



# **DRAFT AGENDA FOR BRIEFING SESSION**

to be held on  
**TUESDAY, 2 AUGUST 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 1 August 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  
29 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 depositions 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, 2 AUGUST 2005** commencing at **6.30 pm**

### **ORDER OF BUSINESS**

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

#### **2 DEPUTATIONS**

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

**The following questions were submitted to the Briefing Session held on 12 July 2005:**

**Mr S Magyar, Heathridge:**

*Re: Item 2 - Public Question and or Statement Time*

Q1 The report fails to mention the City's Standing Orders which include the following regarding Public Question Time; under clause 2.4. Public Participation, "At the end of each Council meeting an additional segment of 15 minutes question time is allowed to permit the public to ask questions on decisions made at that meeting." Also in clause 3.2, Order of Business, the second item on the agenda is "Public Question Time" and the second last item is "Question Time".

*Should the report have included information about the City's own Local Law to enable the Commissioners to make an informed decision?*

*Also omitted from the report is any mention of section 1.3(2), (b) and (c) of the Local Government Act 1995, which state the Act is intended to result in better decision-making by local governments, greater community participation in the decisions and affairs of local governments, and greater accountability of local governments to their communities.*

*Is it unreasonable to assess any changes to Council's processes against the stated intent of the Local Government Act? When the public ask questions, at the public question time at the start of a Council meeting, regarding items on the agenda for that meeting, is it the Council's administration, or the Council itself that is being made more accountable to the community?*

*If the Public were allowed to ask questions at the end of the meeting, is it the Council's Administration, or the Council itself that would be made more accountable to the community?*

A1 The Standing Orders Local Law currently details an order of business, which can be altered by resolution of the Council. The current order of business of a Council meeting does not include a second period of public question - this

has been duly resolved by the Council in accordance with the provisions of the Standing Orders Local Law. The protocols relating to public question and statement time have been prepared in accordance with the requirements of the Local Government Act 1995 and the current order of business as resolved by the Council.

A review of the Standing Orders Local Law is currently being completed and will be presented to the Council in the near future.

**Mr S Magyar, Heathridge:**

*Re: Item 2 - Public Question and or Statement Time*

*Q1 The written questions that I submitted have been answered in total. Can I ask that these questions be answered individually as there is a particular logic behind each separate question?*

*A1 This request is noted.*

**Mr M Sideris, Mullaloo:**

*Re Item 2 - Protocol for Public Question and Statement Time.*

*Q1 Within the report under "Sustainability", reference is made to the recommendations of the Governance Review Panel. Can you advise which section of the Governance Review report you are referring to?*

*Q2 Is it fair and reasonable that this report refers to a document that the Council has deemed confidential and is not in the public domain?*

*A1-2 The recommendations of the Governance Review Panel are on the public record. There were 30 recommendations that identified ways in which the governance of the Council could be better handled or approached. The report itself has not been released, based on legal advice.*

**Mr M Caiacob, Mullaloo:**

*Item 9 – State Administrative Tribunal.*

*Q1 The report states that the revised proposal was advertised under Clause 6.7.2 of the District Planning Scheme No 2. Noting that 6.7.2 requires notifying adjoining occupiers and advertising in the newspaper, can Council advise me if the amended proposal was advertised in any newspaper and on what date?*

*A1 The matter before Council is being dealt with by the State Administrative Tribunal under the State Administrative Tribunal Act 2004, as distinct from the approval process under the City of Joondalup District Planning Scheme No. 2.*

Under Clause 6.7.2 of the City's District Planning Scheme No. 2; "the Council may give notice in accordance with sub-clause 6.7.1". Therefore, Council has the option of the process for advertising, which may include notifying ratepayers in writing and/ or advertising the proposal in a newspaper circulating in the district. Council does not have to advertise the proposal if it is not deemed to be necessary.



Council required the original application to be advertised:

- (a) with letters to the surrounding property owners;
- (b) by the erection of a sign on the site; and
- (c) the submission period being for three weeks.

The consultation process for the amended plans was reduced to:

- (i) notification of the following adjoining property owners:

19 Akera Close HILLARYS WA  
 21 Akera Close HILLARYS WA  
 23 Akera Close HILLARYS WA  
 25 Akera Close HILLARYS WA  
 19 Halliday Grove HILLARYS WA  
 21 Halliday Grove HILLARYS WA  
 23 Halliday Grove HILLARYS WA ; and

- (ii) the period of time for the submission of comments being reduced from three weeks to two weeks.

Although five of the submissions were received after the close of the submission period, these submissions were included in the assessment of the revised plans and the report to Council.

The consultation process for the revised plans was determined having regard to the:

- short time frame given by the State Administrative Tribunal for Council's position on the matter to be determined and that advice being presented to the next directions hearing, which is scheduled for the 25 July 2005 (the Tribunal requested that this matter be raised as a late item for the June 28 meeting if possible, otherwise the meeting on the 19 July 2005. Action was taken straight away to meet this timeline as requested by the Tribunal. However, the lateness of submissions resulted in the matter not being able to be brought before the Council until the meeting of the 19 July 2005).
- nature of the minor but important changes to the plans as they would only directly impact on the adjoining properties;
- provisions of Clause 6.7.2 of the District Planning Scheme, by requiring advertising of the application similar to 6.7.1(b), except that it was focused on the adjoining property owners that were likely to be affected by the proposal and the submission period being for two weeks instead of three weeks; and
- submitters to the original application were all property owners that abutted the appeal site and were notified of the revised plans.

Q2 *Does the change of use to medical centre as indicated in the Development Application report, affect the overall car bay requirements on site, due to the five car bays required per practitioner?*

A2 The subject development has been based on a car parking ratio of 1 bay per 30sq/m Net Lettable Area (NLA) for non-retail commercial uses (see original

Council Report CJ288 - 11/04; 23 November 2004). The subject extension is not for a medical use, but is for an extension to the existing medical centre. As has been explained in the report the proposed use class that has been given to the extension is for an "office" use. Under the City's District Planning Scheme No. 2, Table 2 (Clause 4.8) - "Car Parking Standards", the requirement for parking under an "office use" is 1 bay per 30sq/m of NLA. The overall parking has been calculated and there is currently sufficient on-site parking to cater for the proposed extensions.

**Q3** *The applicant no doubt was charged a fee for the first application. As the ratepayers have funded the City's SAT attendance, lawyers and employees:*

*(a) can the City advise whether these costs will be recouped in full in this new amended proposal?*

*(b) What is the cost of this appeal?*

**A3(a)** No. The appeals process is a no cost jurisdiction, which we are a party to. The presumption in these terms appears in Section 65(1) Town Planning & Development Act 1928. There are however, limited circumstances in which an order for cost may be made. Those are limited to:

"Where in the opinion of the Tribunal a party to an appeal has behaved unreasonably, vexatiously, frivolously in relation to the appeal, the Tribunal may order that their party pay such cost as the Tribunal thinks fit to any other party who as not so behaved."

It is a matter to be determined by the State Administrative Tribunal to determine whether either party has acted in this manner as defined in Section 65(2) Town Planning & Development Act 1928, if costs are sought by a party to the appeal.

**A3(b)** The costs of legal expenses for the appeal currently stands at \$2,592.23. This does not take into account the time of staff involved in the appeal process.

## **4 APOLOGIES AND LEAVE OF ABSENCE**

## **5 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**

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**LATE ITEMS / ADDITIONAL INFORMATION**

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

[additional information 050802.pdf](#)

## **ITEM 1                    REVIEW OF STANDING ORDERS LOCAL LAW – [01369, 05885, 08122]**

**WARD:**                    All

**RESPONSIBLE**        Garry Hunt  
**DIRECTOR:**           Chief Executive Officer

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### **PURPOSE**

For Council to consider adopting the revised Standing Orders Local Law to enable the advertising of the local law for public submissions as required by the Local Government Act 1995.

### **EXECUTIVE SUMMARY**

As a result of the split of the former City of Wanneroo, all the local laws that it operated became applicable for the newly created City of Joondalup.

In an effort to ensure that the City of Joondalup had a set of current and enforceable local laws that applied to its operations, a comprehensive review of all local laws was undertaken. The Standing Orders Local Law is the final local law to be reviewed that pertained to the former City of Wanneroo.

The revised Standing Orders have been drafted with the assistance of the City's solicitors and based on the following principles:

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

A number of recommendations contained within the 'Governance Review – Final Report', presented to the Council on 23 November 2004 (Item CJ276-11/04 refers), highlighted the need for the Council to adopt a revised set of Standing Orders to overcome the shortcomings of the existing set of meeting procedures.

The revised local law addresses all the identified shortcomings of the current set of Standing Orders, paying particular attention to the clauses relevant to Notices of Motion and Revocation Motions.

Section 3.12 of the Local Government Act 1995 details the procedure to be followed when adopting a new local law and it is intended to follow that process by initially inviting public submissions on the draft Standing Orders Local Law 2005.

### **BACKGROUND**

With the split of the former City of Wanneroo on 1 July 1998, all the local laws of the former City of Wanneroo became the local laws of the City of Joondalup.

Since that time there has been a concerted effort to review those former local laws and revise them to better reflect the operations of the City of Joondalup. This also allowed the City to have a complete and updated set of enforceable local laws. The comprehensive review of the Standing Orders Local Law is scheduled to be the final local law reviewed from the former City of Wanneroo. This review initially commenced in late 1999 and has continued to progress to-date.

The proposed Standing Orders Local Law was based on the intent and reference to well-structured Council meetings as described in the publication 'The Preparation of Agendas and Minutes – A guide for Western Australian Local Governments', as produced by the then Department of Local Government.

The guide makes the following statement:

*'With well-structured agendas a Council can have meetings that are efficient and effective in that they produce good decisions that are made following analysis of sound advice and constructive debate. At the end of such meetings those involved should be satisfied that the local government and the community have gained maximum benefit from the valuable time that has been contributed. A well-structured agenda will provide the elected body with the maximum time to debate and set policy and strategy and to plan for the future. It is generally agreed that short, sharp meetings directed towards decisions are the ones most likely to achieve good results.'*

As part of the recommendations from the Governance Review – Final Report that was presented to the Council on 23 November 2004 included the following:

*Recommendation 3:*

Council take urgent action to adopt contemporary standing orders.

*Recommendation 4:*

Upon adoption of the new Standing Orders Local Law all Elected Members, CEO and relevant staff undertake appropriate training.

*Recommendation 7:*

In the review of the Standing Orders Local Law strong consideration be given to limiting the potential abuse of meeting outcomes by inappropriate use of procedural motions. Training in meeting procedures for Elected Members to include content on the appropriate use of procedural motions.

*Recommendation 8:*

The role of the presiding person in controlling abuse of personal explanations be strengthened in the review of the Standing Orders Local Law.

*Recommendation 10*

The treatment of notices of motion should be an essential element of the review of the Standing Orders Local Law. It is essential the Standing Orders should stipulate that where a notice of motion, including a rescission motion, is placed on the agenda

it should be moved at the first available meeting or else lapse. If the mover is not present then another member should be authorised to move it, failure to do so would render the matter as lapsed. There should be a position that a similar notice of motion cannot be moved for at least three months unless it is approved by an absolute majority of the Council.

*Recommendation 11:*

Confidential items should be listed in the agenda to be handled at the end of the meeting or if such an item requires attendance by a specialist advisor then the item should be subject to a special meeting.

The Council at its meeting held on 31 August 2004 resolved that:

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

## **DETAILS**

When drafting the revised set of Standing Orders, the following general principles applied: -

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

The revised Standing Orders Local Law has included relevant sections of the Local Government Act 1995 in the form of footnotes. These footnotes do not form part of the local law, and therefore if there is a change to the legislation the footnote can be easily amended without the need to amend the entire local law. The addition of these footnotes also allows for direct reference to the Act without the need to refer to other documents. This will enable a quicker and easier level of interpretation of the Standing Orders.

As a result of the recommendations from the ‘Governance Review – Final Report’ and the shortcomings of the existing Standing Orders, the review has paid close attention to the drafting of Part 6, which relates to revocation motions.

Further to the previous decisions of the Council, the order of business for Council meetings now reflects a public statement time. This clause allows for the guidelines/procedures to be determined by the Council.

## **Issues and options considered:**

The comprehensive review of the Standing Orders Local Law has been progressing for some time and throughout the review a number of issues and options were considered when dealing with the overall intent and purpose of the local law and also when drafting individual clauses.

**Link to Strategic Plan:****Outcomes:**

The City of Joondalup is an interactive community.

**Objectives:**

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

**Strategies**

4.3.3 Provide fair and transparent decision-making processes.

**Legislation – Statutory Provisions:**

Section 3.1 of the Local Government Act 1995 states:

- (1) The general function of a local government is to provide for the good government of the persons of the district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Section 3.4 of the Act states:

The general function of a local government includes legislative and executive functions.

Section 3.5(1) of the Act states:

A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

Sections 3.12 and 3.13 of the Act detail the procedures for the making a local law: -

Section 3.12 of the Act states:

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
  - a give Statewide public notice stating that —
    - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
    - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and



- (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
- b as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister; and
- c provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law\* as proposed or make a local law\* that is not significantly different from what was proposed.

*\* Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers the Act under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
  - a stating the title of the local law;
  - b summarizing the purpose and effect of the local law (specifying the day on which it comes into operation); and
  - c advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —

“**making**” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Section 3.13 of the Act states:

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Section 3.16 of the Act requires a local government to undertake periodic reviews of its local laws, which states:

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

### **Risk Management considerations:**

The risk associated with not progressing with the adoption of a revised set of Standing Orders is that the proceedings of Council and Committee meetings will continue to be governed by a local law that has numerous shortcomings in its operations.

The failure to complete the review will mean that the City has not complied with section 3.16 of the Local Government Act 1995.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

The Standing Orders Local Law governs the meeting procedures. As the order of business in the proposed local law includes provision for a public statement time, necessary guidelines/policies will need to be developed in due course.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

A revised set of Standing Orders that offers a contemporary approach to governing the proceedings of Council and Committee meetings will greatly assist the decision-making process.

**Consultation:**

The level of consultation will be dictated by the requirements of the Local Government Act 1995.

**COMMENT**

The proposed Standing Orders Local law has been based on the best practice principles of well-structured agendas that are short and sharp, which allows sufficient time to debate, and set policy and strategy to achieve the best results for the community.

The proposed local law includes the repeal of the current Standing Orders Local Law carried over from the former City of Wanneroo, being:

City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette - 30 October 1997.

The repeal of the current local law coincides with the commencement of the proposed local law. The City's solicitor has reviewed the proposed local law to ensure that the content is within the bounds of operation of the Local Government Act 1995.

It is recommended that the proposed local law be advertised in accordance with section 3.12 of the Local Government Act 1995, in order to seek public comment. The revised set of Standing Orders will assist in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.

**ATTACHMENTS**

Attachment 1	Draft Standing Orders 2005 – Explanatory Notes
Attachment 2	Draft Standing Orders Local Law 2005

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Local Law 2005”, forming Attachment 2 to this Report, in order to seek public comment.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf020805 .pdf](#)*

## **ITEM 2                    PROTOCOLS   FOR   STRATEGY   AND   BRIEFING SESSIONS – [25548, 08122, 76541, 01139, 02154]**

**WARD:**                    All

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

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### **PURPOSE**

To provide suggested protocols and parameters for the operation of Strategy and Briefing Sessions for the consideration of Council.

### **EXECUTIVE SUMMARY**

The Council agreed to conduct a review of its governance processes in late 2003. A final report was prepared and presented to the Council in early 2004. The report contained the following recommendations pertaining to the currently established Strategy and Briefing Sessions that the Council operates as part of its decision-making process.

*“The agenda briefing session process would be improved by:*

- (a)    Retaining public access to the sessions but removing public question time;*
- (b)    Members of the public who have a specific interest in a matter may be given an opportunity to address the Council if they submit a written request to the CEO at least 24 hours before the session;*
- (c)    Advising Elected Members at the beginning of the session of the issues that will be subject to a formal presentation by a staff member during the session. Such issues will be determined by the CEO taking into account (d) below;*
- (d)    Requiring all Elected Members to advise at least 24 hours before the session of the issues they wish to have addressed. Staff would then make presentations on such requests;*
- (e)    The chair making it very clear that no debate between Elected Members will be allowed;*
- (f)    Being more liberal with the time made available for the sessions;*
- (g)    Providing notes to members who do not attend of the issues that have been covered so that such members can seek answers to their queries from other Elected Members or staff prior to the matter being considered in the ordinary meeting.”*

The Council considered a number of the Governance Review recommendations at its meeting held on 23 November 2004 where it resolved in particular relating to Strategy and Briefing Sessions as follows:

*“That nothing in this resolution prevents the Administration from carrying out preliminary administrative tasks in connection with a review of:*

- *Guidelines relating to public question time*
- *Protocols and procedures relating to strategy and Briefing Sessions*
- *Standing Orders*
- *Code of Conduct*
- *Electronic controls within the Council Chamber*
- *Induction program for Mayors and Councillors/Commissioners”*

This report presents draft protocols relating to Strategy Sessions and Briefing Sessions. The revised protocols are based on previously established procedures for these sessions and also embrace some of the improvements suggested as part of the recommendations of the Governance Review – Final Report.

## **BACKGROUND**

The City of Joondalup was established on 1 July 1998 as a result of the splitting of the former City of Wanneroo into two (2) new local governments.

The division of the former City of Wanneroo was overseen by five (5) Joint Commissioners, following the suspension of the former elected Council of the City of Wanneroo in late 1997. The former Council was reinstated immediately prior to the Governor's Orders disbanding the former City of Wanneroo and establishing the two (2) new local governments.

The City of Joondalup conducted its inaugural elections in December 1999 and has had subsequent elections in May 2001 and 2003.

A Governance Review Panel was established in September 2003 comprising of:

- Mr Steve Cole, Director Capacity Building – Department of Local Government and Regional Development – (Chairman);
- Councillor Ian Mickel, President – Shire of Esperance;
- Mr Cliff Frewing, Executive Manager – Financial and Information Services – City of Swan and President, WA Division of Local Government Managers Australia;
- Mr Bruce Wittber, Consultant (Executive Officer).

The following terms of reference for the Governance Review were agreed to by the City of Joondalup in September 2003:

*“The Governance Review Panel will assess and make recommendations on the operations of the Council of the City of Joondalup with particular reference to*

- 1 *The development of an appropriate working relationship between Elected Members that will achieve good government for the City and an appropriate public image for the local government within the community.*
- 2 *Whether or not the behaviour of Elected Members related to their local government responsibilities, both personal and collective, is appropriate in terms of the Council's responsibilities and public perception.*

- 3     *The ordinary meetings of Council with particular regard to meeting procedures, behaviour of participants, the operation of Standing Orders and whether those Standing Orders require amendment.*
- 4     *Whether or not the relationships between Elected Members are having, or could be perceived to be having, an impact on the fairness, objectivity and outcome of the decisions being made by Council.*
- 5     *Whether the Code of Conduct is appropriate and adherence to that code.*
- 6     *The nature and effectiveness of the working relationship between Elected Members and senior employees.*
- 7     *Whether the information and advice to Elected Members from the executive is appropriate and sufficient and how that advice is being received and used in Council's deliberations and determination of matters.*
- 8     *The adherence to the requirements of the Local Government Act that the Mayor and CEO are to "liaise on the local government's affairs and performance of its functions."*
- 9     *The nature and effectiveness of the Council decision-making structure.*
- 10    *Whether the Council decision-making processes are fair, open and objective (in accordance with the Act and community interest).*
- 11    *Whether or not the nature and source of statements to the media regarding Council matters and decisions are appropriate, fair, reasonable and within the context of the Local Government Act.*
- 12    *The participation, nature and effectiveness of the Elected Member induction process and on-going development opportunities for Elected Members."*

The Governance Review report provides further background to the establishment of the review. The review included the following recommendation relating to Strategy and Briefing Sessions:

*"The agenda briefing session process would be improved by-*

- (a)    *Retaining public access to the sessions but removing public question time;*
- (b)    *Members of the public who have a specific interest in a matter may be given an opportunity to address the Council if they submit a written request to the CEO at least 24 hours before the session;*
- (c)    *Advising Elected Members at the beginning of the session of the issues that will be subject to a formal presentation by a staff member during the session. Such issues will be determined by the CEO taking into account (d) below;*
- (d)    *Requiring all Elected Members to advise at least 24 hours before the session of the issues they wish to have addressed. Staff would then make presentations on such requests;*

- (e) *The chair making it very clear that no debate between Elected Members will be allowed;*
- (f) *Being more liberal with the time made available for the sessions;*
- (g) *Providing notes to members who do not attend of the issues that have been covered so that such members can seek answers to their queries from other Elected Members or staff prior to the matter being considered in the ordinary meeting."*

It should be noted that the Council has previously agreed to retain public question time as part of Briefing Sessions in response to recommendation (a) above from the Governance Review.

A report was presented to the Council meeting held on 23 November 2004 where a number of resolutions were carried by the Council in response to the recommendations contained within the Governance Review – Final Report. Part of the resolution carried on 23 November 2004 including the following pertaining to Strategy and Briefing Sessions:

*"That nothing in this resolution prevents the Administration from carrying out preliminary administrative tasks in connection with a review of:*

- *Guidelines relating to public question time*
- *Protocols and procedures relating to strategy and Briefing Sessions*
- *Standing Orders*
- *Code of Conduct*
- *Electronic controls within the Council Chamber*
- *Induction program for Mayors and Councillors/Commissioners"*

The Council at its meeting held on 31 August 2004 adopted procedures that relate to the operations of the Strategy and Briefing Sessions. Copies of these appear at the front of each Strategy and Briefing Session agenda.

## **DETAILS**

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

The Council's current decision-making process involves a rolling three weekly cycle based on the following:

- Strategy Session (closed to the public);
- Briefing Session (open to the public);
- Ordinary Council meeting (open to the public).

The Council has been operating this decision-making format since March 2002. The Council also established five (5) advisory-type committees of specific nature, which make recommendations to the Council for its consideration.

## **Strategy Sessions**

Strategy Sessions involve Elected Members/Commissioners and staff meeting to exchange information and ideas for the development of the local government and the district.

Such Strategy Sessions often involve projects that are in the early planning stages and are some time away from being presented to Council for decision. During Strategy Sessions, staff seek input from the Elected Members/Commissioners as they research the matter and draft the report. Elected Members/Commissioners and staff are also looking to present ideas for future consideration.

The input provided by Elected Members/Commissioners in their role as community representatives can be of invaluable assistance in providing direction for staff to proceed with their research and eventual report on a matter. Examples of the type of issues Strategy Sessions may cover include:

- current matters of a local or regional significance;
- matters relating to the future development of the local government;
- significant revenue-raising requirements or expenditure needs;
- the development of internal strategic, planning, management and financial documents; and
- significant staff issues such as cultural change and major restructures.

Strategy Sessions are held in a relatively informal manner, and this privacy and informality allows Elected Members/Commissioners to propose ideas and ask questions for the better understanding of those in attendance. Such Strategy Sessions assist individuals to become better informed and to clarify their views.

## **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, and thereby avoid the necessity of deferring an item due to lack of adequate information.

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. Briefing Sessions may go behind closed doors to consider an item of a confidential nature that is listed on an agenda, however this seldom occurs. 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.

### **Council Meetings**

Council meetings, whether they be Ordinary, or Special meetings, are the only meetings at which decisions are made by the Council. Each of the other meeting processes is for the provision of relevant information to all Elected Members/Commissioners to assist each of them to make informed decisions.

Council meetings are therefore conducted in a more formal and structured manner in accordance with the Local Government Act 1995 and the City's Standing Orders Local Law.

