



*City of*  
**Joondalup**

**DRAFT AGENDA**

**FOR ELECTED MEMBERS'**

**BRIEFING SESSION**

**TUESDAY, 19 FEBRUARY 2002**

## ***PUBLIC QUESTION TIME***

*Council allows for public question time at each Council meeting or Briefing Session which is opened to the public. Questions must relate to the ordinary business of the City of Joondalup or the purpose of the Special Meeting, as appropriate.*

*The Mayor or the presiding person is responsible for the procedures and conduct of the public question time.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk two (2) days prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame will be provided in hard copy form at that meeting.*

*Those questions that are to be asked at the meeting are requested to be submitted in writing and placed in the 'question tray' prior to the commencement of the meeting. Those questions submitted in writing will be read aloud by the Chief Executive Officer and answers provided where possible. Verbal questions may be asked by members of the public and the period of time for verbal questions will be a minimum of fifteen (15) minutes.*

*The Mayor or presiding person shall decide to:*

- accept or reject the question;*
- nominate a member of the Council and/or officer to answer the question; or*
- determine that any complex question which requires research shall be taken on notice with a response provided as soon as possible and included in the agenda for the next ordinary meeting of the Council.*

*The following rules apply to question time:*

- question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- questions should properly relate to Council business.*
- question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- questions should be asked politely and are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer;*
- where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

## CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on  
**TUESDAY, 19 FEBRUARY 2002** commencing at **6.00 pm**

### ORDER OF BUSINESS

#### 1 OPEN AND WELCOME

#### 2 PUBLIC QUESTION TIME

Revised response to question from Mr S Magyar as appearing in Draft Agenda for Briefing Session – 5 February 2001 were presented to the Briefing Session held on 5 February 2002.

**“The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Briefing Session held on 11 December 2001:**

*Q1 Item 4 - Minutes of the Ocean Reef Development Committee meeting: Will the Joondalup Coast Care Forum be regarded as a stakeholder and will a representative of that group be invited to the workshop?*

A1 Yes, the Joondalup Coast Care group and a number of other community groups will be invited as stakeholders to the Ocean Reef workshop.”

**The following questions were submitted by Mr S Magyar, Heathridge to the Briefing Session held on 5 February 2002:**

*Q1 Item 1: Standing Orders: Change in order of business: Was consideration given to splitting the business items for “Attendances and Apologies” and “Leave of Absence” to allow public question time to be heard prior to granting of any requests for leave of absence?*

A1 This could be done, however it was considered more efficient to deal with these as one item of business, rather than two.

*Q2 Item 27: Proposed Fire Station: Reserve 43210 Hepburn Avenue, Padbury: When officers looked at the issue of the community purpose site vested in Council versus the elected fire station site vested in FESA, was consideration given to the fact that the majority of call-outs travel east on Hepburn Avenue towards the Freeway and the community purpose site would be safer to use because the fire vehicles will then cross two less intersections?*

A2 The City was not aware of these details, however the City has had discussions with FESA representatives.

**The following questions, submitted by Mr Brian Higgins (Director, Sistar Pty Ltd) in relation to Item CJ026-02/02 – Concept Plan for Carine Glades Tavern Refurbishment Proposal, Lot 12 (493) Beach Road, Duncraig, were taken on notice at the Briefing Session held on 5 February 2002:**

### **The Structure and Content of the Briefing Document**

*Considerable time and effort was spent by ourselves and the residents in responding to the 13 November deferral decision – in the discussion of the issues and in the compilation of the submissions. Sistar is a little concerned that the significant agreements arising from these processes have not been suitably recognised in the briefing document and the following questions relate to this concern.*

- Q1** Is the City satisfied with the completion of the proponent-resident discussions that they requested, and with the content and level of detail in the resultant submissions? Have the 13 November resolutions been satisfactorily addressed in concept? If no to any of the above, what are the shortfalls?
- A1** *The concept plan is not sufficiently detailed to facilitate a decision by the Council. The November resolution stated that the proposal be deferred “....for a period of four weeks so the proponent and concerned local residents can meet and agree on a proposal that addresses the amenity impact on nearby residents, particularly in regard to noise intrusion and traffic issues.....”. At this stage, agreement has not been reached. However, the revised concept appears to go some way to meeting residents’ submissions, and, particularly, concerns. Further technical shortfalls of the concept plan have been addressed separately by letter sent to the applicant on 19 December 2001.*
- Q2** *Why weren’t the three critical summaries (our proposal summary, the resident’s preliminary statement and the decision of the Director of Liquor Licensing) included as attachments to the briefing document?*
- A2** The preliminary summary and residents’ summary were provided in total for the information of Councillors. The decision of the Director Liquor Licensing was considered when the report was prepared.
- Q3** *Have the complete submissions from both the residents and us been made available to the Councillors for perusal prior to this meeting? How many Councillors have had the opportunity to read the submissions – either the summaries or in detail?*
- A3** All Councillors were afforded the opportunity of examining the package of information submitted with the concept plan, including residents’ submissions and proponent’s contribution and plans.
- Q4** *The briefing document lists the residents concerns under the heading Residents’ Group comments but fails to mention the benefits as listed by the residents in their submission – in the absence of the complete residents statement as an attachment, why is this unbalanced view portrayed?*

- A4 A key issue is the residents' concerns. The benefits identified by the residents are contained in the technical comments provided in the report. The report is balanced in indicating the potential benefit of the proposed concept.
- Q5 *Why is there no mention of the City's degree of support in the recommendations when the purpose of Item 26 is "to gauge the level of Council's support..." (and this is referenced many times within the document)? Does the City support the proposal? If so, why cannot this statement of support be included in the recommendations, with or without conditions? If not, for what reasons?*
- A5 The degree of support for the proposal can only be given by the Council in attaching a resolution which relates to the concept plan. The report recommends that some support be given for the concept. The concept is not sufficiently detailed to facilitate the issue of development approval or planning approval in a formal sense.
- Q6 *The recommendations indicate that the revised DA determination "...will be made independently of the preliminary views in response to the December 2000 concept plan." How can this possibly occur when all the steps in this iterative process are at Council's request and thus, by definition, related?*
- A6 The concept plan proposes fundamental changes to the July 2001 Development Approval. Therefore, the evaluation of a subsequent Development Application is based solely on the new proposal, on its merits.

### **The Revised Development Application**

- Q1 *For the avoidance of all doubt, it is our intention that the revised application will use the December 2000 proposal as its base and as such the proposals content (details and attachments) will be the **starting point** (and the reference) for the development of the detailed application. Is this approach understood and supported by the City?*
- A1 A revised Development Application will be considered afresh on its merits. Previous applications have been assisted by facilitating dialogue and the evolution of a new concept. However, the revised Development Application will be considered on its merits and independently of any superseded proposal.
- Q2 *The briefing document makes particular reference to the decision of the Director of Liquor Licensing to provide conditional support to this proposal. The Director has listed some preliminary views regarding the conditions and these **are yet to be finalised**. With respect to the issue of patronage, the briefing document seems to indicate that the City will accept the numbers as finally set by Liquor Licensing – is this the intention?*
- A2 The Council will set its limits regarding patronage, however, the requirement of the Director of Liquor Licensing will be factored into the Council's determination.

- Q3 Are we correct in assuming that the revised application will still fall under the umbrella of the existing (July 2001) development application and as such:*
- (a) will not incur any additional lodgement fees*
  - (b) will not require repeat public advertising*
- A3 The revised Development Application will not incur additional lodgement fees. The question of advertising has not been resolved, but it is likely that some dialogue with the local residents' group would be undertaken.
- Q4 For the purpose of our scheduling, can the application be processed within a six (6) week period from lodgement to decision?*
- A4 Once the application is lodged in a complete form and no further details are required, then the application can be processed within a six week period, assuming that it coincides with Council meeting dates.
- Q5 Will the application need to come back to Council for final approval or can it be done on delegated authority.*
- A5 The application will be referred to the Council for its consideration and determination.

### **3 APOLOGIES AND LEAVE OF ABSENCE**

#### **Leave of absence previously approved:**

Cr D Carlos 13 February – 25 February 2002  
Cr A Nixon 26 February – 8 March 2002  
Cr J Hurst 28 March – 14 April 2002

#### **REQUESTS FOR LEAVE OF ABSENCE - CR C MACKINTOSH**

Cr Mackintosh has requested Leave of Absence from Council duties from 25 March 2002 to 19 April 2002 inclusive.

#### **RECOMMENDATION**

**That Council APPROVES the request for Leave of Absence from Cr Mackintosh for the period 25 March 2002 to 19 April 2002 inclusive.**

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

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## **ITEM 1 PURCHASING POLICY – RESULT OF REVIEW BY AUSTRALIAN COMPETITION AND CONSUMER COMMISSION – [37863]**

**WARD - All**

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### **PURPOSE**

To adopt the amended Policy 2.4.6 – Purchasing Goods and Services which reflects a “Buy Local” commitment to the City of Joondalup in place of the City’s current Policy 2.4.6 – Regional Purchasing.

### **EXECUTIVE SUMMARY**

This report provides details on the Australian Competition and Consumer Commission’s (ACCC) response on the City’s proposed Policy 2.4.6, and comments on mandatory information required on all future tender reports.

The ACCC has indicated that the policy complies with legislative requirements, however with regard to National Competition Policy, the ACCC could not provide comment and indicated that until tested in a Court of Law a contravention could not be determined. This report therefore recommends that Council:

- (1) Adopts the amended Policy 2.4.6 – Purchasing Goods and Services in place of the current Policy 2.4.6 – Regional Purchasing Policy.
- (2) Endorses that all future tender reports include comment on local content.

### **BACKGROUND**

At its meeting on 14 August 2001 (CJ257 – 08/01 refers) Council resolved that “the matter pertaining to Council’s acceptance of all future tenders be referred to the “Buy Local Policy” review team for further consideration.”

At its meeting on 18 December 2001 (CJ421-12/01 refers) Council resolved that it:

- 1 Accepts the amended Policy 2.4.6 – Purchasing Goods and Services forming Attachment 1 to Report CJ421-12/01, in place of the current Policy 2.4.6 – Regional Purchasing Policy;
- 2 Refers the new policy to the Australian Competition and Consumer Commission (ACCC) for comment prior to referral back to Council for adoption.

## DETAILS

Following Council's resolution at its meeting on 18 December 2000, a copy of the proposed Policy 2.4.6 – Purchasing Goods and Services and the City's Corporate Purchasing Procedures were forwarded to the ACCC. The ACCC was requested to provide an opinion to ensure the revised policy complies with the Trade Practices Act (TPA) and the National Competition Policy (NCP).

Attached at Attachment 1 is the response received from the ACCC on 18 January 2002. It should be noted that the ACCC has only commented on the proposed Policy and Procedure, as it states 'The Commission is unable to provide legal advice, however, I am happy to provide you with my comments on the issues raised'.

In its response the ACCC advises that it is unable to advise the City on NCP issues. However, it should be noted that the ACCC has indicated that while the City's proposed Policy and Procedure do not appear to contravene Sections 45 and 46 of the TPA, it will ultimately be a matter for a Court to determine if conduct contravenes the TPA.

Future tender reports will make comment on local content as required by Council resolution CJ257 – 08/01.

### **Policy Implications:**

The replacement of the current Regional Purchasing Policy – 2.4.6. with the new policy 2.4.6 – Purchasing Goods and Services as shown at Attachment 2.

## COMMENT

The advice provided by the ACCC appears to provide a fairly positive opinion in relation to the amended Policy and Procedure. A previous legal opinion was received from Councils' solicitor John Woodhouse on 1 November 2001 advising that the Policy and Procedure do not contravene the Local Government Act (1995) or its Regulations.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### **That Council:**

**1 ADOPTS the amended Policy 2.4.6 – Purchasing Goods and Services in place of the current Policy 2.4.6 – Regional Purchasing Policy forming Attachment 2 to this Report;**

**2 ENDORSES that all future tender reports include comment on local content.**  
*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf020226.pdf](#)

## **ITEM 2 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL [15876]**

**WARD – All**

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### **PURPOSE**

To provide a listing of those documents executed by affixing the Common Seal for noting by Council.

### **EXECUTIVE SUMMARY**

The following is a list of documents sealed under the Common Seal of the City of Joondalup from 29.11.01 to 04.02.2002, not previously listed.

Document:	Contract
Parties:	City of Joondalup, NGR Pty Ltd t/a NGS Guards and Patrols
Description:	Contract 004-01/02 for the provision of security services
Date:	29.11.01
Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Department of Land Administration (DOLA)
Description:	Pt Lot 495 and Lot 200 corner Boas Avenue and Grand Boulevard
Date:	29.11.01
Document:	Copyright
Parties:	Cities of Joondalup and Wanneroo and Derek Louis Gibbs
Description:	Recording of historical importance – Derek Louis Gibbs
Date:	4.12.01
Document:	Copyright
Parties:	Cities of Joondalup and Wanneroo and John Dale
Description:	Recording of historical importance – John Dale
Date:	4.12.01
Document:	Contract
Parties:	City of Joondalup and Brickwood Holdings Pty Ltd
Description:	Contract 007-01/02 – Supply, delivery and repair of mobile garbage bins
Date:	6.12.01
Document:	Agreement
Parties:	City of Joondalup and Churches of Christ Sport and Recreation Assoc (Inc)
Description:	Management Agreement – Warwick Leisure Centre
Date:	10.12.01

- Document: Deed  
Parties: City of Joondalup and Yokine Investments  
Description: Creation of Easement over carparking area at Lot 509 Reid Promenade into Lots 510 and 511 Reid Promenade  
Date: 13.12.01
- Document: Application  
Parties: City of Joondalup and Commonwealth Bank  
Description: Application for Financial Accommodation  
Date: 19.12.01
- Document: Lease  
Parties: City of Joondalup and Squis Pty Ltd  
Description: Lease Renewal – Grove Child Care  
Date: 19.12.01
- Document: Lease  
Parties: City of Joondalup and Community Vision Inc  
Description: Woodvale Community Care Centre  
Date: 18.12.01
- Document: Lease  
Parties: City of Joondalup and Community Vision Inc  
Description: Warwick Podiatry Clinic  
Date: 18.12.01
- Document: Lease  
Parties: City of Joondalup and Community Vision Inc  
Description: Whitfords Podiatry Clinic  
Date: 18.12.01
- Document: Lease  
Parties: City of Joondalup and Community Vision Inc  
Description: Portion of ground and Second Floor – City of Joondalup Administration Building, Boas Avenue  
Date: 18.12.01
- Document: Amendment to Local Law  
Parties: City of Joondalup  
Description: Amendment Local Law 2001  
Date: 19.12.01
- Document: Copyright  
Parties: City of Joondalup and Noreen Keys  
Description: Recording of historical importance – Noreen Keys  
Date: 19.12.01
- Document: Deeds/Easement  
Parties: City of Joondalup, ING and Armstrong Jones  
Description: Agreement re drainage, vehicular access, pedestrian access  
Date: 21.12.01

