



City of
Joondalup

DRAFT AGENDA FOR BRIEFING SESSION

to be held on
TUESDAY, 25 OCTOBER 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 close of business on Monday 24 October 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
21 October 2005**

PROTOCOLS FOR BRIEFING SESSIONS

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

INTRODUCTION

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

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

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

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

PURPOSE OF BRIEFING SESSIONS

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

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

Protocols for Briefing Sessions

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

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

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

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

PUBLIC QUESTION TIME

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

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

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

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

PROCEDURE FOR PUBLIC QUESTION TIME

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

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

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

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

PUBLIC STATEMENT TIME

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

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

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

PROCEDURE FOR PUBLIC STATEMENT TIME

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

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

DISCLAIMER

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

DEPUTATION SESSIONS

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present 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, 25 OCTOBER 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 04 October 2005:

Mr V Cusack, Kingsley:

Q1 Re Item 1 – Development of Governance Related Protocols. Considering the fact that the former CEO drafted the terms of reference with a departmental employee for the Governance Review and then went to great lengths to exclude the public from participating in the review, why does Council put so much faith in that Governance Review? Considering the fact that good governance is central to the McIntyre Panel Inquiry, why have you not waited for the Inquiry report before submitting this report to Council?

A1 Irrespective of who might have drafted the terms of reference, it was adopted by the Council of the day and the Department of Local Government. In relation to the Governance Review, the particular document was again referenced from the Department of Local Government and other industry groups. A report was received by the Council and the other parties and given a designated status.

In relation to the concerns about the presentation of the matters, this document will be a starting point and may be reviewed following the release of the Inquiry report. A key performance indicator of the CEO is to give the issue of governance a high priority and this is occurring in accordance with the direction of the Council.

Q2 Re Item 2 – Review of Ward Boundaries. Who drew up the various options in the attachment to this report?

A2 Options were prepared by the staff. The process designated by the Act is that options are drafted and put out for public comment, and the public comment is then presented to Council. Full consultation occurs and individuals are able to submit their comments.

Mrs M Macdonald, Mullaloo:**Q1** *Re Item 7 – Warrant of Payments – Credit Card Payments*

When the accounts department analyses the credit card payments it will post to various cost centres amounts attributable to the goods and services accounts purchased by credit card and very little if any of the credit card payment will be applied to a cost centre being 'bank fees and charges'. Is this correct?

A1 Yes. Bank fees are a small component of the overall amount for credit cards.

Q2 *I table an extract from an attachment to a report to Council relating to the Warrant of Payments from July 2002. The report to Council on the Warrant of Payments has been built to give detail of the individual credit card payments. Isn't this format a more open and accountable statement that more correctly describes what occurred than that which is proposed in the agenda, bearing in mind the answer to the first question?*

A2 An extensive investigation has been undertaken. The matter will be for the Council to determine.

Mr M Sideris, Mullaloo:**Q1** *Item 2 – Review of Ward Boundaries. Can you advise why the report and the appendix make no reference to the previous decision of Council that created the seven ward structure, being item CJ194-05/99?*

A1 The report of May 1999 has not been attached however reference is made in the report on the agenda to the gazettal of the ward structure on 27 August 1999.

Q2 *In the discussion paper there is an indication that an acceptable variation of representation is to be plus or minus 10%. The report of May 1999 states that the proposed seven ward structure indicates a variation of around 20% from the standard and yet there is no reference in the report or in the discussion paper that there was previously a variation of between 24% to 17%. Why isn't this information in the report yet there is an emphasis on 10%?*

A2 The report outlines the process for the review. Over the years there have been a number of changes to the requirements relating to ward boundaries. The current figure of plus or minus 10% applies. This will be determined by the Local Government Advisory Board.

Mr M Caiacob, Mullaloo:**Q1** *Re Item 1 - Development of Governance Related Protocols. Previous comments made by the City over Satterley acting prior to Minister's finalisation of that matter was deemed inappropriate. Here we have the same situation of the City acting prior to the Minister's determination of the Inquiry, which is inappropriate. Will the Commissioners remove this item from the agenda and if not, why not?*

A1 This item will be considered by the Commissioners at the Council meeting on 11 October 2005.

- Q2 *Re Item 2 – Review of Ward Boundaries. Has the McIntyre Inquiry indicated any problems with the existing ward boundaries and structure?*
- A2 The report of the Inquiry is not yet available.
- Q3 *Is it inappropriate to deal with this matter now?*
- A3 There are a number of issues that the CEO has to deal with and this report addresses those issues. Council will make a determination as to whether it wishes to take action. The role of the CEO is to draw the attention of Council to such matters.

Mr S Kobelke, Sorrento

- Q1 *Re Item 4 – Protocols for public question and statement time. A period of 30 minutes question time is recommended. The report indicates that this was suggested at 30-40 minutes. I ask the Commissioners to review this and consider segments of 15 minutes, to a total of 45 minutes.*
- A1 Commissioners will consider this.
- Q2 *Re Item 1 – Development of Governance Related Protocols. On a number of occasions during the time I have attended Council meetings, Commissioners have indicated that they will move an alternate motion but I have not seen a motion moved that is different from the officer's recommendation as provided on the agenda. Why are amended motions not moved?*
- A2 The reports drafted by professional officers are the matters that have been deemed appropriate to go forward to Council. Comments made by the elected body during discussion at Briefing Sessions are noted and where there is a lack of clarity in a report, changes do occur. If the view is taken after a Briefing Session that a report is deficient it is removed from the agenda by the CEO, however to ensure the integrity of the process, officer's recommendations are not changed and it would require a decision of the Council to move a revised motion.
- Q3 *Doesn't that mean that when you do not change a recommendation you write a motion for the Council? Isn't that putting it up to appeal more readily?*
- A3 *Response by Cmr Paterson:* Commissioners may comment that they are concerned with a recommendation and ask staff to provide appropriate wording to be moved at Council. I have not been to a meeting where the Commissioners have not changed motions. That is the role of the Council. The role of the CEO is to provide information.

4 PUBLIC STATEMENT TIME

5 APOLOGIES AND LEAVE OF ABSENCE

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Nil.

Disclosure of interest affecting impartiality

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

Name/Position	Mr Mike Smith – Manager Marketing, Communications and Council Support
Item No/Subject	Item 18 - Turf Wicket Maintenance
Nature and extent of interest	He is a life member of the Joondalup Districts Cricket Club.

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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 251005.pdf](#)

ITEM 1 2004/05 ANNUAL REPORT AND ANNUAL FINANCIAL STATEMENTS – [79573]

WARD: All

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

PURPOSE

To endorse the 2004/05 Annual Report and Annual Financial Statements, and to set a date for the Annual General Meeting of Electors.

EXECUTIVE SUMMARY

In accordance with Section 5.53 of the Local Government Act 1995, the 2004/05 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's auditors have completed the audit of Council's financial report for the 2004/05 financial year. The abridged Financial Statements will form part of the 2004/05 Annual Report.

The Annual Report and the Financial Report will form an integral part of Council's Annual Report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 28 November 2005 at 7.00 pm.

BACKGROUND

Both the Annual Report and the Financial Report reflect on the City's achievements during 2004/05 and focus on the many highlights of a busy year.

The City's auditors have completed the audit of Council's financial report for the 2004/05 financial year.

As has been past practice, the Financial Report included within the Annual Report is an abridged version. The full Financial Statements, together with the notes to and forming part of the Financial Statements will be available as a separate document.

Council resolved on 27 March 2001 that Council:

“Endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.”

DETAILS

Issues and options considered:

The Annual Report for the City of Joondalup and the holding of the Annual General Meeting of Electors are statutory requirements of the Local Government Act 1995. The issue to consider is the date to hold the Annual General Meeting of Electors, being aware of the decision of the Council on 27 March 2001 and the limitations in being able to finalise the necessary documentation required to be available.

Link to Strategic Plan:

Strategy 4.1 of the City's Strategic Plan 2003-2008:

"To manage the business in a responsible and accountable manner"

Legislation – Statutory Provisions:

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor's report on that financial report"

Section 5.53 of the Local Government Act 1995 states:

5.53 Annual Reports

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
 - (a) *a report from the mayor or president;*
 - (b) *a report from the CEO;*
 - (c) *and (d) deleted*
 - (e) *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
 - (f) *the financial report for the financial year;*
 - (g) *such information as may be prescribed in relation to the payments made to employees;*
 - (h) *the auditor's report for the financial year;*
 - (ha) *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993, and;*
 - (i) *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

5.54 Acceptance of Annual Reports

(1) *Subject to subsection (2) the annual report for a financial year is to be accepted* by the local government no later than 31 December after that financial year.*

** absolute majority required*

(2) *If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

5.55 Notice of annual reports

The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.

Section 5.56 of the Local Government Act 1995 states:

5.56 Planning for the future

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

(2) *A local government is to ensure that plans made under subsection (1) are in accordance with any regulations made about planning for the future of the district.*

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business.

It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:

- Attendances and Apologies
- Contents of the 2004/2005 Annual Report
- General Business

The Local Government Act 1995 was amended, removing the need for the City to prepare a Principal Activity Plan (former Section 5.56 of the Local Government Act 1995). The Act now requires the City to prepare a more general plan for the future.

The revised requirement for the City to plan for the future did not apply prior to preparing the 2005/06 budget. The Council has however agreed to set its direction by adopting a Strategic Financial Plan.

As the changes to the Act are not applicable until next year, the City has included in the 2004/05 Annual Report information on how it has performed against the identified principal activities. In addition the major initiatives for the 2005/06 financial year have also been identified as included in the Strategic Financial Management Plan.

Risk Management considerations:

The risk associated with not adopting the 2004/05 Annual Report and failure to set a date for the Annual General Meeting of Electors will result in non-compliance with the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Nil

Policy implications:

Nil

Regional Significance:

Nil

Sustainability implications:

Nil

Consultation:

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual report to be made available publicly.

COMMENT

As occurred last year, and in line with modern innovative marketing methods and good environmental and sustainability practices, it is proposed that the Annual Report and Full Audited Financial Statements will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at libraries, leisure centres and customer services centres.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2004/05 and convenes the Annual General Meeting of Electors for Monday 28 November 2005.

ATTACHMENTS

Attachment 1 2004/05 Annual Report and Annual Financial Statements.

VOTING REQUIREMENTS

Absolute majority.

RECOMMENDATION**That Council:**

- 1 BY AN ABSOLUTE MAJORITY, ACCEPTS the 2004/05 Annual Report and Annual Financial Statements of the City of Joondalup forming Attachment 1 to this Report;**
- 2 CONVENES the Annual General Meeting of Electors on Monday 28 November 2005 at 7.00 pm in the Council Chamber;**
- 3 ADVERTISES by public notice that the City of Joondalup Annual Report will be available from approximately 4 November 2005;**
- 4 in accordance with Local Government (Financial Management) Regulation 51(2) PROVIDES a copy of the Annual Report and Annual Financial Statements to the Executive Director.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf251005.pdf](#)

ITEM 2 SETTING OF MEETING DATES – 2006 – [08122]

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of CEO

PURPOSE

To set Council's meeting dates for the 2006 calendar year.

EXECUTIVE SUMMARY

In accordance with the Local Government Act 1995, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current three weekly cycle of meetings be maintained.

BACKGROUND

At its meeting held on 26 March 2002, Council reviewed its decision-making process and adopted the following 'rolling' three weekly cycle of meetings, with the Council recessing for the Christmas/New Year period:

Week 1	Strategy Session on the 1 st Tuesday;
Week 2	Briefing Session on the 2 nd Tuesday, with deputation sessions held at the commencement of Briefing Sessions;
Week 3	Council meeting on the 3 rd Tuesday.

Following the appointment of the Council on 5 December 2003, further consideration was given to the meeting cycle and the process outlined below came into place in March 2004:

Week 1	No meeting scheduled.
Week 2	Briefing Session commencing at 6.30 pm on the 2 nd Tuesday. Deputation sessions held at the commencement of Briefing Sessions. Strategy Session commencing at the conclusion of the Briefing Session;
Week 3	Council meeting commencing at 7pm on the 3 rd Tuesday.

A further review of this system was commenced in July 2004 as it did not allow an item to progress from a Strategy session and be included in the agenda for the next week's Briefing Session.

At its meeting on 31 August 2004, the Council reverted to the three weekly meeting cycle of Strategy Session/Briefing Session/Council meeting and adopted protocols for the conduct of Strategy Sessions and Briefing Sessions in line with the operating guidelines produced by the Department of Local Government and Regional Development.

At its meeting held on 9 August 2005, Council reviewed and adopted revised protocols for Strategy Sessions and Briefing Sessions, based on its current decision-making process, previous decisions of the Council in setting parameters for Strategy and Briefing Sessions and the recommendations from the Governance Review – Final report.

DETAILS

Issues and options considered:

Council is in recess during January each year, and meetings are set from February to December to be held on a Tuesday evening. In order to accommodate the 2006 Easter period and Anzac Day, the Briefing Session and Council meeting during April are recommended to be held on Wednesday evenings.

At such time as an election is called following the outcome of the McIntyre Inquiry, there may be a need to submit a further report to Council to alter the already agreed Council meeting dates to assist with the induction of newly elected members.

Link to Strategic Plan:

4.3.3 Provide fair and transparent decision-making processes.

Legislation – Statutory Provisions:

Section 5.3 of the Local Government Act 1995 states:

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

Public Notice of Council or Committee meetings

- 12 (1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*
 - (a) *the ordinary Council meetings; and*
 - (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;
- (2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1);*

Risk Management considerations:

Failure to set and advertise Council's meeting dates will contravene the requirements of the Local Government Act 1995.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The current three weekly cycle of meetings is working well and it is suggested that this system be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

At such time as an election is called following the outcome of the McIntyre Inquiry, there may be a need to submit a further report to Council to alter the already agreed Council meeting dates to assist with the induction of newly elected members.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:****1 MAINTAINS its current 'rolling' three weekly meeting cycle, being:**

Week 1	Strategy Session (closed to the public);
Week 2	Briefing Session;
Week 3	ordinary Council meeting;

2 AGREES to hold informal deputation sessions in conjunction with the Briefing Session;

- 3 SETS the following meeting dates for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Strategy Sessions - to be held at 6.30 pm in Conference Room 1	Briefing Sessions - to be held at 6.30 pm in Conference Room 1	Council meetings - to be held at 7.00 pm in the Council Chamber.
Tuesday 7 February 2006	Tuesday 14 February 2006	Tuesday 21 February 2006
Tuesday 28 February 2006	Tuesday 7 March 2006	Tuesday 14 March 2006
Tuesday 21 March 2006	Tuesday 28 March 2006	Tuesday 4 April 2006
Tuesday 11 April 2006	Wednesday 19 April 2006	Wednesday 26 April 2006
Tuesday 2 May 2006	Tuesday 9 May 2006	Tuesday 16 May 2006
Tuesday 23 May 2006	Tuesday 30 May 2006	Tuesday 6 June 2006
Tuesday 13 June 2006	Tuesday 20 June 2006	Tuesday 27 June 2006
Tuesday 4 July 2006	Tuesday 11 July 2006	Tuesday 18 July 2006
Tuesday 25 July 2006	Tuesday 1 August 2006	Tuesday 8 August 2006
Tuesday 15 August 2006	Tuesday 22 August 2006	Tuesday 29 August 2006
Tuesday 5 September 2006	Tuesday 12 September 2006	Tuesday 19 September 2006
Tuesday 26 September 2006	Tuesday 3 October 2006	Tuesday 10 October 2006
Tuesday 17 October 2006	Tuesday 24 October 2006	Tuesday 31 October 2006
Tuesday 7 November 2006	Tuesday 14 November 2006	Tuesday 21 November 2006
Tuesday 28 November 2006	Tuesday 5 December 2006	Tuesday 12 December 2006
January 2007 - Recess		

- 4 in accordance with Regulation 12 Local Government (Administration) Regulations 1996, GIVES local public notice of the meeting dates detailed in (3) above.**

ITEM 3 JOONDALUP - JINAN RELATIONSHIP PLAN – [52469] [11014]

WARD	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of CEO

PURPOSE

To seek Council endorsement of the Joondalup Jinan Relationship Plan.

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 of Joondalup by delegates from Jinan in November 2004 when an official protocol agreement formalising the Sister City Relationship between the two Cities was duly signed.

At its meeting on 9 November 2004 Council resolved inter alia as follows:

“REQUEST that a further report is presented to Council outlining developments arising from the Jinan delegation visit scheduled for November 2004 and to provide details for a 5-10 year plan to establish and sustain the sister-city relationship that includes details on how the relationship will be measured and monitored;”

The City finalised the draft Joondalup-Jinan Relationship Plan, which will guide the development of the Sister City Relationship over the next 5 years. The draft Relationship Plan recommends, among other details, biennial visits rather than annually between the two Cities.

The draft Plan was released for public comment and the submission period closed on 30 September 2005. The City received no submissions from the public or the stakeholders in relation to the plan. The City did receive endorsement from the Mayor of Jinan and he has given written undertaking as follows *“I look forward to a long-term relationship with substantial cooperation between the two cities and will do our best to contribute to the Jinan - Joondalup Relationship plan”*.

This report recommends that Council ADOPTS the Joondalup – Jinan Relationship Plan shown as Attachment 1.

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 relations between the two Cities

In March 2005 the City of Joondalup received advice from the Jinan Foreign Affairs Office that Mayor Bao was proposing to make a visit to Joondalup in August 2005 and furthermore Mayor Bao was extending an official invitation to the City of Joondalup to travel to Jinan to attend the China Shandong (Jinan) Twin Cities Tourism Conference to be held from 21-23 October 2005.

Council at its meeting on 12 April 2005 resolved to:

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

With respect to the Council resolution to DEFER the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People's Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Conference from 21-23 October 2005 until the draft Relationship Plan is presented to Council, it should be noted that Council at its meeting on 9 August 2005 (CJ157-08/05 refers) received the draft Joondalup – Jinan Relationship Plan and resolved to:

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

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

CJ007-02/04	Invitation to further formalise friendly relations with Jinan in Shandong Province, China
CJ155-07/04	Delegation to formalise friendly relations with Jinan in Shandong Province, China
CJ250-11/04	Overview of the official visit to Jinan (Shandong Province), China by the Joondalup delegation – September 2004
CJ306-12/04	Overview of the Official Visit from Jinan Delegation (Shandong Province), China to Joondalup – November 2004
CJ066-04/05	Notification of visits between Joondalup and Jinan sister cities during 2005
CJ157-08/05	Draft Jinan – Joondalup Relationship Plan
CJ187-09/05	Overview of the Official visit from Jinan Delegation (Shandong Province), China to Joondalup – August 2005 and to provide further notification of an invitation to visit Jinan in October 2005

DETAILS

The City developed the Joondalup – Jinan relationship Plan through a consultative process that called upon stakeholders to give input into the plan. A survey was circulated earlier this year and all the responses were analysed in order to develop the themes arising for the plan. The Plan was drafted in June 2005 and submitted to Council for approval to go out for community consultation. The draft plan was advertised in late August 2005 for 30 days and submissions closed on 30 September 2005.

