



**MINUTES OF MEETING OF JOINT COMMISSIONERS
HELD ON 30 MARCH 2004**

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CITY OF JOONDALUP

MINUTES OF MEETING OF JOINT COMMISSIONERS HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 30 MARCH 2004

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

Elected Members:

CMR J PATERSON – Chairman
CMR A DRAKE-BROCKMAN – Deputy Chairman
CMR M ANDERSON
CMR A FOX
CMR S SMITH

Officers:

Acting Chief Executive Officer:	C HIGHAM
Acting Director, Planning & Community Development:	C TERELINCK
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations:	D DJULBIC
Manager Audit and Executive Services:	K ROBINSON
Manager, Human Resources:	M LOADER
Manager, Strategic & Sustainable Development:	R HARDY
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

There were 41 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following question, submitted by Mr Michael O'Brien, Warwick was taken on notice at the adjourned Special Council meeting held on 16 February 2004.

Question directed to Cmr Drake-Brockman:

Q1 Being well read in matters of law as (audi alteram partem) will you, before and/or during the proceedings for this evening's Special Meeting of the Commissioners be advising your colleague Commissioners of the right of the City's employee CEO Denis Smith to be heard in person and/or by his legal representative/s regarding the matter being discussed this evening?

A1 Council has appointed its own lawyers to advise Commissioners on all relevant facts in relation to the CEO issue.

The following question, submitted by Mrs C Mackintosh, Kallaroo was taken on notice at the adjourned Special Council meeting held on 16 February 2004.

Q1 How much money has the City spent to date on legal advice concerning the CEO issue?

A1 A summary of costs is being prepared.

The following question, submitted by Mr S Magyar, Heathridge was taken on notice at the adjourned Special Council meeting held on 16 February 2004.

Q1 Re: Employment of the CEO and progressing matters regarding the CEO: Recommendation 11 from the Upper House Standing Committee referred to a case in New South Wales of Mr Glen Oakley who obtained his position by fraud and deception. Will the Commissioners be looking at the Oakley report and instigating a policy as recommended by the New South Wales Anti-corruption Commission to ensure that the Denis Smith fiasco cannot be repeated in Joondalup?

A1 All relevant material will be taken into consideration.

The following question, submitted by Ms M Macdonald, Mullaloo was taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Q1 Re: CJ047-03-04 – The report states that in the Urban Development Zone, Clause 3.12.2 of the DPS2 requires a structure plan to be prepared before development can be commenced, however Clause 3.12.2 is subject to Clause 9.11 which allows Council to approve development before a structure plan is adopted. Given that there has been controversy surrounding this land will Commissioners hold off the rezoning of this land until the structure plan is adopted so that the community have some certainty?

- A1 The City is unable to delay the appropriate rezoning of the subject portion of Lot 9016 Burns Beach Road, Burns Beach for the reason set out in report CJ047-03-04, as follows:

Amendment 992/33 to the Metropolitan Region Scheme (MRS) to rezone the subject land from "Rural" to "Urban" and "Parks and Recreation" was gazetted on 23 January 2004. Section 35A (2) of the Metropolitan Region Town Planning Scheme Act 1959 requires that, following an amendment to the MRS, the relevant local authority initiates an amendment to its town planning scheme consistent with the MRS amendment no later than 3 months from the date of gazettal, the date on which the amendment to the MRS came into force.

The City is therefore required to initiate the process of rezoning not later than 16 April 2004. There is no timeframe stipulated in the City's District Planning Scheme No 2 for the submission of a Structure Plan over this land. Given the complexities of the site, the formulation of a Structure Plan is expected to take considerable time such that the Council would not have time to consider the rezoning within the statutory timeframe. Furthermore, the resolution of the meeting on 9 March 2004, at which the rezoning was considered, included advice to the applicant to include a "high level of community and other stakeholder involvement during the preparation of the Structure Plan" and the submission of a "community involvement and consultation plan". Compliance with this advice will significantly influence the timeframe for the preparation of the Structure Plan.

The following question, submitted by Ms M Zakrevsky, Mullaloo was taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Re: Latest Council News the Autumn Edition

Q1 How is this publication distributed?

- A1 Council News is a quarterly publication distributed to all City of Joondalup residents via letterbox drop. The delivery is outsourced to a distribution company. The Council News is often packaged with other Council information such as the Summer Events calendar and Festival programme.

The following question, submitted by Mr V Cusack, Kingsley was taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Q1 Will the Commissioners consider requesting the formulation of a specific sustainability policy for all new residential development and for any future redevelopments throughout the suburbs?

- A1 The City has an Environmental, Social and Economic Sustainability Policy which at a broad level can be applied to all residential areas.

The following question, submitted by Mr J Hollywood, Burns Beach (speaking on behalf of the Burns Beach Ratepayers) was taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Q1 Can the ratepayers have a breakdown of where that \$25,000 has been spent? We do not believe that the maintenance on this building is worth \$25,000.

A1 The information will be forwarded to Mr J Hollywood and the Burns Beach Ratepayers Association.

Q2 There is also an allocation of \$20,000 to put rubber matting in the playground at Burns Beach, a tender was put out, apparently that tender was non-conforming. Can you please tell me what is happening with that tender and when the rubber matting will be provided at the Burns Beach playground?

A2 Quotation for supply and installation of rubber under surfacing to the foreshore playground has been reviewed and the successful company advised. The work is currently on hold until the limestone retaining wall is constructed around the play area sand pit. As there is a 3 months waiting list for the supply of limestone, the retaining wall will be programmed for April 2004. Consequently, the installation of the rubber under surfacing will be late April 2004.

The following questions, submitted by Mr M Sideris, Mullaloo were taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Re: Earlier questions submitted by Mr Sideris:

Q1 Re: Answer given regarding Question 2(b) dealing with the Consolidated Construction annexe, notice of liquidation. Can you please clarify what the risk assessment process was that was undertaken prior to the awarding of this contract?

A1 As previously advised, all tenderers submitted audited financial details for the previous two years. Costings were also checked by a Quantity Surveyor (QS) to ensure Consolidated did not under-price the works and industry checks were undertaken.

The audited financial statements did not reveal any issues or concerns relating to their financial position, and the QS costings suggested that the submitted tendered price was within market value at the time.

The Australian Securities and Investments Commission (ASIC) website was also referenced and no alerts were highlighted that would suggest that they were experiencing any financial difficulties.

Q2 Re: Answer 2(d) given on liquidation advice or notice of Consolidated Construction. The question clearly indicates what contingencies are being implemented, can you please advise me if the contract between Consolidated and the City of Joondalup makes provision for contingency actions or do you just intend to negotiate your way through it?

A2 The way forward for completing this project is outlined in Item CJ063-03/04 - - Sorrento Beach Redevelopment.

The following question, submitted by Ms S Hart, Greenwood was taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Q1 Please can I have the total cost to the City from the outsourcing of RANS?

A1 Ms Hart will be contacted to clarify the question. Further research will be required before an answer can be given.

The following questions, submitted by Mr M Caiacob, Mullaloo were taken on notice at the Meeting of Joint Commissioners held on 9 March 2004.

Lot 124 Cook Avenue, scheme amendment and structure plan.

Q1 The DPS-2 Scheme Report states under Clause 12.2 section URBAN DEVELOPMENT ZONE that:

Once proposals for development and subdivision within an agreed structure plan area within an urban development zone become certain, the zones created under the agreed structure plan will be formalised by way of a scheme amendment to replace the Urban Development Zone.

(a) What zone is being created under the proposed structure plan?

A1(a) A Structure Plan cannot apply a zoning to land. The Structure Plan does however recognise that the site will be zoned "Urban Development", as proposed by Amendment No 20.

Q1(b) Will another scheme amendment be required to reflect the zoning referred to (if any) in the Agreed Structure Plan to replace the urban development zone?

A1(b) No - this is the purpose of Amendment No 20.

Q2 The reports to Commissioners indicate:

- *the intent of the applicant is for a residential development with a density coding of R25 and R40;*
- *that a structure plan can still be required under clause 9.1 of the DPS-2;*
- *that it would be appropriate for the site to be used for the purpose of residential.*

Why isn't the Scheme Amendment zoning the site to "Residential" and coding the site R25 and R40?

A2 The proposed Urban Development zoning allows the introduction of a structure plan to guide and reinforce the design principles for the subject area, including the strong desire to provide a sustainable development based on current best practices in that area.

Q3 Report CJ303-12/03 for the proposed Cook Avenue Structure Plan states on page 52 paragraph 2 line 4, that the scheme amendment is to suitably zone and code the site to Urban Development with density codes of R25 and R40 in line with the structure plan yet report CJ304-12/03 for the proposed Cook Avenue Scheme Amendment states on page 45 paragraph 4 line 3 that the structure plan stipulates the development requirements and density of the proposed lots.

(a) Is it the Scheme Amendment or the Structure Plan that is determining the R-Coding for this site and where is the density coding indicated in the amendment text or structure plan statutory text?

A3(a) The Structure Plan stipulates the density code of the site, as indicated on Plan 1: Structure Plan Map and also within the objective statements of each Precinct (2.10, 2.11 and 2.12).

Q3(b) Why is the site being un-coded through the Scheme Amendment Process and being re-coded R25 and R40 as the applicant's intention is and requirements are known?

A3(b) It is standard practice to "uncode" (remove) the density code on a site as a part of the Scheme Amendment process and to apply an alternative density as part of the Structure Plan process. In this case, densities of R25 and R40 are proposed in the Structure Plan.

Q4 In broad terms is the Cook Avenue Structure plan:

- *A District Structure Plan?*
- *A Local Structure Plan?*
- *A Centre Structure Plan?*

A4 The Cook Avenue Structure Plan is effectively a "local" Structure Plan because it relates only to a particular site.

Q5 Does a District Structure Zone provide for the proper and orderly planning of large areas of land?

A5 There is no zoning in the City known as District Structure Zone.

Q6 Does an Urban Development Zone provide for the proper and orderly planning of large areas of land?

A6 Yes.

Q7 Can any development be carried out on this proposed Urban Development Zone site under Clause 9.11 of the DPS-2 without the proposed structure plan being adopted?

A7 No.

The following questions were submitted by Mrs Carol Mackintosh, Kallaroo:

Q1 Given that Commissioner Paterson and his team of Commissioners claim to have only received verbal advice from SC Harry Dixon, can you please advise what was the document tabled, received and classified "private and confidential" at Special Meeting of Commissioners on 16 February 2004?

A1 Draft Forensic Audit.

Q2 The \$50,000 of ratepayers funds expended thus far by Commissioners on "verbal" advice, how much more is expected to be spent on obtaining written advice in the form of a report?

A2 This will be tabled on receipt of bill.

Q3 When does Commissioner Paterson expect to receive this report?

A3 The report has been received.

Q4 Will ratepayers be privy to the information contained within the report?

A4 No.

Q5 The information contained within the Deloittes Audit report, also tabled, received and classified as "confidential" at meeting on 16 February 2004, will the contents be made available to the ratepayer?

A5 No.

Q6 Will details contained within ALL legal advisory reports (including those which Commissioners may choose to disregard) be made available to the ratepayers of City of Joondalup?

A6 No.

Q7 What is the expected cost to the ratepayer, of the impending trip to Jinan, China by Commissioner Paterson?

A7 The cost for the trip has not been established to date, however this will include a two-way airfare and accommodation for seven nights.

The following questions were submitted by Mrs Carol Mackintosh, Kallaroo:

Given the Commissioners' public statements that the negotiated and subsequent settlement of \$500,000 to Mr Denis Smith, former CEO of the City Of Joondalup, should "put an end to the matter and give the City a clean slate" Commissioner Paterson Wanneroo Times March 2004: My questions to the Commissioners are as follows:

Q1 Is it still the intentions of the Commissioners to agree to the financial requests of Mr Donald Carlos, resident of Ocean Reef?

A1 This matter is still to be determined.

- Q2 Will you reconfirm that the financial requests are for debts incurred defending a PERSONAL Writ upon himself (Mr Carlos) by Mr Denis Smith?*
- A2 See Answer 1 above.
- Q3 If the answer to Q1 is yes; is it not irresponsible of Commissioners, appointed to represent the interest (financial and otherwise) of ALL ratepayers of City Of Joondalup, to bankroll ONE resident of this City using ratepayers funds?*
- A3 Not applicable.
- Q4 Will you confirm that a clause (e iv) included in the Negotiated termination of Contract of Employment of the CEO, was inserted in order to put Mr Carlos in a tendentious position to the detriment of Mr Denis Smith?*
- A4 See Answer 1 above.
- Q5 What is the sum of the total debt owed to the City of Joondalup by Mullaloo Progress Association, in respect to their failed Writ on the City?*
- A5 *The amount sought is the costs in relation to legal preparation for the Supreme Court defence of the MPA writ. The amount has been calculated independently as a total of \$66 000*
- Q6 What steps have been taken to recover these funds?*
- A6 The cost recovery process (through the court) is ongoing at this time.
- Q7 If answers to any questions numbered 1-4 are 'yes", Is the opportunity to have PERSONAL legal expenses settled by the generosity of City Of Joondalup appointed commissioners, available to ALL RATEPAYERS, or only those affiliated or associated with State Labor Party?*
- A7 Not applicable.
- Q8 Given the Commissioners inability to govern the City in an unbiased manner, given the recent examples of equal representation for ALL ratepayers of the City; will the Commissioners be tendering their resignations to the Minister Of Local Government, Mr Tom Stephens?*
- A8 No.
- Q9 Will Commissioners be taking any action against resident Mr Vincent Cusack for his unprovoked verbal attack on a Senior officer of the City on Tuesday 23rd March, 2004?*
- A9 The Acting Chief Executive Officer is not aware of any such incident.

The following questions were submitted by Mr Vincent Cusack, Kingsley:

Q1 Is Council aware of the recent accident at the Grand Boulevard/Collier Pass intersection causing substantial damage to the ECU shuttle bus?

A1 Yes.

Q2 Thankfully no one was injured this time. Can I please remind Council of my earlier questions of 11 March 2003 listed below?

Q1 I am extremely concerned with the potential for an accident involving pedestrians crossing Grand Boulevard at the Collier Pass intersection. Can Council confirm that there are proposed traffic lights for that intersection, and if so, when will they be installed?

A1 As part of the half year review, Council has allocated funds towards a design study for traffic signals at that intersection which would allow for a pedestrian phase included in it. It will be a decision for Council as part of the 2003/2004 Budget process.

Q2 Will Council consider bringing forward the installation of the traffic lights at Collier Pass/Grand Boulevard as a high priority to safeguard pedestrians using that intersection.

A2 This will be submitted to Council for a budget decision.

Q3 Mindful of the recent accident and my earlier request for traffic lights, will Council now please act expeditiously and give this intersection the highest priority it deserves?

Q4 Can Council inform the public, when precisely traffic lights will be installed to prevent further serious accidents, which would safeguard pedestrians and motorists alike?

A2-4 The tender for the installation of traffic signals at the intersection of Grand Boulevard and Collier Pass has been advertised and closed during March 2004.

The evaluation process is near completion and a report will be going to the next meeting of Council scheduled for 27 April 2004.

Subject to the Commissioners awarding the tender at that meeting, it is anticipated that the project works will commence during May 2004. The contract period is approximately 10 weeks, therefore, it is anticipated that the signals should be installed by August 2004.

Q5 As Council would be aware there are 50 kilometre signs just before Collier Pass heading into Joondalup. At precisely the same location there are 70 kilometre signs heading out of Joondalup. As an urgent priority, and mindful of the Grand Boulevard/Kendrew Crescent intersection, will Council please lobby Main Roads to set the speed limit along the entire length of Grand Boulevard to 50 kilometres?

A5 The City will approach Main Roads WA to review the speed limits along Grand Boulevard.

The following questions were submitted by Ms Rosemary Gray, Kallaroo:

Q1 When will the Governance Review Report conducted on the City of Joondalup Council and completed in December 2003 at a cost of \$20,000 to the ratepayers, be completed?

Q2 Will the findings be made available to the public?

Q3 If not, why not?

A1-3 The City as of today has not yet received a copy of the finalised Governance Review Report. Once the report has been received the Joint Commissioners will need to determine whether or not to make the report available to members of the public.

Mr R Privilege, Edgewater:

Q1 What is the opportunity cost to the ratepayers of the City of Joondalup of the large payout to the previous CEO, Mr Denis Smith, plus the cost of appointing an Acting CEO, the costs associated with the appointment of an employee to fill the Acting CEO's position and the cost of getting the legal opinions from Fiocco lawyers and Harry Dixon QC? I estimate the total amount to be in the vicinity of \$900,00, that would attract a very good rate of interest for the benefit of the City of Joondalup ratepayers.

A1 This question will be taken on notice.

Q2 Has there been a forensic audit of the suspended Mayor Carlos' credit card and if so what is the result?

A2 *Response by Chairman Paterson:* No, the forensic audit was only dealing with the actions of Denis Smith.

Mr M Caiacob, Mullaloo:

Re: Cook Avenue Scheme Amendment and Structure Plan

Q1 Why does Structure Plan map 1 show a multiple housing precinct when the amended Structure Plan written text objective is now showing a grouped dwelling precinct?

A1 The text and the map should both say group dwelling precinct. There have been changes to the text but unfortunately the map has not been altered.

Q2 The DPS2 Scheme Report states under Clause 12.2 section Urban Development Zone that:

“Once proposal for development and subdivision within an agreed structure plan area within an urban development zone becomes certain, the zones created under the agreed structure plan will be formalised by way of a scheme amendment to replace the Urban Development Zone.”

Is the scheme report intent of the DPS2 Clause 12.2 being adhered to by allowing the site at Cook Avenue, Hillarys to remain an Urban Development Zone after the finalisation of the future agreed structure plan?

A2 The zoning will allow or facilitate the development, after that time it could revert to a typical residential zoning.

Mr N Gannon, Sorrento:

Q1 The Minutes of the Council Meeting of 9 March 2004 show that the City “has had informal discussions with representatives of the Satterley Property Group” regarding the rezoning of Lot 61 Leach Street, Marmion which is better known as the CSIRO site. When did these discussions take place and who represented the City of Joondalup?

Q2 During these discussions, was any comfort given to the Satterley Property Group which influenced their courageous decision to pay \$8.6 million for this land early in December 2003? Particularly as the land was then and still is zoned as a local reserve parks and recreation under the City of Joondalup’s District Planning Scheme No.2?

A1-2 These questions will be taken on notice.

Ms M Macdonald, Mullaloo:

Q1 Re: Item CJ064-03/04 – Council Policy 3.1.9 – Height and Scale of Buildings within a residential area. This policy covered residential development in all zones where residential development occurred including the Urban Development Zone prior to April 2000 when the policy was amended so that currently it only covers the residential zone. Will Commissioners ensure that there is an effective height policy in place over the Cook Avenue land by ensuring that the land is zone residential?

A1 In the Structure Plan it is proposed to have height controls which are submitted for the Commissioners’ consideration. Regardless of that, in residential areas Council does regulate building heights.

Q2 In Heathridge a development predominately for residential purposes was zoned Centre zone and the development at Cook Avenue is recommended to be zoned Urban Development. What is the purpose of Residential Zone if it cannot accommodate these developments?

A2 The Residential Zone can accommodate these developments, it is a case of applying the optimum zoning to get the optimum control and guidance.

Ms S Hart, Greenwood:

- *Ms Hart tabled papers in relation to the Luisini Winery for copying and requested the originals be returned to her.*

Q1 What is the height control on the Hillarys Structure Plan?

A1 If the question relates to Harbour Rise in Hillarys, it is a 9.5 metre building height limit.

Mr V Cusack, Kingsley (President of South Ward Ratepayers and Electors Association):

Q1 Are the Commissioners aware of the questions submitted by suspended Councillor Carol Mackintosh and I quote: "Will Commissioners be taking any action against resident Mr V Cusack for his unprovoked verbal attack on a senior officer of the City on Tuesday, 23 March 2004?"

A1 *Response by Chairman Paterson:* Yes we are aware of the question.

Q2 Do you agree with the answer given?

A2 The A/CEO and the Chairman of Commissioners are not aware of any harassment that occurred.

Mr D Biron, Mullaloo:

Q1 I refer to questions submitted on Friday, 19 March 2004 for the Briefing Session to be held on 23 March 2004. To date I have not received a response.

A1 *Response by Chairman Paterson:* This will be followed up.

Mr S Magyar, Heathridge:

Q1 Re: Item No. CJ057-03/04 – Warrant of Payments – Cheque No. 62079 – 18 February 2004 – Blake Dawson Waldron - \$9244.53. What goods or services were provided by that organisation to the City of Joondalup?

A1 This cheque covers the balance of costs to the Upper House inquiry for the former CEO of the City and was dealt with by Council, was subject to a rescission motion and subsequently dealt with by the Commissioners.

Q2 Re: Cheques to Hugall and Hoile, Joondalup - \$60,000 approximately – where was that money applied, purely on parks or was it applied to verges and median strips?

A2 This question will be taken on notice.

Mr A Bryant, Craigie:

Q1 On 25 February 2004 Chairman Paterson was paid \$4,358.77, \$4,000 on 27 February 2004 and another \$4,000 paid by electric funds transfer on the same day. Why was Chairman Paterson paid over \$12,000 in two days? It is acknowledged that one of these payments, payment No. 66 on 27 February 2004 for \$4,000 was cancelled.

A1 This question will be taken on notice.

Mr K Zakrevsky, Mullaloo:

Q1 How much did the City lose in total dollars by outsourcing the management of the three leisure centres to RANS?

A1 This question will be taken on notice.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cmr Drake-Brockman declared an interest which may affect his impartiality in Item CJ052-03/04 – Special Meeting of Electors held on 23 February 2004 which relates to the application by Hutchison Telecommunications as Mr Paul Kotsoglo of Planning Solutions, who are assisting Hutchison Telecommunications in its application, is personally known to Cmr Drake-Brockman.

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item CJ053-03/04 – Appointment of Acting CEO as the report deals with the longer term appointment of an Acting CEO and Mr Higham is currently undertaking that acting role.