- Document: Easement  
Parties: City of Joondalup and Kyme Holdings  
Description: Vehicular access  
Date: 21.12.01
- Document: Easement  
Parties: City of Joondalup and Armstrong Jones  
Description: Vehicular access  
Date: 21.12.01
- Document: Local Law  
Parties: City of Joondalup Amendment local law  
Description: Amendment Local Law 2001  
Date: 27.12.01
- Document: Agreement  
Parties: City of Joondalup and WA Health Promotion Foundation  
Description: Sponsorship Agreement 1192 (City of Joondalup Summer Events Program)  
Date: 03.01.2002
- Document: Agreement  
Parties: City of Joondalup and Ralmama Pty Ltd t/a R J Vincent & Co  
Description: Shenton Avenue dual carriage roadworks  
Date: 09.01.02
- Document: S 70A Notification  
Parties: City of Joondalup, I R Curry and H V Curry  
Description: Section 70A – Ancillary Accommodation, Lot 162 (29) The Grange, Mullaloo  
Date: 10.01.02
- Document: Withdrawal of Caveat  
Parties: City of Joondalup and Department of Land Administration (DOLA)  
Description: Lots 6 and 7 Wanneroo Road, Kingsley – Waterview Estate  
Date: 23.01.02
- Document: Agreement  
Parties: City of Joondalup and WA Planning Commission  
Description: Amendment to Hillarys Structure Plan  
Date: 24.01.02
- Document: Lease  
Parties: City of Joondalup and Hillarys Community Kindergarten Inc  
Description: Hillarys Pre-School  
Date: 25.01.02
- Document: Copyright  
Parties: City of Joondalup and Cherie Wood  
Description: Recording of historical importance – Cherie Wood  
Date: 29.01.02

Document: Deed of Easement  
Parties: City of Joondalup and State of Western Australia  
Description: Closure of Pedestrian accessway between Locs 11483 and 11487  
Burns Place, Burns  
Date: 04.02.02

**RECOMMENDATION**

**That the Schedule of Documents executed by means of affixing the Common Seal be NOTED.**

### **ITEM 3 COMMUNITY & BUSINESS DIRECTORY PARTNERSHIP PROPOSAL – JOONDALUP BUSINESS ASSOCIATION – [CJ072] [03/01]**

#### **WARD - All**

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#### **PURPOSE**

In 2001 the City of Joondalup contributed \$32,000 (plus GST) to the joint production of a 2001/2002 Business and Community Directory with the Joondalup Business Association (JBA).

The JBA has approached the City to again contribute funds toward the project.

The purpose of this report is to consider the options regarding proposed partnership between the City of Joondalup and the JBA to produce the 2002/2003 Business and Community Directory.

#### **EXECUTIVE SUMMARY**

It has been indicated by the JBA that the 2001/02 Community Directory cost to produce. Market research indicates that there is strong support for the product. It is acknowledged that the product is still in its infancy and warrants support from the City for the 2002/03 edition only. Due to the success of the 2002/02 edition and the ongoing success of future editions, it is suggested that the City cease providing financial assistance after 2002/03.

This report recommends that the City contributes financial support to the value of \$32,000 (plus GST) for the 2002/2003 Business and Community Directory subject to the City:

- 1 Being allocated appropriate free space for information pertaining to Council services (currently this would need to be approximately 16 full A4 pages)
- 2 Having two representatives included on the working party for the production of the Community Directory
- 3 Being allocated free editorial space be given for a joint City of Joondalup Mayoral Message at the front of the Directory

for the 2002/03 edition and all future editions of the Community Directory.

#### **BACKGROUND**

In 2001 the City of Joondalup and the Joondalup Business Association jointly produced the 2001/2002 Business and Community Directory. The City contributed \$32,000 (plus GST) to the project which included priority distribution to all households, a “run on” of 7000 copies for additional distribution, 17 full colour gloss pages of Council information, editorial in the form of a joint message from the Mayor and the President of the JBA plus two representatives on the working party for the Directory.

In the previous year 1999/2000 the City had produced its own high quality, 40 page dedicated Council Services Directory with full editorial control which cost \$32 000.

The support of the 2001/2002 Directory was considered beneficial as it allowed the City to demonstrate strong support for the business community by taking a leadership role in the economic vitality of the region. Funds which had previously been allocated to the production of a dedicated Council Services Directory were redirected toward the joint project with the JBA.

A working party consisting of a representative from the Joondalup Business Association, two representatives from the City (Cr Paul Kadak and Marketing Manager) and a representative from Market Creations who were responsible for administration and sales, developed the content and design of the Directory. As members of the working party, the City was able to ensure that the end product was one which was professionally presented as well as a useful reference for residents.

## **DETAILS**

The JBA has invited the City to participate in the 2002/2003 directory, by subscription for advertising space for an amount of \$35,000 (plus GST). This is a \$3000 increase on the amount contributed for the 2001/2002 Directory. The JBA provided an indicative cost of production of the 2001/02 Community Directory totalling \$147,000.

Research was undertaken by the City following distribution of the Directory. A random telephone survey of 150 City of Joondalup residents was undertaken immediately following the distribution of the Directory and again three months later. The purpose of the research was to gauge the community reaction to the Directory and to ascertain the level of usefulness of the information within the Directory and if it had been retained and used in the three months following.

The results of the survey have indicated a generally positive reaction. For example, approximately 67% of those surveyed indicated that they had kept their copy of the Directory, 53% of those surveyed rated the Directory at better than 5 or more out of 10 on a scale of usefulness with a majority of those surveyed indicating that they would like to receive an annual updated version of the Directory.

## **Financial Implications:**

Account No:	11 05 05 051 3720 0001
Budget Item:	Governance Corporate Costs, Printing
Budget Amount:	\$32 000
YTD Amount:	\$NA
Actual Cost:	\$NA

## **COMMENT**

This is the second year that the Directory will be produced by the JBA. The research undertaken by the City has indicated that the product is strong and that there is demand and expectation within the community for such a product.



It is anticipated that the 2001/2002 project is likely to make a surplus. The JBA is a not-for-profit organisation and, as such, any surplus should be re-directed back in to the business community and by contributing towards the production of future editions of the Community Directory.

While it is beneficial for the City to support the project to ensure its running success it would be difficult to justify future financial support.

Options for consideration by Council are:

#### Option 1

Provide a financial contribution to the Joondalup Business Association, in accordance with the City's contribution in 2001/02, to produce a dedicated Council Directory, of \$32,000 (plus GST), subject to the City:

- 1 Being allocated appropriate free space for information pertaining to Council services (currently this would need to be approximately 16 full A4 pages)
- 2 Having two representatives included on the working party for the production of the Community Directory
- 3 Being allocated free editorial space be given for a joint City of Joondalup Mayoral Message at the front of the Directory

for the 2002/03 edition and all future editions of the Community Directory.

#### Option 2

Provide a reduced financial contribution to the Joondalup Business Association under the above terms, say to the value of \$20,000. Given that this is the second year the Directory will be produced, the product has proven to be strong and should therefore be self-funding.

#### Option 3

The City to endorse the concept of the Directory and provide support in the form of purchasing advertising space in the Directory, for example to the value of \$10,000, to promote the City. The City would then produce its own dedicated Council Services Directory.

### VOTING REQUIREMENTS

Simple Majority.

### RECOMMENDATION

#### That Council:

- 1 **AGREES to contribute an amount of \$32,000 (plus GST) to the Joondalup Business Association towards the production of the 2002/03 Community Directory only;**

- 2 ADVISES the Joondalup Business Association that the funding in (1) above is subject to the City being granted the following for the 2002/03 edition and all future editions of the Community Directory:**
- (a) allocation of appropriate free space for information pertaining to Council services (currently this would need to be approximately 16 full A4 pages);**
  - (b) two representatives being included on the working party for the production of the Community Directory;**
  - (c) allocation of free editorial space a joint City of Joondalup Mayoral Message at the front of the Directory.**

## **ITEM 4 CITY DEPOT COMMITTEE - MINUTES OF 8 FEBRUARY MEETING – [07092]**

**WARD – All**

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### **PURPOSE**

This report provides for noting the minutes of the first City Depot Committee held on 8 February 2002 and associated recommendations in relation to the proposed negotiation of sites for City Depot operations.

### **EXECUTIVE SUMMARY**

The City Depot Committee held its first meeting on 8 February 2002, to consider a number of options for a Depot site. The Committee meeting adjourned after initial discussion on the various options for a bus tour of the sites. The bus tour also visited the City of Stirling and City of Melville City Depots as part of the evaluation of current depot designs. These two depot facilities have only been established in the last 12-24 months and are considered to be the state of the art in depot design. The Committee reconvened after the tour of sites and depot facilities and further considered and determined the site that would provide the City with the most viable option as a City Depot.

### **BACKGROUND**

At the meeting of 9 October 2001 Council resolved to:

1. *AGREE 'IN PRINCIPLE' to the City acquiring, either freehold or leasehold land, for the purpose of a depot site;*
2. *NOTES that any proposed contract for sale will be conditional upon the Council complying with the requirements of Section 3.59 of the Local Government Act 1995, and resolving by an Absolute Majority to proceed with the contract.*

At the meeting of 18-19 December 2002, Council resolved to establish a City Depot Committee, Report CJ148 – 12/01 refers. The Committee is to investigate an alternative City Depot site, for the purpose of accommodating Council's outdoor operations, with the objective of establishing a site, preferably within the City of Joondalup.

### **DETAILS**

Funding has been provided in the Reserve Account for the acquisition of a City depot site.

Account No: Reserve  
Budget Item: Asset Replacement

## COMMENT

It is recommended that Council notes the minutes and endorses the recommendations of the Committee.

Due to the commercially sensitive nature of the proposed negotiations and to protect the Council's commercial interest, a confidential memorandum has been issued under separate cover to Elected Members providing details on the proposed site under consideration.

## VOTING REQUIREMENTS

Absolute Majority

## RECOMMENDATION

### That Council:

- 1 NOTES the Minutes of the City Depot Committee held on 8 February 2002;**
- 2 AGREES BY AN ABSOLUTE MAJORITY that negotiations proceed to acquire options on land in the Joondalup area, subject to the appropriate terms and conditions as recommended by the City's solicitor and property consultant being included in the Contracts of Sale.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here:* [Attach2agn260202.pdf](#)

## **ITEM 5     WARRANT OF PAYMENTS - 31 JANUARY 2002 – [09882]**

### **WARD – All**

#### **PURPOSE**

The Warrant of Payments as at 31 January 2002 is submitted to Council to be noted.

#### **EXECUTIVE SUMMARY**

This report details the cheques drawn on the funds during the month of January 2002. It seeks Council's approval for the payment of the January 2002 accounts.

#### **DETAILS**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$            c
Director Resource Management Advance Account	036924-037606	5,097,599.61
Municipal	000297-000300	6,213,504.08
	<b>TOTAL        \$</b>	<b>11,311,103.69</b>

The difference in total between the Municipal and Director of Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to Council. At the close of January 2002, the amount was \$430,922.90

The cheque register is appended as Attachment A.

#### **CERTIFICATE OF THE DIRECTOR RESOURCE MANAGEMENT**

This warrant of accounts to be passed for payment, covering vouchers numbered as indicated and totalling \$!The **Formula Not In Table** which is to be submitted to each Councillor on 26 February 2002 has been checked and is fully supported by vouchers and invoices which are submitted herewith and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and casting and the amounts shown are due for payment.

RHONDA HARDY  
Manager Accounting Services

J B TURKINGTON  
Director Resource Management

**CERTIFICATE OF MAYOR**

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$!The Formula Not In Table submitted to Council on 26 February 2002 is recommended for payment.

.....  
 Mayor John Bombak

**VOTING REQUIREMENTS**

Simple majority.

**RECOMMENDATION**

**That Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 January 2002, certified by the Mayor and Director of Resource Management and totalling \$11,311,103.69.**

<b>FUNDS</b>	<b>VOUCHERS</b>	<b>AMOUNT</b>
		\$ c
Director Resource Management Advance Account	036924-037606	5,097,599.61
Municipal	000297-000300	6,213,504.08
	<b>TOTAL \$</b>	<b>11,311,103.69</b>

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3agn260202.pdf](#)

## **ITEM 6 FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2002 – [07882]**

**WARD – All**

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### **PURPOSE**

The January 2002 financial report is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The January 2002 report is the sixth financial report for the 2001/2002 year. The report shows a variance of \$4.2m when compared to the Adopted Budget for the year to date. This variance reflects differences attributable to the timing of revenue and expenditure and does not represent net savings for the year. This January 2002 report compares the actual results to the adopted budget and does not include the amendments arising from the half-year financial review. These will be made in the February 2002 report.

This variance can be analysed as follows-

- The **Operating** position shows an Operating surplus of \$2.5m to budget at the end of January 2002 due to revenue received in advance of \$0.6m and the underspending in Labour and Materials & Contracts of \$1.9m.
- **Capital Expenditure** for the year-to-date is \$0.6m and is slightly below the year-to-date budget of \$1.1m, a variance of \$0.5m at the end of January 2002.
- **Capital Works** expenditure for the year-to-date amounted to \$5.0m against a year-to-date budget of \$6.2m, a variance of \$1.2m at the end of January 2002. However, the City has committed expenditure through raised purchase orders of \$0.88mm.

### **DETAILS**

The financial report for the month ending 31 January 2002 is appended as Attachment A

### **VOTING REQUIREMENTS**

Simple majority.

### **RECOMMENDATION**

**That the Financial Report for the month ended 31 January 2002 be NOTED.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf020226.pdf](#)

## **ITEM 7 WINDERMERE PARK, JOONDALUP CLUBROOMS LEASE – [07096]**

**WARD - Lakeside**

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### **PURPOSE**

To enter into a Lease with the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club jointly for the whole of Reserve No 46570 for the purpose of "Clubrooms".

### **EXECUTIVE SUMMARY**

In accordance with paragraph three (3), of the resolution at the Council Meeting of 21 December 1999, in the Council Report CJ448-12/99 "Proposed Facility on Windermere Park, Joondalup," it is recommended that a lease be entered into for the land and the facility with the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club jointly for the whole of Reserve No 46570 subject to:

- 1 the lease being for the purpose of "Clubrooms";
- 2 the lease being for a consideration of one dollar (\$1.00) per annum, to be paid if and when demanded;
- 3 the lease being for a term of twenty one (21) years commencing 1 July, 2001;
- 4 the lessee being responsible for all internal and external maintenance, excluding that of a structural nature;
- 5 all legal costs, State Revenue Department charges and all outgoings being met by the Lessees.
- 6 the lessee being responsible for insurance of public liability, workers compensation and building insurance including plate glass, in accordance with Council's standard lease term and conditions..

