.
- Each member of the public may ask two (2) questions and not exceed two (2) minutes in total – Members of the public are requested to ask both their questions at the same time. This allows for a more accurate time account per person.
- Questions and statements are to be directed to the Presiding Member and are to be made with respect, and are not to be offensive, insulting to any person, slanderous or defamatory;

- Questions and statements and any response will be summarised and included in the notes/minutes of the Briefing Session or Council meeting, with a response also being forwarded to the member of the public;
- For questions that require a response at the Council meeting or Briefing Session, it is requested that they be provided in writing to the CEO within the following deadlines:
 - For Briefing Sessions
 - by close of business on the working day immediately prior to the scheduled Briefing Session;
 - For Council meetings
 - By close of business two working days prior to the scheduled Council meeting;
- Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time will not exceed thirty (30), which includes the asking of and responding to questions.
- Statements and Public Questions asked at a Briefing Session must relate to items listed on the draft agenda.

Link to Strategic Plan:

Outcome – The City of Joondalup is an interactive community

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

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

The Local Government Act 1995 and associated Regulations require that a period of time be allocated at the commencement of every Council meeting for the asking of and responding to questions asked by members of the public. The rules associated with the conduct of public question time are detailed within the legislation; however, public statement time is not a statutory requirement.

Section 5.25 of the Local Government Act 1995 states:

- 1 Time is to be allocated for questions to be raised by members of the public and responded to at —
 - (a) every ordinary meeting of a council; and
 - (b) such other meetings of councils or committees as may be prescribed.
- 2 Procedures and the minimum time to be allocated for the asking of and responding to questions raised by members of the public at council or committee meetings are to be in accordance with regulations.

The Local Government (Administration) Regulations 1996 state: -

Regulation 5 - Question time for the public at certain meetings — s. 5.24(1)(b)

For the purposes of section 5.24(1)(b), the meetings at which time is to be allocated for questions to be raised by members of the public and responded to are —

- (a) every special meeting of a council;
- (b) every meeting of a committee to which the local government has delegated a power or duty.

Regulation 6 - Minimum question time for the public — s. 5.24(2)

- 1 The minimum time to be allocated for the asking of and responding to questions raised by members of the public at ordinary meetings of councils and meetings referred to in regulation 5 is 15 minutes.
- 2 Once all the questions raised by members of the public have been asked and responded to at a meeting referred to in subregulation (1), nothing in these regulations prevents the unused part of the minimum question time period from being used for other matters.

Regulation 7 - Procedures for question time for the public — s. 5.24(2)

- 1 Procedures for the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) are to be determined —
 - (a) by the person presiding at the meeting; or
 - (b) in the case where the majority of members of the council or committee present at the meeting disagree with the person presiding, by the majority of those members, having regard to the requirements of subregulations (2), (3) and (5).
- 2 The time allocated to the asking of and responding to questions raised by members of the public at a meeting referred to in regulation 6(1) is to precede the discussion of any matter that requires a decision to be made by the council or the committee, as the case may be.
- 3 Each member of the public who wishes to ask a question at a meeting referred to in regulation 6(1) is to be given an equal and fair opportunity to ask the question and receive a response.
- 4 Nothing in subregulation (3) requires —
 - (a) a council to answer a question that does not relate to a matter affecting the local government;
 - (b) a council at a special meeting to answer a question that does not relate to the purpose of the meeting; or
 - (c) a committee to answer a question that does not relate to a function of the committee.

- 5 If, during the time allocated for questions to be raised by members of the public and responded to, a question relating to a matter in which a relevant person has an interest, as referred to in section 5.60, is directed to the relevant person, the relevant person is to —
- (a) declare that he or she has an interest in the matter; and
 - (b) allow another person to respond to the question.

Risk Management considerations:

The risk to the Council is that failure to properly consider the findings of the workshops may dilute the public participation process.

Financial/Budget Implications:

Not applicable.

Policy implications:

It is proposed that after the due public participation and consultation has occurred, a revised set of protocols will be agreed to and form the policy of the Council.

Regional Significance:

Not Applicable

Sustainability implications:

The City recognises its responsibilities to work with its community towards an environmentally, socially and economically sustainable future. Consideration of the recommendations of the Governance Review Panel will enhance the social aspect of sustainability by demonstrating improved governance practices for the benefit of the community of the City of Joondalup.

Consultation:

The arranged workshop held on 23 May 2005 was Phase I of the consultation process in developing the protocols relating to public question and statement time. Following consideration by the Council it is suggested that the draft set of guidelines be consulted with the wider community for a period of thirty (30) days prior to the final guidelines being adopted by the Council.

COMMENT

The process followed in preparing the draft set of protocols for public question and statement time has proven beneficial in obtaining the feedback from members of the public in determining reasonable guidelines for the operation of the time periods.

The primary purpose of a meeting of the Council is to allow the Council to make informed decisions in the best interests of the City. A component of the meeting is to allow members of the public to ask questions. Option 1 intends that the order of business will be public question time, followed by public statement time. Option 2 would see a combined period for public questions and statements.

The draft set of protocols generally encapsulates the findings of the workshops. It is suggested that the draft set of protocols be made available for public comment for a period of thirty days. Appropriate notice will be placed in the local newspaper and on the City's website, and the participants of the workshops will be forwarded copies to provide additional comments.

ATTACHMENTS

Attachment 1	Option 1 - Draft protocols for public question time and public statement time
Attachment 2	Option 2 - Draft protocols for public question and statement time
Attachment 3	Report on public question/statement time workshop – 24 May 2005.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 AGREES to seek public comment on the draft protocols relating to public question and statement time for a period of thirty (30) days;**
- 2 REQUESTS a further report on the protocols relating to public question and statement time following the conclusion of the public comment period as detailed in (1) above.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf120705.pdf](#)

ITEM 3 MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING - 16 JUNE 2005 - [00906]

WARD: All

RESPONSIBLE Garry Hunt
DIRECTOR: Chief Executive Officer

PURPOSE

The unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 June 2005 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 16 June 2005. Items of Business included a presentation on the Swan Catchment Council's draft State of Environment Reporting template.

This report recommends that Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 June 2005 forming Attachment 1 to this Report.

BACKGROUND

The Sustainability Advisory Committee is a Council Committee that advises and makes recommendations to Council on policy and appropriate courses of action, which promote sustainability that is (1) environmentally responsible, (2) socially sound and (3) economically viable. Committee membership comprises members from the community and representatives from Edith Cowan University.

At its meeting on 5 May 2005 the Sustainability Advisory Committee passed the following resolution:

“SEEKS a representative from the Swan Catchment Council to give a presentation on the draft State of Environment template and that an invitation be extended to Conservation Advisory Committee members and relevant staff from across the organisation to attend the presentation.”

This item of business progresses the above stated resolution that was subsequently noted by Council at its meeting on 7 June 2005.

DETAILS

Issues and options considered:

The Sustainability Advisory Committee presided over one item of business; State of Environment Reporting (SOE). The development of a framework to report against the current SOE is a high priority action identified in the SAC work plan endorsed in 2004. Given the Swan Catchment Council is currently developing a SOE template for local government, the Sustainability Advisory Committee sought to have a presentation on this item. The Swan Catchment Council template for SOE provides consistency in reporting natural resources for local governments and links with the reporting requirements of the State Government and the Swan NRM (NRM) Strategy. The Swan Catchment Council requested comment and review from the Sustainability Advisory Committee on the draft State of Environment template.

Other issues discussed were within general business and related to a tabled article on the peaking of oil, a report entitled *Balancing Act*, A triple bottom line analysis of the Australian Economy and the television show 'Australian Story' that dealt with the restoration of streams and wetlands.

Link to Strategic Plan:

State of Environment Reporting links to the City's Strategic Plan in the following way:

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

Strategies:

2.1.1 Maintain and protect natural assets to retain biodiversity.

2.1.3 *Develop a coordinated environmental framework, including community education.*

Legislation – Statutory Provisions:

A new clause has been added to the content and intent part of the Local Government Amendment Act 2004 to make it clear that local governments need to consider sustainability outcomes. The amendment is as follows:

s.1.3 Content and Intent

“(3) In carrying out its functions a local government is to use its best endeavours to meet the needs of current and future generations through an integration of environmental protection, social advancement and economic prosperity (sustainability).”

Risk Management considerations:

SOE reporting needs to consider the following risks:

- SOE reporting requires the full support and input from across the organisation;
- Officer resource time for collation and ongoing maintenance of information as per agreed reporting period;
- Potential for local governments to use the information as a means of unfair comparison; and

- External funding assistance unknown and pending completion of NRM Investment Plan.
- The template needs to be modified to address local government core business activities and functions and discretionary activities in NRM in order for local government to report against existing data;
- The template needs to reflect areas that local government have influence and control, otherwise local government may find it hard to report against the template parameters.

Financial/Budget Implications:

Not applicable.

Policy implications:

This report has a general connection with the Environmental, Social and Economic Sustainability Policy 2.6.4.

Regional Significance:

The development of SOE reporting for the City of Joondalup has considerable regional significance given the template's alignment with regional objectives and the strategic direction of the state and federal government with regards to NRM. The template provides Local Governments with a resource of regional NRM issues, responses and indicators, to which local level issues and current / proposed response can be added and evaluated against.

Sustainability implications:

The utilisation of a SOE reporting template provides a cost effective and efficient use of resource given this is a NRM partnership project between the Swan Catchment Council and Local Governments in the Swan Region. This was a clear identified need by Local Governments to have consistent templates for environmental reporting structures such as SOE Reporting.

The SOE template has considerable environmental considerations as it provides the framework for the City to examine the current condition and pressures on natural resources within the City. This provides a baseline and better understanding of the natural resources within the City enabling a holistic long term management approach to be developed in which to progress target setting for the desired condition of natural resources within the City.

Consultation:

The SOE template is being developed by extensive consultation with various Local Governments, regional Local Government organizations, Department of Environment (State SOE team) and WALGA. The presentation to the Committee is part of the consultation and engagement process.

COMMENT

The draft Swan Catchment Council SOE reporting template is being finalised. Upon its finalisation, the SOE reporting template will be released by the Swan Catchment Council as an additional resource for Local Governments to use in their voluntary NRM reporting.

The requirement to develop a framework for SOE reporting is a high priority action identified in the Sustainability Advisory Committee's Strategic work plan (Strategy 3.1). The SOE reporting template being developed by the Swan Catchment Council is recommended to the City, as it provides consistency in environmental reporting for Local Governments throughout the Swan Region as well as consistency with national, state and regional reporting on NRM. It also provides access to support from the Swan Catchment Council including a readily accessible source of regional NRM information and access to regional partnership and funding opportunities.

The Sustainability Advisory Committee made the following recommendations:

REQUESTS Council to request that the Chief Executive Officer ENSURES that sufficient work will be undertaken on the State of Environment reporting, such that it can inform the review of the City of Joondalup's Strategic Planning processes.

And

REQUEST Council to ENDORSE the City's further involvement with State of Environment Reporting.

It is the officer's considered opinion that the City's endorsement of the draft State of Environment Reporting is premature at this stage. Although in principle support of the template is given, the purpose of this item was to seek comment and review from the Sustainability Advisory Committee that can be included in future considerations where appropriate, in accordance with the committee's strategic work plan (Strategy 3.1).

ATTACHMENTS

Attachment 1 Unconfirmed minutes of the Sustainability Advisory Committee meeting, 16 June 2005.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 16 June 2005 forming Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf120705.pdf](#)

ITEM 4 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETINGS HELD ON 25 MAY 2005 AND 29 JUNE 2005 - [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic
Infrastructure and Operations

PURPOSE

To note the confirmed minutes of the Conservation Advisory Committee Meeting held on 25 May 2005, and the unconfirmed minutes of 29 June 2005.

EXECUTIVE SUMMARY

Meetings of the Conservation Advisory Committee were held on Wednesday 25 May 2005 and 29 June 2005.

The confirmed minutes of the meeting held on 25 May 2005 and the unconfirmed minutes of the meeting held on 29 June 2005 are submitted for noting by Council.

It is recommended that Council:

- 1 *NOTES the confirmed Minutes of the Conservation Advisory Committee held on 25 May 2005 forming Attachment 1 to this Report;*
- 2 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 29 June 2005 forming Attachment 3 to this Report.*

BACKGROUND

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

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

DETAILS

Issues and Options Considered:

The CAC meetings of 25 May and 29 June 2005 both considered the Burns Beach Foreshore Management Plan. The Plan has been developed for the Burns Beach Property Trust, as a requirement of the Structure Plan for the proposed Burns Beach Subdivision.

Mr Jason Hick the Environmental Manager from Cardno BSD Pty Ltd addressed both meetings and answered questions from Committee Members. The Committee requested at the May CAC meeting that the proposed dual use pathway as described in the Plan be moved further east to avoid large scale disturbance of the dunal system, and that the botanical information contained within the plan be revisited for accuracy. At the June meeting Mr Hick tabled a revised plan with the changes. The Committee supported the plan in principle.

The Executive Summary from a series of strategic planning workshops held for the future direction of the Conservation Advisory Committee was tabled at the May CAC meeting (Attachment 2 Refers). These workshops were facilitated by Helen Hardcastle from Learning Horizons.

Link to Strategic Plan:

Key Focus Area

Caring for the Environment

Outcomes

The City of Joondalup is environmentally responsible in its activities.

Objectives

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

Strategies

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

Legislation – Statutory Provisions:

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

Risk Management considerations:

N/A

Financial/Budget Implications:

N/A

Policy implications:

N/A

Regional Significance:

N/A

Sustainability implications:**ENVIRONMENTAL**

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

SOCIAL

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

Consultation:

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

COMMENT

An opportunity has been provided for the Conservation Advisory Committee to consider and provide feedback on the Burns Beach Foreshore Management Plan. This process provides the City with the expertise of the Committee members in its deliberations of this plan.

The Conservation Advisory Committee made the following recommendations at the 29 June 2005 meeting:

- 1 The Conservation Advisory Committee (CAC) thank Mr Jason Hick and his company Cardno BSD Pty Ltd for the presentation and in addressing the many issues raised by the members of the CAC.
- 2 The CAC supports in principle the revised draft of the Burns Beach Foreshore Management Plan and seeks the opportunity for further involvement and input as the plan is developed.

