



*City of*  
**Joondalup**

NOTICE IS HEREBY GIVEN THAT THE NEXT  
**ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP**  
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP  
**ON TUESDAY, 26 FEBRUARY 2002 AT 7.00 PM**

**DENIS SMITH**  
**Chief Executive Officer**  
**20 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.*

## **DEPUTATION SESSIONS**

*Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Friday prior to a Council meeting.)*

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

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

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# CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 26 FEBRUARY 2002** commencing at **7.00 pm**.

DENIS SMITH  
Chief Executive Officer  
20 February 2002

Joondalup  
Western Australia

## AGENDA

- 1 **OPEN AND WELCOME**
- 2 **PUBLIC QUESTION TIME**

**The following questions, submitted by Ms M McDonald, Mullaloo, were taken on notice at the Council meeting held on 12 February 2002:**

*Q1 How many residents in the vicinity of the property have complained about unruly behaviour?*

A1 At the time of preparing the report, the applicant indicated he had experienced antisocial behaviour in the past. During the consultation period other persons had not made specific reference to antisocial behaviour, however no further research of the history of antisocial behaviour in that location has been conducted.

*Q2 Why was the new car park at Tom Simpson Park not excluded from the brief?*

A2 The brief was prepared prior to the Council determination and its contents reflected the majority of feedback from the community consultation process. However, it was recognised that any work to be undertaken by the Consultant would need to be done in accordance with the resolution of the Council, and take into account all of the community's concerns.

*Q3 The consultants have been asked to provide a survey within the Road Reserve for the design of proposed street improvements and review the Concept Plans for management of traffic and provision of parking adjacent to the beachside commercial area in Mullaloo, with due consideration given to pedestrians, cyclists and public transport needs.*

*What has happen to the rest of the plan, the dune restoration, the boardwalks, the landscaping and the amenities?*

A3 The Council, through its resolution of 11 September 2001, required a further report detailing relative priorities, indicative costings and phasing of the elements of the Concept Plan. The traffic consultancy is just one element for which advice has been sought. The remaining elements will need to be considered as a part of that report, in accordance with the resolution of the Council.

*Q4 Will the residents of Mullaloo have the opportunity to comment on these plans?*

A4 The revised plan will be presented to the Council as part of the report in accordance with the resolution and it would be strongly recommendation to the Council that further community consultation occur.

*Q5 The whole of the Mullaloo Precinct Planning process has been about providing adequate parking for the redevelopment of the Tavern site and a restaurant on the Surf Club site. Is this correct?*

A5 No.

**The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Council meeting held on 12 February 2002:**

*Q1 Can Council tell which resolution Ms McDonald was speaking about?*

A1 The resolution of the Council of 11 September 2001 (CJ315-09/01).

*Q2 Has Cr Mackintosh petitioned against higher density in her suburb at any stage and was she successful or not?*

A2 Councillor Mackintosh did not support an application for “x” number of lots on a parcel of land in Waverton Court, Kallaroo. Although the proposal was not supported by the Council, it was within the designated residential density for the area.

*Q3 Why didn't Councillors reply to my written invitation to a meeting at Greenwood?*

A3 This is a question that only the individual Councillors can respond to.

**The following questions, submitted by Mr S Magyar, Heathridge, were taken on notice at the Council meeting held on 12 February 2002:**

*Q1 How many times has the Audit Committee met since it formation and how many times has the minutes of the Audit Committee and its resolutions been reported to Council?*

A1 There have been nine meetings of the Audit Committee. Minutes of the Audit Committee are not submitted to the Council. However, individual items considered by the Audit Committee and requiring a decision are forwarded to Council for consideration.

Q2 *In the publication that the Department of Local Government brought out about preparing Reports and Agendas, does that Local Government document recommend to Council that it should not make decisions without a report addressing such issues?*

*Is it considered good decision making process to make a decision without a report from Administration on the subject matter?*

A2 The guide does detail that reports to the Council form the basis for good decision making.

Q3 *Does the Local Government Regulations require the reasons for any resolution to be recorded in the Minutes of the meeting and if so what are the reasons that will be recorded in the Minutes regarding Cr Baker's motion – the Special Electors Meeting?*

A3 Local Government (Administration) Regulations 1996, Regulation 11(da) requires the Council to provide reasons where it makes a decision that is significantly different to the written recommendation of a committee or an employee. The reason provided by Cr Baker during debate on the motion was that the electors present at the Special Meeting of Electors held on 11 February 2002 wanted immediate action from Council to cease the Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale.