Director, Corporate Services and Resource Management declared the following interests in relation to Item CJ053-03/04 – Appointment of Acting CEO:

- a financial interest - in the event Mr Schneider should decide to apply for the position;
- an interest that may affect his impartiality - in the event of him becoming a direct report to the Acting CEO.

Director, Infrastructure and Operations declared a financial interest in Item CJ053-03/04 – Appointment of Acting CEO as Mr Djulbic may be a possible candidate for the position.

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item CJ054-03/04 – Recruitment Process for a New CEO as the report authorises Mr Higham as Acting CEO to prepare a report on the recruitment process to appoint a new CEO.

Director, Corporate Services and Resource Management declared the following interests in relation to Item CJ054-03/04 – Recruitment Process for a New CEO:

- a financial interest - in the event Mr Schneider should decide to apply for the position;
- an interest that may affect his impartiality - in being a direct report to the new CEO.

Director, Infrastructure and Operations declared a financial interest in Item CJ054-03/04 – Recruitment Process for a New CEO as Mr Djulbic may be a possible candidate for the position.

Cmdr Drake-Brockman declared a financial interest in Item CJ063-03/04 – Sorrento Beach Redevelopment as he is a legal practitioner and partner in Gadens, Lawyers and has acted on behalf of Consolidated Construction P/L now in voluntary administration.

Cmdr Drake-Brockman declared an interest that may affect his impartiality in Item CJ067-03/04 – Mobile Telecommunication Facility (20 Metre Slimline Monopole plus Antennae and Equipment) at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, Mullaloo as Mr Paul Kotsoglo of Planning Solutions, who are assisting Hutchison Telecommunications in its application, is personally known to Cmdr Drake-Brockman.

C25-03/04 CONFIRMATION OF MINUTES

MINUTES OF SPECIAL COUNCIL MEETING, 16 FEBRUARY/12 MARCH 2004

MINUTES OF MEETING OF JOINT COMMISSIONERS, 9 MARCH 2004

MOVED Cmdr Smith, SECONDED Cmdr Anderson that the following Minutes be confirmed as a true and correct record:

- **Special Council meeting - 16 February/12 March 2004**
- **Meeting of Joint Commissioners - 9 March 2004**

AMENDMENT MOVED Cmdr Drake-Brockman, SECONDED Cmdr Smith that the Minutes of the Special Council Meeting held on 16 February/12 March 2004 be confirmed as a true and correct record, subject to the following correction:

Page 9 - Item C15-03/04: Point 2 (b): the word “*approved*” be amended to read “*recommended*”

The Amendment was Put and

CARRIED (5/0)

The Original Motion, as amended, being:

That the following Minutes be confirmed as a true and correct record:

- **Special Council meeting - 16 February/12 March 2004, subject to the following correction:**

Page 9 - Item C15-03/04: Point 2 (b): the word “*approved*” be amended to read “*recommended*”;

- **Meeting of Joint Commissioners - 9 March 2004.**

was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

JOONDALUP FESTIVAL

Congratulations to all the community volunteers who helped make the sixth annual Joondalup Festival a great success.

More than 2500 primary school students and community members took part in the Grand Parade alone, and they put on a wonderful show.

On behalf of the City of Joondalup and my fellow Commissioners, I thank all volunteers and City staff very much for your contribution to this great event.

The hot weather meant that crowds were not as big as usual, but all who braved the unseasonal heat-wave had a great time.

It was my first festival. I certainly enjoyed myself and am already looking forward to next year.

JINAN DELEGATION

I am pleased to announce that our biggest education partner, Edith Cowan University, has agreed to take part in the City's planned delegation to China.

As endorsed by the Commissioners, I have accepted an invitation on the City's behalf from China to lead the delegation to Jinan, in Shandong province in September.

ECU's participation is great news because it already hosts many Chinese exchange students on its Joondalup Campus and as Professor Poole said, "it goes without saying that China has enormous potential as a trading partner".

Other Joondalup stakeholders have also reacted positively and at this stage, I am hoping that many of them will also be represented in China.

TOURISM

The City is inviting tourism stakeholders, community groups and other interested parties to make submissions on the future of tourism in the region.

The idea is to promote the growth of a strong tourism industry.

Submissions may be made to the City by 30 April 2004.

PETITIONS

Nil.

CJ051 - 03/04 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]**WARD** All

CJ040302_BRF.DOC:ITEM 1

PURPOSE

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

- Document: S70A
Parties: City of Joondalup and Patrick and Mary Morris
Description: Notification under Section 70A – 23 Angler Way, Sorrento
Date: 26.02.04
- Document: Covenant
Parties: City of Joondalup and Paltara Pty Ltd
Description: Restrictive Covenant to restrict vehicular access – Lot 397 on Dep. Plan 38753, Hillarys
Date: 26.02.04
- Document: Copyright
Parties: City of Joondalup and John Evans
Description: Recording of historical importance
Date: 26.02.04
- Document: Amendment – District Planning Scheme No 2 (DPS 2)
Parties: City of Joondalup
Description: Amendment No 19 to DPS 2 – Rezoning and Structure Plan – Lots 742 and 743 Caridean Street and Admiral Grove, Heathridge (Final Approval)
Date: 26.02.04
- Document: Amendment – District Planning Scheme No 2 (DPS 2)
Parties: City of Joondalup
Description: Amendment No 16 to DPS 2 – Rezoning, Coding and Reserving of various parcels of land (Final Approval)
Date: 26.02.04
- Document: Amendment – District Planning Scheme No 2 (DPS 2)
Parties: City of Joondalup
Description: Amendment No 12 to DPS 2 – Rezoning – Lot 63 and portion of Lot 62 – Hocking Road, Kingsley
Date: 26.02.04

Document: Amendment – District Planning Scheme No 2 (DPS 2)
Parties: City of Joondalup
Description: Amendment No 1 to DPS 2 – Lot 3 Trappers Drive, Woodvale
Date: 26.02.04

Document: Deed of Variation
Parties: City of Joondalup and Mindarie Regional Council (MRC)
Description: Amendment to MRC Constitution to enable power to borrow
Date: 10.03.04

Document: Deed
Parties: City of Joondalup and Denis Smith
Description: Deed of Release – Contract of Employment
Date: 12.03.04

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Schedule of Documents executed by means of affixing the common seal be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Cmr Drake-Brockman declared an interest which may affect his impartiality in Item CJ052-03/04 – Special Meeting of Electors held on 23 February 2004 which relates to the application by Hutchison Telecommunications as Mr Paul Kotsoglo of Planning Solutions, who are assisting Hutchison Telecommunications in its application, is personally known to Cmr Drake-Brockman.

CJ052 - 03/04 SPECIAL MEETING OF ELECTORS HELD ON 23 FEBRUARY 2004

WARD - All

CJ040302_BRF.DOC:ITEM 2

PURPOSE

To submit the Minutes of the Special Meeting of Electors held on 23 February 2004 to the Joint Commissioners for consideration.

EXECUTIVE SUMMARY

As requested by the electors of the City of Joondalup, a special meeting of electors was held on 23 February 2004 to consider motions relating to the application by Hutchison Telecom to erect a phone tower in Kallaroo Park

In accordance with the Local Government Act 1995, any decisions made at a special meeting of electors are required to be considered by the Council at either an ordinary or special meeting of the Council.

BACKGROUND

A Special Meeting of Electors was called following receipt of a 108-signature petition from residents of the City of Joondalup, to consider the following motions relating to the application by Hutchison Telecom to erect a phone tower in Kallaroo Park:

- 1 “This meeting of Electors calls upon the City of Joondalup Commissioners to reaffirm Council’s previous decision to reject the proposal from Hutchison totally and outright.”
- 2 “This meeting of Electors calls upon the Commissioners of the City of Joondalup to treat all ratepayers with the same consideration, and not see Kallaroo Park as a site of lesser importance or less sensitivity in the locating of phone towers to the local community.”
- 3 “This meeting of Electors calls upon the Commissioners of the City of Joondalup to recognise that Kallaroo Park is established in a residential area with young families.”
- 4 “This meeting of Electors calls upon the Commissioners of the City of Joondalup to recognise the fact that emissions from this tower will affect two schools and four suburbs.”
- 5 “Any other business in order brought forward by the Electors present at the Electors meeting.”

DETAILS

In accordance with the provisions of the Local Government Act 1995, a Special Meeting of Electors was held on 23 February 2004 to consider motions relating to the application by Hutchison Telecom to erect a phone tower in Kallaroo Park

There were approximately 113 members of the public in attendance. The minutes of the meeting are attached - Appendix 1 refers.

There were seven resolutions passed at the meeting. In response to these resolutions, an officer’s comment and a suggested course of action for each resolution is set out below.

ELECTORS' RESOLUTION NO 1

MOVED Heather King, 16 Kallaroo Place, Kallaroo SECONDED Bernadette Brierley, 34 Kallaroo Place, Kallaroo that the City of Joondalup Commissioners REAFFIRM Council's previous decision to reject the proposal from Hutchison Telecommunications totally and outright.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The application for the proposed tower will be considered by the Commissioners at the meeting to be held on 30 March 2004.

ELECTORS' RESOLUTION NO 2

MOVED Oliver Lambert, 13 Awhina Place, Kallaroo SECONDED Janette Why, 32 Kallaroo Place, Kallaroo that this Meeting of Electors calls upon the Commissioners of the City of Joondalup to treat all ratepayers with the same consideration, and not see Kallaroo Park as a site of lesser importance or less sensitivity in the locating of phone towers to the local community.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

All development applications are considered in accordance with Council Policy and the individual planning merits of the proposal. Kallaroo Park is not viewed as a site of any lesser importance than any other site.

ELECTORS' RESOLUTION NO 3

MOVED Natasha Doyle, 40 Kallaroo Place, Kallaroo SECONDED Edmond Ishak, 9 Bearing Parade, Mullaloo that the Commissioners of the City of Joondalup RECOGNISE that Kallaroo Park is established in a residential area with young families.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

This resolution is noted.

ELECTORS' RESOLUTION NO 4

MOVED Janine Konigsberg, 20 Kallaroo Place, Kallaroo SECONDED Natasha Doyle 40 Kallaroo Place, Kallaroo that the Commissioners of the City of Joondalup RECOGNISE the fact that emissions from this tower will affect two schools and four suburbs.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

Whitford Catholic Primary School is located approximately 500 metres from the subject site. The applicant states that the emissions from the tower will comply with all applicable standards.

ELECTORS' RESOLUTION NO 5

MOVED Kim Young, 170 Mullaloo Drive, Mullaloo SECONDED Glynis Porter, 29 Halliday Grove, Hillarys that:

- 1 this Special Meeting of Electors calls on the City of Joondalup to REPLACE an immediate moratorium on the construction and commissioning of all mobile phone towers within the City boundaries until such time as the City develops a comprehensive policy regarding their installation and future use;**
- 2 the basis of any such policy would be that no mobile phone towers either high or low impact should be placed within a given distance from housing, schools and parks within residential areas. Due to the perceived health risk to our children, this matter should be afforded the utmost priority.**

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The previous Moratorium sought to prevent the installation of telecommunications facilities within the City of Joondalup. The moratorium was revoked due to community pressure and perception that the Moratorium was preventing the relocation of a low impact facility away from a primary school.

Under Federal Legislation, the City cannot prevent the installation of low-impact facilities. Therefore, if a moratorium on high-impact facilities is introduced it is possible that the above situation could occur again.

It is considered that the current Policy outlines the Council's stance on proposed towers, however allows suitable sites to be considered.

ELECTORS' RESOLUTION NO 6

MOVED Oliver Lambert, 13 Awhina Place, Kallaroo SECONDED Janine Konigsberg, 20 Kallaroo Place, Kallaroo that the Council TAKE steps to protect its ratepayers from the continued pressure from Hutchison Telecommunications, which the ratepayers perceive as being harassment.

The Motion was Put and

CARRIED

OFFICER'S COMMENT

Hutchison Telecoms have submitted a development application for determination by the Commissioners. The City cannot prevent the application being made. The City is not aware of any harassment of ratepayers by Hutchison Telecoms.

ELECTORS' RESOLUTION NO 7

MOVED Michael Caiacob, 7 Rowan Place, Mullaloo SECONDED Natasha Doyle, 40 Kallaroo Place, Kallaroo that the Joint Commissioners REFUSE the application submitted by Hutchison Telecommunications for a telecommunication facility located in Gradient Park for the following reasons:

- 1 the development application is false, misleading and incorrect in statement and fact and therefore cannot be determined by the Commissioners;**
- 2 the location of the proposed facility is not acceptable to the Mullaloo community as required by Notice of Motion C14-02/03 of the 18 February 2003 and therefore cannot be determined by the City.**

The Motion was Put and

CARRIED

OFFICER'S COMMENT

The above reasons do not prevent the proposal being considered by the Commissioners, nor do the reasons constitute legitimate planning grounds for the proposed tower to be refused.

Statutory Provision:

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. Where that is not practicable then at the first ordinary Council meeting after that meeting or a special meeting of the Council called for that purpose; whichever happens first.

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.

ATTACHMENTS *Appendix 1 refers (See Appendices at rear of agenda)*

Attachment 1 Minutes of the Special Meeting of Electors held on 23 February 2004

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners NOTE the Minutes of the Special Meeting of Electors held on 23 February 2004 forming Attachment 1 to Report CJ052-03/04 and NOTE that the application by Hutchison Telecommunications is listed for consideration on the Agenda for the Council Meeting to be held on 30 March 2004.

Cmr Paterson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach18brf230304.pdf](#)

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item CJ053-03/04 – Appointment of Acting CEO as the report deals with the longer term appointment of an Acting CEO and Mr Higham is currently undertaking that acting role.

Director, Corporate Services and Resource Management declared the following interests in relation to Item CJ053-03/04 – Appointment of Acting CEO:

- *a financial interest - in the event Mr Schneider should decide to apply for the position;*
- *an interest that may affect his impartiality - in the event of him becoming a direct report to the Acting CEO.*

Director, Infrastructure and Operations declared a financial interest in Item CJ053-03/04 – Appointment of Acting CEO as Mr Djulbic may be a possible candidate for the position.

CJ053 - 03/04 APPOINTMENT OF ACTING CEO - [20006]

WARD - All

PURPOSE

The purpose of this report is to authorise the administration to provide a recommendation to the Joint Commissioners to appoint an Acting CEO until such time as a new CEO is appointed.

EXECUTIVE SUMMARY

After canvassing a number of options it is in the City's interest to stabilise the City as soon as practicable. It is envisaged that a suitable acting CEO replacement can be found within the City.

It is recommended that the Commissioners call for expressions of interest from the Executive Management Team as soon as practicable and that an appointment be made as soon as possible.

BACKGROUND

On 12 March 2004, the Commissioners resolved to:

APPOINT, as an interim measure for a short period of time, Mr Clayton Higham, Director of Planning and Community Development, as Acting CEO following the resignation of the CEO until arrangements are made for the Council to appoint an Acting CEO.

In response to this resolution and at the request of the Commissioners, this report is prepared to provide strategies for the appointment of an acting CEO until such time as a substantive appointment is made. It addresses the options of an internal/external appointment and the process of that appointment.

DETAILS

Internal or External Appointment

In order to restore and maintain organisational stability, the appointment of an interim CEO is considered to be of the highest priority. After the events of the past 12 months, it is critical for ratepayers and other stakeholders to have confidence in the City's capacity to maintain quality delivery of the full range of services and programs. Therefore, the key leadership role of CEO needs to be filled quickly with a minimum of disruption to the organisation and its operations.

There are a number of options for filling the interim position, which essentially relate to whether the appointee is from within or outside the City and the process of that appointment. The choice of options needs to be guided by a number of factors that include the length of the interim appointment; maintenance of stability and confidence in the City's capacity to deliver quality services and programs; availability of skilled candidates and motivating and focussing staff.

In similar circumstances where a CEO position has been vacated suddenly, broader industry practice points to the immediate appointment by Boards or equivalent authorities of an internal senior manager to act in the CEO role until such time as a substantive appointment is made. Usually, an external appointment is only made, where there is some question of confidence in the senior management team.

In respect of Local Government practice, the advice received from the Department of Local Government and Regional Development (DLGRD) and other Councils indicates that there are a number of municipalities that have recently filled vacant CEO positions with internal appointments while awaiting the appointment of a substantive CEO (Canning, Belmont, Wanneroo).

Appointment Process

In almost all of these situations across industry, due to the extraordinary nature of the vacancy, the temporary nature of the appointment and the need to effectively maintain the organisation's operations in a seamless manner, the relevant authorities do not generally implement a usual public recruitment process, but rather make a direct appointment. Similarly this is generally the case when an external appointment is made.

Based on external practice and consideration of the situation at Joondalup, it is proposed that the Commissioners make a **direct internal** appointment to the position of acting CEO for an interim period until such time as a substantive appointment is made. In view of recent events and the negative publicity the City has received it is important that the Commissioners and staff work together collaboratively and be seen to be working together. By appointing from within the organisation, these links can be established early on in the period.

To expedite the process the Manager of Human Resources should be authorised to call for expressions of interest from the Executive Management Team and those expressions of interest by provided to the Joint Commissioners for their consideration.

COMMENT

In view of recent events and the negative publicity it is important that the Commissioners and staff work together collaboratively and be seen to be working together. By appointing one of the staff to the acting CEO position these links can be established early on in the period.

The internal appointment process could be completed in a week and depending on the availability of the commissioners, interviews completed in the following week.

If there were more than one staff member expressing an interest then interviews would need to be conducted with set questions about their strengths in line with the selection criteria. It would also be the officer's recommendation that an external professional person, with no connection to the City, be invited to take part in the interview process to ensure equity and transparency should an internal interview process be conducted.

The length of appointment would, in the first instance be for 6 months and then reviewed closer to the expiry date depending on the status of the recruitment process for a new a CEO.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 **AUTHORISE** the Manager of Human Resources to call for registrations of interest from members of the Executive Management Team to fill the role of acting CEO on an interim basis;
- 2 **REQUEST** that those expressions of interest be submitted to the Joint Commissioners for their consideration.

MOVED Cmr Fox, SECONDED Cmr Smith that the Joint Commissioners:

- 1 AUTHORISE the Manager of Human Resources to seek applications from members of the Executive Management Team to fill the position of Acting CEO on an interim basis;**
- 2 AUTHORISE the Manager of Human Resources to submit the applications to the Joint Commissioners, who will form the Appointment Committee and make a recommendation to Council on the appointment.**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

Acting Chief Executive Officer, Mr Clayton Higham, declared a financial interest in Item CJ054-03/04 – Recruitment Process for a New CEO as the report authorises Mr Higham as Acting CEO to prepare a report on the recruitment process to appoint a new CEO.

Director, Corporate Services and Resource Management declared the following interests in relation to Item CJ054-03/04 – Recruitment Process for a New CEO:

- *a financial interest - in the event Mr Schneider should decide to apply for the position;*
- *an interest that may affect his impartiality - in being a direct report to the new CEO.*

Director, Infrastructure and Operations declared a financial interest in Item CJ054-03/04 – Recruitment Process for a New CEO as Mr Djulbic may be a possible candidate for the position.

**CJ054 - 03/04 RECRUITMENT PROCESS FOR A NEW CEO -
[20006]**

WARD - All

PURPOSE

The purpose of this report is to authorise the Acting CEO to advise on the most appropriate process for the recruitment of a new CEO.

EXECUTIVE SUMMARY

The City of Joondalup has an obligation to its ratepayers and stakeholders to maintain a high level of service and provide stability and direction. To assist the City in its endeavours to achieve this expectation a suitable experienced and qualified CEO should be sourced as soon as practicable.

The Acting CEO is well positioned to prepare reports to the Joint Commissioners with appropriate recommendations for the most appropriate way to undertake this process.

BACKGROUND

One of the recommendations of the Upper House Parliamentary inquiry indicated that that City should have, as a matter of best practice advertised the previous CEO position. It is therefore critical that the recruitment process is in accordance with best practice and can stand up to external scrutiny.

The period required for the recruitment, selection and appointment of a new Chief Executive Officer could take approximately 6 months. This time is made up of the recruitment, selection and appointment, which would take approximately 3 months, plus the notice period the successful applicant may have to give, prior to his/her commencement of duties. It is important therefore that the process begin as soon as possible.

DETAILS

Council has identified the need to begin a recruitment process as soon as possible to select a new Chief Executive Officer. It is important that the Joint Commissioners be involved in the decision making process for the appointment of a Chief Executive Officer in accordance with the Local Government Act 1995. The report prepared by the Acting CEO would assist the Joint Commissioners in determining the recruitment process in accordance with best practice.

COMMENT

The Acting CEO should be empowered with the responsibility of preparing a report for consideration by the Joint Commissioners. Essentially the report would be about the appropriate processes for appointing a new CEO.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners AUTHORISE the Acting CEO to prepare a report on the recruitment process to appoint a new CEO.

MOVED Cmr Fox, SECONDED Cmr Anderson that the Joint Commissioners AUTHORISE the Acting CEO to prepare and submit recommendations on an appropriate process for the appointment of a new CEO.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ055 - 03/04 MINUTES OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE, 8 DECEMBER 2003 AND 25 FEBRUARY 2004 – [53469]

WARD - Lakeside

CJ040302_BRF.DOC:ITEM 3

PURPOSE

To adopt the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 8 December 2003 and the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 25 February 2004.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee met on Monday 8 December 2003. Due to the suspension of Council on 5 December 2003, the Councillors that were appointed to this Committee were not present.

The main issues of discussion were updates on projects being undertaken as part of the CBD Enhancement Project including the Joondalup Community Art Gallery, Joondalup Night Markets and the City's Summer Events Calendar, CBD Sub Group and correspondence from Coles Myer and the Health Insurance Commission.

At the meeting of Joint Commissioners on Tuesday 17 February 2004 Council appointed Cmr John Paterson, Chairman of Commissioners, to this Committee

The CBD Enhancement Project Steering Committee met for the first time in 2004 on Wednesday 25 February 2004. Due to Council's suspension the Committee was required to elect a new chairperson and deputy chairperson. Cmr John Paterson was elected Chairperson of the CBD Enhancement Project Steering Committee and Mr David Curry was elected Deputy Chairperson at this meeting.