### **BACKGROUND**

At the Council meeting of 21 December 1999, Council Report CJ448-12/99 "Proposed Facility on Windermere Park, Joondalup", Council resolved as follows:-

- "1. APPROVE in principle the development of a meeting room, kitchen area and store room on Windermere Park, Joondalup, fully funded by the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club on the basis that there will be no further obligation to be met by Council for the development other than provision of the land;
2. APPLY to the Minister for Lands to be granted power to lease the area on which the proposed facility will be constructed in the Section 20a Recreation Reserve at Windermere Park, Joondalup;
3. APPROVE in principle entering into a lease for the proposed facility for the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Clubs subject to a further report to Council regarding the conditions of the lease agreement under the proviso that the Minister for Lands vests the land in the City of Joondalup with the power to lease; and



4. NOTE Council Officers will work with Joondalup Kinross Junior Football Club and Joondalup Kinross Cricket Club to develop the design of the facility to ensure it is appropriate for the proposed use and is constructed of correct materials for a public building and facilitates possible future extensions."

Since that time the City has been undertaking negotiations with the relevant clubs and the proposed terms relating to the lease.

The following information applies to the proposed Windermere Park facility:

<b>Suburb/Location:</b>	Joondalup
<b>Applicant:</b>	Joondalup Kinross Junior Football Club Joondalup Kinross Cricket Club
<b>Owner of Land:</b>	Crown
<b>Zoning: DPS:</b>	Local Reserve - Parks and Recreation (R20)

In accordance with paragraph two (2) of the resolution, The Department of Land Administration (DOLA) has now excised 177 m<sup>2</sup> from Reserve No 42556 (4.6951 ha) and a new reserve (Reserve No 46570) has been created, which is shown hatched black on Attachment "A."

It is recommended that the City enter into a joint lease arrangement with the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club who are both incorporated bodies which is a pre-requisite for an organisation to enter a lease arrangement. Leasing community facilities to community groups benefits both the City and community groups as follows:

- Existing organisation to provide community services and benefits.
- Securing tenure that enhances the opportunity to purchase equipment;
- Providing organisations with an opportunity to generate income;
- Assisting organisations with establishing an identity and degree of ownership;
- Improving opportunities to access sponsorship; and
- Enabling organisations to be autonomous.

The following tables give an overview of all the existing recreation leases and licenses granted by the City. The purpose of the table is to show the number and the types of organisation taking up a lease or a licence. The legal difference between these two legal instruments is as follows:

1. A lease provides for exclusive possession whereby the test for this is, who has the keys to a premises, who has the right to allow entry, who can undertake improvement and owns the plant and equipment.
2. A Licence allows use of a facility and can contain clauses relating to maintenance, public liability etc. however it does not give exclusive possession.

Previously the City has granted a licence to clubs who do not have the management infrastructure to be able to undertake the responsibilities that a lease endows. The City is currently reviewing the use of its legal instruments in regard to facility management and these

guidelines will then provide a blueprint for future administration of a lease or a licence if and when these agreements need to be negotiated.

Table 1, Community Recreation Leases, details the current groups/clubs that have leases with the City.

**Table 1 Community Recreation Leases**

Lessee	Land	Address	Term	Start Date	Finish Date	Initial Rent \$
Marmion Angling & Aquatic Club	Pt Res 20561	Westcoast Dr Marmion	21	1/06/1978	31/05/1999	\$1.00
Marmion Angling & Aquatic Club	Pt Res 20561	Westcoast Dr Marmion	21	1/06/1978	31/05/1999	\$1.00
Whitfords Sea Sports Club	Pt Res 20561	Ocean Reef Foreshore	21	1/01/1980	30/12/2000	\$1.00
City of Joondalup	Pt Lot 4	Joondalup Dr, Joondalup	20	1/12/1982	30/11/2002	\$1.00
Wanneroo District Basketball Association	Pt Lot 4	Joondalup Dr Joondalup	19	24/12/1982	23/12/2001	\$1.00
Whitfords Volunteer Sea Rescue Group	Pt Res 20561	Ocean Reef Foreshore	21	1/07/1983	30/06/2004	\$1.00
City of Joondalup	Pt Lot 145	719 Warwick Rd Warwick	25	1/01/1985	31/12/2009	\$1.00
Churches Of Christ Recreation Association	Pt Lot 145	719 Warwick Rd Warwick	19	1/04/1990	30/03/2009	\$1.00
Warwick Bowling Club	Pt Lot 145	719 Warwick Rd Warwick	2	1/07/1997	30/06/1999	\$1.00
Warwick Bowling Club	Pt Lot 145	719 Warwick Rd Warwick	2	1/07/1997	30/06/1999	\$1.00
Mullaloo Surf Lifesaving Club	Pt Res 20561	Foreshore Mullaloo	21	1/01/1987	31/12/2007	\$1.00
Sorrento Surf Lifesaving Club	Pt Res 20561	Foreshore Sorrento	21	1/01/1987	31/12/2007	\$1.00
Sorrento Soccer Club	Pt Res 33894	Warwick Rd Duncraig	21	1/01/1988	31/12/2008	\$1.00
Sorrento Tennis Club	Pt Res 33894	Warwick Rd Duncraig	21	1/01/1989	31/12/2009	\$3,500
Undercroft Bridge Club	Pt Res 33894	Beddi Rd Duncraig	10	1/10/1993	30/09/2003	\$1.00
Sorrento Bowling Club	Pt Res 33894 (Percy Doyle)	Warwick Rd Duncraig	10	1/08/1997	31/07/2007	\$3,500

Table 2: Licence to Occupy ( details the current groups/clubs that have licences with the City)

**Table 2 Licence to Occupy**

Club	Venue	Initial Occupation	Licence Start Date	Licence Finish Date
Whitfords Amateur Football Club	MacDonald Pavilion	1979	1-Jan-94	31-Dec-03
Whitfords and Districts Cricket Club	MacDonald Pavilion	1979	1-Oct-94	30-Sep-04
Whitfords Junior Football Club	MacDonald Pavilion	1979		
Whitfords City Soccer Club	Warrandyte Reserve Clubrooms	1983		
Greenwood Cricket Club	Pennistone Reserve Clubrooms	1988	1-Jan-94	31-Dec-03
Warwick/Greenwood Junior Cricket Club	Pennistone Reserve Clubrooms	1988		
Wanneroo Lacrosse Club	Pennistone Reserve Clubrooms	1988	1-Apr-95	31-Mar-05
Wanneroo/Joondalup Tee-Ball Club	Percy Doyle Pavilion	1989		
Sorrento/Duncraig Junior Football Club	Percy Doyle Pavilion	1989		
Kingsley/Woodvale Cricket Club	Kingsley Sports Hall	1990	1-Jan-94	31-Dec-03
Kingsley Junior Football Club	Kingsley Sports Hall	1990		
Kingsley/Woodvale Junior Cricket Club	Kingsley Sports Hall	1990		
Ocean Ridge Senior Cricket Club	Heathridge Park Clubrooms	1991	1-Oct-95	30-Sep-05
Ocean Ridge Junior Football Club	Heathridge Park Clubrooms	1991		
Kingsley Tennis Club	Timberlane Reserve Pavilion	1991	1-Jan-94	31-Dec-03
Kingsley Soccer Club	Chichester Reserve Clubrooms	1996	1-Oct-96	30-Sep-06
<b>PEPPERCORN LICENCE TO OCCUPY</b>				
Ocean Ridge Tennis Club	Pavilion	1987	1-Mar-87	28-Feb-08

## DETAILS

### Statutory Provision:

In accordance with the provisions of Section 42 of the *Land Administration Act 1997 (Land Act)*, DOLA set aside Reserve N<sup>o</sup> 46570 (Swan Location 14116) for the purpose of "Clubrooms".

In accordance with the provisions of Section 46 of the *Land Act*, DOLA issued the City of Joondalup with a Management Order with power to lease Reserve N<sup>o</sup> 46570 for the purpose of "Clubrooms".

In view of the above actions by DOLA, Council may now resolve in favour of the lease to the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club, subject to the approval of the Minister for Lands in accordance with the provisions of Section 18 of the *Land Act*.

As the proposed lease is to be to bodies where the objects of which are “recreational”, the lease would be an exempt disposition in accordance with the provisions of Regulation 30 of the *Local Government Act, 1995 (The Act)* and therefore not subject to the requirements of the provisions of Section 3.58 of the *Local Government Act 1995* .

### Consultation:

#### *The Sporting Clubs*

Council provided land on Windermere Park for two local sporting Clubs, Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club to construct a shared clubroom facility which upon completion will be jointly leased to these respective clubs. Subject to Council and the Minister for Lands approval, it was agreed in principle with the Clubs that they jointly enter into a lease with the City according to the following terms:

- a) Use: Clubrooms
- b) Term: 21 years
- c) Commencement date: 1 July, 2001
- d) Rental: One dollar (\$1.00), to be paid if and when demanded

#### *Department of Land Administration*

In accordance with paragraph three (3), of the resolution at the Council Meeting of 21 December 1999, in the Council Report CJ448-12/99 "Proposed Facility on Windermere Park, Joondalup," DOLA was advised of the request from the Clubs and subsequently set aside Reserve N<sup>o</sup> 46570 for the purpose of "Clubrooms" and issued the City of Joondalup with a Management Order with power to lease.

### Financial Implications:

The City's standard community lease arrangements are that the lessee is required to pay 1% of the current replacement value of the facility, LESS the percentage of the lessee's contribution. The two clubs fully fund the construction of the facility and it is therefore recommended that a peppercorn lease be granted in this instance. Upon expiry of the lease term the City will

become responsible for ongoing costs for maintenance, insurance etc. until such time as a new lease is negotiated

## COMMENT

The Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club have requested special dispensation as follows:-

1. A contribution by way of waiver (or significant discount), for the term of the lease, on the rates levied by the City of Joondalup.
2. A contribution by way of waiver (or significant discount) on the cost of preparing the lease, as per clause 3.3c of the standard lease document.
3. A contribution by way of Council providing ten x fold-up tables and sixty chairs as part of the fit out of the clubrooms.

In accordance with the City's Standard Lease, clause 3.1 "Rates and Taxes":-

*"The Lessee shall punctually pay all rates, assessments, levies or taxes levied or assessed or to be levied or assessed by the Commonwealth, the State, the local government, any water supply authority, any sewerage authority or by any other authority whether statutory, governmental, or otherwise which:*

- (a) *are at any time during the Term or any holding over to any extent charged on the Premises or on the Lessor in respect of the Premises or both; or*
- (b) *arise out of or by reason of the method or kind of business carried on by the Lessee."*

The above clause states that the lessee is responsible for paying local government rates. However, it is an established City practice that all groups on community leases have not been requested to pay local government rates. A report is currently being compiled detailing the impact of this. It is anticipated this report will be available for discussion in February/March 2002.

It is City of Joondalup practice for all community leases that the Lessee bears all legal costs in relation to the lease, regardless of the percentage of Lessee's contribution towards any construction. This cost is regarded as the base cost in setting up the lease and as there have been no exceptions in the past it is recommended that there be no change to this practice.

It is also the City's practice for the Lessee to supply and fund any furniture and fittings for the clubrooms and it is recommended that no change be made to this practice.

## VOTING REQUIREMENTS

Simple majority.

**RECOMMENDATION**

**That Council APPROVES entering into a standard recreation lease with the Joondalup Kinross Junior Football Club and the Joondalup Kinross Cricket Club for the whole of Reserve No 46570 subject to:-**

- 1 the Minister for Lands granting approval to the lease;**
- 2 the lease being for the purpose of "Clubrooms";**
- 3 the lease being for a consideration of one dollar \$1.00, to be paid if and when demanded;**
- 4 the lease being for a term of twenty one (21) years commencing 1 July, 2001;**
- 5 the Lessee being responsible for all internal and external maintenance, excluding that of a structural nature;**
- 6 all legal costs, State Revenue Department charges and all outgoings being met by the Lessees;**
- 7 the signing and affixing of the Common Seal to the lease document.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf020226.pdf](#)*



On 27 February, 2001 Council resolved to renew, with the Minister for Education, the leases for Craigie, Duncraig and Marmion Pre-Schools for a further 5 years, with an annual rental for each being \$3,000.00 and annual escalations of 5%.

The Lease for the Davallia Pre-School expired on 31 December, 2001 and the Minister for Education has requested renewal with similar terms and conditions as the Craigie, Duncraig and Marmion Pre-School Leases as follows:

- Lease term 5 years
- Annual rental escalations 5%
- Rent (Davallia) as of 1 January, 2002 \$3,150.00

In view of the continued requirement for the Pre-School and the agreement to bring rental into line with its other renewed leases, the City has agreed with the request subject to Council approval.

## **DETAILS**

The Lease of the Davallia Pre-School expired on 31 December, 2001, but there is a continued need for the premises as a Pre-School beyond the expiry date.

Davallia Pre-School is located at 487 Beach Road, Duncraig, which is legally described as Lot 159 on Plan 10135 and being the whole of the land in Certificate of Title Volume 617 Folio 88A with the City of Joondalup having freehold ownership. The Davallia Pre-School lease area is shown shaded in Attachment “A”.

As the Pre-School is situated on land held in freehold by the City, no approval by the Minister for Lands is necessary to renew this Lease.

### **Statutory Provision:**

The Lease must be to the Crown for educational purposes. Also, as the Lessee and the purpose independently qualify as exempt dispositions under Regulation 30(2) (I) of the *Local Government (Functions and General) Regulations 1996*, there is no need to comply with the disposal conditions as provided by Section 3.58 of the *Local Government Act, 1995*.

### **Consultation:**

Following the agreement by the Minister for Education to renew the expired Marmion, Duncraig and Craigie Pre-School Leases at an annual rental of \$3,000 as from 1 January, 2001, the Department was contacted with a view to standardising the remaining two leases at Davallia & Yagan Pre-Schools. On 19 December 2001 the Department accepted the proposal for renewal of the Davallia Pre-School at the new rental and for further term of 5 years.

The Department also indicated that they will not renew the Yagan Pre-School lease after expiry on 31 December 2002.

The Minister for Education, the City of Stirling and City of Canning were consulted regarding rental payments by other local governments. Currently both the Cities of Stirling and Canning charge the Minister for Education \$2,000 per annum.

The rental of \$3150 is favourable when comparing to similar facilities leased by other Local Governments. In comparison to ‘commercially’ operated for example the Grove Child Care Centre where the rent is approximately \$13,000 pa the Pre-school rental value is significantly lower which is due to zoning and usage restrictions.

### Financial Implications:

When the leases for the Marmion, Duncraig and Craigie Pre-Schools expired, new leases were negotiated to increase the annual rental to \$3,000 for each and that rental being escalated annually by a flat 5%.

Prior to the re-negotiation each lease had a different rental even though the premises were all nearly identical. The rental table below indicates that effective 1 January 2003 the rental will be consistent for all Pre-School leases to the Minister for Education.

The change to a flat 5% annual escalation was preferred to CPI from a budgeting point of view. Also, as three of the five leases commenced in three different financial quarters, individual CPI escalations would differ from each other in the same year. This is illustrated in the 1 Jan-2000 column of the Table below.