This reasons will need to be recorded in the Minutes of the Council meeting held on 12 February 2002. An amendment to the minutes will be suggested when confirming those minutes at the ordinary meeting of Council to be held on 26 February 2002.

Q4 *For an item to be debated it requires a seconder. Does that rule apply to motions given with due notice?*

A4 Clause 4.2.1 requires a motion or an amendment to be seconded before it is discussed. This would apply to a Notice of Motion once it has been moved.

**The following questions, submitted by Mr V Cusack, Kingsley, were taken on notice at the Council meeting held on 12 February 2002:**

Q1 *Why did Council not undertake a proper community survey to gauge community opinions in regard to the Precinct Action Planning programme?*

A1 Council endeavoured to engage the community in this process in a number of different ways, commencing with the community visioning workshops. It was considered that the community funding workshops and subsequent communication with the community would be sufficient to gauge community opinion.

*Q2 In future when plans go up again around suburbs, can they have documentation with them?*

A2 Yes.

**The following questions, submitted by Ms C Woodmass, Kingsley, was taken on notice at the Council meeting held on 12 February 2002:**

*Q1 Have any of Council's members or staff been given training in dealing with the public?*

A1 The staff of the City have been provided with customer service training.

**The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Council meeting held on 12 February 2002:**

*Q1 Mullaloo is a Precinct Concept Plan, it has been published as that, it is recorded in your official Minutes as a Precinct Concept Plan. The question earlier, as I understood it, was related to all Concept Plans.*

*Can Council give the cost of all Concept Plans, precinct or otherwise, dealing with similar issues and a complete breakdown of all those costs?*

A1 At the time of production of this agenda, a response to this question was not available. A response will be tabled at the Council meeting scheduled for 26 February 2002.

**The following question, submitted by Mr D O'Brien, on behalf of the applicant, was taken on notice at the Council meeting held on 12 February 2002:**

Re: CJ028-02/02

*Q1 Given that there was a 9/0 support for the recommendation at the briefing session and I understand that the vote is non binding, what is the nature of the objection such that the issues were not raised prior to the briefing session. What new information has come to light that wasn't available to the Councillors at the briefing session?*

A1 No new issues were presented to the briefing session. One of the objectors requested the matter be deferred at the Council meeting because they were unable to get the opportunity to present their case at a deputation to the Council prior to the Council meeting.

The vote at the briefing session was not binding on the Council as the vote was merely part of a trial of the automation of the Council meetings.



### 3 APOLOGIES AND LEAVE OF ABSENCE

#### Leave of Absence previously approved

Cr Nixon            26 February – 8 March 2002 inclusive  
Cr Hurst            28 March – 14 April 2002 inclusive

#### 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

*Cr O'Brien stated his intention to declare a financial interest in Item CJ037-02/02 - Warrant of Payments – 31 January 2002 as Chubb Security has taken over an FAI Extra Watch security at his residence.*

*Cr Mackintosh stated her intention to declare an interest which may affect her impartiality in Item CJ039-02/02 - Windermere Park, Joondalup - Clubrooms Lease as her cousin has purchased a property in Windermere Circle.*

*Cr Patterson stated his intention to declare an interest which may affect his impartiality in Item CJ040-02/02 - Davallia Pre-School Lease Renewal as his son attends Davallia Pre- School.*

*Cr Baker stated his intention to declare a financial interest in Item CJ042-02/02 - Closure of Crown Land Airspace due to Balcony Encroachments - Lot 200 (167) Grand Boulevard, Joondalup, as he owns a unit within the development.*

*Cr Baker stated his intention to declare an interest which may affect his impartiality in Item CJ045-02/02 - Alterations to Mullaloo Surf Club, Oceanside Promenade, Mullaloo as he is a member of the Mullaloo Surf Club.*

*Cr O'Brien stated is intention to declare a financial interest in Item CJ047-02/02 - Delegated Authority Report (DA01/0469) as he lives in Aberdare Way, Warwick.*

## 5 CONFIRMATION OF MINUTES

### MINUTES OF COUNCIL MEETING, 12 FEBRUARY 2002

#### **RECOMMENDATION**

**That the Minutes of the Council Meeting held on 12 February 2002 be confirmed as a true and correct record, subject to the following correction to Item C02-02/02 - Decisions made at the Special Electors' Meetings held on 7 and 11 February 2002:**

**Page 24: The following paragraph to be included after the Motion Moved by Cr Baker and Seconded by Cr Mackintosh was Put and Carried:**

*“The reason for this motion was that the electors present at the Special Meeting of Electors held on 11 February 2002 wanted immediate action from Council to cease the Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale.”*

## 6 ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION

## 7 PETITIONS

### 1 PETITION REQUESTING INSTALLATION OF TRAFFIC CALMING DEVICES ON BEACH ROAD, EAST OF MARMION AVENUE – [28184 61501 03076]

A 104-signature petition has been received from Katie Hodson-Thomas, MLA on behalf of residents of the Cities of Stirling and Joondalup with a request to each local authority that traffic calming devices be constructed on Beach Road, east of Marmion Avenue.