The Committee also made another recommendation regarding a decision by Western Power to move the proposed substation from the southern boundary of Hepburn Heights Bushland to a suite within Pinnaroo Cemetery as follows:

“The Conservation Advisory Committee supports the use by Western Power of the alternative substation site in Pinnaroo Cemetery reserve and urges the Commissioners to approve the development application.”

It is considered unnecessary for these recommendations to be endorsed by Council, however they can be noted accordingly.

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Minutes of 25 May 2005 meeting of the Conservation Advisory Committee |
| Attachment 2 | The Executive Summary of the Strategic Planning Workshops held by the Conservation Advisory Committee |
| Attachment 3 | Minutes of the 29 June 2005 meeting of the Conservation Advisory Committee |

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the:

- 1 confirmed Minutes of the Conservation Advisory Committee held on 25 May 2005 forming Attachment 1 to this Report.**
- 2 unconfirmed Minutes of the Conservation Advisory Committee held on 29 June 2005 forming Attachment 3 to this Report.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf120705.pdf](#)

ITEM 5 MODIFICATIONS TO TOWN PLANNING DELEGATION - [46302]

WARD: All

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

PURPOSE

For Council to consider modifications to clarify the intent of the Town Planning delegation previously adopted on 12 October 2004.

EXECUTIVE SUMMARY

At its meeting held on 12 October 2004, Council resolved to adopt a revised Town Planning delegation (CJ240-10/04 Refers). The Council at its meeting of 28 June 2005 undertook its annual review of all its delegations. In the report presented to the Council it was advised that a further review of the Town Planning delegations would occur. The revisions to the delegation notice included a re-structuring to the notice of delegation.

Two further “formal” delegations are sought to confirm current procedures that staff have the ability to:

- request applicants to provide additional information; and
- referral of development applications to other authorities.

It has also been found during the use of the delegation that potential conflicts may exist between different clauses of the delegation that needs clarification.

An unforeseen effect of the changes made at the October 2004 meeting has resulted in the Coordinator Planning Approvals and the Senior Planning Officers having their powers reduced through the re-structuring of the delegation. Prior to October 2004, these officers had the authority to grant approval to complying non-residential developments or where the development involved a maximum 10% variation to certain development standards specified in the delegation (setbacks, open space and on-site car parking). Since the adoption of the October 2004 resolution, those applications have to be referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, for approval. This has resulted in delays in the process without any real benefit to the applicant as staff have to spend time preparing delegated authority reports for consideration by the Director or Manager and then arranging meeting times to discuss these applications. The intent of the October 2004 delegation review was to restructure the delegation without the addition of further powers unless expressly sought.

In the interest of good governance and to provide clarity to stakeholders, minor amendments to the delegation are proposed. Therefore, it is recommended that the Council adopts the minor changes as outlined in Attachment 1.

BACKGROUND

The Council adopted a new Town Planning Delegation at the meeting held on 12 October 2004. The notice of delegation was prepared in 'consultation' with the City's solicitors. Since the implementation of the delegation, a number of issues have arisen, which in the interests of good governance and transparent decision-making require clarification to assist with implementation of the delegation.

The purpose of the delegation is to facilitate the determination of development applications, the provision of advice to agencies on subdivision applications and related procedural matters.

DETAILS

Issues and options considered:

To continue with this process results in delays to the approval process and loss of staff time in preparing reports and having to meet with senior staff on these development applications, without any real benefits. Alternatively, clarification of the wording will result in a return to the original delegation powers with improved processing times and better use of staff resources.

Outline of Changes:

The proposed changes to the delegation document are outlined below:

- For the purposes of clarification, amendments have been made to clause 2(a) and (b) to make reference to '*development for the purpose of*'. This is to make it clearer that extensions and additions to single, grouped and multiple dwellings are delegated.
- There are two new paragraphs (f) and (g) in clause 2. The effect is that the Director and Manager are delegated two further matters. These relate to the ability of the delegated officer to request further information in relation to development applications and the referral of development applications to other authorities.
- Clause 2 (c) has been modified to match clause 3 (ii) to keep the wording of the delegation consistent.
- Clause 3 (vi) has been deleted, as it is a matter that is already covered by clause 3 (v) and it is unnecessary to have two separate provisions.
- Clause 3 (vii) has been deleted as it is in potential conflict with clause 3 (ii) (now clause 3 (b)).
- Clause 3 (ii) has further been modified to prevent any potential conflict to those powers conferred to the Coordinator Planning Approvals and Senior Planning Officer through clause 3 (i).

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making process.

Legislation – Statutory Provisions:

Clause 8.6 of District Planning Scheme No 2 permits town planning functions to be delegated.

The clauses are:

8.6 *Delegation of Development Control Power, and Powers and Duties in Relation to Other Planning Functions*

8.6.1 *The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate to all or any of the persons or committees referred to in Schedule 6, any power conferred or duly imposed on the Council under this Scheme.*

8.6.2 *Any delegation made under sub-cause 8.6.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.*

8.6.3 *A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.*

8.6.4 *A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.*

8.6.5 *A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power of the Council, insofar as such provisions are reasonably applicable.*

8.6.6 *A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.*

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. A review of the delegation notice is important to ensure that changes relating to or affecting the decision making process are identified and addressed.

Financial/Budget Implications:

An effective delegation process provides greater value for money in terms of staff time through clumsy processes where simple applications might be unnecessarily elevated to Council.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Consultation obligations and commitments are not affected by the Notice of Delegation.

COMMENT**Governance Review**

The town planning delegations were the subject of one recommendation (recommendation 32) of the Governance Review, being:

The Mayor or any other elected member should not be involved in the exercise of delegated authority. In the case of planning issues at the City of Joondalup the District Planning Scheme No 2 should be amended to permit the Director Planning and Community Development to exercise the delegated authority without consultation.

Form of the Delegation

The form of the delegation has been drafted in accordance with legal advice and reflects the previous delegated authority adopted on 12 October 2004. It is not proposed to substantially alter the extent of the delegation powers that were granted. The intention is to clarify specific delegations to respective levels and the limits of those levels of determination.

The proposed delegation allows the Director Planning & Community Development and Manager Approvals, Planning & Environmental Services to implement aspects of the District Planning Scheme No 2 that relate to the determination of certain types of development applications and to process subdivision applications.

The Coordinator Planning Approvals and Senior Planning Officers (Planning Approvals) have authority to approve development applications that are in compliance with District Planning Scheme No 2, or with minor variations to the applicable standards.

Identified deficiencies

The use of the October 2004 delegation for determining the process for development applications has highlighted a potential for misinterpretation of some parts of the notice.

The October 2004 delegation has resulted in some uncertainty in the application of the delegation in certain parts. The Delegation Notice prior to the current Delegation Notice granted on the 12 October 2004 clearly provided decision-making powers to the Coordinator Planning Approvals and the two Senior Planning Officers to determine applications for Planning Approval for a land use class listed in Table 1 (other than single house, grouped dwelling or multiple dwelling) that complies with the District Planning Scheme No 2, or have a variation of less than 10% of the minimum requirement for setbacks, on-site car parking or landscaping. However, the current Delegation Notice does not clearly state that such delegation powers exist for land uses other than residential developments.

Due to this uncertainty, these officers have not been exercising these powers that they previously had. This has resulted in staff having to prepare reports on these developments for consideration by the Director Planning and Community Development and/or the Manager, Approvals, Planning and Environmental Services. Additional time and effort is now required to determine these development applications, which did not occur in the past.

As part of the review of the delegation, it was established that certain parts of the Scheme may need a formal resolution of delegation to cover current practice. These additional powers relate to staff being able to request applicants to submit additional information or referring applications to other authorities for comment. There was some uncertainty whether these matters had to be referred to Council for resolution or were part of the current delegation and as such, has been referred to Council to clarify this matter.

New Amendments

The proposed amendments are outlined below:

Delegations to Director & Manager Approvals Planning & Environmental Services

For the purposes of clarification, amendments are proposed to clause 2(a) and (b) to make reference to *'development for the purpose of'*. This should make it clearer that it is not only development of a single house, grouped or multiple dwelling that is delegated, but also other development for that purpose, ie extensions and additions to the uses listed above.

There are two new paragraphs (f) and (g) in clause 2. The effect is that the Director and Manager are delegated two further administrative matters. These changes "formally" delegate to the Director and Manager the authority to be able to:

- (i) request further information in relation to development applications under clause 6.1.2; and
- (ii) refer applications to other authorities under 6.4 of DPS2 as required.

It should be noted that these functions were implied in previous delegations and operating practices but were not documented. The proposed change adds clarity to that aspect of the Notice.

By way of clause 3, these matters are also delegated to the Coordinator Planning Approvals and the Senior Planning Officer.

Clause 2 (c) has been modified to match clause 3 (ii) to keep the wording of the delegation consistent.

Delegation to Coordinator Planning Approvals & Senior Planning Officers (Approvals)

Clause 3 (vi) has been deleted, as it is a matter that is already covered by clause 3 (v) and it is unnecessary to have two separate provisions.

Clause 3 (vii) has been deleted as it is in conflict with clause 3 (ii) (now clause 3 (b)). This allows greater clarification of the powers conferred under the delegation to the Coordinator Planning Approvals and Senior Planning Officer. It should be noted that the power conferred is not greater than originally intended but rather removes a potential conflict between the two relevant clauses.

Clause 3 (ii) has been modified to prevent any potential conflict to those powers conferred to the Coordinator Planning Approvals and Senior Planning Officer through Clause 3 (i).

Other Changes

There has also been some minor drafting and grammatical changes including the clause numbering system to make the delegation more consistent throughout the document.

The changed clauses are tracked in the current delegation.

Approval Process

The amendments to the delegation will clarify and streamline the current delegation practice of the City's Approvals, Planning & Environmental Services.

Conclusions

It is recommended that the delegation be adopted and be effective up until 30 June 2007 so that its period of operation is consistent with other delegations that are within the City's Delegation Manual, which are reviewed on an annual basis.

ATTACHMENTS

Attachment 1 Current delegation with tracked changes

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, ADOPTS the Town Planning Delegation as outlined in Attachment 1 to this Report and the delegation to remain effective until 31 June 2007.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf120705.pdf](#)

BACKGROUND

Suburb/Location:	Lot 200 (157) Kinross Drive, Kinross
Applicant:	Cardno BSD
Owner:	Masterkey Properties Pty Ltd
Zoning:	DPS: Commercial
	MRS: Urban

The subject site is 1836m² in size and is currently vacant. The site is located adjacent to residential development with a density of R40 and opposite to the subject site, existing residential development at a density of R20. The site is located in close proximity to a number of services on Kinross Drive, which includes a bus route, a nearby local park, a high school, a primary school and a neighbourhood commercial centre located on the corner of Kinross Drive and Edinburgh Avenue.

The subject site is listed under Schedule 3 of the DPS2 as Portion Lot 2 (400) Burns Beach Road (North) with a maximum retail floor space area of 500m². Should Council resolve to approve the proposed rezoning after the completion of the advertising period, Schedule 3 of the DPS2 will have to be amended to reflect the removal of the allocated retail floor space.

In October 2004, Council approved a 96 place child care centre on the subject site (report CJ237-10/04 refers). The applicant has not lodged a Building Licence and the site remains undeveloped.

DETAILS

Issues and options considered:

The application proposes to rezone Lot 200 (157) Kinross Drive, Kinross from 'Commercial' R20 to 'Residential' R30. The R30 density would allow the development of six (6) dwellings, while the current R20 density would allow the development of four (4) dwellings.

The indicative development plan submitted by the applicant shows six (6) single storey dwellings (Attachment 3 refers). The proposed single storey grouped development will front Kinross Drive with a common driveway servicing the proposed four (4) rear dwellings and two separate driveways to service the front two (2) dwellings. While the plan is indicative only, it does demonstrate the potential development of the lot.

The issues associated with the proposed amendment on the subject lot include:

- Suitability of proposed residential land use and density code
- The viability of the commercial zoned land and previous approval of a child care centre.

The options available to Council in considering this proposal are:

- Non-support of the initiation of the amendment to the DPS2, or
- Support the adoption of the amendment for the purpose of public advertising

Applicant's Submission

In their submission, the applicant has raised the following comments to attempt to justify support of the amendment:

- *The rezoning will not alter the fabric or character of the immediate locality given that the adjoining land has already been developed at an R40 density.*
- *The subject site is proposed to be rezoned for residential purposes, as development for 'Commercial' related purposes is not considered to be a practical option on the basis of the potential retail floor space that could be accommodated on the subject lot. Council has previously permitted a non-retail land use being developed on the subject lot, which is the approved child care centre.*
- *The rezoning and future development of the land for grouped dwellings is in keeping with elements of Liveable Neighbourhoods Community Design Codes, by promoting a mix of housing types that will take advantage of existing infrastructure such as public transport and pedestrian links to future and existing commercial centres. The Liveable Neighbourhoods Community Design Codes seek to promote a range of higher residential densities close to commercial centres in order to promote the economic viability of these commercial centres by increasing patronage.*
- *The proposed development of the subject site for residential purposes is a practical alternative use as the site is well placed to take advantage of the existing commercial and service activities that surround the subject site. The City has adopted a comprehensive Structure Plan to facilitate the development of Kinross Neighbourhood Centre that is located on the corner of Selkirk Drive and Connelly Drive, which is to the southeast of the subject site. Furthermore, there is an existing commercial centre located on the corner of Kinross Drive and Edinburgh Avenue, which is approximately 1 kilometre from the subject site that is easily accessible via the existing public transport and pedestrian linkages along Kinross Drive.*
- *It would be undesirable for a commercial outlet to be developed on the site and then fail, leaving vacant premises that reduce the amenity of the area. The trend within the residential area is to locate convenience stores within local neighbourhood centres with retail floor space of 1000m². Also, convenience stores are being incorporated in modern service stations that are exposed to passing vehicle movement increasing their viability.*

Link to Strategic Plan:

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

Objective: 3.3 to continue to meet changing demographic needs.

Strategy 3.3.1 provide residential living choices.