Main items of discussion at this meeting included the Edith Cowan University Research Proposal for the Joondalup CBD, the revision of Committee membership and terms of reference, and a sustainable traders program for local businesses.

Also discussed were the Joondalup Night Markets, Inner City transport services and proposals for a swap mart and a fresh farmers market in the Joondalup CBD.

The Committee moved motions at these meetings on various items. Those items that require further investigation are being actioned administratively and reports prepared for submission to future meetings of the Committee.

This report recommends that the Joint Commissioners:

- 1 *NOTE the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 8 December 2003, shown at Attachment 1 to this Report.*
- 2 *NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 25 February 2004, shown at Attachment 2 to this Report.*
- 3 *NOTE that a budget allocation has been listed for consideration in the 2004/2005 budget through the CBD Enhancement Project proposal (F371) for an amount of \$20,000 to enable the completion of the ECU Collaborative Research proposal shown as Attachment 3 to this Report.*

DETAILS

The minutes of the CBD Enhancement Project Steering Committee meeting held on Monday 8 December 2003 are provided at Attachment 1.

The minutes of the CBD Enhancement Project Steering Committee meeting held on 25 February 2004 are provided at Attachment 2.

Attachment 3 shows an outline of Edith Cowan University's Research Proposal for the Joondalup CBD, which supports recommendation 3 of this report.

Financial Implications:

The ECU Collaborative Research Proposal for Joondalup CBD identifies \$20,000 to be considered as a budget item for the 2004/05 financial year. This item will be considered when the budget is reviewed in early 2004. Details of the proposal are shown at Attachment 3 and are referred to in the 2004-2005 budget process under proposal F371 – CBD Enhancement Project.

Strategic Implications:

The City of Joondalup Strategic Plan has an outcome "The City of Joondalup is recognised for investment and business development opportunities".

The Objective is to provide and maintain sustainable economic development.

Strategy 3.5.1 – Develop partnerships with stakeholders to foster business development opportunities.

Strategy 3.5.2 – Assist in the facilitation of local employment opportunities.

The CBD Enhancement Project Steering Committee has in the past 2 years created a proactive approach to the achievement of these strategies. The ongoing promotion and support that has emanated from the activities of the CBD Enhancement Project Steering Committee has

regained confidence from the local Joondalup CBD business community and created many partnership opportunities that have resulted in significant growth in and around the CBD. This growth has been evaluated annually through a research tool and the results have been excellent over the past two years.

Sustainability Implications:

The CBD Enhancement Project has its greatest focus against sustainability principles in relation to the objective to provide and maintain sustainable economic development.

It should be considered that sound economic development leads to the social benefit of community well-being. The effective integration of economic and social agendas builds community capacity. Community capacity further enables greater awareness and participation by community in achieving sound environmental outcomes. The principles of sustainability are inextricably linked. Unless community has solid economic viability then the environmental and social aspects will not be adequately addressed in a manner that meets the needs of future generations.

COMMENT

Details of Meeting held on 8 December 2003

The main issues of discussion for the meeting held on 8 December 2003 were updates on the ongoing projects being undertaken through the CBD Enhancement Project, including:

Joondalup Community Art Gallery

In 2003, Community Development Services staff identified Units 4-6, 48 Central Walk, Joondalup as a preferred venue for the proposed Community Art Gallery.

The Committee made a recommendation to Council supporting the lease of Units 4-6, 48 Central Walk, Joondalup as the venue for the proposed Joondalup Community Art Gallery or a similar purpose at its meeting on 8 December 2003.

The Committee recommendation was as follows:

MOVED Mr B Dorney SECONDED Mr D Godley that the CBD Enhancement Project Steering Committee RECOMMENDS that Council APPROVES the lease of Units 4-6, 48 Central Walk, Joondalup as the venue for the proposed Joondalup Community Art Gallery or a similar purpose.

It should be noted that the Joint Commissioners endorsed the aforementioned recommendation at their meeting on 16 December 2003 (for more details refer to CJ312 - 12/03 Joondalup Community Art Gallery) and no further action is to be taken on this matter.

Joondalup CBD Sub Group – Strategic Directions for the Future of the CBD – Update

A Joondalup CBD Subgroup was formed in 2003 on request of the Committee to develop a recommendation that would provide for a review of the Committee's strategic direction in regard to the matters it should deal with. The Subgroup reported to the Committee that the CBD Enhancement Project would in future years need to become more strategic in its approach to CBD developments. The Sub group also found that the City has a lack of reliable data and research to base any future strategic directions upon. The Subgroup advised the committee a collaboration between ECU and City of Joondalup could provide an efficient and effective process for undertaking the necessary research that would provide strategic direction to the Committee into the future. The Committee supported this approach and a draft proposal from ECU was tabled for comment. The draft proposal contained an estimate of \$49, 000 to complete the project and \$30,000 was reallocated through the mid year budget review process to commence the project in March 2004. At its meeting on 17 February 2004 Council endorsed the mid year budget review.

Details of Meeting of 25 February 2004

The main issues of discussion for the meeting held on 25 February 2004 were updates on the projects being undertaken through the CBD Enhancement Project including:

Edith Cowan University Research Proposal for the Joondalup CBD

Edith Cowan University presented their research proposal to the Committee at the meeting on 25 February 2004. Details of the proposal are shown at Attachment 3.

It is proposed that the Small and Medium Enterprise Research Centre (SMERC) at Edith Cowan University conduct a business audit that will review the current business and provide indicators and predictors of economic opportunities and hot spots within the City boundaries that can be targeted for growth and development.

The project will build upon several related studies and scoping activities that have been conducted over the past seven years and will deliver an economic profile of the business community by sector and by economic contribution. The project will also conduct small focus groups to review and evaluate the issues that the general community have with the CBD area and make some recommendations in relation to community versus business needs.

As part of the project recommendations, information will be shared on the opportunity for business attraction and cluster development, identified from the survey and provide information on the level of economic activity in the region.

The committee made recommendation in relation to this matter as follows;

MOVED Mr D Godley SECONDED Ms M Horgan that the CBD Enhancement Project Steering Committee recommends that Council ENDORSES the ECU Research Proposal for the Joondalup CBD and sets aside \$20,000 from the 2004/05 budget to finalise this project.

New Committee Members/Terms of Reference Review

The CBD Enhancement committee has experienced difficulty in the past from quorum issues and availability of members to attend given the relatively small composition of the committee.

The current composition of the CBD Enhancement Committee is:

Cmr John Paterson, Chairman of Commissioners – Chairperson
Mr D Curry President, Joondalup Business Association – Deputy Chairperson
Mr D Godley, Manager, North West metro Business Enterprise Centre
Mr B Dorney, Regional Employment Coordinator, Department of Employment and Training
Mr A Cameron, Youth Advisory Council
Ms M Horgan, Executive Officer, Perth Area Consultative Committee

The Committee discussed the issue of appointing new members and reviewing the terms of reference. It was recommended that the Committee membership be revised and expanded. The following recommendations were made:

MOVED Ms M Horgan SECONDED Mr D Godley that the CBD Enhancement Project Steering Committee recommends to Council that the Committee membership is REVISED to include a minimum of:

- One Joondalup CBD Business Owner;
- One Joondalup CBD Building owner/landlord;
- One representative from the Joondalup Learning Precinct; and
- One representative from the Joondalup Inner City Residents Association;

MOVED Ms M Horgan SECONDED Mr D Godley that the CBD Enhancement Project Steering Committee recommends to Council that it APPROVES an invitation for committee nominations, via a newspaper advertisement.

MOVED Mr D Curry SECONDED Mr D Godley that the CBD Enhancement Project Steering Committee recommends to Council that it APPROVES a review of the Terms of Reference by City of Joondalup staff for presentation at the next meeting.

The recommendations above will be undertaken through administrative processes and a report on progress will be made to the next Committee meeting until the matter is finalised and a recommendation is put to Council for the appointment of the four additional representatives.

Administration will identify new Committee members and they will be received through placing an advertisement in the local Community Newspapers.

City of Joondalup staff will review the terms of reference before presenting a draft copy to the Committee.

Swap Meet in Joondalup CBD

The Committee also discussed the proposal received from the Karrinyup Rotary Club (KRC) to organise and operate a Swap Mart in the Joondalup CBD. It was noted that a major issue with operating events and activities in the Joondalup CBD is the lack of public toilet facilities. KRC have expressed an interest in building public toilet facilities as a community project and a meeting has been arranged to discuss this issue. The Committee recommendation in relation to this matter is as follows:

MOVED Mr D Godley SECONDED Mr D Curry that the CBD Enhancement Project Steering Committee RECOMMENDS to Council that the City of Joondalup negotiates with Karrinyup Rotary Club and other interested parties to run a swap mart and investigate opportunities for building public toilet facilities in the Joondalup CBD.

Officers of the City have since the committee resolution undertaken negotiations with the Karrinyup Rotary Club and agreed that a further report to the Committee be developed that will outline the direction that this matter needs to take. At this stage Officers do not support the recommendation to Council until further information is provided back to the Committee.

Safety and Security in the Joondalup CBD – WA Police report

The issue of safety and security in the CBD has been of ongoing concern to the Committee over the past 12 months. As a direct impact of anti social behaviour and ram raids the Committee has made significant progress to identify appropriate strategies to mitigate the issues. The Committee made the following recommendation in relation to this matter:-

MOVED Mr D Godley SECONDED Ms M Horgan that the CBD Enhancement Project Steering Committee RECOMMENDS to Council that appropriate staff are directed to address the recommendations in the WA Police report.

Council Officers are currently undertaking an assessment of the police report and will report back to the Committee in relation to the matters raised before progressing any recommendation to Council.

Fresh Markets in the Joondalup CBD

The Committee received a report from Officers outlining an offer from the organiser of the former Wanneroo Local Harvest Farmers Market regarding the possibility of setting up a similar **Fresh Farmers Market** in the Joondalup CBD. The Committee made the following recommendation to Council:

MOVED Mr D Godley SECONDED Ms M Horgan that the CBD Enhancement Project Steering Committee RECOMMENDS to Council that City of Joondalup staff further investigates this item with the intent to progress this initiative as part of the CBD Enhancement Project for the Joondalup City Centre.

Officers of the City are in the process of undertaking this investigation and will report back to the committee before a final recommendation is progressed to Council.

ATTACHMENTS - Appendix 2 refers (See Appendices at rear of agenda)

- Attachment 1 Confirmed minutes – CBD Enhancement Project Steering Committee meeting held on 8 December 2003.
- Attachment 2 Unconfirmed minutes – CBD Enhancement Project Steering Committee meeting held on 25 February 2004.
- Attachment 3 Edith Cowan University Research Proposal for the Joondalup CBD – presented at the 25 February 2004 meeting of the CBD Enhancement Project Steering Committee.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 NOTE the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 8 December 2003, shown at Attachment 1 to Report CJ055-03/04;
- 2 NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 25 February 2004, shown at Attachment 2 to Report CJ055-03/04;
- 3 NOTE that a budget allocation has been listed for consideration in the 2004/2005 budget through the CBD Enhancement project proposal (F371) for an amount of \$20,000 to enable the completion of the ECU Collaborative Research proposal shown at Attachment 3 to Report CJ055-03/04.

MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the Joint Commissioners:

- 1 NOTE the confirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 8 December 2003, shown at Attachment 1 to Report CJ055-03/04;
- 2 NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 25 February 2004, shown at Attachment 2 to Report CJ055-03/04;
- 3 DEFER consideration of the request for additional funding of \$20,000 so that Council can receive additional information on the work of the CBD Enhancement Committee and the City's links with Edith Cowan University.

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach1brf230304.pdf](#)

CJ056 - 03/04 MINUTES OF SUSTAINABILITY ADVISORY COMMITTEE, 5 FEBRUARY 2004 – [00906]

WARD - All

CJ040302_BRF.DOC:ITEM 4

PURPOSE

For Council to adopt the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 5 February 2004.

EXECUTIVE SUMMARY

The Sustainability Advisory Committee (SAC) met on 5 February 2004. This was the first meeting of the year and was attended by Commissioner Michael Anderson.

The main issues of discussion were updates of major projects being undertaken including the development of the City's Biodiversity Strategy, implementation of initiatives under the Cities for Climate Protection Program and the process for the development of the Natural Resource Management Strategy.

The other major focus of discussion was on information gathering to feed into the planning workshop to be held on 18 March 2004.

This report recommends that the Joint Commissioners NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 5 February 2004, forming Attachment 1 to this Report.

DETAIL

The minutes of the Sustainability Advisory Committee meeting, held on 5 February 2004 are provided as Attachment 1.

COMMENT

The recommendation from the committee that "*Council directs the administration to prepare a report on the incorporation of a flexible approach to the application of building licence fees as an incentive to encourage energy efficiency*" is not supported at this stage by Council Officers.

Council Officers in attendance at the meeting have subsequently held discussions with the City's Principal Building Surveyor who has advised that currently builders and designers are required to incorporate energy efficient practices into their home designs in accordance with Part 3.12 of the Building Codes of Australia. This part of the code covers the Building Fabric and External Glazing, Building sealing, Air movement and services. In relation to the wavering of building licence fees it is further advised that all fees are set by the State Government's Building Regulations 1989, these regulations set down the fees applicable to building licence applications.

The City's Building Surveyor would like the opportunity to give a presentation at a future meeting to the Sustainability Advisory Committee in order to share information and to give the committee a thorough understanding of activity that is occurring within the building industry to date and in the future.

Council Officers view this approach as being more effective and appropriate at this stage than to support the recommendation put by the Committee.

The main issues of discussion at the meeting were updates of major projects being undertaken including:

Cities for Climate Protection Program initiatives including:

Dr Cool It: A free home energy advisory service available to residents in the City of Joondalup aimed at educating residents on how to be more energy efficient in the home and save money.

Cool Schools: A pilot program targeted at Primary Schools (Years 6/7). The program will provide students with tools and information they need to effectively monitor energy use within their school building and identify ways to save their schools money by using energy wisely.

Cork Recycling: The City has a display to collect wine corks at the City's administration building and the Joondalup library. This is a partnership project with the Girl Guides who will collect and recycle the cork. A fact sheet on cork recycling was tabled at the meeting.

Greenhouse Gazette: The City has developed a quarterly newsletter: the Greenhouse Gazette which was tabled at the meeting. The newsletter has been distributed to all staff and council libraries and is also available on the City's website and in hardcopy upon request.

A summary of progress to date was provided on the development of the City's **Biodiversity Strategy**. The Strategy aims to identify locally significant natural areas within the City of Joondalup and identify priorities and mechanisms for their protection and management. A project brief has been developed for the development of a Local Biodiversity Strategy to help guide the development of the Strategy.

An outline was also provided on the development of the **Swan Regional Natural Resource Management Strategy**, (currently being drafted) and the delivery of Federal Government funding through the Natural Heritage Trust to support projects that will meet the regional objectives identified in the Strategy.

The committee plans on holding a planning workshop to identify a strategic direction for the committee to support and advise on sustainability initiatives at the City. An external facilitator has been sought to assist in the planning workshop. Discussion followed on particular outcomes that the committee would like to achieve over a short, medium and long term framework. This formed a preliminary information gathering exercise to assist in the planning workshop to be held on 18 March 2004.

ATTACHMENTS - Appendix 3 refers (See Appendices at rear of agenda)

Attachment 1 Minutes of the Sustainability Advisory Committee held on 5 February 2004

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners NOTE the unconfirmed minutes of the Sustainability Advisory Committee meeting held on 5 February 2004, forming Attachment 1 to Report CJ056-03/04.

Cmr Anderson spoke to the Motion.

The Motion was Put and CARRIED UNANIMOUSLY (5/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach2brf230304.pdf](#)

CJ057 - 03/04 WARRANT OF PAYMENTS 29 FEBRUARY 2004 – [09882]

WARD - All

CJ040302_BRF.DOC:ITEM 5

PURPOSE

The Warrant of Payments as at 29 February 2004 is submitted to the Joint Commissioners for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of February 2004. It seeks approval by the Joint Commissioners for the payment of the February 2004 accounts.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	46 - 68 EFT 61837 - 62592	\$ 6,045,359.44
Municipal	470A, 472A 000469 - 000476	\$ 6,439,886.47
Trust Account	Nil	Nil
	TOTAL	\$ 12,485,245.91

The difference in total between the Municipal and Director of Corporate Services & 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 the Joint Commissioners. At the close of February 2004, the amount was **\$1,181,297.91**. The cheque register is appended as Attachments A & B.

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling **\$12,485,245.91** which is to be submitted to the Joint Commissioners on 30 March 2004 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 costing and the amounts shown are due for payment.

PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling **\$12,485,245.91** was submitted to the Joint Commissioners on 30 March 2004.

.....
JOHN PATERSON
Chairman of Commissioners

ATTACHMENTS - Appendix 4 refers (See Appendices at rear of agenda)

Attachment A Warrant of Payments for Month of February
Attachment B Municipal Fund Vouchers

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Smith that the Joint Commissioners **APPROVE** for payment the following vouchers, as presented in the Warrant of Payments to 29 February 2004, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$12,485,245.91.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	46 - 68 EFT 61837 – 62592	\$ 6,045,359.44
Municipal	470A, 472A 000469 – 000476	\$ 6,439,886.47
Trust Account	Nil	Nil
	TOTAL	\$ 12,485,245.91

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4agn300304.pdf](#)
[Attach4aagn300304.pdf](#)

CJ058 - 03/04 FINANCIAL REPORT FOR THE PERIOD ENDING 29 FEBRUARY 2004 – [07882]

WARD - All

CJ040302_BRF.DOC:ITEM 6

PURPOSE

The February 2004 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The February 2004 year to date report shows an overall variance (under spend) of \$9.8m when compared to the year to date revised budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$17.2m compared to a budgeted surplus of \$16.1m at the end of February 2004. The \$1.1m variance is primarily a result of timing variances relating to proposals, minor equipment and electricity expenses.

- **Capital Expenditure** is \$1.4m compared to a budget of \$1.7m at the end of February 2004, an under spend of \$0.3m. This is a timing variance in relation to equipment and mobile plant purchases.
- **Capital Works and Corporate Projects** expenditure is \$5.7m against a budget of \$14.1m, an under spend of \$8.4m at the end of February 2004. This is a timing variance of which \$5.8m relates to Corporate Projects.

DETAILS

The financial report for the period ending 29 February 2004 is appended as Attachment A.

ATTACHMENTS - *Appendix 5 refers (See Appendices at rear of agenda)*

Attachment 1 Financial Report for the period ending 29 February 2004.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Financial Report for the period ending 29 February 2004 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach4brf230304.pdf](#)

**CJ059 - 03/04 TENDER NUMBER 029-03/04 - FLEET SERVICING –
[57075]**

WARD - All

CJ040302_BRF.DOC:ITEM 7

PURPOSE

To seek the approval of the Joint Commissioners to accept the tender submitted by Wild West Hyundai for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles in accordance with the Schedule of Rates (as outlined in Attachment 1) for Tender Number 029-03/04, for a maximum period of three years, subject to annual review and satisfactory performance.

EXECUTIVE SUMMARY

Tenders were advertised on 14 January 2004 through statewide public tender for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles. Tenders closed on 28 January 2004. Five submissions were received from the following: Carcare Lakeside, Big Rock Toyota-North City Holden, Skipper Fleet Service, Wild West Hyundai and UltraTune Warwick.

It is recommended that the Joint Commissioners:

Accept the tender from Wild West Hyundai for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles in accordance with the Schedule of Rates (as outlined in Attachment 1 to this Report) and subject to annual performance reviews for a maximum period of three years commencing on 14 April 2004 to 16 April 2007.

BACKGROUND

Expenditure in the previous 12 months (financial year 2002/2003) for fleet maintenance has exceeded \$50,000, therefore the City of Joondalup advertised through statewide public tender for the supply of fleet servicing over a three-year period.

Tenders for Fleet Servicing were originally called on 6 August 2003 and closed on 21 August 2003. The Council at its meeting on 11 November 2003 resolved as follows:

That Council:

Decline to accept all tenders for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles, Tender Number 002-03/04 and recall tenders.

Under the original specification, Tenderers were requested to provide rates for the specific vehicles in line with the logbook servicing. In order to measure the tenders equally and due to inconsistency in the rates provided for vehicle servicing, clarification was sought from each Tenderer.

As a result of the clarification it was determined that the tendered rates were based on two different types of log book servicing requirements i.e. genuine manufacturer's vehicle logbook and the motor trade association (MTA) log book. A number of Tenderers however, customised the service by using MTA and / or Boyce's (Institute of Automotive Engineers) requirements. This resulted in high variances in the service requirements and subsequently the quoted prices varied significantly. Due to the variances in the services offered and the prices submitted, evaluation of the tenders could not be conducted on an equal basis.

Council resolved (CJ-256-11/03 refers) at its meeting on 11 November 2003 to decline to accept all tenders received for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles, tender Number 002-03/04 and recall tenders.

Tenders were re-advertised on 14 January 2004 through statewide public tender for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles. Tenders closed on 28 January 2004.

DETAILS

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'code of ethics and procedures for the selection of consultants'.

Each member of the Evaluation Team assessed the Tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments, leading to a ranking of each submission in an order of merit.

The Selection Criteria for this tender was as follows:

Resources and Experience of Tenderer in providing similar services:

- Relevant Industry Experience, including details of providing similar supply. Tenderers shall submit a Detailed Schedule of previous experience on similar and/or relevant projects.
- Past Record of Performance and Achievement with a local government.
- Past Record of Performance and Achievement with other clients.
- Level of Understanding of tender documents and work required.
- References from past and present clients.
- Ability to provide usage and expenditure information.
- Ability to provide electronic pricing schedules.

Levels of Service as determined by the Capability/Competence of Tenderer to perform the work required:

- Company Structure.
- Qualifications, Skills and experience of Key Personnel.
- Equipment and Staff resources available.