EDUCATION DEPARTMENT LEASES - RENTAL (Excluding GST) Per annum					
		1 Jan-2000	1 Jan-2001	1 Jan-2002	1 Jan-2003
<b>Craigie Pre-School</b>	Escalation	5.98%		5.00%	5.00%
	Rent	\$1459.13	<b>\$3,000.00</b>	\$3,150.00	\$3,307.50
<b>Duncraig Pre-School</b>	Escalation	3.15%		5.00%	5.00%
	Rent	\$1226.38	<b>\$3,000.00</b>	\$3,150.00	\$3,307.50
<b>Marmion Pre-School</b>	Escalation	1.80%		5.00%	5.00%
	Rent	\$1318.75	<b>\$3,000.00</b>	\$3,150.00	\$3,307.50
<b>Davallia Pre-School</b>	Escalation	1.80%	5.71%		5.00%
	Rent	\$1547.12	\$1,635.54	<b>\$3,150.00</b>	\$3,307.50
<b>Yagan Pre-School</b>	Escalation	1.80%	5.71%	2.49%	
	Rent	\$1550.97	\$1,639.60	\$1,680.43	<b>To Expire</b>

### COMMENT

Housed within the Davallia Pre-School building is the Carine Child Health Clinic, which will be excluded from the lease area and be made the subject of a special condition permitting access to the Clinic through the leased premises. The Lease plan, Attachment “A” shows the Child Health Clinic as excluded from the lease area.

In accordance with the City’s standard lease all maintenance, save fair wear and tear, will be the responsibility of the Lessee. Also, as agreed by the Minister for Education in previous Pre-School leases, there will be an additional clause stipulating that the cost for any repair, maintenance or cleaning found to be necessary by the City and subsequently undertaken by the City will be debited to the Lessee. The effect being, the premises will be maintained to the City’s standards at the cost of the Lessee.

A Clause requiring unimpeded access to the Carine Child Health Clinic is also standard for Minister for Education leases.



## VOTING REQUIREMENTS

Simple majority.

## RECOMMENDATION

**That Council APPROVES the renewal of the lease with the Minister for Education for the Davallia Pre-School subject to:**

- 1 the Davallia Pre-School Lease being for a period of 5 years commencing 1 January, 2002 with no options to renew and rental of \$3,150 per annum with escalations of 5% per annum;**
- 2 the signing and affixing of the Common Seal to the lease documents for the Davallia Lease.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf020226.pdf](#)*

## **ITEM 9 METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO.1037/33 NORTH WEST DISTRICT OMNIBUS (N0.5) – [85514]**

**WARD** – Lakeside, South and North

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### **PURPOSE**

The purpose of the report is for Council to consider a number of amendments proposed to the Metropolitan Region Scheme, which affect land in the City of Joondalup.

### **EXECUTIVE SUMMARY**

The Western Australian Planning Commission (WAPC) has recently initiated an omnibus amendment to the Metropolitan Region Scheme (MRS) relating to land located in the Cities of Joondalup, Stirling, Wanneroo and the Town of Vincent.

The WAPC is seeking Council's comments on the proposed amendment, particularly the proposals within the City of Joondalup. The land affected within the City of Joondalup is as follows and maps depicting the affected land are included as attachments:

1. Lot 9 Drovers Place, Joondalup (Attachment 1).
2. Rationalisation of the City Centre Zone and the Parks and Recreation reservation for the Yellagonga Regional Park in Joondalup (Attachment 2).
3. Rationalisation of the Other Regional Roads reservations for Joondalup Drive, Hodges Drive, Moore Drive, Shenton Avenue, Connolly Drive, Marmion Avenue and Burns Beach Road in Iluka, Joondalup and Currambine (Attachments 3A, 3B, 3C & 3D).
4. Crown reserve 36035 Edgewater Drive, Edgewater (Attachment 4).
5. Portion of Pt Lot 62, Lots 63, 98 and 99 Hocking Road, Kingsley (Attachment 5).
6. Portion of Woodvale Drive and Lot 71 Woodvale Drive, Woodvale (Attachment 6).
7. Crown Reserves 45877 and 45894 Waterview Drive, Woodvale (Attachment 7).
8. Lot 25 Waterview Drive, Woodvale (Attachment 8).
9. Lot 20000 Woodlake Retreat, Kingsley (Attachment 9).
10. Crown Reserve 40085 Lakeway Drive, Kingsley (Attachment 10).
11. Rationalisation of the Public Purpose (High School) reservation for Crown Reserve 38210 (Warwick Senior High School) and the Parks and Recreation reservation for Pt Lot 145 Erindale Road in Warwick (Attachment 11).

The proposed changes are considered to be minor changes, have no adverse impacts, and are in keeping with planning for the City. It is recommended that the amendment be supported.

## BACKGROUND

<b>Suburb/Location:</b>	Various
<b>Applicant:</b>	Western Australian Planning Commission
<b>Owner:</b>	Various
<b>Zoning:</b>	<b>DPS:</b> Various
	<b>MRS:</b> Various
<b>Strategic Plan:</b>	<u>Lifestyle – Strategy 2.6</u> Promote and enjoy lifestyles that engender Environmental, Social and Economic balance.

## DETAIL

### Current Proposal or Issue

This omnibus amendment proposes to incorporate changes to zones and reservations arising from decisions made by the WAPC or Government proposals for the use of land, and generally to ensure the MRS is kept up to date as the statutory region plan for Perth.

The WAPC is seeking formal comment on the proposals within the City of Joondalup.

Proposals nine, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, twenty one, twenty two and twenty four of the MRS Amendment document affect the City of Joondalup (refer to Attachments). For ease of reference these have been re-numbered below as one to eleven and are described as follows:

**1. Transfer of Lot 9 Drovers Place, Joondalup from the Parks and Recreation reservation to the Public Purposes (Water Authority of WA) Reservation (Attachment 1).**

This proposal involves the transfer of Lot 9 Drovers Place, Joondalup from Parks and Recreation to Public Purposes. The Water Corporation's Neerabup Water Transfer Station is located on lot 9 and the amendment would allow the land to be appropriately rezoned for its intended purpose.

**2. Rationalisation of the City Centre zone and the Parks and Recreation reservation for the Yellagonga Regional Park in Joondalup (Attachment 2).**

This proposal seeks to rationalise the City Centre zone and Parks and Recreation reservation for the Joondalup foreshore to accord with the subdivision pattern and dedicated public roads created since the reservation/zone boundaries were originally put in place. All alterations are minor.

**3. Rationalisation of the Other Regional Roads reservation for Joondalup Drive, Hodges Drive, Moore Drive, Shenton Avenue, Connolly Drive, Marmion Avenue and Burns Beach Road in Iluka, Joondalup and Currambine (Attachments 3A, 3B, 3C & 3D).**

This proposal involves minor revisions to the Other Regional Roads reservations for Joondalup Drive, Hodges Drive, Moore Drive, Shenton Avenue, Connolly Drive,

Marmion Avenue and Burns Beach Road in Iluka, Joondalup and Currambine to conform to established subdivision patterns and dedicated public roads. All alterations are minor.

**4. Transfer of a portion of Crown Reserve 36035 Edgewater Drive, Edgewater from the Urban zone to the Parks and Recreation reservation (Attachment 4).**

Crown Reserve 36035 was created in 1979 and vested in the Shire of Wanneroo for Public Recreation purposes. The land was ceded to the Crown as a condition of subdivision for the adjoining residential subdivision. The reserve is adjacent to land within the Yellagonga Regional Park, which was reserved for Parks and Recreation in 1975. The proposal to include a portion of Crown Reserve 36035 within the Parks and Recreation reservation will recognise the passive recreation and conservation function of the reserve and its relationship to Yellagonga Regional Park.

**5. Transfer of a portion of Pt Lot 62, Pt Lot 63 and Lots 98 and 99 Hocking Parade, Kingsley from the Rural zone and Parks and Recreation reservation to the Urban zone (Attachment 5).**

This proposal seeks to rezone a portion of Pt Lot 62, Pt Lot 63 and Lots 98 and 99 Hocking Road, Kingsley to the Urban zone. This land is a remnant Rural zoned pocket of land surrounded by Urban and Industrial zoned land to the east, parks and recreation reservations to the west and large ‘Special Residential’ lots to the south. Lot 99 contains an indoor sports centre and the Cherokee Village is located on Lot 98.

The North West Corridor Structure Plan (1992) identified the portion of Pt Lot 62, Pt Lot 63, lots 98 and 99 as ‘Subject to City of Wanneroo Local Structure Planning’. Given the site’s constrained access arrangements and taking into account the surrounding landuses, future proposals for landuses, which are low traffic generators and have high visual amenity, would be suitable.

Lots 63, 98 and 99 Hocking Road, Kingsley do not contain any regionally significant vegetation or wetlands and can be connected to major services. Lots 63 and 98 have been used for market gardening in the past and may require a Site Remediation and Validation Report to determine if soil and groundwater is contaminated.

The WAPC acquired Pt Lot 62 Hocking Road in 1975 and included it in the Park and Recreation Reserve.

**6. Rezoning of a portion of Woodvale Drive and Lot 71 Woodvale Drive, Woodvale from the Rural zone to the Urban zone (Attachment 6).**

The proposal involves the rezoning of a portion of Woodvale Drive and Lot 71 Woodvale Drive from Rural to Urban zone and has been requested by the City at the request of the landowner. Lot 71 is 2000m<sup>2</sup> in area and does not contain any regionally significant vegetation. The portion of Woodvale Drive abutting Lot 71 will form part of the Urban zone.

The proposal is abutting an existing residential subdivision and can easily be connected to major services. The proposed rezoning of the land to the Urban zone will enable the City to consider future land use options for the site and to initiate an amendment to District Planning Scheme No 2 (DPS2).

**7. Transfer of Crown Reserve 4587 and 45894 Waterview Drive, Woodvale from the Urban zone to the Parks and Recreation reservation (Attachment 7).**

Crown Reserves 45877 and 45894 were created in 1999 and vested in the City for Drainage and Public Recreation purposes respectively. The land was ceded to the Crown as a condition of subdivision for the adjoining residential subdivision. The reserves are adjacent to land within the Yellagonga Regional Park and it is intended that the land be included within the Parks and Recreation reservation, so as to recognise the passive recreation function of the reserves and their relationship to Yellagonga Regional Park.

**8. Transfer of Lot 25 Waterview Drive, Woodvale from the Urban zone to the Public Purposes (Water Authority of WA) Reservation (Attachment 8).**

The proposal involves the transfer of Lot 25 Waterview Drive, Woodvale from Urban zone to Public Purposes. The Water Corporation's Sewerage Pumping Station has been constructed on the site to serve the adjoining residential subdivision and the amendment would allow the land to be appropriately zoned.

**9. Transfer of Lot 20000 Woodlake Retreat, Kingsley from the Parks and Recreation reservation to the Public Purposes (Water Authority of WA) Reservation (Attachment 9).**

The proposal involves the transfer of Lot 20000 Woodlake Retreat, Kingsley from Parks and Recreation to Public Purposes. Lot 20000 contains the Water Corporation's Sewerage Pumping Station, which has been constructed to serve the adjoining residential subdivision and is part of the Water Corporation's strategy to serve future urban development in the eastern portion of Kingsley and Madeley. The WAPC has required the Sewerage Pumping Station to be created as a Crown Reserve.

**10. Transfer of Crown Reserve 40085 Lakeway Drive, Kingsley from the Urban zone to the Parks and Recreation reservation (Attachment 10).**

The proposal involves the transfer of Crown Reserve 40085 Lakeway Drive, Kingsley from the Urban zone to the Parks and Recreation reservation. The land was ceded to the Crown as a condition of subdivision for the adjoining special residential subdivision.

The reserve is adjacent to land within the Yellagonga Regional Park, and the proposal is to include the land within the Parks and Recreation reservation, so as to recognise the passive recreational function of the land and its relationship to Yellagonga Regional Park.

**11. Rationalisation of the public Purpose (High School) reservation for Crown Reserve 38210 (the Warwick Senior High School) and the Parks and Recreation reservation for Pt Lot 145 Erindale Road in Warwick (Attachment 11).**

This proposal seeks to rationalise the Public Purpose (High School) reservation for the Warwick Senior High School and the Parks and Recreation reservation in the Metropolitan Region Scheme for Pt Lot 145 Erindale Road in Warwick, so that the reservations are consistent with the Crown Reserves and lot boundaries.

Crown reserve 38210 was created in 1983 and is vested for a school site. A significant portion of Pt Lot 145, which has an area of more than 85 hectares, is identified in 'Perth's Bush Forever (2000)' containing regionally significant vegetation and included in Bush

Forever Site No.202. The proposal will transfer approximately 2.3 hectares of Bush Forever Site No.202 from Public Purpose (High School) reservation to the Parks and Recreation reservation in the MRS.

### **Statutory Provision:**

The Metropolitan Region Town Planning Scheme Act (Section 33) regulates the amendment process. Any proposal to modify the MRS must be advertised for a period of three months during which landowners whose property is directly affected by a proposed change are contacted by letter. The public is also informed by advertisements in local and statewide newspapers (Attachment 12).

At the end of the submission period the WAPC considers all submissions and decides whether to alter the amendment or proceed with the original proposal. A recommendation is made to the Hon Minister for Planning and the Hon Minister presents it to the Governor for approval. Within three months of a Metropolitan Region Scheme Amendment the affected local government(s) are required to initiate amendments to their Scheme to ensure compliance with the broad zonings and reservations of the MRS.

### **Consultation**

The Commission has sought public comment on the amendment proposals via advertisements in *The Government Gazette* on Tuesday 11 December 2001, *The West Australian* newspaper on Saturday 15 December 2001 and *The Sunday Times* newspaper on Sunday 16 December 2001. Notices were also placed in relevant local newspapers.

Formal submissions are invited and must be lodged by Friday 5 April 2002.

### **COMMENT**

The purpose of this MRS amendment is to update the MRS and is a continuation of the program of major amendments to the MRS, which commenced in April 1993.

The changes identified in proposals 1-4 and 7-11, are considered to be minor changes, have no adverse impacts, and are in keeping with the planning for the City.

The rezoning of Pt Lot 62, Pt Lot 63, Lots 98 and 99 Hocking Parade and a portion of Woodvale Drive and Lot 71 Woodvale Drive, Woodvale (proposals 5 & 6) from Rural zone to Urban zone will require the City to consider future land use options for this land and initiate an amendment to DPS2.

Discussions with landowners to date have indicated that an expanded range of commercial uses is desired for Lot 99, the existing caravan park use is to be continued on Lot 98, and Pt Lot 63 and possibly Pt Lot 62 may be developed to aged persons or nursing home use. These issues will be fully examined when the necessary amendment to DPS2 is considered.

There are no planning objections to the proposed amendment and support is recommended.

### **VOTING REQUIREMENTS**

Simple majority.