Legislation – Statutory Provisions:

Section 7 of the Town Planning and Development Act 1928 (TPD ACT 1928) together with Section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and set out the process to be followed (Attachment 4 refers).

Should the Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

Upon closure of the advertising period, the Council considers all submissions received during the advertising period and resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment. The decision is then forwarded to the Western Australian Planning Commission (WAPC) that makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

The proposal has significance to the local neighbourhood and to the provision of retail floor space within the neighbourhood. The proposal will not have any regional significance.

Sustainability implications:

The rezoning will facilitate the development of six (6) medium density dwellings. The development of the medium density housing is considered appropriate given the location of the subject site to a number of services that includes a bus route on Kinross Drive, a nearby local park, a high school, a primary school and a local neighbourhood centre. This accords with strategy 3.3.1 "Provide Residential Living Choices" of the City's Strategic Plan and the state government policy – Liveable Neighbourhoods Community Design Code.

Consultation:

The Town Planning Regulations 1967 require that, should Council adopt the amendment, it be advertised for a period of forty-two (42) days. All adjoining landowners would be notified in writing, a notice placed in the local and state newspapers and a sign placed on the site. The proposed amendment would also be displayed on the noticeboard at the Council administration building and on the City's website.

COMMENT

Suitability of proposed Residential land use

The proposed R30 density is lower than the two adjoining lots to the east of the subject land, which are zoned R40 and have been developed to this density with single storey grouped dwellings. The form and configuration of the 6 grouped dwellings proposed for the site (Attachment 3 refers) are of similar scale and type (single storey) to existing development prevailing on the adjoining lots.

The proposed rezoning from Commercial R20 to Residential R30 is more consistent with surrounding residential development than a commercial development. As other surrounding land is zoned R20, the proposal represents a 'transitional' zone between existing Residential R20 and R40 zoned land and would not impact on the street amenity.

It is not expected that the proposed rezoning will generate any traffic related issues, and therefore a traffic survey/study has not been deemed necessary.

With respect to the proposed rezoning from 'Commercial' to 'Residential', the rezoning of the land is supported as the anticipated future use of the land is for residential purposes. Proper and orderly planning principles dictate that the zoning applied to the land should closely align with the use of the land, and the rezoning of the site is considered appropriate in this context.

Viability/desirability of Commercial Zoned land and previous approval of a Child Care Centre

It may be argued that the loss of Commercial zoned land will prevent the establishment of a local retail establishment, such as a convenience store. Whilst it is recognised that there would be a loss of Commercial zoned land, it is acknowledged that commercial uses on the subject site do not appear viable given its location and allocated retail floor space. This has previously been recognised with the approval of a child care centre on the site.

Under the DPS2, the permitted land uses within the Commercial zone is not restricted to retail activity. Land uses such as offices, consulting rooms, medical centres and restaurants are permitted ('P') use classes within the Commercial zone, however, these types of development would be limited due to the size and location of the subject lot. The development of a retail activity (like a convenience store) on the site is also not guaranteed.

The Kinross locality is well serviced by the existing commercial centre on the corner of Kinross Drive and Edinburgh Avenue. This commercial centre is located approximately 1 kilometre from the subject site and offers a variety of shopping outlets. The proposed development of the Kinross Neighbourhood Centre, located on the corner of Selkirk Drive and Connolly Avenue, will also offer a variety of commercial services and outlets. Given the 500m² of retail floor space that is allocated to the subject site under Schedule 3 of the DPS2 and the location of surrounding commercial activity, it would limit the size and viability of any proposed retail activity.

The development of six (6) medium density dwellings for residential purposes is expected to take advantage of public transport, community services and retail facilities available in close proximity to the subject site, which promote environmental and economic sustainability. The development of grouped dwellings is compatible with adjoining and surrounding land uses, and is likely to enhance the amenity of the immediate area. It is recommended that the Council initiates and adopts the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

ATTACHMENTS

Attachment 1	Proposed Amendment No 30 to District Planning Scheme No 2 Zoning Map
Attachment 2	Proposed Amendment No 30 to District Planning Scheme No 2 R-Code Map
Attachment 3	Site plan for future 6 grouped dwelling upon the subject land
Attachment 4	Aerial plan showing subject site
Attachment 5	Town Planning Scheme Amendment process flow chart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928, AMENDS the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' with a density code of R20 to 'Residential', with a density code of R30 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 of the site is required.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach 4brf120705.pdf](#)

ITEM 7 REVIEW OF HOME BUSINESS POLICY 3.1.11 - [13048]

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

PURPOSE

To review the current Home Business Policy to align the current policy with the City's District Planning Scheme No 2 (DPS2).

EXECUTIVE SUMMARY

The Home Business Policy operates in recognition of the need to accommodate the growing trend towards working at home, whilst recognising that people still regard residential areas primarily as a place to live. The policy provides a set of guidelines that are applied when home business applications are considered.

It is considered that the Home Business Policy has been operating very successfully and fundamental changes are not proposed. However, following a review, it is proposed to update references within the policy that relate to Council's previous Town Planning Scheme and include guidelines on the provision of on site car parking.

It is recommended that Council in accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the revised Home Business Policy 3.1.11 as per Attachment 1 for the purpose of public advertising for a period of twenty-one (21) days for public comment.

BACKGROUND

The Home Business Policy was first adopted in June 1999 (Report CJ213-06/99 refers) and has been subject to minor reviews in September 1999 (Report CJ297-09/99 refers) and February 2002 (CJ020-02/02 refers).

DETAILS

Issues and options considered:

The Home Business Policy supplements DPS2 by providing relevant details relating to each category of Home Business. This includes:

- Number of customers
- Floor space
- Hours of operation
- Protection of amenity
- Management Plans (Category 3 only)

The policy also includes provisions relating to community consultation in instances where a home business proposal is seeking variations to the standards provided in the policy.

The review of the policy was initiated to evaluate its performance since its inception in September 1999. Whilst the policy is performing satisfactorily, some minor changes are proposed to guide the provision of onsite car parking bays for the proposed Home Business and to align the current policy to the appropriate clauses of the DPS2.

The amendments proposed to the current policy are as follows (Attachment 1 refers):

- Replacing reference to section 3.24 of the Town Planning Scheme to read:
4.4 of the City's District Planning Scheme No 2.
- Statements for the provision of car parking for the three categories of Home Businesses which reads:
 - i. Category 1
No additional car bays necessary.
 - ii. Category 2
2 bays for the residents of the dwelling, plus 1 bay per customer.
 - iii. Category 3
2 car bays for the residents of the dwelling, plus 1 per number of intended clients that are expected to visit the premises.
- Additional statement for Category 3 Home Business with regards to clients visiting the premises, which reads:

Customer visits must be by appointment only.

Link to Strategic Plan:

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

Objective: 3.3 To continue to meet changing demographic needs.

Strategy 3.3.1 Provide residential living choices.

Objective 3.5 To provide and maintain sustainable economic development.

Strategy 3.5.2 Assist the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

Clause 8.11 of DPS2 outlines the provisions with respect to the preparation of local planning policies and amendments or additions to policies.

Risk Management considerations:

The policy provides parameters for decision making thereby promoting consistency in those decisions and reducing the risk of ad hoc or inappropriate decisions.

Financial/Budget Implications:

In the 2004/2005 financial year the City received \$8050 in fees for Home Business applications.

Policy implications:

To improve the performance of the Home Business Policy by:

- Providing guidelines to the Home Business applicant for the provision of onsite car bays.
- To align the current Home Business Policy with DPS2.

Regional Significance:

Not Applicable

Sustainability implications:

Working from home has positive sustainability implications. These include improved quality of family life and the creation of diverse employment opportunities. Furthermore home businesses decrease the dependency on the home vehicle for commuting purposes, which significantly reduces the impact on the environment.

Consultation:

Once a draft policy is prepared or proposed to be modified, it is required to be advertised in accordance with clause 8.11.3 of DPS2 by way of a notice published once a week for two consecutive weeks in the local newspaper giving notice where the draft policy may be inspected. The draft policy would also be advertised on the City's website. The specified period for advertising should not be less than twenty-one (21) days.

COMMENT

This policy has been operating for approximately six (6) years, and is considered to function well. The intention of revising the current Home Business Policy 3.1.11 is to provide guidelines to the applicant for the provision of onsite car parking.

Providing guidelines for the provision of car parking for the three (3) categories of Home Business will enable the City to monitor the number of visitors to a premise should the City receive any complaints that relate to the operating home business. The provision of car parking guidelines will also ensure the protection of the street amenity as all car parking is to be provided on site and no on street parking is permitted.

It is also intended to align the current policy with the DPS2 as the current policy refers to clauses and parts from the previous Town Planning Scheme No 1. This will ensure that the appropriate statutory provisions of DPS2 are relevant when considering applications for Home Business within the City of Joondalup locality.

ATTACHMENTS

Attachment 1 Home Business Policy 3.1.11 (Revised)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council in accordance with clause 8.11.3 of District Planning Scheme No 2 ADOPTS the revised Home Business Policy 3.1.11 as per Attachment 1 to this Report for the purpose of public advertising for a period of twenty-one (21) days for public comment.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf120705.pdf](#)

ITEM 8 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – MAY 2005 - [07032]

WARD: All

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

PURPOSE

To provide an explanation of the town planning delegated authority report included in this agenda and to submit items of Delegated Authority to Council for noting.

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

This report provides a list of the development applications determined by those staff members with delegated authority powers during May 2005 (Attachment 1 Refers).

The total number of development applications determined for May 2005 (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
May 2005	93	3,692,917

The number of development applications received in May 2005 was 97.

BACKGROUND

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

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Joint Commissioners, at their meeting of 12 October 2004 considered and adopted the most recent Town Planning Delegation.

DETAILS**Issues and options considered:**

N/A

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.

City development is a key focus area of the City's Strategic Plan. The proposals considered by staff acting under delegated authority relate closely to the objectives of providing for a growing and dynamic community.

The Council adopted the Delegation of Authority instrument after detailed consideration, in accordance with the Strategic Plan objective of providing a sustainable and accountable business.

The delegation is necessary due to the large volume of development applications received for development within the City. It is a key instrument in providing a range of services that are proactive, innovative and using best practice to meet organisational and community needs. This is also a strategy of the City' Strategic Plan.

Legislation – Statutory Provisions:

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

Risk Management considerations:

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

Financial/Budget Implications:

N/A

Policy implications:

N/A

Regional Significance:

N/A

Sustainability implications:

N/A

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 93 applications determined during the report summary period, consultation was undertaken for 45 of those applications.

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.

Without such a mechanism, it would be exceptionally difficult for the Council to be properly informed to make decisions itself, regarding approximately 70-100 planning applications per month.

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

The delegation notice itself outlines specific delegations to respective levels and the limits to those levels of determination. The delegation allows the Director Planning & Community Development and Manager Approvals, Planning & Environmental Services to implement aspects of the District Planning Scheme No 2 that relate to the determination of certain types of development applications, and to process subdivision applications.

The Coordinator Planning Approvals and Senior Planning Officers (Planning Approvals) have authority to approve development applications that are in compliance with the District Planning Scheme No 2 or with minor variations to the applicable standard.

ATTACHMENTS

Attachment 1 May 2005 Approvals

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Council NOTES the determinations made under Delegated Authority in relation to the applications described in this report for the month of May 2005.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf120705.pdf](#)

Manager, Approvals Planning & Environmental Services, Mr Chris Terelinck, declared an interest that may affect his impartiality in Item 9 – State Administrative Tribunal Appeal No 67 of 2005: Lewis Timms vs City of Joondalup – Medical Centre Extension: Lot 715 (110) Flinders Avenue, Hillarys as one of the Doctors at the practice is a personal acquaintance.

ITEM 9 STATE ADMINISTRATIVE TRIBUNAL – REVIEW OF DECISION - APPEAL NO 67 OF 2005: LEWIS TIMMS VS CITY OF JOONDALUP - REVISED PLANS FOR EXTENSION TO EXISTING MEDICAL CENTRE FOR OFFICE USE: LOT 715 (110) FLINDERS AVENUE, HILLARYS - [04412]

WARD: Whitfords

RESPONSIBLE DIRECTOR: Clayton Higham
Planning and Community Development

PURPOSE

This report is for Council to determine its position in relation to revised plans that have been submitted as part of the mediation process under the State Administrative Tribunal Act.

EXECUTIVE SUMMARY

A mediation session was held with the State Administrative Tribunal (SAT) on 21 March 2005. At this meeting, it was agreed that the appellant be given the opportunity to submit revised plans detailing modifications to the design of the building for the purpose of:

- (a) ameliorating the impact of the building bulk;
- (b) allowing the preparation of a detailed acoustic report to deal with:
 - (i) the attenuation of noise from the existing loading bay;
 - (ii) potential impact of noise from the proposed undercroft car park,
 - (iii) noise from the air-conditioning plant located on the roof of the existing and proposed building; and
 - (iv) any other attenuation measures that may be necessary.

The applicant provided amended plans on 14 April 2005 for the proposal in an attempt to address the reasons for refusal of the original proposal considered at the Council Meeting dated 23 November 2004 and the issues raised by the adjoining property owners.

The revised plans developed through the mediation process were presented to the Council at the meeting held on 17 May 2005 (Confidential Report CJ098–05/05 Refers). Council resolved as follows:

- 1 *DEFERS consideration of this matter and that the State Administrative Tribunal and the applicant:*

- (a) *be advised that Council believes that as the original application for planning consent was determined having regard to the submissions received from the surrounding property owners, any revised application should be referred to them for further comment,*
- (b) *be REQUESTED to give sympathetic consideration to this request from Council and support an extension of time to permit consultation with the adjoining property owners on the revised plans before a decision is made by Council on the revised plans that have been submitted as part of the mediation process.*
- 2 *in the public interest ADOPTS a policy that in cases of the review being considered by the State Administrative Tribunal that involves the City of Joondalup, that the State Administrative Tribunal be requested to remove the requirement that mediation is to be a private matter.*
- 3 *DELEGATES authority to the Chief Executive Officer to waive this policy in special cases.*

The applicant agreed to the proposal being re-advertised and to an extension to the timeframe for a decision to be forwarded to the State Administrative Tribunal, as was requested by Council at its meeting dated 17 May 2005.