Beneficial Effects of Tender/Local Content:

- The Potential Social and Economic Effect of the tender on the City of Joondalup community.

Tendered Price/s:

- The price to supply the specified goods or services, licensing, training.
- Schedule of rates for additional goods or services, variations and disbursements.
- Discounts, settlement terms.

The tenders submitted by Carcare Lakeside and Skipper Fleet Service were deemed to be non-conforming as they included qualifications, alternative specifications and/or could not provide the total service specified.

The tenders submitted by Wild West Hyundai, UltraTune Warwick and Big Rock Toyota-North City Holden were extremely competitive in both quality and price. All three are capable of delivering the service required by the City. The tender submitted by Wild West Hyundai was the top ranked tender. Wild West Hyundai demonstrated that they have the ability to provide best value for money based on the selection criteria and their schedule of rates and as such are the recommended tenderer.

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F & G) Regulation 1996*. Advertising this tender also ensures compliance with the *Local Government (F & G) Regulation 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or worth more than \$50,000. The expected consideration for this contract will exceed the Chief Executive Officer's Delegated Authority limit of \$100,000 for the acceptance of tenders.

Policy 2.5.7 Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, Carcare Lakeside is located in Joondalup.

COMMENT

As a part of contract management processes, the City will regularly review / monitor the Contractor's performance and service quality to ensure services meet the City's standards.

Subject to Council approval, the Contract will commence from 14 April 2004 for a maximum period of three years subject to satisfactory annual performance reviews. A formal review will be conducted every twelve months to ensure that the requirements of the Contract have been met. Subject to the outcome of each review an extension in increments of twelve-month periods will be made within the three-year term.

As a part of the contract terms and conditions the City has the option to include additional vehicles during the term of the Contract. The additional vehicles services will be in accordance with the genuine manufacturer's vehicle logbook servicing for the specific vehicle and prior to commencement of the servicing Wild West Hyundai will provide a quotation. The additional vehicles will be serviced in accordance with the genuine manufacturer's vehicle logbook service up to and including 60,000 kilometres for passenger vehicles and 90,000 kilometres for commercial vehicles.

Wild West Hyundai completed the Schedule of Rates and demonstrated that it has the ability to provide best value for money based on the selection criteria and the outcome of the tender evaluation.

ATTACHMENTS - *Appendix 6 refers (See Appendices at rear of agenda)*

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners ACCEPT the tender from Wild West Hyundai for the provision of logbook servicing and maintenance of the City of Joondalup's fleet of light vehicles in accordance with the Schedule of Rates as outlined in Attachment 1 to Report CJ059-03/04 and subject to annual performance reviews for a maximum period of three years commencing on 14 April 2004 to 16 April 2007.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED (5/0)

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach5brf230304.pdf](#)

**CJ060 - 03/04 PETITION REQUESTING MODIFICATION TO
CHICHESTER DRIVE, ASHTON RISE, ELLIS
GROVE AND SOLUS GROVE, WOODVALE – [04026]
[05472]**

WARD - Lakeside

CJ040302_BRF.DOC:ITEM 8

PURPOSE

The purpose of this report is to address the petitioners' concerns in relation to traffic in Chichester Drive, Ashton Rise, Ellis Grove and Solus Grove, Woodvale.

EXECUTIVE SUMMARY

In December 2003, the City received a 112-signature petition from residents of Chichester Drive, Ashton Rise, Ellis Grove and Solus Grove requesting the installation of traffic calming devices to reduce excessive vehicle speeds and antisocial driver behaviour on these streets.

It is considered that the formation of a local area working group can assess the merits of traffic treatment of Ashton Rise, Ellis Grove and Solus Grove and Chichester Drive.

Therefore this report recommends that the Joint Commissioners:

- 1 APPROVE the formation of a local area working group for Chichester Drive, Ashton Rise, Ellis Grove, Solus Grove and other surrounding streets.*
- 2 CONTINUE to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the 'Community Speed Watch' Program.*
- 3 ADVISE the petitioners accordingly.*

BACKGROUND

Chichester Drive is 1.41 kilometres in length and 7.3metre wide local road that runs from the northern end to the southern end of Trappers Drive in Woodvale and provides access to approximately 96 residential properties, North Woodvale Primary School, Woodvale Tavern and Chichester Park.

Ashton Rise is situated at the northern end of Chichester Drive. Both Ashton Rise and Ellis Grove are 7.3 metre wide local roads with Solus Grove being a 6.2 metres wide local road. Ashton Rise provides access to Ellis and Solus Groves, approximately 46 residential properties. The locations of these roads are shown on Attachment 1.

In December 2003, the City received a 112-signature petition from residents of Chichester Drive, Ashton Rise, Ellis Grove and Solus Grove requesting the installation of traffic calming devices to reduce excessive vehicle speeds and antisocial driver behaviour on these streets.

The petitioners are concerned that motorists are travelling at excessive speed and antisocial driver behaviour is increasing along Chichester Drive, Ashton Rise, Ellis Grove and Solus Grove.

In view of this, a preliminary survey and assessment of traffic flow data was carried out on Chichester Drive and Ashton Rise.

DETAILS

An assessment of the survey of traffic data collected over a 7-day period in February 2004 indicated that the current volume of traffic using Chichester Drive ranged between 1937 vehicles per day (VPD) south of Talling Heights and 2064 VPD north of Standish Way. In addition, the traffic assessment indicated that the current volume of traffic using Ashton Rise was 479 VPD. In comparison, Trappers Drive carries around 7671 VPD near the junction of Chichester Drive (north).

Whilst it is noted that the legal speed limit is 50 km/h, the survey data indicated that the 85th percentile speed of vehicles recorded over a 24-hour period on Chichester Drive is 60 km/h and Aston Rise 39 km/h. While some incidences of excessive speed were recorded along Chichester Drive during the survey late at night or early morning, the majority of vehicles travel at or below 60 km/h.

In the five year period to December 2002, there has been nine (9) vehicle crashes recorded along Chichester Drive. Three (3) crashes were recorded at intersections, Chichester Drive with Tallering Heights, Landor Gardens and Keatley Crescent and six (6) crashes were recorded at mid-block. The severity of eight (8) crashes recorded were property damage only (non-medical) and one (1) crash recorded as medical.

During the same five year period, one (1) crash was recorded at a mid-block location along Ashton Rise and no crashes recorded along Ellis and Solus Groves. The severity of the crash recorded along Ashton Rise was property damage only (non-medical).

Financial Implications:

At this stage no funds have been listed in the City's Five Year Capital Works – Local Road Traffic Management Program for traffic treatment of Chichester Drive or other surrounding streets.

COMMENT

The assessment of the traffic data collected on Chichester Drive and Ashton Rise suggests that while some isolated incidences of excessive speed may occur, the majority of motorists drive in accordance with the existing low speed, local road environment.

In view of the distribution function of Chichester Drive and associated traffic volumes, the traffic calming of this street may have merit and will require consultation with the street residents.

The formation of a local area working group can assess the merits of traffic treatment of Chichester Drive and other streets. Invitations will be sent by letter to all residents within the traffic study area, seeking nominations to be part of the working group. The usual membership of a working group may range up to 12 members.

Ideally, incidents of excessive speed and antisocial driver behaviour should be reported directly to the Police for action, however, the City together with RoadWise and Local Police have developed a program 'Community Speed Watch' to help the community identify motorists who continue to travel in an inappropriate manner on local roads.

Council has previously supported this strategy as a way of targeting excessive speed and antisocial driver behaviour on local roads.

In view of this a brochure detailing the 'Community Speed Watch' Program may be distributed to local residents for information.

ATTACHMENTS - *Appendix 7 refers (See Appendices at rear of agenda)*

Attachment 1 Locality Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that the Joint Commissioners:

- 1 APPROVE the formation of a local area working group for Chichester Drive, Ashton Rise, Ellis Grove, Solus Grove and other surrounding streets;**
- 2 CONTINUE to support the targeting of excessive speed and antisocial driver behaviour through community involvement in the 'Community Speed Watch' Program;**
- 3 ADVISE the petitioners accordingly.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach6bfr230304.pdf](#)

**CJ061 - 03/04 PETITION - MARRI & ROCHE ROADS, DUNCRAIG -
PARKING AND TRAFFIC ISSUES – [07057] [37703]**

WARD - South Coastal

CJ040302_BRF.DOC:ITEM 9

PURPOSE

The purpose of this report is to present a strategy to address concerns in relation to parking on Marri Road adjacent to the Duncraig Primary School and assessment of traffic flow along this Road.

EXECUTIVE SUMMARY

In September 2003, a 45-signature petition from residents of Duncraig was presented to Council for consideration. The petitioners have requested that Council address parking on Marri Road and Roche Road adjacent to the Duncraig Primary School and assess the traffic flow along Marri Road.

It is proposed that the City assist Duncraig Primary School in partnership with RoadWise to establish its own comprehensive Road Safety and Parking Strategy based around the existing parking facilities adjacent to the school.

This report recommends that the Joint Commissioners:

ENDORSE that the City work in partnership with RoadWise to assist Duncraig Primary School with the preparation of their own comprehensive Road Safety and Parking Strategies for Marri Road, Roche Road and other roads around the school.

BACKGROUND

The Duncraig Primary School is bounded by Roche Road, Currajong Road, Virgilia Street and Marri Road in Duncraig. The school currently has approximately 350 students from the surrounding local area. A locality plan showing the school and its proximity to nearby facilities and parking opportunities is shown on Attachment 1.

Marri Road is approximately 970 metres long, 7.2 metres wide and runs between Marmion Avenue and Lilburne Road, Duncraig. It is currently classified under the Main Roads WA Metropolitan Functional Road Hierarchy as an 'access road'. It provides access to approximately 51 residential properties, the Duncraig Shopping Centre, a Service Station, kindergarten and Marri Reserve.

Roche Road is approximately 500 metres long, 10 metres wide adjacent to the school and runs between Warwick Road and Marri Road, Duncraig. It is classed as an 'access road' and provides access to approximately 21 residential properties, the Duncraig Shopping Centre and Duncraig Primary School.

In September 2003, the City received a 45-signature petition from residents of Duncraig requesting that Council address the parking situation on Marri Road and Roche Road adjacent to the Duncraig Primary School and assess the traffic flow along Marri Road.

The petitioners are concerned that motorists are travelling at excessive speed and antisocial driver behaviour along Marri Road. In relation to the parking issues on Marri Road and Roche Road adjacent to the school, petitioners are concerned that parent motorists are parking on the verges of Marri Road and Roche Road, restricting pedestrian flow along the footpaths.

In view of this a preliminary traffic flow and parking assessment on Marri Road and Roche Road adjacent to Duncraig Primary School was carried out.

DETAILS

Traffic Assessment – Marri Road

A detailed assessment of the survey of traffic data collected over a 7-day period in February 2004 indicated that the current volume of traffic using Marri Road ranged between 2421 vehicles per day (VPD) adjacent to Marri Reserve and the northern side of the Primary School to 4000 VPD adjacent to the Duncraig Shopping Centre.

The survey data indicated that the 85th percentile speed (*the speed at or below which 85 percent of vehicles are travelling*) recorded on Marri Road over a 24-hour period was 56 km/h adjacent to Duncraig Shopping Centre and 65 km/h adjacent to Marri Reserve and the Primary School frontage. The survey data also indicated there were isolated incidences of excessive vehicle speed late at night and early morning.

In the five years' period to December 2002, there have been thirty four (34) crashes recorded along Marri Road. Twenty (20) crashes recorded were at the intersection of Marmion Avenue and Marri Road, three (3) crashes recorded at the intersection of Marri Road and Cassinia Road and one (1) crash each at the intersection of Marri Road with Lilburne Road and Iolanthe Drive. Nine (9) crashes were recorded mid-block along Marri Road. The severity of twenty three (23) crashes recorded were property damage only (non-medical), ten (10) crashes were medical and one (1) hospitalised.

Parking Assessment – Marri Road and Roche Road adjacent to Duncraig Primary School

A preliminary parking assessment along Marri Road and Roche Road adjacent to Duncraig Primary School was carried out in the last term of 2003 and in February 2004. The survey of parked vehicles during school peak times indicated they were generally parked uniformly along Roche Road adjacent to the school and on the Marri Reserve side, however there were some parent motorists who pick-up from the school side of Marri Road on occasions. These parent motorists were also parked uniformly.

The parking survey was also carried out during the weekends and after school hours. On occasions, a few vehicles were sighted on the Marri Reserve side, however were parked uniformly and legally. The majority of the vehicles utilised the kindergarten carpark.

Overall the parking assessment indicated there were no significant parking problems associated with the school or sporting events.

Financial Implications:

An amount of \$90,000 has been allocated in each year of the City's current Five Year Capital Works Program towards improvements to Parking and Safety at schools. In accordance with the current guidelines, a matching contribution from the Education Department is required for individual projects to be considered as part of the City's Capital Works Program.

The need for improvement works around schools is prioritised by the Education Department.

COMMENT

The assessment of the traffic data collected on Marri Road suggests that while some isolated incidences of excessive speed may occur, the majority of motorists drive in accordance with the existing low speed, local road environment adjacent to the Duncraig Shopping Centre. However, based on the traffic data collected, there is concern of vehicle speed on Marri Road adjacent to Marri Reserve and the Primary School boundary.

Ideally incidents of excessive speed and antisocial driver behaviour should be reported directly to the Police for action, however the City together with RoadWise and Local Police have developed a program 'Community Speed Watch' to help the community identify motorists who continue to travel in an inappropriate manner on local roads.

Council has previously supported this strategy as a way of targeting excessive speed and antisocial driver behaviour on local roads.

In relation to the parking on Marri Road and Roche Road, the preliminary assessment indicated that there were no significant parking problems associated with the school or sporting events.

In addition, the school was recently contacted regarding this matter in which the City was advised that there are no significant parking problems on Roche Road and Marri Road adjacent to the school. The school advised that the majority of the parent motorists utilise the existing on-street parking facilities along Currajong Road, Virgilia Street, Marri Reserve via the existing guard control crossing. However there are a few parent motorists that continue to drop-off and pick-up on Roche Road on occasions.

It is proposed that Council Officers will assist Duncraig Primary School in partnership with RoadWise to establish its own comprehensive Road Safety and Parking Strategy for Marri Road, Roche Road and other roads around the school.

ATTACHMENTS - *Appendix 8 refers (See Appendices at rear of agenda)*

Attachment 1 Locality Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that the Joint Commissioners ENDORSE that the City work in partnership with RoadWise to assist Duncraig Primary School with the preparation of their own comprehensive Road Safety and Parking Strategies for Marri Road, Roche Road and other roads around the school.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach7brf230304.pdf](#)

**CJ062 - 03/04 MINUTES OF THE CONSERVATION ADVISORY
COMMITTEE OF 25 FEBRUARY 2004 – [12168]**

WARD - All

CJ040302_BRF.DOC:ITEM 10

PURPOSE

The minutes of the Conservation Advisory Committee Meeting held on 25 February 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Conservation Advisory Committee meeting held on 25 February 2004 discussed a range of conservation matters within the City of Joondalup. The Committee discussed issues including the local bio-diversity plan for the City's bushland reserves and the future direction of the Conservation Advisory Committee.

It is recommended that the Joint Commissioners:

NOTE the Minutes of the Conservation Advisory Committee held on the 25 February 2004 forming Attachment 1 to this Report.

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises Council on matters pertaining to conservation and nature areas management.

The Committee comprises of representatives of bushland friends groups, community members with a special knowledge of natural resource management and Council staff. The Committee meets on a monthly basis.

DETAILS

A meeting of the Conservation Advisory Committee was held on 25 February 2004. The minutes of this meeting are provided as Attachment 1.

COMMENT

The Conservation Advisory Committee met for the first time in 2004. Commissioner M Anderson was in attendance.

The Committee elected a new Chairperson and Deputy Chairperson.

D. Pike gave a progress report on the status of the Local Biodiversity strategy that Council staff, in association with the Conservation Advisory Committee (C.A.C.) is formulating. Other topics discussed included the future goals of the Committee, bushland regeneration contracts, and the Committee also decided to undertake a review of the Terms of Reference of the Conservation Advisory Committee at its March meeting.

ATTACHMENTS - *Appendix 9 refers (See Appendices at rear of agenda)*

Attachment 1 Conservation Advisory Committee Minutes 25/02/04

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners NOTE the Minutes of the Conservation Advisory Committee held on the 25 February 2004 forming Attachment 1 to Report CJ062-03/04.

Cmr Anderson spoke to the Motion. He encouraged community friends groups to make contact with the City and referred to a newsletter that was to be released in the near future.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach8brf230304.pdf](#)

Cmr Drake-Brockman declared a financial interest in Item CJ063-03/04 – Sorrento Beach Redevelopment as he is a legal practitioner and partner in Gadens, Lawyers and has acted on behalf of Consolidated Construction P/L now in voluntary administration.

Cmr Drake-Brockman left the Chamber, the time being 1941 hrs.

CJ063 - 03/04 SORRENTO BEACH REDEVELOPMENT – [68546]

WARD - South Coastal

CJ040302_BRF.DOC:ITEM 11

PURPOSE

To seek the endorsement of the Joint Commissioners, following the decision of the contractor, Consolidated Constructions Pty Ltd, to appoint an Administrator, of the proposed process to be followed and to delegate to the Acting Chief Executive Officer and a nominated Commissioner the authority to award contracts required to progress the Sorrento Beach Redevelopment works.

EXECUTIVE SUMMARY

The contract for the Sorrento Beach Redevelopment project was awarded to Consolidated Constructions at the Council Meeting held on 29 July 2003. The City was advised on 4 March 2004 that Consolidated Constructions had voluntarily appointed an Administrator (Gary Anderson). Following the receipt of legal advice a process to complete the works prior to next summer has been developed. In order that the works can be completed in a timely and efficient manner delegated authority to enter into contracts will be required.

It is recommended that the Joint Commissioners:

1. *Endorse the proposed process to be taken in regards to the Sorrento Beach Redevelopment project following the decision of the contractor, Consolidated Constructions Pty Ltd, to appoint an Administrator being:*
 - *approach Consolidated Construction's subcontractors seeking their interest to complete their component of the works and subsequently their proposed terms and conditions;*
 - *assess their terms and conditions against the advice received from the independent quantity surveyor and the information obtained from the Administrator in relation to subcontract commitments with Consolidated Constructions;*
 - *the Acting Chief Executive Officer and the nominated Commissioner review the assessment and determine the commercial benefit of the proposed contracts; and*
2. *Authorise the Acting Chief Executive Officer and a nominated Commissioner to enter into the contracts required to progress the works in accordance with the process outlined in this report.*

BACKGROUND

The contract for the Sorrento Beach Redevelopment project was awarded to Consolidated Constructions at the Council Meeting held on 29 July 2003. The City was advised on 4 March 2004 that Consolidated Constructions had voluntarily appointed an Administrator (Gary Anderson). The City's administration has been reviewing its rights, obligations and options that will enable the works to be completed by the start of summer.

DETAILS

At the time of appointment of the Administrator, Consolidated Constructions had claimed that approximately thirty five per cent (35%) of the works under the contract had been completed. Following the receipt of legal advice a notice in accordance with the Conditions of Contract AS4000-1997 between the City and Consolidated Constructions was issued on 12 March 2004 as follows:

As the Contractor has committed an act of insolvency, namely the appointment of an administrator (under clause 39.11(d)(iii) of the Contract), the Principal hereby:

- (i) takes out of the hands of the Contractor the whole of the work remaining to be completed under the Contract (under clause 39.4);*
- (ii) intends to use materials, equipment and other things intended for the work under the Contract (under clause 39.5(a));*
- (iii) intends to take possession of and use such of the construction plant and other things on or in the vicinity of the site as were used by the Contractor and as are reasonably required by the Principal to facilitate completion of the works under the Contract (under clause 39.5(b)); and*
- (iv) suspends further payment to the Contractor until it becomes due and payable under subclause 39.6 (under clause 39.4).*

A second notice in accordance with the *Corporations Act* requesting written consent from the administrator for the City to formally take possession of the site was sent on 12 March 2004. Consent was received from the administrator on 12 March 2004.

The sending of these notices and the receipt of the Administrator's consent enables the City to progress the works.

Normally to progress the works the tender requirements of the *Local Government (Functions and General) Regulations 1996* would be followed however legal advice has confirmed that the City will be acting lawfully and reasonably, and without first publicly inviting tenders, to enter into a contract with a subcontractor provided that:

- 1 the subcontractor was, immediately before the appointment of the administrator, a subcontractor of Consolidated for the purpose of carrying out part of the works under the Contract; and*
- 2 the Contract between the City and the subcontractor:*
 - (a) relates to work that is the subject of the Contract; and*
 - (b) is in the same terms, or substantially the same terms, as apply under the Contract.*

Where it is found that there is a commercial advantage to be gained from entering into arrangements with subcontractors it is intended to proceed in compliance with the legal advice. One of the major subcontracts covers the construction of the retaining walls. This component is approximately sixty five per cent (65%) complete. Tendering this part of the work may result in warranty and quality issues and the time required to run a tender could have safety implications.

Several other components of the works have been commenced, but not completed, such as the steelworks and earthworks. The landscaping contractor has the required grass and plants for the project currently growing to ensure they are planted in an established state. The administrator is currently working with the City to identify the current subcontractors for the project. This will enable the City to determine the commercial advantage to be gained from entering into arrangements with subcontractors directly. In most cases the value of the works will exceed fifty thousand dollars (\$50,000). If no commercial advantage can be gained from this approach the works will be either undertaken by the City where possible and the balance packaged and put out to statewide public tender.

To enable the works to proceed delegated authority will be required to enter into contracts valued above fifty thousand dollars (\$50,000) with selected subcontractors. An independent cost report is currently being prepared by a quantity surveyor that will help identify the market cost to complete each of the subcontractor components. This report along with the information supplied by the administrator will help identify where there is a commercial benefit to be gained from entering into contracts with a subcontractor. Where other factors such as time, warranty and safety factors could influence the cost to completed works those factors will be taken into account in the estimates to be prepared by the quantity surveyor as a separate item. Advice from the quantity surveyor has indicated that publicly tendering the balance of works, rather than dealing with subcontractors, will lead to a substantial cost increase for the project. Additionally another contractor will not offer a warranty for work undertaken by others.