During the visit in August 2005 from Mayor Bao and his delegation the draft plan was discussed at the industry meetings. The City explained to the stakeholders and delegates from Jinan that the draft Plan will provide a blueprint for the Cities to guide the activities that they wish to focus upon and pursue over the next five years. The draft Plan will assist the City of Joondalup to provide information to its community about the ongoing relationship and provides measures that will show how the relationship benefits both Cities.

The City sought agreement from the Jinan delegates to review the draft Plan to ensure that it is feasible and can to be progressed. The Jinan Delegates expressed satisfaction with the draft Plan indicating that it was a good plan for achieving what needs to be done in the long term. They further advised that they would provide formal comment on the plan in the near future. The City received a letter from Mayor Bao in September 2005 stating “ I look forward to a long term relationship with substantial cooperation between the two cities and will do our best to contribute to the Joondalup- Jinan Relationship Plan.”

Issues and options considered:

The Plan will require ongoing monitoring and resources will need to be allocated to ensure the plan is implemented.

The Plan will need to be reviewed annually to determine progress and will need to undertake a major review after 5 years.

The Plan may require that further consultation be undertaken in future and this would require the allocation of time and resources.

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 values 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:

Ethical Risk

The Plan must be considered the foundation upon which the sister city relationship can be built. Ongoing community consultation will be a key success factor for ongoing planning in order to maintain integrity, accountability and ongoing support to the sister city relationship.

Project Risk

The Plan provides a discreet project for the City to undertake which will require ongoing and adequate project management skills and the allocation of resources. Project planning will need to identify all tasks, actions and associated costs.

Funding Risk

The cost of funding the Plan in its entirety has not yet been determined and this will need to be done in the implementation-planning phase. The implementation phase will need to identify specific projects and potential costs over the next 5 years and will require approval through the annual planning and budget approval process.

Financial/Budget Implications:

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	\$15,000	Utilised for an inbound delegation

It is envisaged that a minimum amount of \$15,000 should be allocated annually to meet expenses related to either an inbound or an outbound visit. With respect to the Joondalup - Jinan Relationship Plan any projects that result from the implementation of the plan will need to be submitted for approval through the annual budget process of the City. The Plan clearly outlines this process.

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 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. The City can facilitate interest and involvement in the Jinan marketplace through partnerships with local agencies such as the Business Enterprise Centre, the Joondalup, Wanneroo and Stirling Business Associations and the City's home based business network.

The Joondalup-Jinan Relationship Plan does not specifically emphasise regional approaches but it does not preclude developmental activities of regional significance.

Sustainability implications:

The sister city relationship with Jinan, China has been constructed with the intent of achieving positive social, environmental, economic and relationship management outcomes. The draft Relationship Plan is clearly built to reflect the constructs of sustainability. To date social and economic outcomes have been achieved. The Relationship Plan, once endorsed, will further strengthen this relationship with respect to its sustainability and environmental outcomes.

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 draft Joondalup - Jinan Relationship Plan was posted on the web page during the public comment until the end of September 2005. Furthermore advertisements were placed in the community news and copies were made available through the City's libraries and customer service centre outlets.

COMMENT

To date the Joondalup - Jinan Sister City relationship has been highly successful with a number of key outcomes being achieved. The Joondalup - Jinan Relationship Plan will give more impetus to the exchange programs and will clearly provide a suitable role for the City to fulfil.

ATTACHMENTS

Attachment 1 Joondalup – Jinan relationship Plan

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council ADOPTS the Joondalup – Jinan Relationship Plan shown as Attachment 1 to this Report.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf251005.pdf](#)

ITEM 4 DISBANDMENT OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE – [53469]

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of CEO

PURPOSE

To recommend that Council disbands the CBD Enhancement Project Steering Committee.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee has fulfilled its original purpose under the requirement of the Regional Assistance Funding program which was to make recommendations to Council concerning broad project priorities, financial monitoring and the financial self-sufficiency of the project beyond 2003/04.

Now approximately four years after the Commonwealth Government initially funded the CBD Enhancement Project, the Committee is encountering recurring difficulties to achieve quorum, which raises questions as to the Committee's ongoing feasibility.

A survey was undertaken in September 2005 to gauge the views of the committee regarding its operation. The survey highlights that the views are diverse and in general all the committee members want to see an effective model in place that can address the issue confronting the growth and development of the CBD.

This report recommends that the Committee be disbanded and requests the Chief Executive Officer advises the committee members of the Council's decision and thank them for their contribution. Furthermore the report recommends the concept of holding three (3) public forums to be held in February, July and November 2006 with the intention to invite comment from the community to inform the activities required in the CBD and to outline new ways and options to enhance the Joondalup CBD.

BACKGROUND

In 2001 the City received financial assistance from the Commonwealth Government's Regional Assistance Program (RAP) for the CBD Enhancement Project. At the 9 April 2002 Council Meeting, Council resolved to establish a CBD Enhancement Project Steering Committee as part of the requirement of the funding allocation and to also make recommendations to Council concerning broad project priorities, financial monitoring of the project, and to recommend strategies for the project's financial self-sufficiency beyond the 2003/04 financial year. The final part of the RAP funding was acquitted in December 2003, after which Council approved to fund the project for the 2004/05 and 2005/06 financial years.

The objectives of the Committee are:

- To make recommendations to Council in relation to creating a sustainable business environment in the Joondalup CBD that includes a coordinated approach to marketing and promotion; and

- To provide advice to Council on issues that affect the viability of the Joondalup CBD, and items that are referred to the Committee from the City of Joondalup Administration.

Since the Committee's inception it has provided recommendations and advice to Council on a number of matters.

The history of achievements of the CBD Enhancement Committee include:

Facilitated a workshop with business community to develop priority actions for the CBD including the development of a marketing plan.	Completed April 2002
Supported the continuation of the Night Markets program and recommended that in house coordination rebuild the night markets program.	Completed October 2002 – ongoing
Supported and initiated a proposal to establish a community art gallery in Central Walk.	Completed October 2002
Supported the concept to develop a small business attractions kits – marketing promotional materials was developed.	Completed 2002
Commissioned annual survey on growth of the CBD.	Completed 2002-2004
Supported the joint production of the Joondalup Business and Community Directory.	Completed 2002 Ongoing
Supported the integration of CBD activities into the summer events calendar for the City.	Completed 2002-3
Supported the development of Joondalupdate – a business focused news letter.	Completed 2003
Supported the development of a CBD Food and Entertainment promotion.	Completed 2003
Initiated the concept of developing a swap meet/car boot sale scenario to be held on Sunday morning in the CBD area.	Awaiting agreement from West Perth Football Club
Supported the development of new signage for Central walk.	Completed 2003
Supported the proposal to hold the Perth Criterion series in Joondalup.	Completed 2003
Investigated the potential for increasing the number of liquor outlets in the CBD.	Completed 2003
Investigated the potential for attracting a lotteries licences and newsagency to the CBD.	Completed 2003
Supported the attraction of a world cup rugby game to Joondalup.	Completed 2003
Supported the participation of the City in the Annual Business Opportunities Expo.	Completed 2003-4
Provided advice on the need for increased parking within the CBD	Ongoing
Supported an ECU home-based business outreach program jointly funded with City of Wanneroo	Completed 2004
Commissioned research through ECU Collaborative research partnership to undertake a study of CBD economic activities and opportunities.	Completed 2004-5
Supported the proposal to investigate and establish a free CAT bus transport service for the CBD.	Completed 2005
Recommended and supported the need for public toilets in the CBD.	Completed 2005

The Committee has played an important role in maintaining commitment to the development of the Joondalup CBD.

Over the past 12 months the CBD Enhancement Committee's effectiveness is declining and that membership was constantly changing as past members resigned and new members joined. In December 2004, a structured interview process was undertaken to gain views from committee members with respect to the ongoing commitment to the committee.

The significant findings from the structured interviews indicated that:

- Committee members did not appear to be familiar with the two objectives;
- The two primary objectives for the CBD Enhancement Committee do not appear to have been broken down into achievable strategies that can be "owned" by members of the committee;
- The scope of the objectives does not appear to have been defined. Committee members are not clear as to the extent of their brief, and this may create dependency on the City's Administration to identify issues they can address;
- The majority of issues are currently raised, refined and acted upon by the City's Administration. The contribution of committee members does not appear to be significant or in some instances, sufficiently satisfying given their individual capacities to progress matters; and
- Principals of sustainability are not evident as drivers in the development of the CBD.

The committee resolved that it needed to become more strategic in its approach and determined to undertake a strategic planning workshop in order to refocus its direction on key issues within the CBD.

A planning workshop was held in May 2005 and a number of key directions were articulated as follows:

- 1 Review the boundaries of the CBD to see if the scope of the boundary can be increased;
- 2 Market and promote the Joondalup CBD/City Centre;
- 3 Increase parking bays;
- 4 Enhance the culture, atmosphere and attractiveness of the CBD;
- 5 Utilise vacant land;
- 6 Enhance the awareness and support for 'buying local';
- 7 Get an agreed vision of the City Centre; and
- 8 Establish the role of the City of Joondalup in enhancing Joondalup CBD.

The Committee's planning has not been progressed to date and the CBD Enhancement Committee has not had a quorum at its meetings since May 2005.

DETAILS

The last two Committee meetings held in 2005 have been 'counted out' due to the lack of a quorum being achieved. The prospect of disbanding the Committee was informally discussed by Committee members at the 17 August 2005 Committee meeting (counted out due to lack of quorum). One of the five Committee members present at the meeting objected to the Committee being disbanded. The other four Committee members generally agreed that, if a quorum and real outcomes could not be achieved, then the Committee should be disbanded. A further two Committee members were apologies for the meeting.

Issues and options considered:

At the informal Committee meeting held on 17 August 2005, the committee members discussed and generally supported the idea to disband the Committee.

Committee Membership

A pending item for the last three Committee meetings (but which could not be officially raised due to insufficient quorums) was that the City has received three new applications for membership on the Committee, which would replace the positions of recently resigned Committee members. The Committee currently requires six out of the seven filled positions to attend the meetings to achieve a quorum, and the failure to meet this quorum has prevented recent Committee meetings from taking place.

In September 2005 the City wrote to each member of the seven remaining committee members requesting information from each with respect to the future of the committee. The following questions asked were:

- 1 Do you support the continuation of the CBD Enhancement Project Steering Committee;
- 2 Do you support the creation of a new forum to replace the CBD Enhancement Steering Committee; and
- 3 Do you support the disbanding of the CBD Enhancement Project Steering Committee?

The feedback on responses received is summarised as follows:

- Supports the disbandment of the committee and the setting up of an alternative forum
- The concept of the CBD Committee is supported, however for it to work then members must be truly representative of the stakeholder groups present in the CBD. This active representative has not been a feature of the committee and the primary cause of the perceived ineffectiveness of the committee. If this situation cannot be addressed through more effective communications then any alternative model will also waste resources.
- Supportive of the creation of an alternative forum that meets to discuss issues that affect the City.
- Supports disbanding the CBD committee.
- Supportive of the creation of a new forum to replace the CBD committee
- Supports the continuation of the committee with recommendation that the committee needs constructive intervention by the City to rejuvenate the committee. The City needs to have a natural nexus with stakeholders groups and needs the input from the people who live and work in the City.
- Advised at last meeting in August he was supportive of the Committee and did not agree with disbandment.

In summary, the views of the committee are diverse:

- 3 members are supportive of the CBD Committee but have questioned its current effectiveness;

- 3 members are supportive of the committee being disbanded and a new forum being created; and
- 1 member was solely supportive of disbandment of the committee.

The survey highlights the view that generally the committee members want to see an effective model in place, which can address the issues confronting the continuing needs for growth and development of the CBD.

Link to Strategic Plan:

The Committee supports the following Outcomes in the Strategic Plan:

- The City of Joondalup is recognised for investment and business development opportunities.
- The City of Joondalup is recognised as a great place to visit.
- The City of Joondalup is recognised as a unique City.
- The City of Joondalup provides social opportunities that meet community needs.
- The City of Joondalup is a Cultural Centre.
- The City of Joondalup has an effective integrated transport system.
- The City of Joondalup recognises the changing demographic needs of the stakeholder.

Legislation – Statutory Provisions:

Section 5.11 of the Local Government Act 1995 covers the disbandment of Committees.

Risk Management considerations:

If the Committee is disbanded the following risks should be considered:

- Lack of community input into the CBD development;
- Potential ramifications from the community if the Committee is disbanded without the City signalling other ways in which it will support and oversee the development of the CBD and/or City Centre; and
- Reduced capacity for the business community to be formally represented in issues affecting the viability of the CBD.

Financial/Budget Implications:

Not applicable.

Policy implications:

Not applicable.

Regional Significance:

Joondalup CBD is contained within the Joondalup Strategic Regional Centre.

Sustainability implications:

The sustainability of the Committee has undergone significant issues with maintaining effective representation in order to meet the quorum requirements. Over the past two years there have been many resignations of Committee members and appointment of new Committee members, this also become an issue of continuity for the Committee.

Consultation:

The prospect of disbanding the Committee was informally discussed by Committee members at the 17 August 2005 Committee meeting (counted out due to lack of quorum). One of the five Committee members present at the meeting strongly objected to the Committee being disbanded. The other members present at the meeting generally agreed that, if the problem in achieving quorum was not rectified, then the Committee should be disbanded.

Each of the Committee members were subsequently sent a letter asking if they would like to see the Committee be disbanded.

COMMENT

Members of the CBD Enhancement Committee attended a workshop in May 2005 with a view to developing a strategic Work Plan to guide the future direction of the CBD. The draft Work Plan focuses on issues such as parking, marketing and promotion, which are all projects currently being dealt with by the City. This most recent contribution from the Committee is one amongst many substantial achievements over the years. However, high levels in turnover of committee members and the inability to form a quorum for regular meetings indicated that present arrangements for carrying out the functions of the Committee were not working. Recent inquiries with members indicate that there is support for disbanding the Committee.

It is therefore proposed that in the event that Council agrees to disband the Committee, research be undertaken to identify best practice economic development models that could be adopted to meet the continuing support needs of the Joondalup CBD. The research findings will be incorporated into a set of forums proposed by this report to be held throughout 2006 that will provide opportunity for community to give comment and to inform the City about the activities required in the CBD. The forums will provide an opportunity to engage with the business sector in particularly and to outline new ways and options to enhance the Joondalup CBD area.

The research investigation will also take into account an existing network called the Joondalup Stakeholders Group. This group meets quarterly and is chaired by the Chairman of Commissioners, with attendance from the CEO and Directors. The Stakeholders Group represents an alternative opportunity for strong input from local business leaders.

ATTACHMENTS

Not applicable.

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 BY AN ABSOLUTE MAJORITY DISBANDS the CBD Enhancement Project Steering Committee;**
- 2 REQUESTS the Chief Executive Officer to advise the Committee members of Council's decision and thank them for their contribution;**
- 3 ENDORSES the concept of holding three (3) public forums to be held in February, July and November 2006 with the intention to invite comment from the community to inform the activities required in the CBD and to outline new ways and options to enhance the Joondalup CBD.**

ITEM 5 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2005 – [09882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of September 2005 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2005, totalling \$10,784,267.79.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations as shown in Attachments A and B to this Report, totalling \$10,784,267.79.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of September 2005. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 72684 - 73067 EFT 3844 - 4120 Vouchers 93A – 99A	\$10,784,267.79,
Trust Account		Nil
		\$10,784,267.79

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.

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the municipal fund was included in the 2005/06 Annual Budget, or approved in advance by Council.

Policy Implications:

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

Regional Significance:

Not Applicable

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the list of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A	CEO's Delegated Payment List for the month of September 2005
Attachment B	Municipal Fund Vouchers for the month of September 2005

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's List of Accounts paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations as shown in Attachments A and B to this Report, totalling \$10,784,267.79.

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf251005.pdf](#)

ITEM 6 DELEGATED AUTHORITY FOR CHIEF EXECUTIVE OFFICER TO EXTEND CONTRACTS – [07032]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

PURPOSE

This report seeks Council approval for a delegated authority to formalise the Chief Executive Officer's (CEO) approval of contract extensions on tenders accepted by Council, subject to the satisfactory performance of the contractor.

EXECUTIVE SUMMARY

The current practice for contract extensions on tenders accepted by Council is that, subject to satisfactory performance they are approved by the CEO.

The contractor's performance is reviewed annually, and a report is provided to the CEO seeking his approval to extend or not extend, depending on the result of that review.

It is intended that this delegated authority will eliminate the need for an additional recommendation to be included on each tender report where there is an option to extend, and procedurally provide a more effective and efficient process.

It is recommended that Council APPROVES by an absolute majority the delegated authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance.

BACKGROUND

The current practice for contract extensions on tenders accepted by Council is that, subject to satisfactory performance they are approved by the CEO. The performance review is carried out by the user business unit and feedback provided to the contracts section. That information is included in a report to the CEO as part of the justification for the extension.

The CEO currently has a delegated authority to accept publicly invited tenders up to the value of \$250,000. Tenders expected to exceed that amount are referred to Council for approval.

In May 2005 the CEO queried his power to exercise an option to extend a contract entered into following a public tender process. A legal opinion was sought and the advice received is outlined in the details section of this Report.

DETAILS

Issues and options considered:

Legal advice was sought in regard to the standard wording used in the City's tender resolutions, in terms of whether they clearly identified who (the Council or CEO) had the responsibility for extending an awarded contract.

The legal opinion stated that although the wording was slightly ambiguous, under section 5.41(d) of the Local Government Act the CEO has the power to extend the contract – provided the CEO does not extend the contract beyond the “total term of the contract” specified by the Council in the resolution. Alternatively it would also be acceptable for Council to approve the extension.

The City has three options in relation to the contract extension decision:

- (1) Refer all extensions back to Council for a decision to extend;
- (2) Insert an additional clause into all contracts that have a provision to extend, thereby authorising the CEO to extend; or
- (3) Creating a delegated authority for the CEO to approve all contract extensions on tenders approved by Council;

As an interim measure option (2) has been adopted, however it is considered that it would be administratively more simplistic and representative of Council’s intent, to have a general delegation in place, i.e. option (3)

Link to Strategic Plan:

4.1. To manage the business in a responsible and accountable manner.

Legislation – Statutory Provisions:

Regulation 11 of the Local Government (Functions and General) Regulations 1996 states that tenders are to be publicly invited if the consideration under the contract is expected to be more than \$50,000.

Risk Management considerations:

This new delegated authority would be limited to the terms and conditions approved by resolution of Council when the original tender is awarded.

Financial/Budget Implications:

Not Applicable

Policy implications:

The Delegated Authority Manual will need to be amended.

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

Not Applicable

COMMENT

A delegated authority for the CEO to approve contract extensions would eliminate the need for the additional resolution to be included on all tender reports were there is an option to extend.

Should Council however wish to specifically approve any particular contract extension, they could do this by passing a resolution to that effect when accepting the tender.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council APPROVES BY AN ABSOLUTE MAJORITY the delegated authority to allow the Chief Executive Officer to approve any contract extensions, within the original terms and conditions approved by Council, subject to satisfactory performance.