The next teleconference on the matter has been set for Monday 24 July 2005 at 4:30pm.

In the meantime, the revised plans were re-advertised to the affected adjoining landowners. Submissions were received in response to the request for comments. Having regard to the:

- submissions received from the adjoining property owners;
- changes made to the original plans that now form part of the revised plans;
- additional information provided by the applicant, including the acoustic report;

it is recommended that Council advise the State Administrative Tribunal that the modified plans for the proposed extension to the existing medical centre for office use is acceptable, subject to the imposition of certain conditions.

BACKGROUND

The proposed development is for an extension to the existing medical centre at Hillarys Shopping Centre. The existing medical centre has an east-west orientation and is located close to the southern boundary of the site, which adjoins residential properties.

The proposal is to extend the development further westwards, covering the existing open car parking area. The subject site slopes downwards from east to west with the proposed structure maintaining the same upper floor level. Therefore, the extension would be two-storey in nature, with non-retail commercial space proposed on the upper floor (up to 3 tenancies) and car parking provided on the ground floor in the form of an undercroft parking area.

The extension is proposed to be constructed of the same materials as the existing medical centre.

At the SAT mediation hearing held on 21 March 2005, the applicant raised various points to support the existing application. Those points are identified below:

- The proposal will help attenuate noise from the Coles loading dock and block light overspill from the existing Coles site, for those properties to the south;
- The structure has a residential quality (i.e. pitched roof) which will blend in well with the existing adjoining residential properties;
- There is no substance to the City's claims of excessive bulk and scale issues as the proposal meets with residential standards, even though the development is on a commercial site:
- - complies with the threshold of the City's Policy 3.1.9 – "Height and Scale of Buildings within a Residential Area" (there are no height controls for the Commercial Zone);
 - complies with residential overshadowing requirements for lots zoned R20, as set out in the Residential Design Codes 2002, clause 3.9.1.
- The proposed setbacks meet with the requirements of the City's District Planning Scheme No 2;
- The setbacks also comply with the requirements set out in the Residential Design Codes 2002;
- Noise from the air-conditioning units could easily be attenuated by relocating the systems in order to meet with the Australian Standards;
- The air-conditioning units can be screened to alleviate any unsightliness;
- Noise from the undercroft car parking area would be no worse than that which currently exists for the open car parking area;
- There will be no privacy issues as the windows proposed to the southern side elevation will be fully obscured glazing;
- The undercroft parking can be locked for security purposes. Will comply with whatever requirements the City requests.
- There is ample parking on the site to cater for the proposed extension.

The applicant believed that the above justification easily addressed any concerns that Council may have had when making its decision at its meeting held on 23 November 2004.

In spite of this position, the appellants agreed to submit amended plans and provide an Acoustic Consultant's Report (received on 14 April 2005) in response to concerns raised:

- (a) by the adjoining landowners, identified in the Council report of 23 November 2004; and
- (b) during the mediation hearing at SAT on 21 March 2005.

The revised amended plans include the following modifications:

- A recess in the southern façade of the building, totalling an area of 7.46m² to provide a break in the continual wall, to reduce the impact of building bulk; and
- Provision of a new suspended wall from the underside of the proposed first floor slab, located along the entire northern façade of the proposed extension to create an acoustic barrier from the proposed undercroft car parking area.

The submitted Acoustic Consultant's Report (Gabriels Environmental Design Pty Ltd) suggests that the proposed extensions will comply with the requirements of the Environmental Protection (Noise) Regulations 1997. The applicant states that the noise from the proposed air-conditioning condenser units, undercroft car parking and existing Coles loading dock will be attenuated by the following:

- Air-conditioning condensing units to be located within a roof-well that is cut into the southern rake of the roof pitch. This is to maximise the distance between the condensing units and the southern residential boundary. The setback of the air conditioning units has subsequently increase from 6.0m to 8.939m;
- Internal faces of roof-well are to be lined with acoustically absorbent medium to minimise acoustic reflections;
- Condensing units are to be mounted to condenser deck via vibration isolation mounts achieving a vibration isolation efficiency of 98%;
- Weatherproof louvers to be provided on the eastern, southern and western side of the condenser deck, such that equipment is not visible to the adjoining residences;
- Recommended that the condensing units operate between the hours of 7am – 10pm Monday to Saturday and not before 9am on Sundays (and Public Holidays);
- Provision of an acoustically absorbent medium to the underside of the soffit within the undercroft car parking area. This will control any “cavern” effect by absorbing sound energy, rather than allowing it to reflect;
 - perforated metal with 50mm fibreglass insulation over;
 - perforated 75mm anticon. Fifty percent knitted shade cloth can be installed underneath to increase vandal resistance,
 - 38mm thick Enviro spray 300 – this is a spray on Cellulose Fibre material.
- The proposed extensions have the potential to reduce noise transmission from the Coles loading dock to some of the residences along Akera Close (especially numbers 23 and 25) to the south of the subject development (no attenuation will occur for house numbers 19 & 21 and line of sight still occurs).

In conclusion, the applicant's report states that the proposed extension will generally provide a positive outcome. With correct positioning and specification of the condensing units, the rooftop mechanical equipment will comply with the Environmental Protection (Noise) Regulations 1997. The potential cavern effect created by the undercroft car parking area will be controlled via provision of an acoustically absorbent lining to the underside of the concrete soffit. Furthermore, the noise from the Coles loading bay will be significantly reduced as a result of the extension to the residences at numbers 23 and 25 Akera Close, Hillarys.

The applicant has also provided information from Wood & Grieve Engineers (dated 13 April 2005) which states that the current lighting illumination spillage into the adjoining properties to the west and south of the subject site from within the car parking area, complies with the relevant Australian Standards for light spillage.

Application History

23/11/2004	Application refused at Council Meeting
20/01/2005	Notice of Hearing received from the State Administrative Tribunal
09/03/2005	Directions Hearing held at State Administrative Tribunal
21/03/2005	Mediation Session held at State Administrative Tribunal
17/05/2005	Application presented to the meeting of the Council
24/05/2005	Application advertised to surrounding property owners as requested within Council's determination of 17/05/2005
07/06/2005	Advertising period complete

Suburb/Location: Lot 715 (110) Flinders Avenue, Hillarys
Applicant: Patterson Group Architects
Owner: Shawm Pty Ltd & Clifford Stagg & David Stagg & Nola Stagg
and three other(s)
Zoning: **DPS:** Commercial
MRS: Urban

DETAILS

Issues and options considered:

N/A

Link to Strategic Plan:

N/A

Legislation – Statutory Provisions:

State Administrative Tribunal Regulations 2002.

Risk Management considerations:

N/A

Financial/Budget Implications:

Should this matter go to a full hearing, legal representation will be required at the hearing as it is a Class 2 appeal.

Policy implications:

N/A

Regional Significance:

N/A

Sustainability implications:

N/A

Consultation:

The original proposal, which was refused at the Council meeting dated 23 November 2004, was advertised for a period of twenty-one days in accordance with the requirements of the Scheme. From the public consultation, 6 submissions of objection were received. The issues raised within those submissions were in relation to the following issues:

- Windows, the disruption and loss of privacy;
- Air-conditioning plant, visual and audio impact;
- Undercover parking, sound proofing and security;

- Potential for commercial floor space to be used for activities outside of normal trading hours;
- Antisocial behavior;
- The height of the building will completely dwarf and block out any winter sun;
- The actual definition of the building's usage is very obscure. What is meant by non-retail;
- Commercial floor space;
- The scope of the building is excessive.

As requested by Council at the meeting held on 17 May 2005, the proposed amended development was re-advertised for a period of 14 days in accordance with clause 6.7.2 of District Planning Scheme No. 2 by way of letters, which were sent to adjoining landowners being the properties deemed most affected by the proposal. A total of 5 submissions were received, being 1 non-objection and 4 objections. (Note: 4 of the submissions received were received after the advertising period had closed, which includes the non-objection). A summary of the submissions is as follows:

Submissions/Comment	Officer's Comment
The noise from the shopping centre is bad enough now. I do not approve of any more additions nor extensions until the sound proofing wall near Coles has been completed to satisfaction.	Additions to enclose the existing loading dock for Coles was approved under delegated authority on 04/04/2005. To date the construction of this enclosure is not yet completed. The Council is not in a position to extend the timeframe, set by the State Administrative Tribunal, for a decision on the subject application based on another development being completed to the satisfaction of surrounding neighbours.
The proposed extension will only add to the already existing problems adjoining residents face in relation to increased traffic noise with delivery trucks forced to park and idle their trucks along the western boundary whilst having to unload in the Coles loading dock.	The existing location for the loading and unloading of vehicles/trucks associated with Coles will not change as a result of this application. A noise acoustic report has been prepared, which seeks to address matters relating to the proposed building.
Greater use of the back lane by traffic other than deliveries to Coles – in and out both directions.	The lane, which runs along the western side of the site boundary, is a one-way service access lane. It should be noted that access to the medical centre undercroft car park is currently possible from two different directions, one of which is from the eastern side of the site, which does not require the use of this access lane. The level of car parking availability has not increased with this proposal as the development is proposed to be located over existing car bays. Therefore it is not agreed that the proposal will cause a significant increase in the level of traffic movements along the one-way access laneway to the western side boundary.
Further loss of privacy into homes.	It will be requested that the proposed windows, to be located along the southern facade of the extension, shall be of fixed obscured materials to prevent any overlooking. This can be included as a condition. Furthermore it will requested that two of the four windows proposed along the western façade, being the two windows closest to the southern boundary, should be of fixed obscure materials to prevent any possible overlooking into the adjoining properties to the south of the subject site. It is not considered that there will be any potential for overlooking into the properties to the western

Submissions/Comment	Officer's Comment
	side of the site due to the distance of the subject extension from the boundary.
Loss of light due to the height of the building, being on a higher level than adjoining properties.	It is agreed that the subject site is on a higher level than those properties, which adjoin to the south. It is also agreed that some overshadowing will occur into these properties. There are no overshadowing requirements set out within the City's District Planning Scheme No 2 for commercial development. However, the overshadowing that would occur into these properties would comply with the overshadowing requirements as set out by the Residential Design Codes 2002 (for R20 lots) if the subject development were for a residential dwelling. Furthermore the proposed commercial development would be located within the threshold limits of the City's Policy 3.1.9 – "Height and Scale of Buildings within a Residential Area" if it applied to commercial buildings.
The plans show multiple large size windows overlooking the rear of my property, which includes two bedrooms and a presently secluded spa and entertaining area. Please consider making a condition of approval the use of ceiling level, obscure glass windows for this area of the building.	As stated above, it will be requested that the windows, which face the adjoining properties to the south of the existing site, including two western façade windows, be of fixed obscured material to prevent any overlooking. This can be included as a condition.
The air-conditioning units are shown to be on the residential side of the Medical Centre, overlooking my property. The aesthetics and the production of background noise from this plant would be unacceptable. Relocating the air-conditioning units to the internal (northern) side of the building, an area that faces the blank side of the supermarket would alleviate these concerns.	The applicant has provided an Acoustic Consultant's Report, which include measures to alleviate noise emissions from the proposed air-conditioning unit. Within this report the applicant has provided details as to configuration and design of the condensing units to aid in the attenuation of noise along with an increased setback from 6.0m to 8.939m from the adjoining southern boundary. Additionally the applicant is proposing to use weatherproof louvers so that the condenser units will not be visible from the adjoining residential properties. The measures taken by the applicant in this instance are considered to be acceptable.
The existing undercover parking at the medical centre has security fencing, a measure that was undertaken to discourage certain undesirable section of the public that found its privacy attractive for performing illegal activities. The development proposal has no evidence of security fencing for the new section of undercover parking.	The revised plans show there to be a new gate, being a metal sliding gate as per existing detail. Therefore this issue has been addressed as per the request of the adjoining neighbour.
The sound of an automobile within an undercover car park is amplified to unacceptable levels for a residential border. With the increased level of activity this proposal is intended to produce and the noise emanating from a virtual sounding board into my property, would be obscene. Please consider making a condition of approval that this undercover parking is fully enclosed with solid construction. This would negate both security and the audio concerns.	The applicant has provided evidence, which suggests that the provision of an acoustically absorbent medium to the underside of the soffit under-croft car parking area will reduce reverberation and would comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Along with the restriction of the hours of the use of the car parking area it is considered that the measures taken are sufficient in attenuating the noise levels emanating from the proposed car parking area.