The City's rights and obligations in regards to retention money currently being held (approximately \$47,000) is still under review, as is the issue of the last progress claim submitted by the Consolidated Constructions prior to the Administrator being appointed. The City's superintendent, Connell Wagner, is currently processing the last progress claim in accordance with the contract. The details of the processing of the claim will help to identify the balance of work required by a number of subcontractors who have partially completed their component of the works. Again this information can be used in determining the commercial benefit in negotiating with proposed subcontractors.

Statutory Provision:

Normally to progress the works the tender requirements of the *Local Government (Functions and General) Regulations 1996* would need to be followed however legal advice has confirmed that the City will be acting lawfully and reasonably, and without first publicly inviting tenders, to enter into a contract with a subcontractor provided that:

- 1 the subcontractor was, immediately before the appointment of the administrator, a subcontractor of Consolidated for the purpose of carrying out part of the works under the Contract; and

- 2 the Contract between the City and the subcontractor:
 - (a) relates to work that is the subject of the Contract; and
 - (b) is in the same terms, or substantially the same terms, as apply under the Contract.

COMMENT

Following the receipt of legal advice a process to complete the works prior to next summer has been developed. In order that the works can be completed in a timely and efficient manner delegated authority to enter into contracts will be required.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners BY AN ABSOLUTE MAJORITY:

- 1 **ENDORSE** the proposed process to be taken in regards to the Sorrento Beach Redevelopment project following the decision of the contractor, Consolidated Constructions Pty Ltd, to appoint an Administrator as follows:
 - (a) approach Consolidated Construction's subcontractors seeking their interest to complete their component of the works and subsequently their proposed terms and conditions;
 - (b) assess their terms and conditions against the advice received from the independent quantity surveyor and the information obtained from the Administrator in relation to subcontract commitments with Consolidated Constructions;
 - (c) the Acting Chief Executive Officer and the nominated Commissioner review the assessment and determine the commercial benefit of the proposed contracts;
- 2 **AUTHORISE** the Acting Chief Executive Officer and a nominated Commissioner to enter into the contracts required to progress the works in accordance with the process outlined in Report CJ063-03/04.

MOVED Cmr Smith, SECONDED Cmr Fox that the Joint Commissioners:

- 1 ENDORSE the proposed process to be taken in regards to the Sorrento Beach Redevelopment project following the decision of the contractor, Consolidated Constructions Pty Ltd, to appoint an Administrator as follows:**
 - (a) approach Consolidated Construction's subcontractors seeking their interest to complete their component of the works and subsequently their proposed terms and conditions;**
 - (b) assess their terms and conditions against the advice received from the independent quantity surveyor and the information obtained from the Administrator in relation to subcontract commitments with Consolidated Constructions;**
 - (c) the Acting Chief Executive Officer to review the assessment and determine the commercial benefit of the proposed contracts;**
- 2 AUTHORISE the Acting Chief Executive Officer to enter into the contracts required to progress the works in accordance with the process outlined in Report CJ063-03/04.**

Discussion ensued.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

Cr Drake-Brockman entered the Chamber, the time being 1945 hrs.

**CJ064 - 03/04 AMENDMENT NO 20 TO DISTRICT PLANNING
SCHEME NO 2 - PROPOSED ZONING TO URBAN
DEVELOPMENT - LOT 124 COOK AVENUE,
HILLARYS – [26549] [59549]**

WARD - Whitfords

CJ040302_BRF.DOC:ITEM 12

PURPOSE

The purpose of this report is for the Joint Commissioners to consider the adoption of Amendment No 20 to District Planning Scheme No 2 (DPS2) without modification, following the close of the advertising period.

EXECUTIVE SUMMARY

The Joint Commissioners considered Amendment No 20 to DPS2 for the proposed zoning to “Urban Development” and uncoding of Lot 124 Cook Avenue, Hillarys at its meeting on 16 December 2003 in order to initiate the amendment process and to enable the commencement of advertising of the proposal. Advertising has now closed and a summary of all submissions and responses are provided in this report for consideration by the Joint Commissioners. The issues raised relate to the proposed zoning, removal of the density coding, development of the site generally and therefore additional traffic as well as loss of public open space, flora, fauna and bird habitats. These issues have been addressed in this report and do not alter the City’s position in relation to progressing the Amendment. It is, nevertheless, noted that a separate report on the agenda relates to the associated Structure Plan for the site and that further issues relating to the Structure Plan are noted in that report.

Having regard to the results of the advertising period it is recommended that the Joint Commissioners adopt Amendment No 20 to DPS2 without modification.

BACKGROUND

Suburb/Location:	Lot 124 (92) Cook Avenue, Hillarys
Applicant:	Environmental Management Resources
Owner:	Investa Developments Pty Ltd
Zoning: DPS:	Local Reserve: Public Use – Primary School
MRS:	Urban
Strategic Plan:	Strategy 3.3. – Provide living choices to meet changing demographic demands

Lot 124 (92) Cook Avenue, Hillarys is bounded by Cook Avenue, New England Drive, Willandra Drive, Ferndene Mews and a public accessway (PAW) and has an area of 4.0 hectares. It is located within a residential area in close proximity to commercial, community, educational and recreational facilities including the beach.

The site was initially subdivided and vested in the Department of Education in the early 1990s as part of the Whitfords Beach Estate, Hillarys. It has since become surplus to the Department’s requirements and was sold back as vacant land to the developers, Whitfords Beach Estate, now a wholly owned subsidiary of Investa Property Pty Ltd (Investa). The site has since been zoned “Urban” under the Metropolitan Region Scheme (MRS) and remains reserved as “Local Reserves: Public Use - Primary School” under DPS2. A density code of R20 applies to the subject site. A separate report on the agenda relates to the associated Structure Plan for the site.

The surrounding area is zoned Residential with a density of R20 and it would be appropriate for the subject site to also be used for residential purposes. A zoning of “Urban Development” is proposed as this zoning is the most appropriate in order to achieve the orderly planning and redevelopment of larger areas of land for residential purposes in an integrated manner on the basis that, under DPS2, a Structure Plan setting out the development controls on the land is required to be prepared for land zoned “Urban Development”. This zoning creates a more transparent process to better inform the surrounding affected landowners about the intended development of the site and provides more certainty to potential purchasers, surrounding landowners and the City during the development approval process.

The Joint Commissioners considered and endorsed Amendment No 20 at its meeting on 16 December 2003 in order to initiate the amendment process and to enable the commencement of advertising of the proposal. Advertising has now closed and a summary of all submissions is provided in this report for consideration by the Joint Commissioners to enable the amendment process to be completed and the Amendment to be endorsed.

DETAILS

The proposed Amendment applies to land described as Lot 124 Cook Avenue, Hillarys. Its purpose is to facilitate the future subdivision and development by Investa of 87 lots for residential purposes, including one lot for a grouped dwelling development. The subject site is characterised by steep gradients from Willandra Drive and New England Drive. It is proposed to divide the site into three development precincts - Perimeter Housing Precinct, Internal Housing Precinct and a Multiple Housing Precinct - featuring different design elements to ensure a variety of dwelling types and forms are developed, and to assist in integrating the development into the surrounding area. To this end, it is proposed that the Perimeter Housing Precinct be low density with a density coding of R25, consistent with the surrounding area that has a density of R20. The Internal and Multiple Housing Precincts are proposed to be medium density with a density coding of R40, as set out in the associated Structure Plan. Public open space is proposed towards the eastern end of the site, a portion of which is proposed to be used for a submerged stormwater drainage system.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (as amended) together with Town Planning Regulations 1967 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3 refers).

Consultation:

The Town Planning Regulations 1967 require the Amendment to be advertised for a period of forty two (42) days. The required advertising, consisting of notification of all adjoining landowners, a sign being erected on the site and a notice being placed in the Joondalup Community newspaper, has been undertaken and closed on 3 March 2004. In this instance, given that the site is bounded by four roads and a public access way (PAW), adjoining landowners was taken to include all landowners located immediately opposite the site on the four streets bordering the site, and owners of properties on the opposite side of the PAW at the south-east corner of the site.

Under Section 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period (Attachment 4 refers). After consideration of all submission, the Council shall either resolve to not proceed or to adopt the amendment, with or without modification, and to submit three copies to the Western Australian Planning Commission for final adoption and endorsement.

The points raised have been addressed in this report and no modification of the Amendment is considered to be necessary.

Strategic/Sustainability Implications:

The proposed zoning and uncoding of the subject site would facilitate the development of a variety of housing forms in line with the City's Strategic Plan and sustainability principles.

COMMENT

A total of twelve submissions were received, three of which were late. Of these submissions, five objected to the proposal on the basis of the proposed zoning and uncoding of the site, additional traffic, as well as loss of bushland and associated fauna and bird life. One submission was in support of the proposal. (It is noted that some of the points raised in these submissions related to the associated Structure Plan. The Structure Plan is the subject of a separate report on this agenda and submissions on the Structure Plan are examined within this report). The City's responses to the submissions are addressed in the following.

With regard to the appropriateness of the proposed zoning, applying an "Urban Development" zoning to the site enables a holistic approach to the development of a large tract of land as opposed to a "Residential" zone, as this zoning requires the provision of a Structure Plan that sets out all particular development requirements for the subject lots. A Structure Plan can also be required in other instances, especially when the subject land is located in an established area where the extent, form and arrangement of development will impact on surrounding properties. Specifically, clause 3.12 - The Urban Development Zone - of DPS2 refers to this requirement. This clause also states that no subdivision or other development should be commenced or carried out in an Urban Development Zone until a Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. There is no standard requirement for the provision of a Structure Plan over land zoned "Residential", thereby offering less certainty about the density and form of the future development for surrounding landowners.

The result is a more transparent process to better inform the surrounding affected landowners about the intended development of the site and provides more certainty to potential purchasers, surrounding landowners and the City during the development approval process.

The subject site is currently coded with a density of R20. The density coding of land within an "Urban Development" zone is considered within the context of a Structure Plan and not as part of the amendment process. The proposed Amendment therefore needs to include the uncoding of the subject site to facilitate the Structure Plan process. The proposed zoning and density coding are considered to be the most appropriate to facilitate the complementary residential development of the subject site in the context of the locality in this instance.

In relation to the concern that additional traffic will be generated along Cook Avenue and Marmion Avenue, the development of Lot 124 will provide at least 87 new dwellings as opposed to the site being currently undeveloped vacant land and additional traffic would therefore occur. However, a traffic management report was requested and provided prior to the advertising period that outlines some measures to be taken to alleviate the pressure of the additional traffic along Cook Avenue. These measures are considered satisfactory to the City and would be implemented at the subdivision stage.

With regard to the submissions received relating to the loss of flora, fauna and bird habitat, Lot 124 is private property that inevitably would be developed in time. The most appropriate use for the land is residential which would require the land to be cleared in the most part. The City does not have any controls to limit the amount of clearing on private land, rather the developer controls the extent of clearing. In this case, the site will be fully cleared to establish a residential subdivision.

ATTACHMENTS - *Appendix 10 refers (See Appendices at rear of agenda)*

Attachment 1	Location Plan
Attachment 2	Proposed Amendment Plan
Attachment 3	Scheme Amendment Process
Attachment 4	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPT Amendment No 20 to the City of Joondalup District Planning Scheme No 2 for the purposes of removing the reserve identification of Lot 124 Cook Avenue, Hillarys by changing its designation from "Local Reserve: Public Use – Primary School" and zoning it to "Urban Development", and removing the density code, without modification;
- 2 NOTE the submissions received;
- 3 AUTHORISE the affixation of the common seal to, and endorse the signing of the amendment documents.

MOVED Cmr Smith, SECONDED Cmr Anderson that the Joint Commissioners:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPT Amendment No 20 to the City of Joondalup District Planning Scheme No 2 for the purposes of removing the reserve identification of Lot 124 Cook Avenue, Hillarys by changing its designation from "Local Reserve: Public Use – Primary School" and zoning it to "Urban Development", and removing the density code, without modification;
- 2 NOTE the submissions received;
- 3 AUTHORISE the affixation of the common seal to, and endorse the signing of the amendment documents;

4 REVIEW the process of removing the Density Code when the zoning is changed to Urban Development and, if legally possible, develop a policy that allows the Council to set the direction for the subsequent structure planning process.

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach9brf230304.pdf](#)

CJ065 - 03/04 FINAL ADOPTION OF COOK AVENUE STRUCTURE PLAN NO 5 - LOT 124 (92) COOK AVENUE, HILLARYS – [26549]

WARD - Whitfords

CJ040302_BRF.DOC:ITEM 13

PURPOSE

The purpose of this report is for the Joint Commissioners to consider the submissions received as a result of advertising of the proposed Cook Avenue Structure Plan No 5 for the purpose of final adoption as an Agreed Structure Plan.

EXECUTIVE SUMMARY

The Joint Commissioners considered the proposed Cook Avenue Structure Plan No 5 on Lot 124 Cook Avenue, Hillarys at its meeting on 16 December 2003 when it resolved to adopt the Structure Plan and to make it available for the purposes of advertising. Advertising has now closed and a summary of all submissions and responses is provided in this report for consideration by the Joint Commissioners (Attachment 3). The issues raised relate to density, building form and types, signage, traffic and parking, and public open space provision.

These issues have been addressed and do not alter the City's position in relation to progressing the Structure Plan. It is, nevertheless, noted that a separate report on the agenda relates to Amendment No 20 that seeks to appropriately zone Lot 124 to enable development for residential purposes.

Some minor modifications were identified during the advertising period, partly as a result of the submissions received, as being necessary for clarity and to clearly recognise the intent of the Structure Plan as a development assessment tool. These modifications do not however alter the intent or details of the Structure Plan such that readvertising is warranted.

It is recommended that Joint Commissioners adopt the modified Cook Avenue Structure Plan as an Agreed Structure Plan. It is noted, however, that consideration of this report is contingent upon the Joint Commissioners' decision in relation to the Amendment No. 20 that seeks to appropriately zone Lot 124 to enable development for residential purposes.

BACKGROUND

Suburb/Location:	Lot 124 (92) Cook Avenue, Hillarys
Applicant:	Environmental Management Resources
Owner:	Investa Developments Pty Ltd
Zoning:	DPS: Local Reserve: Public Use – Primary School
	MRS: Urban
Strategic Plan:	Strategy 3.3 – Provide residential living choices to meet changing demographic needs

Lot 124 (92) Cook Avenue, Hillarys is bounded by Cook Avenue, New England Drive, Willandra Drive, Ferndene Mews and a PAW, and has a total area of 4.0 hectares. It is located within a residential area in close proximity to commercial, community, recreational and educational facilities and the beach. The subject site is characterised by steep slopes to the southern and eastern boundaries towards Willandra Drive and New England Drive respectively.

The site was initially subdivided and vested in the Department of Education in the early 1990s as part of the Whitfords Beach Estate, Hillarys. It has since become surplus to the Department's requirements and was sold back as vacant land to the developers, Whitfords Beach Estate, now a wholly owned subsidiary of Investa Property Pty Ltd (Investa). The site has since been zoned "Urban" under the Metropolitan Region Scheme (MRS) and remains reserved as "Local Reserve: Public Use - Primary School" under the City's District Planning Scheme No 2 (DPS 2). An amendment to the DPS2 to suitably zone and code the site to "Urban Development" R25 and R40 in line with the provisions of the proposed Structure Plan is the subject of a separate report on the agenda.

DETAILS

The Structure Plan applies to land described as Lot 124 Cook Avenue, Hillarys. Its purpose is to establish parameters for the future subdivision of the site into 87 lots, including one lot for grouped dwelling development. The Structure Plan provides the development requirements of the subject land for residential purposes. It is proposed to divide the site into three distinct precincts - Perimeter Dwelling Precinct, Internal Dwelling Precinct and a Grouped Dwelling Precinct - featuring different design elements to ensure a variety of dwelling types and forms are developed, and to assist in integrating the development into the surrounding established area. To this end, it is proposed that the Perimeter Housing Precinct be low density with a density coding of R25, consistent with the surrounding residential area. The Internal and Grouped Dwelling Precincts are proposed to be medium density with a density coding of R40. The proposed dwellings are to be designed using sustainability principles with 5 star energy ratings and including the reuse of grey water.

Dwellings within the Structure Plan area are required to be developed in accordance with the requirements of the Acceptable Development provisions of the Codes unless otherwise provided for in the Structure Plan. This facilitates the approval process by enabling applications to be dealt with via an application for a Building Licence rather than requiring development approval.

Some minor modifications were identified during the advertising period, partly as a result of the submissions received, as being necessary for clarity and to clearly recognise to intent of the Structure Plan as a development assessment tool. These modifications are noted below in response to the submissions received noted later in this report.

Statutory Provision

Clause 9.1 of DPS2 states that the Joint Commissioners may require the preparation of a Structure Plan as a prerequisite to its support for a proposal to rezone or classify land in the district. These processes have occurred concurrently for Lot 124 and Amendment No 20 to DPS2 to suitably zone the land is the subject of a separate report on this agenda.

Consultation

Clause 9.5 of DPS2 requires Structure Plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by the Joint Commissioners. Advertising was undertaken for a period of forty two (42) days by way of notification of all adjoining landowners, two signs being erected on the site and a notice being placed in the Joondalup Community newspaper. In this instance, given that the site is bounded by four roads and a public access way (PAW), adjoining landowners were taken to be all landowners located immediately opposite the site on the four streets which border the site, and owners of properties on the opposite side of the PAW at the south-east corner of the site.

Under clause 9.6 of DPS2, the Joint Commissioners shall consider all submissions received during the advertising period (Attachment 3). After consideration of all submissions, the Joint Commissioners shall either resolve to refuse or to adopt the Structure Plan, with or without modification, and to submit three copies to the Western Australian Planning Commission for final adoption and endorsement.

The concerns raised have been addressed in this report and some minor modifications to the Structure Plan are considered to be necessary, as detailed further in this report.

Strategic Implications

The proposed Structure Plan would facilitate the development of a variety of housing forms in line with the objectives of the City's Strategic Plan.

Sustainability Implications

The proposed Structure Plan provides for small lot subdivision of low and medium density which will facilitate better utilisation of the existing infrastructure, community facilities and public transport system in line with the State's planning objectives. Furthermore, the proposed dwelling forms support sustainability principles by utilising small lot sizes, and increasing efficiencies in energy, dwelling design and appliances.

COMMENT

Advertising closed on 3 March 2004 with a total of eleven submissions being received, including three late submissions, five being of objection and one of support. The main issues raised have been addressed below. Notably, the City was also made aware of a circular letter (Attachment 4) which had been delivered to numerous homes in the area of the subject site. The circular (author unknown) made a number of statements which may be considered relevant and are also responded to below.

Density, Building Form and Types, Signage

Plan 1 – Structure Plan Map that denotes the density of the Precincts is located within Part 1 of the Structure Plan document. Part 1 is the statutory part of the document and is clearly separated from Part 2. However, for clarity, the Contents page of the Structure Plan has been modified to include reference to Plans 1-3 in Part 1. In addition, the densities of each Precinct are now noted in the objectives of these Precincts. These densities are R25 for the Perimeter Dwelling Precinct and R40 for the Internal and Grouped Dwelling Precincts.

Whilst the term “housing” is commonly understood to refer to residences used for permanent habitation and therefore previously approved Structure Plan's have not defined it, the word “housing” has been removed in the modified Structure Plan and replaced with the word “dwelling” which is clearly defined in the Codes as “ a building...to be used for the purpose of human habitation on a permanent basis.....”.

The term “ a variety of residential housing” refers to the style of housing that will be developed and does not refer to different forms. These are otherwise referred to under the objectives of the three Precincts.

Two storey single dwellings will be the norm based on the proposed maximum wall heights and ridgelines, with the exception of dwellings fronting Willandra Drive that would be split level developments utilising the steep slope, with the frontages to Willandra Drive and New England Drive being single storey. In addition, towers are proposed on key corners of the site (See Plan 2 within Attachment 2). The grouped dwelling development, located adjacent to the PAW at the south east corner of the site, would be 3-4 storeys and no towers are permitted on this lot. The surrounding area, including the opposite side of Cook Avenue, is characterised by a mix of single and two storey single and grouped dwellings. An indicative streetscape elevation has been provided to assist in understanding how the dwellings will “sit” in context with the surrounding residential area and it can be seen that the proposed form and scale of the single dwellings is moderate and would be compatible with the surrounding developments.

Furthermore, the City's Height and Scale of Buildings Within a Residential Area Policy 3.1.9 sets out the maximum permissible heights and scale of buildings in residential areas. However, the primary intent of formulating a Structure Plan is for any proposed residential development of additional height to be able to be approved with certainty, something that a policy provision does not ensure. In addition, buildings exceeding the permissible height in the Policy are referred to adjacent landowners, which introduces even more uncertainty. Use of Structure Plan provisions avoids the need for separate development applications and is therefore efficient as well as being equitable for all dwellings located on the subject site.

Finished floor level details are not required at the Structure Plan stage, rather these will be required at the building licence stage. Nevertheless, Plan 4 – Indicative Street Elevation and Section shows that the dwellings will observe the natural ground contours with minimal need for filling and retaining. It is also noted that a contoured subdivision plan was provided in Part 2 which, whilst not an approved plan at this time, provides an understanding of the way that the dwellings could be developed by observing the natural ground levels. To allay any concerns about extensive filling and retaining, an additional provision has been included in the Structure Plan in the Perimeter Dwelling Precinct (item (v)) limiting the height of retaining walls to 2m.

Communal open space is not required for grouped dwellings. The original Structure Plan referred to a Multiple Housing Precinct which was confusing terminology since the intention is for Grouped dwellings to be developed on this lot. This Precinct has now been renamed to Grouped Dwelling Precinct.

The only signage that could be permitted in a residential area under the City's Signs Local Law would be in relation to home businesses. Any other signage would be considered commercial in nature requiring a separate development application that would be unlikely to be supported.