The following table demonstrates the main characteristics of the current meeting cycle:

	<b>Strategy Session</b>	<b>Briefing Session</b>	<b>Council Meeting</b>
Open to Public	No	Yes	Yes
Public Question Time	No	Yes	Yes
Deputation Session	No	Yes	No
Presentation of information by officers	Yes	Yes	Yes
Debate	No	No	Yes
Formal Decisions made	No	No	Yes
Record kept of meeting	Informal Notes	Informal Notes	Minutes

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

Outcome: The City of Joondalup is an interactive community.

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

Strategy: Provide fair and transparent decision-making processes.

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

Local governments are only allowed to make decisions by law when the Council as a whole meets and forms properly constituted resolutions. The exceptions to this is where the Mayor may exercise some emergency powers allowed for by the Local Government Act 1995 or where the decision rests with the Chief Executive Officer, or the Council has formally delegated the decision-making power to either a committee or an officer of the local government.

Section 5.8 of the Local Government Act 1995 states: -

#### **5.8. Establishment of committees**

A local government may establish\* committees of 3 or more persons to assist the Council and to exercise the powers and discharge the duties of the local government that can be delegated to committees.

*\* Absolute majority required.*

Section 5.42 of the Local Government Act 1995 states: -

**5.42. Delegation of some powers and duties to CEO**

- (1) A local government may delegate\* to the CEO the exercise of any of its powers or the discharge of any of its duties under this Act other than those referred to in section 5.43.

*\*Absolute majority required.*

- (2) A delegation under this section is to be in writing and may be general or as otherwise provided in the instrument of delegation.

**Risk Management considerations:**

The Governance Review – Final Report made a number of recommendations that are being considered by the Council. The need to establish clear protocols relating to Strategy and Briefing Sessions is critical in assisting the decision-making process of the City of Joondalup.

**Financial/Budget Implications:**

Not Applicable

**Policy implications:**

The adoption of the protocols will have implications relating to the operation of the Strategy and Briefing Sessions.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

The City recognises its responsibility 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:**

Not Applicable.

**COMMENT**

The modern role of the elected body is to set policy and strategy, and to provide goals and targets for the local government. A well structured decision-making process will provide the elected body with the opportunity to seek points of clarification, ask questions and adequate time to research issues. Such a process requires clear protocols to assist in the information gathering and sharing process.

Revised protocols have been drafted and are attached for consideration by the Council. The protocols have been based on the current decision-making process that the Council has in place, previous decisions of the Council in setting parameters for Strategy and Briefing Sessions and the recommendations from the Governance Review – Final report.

## ATTACHMENTS

Attachment 1              Draft Protocols for Strategy Sessions and Briefing Sessions.

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

**That Council:**

- 1        BY AN ABSOLUTE MAJORITY, REVOKES its decision of 31 August 2004 being:**  
  
***“ADOPT the Procedures for Strategy and Briefing Sessions, as set out in Attachment 2 to Report CJ195-08/04, subject to:***
  - (a)      Addition of a new point 10 to Procedures Applying to Both Strategy and Briefing Sessions, being:***  
  
***“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.”***
  - (b)      Addition of a new point 6 to Procedures Specific to Briefing Sessions, being:***  
  
***“6 A period for Public Questions be held at the commencement of Briefing Sessions that relate only to items on the agenda;”***
  - (c)      Deletion of point 3 under the heading “Procedures Specific to Strategy Sessions” and substituting that with a new point 3 as follows:***  
  
***“3 In specific instances when it is considered appropriate by Elected Members/Commissioners to be more fully informed on a matter, proponents may be invited to provide a presentation at a Strategy Session and in those instances headings of matters will be disclosed to the public.”***
  - (d)      Purpose of Strategy Sessions to be included in the procedures, to make it clear what they are meant to achieve, and that purpose to generally accord with the description given to Concept Forums in Item 3.1 of the Guidelines on Council Forums published by the Department of Local Government and Regional Development dated January 2004 forming Attachment 3 to Report CJ195-08/04;”***

- 2      ADOPTS the Procedures for Strategy Sessions and Briefing Sessions, as set out in Attachment 1 to this Report.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf020805.pdf](#)*

### **ITEM 3                    COUNCIL ELECTIONS – [17518]**

**WARD:**                    All

**RESPONSIBLE**        Garry Hunt  
**DIRECTOR:**            Chief Executive Officer

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#### **PURPOSE**

For Council to give consideration to whether the forthcoming Council Elections will be voting-in-person elections or postal elections.

#### **EXECUTIVE SUMMARY**

Upon completion of the McIntyre Inquiry into the City of Joondalup, the Minister for Local Government and Regional Development will set a date for City of Joondalup Council Elections.

Local government elections must be conducted in accordance with the *Local Government Act 1995 (the Act)* and the *Local Government (Elections) Regulations 1997 (the Regulations)*.

In accordance with the Act and the Regulations, Council is required to decide the type of election to be held and declare who will be responsible for the conduct of the elections.

It is recommended that Council resolve to decide that the method of conducting the election will be as a postal election and declare that the Electoral Commissioner be responsible for the conduct of the election.

Council may also decide at this point if it desires to appoint the Electoral Commissioner as the person responsible for the conduct of all City of Joondalup Council Elections between now and 31 December 2011.

It is also recommended that Council resolve that the method of conducting all Council elections due to be held between now and 31 December 2011 will be as postal elections and declare that the Electoral Commissioner be responsible for the conduct of those elections.

#### **BACKGROUND**

As a result of the suspension of the City of Joondalup Council, the City did not take part in the May 2005 ordinary local government elections. As a result, elections for the City of Joondalup will not be held until a date is set by the Minister upon the completion of the McIntyre Inquiry.

Prior to the elections taking place the Council is required to decide what type of election will be held (voting in person or postal) and who will responsible for the conduct of the election.

In accordance with Act the written agreement of the Electoral Commissioner is required before a local government can declare the Electoral Commissioner to be responsible for the conduct of the election.

The Electoral Commissioner has been requested to provide a written undertaking that it is willing to be responsible for the conduct of the next City of Joondalup Council Elections. A response from the Electoral Commissioner has now been received and Council is now in a position to declare the Electoral Commissioner responsible for the next Council elections and future elections to 31 December 2011.

## **DETAILS**

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

The Act allows a local government the option of having a voting in person election or a postal election. A Council election shall be a voting in person election unless the local government decides (by absolute majority) to conduct the election has a postal election. The decision to conduct the election as a postal election must be made at least 80 days before Election Day and can only be made after or in conjunction with a declaration that the Electoral Commissioner is to be responsible for the election.

A recent amendment to the Act now allows a local government to appoint the Electoral Commissioner to be responsible for the conduct of all elections within a particular period of time.

The options for Council are as follows (Council must first decide on the method by which an election is to be held as other available options are determined by the method of the election):

#### **1 Voting in person election**

- The CEO is the returning officer, unless other arrangements are made,
- Council may, having first obtained the permission of the person concerned and the written approval of the Electoral Commissioner, appoint a person other than the CEO to be the returning officer for an election or for all elections held while the appointment of that person subsists (such an appointment is to be made at least 80 days before an election day and cannot be rescinded after 80 days before election day).

#### **2 Postal election**

- A decision to conduct a Postal Election can only be made after or in conjunction with a declaration by the Council that the Electoral Commissioner be responsible for the conduct of the election (this declaration must be made at least 80 days before an election day and cannot be rescinded after 80 days before election day and can only be made after the Electoral Commissioner has provided a written agreement to do so).
- The Council may decide to appoint the Electoral Commissioner to be responsible for the conduct of all elections conducted with a particular period of time. The Electoral Commissioner has advised Council that it is willing to be responsible for the conduct of all elections from now until 31 December 2011.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

*Local Government Act 1995*

*Division 7 – Provisions about electoral officers and the conduct of elections*

**4.19 The Returning Officer**

*The principal electoral office of a local government is that of returning officer.*

**4.20 CEO to be returning officer unless other arrangements are made**

- (1) *Subject to this section the CEO is the returning officer of a local government for each election.*
- (2) *A local government may, having first obtained the written agreement of the person concerned and the written approval of the Electoral Commissioner, appoint\* a person other than the CEO to be the returning officer of the local government for –*
  - (a) *an election; or*
  - (b) *all elections held while the appointment of the person subsists.*

*\* Absolute majority required.*

- (3) *An appointment under subsection (2) –*
  - (a) *is to specify the term of the person's appointment; and*
  - (b) *has no effect if it is made after the 80<sup>th</sup> day before an election day.*
- (4) *A local government may, having first obtained the written agreement of the Electoral Commissioner, declare\* the Electoral Commissioner to be responsible for the conduct of an election, or all elections conducted within a particular period of time, and, if such a declaration is made, the Electoral Commissioner is to appoint a person to be the returning officer of the local government for the elections or elections.*

*\* Absolute majority required.*

- (5) *A declaration under subsection (4) has no effect if it is made after the 80<sup>th</sup> day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.*
- (6) *A declaration made under subsection (4) on or before the 80<sup>th</sup> day before election day cannot be rescinded after that 80<sup>th</sup> day.*

#### Stage 4 – Preparing for voting

##### 4.61 Choice of methods of conducting the election

- (1) The election can be conducted as a –  
“**postal election**” which is an election at which the method of casting votes is by posting or delivering them to an electoral officer on or before election day;  
or  
“**voting in person election**” which is an election at which the principal method of casting votes is by voting in person on election day but at which votes can also be cast in person before election day, or posted or delivered, in accordance with regulations.
- (2) The local government may decide\* to conduct the election as a postal election.

*\*Absolute majority required.*

- (3) A decision under subsection (2) has no effect if it is made after the 80<sup>th</sup> day before election day unless a declaration has already been made in respect of an election for the local government and the declaration is in respect of an additional election for the same local government.
- (4) A decision under subsection (2) has no effect unless it is made after a declaration is made under section 4.20(4) that the Electoral Commissioner is to be responsible for the conduct of the election or in conjunction with such a declaration.
- (5) A decision made under subsection (2) on or before the 80<sup>th</sup> day before an election day cannot be rescinded after that 80<sup>th</sup> day.
- (6) For the purposes of this Act, the poll for an election is to be regarded as having been held on election day even though the election is conducted as a postal election.
- (7) Unless a resolution under subsection (2) has effect, the election is to be conducted as a voting in person election.

#### **Risk Management considerations:**

Not Applicable.

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

A provision has been made in the 2005/06 draft budget for the conduct of Council elections. The proposed budget amount is \$300,000.

#### **Policy implications:**

Not Applicable.



**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Consultation has taken place with the Electoral Commissioner.

**COMMENT**

In accordance with the requirements of the Act the Electoral Commissioner has been requested to provide a written agreement to conduct the next City of Joondalup Council Elections.

The Electoral Commissioner has provided a written agreement to conduct the next Council elections and all elections for the City of Joondalup until 31 December 2011.

The Electoral Commissioner has advised that the estimated cost for a postal election in 2005 is \$240,000 - \$260,000 including GST, which has been based on the following assumptions:

- 104,000 electors;
- response rate of approximately 30%;
- up to 15 vacancies (including Mayoral); and
- count to be conducted at the premises of the City of Joondalup.

Costs not incorporated in this estimate include:

- non-statutory advertising (i.e. additional advertisements in community newspapers and promotional advertising);
- any legal expenses other than those that are determined to be borne by the Western Australian Electoral Commission in a Court of Disputed Returns; and
- one local government staff member to work in the polling place on election day.

The City of Joondalup has been conducting postal elections since its inaugural elections in May 1999 as a result of recommendations made by the Royal Commission into the former City of Wanneroo.

The table below shows the election method, voter turn-out and elections costs for all Council elections since May 1997 (note that the May 1997 elections were for the City of Wanneroo and elections from 1999 onwards are for the City of Joondalup).

<b>Election Date</b>	<b>Election Method</b>	<b>Voter Turn-out</b>	<b>Election costs (approx.)</b>
May 1997	Voting in person	6.51%	\$60,000
Dec 1999	Postal	28.2%	\$200,000
May 2001	Postal	29.7%	\$240,000
May 2003	Postal	25.87%	\$260,000

The table confirms that postal elections do increase voter turn-out, however the associated costs of running the election are higher.

Provision has been made in the 2005/06 Budget for \$300,000 for the conduct of Council elections. The quote received from the Electoral Commissioner is within the budget parameters.

It is recommended that Council opt for postal elections due to the significant increase in voter turnout associated with postal elections.

## **ATTACHMENTS**

Nil.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

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

## **ITEM 4                    OCEAN REEF MARINE STRUCTURE PLAN DEVELOPMENT - [04171] [07303]**

**WARD:** Marina

**RESPONSIBLE** Garry Hunt  
**DIRECTOR:** Chief Executive Officer

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### **PURPOSE**

To approve the preparation of the Ocean Reef Marina structure plan and the calling of tenders for consultants required to develop the structure plan.

### **EXECUTIVE SUMMARY**

Council purchased Part Lot 1029, 24.4 ha of land at Ocean Reef adjacent to the boat launching facility in 1979. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses.

The Ocean Reef Marina development site is located on the coast at Ocean Reef and is approximately 46 hectares in area. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the sea sports club and sea rescue building.

The site includes Foreshore Reserve 20561, City owned land, Lots 1029 and 1032, Groyne Reserve 36732 and Breakwater Reserve 39014 both vested in the City and Water Corporation land Lot 1033.

The first stage of the project focuses on identifying a concept design and structure plan for Ocean Reef Marina to meet the social/lifestyle needs of the region, promote economic development and protection of the environment in a sustainable way.

The structure plan will broadly identify what should be part of the development, which might include elements like boat pens, recreation areas, natural bushland, restaurants/shops. Physical development of the site will be a future project, once Council has considered the best way for development to take place.

Consultants required for this project will include services such as community consultation and public relations, environmental, planning and urban design, architecture, engineering and infrastructure, geotechnical, marine, land survey and heritage.

A Project Control Group consisting of City officers, State Government Departmental representatives and relevant consultants has been established to manage the project. Clifton Coney Group has currently been appointed as the external Project Manager for this project, in accordance with their existing contract with the City, up to the appointment of the required consultants stage. Clifton Coney Group will then be required to submit their proposal to manage the Structure Plan Process.

*It is recommended that Council:*

- 1 *APPROVES the preparation of a structure plan in accordance with Part 9 of District Planning Scheme No. 2 for the Ocean Reef Marina Development and the calling of tenders for key consultants required to prepare the plan for the following key areas:*
  - *Urban design;*
  - *Engineering services;*
  - *Environmental services;*
  - *Community consultation and public relations;*
- 2 *NOTES that the Clifton Coney Group has been appointed as Project Managers up to the appointment of key consultants for the preparation of the structure plan as detailed in (1) above and is required to submit a proposal to manage the structure plan process in accordance with its term contract.*

## **BACKGROUND**

Council purchased Part Lot 1029, 24.4 ha of land at Ocean Reef adjacent to the boat launching facility in 1979. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses.

In 1997 the City commenced discussions with the Water Corporation and Department of Transport regarding the possible transfer of vesting the Ocean Reef boat launching facilities and associated groynes to the City. It was considered there was potential for development of the Ocean Reef breakwater for commercial and other complimentary uses. In November 2000 Council resolved to execute the Deed for the vesting of Ocean Reef boat launching facilities and groynes with the City.

The City of Joondalup, Water Corporation and the Department of Planning and Infrastructure received the stamped Ocean Reef Marina Deed of Agreement on 22 August 2002. The agreement transfers the vesting of Groyne Reserve 36732 (Water Corporation) and Breakwater Reserve 39014 (Minister for Transport) to the City.

The area also encompasses two lease sites, that of the Whitfords Sea Sports Club and the Whitfords Sea Rescue. Both of these leases are currently expired.

The City commissioned a preliminary report on the commercial potential of the site in 2000. It identified that the site may have limited income potential for commercial development in the short term due to geographic and demographic constraints. It also concluded that competition with other nearby commercial centres and little prospect of tourism based activities contributed to the limited viability for commercial development on the site.

Pt Lot 1029 is in the northern part of Bush Forever Site 325, which is most of the coastal strip extending from Burns Beach south to Hillarys. Lots 1032 and 1033 are not in the Bush Forever site, but bush land west of these lots is in the site. In 1999 the City raised concerns with the Ministry for Planning regarding the Bush Forever classification of land at Ocean Reef. At the conclusion of these discussions it was agreed that the Bush Forever classification identified the site as a future tourism and recreation node and did not preclude development. Further it was identified that development needs to respond to conservation values of the site and that these should be protected in part through preparation of bushland sensitive design criteria.

A Vegetation and Flora survey was commenced in March 2002. The study resulted in the mapping and identification of vegetation in terms of distribution, condition and conservation significance. It concluded that Ocean Reef is important in terms of conservation and that further discussion should occur with the Bush Forever Officer to determine constraints for future development.

At an Ocean Reef Development Committee meeting in 2001 it was agreed that a Planning Workshop be held with interested stakeholders concerning Ocean Reef. The Committee was made up of the Mayor, Marina Ward members, one elected member from each of the remaining wards and Council officers. The purpose of the workshop was to develop a 'Land Vision' for the site. The key findings of the workshop emphasised the importance of continued community consultation, a whole of government approach and that the City should proceed with the preparation of a Structure Plan in the form of a concept for discussion.

In March 2002 the City appointed consultants to undertake a community benchmark survey. The survey was completed by 199 residents in the vicinity of Ocean Reef and 301 residents in the Joondalup district. The purpose of the survey was to gauge community expectations and attitudes in relation to redevelopment of Ocean Reef Marina. The findings of the survey indicated that respondents were informed there would be a comprehensive plan of community consultation throughout the development process and that 57.5% of respondents were in favour of a marina development at Ocean Reef.

The Ocean Reef Marina development site is located on the coast at Ocean Reef and is approximately 46 hectares in area. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, Reserves, freehold land and the sea sports club and sea rescue building.

This City Project focuses on identifying a concept design and structure plan for Ocean Reef Boat Harbour to meet the social/lifestyle needs of the region, promote economic development and protection of the environment in a sustainable way.

The structure plan will broadly identify what should be part of the development, which might include facilities like boat pens, recreation areas, natural bushland, restaurants/shops and residential development. Physical development of the site will be a future project, once Council has considered the best way for development to take place. The State Government announced funding assistance for this project of up to \$700,000 to ensure that the project could proceed than earlier planned.

Consultants required for this project will include services such as community consultation and public relations, environmental, planning and urban design, architecture, engineering and infrastructure, geotechnical, marine, land survey and heritage.

The Ocean Reef Marina is a significant project and it is important to get the planning right to make sure that when the area is developed, it meets the social, economic and environmental needs of both the immediate and wider community. It will take approximately 12 to 18 months to get to a point where a concept design and structure plan have been finalised and approved by Council.

The resultant structure plan will enable the City to lodge proposals with various government authorities for statutory approval, which is required before any physical development can proceed. It is estimated that statutory approval might take 12 months.

The reports referred to within this report were incorporated in January 2005 into a document called Ocean Reef Boat Harbour Background Reports.

## DETAILS

The primary objective of this project is to assess the viability of development proposals for the Ocean Reef Marina consistent with Council's original intent to develop a regional mixed-use boat harbour facility to enable the development of a range of recreational, commercial and service uses, ancillary to the boat harbour launching facilities.

The project will consist of four stages extending over an 18 month period. The first three stages will focus on the development of the structure plan and the final stage will conclude with the production of the structure plan in accordance with Council's Planning Scheme requirements.

The structure plan will identify areas for future uses based on previous studies and preliminary investigations of the study area's characteristics. It will result in detailed design required for a structure plan (as identified in *District Planning Scheme No.2*), identifying areas where development can occur and key infrastructure required.

The first three stages will conclude with the delivery of the structure plan, implementation strategy and a summary report outlining the findings and conclusions of the study team to Council.

The structure plan will include design drawings, perspectives and designation of land for particular uses and densities of development.

The following draft indicative program for the project will be confirmed on appointment of the consultant team:

### STAGE 1 – Preliminary Feasibility (4 months)

Consultant research and assessment  
Establish Project Control and Community Reference Groups  
Scoping Workshop to establish vision, guiding principles and triple bottom line criteria for option evaluation  
Identify and formulate preliminary development options  
Report to Council

### STAGE 2 – Business Case (3 months)

Development Options Workshop to identify preferred options - assess feasibility of each option and prepare documentation for public exhibition  
Design development of options  
Preliminary business case and feasibility analysis compiled for the preferred options  
Report to Council

### STAGE 3 – Public Exhibition (6 months)

Detailed Analysis and Costing  
Implementation Workshop to select the Preferred Option Strategy  
Public exhibition of Draft Structure Plan options  
Prepare Draft Structure Plan and Implementation Strategy Reports  
Submission of final report to Council

### STAGE 4 – Structure Planning (5 months)

Preparation of material for Structure Plan in accordance with *District Planning Scheme No.2*  
Submission of final report to Western Australian Planning Commission

**The Project Objectives are as follows:**

Developing a Structure Plan in accordance with the City's objectives  
Ongoing review and management of risk  
Sustainable redevelopment of the Ocean Reef Marina  
Community involvement in and ownership of the process in developing the Structure Plan  
Identification of the proportion of bushland areas for conservation and rehabilitation  
Business Case for the preferred option including a review of the commercial potential of the site  
Engagement of a consultant team to finalise project documentation  
Environmental Management System for implementation with the Structure Plan  
Development of a Structure Plan incorporating best practice sustainable development principles and concepts  
A Structure Plan document for Council and State Government endorsement and public exhibition

**Issues and options considered:**

Council purchased Part Lot 1029, 24.4 ha of land at Ocean Reef adjacent to the boat launching facility in 1979. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses. The development of a structure plan is the first stage in relation to future development of the site.

**Link to Strategic Plan:**

Development of Ocean Reef Marina will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

*Caring for the Environment:* The structure plan will incorporate bushland sensitive design criteria and will recognise the conservation values of the site utilising best practice urban design principles in the plan.

*Community Wellbeing:* Providing a cohesive system of integrated land use planning that balances built form and land use, community needs and the environment.

*City Development:* Encourage local employment and economic development through the urban design of the development.

*Organisational Development:* Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community.

**Legislation – Statutory Provisions:**

Tender requirements in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or is worth more than \$50,000 will be actioned. The consideration for the each consultant contract is not expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

The structure plan is required to be prepared in accordance with the City's District Planning Scheme No. 2.

Consultation with and participation from State Government agencies will continue through the structure plan process to ensure compliance with their various requirements.

**Risk Management considerations:**

The City's Project Control Group has developed a risk management report for the project. The report will be reviewed by consultants once appointed and on an ongoing basis. The Project Control Group is currently and will continue to formulate strategies to mitigate these risks.

**Financial/Budget Implications:**

This project has a budget allocation of \$1.184m.

The cost estimates for the development of the structure plan are as follows:

Stage	Stage Estimate \$	Government Contribution \$	City Contribution \$
1 Preliminary Feasibility	179,850	179,850	0
2 Business Case	394,350	394,350	0
3 Public Exhibition	372,350	125,800	246,550
4 Structure Planning	108,900	0	108,900
Total	1,055,450	700,000	355,450

**Policy implications:**

Not applicable

**Regional Significance:**

The Ocean Reef Marina development is a regionally significant project highlighted by the funding offered by the State Government to expedite the preparation of the structure plan.

**Sustainability implications:**

A key element of the design outcomes for this project will be consideration and demonstration of urban design and environmental design solutions for the site that are acceptable to Council and the community and that incorporate best practice for coastal development.

The structure Plan should be developed in consideration of its ability to demonstrate principles and concepts of sustainable development. Under this brief the consultant is encouraged to proactively respond to challenges of sustainable development, and is required to demonstrate how sustainable development initiatives can be responsibly incorporated into the design approach.

**Consultation:**

Extensive consultation has been undertaken in the past with key stakeholders and the community in regards to this project and will be required throughout the structure plan process. It is intended to utilise the services of external communications and public relations consultants to supplement in-house skills to facilitate positive consultation, participation and marketing of the project. The City's Public Participation Strategy will be applied to this project.