## **RECOMMENDATION**

**That Council ADVISES the Western Australian Planning Commission that the changes to the Metropolitan Region Scheme proposed in Amendment No 1037/33, North West Districts Omnibus No.5 are supported.**

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf020226.pdf](#)*

## **ITEM 10 CLOSURE OF CROWN LAND AIRSPACE DUE TO BALCONY ENCROACHMENTS - LOT 200 (167) GRAND BOULEVARD, JOONDALUP - [06033] [37738]**

**WARD** – Lakeside

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### **PURPOSE**

The purpose of this report is for Council to consider the closure of Crown land airspace due to balcony encroachments.

### **EXECUTIVE SUMMARY**

Lot 200 (167) Grand Boulevard, Joondalup has been developed with balconies encroaching into the airspace above the road reserve (Grand Boulevard) and the pedestrian accessways to the east and south of the development.

The Department of Land Administration (DOLA) requires the transfer of the airspace to the developer in regards to the area of encroachment with financial compensation. In order to facilitate the transfer standard Crown land closure actions are to be followed.

The subject balconies already exist (Attachment 1) and commence on the first floor of the building. Thus closure of the subject airspace will not have any physical bearing on the land itself. The action of closure is purely to allow consideration for a change of tenure.

The City has complied with all aspects of the Crown land closure process. In view of no submissions being received it is recommended that closure of the airspace with regard to the subject portions of road reserve and pedestrian accessways be supported.

### **BACKGROUND**

**Suburb/Location:** Lot 200 (167) Grand Boulevard, Joondalup  
**Applicant:** Australand Holdings Ltd  
**Owner:** As above  
**Zoning:** **DPS:** Centre Zone  
**MRS:** Central City Area Zone  
**Strategic Plan:** Lifestyle – Strategy 2.6  
Promote and enjoy lifestyles that engender environmental, social and economic balance

The development on the subject site consists of a mixed use building built to the boundary on three sides, Grand Boulevard, Central Park (Lot 1100) and a pedestrian accessway (Attachment 2).

The Joondalup City Centre Development Plan and Manual requires where development abuts a street or thoroughfare that a means of shelter for pedestrians is provided. In the past balconies have been considered an acceptable form of shelter. Development containing balconies projecting into reserves has been common throughout the metropolitan area.



Recently DOLA has requested they be advised of strata applications where balconies encroach over Crown land. DOLA now wants to consider a transfer of tenure to the developer with regard to the area of encroachment with appropriate financial compensation.

## **DETAILS**

### **Current Proposal or Issue**

The development has a number of areas that encroach over the boundary. The Grand Boulevard boundary has six areas that encroach over the road reserve. These areas contain thirty three separate balconies on the first, second and third floor (Attachment 1). The eastern boundary abutting the Central Walk has eight areas of encroachment, containing twenty four balconies on the first, second and third floors. The southern boundary abutting Central Park has five encroachments, containing twenty separate balconies on the first and second floors.

The balconies encroach horizontally into the airspace by a distance of no more than 0.88 metres and the developer wishes to include these balconies as part of their development. DOLA's advice with regard to applications of this nature is for local authorities to follow standard Crown land closure procedures.

### **Road Closure (Grand Boulevard)**

On receipt of a request to close a portion of road the service authorities are requested to provide details of any services that would be affected by the proposed closure. All costs and conditions associated with modification of services are to be met by the applicant if closure is the outcome. The proposal is also forwarded to the Department of Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI raise no objection to the proposal and the applicants have agreed to meet all associated costs and conditions, then the application is advertised for public comment.

Council then considers the request together with any public comments received. Should Council support a road closure application relevant documentation is forwarded to DOLA with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

### **Pedestrian Accessway Closure (Central Park and Central Walk)**

The process to close a pedestrian accessway is governed by the Administrative Guidelines for Pedestrian Accessway Closure/Disposal as produced by DOLA and the Western Australian Municipal Association. This process is identical to that for road closures as above.

### **Statutory Provision:**

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to the DOLA. DOLA also require other supporting documentation to be provided such as confirmation that the DPI has not objected to the proposal.

DOLA determines the purchase price, arranges any easements and survey/graphic requirements and undertakes conveyancing. The purchase price is fixed by DOLA in consultation with the Valuer General and is usually the unimproved market value of the land.

**Consultation:**

The City was advised by DOLA that direct consultation with the DPI was not necessary with regard to the closure of Crown Land airspace and the City is aware that DOLA and the DPI have been in contact regarding this request. The service authorities were contacted and no objections were raised.

The public advertising period took place between 27 December 2001 and 31 January 2002, during which time the City did not receive any written submissions.

**COMMENT**

DOLA has advised local authorities that where development which is subject to the Strata Titles Act 1985 has balcony encroachments over Crown land, then a transfer of tenure for the associated Crown land airspace will be necessary. DOLA's view is that such properties benefit by encroaching into Crown land airspace and the Crown should be compensated. DOLA favours the airspace being sold in freehold, however the WAPC does not agree with this type of tenure. Accordingly there is a moratorium on any such new applications until a common position is established.

Closure of the subject portions of Crown land airspace does not have any impact on the pedestrian accessways or the Grand Boulevard road reserve. The balconies are existing and commence at a first floor level upwards so do not have any physical bearing on the land itself.

As stated previously there is presently a moratorium on new applications of this nature and all proposed developers of land within Joondalup City Centre are being advised of this issue when enquiring about their building options. For existing applications, in an effort to advance the transfer of tenure question, standard Crown land closure practices will take place.

In view of no submissions being received it is recommended that closure of the airspace with regard to the subject portions of road reserve and pedestrian accessways be supported.

**VOTING REQUIREMENTS**

Simple Majority

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

- 1 SUPPORTS the closure of the portions of Grand Boulevard road reserve airspace associated with the balconies on the western boundary of Lot 200 (167) Grand Boulevard, Joondalup;**
- 2 SUPPORTS the closure of the Crown land airspace associated with the balconies on the southern and eastern boundaries of Lot 200 (167) Grand Boulevard, Joondalup;**
- 3 REQUEST the Department of Land Administration to commence actions to formally close the subject portions of Crown land airspace.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf020226.pdf](#)*

## **ITEM 11 OPPORTUNITY STUDY FOR LIBRARY AND COMMUNITY FACILITIES AT WHITFORD CITY – [05097]**

**WARD - Whitfords**

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### **PURPOSE**

To report on opportunities for the relocation of Whitfords library and community facilities within the expanded Whitford City Shopping Centre and to call for elected member representation within a working group examining future development options.

### **EXECUTIVE SUMMARY**

Refurbishment and expansion of the Shopping Centre is proposed over the next 2 years. The design incorporates a unique opportunity to consider re-location of Council community services and library activities to an optimum location within the new centre.

A working team has been formed to:

1. Establish consolidated views on the development opportunity;
2. Develop a picture of the City's needs and desires for a new facility to serve the surrounding residents,;
3. Report on issues associated with the Council asset on the adjacent land and options for its future; and
4. Assist in liaising with the owners of the Centre.

It is proposed to include elected members on the working group to give Council ownership of the work from this early stage. Due to the scale of the project and the potential implication for current facilities in the area, it is recommended that the local Ward Councillors be appointed to the group and that the information contained within this report be noted by the Council.

### **BACKGROUND**

#### Whitford City Expansion Proposals

Members of the Executive Team met with the representatives of the Whitford City Shopping Centre in late 1999. The discussions were informal, however, a desire was expressed for the owners to consider future community opportunities that could be incorporated in the new development scenario.

In September 2000 and November 2001, Development Application (DA) plans were approved for alterations and additions to the centre. The November 2001 plans constituted a minor revision to the September 2000 plans (being the subject of a Desk of the CEO advice, and subsequent planning approval under Delegated Authority). The owners have moved to developing working drawings, with the intention of staged works being undertaken over the next two years.

The DA plans include areas that may have the potential for negotiation with the City. Critical features of the current DA in this context are:

- ❑ approximately 2500m<sup>2</sup> is notionally available
- ❑ space would be available on two levels
- ❑ space would be easily accessible (close to parking and access points and potentially open for extended hours)
- ❑ outside location would assist with understanding of location, advertising and ease of access.

### Council Library and Senior Citizens Centre

The current Council facilities are located on the adjacent Lot 503, which Council owns in freehold title. Preliminary investigations have been carried out to:

- ❑ determine the value of the current asset
- ❑ examine the state of the building
- ❑ quantify current floor space requirements
- ❑ estimate likely future floor space needs

The future of the existing development is a key factor in any initiative to relocate facilities to a more appropriate or beneficial location.

Council's asset is described as Lot 503 (Vol 1551 Fol 105), and has an area of 8002m<sup>2</sup>. The land is zoned "Civic and Cultural" under the City's District Planning Scheme No. 2, and Urban under the Metropolitan Region Scheme.

### **DETAILS**

Attachment 1 indicates the site plan for the refurbished centre, as approved, with the adjacent Council landholding clearly shown.

The project is in its infancy, but due to likely timing requirements of the owners of the centre, matters will need to progress rapidly to facilitate proper consideration of the development opportunity.

### **Statutory Provision**

Commercial negotiations will likely trigger statutory processes under the Local Government Act 1995 and related regulations. The processes are currently being documented to factor into scenarios for future consideration.

From a planning perspective, it is likely that the re-use of Lot 503 would require rezoning and potentially other changes to the District Planning Scheme No 2 (DPS2). These issues are also being researched for future reporting.

### **Consultation**

Community consultation is not proposed at this time, due to the early stage of discussions, however statutory processes will require consultation where significant decisions are proposed.

Separately, Council has an established record of public consultation where not required to do so. A strategy will need to be developed to consider this aspect.

Due to the location of the site, it is recommended that community involvement in this project commence by elected representatives from the Ward being nominated to form part of the working team.

### **Financial Implications**

The project promises to provide a unique opportunity.

Significant costs of relocation and a new facility must be balanced against the potential benefit to be derived from Lot 503 and associated costs of maintaining the existing asset. The current buildings are over 20 years old.

Tenure of a new facility and related commercial arrangements are all key concerns that will require further study if Council is satisfied that the opportunity suits the Council strategically

### **Strategic Implications**

The proposal has the opportunity to provide a demonstrable response to the mission contained in the Strategic Plan, which is:

*“developing partnerships to enhance growth, economic vitality, and diversity of lifestyle, through leadership”*

Dependent upon uses, the facility could touch many, if not all, key result areas (leadership, economic vitality, lifestyle and organisational culture) described in the Strategic Plan.

### **COMMENT**

#### **Development Opportunity**

The most likely development scenario is one where a new facility within the centre would be offered, with the facility cost being funded by the disposal or re-use of the existing facilities on adjoining Lot 503. There may be variations that arise from this simplistic scenario, however, each will require consideration of questions relative to:

1. Long term tenure of a new facility compared to freehold ownership of the existing site;
2. Value of current assets and maintenance costs;
3. Strategic value of Lot 503 to the centre owners;
4. Opportunity benefits of designing a new facility from the ground up; and
5. Increased accessibility and patronage to a new facility that could arise from relocation.

The scenario presents a unique opportunity to create a facility designed for future multiple uses, with significant exposure to residents visiting Whitford City.

Anecdotal evidence suggests that facilities that have been relocated to regional shopping centre locations have enjoyed greatly improved patronage from the respective community.

The proposal has the potential to address past criticism made of the Council for the perception of varying levels of scrutiny, care and investment that are applied in different suburbs within the City. Objectively, the location could be a southern focus for community activities that would complement the activities to be offered within the City Centre area.

### **Reporting framework**

Project planning indicates that the working team will meet approximately once per month (during working days) for the next three months, depending on developer time frame requirements (which are currently being confirmed), with progress reports being provided through to the Executive Management Team, before presentation to Council.

It is recommended that Council supports the required investigative work and nominates the Whitfords Ward members to form part of the project team

### **VOTING REQUIREMENTS**

Simple majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 NOTES the content of this preliminary report;**
- 2 NOMINATES Cr Hurst and Cr Mackintosh to form part of the project team.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf020226.pdf](#)*

**ITEM 12 PROPOSED 20 MULTIPLE DWELLINGS REQUIRING VARIATIONS TO POLICY 3.1.9 (HEIGHT AND SCALE OF BUILDINGS WITHIN A RESIDENTIAL AREA) AND FRONT AND SIDE SETBACKS: LOT 48 (41) CURRAMBINE BOULEVARD, CURRAMBINE - [42892]**

**WARD – North Coastal**

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**PURPOSE**

The development proposal is referred to Council for determination due to the discretions requested, scale, bulk and its relationship to existing residential development in the surrounding area.

**EXECUTIVE SUMMARY**

An application has been received for a three storey multiple dwelling development consisting of 20 apartments at Lot 48 (41) Currambine Boulevard, Currambine. Consideration of the proposal was deferred at the December Council meeting.

On 8 February 2002, Ward members, two local residents, the developer and City staff met to discuss the application and concerns about its compatibility with the predominant form of surrounding single residential development. A negotiated outcome was unable to be achieved.

Council discretion is sought in this instance as the proposal:

- ◆ Exceeds the building height envelope in the Height and Scale of Buildings within a Residential Area Policy 3.1.9
- ◆ Requires front and side setback variations to the Residential Planning Codes (R-Codes)

The proposed multiple dwellings create an interesting urban façade which is achieved by reducing the street setback to a minimum of 1.5 metres in lieu of the standard 9 metre front setback. The multiple dwellings have been designed to address the street by way of windows, balconies and open fencing which provide natural surveillance to the street and surrounding areas. The design also provides for ample and adequate communal open space, good pedestrian footpaths with complimentary landscaping and fencing.

The proposal has been advertised and submissions have raised issues in regard to the lot being developed for multiple dwellings instead of single houses (which is apparently contrary to marketing advice provided when the lots were first sold), potential increase in traffic, visitor and tenant car parking, access off Currambine Boulevard, devaluation of properties and the excessive height of proposal.

Having regard to the submissions received, the irregular shape of the lot, constraints of a rear Right of Way (ROW), R-80 density and close proximity to public transport, the planning variations proposed are appropriate for the style, scale and density of the development and are therefore considered to be reasonable. It is recommended that Council exercise discretion under District Planning Scheme No 2 (DPS2) and the R-Codes to vary the requirements and approval is recommended.



## BACKGROUND

Suburb/Location	Lot 48 (41) Currambine Boulevard, Currambine
Applicant	Ausiasia Design Consultants
Land Owner	Firstland Investment Pty Ltd
DPS2 Zoning	Residential R-80
MRS Zoning	Urban

The subject lot is an irregular shaped block with an area of 2770m<sup>2</sup>. A 2.5 metre wide unconstructed Right of Way (ROW) abuts the north side of the land, and the remaining lot boundaries front public streets (as shown on the attached plan). The lot is a vacant site and slopes gently in an east/west direction. The Currambine Railway Station is located to the east of the site, while single residential development is located opposite the site.