ITEM 7 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2005 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services

PURPOSE

The July 2005 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The July 2005 year to date report shows an overall variance (under spend) of \$2.7m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual deficit of \$3.0m compared to a budgeted deficit of \$5.1m at the end of July 2005. The \$2.1m variance is primarily due to early receipt of government grants, contributions and cost savings in employee costs, materials and contracts.
- **Capital Expenditure** is \$1.5m against the year to date budget of \$2.1m. The \$0.6m under spend is because of delays in normal Capital Works caused by adverse weather conditions.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2005.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 31 July 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Regulation 34 (1) of the Local Government (Financial Management) Regulations 1996 as amended, requires financial information to be presented to Council in a Financial Activity Statement monthly providing explanations of material variances to budget.

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

All expenditure included in the financial statements is drawn from the City's accounting records.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditure included in the financial statements is in accordance with the 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 July 2005.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 July 2005 as shown in Attachment A to this Report.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf251005.pdf](#)

ITEM 8 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2005 – [07882]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Peter Schneider Corporate Services

PURPOSE

The August 2005 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The August 2005 year to date report shows an overall variance (under spend) of \$2.1m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$50.6m compared to a budgeted surplus of \$49.0m at the end of August 2005. The \$1.6m variance is primarily due to early receipt of government grants, contributions and cost savings in employee costs and materials and contracts.
- **Capital Expenditure** is \$4.6m against the year to date budget of \$5.1m. The \$0.5m under spend is due to delays in Information Technology projects, delays in Capital Works caused by adverse weather conditions offset by the purchase of heavy and light vehicles earlier than budgeted.

That Council NOTES the Financial Activity Statement for the period ended 31 August 2005 as shown in Attachment A to this Report.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 31 August 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

All expenditure included in the financial statements is drawn from the City's accounting records.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditure included in the financial statements is in accordance with the 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 August 2005.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2005 as shown in Attachment A to this Report.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf2510005.pdf](#)

ITEM 9 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2005 – [07882]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Peter Schneider Corporate Services

PURPOSE

The September 2005 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The September 2005 year to date report shows an overall variance (under spend) of \$5.6m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$46.3m compared to a budgeted surplus of \$44.1m at the end of September 2005. The \$2.2m variance is primarily due to greater than budgeted interest income and lower than budgeted expenditure in employee costs and materials and contracts.
- **Capital Expenditure** is \$6.5m against the year to date budget of \$9.9m. The \$3.4m under spend is due to delays in purchasing heavy and light vehicles, delays in Capital Works caused by adverse weather conditions and delays on the geo-thermal bore for Craigie Leisure Centre.

That Council NOTES the Financial Activity Statement for the period ended 30 September 2005 as shown in Attachment A to this Report.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 30 September 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy implications:

All expenditure included in the financial statements is drawn from the City's accounting records.

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

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

COMMENT

All expenditure included in the financial statements is in accordance with the 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 30 September 2005.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 September 2005 as shown in Attachment A to this Report.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf251005.pdf](#)

ITEM 10 ROUND 4 STATE UNDERGROUND POWER PROGRAM – [04396] [04396]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Pikor (Acting Director)
Infrastructure Services

PURPOSE

To consider an Expression of Interest submission for the provision of underground power and street lighting as part of Round 4 of the State Underground Power Program.

EXECUTIVE SUMMARY

The State Underground Power Program is a State Government initiative introduced in 1996. It is run by the Office of Energy and implemented by Western Power (WP) with the goal of having underground power distribution to half of Perth's houses by 2010. The extent of underground power in the City of Joondalup already exceeds the 60% mark.

The State Underground Power Program improves the reliability of power in an area, accelerates the renewal of the power infrastructure, reduces maintenance and maintenance costs, enhances the visual appearance of a suburb, reduces tree pruning costs, improves illumination and safety and increases property values.

The Office of Energy has now announced Round 4 of the State Underground Power Program (SUGPP) and has requested Expressions of Interest for project areas by 11 November 2005. Expression of Interest projects will be evaluated by January 2006, short listed projects announced by March 2006 and projects finalised for start of construction in March 2007 – a timeline of approximately 18 months.

The State Underground Power Program projects are funded 50% by the State Government and 50 % by the Local Government Authority (LGA). The City has previously resolved that its funding will be on a user pays principle and therefore funded by the property owner.

The main criterion for Round 4 projects is reliability. Western Power has reported that the areas likely to benefit most from the replacement of overhead power lines with underground power are Sorrento, Marmion, Duncraig and Greenwood.

Therefore the suburbs of Sorrento, Marmion, Duncraig and Greenwood are proposed for nomination as Expression of Interest projects.

It is recommended that Council:

- 1 *SUBMITS an Expression of Interest in Round 4 of the 2005/06 State Underground Power Program;*
- 2 *NOMINATES the suburbs of Sorrento, Marmion, Duncraig and Greenwood as project areas for the Expression of Interest Submission.*

BACKGROUND

The City has approximately 53,000 residential properties of which around 19,000 are serviced by overhead power and the remainder by underground power. Similarly the street lighting is based on this supply network with generally timber poles for overhead power and

steel poles for underground power. Except for Iluka, Harbour Rise Estate in Hillarys and Joondalup City Centre, the street lighting is owned and operated by Western Power.

The City made a previous submission to the Office of Energy in 2003 for grants for the provision of underground power as part of this program. In 2003 a submission was made for seven project areas - Marmion, Sorrento, Duncraig (two areas), Hillarys, Kallaroo and Mullaloo. This submission was not successful.

DETAILS

Issues and options considered:

Extent of overhead power area in City

At the present time there are approx 19,000 properties spread over 12 suburbs with overhead power in the City. The majority of this was installed from the mid 1960's to the early 1980's and equates to around 34% of the City. The extent of overhead power is shown at Attachment 1 and the associated costs in the table at Attachment 2.

Status of State Underground Power Program

The State Underground Power Program is a State Government initiative introduced in 1996 and run by the Office of Energy and implemented by Western Power (WP). The goal of this program is to have underground power distribution to half of Perth's houses by 2010. The extent of underground power in the City of Joondalup already exceeds the 60% mark.

The State Underground Power Program improves the reliability of power in an area, accelerates the renewal of the power infrastructure, reduces maintenance and maintenance costs, enhances the visual appearance of a suburb, reduces tree pruning costs, improves illumination and safety and increases property values.

The Office of Energy has now announced Round 4 of the State Underground Power Program and has requested Expressions of Interest for project areas by 11 November 2005. All EOI submissions will be assessed using technical and non-technical criteria to select about 7-9 short listed project areas. Those Local Government Authorities with short listed projects will be invited to develop detailed proposals including surveys of residents and funding strategies to cover the design and construction costs. The timeline from Expression of Interest, Detailed Design, approval of the Minister and signing of formal agreements can take up to 18 months.

Cost of Conversion in the City using the State Underground Power Program

The latest Round 4 Guidelines provide a budget rate of \$6000 - \$7000 per lot. Therefore, the total cost of overhead to underground power conversion across the City is around \$132M. The current program sets a limit of only one project area per Council per round (to more equitably distribute the limited funding around the state).

User Pays Principle

State Underground Power Program projects are funded 50% by the State Government and 50% by the Local Government Authority (LGA). In turn the LGA can fund its portion of a project or elect to recover the cost from affected ratepayers/residents using a user pays principle. The user pays principle is used by most metropolitan Councils since the inception of the State Underground Power Program.

The City adopted the user pays principle at its meeting of 13 March 2001 (Report CJ065-03/01 refers) and reaffirmed the principle at a further meeting of 24 July 2001 (Report CJ246-07/01 refers).

Under the user pays principle, the current cost to ratepayers is 50% of the budget cost per lot, which equals \$3,500.

State Underground Power Program Selection Criteria

In Round 4 of the State Underground Power Program, the major criterion is Power System Reliability and this is determined by Western Power. This is to maximise the benefits of the State Underground Power Program against those areas with the greatest risk of damage or where the OHP network is performing poorly.

The technical criteria for reliability to assist in the selection of a project area in the State Underground Power Program include:

- Level of Faults - the number and type of faults experienced in an area – pole top fires, pole related traffic crashes, equipment failures, conductor clashing;
- Power quality & Network growth – power quality complaints, television interference, voltage drops and faulty conductors;
- Network characteristics - proximity to zone substations, coastal areas and storm damage, age of existing infrastructure.

Non-technical criteria are used to further assess submissions which are competitive in terms of power system reliability criteria. Some of the non-technical criteria used for selection of a project area include:

- Community support to fund the 50% cost share - a level of support of around at least 60-80% provides evidence to WP/Office of Energy that the proposed project area scheme will be supported;
- Contiguity of Project Area and number of lots - the completeness of an area with minimal deviations into other OHP or UGP areas, and around 1000 lots per project area for project efficiency;
- Rezoning and Commercial Areas Upgrades - provides an opportunity to improve customer service and expand WP's business in a project area.

Benefits of the State Underground Power Program to the City

There are benefits to the City of being involved in the State Underground Power Program and these include:

- Possible increased property valuation through GRV which can lead to increased rates revenue;
- Better visual and cleaner streetscape and reduced tree pruning costs;
- Better street lighting leading to a safer community with less crime, vandalism and graffiti and less opportunity for crime, vandalism and graffiti;
- Reduced street lighting costs if high efficiency lamps are used;
- A healthier community - better night time walking/exercise environment and more use of public transport because of safer access to public transport facilities;
- Safer roads with less possible collision objects such as power poles close to the road, stay poles and stay wires.

Costs of the State Underground Power Program to the City

The City will incur costs as a result of a successful submission and these can include:

- Possible contribution costs in lieu of pruning;
- Administration costs for detailed submissions;
- External consulting costs for surveys, public relations and technical advice;
- Project management and coordination costs;
- The cost of additional street lighting to Australian Standards.

Some of these costs can be recouped as part of a project if a submission is successful.

The main criterion for Round 4 project is reliability. As a result the City has sought reliability information to ensure that localities with a low level of reliability are nominated in the first instance.

Western Power has now reported that the areas “likely to benefit most from the replacement of overhead power lines with underground power are Sorrento, Marmion, Duncraig and Greenwood.” These suburbs are highlighted on Attachments 2 and 3. The 2004/2005 pruning costs for these suburbs are also listed.

Sewer Infill Scheme

The Sewer Infill scheme under the control of the Water Corporation is currently in progress within the City with recently completed works in parts of Sorrento, Duncraig and Mullaloo and more works planned over the next 3 years. The City’s submission of project areas to the State Underground Power Program will take into account these works so that conflicts are minimised. The infill sewer areas are shown on Attachment 1.

Link to Strategic Plan:

This Report relates to several Key Focus Areas (KFA) including KFA 1 - Community Wellbeing, KFA 2 - Caring for the Environment and KFA 3 - City Development.

The specific objectives achieved from the above KFAs are:

- KFA 1 Community Wellbeing - Objective 1.4 - To work with the community to enhance safety and security in a healthy environment;
- KFA 2 Caring for the Environment - Objective 2.1 - To plan and manage our natural resources to ensure environmental sustainability;
- KFA 3 City Development - Objective 3.1 - to develop and maintain the City of Joondalup’s assets and built environment.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Risk issues for the City with the State Underground Power Program are mainly financial. This would occur if an Expression of Interest project proceeds to a Detailed Proposal and the City proceeds to undertake the project.

By signing the Formal Agreement to proceed with a project area construction, it becomes the City’s responsibility to manage its 50% contribution over the scheme period.

Financial/Budget Implications:

There are 3 main issues for the City when considering a State Underground Power Program project submission - the costs of administering a project area, the detailed costing scheme to be applied and any increased energy cost for street lighting to Australian Standards.

It is considered that additional staff resources will be required by the City to administer a State Underground Power Program project area scheme. This will include resources to handle ratepayer enquiries, to manage the survey consultation process, to manage the technical issues and to manage the modelling, payments and cash flows to WP's Project Manager. It is anticipated that an internal Project Manager will need to handle the overall project management of these issues for the life of project.

The detailed costing scheme will need to be considered by the City prior to a residents' survey so that any proposed City contributions in lieu of tree pruning costs, payment plans, discounts and other energy costs can be calculated. Western Power has suggested that the City may consider:

- A one fifth contribution in recognition of reduced pruning costs and the generally improved value of the area;
- Using a fixed service fee rather than a variable payment based on Gross Rental Value (GRV);
- Discounts to property owners adjacent to existing transformers, substations and large transmission lines;
- Special consideration to multiple connections on one lot.

There will be a cost to the City for its contribution to the scheme because of its own facilities in a project area. The energy consumption of buildings on reserves, bores, carpark lighting is used on a pro rata basis for working out its proportional cost to underground the overhead network which supplies those facilities. For the suburb of Duncraig, this cost is in the order of \$70,000. A similar approach is used for business and schools.

The final issue is the ongoing cost for the additional street lighting. This will be charged as part of the City's existing contract with Western Power. However, this may be offset by more efficient street lighting luminaires and lamps and this will be determined when the detailed design is undertaken.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Improvements in street lighting and reduced tree pruning as part of the State Underground Power Program enables the City to improve the sustainability of its operations.

Social Benefits - are accrued through improved safety, amenity, health and well being, reduced vandalism, crime and anti-social behaviour and a better urban and local streetscape.

Environmental Benefits – are achievable through using the latest technology in illumination and illumination control equipment. Newer type luminaires such as metal halide and compact

fluorescent use less energy for the same amount of lumination output than the most common used luminaires of mercury vapour. They are also less dangerous in terms of disposal of mercury lamps.

Financial Benefits accrue through less tree pruning to minimise conflict with overhead power lines, more efficient lighting technology to reduce ongoing energy costs and potential reduction of costs associated with vandalism.

Consultation:

Consultation will be required when a project area is selected for a detailed submission. At that time a detailed lot by lot survey will be undertaken outlining the costs, benefits and preferred payment options.

The previous survey undertaken in Duncraig in 2001 was used mainly to determine residents' opinion on two issues - whether they were in favour of underground power and who should pay. As a result of the survey where only 27% of residents supported the user pays principle, Council resolved to not proceed with that project.

COMMENT

The State Underground Power Program provides an opportunity to upgrade the standard and reliability of electricity in existing OHP areas. The existing street lighting is upgraded to Australian Standard at the same time as part of the project area.

The City has requested reliability figures for all its overhead power areas. Western Power has advised that Sorrento, Marmion, Duncraig and Greenwood are the areas most likely to benefit from an underground power scheme and it is recommended that these suburbs and contained project areas are submitted for 2005/06 Round 4 Expression of Interest projects.

ATTACHMENTS

Attachment 1	Map detailing Over Head Power and Infill Sewer Areas across the City.
Attachment 2	Table detailing the number of lots per locality with overhead power, the cost of a State Underground Power Program scheme and additional costs.
Attachment 3	Proposed 2005 Underground Power Project Areas.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SUBMITS an Expression of Interest in Round 4 of the 2005/06 State Underground Power Program;**
- 2 NOMINATES the suburbs of Sorrento, Marmion, Duncraig and Greenwood as project areas for the Expression of Interest Submission.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf251005.pdf](#)

ITEM 11 PROPOSED PARKING SCHEME AMENDMENT - BARRADINE WAY, CRAIGIE – [10369] [04233]

WARD: Pinnaroo

**RESPONSIBLE
DIRECTOR:** Mr Peter Pikor (Acting Director)
Infrastructure Services

PURPOSE

To request Council to give consideration to amending the City of Joondalup Parking Scheme by changing the current parking prohibitions in Barradine Way, Craigie to maximise the safety of students attending the Whitfords Catholic Primary School.

EXECUTIVE SUMMARY

The City has received correspondence and verbal requests from residents in Barradine Way, Craigie, concerned about the parking difficulties created by parents picking up their children from the nearby Whitfords Catholic Primary School and the children's safety. The parking of vehicles on verges is also causing damage to the verges and some reticulation.

An assessment of the reported parking difficulties in Barradine Way, Craigie was undertaken by the City in conjunction with residents to determine a suitable solution.

Together with the affected residents, the school has been consulted and supports the proposed amendments to the City's Parking Scheme.

In keeping with clause 33 of the City's Parking Local Law 1998, which provides for Establishing and Amending the Parking Scheme, it is recommended that Council:

- 1 *REVOKES the current parking prohibition - "NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm Monday to Friday" currently located on the south side of Barradine Way, Craigie adjacent to the Whitfords Catholic Primary School as shown in Attachment 2 to this Report;*
- 2 *REVOKES the current parking prohibition, "NO PARKING - 8.15 to 9.15 am and 3.00 to 4.00 pm Monday to Friday" on the west side of Barradine Way, Craigie from the northern boundary of Lot 840 to Lot 836 as shown in Attachment 2 to this Report;*
- 3 *AMENDS the current "NO STOPPING ANYTIME" prohibition on the north side of Barradine Way, Craigie at the north east corner of Barradine Way, Craigie and at the corner of Barradine Way, Craigie and Barunga Way, Craigie to - "NO STOPPING ANYTIME CARRIAGEWAY AND VERGE" as shown on Attachment 1 to this Report;*
- 4 *EXTENDS the parking prohibition, "NO STOPPING ANYTIME CARRIAGEWAY AND VERGE" on the north side of Barradine Way, Craigie, west of Barunga Way, Craigie between the existing "No Stopping anytime" prohibitions as shown in Attachment 1 to this Report;*
- 5 *INSTALL the parking prohibition, "NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm School days only", to apply from the "No Stopping" prohibition adjacent lot 843, north along Barradine Way, Craigie to the northern boundary lot 845 as shown in Attachment 1 to this Report.*

BACKGROUND

The City has received thirty-two referrals from residents in Barradine Way over a period of several years, requesting Ranger patrols during school pick up and set down times. Investigations have confirmed that the current parking prohibitions and restrictions should be amended to increase safety for the school children and minimise verge damage caused by vehicles.

Representatives from the City attended a site meeting with residents on 28 June 2005 and a further meeting with the School's Principal was held on 2 August 2005 to advise on the proposed amendments to parking restrictions and prohibitions in Barradine Way.

Correspondence was also sent to nine residents who had previously written to the City on the matter and inviting comment on these proposals. The City has received one reply from a resident supporting the proposed amendments.

The Principal from the Whitfords Catholic Primary School also contacted the City supporting the proposal.

DETAILS

Issues and options considered:

The current parking prohibitions and restrictions in Barradine Way Craigie, adjacent the Whitfords Catholic Primary School are a combination of both statutory requirement at street corners and restrictions aimed at achieving orderly traffic flows at peak pick up times for children.

The proposed amendments aim to address concerns of residents and parents of school children dropped off and picked up after school in Barradine Way. All parties have expressed concerns for the safety of students, damage to verges and traffic flows.

Link to Strategic Plan:

The recommendations in this report are supported by the following objective and strategy in the City's Strategic Plan 2003-2008.

Objective: 3.3 To continue to meet changing demographic needs.

Strategy: 3.3.2 Integrate plans to support community and business development.

Legislation – Statutory Provisions:

The City of Joondalup Parking Local Law (1998) was made in keeping with the requirements of Section 3.12 (Procedure for Making Local Laws) of the Local Government Act (1995).