The petitioners state traffic volumes have increased significantly and the level of speed by motorists has not slowed down since the introduction of the 50km speed limit, particularly along the stretch of Beach Road between Cliverton Court (Marmion Primary School) and Marmion Avenue.

This petition will be referred to Infrastructure Management for action.

### 2 PETITION REQUESTING SPECIAL MEETING OF ELECTORS - [75029, 48840]

A 324-signature petition has been received requesting that a Special Meeting of Electors be held to enable the community to vote on the following motions:

- 1 Stop the relocation of the central car park to the grassed area in Tom Simpson Park, Mullaloo;

- 2 Defer the elements of the concept plan for which there is no clear and demonstrable community support and have these issues considered further when a new plan has been drafted;
- 3 Other matters that may be raised from the floor of the meeting relating to the Mullaloo Beach Precinct Plan or Preservation of Reserves Policy or any other matters of concern to residents of the City of Joondalup.

In accordance with the provisions of the Local Government Act 1995, a Special Meeting of Electors will be held at 7.00 pm on Monday 18 March 2002 at Tom Simpson Park, Oceanside Promenade, Mullaloo.

This petition will be referred to Planning and Development for action.

### 3 PETITION IN RELATION TO PREPARATION OF PRECINCT PLAN FOR SUBURB OF HEATHRIDGE

A 143-signature petition has been received from residents of the City of Joondalup requesting Council:

- 1 continues to work with the residents and businesses of Heathridge in preparing a precinct plan for Heathridge to improve the quality of life for local residents and improve local employment opportunities in the suburb;
- 2 develops and implements plans that revitalise Heathridge, and create social, economic and environmental benefits for the residents of Heathridge;
- 3 involves the residents of Heathridge in all stages of the process and allows the residents to have the final say in the approval of the plans for the suburb.

This petition will be referred to Planning and Development for action.

## 8 **REPORTS**

## **CJ031 - 02/02 PURCHASING POLICY – RESULT OF REVIEW BY AUSTRALIAN COMPETITION AND CONSUMER COMMISSION – [37863]**

**WARD - All**

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CJ020219\_BRF.DOC:ITEM 1

### **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 Report CJ031-02/02;**
- 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](#)

## **CJ032 - 02/02 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL [15876]**

**WARD – All**

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CJ020219\_BRF.DOC:ITEM 2

### **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 Aquis Pty Ltd  
Description: Lease Renewal – Grove Child Care Centre  
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.**

**CJ033 - 02/02      SPECIAL MEETINGS OF ELECTORS HELD ON 7  
AND 11 FEBRUARY 2002 - [75029]****WARD - South**

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**PURPOSE**

To present the decisions made at the special electors' meetings held in Greenwood on 7 February 2002 and in Kingsley on 11 February 2002 to the Council for consideration.

**EXECUTIVE SUMMARY**

As requested by the electors of the City of Joondalup, two special meetings of electors were convened for 7 February 2002 and 11 February 2002 at the Greenwood Senior High School and Halidon Primary School respectively. These meetings were for members of the Greenwood and Kingsley communities to discuss their concerns about Precinct Action Planning.

As a result of these meetings a number of decisions were made by the electors, which in accordance with the Local Government Act 1995 are required to be considered by the Council at either an ordinary or special meeting of the Council. The Council at its meeting held on 12 February 2002 resolved to consider the decisions made at these electors at its ordinary meeting of the Council scheduled to be held on 26 February 2002.

It is recommended that the Council notes the minutes of the electors meetings.