## COMMENT

Council purchased Part Lot 1029, 24.4 ha of land at Ocean Reef adjacent to the boat launching facility in 1979. The purchase was made as an investment for the benefit of the community, to enable the development of a range of recreational, commercial and ancillary service uses.

The Ocean Reef Marina development site is located on the coast at Ocean Reef and is approximately 46 hectares in area. The site currently consists of a boat launching facility, parking for vehicles and boat trailers, reserves, freehold land and the sea sports club and sea rescue building.

The first stage of the project focuses on identifying a concept design and structure plan for Ocean Reef Marina to meet the social/lifestyle needs of the region, promote economic development and protection of the environment in a sustainable way.

The structure plan will broadly identify what should be part of the development, which might include things like boat pens, recreation areas, natural bushland, restaurants/shops. Physical development of the site will be a future project, once Council has considered the best way for development to take place.

Consultants required for this project will include services such as community consultation and public relations, environmental, planning and urban design, architecture, engineering and infrastructure, geotechnical, marine, land survey and heritage.

A Project Control Group consisting of City officers, State Government representatives and relevant consultants has been established to manage the project.

## ATTACHMENTS

Attachment 1      Ocean Reef Development Site Map

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council:**

**1      APPROVES the preparation of a structure plan in accordance with Part 9 of District Planning Scheme No. 2 for the Ocean Reef Marina Development and the calling of tenders for key consultants required to prepare the plan for the following key areas:**

- **Urban design;**
- **Engineering services;**
- **Environmental services;**
- **Community consultation and public relations;**

- 2**      **NOTES that the Clifton Coney Group has been appointed as Project Managers up to the appointment of key consultants for the preparation of the structure plan as detailed in (1) above and is required to submit a proposal to manage the structure plan process in accordance with its term contract.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf020805.pdf](#)*

*C:\Documents and Settings\matthewmc\My Documents\Ocean Reef Report.doc*

## **ITEM 5                      DRAFT            JINAN-JOONDALUP            SISTER            CITIES RELATIONSHIP PLAN - [52469] [11014]**

**WARD:**                      All

**RESPONSIBLE**    Garry Hunt  
**DIRECTOR:**        Chief Executive Officer

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### **PURPOSE**

To seek endorsement from Council to release the draft Joondalup-Jinan Relationship Plan for public comment.

### **EXECUTIVE SUMMARY**

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002 and in September 2004 the Chairman of Commissioners led a delegation to Jinan where a Protocol of Friendly Relations was signed. This was followed by a visit to the City by delegates from Jinan in November 2004 when an official protocol agreement formalising the Sister City Relationship between the two Cities was signed.

Council at its meeting on the 2 November 2004 resolved inter alia: -

*“ To provide details for a 5 year plan to establish and sustain the sister-city relationship and also to outline how the relationship will be measured and monitored”;*

The City has finalised a draft long-term Relationship Plan, which will guide the development of the Sister City Relationship over the next 5 to 10 years.

In April 2005 Council received a report outlining proposed visits for 2005. (CJ066-04/05 refers) Council deferred consideration of an outbound visit to Jinan in October 2005 until after the draft Relationship Plan is presented to Council.

It is envisaged that the draft Relationship Plan would be a point of discussion during the proposed visit in August by Mayor Bao Zhiqiang and his delegation. The discussion will enable agreement for the long-term management of the relationship including agreement on future visitations by both Cities.

*It is recommended that the Council:*

- 1            ENDORSES the draft Plan shown as Attachment A to be disbursed to all interested parties for a comment period no longer than 30 days;*
- 2            PRESENTS the draft plan to Mayor Bao and his delegation from Jinan in August 2005 seeking support for the draft plan;*
- 3            REQUESTS a further report on the draft Plan be presented to Council for final endorsement following the receipt of comment from interested parties and the Jinan delegation.*

## BACKGROUND

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002 and, in late 2003, the City received an invitation to lead a delegation to Jinan in September 2004 where a Protocol of Friendly Relations to establish a formal Sister City relationship was signed. In August 2004 the Chairman of Commissioners extended an invitation to official representatives from the City of Jinan to form a delegation to visit Joondalup in November 2004.

The delegation lead by Mr Duan Yihe, Director of the Standing Committee of Jinan's People Congress from Jinan was received by the City of Joondalup from 19-22 November, 2004. During this visit the two Cities signed an official protocol agreement formalising the Sister City relationship between the two Cities.

Council at its meeting on the 2 November 2004 resolved inter alia: -

*“ To provide details for a 5 year plan to establish and sustain the sister-city relationship and also to outline how the relationship will be measured and monitored”;*

In April 2005 Council received a report outlining proposed visits for 2005 (CJ066-04/05 refers) Council deferred consideration of an outbound visit to Jinan in October 2005 until after the draft Relationship Plan had been presented to Council.

Further details on the history of the relationship with Jinan can be found in the following reports, previously submitted to Council:

CJ007 - 02/04	<i>Invitation to further formalise friendly relations with Jinan in Shandong Province, China</i>
CJ155 - 07/04	<i>Delegation to formalise friendly relations with Jinan in Shandong Province, China</i>
CJ250 – 11/04	<i>A Protocol for Friendly Relations with the City of Jinan in Shandong Province, China – September 2004</i>
CJ306 – 12/04	<i>Overview of the Official Visit from Jinan Delegation (Shandong province), China to Joondalup – November 2004</i>
CJ066 - 04/05	<i>Notification of visits between Joondalup and Jinan Sister Cities during 2005</i>

## DETAILS

### Issues and options considered:

The key issues and options arising from the draft Relationship Plan are as follows:

- 1 Implementation of the Plan – The draft Plan identifies strategies that will require resource allocations and scheduling of the required work. Once systems and processes are established then resourcing will need to focus on the ongoing maintenance of the systems and processes. The City will need to consider its options for resourcing the plan during its annual business planning and budgetary process. The City will need to consider new external sources of funding that may be applied to achieving strategies of the plan. These options will enable the plan to seamlessly integrate into the City's existing processes and financial constraints.

- 2      System and Processes – In order to measure and report on the plan, systems and processes will need to be developed and agreed in the first instance. The City needs to determine through action planning what systems and processes are required. In order to ensure the plan does not impinge negatively upon the operations of the City, the measures being presented in the draft plan are considered to align with the existing corporate reporting framework of the City and will enable integration with existing system and processes of the City.
- 3      Sustaining interest in the Relationship – To date the Joondalup-Jinan relationship has been strongly supported by key City Stakeholders. In ensuring this level of support is continued the draft plan articulates strategy to encourage stakeholders enthusiasm for the initiative. The partnership approach has provided greater benefits to wider sectors of the community as well as assists in sharing costs associated with hosting and entertaining sister city visitors.
- 4      Community Involvement – The aim of any sister city relationship needs to remain grounded in a civic focus. To this end the draft plan identifies strategy to facilitate community engagement and views on the relationship. Furthermore the City needs to be proud of it relationship and needs to promote and celebrate the successes that the relationship will bring in a manner that community feel they have contributed to the success.
- 5      Managing expectations – A sister city relationship must constantly be managed and monitored to ensure that different sectors with different views do not perceive or create unrealistic expectations for the City. The City must be clear of its role in the relationship, which is clearly shown in the plan to be a facilitator, connector and to ensure a civic focus is maintained.
- 6      A Relationship of Values – The draft plan articulates the values by which the relationship will be managed. These values will provide the long-term commitment to the relationship. Values driven processes evolve over time, they need a long-term commitment of application in order that they can return long-term benefits. A cultural relationship driven by values will take time, patience and understanding to become enshrined in all we do.
- 7      Acceptance of the plan – A plan provides for continuity and sustainability however should the community and the sister City of Jinan not support having a long term plan then the City will need to rethink its approach to the relationship.

From the City's perspective if a blueprint is not laid down then the relationship will likely be subject to adhoc decision making and even vested interests which may result in the true purpose of the relationship being lost.

The City has drafted a long-term Relationship Plan to guide the development of the Sister City relationship over the next 5-10 years. The Plan was developed with involvement from the City's key stakeholders, Commissioners and staff who have contributed their views on how the relationships should be managed and maintained.

A survey was distributed in March 2005 to collect the views and aspirations of stakeholders, Commissioners and key staff. The surveys was analysed and collated in order to provide the basis for formulation of the draft Relationship Plan. Furthermore the draft plan was also informed from research undertaken of other Sister City relationships from around Australia. The draft plan will provide the necessary protocols and overall direction for exchanges into the future.

Upon being accepted by Council, the draft Relationship Plan should be made available for broader consultation with community, stakeholders and the Jinan Government prior to final endorsement.

It is envisaged that the draft Relationship Plan will be a point of discussion during the scheduled visit in August by Mayor Bao and his delegation. The draft Plan will enable agreement for the long-term management of the relationship and this will include agreements on future visitations by both Cities.

The draft Plan will consolidate more appropriate arrangements into the future. For example an outbound delegation would travel to Jinan biennially and a delegation from Jinan would also be received biennially. This would ensure that the relationship has a single major interaction annually or two major interactions biennially. This approach would serve to ensure the cost of maintaining the relationship is managed effectively and efficiently and that regular contact is undertaken to provide sustainability and maturation of the relationship.

The Draft Plan outlines four Key Focus Areas from which the strategy has been applied. These are as follows:

1      *Relationship Management*

The City of Joondalup will maintain leadership by ensuring the accountability, transparency and consistency of the Relationship. The City of Joondalup will promote the Relationship locally, nationally and internationally with the people of Joondalup and Jinan.

2      *Socio-cultural exchange*

The City of Joondalup will enhance mutual understanding, friendship and goodwill; maintain effective and efficient communication channels; and facilitate the sharing of traditions, customs, and culture between the two cities.

3      *Environmental exchange*

The City of Joondalup will share knowledge with the City of Jinan in leading practice environmental management techniques and approaches.

4      *Economic exchange*

The City of Joondalup will proactively develop and maintain a range of exchanges and business cooperation between the two cities. Education, training and tourism will be seen as an important part of economic development of the Relationship

The draft Plan has been constructed using the Key Focus Areas as the key themes and outcomes, objectives, strategies and performance measures have been applied to each area.

The draft Plan will be measured and reported annually through existing annual reporting mechanisms of the City. It is envisaged that this may form a new section within the annual report or may be a separate stand-alone report, which could form an addendum to the annual report.

**Link to Strategic Plan:**

This item links to the City's Strategic Plan 2003-08 under Key Focus Area One - Community Well-being through the following outcome:

"The City of Joondalup is recognised globally as a community that value and facilitates Lifelong Learning"

- 1.1 To develop, provide and promote a diverse range of lifelong learning opportunities.
  - 1.1.1 Continue the development of the City as a learning city – plan for student growth
  - 1.1.2 Continue the development of learning precincts and relationships with local stakeholders and service providers
- 1.2 To meet cultural needs and values of community
  - 1.2.1 Continue to enhance and create new cultural activities and events

*And under Key Focus Area Three – City Development*

"The City of Joondalup is recognised for investment and business opportunities."

- 3.5 To provide and maintain sustainable economic development
  - 3.5.1 Develop partnerships with stakeholders to foster business development opportunities
  - 3.5.2 Assist the facilitation of local employment opportunities

**Legislation – Statutory Provisions:**

There are no legislative requirements that relate to this report.

**Risk Management considerations:**

With respect to the Draft Relationship Plan a number of risk management issues have been identified. These include:

**Ethical Risk**

In order to sustain a Sister City relationship a set of values is required to underpin the behaviours and direction of the relationship. The values as outlined in the draft Plan will need to be adopted and enshrined in all that the City does with its Sister City. Without this level of commitment the credibility of the relationship will be placed at risk.

**Project Risk**

A long-term commitment will be required following adoption of the draft Relationship Plan. It is therefore necessary to fully understand the implications of the draft Plan and to understand that a whole of Council and City approach is required to support ongoing projects that may emanate from the relationship. In managing the overall project across the long term, the City will need to consider how it will provide continuity to its project management approach. This can be achieved through dedicated resources being allocated the task to project manage and coordinate all aspects of the relationship so that the City has a single entry point for matters that arise from the relationship. This approach will provide the continuity that a Sister City relationship will need.

### Physical Risk

The City needs to be aware that when inviting dignitaries to the City a number of safety and security matters relating to hosting should be considered. These include such things as ensuring the safety of Sister City visitors and ensuring that the City is cognisant of issues of immigration, visas and national security to ensure the City is protected from the risk of potential defections by Chinese citizens and associated customs related matters. The City has already made networks with the key Australian agencies such as the Australian Federal Police (AFP) and the Department of Foreign Affairs and Trade (DFAT). These key agency relationships will need to be maintained over the long term.

### Funding Risk

The funding of the draft Relationship Plan is a matter that needs to be considered by the City and in turn the Strategic Financial Management Committee during the annual budget process. The risk of inappropriate funding to the draft Plan may eventuate in an erosion of the capability of successfully achieving the outcomes of the Plan. The City has shown commitment by ensuring an amount is allocated annually for the ongoing development of the relationship to date. As the relationship grows and develops, new initiatives will emerge, and these initiatives will need to be cognisant of the current financial position of the City and its capability to deliver on key initiatives.

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

The draft Relationship Plan does not have any direct or significant financial implications arising at this stage. However it does provide a strategic direction for developing initiatives into the future. Furthermore the draft plan indicates the need for a recurrent operating budget to be set aside annually to undertake annual visitations whether they be inbound or outbound. With respect to new initiatives that may arise from the Plan, the Plan clearly outlines that such initiatives will be subject to the normal annual budgetary processes on the City.

The current level of funding that has been allocated to the Joondalup – Jinan Relationship to date has been as follows:

2001/2	\$15,000	Utilised by former Mayor Bombak's outbound visit
2002/3	\$15,000	Not Utilised
2003/4	\$15,000	Not utilised
2004/5	\$15,000	Utilised for outbound and inbound delegations
2005/6	\$20,000	Increased to allow for an inbound and outbound delegation

It is envisaged that an amount of \$15,000 should be allocated annually to meet expenses related to either an inbound or an outbound visit.

### **Policy implications:**

At this point in time the City does not have any associated policy to guide Sister City Relationships. It may be necessary for this matter to be referred to the Policy Review Committee to consider if the City needs an overarching policy to guide formation and direction of Sister City relationships in general.



**Regional Significance:**

The potential for Sister City relationships to grow regional economic development is quite significant. The potential for development with a country like China and its massive markets has real opportunities for the northwest metropolitan region.

A sister city relationship has the ability to grow an appreciation of cultural differences and it is through the development of robust relationships built on trust and like values that will give region's economy a competitive advantage when dealing with Chinese markets.

**Sustainability implications:**

The draft Sister City Relationship Plan with Jinan, China has been built on social, environmental, economic and governance outcomes as follows:

Community Well-being

The growth of cross-cultural awareness is a global phenomenon. The global village scenario has brought all cultures closer together and by effectively using a Sister City vehicle to bridge cross-cultural understanding is another benefit and focus of the plan. The two Cities have a large scope for developing programs for cultural and social exchange benefit. For example a senior staff member from Joondalup, whilst on annual leave paid a visit to Jinan recently to discuss the potential to send entertainers from Jinan to Joondalup for future Joondalup festivals. The Jinan Cultural Department was delighted to receive the officer and is now progressing the concept. This is just one example of the opportunities that the City can derive from the Sister City relationship that will enhance community well being in Joondalup.

Caring for the Environment

The draft plan provides for environmental development within the relationship through encouraging the exchange of environmental knowledge. China will face increasing environmental challenges into the future as it continues to gear up and grow its industry sectors and there is a significant opportunity for the two cities to work together in this emergent area.

Research undertaken from other local government has revealed that Councils on the eastern seaboard of Australia are focussed on harnessing a competitive advantage from their sister city relationships based on environmental exchange programs. For example Hervey Bay Council (Queensland) has interwoven its water and waste management systems with their sister city goals. They are now undertaking work in the City of Leshan, Sichuan Province and in Guangdong Province China installing and commissioning water treatment plants. The council also attends and contributes to 'Water Futures' conferences in China and are undertaking a 'water demand' project in Leshan. Both Cities have embarked on creating a sister city 'garden project' that will result in a 'national garden' in each sister city.

City Development

The visits in 2004 have opened up many opportunities for Joondalup that will support the City's economic development pathway.

- Edith Cowan University has signed a Memorandum of Understanding with Jinan University and will be exchanging research opportunities and increasing their student intakes from Jinan.

- The WA Police Academy has made an offer to Jinan to train 20 senior level officers at the Academy during 2005. This offer has been accepted and a program is currently being implemented between the Learning City partners and City of Joondalup for hosting and managing the 12-week program. The 20 police officers will be living in Joondalup during this time.
- West Coast TAFE and the Joondalup Health Campus are developing a training program for nurses from Jinan.

### Organisational Development

The draft plan outlines that the City will need to manage the relationship in an accountable and transparent manner and this objective will be measured and reported annually.

The City in its commitment to community consultation and knowledge management outlines in the draft plan how it will achieve such outcomes and how they will be measured.

Finally the City will develop ongoing protocol operational guidelines and provide guidance in order to assist the City, the community and business on how to best interact with visitors from our sister city.

### **Consultation:**

A web page has been constructed that contains up to date information on the progress of the relationship with online opportunities for the community to comment or provide ideas for the City to consider.

The Joondalup-Jinan Relationship Plan was constructed on input from a survey that was used to collect views of Commissioners, senior staff and key stakeholders involved to date. The information was analysed and the themes that evolved were applied to the strategy development of the draft Plan.

The draft Relationship Plan if so endorsed by Council will be publicly displayed on the City's website and will be issued to stakeholders who have an interest to provide comment on the draft plan. Furthermore an advertisement will be placed in the community newspaper advising community that the draft plan is available for comment. A comment period of 30 days is being recommended.

### **COMMENT**

The draft Joondalup-Jinan Relationship Plan was developed through consultation with stakeholders and also through research and benchmarking best practice approaches from other Councils around Australia who have developed sister cities relations.

The draft Joondalup-Jinan Relationship Plan sets clear boundaries for managing the relationship and also is a blueprint from which all our sister city activities can be pursued. The draft Plan will need to be reviewed annually and incorporated into the normal business planning and budgetary processes of the City. The draft Plan provides opportunities for both community and business sector involvement and is viewed by the City as a key opportunity for advancing community engagement through an initiative that has civic purpose.

It is envisaged that the draft Plan will be discussed with Mayor Bao and his delegation in August 2005. Upon closure of the comment period all feedback received will be collated and a report will be presented to Council outlining the comments and seeking adoption of the final Plan.

## **ATTACHMENTS**

Attachment A      Draft Joondalup – Jinan Relationship Plan

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1      ENDORSES the draft Joondalup-Jinan Relationship Plan shown as Attachment A to this Report, to be disbursed to all interested parties for a comment period no longer than 30 days;**
- 2      PRESENTS the draft Plan to Mayor Bao and his delegation from Jinan in August 2005 seeking support for the draft plan;**
- 3      REQUESTS a further report on a final Plan be presented to Council for endorsement following the receipt of comment from interested parties and the Jinan delegation.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf020805.pdf](#)*

## **ITEM 6                      SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**

**WARD:** All

**RESPONSIBLE** Mr Garry Hunt  
**DIRECTOR:** Chief Executive Officer

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### **PURPOSE**

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 27 May 2005 to 12 July 2005.

### **EXECUTIVE SUMMARY**

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

### **BACKGROUND**

Not Applicable.

### **DETAILS**

Document: Structure Plan  
Parties: City of Joondalup and WA Planning Commission  
Description: Structure Plan 8, Currambine Village Structure Plan  
Date: 27.05.05

Document: Restrictive Covenant  
Parties: City of Joondalup and Investa Developments Pty Ltd  
Description: Lot 124 (92) Cook Avenue, Hillarys on Deposited Plan 42945  
Date: 27.05.05

Document: Contract  
Parties: City of Joondalup and Lattimore Holdings Pty Ltd  
Description: Tender No 041-04/05 – Supply and laying of concrete kerbing  
Date: 27.05.05

Document: Contract  
Parties: City of Joondalup and Dawn Express Construction Pty Ltd  
Description: Tender No 039-04/05 – Joondalup Admin Reception Security Upgrade  
Date: 27.05.05

Document: Amendment  
Parties: City of Joondalup and WA Planning Commission  
Description: District Planning Scheme No 2 – Amendment No 29 – Lot 647 (107) Eddystone Avenue, Craigie  
Date: 27.05.05

Document: Debenture  
Parties: City of Joondalup and WA Treasury Corporation  
Description: Borrowings for the upgrade of the Craigie Leisure Centre – 069/04-05  
Date: 27.05.05

Document: Contract  
Parties: City of Joondalup and Brierty Contractors Pty Ltd  
Description: Tender No 042-04/05 – Ocean Reef Road Roadworks from Hodges Drive to Shenton Avenue, Ocean Reef  
Date: 27.05.05

Document: Contract  
Parties: City of Joondalup and Diamond Industries Pty Ltd  
Description: Tender No 037-04/05 – Whitfords Library air-conditioning replacement  
Date: 27.05.05

Document: Easement  
Parties: City of Joondalup/State Housing Commission and Isodor Pty Ltd  
Description: Public access easement to facilitate legal public pedestrian access over No 893 Caridean Street, Heathridge  
Date: 02.06.05

Document: Structure Plan  
Parties: City of Joondalup and WA Planning Commission  
Description: Modifications to Iluka Structure Plan No 26  
Date: 02.06.05

Document: Amendment  
Parties: City of Joondalup  
Description: Scheme Amendment No 29 – Rezoning of Lot 674 (107) Eddystone Avenue, Craigie  
Date: 02.06.05

Document: Agreement  
Parties: City of Joondalup and Whitfords Volunteer Sea Rescue Group Inc  
Description: Financial agreement for contribution to funding for Whitfords Volunteer Sea Rescue vessel  
Date: 10.06.05

Document: Caveat  
Parties: City of Joondalup and Crews  
Description: Withdrawal of Caveat – 17 Parker Avenue, Sorrento  
Date: 13.06.05

Document: Contract  
 Parties: City of Joondalup and Gorey Unit Trust trading as Turfmaster Facility Management  
 Description: Execution of Contract No 043-04/05 – Supply and application of bulk fertiliser  
 Date: 14.06.05

Document: Covenant  
 Parties: City of Joondalup and Meath Care  
 Description: Restrictive Covenant re access required pursuant to condition of approval (SU125642) – Lots 62 and 63 Hocking Road, Kingsley  
 Date: 30.06.05

Document: Agreement  
 Parties: City of Joondalup and FESA  
 Description: Agreement for payment option for ESL  
 Date: 30.06.05

Document: Contract  
 Parties: City of Joondalup and Asphaltech Pty Ltd  
 Description: Execution of Contract 033-04/05 – supply and laying of asphalt within the City of Joondalup  
 Date: 30.06.05

Document: Contract  
 Parties: City of Joondalup and Bill Express Ltd  
 Description: Agreement to provide over-the-counter bill payment services  
 Date: 30.06.05

Document: Copyright  
 Parties: City of Joondalup and Irene Herry  
 Description: Recording of historical importance  
 Date: 12.07.05

Document: Copyright  
 Parties: City of Joondalup and Louise Ainsworth  
 Description: Recording of historical importance  
 Date: 12.07.05

Document: Caveat  
 Parties: City of Joondalup and Energym Pty Ltd  
 Description: Withdrawal of Caveat – Lot 950 (18) Dugdale Street, Warwick  
 Date: 12.07.05

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

Not Applicable.