<p>The proposal indicates the use of the facility to be non-retail commercial floor space. This potentially would involve activities operating outside normal trading hours. This seems an unreasonable proposal for a building that immediately borders residential properties. Please consider the restriction of use to normal trading hours, the same as those kept by the current facility, before allowing development.</p>	<p>As per the recommendation within the report (CJ098 – 05/05), which was presented to Council on 17/05/2005, it was proposed that a separate planning application would be required to be submitted and approved for the proposed use of the non-retail commercial tenancies prior to occupation. This was incorporated into the recommendation to assess the proposed uses and the possible affect that they would have on the adjoining landowners. The applicant had previously noted in writing that the new additions were to be used as non-retail commercial floor space indicating professional offices, travel agents, video stores, community radio, health club, wellness centre and bank as possible uses. As there is no specific use for all these categories to be considered as one use under the City's District Planning Scheme No. 2, any approval given should be for one of the stated uses. The use of the premises as an office would be considered suitable in this instance. Parking has been based on 1 bay per 30sq/m of NLA, which would also suit that of an office use. Therefore any other use proposed for the additions would require that a separate planning approval be given for a change of use other than that of an office use.</p>
<p>A note for consideration. The developer in question has not complied with Council and local residents concerns. Unresolved issues regarding the original development are still in progress. Little or no consideration has yet been shown for the neighbouring residents and their complaints. The restriction of the hours of operation of delivery trucks is broken on a daily basis.</p>	<p>It is agreed that the matter of the loading dock and delivery trucks has been an ongoing issue, which the City is endeavoring to rectify. The enclosure of the Coles loading dock has been one step in this process. It is noted that within the Acoustic consultant's report it has been mentioned that the proposed medical centre extension will attenuate some of the noise emanating from the Coles loading dock to two of the adjoining residential properties to the south (23 & 25 Akera Close).</p>
<p>We would refer back to our letter of 10 August 2004 at which time we raised various objections. It appears that none of these objections have been addressed by the developer perhaps with the exception of the air conditioning units. (The applicant attached a copy of the original letter of objection dated 10/08/2004, which raised the concerns as stated below).</p> <ol style="list-style-type: none"> 1) The height of the building will completely dwarf our property and block out any winter sun. 2) The positioning of the windows to look directly into our backyard eliminating the little remaining privacy we still have. (This could have been avoided if the developer planted dense mature shrubs as we had requested) 3) The positioning of the air conditioning units and the noise that will emanate from them. 4) The actual definition of the building usage is very obscure. What is exactly meant by 	<p>Response to point:</p> <ol style="list-style-type: none"> 1) The overshadowing of the adjoining properties at midday at the time of the winter solstice would be within the acceptable standard limits for overshadowing as set by the Residential Design Codes 2002 (for R20 coded lots), if the proposed development was a residential dwelling. There are no overshadowing requirements set out within the City's District Planning Scheme No. 2 for commercial developments. The development would also comply with the threshold limits set in the City's Policy 3.1.9 – "Height and Scale of Buildings within a Residential Area", if it was a residential building. 2) It will be requested that the windows, which face the adjoining properties to the south of the existing site shall have fixed obscured materials to prevent any overlooking. This can be included as a condition. 3) As stated above, the applicant has proposed

<p>non-retail commercial floor space? Does this mean the building could be used for a purpose that would allow it to trade all hours, day and night?</p>	<p>measures to alleviate noise emissions from the proposed air-conditioning unit. Within this report the applicant has provided details as to configuration and design of the condensing units to aid in the attenuation of noise along with an increased setback from 6.0m to 8.939m from the adjoining southern boundary. The measures taken by the applicant to attenuate noise are considered to be acceptable.</p> <p>4) As stated above, the applicant had previously noted in writing that the new additions are to be used as non-retail commercial floor space indicating professional offices, travel agents, video stores, community radio, health club, wellness centre and bank as possible uses. The use of the premises as an office would be considered suitable in this instance. Parking has been based on 1 bay per 30sq/m of NLA, which would also suit that of an office use. Therefore any other use proposed for the additions would require that a separate planning approval be given for a change of use.</p>
<p>I believe that the medical centre will only benefit me in my situation. It will block noise and the unsightly shopping centre. It will increase the values of our property. At the moment I get woken every morning by noise.</p>	<p>It is agreed that the extension will have the potential to attenuate some of the noise coming from the existing Coles loading dock. The Acoustic Consultant's Report submitted by the applicant states that the proposed extensions have the potential to reduce noise transmission from the Coles loading dock to some of the residences along Akera Close (especially numbers 23 and 25), to the south of the proposed development.</p>

COMMENT

In reference to the Council Report presented to the Council Meeting dated 17 May 2005, the recent comments received by adjoining landowners and the legal advice previously provided (Confidential Report CJ098–05/05 Refers), it is still important for this development to address the concerns, which have been raised previously by Council and the surrounding landowners.

The recent comments received from the adjoining landowners in relation to the proposed development are similar to those expressed previously when the original proposal was presented to the Council Meeting dated 23 November 2004. These concerns are in relation to overshadowing, overlooking, visual and acoustic privacy from the air conditioning units/undercroft parking area/Coles loading dock, the use of the proposed non-retail commercial tenancies and security. The exception to the original comments would be the concern raised in relation to the possible increase in the level of traffic for the development and the traffic movements along the one-way service access lane to the western side boundary.

Overshadowing

In the original Council report (23 November 2004), it was stated that the development would cause undue overshadowing into the adjoining properties to the south, as they were located at a lower level than the subject site. It was also noted in the original report that the development would comply with the overshadowing requirements of the Residential Design Codes 2002 (for R20 lots) if the proposal were a residential development.

Recent comments received by adjoining landowners have again expressed this concern. It has been stated that due to the differing levels between the medical centre and the lots to the south of the subject development, there will be significant overshadowing.

It is agreed that the subject site is on a higher level than those properties, which adjoin to the south. It is also agreed that some overshadowing will occur into these properties.

The City's District Planning Scheme No. 2 indicates the setback requirements for commercial development. The proposed development complies with these setback requirements. However there are no overshadowing requirements or height limits set by the City's District Planning Scheme No. 2 for Commercial development.

If the Residential Design Codes 2002 were to be used as a guide to indicate acceptable levels of overshadowing for residential dwellings, the subject development would comply with this requirement. Furthermore, it is noted that the development would also comply with the threshold limits contained within the City's Policy 3.1.9 – "Height and Scale of Buildings within a Residential Area", if it was applied to the proposed commercial development.

Overlooking

The recent comments received from adjoining landowners have again expressed concern over the potential for loss of privacy into private outdoor areas and bedroom windows due to overlooking potential from the southern face windows.

The plans show there to be ten new windows along the southern façade of the development. The size, shape and positioning of the windows have been designed to match that of the existing southern facing windows of the medical centre.

It is considered that the issue of potential overlooking from these windows could be overcome by incorporating a condition into the recommendation requiring the windows, which face the adjoining properties to the south, to be of fixed obscured materials.

Furthermore it will requested that two of the four windows proposed along the western façade, being the two windows closest to the southern boundary, should be of fixed obscure materials to prevent any possible overlooking into the adjoining properties to the south of the subject site.

It is not considered that there will be any potential for overlooking into the properties to the western side of the site due to the distance of the subject extension from the boundary.

Building Bulk

In relation to building bulk, the original Council report, dated 23 November 2004, stated that the impact on the adjoining residences would be excessive due to the size of the building and the proximity to the southern boundary (3.0 metres). The report stated that the bulk is exacerbated by the fall over the site downwards from east to west, as the building is proposing to maintain the same floor levels as the existing structure (maximum wall height of 6.015 metres, being setback 3.0 metres from southern boundary).

The amended plans provided by the applicant illustrate a recess in the southern façade (7.46m²) of the proposed extension. This is quite minor, and will only have a slight benefit in reducing the building bulk and scale, as seen from the residential properties to the south of the subject development. However, the recess is an improvement to the plans, which originally proposed a constant uninterrupted wall mass encompassing a length of over 60 metres.

The existing southern portion of the building has a landscaping strip that has allowed mature trees to be planted in order to help ameliorate the impact of that section of the building. The car parking area to the west of the existing building is closer to the southern boundary than the undercroft parking area beneath the existing building, which includes some planting against the boundary. This landscaping strip to the western side of the existing medical centre is not as significant as the landscaping strip immediately to the south of the existing building. However, the existing landscaping and the recess in the line of the building will help ameliorate the impact of the extension.

The main portion of the roof has a “lean to design”, leading up to the steeper roof pitch, which is located 12.65 metres away from the adjoining southern lot boundary. Maintaining a residential appearance, the lean to design is also considered to reduce the impact of the structure to the adjoining southern properties.

Furthermore it is noted that the setback of the proposed development complies with the requirements of the City’s District Planning Scheme No. 2.

Visual & Acoustic Privacy (Car Parking Area, Air Conditioning Units, Loading Dock)

The original Council report stated that the location of the air-conditioning units, facing the residential units was of concern, as it would transpose noise directly onto the adjoining residential developments. It was suggested that the applicant would need to screen the air-conditioning units from an aesthetic perspective and comply with the requirements of the Environmental Protection (Noise) Regulations 1997. Furthermore, noise from the undercroft car parking area is of concern as it is generally amplified through the structure being partially enclosed and the surface materials used in the building. It was stated that the noise from vehicles in this area will affect the adjoining landowners and covering the car parking area will generally exacerbate this issue.

Comment received from adjoining landowners through the recent advertising period has again expressed concern over the potential noise problems arising from the proposed air conditioning units, the undercroft parking area and the continuing problem of noise relating to the Coles loading dock.

The information provided and the measures taken within the Acoustic Consultant’s Report is considered to comply with the requirements of the Environmental Protection (Noise) Regulations 1997 and the concerns previously raised by Council and by the adjoining landowners.

To comply with the relevant noise regulations for the undercroft parking, it has been proposed that the underside of the soffit for the parking area will be provided with acoustically absorbent medium to reduce reverberation within the car parking area. Three different means of providing acoustically absorbent materials to the underside of the undercroft car parking have been provided, to comply with the requirements of the Environmental Protection (Noise) Regulations 1997.

It is considered that the use of the car parking area would need to be restricted to between the hours of 7am and 10pm Monday to Saturday and not before 9am or after 10pm on Sundays (and public holidays) to meet the requirements of the Environmental Protection (Noise) Regulations 1997.

The applicant has proposed that a perforated gate be provided along the western entrance of the car parking area. It will be required through a condition of planning approval that the gate be open during the normal shopping hours for the main shopping complex, which will comply with the hours as stated above. Further reason for the gate to be open during normal shopping hours, is to maintain acceptable parking bay ratios for the whole site, which are available to the public. If the undercroft parking area (39 car bays + 2 short bays) is closed for the exclusive use of the medical centre, there will be a shortfall in parking bays of 25 car bays over the whole site. Closing the gate after hours will also aid in reducing any potential anti-social behaviour in the undercroft area.

The measures taken in relation to noise attenuation from the proposed condensing units, is also considered to be acceptable. The amended plans illustrate that the condensing units will be located a minimum of 8.939 metres away from the adjoining southern boundary, compared to the original plans which showed a setback of 6.0 metres.

The applicant has provided details as to configuration and design of the condensing units to aid in the attenuation of noise. This includes cutting the condensing units into the roof-well and maximising the distance from the southern boundary. The internal faces of the roof-well are to be lined with acoustically absorbent medium to minimise acoustic reflections. The condenser units will be mounted to a condenser deck via vibration isolation mounts. Weatherproof louvers will also be provided on the east, south and western side of the condenser deck so that the condenser units will not be visible from the adjoining residential properties.

The Acoustic Consultant's Reports suggests that the applicant should use the quietest available air-conditioners on the market. The utilisation of the quietest units available is recommended and can be incorporated into a condition.

It is further agreed that there will be some noise attenuation from the loading dock to the adjoining properties at numbers 23 and 25 Akera Close, Hillarys by the extension of the existing building. Any noise attenuation in relation to that emitted from the existing Coles loading dock is considered to be of benefit to the surrounding landowners.

It is noted that a recent planning approval (DA05/0036 dated 04 April 2005) has been given for the existing Coles loading dock to be enclosed, which will further aid in the reduction of noise from this area to the adjoining residential properties.

The recently received acoustic report makes no mention of noise, which may be generated from the actual occupancy of the non-retail commercial tenancies.

It is considered that even an office use from these commercial tenancies could have the potential for complaints if the windows of the southern façade are open-able. This may allow noise such as telephone ringing to give rise to justifiable complaints from adjoining landowners. Therefore it is considered that the use for the commercial tenancies should include adequate detail as to how the use will comply with the Environmental Protection (Noise) Regulations 1997, which may require a further Acoustic Consultant's Report. Additionally, the windows along the southern façade should be fixed as has been stated previously above and imposed as a condition of planning approval.

Commercial Tenancy Uses

In the original application and this subsequent amended application, the applicant has not indicated the exact uses of the proposed non-retail commercial tenancies. The applicant suggested a number of uses for non-retail commercial purposes including professional offices, travel agents, video stores, community radio, health club, wellness centre and bank. None of these have been confirmed as definite uses for the non-retail commercial units. It was noted in the original Council Report of 23 November 2004, the use of the premises as a video store was considered to be a retail use and not one that would be supported.

As the applicant has not specified one particular use for the proposed additions, in which a specific use is necessary under the requirements of the City's District Planning Scheme No. 2, it is considered that one of the uses the applicant has proposed should be given for the additions. If the applicant proposes a different use for the tenancies at a later stage, planning approval would be required for a change of use.

The use of the premises as an office would be considered suitable in this instance, subject to compliance with the Environmental Protection (Noise) Regulations 1997 as stated above. Parking has been assessed on 1 bay per 30sq/m of NLA, which would also suit that of an office use. Therefore any other use proposed for the additions would require that a separate planning approval be given for a change of use.

The applicant (Paterson Group Architects) was advised of this direction by way of a telephone conversation on 4 July 2005 and no objections were made in relation to this issue.

Security

Concern has again been raised by the adjoining landowners in relation to security and the potential for the undercroft parking to be used outside normal trading hours. The applicant has proposed that a gate be installed along the western side entrance to the undercroft parking area, similar to that which exists at present. It is considered that the proposed gate will provide security to the undercroft car parking area outside normal hours. It can be conditioned that the gate should be locked outside the hours of 7am and 10pm Monday to Saturday and before 9am on Sundays (and public holidays).

Increased traffic

As previously stated, the proposed lane way, which runs along the western side of the site boundary, is a one-way traffic access. It is also noted that access to the existing and proposed medical centre undercroft car park is possible from two different directions, one of which is from the eastern side of the site, which does not require the use of this western access lane.

The level of car parking availability has not increased with this proposal as the development is proposed to be located over existing car bays. Therefore it is not agreed that the proposal will cause a significant increase in the level of traffic movements along the access lane to the western side boundary. There may be a small increase in the use of the parking in the undercroft area, by reason of the shelter provided, as opposed to the existing open car parking area where the proposed development will be located.

Conclusion

It is considered that the revised plans and the Acoustic Consultant's Report provided by the applicant on 14 April 2005, addresses the concerns raised by Council and adjoining landowners, identified in the Council report of 23 November 2004 and 17 May 2005.

This conclusion is based on the following:

- The proposed development complies with the setbacks as set out by District Planning Scheme No 2;
- The development would comply with the setback requirements of the Residential Design Codes 2002 if it were a residential building;
- The development would comply with the overshadowing limits of the Residential Design Codes 2002 (for R20 lots) if it were a residential building;
- The commercial development would comply with the threshold limits contained within the threshold limits of the City's Policy 3.1.9 – "Height and Scale of Buildings within a Residential Area", if it was applied to the commercial building;
- The design of the structure complements the existing structure and has maintained a residential style through the inclusion a pitched style roof; and
- The building has been provided with some articulation to the southern façade to provide some relief in relation to building bulk.