**BACKGROUND**

Two separate requests for a special meeting of electors were received on the 11 and 17 January 2002. Both requests were to enable electors of the City to discuss their concerns relating to the adverse impacts of the Precinct Action Planning for the suburb of Greenwood and Kingsley. The purpose of the meetings was as follows: -

- a) Council not to approve re-zoning any land in Kingsley/Greenwood from residential to local reserve to mixed use, business or commercial. To keep Kingsley/Greenwood as it is.
- b) Council not to approve re-coding residential density codes in Kingsley/Greenwood to allow an increase in residential densities greater than currently exists. Stop high-density housing in Kingsley/Greenwood.
- c) Council not to approve or support any changes to the Building Codes or any other planning or development standards administered by the Council that would increase the density of development of the residential areas in Kingsley/Greenwood. Kingsley/Greenwood to retain its current amenity and appearance.
- d) Other matters raised from the floor regarding the expectations of the residents of Kingsley/Greenwood and other services delivered to the residents of Kingsley/Greenwood.

Those electors submitting the request for the special meeting of electors requested that the location for the meetings be within the suburbs of Greenwood and Kingsley. In accordance with the wishes of the electors, the Greenwood Senior High School and Halidon Primary School were selected. Approximately 1400 electors attended each of the meetings.

## **DETAILS**

### **Statutory Provision:**

In accordance with Section 5.28 of the Local Government Act 1995, the Mayor selected the 7 February for the Greenwood meeting and the 11 February for the Kingsley meeting. In accordance with Section 5.29 of the Local Government Act 1995, the C.E.O. convened the meeting, which was duly advertised in the local community newspaper.

Any decisions made at electors' meeting are required to be considered by the Council. Section 5.33 of the Local Government Act 1995 states those decisions are required to be considered by the Council at the next ordinary meeting of the Council (12 February 2002). Where that is not practicable then at the first ordinary Council meeting (26 February 2002) after that meeting or a special meeting of the Council called for that purpose; whichever happens first. Legislation requires that the decisions made at the electors' meeting must be considered by no later than the ordinary meeting scheduled to be held on 26 February 2002.

Due to the time constraints, it is not practicable to submit the decisions from the electors' meetings to the Council meeting scheduled to be held on 12 February 2002.

Section 5.33 further states that if at a meeting of the Council a local government makes a decision in response to a decision made at an electors' meeting, the reasons for the decision are to be recorded in the minutes of the Council meeting.

A copy of the minutes of both of the electors meetings are attached.

The Council at its meeting held on 12 February 2002 determined its stance on Precinct Action Planning, at that meeting the Council resolved:

#### **“That Council:**

- 1 hereby forthwith ABANDONS the current Precinct Action Planning concepts for the suburbs of Warwick, Greenwood, Kingsley and Woodvale in its entirety;**
- 2 ESTABLISHES a comprehensive community consultation process for any future precinct planning for any suburb in the City of Joondalup before releasing any precinct action plan papers;**
- 3 NOT consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan;**

- 4 **AGREES to consider all the decisions made at the recent Special Meetings of Electors held in Greenwood and Kingsley on 7 and 11 February 2002 respectively at its ordinary meeting scheduled to be held on 26 February 2002 at the Council Chambers, Joondalup;**
- 5 **ENDORSES the Mayor’s views as reported in last Saturday’s 9 February 2002 edition of The West Australian newspaper that in respect of the Kingsley, Greenwood, Warwick and Woodvale draft precinct concept plans “these ideas which staff had put forward will not be going ahead in any way, shape or form.”**

## **COMMENT**

The main purpose for the special electors’ meetings called by residents of the Kingsley and Greenwood communities was to discuss their concerns relating to the Precinct Action Planning. As the Council has determined the future of Precinct Planning for the suburbs of Warwick, Greenwood, Kingsley and Woodvale it is suggested that the Council notes the decisions of the electors’ meetings.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the minutes of the special electors’ meetings held on 7 February 2002 and 11 February 2000 held at the Greenwood Senior High School and Halidon Primary School respectively forming Attachments 1 and 2 to Report CJ033-02/02.**

*Appendices 15 and 15(a) refer*

*To access this attachment on electronic document, click here: [Attach15agn260202.pdf](#) [Attendance070202.pdf](#) [Attach15aagn260202.pdf](#) [Attendance110202.pdf](#)*

## **CJ034 - 02/02      VACANCIES - WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION - COMMITTEE VACANCIES [02011]**

**WARD - All**

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### **PURPOSE**

To call for nominations for various committees of the Western Australian Local Government Association.

### **EXECUTIVE SUMMARY**

The Western Australian Local Government Association (WALGA) has invited member Councils to submit nominations to various committees.