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

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

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

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

**Policy implications:**

Policy 2.3.3 titled Use of Common Seal and the Signatories for Contract Execution has the following objective:

*To provide a policy for the use of the common seal and signatories for the execution of agreements.*

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That the schedule of documents executed by means of affixing the Common Seal for the period 27 May 2005 to 12 July 2005 be NOTED.**



**ITEM 7      WARRANT OF PAYMENTS 30 JUNE 2005 - [09882]****WARD:** All**RESPONSIBLE  
DIRECTOR:** Mr Peter Schneider  
Corporate Services and Resource Management**PURPOSE**

The Warrant of Payments for the month ended 30 June 2005 is submitted to Council for approval.

**EXECUTIVE SUMMARY**

This report details the payments drawn on the funds during the month of June 2005, totalling \$10,309,184.52 and seeks approval by Council for the payments listed.

*It is recommended that Council APPROVES for payment the vouchers, as presented in the Warrant of Payments to 30 June 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$10,309,184.52*

**BACKGROUND**

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

**DETAILS**

The table below details the payments drawn on the funds during the month of June 2005 and seeks approval by Council for the payments listed.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 71537 – 71969 EFT 3001 – 3304 66A – 73A	10.309,184.52
Trust Account		Nil
		<b>\$10,309,184.52</b>

The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of June 2005 was \$3,408,182.11.

**CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT**

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$10,309,184.52 which is to be submitted to Council on 9 August 2005 has been checked, is fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown were due for payment.

.....  
PETER SCHNEIDER  
Director Corporate Services & Resource Management

**CERTIFICATE OF CHAIRMAN OF COMMISSIONERS**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$10,309,184.52 was submitted to Council on 9 August 2005.

.....  
JOHN PATERSON  
Chairman of Commissioners

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

The Council has delegated to the CEO the exercise of its power to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared. In addition regulation 13 (4) requires that after the list of payments has been prepared for a month, the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the Council.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

All expenditure from the municipal fund was included in either the 2004/05 Annual Budget, half year budget review, or approved in advance by Council.

**Policy implications:**

All expenditure included in the warrant of payments is drawn from the City's accounting records, which are maintained in accordance with Policy 2.4.1.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the plan for principal activities which was advertised for a 42 day period with an invitation for submissions in relation to the plan.

**COMMENT**

All expenditure included in the warrant of payments is in accordance with the 2004/05 Annual Budget, 2004/05 Half Year Budget review or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A      Warrant of Payments for Month of June 2005  
Attachment B      Municipal Fund Vouchers for Month of June 2005

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 30 June 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$10,309,184.52**

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
<b>Municipal Account</b>	<b>Cheques 71537 – 71969 EFT 3001 – 3304 66A – 73A</b>	<b>10.309,184.52</b>
<b>Trust Account</b>		<b>Nil</b>
		<b>\$10,309,184.52</b>

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf020805.pdf](#)*

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## **ITEM 8                    MODIFICATIONS TO THE DRAFT BURNS BEACH STRUCTURE PLAN NO 10 – PORTION OF LOT 9017 BURNS BEACH ROAD, BURNS BEACH - [29557]**

**WARD:** North Coastal

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

### **PURPOSE**

For the Council to give consideration to modifications to the proposed Burns Beach Structure Plan No 10 required by the Western Australian Planning Commission (WAPC) and to consider other proposed minor modifications.

### **EXECUTIVE SUMMARY**

The Council considered submissions resulting from public advertising of the proposed Burns Beach Structure Plan No 10 (the structure plan) at its meeting on 15 March 2005 (CJ037-03/05 refers). At this meeting, the Council resolved to adopt the structure plan and submit it to the Western Australian Planning Commission (WAPC) for final adoption and certification as an Agreed Structure Plan.

The WAPC resolved to adopt the structure plan, subject to modifications to the text and the accompanying plan.

In addition, minor amendments in relation to the current definitions of ground floor level, building height and fencing development provisions for corner lots have been undertaken by the organisation in consultation with the applicant. These modifications are proposed to provide greater clarity in the interpretation of these provisions within the structure plan and to facilitate the future development of the site (see Attachments 2 & 3). The proposed modifications do not alter the intent, purpose, or integrity of the structure plan. The required WAPC modifications have now been completed. A summary of all proposed modifications is provided below.

Summary of Modifications	
<u>WAPC modifications:</u>	
<ul style="list-style-type: none"> <li>• Addition of R60 area around public open space (POS) 6</li> <li>• Special Design Precinct and staging boundaries to be shown</li> <li>• Clarification within Traffic Report</li> <li>• Provision of R40 lots between POS 5 and the foreshore road</li> <li>• Objective to be added to clause 6.1</li> </ul>	
<u>Other modifications:</u>	
<ul style="list-style-type: none"> <li>• Modify ground floor level definition</li> <li>• Modify building height definition and associated development provisions in clauses 6.2 &amp; 7.3f</li> <li>• Modify fencing development provisions in clauses 6.2 &amp; 7.3</li> </ul>	

In accordance with sections 9.4 and 9.6 of the District Planning Scheme No 2 (DPS2), where the WAPC requires modifications to the draft structure plan, the applicant is required to make the modifications in consultation with the Council, and the structure plan is then resubmitted to Council for consideration, prior to its return to the WAPC for final adoption and certification. Should Council resolve not to adopt the modifications to the structure plan, the WAPC may not adopt and certify the structure plan, leaving the site without provisions to guide the development of the area.

*It is recommended that Council:*

- 1 *Pursuant to clauses 9.4 of the City of Joondalup's District Planning Scheme No 2, RESOLVES that advertising of the modified Burns Beach Structure Plan No 10, as shown in Attachment No 2 to this Report, be waived;*
- 2 *Pursuant to clauses 9.4 & 9.6.3 of the City of Joondalup's District Planning Scheme No 2, RESOLVES to adopt the modified Burns Beach Structure Plan No 10 and submit it to the Western Australian Planning Commission for final adoption and certification.*

## BACKGROUND

**Suburb/Location:** Portion of Lot 9017 Burns Beach Road  
**Applicant:** Development Planning Strategies  
**Owner:** Burns Beach Property Trust  
**Zoning:** **DPS:** Urban Development  
**MRS:** Urban; Parks and Recreation

The Burns Beach structure plan is intended to facilitate the future development of approximately 1600 low and medium density dwellings with density codes of R20 and R40, a primary school and associated senior-sized sporting oval, a beach shop/lunch bar/restaurant, a local shop and fifteen (15) areas of public open space (POS) distributed across the subject site, together with road and dual use and pedestrian path works external yet adjacent to the subject site.

Five (5) development precincts and the Parks and Recreation Reserve land to the north were identified in draft structure plan, with associated objectives and development provisions, as follows:

- Residential R20 Precinct
- Residential R40 Precinct
- Special Residential Precinct
- Local Shop Precinct
- Beach Shop/Lunch Bar/Restaurant Precinct
- Parks & Recreation Reserve

### Historical context

Urban development of the structure plan site has been opposed over the course of approximately 6 years. The northern part, and much of the southern part, of the structure plan area were identified in the former draft Perth Bushplan and subsequent Bush Forever Plan on the basis of its representation of ecological community types, maintaining ecological process, scientific or evolutionary importance and its value meeting coastal reserve criteria.

The land is not, however, identified in the draft Metropolitan Region Scheme Amendment No.1082/33 that seeks to establish Special Control Areas over Bush Forever sites. This draft Amendment post-dates the gazettal of the MRS Amendment 992/33 that zoned the southern portion of the land for development.

The City also expressed concerns about the environmental impacts of development of the subject portion of Lot 9017. As a result, an additional 24 hectares of land (northern part of the structure plan area) was reserved for conservation in a negotiated outcome as a result of the MRS rezoning of the land and the development area was reduced accordingly to the current 147 hectares. This negotiated outcome was also reflective of community concerns.

Two subdivision applications over portions of the structure plan site have to date been granted conditional approval by the WAPC, and one other is pending. It is not normal practice for the WAPC to grant subdivision approval prior to an agreed structure plan being in place. Consideration of a subdivision application by Council prior to the adoption of a structure plan over the site can occur in special circumstances in accordance with clause 9.11 of DPS2. The City has required extensive consultation with regard to the structure plan, as well as in the formulation of a Foreshore Management Plan associated with the subdivision of the structure plan site. Approval of subdivision of portions of the site that does not follow due process may affect community confidence in planning processes.

The structure plan was considered by Council at its meeting on 15 March 2005 following the close of public advertising (CJ037-03/05 refers). Council's resolutions are shown below. The actions taken in regard to the resolutions are shown below the applicable resolution, in normal text.

- 1 *Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that the modified Burns Beach Structure Plan No 10 shown in Attachment No 2 to report CJ037-03/05 be adopted and submitted to the Western Australian Planning Commission for final adoption and certification.*

The modified Structure Plan was forwarded to the WAPC for final adoption and certification.

- 2 *Subject to certification by the Western Australian Planning Commission, ADOPTS the modified Burns Beach Structure Plan No 10 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.*
- 3 *In accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No 2.6 – State Coastal Planning Policy, ADVERTISES the draft Foreshore Management Plan for public comment for a period of 30 days, prior to the finalisation of the City's comments to the WAPC regarding subdivision of the site.*

A Foreshore Management Plan (FMP) for the reserve land adjacent to the structure plan area has been received, in accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No 2.6 – State Coastal Planning Policy. The FMP was advertised for a period of 30 days commencing on 16 May 2005, by way of notice in the local newspaper, the Council website, the Joondalup Library and letters to all submitters on the draft Structure Plan.

Submissions closed on 15 May 2005 and 92 submissions were received, of which 86 submissions are in support of the FMP. The FMP is the subject of a separate report on this agenda (Draft Burns Beach Foreshore Management Plan refers) for consideration by the Council.

- 4 *ADVISES the developer that the City wishes to be included in discussions during adjoining landowner stages of development of the subject site with regard to any intentions by the developer or any telecommunications carriers to locate telecommunications facilities within, or adjacent to, the Burns Beach Structure Plan No 10 area.*

The developer has been advised to involve the City in discussions regarding the provision and possible locations of any telecommunications facilities. At this stage, no such proposals have eventuated.

- 5 *ADVISES the applicant to include the provision of up to 120 car parking bays along the foreshore road and adjacent to POS 6, including details of the location, dimensions and form of such bays, in the Foreshore Management Plan in relation to the Burns Beach Structure Plan area, to be finalised at the subdivision stage to the satisfaction of City of Joondalup.*

The FMP now includes the provision of 120 car parking bays along the foreshore road and adjacent to POS 6. The FMP is discussed separately in this agenda.

- 6 *ADVISES the Western Australian Planning Commission that the Council will not accept the vesting for the foreshore adjacent to the southern part of the Burns Beach Structure Plan area;*

The City of Joondalup currently has “vesting” (management order for the care, control and management) of the foreshore land between the City’s western boundary and the western boundary of the subject portion of Lot 9017 (see Attachment 5 refers). The area between the subject land boundary and the proposed foreshore road will become foreshore reserve as a part of this development. It is this area that is the subject of the Council’s resolution. The WAPC has been advised that the Council will not accept vesting (control and management by way of a management order) of this foreshore. No response has been received at the time of this report.

- 7 *REQUESTS the CEO to investigate the role the Council can play to assist the community to achieve a change to the width of the foreshore reserve in the Metropolitan Region Scheme, as it pertains to the Burns Beach coastal zone.*

The western boundary of the subject land was finalised through Amendment No 922/33 to the Metropolitan Region Scheme (MRS) that rezoned 147 hectares of this land from “Parks and Recreation” to “Urban”. DPS2 was required to reflect this with an appropriate zoning to enable development, in this case “Urban Development”.

Correspondence has been sent to the WAPC requesting reconsideration of the process undertaken that arrived at the MRS boundary. No response has been received at the time of this report.

## DETAILS

### Issues and options considered:

#### WAPC decision and required modifications

The WAPC has advised that it has resolved the following:

- 1 *to adopt, pursuant to Clause 9 of the City of Joondalup Town Planning Scheme No 2, the Burns Beach Structure Plan No 10 as modified by the Local Government and submitted on 24 March 2005, subject to the modifications included in the attached schedule; and*
- 2 *to advise the City of Joondalup of its concern that the proposed method of road construction will result in unacceptable intrusion into the foreshore reserve, and that the extent of battering is to be resolved prior to approval of any subdivision/development in the vicinity of the proposed foreshore road.*

The WAPC's schedule of required modifications is noted below:

#### *Schedule of Modifications Burns Beach Structure Plan No 10*

- 1 *The proposed configuration being modified to provide laneway lots at a density of R60 around POS area No 6, in order to facilitate future subdivision at a higher density.*
- 2 *The Special Design Area and staging boundary being depicted on the structure plan map.*
- 3 *Clarification of the second last paragraph on page 49 of the structure plan document and page 16 of the traffic report. With respect to the eastern most access to Burns Beach Road, the former refers to left in/left out access only, while the latter refers to a 4 way intersection with a roundabout.*
- 4 *The proposed configuration being modified to provide R40 laneway lots between POS area 5 and the foreshore road, in accordance with the plan provided to the Department for Planning and Infrastructure on 15 April 2005.*
- 5 *In clause 6.1, an additional objective being added stating:*  
  
*“To promote subdivision and housing development which provides for housing at higher densities as the neighbourhood matures.”*

#### Other Proposed Modifications

The first stage of subdivision of structure plan area has recently been approved and queries from the public are currently being received regarding the proposed development provisions. These queries have highlighted some interpretation issues within the structure plan text that could benefit from minor rewording to provide greater clarity for developers and for staff in terms of the assessment of Building Licence applications. These relate to building height and fencing for corner lots.



In addition, a development application has been received for earthworks for a portion of the site, which has raised concern about the appropriateness of the ground floor definition in relation to the undulating natural topography of the site. These issues are outline below.

#### *Ground floor level*

The current definition of ground floor level relates to the levels of the road that the lots front. For sloped lots on either side of a road there can be a significant discrepancy in the lot levels and the current definition could result in an unsatisfactory streetscape outcome. Compliance may also create a need for additional retaining at the rear of these lots. It also appears impractical for the developer to comply with the definition in a small number of cases.

#### *Building Height*

The maximum building height within the current definition under structure plan is unclear with respect to what measure relates to the eaves and what the overall height is in the event of a concealed roof being constructed. There is the potential that this clause may lead to inconsistency in the manner in which applications are assessed.

#### *Fencing location*

Clauses 6.2 and 7.3, which set out development provisions for the Residential R40 and R60 Precinct and the Local Shop Precinct, include provisions for fencing on corner lots aimed at achieving an appropriate presentation of building form to both the primary and secondary streets.

The current wording includes a measurement from the front building line. The front setback for buildings can be expressed as a minimum or an average setback under the structure plan, depending on the precinct, and it is not clear which setback of the dwelling represents the front building line. This may lead to inconsistency in the manner in which applications are assessed.

#### Options

Council, in considering the modifications to the structure plan may:

- Not adopt the modifications to the structure plan. The previously adopted documents and plan would be returned to the WAPC with the Council's position. There is a risk that the WAPC may not adopt and certify the structure plan in this event.
- Adopt the modifications to the text and plan and forward these to the WAPC for final adoption and certification.

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

The structure plan will support the City's Strategic Plan of providing residential living choices to meet changing demographic demands by facilitating the future subdivision of various lot sizes and, therefore, the subsequent development of a variety of housing forms.

**Legislation – Statutory Provisions:**

Clause 9.7 of DPS2 enables Council to amend/modify an agreed Structure Plan and, should Council determine that the amendment/modification is satisfactory, advertising is required in accordance with this clause.

Clause 9.6.3 of DPS2 relates to consideration of the structure plan by the WAPC. Clause 9.6.3(c) states that modifications to a structure plan required by the WAPC are to be undertaken by the applicant in consultation with the Council and resubmitted to the Council for its consideration and determination in accordance with clause 9.4. Should Council determine that the structure plan is satisfactory, advertising of minor modifications may be waived under clause 9.4. Should Council determine that the modifications are satisfactory, the modified structure plan is to be resubmitted to the WAPC for its final adoption and certification.

**Risk Management considerations:**

The proposed modifications do not increase the risks associated with the original structure plan.

**Financial/Budget Implications:**

There are no financial or budget implications associated with the proposed modifications to the structure plan.

**Policy implications:**

There are no policy implications associated with the proposed modifications to structure plan.

**Regional Significance:**

The proposed modifications to the structure plan will have some minimal regional significance in the provision of additional medium density lots (R40 and R60) that will facilitate a variety of housing choices across the City.

**Sustainability implications:**

The modifications requested by the WAPC to the structure plan provide additional medium density lots to be created which will facilitate better utilisation of the existing infrastructure, community facilities and public transport system in the locality, in line with the State's planning objectives. The provision of R60 density lots around public open space is in accordance with the requirements of the WAPC's Liveable Neighbourhoods document, which provides a guide for subdivision design.

This is achieved by providing a greater variety of lot sizes to enable a greater mix of housing types, and their location in close proximity to public open space in order to facilitate community interaction and surveillance.

**Consultation:**

The draft structure plan was advertised previously when the Council resolved to adopt and make it available for the purposes of advertising (CJ267-11/04). This occurred by way of signs being erected on the site, adjoining and affected landowners and service authorities being notified in writing, advertisement in the local newspaper and a notice placed on the City's website.

The proposed modifications have either been required by the WAPC or are minor modifications proposed by the organisation for clarity and to facilitate the future development of the land. No change to the overall layout of the structure plan area will result from these modifications and its intent and purpose are unaltered. The proposed modifications have not been raised as a result of public advertising. For these reasons, further public consultation is not considered necessary in this instance.

## COMMENT

### Required WAPC modifications

The WAPC required certain modifications to the text and Plan 1 of structure plan to be completed prior to its return to the WAPC for final adoption and certification. These are discussed below.

*The proposed configuration being modified to provide laneway lots at a density of R60 around POS area No 6, in order to facilitate future subdivision at a higher density.*

The required inclusion of an area of R60 density adjacent to public open space (POS) 6, which is shown on the structure plan as the southern POS intruding into the foreshore, supports the requirements of the WAPC's Liveable Neighbourhoods document that provides a guide to subdivision. This is achieved by providing a greater variety of lot sizes to enable a greater mix of housing types than are provided for by the current R20 and R40 density areas of the structure plan. These lot sizes, in association with their location in close proximity to public open spaces, facilitate community interaction and surveillance. Plan 1 of structure plan and the text need to reflect this requirement by identifying this area within a precinct and the inclusion of any associated appropriate development provisions in the text of structure plan.

In this case, it is proposed to expand the Residential R40 Precinct to include the R60 density lots which would be subject to the same development provisions, with the exception of the private open space (outdoor living area) which is proposed to be a minimum area of 16m<sup>2</sup> in accordance with the provisions of the Residential Design Codes (R Codes). The proposed development provision is considered to be acceptable since it aligns with the R Codes requirement for R60 density coded land.

The Special Design Area and staging boundary being depicted on the structure plan map.

The Special Design Precinct will be the subject of future development provisions and has now been more clearly identified on Plan 1. Staging of subdivisions over the structure plan area have also been included on Plan 1 to emphasise that this precinct will not be developed until the rest of the area is developed.

*Clarification of the second last paragraph on page 49 of the structure plan document and page 16 of the traffic report. With respect to the eastern most access to Burns Beach Road, the former refers to left in/left out access only, while the latter refers to a 4 way intersection with a roundabout.*

Page 16 of the Traffic Report, contained in Part 2 of the structure plan document, has been amended in relation to the intersection of the eastern-most access road and Burns Beach Road by the deletion of the last sentence (see Attachment 4). This sentence implied there would be also be a four-way intersection at this junction whereas it will in fact only be left-in/left-out.

*The proposed configuration being modified to provide R40 laneway lots between POS area 5 and the foreshore road, in accordance with the plan provided to the Department for Planning and Infrastructure on 15 April 2005.*

The expansion of the R40 density around POS 5 to the foreshore road supports the requirements of the WAPC's Liveable Neighbourhoods document by providing additional lots in close proximity to public open space in order to facilitate community interaction and surveillance. In addition, a "green" pedestrian link between POS 6, the main and central POS and the foreshore is created to further enhance the recreational use of these spaces.

*In Clause 6.1, an additional objective being added stating:*

*"To promote subdivision and housing development which provides for housing at higher densities as the neighbourhood matures."*

The WAPC's requirement to include a statement supporting higher density housing as the current Residential R40 Precinct neighbourhood (the now proposed Residential R40 and R60 Precinct) matures further supports the objectives of the WAPC's Liveable Neighbourhoods document.

All required modifications required by the WAPC support the intentions of structure plan and are considered acceptable.

The advice from the WAPC regarding the extent of battering in relation to the proposed foreshore road relates to matters that will be addressed in the Foreshore Management Plan (FMP).

#### Other proposed minor modifications

##### *Ground floor level*

A development application for earthworks on a portion of the Structure Plan No. 10 land has been received, raising concern about the appropriateness of the ground floor definition in relation to the undulating natural topography of the site.

The current definition of ground floor level (italicised below) relates to the level of the mid-point of the road that a lot fronts, relative to the mid-point of the frontage of that lot.

*"GROUND FLOOR LEVEL" shall mean the finished level of the lot relative to the finished Australian Height Datum (AHD) level of the road that it fronts (existing or as established at subdivision stage) and immediately adjacent to the lot. The finished level of the lot shall be +/- 0.5 metres from the AHD level of the mid-point of the road and measured from the mid point of the frontage of the lots.*

The above definition sought to ensure that a maximum 0.5m high retaining wall would occur on the front boundary of a lot. For sloped lots on either side of a road there can be a significant discrepancy in the lot levels. Compliance with the definition may create a need for additional retaining at the rear of these lots. Lots developed under the current definition could also result in an unsatisfactory streetscape outcome. These situations may arise due to a need to retain some frontages rather than the level of the lot being at the street level.

Using the level of the verge immediately in front of the lot as a reference rather than the road level would more accurately reflect the natural ground level of the lots and result in potentially less retaining. It is also more appropriate to refer to 'Ground Lot Level', rather than 'Ground Floor Level'. The following modified definition (italicised) is proposed:

*“GROUND LOT LEVEL” shall mean the finished level of the lot relative to the midpoint of the verge that it fronts (existing or as established at subdivision stage) and immediately adjacent to the lot. The finished level of the lot shall be +/- 0.5 metres from the level of the verge at the front of the lot, measured from the mid point of the frontage of the lots.*

In relation to the above definition, discussions with the applicant have indicated that, in a small number of cases of lots with rear lane access, it will be impractical to comply with the requirement. Due to level differences from the rear of the lots to the front, retaining walls higher than 0.5m will be required at the front of the lot, so as to maintain appropriate levels to cater for vehicle access at the rear of the lot.

Therefore, it is proposed to allow the opportunity for a small number of lots that are required to be accessed from the rear, and therefore have a rear laneway, to construct a front retaining wall of up to 1.5 metres. It is proposed to include the following in the above proposed definition of ground lot level:

*“Lots with rear lane access that are required to be accessed from the rear lane may be permitted to substitute +/-1.5 metres in lieu of +/-0.5 metres.”*

Two areas of the text of structure plan document have been identified that could be made clearer with some rewording. These relate to building height and fencing for corner lots and do not change the overall intent of the development provisions.