Clause 33 of the City of Joondalup Parking Local Law (1998) provides for:

“Establishing and Amending the Parking Scheme

33 *The local government may by resolution constitute, determine vary and indicate by signs:*

(a) prohibitions;

(b) regulations; and

(c) restrictions

on the parking and stopping of vehicles of a specified class or classes in all roads, specified roads or specified parts of roads in the parking region at all times or at all specified times, but this authority shall not be exercised in a manner inconsistent with the provisions of this Local Law or any other written law.”

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Account No:	1.7230.4615.0529.999
Budget Item:	Parking Control Signs
Budget Amount:	\$68,090.00
YTD Amount:	\$11,354.00
Actual Cost:	\$ 700.00 (estimated)

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

The amendment of the current parking restrictions and prohibitions in Barradine Way as recommended, will improve safety for school children and promote better traffic flow within this street.

Consultation:

Discussions have been held and correspondence sent to residents and the Whitfords Catholic Primary School concerning the proposed parking prohibitions. The proposed amendments are supported by the various parties.

COMMENT

Whitfords Catholic Primary School has primary and pre primary facilities and is fenced at the Barradine Way entry/exit. The school has been very proactive in addressing safety for its students by having a teacher managing student access and egress from the school grounds to Barradine Way. However, the use of Barradine Way has raised some issues regarding parking and safety.

The recommended parking prohibitions apply sound principles that provide for:

- (a) maximising safety of young students and promoting orderly traffic flow;
- (b) parking of parents vehicles on the same side of the road as the school so that young students do not have to negotiate traffic and cross the road to reach their parents vehicle when being picked up after school, and

- (c) the parking restrictions applying only on school days and at the peak times when students are being dropped off at school. Parking is then permitted at all other times with the least inconvenience to residents.

The City's Parking Scheme will require continual review to meet changes in relation parking enforcement including near schools. Any proposed amendments to parking prohibitions and restrictions must consider traffic flows to ensure that any new amendments effectively control parking at these locations.

ATTACHMENTS

Attachment 1	Map showing proposed parking prohibitions
Attachment 2	Map showing current parking prohibitions

VOTING REQUIREMENTS

Absolute Majority

Call for One-Third Support

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of offices (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Commissioners are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

- 1 REVOKES the current parking prohibition - "NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm Monday to Friday" currently located on the south side of Barradine Way, Craigie adjacent to the Whitfords Catholic Primary School as shown in Attachment 2 to this Report;**
- 2 REVOKES the current parking prohibition, "NO PARKING - 8.15 to 9.15 am and 3.00 to 4.00 pm Monday to Friday" on the west side of Barradine Way, Craigie from the northern boundary of Lot 840 to Lot 836 as shown in Attachment 2 to this Report;**
- 3 AMENDS the current "NO STOPPING ANYTIME" prohibition on the north side of Barradine Way, Craigie at the north east corner of Barradine Way, Craigie and at the corner of Barradine Way, Craigie and Barunga Way, Craigie to - "NO STOPPING ANYTIME CARRIAGEWAY AND VERGE" as shown on Attachment 1 to this Report;**

- 4 EXTENDS the parking prohibition, “NO STOPPING ANYTIME CARRIAGEWAY AND VERGE” on the north side of Barradine Way, Craigie, west of Barunga Way, Craigie between the existing “No Stopping anytime” prohibitions as shown in Attachment 1 to this Report;**
- 5 INSTALL the parking prohibition, “NO PARKING 8.15 to 9.15am and 3.00 to 4.00pm School days only”, to apply from the “No Stopping” prohibition adjacent lot 843, north along Barradine Way, Craigie to the northern boundary lot 845 as shown in Attachment 1 to this Report.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf251005.pdf](#)

**ITEM 12 CLOSE OF ADVERTISING FOR AMENDMENT NO 30
TO DISTRICT PLANNING SCHEME NO 2 TO
REZONE LOT 200 (157) KINROSS DRIVE, KINROSS
FROM "COMMERCIAL R20" TO " RESIDENTIAL
R30" – [13571]**

WARD: North Coastal

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic (Acting Director)
 Planning and Community Development

PURPOSE

The purpose of this report is for the Council to consider submissions received during the advertising period and to consider adopting as final Amendment No 30 to District Planning Scheme No 2 (DPS2) without modification.

EXECUTIVE SUMMARY

Lot 200 (157) Kinross Drive, Kinross is currently zoned 'Commercial' with a density code of R20 (Attachment 1 refers). Amendment No 30 proposes to rezone the lot to 'Residential' and apply a density code of R30 (Attachment 2 refers) to facilitate the future development of 6 grouped dwellings on the lot (Attachment 3 refers).

Council at its meeting on 19 July 2005 (CJ148-07/05) resolved to initiate Amendment No 30 to DPS2 for public advertising. The advertising period closed on 12 October 2005 and a total of five (5) submissions were received, three of which were from service authorities and all of which supported or did not object to the proposal (Attachment 4 refers).

Whilst the proposal would result in the loss of commercial zoned land, it is acknowledged that commercial uses on the subject site do not appear viable given its location and small allocation of retail floor space (500m²) under Schedule 3 of DPS2. Furthermore, the retail component of the subject lot was effectively removed as Council approved the development of a childcare centre on the subject lot. The Kinross locality is well serviced by the existing commercial centre on the corner of Kinross Drive and Edinburgh Avenue, and the development of the Kinross Neighbourhood Centre, located on the corner of Selkirk Drive and Connolly Drive, will provide further commercial land use opportunities.

It is not expected that the proposed rezoning will generate any traffic-related issues. Moreover, adoption of the proposed amendment will facilitate the provision of residential living choices in accordance with the City's Strategic Plan.

In the event that the subject site is rezoned to 'Residential', the current allocated retail floor space for Lot 200 in Schedule 3 of DPS2 will need to be removed which can occur as a part of the DPS2 review currently being undertaken.

It is therefore recommended that Council grants final approval to Amendment No 30 to DPS2 by supporting the following resolutions:

- 1 *Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 30 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' to 'Residential' and recoding the site from R20 to R30;*

- 2 *AUTHORISE the affixation of the Common Seal to, and endorse the signing of, the amendment documents;*
- 3 *NOTE the submissions received and advise the submitters of the Council's decision.*

BACKGROUND

Suburb/Location:	Lot 200 (157) Kinross Drive, Kinross
Applicant:	Cardno BSD
Owner:	Masterkey Properties Pty Ltd
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	836m ²
Structure Plan:	N/A

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

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

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

At its meeting on 19 July 2005, Council resolved the following:

- 1 *Pursuant to Section 7 of the Town Planning and Development Act 1928, AMEND the City of Joondalup District Planning Scheme No 2 for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' with a density code of R20 to 'Residential', with a density code of R30 for the purposes of advertising for a period of 42 days;*
- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.*

In accordance with the above resolution, the proposal was forwarded to the Environmental Protection Authority which subsequently advised that Amendment No 30 would not warrant the preparation of an Environmental Review.

DETAILS

Issues and options considered:

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

The indicative development plan submitted by the applicant shows six (6) single storey dwellings based on the proposed R30 density (Attachment 3 refers). The proposed single storey grouped development will front Kinross Drive with a common driveway servicing the proposed four (4) rear dwellings and two separate driveways to service the front two (2) dwellings. While the plan is indicative only, it does demonstrate the potential development of the lot.

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

- Suitability of the proposed residential land use and density code;
- The viability of the current Commercial zoned land, and the previous approval granted for a childcare centre.

Options

Council, in considering Amendment No 30 may:

- Not adopt Amendment No 30.
- Adopt Amendment No 30 without modification.
- Adopt Amendment No 30 with modification.

With all of the above options, the proposal is then forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning & Infrastructure's determination.

Link to Strategic Plan:

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

Objective: 3.3 – To continue to meet changing demographic needs.

Strategy 3.3.1 – Provide residential living choices.

Legislation – Statutory Provisions:

Section 7 of the Town Planning and Development Act 1928 together with section 25 of the Town Planning Regulations 1967 enable Local Authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 5 refers).

When the proposed amendment was forwarded to the Environmental Protection Authority (EPA) for assessment after Council resolved to initiate the amendment process, as is normal practice, the EPA decided that an environmental review of the proposed amendment was not required. Advertising for 42 days could therefore be undertaken.

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

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

Not Applicable

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

In accordance with the Town Planning Regulations 1967, the proposed amendment was advertised for a period of 42 days from 31 August 2004 to 12 October 2005. Advertising was in the form of a sign erected on site, adjoining landowners being notified in writing and advertisements placed in the West Australian (31 August 2005) and the local newspaper (1 September 2005). The proposal was also placed on the Council’s website, and displayed at the Council’s offices.

Upon closure of public advertising, a total of five (5) submissions were received, three of which were from service authorities and all of which supported or did not object to the proposal (Attachment 3 refers).

COMMENT

Whilst it is recognised that there would be a loss of commercial zoned land, it is acknowledged that commercial uses on the subject site do not appear viable given its location and allocated retail floor space. This has previously been recognised with Council’s approval of a childcare centre which effectively removed the retail component of the subject lot (CJ237-10/04 refers).

Under the DPS2, the permitted land uses within the Commercial zone are not restricted to retail activity. Land uses such as offices, consulting rooms, medical centres and restaurants are permitted (‘P’) use classes within the Commercial zone however, these types of development would be limited due to the size and location of the subject lot.

The Kinross locality is well serviced by the existing commercial centre on the corner of Kinross Drive and Edinburgh Avenue. The development of the Kinross Neighbourhood Centre, located on the corner of Selkirk Drive and Connolly Drive, will also offer a variety of commercial services and outlets. Given the 500m² of retail floor space that is allocated to the subject site under Schedule 3 of the City’s DPS2, and the location of surrounding commercial activity, the size and viability of any proposed convenience store would be limited.

It is not expected that the proposed rezoning will generate any traffic-related issues. Moreover, adoption of the proposed amendment will facilitate the provision of residential living choices in accordance with the City’s Strategic Plan.

No objections were received as a result of the public advertising of Amendment No 30. It is therefore considered that rezoning and recoding of the subject site in accordance with Amendment No 30 is an appropriate planning option. In the event that Council and the Minister approve the rezoning, the current allocated retail floor space in Schedule 3 of DPS2 would need to be altered accordingly. This could occur as a part of the DPS2 review currently being undertaken.

ATTACHMENTS

Attachment 1	Proposed Amendment No 30 to District Planning Scheme No 2 Zoning Map
Attachment 2	Proposed Amendment No 30 to District Planning Scheme No 2 R-Code Map.
Attachment 3	Site Plan for future 6 grouped dwellings
Attachment 4	Schedule of Submissions
Attachment 5	Town Planning Scheme Amendment process flow chart.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 30 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 200 (157) Kinross Drive, Kinross from 'Commercial' to 'Residential' and recoding the site from R20 to R30;**
- 2 AUTHORISES the affixation of the Common Seal to, and endorse the signing of, the amendment documents;**
- 3 NOTES the submissions received and ADVISES the submitters of the Council's decision.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf251005.pdf](#)

ITEM 13 REVIEW OF HOME BUSINESS POLICY 7-9 – CONSIDERATION FOLLOWING ADVERTISING – [13048]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic (Acting Director)
 Planning and Community Development

PURPOSE

The purpose of this report is for the Council to consider submissions received during the advertising period of the revised Home Business Policy, and to consider proposed changes.

EXECUTIVE SUMMARY

It is proposed to update references within the Home Business policy that relate to Council's previous Town Planning Scheme and include guidelines on the provision of on site car parking.

Council, at its meeting of 19 July 2005 (CJ149-07/05 refers) considered the proposed changes and resolved to initiate advertising of the revised policy. The advertising period closed on 1 September 2005 and one submission was received (Attachment 1).

In addition to the proposed changes, additional details relating to the parking requirements for categories 2 & 3 to ensure that 1 additional bay per employee is provided and that all parking is provided within the lot boundary should also be included in the policy.

It is recommended that Council:

- 1 *In accordance Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the Revised Home Business Policy 7-9, as shown in Attachment 2 to this Report;*
- 2 *NOTES the submission received and advises the submitter of the Council's decision;*
- 3 *INCLUDES additional details relating to parking requirements for categories 2 & 3 to ensure that 1 additional bay per employee is provided and that all parking is provided within the lot boundary.*

BACKGROUND

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

On 19 July 2005 Council considered the changes to the Home Business Policy and resolved to advertise it for public comment. The proposed changes were:

- Replacing reference to section 3.24 of the Town Planning Scheme to read:
4.4 of the City's District Planning Scheme No 2.

- Statements for the provision of car parking for the three categories of Home Businesses which reads:
 - (i) Category 1
No additional car bays necessary.
 - (ii) Category 2
2 bays for the residents of the dwelling, plus 1 bay per customer.
 - (iii) Category 3
2 car bays for the residents of the dwelling, plus 1 per number of intended clients that are expected to visit the premises.
- Additional statement for Category 3 Home Business with regards to clients visiting the premises, which reads:
Customer visits must be by appointment only.

It is noted that as a consequence of the review of City/Council Policies, this policy has been renumber to Policy 7-9, and this new number will be referred to in this report.

DETAILS

Issues and options considered:

The Home Business Policy supplements DPS2 Home Business Category definitions (Attachment 3) by providing relevant details relating to each category of home business. This includes:

- Number of Customers
- Floor space
- Hours of operation
- Protection of amenity
- Management Plans (category 3 only)

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

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

The amendment to the current policy is shown on Attachment 2. In addition it is recommended that additional modifications be made to category 2 and 3 to state that an additional bay is required per employee and parking bays should be provided within the lot boundary. The additional modifications are highlighted in Attachment 2.

Link to Strategic Plan:

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

Objective 3.3	To continue to meet changing demographic needs
Strategy 3.3.1	Provide residential living choices
Objective 3.5	To provide and maintain sustainable economic development
Strategy 3.5.2	Assist the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

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

Risk Management considerations:

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

Financial/Budget Implications:

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

Policy implications:

To improve the performance of the Home Business Policy by:

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

Regional Significance:

Not Applicable

Sustainability implications:

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

Consultation:

The draft policy was advertised for a period of 21 days from 11 August 2005 to 1 September 2005. Advertisements were placed in the Joondalup Times newspaper on 11 and 18 August 2005.

Upon closure of public advertising one submission supporting the changes in principle and giving additional comments, was received. The submission is shown in Attachment 1. It is not considered that the submission raises any issues that would warrant changes to the draft policy.

COMMENT

The policy has been operating for approximately six (6) years, and is considered to function well. The intention of revising the current Home Business Policy 7-9 is to provide guidelines

to the applicant for the provision of onsite car parking and to align the policy with the City's DPS2.

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

The policy is also aligned with the DPS2, which ensures that the appropriate statutory provisions of DPS2 are relevant when considering applications for Home Business.

Approval of the revised Home Business policy is therefore recommended.

ATTACHMENTS

Attachment 1	Schedule of Submissions
Attachment 2	Modified Draft Policy
Attachment 3	DPS2 Home Business Category definitions

VOTING REQUIREMENTS

Absolute majority

RECOMMENDATION

That Council BY AN ABSOLUTE MAJORITY:

- 1 in accordance with Clause 8.11.3 of District Planning Scheme No 2 ADOPTS the Revised Home Business 7-9, as shown in Attachment 2 to this Report;**
- 2 NOTES the submission received and ADVISES the submitter of Council's decision;**
- 3 INCLUDES additional details relating to parking requirements for Categories 2 and 3 to ensure that one (1) additional bay per employee is provided and that all parking is provided within the lot boundary.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf251005.pdf](#)

ITEM 14 PROPOSED DEVELOPMENT OF ONE COMMERCIAL TENANCY AND SEVEN MULTIPLE DWELLINGS: LOT 507 (81) GRAND BOULEVARD, JOONDALUP – [70469]

WARD: Lakeside

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic (Acting Director)
Planning and Community Development

PURPOSE

To request the Council's determination of an application for planning approval for a development containing one commercial tenancy and seven multiple dwellings in the City North District of the Joondalup City Centre, at Lot 507 (81) Grand Boulevard, Joondalup.

EXECUTIVE SUMMARY

The application is for a proposed three-storey development to be located on No 81 Grand Boulevard, which is within the City North Precinct of the Joondalup City Centre. The subject lot, which is 542m² in area is designated as General City under the Joondalup City Centre Development Plan and Manual (JCCDPM). The development includes one commercial tenancy and one multiple dwelling at ground floor level and a total of six multiple dwellings on the first and second floors of the development. Parking is on ground level accessible via a rear laneway and the building is accessible from Grand Boulevard and the rear parking area.

There are no specific residential density requirements in City North for Generally City designated lots. Clause 4.2.4 of the text to Council's District Planning Scheme No 2 (DPS2) indicates that unless otherwise specified on the Scheme Map, the R-20 density applies unless Council determines that a higher density coding should apply. The proposed density of development is approximately R-130. Council discretion is requested under clause 4.2.4 of the District Planning Scheme No 2 for a residential density coding of R-160 to be applied to the site in lieu of R-20.

The proposed development complies with the JCCDPM in having a total plot ratio no greater than 1.0. The development is similar in scale and bulk to other approved developments in the City North Precinct of Grand Boulevard. Therefore, it is recommended that the application for Planning Approval be granted.

BACKGROUND

Suburb/Location:	Joondalup City Centre – City North
Applicant:	Barry Sword
Owner:	Duelmaster Pty Ltd
Zoning:	DPS: Centre
	MRS: Urban
Site Area:	542m ²
Strategic Plan:	Joondalup City Centre Development Plan and Manual

The development site, which is currently vacant, is located on Grand Boulevard between Hampton Terrace and Queensbury Road within the City North Precinct of the Joondalup City Centre. The lot to the north has been approved for a three storey commercial and multiple

residential development and the lot to the south for a three storey medical centre. Both adjoining developments are currently under construction.

The proposed development consists of one commercial tenancy at ground level and seven multiple dwellings. All of the residential units have 2 bedrooms and balconies that overlook the street or the rear parking area.

Development standards contained within the JCCDPM are shown below:

Standard	Required	Provided
Front Setback	0 metres	0 metres
Side Setback	As per BCA*	0 metres
Secondary street setback	0 metres	0 metres
Plot Ratio	1.0 (542m ²) maximum	0.98 (533m ²)
Height	Three storeys maximum	Three storeys maximum
Parking	1 bay per 30m ² Net lettable area (Commercial) and 1 bay per dwelling (Residential) = total of 8 parking bays required	9 Parking Bays provided

DETAILS

Issues and options considered:

The development requires Council discretion to be exercised under clause 4.2.4 of the City of Joondalup District Planning Scheme No 2 in relation to residential density and Clause 2.3.4 of the Residential Design Codes for an open space variation.

Council has the discretion to:

- Approve the application
- Approve the application subject to conditions; or
- Refuse the application.

Link to Strategic Plan:

The proposed development is consistent with the City's Strategic Plan 2003–2008 by providing a range of commercial and residential accommodation that contributes to a vibrant City Centre and community.

Legislation – Statutory Provisions:

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the Joondalup City Centre Development Plan and Manual.