The information, which has been provided by the applicant, has specified various means of attenuating the noise, which may be emitted from the undercroft car parking area and the proposed air-conditioning units. The applicant has also provided visual screening of the proposed air-conditioning units and has provided greater setback from the adjoining southern boundary to these air conditioning units. Furthermore, design changes including a recess on the southern façade, has also been provided to alleviate bulk of the structure.

The proposed additions to the existing medical centre has the ability to attenuate some of the noise from the Coles loading dock to two of the adjoining residential properties to the south (23 & 25 Akera Close), which has been an ongoing problem for the City. This proposed addition has been supported by one of the adjoining landowners for this very reason.

It is considered that the revised plans submitted by the appellant have sought to address the major concerns of Council and the adjoining property owners.

Based on the comments made above in relation to the revised plans, the suggested course of action is that the State Administrative Tribunal be advised, that Council supports the revised application subject to conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site plans, floor plans & elevations (original plans and new plans)
Attachment 3	Photographs of the subject site

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That:**

- 1 The State Administrative Tribunal be advised that Council is prepared to:**
 - (a) support the revised plan submitted by the appellant and received by Council on the 14/04/2005;**
 - (b) agree to a Minute of Consent, granting approval to the revised plans, based on the conditions of approval set out in Part 2 below;**

- 2 Council APPROVES the application for Planning Consent dated 23 November 2004, and the changes included in the revised plans received on 14 April 2005, submitted by Paterson Group Architects, on behalf of Shawm Pty Ltd (Owner) & Clifford Stagg (Owner) & David Stagg (Owner) & Nola Stagg (Owner) and three other(s) for an Extension to the Existing Medical Centre for Office Use on Lot 715 (110) Flinders Avenue, Hillarys subject to the following conditions:**
 - (a) The retail net lettable area of the development shall not exceed 3,000 square metres as identified for the Hillarys Shopping Centre in Schedule 3 of the City of Joondalup's District Planning Scheme No 2, to the satisfaction of the Director Planning and Community Development;**
 - (b) Prior to occupation, the submission of a noise emission report demonstrating to the satisfaction of Director Planning and Community Development that the completed development:**
 - (i) Complies with the submitted Acoustic Consultant's Report; and**
 - (ii) Meets the relevant noise standards.**
 - (c) A separate planning application is required to be submitted and approved for the proposed use of the commercial tenancies other than an Office Use;**
 - (d) As marked in RED on the revised plans, the windows to the southern façade, and two windows to the western façade, are to be fixed and obscured to the satisfaction of the Director Planning and Community Development;**
 - (e) One (1) disabled car parking bay located convenient to the building entrance is to be provided to the satisfaction of the Director Planning and Community Development;**
 - (f) 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) unless otherwise specified by this approval. Such areas are to be constructed, sealed, drained, marked and thereafter maintained to the satisfaction of the Director Planning and Community Development prior to the development first being occupied;**

- (g) The gate to the proposed undercroft parking shall be closed outside the hours of 7am to 10pm Monday to Saturday and 9am to 10pm on Sundays (and Public Holidays). The gate shall remain open during all other normal trading hours for the shopping centre and medical centre/ office to achieve the required minimum number of parking for the site;
- (h) Any floodlighting being designed in accordance with Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible, internally directed to not overspill into nearby lots;
- (i) The lodging of detailed landscape plans, to the satisfaction of the Director Planning and Community Development, for the development site with the Building Licence Application;
- (j) 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 Director Planning and Community Development;
- (k) Any roof mounted or freestanding plant or equipment, such as air conditioning units, to be located and/or screened so as not to be visible from beyond the boundaries of the development site to the satisfaction of the Director Planning and Community Development;
- (l) Any blank wall of the development, including any retaining walls shall be coated with a non-sacrificial anti-graffiti coating, to the satisfaction of the Director Planning and Community Development;
- (m) The pedestrian pathways, landscaping areas, parking areas and/or associated access ways shall not be used for storage (temporary or permanent) and/or display and/or be obstructed in any way at any time, without the prior approval of the Director Planning and Community Development;
- (n) A separate planning application is required to be submitted and approved for any proposed signage, to the satisfaction of the Director Planning and Community Development;
- (o) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Director Planning and Community Development. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (p) The submission of a Construction Management Plan at the submission of a Building Licence application stage for the proposal detailing how it is proposed to manage:

- (i) the delivery of materials and equipment to the site;
- (ii) the storage of materials and equipment on the site;
- (iii) the parking arrangements for the contractors and subcontractors;
- (iv) impact on traffic movement;
- (v) operation times including delivery of materials; and
- (vi) other matters likely to impact on the surrounding residents;

to the satisfaction of the Director Planning and Community Development.

Footnotes:

- (a) The applicant is advised that this is a Planning Approval only and does not obviate the responsibility of the developer to comply with all relevant building and health requirements.
- (b) In regard to condition (b), the Noise Emission (Acoustic) Report shall address all installations, activities and processes, giving actual sound level measurements of plant and parking areas both individually and in combination. This report shall include the presence of tonal components, amplitude or frequency modulations or impulses to ensure noise emissions are in compliance with the requirements of the Environmental Protection Act 1986.
- (c) Prior to the installation of any Mechanical Services, the applicant shall provide a Mechanical Services Plan signed by a suitably qualified Mechanical Services Engineering or Air Conditioning Contractor. It shall certify that the mechanical ventilation of the proposed development complies with and is installed in accordance with Australian Standard 1668.2, AS 3666 and the Health (Air Handling and Water Systems) Regulations 1994.
- (d) Development shall comply with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
- (e) Applicant/Owner is advised that there is an obligation to design and construct the premises in compliance with the requirements of the Environmental Protection Act 1986.
- (f) Applicant is to comply with the disability requirements of the Building Code of Australia in relation to the provision of sanitary facilities, access and egress.
- (g) All internal WCs shall be provided with mechanical exhaust ventilation and flumed to the external air in accordance with the Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
- (h) Development shall comply with the Health (Air Handling and Water Systems) Regulations 1994.

- 3 Subject to Part 4, the City's Solicitors be authorized to EXECUTE the Minute of Consent Orders consistent with Part 2 of this resolution.**
- 4 Council NOTES that the Chief Executive Officer be authorised to act on Council's behalf when finalising the Minute of Consent Orders during the mediation process, including assessing and determining the appropriateness of any modifications to Council's position within the general intent of Parts 1 and 2 that may be requested by the State Administrative Tribunal or the applicant.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach 8brf120705.pdf](#)

ITEM 10 APPOINTMENT OF SENIORS INTERESTS ADVISORY COMMITTEE - [55511]

WARD: All

RESPONSIBLE DIRECTOR: Clayton Higham
 Planning and Community Development

PURPOSE

To seek Council endorsement of the membership nominations for the Seniors Interests Advisory Committee.

EXECUTIVE SUMMARY

The Seniors Interests Advisory Committee is a Council Committee and has been operational since 2001. The Terms of Reference require that existing members stand down and new members are sought through a public call for nominations. The tenure of committee membership is to coincide with Council elections; members are welcome to reapply at the conclusion of each term.

The nomination process has now been undertaken and it is recommended that Council:

- 1 ENDORSES the appointment of the following nominations for the Seniors Interests Advisory Committee.

Margaret March	Community Member
Joy Coleman	Community Member
Valerie Corey	Community Member
Patricia Geary	Community Member
Allyn Bryant	Association of Independent Retirees
Diane Davies-White	Seniors Recreation Council
Sharleen Mann	Silver Chain
Val O'Toole	Council on the Ageing National Seniors
Manager Community Aged Services	Community Vision Inc
TBA	Department for Community Development or Office of Seniors Interest
TBA	Organisation Providing Accommodation for Seniors

- 2 SETS a quorum for the Seniors Interest Advisory Committee of six (6) members

BACKGROUND

At the Council Meeting of 25 September 2001, Council approved to elect an Occasional Seniors Advisory Committee of elected members, community representatives and persons representing groups with seniors as the main focus of their membership. After receiving nominations for this committee, Council approved the establishment of the Strategic Advisory Committee – Seniors Interests at the Council Meeting of 9 October 2001. The initial membership of the committee was established at the Council Meeting of 18 December 2001.

The formation of the 'Strategic Advisory Committee-Seniors Interests' was based on Council identifying the benefit of receiving advice from seniors who reside in the City of Joondalup, an ageing population and the need for community input into the Seniors Master Plan.

At its meeting of 3 September 2002, Council resolved to remove "Strategic Advisory" from all Council Committees and the committee became known as the 'Seniors Interests Advisory Committee'.

Following the suspension of Council and the appointment of Commissioners in December 2003, membership of the committee was reviewed. At the meeting of 17 February 2004 Council resolved to remove elected members and the Manager Community Development Services from the Seniors Interests Advisory Committee's Terms of Reference, and endorsed that a "representative from organisations that provide accommodation for seniors" be added to the membership. When an elected Council is re-established it is envisaged that there will be elected members on the Seniors Interests Advisory Committee. The Terms of Reference for the Seniors Interest Advisory Committee will need to be reviewed to reflect the desires of an elected Council.

Terms of Reference-

According to the Terms of Reference, the objectives of the Seniors Interests Advisory Committee are to:

- 3.1 Oversee the strategic co-ordination of all seniors' issues across Council.
- 3.2 Provide advice to Council to ensure that the concerns of seniors are adequately represented in the City's planning processes and the strategic directions being developed for older people across the City.

The Terms of Reference also state that membership of the Seniors Interests Advisory Committee comprises of the following:

- one representative from the State Government Department for Community Development
- one representative from the State Government Office of Seniors Interests
- one representative from Community Vision Inc
- four representatives from commercial or not for profit organisations that provide services for seniors within the City
- four members of the community who do not represent any particular group or organisation but who have an interest in seniors' issues
- one representative from an organisation who provides accommodation to seniors

Other than representatives from the Department for Community Development and an organisation that provides accommodation to seniors, the committee nomination process has achieved its desired outcome with regard to its membership

The work of the Seniors Interests Advisory Committee is guided by the strategies that emerge from the Seniors Action Plan. Strategies from the Seniors Action Plan are brought to the committee and those that are deemed appropriate for attention of the committee are prioritised and listed on the agenda for consideration.

Actions from the Seniors Plan that are considered performance indicators for the Seniors Interests Advisory Committee will be:

- Continue to support initiatives that specifically meet the education and training needs of seniors
- Review all policies that affect seniors
- Conduct regular reviews of the Seniors Plan
- Promote the development of intergenerational activities
- Implement a strategy to help community groups and seniors' organisations increase their capacity to deliver services to seniors
- Work to bring together various aged care service providers with a view to help them inform the City of future residential facilities and services requirements
- Identify the long-term strategic impact of an ageing population on health services
- Increase awareness across the organisation of the specific information needs of seniors

NB: The extent to which these issues are considered by the committee will need to be limited to the level that the City of Joondalup can and should be involved.

DETAILS

When the committee was formed it was deemed appropriate for the membership to comprise of individual seniors from the community, people who worked for organisations and government departments that provided services for seniors, and those who provide accommodation for seniors. The range of representations was intended to ensure that those that advocate for the well being of seniors were contributing alongside the seniors themselves.

The tenure for all current members of the Seniors Interests Advisory Committee concluded at the end of May 2005. Expressions of interest from members of the community and those involved in the provision of services to seniors was sought. An advertisement was placed in the Joondalup Community Newspaper of 26 May 2005, a mail-out conducted to seniors' centres, social groups, libraries and leisure centres and posters were placed in areas that seniors are known to have access to.

Nomination packages were sent to individuals or groups who expressed interest in being part of the Seniors Interests Advisory Committee. The nomination packages included a covering letter, nomination form, the Terms of Reference, Office of Seniors Interests Topic Sheet, City of Joondalup Strategic Plan 2003 – 2008 and an addressed, reply-paid envelope to the City of Joondalup.

Eight nominations for membership of the Seniors Interests Advisory Committee were received. Four nominations were from members of the community not representing any particular group and four nominations from representatives of not-for-profit organisations providing services to seniors with the City. The four community member nominations were from:

- **Margaret March** - an existing member who is in contact with several seniors groups and residents of retirement villages. Margaret has concerns about the availability of nursing home places and the costs of recreation services to seniors.
- **Joy Coleman** - a new nomination who has spent 20 years voluntarily working for the community on various committees. Joy is interested in health, safety and fitness for seniors.
- **Valerie Corey** - a new nomination who has worked as a volunteer with the Community Development Officer at a local government authority. Valerie's expertise lies with health issues, communication and how to minimise social isolation for seniors.
- **Patricia Geary** - a new nomination who is currently the vice president of the Kingsley Senior Citizens Club. Patricia has worked as a volunteer for a seniors Community Transport program and has a particular interest in affordable community activities and safety for seniors.

Nominations from representatives of seniors' organisations were received from –

- **Allyn Bryant** - Association of Independent Retirees – Northern Suburbs Branch. Allyn is an existing member and is a Justice of the Peace. Allyn has a wide knowledge of and long involvement with many community organisations and holds life memberships to five community organisations.
- **Diane Davies-White** - Seniors Recreation Council of WA. Diane is an existing member of the committee and is actively involved in physical activity programs for seniors. Diane is also a journalist and had extensive experience organising functions and events for seniors.
- **Sharleen Mann** - Silver Chain Kingsley. Sharleen is a new nomination and has worked for Silver Chain for the past nine years. Sharleen is keen to develop supports that assist seniors to live independently in their own homes.
- **Val O'Toole** - Council of The Ageing (COTA) National Seniors. Val is a new nomination who has strategic planning skills and ten years experience working with government programs for seniors.

Margaret March, Diane Davies White and Allyn Bryant have previously been members of the committee and have re-nominated.

The Terms of Reference identifies three organisations to provide representation on the committee, Community Vision Inc, the Office of Seniors Interests and the Department for Community Development as members of the Seniors Interests Advisory Committee. In seeking nominations for the new committee, Community Vision Inc has identified a representative, the Office of Seniors Interests has declined, and a response has yet to be received from the Department for Community Development. The committee has a vacancy for a nominee from a person or organisation representing the accommodation sector for seniors. In order that vacant positions on the committee can be filled the report recommendation has listed this position subject to a suitable person being identified.