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

### **BACKGROUND**

The Western Australian Local Government Association has invited member Council to submit nominations to the following committees:

- WA Local Government Superannuation Board (*extended nomination period*)
- Control of Vehicles (Off Road Areas) Act Advisory Committee
- Department of Local Government (DOLA) Customer Service Council

Nominations are invited from elected member and officer representatives with experience, knowledge and an interest in the relevant issues.

**Nominations for all vacancies close on Friday 15 March 2002 at 4.00 pm.**

Nominations must ensure that the Selection Criteria are addressed in full. Appointments are conditional on the understanding that nominees and delegates will resign when their entitlement terminates – that is, they are no longer elected members or serving officers of Local Government. This ensures that the Local Government representative is always active in Local Government as an elected member or serving officer.

Details of the vacancies can also be found at the Policy section of the WALGA website at: <http://www.walga.asn.au/policy/committees/images/profileForm>.

**DETAILS**

**1 WA LOCAL GOVERNMENT SUPERANNUATION BOARD  
WA Local Government Association Members - One Metropolitan Member and One Metropolitan Deputy Member.**

At the Council meeting held on 18 and 19 December 2001 (Item C141-12/01 refers), elected members gave consideration to nominating for certain Western Australian Local Government Association committees, the closing date of such nominations being Thursday 24 January 2002. At that meeting, Council nominated Cr D Carlos and Cr G Kenworthy for consideration of appointment to the WA Local Government Superannuation Board.

WALGA has now advised that the State Council of the WA Local Government Association resolved to extend the application period for the WA Local Government Superannuation Board until 4.00 pm on Friday 15 March 2002. **Previous nominations will automatically be included in further considerations of the vacancy and need not re-apply.**

<b>Qualifications:</b>	<p>Nominations are invited from metropolitan based Local Government elected members with a substantial experience in the financial industry.</p> <p><b>Note:</b> The City's Director Resource Management, Mr John Turkington, is the Deputy Director of the WA Local Government Superannuation Board, representing Local Government Managers Australia.</p>
<b>Selection Criteria:</b>	<p>Nominee is to address the following selection criteria:</p> <ul style="list-style-type: none"> <li>• To be a current elected member</li> <li>• Tertiary qualification in Finance, Economics or Business</li> <li>• Substantial experience in the financial industry, including share markets and investments</li> <li>• Previous experience as a Company Director will be highly desirable.</li> </ul>
<b>Terms of Reference:</b>	<p>The WA Local Government Superannuation Plan Pty Ltd is the Corporate Trustee for the WA Local Government Superannuation Plan (WALGSP). The WALGSP provides superannuation coverage for the employees of every Local Government in Western Australia.</p> <p>The Corporate Trustee, which has equal employer/employee representation, is responsible for the management of the WALGSP which encompasses the broad areas of administration, life assurance and investment.</p>
<b>Term:</b>	<p>Four years, commencing upon appointment.</p>

<b>Meetings:</b>	Meetings are held monthly, commencing at 9.30 am for a duration of approximately 4-5 hours.  Meetings are held at the WA Local Government Superannuation Board, 105 St George's Terrace, Perth.
<b>Meeting Fee:</b>	<b>\$250 meeting attendance for members, and travel allowance in accordance with the Public Sector Standards. The member also receives an annual allowance of \$5,000. Deputy member receives a \$200 meeting attendance fee and travel allowance in accordance with the Public Sector Standards.</b>
<b>Committee Membership:</b>	The Board will have representation from: <ul style="list-style-type: none"> <li>• An independent Chairman;</li> <li>• Three employer Directors and Deputy Director comprising <ul style="list-style-type: none"> <li>• One metropolitan elected member Director and Deputy Director</li> <li>• One Country elected member Director and Deputy Director</li> <li>• One Local Government officer with eligibility to be a Plan member and one deputy with same qualification</li> </ul> </li> <li>• Three Employee Directors</li> </ul>

**2 CONTROL OF VEHICLES (OFF ROAD AREAS) ACT ADVISORY COMMITTEE**  
**WA Local Government Association Members - Metropolitan Member; Metropolitan Deputy Member; Country Deputy Member.**

<b>Qualifications:</b>	Nominations are invited from elected members or officers with experience in or with a knowledge of the Control of Vehicles (Off-Road Areas) Act.
<b>Selection Criteria:</b>	Nominee is to address the following selection criteria: <ul style="list-style-type: none"> <li>• To be a current elected member</li> <li>• Have experience in, or knowledge of the Control of Vehicles (Off Road Areas) Act</li> <li>• Member local governments must have coverage of all or part of the Off Road Vehicles Act.</li> </ul>
<b>Terms of Reference:</b>	The Committee will provide advice and recommendations to the Minister for Local Government and Regional Development on policies and proposals relating to the Control of Vehicles (Off Road Areas) Act.
<b>Term:</b>	Three years, commencing upon appointment.