Traffic and Parking Issues

A traffic Management Report was submitted prior to the commencement of advertising that considered, amongst other things, the increased volumes of traffic on Cook Avenue as the point of entry to the subdivision, as well as other roads in the vicinity. Traffic management devices including traffic islands and the subsequent narrowing of Cook Avenue, and the proposed location of crossovers in relation to existing crossovers on the north side of Cook Avenue have been proposed as a result of this report. These measures will be required to be implemented at the subdivision stage.

The on-street car parking bays for visitors have been provided on the proposed internal streets and are additional to the required 2 car parking bays for each dwelling, as required in the Structure Plan. The City encourages the provision of on-street car parking bays and seeks to maximise the number of these bays at the subdivision stage.

Public Open Space

As noted in the previous report to the Joint Commissioners, there is a shortfall of public open space of approximately 350m² (1.25% of the site area) with the proposed arrangement of lots. A minimum area equating to 10% of the area of the subdividable land is normally required at the subdivision stage in accordance with the Western Australian Planning Commission's DC 2.3 Public Open Space in Residential Areas. As little as 8% POS can, however, be accepted subject to a cash-in-lieu payment to the local authority for the required balance. The shortfall

is considered to be acceptable in this instance and a cash-in-lieu payment will be finalised at the subdivision stage.

Public open space is normally vested in the local authority for its care and management and, therefore, the costs associated with maintaining this space would be borne by the City. This matter will be considered further at the subdivision stage when an agreement may be made with the developer to maintain this area.

In conclusion, the issues raised have either been addressed or will be addressed at the subdivision stage of development in the normal manner. Notwithstanding this, some minor modifications were identified during the advertising period, partly as a result of the submissions received, as being necessary for clarity and to clearly recognise the intent of the Structure Plan as a development assessment tool. These modifications do not however alter the intent or details of the Structure Plan such that readvertising is warranted.

ATTACHMENTS - *Appendix 11 refers (See Appendices at rear of agenda)*

Attachment 1	Location Plan
Attachment 2	Structure Plan document
Attachment 3	Summary of submissions
Attachment 4	Circular letter

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 pursuant to Clause 9.6 of the City of Joondalup District Planning Scheme No 2 RESOLVE that the modified Cook Avenue Structure Plan No 5 shown in Attachment 2 to Report CJ065-03/04 be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;
- 2 subject to certification by the Western Australian Planning Commission, ADOPT the modified Cook Avenue Structure Plan No 5 as an Agreed Structure Plan and authorise the affixation of the Common Seal to, and the signing of, the Structure Plan documents.

MOVED Cmr Smith, SECONDED Cmr Anderson that consideration of the final adoption of the Cook Avenue Structure Plan No 5, at Lot 124 (92) Cook Avenue, Hillarys be DEFERRED to enable the officers to give further consideration to the concerns raised in the public submissions including, but not limited to, the permissible height of buildings.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach10brf230304.pdf](#)

CJ066 - 03/04 AMENDMENT NO 22 TO DISTRICT PLANNING SCHEME NO 2 – PROPOSED CHANGES FROM ‘RESIDENTIAL’ ZONED LAND TO ‘LOCAL RESERVE – PARKS AND RECREATION’ AND ‘LOCAL RESERVE – PUBLIC USE’ – [26557]

WARD - North Coastal, Marina, Pinnaroo

CJ040302_BRF.DOC:ITEM 14

PURPOSE

Amendment No 22 to District Planning Scheme No 2 (DPS2) is brought before the Joint Commissioners for consideration of initiation and adoption for the purposes of advertising.

EXECUTIVE SUMMARY

A previous review of DPS2 was undertaken and a number of anomalies were found when compared to the Metropolitan Region Scheme (MRS). Local schemes must align with regional schemes and, as such, Amendment No. 22 to DPS2 is proposed to rectify any anomalies, and to ensure that the land is properly zoned so that it may be developed in accordance with the intended use.

Amendment No. 22 proposes to change the ‘zoning’ of a number of lots from ‘Residential’ and identify them in DPS2 with their intended reserve status, as ‘Local Reserve – Parks and Recreation’ and ‘Local Reserve – Public Use.’

Amendment No. 22 also proposes to correct the zoning shown on the Scheme maps for a portion of Iluka District Open Space (Reserve 46280), 6 Miami Beach Promenade, Iluka. The zoning is currently ‘Residential’ which in accordance with its Crown Reserve status, is proposed to be changed to ‘Local Reserve - Parks and Recreation.’

It is recommended that the proposal be adopted for the purpose of advertising for a period of 42 days to allow the process of amendment to the DPS2 to proceed.

BACKGROUND

Suburb/Location:	Various
Applicant:	N/A
Owner:	Various – refer Attachment 1
Zoning:	DPS: Various – refer Attachment 1
	MRS: Various – refer Attachment 1

DETAILS

A previous review of DPS2 in 2003 found a number of anomalies requiring rectification. To enable approval by the Minister for Planning and Infrastructure, via the Western Australian Planning Commission (WAPC), within a reasonable time frame, only half the anomalies requiring change were contained in a previous amendment to DPS2 (Amendment No. 16). This Amendment was endorsed by Council at its meeting of 29 July 2003 and awaits final approval by the Minister.

This Amendment (No. 22) will deal with the anomalies relating to the properties not included in Amendment No. 16. In addition, it will provide recognition of Reserve 46280 (Iluka District Open Space), as a public reserve. For ease of reference, the properties have been grouped into a number of similar proposals.

Proposal 1

Proposal 1 affects eight (8) properties (Attachments 2-8 refer). All of these properties were set aside at subdivision stage for parks and recreation purposes and have been developed as such. However, the Scheme maps do not reflect this information accurately and this Amendment serves to correct current anomalies.

Proposal 2

This proposal affects thirteen (13) properties (Attachments 9-17 refer), all of which are used for public purposes (drainage sumps or for the supply of water to surrounding residential properties). However, the Scheme maps do not reflect this information accurately and this Amendment serves to correct current anomalies.

Proposal 3

The rezoning of Reserve 46280 (Attachment 18 refer) will correct a current anomaly in DPS2 and ensure that the land is shown with the correct reservation on the Scheme maps. The proposal will not change the current or intended use of the site. The reserving of this portion of land is not affected by the MRS Omnibus Amendment No 5.

Statutory Provision:

The Town Planning Regulations 1967, set out the procedure for amendments to local government Town Planning Schemes. The procedure is summarised in Attachment 19 and the current Amendment stage has been highlighted.

Consultation:

The Amendment is required to be advertised for a period of 42 days in accordance with the Town Planning Regulations 1967.

Strategic Implications:

The purpose of the Amendment is to bring the DPS2 into compliance with the MRS to reflect the correct reservations of the affected portions of land and to correct current anomalies shown on the Scheme maps. The proposal will ensure that DPS2 reflects the current use or purpose of the land.

COMMENT

The Amendment serves to make necessary corrections to DPS2, where the Scheme maps currently show zonings that are not consistent with the intended use of the land or the MRS.

It is recommended that the proposal be adopted for the purpose of advertising for a period of 42 days.

ATTACHMENTS *Appendix 12 refers (See Appendices at rear of agenda)*

Attachment 1	Table of Amendment Proposals
Attachments 2-18	Plans of Amendment Proposals
Attachment 19	Flowchart of Scheme Amendment Process

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners:

- 1 in pursuance of section 7 of the Town Planning and Development Act 1928, AMEND the City of Joondalup District Planning Scheme No 2 for the purpose of:**
 - (a) Removing the 'Residential' zoning and reserving to 'Local Reserve – Parks and Recreation', the following portions of land:**
 - Swan Location 14322 – Reserve 46668 Selkirk Drive, Kinross;
 - Lot 91 Cranston Loop, Kinross;
 - Swan Location 13479 – Reserve 45758 Discovery Circuit, Iluka;
 - Reserve 44451 Santiago Park, Beaumaris Boulevard, Ocean Reef;
 - Reserve 46050 25 Negresco Turn, Currambine;
 - Eastern Portion of Swan Location 12639 – Reserve 44910 (Christchurch Park);
 - Reserve 42221 & 42222 No 4 and 6 Ocean Parade, Burns Beach;
 - Reserve 45751 – 36L Mayflower Crescent, Craigie.
 - (b) Removing the 'Residential' zoning and reserving to 'Local Reserve – Public Use', the following portions of land:**
 - Swan Location 13561 – Reserve 46179, Cayman Lane, Iluka;
 - Loc 14550, Lochy Close, Kinross;
 - Lot 1300, Lochy Close, Kinross;

- **Swan Location 14006 – Reserve 46577, Kinross Drive, Kinross;**
 - **Lot 194 Dunscore Way, Kinross;**
 - **Reserve 43977 Connolly Drive, Kinross;**
 - **Reserve 43967 Connolly Drive, Kinross;**
 - **Reserve 44909 Christchurch Terrace, Currambine;**
 - **Reserve 46051 19L Negresco Turn, Currambine;**
 - **Lot 628 Tyneside Grove, Currambine;**
 - **Reserve 44156 Yatala Close, Currambine;**
 - **Reserve 44349 Shenendoah Mews, Currambine;**
 - **Reserve 45764 Shenendoah Mews, Currambine.**
- (c) **Removing the ‘Residential’ zoning from Reserve 46280, No 6 Miami Beach Promenade, Iluka, and reserving it to ‘Local Reserve – Parks and Recreation’;**
- 2 ADOPT Amendment No 22 accordingly for the purposes of advertising for a period of 42 days.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach11brf230304.pdf](#)

Cmr Drake-Brockman declared an interest that may affect his impartiality in Item CJ067-03/04 – Mobile Telecommunication Facility (20 Metre Slimline Monopole plus Antennae and Equipment) at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, Mullaloo as Mr Paul Kotsoglo of Planning Solutions, who are assisting Hutchison Telecommunications in its application, is personally known to Cmr Drake-Brockman.

CJ067 - 03/04 MOBILE TELECOMMUNICATION FACILITY (20 METRE SLIMLINE MONOPOLE PLUS ANTENNAE AND EQUIPMENT) AT KALLAROO PARK, BOUNDED BY MARMION AVENUE, KALLAROO PLACE, MULLALOO DRIVE & CATENARY COURT, MULLALOO (DA03/810) – [09188]

WARD - Whitfords

CJ040302_BRF.DOC:ITEM 15

PURPOSE

To report the outcome of public advertising and request the Joint Commissioners to determine the Development Application for the proposed Hutchison Mobile Telecommunication Facility (MTF) in Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court.

EXECUTIVE SUMMARY

An application has been received for the erection of a mobile telecommunication facility, consisting of a 20 metre slimline monopole containing 3 panel antennae and 2 parabolic antennae and an equipment shelter in Kallaroo Park, Mullaloo. The total height of the pole plus antennae is approximately 22.5 metres.

The above site is surrounded by residential land. The applicant, Hutchison Telecoms, proposes to relocate its existing MTF from the Mullaloo Squash Courts at Koorana Road, Mullaloo to the above site due to community concern.

Public awareness has been high in relation to the proposal as evidenced by the number of submissions received in regard to the proposal. The major reasons cited for opposition were the potential adverse health impact, visual blight, loss in property values and the restricted access to the reserve.

A relatively small number of submissions were in support for the proposal on the basis that the proposed site is preferable to that of the Mullaloo Squash Courts.

This proposal for a MTF is similar to an application considered and refused by Council at its meeting held on 29 April 2003, with the exception that the tower is proposed to be 15 metres closer to Marmion Avenue than the previous proposal.

It is recommended that the Joint Commissioners not support the above MTF due to its proximity to a residential area, the reduction in visual amenity, and large community opposition to the proposal.

BACKGROUND

Suburb/Location:	Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court
Applicant:	Hutchison Telecoms
Owner:	Crown vested in City of Joondalup
Zoning:	DPS: Local Reserve (Parks and Recreation)
	MRS: Urban

On 12 September 2000, the City resolved to place a moratorium on future MTFs. The moratorium was lifted by Council on 17 December 2002 and replaced with a Policy Statement in relation to MTFs (copy attached)

Under the Telecommunication Act 1997 (as amended) and the Telecommunication (Low Impact Facilities) determination 1997, the proposal is defined as a "High Impact" facility and requires the submission of a development application for determination by the local authority.

Council at its meeting held on 29 April 2003 considered a similar application at this site for a MTF. Council resolved to refuse the application for the following reasons:

- The proposed Mobile Telecommunications Facility is likely to have a negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area.
- The proposed Mobile Telecommunications Facility is likely to have a negative impact on the visual amenity of the surrounding area.

DETAILS

The proposed MTF is part of the Hutchison Telecoms' planned 3G network in the Metropolitan Region. The proposal consists of a 20 metre high slimline monopole. Attached are 3 panel antennae, each 1.9m long, 2 parabolic antennae with a 0.6m diameter and an equipment shelter 3 metres x 2.5 metres within a 1.8 metre high security fence (Attachments 1 and 2).

The MTF is to be setback approximately 25 metres from Marmion Avenue and 57 metres from Kallaroo Place, Mullaloo. The monopole is a steel pole and the equipment shelter is colorbond. No colours for the structures have been nominated.

The facility is proposed to be located in Kallaroo Park. Should the proposal be approved, Hutchison will be required to excise the land from the reserve and then enter into a lease arrangement with the City of Joondalup or, if the City does not enter into an agreement, the Department of Land Information (DLI).

A Special Electors Meeting was called and held on 23 February 2004 to discuss the proposed MTF. Seven resolutions were carried at the meeting, including a motion for the Commissioners of the City of Joondalup to reaffirm the previous decision to refuse the MTF.

Applicant's submission

The following is an extract of the information provided by the applicant to support the proposal:

The proposed facility utilises a location and design, which:

- 1 *Is in a reserve, relatively isolated from residential and sensitive land uses in comparison to the existing low-impact facility;*
- 2 *May provide for the future co-location of other Telecommunications Carriers;*
- 3 *Incorporates an antenna mounting arrangement so as to optimise the placement of antennae on the structure, therefore reducing the elevation and volume required for the structure.*
- 4 *Shall comply with all relevant Australian Standards relating to exposure to electromagnetic fields. An independent source "Radhaz Consulting Pty Ltd" has provided a detailed diagram depicting the Hutchison electromagnetic zones applicable; and*

5 *Does not adversely affect any significant vegetation.*

The facility proposed will:

- 1 *Alleviate the need for more facilities, closer to residential and other areas;*
- 2 *Provide for the future co-location of other Telecommunications Carriers;*
- 3 *Produce a less visually obtuse and therefore less visually intrusive development than alternative options; and*
- 4 *Produce a facility solution that is entirely consistent with the orderly and proper planning of the locality.*

The site selection process, undertaken by Hutchison and the facility proposed to achieve the network solution required to achieve the necessary coverage has incorporated the following considerations:

- *Radio coverage objectives;*
- *Low impact and Co-location opportunities;*
- *Surrounding land uses;*
- *Planning, Environmental and Heritage considerations; and*
- *Facility construction and treatments.*

The facility proposed by Hutchison utilises a location in Gradient Park that is as removed as practicable from nearby sensitive land uses. The proposal, in this instance, involves a monopole facility, designed to facilitate the establishment of equipment by other carriers if required to achieve the necessary coverage objectives at a time in the future if required by those carriers.

The proposed facility is an alternative solution to facilitate Hutchison's mobile telephone network in this locality, to facilitate the aspirations of the community surrounding the existing low impact facility located at the Mullaloo Squash Centre. The proposal is presented on the basis of the Council of the City of Joondalup recently rescinding its moratorium on telecommunications facilities. Accordingly, the local authority is formally requested to grant its Approval to Commence Development for the proposal.

Public Consultation

The MTF proposal has been advertised for a period of 30 days, pursuant to Clauses 6.6 and 6.7 of DPS2 and Council's Policy Statement on MTF. The proposal was advertised as follows:

- Written notification of landowners and residents within 500 metres of the proposed MTF
- An advertisement in the local community newspaper for 3 consecutive weeks
- The erection of 2 signs on-site.

The total number of submissions is as follows:

Type of Submission	No Received
Submissions in Support	17
Submissions Objecting (including letters to Commissioners)	276
Petitions Received	7 signatures 2886 signatures 30 signatures 38 signatures
Late submissions (all objections)	8

The main reasons submitted by supporters are as follows:

- The proposed site is preferable to the Mullaloo Squash Court site.

The main issues and concerns raised in the objections are as follows:

- The serious health and safety risk associated with EME emissions. No proof is submitted that EME are safe;
- The proposal is an eyesore and would be visually intrusive;
- The proposal would restrict the usage of the park and the park should be retained for what is was intended;
- The proposal is too close to residential houses;
- The possible interference with TV reception; and
- The devaluation in property prices.

The concerns regarding the proposal are as follows listed, in order of concern:

Reason for Objection	No of Mentions
• Effect on Health, including children's	• 147
• Negative effect on property values	• 71
• Eyesore/Visually Intrusive	• 62
• Proximity to homes and schools	• 61
• Previously rejected	• 52
• Use of the Park/ not available for recreation	• 32
• Adequate coverage already	• 11
• Proliferation from other carriers	• 8
• Affect on TV reception and appliances	• 7
• Should be in an industrial area	• 6
• Stress of the unknown	• 5
• Possible target for graffiti/vandals	• 3
• Noise & rubbish from maintenance	• 2
• Bad timing of advertising (holiday period)	• 1
• Future impact on school enrolments	• 1

The applicant has submitted the following additional information in response to the concerns raised in the objections:

<i>Effect on health, including children's</i>	<i>As per advice supplied to Councils by the Dept of Health WA, there is no evidence of health effects from Mobile Base Stations. An independent EME report has also been provided to Council, which shows that Hutchison is well within the ACA standards.</i>
<i>Negative effect on property values</i>	<p><i>There is no evidence of devaluation of property located near mobile telecommunications facilities. This is not a planning consideration.</i></p> <p><i>Over the last decade and a half there has been a massive expansion of telecommunications infrastructure across Australia – more than 10,000 network sites have been constructed – many of them in areas within close proximity to houses, many on apartment buildings themselves.</i></p> <p><i>In that time there has been a significant increase in property values, particularly in Perth. We are not aware of any evidence to suggest that the increase in telecommunications infrastructure in residential areas has had any impact on property values.</i></p> <p><i>Notwithstanding this is not a planning consideration.</i></p>
<i>Eyesore / Visually intrusive</i>	<p><i>The design is not considered to be an 'eyesore'. The statement is one based on opinion rather than fact.</i></p> <p><i>Please refer to photomontages supplied to Council.</i></p>
<i>Proximity to homes and schools</i>	<i>Facilities of this nature are located within the metropolitan area to provide a service to all inhabitants. Being located near housing and schools is necessary and is not uncommon.</i>
<i>Previously rejected</i>	<i>Hutchison has endeavoured to work with the Councillors, Council Staff and the Community to achieve a positive outcome for all parties. After various meetings and liaison between Hutchison, Councillors and Council Staff, the Mayor (at the time) confirmed the application could be resubmitted and would be assessed in accordance with Council's Town Planning Scheme.</i>
<i>Use of Park / not available for recreation</i>	<i>The location of the site within the reserve is to ensure it does not impact on the use of the reserve.</i>

<i>Adequate coverage already</i>	<i>The surrounding locality does not have adequate mobile phone coverage otherwise the Carrier would not be proposing the facility. This is evident from the coverage plots provided to Council previously.</i>
<i>Proliferation from other carriers</i>	<i>A new facility of this nature will allow a number of Carriers to co-locate on the one tower, ultimately reducing the number of facilities required in the district.</i> <i>The proliferation of Carriers per se is not a planning issue.</i>
<i>Affect on TV reception and appliances</i>	<i>The facility will be managed so as not to interfere with TV reception or appliances.</i>
<i>Should be in an industrial area</i>	<i>Whilst as a general principle it is desirable to locate facilities within industrial areas, this is not possible within the City of Joondalup due to technical coverage constraints.</i>
<i>Stress of the unknown</i>	<i>This is not a planning consideration.</i>
<i>Possible target for graffiti /vandals</i>	<i>The proposed tower and associated equipment will be contained within a 1.8 metre high security fence.</i>
<i>Bad timing of advertising (holiday period)</i>	<i>Advertising was conducted at the discretion of Council, in accordance with Council requirements.</i>
<i>Future impact on school enrolments</i>	<i>Many telecommunication facilities are located within close proximity to schools.</i>

Statutory Provision:

The MTF is proposed on a Local Reserve. Under Clause 2.3.4 of DPS2, Council may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Reserve and the matters set out Clause 6.8 (attached).

Policy Implications:

Consideration is to be given in relation to Council's Policy on Telecommunication facilities adopted by Council on 17 December 2002 (attachment 4), which states in part:

"The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.

In making a recommendation to the WAPC or determining the application the Council will have regard to;

- (a) the comments and concerns of the local community;*
- (b) the merits of the particular proposal;*
- (c) compliance with the industry code of practice;*
- (d) compliance with matters required to be considered under the District Planning Scheme, and*
- (e) the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above."*

COMMENT

The various issues raised during the advertising period are discussed below.

Visual Impact/Location.

The location selected is one of the lowest areas within the reserve close to residential houses. The applicants have sought to integrate the 20 metre height slimline pole to blend in with the natural vegetation. While the MTF proposed is considered to be one of the least visually intrusive structures when compared to other MTF facilities in and outside the City, the proposed tower will have a clear visual impact on the area.

The application states that the MTF will be located amongst existing light poles, however, this statement is incorrect as there are no existing light poles within the park. The existing street lights along Marmion Avenue will to some extent lessen the impact of the MTF along the Marmion Avenue vista, however, the tower will be clearly visible from the nearby residences.

While the monopole will be visible from Kallaroo Place and Marmion Avenue, the site selected seems to be acceptable in terms of location away from sensitive uses, with the exception of residential houses. The design of the monopole, together with the antennae attached to the facility contributes to the reduction in the overall bulk of the facility. The monopole will be structurally built to accommodate other carriers' antennae. However, as stated in the applicant's submission, this may or may not result in an addition to the height of the structure. This creates some uncertainty, which could result in the facility increasing in size and increasing the visual impact on neighbouring residential properties. The close proximity of the proposed tower to residential land compounds the visual impact and such impact is of concern.