#### *Building Height*

The current definition of Building Height (italicised below) is one item that would benefit from some rewording:

*“BUILDING HEIGHT” shall mean a maximum building height of 2 storeys or 6.5 metres to the top of the eaves or 7.5 metres to the top of an external parapet wall for a concealed roof and 9.5 metres to the apex of the roof, the height being measures vertically from natural ground level.*

The current maximum building height within this definition is unclear with respect to what measure relates to the eaves and what the overall height is in the event of a concealed roof being constructed. The applicant has been consulted on this matter and the following modified definition (italicised) is proposed:

*“BUILDING HEIGHT” shall mean the vertical distance at any point from natural ground level to the uppermost part of the building above that point (roof ridge, parapet or wall), excluding minor projections above that point. Minor projections include finials, chimneys, vent pipes, aerials or other appurtenance of like scale.*

The allowable maximum height of buildings would then be set out in the development provisions of clauses 6.2 and 7.3 that currently refer only to storeys, not building height. It is proposed, therefore, to include a statement regarding maximum building height in these clauses, as follows (italicised):

*The maximum building height measured from natural ground level shall be:*

*Maximum wall height (with pitched roof) - 6.5 metres;*

*Maximum total height to roof ridge – 9.5 metres;*

*Maximum wall and total height (parapet wall with concealed roof) - 7.5 metres.*

The other development provisions will need to be renumbered accordingly to accommodate this inclusion in both clauses.

### *Fencing*

Currently clauses 6.2 & 7.3 include the following provision in relation to corner lots (italicised):

- *by reducing the fencing along the secondary street boundary so that it is located at least 4 metres behind the front building line.*

Since the front setback for buildings in these Precincts can be a minimum or an average setback under structure plan, it is unclear what represents the front building line. It is proposed, therefore, to relate the measurement to the average front setback. This point would therefore read as follows in clauses 6.2 & 7.3 (italicised):

- *by reducing the fencing along the secondary street boundary so that it is located at least 4 metres behind the average front setback line.*

### Conclusion

The proposed modifications seek to improve and clarify the definitions and development provisions of the structure plan, as well as facilitate the future development of the site. The modifications required by the WAPC further support the objectives of its Liveable Neighbourhoods document that provides a guide to subdivision based on sustainability principles by enabling a variety of lot sizes in close proximity to public open space, facilitating community interaction and surveillance.

The proposed modifications are considered to be of a minor nature and, on this basis, are supported. No change to the overall layout and integrity of the structure plan area will result from these modifications, and its intent and purpose are unaltered. For these reasons, it is recommended that advertising of the proposed modifications be waived in this instance.

## **ATTACHMENTS**

Attachment 1	Location plan
Attachment 2	Modified Structure Plan No 10 (Text -Part 1 only)
Attachment 2A	Modified Plan 1 (Part 1)
Attachment 3	Structure Plan No. 10 (current, tracked)
Attachment 4	Modified page 16 of Traffic Report (Part 2)
Attachment 5	Plan of vesting of foreshore reserve

## **VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 Pursuant to clause 9.4 of the City of Joondalup's District Planning Scheme No 2, RESOLVES that advertising of the modified Burns Beach Structure Plan No 10, as shown in Attachment No 2 to this Report, be waived;
- 2 Pursuant to clauses 9.4 & 9.6.3 of the City of Joondalup's District Planning Scheme No 2, RESOLVES to adopt the modified Burns Beach Structure Plan No 10 and submit the document to the Western Australian Planning Commission for final adoption and certification.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf020805.pdf](#)*

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## **ITEM 9                    DRAFT BURNS BEACH FORESHORE MANAGEMENT PLAN - [85565] [07086]**

**WARD:**                    North Coastal

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

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### **PURPOSE**

For the Council to consider submissions received as a result of public advertising of the draft Burns Beach Foreshore Management Plan (FMP).

### **EXECUTIVE SUMMARY**

The draft FMP relates to the foreshore adjacent to the draft Burns Beach Structure Plan No 10 (Structure Plan No 10) area. Council considered and resolved to adopt for final approval draft Structure Plan No 10 at its meeting on 15 March 2005 (CJ037-03/05 refers). Council also resolved to advertise the FMP for the foreshore land adjacent to the structure plan area prior to finalisation of its comments to the Western Australian Planning Commission (WAPC) regarding the subdivision of this site. A further report to Council regarding modifications to Structure Plan No 10 is the subject of a separate report to this Council meeting (Modifications to the draft Burns Beach Structure Plan No 10 – Portion of Lot 9017 Burns Beach Road, Burns Beach refers).

Submissions on the FMP closed on 15 May 2005 and a total of 92 submissions were received, of which 86 submissions are in support and 6 object to the FMP. The main issues raised were in relation to the width and stability of the coastal reserve, the location of the north-south dual use path, re-contouring of the foreshore, location of public open space (POS) 6 (which is proposed in Structure Plan No. 10 to be located adjacent to and intruding into the foreshore), the condition, types and location of existing vegetation, proposed planting, monitoring, maintenance and ongoing community consultation.

In addition, the FMP was considered by the Conservation Advisory Committee (CAC), a non-statutory advisory body to the City of Joondalup on conservation issues.

As a result of the concerns raised during the public and CAC consultation, the FMP was revised and this document was considered by the CAC at its meeting on 29 June 2005. The CAC resolved to give in principle support for the revised FMP.

*It is recommended that Council:*

- 1    *SUPPORTS the revised Burns Beach Foreshore Management Plan dated June 2005 and forwards its determination to the Western Australian Planning Commission, along with all submissions received.*
- 2    *REQUESTS the Western Australian Commission continues to involve the City of Joondalup in the finalisation of the revised Foreshore Management Plan.*



- 3 *REQUESTS the Western Australian Planning Commission notes the errors identified in the Burns Beach Foreshore Management Plan with regard to the timing of approvals for the Burns Beach Structure Plan No. 10 and subdivision of this land.*
- 4 *REAFFIRMS its decision of March 15 2005 (CJ037-03/05 refers) to the Western Australian Planning Commission that Council does not accept vesting of the foreshore reserve abutting the developable portion of the Burns Beach Structure Plan No. 10 area.*
- 5 *ADVISES the submitters of the Council's resolution.*

## BACKGROUND

<b>Suburb/Location</b>	Portion of Lot 9017 Burns Beach Road
<b>Applicant:</b>	Development Planning Strategies
<b>Owner:</b>	Burns Beach Property Trust
<b>Zoning:</b>	<b>DPS:</b> Urban Development
	<b>MRS:</b> Urban; Parks and Recreation

### Previous Council Resolution

At its meeting on 15 March 2005 (CJ037-03/05 refers), the Council considered submissions received on the draft Burns Beach Structure Plan No. 10 (Structure Plan No 10) over the land adjacent to the foreshore land and subject of the FMP.

The following was included in the resolution:

3. *In accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No 2.6 – State Coastal Planning Policy, ADVERTISES the draft Foreshore Management Plan for public comment for a period of 30 days, prior to the finalisation of the City's comments to the WAPC regarding subdivision of the site.*

### WAPC Coastal Planning Requirements

The WAPC's Statement of Planning Policy No 2.6 – State Coastal Planning Policy supplements the WAPC's DC Policy 6.1 – Country Coastal Planning Policy. The Policy and Statement requires consideration with regard to the formulation and adoption of a FMP. The objectives of the Policy are to:

- protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
- provide for public foreshore areas and access to these on the coast;
- ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and
- ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

One of the Policy measures is to ensure that development is in the public interest and, to this end, that adequate opportunity has been provided to enable the community to participate in coastal planning and management, including the support and guidance of voluntary coast care groups.

During the structure plan preparation process, and in response to a resolution of the Council at the time of the amendment to DPS2 to rezone the site appropriately for future development, the developer of the Structure Plan No 10 area undertook extensive public consultation. A Foreshore Management Strategy was included in the draft Structure Plan and provided the basis for the detailed FMP.

#### Subdivision Approvals

It is noted that two out of three subdivision applications over the Structure Plan No 10 area have been granted approval by the WAPC.

#### Vesting of the Foreshore Reserve

The draft FMP relates to the foreshore adjacent to the draft Burns Beach Structure Plan No 10 (Structure Plan No 10) area. The City of Joondalup currently has “vesting” (control and management by way of a management order) for the care, control and management of the foreshore land between the City’s western boundary and the western boundary of the subject portion of Lot 9017 (see Attachment 2). The area between the subject land boundary and the proposed foreshore road will become foreshore reserve as a part of this development.

Council resolved at its meeting on 15 March 2005 (CJ037-03/05 refers) not to accept “vesting” of this portion of foreshore reserve and has advised the WAPC accordingly. No response has been received at the time of preparing this report.

### **DETAILS**

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

##### Process for Advertising of a Foreshore Management Plan

There is no statutory process for public consultation specified under the Western Australian Planning Commission (WAPC) Statement of Planning Policy No. 2.6 – State Coastal Planning Policy in relation to FMPs. Further to consultation with officers of the Department for Planning and Infrastructure (DPI) in relation to the manner in which the public consultation requirements of the State Coastal Planning Policy could be achieved, the FMP was advertised for a period of 30 days, in accordance with Council’s resolution. Advertising commenced on 14 April 2005 by way of notice in the local newspaper, the Council website, Joondalup Library and letters to all people who made submissions on draft Structure Plan No 10. The FMP was also referred to the Conservation Advisory Council (CAC) for comment.

##### Revised Foreshore Management Plan

A number of concerns were raised regarding the draft FMP during the advertising period and upon consideration by the CAC. The main issues were in relation to the width and stability of the coastal reserve, the location of the north-south dual use path, re-contouring, location of public open space (POS) 6 (which is proposed in Structure Plan No. 10 to be located adjacent to and intruding into the foreshore), existing vegetation condition, types and location, proposed planting, monitoring, maintenance and ongoing community consultation.

As a result of the concerns raised, meetings and discussions between the consultant, officers of the City and members of the public occurred which resulted in the submission of a revised FMP. The revised FMP addresses the main issues that will be discussed later in this report.

Due to the size of the FMP document, an extract of the revised FMP has been attached to this report. Full copies have been made available in the Council's reading room.

Council, in considering the FMP, may:

- Support the revised FMP and forward its resolution to the WAPC.
- Not support the revised FMP, and forward its resolution to the WAPC.
- Request changes to the FMP.

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

The revised FMP supports objective 2.1 of the Strategic Plan to provide responsible natural resource management to ensure environmental sustainability.

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

There is no statutory process associated with the formulation and adoption of a FMP.

#### **Risk Management considerations:**

Should Council not be satisfied with the content of the revised FMP, the future care, control and management of the foreshore reserve may be difficult since the document relates to reserve land that is currently vested with the City of Joondalup and land adjacent to this which is not yet vested. Irrespective of Council resolving not to accept "vesting" for a portion of the land that is the subject of the revised FMP, it is in the Council's interest to ensure proper planning and development of this land since it holds vesting of the foreshore land between the City's western boundary and the western boundary of the subject land ( Attachment 2 refers).

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

There are no financial implications associated with the revised FMP at this time since Council has resolved not to accept "vesting" of the subject area of the foreshore reserve.

#### **Policy Implications:**

There are no policy implications associated with supporting the revised FMP.

#### **Regional Significance:**

The revised FMP has high regional significance as it relates to Regional Parks and Recreation land that is intended as recreational space for the use and enjoyment of the wider community.

#### **Sustainability implications:**

Given the significant natural constraints of the foreshore reserve, such as dune systems and coastal vegetation, the revised FMP provides for the development of the Burns Beach foreshore for recreational use in the most environmentally sustainable manner possible.

**Consultation:**

In accordance with Council's resolution, the draft FMP was advertised for a period of 30 days in accordance, commencing on 14 April 2005. A notice was placed in the local newspaper, on the Council website, a copy of the document provided at the Joondalup Library and letters to all submitters who made comments on the draft Structure Plan.

Submissions closed on 16 May 2005 and a total of 92 submissions were received, of which 86 submissions were in support of the FMP. A summary of all submissions received and evaluating comments are shown in Attachment 3.

The main issues raised during advertising were in relation to the width and stability of the coastal reserve, the location of the north-south dual use path, location and size of public open space (POS) 6, existing vegetation types and location, proposed planting, monitoring, maintenance and ongoing public consultation.

In addition, the FMP was considered by the CAC, a non-statutory advisory body to the City of Joondalup on conservation issues, for its comments.

The consultant for the initial draft FMP, officers of the City, some community and some CAC members also met on site to discuss significant issues raised. A revised FMP dated June 2005 largely addresses these issues and was considered by the CAC at its meeting on 29 June when in principle support was given to the revised FMP and further involvement in the further development of the revised FMP was sought.

**COMMENT**Submissions on the initial draft FMP

The major issues raised during public advertising (*italicised*) and a summary of the evaluating comments to each issue are as follows:

- *Width and stability of the coastal reserve. The concern raised is that the coastline is unstable and has been inaccurately assessed.*

It is accepted that coastlines are to some degree unstable since they are moving, natural features that erode and accrete naturally with the seasons and the elements. This includes wind and wave erosion to dune systems and cliff faces.

The width of the foreshore reserve was set with Amendment 992/33 to the Metropolitan Region Scheme (MRS). This process took over 6 years during which time a thorough assessment of the land and all associated environmental issues was undertaken, including in relation to the coastline.

Nevertheless, in accordance with Council's previous resolution, the WAPC has been requested to reconsider the width of the foreshore reserve under the MRS (CJ037-03/05 refers).

- *Location of the north-south dual use path*

Section 5.2.2 of the initial draft FMP noted the continuation of the existing dual use path in Iluka in a northerly direction past Burns Beach would be a meandering alignment, following existing tracks where possible. It has been pointed out during the consultation period that this alignment may cause significant damage to dunes and dune vegetation, and also could result in some duplication of paths. In response, the revised FMP states that this path will now follow the alignment of the foreshore road.

- *Location of POS 6. The concern raised is that POS 6 intrudes into the foreshore reserve and should be confined to the Structure Plan No. 10 area.*

On occasions, some intrusion of development into reserve land does occur, with the endorsement of the City. The acceptability of this situation occurring needs to be assessed relative to the particular proposal, extent of intrusion and its impact. In this case, the location and area of POS 6 was considered in association with Structure Plan No 10 and the extent of intrusion was considered to be acceptable by Council. It is noted that Structure Plan No 10 is yet to be finally adopted and certified by the WAPC (Report in this agenda entitled Modifications to the draft Burns Beach Structure Plan No 10 – Portion of Lot 9017 Burns Beach Road, Burns Beach refers).

- *Existing vegetation condition, types and location*

Sections 3.2 and 5.4.4 of the initial draft FMP dealt with assessment of the vegetation within the foreshore land, referring to percentages of the land as “degraded”, or in “good” condition, which were disputed during the consultation period. The revised FMP provides a more complete assessment of the vegetation condition by referring to these areas as being in “excellent” condition or are “subject to some form of degradation”.

The number, location and condition of plant species, and the identification of weeds, in sections 4.6.2 and 4.6.3 required further details. These sections have been appropriately amended in the revised FMP.

- *Recontouring of land. Construction design and access needs have raised concerns in relation to the impact on the natural topography of the foreshore, in particular the dune system and the extent of battering that will be required where the foreshore abuts the proposed foreshore road within Structure Plan No 10.*

Under the revised FMP, the process of re-contouring the land that changes the profile of the land will be confined to existing tracks, and these tracks utilised for access wherever possible. Battering is the term used to describe sloping backwards from the base and does not involve retaining techniques. Battering is proposed with slopes of 1:1 and 1:2 that results in slopes that are less intrusive into the foreshore reserve than the standard 1:3 slopes. These proposed batters would, therefore, reduce the impact on the foreshore reserve land and vegetation disturbance or removal.

- *Proposed planting*

The proposed list of plants for the foreshore area in section 5.4.4 does not provide a high degree of detail in terms of the number of species and the planting of local species. This list has now been enlarged in the revised FMP and includes more local plant species.

- *Monitoring and maintenance*

Section 6.5.2 of the initial draft FMP did not allocate responsibility for monitoring the rehabilitation and restoration of the foreshore land. The revised FMP states that specialist contractors will undertake the restoration/rehabilitation work, with the developer monitoring and being responsible for any works over a 2 year period. It would be usual for the local

authority to also monitor progress during the initial stages, as well as maintain the area once development of the foreshore reserve is completed. The Department for Planning and Infrastructure will either manage the area or offer vesting to another government authority that will then take on these functions.

It is important to note that the revised FMP includes a significant area of foreshore land that is currently vested in the City of Joondalup (see Attachment 2). It is therefore in the City's interest to continue to participate in the finalisation of the revised FMP and the subsequent site works, particularly in relation to the proposed foreshore road within the adjacent Structure Plan No. 10 area.

- *Ongoing community consultation*

Section 1.3 in the initial draft FMP did not include two environmental -focused groups that have provided comments that have assisted with improvements to the draft FMP (these being the CAC and the Joondalup Community Coast Care Forum) in its list of contacts. These groups are now included in the revised FMP and the developer has committed to ongoing consultation at the detailed design stage, associated with the implementation of the FMP.

Other more minor issues raised in submissions are either beyond the scope of the FMP or have been addressed in the revised FMP. Many will be addressed at the detailed design stage when engineering drawings are received.

In addition, Figure 2 Foreshore Condition and Management Areas have been amended to provide more clarity.

#### Outstanding Issues in the Revised FMP

The revised FMP includes two discrepancies in the background and approval processes with regard to timing of approvals (sections 1.1 and 2.1). These relate to the statements about approval by the WAPC of Structure Plan No 10 and also subdivision of the Structure Plan No 10 area. Neither statement affects the integrity of the revised FMP.

The WAPC has required modifications to Structure Plan No 10 prior to its final adoption and certification and is the subject of a separate report to this Council meeting (Modifications to the draft Burns Beach Structure Plan No 10 – Portion of Lot 9017 Burns Beach Road, Burns Beach refers). Only subdivision of a part of the Structure Plan No10 area has been approved to date by the WAPC. The provision of a FMP to the satisfaction of the Council and the WAPC is one of the conditions of the subdivision approved for a portion of the Structure Plan No. 10 land south of POS 6 that adjoins the foreshore.

There are also references in section 6.6 of the document to the City of Joondalup's involvement in the future management of the foreshore reserve. Council has resolved not to accept vesting of the balance of the foreshore reserve land adjacent to the Structure Plan No 10 area and the WAPC could be reminded of this resolution when providing the Council's position on the revised FMP.

Whilst the above issues do not affect the integrity of the revised FMP, the WAPC should be made aware of their existence.

Submission on the revised FMP by the Conservation Advisory Committee (CAC)

As noted, the CAC resolved to give in principle support to the revised FMP at its meeting on 29 June 2005. A separate submission on the revised FMP on behalf of the CAC has since been received, summarised below (*italics*) with the City's evaluating comments:

1. *The consultant has made a serious attempt to respond to community and City of Joondalup concerns and the revised FMP is a much improved document.*

It is agreed that the revised FMP addresses the main concerns raised.

2. *Monitoring by the City of Joondalup in conjunction with the Department for Planning and Infrastructure of coastal erosion over the life of the development is requested prior to accepting vesting of the foreshore reserve.*

The City of Joondalup can readily be involved with monitoring such events as sand erosion and may work with the Department for Planning and Infrastructure irrespective of the vesting of this land to ensure the best environmental and community outcomes.

3. *Specific wording regarding barrier fencing, the use of windguards and certain plant species is requested to be added.*

These issues are details that can be addressed at the detailed design stage when the City assesses engineering and landscape drawings in relation to the foreshore and also the foreshore road.

4. *Details of monitoring techniques are not provided.*

This issue has been discussed previously in this Council report.

5. *The City of Joondalup is still noted as being responsible for the ongoing management of the foreshore reserve.*

This issue has been discussed previously in this Council report.

Conclusion

A draft FMP was received as part of the subdivision process for the adjacent land within Structure Plan No 10 area. In accordance with Council's resolution, the draft FMP was advertised for public comment. The draft FMP did not adequately address a number of issues, resulting in further consultation and discussions. A revised FMP that addresses the main issues raised has now been received and endorsed by the CAC. Other issues can be addressed at the detailed design stage when engineering drawings are received.

Although Council has resolved not to accept vesting for a large portion of the foreshore reserve, given that the revised FMP includes a portion of the foreshore reserve that the City of Joondalup does currently manage, it is in the interests of Council to be satisfied with its content in terms of the community and environmental implications of the development of this land.

It is recommended that the revised FMP be supported by Council and be forwarded to the WAPC with a request to continue to be involved in its finalisation.

**ATTACHMENTS**

Attachment 1	Extract of revised Burns Beach Foreshore Management Plan
Attachment 2	Plan showing vesting of foreshore reserve
Attachment 3	Schedule of submissions

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 SUPPORTS the revised Burns Beach Foreshore Management Plan dated June 2005 and forwards its determination to the Western Australian Planning Commission, along with all submissions received;**
- 2 REQUESTS the Western Australian Planning Commission continues to involve the City of Joondalup in the finalisation of the revised Foreshore Management Plan;**
- 3 REQUESTS the Western Australian Planning Commission notes the outstanding errors identified in the Burns Beach Foreshore Management Plan with regard to the timing of approvals for the Burns Beach Structure Plan No 10 and subdivision of this land;**
- 4 REAFFIRMS its decision of 15 March 2005 (CJ037-03/05 refers) to the Western Australian Planning Commission that Council does not accept vesting of the foreshore reserve abutting the developable portion of the Burns Beach Structure Plan No 10 area;**
- 5 ADVISES the submitters of the Council's resolution.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf020805.pdf](#)*



**ITEM 10      PROPOSED FIFTEEN SINGLE STOREY GROUPED DWELLING DEVELOPMENT - LOTS 1 AND 2 (HN 110 & 112) EDDYSTONE AVENUE AND LOT 143 (HN 3) ELWOOD COURT, CRAIGIE - [32306]**

**WARD:** Pinnaroo

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

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**PURPOSE**

To request the Council's determination of an application for planning consent for a development of 15 single storey grouped dwellings on Lots 1 and 2 (HN 110 and 112) Eddystone Avenue and Lot 143 (HN3) Elwood Court, Craigie.

**EXECUTIVE SUMMARY**

The development is proposed to be located on three individual lots that front Eddystone Avenue (western boundary), Elwood Court (northern boundary) and Warrandyte Drive (southern boundary), Craigie.

The site is directly opposite an existing commercial centre on Eddystone Avenue. All other immediate land uses are low density single residential developments.

The applicant proposes to construct fifteen grouped dwellings on the above lots. Five of the units are served by two common vehicular access ways, with the remaining units accessible directly from Eddystone Avenue, Warrandyte Drive and Elwood Court. Each unit has an exclusive outdoor living area, storeroom and two car bays.

The Residential Design Codes (R-Codes) require development of each grouped dwelling to comply with development standards including minimum defined site areas, setbacks, car parking etc. The proposed development incorporates variations to those standards. The majority of these variations occur within the site between the new dwellings.

Instances where the applicant has sought assessment under the performance criteria include variations to side setbacks, retaining wall heights, garage setback variations, fill and excavation in excess of 500mm.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the Strategic Plan. It will contribute to the diversity of housing choice, help create employment opportunities and support the local economy.

The development is required to be determined by Council as the number of grouped dwellings proposed (fifteen) is beyond the limits set out in the Notice of Delegation (ten grouped dwellings) for staff to determine the development application.

Grouped dwellings are a discretionary land use within the Residential zone. The proposed development is residential, complies with the relevant R40 provisions of the R-Codes and the proposed variations requested are considered appropriate in this instance.

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

## BACKGROUND

**Suburb/Location:** Craigie  
**Applicant:** Citadel Constructions Pty Ltd  
**Owner:** IA Investments Pty Ltd  
**Zoning:** **DPS:** Residential R40  
**MRS:** Urban

The proposed development site includes three lots, two of which are vacant, with the remaining lot currently occupied by a disused medical centre. For the purposes of this report, all three lots will now be referred to as the 'site'. The City recently amended District Planning Scheme No 2 to facilitate the rezoning of the site from low density (Residential R20) to medium density (Residential R40) through Amendment No. 26. Under the R40 density coding, the site could be developed with a maximum of 18 grouped dwellings whereas the applicant is proposing to construct 15 single storey grouped dwellings.