<b>Meetings:</b>	Meetings are held four times per year, on a Wednesday or Thursday at the Department of Local Government and Regional Development.
<b>Meeting Fee:</b>	<b>\$108 per day, \$76 per half day. Travel is paid at the usual Public Service Rates.</b>
<b>Committee Membership:</b>	The Council will have representation from: <ul style="list-style-type: none"> <li>• WA Local Government Association Country Member</li> <li>• Minister for the Environment representative</li> <li>• WA Local Government Metropolitan Member</li> <li>• Three user group representatives.</li> </ul>

### 3 DEPARTMENT OF LOCAL GOVERNMENT (DOLA) CUSTOMER SERVICE COUNCIL WA Local Government Association Member

<b>Qualifications:</b>	Nominations are invited from elected members or serving officers interested in influencing DOLA's policies and priorities and with some knowledge of technological advances, land use planning and the land registration system.
<b>Selection Criteria:</b>	Nominee is to address the following selection criteria: <ul style="list-style-type: none"> <li>• To be a current elected member or serving officer;</li> <li>• Ability to both formulate and analyse data contained in customer service surveys;</li> <li>• Sound research and analytical skills;</li> <li>• Understanding of DOLA's main core of business;</li> <li>• Understand and knowledge of how DOLA's work practices affect Local Government.</li> </ul>
<b>Terms of Reference:</b>	The Council provides DOLA's customer representatives with a forum for discussion, raising of concerns, and feedback, to improve DOLA's relations with its customers, and to enhance the provisions of a quality service that is subject to continuous improvement. The Council's focus is on providing advice to DOLA to enhance the quality of its services.
<b>Term:</b>	Anticipated to be two years, commencing on appoint, subject to current review.
<b>Meetings:</b>	Meetings are held quarterly on the 2 <sup>nd</sup> Tuesday of March, June, September and December, commencing at 5.00 pm for a duration of two hours. Meetings are held at DOLA, 1 Midland Square, Midland.



<b>Meeting Fee:</b>	<b>Members who are not employed in the Public Sector will be paid the appropriate allowances in recognition of their out of pocket expenses incurred in attending meetings.</b>
<b>Committee Membership:</b>	<p>The Council will have representation from:</p> <ul style="list-style-type: none"> <li>• WA Local Governments (nominated by the WA Local Government Association)</li> <li>• Surveying industry;</li> <li>• Urban Development Institute of Australia;</li> <li>• Conveyancing, Real Estate and Mining industries;</li> <li>• Landcare, Pastoralism Farming sectors;</li> <li>• Aboriginal interests;</li> <li>• Other relevant industry group or person;</li> <li>• WALIS;</li> <li>• DOLA representative nominated by DOLA’s Chief Executive.</li> </ul>

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**Submitted for nomination.**

**CJ035 - 02/02 BUSINESS & COMMUNITY DIRECTORY  
PARTNERSHIP PROPOSAL – JOONDALUP  
BUSINESS ASSOCIATION – [03082]**

**WARD - All**

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CJ020219\_BRF.DOC:ITEM 3

**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 Business and 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 Business and 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 Business and 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 Business and 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 Business and Community Directory;**
  - (c) allocation of free editorial space for a joint City of Joondalup Mayoral Message at the front of the Directory.**

## **CJ036 - 02/02 CITY DEPOT COMMITTEE - MINUTES OF 8 FEBRUARY MEETING – [80513]**

**WARD – All**

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CJ020219\_BRF.DOC:ITEM 4

### **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 2001, 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 forming Attachment 1 to Report CJ036-02/02;**
- 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](#)

*Cr O'Brien stated his intention to declare a financial interest in Item CJ037-02/02 - Warrant of Payments – 31 January 2002 as Chubb Security has taken over an FAI Extra Watch security at his residence.*