When determining this application Clauses 4.2.3, 4.2.4 and 6.8 of the DPS2 apply:

4.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.

4.2.4 *Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map, the R-20 density code applies unless the Council determines that a higher code should apply.*

6.8 *Matters to be considered by Council*

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

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

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

Not applicable

Regional Significance:

The proposed development is located within the City North Precinct of the Joondalup City Centre. The Joondalup City Centre is planned to be a multi-functional centre, which provides a range of services and opportunities for the residents of the north west Corridor.

Sustainability implications:

The proposed development comprising of commercial and residential land uses has the potential to contribute to a multi-functional city centre and therefore contribute to sustainable development within the City of Joondalup.

Consultation:

The proposed development was not advertised as the form and scale of the development is consistent with other approved developments within the Generally City designated lots in Joondalup City North and is expected under the provisions of the JCCDPM.

COMMENTLand Use

The proposal provides for both multiple dwellings and commercial/office space, and as such, the proposed uses comply with the preferred uses identified within the City North Precinct for Generally City Lots under the JCCDPM.

Residential Density

There are no specific residential density requirements in the designated General City lots within City North Precinct of the Joondalup City Centre. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the Scheme Map, the R-20 density applies until Council determines that a higher density coding should apply for that site. The proposal has an equivalent density of R-130. Given that there is no such density coding as R-130 is specified in the Residential Design Codes 2002, it is considered that a density coding of R160 is appropriate for the purpose of assessing the residential component of the development.

It is recommended that Council determines that the proposed density at R-160 in lieu of R-20 is considered to be appropriate given that the development provides both commercial and residential land uses, has a nil setback to Grand Boulevard and therefore adds to the creation of an urban wall along the main north south axis of the City Centre and is generally in keeping with the building bulk of other developments in the City North Precinct of the City Centre.

R-Codes Requirements Multiple Dwellings R-160

Clause 4.2.3 of DPS2 requires that unless otherwise provided for in the Scheme, the development of land for any of the residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.

The JCCPDM does not specify development requirements for multiple dwelling developments within the General City land use area of City North. For the purpose of determining the application, the development standards of R-160 as detailed in the R-Codes have been applied.

Development standards (R-160) for multiple residential dwellings contained within the R-Codes:

Standard	Required	Provided
Open space	60%	57%
Balconies for Multiple dwellings	One balcony 10m ²	All units have a balcony with a minimum of 10m ²
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ²

Open space

Where the provision of open space for a development does not meet the acceptable development standards detailed in Table 1 of the R-Codes (General Site Requirements) the development is expected to meet the performance criteria. The performance criteria for Clause 3.4.1 details:

Sufficient open space around buildings;

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

The form, setback and scale of the building is consistent with City Centre development and particularly lots fronting Grand Boulevard being the main North South axis of the City Centre. It is considered that in this instance the provision of open space meets the performance criteria of the R-Codes.

Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street. The commercial and residential units comply with the required nil front setback. Essentially, the design promotes the interaction between the commercial tenancies and the adjoining public streets creating animated spaces at a human scale.

The proposed zero setback will contribute to creating an urban wall along the streetscape edge, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal. The upper floor residential balconies overlook the public streets and therefore provide surveillance of public areas. The building can be accessed internally from the car parking area at the rear to both the residential and commercial units.

Conclusion

It is recommended that the application be approved with the increased density and variation to the open space requirement.

ATTACHMENTS

Attachment 1 Location Plan and Aerial photo
Attachment 2 Development plan

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION**That Council:**

- 1 EXERCISES discretion under Clauses 4.2.4, of District Planning Scheme No 2 and determines that the equivalent development density of R-160 in lieu of R-20 is appropriate in this instance;**
- 2 APPROVES the application for planning approval dated 08 August 2005 submitted by Barry Sword for 1 commercial tenancy and 7 multiple dwellings on Lot 507 (81) Grand Boulevard, Joondalup subject to the following conditions:**
 - (a) The driveway needs to be reduced to a width of 4.5 metres where it meets the rear laneway, in order to achieve acceptable sight lines;**
 - (b) Visitors' bays must be a minimum 2.5 metres wide;**
 - (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;**
 - (d) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;**
 - (e) The gradient between the disabled parking bay and the building entrance at rear to be a maximum of 5%;**
 - (f) Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);**
 - (g) With reference to condition (f) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;**
 - (h) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;**
 - (i) Obscured or reflective glazing shall not be used at the ground level;**
 - (j) Any advertising signage shall be subject to an application for Planning Approval;**

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;**
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf251005.pdf](#)

ITEM 15 STATE ADMINISTRATIVE TRIBUNAL APPEAL NO DR570 OF 2005 - SHAROSE INVESTMENTS PTY LTD & ANOR V CITY OF JOONDALUP – LOT 501 (107) WARWICK ROAD (NORTH-EAST CORNER) CURRAJONG ROAD, DUNCRAIG: PROPOSED CHILD CARE CENTRE – DRAFT CONDITIONS OF APPROVAL (WITHOUT PREJUDICE) – [39873]

WARD: South Coastal

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

PURPOSE

For Council to consider a draft schedule of conditions of approval – without prejudice - that may be imposed on the proposed development, should the State Administrative Tribunal (SAT) uphold the request for a review of Council's decision to refuse the application for planning approval. These conditions are without prejudice to Council's position and will not affect the decision to be handed down by the SAT.

EXECUTIVE SUMMARY

Council, at its meeting held on 9 August 2005, resolved to refuse an application for Planning Approval involving a for Child Day Care Centre at No 107 Warwick Road (north-east corner) Currajong Road, Duncraig.

On 6 September 2005, consultants acting on behalf of the applicant lodged an appeal against the Council's decision with the State Administrative Tribunal.

Planning Consultants have been engaged to act as Council's advocates in this appeal.

The case management hearing for this appeal was held on Wednesday 19 October 2005. Council has been directed to:

- provide a draft schedule of conditions – without prejudice, by 15 November, 2004;
- provide a Section 24 bundle (list of documentation to be relied on in the hearing) for exchange by 15 November, 2005;
- expert witnesses on noise to meet and compile a report for consideration at the mediation hearing, identifying those issues which are in agreement and those issues which are in dispute – distribution of the report to occur on or before the 7 December, 2005; and
- half day mediation hearing to be held on the 14 December 2005.

A hearing on the planning issues would be determined at the half day mediation hearing to be held on 14 December 2005.

It is now a general practice of the SAT to issue direction orders prior at the case management hearing that requires the determining authority to supply to the applicant and the SAT, a draft schedule of conditions. These draft conditions are to be provided “without prejudice” to the decision makers position on the appeal.

Due to the short time frames that are set by SAT, the early commencement of the process to obtain Council’s approval for the draft schedule of conditions of approval - without prejudice for this matter, has occurred. This will also happen when the City receives notification of a request for review of an application that involved the refusal of that application in order to allow Council a reasonable time to consider the proposed draft schedule of conditions of approval.

The recommendation seeks Council’s:

- (i) determination on the proposed draft conditions of approval, on a “without prejudice” basis;
- (ii) authorisation for the appointed Planning Consultants to respond to any changes or variations to the draft conditions of approval agreed to by Council, provided they act within the intent of the draft conditions of approval.

BACKGROUND

Suburb/Location:	Duncraig
Applicant:	Sharose Investments Pty Ltd and Chemello Nominees
Owner:	Sharose Investments Pty Ltd and Chemello Nominees
Zoning:	DPS: Residential
	MRS: Urban
Site Area:	1407m ²
Structure Plan:	Not applicable

The property is located on the north-east corner of Warwick and Currajong Road at a ‘T’ junction with limited vehicular 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 existing building was previously used as consulting rooms for Medical Practitioners (psychiatrists).

The application for a Child Day Care Centre accommodating 47 children and 8 staff was recommended for refusal at the Council meeting of 9 August 2005. The Council refused the application for the following reasons:

- 1 The proposed site is not considered appropriate as it does not adjoin non-residential use as encouraged by Policy 3.1.1 – Child Care Centres;
- 2 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 District Planning Scheme No 2 (DPS2);
- 3 The proposal is located on an access road in a residential area, contrary to Policy 3.1.1 – Child Care Centre;
- 4 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;

- 5 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;
- 6 The potential for car parking overflows onto the access road and the adverse impact on adjoining and surrounding residential properties.

DETAILS

The site contains 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.

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.

Issues and options considered:

It is the stated practice of the SAT that it will require a decision maker to provide a draft schedule of conditions of approval, without prejudice, which are to be considered as part of the appeal process. This will apply to those developments that a decision maker has refused.

Planning conditions presented to the SAT either by the City or the applicant are without prejudice to the final decision and are a guide for the residing member/s in determining the request for a review of a Council decision. In the event that an appeal is upheld, the SAT can impose any conditions that it considers relevant to the development in the context of statutory controls.

Council has now been directed by the SAT to provide the schedule of conditions on or before 15 November 2005. Should Council be in a position where it cannot meet this deadline, there may be scope to extend this deadline to after the Council meeting to be held on 22 November.

Link to Strategic Plan:

Not Applicable

Legislation – Statutory Provisions:State Administrative Tribunal Act 2004

Section 34 Directions

- (5) The Tribunal may give a direction requiring a party to produce a document or other material, or provide information, to the tribunal or another party despite any rule of law relating to privilege (other than legal professional privilege) or the public interest in relation to the production of documents.

Relevant Provisions of District Planning Scheme No. 2 (DPS2)*3.4 The Residential Zone*

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

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

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

The objectives of the Residential Zone are to:

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

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:

The review process will involve costs associated with engaging Planning Consultants to prepare for and defend Council’s decision, in addition to staff time. The costs are unknown, as this will depend upon the complexity of the appeal and the process involved.

Policy Implications:

Policy 3-1 - Child Care Centres

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

The original application was advertised for 14 days in accordance with clause 6.7.2 of DPS2 by way of letters sent to 5 nearby residents. A total of six submissions were received, being 5 objections and 1 non-objection.

COMMENT

As part of the review process, the determining authority (as stated in SAT practice notes) will be required to provide a draft schedule of conditions on a without prejudice basis to SAT and the applicant, where developments have been refused by Council and are now the subject to the SAT review process. In order to provide Council with sufficient time to consider and determine the appropriate conditions for this site on a without prejudice basis, this report has been prepared to pre-empt the directions to be given by SAT at the case management hearing on 19 October 2005.

At the hearing held on 19 October 2005, the following directions were given:

- provide a draft schedule of conditions – without prejudice, by 15 November, 2004;
- provide a Section 24 bundle (list of documentation to be relied on in the hearing) for exchange by 15 November, 2005;
- expert witnesses on noise to meet and compile a report for consideration at the mediation hearing, identifying those issues which are in agreement and those issues which are in dispute – distribution of the report to occur on or before 7 December, 2005; and
- half day mediation hearing to be held on 14 December 2005.

A hearing on the planning issues would be determined at the half day mediation hearing to be held on 14 December 2005.

The application was refused, as the proposal does not satisfy the City Policy 3-1 Child Care Centres and District Planning Scheme No 2. The conditions recommended have arisen from the following issues identified in the Council's report on 9 August 2005:

If SAT upholds the appeal, the following issues should be addressed as conditions of approval:

Noise

Concerns exist about noise generated from the proposed CDCC inconveniencing 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.

Consideration has been given to 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. Conditions (d) to (i) in the recommendations are proposed in order to minimise the potential impact of noise. Refer to Attachment 2 for Condition (f).

Car Parking

The child care centre will require additional car parking provision over the existing use. The submitted plans provide for 15 car parking bays on site which satisfies the requirements for the centre.

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. 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. A detailed landscaping plan is to be submitted Condition (n) addresses this issue.

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. 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. Conditions (o) and (p) address this issue.

It is considered that the conditions mentioned above are required to protect the amenity of the surrounding area – having regard to the circumstances relating to this matter. The other recommended conditions are standard ones applicable to any non-residential development.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ADOPTS the following draft Schedule of Conditions in the event of a request from the State Administrative Tribunal:

- (a) The parking bays, driveway and points of ingress and egress being upgraded and modified in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be upgraded, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**
- (b) The driveway and crossover to be designed and constructed to the satisfaction of the Manager Infrastructure Management & Ranger Services before occupation of the building;**
- (c) All stormwater must be contained on site to the satisfaction of the Manager Approvals, Planning & Environmental Services;**

- (d) **The air conditioning systems shall comply with the following to the satisfaction of the Manager, Approvals, Planning and Environmental Services:**
- (i) **The air conditioning unit/s are not to be located on the side of the child care centre facing the adjacent residences;**
 - (ii) **The air conditioning condenser units with Sound Power Levels (Lw) shall not exceed the following:**
 - (a) **Lw = 76 dB (A) on either heating or cooling cycle for only one condenser;**
 - (b) **Lw = 73 dB (A) on either heating or cooling cycle for two condensers;**
- (e) **The fixed play equipment should be plastic and complying with Australian Standards AS 4685 1-6. Furthermore, children's plastic trucks or cars shall have rubber tyres to reduce noise disturbances;**
- (f) **The areas marked in red at the eastern and northern lot boundaries shall not be used as an outdoor children's play area;**
- (g) **The play areas for the Kindergarten groups shall be positioned as far as practicable from the boundary fences adjoining residential properties;**
- (h) **Hard surfaces are not to be used in the outdoor play areas. To minimise noise and reduce the potential for injuries, recycled rubber under-surfacing or other suitable material, to the satisfaction of the Manager, Approvals, Planning and Environmental Services, is to be used;**
- (i) **The external windows and doors are to be kept closed when music is being played. Playing outdoor music is not permitted;**
- (j) **Any fencing on top of the retaining wall shall be visually permeable as defined by the Residential Design Codes 2002 to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
- (k) **The retaining wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning and Environmental Services;**
- (l) **A maximum of forty seven (47) children are permitted to be cared for at any one time;**
- (m) **The operating hours for the Child Care Centre shall be between 7am to 6pm, Monday to Friday only;**
- (n) **A minimum of fifteen (15) car bays to be provided for the proposed use;**
- (o) **On-street parking is 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;**
- (p) **The lodging of landscaping plans, to the satisfaction of the Manager, Approvals, Planning and Environmental Services.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf251005.pdf](#)

ITEM 16 STATE ADMINISTRATIVE TRIBUNAL APPEAL NO DR577 OF 2005 – LOVE V CITY OF JOONDALUP – LOTS 61 AND 62 (NO 1-3) MARYBROOK ROAD (NORTH-WEST CORNER) OCEAN REEF ROAD, HEATHRIDGE: PROPOSED CHILD CARE CENTRE – DRAFT CONDITIONS OF APPROVAL (WITHOUT PREJUDICE) – [23970]

WARD: Marina

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

PURPOSE

For Council to consider a draft schedule of conditions of approval – without prejudice - that may be imposed on the proposed development, should the State Administrative Tribunal (SAT) reverse the Council’s refusal of the above development.

EXECUTIVE SUMMARY

Council, at its meeting held on 30 August 2005, resolved to refuse an application for a Child Day Care Centre (CDCC) on Lots 61 & 62 (1&3) Marybrook Road, Heathridge.

A request for a SAT review of Council’s decision has been lodged by the applicant. The case management hearing for this appeal is scheduled for Friday 21 October 2005. The refusal of the application involved, in part, objection to the proposed land use. This is an issue that mediation would not resolve and as such, it is expected that the matter will require a hearing.

It is anticipated that at that hearing, directions will be provided to both parties in relation to the hearing. Experience shows that limited time is likely to be available to prepare the necessary information as required by the SAT.

To provide Council with a reasonable opportunity to consider and determine appropriate conditions of approval – without prejudice, the report has been prepared in anticipation of SAT issuing directions based on its recently adopted practices.

The key issue is the appropriateness of the land use in this locality. In addition, other areas of primary concern are identified below:

- potential noise problems from play equipment, on-site vehicular movements and parking, activities in the centre and plant equipment;
- hours and days of operation;
- traffic movement in the street and verge parking;
- fencing details to the street;
- shade structures over play equipment and courtyards;
- signs;
- lighting and
- landscaping to the street.

Conditions (without prejudice) to address the issues mentioned above and the application of Council's standard conditions are all proposed to be part of the recommendation to SAT.

Should circumstances change as a consequence of the case management hearing on the 21 October 2005, Council can vary its response accordingly.

BACKGROUND

Suburb/Location:	Heathridge
Applicant:	Anthony Love
Owner:	Synergy WA Pty Ltd and Tonic Holdings Pty Ltd
Zoning:	DPS2: Residential R20
	MRS: Urban
Site Area:	1433 m ² (Amalgamation of Lots 61 & 62)
Structure Plan:	Not applicable

The proposed 56 place CDCC will be located on Lots 61 and 62 Marybrook Road, Heathridge. The two lots are proposed to be amalgamated into one and the two existing houses on these lots will need to be demolished for the construction of the new CDCC.

The subject site will have a land area of 1433m² and is located on the north-west corner of corner of Marybrook and Ocean Reef Roads, Heathridge, which forms a "T" junction. The site is located approximately:

- 200 metres from Conidae Park;
- 300 metres from the Belridge City Shopping Centre and Littorina Park;
- 670 metres from Belridge High School; and
- 450 metres from Eddystone Primary School.

The application for the CDCC was recommended for refusal in the Council Agenda of 30 August 2005. Council resolved to refuse the application for the following reasons:

The proposal is contrary to the principles of orderly and proper planning as:

- 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;*
- 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 DPS 2;*
- The proposal is located on an access road in a residential area, contrary to Policy 3.1.1 – Child Care Centres;*
- 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;*
- The increased intensity of uses will adversely impact upon the amenity of the adjoining residential property at No 5 Marybrook Road; and;*
- The potential for car parking overflows onto the access road and the adverse impact on adjoining and surrounding residential properties.*

DETAILS

The proposed development consists of a new single storey building and will be set back:

- 3.0 metres from the southern (Ocean Reef) boundary;
- 9.6 metres from the eastern (Marybrook Road) boundary;
- 3.45 metres from the western boundary; and
- 18.55 metres from the northern boundary

The development site is located at the corner of Ocean Reef Road and Marybrook Road, Heathridge. The configuration of Ocean Reef Road is that it has a:

- (a) slip lane to allow traffic travelling east to:
 - (i) use a separate left turn lane to gain access into Marybrook Road, Heathridge; and
 - (ii) slow vehicles down for the movement into Marybrook Road, Heathridge.
- (b) separate right turn lane to allow traffic travelling west to turn into Marybrook Road, Heathridge.

The two turn lanes from Ocean Reef Road merge approximately 27metres from the southern side of the proposed crossover to the CDCC.

Vehicle and pedestrian access to the site is from Marybrook Road. The proposed double crossover is setback approximately 6.0 metres from the common boundary with No 5 Marybrook Road, Heathridge.

The car parking area serving this building:

- is located on the northern side of the site, abutting the property boundary of No 5 Marybrook Road, Heathridge;
- has a central driveway with parking on either side;
- provides a total of seventeen spaces, which includes one disabled parking bay;
- nine of the car parking spaces are to be located along the common boundary with No 5 Marybrook Road, Heathridge;
- has a 3.0 metre landscaping strip between the boundary to Marybrook Road, Heathridge and the car parking area (eastern side) and a play area between the western side of the car parking area and the western boundary of the site; and
- a paved 250mm strip separates the car parking area from the common boundary with No 5 Marybrook Road, Heathridge with a small triangular landscaping area at the corners of the car parking spaces.