24/12/2004: Amendment from R20 to R40 finalised by Western Australian Planning Commission (WAPC)

10/03/2005: Application for fifteen grouped dwellings submitted

09/05/2005: Amended plans/additional information requested

08/06/2005: Amended plans/additional information received

23/06/2005: Advertising commences

27/06/2005: Letter of non-objection received

06/07/2005: Letter of objection received

06/07/2005: Amended plans received reducing the amount and extent of variations sought for the development

07/07/2005: Advertising closes

## DETAILS

### Description of Development

The applicant proposes to construct 15 single storey grouped dwellings on three lots which includes:

1. Two car bays provided to each dwelling.
2. A 4m<sup>2</sup> lockable storage area accessible from the outside being provided to each dwelling.
3. Pedestrian and vehicular access to Eddystone Avenue is via a communal street that serves Units 3 and 15.
4. Pedestrian and vehicular access to Elwood Court is via a communal street that serves Units 11, 12, 13, 14.
5. All other remaining units having independent vehicular access from Elwood Court, Eddystone Avenue and Warrandyte Drive.
6. Two boundary walls with an aggregate length of 9.0 metres abutting the eastern lot boundary shared with 9 Elwood Court.
7. A boundary wall with a length of 6.0 metres abutting the northern lot boundary shared with 5 Elwood Court.

### **Applicant Justification For Variation To The Acceptable Standards Of The R-Codes**

The applicant has provided written justification, as required by the R-Codes, for the variations that are being sought to the Acceptable Standards of the R-Codes. The variations relate to building setbacks, boundary walls, retaining walls within the proposed defined site areas, fill and excess of 500mm within the front setback area and within the proposed internal strata boundaries.

#### Internal Variations

The following is a list of internal R-Code variations to the development, which are the subject of the applicant's letter of the 7 June 2005 (Attachment 4):

<b>Retaining Wall Setback Variations</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 4 Retaining Wall North	1.5m	0m
Unit 5 Retaining Wall North	1.5m	0m
Unit 5 Retaining Wall East	1.5m	0m
Unit 7 Retaining Wall North	1.5m	0m
Unit 8 Retaining Wall North	1.5m	0m
Unit 9 Retaining Wall North	1.5m	0m
Unit 10 Retaining Wall North	1.5m	0m
Unit 14 Retaining Wall North	1.5m	0m

<b>Wall Setback Variations</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 3 Southern Wall	1.5m	0.75m

<b>Boundary Wall Variations</b>	<b>Acceptable Development Length</b>	<b>Proposed</b>
Unit 12 Eastern Wall	66% (12m)	68% (12.2m)
Unit 13 Eastern Wall	66% (12m)	68% (12.2m)

<b>Boundary Wall Variations</b>	<b>Acceptable Development Height</b>	<b>Proposed</b>
Unit 4 Northern Wall	3.0m average	3.2m average

<b>No. of Boundary Walls</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 2	1	2 (North and East)
Unit 3	1	2 (North and South)
Unit 14	1	2 (West and South)
Unit 15	1	2 (North and South)

#### External Variations

Variations to the Acceptable Standards of the R-Codes that have the potential to impact upon adjoining properties and the streetscape (Eddystone Avenue and Elwood Court) have been addressed by the applicant through their letter of 7 June 2005. The applicant's justification for these proposed variations are shown in italics below:

### *Garage Setback for Unit 2*

*In its current position, the garage does not detract from the streetscape or appearance of the dwelling, or obstruct views of dwellings from the street. The current position of the garage is in keeping with the prevailing setback proposed along Eddystone Avenue for Units 1 to 6, which have all similar setbacks. As previously mentioned, setting back the garage to 4.5 metres would reduce the size of the private courtyard space for the dwelling with little gain from a streetscape perspective. The performance criteria has been satisfied in this instance and the variation is minor, therefore it is recommended that the variation be supported.*

### *Unit 2 Eastern Side Setback of 1.0 metre in lieu of 1.5 metres*

*The eastern side setback for Unit 2 has been increased from 1.0 metre to a maximum distance of 1.683 metres. Due to the shape of the lot, a portion of the length of proposed wall is between 1.0 metre and 1.5 metres from the boundary. We request that the minor setback variation for part of the wall be approved in accordance with the performance criteria of the R-Codes (3.3.1 P1) for the following reasons:*

- 1 The minor setback variation will not reduce the level of direct sun or ventilation for the unit and will not result in reducing the level of sun and ventilation to the adjoining properties;*
- 2 The variation is necessary to ensure sufficient internal space is provided to Unit 2 and is necessary to accommodate an unfortunate angle provided by the shape of the lot.*

### *Unit 10 Retaining Wall Setback of nil in lieu of 1.5 metres*

*We seek approval under the performance criteria for this retaining wall as it is necessary to accommodate the overall slope of the site and the retaining wall will have no impact on the adjoining property as it is located adjacent to the 'common access' for Units 12 to 14. Units 11 to 14 are also located north of the retaining wall. Accordingly these properties are not affected by the 'shadow' that may normally result from a retaining wall of this height (see shadow diagram). The retaining wall therefore satisfies the performance criteria under clauses 3.6.1 and 3.6.2 of the R-Codes.*

### Variations to Acceptable Development Standards No Longer Applicable

It should be noted that the applicant's letter (Attachment 4) dealt with additional R-Codes variations to those discussed above. These variations have since been removed through amended plans submitted to the City on 06/07/2005. Attachment 4 has been amended by Council to identify these proposed variations that were removed as a consequence of the amended plans.

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

Council has the discretion to:

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

**Link to Strategic Plan:**

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

The proposal will address Strategies 3.3.1 and 3.3.2, which seek to provide residential living choices and integrate plans to support community and business development.

It will address Strategy 3.5.2, which seeks to assist the facilitation of local employment opportunities by providing an increased population to frequent nearby commercial land uses.

**Legislation – Statutory Provisions:**City of Joondalup District Planning Scheme No 2

Clause 3.3.2 describes a ‘D’ land use as a use which is not permitted, but to which Council may grant its approval after following the procedures laid down by sub-clause 6.6.2. The proposed development is a “D” use within the Residential Zone.

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

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

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

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

(k) *any other matter which in the opinion of the Council is relevant.*

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

(a) *the nature of the proposed use and its relationship to the use of other land within the locality;*

(b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*

(c) *the nature of the roads giving access to the subject land;*

(d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*

(e) *any relevant submissions or objections received by the Council; and;*

(f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The proposed development seeks to achieve sustainability by providing diversity of housing choice and through the utilisation of existing infrastructure.

**Consultation:**

Comments were sought in accordance with clause 6.6.2 of the DPS No.2 in addition to the requirements of the R-Codes, since a number of variations to the Acceptable Standards of the R-Codes were requested by the applicant.

Letters were sent to surrounding and adjoining owners likely to be impacted by the development, advising them of the proposed development, with plans and supporting documentation made available for perusal at the City's offices for two weeks from 23 June 2005 to 7 July 2005.

One letter of non-objection was received from a property owner opposite at 131 Warrandyte Drive.

One letter of objection was received from a property owner opposite at 129 Warrandyte Drive who expressed concern at the increase in traffic volumes and vehicle reversing onto Warrandyte Drive should the proposed development be approved.

**COMMENT**

Grouped dwellings are a discretionary use within the Residential Zone. As such, it is a use that is not permitted but Council may grant its approval after following the procedures set out in subclause 6.6.2.

The nature of the proposed use and its relationship to the use of other land within the locality is considered to meet the objectives of the Residential R40 provisions of the R-Codes. The nature of the roads and surrounding road network has been deemed to satisfy all the R-Codes and other technical requirements. The parking facilities proposed meet the requirements of the R-Codes and the development is therefore unlikely to generate on-street parking.

The R-Codes require development of each grouped dwelling to individually comply with the R-Codes in relation to defined site areas, including development controls relating to setbacks, car parking, open space, etc. The proposed development has been assessed in this manner and numerous variations to the Acceptable Standards have been identified, including fill/excavation in excess of 500mm, side, retaining, and boundary wall setback variations. The majority of these variations occur within the site and nine relate to adjoining properties or the streetscapes at Eddystone Drive and Elwood Court.

**R-Code Variations Within Development**

The internal variations that have been identified are likely to impact on any future occupier of the development. Those internal variations to the R-Codes, which are shown below, have been assessed against the performance criteria of the R-Codes and are considered to have met the relevant performance criteria. (Refer to the applicant's justification in their letter dated 7 June 2005 - Attachment 4).

<b>Retaining Wall Setback Variations</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 4 Retaining Wall North	1.5m	0m
Unit 5 Retaining Wall North	1.5m	0m
Unit 5 Retaining Wall East	1.5m	0m
Unit 7 Retaining Wall North	1.5m	0m
Unit 8 Retaining Wall North	1.5m	0m
Unit 9 Retaining Wall North	1.5m	0m
Unit 10 Retaining Wall North	1.5m	0m
Unit 14 Retaining Wall North	1.5m	0m

<b>Wall Setback Variations</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 3 Southern Wall	1.5m	0.75m

<b>Boundary Wall Variations</b>	<b>Acceptable Development Height</b>	<b>Proposed Height</b>
Unit 4 Northern Wall	3.0m average	3.2m average

<b>Boundary Wall Variations</b>	<b>Acceptable Development Length</b>	<b>Proposed Length</b>
Unit 12 Eastern Wall	66% (12m)	68% (12.2m)
Unit 13 Eastern Wall	66% (12m)	68% (12.2m)

<b>No. of Boundary Walls</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 2	1	2 (North and East)
Unit 3	1	2 (North and South)
Unit 14	1	2 (West and South)
Unit 15	1	2 (North and South)

### **R-Codes Variations External to Development**

The following identifies those variations that are considered likely to impact on the streetscape or adjoining properties.

#### Design Element 2 - Streetscape

According to clause 3.2.1 of the R-Codes, development shall generally be setback from the primary street at a minimum of 2.0 metres with an average of 4.0 metres. Garages shall be setback 4.5 metres, although this may be reduced where the garage adjoins a dwelling, provided the garage is at least 0.5 metres behind the dwelling alignment.

Units 1 to 11 satisfy these requirements with the exception of the garage to Unit 2. However, it is considered that the proposed garage would not detract from the streetscape as it is consistent with the proposed building setbacks at Units 1 and 3, which have part of the building forward of the Unit 2 garage. Therefore, as the structure will not obstruct views of dwellings from the street and vice versa, it is considered that it will meet the performance criteria for this design element as set out in the R-Codes.



There is concern about the excessive width of the two driveways that serve Units 3, 4, 15, 5 and 6. It is considered that the combination of driveways to the Eddystone Avenue frontage is excessive and will not provide a safe refuge for pedestrians using the public footpath. It is recommended that a condition be attached to the planning consent that requires each driveway to be separated by a 1.0 metre landscaping strip.

### Design Element 3 - Boundary Setbacks

All internal boundary and retaining wall setback variations have been accounted for in the applicant's written justification (Attachment 4) and are considered to comply with the relevant performance criteria.

Unit 2 of the proposed development includes a wall 8.2 metres in length, which is located near the eastern boundary of the site. Based on the acceptable standards of the R-Codes, a setback of 1.5 metres is required whereas a setback of 1.0 metre has been proposed. The setback variation is considered to be minor and will not adversely impact upon the amenity of the adjoining property owner. No objection relating to this wall was received from the affected property owner at 9 Elwood Court.

The proposed retaining wall pertaining to the eastern boundary of Unit 10 requires a setback of 1.5 metres according to the acceptable standards of the R-Codes. A nil setback has been proposed. Setting back the wall 1.5 metres from the lot boundary will create a space that would be difficult to use and would not benefit the streetscape or the amenity of the neighbouring properties to a considerable degree. Reducing the fill and height of the retaining wall would serve minimal purpose as the proposed Unit would sit considerably below the street level, reduce surveillance to the street and be inconsistent with the proposed streetscape that will be created by Units 6, 7, 8 and 9. Therefore it is recommended that these proposed variations to the Acceptable Standards be supported.

### Design Element 6 - Fill/Excavation in Excess of 500mm

Clause 3.6.1 of the R-Codes allows excavation or filling to a maximum of 0.5m between the street alignment and building, or within three metres of the street alignment, whichever is the lesser, as acceptable development. Any filling or excavation greater than this level is required to be assessed against the performance criteria of the R-Codes. The 6m fall of the land from the southern boundary to the north has resulted in many of the proposed units exceeding this standard. Units 1, 4, 5, 6, 10 and 11 do not satisfy this requirement.

The proposed retaining walls range in height from 500mm to 1.7 metres above natural ground level. However, in these instances the extent of the fill and excavation is necessary due to the topography of the site and the need to accommodate the dwellings on a flat surface. The change in level between dwellings is considered to retain the visual impression of the natural level of the site. Therefore the extent of fill and excavation is considered to comply with the performance criteria of Design Element 6.

### Design Element 8 - Visual Privacy

Since many of the proposed units include fill and retaining walls in excess of 500mm, most of which are internally within the site, they are to be assessed in relation to performance criteria of Design Element 8 (Visual Privacy) of the R-Codes. Where such development occurs, it is recommended that a condition of planning consent be attached requiring permanent screening as defined by the R-Codes, to be located on top of the retaining walls to prevent any overlooking.

## CONCLUSION

The Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, R-Codes and the Council's other relevant policies. The majority of the development complies with the acceptable development provisions of the R-Codes. Most of the variations requested are internal to the development, meet all the relevant performance criteria of the R-Codes and are considered not to have a major impact on the future occupiers of those dwellings. Variations that affect the external areas of the development also meet the relevant performance criteria.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the Strategic Plan. It will contribute to the diversity of housing choice, help create employment opportunities and support the local economy.

Having regard to the:

- details of the application;
- justification submitted by the application for the variations to the Acceptable Standards of the Residential Design Codes;
- two submissions received during the consultation process; and
- provisions of the District Planning Scheme No. 2,

It is recommended that Council approves the application with conditions.

## ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plans
Attachment 3	Photos
Attachment 4	Applicant Justification

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council:**

- 1 EXERCISES discretion under clause 6.1.3 (b) of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.2.3, 3.3.1, 3.3.2, 3.6.1, 3.6.2 has been met and that:**
  - (a) Retaining wall setback of nil in lieu of 1.5 metres pertaining to Unit 10 eastern boundary;**
  - (b) Garage setback of 4.0 metres in lieu of 4.5 metres pertaining to Unit 2;**
  - (c) Side setback of 1.0 metre in lieu of 1.5 metres pertaining to the eastern wall of Unit 2;**

- (d) Excavation in excess of 500mm within the front setback area pertaining to Unit 1;
- (e) Excavation in excess of 500mm within the front setback area pertaining to Unit 4;
- (f) Fill in excess of 500mm within the front setback area pertaining to Unit 5;
- (g) Excavation in excess of 500mm within the front setback area pertaining to Unit 6;
- (h) Fill in excess of 500mm within the front setback area pertaining to Unit 10;
- (i) Excavation in excess of 500mm within the front setback area pertaining to Unit 11;
- (j) The following internal variations within the development site are appropriate in this instance:

Retaining Wall Setback Variations	Acceptable Development	Proposed
Unit 4 Retaining Wall North	1.5m	0m
Unit 5 Retaining Wall North	1.5m	0m
Unit 5 Retaining Wall East	1.5m	0m
Unit 7 Retaining Wall North	1.5m	0m
Unit 8 Retaining Wall North	1.5m	0m
Unit 9 Retaining Wall North	1.5m	0m
Unit 10 Retaining Wall North	1.5m	0m
Unit 14 Retaining Wall North	1.5m	0m

Wall Setback Variations	Acceptable Development	Proposed
Unit 3 Southern Wall	1.5m	0.75m

Boundary Wall Variations	Acceptable Development	Proposed
Unit 12 Eastern Wall	66% (12m)	68% (12.2m)
Unit 13 Eastern Wall	66% (12m)	68% (12.2m)

Boundary Wall Variations	Acceptable Development Height	Proposed
Unit 4 Northern Wall	3.0m average	3.2m average

No. of Boundary Walls	Acceptable Development	Proposed
Unit 2	1	2 (North and East)
Unit 3	1	2 (North and South)
Unit 14	1	2 (West and South)
Unit 15	1	2 (North and South)

- 2 APPROVES** the application for Planning Consent dated 10/03/2005 submitted by Citadel Constructions Pty Ltd the applicant on behalf of the owner IA Investments for fifteen (15) grouped dwellings on Lots 1 & 2 (110 & 112) Eddystone Avenue and Lot 143 (3) Elwood Court, Craigie, subject to the following conditions:
- (a) The boundary walls shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
  - (b) The applicant obtaining a new certificate of title for the amalgamation of the three lots prior to occupation of the development;
  - (c) All stormwater must be contained on-site to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
  - (d) The reversing bay adjacent to Unit 14 shall be amended and constructed as marked in red on the approved plans;
  - (e) The single garage pertaining to Unit 6 shall be increased to achieve a minimum internal width of 3000mm as marked in red on the approved plans;
  - (f) The driveways and crossovers to be designed and constructed to the satisfaction of the Manager, Approvals, Planning & Environmental Services including a one (1) metre wide landscaping strip as marked in red on the approved plans, before occupation of the development;
  - (g) The lodging of a detailed landscape plan to the satisfaction of the Manager, Approvals, Planning & Environmental Services , for the development site and the adjoining road verge with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:200 and show the following:
    - (i) The location and type of existing and proposed trees and shrubs;
    - (ii) Any lawns to be established;
    - (iii) Those areas to be reticulated or irrigated;
  - (h) Screening to be provided on any portion of a retaining wall behind the front setback area that exceeds a height of 500mm above natural ground level to meet acceptable development provisions of clause 3.8.1 of the Residential Design Codes;
  - (i) The street poles and street signs shall be relocated at the applicant's expense to avoid conflict with the approved driveways and crossovers.

**Footnote:**

1. In regard to condition (h), a 1.8 metre high dividing fence located on a retaining wall is considered to meet the acceptable criteria of clause 3.8.1 of the Residential Design Codes.
2. According to clause 3.5.4 of the R-Codes, the driveway serving Units 12, 13 and 14 cannot be narrower than 3.0 metres. This width is to comprise of the brickpaving or the like and does not include the width of kerbing.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf020805.pdf](#)*

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**ITEM 11      PROPOSED CHILD CARE CENTRE: LOT 501 (107)  
WARWICK ROAD (NORTH-EAST CORNER)  
CURRAJONG ROAD, DUNCRAIG - [39873]****WARD:** South Coastal**RESPONSIBLE** Mr Clayton Higham  
**DIRECTOR:** Planning and Community Development

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**PURPOSE**

The purpose of this report is to request Council's determination of an application for Planning Approval for a Child Day Care Centre (CDCC) at Lot 501 (107) Warwick, Road (north-east corner) Currajong Road, Duncraig.

**EXECUTIVE SUMMARY**

The development site is Lot 501 (107) Warwick Road and is located on the north-east corner of Warwick Road and Currajong Road. The site was previously approved for use as consulting rooms (psychiatric consulting rooms).

The subject site abuts and is opposite existing single house residential development. The southern side of Warwick Road is occupied by a Local Reserve.

The applicant proposes to convert the existing building into a CDCC, as well as carry out additions to the existing building and reconfigure the existing car parking area. The CDCC does not meet certain criteria set out in Council's Local Planning Policy 3.1.1 – Child Care Centres.

The assessment criteria for the location of CDCCs does not support:

- CDCCs being located on a Primary District Distributor (Warwick Road) or adjacent to Access Roads (Currajong Road) in residential areas; and
- the location of a CDCC within a residential area, with the preferred location being adjacent to non-residential uses.

The degree of proposed activity represents a significant intensification of activity when compared to the predominance of single houses within the area and the previous land use (psychiatrist consulting room) that existed prior to this application. Along the western portion of Warwick Road towards Marmion Avenue, there are three instances of non-residential uses, including a Medical Centre and two Consulting Rooms

Traffic movement within the car parking area will further inconvenience and reduce the amenity of the adjoining property at 39 Currajong Road. Verge and pavement parking at Currajong and Warwick Roads during peak traffic times is not desirable and would adversely impact upon the amenity of the adjoining residential properties by creating an unsafe environment.

The proposed development is considered to be an incompatible land use within the existing predominantly residential area. The intensity of the land use exceeds what is reasonably expected within such an area and will be likely to adversely impact upon the amenity of the adjoining and surrounding residential properties.

It is recommended that the application for Planning Consent be refused.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 501 (HN 107) Warwick Road, Duncraig
<b>Applicant:</b>	Sharose Investments Pty Ltd
<b>Owner:</b>	Sharose Investments Pty Ltd and P & A Chemello Nominees Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban

The subject site has a land area of 1409m<sup>2</sup> and is located on the north-east corner of Warwick and Currajong Road at a 'T' junction with limited access. The site is directly opposite a Local Reserve (Galston Park) on the southern side of Warwick Road and approximately 150 metres from an aged care facility adjacent to another Local Reserve (Percy Doyle Reserve). It is approximately 400 metres from Duncraig Primary School and 500 metres from the nearest shopping centre (Marri Road).

The development site and surrounding area is zoned Residential with a density coding of R20. The area predominantly consists of single houses with the following exceptions:

1. Consulting Rooms at 93 Warwick Road (Eye Specialist)
2. Consulting Rooms at 85 Warwick Road
3. Medical Centre at 41 Roche Road

## DETAILS

The existing site consists of a single storey building, previously used as consulting rooms with three practitioners. This building is located near the eastern boundary of the site. The car parking area serving this building is located between the building and Currajong Road, with vehicle and pedestrian access from that road. A landscaping strip separates the car parking area and the residential house located at 39 Currajong Road.

The applicant proposes to modify and carry out additions to the existing building and convert it to a CDCC with 47 children, 8 staff and an associated car park. It is proposed to operate from 7am to 6pm, Monday to Friday.

The approved car parking layout for the consulting rooms shows sixteen parking spaces. A previous approval (30/1096) permitted an additional practitioner to operate from the premises, which would result in a total of 3 practitioners. Consequently, to satisfy the extra car parking demand, the applicant was given a choice of providing 2 additional carparking bays to a total of 18 or payment of cash in lieu of the 2 bays. The City's records do not clarify whether the bays were provided or a payment was received.

Fifteen car bays are proposed to be provided on-site to accommodate visitor and staff car parking arising from the CDCC. These spaces are to be located along the northern side of the lot adjacent to 39 Currajong Road. The car parking area at the corner of Currajong and Warwick Roads is to be altered to form part of the children's play area.

The proposal includes replacement of an existing retaining wall that abuts Warwick and Currajong Road. Further, additions to the existing building have been proposed at the eastern and southern sides of the existing building.

Council's planning policy on Child Care Centres requires that 8% of the total site area consist of landscaping including a 3 metre wide landscaping strip at both street frontages. The applicant has provided a 3 metre wide strip and 10% of the total site area is dedicated to landscaping.

## **APPLICANT JUSTIFICATION**

In support of the application, the applicant has provided:

- A letter in support of the application, setting out details of the proposal;
- A traffic engineer's report; and
- An acoustic report.