## **CJ037 - 02/02      WARRANT OF PAYMENTS - 31 JANUARY 2002 – [09882]**

**WARD – All**

CJ020219\_BRF.DOC:ITEM 5

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

*Appendix 3 refers*

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

## **CJ038 - 02/02      FINANCIAL REPORT FOR THE PERIOD ENDING 31 JANUARY 2002 – [07882]**

**WARD – All**

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CJ020219\_BR.F.DOC:ITEM 6

### **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](#)*

*Cr Mackintosh stated her intention to declare an interest which may affect her impartiality in Item CJ039-02/02 - Windermere Park, Joondalup - Clubrooms Lease as her cousin has purchased a property in Windermere Circle.*

## **CJ039 - 02/02 WINDERMERE PARK, JOONDALUP CLUBROOMS LEASE – [25191]**

**WARD** - Lakeside

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CJ020219\_BRF.DOC:ITEM 7

### **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](#)*



## BACKGROUND

**Suburb/Location:** Duncraig

**Applicant:** Minister for Education

**Owner:** City of Joondalup

**Zoning:** DPS2: Davallia - Local Reserve - Public Use - Primary School (R20)

**Strategic Plan:** The proposed lease renewals will not affect the 5-year strategic plan.

For a number of years, the former City of Wanneroo leased to the Minister for Education, purpose built buildings to provide venues for early childhood education.

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.

<b>EDUCATION DEPARTMENT LEASES - RENTAL (Excluding GST) Per annum</b>					
		<b>1 Jan-2000</b>	<b>1 Jan-2001</b>	<b>1 Jan-2002</b>	<b>1 Jan-2003</b>
<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](#)*

## **CJ041 - 02/02 METROPOLITAN REGION SCHEME PROPOSED AMENDMENT NO.1037/33 NORTH WEST DISTRICT OMNIBUS (N0.5) – [85514]**

**WARD** – Lakeside, South and North

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CJ020219\_BRF.DOC:ITEM 9

### **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>	Various
<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](#)*

*Cr Baker stated his intention to declare a financial interest in Item CJ042-02/02 - Closure of Crown Land Airspace due to Balcony Encroachments - Lot 200 (167) Grand Boulevard, Joondalup, as he owns a unit within the development.*

**CJ042 - 02/02 CLOSURE OF CROWN LAND AIRSPACE DUE TO  
BALCONY ENCROACHMENTS - LOT 200 (167)  
GRAND BOULEVARD, JOONDALUP - [06033]  
[37738]**

**WARD – Lakeside**

CJ020219\_BRF.DOC:ITEM 10

**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 REQUESTS the Department of Land Administration (DOLA) to commence actions to formally close the subject portions of Crown land airspace;**
- 4 further requests the Department of Land Administration (DOLA) to expeditiously establish an acceptable process for dealing with this issue as this is causing concern and delays in a number of development approvals within the City.**

*Appendix 8 refers*

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

## **CJ043 - 02/02      OPPORTUNITY STUDY FOR LIBRARY AND COMMUNITY FACILITIES AT WHITFORD CITY – [05097]**

**WARD** - Whitfords

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CJ020219\_BRF.DOC:ITEM 11

### **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](#)*

**CJ044 - 02/02 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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CJ020219\_BRF.DOC:ITEM 12

**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 car bays are provided in lieu of the required provision of 31 car bays, 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 cooperation 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](#)*

*Cr Baker stated his intention to declare an interest which may affect his impartiality in Item CJ045-02/02 - Alterations to Mullaloo Surf Club, Oceanside Promenade, Mullaloo as he is a member of the Mullaloo Surf Club.*

## **CJ045 - 02/02      ALTERATIONS TO MULLALOO SURF CLUB, OCEANSIDE PROMENADE, MULLALOO – [02364]**

**WARD** - Whitfords

CJ020219\_BRF.DOC:ITEM 13

### **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:**

- 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](#)



**CJ046 - 02/02      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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CJ020219\_BRF.DOC:ITEM 14

**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 (CJ028-02/02 refers), 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 the 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 (DOLA) to commence formal road closure procedures.**

*Appendices 14, 14(a) and 14(b) refer*

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

*Cr O'Brien stated his intention to declare a financial interest in Item CJ047-02/02 - Delegated Authority Report (DA01/0469) as he lives in Aberdare Way, Warwick.*

## **CJ047 - 02/02      DELEGATED AUTHORITY REPORT – [07032]**

**WARD** – All

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CJ020219\_BRF.DOC:ITEM 15

### **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 Report CJ047-02/02.**

*Appendix 12 refers*

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

## **CJ048 - 02/02      SUBDIVISION      REFERRALS      PROCESSED      1 NOVEMBER 2001 - 31 JANUARY 2002 - [05961]**

**WARD - All**

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CJ020219\_BRF.DOC:ITEM 16

### **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 Report CJ048-02/02.**

*Appendix 13 refers*

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

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

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

#### **NOTICE OF MOTION – CR M O'BRIEN – [51035 12093 05386]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Mike O'Brien has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 26 February 2002:

*“That:*

- 1 Council INSTRUCTS the CEO to notify the convening of an urgent Meeting of Council's Budget Committee prior to Council's 12<sup>th</sup> March 2002 Full Council Meeting in order to set the Parameters of the Total Amount that the Ratepayers will be required to pay by way of Total Rate Moneys, in order that the Treasury Section of Council's operations, shall be required to "Tailor" a "Responsible Back to Basics Budget 2002-2003," bearing in mind, that as a re-valuation year is in place, the "Rate in the \$" will be required to be less than that applied in the 2001-2002 Budget Year;*
- 2 Council's Budget Committee be required to consider Reducing the Section 6.35 Minimum Payment which is in effect a "Flat Tax" on low Value Properties where people being taxed on their property values have not in most circumstances, the "capacity to pay" the extra property tax they have been billed and many pensioners and small businesses have been "over-taxed".*

#### **OFFICER'S COMMENT**

Council resolved at its meeting on 12 December 2001 to set parameters for the development of the 2002/03 budget. The report "Budget 2002/03 High Level Review" CJ434 12/01 refers. Council resolved a 4.5% increase in Rates Revenue at this meeting.

The City's 2002/03 budget development process is currently underway using the parameters resolved by Council. The 2002/03 budget timetable includes that "Budget Workshops" be held with Elected Members following the preparation of the "2002/03 Draft Budget Version1". These workshops are currently planned to be held during mid April 2002.

It would be premature to, at this time, set the "rate-in-the-dollar" for the 2002-2003 year or to establish Minimum Payments in view of the unknown impacts arising from the following:-

- changes arising from the operating, capital and proposals
- introduction of the FESA levy
- the impact of the revaluation of properties
- the phasing of valuations, and
- restructuring of the City's organisational structure

It is recommended that the 2002/03 budget be prepared using the guidelines resolved by Council and that Council considers this motion as part of its budget deliberations to be undertaken during April 2002. If the Council desires to significantly alter its decision of 12 December 2001 (CJ434-12/01), then an absolute majority decision will be required.

### **NOTICE OF MOTION - CR A WALKER**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Allison Walker has given notice of her intention to move the following motion at the Council meeting to be held on Tuesday 26 February 2002:

*“That Council ESTABLISHES a Council Policy Register and a Policy Committee comprising Elected Members of Council.”*

In support of her Notice of Motion, Cr Walker advises as follows:

- The role of the Policy Committee is to:
  - review all policies of the Council, as have been set in place in the past and recommend to Council any amendments, new Policies and Policies that need adjustment, in the opinion of the Committee, in keeping with the aspirations of the electors, the recommendations of other committees where such recommendations affect existing Policies, and also take into account the Municipal Administration’s aspirations, bearing in mind that a Policy entered in the Policy Register is a guiding principal, endorsed by the Council but is not a mandatory By-law.
- Membership of the Policy Committee shall comprise the Mayor and one Councillor from each Ward, with the other Councillor from that Ward appointed as a Deputy Member.

### **VOTING REQUIREMENT**

Absolute Majority

### **OFFICER’S COMMENT**

Over the past decade, the focus of all business has been concentrated on improved customer service. In an attempt to achieve best practice principles and meet the increasing demands of the customer, the City has adopted a modern approach to its decision making process by having two ordinary Council meetings supported by two informal briefing sessions per month.

The application of such meeting processes, provides the opportunity for all elected members to be equally informed, initially via a briefing session, where matters can be thoroughly discussed before any formal decision is to be made by the full Council.



It is acknowledged that the elected body's role is to set policy and strategy and plan for the future, but it is suggested that this is achieved from input by the whole Council at the same time during the briefing sessions. The establishment of a Policy Committee is not supported.

#### **10 DATE OF NEXT MEETING**

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

#### **11 CLOSURE**

**DECLARATION OF INTEREST FORM, CLICK HERE:** [declofininterestsept2001.pdf](#)



City of  
Joondalup

**QUESTION TO MEETING OF COUNCIL**

**NAME** .....

**ADDRESS** .....

.....

**QUESTION** .....

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Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer  
City of Joondalup  
P O Box 21  
Joondalup WA 6919

**NOTE** Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

**FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [Seatplan.pdf](#)**