The property at No. 5 Marybrook Road, Heathridge is setback approximately 1.65 metres from the common boundary with the development site. The design of the dwelling at No. 5 Marybrook Road, Heathridge has two bedrooms, service areas and a family room that are located along this common boundary.

The play areas for the centre are located in three primary areas, with each area linked together with narrower strips of open space. The western play areas are located against the properties that front Norlup Place and No. 5 Marybrook Road, Heathridge.

Issues and options considered:

It is the stated practice of the SAT that it will require a decision maker to provide a draft schedule of conditions of approval, without prejudice, which are to be considered as part of the appeal process. This will apply to those developments that a decision maker has refused.

Having regard to the case management hearing being held on the 21 October 2005, Council can either:

- (a) continue with this process of determining the draft conditions of approval without prejudice, in anticipation of this direction being given; or
- (b) place this process on hold until directed by SAT to provide the conditions within the period of time determined at the relevant case management hearing.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:State Administrative Tribunal Act 2004

Council is a party to the SAT review process and as such, would be subject to any directions issued by SAT:

Section 34 Directions

- (5) *The Tribunal may give a direction requiring a party to produce a document or other material, or provide information, to the Tribunal or another party despite any rule of law relating to privilege (other than legal professional privilege) or the public interest in relation to the production of documents.*

Relevant provisions of District Planning Scheme No 2 (DPS2)

Council, in considering the draft conditions of approval, will be required to have regard to the provisions of clause 6.8, which is shown below:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

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

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:

The review process will involve costs associated with engaging Planning Consultants to prepare for and defend Council’s decision, in addition to staff time. The costs are unknown, as this will depend upon the complexity of the appeal and the process involved.

Policy implications:

Policy 3-1 Child Care Centres

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The proposal was advertised for public comment for a period of 21 days. Adjoining and nearby owners were contacted in writing, two signs were placed on the site and an advertisement was placed in the newspaper. A total of 7 submissions were received being 6 objections and one non-objection.

COMMENT

As part of the review process, the determining authority (as stated in SAT practice notes) will be required to provide a draft schedule of conditions on a without prejudice basis to SAT and the applicant, where developments have been refused by Council and are now the subject to the SAT review process. In order to provide Council with sufficient time to consider and determine the appropriate conditions for this site on a without prejudice basis, this report has been prepared to pre-empt the directions to be given by SAT at the case management hearing on the 21 October 2005.

The application was refused, as the proposal does not satisfy the City Policy 3-1 Child Care Centres and District Planning Scheme No 2 in terms of the CDCC being adjacent to single residential uses, noise and traffic impacting on the amenity of the surrounding area.

If SAT upholds the appeal, the following issues should be addressed as conditions of approval:

Noise

The four adjoining residential houses will be impacted by noise in the following way:

- The location and the total amount of external play areas. The equipment used in the play areas.
- Vehicles parking. The adjoining property at No.5 Marybrook Road will be the mostly affected as the existing dwelling is setback at 1.65 m from the common boundary.
- Music being played by the children.
- Noise from the exhaust and air conditioning systems.

The above issues were mentioned in the Acoustic Report provided by the applicant. To address these issues conditions (d) to (k) in the recommendation are proposed in order to minimise the potential impact of noise.

It is also suggested that the applicant should construct a brick wall along the boundaries adjoining the residential properties to further help attenuate noise from the play areas and parking spaces - condition (l).

Parking

It is reasonable to expect that the concentration of street traffic flows at peak times and when special occasions are held, that may lead to overflow and drivers may elect to park on the verge or street to avoid conflict. This is likely to impact on the safety of the road system. Therefore it is suggested that on-street parking not be permitted to occur in this locality - condition (m).

Landscaping

The proposal complies with the general requirements of DPS2. However a more detailed landscaping plan is required to be submitted to address trees to be retained, trees to be planted in the car park and other issues - conditions (n) to (r).

Fence

The applicant is proposing a fibro fence along all the boundaries, except the frontage to Marybrook Road. However, the City considers that a fibro fence not to be acceptable for a commercial activity where high aesthetic standards are required, particularly in a residential area. Therefore it is suggested that a solid brick wall with infill panels should be constructed along the boundary facing Ocean Reef including the corner truncation – condition (s).

The high pool fencing proposed along Marybrook Road is considered acceptable.

Shade Sails

No shade sails have been shown on the plans. Most CDCC have shade sails, which require Council approval before erection. Therefore, condition (t) of the recommendation requests that the applicant submit plans for any shade sails to be submitted as part of this application.

Sign

The applicant has not indicated on the plans any signage proposed for the Child Day Care Centre which would require Council approval. Therefore, condition (v) of the recommendation requires the applicant to submit plans for any proposed signs.

It is considered that the conditions mentioned above are required to protect the amenity of the surrounding area – having regard to the circumstances relating to this matter. The other recommended conditions are standard ones applicable to any non-residential development.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **ADVISES** the State Administrative Tribunal that the Council remains opposed to the approval of this development;
- 2 **SUBMITS**, without prejudice, the following draft schedule of conditions to the State Administrative Tribunal:
 - (a) The parking bays, driveway and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;
 - (b) All storm water must be contained on-site to the satisfaction of the Manager Approvals, Planning & Environmental Services;
 - (c) The proposed crossovers are to be constructed to the specification and satisfaction of the Manager Infrastructure Management & Ranger Services;
 - (d) Roof, window and wall mounted exhaust fans are not permitted. All exhaust fans shall be contained within the roof space or ceiling and shall be ducted to the exterior to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
 - (e) The air conditioning systems shall comply with the following to the satisfaction of the Manager, Approvals, Planning and Environmental Services:
 - (i) The air conditioning unit/s are not to be located on the side of the child care centre facing the adjacent residences;
 - (ii) The air conditioning units at ground level facing the adjacent residences are to be located at least 6 metres from the boundaries;
 - (iii) The air conditioning condenser units with Sound Power Levels (Lw) shall not exceed the following:
 - (a) Lw = 76 dB (A) on either heating or cooling cycle for only one condenser;
 - (b) Lw = 73 dB (A) on either heating or cooling cycle for two condensers;
 - (f) The fixed play equipment should be plastic and comply with the Australian Standards AS 4685-1-6. Furthermore, children's plastic trucks or cars shall have rubber tyres to reduce noise disturbance;

- (g) Hard surfaces are not to be used in the outdoor play areas. To minimise noise and reduce the potential for injuries, recycled rubber under surfacing or other suitable material is to be used to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (h) The play areas for the kindergarten groups shall be positioned as far as practicable from the boundary fences adjoining residential properties;
- (i) The external windows and doors are to be kept closed when music is being played. Playing outdoor music is not permitted;
- (j) Car bays 1 to 9 are restricted to staff parking only;
- (k) The boundary fences abutting the residential properties shall be of masonry construction to the satisfaction of the Manager, Approvals, Planning and Environmental Services;
- (l) The lodging of detailed landscape plans, to the satisfaction of the City, for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing vegetation to be retained;
 - (ii) the location of proposed trees and shrubs
 - (iii) any lawns to be established;
 - (iv) areas to be reticulated or irrigated;
- (m) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- (n) The proposed fence along Ocean Reef Road, including the corner truncation shall be constructed as a solid brick wall with in-fill panels to the satisfaction of the Manager Approvals, Planning & Environmental Services. The fencing details proposed to be constructed along the Marybrook Road frontage, as shown on the plans, is approved as proposed;
- (o) A separate application is to be made to the City for Approval to Commence Development and Building Licence prior to the installation of any shade sails;
- (p) A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- (q) A maximum of fifty-six (56) children and 10 staff is permitted on site at any one time;
- (r) The operation hours of the Child Care Centre are to be from 7:00am to 6:00pm from Monday to Friday;
- (s) Lots 61 & 62 Marybrook Road being amalgamated prior to the issue of a building licence;

- 3 AUTHORISES the appointed firm of Allering Burgess to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Resolution 1 and 2 above.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf251005.pdf](#)

ITEM 17 COMMUNITY SPORT & RECREATION FACILITIES FUND (CSRFF) – [22209]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning & Community Development

PURPOSE

For Council to consider the applications received for consideration as part of the Community Sport & Recreation Facilities Fund (CSRFF) and to make recommendations to the Minister of Sport & Recreation regarding funding and the City's prioritised projects.

EXECUTIVE SUMMARY

The Minister for Sport & Recreation has allocated nine million dollars from the Community Sport & Recreation Facility Fund for the 2005/06 round of applications. The City of Joondalup is requested to assess, rank and rate all applications received from sporting and community groups located within the region. Two (2) community sporting groups, submitted applications for consideration.

It is recommended that Council:

- 1 *NOTES the Community Sports & Recreation Facilities Fund (CSRFF) applications and ENDORSES the project assessments, as stated below:*

<i>Applicant's Rank</i>	<i>Applicant's Rating</i>
<i>1 Joondalup Kinross Junior Football Club</i>	<i>Well planned and needed by Local Government.</i>
<i>2 Sorrento Soccer, Sports & Social Club</i>	<i>Needed by Local Government, more planning required.</i>

- 2 *LISTS \$23,283.33 for consideration in the 2006/07 draft budget subject to the Joondalup Kinross Junior Football Club Meeting, one third of the project's total cost, the Club being granted \$23,283.33 from CSRFF and that the Club agrees to meet the operating costs of additional floodlights as per the Council's policy;*
- 3 *ADVISES the Sorrento Soccer, Sports and Social Club that Council NOTES its proposed project, however more planning is required and the City will work with the Club to further develop the application inline for next year's funding round considerations by Council;*
- 4 *NOTES that the future replacement of floodlighting on City parks and reserves will be in accordance with the Council Policy at the time.*

BACKGROUND

The Department of Sport & Recreation has invited Local Government Authorities and incorporated, not for profit sporting clubs and community groups to submit applications for funding to develop basic, sustainable infrastructure for sport and recreation. The CSRFF program aims to increase physical activity and participation through the development of good quality, well designed and well utilised facilities.

This year the Department of Sport & Recreation has placed a greater emphasis on a planned approach to facility provision and applicants have been encouraged to consider planning, design and management issues to demonstrate need for their project. The CSRFF program represents a partnership opportunity for community organisations to work with Local Government Authorities and the Department of Sport & Recreation in the construction or upgrade of sporting and community facilities.

A CSRFF grant will not exceed one third (1/3) of the total completed cost of the project, with the remaining funds to be contributed by the Local Government Authority and the applicant's own cash or 'in-kind' contribution to the project. CSRFF grants are available in one of two categories:

- 1 Annual Grants, and
- 2 Forward Planning Grants.

Annual grants will be given to projects of a less complex nature, which have a total project value between \$1,000 and \$50,000. Grants in this category must be claimed in the next financial year.

Forward Planning grants will be given to projects of a more complex nature, requiring a period of between one and three years to complete, for grants of between \$50,001 and \$1.5 million. Grants given in this category can be claimed in either the first, second or third year of the triennium in which the funds were allocated.

The City of Joondalup is required to assess, rank and rate all applications from organisations that fall within its boundaries and forward these rankings and ratings to the Department of Sport & Recreation for consideration against all other submissions from Western Australia. The Minister for Sport and Recreation will announce the successful applications in February 2006, with grants available in the 2006/07 financial year or in another financial year as nominated by the applicant.

All applications were assessed against the following key principles of the Formal Facilities Assessment Process:

- Project Justification
- Community Input
- Access and Opportunity
- Financial Viability
- Potential to Increase Physical Activity
- Planning Approach
- Management Planning
- Design
- Co-ordination

The City of Joondalup is requested, by the Department of Sport & Recreation, to place a priority ranking and rating on all applications based on the following criteria:

- Well planned and needed by the Local Government
- Well planned and needed by applicant
- Needed by the Local Government, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended

DETAILS

The City of Joondalup received two (2) applications for the Community Sport & Recreation Facilities Fund (CSRFF). A summary of the project descriptions and the breakdown of funding requested for each application have been included as Attachment 1. The assessment of the two (2) applications are as follows:

Project 1

Joondalup Kinross Junior Football Club

This application is well planned and needed by the Local Government. It is considered that the City should financially support this application by contributing one-third of the total project cost. This recommendation is consistent with Council Policy 6-1 Reserve Parks and Recreation Grounds". In accordance with the policy, the Joondalup Kinross Junior Football Club will be responsible for meeting the operating costs of the additional floodlights.

Windermere Park is heavily utilised throughout the summer and winter seasons and this project would not only benefit the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club, but will also increase physical activity opportunities for the local community. The new lighting standards would greatly enhance the capacity of the park to accommodate an increased number of teams for evening training and could assist to facilitate use of the passive surrounds for unstructured activities such as walking due to the increased visibility and security that they would provide. The lights will not have a negative impact on local residents and represents a sound financial decision for the City of Joondalup providing value for its commitment.

The total cost for the Joondalup Kinross Junior Football Club's floodlighting project is \$69,850.01. It is recommended that the City of Joondalup lists \$23,283.33 for consideration in the 2006/07 draft budget subject to the Joondalup Kinross Junior Football Club meeting 1/3 of the project's total cost, the Club being granted \$23,283.33 from CSRFF and that the Club agrees to meet the operating costs of additional floodlights as per the Council's policy.

Project 2

Sorrento Soccer, Sports & Social Club

This application is needed by the applicant and by the Local Government, however in assessing the project, the City concluded that more planning is required. The proposal involves the installation of floodlighting on three (3) sports fields at Percy Doyle Reserve. This is a large scale project with the total cost estimated at \$292,235.00.

In assessing the project, the City acknowledged the benefits that the enhanced floodlighting would provide to the Sorrento Soccer, Sports and Social Club in its capacity to provide training opportunities for its participants. The additional floodlighting would also offer

increased visibility and security for local community members who utilise Percy Doyle Reserve for unstructured physical activity.

The club's financial contribution towards this project involves negotiating a significant loan to meet its obligations. The City was concerned for the club's ability to service this loan in the short term and arranged a meeting to discuss this issue. The club was understanding of the City's position and agreed that the project required further planning. A number of initiatives were discussed to enable the club to raise funds towards the project and the City committed to work with the club in developing the application in line with next year's funding round considerations by Council.

Issues and options considered:

The City has a responsibility to manage a consistent approach towards facility provision in its efforts to meet the requirements of individual user groups. After reviewing the expression of interest applications and meeting to discuss the projects with the organisations concerned, the City engaged the services of a floodlighting consultant to develop luminary designs for each project. Both clubs were consulted on their specific requirements and the City provided the consultant with a design brief that drew attention to the need for a standard approach that could be adopted Citywide.

Link to Strategic Plan:

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

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

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

1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

Australian Standard 2560 - Guide to Sports Lighting - Part 2.3: Lighting for Football (All Codes).

The scope of this code sets out specific recommendations for the lighting of outdoor football grounds for all codes commonly played in Australia (Rugby League, Rugby Union, Australian Rules and Soccer). The standard provides recommendations on lighting to facilitate an adequate visual environment for training and competition levels of play.

The design brief and specifications provided to the consultant requested that the luminary designs for each project be in accordance with this Australian Standard.

Risk Management considerations:

In recommending that the Sorrento Soccer, Sport and Social Club conduct further planning in the development of their proposal, the City raised concerns with the potential financial risks that such a large-scale loan would place on the Club.

Financial/Budget Implications:

It is proposed that the funding recommendations presented to Council be listed for consideration in the City's 2006/07 draft budget, subject to approval for the projects being provided by CSRFF. The process involved for projects seeking approval through the CSRFF program, is designed to enable a comprehensive assessments to be carried out and allow adequate time for successful applications to be budgeted for in the forthcoming financial year.

Policy implications:

The City is receiving an increasing number of requests from sport and recreation clubs and associations to improve the standard of floodlighting that is provided at its active sporting parks. The current Council policy states that the City "shall at its cost, install and maintain up to two lighting standards, each fitted with up to two floodlights of approximately 1000W capacity per luminary."

Where sporting clubs seek additional floodlighting at a reserve, applications will only be approved if the applicant is incorporated and agrees to meet the operating costs of additional floodlighting. Any approval from the City will be based on a 1/3rd contribution from the Association, 1/3rd from Council and 1/3rd from the Community Sport and Recreation Facilities Fund or a similar funding source. The application from the Joondalup Kinross Junior Football Club complies with the Council's floodlighting policy.

The future replacement of floodlighting on City parks and reserves will be in accordance with the Council Policy at the time.

Regional Significance:

Not Applicable.

Sustainability implications:

The Community Sport & Recreation Facilities Fund (CSRFF) aligns with the City's strategic plan and supports the goals and objectives of leisure and recreational services in the provision of increased opportunities for participation in sport and physical activity.

The City has followed a clear and equitable process to enable applicants with the opportunity to meet with City staff and receive feedback on their proposed projects to help ensure that the projects meet the program aims and objectives.

The program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to leisure, recreational and health services.

Consultation:

The Community Sport & Recreation Facilities Fund (CSRFF) was advertised via a formal Expression of Interest, in the Community Newspaper in July 2005. The Expression of Interest forms are designed to provide the City with details of the applicant's proposed project and enable feedback prior to a full submission being lodged. In doing so, the City aims to assist potential applicants, whilst helping to save valuable resources (time and effort) from being spent on aspects that do not meet the program guidelines.

The City of Joondalup received three (3) Expressions of Interest by the 8 August 2005 closing date. Council officers assessed the Expressions of Interest and a meeting was held with each applicant to provide feedback on their proposed project. The three (3) applicants

were presented with suggestions and directions to assist in their final application and encouraged to contact the City if they had any questions regarding their proposal prior to the closing date. It is also noted that the Whitford City Junior Soccer Club gave consideration to lodging an application in this round of funding considerations, however decided that their project required further planning and chose not to submit a final application.

After receiving the final submissions, the City arranged a meeting with the Sorrento Soccer, Sports and Social Club to discuss areas of concern within their application. This provided the club with an opportunity to clarify its position regarding the project's financial sources. The outcome derived was agreed to by both parties and illustrated the positive benefits of the consultation process.

COMMENT

The Department of Sport & Recreation, through the Community Sport & Recreation Facilities Fund (CSRFF), aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities.

The program guidelines list floodlighting projects specifically as applications that will be considered for funding assistance. This indicates that the Department of Sport & Recreation recognises the need to improve the provision of floodlighting on active sporting fields to develop quality facilities that are safe for all participants. Improved floodlighting facilitates the important philosophies associated with sport and recreation of multi-use and shared use, whilst assisting in the long-term maintenance of the grounds by enabling even wear.

It is considered that the Joondalup Kinross Junior Football Club's application will have a positive impact on the provision of opportunities for increased participation in physical activity and represents a sound financial commitment toward sport and recreation in the Joondalup region for clubs and the community in general.

The submission from the Sorrento Soccer, Sports and Social Club has merit and would provide significant benefits to the City, the club and the local community. However, in assessing the application, it was concluded that the project required further planning and that the City would work with the club to develop the application inline with next years funding round considerations by Council.