In addition, the applicant has responded to the objections raised by surrounding property owners during the advertising process as follows:

### *Increase in Traffic Volume*

*The traffic impact report, which was submitted on 21 April 2005, outlines that the roads do have sufficient capacity to handle a minor increase in traffic.*

### *Parking on Council Verge*

*We are prepared to landscape and reticulate this verge to prevent vehicle parking with plants less than one metre in height, thus avoiding any vision impairment and road safety issue, thus effectively relieving any problem.*

### *Property Value*

*As per reports provided, property will not devalue because there will be no significant increase in traffic, bearing in mind that these properties are situated next to a dual carriageway (Warwick Road). The acoustic report states that there will be no noise increase – the property has previously been used as a medical centre, with no complaints from neighbours.*

*The play area away is located away from adjoining residential outdoor areas to reduce any inconvenience to neighbours.*

### *Discretionary Use*

*Whilst child care centres are a discretionary use within a residential zone, there has been a number of centres approved within residential zones which has set a precedent*

*The current use is a medical centre and a discretionary use is already in existence along with car parking.*

### *Extension of existing building into adjoining lot*

*The proposed extension totals approximately 140m<sup>2</sup> – and the lot totals over 1400m<sup>2</sup> which could theoretically allow development of at least two double storey grouped dwellings, which would be considerably more than is proposed.*



Vehicle Manoeuvring

*The car parking area is sufficient as per Council guidelines and we acknowledge, as addressed in the report, that the site layout needs modifying so that an appropriate turn around facility is provided.*

Development out of Character

*The use as a medical centre was tolerated and it will blend in with the adjoining properties. It will be a replica of the Child Care Centre at 555 Beach Road. Other commercial uses along Warwick Road are currently in existence and have been given discretionary approval.*

*The proposed centre is conveniently located to provide easy and safe access for families in the local community. We seek to provide a quality product and building.*

**Link to Strategic Plan:**

Not applicable

**Legislation – Statutory Provisions:**

A CDCC is a 'D' use in a Residential area. A 'D' use means:

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

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8, as follows:

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

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

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Consent:

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

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

#### **Development Standards under District Planning Scheme 2 (DPS 2)**

<b>DPS 2 Policy Standard</b>	<b>Required</b>	<b>Provided</b>
Front Setback (Warwick Rd)	6.0m	7.1m
Rear Setback	1.5m	4.8m
Side Setback (Currajong Rd)	1.5m	16.5m
Side Setback	1.5m	2.3m
Car parking	15 bays	15 bays
Landscaping	8%	10.9%
Fencing	1.2m solid (max)	1.8m solid

**Policy 3.1.1 – Child Care Centres**

This policy sets out guidelines for the development of a CDCC including the requirements for the provision of car parking and landscaping, the preferred location of CDCCs, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas. The policy is reproduced below:

**POLICY 3.1.1 - CHILD CARE CENTRES****OBJECTIVE**

*The purpose of this policy is to provide guidance for the location and development of Child Care Centres to maximise user convenience and maintain a high level of amenity in residential areas.*

**STATEMENT****Relevant Legislation**

*District Planning Scheme No.2 Clause 1.9:*

*CHILD CARE CENTRE means premises used for the daily or occasional care of children in accordance with the Community Services (Child Care) Regulations 1988.*

**Table No 1 Zoning Table**

*The use class Child Care Centre is a 'D' use in the Residential, Mixed Use, Business, Commercial, Civic and Cultural, Private Clubs/Recreation and Special Residential Zones. A 'D' use is a use that is not permitted, but the Council may grant its approval after following the procedures of the scheme that relate to matters to be considered by Council and advertising. The use is not permitted in the Service Industrial and Rural zones.*

**TABLE 6**

<b>USE</b>	<b>NUMBER OF CARS</b>
Child Care Centre	Not less than 5 and 1 per staff member

**Related Legislation And Policies**

*Community Services (Child Care) Regulations 1988 (Government Gazette 25/11/1988)*

**Location****1 Road Hierarchy**

*Child Care Centres are reasonably high traffic generators and therefore should not be located on Primary District Distributors where the primary function is to cater for through traffic or on Local Distributors in close proximity to District Distributors or in or adjacent to Access Roads in residential areas where amenity, safety and aesthetics must take priority. Accordingly, these Centres should be located on Local Distributor roads in such a fashion that they will not conflict with traffic control devices and will not encourage the use of nearby Access Roads for turning movements.*

## 2 Neighbouring Uses

*Wherever possible it is preferred to locate Child Care Centres adjacent to non-residential uses such as Shopping Centres, Medical Centres/Consulting Rooms, School Site, Parks and Community Purpose Buildings to minimise the impact such Centres will have on the amenity of residential areas.*

## 3 Existing Child Care Centres

*When submitting an Application for Approval to Commence Development for a new child care centre, the proponents should demonstrate their awareness of the number, size and location of existing or approved centres within the locality.*

### Parking

#### 1 Location

*All parking areas should be located in front of buildings or at least be easily visible from the entry to the site so that patrons are encouraged to use the on-site parking and not the road verges. Any difficult to use or access parking bays should be allocated to staff.*

#### 2 Design

*Parking areas should preferably be designed to allow traffic to flow through using entry and exit crossovers so that traffic conflicts and congestion do not unnecessarily restrict the use of the parking area. For the purposes of determining parking requirements, designs incorporating through flow are referred to as Type 1 and those accessed only by a two-way crossover as a Type 2. In certain circumstances, detailed below, Type 2 designs require more parking bays than Type 1 designs.*

#### 3 Number - Children And Staff

*All Child Care Centres must provide a minimum of one parking bay for each staff member and at least five parking bays for up to 25 children. For Centres with more than 25 children the required parking bays are determined by reference to the attached figure. The actual parking requirement for Centres in this category varies with the configuration of the parking area and the number of children.*

*At least one parking bay must conform to ACROD standards and be set aside for that purpose.*

### Setbacks

#### 1 Street

*In residential areas all buildings should be set back from the street boundary at least as far as the lesser of the two adjoining residences and if the adjoining lots are vacant should be set back a minimum of six metres.*

#### 2 Other

*Side and rear setbacks should generally be in accordance with the Residential Planning Codes for residential buildings. Care should be taken to ensure outdoor play areas are not located adjacent to private open space or living areas.*

### *Landscaping*

#### **1     Onsite**

*All street frontages of the site to a depth of three metres are required to be suitably landscaped and reticulated to assist to preserve the character of residential areas.*

#### **2     Verge**

*The verge area in front of all Child Care Centres is required to be suitably landscaped and reticulated and maintained to discourage patrons from parking on the verge instead of using the parking areas provided. Under no circumstances is the verge to be paved or sealed as this would encourage its use for parking and detract from the amenity of the area.*

### *Advertising*

#### **1     Application**

*Because of the possible detrimental effect Child Care Centres can have on the amenity, safety and aesthetics of residential areas, all applications must be advertised for public comment prior to consideration for approval.*

*Approved Child Care Centres can display only one advertising sign approved by the Chief Executive Officer. The maximum lettering height is 20cm. Where letters or numerals are individually fixed to walls, the Chief Executive Officer shall approve the colours and materials. Where signboards are used the board shall not exceed 50cm in height and 100cm in length, and lettering shall be black on a gold/bronze background. Signs shall not be illuminated after 8.00pm each night.*

### **Risk Management Considerations:**

Not Applicable.

### **Financial/budget implications:**

Not Applicable.

### **Policy Implications:**

Not Applicable.

### **Regional Significance:**

Not Applicable.

### **Sustainability implications:**

Not Applicable.

**Internal Referrals:**

A Traffic Impact Statement (TIS) was submitted by the applicant following a request by Council. The following conclusions were made in the report:

- *Currajong Road has significant spare traffic bearing capacity.*
- *No congestion and excessive queuing is anticipated at the intersection of Warwick Road and Currajong Road.*
- *On-street parking should be prohibited along one car length north of the proposed CDCC crossover and south of the crossover to Warwick Road intersection on the eastern side of Currajong Road.*
- *The parking layout should be remarked to show 8 staff bays and 7 visitor's bays*
- *It is suggested that the site layout be modified so that an appropriate turn around facility is provided at the end of the parking circulation isle.*
- *Traffic related issues should not form an impediment to the approval of the CDCC.*

The report was assessed and the conclusions and recommendations contained within the TIS were accepted. It is believed that the proposed parking layout should be modified with the provision of a turnaround facility to improve internal circulation and any parking prohibitions recommended should be provided at the applicant's cost if the application is approved.

In addition, an acoustic assessment report was required to be submitted in conjunction with this application. The following conclusions were made by the Acoustic Consultants in their report:

- *In terms of child play activities, prediction of the worst case noise propagation indicate that compliance with the Regulatory criteria will be achieved at all residential locations.*
- *Similarly, car noise, including closing of doors and engine start up, will also be within the relevant criteria at all neighbouring residences.*

In response to the contents of the report, it was noted that the acoustic report submitted does not address noise associated with toys and play frames. Where any metal tube frames are used, they should be filled with sand. Furthermore, plastic children trucks or cars may require rubber tyres to reduce noise disturbances.

The Acoustic Consultant's Report also indicates that noise emissions from vehicles accessing the car park complies with LA<sub>max</sub> levels. During peak drop off times, the duration of vehicle noise may warrant that the noise also comply with LA<sub>1</sub> levels. The Acoustic Consultant's report indicates that the noise from motor vehicle movements on site and from car doors closing will not meet LA<sub>1</sub> levels should this occur prior to 7am. It is reasonable to expect that centre staff will arrive on-site prior to the centre's opening time of 7am. Traffic noise from vehicles on Warwick Road will be lower in the early hours of the morning and whilst noise emissions from the premises may meet the requirements of current noise legislation, it would be reasonable to expect an increase in background noise emissions that residents will be subjected to should the development be approved.

The Environmental Protection (Noise) Regulations 1997 deal with noise emissions from the actual property and no consideration for noise from cars parking on the road and vehicle noise on the road has been made by Environmental Health.

Compliance with the Noise Regulations will also require centre staff to be vigilant in ensuring that the noise from children playing is reasonable. This will mean policing the children playing in the outside area at all times to ensure that they are not yelling or screaming or playing in the areas adjacent to neighbouring residential premises. The area of the site identified on the plans for outside play areas is 445m<sup>2</sup>. This would include the narrow areas of the site to the north and east of the existing building, which abuts the adjoining residential properties.

### Consultation:

The proposal was advertised in writing to the adjoining and nearby owners for a period of 14 days in accordance with DPS 2.

Five objections and one non-objection were received and are summarised below:

Objection/Comment	Technical Comments
The existing road network does not have sufficient capacity to handle increased traffic	<p>The Traffic Report states that traffic related issues should not form an impediment to the approval of the Child Care Centre.</p> <p>However, there are concerns about on-site traffic movement and kerbside parking, especially during peak times.</p>
The proposal may entail parking on the Council verge causing inconvenience and result in a safety hazard	<p>Although the proposed development does provide the required amount of bays on site, there are concerns that customers may resort to verge parking.</p> <p>Verge and street parking could be possible for convenience purposes or when car parking area is full.</p>
<p>The proposal will devalue properties within the immediate area.</p> <p>A Child Care Centre is a discretionary use within a residential zone and is not generally permitted</p>	<p>Impact upon property values is not a planning consideration.</p> <p>Agreed. The land use is not a permitted land use within this Zone but the Council may grant approval after following the procedures laid down by subclause 6.6.2.</p> <p>There are concerns that the proposed CDCC will result in an escalation of intensity of activity that is typically not suited to a residential zoned lot, which could impact on adjoining or surrounding properties</p>
The proposal may result in poor quality advertising signage visible	Any subsequent signage will be subject to a separate application and full assessment.
The extension of the existing building will encroach onto the adjoining lot	The proposed additions satisfy the minimum setback requirements.
There is insufficient space within the site for vehicle manoeuvring	An assessment of internal vehicle manoeuvring space by has been considered acceptable.

## COMMENT

The proposed development will involve:

- (i) a change in land use from consulting rooms (3 practitioners) to a CDCC;
- (ii) relocation of the existing car park so that it abuts the residential property at 39 Currajong Road to create play areas that are not adjacent to residential properties; and
- (iii) single storey additions and alterations to the existing building to suit the proposed use.

## Location in relation to Other Land Uses

According to clause 3.4 of DPS 2, the Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. It also provides for certain cultural and recreational development to occur where Council considers the same to be appropriate in residential neighbourhoods within the Residential Zone.

However, the proposed CDCC would appear to be better suited within a Commercial Zone, which is intended to provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.

A survey of the surrounding area has revealed that the nearest commercial centre is located approximately 500 metres away and Duncraig Primary School approximately 400 metres away. All other development within similar proximity consists of residential use or local reserves (Percy Doyle Reserve and Galston Park). Exceptions to this include:

- 1 Consulting Rooms at 93 Warwick Road (Eye Specialist)
- 2 Consulting Rooms at 85 Warwick Road
- 3 Medical Centre at 41 Roche Road

Policy 3.1.1 states that, where possible it is preferred to locate Child Care Centres adjacent to non-residential uses such as shopping centres, Medical Centres/Consulting Rooms, School sites and Community Purpose Buildings to minimise the impact such Centres will have on the amenity of residential area.

It is clear that the location of the proposed CDCC is not near enough non-residential uses, where any impact resulting from the CDCC would assist in minimising the impact upon the amenity of the residential areas.

## Noise

The City's Environmental Health Services have expressed concern about the possibility of noise generated from the proposed CDCC to inconvenience the adjoining residences. The concerns relate to the general increase in background noise, the possibility of excessive noise emanating from the children, vehicles accessing the site before 7am and throughout the day and the general increase in car associated noise. The latter point has not been addressed in the consultant's report. However, it is a consideration when determining the suitability of the proposed land use. The general increase in noise as a result of the proposed use and intensification of activities is a concern that is also shared by several adjoining affected property owners who objected to the proposed CDCC.



The State Administrative Tribunal (SAT) has previously ruled that compliance with the Noise Regulations does not necessarily mean that the noise does not constitute an adverse impact on the existing amenity of the locality in a planning sense in *Land Alliance Pty Ltd v City of Belmont (2005) WASAT 100*. Whilst it may be argued that the surrounding area is already subject to above normal noise emanations given its close proximity to Warwick Road, the proposed CDCC does constitute an intensification of the land use and general increase in noise from vehicle movements, parking, opening and closing of car doors and the children.

The proposal includes modification of the existing car park, which will result in the car bays being directly opposite the adjoining property, 39 Currajong Road

Upon consideration of the residential nature of the locality, the number of immediately adjacent residences and the times at which noise is to be generated, particularly the noise emanating from the car park early in the morning, the use will adversely impact upon the existing amenity of the area, and is therefore incompatible.

### **Location in relation to Roads**

The CDCC is intended to cater for 47 children between 7am to 6pm, Monday to Friday. The CDCC is located within close proximity to a District Distributor (Warwick Road) that is adjacent to an Access Road (Currajong Road) in a residential area. This is contrary to Policy 3.1.1 which states CDCCs should not be adjacent to Access Roads in residential areas where amenity, safety and aesthetics must take priority. Such centres should be located on Local Distributor roads so that they will not conflict with traffic control devices and will not encourage the use of nearby access roads for turning movements.

Vehicular access and egress to the site is currently restricted as there is no break in the median strip at Warwick Road. It is reasonable to assume that most CDCC customers will attempt to use Warwick Road to gain access to the site. Vehicles from the west to the CDCC will be able to access the site directly from Warwick Road. However, the median strip will deny those same vehicles access onto the road and direction that they originated from when they leave the premises. From the locality plan (Attachment 1) it is evident that drivers may choose alternate routes to gain access to Warwick Road. This may include traversing Currajong Road and Roche Road, which also intersects with Warwick Road but does possess a break in the median strip. Alternatively, such vehicles may traverse along Currajong Road, Pyrus Street and Lilburne Road before gaining access onto Warwick Road.

Similarly, vehicles wishing to access the premises from Warwick Road from an easterly direction are likely to gain access from adjacent access roads. Accessing Warwick Road and traversing in an easterly direction can be achieved from the intersection at Warwick and Currajong Roads. However, it is acknowledged that the absence of a median strip at this intersection will give rise to increased traffic volumes on access roads (Currajong Road, Roche Road, and Pyrus Street), which is not encouraged by Policy 3.1.1.

Given the nature of CDCCs, traffic movements would be concentrated during specific times as parents/guardians would most likely set down and pick up their children between the hours of 7am to 10am and 3pm to 6pm respectively. This would serve to exacerbate the problem and further compromise the amenity of the residential properties along the adjoining access roads in addition to those immediately adjoining the site.

It is reasonable to assume that a proposed CDCC such as this will generate significantly more traffic movements than the proposed surrounding residential dwellings. Whilst it is possible that some may walk or use public transport, it is expected that the majority of customers and or staff will commute to and from the site in a private vehicle.

By employing 8 staff, it can be assumed that provided those staff do not car pool or utilise public transport, 16 trips would be generated. If all proposed 47 children are picked up and dropped off separately, then 94 trips would be generated each day. If 2 children are dropped off and picked up together at any one time, then 48 trips would be generated. From this rudimentary calculation, the total number of vehicle movements that would result from the operation of the CDCC is likely to be between 64 and 110. Whilst the traffic movement will be distributed within the locality, it will be focused in the new car parking area that abuts 39 Currajong Road.

In each case, the volume of traffic generated is significantly more than that generated from a typical single house. The proposed CDCC represents a significant intensification of activity when compared to the predominance of single houses within the area.

Whilst there is agreement with the Traffic Consultant's report that the road network has the capacity to accommodate the extra traffic, the proportional increase in vehicle movements will cause a reduction in residential amenity. This is exacerbated due to the median break at Warwick Road, which will increase vehicle movements along the adjoining access roads. Policy 3.1.1 states that proposed CDCCs should not encourage the use of nearby Access Roads and will not conflict with traffic control devices.

The traffic report acknowledges that there will be an increase in vehicle movements between 8am to 9am along Currajong Road. It is stated that 32 trips will be generated with 17 in and 15 out. Of these trips, 16 trips will use Currajong Road, north of the site.

The report acknowledges that there will be an increase in vehicle movements between 5pm to 6pm along Currajong Road. It is stated that 35 trips will be generated with 16 in and 19 out. Of these trips, 17 trips will use Currajong Road, north of the site.

The Traffic Report states that 67 trips will be generated during peak periods as a result of the proposed development. It also confirms that there will be an increase in vehicle movements involving Currajong Road and therefore other roads within the surrounding locality.

Whilst there will be a discernable increase in the vehicle movements within the surrounding road network, the movements will be focused within the proposed car parking area, which will further inconvenience and cause a reduction in the amenity at 39 Currajong Road. This will be further exacerbated when the CDCC hosts social events, that are proposed to involve other members of the community including seniors, parents, students from university and TAFE (refer to applicant's submission). Such activity is likely to result in additional vehicle movements when these events are conducted and may result in verge and pavement parking.

Upon consideration of the existing road network and traffic issues that arise from the proposal, it is not considered to be an appropriate use for the site.

### **Car Parking - Numbers**

Most of the car parking area provided for the proposed development is located in front of the building at Currajong Road and is easily visible from the street. Vehicular access onto Warwick Road has not been proposed. According to Policy 3.1.1, there is a requirement of 7 bays for visitors and 8 for the staff, which equates to a total of 15 bays. These have been provided by the applicant and are separated by the sole vehicular access point off Currajong Road. The car park is located between the building and the adjacent residential property, 39 Currajong Road.

The City's records indicate that the consulting rooms had previously been approved to accommodate three practitioners in 1995. This approval required a car parking ratio of 6 bays per practitioner, resulting in a total of 18 bays to be provided. However, it appears that only 16 bays have been established and the City's records do not provide detail on whether this was originally agreed upon.

DPS 2, adopted in 2000, states that 5 bays are required per practitioner, resulting in a total of 15 bays to be provided. Therefore, the existing configuration and car parking provisions would comply with current standards. However, it is reasonable to assume that there will be distinct differences regarding the concentration and distribution of traffic activity throughout the day.

A consulting room typically operates and serves patrons during normal business hours and the volume of patrons served is dependant upon the number and type of practitioners. In most cases, one practitioner could only serve one customer at a time and it can be expected that the customers would be evenly spread throughout the course of the day. However, the primary role of a CDCC is to provide care for children whose parents or guardians are unable to do so. It is expected that in most cases, a CDCC will have a high concentration of traffic volumes early in the morning and later in the afternoon.

The applicant has stated that the CDCC will operate from 7am to 6pm, Monday to Friday. As most vehicular activity, from the staff and parents/guardians, can be expected to occur close to these opening and closing times, it is considered to constitute a significant adverse impact upon the amenity of the adjoining residential properties. This is corroborated in the Traffic Impact Statement, which suggest that the majority of children drop-offs and pick-ups are typically between 7am to 10am and 3am to 6pm respectively. Additionally, the morning drop-offs normally peak around 8:30am and the afternoon/evening pick-ups typically peak around 5pm.

It is reasonable to expect that the concentration of street traffic flows at peak times may lead to overflow and drivers may elect to park on the verge or street to avoid conflict. Verge and street parking at Currajong and Warwick Roads during peak traffic times is not desirable and would adversely impact upon the amenity of the adjoining residential properties by creating an unsafe environment.

### **Relocation and configuration of existing Car Parking Area**

Currently, the car parking for the site is located on the western portion of the site, adjacent to Currajong Road. The applicant is proposing to convert the south west portion of the lot to serve as a children's play area, with new car parking bays and turning area running adjacent to the adjoining property at 39 Currajong Road. Therefore, it is reasonable to expect that more car associated noise will result, further inconveniencing and impacting upon the adjoining property, particularly during peak drop off and pick up times.

In their report, the Traffic Consultants recommend that on-street parking be prohibited on the eastern side of Currajong Road along one car length north of the proposed CDCC crossover and south of the crossover to the Warwick Road intersection. It does not address the potential occurrence of street parking on the western side of Currajong Road or anywhere else within close proximity of the site.

The possibility of street parking cannot be overlooked. Such practice should not be encouraged in residential areas and there is a real concern that this may occur should planning consent be given to this proposal.

## **Landscaping**

The proposed development provides 10% landscaping, and includes a three metre wide landscaping strip at both Warwick and Currajong Roads, which satisfies the minimum requirements prescribed by Policy 3.1.1. The existing landscaping strip located between the existing car parking area and 39 Currajong Road is to be removed for the relocation of the car parking area.

## **Retaining Walls**

Currently, the site has a two part staggered retaining wall abutting Warwick and Currajong Roads. As part of this application, the applicant has proposed to replace the upper retaining wall only, which will be of a similar scale and height to the existing one. Therefore, the wall is considered to be acceptable. Should planning consent be given to this proposed development, any fencing proposed to be located on top of the upper wall should be conditioned to be visually permeable as defined by the R-Codes.

## **Conclusion**

Having regard to the relevant clauses of DPS 2, the proposed CDCC is not supported. The proposal (non-residential activity) is considered to have a poor relationship to those uses of other land (residential) within the locality and is of an inappropriate scale for the 'Residential' zone. It is not appropriate given the nature of the roads that give access to the subject land such as Roche Road, Currajong Road and Pyrus Street.

Upon consideration of the objective and criteria of the City's Policy 3.1.1 (Child Care Centres) the proposed CDCC is considered not to be appropriate within this locality. The proposal is not adjacent to non-residential uses, is commercial in nature and will encourage use of nearby Access Roads.

Further, the increase in noise levels and traffic movement on site, design configuration of the proposed use and the potential of verge and street parking to occur in Currajong Road, it is considered to constitute a significant adverse impact upon the amenity of residential properties within the locality.

Having regard to the:

- details of the application;
- justification submitted by the applicant;
- six submissions received during the consultation process;
- details provided in the acoustic and traffic consultants' reports;
- provisions of the District Planning Scheme No 2; and
- provisions of Policy 3.1.1 – Child Care Centres;

It is recommended that the application for Planning Consent be refused.