To minimise the visual impact of the structure, it is recommended that, if approved, the monopole be painted white or green and the equipment shed be painted green.

Effects on Property Values/TV Reception

There is no known published data to link property values to MTF. Further, property values are not a planning consideration. Television reception is not a matter that can be controlled by the City.

Previous Application has been Rejected

While the previous application has refused by Council, the City cannot prevent a fresh application being submitted by the applicant. It is noted that the majority of the proposal is similar to the previous application, with the exception that the monopole is proposed to be located approximately 15 metres closer to Marmion Avenue.

Use of Reserve

The choice of the location was one undertaken by Hutchison Telecoms. The area to be taken up by the MTF is relatively small in size and is in a secluded location and will be fenced off for safety reasons. There are numerous examples of MTFs on reserves in the metropolitan area and this has not deterred the public from using the reserves for various activities.

If approved it would be recommended that the cable and access route to the MTF compound be aligned to retain any existing trees, which would assist to conceal the compound. The applicant and Hutchison will also be required to liaise directly with the Water Corporation to ensure that the proposal does not have an impact on the Water Corporation easement.

Health Matters

The main community concern is the adverse long-term health risk associated with MTFs as a result of electromagnetic emissions.

It is noted that health matters are not directly related to the planning assessment of this development proposal, however, the high degree of concern about these proposals is an ongoing debate in the community.

International and national scientific studies conclude that there is no substantiated evidence to suggest that living near a mobile telephone tower causes adverse health effects. It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Community Authority (ACA). The Radiation Frequency (RF) limits are established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) and are some of the most stringent in the world.

Notwithstanding these comments there is, however, a divergence of scientific opinion from independent studies into the health impacts associated with MTF which suggest the opposite to the above findings. This means siting the MTF away from residential areas and other sensitive users such as schools until there is conclusive scientific evidence to the contrary that there are no health risks.

The applicant states that the MTF will comply with the required standards relating to EME.

Conclusion.

Today's society demands high quality mobile phone services. To satisfy this demand, MTFs are required within the urban environment and in suburb specific sites. Hutchison has stated in the application that the proposed site is required to meet network coverage requirements. Notwithstanding, each application is required to be considered on its merits on planning grounds.

If this application is refused, the applicant can appeal the decision to the Town Planning Appeal Tribunal. Alternatively, they may revert to retaining the existing facility at the Mullaloo Squash Courts at Koorana Road, Mullaloo. As a “low impact” facility under the Federal Government’s legislation, the City has no powers to prevent the use of the existing facility should Hutchison choose to take this course of action.

The technical evidence submitted by the applicant clearly demonstrates that the RF EME levels from the MTF are well below mandatory standards. The issue of compliance with the health standards is a matter to be monitored and administered by the relevant Federal Health Agency.

Notwithstanding the planning issues discussed above, there has been a large negative response to this proposal from the surrounding community. Clearly the proposed location of the MTF adjacent to residential properties is of concern.

Notwithstanding the possible courses of action for Hutchison, which include an appeal or the retention of the facility on Mullaloo Squash Court, consideration of the proposed tower must be based on the planning merits of the proposal on this particular site.

Having considered the proposal in accordance with Clause 6.8.1 and associated documents, it is recommended that the proposal not be supported as it is considered that the site is unsuitable due to its proximity to residential dwellings, and will have a negative impact on the visual amenity of the area.

ATTACHMENTS - *Appendix 13 refers (See Appendices at rear of agenda)*

Attachment 1	Aerial Photo
Attachment 2	Development Plans
Attachment 3	Clause 6.8.1 of DPS2
Attachment 4	Policy 3.1.13 – Telecommunications Facilities
Attachment 5	EME Reports

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Drake-Brockman that the Joint Commissioners REFUSE the application dated 14 November 2003 for a Mobile Telecommunication Facility at Kallaroo Park, bounded by Marmion Avenue, Kallaroo Place, Mullaloo Drive and Catenary Court, for the following reasons:

- 1 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the amenity of the surrounding area, due to its location within close proximity to a residential area;**

2 the proposed Mobile Telecommunications Facility is likely to have a negative impact on the visual amenity of the surrounding area.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach12brf230304.pdf](#)

CJ068 - 03/04 PROPOSED MODIFICATIONS TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL – CITY NORTH DISTRICT – [45083] [58538] [17169]

WARD - Lakeside

CJ040302_BRF.DOC:ITEM 16

PURPOSE

The purpose of this report is to consider modifications to the Existing A1 Land Use plan (Attachment 1 refers) for the City North District within the area covered by the Joondalup City Centre Development Plan and Manual (JCCDPM). The modifications will ensure that the land uses and road layouts detailed on the Existing A1 Land Use plan are in accordance with the approved subdivision plan for the area (Stage 6 City North – Attachment 2 refers).

EXECUTIVE SUMMARY

The proposed modifications to the JCCDPM are required in order to ensure that the lots created by the approved plan of subdivision can be appropriately developed. The modifications seek to make changes to the Existing A1 Land Use plan to ensure that the plan reflects the land uses and road layouts created by the approved subdivision.

It is recommended that the modified Proposed A1 Land Use plan be adopted and submitted to the WAPC for adoption and certification and that advertising of the proposed modifications to the JCCDPM be waived.

BACKGROUND

The JCCDPM is an Agreed Structure Plan under Part 9 of the City's District Planning Scheme No 2 (DPS2).

On 12 September 2001 the Western Australian Planning Commission (WAPC) approved a subdivision for Stage 6 City North within the JCCDPM. The subdivision created 12 'General City' and 37 'Residential' and 'Residential/Mixed-Use' zoned lots.

When the proposed subdivision was referred to the City for comment, the City noted that the subdivision contained inconsistencies with the JCCDPM, and, as such the latter would need to be modified accordingly. The City advised the WAPC of its support to the proposal but in doing so did not recommend a condition to require the modifications to the JCCDPM. The subdivision was subsequently approved by the WAPC without a relevant condition.

Generally when a proposed subdivision is not in accordance with an Agreed Structure Plan it would not be approved by the WAPC, or it would be approved subject to the Structure Plan being modified accordingly. In this instance the Structure Plan was not modified, however, the proposed modifications are considered appropriate and should proceed.

DETAILS

Seven (7) modifications are proposed to the Existing A1 Land Use plan, as shown on Attachment 3, Proposed A1 Land Use plan. The proposed modifications and justification for each are as follows:

- i) Delete the "Public Parking" use and replace with "Residential" use:

The City's Parking Strategy was endorsed after the JCCDPM and supersedes the car parking requirements stipulated within the latter. The Parking Strategy identifies a number of parking station sites throughout the Joondalup City Centre but does not identify a parking station on the subject site located on the Land Use plan for the City North District.

Given that the City North District is comprised of predominantly residential uses, a parking station in this area is not required and therefore, the proposed subdivision identifying residential lots in its replacement is considered to be appropriate.

City North has been designed to be well serviced through on-street parking and this will provide for any future commercial development.

- ii) Delete a section of "General City" use and replace with "Residential" use:

A minor modification is required to change a small section of the Existing A1 Land Use plan from "General City" use to "Residential" use in accordance with the lot boundaries created by the subdivision. The modification is minor and does not change the intent of the JCCDPM.

- iii) Identify Pimlico Place as a through road connecting to Grand Boulevard:

Pimlico Place has been approved as a through road, connecting through to Grand Boulevard. The Existing A1 Land Use Plan identifies this road as a no-through road and as such, the plan is required to be modified.

- iv) Identify Hammersmith Court as a through road connecting to McLarty Avenue:

Hammersmith Court has been approved as a through road, connecting through to McLarty Avenue. The Existing A1 Land Use plan identifies this road as a no-through road and as such, the plan is required to be modified.

- v) Identify a laneway to the rear of the lots fronting Hammersmith Court and Pimlico Place:

The subdivision plan identifies a laneway to the rear of the lots facing Pimlico Place and Hammersmith Court. The laneway has not been identified on the Existing A1 Land Use plan and the plan will therefore need to be modified to include it.

- vi) Identify a road connecting Hammersmith Court to McLarty Avenue:

The subdivision plan includes a road connecting Hammersmith Court and McLarty Avenue. The Existing A1 Land Use plan is required to be modified to identify the approved road.

- vii) Identify a road connecting Pimlico Place and Hammersmith Court (dividing the Residential use lots from the General City use lots).

The subdivision plan includes a road connecting Pimlico Place and Hammersmith Court. The Existing A1 Land Use plan is required to be modified to identify the approved road.

Statutory Provision:

Under clause 9.7 of the Scheme, Council may amend an Agreed Structure Plan subject to the approval of the WAPC. Should Council determine that the modifications are satisfactory, the proposal will be advertised for public comment in accordance with clause 9.5 of the Scheme.

However, under the provision of clause 9.4 of the Scheme, advertising of minor changes to a Structure Plan may be waived at the discretion of Council. Should advertising be waived, Council can decide either to refuse to adopt the modifications to the Structure Plan, or resolve that the modifications to the structure plan are satisfactory with or without changes

COMMENT

It is recommended that the modifications to the Structure Plan are minor in nature and do not materially alter the intent of the agreed Structure Plan. The subdivision over the area has been approved and therefore the modifications simply seek to ensure that the Existing A1 Land Use plan is consistent with the approved plan.

It is recommended therefore, that the modified Proposed A1 Land Use plan be adopted and submitted to the WAPC for adoption and certification and that advertising of the proposed modifications to the JCCDPM be waived.

ATTACHMENTS - *Appendix 14 refers (See Appendices at rear of agenda)*

Attachment 1	Existing A1 Land Use Plan
Attachment 2	Approved Subdivision Plan WAPC Ref: 116320
Attachment 3	Proposed Modified A1 Land Use Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That the Joint Commissioners:

- 1 pursuant to clause 9.7 of the City of Joondalup District Planning Scheme No 2 RESOLVE that the modifications to the Joondalup City Centre Development Plan and Manual in accordance with Proposed A1 Land Use Plan forming Attachment 3 to Report CJ068-03/04, be adopted and submitted to the Western Australian Planning Commission for adoption and certification;
- 2 pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2 RESOLVE that advertising of the proposed modifications to the Joondalup City Centre Development Plan and Manual be waived given that the modifications proposed are minor.

MOVED Cmr Smith, SECONDED Cmr Drake-Brockman that the proposed modifications to the Joondalup City Centre Development Plan and Manual BE ADVERTISED for community comment prior to consideration by Council.

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach13agn300304.pdf](#)

CJ069 - 03/04 PROPOSED CHILD CARE CENTRE (INCLUDING VARIATIONS TO THE CURRAMBINE STRUCTURE PLAN) LOTS 534 (8) & 535(4) ASCOT WAY, CURRAMBINE – [33539]

WARD - North Coastal

CJ040302_BRF.DOC:ITEM 17

PURPOSE

The purpose of this report is to request the Joint Commissioners' determination of an application for a proposed Child Care Centre at Ascot Way, Currambine.

EXECUTIVE SUMMARY

An application has been received for the development of a new Child Care Centre (CCC) in Ascot Way, Currambine. The Centre will cater for 72 children and will be operated by 11 staff. Twenty one (21) carparking spaces will be provided on the site and the hours of operation will be from 7am to 6pm Monday to Friday.

The original application for the Centre was advertised for a period of 21 days. One (1) objection and four (4) no objections were received during this period. After subsequent amendments to the application, a further 21-day advertising period was undertaken and one (1) further objection was received.

The subject site is located within Structure Plan No 14 which covers a predominately residential section of central Currambine. The subject Structure Plan is not related to the Structure Plan currently being developed for the Currambine District Centre.

Given that the proposal requires substantial variations under a Structure Plan, the application has been referred to the Joint Commissioners for determination.

Taking into consideration the unique features of the site, surrounding locality and applicable Structure Plan, it is considered that the proposal can preserve the amenity of the locality and therefore is recommended for approval.

BACKGROUND

Suburb/Location: 4 - 8 Ascot Way, Currambine
Applicant: G & L Kerridge
Owner: E & C Martinengo and G & L Kerridge
Zoning: **DPS:** Structure Plan 14 -Currambine – Commercial Centre Precinct
MRS: Urban

DETAILS

The subject site incorporates two lots – Lot 534 (1367m², corner Ascot Way and Continental Boulevard) and Lot 535 (1387m², corner of Ascot Way and Connolly Drive). The total site is therefore 2754m² area and is currently vacant. The development will extend across both lots.

The application was received on 22 October 2003. Amendments were made to the proposed plans on 10 February 2004 after concerns were raised by the City in regard to the location of the proposed crossover and suggested improvements made to the proposed overall design. The crossover was relocated further east along Ascot Way and the building and carparking areas interchanged. The amended proposal incorporates the following elements:

- The building is proposed to be located on the western side of the site (adjacent to Connolly Drive) and is 636m² in size (801m² inclusive of veranda).
- Play areas will be located in front of the building and adjacent to Ascot Way.
- A twenty-one (21) bay carpark will be located on the eastern portion of the site (adjacent to Continental Drive).
- Access will be via one new crossing point from Ascot Way.

Directly opposite the subject site to the north is a large vacant (7,000m²) site, which is currently identified as ‘Community Precinct’ under the Structure Plan. The majority of the site is Crown-owned, with the remainder owned by the City and reserved for drainage purposes. There appears to be no specific plans for development of this site at this stage.

To the west, across Connolly Drive, the land is zoned and developed as Residential R20. High solid walls facing Connolly Drive generally screen these residential properties from Connolly Drive.

The area directly to the east of the site across Continental Boulevard is zoned for Parks and Recreation and has been developed as a Community Park. To the south, and elevated above the subject site, are lots designated as Residential/Mixed Use under the Structure Plan. Most of these sites are currently vacant, however, some residential houses have been constructed or are in the process of being constructed. No applications have yet been received for Mixed Use development on these sites.

The ground level of the subject site slopes down both from east to west and from south to north to a maximum of 2.7 metres. A retaining wall runs along the rear of the site (although not along the actual boundary) up to a height of approximately 3.6 metres.

A location plan is shown at Attachment 1 and the development plans are shown at Attachment 2 to this report.

Statutory Provision:

District Planning Scheme No 2 (DPS2)

The site is zoned ‘Centre’ under the DPS2 and subject to Structure Plan 14 – Currambine. Under the Structure Plan the *“uses permitted and general provisions are the same as those that apply to the Commercial zone in the Scheme unless otherwise specified in this section”*.

A Child Care Centre is a 'D' use in a Commercial area. A 'D' use means:

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

Consideration of Application

In relation to Structure Plans prepared under the DPS2, Clause 9.8.3(c) of the DPS2 states that the development control procedures including (without limitation) the procedures for approval of uses and developments under the scheme shall apply as if the land was correspondingly zoned under the DPS.

Clause 4.5 & 6.6.2 of DPS2 requires that the Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of Clause 6.8, as follows:

6.8 Matters to be Considered by Council

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

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

Development Standards under DPS2

DPS2/Policy Standard	Required	Provided
Setbacks	N/A – Specified in Structure Plan	
Car parking	20 bays	21 bays
Landscaping	- 3m minimum front strip, - 8% overall (220m ²), - 1 tree per 4 carbays	- 1.5m - 5.7m front strip*, - 8% (220m ²) can be accommodated (including grassed areas), - Trees in carpark dealt with under Structure Plan

*Discretion is therefore required for the landscaping requirements under DPS2, in that a complete minimum 3 metre front strip cannot be provided along the street.

Currambine Structure Plan

The subject site is located within the Currambine Structure Plan – Structure Plan No 14.

This Structure Plan determines the overall detailed land use and form of urban development within four identified precincts. The area, which is the subject of this application, is identified as “Commercial Centre Precinct”.

In 2002, amendments were made to the Structure Plan significantly reducing the area designated for the Commercial Centre Precinct. The subject Lots are now the only remaining lots designated for Commercial under this Structure Plan.

The Structure Plan Map indicates the Land Use Precincts for the Centre zone and adjoining land and designates Ascot Way as the ‘Main Street’.

The provisions of the Structure Plan are divided into Objectives, which describe in general terms the intentions to be addressed in each precinct, and the Criteria, which set out built form requirements.

Clause 5.1.2 of the Structure Plan sets out the Objectives as follows:

- (a) *create an active centre for the community with a balance of viable uses and a diversity of retail and commercial uses and leisure opportunities that generate day and evening activity;*
- (b) *focus development on a ‘Main Street’ frontage to the east-west road to the north;*
- (c) *encourage high standards of built form and streetscape;*
- (d) *provide continuity of activity along streets; and*
- (e) *provide efficient vehicle access with pedestrian priority.*

Clause 5.1.3 sets out the Criteria to be satisfied in this precinct. The standards of the Commercial zone of the DPS2 apply unless otherwise specified in this section. The relevant criteria are as follows:

Relevant Structure Plan Criteria	Officer Comment
<ul style="list-style-type: none"> Buildings to be up to 2 storeys high to create a well-scaled street and shall create an 'urban wall' to the Main Street boundary; 	<ul style="list-style-type: none"> NOT MET – Proposed building is one storey and covers only one half of the site. However, the building is elevated up to 1.7 metres from street level and has a roof peak height of 7.5 metres.
<ul style="list-style-type: none"> Create an 'urban wall' to the Main Street boundary. 	<ul style="list-style-type: none"> NOT MET - An 'urban wall' is not created by this development.
<ul style="list-style-type: none"> Nil setback along "Main Street" frontage (except where alfresco dining may be permitted at Council discretion) 	<ul style="list-style-type: none"> NOT MET - The building will be setback 10 metres (6.5 metres to the gables of the veranda) from the 'Main Street'. Children's play areas, carparking and landscaping will be located adjoining the Main Street.
<ul style="list-style-type: none"> Side setbacks – minimum nil, Rear setbacks minimum 6 metres. 	<ul style="list-style-type: none"> NOT MET – The building is proposed to be located 8 metres from the west side boundary (adjoining Connolly Drive). The carpark adjoins the side boundary to east (adjoining Continental Boulevard). The building will be between 3.9 metres and 5.3 metres from the rear boundary (and 1.8 metres from the existing rear retaining wall)
<ul style="list-style-type: none"> Buildings shall be designed to have active frontages with no blank facades fronting the street, (with)...continuous awnings.... (and) pedestrian shelter. 	<ul style="list-style-type: none"> PARTLY MET – The building will have an active play area in the front with open fencing and veranda facing the Main Street.
<ul style="list-style-type: none"> Orientation of buildings to 'Main Street' to create an 'urban wall'. 	<ul style="list-style-type: none"> PARTLY MET – The proposed building will be oriented to Main Street, but it will not create an "urban wall".
<ul style="list-style-type: none"> Areas well-lit for after hour use 	<ul style="list-style-type: none"> NOT MET – Facility not used at night, hence it is expected that only security lighting would be used at night.
<ul style="list-style-type: none"> Carparks not to dominate the street and provide good pedestrian movement towards buildings - 	<ul style="list-style-type: none"> PARTLY MET – The carpark will be located on one side of the development facing the street. Landscaping will soften the effect of the carparking on the streetscape whilst allowing visibility of the carpark to encourage its use. Good pedestrian movement is available between the carpark and the building.
<ul style="list-style-type: none"> Shade trees to be planted within carpark. 	<ul style="list-style-type: none"> MET – Shade trees can be planted in the carpark.
<ul style="list-style-type: none"> Service, bin, machinery (including roof mounted mechanical equipment) etc to be screened from view. 	<ul style="list-style-type: none"> MET – Bin stores etc can be conditioned on approval to be screened from view. Bin store areas are shown behind the proposed building.

<ul style="list-style-type: none"> • Signage to be integrated with buildings and appropriate in character (DA required for any signage not included in the original submission. 	<ul style="list-style-type: none"> • NOT MET – Pylon sign proposed 3.5 metres in height at front of site. No other signage shown on application.
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As identified above, variations are therefore required to Clause 5.1.3 of the Currambine Structure Plan in relation to built form ('urban wall') and design, setbacks, security lighting and carparking location.

Policy 3.1.1 – Child Care Centres

The proposal is also subject to consideration under the City's Policy 3.1.1 – Child Care Centres. This Policy outlines the requirements for the provision of car parking and landscaping and the preferred location of Child Care Centre's, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas.

Under the DPS2, Council is to have due regard to the provisions of any Policy and the objectives which the Policy is designed to achieve before making its decision. Furthermore, it is noted that if there is inconsistency with the local planning policy and the Scheme, the Scheme shall prevail.

Applicant's Justification:

- The applicant has provided the following information (summarised) in support of the proposed Child Care Centre:
- The applicant's state that during numerous discussions with the selling agents of the property they were not advised that there was a Structure Plan for the site, even though both the selling agent and Landcorp were aware that the applicants wanted to build a childcare centre on the site.
- A survey after purchasing the site revealed 230 square metres of the land at the rear was lost, as the retaining wall had been constructed in the wrong place.
- The site was very complex in that it is Limestone, has a 2 metre slope over 25 metres which necessitates retaining as a child care needs to be flat, narrowness of site and height of retaining walls at rear mean play areas need to be at front facing north sun.
- The applicant's acknowledges their inexperience in investing at this level for a development of this kind but seek Council's assistance because of the slope of the land and because of the loss of land due to Landcorp's mistake. As owners of the Kinross Kids Care in Kinross, the owners believe they can justify the urgency for quality care in Currambine (they state their current child care business has a waiting list of 132.)
- The applicant questions the necessity for a structure plan in this area given the demand is so high for childcare in this area.

Consultation:

The original application for the Centre was advertised for a period of 21 days, by way of a 2 signs on the site, a notice in the local newspaper, and adjoining and nearby owners were contact in writing.

One (1) objection and four (4) letters of no objection were received to the proposal. After subsequent discussions with Council Officers regarding the location of the crossover, the design and layout of the proposal was amended and then re-advertised for a further 21-day period. One (1) additional letter of objection was received during this second period of advertising. All comments received in relation to this proposal are summarised below.