ATTACHMENTS

Attachment 1 Project Descriptions and Breakdown of Funding Requested from CSRFF Applications.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 NOTES the CSRFF applications and ENDORSES the project assessments, as stated below:**

Applicant's Rank				Applicant's Rating
1	Joondalup	Kinross	Junior	Well planned and needed by Local Government.
2	Sorrento Soccer, Sports & Social Club			Needed by Local Government, more planning required.

- 2 LISTS \$23,283.33 for consideration in the 2006/07 draft budget subject to the Joondalup Kinross Junior Football Club meeting 1/3 of the project's total cost, the Club being granted \$23,283.33 from CSRFF and that the Club agrees to meet the operating costs of additional floodlights as per the Council's policy;**
- 3 ADVISES the Sorrento Soccer, Sports and Social Club that Council notes its proposed project, however more planning is required and the City will work with the club to further develop the application in line for next year's funding round considerations by Council;**
- 4 NOTES that the future replacement of floodlighting on City parks and reserves will be in accordance with the Council Policy at the time.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf251005.pdf](#)

Name/Position	Mr Mike Smith – Manager Marketing, Communications and Council Support
Item No/Subject	Item 18 - Turf Wicket Maintenance
Nature and extent of interest	He is a life member of the Joondalup Districts Cricket Club.

ITEM 18 TURF WICKET MAINTENANCE – [28189] [08032]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

PURPOSE

To seek endorsement of the agreements developed for the three (3) cricket clubs that maintain the City's turf cricket wickets and to amend the 2005/2006 Schedule of Fees and Charges relating to the casual use of the City's turf cricket wicket facilities.

EXECUTIVE SUMMARY

At its meeting on 28 June 2005, Council agreed to provide financial assistance to three (3) cricket clubs, Joondalup Districts Cricket Club, Ocean Ridge Cricket Club and Whitfords & Districts Senior Cricket Club, to maintain the City's turf cricket wicket facilities from 2005/06 for a five (5) year period. As part of the Council report supporting this financial assistance, it was recommended that the maintenance agreements be presented to Council for endorsement.

The Maintenance Agreements have been developed to formalise the management of the City's turf cricket wicket facilities highlighting the club's responsibilities, the City's responsibilities, the financial arrangements involved, the management of casual booking requests and issues regarding changes to competition grades.

As part of preparing the agreements, the City reviewed arrangements for the casual use of turf cricket wicket facilities and the rates charged, revealing the need for changes to the Schedule of Fees and Charges. The existing fee of \$213.40 for a full day hire, is high in comparison to other Local Government Authorities, while the seasonal turf wicket hire fees of \$2,082.70 for one wicket and \$4,165.55 for two wickets will become redundant with the new agreements. It is recommended that a new base fee of \$165.00 for a full day hire is approved and the season turf wicket hire fees be removed from the City's Fees and Charges. The base fee is designed as a minimum charge to provide the City with flexibility in its fee structure to increase the hire rate for casual users that have specific requirements.

This report recommends the endorsement of the Maintenance Agreements and amendments to the fees charged for the casual use of turf cricket wicket facilities.

It is recommended that Council:

- 1 *ENDORSES the five (5) year agreements developed for the maintenance of the City's turf cricket wicket facilities;*
- 2 *AMENDS the 2005/2006 Schedule of Fees and Charges in relation to the casual use of turf cricket wicket facilities removing the fees for seasonal turf wicket hire of*

\$2,082.70 for one wicket and \$4,165.55 for two wickets, and changing the fees for a full day hire from \$213.40 (inclusive of GST) to:

Base Fee	\$165.00	(inclusive of GST)
Maximum Fee	\$500.00	(inclusive of GST), where specifically requested maintenance costs are identified;

- 3 *ADVERTISES the proposed new charges in accordance with Section 6.19 of the Local Government Act 1995;*
- 4 *IMPLEMENTS the proposed new charges effective from 1 December 2005.*

BACKGROUND

At the Council meeting on 28 June 2005, financial assistance totalling \$45,000 per annum was provided to three (3) cricket clubs, Joondalup Districts Cricket Club, Ocean Ridge Cricket Club and Whitfords & Districts Senior Cricket Club, to maintain the City's turf cricket wicket facilities from 2005/06 for a five (5) year period. As part of the City's support for financial assistance to the three (3) cricket clubs, it was intended that the agreement would be presented to Council for endorsement.

The Maintenance Agreements are designed to make the cricket clubs that utilise the City's turf cricket wicket facilities responsible for the management, maintenance and preparation of turf cricket wickets. They have been developed to formalise the arrangements between the City and the clubs, highlighting the club's responsibilities, the City's responsibilities, the financial arrangements involved, the management of casual booking requests and issues regarding changes to competition grades.

In developing the Maintenance Agreements, the City conducted research into arrangements for the casual use of turf cricket wicket facilities and the rates charged. Previously, the clubs were responsible for the costs incurred to maintain the wickets and as a result, they received the income generated through the hire of the facilities, with the City's role being to confirm the booking arrangements. The current fees relating to turf cricket wickets in the City of Joondalup's Schedule of Fees & Charges are:

Full Day	\$ 213.40
One Wicket (per season)	\$2,082.70
Two Wicket (per season)	\$4,165.55

In analysing these fees, it became evident that the casual hire rate charged by the City of Joondalup for the use of turf cricket wicket facilities, was high compared with fees levied by other Local Government. A summary of the fees levied by other Local Government Authorities is listed in Table 1: Casual Rates for Turf Cricket Wicket Facilities.

Table 1 Casual Rates for Turf Cricket Wicket Facilities

LOCAL GOVERNMENT AUTHORITY	½ Day Hire	Full Day Hire (GST exclusive)
City of Fremantle	\$60.90	\$120.00
City of Canning	\$84.95	\$137.50
City of Melville	\$87.50	\$135.00
City of Belmont	\$96.80	\$159.50
City of Wanneroo	-	\$189.75
City of Stirling	-	\$108.15
Town of Bassendean	-	\$198.10
Average	\$82.55	\$149.70

Note:

- A number of Local Government Authorities do not have fees listed in their Schedule of Fees and Charges for the casual use of turf cricket wickets.
- The figures listed above do not include GST.

DETAILS

The Maintenance Agreement that has been developed (see Attachment 1), makes the cricket clubs that use turf cricket facilities responsible for the management, maintenance and preparation of turf cricket wickets for all scheduled matches, special matches, practice matches and casual matches that may be booked and all out of season works. The club is required to book the ground as per the City's standard booking procedures and the club is responsible for all costs associated with purchasing and maintaining equipment, materials and plant to carry out these works. In the event of deterioration to the facilities, the club is also responsible for reinstating the turf wickets to an acceptable safe standard.

The City is responsible to furnish and maintain reticulation to the turf cricket wicket facilities and all works associated with the upkeep and preparation of the broad acre grassed area surrounding the wickets. Inspections will be carried out by officers of the City and club representatives at the commencement of each summer season, with random inspections made at times deemed appropriate. If the facilities are assessed and considered dangerous, the City may restrict access to the wickets or terminate the agreement if there is repeated failure to observe the conditions outlined in the agreement. The City will review the agreement and its procedures in May each year to consider any recommendations prior to its renewal.

The City's financial contributions will be paid in October of each season and will be made into a separate bank account from which the club will submit an annual audited financial statement. The clubs will be charged the standard Grassed Area - Low Maintenance hire rate per senior team (\$284.60 - inclusive of GST) as per the City Schedule of Fees and Charges. With the new Agreements in place, the season turf wicket hire fees will become redundant and it is therefore recommended that they be removed from the City's Schedule of Fees and Charges.

The agreement also includes clauses relating to issues regarding changes to competition grades. Clubs will have a responsibility to inform the City immediately in the event that there are changes to the grades in which the club participates. Should the change of grades reduce the requirement for turf cricket wicket facilities, the City reserves the right to review the agreement.

In drafting the Maintenance Agreements, the City has established intent to make turf cricket wicket facilities more accessible to the wider community with a planned approach to maximise the usage of these facilities. Specific clauses have been included to consider booking requests from recognised cricket clubs and associations, schools and special groups. The City will contact the club to ensure that preparation of the turf cricket wicket is possible within the given timeframe and the club will prepare the wicket in good faith and in accordance with current standards as set by the West Australian Cricket Association.

The current fees listed the City's Schedule of Fees and Charges for the casual use of turf cricket wickets are considerably higher than those of other Local Government Authorities. The average full day rate indicated in Table 1: Casual Rates for Turf Cricket Wicket Facilities, is \$150.00.

Issues and options considered:

Taking into consideration the average full day rate for the casual hire of turf cricket wickets, it would be advantageous for the City of Joondalup to position its fees to attract additional casual use. Using the average for full day hire as the basis, it is proposed that the City amend its 2005/06 Schedule of Fees and Charges as follows;

Casual Bookings	Full Day Hire	Base Rate	\$150.00 GST)
			<u>\$165.00</u>

The base rate is designed as a minimum charge to provide the City with flexibility in its fee structure and to increase the hire rate for casual users that have specific requirements. For those casual users that request a one-off booking (i.e. school and special groups) the City would charge the minimum full day hire rate. For organisations who request extended bookings and who have additional maintenance requirements, the City would have the ability to negotiate an appropriate fee for use.

As an example, the City may have a booking that requires additional maintenance (rolling of the wicket, repainting of crease lines) and/or specific requests (covering of the wickets) which result in further costs being incurred. These situations could be catered for as part of the full day hire charge with a maximum fee of \$500.00 per day.

It is not deemed necessary to install a ½ day hire rate, as all requests for the use of turf cricket wickets are for a full day booking with play not usually commencing until 10.30am.

Link to Strategic Plan:

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

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

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

1.3.3 Provide support, information and resources.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

The Agreements that have been developed address a number of potential risk management issues surrounding the preparation and maintenance of the facilities. If, on inspection by City officers, the turf cricket wickets are considered dangerous or inappropriate for use, the City may cancel or restrict access. If in the event of repeated or gross failure to observe the conditions outlined in the agreement, the City may terminate the agreement.

The clubs are also required to establish a separate bank account for the City's contribution to be deposited and all expenditure to be applied against. This has been initiated so that the club can submit an annual audited financial statement to the City and all expenditure on the facilities can be monitored.

Financial/Budget Implications:

In previous years there has been limited casual use of the City's turf cricket wickets due to the clubs being financially responsible for maintaining the facilities and the casual hire fees being too high to attract potential users. However, with the new maintenance agreements designed to accommodate an increase in casual use opportunities, it is anticipated that the City will receive more interest in these facilities. As a result, it would be appropriate for the fees charged to be flexible and inline with other Local Government Authorities to create competition for the use of similar specialised facilities.

One particular organisation that has expressed an interest in using the City's turf cricket wickets at the Iluka District Open Space is the West Australia Cricket Association (WACA) for their Country Week competition. This booking alone could yield the City approximately \$1,500.00 in income.

It is also important to recognise that although the financial assistance which is included in the City's 2005/06 operating budget is capped at \$45,000 per annum for five (5) years, at the conclusion of this period the clubs will seek to renew the maintenance agreements.

Account No:	1.7120.4401.2115.9999
	1.7120.4401.2201.9999
	1.7120.4401.3120.9999
Budget Item:	Payment Contributions
Budget Amount:	\$45,000.00
YTD Amount:	\$ Nil
Actual Cost:	\$ Nil

Policy implications:

Not Applicable

Regional Significance:

The standard Maintenance Agreement that has been developed will be applicable for all three (3) cricket clubs concerned. In addition, the amended casual rate for use of turf cricket wickets will apply to all current and potential future turf facilities situated throughout the City of Joondalup.

Sustainability implications:

Through the provision of financial assistance to clubs who bare a cost that is not standard to most other sporting codes, the City is assisting the sport of cricket to sustain a hierarchy of playing opportunities for cricketers at both senior and junior levels.

In formalising the maintenance agreements with the three (3) cricket clubs concerned, the City is assisting to ensure the capacity of the clubs to produce wickets at a higher standard and therefore sustain participation within their individual cricket competitions.

Consultation:

Consultation has been conducted with the three (3) clubs in developing the Maintenance Agreements. City officers met with the President of each club to discuss the proposed agreement and they were also given an opportunity to present feedback and comments during the process.

COMMENT

The Agreements that have been developed for the maintenance of the City's turf cricket wicket facilities clearly outline the responsibilities of the City and the three (3) cricket clubs concerned. They have been designed in consultation with representatives from each club and act to formalise the desired management arrangement. If Council endorses the agreements, the next step in the process will be the signing of each document and the allocation of the maintenance contributions. With the onset of the summer season, it is timely for the City to process the agreements and distribute the funding that is allocated in the 2005/06 budget.

The new maintenance agreements coupled with the recommended amendment to the City's Schedule of Fees and Charges will greatly increase the opportunities for casual use of the City's turf cricket wickets. Previously, the Joondalup Districts Cricket Club and Ocean Ridge Cricket Club were responsible for the costs incurred to maintain the facilities that they used and the agreement that the City had with the Whitford and Districts Senior Cricket Club did not include provisions to cater for casual bookings. As a result, the City did not accept requests from casual users wishing to utilise turf cricket wickets. The City will now have the opportunity to develop a planned approach to maximise the usage of these facilities.

The new full day rate proposed is in line with fees levied at other Local Government Authorities and will provide flexibility for the City to compete for casual bookings of turf wickets.

ATTACHMENTS

Attachment 1 Agreement for the Maintenance of Turf Cricket Wicket Facilities (2005/2006 - 2009/2010).

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY:

- 1 ENDORSES the five (5) year agreements developed for the maintenance of the City's turf cricket wicket facilities as shown in Attachment 1 to this Report;**
- 2 AMENDS the 2005/2006 Schedule of Fees and Charges in relation to the casual use of turf cricket wicket facilities removing the fees for seasonal turf wicket hire of \$2,082.70 for one wicket and \$4,165.55 for two wickets, and changing the fees for a full day hire from \$213.40 (inclusive of GST) to:**

Base Fee	\$165.00	(inclusive of GST)
Maximum Fee	\$500.00	(inclusive of GST), where specifically requested maintenance costs are identified;
- 3 ADVERTISES the proposed new charges in accordance with Section 6.19 of the Local Government Act 1995;**
- 4 IMPLEMENTS the proposed new charges effective from 1 December 2005.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf251005.pdf](#)

ITEM 19 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – SEPTEMBER 2005 – [07032]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr David Djulbic (Acting Director)
Director 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 September 2005 (see Attachment 1) and now include the codes variations referred to above.

The number of development applications determined for September 2005 under delegated authority 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 September 2005		
Type of Approval	Number	Value (\$)
Development Applications	102	12,206,000
R-Code variations (Single Houses)	30	2,281,074
Total	132	14,487,074

In addition, there were two development applications determined by Council during this month at a value of \$4,200,000.

The number of development applications received in September 2005 was 107. This figure does not include any applications that may become the subject of the R-Code variation process.

BACKGROUND

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

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Joint Commissioners, at their meeting of 19 July 2005 considered and adopted the most recent Town Planning Delegation.

DETAILS

Issues and options considered:

Not Applicable

Link to Strategic Plan:

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

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 102 applications determined, during the report summary period, consultation was undertaken for 36 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	September 2005 Approvals – Development Applications
Attachment 2	September 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 September 2005.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf251005.pdf](#)

ITEM 20 SUBDIVISION REFERRALS PROCESSED BETWEEN 1 AND 30 SEPTEMBER 2005 – [05961]

WARD: South, Whitfords, North Coastal, Marina, Lakeside

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

PURPOSE

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-30 September 2005.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed from 1–30 September 2005. Applications were dealt with in terms of the delegation adopted by the Council in September 2005.

BACKGROUND

Suburb/Location: Refer Attachment 1
Applicant: Refer Attachment 1
Owner: Refer Attachment 1
Zoning: **DPS:** Various
MRS: Various

DETAILS

Issues and options considered:

Ten subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 16 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of two hundred and sixty three (263) residential lots and six (6) strata residential lots. One application was not supported as follows:

Ref: SU307-05.01 – 10 Buckie Court, Warwick

This application was not supported due to insufficient vehicle access provisions and inadequate retaining wall details.

Ref: SU129145 - 500 Burns Beach Road, Burns Beach

This application is for subdivision of a portion of the 146 hectare site located north of Burns Beach Road and west of Marmion Avenue, being the area covered by the recently adopted Burns Beach Structure Plan (refer Attachment 2). The application relates to Stages 2 & 4 of the proposed subdivision of this site and comprises a portion of a larger area that was the subject of a previous subdivision application. The previous subdivision application involved the creation of 1150 residential lots, 7 areas of public open space and a primary school site.

To date, there have been four subdivision applications over the Burns Beach Structure Plan site, however only one application for 29 residential lots adjacent to the existing Burns Beach residential area has been granted approval by the Western Australian Planning Commission

(WAPC). The other subdivision applications were held pending the final adoption of the Burns Beach Structure Plan by the WAPC.

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

Regional Significance:

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
Attachment 2	Burns Beach - Stage 2 & 4 Plan of Subdivision

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 September 2005.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf251005.pdf](#)

ITEM 21 BETTER BEGINNINGS PROGRAM – RELEASE OF FUNDS FROM LITERACY DONATIONS RESERVE FUND – [33530]

WARD:	All
RESPONSIBLE DIRECTOR:	Mr David Djulbic Planning and Community Development

PURPOSE

To seek access to funds from the Library Literacy Program Reserve in order for the City to participate in the state wide Better Beginnings literacy program.

EXECUTIVE SUMMARY

Better Beginnings is a universal early intervention family literacy program that focuses on working in partnership with families to provide positive language and literacy influences for children in the first three years of life.

The program has been developed by the State Library of Western Australia in response to early years research that shows that learning to read is the most single important factor in school success. Children who have an early exposure to books, stories, reading and libraries learn to read more successfully, do better at school and in later life.

Contribution from the City to participate in this program in the first year would be \$13,200 for the purchase of gift books, which will be given to approximately 1650 babies expected to be born in the 2005/06 financial year. This gift book and accompanying guidance material for parents comprise the Better Beginnings toolkit, a key initiative of the program.

It is recommended that Council:

- 1 ENDORSES the participation of the City of Joondalup in the Better Beginnings literacy program by contributing funds from the Library Literacy Program Reserve;*
- 2 APPROVES the release of \$13,200 from the Library Literacy Program Reserve.*

BACKGROUND

Better Beginnings builds on the knowledge that early intervention, parent involvement and supportive communities play a critical role in the growth and development of young children to provide the opportunity for all children to realise their full potential.

Better Beginnings is one of a kind in Western Australia and a first in Australia. The program is based on strong cooperation between government and communities to strengthen support for young children and their families. Better Beginnings provides a crucial early base for lifelong literacy, success in formal schooling and improved life chances.

Early outcomes from the pilot evaluation of the Better Beginnings program conducted in partnership with Edith Cowan University demonstrated the program's success in connecting with families of young children, encouraging them to read and share books with their children and the use of public libraries.