## **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Development Plans
Attachment 3	Traffic Impact Statement
Attachment 4	Acoustic Assessment

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council:**

- 1 REFUSES the application for planning approval for the proposed Child Care Centre at Lot 501 (107) Warwick Road, Duncraig for the following reasons:**

**The proposal is contrary to the principles of orderly and proper planning as:**

- (a) The proposed site is not considered appropriate as it does not adjoin non-residential uses as encouraged by Policy 3.1.1 – Child Care Centres;**
- (b) The commercial nature of the proposed use is not compatible with existing uses of other land within the locality, contrary to clause 6.8.2 (a) of DPS2;**
- (c) The proposal is located on an access road in a residential area, contrary to Policy 3.1.1 – Child Care Centres;**
- (d) The nature of the roads giving access to the subject land is inappropriate contrary to clause 6.8.2 (c) as it will distribute traffic to nearby access roads;**
- (e) The changes to the car parking area and the increased intensity of uses will adversely impact upon the amenity of the adjoining residential property at No 39 Currajong Road;**
- (f) The potential for car parking overflows onto the access road and the adverse impact on adjoining and surrounding residential properties;**

- 2 ADVISES the submitters of Council's decision.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf020805.pdf](#)*

**ITEM 12            REMOVAL OF RESTRICTIVE COVENANTS RELATING  
TO RETAIL FLOORSACE RESTRICTIONS FOR LOTS  
8 (NO 1) TRAPPERS DRIVE, LOT 9 (NO 937) & LOT 10  
(NO 933) WHITFORDS AVENUE, WOODVALE    -  
[83561]**

**WARD:**                Lakeside

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

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**PURPOSE**

For Council to consider the removal of existing restrictive retail floorspace covenants for Lot 8 (No 1) Trappers Drive, Lot 9 (No 937) and Lot 10 (No 933) Whitfords Avenue, Woodvale.

**EXECUTIVE SUMMARY**

Schedule 3 of City of Joondalup District Planning Scheme No 2 (DPS2) sets out retail floorspace (nett lettable area) limits for 'Commercial' and 'Centre' zoned lots.

Four of the lots that comprise the greater Woodvale Shopping Centre area were not included in Schedule 3 of DPS2 and the retail floorspace limits for these lots (Lots 8, 9 and 10) were achieved by way of restrictive covenant on the land title for each lot. The covenants were initiated prior to the adoption of DPS2 and its hierarchy of retail floorspace allocation.

Amendment No 27 to DPS2 (CJ294-11/04 refers) was progressed in order to rectify this anomaly and sought to facilitate the inclusion of all 'Commercial' zoned lots comprising the greater Woodvale Shopping Centre into Schedule 3 of DPS2 and to allocate marginal retail floorspace increases to each of these lots.

The Minister for Planning and Infrastructure granted final approval to Amendment 27 and Notification of this decision was placed in the Government Gazette on 1 April 2005.

The effect of Amendment No 27 is that retail floorspace restrictions are now included within Schedule 3 of DPS2 for Lots 8, 9 and 10 and therefore the restrictive retail floorspace covenants upon the land titles of these lots are no longer required.

It is recommended that Council:

- 1        *CONSENTS to the removal of the existing restrictive retail floorspace covenants upon the land titles of Lots 8 (No 1) Trappers Drive, Lot 9 (No 937) and Lot 10 (No 933) Whitfords Avenue Woodvale;*
- 2        *NOTES that the envisaged legal costs incurred to facilitate the removal of the existing restrictive floorspace covenants be shared equally between the landowners of Lots 8 (No 1) Trappers Drive, Lot 9 (No 937) and Lot 10 (No 933) Whitfords Avenue Woodvale.*

## BACKGROUND

<b>Suburb/Location:</b>	Woodvale Boulevard Centre, Corner Whitfords Avenue and Trappers Drive, Woodvale
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	Various Landowners
<b>Zoning:DPS:</b>	Commercial
<b>MRS:</b>	Urban

Restrictive covenants were placed upon the certificate of title for the subject lots to ensure retail floorspace allocation was controlled when the land was first developed, approximately 10 years ago. The covenants were originally required to control retail floorspace allocation as the City's previous town planning scheme (TPS1) did not contain provisions relating to retail floorspace allocation at that time.

Amendment No 27 to DPS2 was initiated to include retail floorspace allocations to Lots 8, 9 & 10 within the Woodvale Shopping Centre. The amendment (CJ294 – 11/04 refers) was approved by the Minister for Planning and Infrastructure and the decision subsequently published in the Government Gazette on 1 April 2005. DPS2 now provides retail floorspace limits for Lots 8, 9 & 10.

## DETAILS

### Issues and options considered:

Lots 8, 9 and 10 have an existing restrictive covenant upon their land title that restricts retail floorspace to a specified amount. The restrictive covenants were placed upon the certificate of title for these lots to ensure retail floorspace allocation was controlled when the land was first developed.

Retail centres throughout the City are generally zoned either 'Commercial' or 'Centre'. Subclauses 3.7.2 and 3.11.4 of DPS2 relates to retail floorspace control and allocation within the 'Commercial' and 'Centre' zones respectively. Schedule 3 of DPS2 lists retail floorspace allocation for each retail centre throughout the City.

The old retail floorspace restriction applicable to each lot under the restrictive covenant, together with the new retail floorspace restriction for each of these lots under Schedule 3 of DPS2 as a result of gazettal of Amendment 27 are listed in the table below.

<b>Lot No</b>	<b>Retail floorspace limitation under restrictive covenant (Old)</b>	<b>Retail floorspace limitation under Schedule 3 of DPS2 (New)</b>
8	300m <sup>2</sup>	600m <sup>2</sup>
9	180m <sup>2</sup>	540m <sup>2</sup>
10	70m <sup>2</sup>	300m <sup>2</sup>

Advice was sought from the City's solicitors with respect to the likely costs incurred to have the restrictive covenants removed from Lots 8, 9 and 10. The City's solicitors advised that the legal process required to facilitate covenant removal is complex and as such, the likely professional fee incurred is approximately \$310 to \$410 for all three lots, together with a registration fee of \$79 for each lot.

Correspondence was sent to all three landowners advising them of the intention to simultaneously remove the restrictive covenants upon each of the three lots. The landowners were also advised of the above legal fees and were requested to agree to meet the shared costs. All three landowners responded in writing agreeing to the removal of the covenants and stating that they are prepared to meet the legal costs incurred to facilitate the covenant removal.

**Link to Strategic Plan:**

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

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The removal of the restrictive covenants will ensure that there is no inconsistency between the covenants and DPS2.

**Policy implications:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Consultation with the relevant land owners has been undertaken and all landowners support the removal of the restrictive covenant.

**COMMENT**

Appropriate retail floorspace restrictions and allocations are applied in the 'Commercial' and 'Centre' zones via subclauses 3.7.2 and 3.11.4 respectively, and within Schedule 3 of DPS2. Restrictive covenants are now generally not used to control retail floorspace.

Given the gazettal of Amendment 27, retail floorspace restrictions are now in place over Lots 8, 9 and 10 within Schedule 3 of DPS2.

The existing retail floorspace restrictive covenant recorded against the land title for Lots 8, 9 and 10 are therefore no longer required. The existing restrictive retail floorspace covenants upon Lots 8, 9 and 10 are now inconsistent with DPS2.

It is therefore recommended that Council consent to their removal.

**ATTACHMENTS**

Attachment 1      Aerial Site Plan



**VOTING REQUIREMENTS**

Simple Majority

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

- 1      CONSENTS to the removal of the existing restrictive retail floorspace covenants upon the land titles of Lots 8 (No 1) Trappers Drive, Lot 9 (No 937) and Lot 10 (No 933) Whitfords Avenue Woodvale;**
- 2      NOTES that the envisaged legal costs incurred to facilitate the removal of the existing restrictive floorspace covenants be shared equally between the landowners of Lots 8 (No 1) Trappers Drive, Lot 9 (No 937) and Lot 10 (No 933) Whitfords Avenue Woodvale.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf020805.pdf](#)*

*X:\devserv\REPORTS\REPORTS 2005\080502pe.doc*

## ITEM 13 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – JUNE 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.

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

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

The number of “development applications” determined for June 2005 (including Council and delegated decisions) and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

Approvals Determined Under Delegated Authority – Month Of June 2005		
Type of Approval	Number	Value (\$)
Development Applications	69	3,741,375
R-Code variations (Single Houses)	27	1,745,309
<b>Total</b>	<b>96</b>	<b>5,486,684</b>

There was only one development application determined by Council during this month and this project was valued at \$29,000,000. The number of development applications received in June 2005 was 75. This figure does not include any applications that may become the subject of the R-Code variation process.

**BACKGROUND**

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:**

Not Applicable.

**Link to Strategic Plan:**

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

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's 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:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

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

Of the 77 applications determined during the report summary period, consultation was undertaken for 47 of those applications.

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

**COMMENT**

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

Without such a mechanism, it would be exceptionally difficult for the Council to be properly informed to make decisions itself, regarding approximately 70-110 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.

In addition to the major development applications dealt with under delegated authority, the Residential Design Codes and the District Planning Scheme provisions require an applicant to seek Council's written approval to exercise its discretion to vary an Acceptable Standard of the Residential Design Codes for a development that relates to a single house or additions to a single house, such as patios, outbuildings, carports, garages, retaining walls, etc. As this type of written approval requires an exercise of discretion, they are required to be reported to Council in accordance with the notice of delegation.

Where a development does not require planning approval (complying development), the application is dealt with as a building licence only. Should a building licence application be received and it is identified that an R-Codes variation is required, then the applicant will be requested to seek the relevant approval.

## **ATTACHMENTS**

Attachment 1	June 2005 Approvals – Development Applications
Attachment 2	June 2005 Approvals – R-code variations for Single House

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

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

*Appendices 11 and 11(a) refer*

*To access this attachment on electronic document, click here: [Attach11brf020805.pdf](#)*

*[Attach11abrf020805.pdf](#)*

## **ITEM 14            SUBDIVISION REFERRALS PROCESSED BETWEEN 1 AND 30 JUNE 2005 - [05961]**

**WARD:** Marina, South, South Coastal, Whitfords and Pinnaroo

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

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### **PURPOSE**

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-30 June 2005.

### **EXECUTIVE SUMMARY**

Attachment 1 is a schedule of the Subdivision Referrals processed from 1–30 June 2005. Applications were dealt with in terms of the delegation adopted by the Council in October 2004.

### **BACKGROUND**

**Suburb/Location:** Refer Attachment 1  
**Applicant:** Refer Attachment 1  
**Owner:** Refer Attachment 1  
**Zoning:** **DPS:** Various  
**MRS:** Various

### **DETAILS**

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

Eight subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 24 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of four (4) residential lots and two (2) strata residential lots. Two applications were not supported. These applications are as follows:

#### **Ref: SU128323 – 2 Elbury Court, Kingsley**

This application was not supported as the proposal does not conform to the requirements of the Residential Design Codes with respect to provision of minimum lot size for one of the two proposed lots.

#### **Ref: SU522-05 – 28 Windsor Place, Kallaroo**

This application was not supported as the proposal does not comply with the minimum and average lot size requirements for a single house under the Residential Design Codes.

**Link to Strategic Plan:**

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

**Legislation – Statutory Provisions:**

All proposals were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

**Risk Management considerations:**

The delegation process includes details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

No applications were advertised for public comment for this month, as either the proposals complied with the relevant requirements, or were recommended for refusal due to non-compliance.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1      Schedule of Subdivision Referrals

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the action taken by the subdivision control unit in relation to the applications described in this Report for the month of June 2005.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf020805.pdf](#)*

## **ITEM 15            ARRANGEMENTS            FOR            THE            HERITAGE COLLECTIONS ACCESS AND MANAGEMENT – CITY OF JOONDALUP AND CITY OF WANNEROO   - [59011]**

**WARD:**            All

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

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### **PURPOSE**

To consider a process for the ongoing sharing of the jointly owned heritage collections and the handover of the Sinagra and Kastoria Sister City memorabilia to the City of Wanneroo.

### **EXECUTIVE SUMMARY**

Following the abolition of the former City of Wanneroo, the Council determined at a meeting on 7 December 1999 that the Heritage Collections would be jointly owned under certain arrangements.

The City of Joondalup would be charged with the care, control and maintenance of the local studies collection and that the City of Wanneroo would likewise be charged with the care, control and maintenance of the Artefact collection.

The decision of the Council on 7 December 1999 also supported the establishment of an advisory committee and it has been understood the makeup of the committee be of senior officers from both Cities with the responsibility of overseeing all aspects of the collections. The advisory committee was to be known as the “Heritage Collections Advisory Group”.

The recommended approach is to form an Officer Advisory group to oversee the day to day management of the collections under the umbrella of a deed of agreement.

*It is recommended that Council:*

- 1        *NOTES the establishment of a joint officer level Heritage Collections Advisory Group that will advise the CEO on:*
  - (a)      *Policy relating to management of the collection;*
  - (b)      *Negotiation of possible solution where access arrangements cannot be agreed;*
  - (c)      *Recommendations regarding the management and disposal of items that are jointly owned.*
- 2        *ENDORSES the development of a deed of arrangement between the City of Joondalup and City of Wanneroo that encompasses the terms of reference for the group and the principles for borrowing items from the jointly owned Heritage Collection;*



- 3 *AGREES to permanently deed the Kastoria and Sinagra Sister City items to the City of Wanneroo.*

## BACKGROUND

Following the abolition of the former City of Wanneroo at 30 June 1998, both the City of Joondalup and City of Wanneroo Councils resolved on 7 December 1999 to:

- 1 *RECOGNISE that the Heritage Collections of the former City of Wanneroo, as described in Report C56-12/99 are a regional resource;*
- 2 *pursuant to Clause 8 of the Joondalup and Wanneroo Order 1998, DETERMINE that the Heritage Collections referred to in 1 above, be adjusted/transferred to the ownership of the City of Joondalup and the new City of Wanneroo as tenants in common in equal shares;*
- 3 *ENDORSE the framework for the care control and management of the Heritage Collections as outlined in Report C56-12/99;*
- 4 *SUPPORT the establishment of the Heritage Collections Advisory Group recommended within Report C56-12/99.*

From the report considered by both Councils at the 7 December 1999 meetings the following was agreed upon:

- The 'Heritage Collection' means the local studies collection together with the collections of memorabilia and artefacts.
- The Cities of Wanneroo and Joondalup agreed that the 'Local Studies Collection' includes memorabilia displayed by the former City of Wanneroo and now located at the City of Joondalup.
- The 'Artefacts' collection includes those artefacts held at various locations, including Gloucester Lodge, Cockman House and Buckingham House all of which are in the district of the new City of Wanneroo.

As a result of the decisions made on 7 December 1999 the City of Joondalup was charged with the care, control and maintenance of the local studies collection and the City of Wanneroo was charged with the care, control and maintenance of the Artefact collection.

Both Councils supported the establishment of an advisory committee of senior officers from both Cities to have the responsibility of overseeing all aspects of the collections. This advisory committee to be known as the "Heritage Collections Advisory Group" was to make recommendations on:

- Policy development
- Collection development
- Dispute resolution
- Acquisition standards
- Access arrangements between the two cities

The Heritage Collection Advisory Group was not formally established at that time. Following the split of the two Cities a dispute arose between the City of Joondalup and the City of Wanneroo over the custody of some items of memorabilia.

Following a number of meetings between officers it was agreed in 2004 to develop an officer advisory group and appropriate protocols for borrowing of items.

In a Council meeting dated 14 December 2004 the City of Wanneroo resolved the following:

*That Council:*

- 1 *AGREES to establish an officer level Heritage Collections Advisory Group that will advise the Councils on:*
  - (a) *Policy drafting;*
  - (b) *Negotiation of possible solution where access arrangements cannot be agreed;*
  - (c) *Recommendations regarding the disposal of items that are jointly owned;*
- 2 *ENDORSES the Terms of Reference as per Attachment 2;*
- 3 *REQUESTS a loan from the Joint Heritage Collection as listed in Attachment 3 and the former Mayoral Chain of the old City of Wanneroo;*
- 4 *NOTES the Protocol for borrowing items from the jointly owned Heritage Collection as outlined in Attachment 1 to this report*
- 5 *APPOINTS BY ABSOLUTE MAJORITY the Chief Executive Officer and the City's Heritage Officer to the Heritage Collections Advisory Group.*

## **DETAILS**

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

It is recognised that the safekeeping and availability of the joint Heritage Collection is of concern. To this end it is proposed that a Joint Heritage Advisory Group be established to advise on shared access protocols. This group would comprise two representatives from each City and would be entirely managed at an officer level.

The Joint Heritage Collection Advisory Group would only consider those items jointly owned i.e. acquired prior to the split of the old City of Wanneroo at 30 June 1998.

The Objectives for the Group are:

- Develop a policy in relation to the access arrangements between the Cities of Wanneroo and Joondalup pertaining to the jointly owned heritage collections.
- Negotiate solutions where access arrangements between the two cities cannot be agreed.
- Decide on permanent housing arrangements for jointly owned items.
- Make recommendations on the management and disposal of items that are jointly owned.

It is suggested that a deed of arrangement be established between the City of Joondalup and City of Wanneroo that would encompass the Terms of Reference for the Heritage Collections Advisory Group (Attachment 1) and the principles for loaning of items (Attachment 2 refers). These include:

- Joint ownership of the items by both Cities to be acknowledged where appropriate.
- The safety, protection and preservation of items will govern access.
- A loan form, which is signed by borrower, will contain conditions governing display conditions, length of loan, insurance and movement of items. All costs incurred will be the responsibility of the borrowing City.

The City of Joondalup has reviewed its current position and recommends that the full collection of Sinagra and Kastoria Sister City items be permanently deeded to the City of Wanneroo as listed in the report.

The remainder of the collection and all other items will remain jointly owned and subject to the normal loan provisions as devised by the group.

**Link to Strategic Plan:**

1.1.3 Support whole of life learning and creation of knowledge opportunities.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The collection would be at risk of permanent damage and could be lost if not managed appropriately.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

This report will ensure greater public access to the collections and is principally about access arrangements.

**COMMENT**

Over the years there has been a perceived issue of access to items within the collections. This at times has been confused with ownership. It is considered important to both Cities that this situation be resolved.

Discussions between officers of the two Cities have been ongoing in order to clarify issues and identify possible protocols for future shared access to the heritage items of interest to both Cities.

The purpose of the proposed Heritage Collections Advisory Group is to facilitate appropriate access arrangements for the jointly owned collection.

Collection development and acquisition standards presently apply to new items in either City's collections and are included in the Terms of Reference for the proposed Group.

The terms of reference are different to those endorsed by the City of Wanneroo. The City of Wanneroo Council has indicated a preference for a formal Committee that reports to Council. However, the City of Joondalup recommends that the Group should be an Officer Reference Group reporting to the CEOs of both Cities.

The principles in attachment 2 also vary slightly to those endorsed by the City of Wanneroo. The main areas of difference are in the media and recognition section of the principles. The City of Joondalup recommends that the following is an important aspect of having jointly owned resources:

- Increased recognition and appropriate badging of jointly owned resources both held within buildings and/or on individual display;
- Any Media referring to the relevant collections and/or items should state that they are a jointly owned resource.

The City of Wanneroo has previously requested the loan of the Sinagra and Kastoria Sister City items as per the City of Wanneroo Council resolutions dated 14 December 2004. The City acknowledges that these items are specifically relevant to the City of Wanneroo and officers recommend that these items be permanently deeded rather than loaned to the City of Wanneroo.

The following items are to be deeded to the City of Wanneroo and permanently housed at the discretion of the City of Wanneroo.

Sinagra Picture (Medieval Castle ) gift to City Of Wanneroo	Mb106
City Of Wanneroo Copy Of Presentation Certificate To Sinagra 1987	Mb108
Sister City Declaration For Sinagra And Wanneroo, One In Italian, One In English	Mb110
Sister City Agreement between Kastoria And Wanneroo - 3 items (1 Agreement in English, 1 in Greek and a presentation certificate)	Mb111
Plaque in Greek - Kastoria presented to City of Wanneroo June 1991	Mb112
Kastoria Wanneroo Sister City Kastoria Plaque	Mb115
Greek Costume from Kastoria	Mb124
Greek Costume (Male)	Mb125
Greek Costume from Kozanis	Mb126
Photo Album - Sister City Formalisation – Wanneroo and Kastoria 1992	Mb134
Wooden Plaque - Wanneroo & Kastoria Sister City	Mb146

## ATTACHMENTS

Attachment 1	Terms of reference for Heritage Collections Advisory Group.
Attachment 2	Principles for loaning of items

## VOTING REQUIREMENTS

Simple Majority

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

- 1       NOTES the establishment of an officer level Heritage Collections Advisory Group that will advise the CEO on:**
  - (a)     Policy relating to management of the collection;**
  - (b)     Negotiation of possible solution where access arrangements cannot be agreed;**
  - (c)     Recommendations regarding the management and disposal of items that are jointly owned;**
- 2       ENDORSES the development of a deed of arrangement between the City of Joondalup and City of Wanneroo that encompasses the terms of reference for the group and the principles for borrowing items from the jointly owned Heritage Collection;**
- 3       AGREES to permanently deed the Kastoria and Sinagra Sister City items to the City of Wanneroo.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf020805.pdf](#)*

## 7 REPORT OF THE CHIEF EXECUTIVE OFFICER

### ITEM 16 REPORT ON COSTS TO DATE TO THE CITY OF JOONDALUP PURSUANT TO POLICY 2.2.8 – LEGAL REPRESENTATION FOR ELECTED MEMBERS AND EMPLOYEES - [72559] [01173] [13562]

**WARD:** All

**RESPONSIBLE** Garry Hunt  
**DIRECTOR:** Chief Executive Officer

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

*When this report becomes available the following hyperlink will be activated:*

[additional information 050802.pdf](#)

**ITEM 17      CITY OF JOONDALUP RESPONSE TO PROPOSED  
FUTURE FUNDING STRUCTURE FOR THE BUSINESS  
ENTERPRISE CENTRE NETWORK OF WESTERN  
AUSTRALIA**

**WARD:** All

**RESPONSIBLE** Garry Hunt  
**DIRECTOR:** Chief Executive Officer

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The purpose of the report is to consider the State Government announcement on the proposed future funding structure for the Business Enterprise Centre Network of Western Australia.

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

*When this report becomes available the  
following hyperlink will be activated:*

[additional information 050802.pdf](#)

**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 was undertaken. A draft version of the Standing Orders Local Law 2005 was submitted to the City's solicitors and circulated to the Commissioners for information.**

**Reports were presented to the Strategy Sessions held on 5 and 26 July 2005. A report will be presented to Council on 9 August 2005 seeking approval to advertise the proposed local law.**

### 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 August 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.**

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.**

## PROTOCOLS FOR PUBLIC QUESTION AND STATEMENT TIME – (ex CJ144-07/05)

“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.”

**Status: It is anticipated that a report will be presented to Council in October 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;

**Status: A draft itinerary has been prepared and has been distributed to Commissioners and stakeholders.**

**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.**

**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.**

**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.

**WALGA is facilitating a Safety and Crime Prevention meeting. A date for this meeting is to be advised.**

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 discussion and development of a report pertaining to the Youth Curfew has been interrupted because of the issues regarding member recruitment and meeting attendance of the Youth Advisory Council.

An evaluation of the Youth Advisory Council is being conducted following prolonged challenges in recruitment and quorum attainment at monthly meetings. Past and current members, stakeholders and council staff have been invited to contribute to the evaluation process. A report will be written once all data has been analysed.

**Due to the difficulties associated with the formation of the Youth Advisory Council, it is recommended that the topic of the Youth Curfew be removed from the Agenda as an outstanding item.**

**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:** A draft Art Acquisition Policy is with the CEO for consideration.

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 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><b>Comment: This Petition will be considered as part of the 2005/06 Draft Budget deliberations and this matter will then be handled administratively.</b></p>	<p>23 November 2004</p> <p>Infrastructure and Operations</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><b>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.</b></p> <p><b>Any further development to the facilities at the City of Joondalup's Craigie Leisure Centre would need to be as a result of detailed research into the current and future usage of the facilities at the centre.</b></p>	<p>28 June 2005</p> <p>Office of the CEO</p>

**REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS**

	<b>DATE OF REQUEST - REFERRED TO -</b>
<b>Use of the Council Chamber</b>  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.  <b>Comment: A report will be presented to a Strategy Session in August 2005.</b>	9 November 2004  Office of the CEO