Link to Strategic Plan:

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

- 1.1.1 By developing, providing and promoting a diverse range of lifelong learning opportunities.
- 1.2 By continuing to provide services that meet the changing needs of a diverse and growing community.
- 1.3 By working with the community to enhance safety and security in a healthy environment.

Legislation – Statutory Provisions:

The establishment of a committee and appointment of committee members is in accordance with Sections 5.8 and 5.10 of the Local Government Act 1995. The Terms of Reference of the Seniors Interest Advisory Committee require that the tenure of the Committee be for a period of two years and that the two year period coincide with the election cycle of the elected Council. The receipt of nominations at this time coincides with the timeframe as established within the Terms of Reference.

Risk Management considerations:

N/A

Financial/Budget Implications:

N/A

Policy implications:

N/A

Regional Significance:

The Seniors Interest is fundamentally a locally focused working group, established by Council to advocate for the needs of seniors within Joondalup. Whilst locally focused there will be some necessity for the focus of the Committee to broaden to include some consideration of issues on a regional level.

Sustainability implications:

The Seniors Interests Advisory Committee enables seniors the opportunity to actively participate and provide input into the development of a healthy and equitable community that considers their needs.

Consultation:

N/A

COMMENT

The recommendations to appoint members to the Seniors Interests Advisory Committee are supported by the Terms of Reference for the committee.

All of those who expressed interest by nominating for membership of the Seniors Interests Advisory Committee comply with the only criteria for membership in that they are a member of the community who does not represent any particular group or organisation, but whom have an interest in seniors issues; or that they represent a commercial or not-for-profit organisation that provides services to seniors within the City of Joondalup.

Those who have nominated have shown their genuine interest in senior's issues through the process of enquiring about the committee and subsequently lodging an application. The personnel on the new committee will benefit from the continuity of having three former committee members in addition to five new people who bring new ideas, energy and vision.

ATTACHMENTS

Attachment 1 Terms of Reference – Seniors Interests Advisory Committee

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

1 APPOINTS of the following persons as representatives on the Seniors Interests Advisory Committee:

Margaret March	Community Member
Joy Coleman	Community Member
Valerie Corey	Community Member
Patricia Geary	Community Member
Allyn Bryant	Association of Independent Retirees
Diane Davies-White	Seniors Recreation Council
Sharleen Mann	Silver Chain
Val O'Toole	Council on the Ageing National Seniors
Manager Community Aged Services	Community Vision Inc
TBA	Department for Community Development or Office of Seniors Interest
TBA	Organisation Providing Accommodation for Seniors

2 SETS a quorum for the Seniors Interest Advisory Committee of six (6) members.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf120705.pdf](#)

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

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

AMENDMENT TO CITY'S STANDING ORDERS LOCAL LAW (ex CJ307-12/02 – ANNUAL GENERAL MEETING OF ELECTORS)

- 2(a) Motion 1 (*requesting Council to make the various changes to public question time*) be considered as part of the further review of the City's Standing Orders Local Law:

COUNCIL'S MEETING CYCLE – ex CJ195-08/04

- “4 during the next review of the City's Standing Orders Local Law REQUEST a report be provided to the Council on whether Briefing and Strategy Sessions can be formally recognised in the Standing Orders Local Law but with flexibility as to the procedures that would apply.”

Status: A further review of the Standing Orders Local Law is being undertaken. A draft version of the Standing Orders Local Law 2005 was submitted to the City's solicitors. A draft of the Standing Orders has been circulated to the Commissioners for information.

A report was to be presented to the Strategy Session that was scheduled to be held on 14 June 2005, but the session was cancelled. A report will be presented to the Strategy Session on 5 July 2005. It is anticipated that the local law will be circulated for public comment during August/September 2005. A report will then be presented to Council for final adoption.

MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 18 SEPTEMBER 2003 – ex CJ213-09/03

- “3 DEFERS consideration of:

- (a) Policy 2.5.1 Commercial Usage of Beachfront and Beach Reserves – as detailed in Attachment 2 to Report CJ213-09/03 pending a further report being presented to the Policy Manual Review Committee incorporating additional recommendations;
- (c) Policy 2.6.4 – Environmental Sustainability – as detailed in Attachment 2 to Report CJ213-09/03 pending referral to the Environmental and Sustainability Committee for consideration;”

Status: Reports will be submitted to the Policy Committee. It is anticipated that the Policy Committee will meet on an on-going basis.

An internal review of the existing policies of the Council has commenced in accordance with the decision of Council dated 26 April 2005. It is anticipated that this review will be completed by mid July 2005, with a report to be presented to the Policy Committee during the month of August 2005.

REVIEW OF THE POLICY MANUAL (ex Briefing Session 11 May 2004)

Comr Smith requested that the following comment, from the Minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, be taken into consideration within the proposed review of the Policy Manual:

“General Business - Mr Carstairs indicated that it was important to ensure that sustainability issues are embedded into Council policy during the next 12 months to ensure ongoing sustainable outcomes in the City. Mr Carstairs believes that it is important to identify targets, outcomes and timeframes to implement these to ensure the best sustainability outcomes in the future.”

Status: These matters will be referred to the newly formed Policy Committee. It is anticipated that the Policy Committee will meet on an on-going basis.

An internal review of the existing policies of the Council has commenced in accordance with the decision of Council dated 26 April 2005. It is anticipated that this review will be completed by the end of June 2005, with a report to be presented to the Policy Committee during the month of July 2005.

POLICY REVIEW - ex CJ064-04/05

“4 ADOPTS a new policy to replace Policy 2.3.1, based on the Council policy framework in Attachment 1 to Report CJ064-04/05, and that policy to include reference to the Policy Committee and its terms of reference;”

Status: These matters will be referred to the newly formed Policy Committee. It is anticipated that the Policy Committee will meet on an on-going basis.

An internal review of the existing policies of the Council has commenced in accordance with the decision of Council dated 26 April 2005. It is anticipated that this review will be completed by mid July 2005, with a report to be presented to the Policy Committee during the month of August 2005.

MAYOR D CARLOS (SUSPENDED) – REQUEST FOR PAYMENT OF MAYORAL ALLOWANCE – ex CJ118-06/04

“that no determination is made on this matter at this time and the item be DEFERRED until the McIntyre Inquiry completes its deliberations and issues a Report.”

Status: A report will be submitted following the completion of the McIntyre Inquiry.

LANDSCAPING PLANS FOR JOONDALUP REGIONAL CULTURAL FACILITY AND REDESIGN OPTIONS OF COUNCIL CHAMBER (ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION)

- “3 REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;
- 5 REQUIRE an urgent review be conducted and interim report prepared and presented at the December 2004 Council meeting with regard to the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and allow for greater availability and usage for performing arts and other community events.”

Status: In relation to Point 3, consultation will take place as soon as is practicable following the finalisation of the purchase of the site which requires the lot to be formally subdivided. It is envisaged that a report will be submitted to Council once the purchase has been finalised.

In relation to Point 5, a meeting has been held with architects to discuss possible project plan options. Concept plans and costings are being finalised to present to the Council. It is anticipated that these designs will be finalised and presented during the month of August 2005.

RELEASE OF REPORT OF THE FORENSIC AUDITOR – ex C70-11/04

“That due to questions and motions raised at the Annual Meeting of Electors held on 22 November 2004, the Joint Commissioners CONSIDER releasing, at the Council meeting immediately following receipt of the information outlined below, the report of the Forensic Auditor into the employment contract of the former Chief Executive Officer that is currently marked confidential subject to:

The Acting CEO being requested to contact the following for comment on this proposed course of action, asking them to provide any information they consider should be taken into account by the Council when it makes its decision:

- Deloitte Touché Tohmatsu, the Forensic Auditor
- Mr McIntyre, who is conducting the current Inquiry into the City of Joondalup
- Fiocco’s Lawyers”

Status: Correspondence was forwarded to the relevant parties following the Annual General Meeting.

Fiocco Lawyers had no objection; Mr McIntyre had no position, however, Deloitte Touche Tohmatsu objected to the release of information on the basis that, without full understanding of the scope and context of the audit, it may not be correctly interpreted in the public arena. On that basis, it is not proposed to release the information at this time.

This document was admitted as evidence into the McIntyre Inquiry into the City of Joondalup. Advice has been sought from McLeod’s Lawyers relating to the ability of members of the public gaining access to this document. The McIntyre Inquiry is currently anticipated to conclude at the end of July 2005.

ESTABLISHMENT OF PROTOCOLS (ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004)

In relation to Motion 1 of the Annual General Meeting of Electors held on 22 November 2004, the Joint Commissioners:

- 2 (d) ESTABLISH clear protocols relating to:
- (i) the attendance of invited guests or specialist advisors to Council meetings;
 - (ii) the working relationship between the Mayor and CEO that complements the relevant sections of the Local Government Act 1995;
 - (iii) elected members requiring access to information and requests for action;
 - (iv) necessary requirements for proposing amendments and changes to recommendations at Council meetings.

Status: Reviews of the relevant governance documents have commenced and will be presented to the Council on an as-required basis.

The drafting of a good governance guide has commenced and will be presented to the Council in August 2005.

REVIEW OF CODE OF CONDUCT – NON-VILIFICATION OF RATEPAYERS (ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004)

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

Status: This will be taken into consideration when reviewing the Council's Code of Conduct. A review of the Code has commenced and will be submitted to the Council in August 2005.

OCEAN REEF BOAT HARBOUR DEVELOPMENT PROJECT (ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004)

In relation to Motion 18 of the Annual General Meeting of Electors held on 22 November 2004, REQUEST a detailed report be submitted for consideration by the Joint Commissioners addressing the issue of community consultation and coastal management in relation to the Ocean Reef Boat Harbour Development project.

Status: The Ocean Reef Boat Harbour Development Project Control Group, comprising representatives from the City, Department of Planning and Infrastructure, LandCorp and Clifton Coney Group, is finalising a study program, consultant briefs and costs estimates and it is proposed to present a report to Council in early 2005.

A presentation was provided to Commissioners at the Strategy Session held on 25 May 2005. It is proposed that a report will be submitted for Commissioners' consideration during July/August 2005.

REQUEST FOR FUNDING ASSISTANCE PURSUANT TO POLICY 2.2.8 - LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES – ACTING CHIEF EXECUTIVE OFFICER AND MANAGER AUDIT & EXECUTIVE SERVICES – ex C74-12/04

“4 REQUEST the Director Corporate Services and Resource Management to provide a report to the next meeting of Council on:

- (a) the management of legal advice to the City in relation to the Inquiry;
- (b) any possible conflict in relation to the engagement of Mr McLeod by Mr Clayton Higham.”

Status: On 24 December 2004 the Director Corporate Services and Resource Management was subpoenaed to the Inquiry. The CEO is directly responsible for pursuing matters identified in this Item.

It is anticipated a report will be presented to an August 2005 Council meeting.

APPLICATION FOR FUNDING – MR MICHAEL SMITH – ex CJ025-02/05 - REQUEST FOR FUNDING ASSISTANCE PURSUANT TO POLICY 2.2.8 – LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES – ELECTED MEMBER (SUSPENDED) AND MANAGER MARKETING COMMUNICATIONS AND COUNCIL SUPPORT

“4 DEFERS the application from Mr Michael Smith to allow the Chief Executive Officer to:

- (a) provide advice to the Commissioners on how access to this policy impacts on officers' access to the City's legal representative;
- (b) check that the application provided is complete in all respects.”

Status: The City's Internal Inquiry Officer is researching information for the Chief Executive Officer in this regard.

It is anticipated a report will be presented to an August 2005 Council meeting.

REQUEST FOR FURTHER FUNDING ASSISTANCE PURSUANT TO POLICY 2.2.8 – LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES – ELECTED MEMBERS (SUSPENDED) – ex CJ026-02/05

“That Council DEFERS the matter relating to the request for funding assistance pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended being O’Brien, Mackintosh and Kimber) to a Special Meeting of Council with the purpose of the meeting to consider the following specific matters:

- 1 the provision of a form of security for any further funding provided to suspended elected members by the Council;
- 2 an indication from suspended elected members pertaining to the City’s Insurance Policy including:
 - (a) the level of access currently existing under the policy;
 - (b) the dates the insurance policy was accessed;
 - (c) any process undertaken to seek or approval being granted for retrospective approval for the payment of legal costs incurred;
- 3 an indication as to whether or not Council should set a limit on the amount of funding to be provided to suspended elected members, pending the finalisation of the Inquiry.”

Status: The City’s Internal Inquiry Officer is researching information for the Chief Executive Officer in this regard.

It is anticipated a report will be presented to an August 2005 Council meeting.

TENDER REGULATIONS – (ex CJ043-03/05 2004 COMPLIANCE AUDIT RETURN)

“3 EXPRESSES its concern that the Tender Regulations have not been followed and advises the Department of Local Government and Regional Development that the Council has requested that a report on this matter be submitted to the Audit Committee;”

Status: The matter has been referred to Stanton Partners to review the issue of non-compliance with the Tender Regulations. Once the review has been undertaken, a report will be provided to the Audit Committee for consideration.

REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION - ex CJ084-05/05

“2 REQUESTS the Chief Executive Officer to prepare a discussion paper regarding the review of ward boundaries and elected member representation to be presented to the Council for further consideration;”

Status: A discussion paper will be prepared with a report to be presented to the Council in August 2005.

DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - ex CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

Status: This item has been determined as a low priority for Council in 2005 and will be reconsidered in 2006.

OPTIONS FOR PURCHASE OF CORPORATE VEHICLES - ex CJ230-10/04

4 request the Sustainability Advisory Committee to investigate and report to the Council on options (including hybrid vehicles) relating to the operating of corporate vehicles that adhere to best practice sustainability principles.

Status: Research has been completed and a Report is being drafted and due for finalising in July 2005. Report will be presented to Council in August 2005.