The proposal was considered by Council on 18 and 19 December 2001 where it was resolved as follows:

***“that Council DEFERS consideration of the application and revised plans dated 25 October 2001 submitted by Ausiasia Design Consultants on behalf of the owners, Firstland Investment Pty Ltd, for 20 Multiple Dwellings at Lot 48 (41) Currambine Boulevard, Currambine as:***

- 1 the Ward Councillors and local residents have not been fully informed on the development;***
- 2 the development is inappropriate in the area.”***

## DETAILS

### Proposal and Discretion Sought

The subject lot is 2,770m<sup>2</sup> in area (which includes 215m<sup>2</sup> of proposed ROW). It is one of the larger super lots designated for high residential density in this precinct. The subject land is zoned R-80, which can allow up to 8 dwellings/1000m<sup>2</sup> of land. The proposal is for two, 3 storey blocks of 3 bedroom multiple dwellings which are ‘D’ uses under DPS2. The design incorporates part of the communal open space to be provided at ground level beneath Block A. The multiple dwellings have been designed with various features to address the street such as windows, Juliet balconies and open fencing.

The total height of the buildings from natural ground level is 10.4 metres. The maximum height permitted in Policy 3.1.9 is 8.5 metres. The proposal exceeds Policy 3.1.9 by 1.9 metres.

The applicant has also requested a front setback variation of 1.5 metres in lieu of 9 metres and a nil side setback in lieu of 1.5 metres (for the stores).

The applicant has provided the following comments in support of the proposal:

*“A total of 34 car bays has been provided in lieu of 31 carbays with provision of 525m<sup>2</sup> of communal open space in lieu of 510 m<sup>2</sup>”*

*The lot being narrow at one end and wider at the other is an irregular shaped block. As we have to give 2.5 metres to the rear ROW, this places further constraints on the setback requirements. By bringing the building forward it will enhance the amenity and streetscape character of the surroundings, looking down the street of Currambine Boulevard towards the train station. These units are lower than the railway track and with the station at one side, it will further build the character of the street. However, being an R-80 site, the irregular shape of the block, providing a 2.5 metre Right of Way at the other end and fulfilling all other requirements, it gives us a lot of constraints on the required setbacks. This development will be landscaped inside and all around the street reserve, which will further enhance the street. This development will build investor confidence in Currambine in the form of high density development close to public transport. The greater number of units that can be built on the land would help increase the usage of public transport and less usage of public car parks at the station and city, which is in line with the Government's objective of a cleaner environment."*

### Right of Way

The subject site has an unconstructed ROW 2.5 metres wide at the rear of the block (north side) which was created as part of the subdivision of the area. When the remaining lot to the rear of the subject site is developed, there is a requirement (applied at the subdivision approval stage) for the rear landowners to cede a further 2.5 metres of land for the remaining width of ROW. This will create a combined ROW width of 5 metres allowing rear access to the adjoining lots. The above proposal has been designed to gain vehicle access to the ROW when it is fully established and constructed. The cost of construction will be borne by the respective landowners abutting the subject ROW. For the current proposal, the main access to the development is via Currambine Boulevard with a temporary access/crossover off Sunlander Drive. Once the ROW has been fully constructed, the temporary access off Sunlander will be closed and the verge reinstated at the applicant's cost.

### **Statutory Provisions**

Council is required under Clause 6.1 of DPS2 to consider this proposal. Should the proposal be refused, further deferred or the conditions applied to an approval be considered onerous, the applicant/owner has the right to appeal to the Minister for Planning or the Town Planning Appeal Tribunal.

Clause 1.7 of the R-Codes allows Council to vary setbacks provided amenity issues under Clause 1.2 of the R-Codes are being satisfied.

### **Consultation:**

The proposal was advertised to adjoining and nearby landowners for a period of 14 days in respect to the development and the variations requested. A sign was also placed on the property during the advertising period. At the end of the submission period, on 29 November 2001, 4 individual objections, two (2) petitions of objection and one (1) petition of support for the proposal had been received. One (1) letter of non-objection was received. The concerns raised within the objections have been summarised (in part) as follows:

- ◆ When the area was marketed as “Currambine Central”, Lots 481 to 486 Currambine Boulevard, which is now amalgamated as Lot 48, were shown as single residential lots.
- ◆ Additional increase in traffic to the area. No access was to be allowed onto Currambine Boulevard from the above site as all access was to be through the rear ROW.
- ◆ Head light glare onto properties on the opposite side of Currambine Boulevard.
- ◆ Since 38 carbays (sic: should be 34) are being provided on site, the question raised is whether visitors will be parking at the train station carpark.
- ◆ Loss in value of adjoining properties.
- ◆ Introduction of high density living in the area as most houses in the area are single storey.
- ◆ Preference for owner/occupier dwellings. The current proposal could result in a rental slum.
- ◆ Excessive height of proposal.

### **Policy Implications:**

In respect to Policy 3.1.9, the Council is required to consider the height and bulk of buildings proposed and the likely impact on the amenity and streetscape of the area.

### **COMMENT**

The concerns raised by the objectors is acknowledged and discussed as follows:

#### Residential lots being converted to a Single Large Lot

Initial planning for the area included it in the Residential Development Zone (TPS1) and the R80 Code area, and identified this lot, and the area across the road, as a mixed use 'mainstreet' local centre. The landowners did not see this fitting with their business or the market, and sold the two sites un-subdivided. Subsequent applications were made to subdivide the site to maximise lot production, but these did not contribute to the function of the site. The site was then amalgamated to form a single lot prior to sale to the current owners - Firstland Investments Pty Ltd.

#### Traffic and Access Restrictions to Currambine Boulevard

The proposed increase in traffic is within acceptable limits. There is no access restriction from the above lot onto Currambine Boulevard. The rear ROW is an additional alternative access for the above lot and any other future lots abutting the above site. The issue of headlight glare is noted.

#### Car Parking

The proposal provides adequate car parking in accordance with the R-Code requirements. A total of 34 carbays are provided in lieu of the required provision of 31 carbays, which also include visitor car parking within the lot.

#### Devaluation of Properties

Property values are generally not a land use planning issue.

### Opposed to High Density and Multi-Storey Development

The R-80 density was incorporated into DPS2 in accordance with the Department of Planning and Infrastructure (previously Ministry of Planning) Policy D1.6 relating to development near Metropolitan Rail Stations. The density coding was advertised from Town Planning Scheme No 1 to District Planning Scheme No 2 in 1997 and adopted under DPS2. The higher density applicable to the above site was not an issue at that time.

Multiple dwellings are a “D” use under DPS2 and are a use not permitted unless approved by Council.

Building height levels are discussed below. The aspects of the multiple dwelling proposal requiring consideration of variations are as follows:

#### Height & Scale of Buildings Within a Residential Area Policy 3.1.9

The multiple dwellings proposed exceed the Policy on all sides. The maximum height difference between the Policy (8.5 metres) and the development is 1.9 metres.

While the majority of homes in the immediate area are single storey, the subject lot is zoned Residential with a high density coding of R-80. There is an expectation by the owners that the only viable way to develop the lot at the R-80 density is for a multiple storey development. To achieve the full development potential and other requirements such as open space, communal open space and car parking, a 3 storey development has been designed. Policy 3.1.9 is not a statute, but is a mechanism to guide Council in the determination of applications. Council has discretion to vary the Policy where the variation is unlikely to affect adjoining owners.

The development is considered to be compatible when compared with the existing Currambine Railway Station in terms of height, scale and bulk. The development is also somewhat reduced in bulk as the building is broken into two portions, separated by the car park.

#### Front and Side Setback

A minimum 1.5 metre front setback is proposed in lieu of 9 metres. The majority of the development is setback in excess of 4.5 metres. Given the shape of the lot, if the development was designed with a 9 metre front setback, the area within this setback would be dominated by car parking spaces only. By bringing the development closer to the street, while still incorporating front courtyards, it is considered that the development will enhance the amenity and overall streetscape. There will also be greater security provided to the pedestrian footpath connecting to the Currambine Railway Station along Currambine Avenue by the dwellings overlooking that path. Open fencing has also been provided to compliment the overall development.

The side (secondary) street setback of nil in lieu of 1.5 metres for the bin storage areas is supported as they are single storey and are considered convenient locations for the purpose of bin/rubbish removal from the site. The impact of the nil setback is considered to be minimal.

Clause 1.5.7 of the R-Codes allows for variations to setbacks provided that Clause 1.2 below is satisfied. The front and side setbacks in this particular instance are supported as the relevant matters under Clause 1.2 below are satisfied.

- ♦ The proposal encourages a denser and wider range of dwelling;
- ♦ The proposal provides adequate level of privacy, daylight, sunshine and safety to dwellings;
- ♦ Provides adequate car parking, access, storage and drying facilities;
- ♦ There is no overshadowing, however, there may be some visual intrusion by way of overlooking into the adjoining rear lots, which is expected of multi-storey developments;
- ♦ The City has not received submissions of objections from the adjoining landowners; and
- ♦ The proposal would not affect the existing streetscape as it is a separate super lot separated by two streets.

### Vehicle Parking

From the table below, it is clear that adequate and sufficient car parking is provided for within the site in relation to the number of units provided for. The car parking design and layout has made provision for future access to the rear ROW.

Use	Parking Provision	No of Bays Required	No of Bays Provided
Multiple dwelling	0.35 bays per unit (@ 0.35 x 20)	7	
	0.015 bays per m <sup>2</sup> of plot ratio ie (0.015 x 20 x 79.50)	24	
Total includes visitor Car Parking		31	34
Surplus	34 – 31 = 3 Bays		

### Meeting with Ward Councillors and Residents

A meeting was held on 8 February 2002, attended by Crs Hollywood and Nixon and two key objectors to the proposal. The meeting was held to answer point (1) of the December 2001 resolution.

It was intended that the meeting facilitate agreement for changes to the proposal, with the co-operation of all parties. The developer's representative, local residents and Ward Councillors, could not agree on the form of an acceptable compromise solution.

### Conclusion

The comments raised are reflective of the expectations of existing landowners that the remaining vacant lots would be developed as single houses and the concerns of the potential impact of multi-storey developments proposed. The subject site and the surrounding area were designated as a "High Density" precinct with a R 80 density under the R-Codes in 1990, by the WAPC.

Although the Height and Scale of Buildings policy has been adopted for most of the City's residential areas (excluding structure plan areas), it does not reasonably allow developments at such a high density to reach their development potential. A series of three storey buildings is required to reach the potential R80 density on this site unless the City is prepared to vary

development standards (eg setbacks, carparking, open space) to achieve a lower height development.

Under DPS2, the above site and the immediate area has been designated for higher than normal residential density, taking into account proximity to public transport and the Western Australian Planning Commission Policy relating to higher densities within close proximity to major transportation networks (Currambine Railway Station). When individual residential lots are amalgamated, in most cases, the lot is developed to its maximum potential and in this case for multiple dwellings. The irregular shape of the lot, including constraints such as rear ROW, has resulted in non-compliance with the required setbacks of the R-Codes and Policy 3.1.9 in terms of height and scale. The height restriction of 8.5m in Policy 3.1.9 was generally intended to control the height of mainly 2 storey residential developments. In high density sites as above, where the development is multi-storey, exceedence of the building height requirement is to be expected.

While it is acknowledged that the setback variations requested are greater than normal, there are more advantages to be achieved by bringing the development closer to the front boundary to interact with the street thereby contributing to the general amenity of the area. Development of this site is also effectively separated from adjoining land by the surrounding streets and future right of way.

On balance, the proposed variations are considered reasonable for the development proposed and approval is therefore recommended.

## **VOTING REQUIREMENTS**

Simple majority

## **RECOMMENDATION**

### **That Council:**

- 1 EXERCISES discretion in relation to Policy 3.1.9 – Height and Scale of Buildings within a Residential Area and under Clause 1.5.7 of the Residential Planning Codes 1991 and determines that:**
  - (a) The extent the multiple dwelling exceeds the building height threshold envelope; and**
  - (b) The front and side setback variations**

**are appropriate in this instance.**
- 2 APPROVES the application and revised plans dated 25 October 2001 submitted by Ausiasia Design Consultants on behalf of the owners, Firstland Investment Pty Ltd, for 20 Multiple Dwellings at Lot 48 (41) Currambine Boulevard, Currambine subject to the following conditions:**
  - (a) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City**

**prior to the development first being occupied. These works are to be done as part of the building programme;**

**Car parking bays are to be 5.4 metres long and a minimum of 2.5 metres wide. End bays are to be 2.8 metres wide and end bays in a blind aisle are to be 3.5 metres wide;**

- (b) All stormwater must be contained on-site to the satisfaction of the City;**
- (c) Right of Way (2.5 metre width) construction cost to be borne by owners of above site;**
- (d) Access from the development to the Right of Way to be provided once the adjoining lots to the rear have been subdivided and ROW ceded.**
- (e) The temporary crossover off Sunlander Drive to be removed and verge reinstated at owner's cost upon completion of the Right of Way;**
- (f) The lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:**
  - (i) the location and type of existing and proposed trees and shrubs within the carpark area**
  - (ii) any lawns to be established**
  - (iii) any natural landscape areas to be retained; and**
  - (iv) those areas to be reticulated or irrigated**
- (g) 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;**
- (h) All existing crossovers not removed being closed, kerblines reinstated, stabilised and landscaped to the satisfaction of the Manager Approval Services prior to development being first occupied;**
- (i) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;**
- (j) The boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City;**
- (k) A suitably screened bin storage area is to be provided prior to the development first being occupied, in the location on the approved plans. Such an area must be constructed with a concrete floor,**

**graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock.**

**Footnotes**

- (a) Applicant should design at least one bin store area to enable the storage of a commercial bulk refuse bin;**
- (b) All internal laundries, bathroom and toilets are to be mechanically exhaust ventilated and the ventilation flumed directly to external air;**
- (c) Applicant is to submit building plans and specifications of a Form 2;**
- (d) Applicant is to comply with the Health Act, Regulations and the City's Local Laws.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf020226.pdf](#)*



## **ITEM 13 ALTERATIONS TO MULLALOO SURF CLUB, OCEANSIDE PROMENADE, MULLALOO – [02364]**

**WARD - Whitfords**

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### **PURPOSE**

To report to Council on the outcome of the public advertising of the proposed alterations to the Mullaloo Surf Club, and provide a recommendation on the proposal to the Western Australian Planning Commission (WAPC)

### **EXECUTIVE SUMMARY**

The proposal for alterations to the Mullaloo Surf Club has been the subject of a previous report to Council (CJ449-12/01 - 18/19 December 2001) and the provision of \$120,000 in the 2001/2002 City budget.

The proposal is to expand the existing building in a southerly direction, to extend the lower floor undercroft area. The additional building footprint will be occupied by the boat store (at beach level). The concrete roof of the bat store would be used for trailer storage (accessible from the existing car parking area). Internal alterations are also proposed to improve the wet areas and range of facilities that are on offer.

