



City of
Joondalup

**NOTICE IS HEREBY GIVEN THAT THE NEXT
ORDINARY MEETING OF THE JOINT COMMISSIONERS
OF THE CITY OF JOONDALUP
WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP
ON TUESDAY, 10 AUGUST 2004 AT 7.00 pm**

**CLAYTON HIGHAM
Chief Executive Officer (Acting)
4 August 2004**

PUBLIC QUESTION TIME

As adopted by Council on the 17 December 2002

Public question time is provided at meetings of the Council or briefing sessions that are open to the public.

Public question time is not a public forum for debate or making public statements. The time is limited to asking of questions and receiving responses. This procedure is designed to assist the conduct of public question time and provide a fair and equitable opportunity for members of the public who wish to ask a question. Public question time is not to be used by elected members. Members of the Council are encouraged to use other opportunities to obtain information.

Questions must relate to the ordinary business of the City of Joondalup or the purpose of the special meeting.

Prior to the Meeting/Briefing Session

To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the Committee Clerk by close of business on the Friday prior to the Council meeting or Briefing Session at which the answer is required. Answers to those questions received within that time frame, where practicable, will be provided in hard copy form at that meeting.

At the Meeting/Briefing Session

A register will be provided for those persons wanting to ask questions to enter their name, and the order of registration will be the order in which persons will be invited to ask their questions.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended by resolution of the Council, but the extension of time is not to exceed ten (10) minutes in total. Public question time will be limited to two (2) questions per member of the public. When all people who wish to do so have asked their two (2) questions, the presiding member may, if time permits, provide an opportunity for those who have already asked their two (2) questions to ask further questions.

During public question time at the meeting, each member of the public wanting to ask questions will be required to provide a written form of their question(s) to a Council employee.

Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.

The procedure to ask a public question during the meeting is as follows:

- persons are requested to come forward in the order they registered;
- give their name and address;
- read out their question;
- before or during the meeting each person is requested to provide a written form of their question to a designated Council employee;
- the person having used up their allowed number of questions or time is asked by the presiding member if they have more questions; if they do then the presiding member notes the request and places them at the end of the queue; the person resumes their seat in the gallery;
- the next person on the registration list is called;
- the original registration list is worked through until exhausted; after that the presiding member calls upon any other persons who did not register if they have a question (people may have arrived after the meeting opened);
- when such people have asked their questions the presiding member may, if time permits, provide an opportunity for those who have already asked a question to ask further questions;
- public question time is declared closed following the expiration of the allocated time period or where there are no further questions.

The Mayor or presiding member shall decide to:

- Accept or reject the question and his/her decision is final;
- Nominate a member of the Council and/or Council employee to respond to the question;
- Due to the complexity of the question, it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session or Council meeting, whichever applicable.

The following rules apply to public question time:

- *question time is not to be used by a member of the public to make a statement or express a personal opinion;*
- *questions should properly relate to Council business;*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation;*
- *questions should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or Council employee;*
- *where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response;*
- *where an elected member is of the opinion that the question is not relevant to the business of the City of Joondalup or that a member of the public is making a statement, they may bring it to the attention of the meeting.*

It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

Second Public Question Time

Clause 3.2 of the Standing Orders Local Law allows the Council to alter its order of business, which may include a second period of public question time.

Where the Council resolves to include a second period of public question time, an additional period of 15 minutes will be allowed.

This time is allocated to permit members of the public to ask questions on decisions made at the meeting.

Disclaimer

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

CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

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CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of the Joint Commissioners will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 10 AUGUST 2004** commencing at **7.00 pm**.

CLAYTON HIGHAM
Chief Executive Officer (Acting)
4 August 2004

Joondalup
Western Australia

AGENDA

1 OPEN AND WELCOME

2 PUBLIC QUESTION TIME

The following question, submitted by Ms S Hart, Greenwood, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 Can staff please advise, the total dollar figure, the new City of Joondalup started with, after the split with Wanneroo?

A1 The Joondalup and Wanneroo Order 1998 made by the Governor in Executive Council under sections 2.1, 2.3, 2.4, 2.6(4), 2.40 and 9.62(1) of the Local Government Act 1995, abolished the City of Wanneroo effective 1 July 1998 and created two new local governments, the City of Joondalup and Shire of Wanneroo effective 1 July 1998.

The Joondalup and Wanneroo Order appointed Commissioners to undertake the allocation of the assets splitting of the former City of Wanneroo and to establish the new local governments. In accordance with Clause 9 of the Joondalup and Wanneroo order, the assets and liabilities of the former City of Wanneroo were vested in the City of Joondalup pending a determination of the allocations of the assets and liabilities by the Commissioners.

It is difficult to determine (without a fair degree of research which is considered unwarranted) the total figure the new City of Joondalup commenced with as the allocation of the assets and liabilities of the former City of Wanneroo were undertaken progressively and were not finalised until November 1999.

The financial statements for the year ended 30 June 1999 reflected the allocation of all assets and liabilities, including those formally determined subsequent to year end as summarised below:-

Net Current Assets	\$17,602,117
Net Non Current Assets	<u>\$477,963,121</u>
Net Assets	<u>\$495,565,238</u>

Q2 I sent an email on Thursday, 15 July 2003 – I have had all but one question answered as follows:

Re: Bank West Site, Ellersdale Road, Warwick – Please inform us of the date of the first approval for the childcare centre and why was this site a delegated authority item at the last ordinary meeting of Council? We also request that Worksafe is contacted as soon as possible for this site as many of our members feel it is extremely dangerous and has been for some time. Has the City done anything about the safety on that site?