This success has encouraged the State Government's continued financial commitment along with that of Local Government and funding from the Rio Tinto WA Future Fund to enable the Better Beginnings Program to be rolled-out to communities across Western Australia in 2005/06.

DETAILS

The City proposed to establish a Bookstart program in 2002 to reach out to parents as soon as their child is born. The proposal was to involve a partnership with infant health clinic nurses. The nurse would provide a library kit to new mothers including information on early development and suggestions for parent involvement in the development of skills related to each phase.

The Council approved the establishment of a restricted Reserve Account titled "Library Literacy Program Reserve" on 24 September 2002 for the purpose of supporting literacy based library programs. Funds raised from the booksales are transferred to the Reserve Account to support future development of literacy programs.

The City generates approximately \$3,000 - \$6,000 a year through the sale of book donations, which are not suitable for stock. Council owned stock, which no longer meets stock collection management guidelines and is withdrawn from circulation is also included. This is only a very small amount.

For the past three years funds have been set aside for the Bookstart literacy program but with the introduction of the state-wide Better Beginnings program it is deemed economically advantageous for Council to share the costs and extend the programs benefit to all residents.

There are no funds allocated for this program in the 2005/06 budget. Libraries are seeking Council's permission to release this amount from the Library Literacy Program Reserve.

Issues and options considered:

The City would not be able to undertake a program of this size without significant support from the State Government.

It is an excellent opportunity to be part of a statewide program aimed at capturing babies and their families and increasing the value of the public libraries within the City of Joondalup.

Link to Strategic Plan:

1.1.3 Support whole of life learning and creation of knowledge opportunities

Legislation – Statutory Provisions:

6.11 *Reserve accounts*

- (1) *Subject to subsection (5), where a local government wishes to set aside money for use for a purpose in a future financial year, it is to establish and maintain a reserve account for each such purpose.*

Risk Management considerations:

The cost of undertaking a project such as this would be outside of the reach of the City of Joondalup on its own. This provides the opportunity to leverage off the State Government.

Financial/Budget Implications:

There are no funds allocated for this program in the 2005/06 budget. However, funds are available within the Library “Library Literacy Program Reserve” which can be utilized for such purposes and an absolute majority is required by the Council to access this resource.

The cost of participating in this program is \$13,200.

Policy implications:

Not Applicable

Regional Significance:

Not Applicable

Sustainability implications:

Not Applicable

Consultation:

The trial conducted by the State Wide library has undertaken research into the validity of the program to the community and it is deemed extremely worthwhile.

COMMENT

The purpose of the reserve fund matches the objectives of the Better Beginnings program. It is an excellent avenue to create increased awareness of the importance of literacy and public libraries from birth and to create opportunities for lifelong learning.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION**That Council, BY AN ABSOLUTE MAJORITY:**

- 1 ENDORSES the participation of the City in the Better Beginnings literacy program by contributing funds from the Library Literacy Program Reserve;**
- 2 APPROVES the release of \$13,200 from the Library Literacy Program Reserve.**

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

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

DUE DATE	NOVEMBER 2005
SUBJECT	CLIFTON CONEY GROUP APPOINTED AS INTERIM PROJECT MANAGERS ex CJ156-08/05 - OCEAN REEF MARINA STRUCTURE PLAN DEVELOPMENT
	“2 Council NOTES that the Clifton Coney Group has been appointed as interim 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;
	3 the proposal in Point 2 above to be submitted to Council for determination;”
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	97784
STATUS	A report is to be presented to the Executive Management Team and it is anticipated that a report will be submitted to Council in November 2005.

DUE DATE	NOVEMBER 2005
SUBJECT	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.
RESPONSIBLE DIRECTORATE	Office of the CEO/Strategic and Sustainable Development
ACTION NUMBER	80993
STATUS	Research has been completed and a Report is being drafted and due for finalising in September 2005 and will be presented to Council in November 2005.

DUE DATE **NOVEMBER 2005**

SUBJECT **REVISED SET OF KPIs FOR COUNCIL PROJECTS**
– ex JSC2-07/05 – STRATEGIC FINANCIAL PLAN 2005/06 TO 2008/09

“3 REQUESTS the Chief Executive Officer to submit a report to Council on a revised set of KPIs for Council projects.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 97080

STATUS The report will be submitted to the November Strategy Session.

DUE DATE **NOVEMBER 2005**

SUBJECT **SITE ACQUISITION – WORKS DEPOT** – ex CJ176-08/05

“1 REFERS back the report to the Officers for further clarification of issues surrounding the Normalisation Agreement;

3 REQUESTS the Chief Executive Officer to report on options for alternative sites as soon as practical;”

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 98981

STATUS A report will be submitted to Council in November 2005.

DUE DATE	NOVEMBER 2005
SUBJECT	MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 18 SEPTEMBER 2003 – ex CJ213-09/03
	<p>“3 DEFERS consideration of:</p> <p>(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;</p> <p>(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;”</p>
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	57666
STATUS	<p>Council at its meeting on 11 October 2005 adopted a revised Policy Manual.</p> <p>(a) Policy 2.5.1 has been incorporated into the new City Policy 6-1 – Reserves, Parks and Recreation Grounds. This item may therefore be removed from the agenda.</p> <p>(b) Policy 2.6.4 is now Council Policy 2-1 Environmental Sustainability, and will be the subject of a review by the Policy Committee.</p>

DUE DATE	NOVEMBER 2005
SUBJECT	<p>REVIEW OF THE POLICY MANUAL (ex Briefing Session 11 May 2004)</p> <p>Cmr 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:</p> <p><i>“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.”</i></p>
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	71945
STATUS	Council at its meeting on 11 October 2005 adopted a revised Policy Manual. This matter will be considered by the Policy Committee in conjunction with the review of Council Policy 2-1 Environmental Sustainability.

DUE DATE **NOVEMBER 2005**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Office of the CEO/Strategic and Sustainable Development

ACTION NUMBER 91392

STATUS A draft policy has been developed for consideration by the Policy Committee

DUE DATE **NOVEMBER 2005**

SUBJECT **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.

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 85109

STATUS This matter will be considered by the Policy Committee in reviewing Council Policy 4-1 - Code of Conduct.

DUE DATE **NOVEMBER 2005**

SUBJECT **MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 24 AUGUST 2005** - ex CJ193-09/05

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

RESPONSIBLE DIRECTOR Infrastructure Services

ACTION NUMBER 100428

STATUS The Conservation Advisory Committee needs to identify reserves of significance and a report on the DPS2 implications will then be prepared.

DUE DATE **NOVEMBER 2005**

SUBJECT **REPORT REQUESTED BY COMMISSIONERS** – Briefing Session 23 August 2005

Customer Satisfaction Monitor

Cmr Fox requested that a report be submitted to Council on options open to the City, either to undertake its own customer satisfaction monitor or jointly with other groups.

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 98584

STATUS A report will be submitted to Council in November 2005.

DUE DATE	NOVEMBER 2005
SUBJECT	AMENDMENT TO CITY'S STANDING ORDERS LOCAL LAW - ex CJ307-12/02 – ANNUAL GENERAL MEETING OF ELECTORS 2(a) Motion 1 (<i>requesting Council to make the various changes to public question time</i>) be considered as part of the further review of the City's Standing Orders Local Law:
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	41272
STATUS	The Council at its meeting held on 9 August 2005 agreed to seek public comment on the draft 2005 Standing Orders Local Law. Appropriate advertising has commenced, with a report to be presented back to the Council following the consultation period, November 2005.

DUE DATE	NOVEMBER 2005
SUBJECT	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 Council: 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; (iv) necessary requirements for proposing amendments and changes to recommendations at Council meetings.
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	85096
STATUS	(i) The attendance of such persons has been dealt with as part of the Standing Orders Local Law review which is currently out for public comment. (ii) The issue of relationships was addressed as part of the Governance Framework for the City of Joondalup and a report was presented to Council pm 11 October 2005. This item may therefore be removed from the agenda. (iv) This issue has been dealt with as part of the Standing Orders Local Law review which is currently out for public comment.

DUE DATE **NOVEMBER 2005**

SUBJECT **REDESIGN OPTIONS OF COUNCIL CHAMBER**
- ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE
ACQUISITION

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.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 82351

STATUS A meeting has been held with architects to discuss possible project plan options. Concept plans and costings have been finalised and were presented to the Strategy Session held on 27 September 2005.

DUE DATE **NOVEMBER 2005**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 88598

STATUS The Art Collection policy (5.3 Cultural Development) was endorsed as part of a suite of City policies at the Council meeting on 11 October 2006. A draft strategy outlining the acquisition, disposal and display of artworks was developed in conjunction with the policy and will be forwarded to the Council at the 22 November meeting.

DUE DATE	NOVEMBER 2005
SUBJECT	LAND REQUEST FOR PROPOSED COMMUNITY HOUSE IN CRAIGIE LOT 671 (178) CAMBERWARRA DRIVE (CORNER OF PERILYA ROAD) – ex CJ186-08/05
	<p>“1 DEFERS consideration of the land request for proposed Community House in Craigie, Lot 671 (178) Camberwarra Drive (corner of Perilya Road);</p> <p>2 OBTAINS from the Department of Community Development detailed outcomes for this proposed service, clearly stating how the community house will meet identified community needs;</p> <p>3 RECEIVES from the Department of Community Development projected costs of building the community house, giving reasons why the funds currently available will be inadequate if the arrangements for the sale of the land, Lot 671 (178) Camberwarra Drive, Craigie goes ahead;</p> <p>4 REQUESTS the Chief Executive Officer to provide relevant information on budgetary implications should the sale of Lot 671 (178) Camberwarra Drive, Craigie not be realised;</p> <p>5 REQUESTS that when this report is resubmitted, Option 4 is explored further, with a long term cost benefit analysis.”</p>
RESPONSIBLE DIRECTORATE	Planning and Community Development
ACTION NUMBER	98989
STATUS	A further report will be forwarded to the Council once the requested information is available for inclusion in an updated report.

DUE DATE	NOVEMBER 2005
SUBJECT	REPORT REQUESTED BY COMMISSIONERS – Briefing Session 23 August 2005
	Provision of Information to Council Members
	Cmr Smith requested that a report be submitted to Council on the possibility of adopting protocols relating to the method and time limitations on all information provided to Council members, where such information is applicable to decisions being made at Council meetings.
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	98585
STATUS	Options relating to the possible protocols are being examined.

DUE DATE **NOVEMBER/DECEMBER 2005**

SUBJECT **PUBLIC OPEN SPACE**

ex CJ203-09/05 - APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO

3 REFERS the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.

RESPONSIBLE DIRECTOR Planning and Community Development

ACTION NUMBER 100435

STATUS A report is to be drafted for the next available meeting of the Policy Committee.

DUE DATE **DECEMBER 2005**

SUBJECT **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;”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 89549

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 submitted. The review is anticipated to be completed by 14 October 2005.

DUE DATE **DECEMBER 2005**

SUBJECT **OUTCOME OF REVIEW OF PROCUREMENT PROCESSES**
– ex CJ121-06/05 – REVIEW OF THE 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.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER

STATUS This matter will be presented to the next Audit Committee meeting.

DUE DATE **DECEMBER 2005**

SUBJECT **LEGAL REPRESENTATION COSTS TO THE CITY IN RELATION TO THE MCINTYRE INQUIRY**
– ex CJ168-08/05 - Report on funding to date to the City of Joondalup pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees

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

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 97788

STATUS A report will be submitted to Council following the completion of the McIntyre Inquiry.

DUE DATE **DECEMBER 2005**

SUBJECT **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 Council 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;

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 85111

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.

DUE DATE **DECEMBER 2005**

SUBJECT **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;”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 71026

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.

DUE DATE **DECEMBER 2005**

SUBJECT **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.”

**RESPONSIBLE
DIRECTORATE** Planning and Community Development

ACTION NUMBER 70983

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 will provide guidance on
this matter.

DUE DATE **DECEMBER 2005**

SUBJECT **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.”

**RESPONSIBLE
DIRECTORATE** Planning and Community Development

ACTION NUMBER 77778

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.

DUE DATE	DECEMBER 2005
SUBJECT	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.”
RESPONSIBLE DIRECTORATE	Planning and Community Development
ACTION NUMBER	41269
STATUS	<p>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.</p> <p>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.</p> <p>Chief Executive Officer to meet with officers of the Crime Prevention Unit.</p> <p>WALGA has facilitated a Safety and Crime Prevention meeting. The following recommendation from this meeting is to be forwarded to the State Council via the various zone meetings:</p> <p>That the Association does not support the State Local Government Community Safety and Crime Prevention Partnership until there is:</p> <ul style="list-style-type: none">• acceptance by State Government of Local Government evidence based planning methods to develop community safety and crime prevention strategies;• a flexible funding arrangement for community safety and crime prevention plans for Local Government;• sustainable growth funding from State to Local Government to support the Local Government Community Safety and Crime Prevention plans and their implementation;• a feasibility study undertaken into a regional based approach to community safety and crime prevention through a network of State Government funded staff to support Local Government develop a collaborative based approach to community safety and crime prevention planning and initiatives;• Acknowledgement by the State Government that the management of graffiti and anti social behaviour are key issues of concern to Local Government. <p>The development of a MOU between State and Local Government that outlines the roles and responsibilities of State and Local Government in relation to community safety and crime prevention planning.</p>

DUE DATE	DECEMBER 2005
SUBJECT	REPORT REQUESTED BY COMMISSIONERS – Briefing Session September 2005 Risk Management Framework Cmr Anderson requested a report on an overarching risk management framework for the City, to be presented to the next meeting of the Audit Committee.
RESPONSIBLE DIRECTORATE	Office of the CEO
ACTION NUMBER	99742
STATUS	A report will be submitted to Council in December 2005.

DUE DATE	DECEMBER 2005
SUBJECT	PERFORMANCE REVIEW COMMITTEE – CEO INITIAL PERFORMANCE REVIEW REPORT - ex C54-09/05 2 ENDORSES further discussion between the CEO and the Performance Review Committee to review and vary the Key Performance Indicators going forward with recommendations to be referred to Council.
RESPONSIBLE DIRECTOR	Corporate Services
ACTION NUMBER	100437
STATUS	This matter was initially considered at the CEO Performance Review Committee meeting held on 13 October 2005 and will be finalised at the next meeting of the Committee.

DUE DATE	FEBRUARY 2006
SUBJECT	CONSOLIDATION OF INDICATORS THAT HAVE PARALLEL OBJECTIVES – ex CJ171-08/05 – CORPORATE REPORTING SYSTEMS “3 REQUESTS the Chief Executive Officer to provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.”
RESPONSIBLE DIRECTORATE	Office of the CEO/Strategic and Sustainable Development
ACTION NUMBER	98977
STATUS	A review of the indicators will be undertaken and a report will be considered by the Chief Executive Officer after the review has been completed.

DUE DATE **FEBRUARY 2006**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 51161

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.

DUE DATE **FEBRUARY 2006**

SUBJECT **LANDSCAPING PLANS FOR JOONDALUP REGIONAL CULTURAL FACILITY** - ex CJ248-11/04 – JOONDALUP REGIONAL CULTURAL FACILITY SITE ACQUISITION

“3 REQUIRE that a report detailing forward landscaping plans for the site be prepared for consideration of Council taking into account the cultural and performing arts needs of the community, which will be assessed through a collaborative consultation process involving educational institutions, performing arts groups, arts consultants and other stakeholders;

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 82351

STATUS 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.

DUE DATE **MARCH 2006**

SUBJECT **OVERVIEW OF THE OFFICIAL VISIT FROM JINAN DELEGATION (SHANDONG PROVINCE), CHINA TO JOONDALUP – AUGUST 2005 AND TO PROVIDE FURTHER NOTIFICATION OF AN INVITATION TO VISIT JINAN IN OCTOBER 2005** - exCJ187-09/05

2 REQUESTS the Chief Executive Officer when preparing the report evaluating the public comments received as part of the consultation period on the Joondalup-Jinan Relationship Plan to ensure that it encompasses five (5) and ten (10) year strategic horizon action plans;

5 ADVISES Mayor Bao that the Joint Commissioners will recommend that the incoming Council sends an official delegation to the City of Jinan as early as is feasible 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan.

RESPONSIBLE DIRECTOR Office of the CEO/Strategic and Sustainable Development
ACTION NUMBER 100425

STATUS 2 The Joondalup – Jinan Relationship Plan when endorsed will be further developed to incorporate implementation action planning. It is anticipated that this work will be completed in the Jan-March quarter of 2006 as outlined in the Annual plan.

5 A letter to Mayor Bao has been approved and sent to Jinan. This part of the outstanding business item may therefore be removed from the agenda.

DUE DATE **MARCH 2006**

SUBJECT **LONG-TERM STRATEGY AND FINANCIAL PLAN FOR PARKING IN THE JOONDALUP CBD**
– ex JSC3-07/05 -MINUTES OF THE STRATEGIC FINANCIAL MANAGEMENT COMMITTEE

“2 REQUESTS that a report be submitted to Council in due course on a long-term strategy and financial plan for parking in the Joondalup CBD.”

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 97081

STATUS This has been referred to the internal Parking Strategy Working Group.

DUE DATE **MARCH 2006**

SUBJECT **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;”

PETITION – Council 28 June 2005

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.

RESPONSIBLE DIRECTORATE Planning and Community Development

ACTION NUMBER 77776 and 95549

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.

DUE DATE **MARCH 2006**

SUBJECT **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;”

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 67033

STATUS With regard to pedestrian access to beaches in Ocean Reef, this matter has been addressed in Report CJ279-11/04. Also, 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.

DUE DATE **JUNE 2006**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER 85135

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

DUE DATE **NOVEMBER 2005**

SUBJECT **REPORT OF THE INQUIRY INTO THE CITY OF JOONDALUP** (ex C58-10/05)

2 the Council REQUESTS the Chief Executive Officer to draft for its consideration a response to the Minister with regard to the recommendations made in the Inquiry Report.

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 101475

STATUS A review of the recommendations is currently being undertaken with a report to be tabled at the Council meeting in November.

DUE DATE **DECEMBER 2005**

SUBJECT **REVIEW OF WARD BOUNDARIES, NAMES AND ELECTED MEMBER REPRESENTATION – [16878]** ex CJ205 - 10/05

5 REQUEST a further report be presented to Council following the completion of the statutory public consultation as required by Schedule 2.2 of the Local Government Act 1995;

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 101501

STATUS Notice of the review was placed in the local newspaper, with public submissions closing early December 2005. The two public workshops are scheduled to be held on 7 and 9 November 2005. It is intended that a report will be presented to the Council in December 2005.

DUE DATE **2006**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Office of the CEO/Strategic and Sustainable Development

ACTION NUMBER 40021

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

DUE DATE **NOVEMBER 2006**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Infrastructure Services

ACTION NUMBER

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

DUE DATE **Dependent on the release of the City of Joondalup Inquiry Report.**

SUBJECT **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.”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 73446

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

DUE DATE **Dependent on the release of the City of Joondalup Inquiry Report.**

SUBJECT **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”

RESPONSIBLE DIRECTORATE Office of the CEO

ACTION NUMBER 83764

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.