Public advertising of the proposal has not raised any issues that would warrant Council not supporting this application. An issue was raised which suggested that there is some concern regarding the future use of the boat shed roof space. It is recommended that the WAPC be advised that Council supports the proposed alterations to the Mullaloo Surf Club building.

### **BACKGROUND**

**Suburb/Location:** Tom Simpson Reserve, Mullaloo  
**Applicant:** Mullaloo Surf Club  
**Owner:** Crown, with management order to the City of Joondalup  
**Zoning:** DPS: Parks & Recreation Reserve  
MRS: Parks & Recreation Reserve

Council at its meeting held on 18/19 December 2001 resolved:

*“That Council:*

- 1 CONSIDERS the Development Application for the Mullaloo Surf Club, Oceanside Promenade, Mullaloo in the following terms:*
  - (a) ENDORSES the Development Application (in its capacity as custodian of the site) to proceed for the purpose of evaluation and to gauge public comment;*

- (b) *ALLOWS a period of 21 days to provide an opportunity for public comment on the Development Application;*
- (c) *COMMITTS to reconsidering the matter at its meeting on 12 February 2002;*
- 2 *ENDORSES the expenditure of \$390,000 comprising of \$150,000 from the Lotteries Commission, \$120,000 from the City of Joondalup and \$120,000 in the form of capital and in-kind sponsorship by the club in its capacity as lessee;*
- 3 *NOTES that (due to town planning status) the Development Application is subject to planning determination by the Western Australian Planning Commission;*
- 4 *REQUIRES a further report outlining the details of the Deed of Variation to the current lease.”*

## **DETAILS**

### **Statutory Provision:**

Due to the location of the subject building on a Parks and Recreation Reserve, this application requires determination by the WAPC. Comments are provided by the local authority to ‘feed’ into the process of determination.

The current lease of the building between the Surf Club and the City will require a Deed of Variation to amend the lease area.

### **Consultation:**

The proposal was advertised for public comment for a period of 21 days, from 8-29 January 2002. A sign was placed on the site and a notice placed in the Wanneroo Times.

A total of 44 submissions was received during the advertising period. Each submission was received on a standard pro-forma.

The submissions state that the alterations to the surf club are supported with the exception that they do not accept that the roof of the new boatshed should be reinforced to make provision for the future construction of a building to be used for a café/restaurant at the site. The submissions are summarised below:

- The proposal would incur unnecessary extra cost for ratepayers and surf club members.
- The boat shed is extending into a sensitive primary dune and should be constructed as a bunker to allow for the dune system to recover, or alternatively allow the grassed area to extend and establish over the top of it.
- The Tom Simpson Park and surf club/community hall area is already an area of high human activity and an additional café/restaurant at the site is in conflict with this activity.
- A café/restaurant would require additional parking that cannot be provided in this area.
- The precinct already has a café/restaurant at the tavern, and a café/restaurant at the surf club would be in direct conflict with this. The existing surf club kiosk meets the needs of beach goers.

Individual additional comments made on the pro-formas stated that no change to the beach area was necessary and reinforced the objection to any provision for a café/restaurant at the surf club.

### **Financial Implications:**

The City has \$120,000 in the 2001/2002 capital works budget to contribute to the total cost of \$390,000. The Lotteries Commission is to provide \$150,000, and the surf club \$120,000 in the form of capital and in-kind support. It is noted that the Lotteries Commission funding is dependent on the work commencing in the 2001/2002 financial year.

### **Strategic Implications:**

The draft Concept Plan to the Mullaloo Precinct has yet to be finalised. Notwithstanding, these initiatives have been considered in aspects of the planning procedure. Allowances have been made in the current design for future developments in line with the objectives of the plan.

## **COMMENT**

### **Submissions**

The focus of the submissions is on the possibility that the surf club will be used for the future construction of a café/restaurant. Such a facility does not form part of the proposal for alterations to the surf club. While the concerns of the submitters are noted, the City must consider the proposal as submitted. The approval of the proposed alterations would not pre-empt or give tacit support for any future use of the surf club. The roof of the new boatshed is to be used by the surf club for the storage of trailers.

Should any substantive future applications be lodged, these will need to be assessed on merit, possible including public advertising.

### **Technical Issues**

For the purpose of this proposal, the Club has indicated no increase in members and hence the existing parking demand scenario is likely to apply. The lack of deep sewerage reticulation also necessitates that the proposal limits the capacity of the building to the current occupancy levels.

It is recommended that the proposed gymnasium be the subject of an acoustic consultant's report to ensure any noise generated is within acceptable limits.

### **Summary**

On this basis that:

- i) the alterations will provide improved facilities for the club's existing members and the general public;
- ii) the alterations do not prejudice the opportunities identified in the precinct planning process; and
- iii) the objections received can be addressed if a subsequent application is developed.

It is recommended that the Western Australian Planning Commission be advised that Council supports the proposal.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council ADVISES the Western Australian Planning Commission that in regard to the proposed alterations to the Mullaloo Surf Club building, Oceanside Promenade, Mullaloo, Council:**

- 1 SUPPORTS the application in accordance with the plan ST1 Revision C, subject to the following conditions:**
  - (a) The current lease between the City and the Mullaloo Surf Club to be amended to reflect the extensions to the building.**
  - (b) The colours and materials of the additions are to complement the existing building and the coastal location.**
  - (c) A building licence is required to be issued by the City prior to the commencement of any work.**
  - (d) An acoustic consultant's report on the proposed gymnasium to be provided to the satisfaction of the City.**
- 2 NOTES the concerns of the residents regarding any future café/restaurant and undertakes to fully consult with the community should an application be received.**

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf020226.pdf](#)

## **ITEM 14                   REQUEST TO PURCHASE A PORTION OF BLOCK PLACE ROAD RESERVE FOR AMALGAMATION INTO LOT 525 (33) MAINSAIL DRIVE, OCEAN REEF – [01922]**

**WARD – Marina**

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### **PURPOSE**

The purpose of this report is for Council to consider a request for the closure of approximately 28m<sup>2</sup> of undeveloped road reserve in Block Place, Ocean Reef.

### **EXECUTIVE SUMMARY**

An application has been received from a representative of the owners of Lot 525 (33) Mainsail Drive, Ocean Reef to close approximately 28m<sup>2</sup> of Block Place, Ocean Reef that abuts their property. The applicants have advised the City that inclusion of this land area into their property will facilitate the design of their proposed building renovations. They state that their intention is to develop a three-car garage with adjoining utility room as per Attachment (1).

During the public comment period, three submissions were forwarded to the City strongly objecting to the proposal. The main points raised were that the property is large enough to develop the proposed addition without the inclusion of the subject road reserve and the loss of the view would mean devaluation of the affected properties. One landowner in Block Place telephoned the City advising that he did not object.

The land area of Lot 525 is 1107m<sup>2</sup> is considered to be of adequate size to accommodate a residential building and associated structures however, the subject area is undeveloped road reserve without any designated future purpose. (Attachments 2 and 3 are photographs of the subject area). If the request is supported and the development goes ahead as planned, a setback of 1.5 metres from the new boundary is a requirement and therefore the protrusion of the proposed structure would appear to have little impact on the amenity of the surrounding area. It is therefore recommended that Council supports the application.

### **BACKGROUND**

At its meeting held on 12 February 2002, Council resolved:

***“that the matter pertaining to request to purchase a portion of Block Place road reserve for amalgamation into Lot 525 (33) Mainsail Drive, Ocean Reef be DEFERRED until the meeting of Council scheduled to be held on 26 February 2002 to allow the affected residents the opportunity to meet with elected members.”***

<b>Suburb/Location:</b>	Ocean Reef
<b>Applicant:</b>	Mr David O'Brien
<b>Owner:</b>	Mr F and Mrs G Van Ruth
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Strategic Plan:</b>	Lifestyle – Strategy 2.6 Promote and enjoy lifestyles that engender environmental, social and economic balance

## DETAILS

### Road Closure Process

A request can be made to close a portion of road for amalgamation with an adjoining property. The service authorities are asked to provide details of any service plant that may be within the road reserve that would be affected by the proposed closure and if it can be modified or removed to accommodate the request. All costs and conditions associated with service plant modification are to be met by the applicant if closure is the outcome.

The proposal is also forwarded to the Department of Planning and Infrastructure (DPI) for comment. If the service authorities and the DPI do not raise any objections that prevent the proposal from advancing, and the applicants have agreed to meet all associated costs and conditions, then the application can be advertised for public comment.

If Council supports a road closure application, all relevant documentation is forwarded to Department of Land Administration (DOLA) with a request to formally close the road. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

### Current Proposal or Issue

A representative of the owners of Lot 525 (33) Mainsail Drive, Ocean Reef contacted the City requesting the closure and subsequent purchase of approximately 28m<sup>2</sup> of Block Place on their northern boundary. Following preliminary assessment the request was forwarded to the service authorities and the DPI for comment.

### Statutory Provision

Under Section 58 of the Land Administration Act 1997, closure of a portion of road is required to be advertised for 35 days by way of a notice in a local newspaper. Any objections received during the advertising period are to be considered by Council and if the closure is supported, all associated submissions are to be forwarded to the DOLA. DOLA also require other supporting documentation to be provided such as confirmation that the DPI has not objected to the proposal.

DOLA determines the purchase price to apply, arranges any easements and survey/graphic requirements and undertakes conveyancing. The purchase price is fixed by DOLA in consultation with the Valuer General and is usually the unimproved market value of the land.

## Consultation

Comments were sought from the DPI and the service authorities and the DPI advised it did not object providing that there were not any objections raised by the service authorities.

Telstra, AlintaGas and the Water Corporation do not have any objections to the proposal, as they do not have plant in the area that would be affected. Western Power does have plant in the area that requires modification at cost and the landowners have agreed to this. As Western Power does not carry out reinstatement works, these will need to be completed to the satisfaction of the City, again at cost to the landowner of Lot 525. The owners of Lot 525 have agreed to meet the costs and conditions associated with this proposal.

The public advertising period took place between 22 November 2001 and 27 December 2001. Besides the newspaper notice, a sign was placed on site and letters were forwarded to the residents living in Block Place. At the close of advertising, three objections were received with the points raised being:

- The properties in the area have been designed to take into account existing property boundaries. Any change to one of those boundaries will adversely affect another
- There is more than sufficient unused land within the property to erect a larger than normal garage without the need to acquire the portion of road reserve.
- "... no valid reason for the applicant's request other than their own view"
- Verbally neighbours are opposed to the idea, but not everyone may find the time to write formally to object.
- Block Place will look hideous with a garage jutting out into the subject land.
- One landowner's wishes should not take precedence over another's to the cost of the street value and beauty.
- When landowners are building and take into account any renovations and alterations that their neighbours may do to their properties, it is not usual at that time to consider that a portion of road can also be acquired to facilitate a particular design. The owners of Lot 525 should have considered their requirements at the time of building and not years later.
- The property is very poorly maintained and the proposed addition will just be another eyesore that surrounding residents have to put up with.

One resident telephoned the City and advised that he did not object to the proposal.

Two of the objectors have requested not to be identified and therefore their property locations have not been shown on Attachment (4) though their comments have been included above. This position can make it difficult for Council to evaluate some of the points they have raised.

## Policy Implications

The City does not have a policy with regard to the consideration of road closures however the current draft Preservation of Public Reserves Policy raises some points that may be applied when considering a road closure.

## COMMENT

### *Assessment and Reasons for Recommendation*

It was suggested in the objections raised that it is preposterous that the City is even entertaining a request on behalf of one landowner at the expense of a number of other landowners. However, until a request of this nature is advertised for public comment, the City is not in a position to judge how surrounding neighbours will react.

Two main issues were evident at the end of the advertising period, one being loss of view for some surrounding residents and the second being the large size of Lot 525 therefore negating the need for the subject land. With regard to the first issue, it is difficult to gauge how much of an issue loss of view is due to the orientation and/or elevated position of the surrounding properties. In order to assist with making a judgement, photographs are attached to this report.

In relation to the second issue, Lot 525, with its land area of 1107m<sup>2</sup>, is large enough to accommodate the proposed structure within the confines of its boundaries and the objectors have suggested that if not, then the design of the proposed structure should be altered so that it does. However, the area of road reserve in question does not serve any purpose and the amalgamation of 28m<sup>2</sup> to enable the addition to Lot 525 would not necessarily have an adverse impact on the streetscape.

Providing the owners of Lot 525 meet the necessary building regulations, they are in a position to construct an addition on their property in the approximate position as shown on Attachment (1). Taking into account the required setback from a secondary boundary, the extra land requested would enable the addition to be constructed somewhere between two and three metres further north than if the subject land was not utilised. Based on the foregoing, the applicant's request is not considered unreasonable and therefore the application is recommended for support.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### **That Council:**

- 1 SUPPORTS the request made on behalf of the owners of Lot 525 (33) Mainsail Drive, Ocean Reef to close approximately 28m<sup>2</sup> of the undeveloped road reserve adjoining their property;**
- 2 AUTHORISES a request to be made to the Department of Land Administration to commence formal road closure procedures.**

*Appendices 14 and 14a refers*

To access this attachment on electronic document, click here: [Attach14BRF020226.pdf](#)  
[Attach14abrf260202.pdf](#) [Attach14bbrf020226.pdf](#)



## **ITEM 15 DELEGATED AUTHORITY REPORT – [07032]**

**WARD – All**

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### **PURPOSE**

To submit items of Delegated Authority to Council for noting.

### **EXECUTIVE SUMMARY**

This report provides a resumé of the Development Applications processed by Delegated Authority from 1 January 2002 to 31 January 2002.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council NOTES the determinations made under delegated authority in relation to the applications described in this Report.**

*Appendix12 refers*

*To access this attachment on electronic document, click here: [Attach12brf020226.pdf](#)*

## **ITEM 16 SUBDIVISION REFERRALS PROCESSED 1 NOVEMBER 2001 - 31 JANUARY 2002 - [05961]**

**WARD - All**

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### **PURPOSE**

The purpose of this report is to advise Council of subdivision referrals received by the City for processing.

### **EXECUTIVE SUMMARY**

Overleaf is a schedule of the Subdivision Referrals processed by Urban Design and Policy Services, from 1 November 2001 – 31 January 2002. Applications were dealt with in terms of the delegation of subdivision control powers by the Chief Executive Officer (DP247-10/97 and DP10-01/98).