DEVELOPMENT OF A STATEMENT OF PRINCIPLES COMMITTING POLICIES OF COUNCIL TO SUSTAINABILITY OBJECTIVES – ex CJ064-04/05 – POLICY REVIEW

“5 REFERS to the newly formed Policy Committee for attention the resolution of the Sustainability Advisory Committee dated 14 October 2004 concerning development of a statement of principles that commits all policies of Council to sustainability objectives.”

Status: This will be referred to the first meeting of the Policy Committee.

An internal review of the existing policies of the Council has commenced in accordance with the decision of Council dated 26 April 2005. It is anticipated that this review will be completed by mid July 2005, with a report to be presented to the Policy Committee during the month of August 2005.

NOTIFICATION OF VISITS BETWEEN JOONDALUP AND JINAN SISTER CITIES DURING 2005 - ex CJ066-04/05

“3 REQUESTS the Chief Executive Officer to commence arrangements for the hosting of the delegation and to provide a report back to Council in the near future outlining the details of the itinerary as well as a promotion and education program for business and community to be appropriately involved in the forthcoming visit in August 2005;

4 DEFERS the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People’s Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Fair from 21-23 October 2005 until the draft Relationship Plan is presented to Council in May;”

Status: In relation to Point 3, a draft itinerary has been prepared and has been distributed to Commissioners and stakeholders.

In relation to Point 4, a draft policy and plan has been prepared and is being reviewed by the Executive.

OUTCOME OF REVIEW OF PROCUREMENT PROCESSES – (ex CJ121-06/05 – REVIEW OF THE CORPORATE DELEGATED AUTHORITY MANUAL)

“3 REQUESTS the Chief Executive Officer to advise the Audit Committee at the earliest possible opportunity of the outcome of the review of the procurement processes.”

Status: This matter will be presented to a future Audit Committee meeting.

CREDIT CARD PAYMENT DETAILS (ex CJ009-02/05 - WARRANT OF PAYMENTS – 31 DECEMBER 2004)

“2 REQUESTS the Chief Executive Officer to provide a report to Council in due course on the detail to be provided in the Warrant of Payments in relation to credit card payments, such report to outline:

- the role of the Council;
- processes used by other local governments;
- advice from the Department of Local Government;
- legal requirements;
- recommendations of the City’s Auditors;
- any other information considered appropriate by the CEO;”

Status: A report will be submitted to Council in September 2005.

LOT 1 OCEANSIDE PROMENADE, MULLALOO (ex C83-05/03 NOTICE OF MOTION NO 4 – CR M CAIACOB)

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

Status: A report will be presented to Council following a review of the City’s asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

TOM SIMPSON PARK AND TEN LOTS IN MERRIFIELD PLACE, MULLALOO (ex CJ299 - 12/04 - Annual General Meeting of Electors held on 22 November 2004)

In relation to Motion 16 of the Annual General Meeting of Electors held on 22 November 2004 NOTE that a report will be presented to the Joint Commissioners in early 2005 on the matter of including Lot 1 Oceanside Promenade and the grassed road reserve adjacent to Tom Simpson Park into Tom Simpson Park, and the reservation of 10 lots in Merrifield Place, Mullaloo;

Status: A report will be presented to Council following a review of the City’s asset portfolio. Funding for the Strategic Asset Management Plan is listed for consideration in the 2005/06 Draft Budget.

PROPOSED MODIFICATIONS TO CURRAMBINE STRUCTURE PLAN NO 14 – DELETION OF THE RESIDENTIAL MIXED USE PRECINCT AND REPLACEMENT WITH A SMALL LOT RESIDENTIAL PRECINCT AND MINOR MODIFICATIONS TO THE DEVELOPMENT PROVISIONS – ex CJ088-04/04

“3 a separate report giving further consideration to the provision of retail land uses for the Currambine locality in relation to the City’s POLICY 3.2.8 – Centres Strategy, and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2, be prepared;”

Status: Partially addressed in Report to Council 27 April 2004. Remainder to be reported as part of the Centres Strategy review, which is intended to be undertaken as soon as possible. It should be noted that review initiation is dependent on data release from the WAPC, and is anticipated to occur before December 2005.

ISSUES IN RELATION TO ACID SULPHATE SOILS – (ex CJ024-02/05 - MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE MEETING, 10 FEBRUARY 2005)

“3 INITIATES appropriate research into the matter of Acid Sulphate soils considering the issues raised by the Sustainability Advisory Committee and seeks input from the Western Australian Local Government Association, Department of Planning and Infrastructure and other relevant State government agencies.”

Status: Investigation is currently under way.

PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA – ex CJ338-12/02

“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council.”

Status: A report was presented to Executive Management on 11 October 2004, with a further report outlining the City’s requirements to be decided at a future Executive meeting. The City’s decision was forwarded for consideration at the WALGA North Zone meeting on 25 November 2004.

At the WALGA North Zone meeting held on 25 November 2004 it was agreed that the item regarding the proposed Community Safety and Crime Prevention partnership be deferred to allow member Councils to provide their responses to the City of Stirling.

Chief Executive Officer to meet with officers of the Crime Prevention Unit.

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

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

Status: Funding for development of the Leisure Plan was approved in the 2004/05 budget and worked commenced in November 2004. The development of the Leisure Plan will take approximately six months. The Leisure Plan is underway at this time and on time for September 2005 finalisation.

LOCATION OF 50 METRE POOL AT CRAIGIE LEISURE CENTRE OR AN ALTERNATIVE LOCATION – (ex JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS)

“2 REQUEST that a report be submitted to Council as to whether a 50 metre pool should be located at Craigie Leisure Centre or at an alternative location;”

Status: The City has committed in September 2004 to a refurbishment project to the aquatic facilities at the Craigie Leisure Centre. Further development of the City’s aquatic facilities, i.e. a 50 metre pool, would only occur as a result of:

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

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

ABORIGINAL ISSUES IN THE CITY OF JOONDALUP – (ex JSC29-08/04 – MINUTES OF 2004/05 BUDGET COMMITTEE MEETINGS)

“4 REQUEST that a report be submitted to Council on raising the profile of Aboriginal issues in the City of Joondalup as a significant part of the Cultural Plan.”

Status: The forthcoming Cultural plan for the City will address raising both the profile of Aboriginal issues and the level of community exposure to local programs presenting Aboriginal artistic endeavour and culture. A comprehensive strategy addressing issues relating to the presentation of Aboriginal cultural activities, the participation of Aboriginal people in civic life in the city, and the consequential raising of community awareness of Aboriginal issues will be available for consideration as part of the draft cultural plan.

POLICY POSITION – YOUTH CURFEW (ex CJ334 – 12/04 - Minutes of the Youth Advisory Council Meeting – 22 September 2004)

“2 the recommended policy position that the City of Joondalup actively resists any course of action such as a youth curfew that limits the right of young people to move freely within the public domain until adequate and direct consultation has occurred with young people and other stakeholders and all other proactive approaches have been explored, and that a detailed report regarding this recommendation be provided to Council;”

Status: The Youth Advisory Committee has failed to achieve a quorum for the three meetings held in 2005. This has meant that this issue has not progressed and cannot be reported to Council by the proposed date of April 2005. The matter will be discussed by the Youth Advisory Committee at the first possible opportunity. A subsequent report will be forwarded to Council.

A report has been drafted for Council regarding the membership component of the Youth Advisory Council. An evaluation of the Youth Advisory Council was conducted on 29 June 2005. A report on the recommendations from this forum will be forwarded to the Executive Management Team.

STRATEGIC PLAN FOR CITY'S ART COLLECTION – (ex CJ014-02/05 - ART COLLECTION PURCHASES)

“3 REQUESTS that a strategic plan be developed for the art collection that takes into account an acquisition and disposal plan, and contains a strategy for the display of art works throughout the City's offices and appropriate buildings within the City of Joondalup, such as Edith Cowan University.”

Status: The Request to develop a strategy on the Art Collection will need to be developed in consultation with ECU and should include the incoming Visual Arts Project Officer (position currently filled only on part time temporary basis). The development of a strategic plan for the City's Art Collection is considered an important step in progressing the management of the artwork owned by the City. Guidelines for the strategy will be developed as a result of the Cultural Plan. A document is to be forwarded to the Executive Management Team.

COMMUNITY FACILITIES WITHIN THE LOCALITY OF MARMION – ex (SPECIAL MEETING OF ELECTORS HELD ON 2 MAY 2005 – CJ120-06/05)

“8 in relation to Resolution 13:

- (a) NOTES the comments raised regarding community facilities in the Marmion area;
- (b) REFERS the matter of community facilities within the Marmion locality to the Strategic Financial Management Committee for consideration;”

Status: A report will be submitted by the end of July 2005 to Executive Management Team for consideration.

FIRE BREAKS AND PEDESTRIAN ACCESS TO BEACHES IN OCEAN REEF (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003)

“In relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:

- (c) REQUEST the CEO to provide Council with a report and suitable recommendations once investigations concerning the second fire break have been completed;”

Status: As part of future staged development of Iluka, the developers intend submitting to the City design solutions for either a raised boardwalk or pathway linking the coastal dual use path to the north-western portion of the Iluka subdivision. It is at that time that consideration to the second firebreak can be given by the City.

PROPOSED PARKING RESTRICTIONS – HAWKER AVENUE, FARNE CLOSE AND SANDAY PLACE, WARWICK (ex CJ260-11/04)

“4 REQUEST the Acting Chief Executive Officer to conduct a further parking survey within relevant localities that are affected by patrons utilising the Warwick Rail Station and the Greenwood Station following a six month period after the commissioning of the Greenwood Rail Station.”

Status: A further parking survey will be conducted at the end of July 2005 and the Commissioners will then be advised by memorandum of the outcome.

TENDER NO 014-04/05 PROVISION OF SECURITY AND PATROL SERVICES IN THE CITY OF JOONDALUP – CITY WATCH (ex CJ272-11/04)

“5 REQUEST a report be submitted to Council for consideration prior to the extension of the contract beyond two years.”

Status: The requested report will be provided to Council in November 2006.

EDGEWATER QUARRY SITE - (ex CJ300 - 12/04 - Site Acquisition - Works Depot)

“REQUEST the City’s officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.”

Status: This project is currently on hold until a determination is made on the acquisition of the Hodges Drive Depot site.

OUTSTANDING PETITIONS

<p>A 55-signature petition has been received from residents of the City of Joondalup strongly urging the City to reconsider the decision to increase fees for the Movements for Healthy Bodies and Teen Aerobics classes presented at Sorrento Duncraig Leisure Centre.</p> <p>Comment: A 25% discount for Seniors, concession cardholders and full-time students was endorsed at the Council meeting of 28 June 2005. Discounted programme, which includes exercise classes, are included at subsidised rates through the GOLD Program.</p> <p>This Item may therefore be removed from the Agenda.</p>	<p>12 October 2004</p> <p>Planning and Community Development</p>
<p>A 57-signature petition has been submitted on behalf of Greenwood residents requesting the Council to investigate ways of curbing unruly traffic behaviour in Sherington Road, Greenwood.</p> <p>Comment: This Petition will be considered as part of the 2005/06 Draft Budget deliberations and this matter will then be handled administratively.</p>	<p>23 November 2004</p> <p>Infrastructure and Operations</p>
<p>A 329-signature petition has been received from residents of the City of Joondalup requesting the City to fund and develop a skateboarding park in the suburb of Ocean Reef for the benefit of the children.</p> <p>Comment: Petitioners were invited to attend a meeting on Monday, 27 June 2005 to discuss the process involved in building a skate park. Approximately 20 young people and 8 adults/parents attended the meeting, during which a number of questions were asked about how the matter could be progressed further. City officers were thanked for providing the opportunity for information to be given.</p> <p>No funds are allocated to a project of this nature in the 2005/06 draft budget.</p> <p>This Item may therefore be removed from the Agenda.</p>	<p>17 May 2005</p> <p>Planning and Community Development</p>
<p>A 21-signature petition has been received from teenagers attending the Youth Outreach Program requesting that Council increases the hours allocated to this program.</p> <p>Comment: A proposal for additional hours for the program has been put forward for the 2005/06 budget deliberations. This issue will be resolved when Council adopts the 2005/06 budget.</p> <p>The initiators of the petition have been informed of this situation in writing.</p>	<p>7 June 2005</p> <p>Planning and Community Development</p>

<p>Two petitions of 144 and 125-signatures respectively have been received requesting the City of Joondalup make provision for a 50 metre, 8 lane outdoor pool at the Craigie Leisure Centre in the City's financial budget for 2005/06.</p> <p>Comment: Council has approved a \$10.3 million budget for the refurbishment of the Craigie Leisure Centre. The project has focussed on the existing facilities including enhancements to the 25-metre and children's play area. The City has accommodated the future provision through the development of a geothermal heating system of sufficient capacity to heat a 50-metre pool. Funding has not been allocated for a 50 – metre pool in the SFP 2005/06 – 2008/09. The City will, however, undertake a feasibility study to consider community needs into the future, and the Strategic Financial Plan will be reviewed on an annual basis. The 144-signature petition has been included and treated as separate submissions to the Strategic Financial Plan 2005/06 – 2008/09 as it was received within the timeframe for public submissions.</p>	<p>28 June 2005</p> <p>Office of the CEO</p>
<p>A 103-signature petition has been received requesting the installation of a skatepark in the suburb of Woodvale.</p> <p>Comment: Petitioners were invited to attend a meeting on Monday, 27 June 2005 to discuss the process involved in building a skate park. Approximately 46 people attended the meeting, during which a number of questions were asked about how the matter could be progressed further. City officers were thanked for providing the opportunity for information to be given.</p> <p>No funds are allocated to a project of this nature in the 2005/06 draft budget.</p> <p>This Item may therefore be removed from the Agenda.</p>	<p>28 June 2005</p> <p>Planning and Community Development</p>

REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS

	DATE OF REQUEST - REFERRED TO -
Use of the Council Chamber Discussion ensued on the ability to make the chamber available for hire, on a cost-recovery basis, for certain formal occasions. It was requested that guidelines be prepared to assist the Mayor/Chairman in approving use of the Council Chamber. Comment: A report will be presented to a Strategy Session in August 2005.	9 November 2004 Office of the CEO