Comments/objections (summarised)	Officer Comment
<p>Objection (owner not located nearby)</p> <ul style="list-style-type: none"> • The developers have deliberately falsified actual staffing requirements to reduce the number of carparking bays required. A centre licensed for more than 20 children requires a non-contact cook, after school carer and non-contact coordinator, which are not included within the application. Minimum staff would be 12 or more likely 14. • Traffic conflicts and congestion would occur because of the design of the proposed centre in relation nearby roundabouts. Design is contrary to Policy 3.1.1. • Toys from the outside play areas may become a hazard to traffic if they unavoidably get thrown over the fence. The playground location at the front of the property would be an eyesore. • The site is not suitable for a Child Care Centre and the City would be setting a new benchmark that would allow centres to be developed on any piece of land, irrespective of Council's Structure Plans and child care policies. • The existing verge trees are not shown on the plans and should be worked around. 	<ul style="list-style-type: none"> • The number of staff for this facility is governed by the Community Service (Child Care) Regulations. Council does not have jurisdiction over the number of staff required. Notwithstanding this, the number of parking bays provided exceeds that required under the Policy. If the number of staff increases such that the carparking no longer complies with the scheme then further development approval will be required or alternatively the number of children at the facility would need to decrease. • Council's Engineers are satisfied with the safety of the vehicle crossing and the vicinity of the roundabouts. Amendments have been made to ensure safety. • The applicants will need to ensure adequate fencing and/or management is in place to avoid traffic hazards caused by this type of activity. Landscaping will be planted to preserve amenity of the area. • Given the unique topography and features of the site, the zoning of the adjoining properties and the discrepancies within the current Structure Plan for this lot, it is not expected that a precedent will be set in this case. • Several trees have been planted on or within the boundary of the property, hence will require removal if the retaining wall is constructed at the front of the site. The original developers planted these trees and therefore there is no requirement for them to remain. Notwithstanding this, these trees do contribute to the existing amenity of the area and vista from the street. It is preferable therefore, that as many of these trees remain as possible (recognising development constraints). For this reason, the removal of any of these trees

Comments/objections (summarised)	Officer Comment
	should be included in a landscape plan and any of these trees, which are proposed to be removed, should be appropriately replaced to the satisfaction of the City.
Objection (rear adjacent land owner) <ul style="list-style-type: none"> • We do not agree to build a childcare centre in this residential area. It will be located next to our land. 	<ul style="list-style-type: none"> • The objector's site is zoned Mixed Use and the subject site is zoned for Commercial use. It is considered that residents in this area should expect some type of commercial use on the site. In this case, it is believed the Child Care Centre can, with conditions of approval, preserve the amenity of the area.

COMMENT

DPS2 & Policy 3.1.1 (Child Care Centres)

As discussed, the proposal is a 'D' use under the Scheme. In considering the application the matters under Clause 6.8.1 of the scheme are to be taken into account. In addition, Policy 3.1.1 provides further guidance for the location and development of Child Care Centres. The following matters are relevant in this regard.

Impact on Amenity

The locality is generally residential, however, the area to the south has been designated for Mixed Use and the site to the north designated as a 'Community Precinct'. The subject site itself is also identified for Commercial Use.

Taking into account the other potential 'non-residential uses' in the locality, the identification of the site as 'Commercial' and the low-scale of the development (in comparison to a retail/office development), it is considered that the proposed Child Care Centre will not detrimentally affect the amenity of the locality. The proposed building located to the west of the site will also serve to some extent screen the significant height of the rear retaining wall.

Policy 3.1.1 recognises that Child Care Centres are reasonably high traffic generators and therefore should be located on distributor streets or where the traffic will not conflict with other uses and/or encourage use of nearby access roads for turning movements.

In this case, Ascot Way does not serve any residential properties and has a roundabout at each end, which distributes traffic safely.

Landscaping

Landscaping is required on the site under the DPS2, the Structure Plan and the Child Care Policy 3.1.1.

A landscaping plan has not been included with the application, however, it is considered that substantial and appropriate landscaping can and should be accommodated on the site. This will include trees/shrubs and lawn area in the play areas.

If approved, the requirement for landscaping can be included as a condition of approval. It is considered appropriate that the landscaping be used to screen and/or soften the proposal and to generally enhance the amenity of the area. With the exception of a minor encroachment of the carparking area into the 3 metre wide landscaping strip along the street boundaries, the proposal is able to meet the Scheme and Policy landscaping requirements.

This variation is minor and it is considered that the site can accommodate adequate landscaping to preserve the amenity of the area.

Vehicle Crossover

As part of the Engineering Subdivision plans approved in 2001, a commercial concrete crossover was constructed (with adjacent car parking bays) to provide access to the lots. This constructed access is the preferred location for access from Ascot Way and takes into consideration the proximity of the existing main single lane roundabout at Connolly Drive and the local roundabout at Continental Boulevard. It is also noted that Connolly Drive is planned as a future dual carriageway with the second carriageway to be constructed on the eastern side of the road reserve.

Taking this into account, it was identified that the relocation of the existing crossover closer to Connolly Drive roundabout as proposed by the applicant in the initial proposal would not be acceptable due to safety concerns.

The location of the crossover has subsequently been amended and although it is still proposed to relocate it from the existing 'preferred' position, it is considered that the proposed crossing is satisfactory in principle.

Notwithstanding this, the modified position of the crossover will require modification to the existing carparking embayments on Ascot Way. If approved, these modifications and construction of the new crossing will need to be undertaken at the applicants cost and to the satisfaction of the City.

In addition, the landscaping proposed for the eastern corner will need to be controlled and maintained to enhance sightlines for vehicles egressing at the proposed crossover. If the application is approved, it is considered that a condition should be included to ensure this landscaping is appropriately controlled.

Traffic and Carparking

Policy 3.1.1 outlines the required carparking bays where there are more than 25 children to be catered for. With 72 children and 11 staff, the Policy would determine that 20 carparking bays be provided (including one disabled bay).

The application provides 21 carparking bays and therefore complies with Policy 3.1.1 in this regard.

Under Policy 3.1.1, parking areas are encouraged to be located where they are visible from the entry so that patrons will use the carpark (and not road verges). 'Drive-through' type carparking layout is preferred under the Policy. In this case, it is recognised that the narrow nature and the topography of the site would preclude drive-through type parking, but it is considered that the carparking is visible from the entry, which will ensure patrons are aware of where to park.

The location and type of carparking is therefore considered adequate.

Existing Centres in the Area

There does not appear to be any other Child Care Centres in the near vicinity of this site. The nearest centre is located at Kinross and is also owned by the applicants. Council refused an application in March 2003 for a Child Care Centre proposal, approximately 250 metres south of the subject site, in Palace Way, Currambine. This application was refused as it was deemed that the proposed location was likely to have a negative impact on the amenity of the adjoining residential area.

Variations to the Currambine Structure Plan

In considering the relevant objectives and criteria for the Commercial Precinct, it is acknowledged that a substantial number of the criteria are not met by this proposal. The Commercial Precinct objectives seek a diversity of retail/office uses on the site with an 'urban wall' formed along the Main Street up to 2 storeys high.

Notwithstanding these objectives, the applicant has purchased both sites with the intent to develop a child care centre and it is acknowledged that the Structure Plan does not preclude a child care centre from being proposed on this site, as it is a 'D' use under the Scheme.

It is also recognised that, although this proposal would preclude a diversity of retail and commercial uses on the site, the topography of the site may restrict any type of retail or commercial development from meeting all of the objectives and specific criteria set down under the Structure Plan. One reason for this is that the 3.6 metre high rear retaining wall makes access from the rear laneway impractical.

In considering the specific design of the proposal (including the location) it is noted that the building (to the west of the site) provides a built form presence to an important corner (Connolly Drive and Ascot Way) and diminishes the dominance of the carparking on the Connolly Drive streetscape, in line with a desirable urban design outcome. The building also serves to screen a vast extent of the significant existing rear retaining wall.

A lesser building setback than 8 metres as proposed to Connolly Drive and Ascot Way would nevertheless be preferable in an urban design sense, however, the rationale for locating playground areas with predominately northern aspects has merit.

The carparking areas should be required to have significant and appropriate landscaping to negate the result of locating the carparking area near the street. Given the lack of rear access (due to retaining walls at the rear), the location of the car park is it is considered acceptable in this circumstance.

It is considered that the proposed pylon sign is unacceptable and any signage needs to be integrated with the building. Given that the building is proposed towards Connolly Drive with good exposure, such signage (particularly towards Ascot Way where exposure would be relatively low) would seem to be unnecessary and excessive and is not supported. A small freestanding sign appropriate in character to the use may, however, be acceptable towards Ascot Way.

It is acknowledged that a non-retail use such as a child care centre, whilst commercial in nature, is unlikely to be able to be designed to meet the intent of the Currambine Structure Plan in built form (Urban Wall) and by way of contributing to the commercial vitality of the area. With both lots having been bought by the same landowner, and the Structure Plan not specifically precluding certain uses that would not facilitate the desired built form and location outcomes, a compromise may be the best option.

Conclusion

After consideration of the matters set out in Clause 6.8.1 of the Scheme, the Scheme provisions, the Currambine Structure Plan and the Child Care Policy 3.1.3 in relation to this proposal, it is noted that the general intent of this Structure Plan is not met.

However, the following points are made which support approval of this proposal, despite the general intent of the Currambine Structure Plan not being met.

- Child Care Centres are not prohibited in the area but are a 'D' use under the Scheme.
- The Structure Plan criteria have not taken into account potential non-retail uses.
- Landscaping and carparking can be satisfactorily provided on the site.
- An active centre will be created, however, not one with the balance and diversity of uses that may have been envisaged. Evening activity will also not be provided if this development is approved.
- The development will focus on the 'Main Street' but will not provide the designated 'Urban Wall'. In practice, it appears unrealistic that any commercial centre on the subject site would be developed in the manner envisaged by the Structure Plan.
- Only two lots comprise the 'Commercial Centre Precinct'. These two lots are the subject of this development application therefore there will be no impact on the remainder of the Currambine Structure Plan. Should this development not proceed, the existing Structure Plan provisions will prevail for any future development.
- Vehicle access will be satisfactory and the number of spaces will meet the Policy 3.1.1 requirements.
- The development will be appropriately distanced from residential uses (as per Policy 3.1.1.).
- The closest residential uses are zoned Mixed Use/Residential and the site itself zoned for Commercial uses, therefore it could fairly be assumed that some type of commercial use would be located on this site. In addition, the Mixed Use sites are elevated above the Child Care Centre with a roadway and fencing between. This will serve to minimise any potential adverse effects from the Child Care Centre.

Given the above, it is concluded that the amenity of the locality will not be adversely affected by the Child Care Centre and, given the unique features of the site and the inconsistencies within the existing Currambine Structure Plan for these lots, the application is recommended for approval subject to appropriate conditions.

ATTACHMENTS - *Appendix 15 refers (See Appendices at rear of agenda)*

Attachment 1 Location Plan
Attachment 2 Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Drake-Brockman that the Joint Commissioners:

1 EXERCISE discretion under Clause 4.5 & 6.8 of the City of Joondalup District Planning Scheme No 2, Policy 3.1.1 (Child Care Centres) and Currambine Structure Plan, and determine that:

- (a) the granting of a discretionary land use “Child Care Centre’ for the subject site;**
- (b) a minor variation to the width of the landscaping adjoining the street; and variations to the Currambine Structure Plan No 14 in relation to built form (‘urban wall’) and design, setbacks, security lighting and carparking location;**

are considered appropriate in this instance;

2 APPROVE the application dated 22 October 2003 and amended plans received 10 February 2004 submitted by G & L Kerridge on behalf of the owners E & C Martinengo and G & L Kerridge for a Child Care Centre on Lot 534 & 535 (4 – 8) Ascot Way, Currambine, subject to the following conditions:

- (a) the centre is restricted to a maximum of 72 children at the centre at any one time;**
- (b) a minimum of twenty-one (21) carparking spaces shall be provided on the site;**
- (c) 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 License Application. For the purpose of this condition a detailed landscaping plan shall be drawn to scale of 1:100 and show the following:**

- (i) a minimum 3 metre wide landscape strip (this may include lawn/play areas) adjoining the streets (with the exception of the small area between the carpark and the truncation of Continental Boulevard and Ascot Way, which may be a minimum of 1.5 metres in width);
 - (ii) a minimum of 8% landscaping overall;
 - (iii) a minimum of 6 trees within the carparking area;
 - (iv) the location and type of landscaping;
 - (v) those areas to be reticulated or irrigated; and
 - (vi) details of verge trees remaining/relocated and being planted.
- (d) 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. Landscaping on the eastern corner (adjoining Continental Boulevard and Ascot Way) shall be controlled and maintained to enhance sightlines for vehicles egressing at the proposed crossover, to the satisfaction of the City;
- (e) prior to commencement of any site works, the applicant shall contact the City's Infrastructure Management Services regarding the existing verge trees. Any trees to be removed shall be identified and suitable removal procedures to be undertaken to the satisfaction of the City;
- (f) the bin and material storage areas and services such as air conditioners, compressors and other machinery shall be located away from public areas and screened from view from streets and public areas by an enclosure in the style and material of the building;
- (g) the submission of an acoustics consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act 1986;
- (h) the parking bays, driveway and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building license programme;

- (i) the relocation of the crossover construction and all modifications and/or reinstatement of the verge, kerbing and car parking embayments in Ascot Way, shall be undertaken at the applicants cost and to the satisfaction of the City. Detailed Engineering drawing and specifications are to be submitted for approval of the City prior to any works being undertaken in Ascot Way;
- (j) all stormwater must be contained on-site to the satisfaction of the City;
- (k) the driveway and crossover to be designed and constructed to the satisfaction of the City before occupation of the building;
- (l) the proposed crossover is to be constructed in concrete to the satisfaction of the City;
- (m) car bay grades are generally not to exceed 6% and disabled car bays are to have a maximum grade of 2.5%;
- (n) the existing crossover, not required as part of this development, being closed, the kerbline reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied;
- (o) Lot 345 & Lot 535 shall be amalgamated prior to the issue of a building licence or if not amalgamated prior to the issue of the building licence, alternative arrangements are made to the satisfaction of the City;
- (p) provision of disabled car bays in accordance with the relevant legislation;
- (q) all fencing to be installed in accordance with the City's Fencing Local Law 1998 prior to the occupation of the Child Care Centre;
- (r) the pylon sign shown on the plans is not approved as part of this development approval. A separate application shall be made to the City for Approval to Commence Development and for a Sign Licence, prior to the installation of any advertising signage.

FOOTNOTES:

- 1 Bin storage area shall consist of a concrete floor grading to an industrial floor waste connected to sewer.
- 2 Kitchen area shall comply with relevant provisions of the Health (Food Hygiene) Regulations 1993 and the City of Joondalup Health Local Laws 1999. To this regard, should extensive food preparation be intended to be carried out, the provision of a service access may be required.

- 3 Applicant is advised of their obligation to comply with the Environmental Protection (Noise) Regulations 1997.
- 4 In regard to condition (r) above, it is noted that the pylon sign is not supported for approval on this site. The proposed pylon sign is considered to be inappropriate for this site in terms of type, height, character and location. The applicant is advised to make separate application for signage that is reduced in size, integrated with the building and appropriate in character for the area.

AMENDMENT MOVED Cmr Smith, **SECONDED** Cmr Anderson that an additional Point 3 be added as follows:

- “3 **REQUEST** a report on the adequacy of the Currambine Structure Plan (Residential and Mixed Use) and its applicability to the future of the area, with such report to include:
- (a) consideration of the topography of the developed landholdings in the Structure Plan area;
 - (b) the long-term desire to provide for mixed land uses to serve the local community there.”

Cmr Smith spoke to the Motion.

The Amendment was Put and

CARRIED (5/0)

The Original Motion, as amended, being:

That the Joint Commissioners:

- 1 **EXERCISE** discretion under Clause 4.5 & 6.8 of the City of Joondalup District Planning Scheme No 2, Policy 3.1.1 (Child Care Centres) and Currambine Structure Plan, and determine that:
 - (a) the granting of a discretionary land use “Child Care Centre’ for the subject site;
 - (b) a minor variation to the width of the landscaping adjoining the street; and variations to the Currambine Structure Plan No 14 in relation to built form (‘urban wall’) and design, setbacks, security lighting and carparking location;

are considered appropriate in this instance;

- 2 APPROVE the application dated 22 October 2003 and amended plans received 10 February 2004 submitted by G & L Kerridge on behalf of the owners E & C Martinengo and G & L Kerridge for a Child Care Centre on Lot 534 & 535 (4 – 8) Ascot Way, Currambine, subject to the following conditions:**
- (a) the centre is restricted to a maximum of 72 children at the centre at any one time;**
 - (b) a minimum of twenty-one (21) carparking spaces shall be provided on the site;**
 - (c) 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 License Application. For the purpose of this condition a detailed landscaping plan shall be drawn to scale of 1:100 and show the following:**
 - (i) a minimum 3 metre wide landscape strip (this may include lawn/play areas) adjoining the streets (with the exception of the small area between the carpark and the truncation of Continental Boulevard and Ascot Way, which may be a minimum of 1.5 metres in width);**
 - (ii) a minimum of 8% landscaping overall;**
 - (iii) a minimum of 6 trees within the carparking area;**
 - (iv) the location and type of landscaping;**
 - (v) those areas to be reticulated or irrigated; and**
 - (vi) details of verge trees remaining/relocated and being planted.**
 - (d) 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. Landscaping on the eastern corner (adjoining Continental Boulevard and Ascot Way) shall be controlled and maintained to enhance sightlines for vehicles egressing at the proposed crossover, to the satisfaction of the City;**
 - (e) prior to commencement of any site works, the applicant shall contact the City's Infrastructure Management Services regarding the existing verge trees. Any trees to be removed shall be identified and suitable removal procedures to be undertaken to the satisfaction of the City;**
 - (f) the bin and material storage areas and services such as air conditioners, compressors and other machinery shall be located away from public areas and screened from view from streets and public areas by an enclosure in the style and material of the building;**

- (g) the submission of an acoustics consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act 1986;
- (h) the parking bays, driveway and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building license programme;
- (i) the relocation of the crossover construction and all modifications and/or reinstatement of the verge, kerbing and car parking embayments in Ascot Way, shall be undertaken at the applicants cost and to the satisfaction of the City. Detailed Engineering drawing and specifications are to be submitted for approval of the City prior to any works being undertaken in Ascot Way;
- (j) all stormwater must be contained on-site to the satisfaction of the City;
- (k) the driveway and crossover to be designed and constructed to the satisfaction of the City before occupation of the building;
- (l) the proposed crossover is to be constructed in concrete to the satisfaction of the City;
- (m) car bay grades are generally not to exceed 6% and disabled car bays are to have a maximum grade of 2.5%;
- (n) the existing crossover, not required as part of this development, being closed, the kerblines reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City prior to the development first being occupied;
- (o) Lot 345 & Lot 535 shall be amalgamated prior to the issue of a building licence or if not amalgamated prior to the issue of the building licence, alternative arrangements are made to the satisfaction of the City;
- (p) provision of disabled car bays in accordance with the relevant legislation;
- (q) all fencing to be installed in accordance with the City's Fencing Local Law 1998 prior to the occupation of the Child Care Centre;
- (r) the pylon sign shown on the plans is not approved as part of this development approval. A separate application shall be made to the City for Approval to Commence Development and for a Sign Licence, prior to the installation of any advertising signage;

Footnotes:

- (1) Bin storage area shall consist of a concrete floor grading to an industrial floor waste connected to sewer.
 - (2) Kitchen area shall comply with relevant provisions of the Health (Food Hygiene) Regulations 1993 and the City of Joondalup Health Local Laws 1999. To this regard, should extensive food preparation be intended to be carried out, the provision of a service access may be required.
 - (3) Applicant is advised of their obligation to comply with the Environmental Protection (Noise) Regulations 1997.
 - (4) In regard to condition (r) above, it is noted that the pylon sign is not supported for approval on this site. The proposed pylon sign is considered to be inappropriate for this site in terms of type, height, character and location. The applicant is advised to make separate application for signage that is reduced in size, integrated with the building and appropriate in character for the area.
- 3 REQUEST a report on the adequacy of the Currambine Structure Plan (Residential and Mixed Use) and its applicability to the future of the area, with such report to include:
- (a) consideration of the topography of the developed landholdings in the Structure Plan area;
 - (b) the long-term desire to provide for mixed land uses to serve the local community there.

was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach14brf230304.pdf](#)

CJ070 - 03/04 DELEGATED AUTHORITY REPORT FOR THE MONTH OF FEBRUARY 2004 – [07032]

WARD - All

CJ040302_BRF.DOC:ITEM 18

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority during February 2004 (see attachment 1).

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 – 29 February 2004. 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

The subdivision applications processed will enable the potential creation of 183 additional residential lots, 6 strata residential lots and 8 industrial lots. The average processing time taken was 22 days. Two applications were not supported. These applications are as follows:

Ref: SU124117 – 4 Phillips-Fox Terrace, Woodvale

This application was not supported for the following reason:

1. The proposal does not conform to the requirements of the Residential Design Codes with respect to average lots size.

Ref: SU124368 – 17 Alice Drive, Mullaloo

This application was not supported for the following reasons:

1. The proposed lots do not comply with the minimum area of 2000m² for un-sewered subdivision as required north of Hepburn Avenue under the Government Sewerage Policy for the Perth Metropolitan Region 1995.
2. Approval of the subdivision application would set an undesirable precedent for the further subdivision of surrounding lots.

ATTACHMENTS - *Appendix 17 refers (See Appendices at rear of agenda)*

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Joint Commissioners NOTE the action taken by the subdivision control unit in relation to the applications described in Report CJ071-03/04.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach16brf230304.pdf](#)

REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 27 APRIL 2004** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2003 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR A DRAKE-BROCKMAN
CMR M ANDERSON
CMR A FOX
CMR S SMITH