### **DETAILS**

<b>Date</b>	<b>Potential lots</b>	<b>Average Processing Time</b>
1 – 30 November 2001	2 residential, 2 strata residential and 1 community purpose site	23 days
1 – 31 December 2001	9 residential and 4 strata residential lots	19 days
1 – 31 January 2002	2 residential and 1 strata residential lot	21 days

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

**That Council NOTES the action taken by the Subdivision Control Unit in relation to the application described in this Report.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf020226.pdf](#)

**6 REPORT OF THE CHIEF EXECUTIVE OFFICER**

**7 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

**8 DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on 12 March 2002 to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

**9 CLOSURE**

## BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

### OFFICE OF THE CEO

#### ANNUAL GENERAL MEETING OF ELECTORS – EX CJ379-11/01

“2 (c) (iii) REVIEWS the order of business, including the possible provision of an additional period of public question time prior to the closure of the meeting, as part of the overall review of the proposed draft Standing Orders Local Law;”

**Status: A report will be submitted to the Standing Orders Review Committee for consideration.**

#### REQUEST TO SUPPLY SENIORS DETAILS TO THE SELF FUNDED RETIREES ASSOCIATION (INC) – ex CJ407-11/01

“the City DEVELOPS and IMPLEMENTS a policy in relation to the provision of specific information relating to a particular group or groups, or individuals and that such a policy be implemented prior to the 2002/2003 financial year;

the matter be REFERRED to the relevant committee for further consideration”

**Status: Policy issues are currently being investigated.**

### STRATEGIC PLANNING

#### REWARD AND RECOGNITION – FRAMEWORK - ex CJ241-07/01

“2 NOTES that a further report will be presented to Council following negotiations with staff and representative bodies.”

**Status: It was envisaged a report will be presented to Council in March 2002, subject to the outcome of negotiations with staff representatives. Negotiations are still continuing and it is expected the report will be presented to Council in March 2002.**

#### ON-LINE SERVICES CONFERENCE PRESENTATIONS - ex CJ301-09/01

“That Council APPROVES attendance and presentation by the On-Line Services Development Co-ordinator at the:

2 Victorian Association for Library Automation Conference to be held in Melbourne from 6-8 February 2002, at a cost to Council not exceeding \$1,000, conditional upon a report being prepared upon return.”

**Status: A report will be presented following the February 2002 conference.**

**NOTICE OF MOTION NO 2 – CR A PATTERSON – BUSINESS PLAN, REDUCTION OF ADMINISTRATION COSTS – ex C110-10/01**

“that Council DIRECTS the Chief Executive Officer to prepare a business plan based on the shared services concept with a view to reducing the costs of administration for the City of Joondalup. The objective of this business plan is to outline how costs associated with corporate services such as information technology, finance and human resources can be shared across a number of interested Councils. The advantage of this would be the reduction of costs for these services across a number of municipalities.”

**Status: The methodology for addressing this matter is to be considered by the Executive in November following which the business plan will be developed. It is anticipated a report will be submitted to Council in March/April 2002.**

**TENDER NO 015-01/02 – SUPPLY OF TEMPORARY PERSONNEL – EX CJ426-12/01**

“Cr Hollywood requested a report detailing costs to the City of Joondalup for temporary staff for the year.

Mayor Bombak advised this request would be taken on notice.”

**Status: Report to 12 March 2002.**

**INFORMATION SERVICES****PERSONAL COMPUTER REPLACEMENT 2001/2002 – ex CJ380-11/01**

“3 a report be prepared formulating a policy relating to the disposal of obsolete computers owned by the City to include distribution to schools and other interested community organisations.”

**Status: It is anticipated that a report will be submitted to Council in March 2002.**

**RESOURCE MANAGEMENT**

ALTERATIONS TO MULLALOO SURF CLUB, OCEANSIDE PROMENADE,  
MULLALOO – ex CJ449-12/01

“4 REQUIRES a further report outlining the details of the Deed of Variation to the current lease.”

**Status: This will be undertaken following completion of the alterations.**

INDUSTRIAL SPECIAL RISKS, MOTOR VEHICLES AND PLANT AND  
ANCILLARY INSURANCES FOR 2002/2003 - ex CJ433-12/01

“2 REQUESTS a report from Local Government Self Insurance Schemes on its proposal for a self insurance property scheme (ISR).”

**Status: Report to be presented to Council in May/June 2002.**

TENDER 012-01/02 – LEASE FOR PART OF THE CIVIC CENTRE – ex CJ431-12/01

“3 without impacting the lease and within 60 days of tender acceptance SEEKS a further report addressing the request for improved signage and exposure of the venue.”

**Status: This matter is currently receiving attention.**

**PLANNING & DEVELOPMENT****URBAN DESIGN AND POLICY SERVICES**

REQUESTED CLOSURE OF A PORTION OF A ROAD BETWEEN LOT 151 (88)  
CLIFF STREET AND LOT 113 (31) MARINE TERRACE, SORRENTO – ex  
CJ193-07/00

“REQUESTS that the Local Housing Strategy is completed and a report presented to Council by November 2000.”

**Status: A draft report originally anticipated for July 2001, then November 2001, is now anticipated to be submitted to Council in March 2002.**

SORRENTO BEACH DEVELOPMENT PROJECT – ex CJ160-05/01

“REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Sorrento Concept Plan;”

**Status: A report which was originally anticipated to be presented to the Council following preliminary design work in August 2001, then November/December 2001 is now anticipated to be submitted to Council in March 2002.**

**MULLALOO CONCEPT PLAN REVISIONS - ex CJ315-09/01**

“6 REQUIRES a further report detailing relative priorities, indicative costings and phasing of the elements in the Mullaloo Concept Plan paying specific attention to the points raised by detailed consultation with key community groups and others, particularly the need to ensure that there is no reduction in the recreational functionality and nett area of the useable surface of Tom Simpson Park proper.”

**Status: A report will be submitted to Council in April 2002.**

**BREACH OF DISTRICT PLANNING SCHEME NO 2 – STORAGE OF MORE THAN ONE COMMERCIAL VEHICLE IN A RESIDENTIAL ZONE: LOT 89 (19) BULLARA ROAD, CRAIGIE – ex CJ353-10/01**

“that a review be conducted in conjunction with the executive of the Joondalup Business Association of the definition for commercial vehicles in relation to the City of Joondalup District Planning Scheme No 2 with a further report being submitted to a future Council meeting.”

**Status: A response has been received from Joondalup Business Association indicating its desire to be involved in the process. Programme to be put in place to carry out review.**

**2002 ROYAL AUSTRALIAN PLANNING INSTITUTE (RAPI) NATIONAL CONGRESS – ex CJ395-11/01**

“2 REQUESTS an information report on the outcomes of the RAPI 2002 Joint National Congress.”

**Status: A report will be presented following attendance at the Congress in April 2002.**

**INFRASTRUCTURE MANAGEMENT****OPERATIONS****NOTICE OF MOTION – CR C BAKER – REVIEW OF “VERGE” LOCAL LAWS – ex C45-06/01**

- 1 “Council REVIEWS all existing local laws (and its powers to make new local laws) concerning Council’s powers to actively encourage the owners and/or occupiers of rateable land to adequately maintain the verge area between their front property boundary line and the immediately adjacent road surface (proper) in the manner of a reasonable person (“the Review”)
- 2 the Review be the subject of a report to Council.”

**Status: Review in progress.**

**WARWICK OPEN SPACE – PUBLIC TOILET FACILITY - ex CJ312-09/01**

“That Council DEFERS the removal of the Warwick Open Space public toilet facility and calls a community consultation meeting with the Warwick Open Space Facility User Groups, at the Warwick Recreation Association facility, on site, and requests the Urban Animal Management Committee to inspect and comment on the area, which is a regular area for canine animal exercise, in order to see whether the facility should be upgraded, kept as a community asset and developed as a picnic and barbecue area, adjacent to the Bush Walking Trails with interpreter signage, as there are already shelters, park seats and a car park currently in place.”

**Status: This matter is to be referred to the Skatepark Committee for further consideration.**

**COMMUNITY DEVELOPMENT****YOUTH SERVICES INITIATIVES - ex CJ245-07/01**

“8 NOTES that a further report will be submitted to Council outlining the Youth Advisory Councils’ views on the Future Directions and Jumping at Shadows documents.”

**Status: The Strategic Advisory Committee - Youth Affairs at its meeting held 4 February 2002 resolved to have a joint meeting of the Youth Advisory Councils to identify those projects that will be preferred to be carried out in the 2002/03 Financial Year.**

**ANNOUNCEMENT BY CR P KADAK – ex C106-10/01**

2 REQUESTS a report from the Joondalup North and South Youth Advisory Councils and the Strategic Advisory Committee – Youth Affairs on the conference and its recommendations.

**Status: The Youth Advisory Councils are to further consider the report recommendations with a view of determining those recommendations that the City's young people can realistically achieve.**



**URBAN ANIMAL MANAGEMENT COMMITTEE – ex CJ358-10/01**

“4 SEEKS a further report and legal advice clarifying whether or not a local government may provide discounts on dog registrations for dogs that attend a recognised dog obedience course;”

“that consideration of the Urban Animal Action Plan – Cats forming Attachment 3 to Report CJ358-10/01 be:

- 1 REFERRED to the Urban Animal management Committee for further review;
- 2 Presented to Council for a further review;
- 3 Presented to Council for a final decision on the matter.

**Status: A report will be presented in March 2002.**

**ANNUAL GENERAL MEETING OF ELECTORS – ex CJ379-11/01**

“2 (a) NOTES Motion 1 of the Annual General Meeting of Electors and AGREES that the consultation process undertaken regarding synthetic grass playing surfaces should include an elected member from each Ward where there is a bowling green located, and be finalised and reported to Council as part of the 2002/03 Budget preparation process;”

**Status: As proposed, a representative group from the North Metropolitan Regional Recreation Advisory Committee has met with Bowls WA. It is proposed that a pilot study involving the North Metropolitan Regional Recreation Advisory Committee and Bowls WA be undertaken to develop an understanding of the strategic issues relating to the installation of synthetic grass bowling greens. The availability of funding to resource a study is being pursued with LA’s and Bowls WA being the major contributors, with some Department for Sport and Recreation funding also being sought.**

**SHIRE OF WANNEROO AGED PERSONS’ HOMES TRUST INC – MANAGEMENT COMMITTEE MEMBERSHIP – ex CJ410-11/01**

“defers any action at present in relation to representation on the Board of the Shire of Wanneroo Aged Persons’ Homes Trust Inc until this matter has been referred to the Strategic Advisory Committee – Seniors Interests;

CHARGES the Strategic Advisory Committee – Seniors Interests with the responsibility to advise Council in regards to those which the Committee considers are the appropriate ways to support the development of aged care residential facilities and services for seniors”

**Status: This matter was referred to the Strategic Advisory Committee-Seniors Interests at the meeting held 6 February 2002. The report was received and the Committee resolved to arrange a visit to the Elderbloom Complex to establish a working relationship with the Trust.**

**APPOINTMENT OF WARD MEMBERS – CONSULTATION PROCESS REGARDING SYNTHETIC GRASS PLAYING SURFACES - ex C139-12/01**

“That Council APPOINTS the following Ward Members, with appropriate officers from the City to undertake a consultative process regarding synthetic grass playing surfaces with representatives from the bowling clubs within those wards, with a report to be presented to the Council as part of the 2002/03 budget process:

	<u>Member</u>	<u>Deputy</u>
<b>SOUTH WARD</b>	<b>CR M O'BRIEN</b>	<b>CR T BARNETT</b>
South Coastal Ward	Cr A Patterson	Cr G Kenworthy
North Coastal Ward	Cr J Hollywood	Cr A Nixon

**Status: The Consultative Committee has recommended a policy for funding of synthetic bowling greens for bowling clubs within the City of Joondalup for consideration by Council.**

## OUTSTANDING PETITIONS

<p>Petition requesting the closure of the public accessway between Barracuda Court and Lancett Court, Sorrento.</p> <p><b>Comment: A report originally intended to be submitted August/September 2001, then December 2001, is now anticipated for May 2002.</b></p>	<p>28 November 2000</p> <p>Director, Planning and Development</p>
<p>Petition requesting construction of a bus shelter and bus bay on the inward route on Cockman Road between Mulligan Drive and Cobine Way, Greenwood.</p> <p><b>Comment: Will be considered in conjunction with a safety audit of Cockman Road. A report will be submitted to Council in due course.</b></p>	<p>12 June 2001</p> <p>Director Infrastructure Management</p>
<p>Petition requesting the limiting of hours of operation or relocation of dance studio – Batavia Place, Kallaroo.</p> <p><b>Comment: Approval has been given for a new building, with an estimated three month completion date. The petitioners will be notified once building is complete.</b></p>	<p>12 June 2001</p> <p>Director Planning and Development.</p>
<p>Petition opposing construction of footpath – Sycamore Drive, Duncraig.</p> <p><b>Comment: It is proposed that a pedestrian survey be undertaken to determine the warrant of a footpath.</b></p>	<p>13 November 2001</p> <p>Director Infrastructure Management</p>
<p>Petition requesting construction of a wall – Bute Court, Kinross.</p> <p><b>Comment: This matter is currently being investigated with the Developer and other directorates and a report will be submitted in February/March 2002.</b></p>	<p>13 November 2001</p> <p>Director Infrastructure Management</p>
<p>A 7-signature petition has been received from residents of Oldham Street, Hillarys opposing the construction of a footpath in Oldham Street.</p> <p><b>Comment: An evaluation of the warrant for a footpath will be undertaken.</b></p>	<p>27 November 2001</p> <p>Director Infrastructure Management</p>
<p>A 179-signature petition has been received from residents of the City of Joondalup requesting the City include in its 2001/02 budget the cost of modifying the road design of Gibson Avenue to facilitate easier and safer driveway exiting for residents.</p> <p><b>Comment: An investigation of the proposed road treatment has been programmed and a report will be submitted to a Council meeting in March, 2002.</b></p>	<p>27 November 2001</p> <p>Director Infrastructure Management</p>

## REPORTS/PRESENTATIONS REQUESTED AT BRIEFING SESSIONS

	<b>DATE OF REQUEST - REFERRED TO -</b>
<p>Skatepark facilities – ex (CJ062-03/01)</p> <p>Cr Hollywood requested that the Skatepark Committee report back to Council within six weeks to allow the Committee’s recommendations to be considered as part of the 2001/02 budget process.</p> <p><b>Comment: The Skatepark Committee is continuing to consult with the community in Greenwood and Ocean Reef to identify suitable locations within the City for skate facilities. Design work is continuing for the proposed skate facility at MacNaughton Park, Kinross.</b></p> <p><b>Discussions are being held with Greenwood Senior High School, and other interested parties to identify suitable sites in the City.</b></p> <p><b>A report was presented to Council on 9 October 2001 recommending the establishment of a skatepark at MacNaughton Park, Kinross and Carine Open Space with the City of Stirling.</b></p>	<p>13 March 2001</p> <p>Director Community Development/ Skatepark Committee</p>
<p>Cr Hollywood requested that consideration be given to a ‘country town’ relationship.</p> <p><b>Comment: Investigations into possible country town relationships has commenced. A report will be submitted in due course.</b></p>	<p>6 November 2001</p> <p>Executive Manager Strategic Planning</p>
<p>Cr Hurst believed there was a need for a policy in relation to elected members attending conferences.</p> <p><b>Comment: This matter is to be considered by the Audit Committee at its meeting to be held on 11 December 2001, with a view to be being progressed to Council in due course.</b></p>	<p>13 November 2001</p> <p>Manager Executive Services</p>