A2 A child care centre was approved in the former BankWest Building in Ellersdale Road, Warwick, under delegated authority on 19 May 2004. The proposal complied with the required standards and was referred to the Delegated Authority Meeting to allow the Joint Commissioners to be advised of the proposal.

The City does not manage site safety issues. Building site safety is the responsibility of the builder. In accordance with State Government's Occupational Health and Safety legislation, a builder is required to manage safety on building sites under his control.

Breaches of site safety come under the jurisdiction of Worksafe, who have inspectors who specifically undertake the site inspections of building sites looking for risk areas. If a risk is found, Worksafe have the ability to serve notice on the builder.

To date there has been no Building Licence Application or licence for the proposed Child Care Centre. Worksafe Australia has been notified with regard to the concerns of the South Ward Ratepayers and Electors Association (SWREA) and has contacted the City following an inspection. Worksafe has reported that it does not have any issues with the safety of the site. However, Worksafe has advised that it is endeavouring to contact the owner and will request that they erect a fence around the perimeter of the lot to stop people walking through the property. The City is confident that this would alleviate any concerns SWREA may have.

The following questions, submitted by Mr Vincent Cusack, Kingsley, were taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

- *In light of the answer given to my question (5a) at the last Council meeting, which simply revealed what we already knew that "the City approved a number of requests by Mr Smith for reimbursement of legal expenses":*

Q1 Did Mr Denis Smith make a specific application (written or otherwise) to the City UNDER POLICY 2.2.8 for reimbursement of legal expenses?

Q1(a) If no, can Council please inform the public precisely how those applications were made, and under what policy, if any?

A1 Mr Smith made a number of written applications. The applications were dealt with behind closed doors as they were considered confidential at that point in time. Clause 7.2 of the City's Standing Orders Local Law provides that:

"Every matter dealt with by, or brought before a meeting sitting behind closed doors, shall be treated as strictly confidential, and shall not without the authority of the Council be disclosed to any person other than the Mayor, members or the officers or employees of the City (and in the case of officers and employees only so far as may be necessary for the performance of their duties) prior to the discussion of that matter at a meeting of the Council held with open doors. Nothing herein shall prevent the Chief Executive Officer from recording the business conducted at the meeting in the Minute Book.

All documents of the local government, whether brought before the Council or a committee of the Council or not, that are marked 'CONFIDENTIAL' or 'NOT FOR PUBLICATION' at the head thereof, are confidential to the Council, and shall not be published, copied, or reproduced, in whole or in part, in any manner whatsoever without the express permission of the Council or the Chief Executive Officer.

A person who contravenes the provisions of the preceding clause commits an offence."

The following question, submitted by Ms J Hughes, Girrawheen (Present on behalf of Dean Martin, 11 Sherington Drive, Greenwood) was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 Re: Traffic issues – Sherington Road is approximately a 10 metre road width and runs between Cockman Road and Blackall Drive, it backs onto Penistone Reserve and the Recreation Centre. The park has public thoroughfare that leads through to the East Girrawheen Primary School and therefore residents and children use this road on a regular basis. Can Council please consider for the 2004/05 budget to have this road made safe for those who live, walk and drive on it?

- A1 The treatment of Sherington Road is currently listed for funding consideration on a priority ranking in the City's Draft Five Year Capital Works Program.

The following question, submitted by Mr M Caiacob, Mullaloo, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 The first building license refusal for the Mullaloo Tavern on 5 August 2003 stated in refusal point 18 City's District Planning Scheme No 2 that: "New planning applications have not been provided in relation to the substantial changes made from the original design". Can I please have an explanation as to how the new building licence was issued, when the substantial changes from the original design were still evident in the building licence plans held and processed by the City for the issue of the building licence in December 2003?

- A1 The planning application was the subject of a Town Planning Appeal that resulted in changes to the conditions of the Development Approval. The appeal was determined in October 2003. In November 2003, a subsequent Building Licence was lodged, which conformed to the earlier Planning Appeal outcome. The Building Licence was approved in December 2003.

The following question, submitted by Mr W Cohen, Marmion, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 Re: CSIRO Site, Marmion – Can Council provide explanation of two items within the Principal Activities Plan and the Five Year Capital Works Programme Activity 7240 – (1) PFP013, Troy Avenue Parking Facilities at \$77,000 and (2) PFP015 Gold Street parking facilities at \$77,000 and as calculation from the policy 3.1.12 equated to a minimum of 18 car bays in each case, will these activities further impinge upon the undersupplied public open space of Marmion?

- A1 This question relates to two land parcels, both of which are zoned Local Reserves 'Parks and Recreation' under the City's District Planning Scheme No.2. The first is known as Clifford Coleman Park (Reserve 38915), 4 Troy Avenue, Marmion, which was gazetted on 02/11/84, is owned by the Crown and vested to the City for the purposes of parking. The second land parcel is Reserve 35570 2F Gull Street, Marmion, which was gazetted on 22/09/78, is owned by the Crown and vested to the City for the purposes of Parking.

Both these land parcels are currently listed for consideration to be developed for parking in the City's Five Year Capital Works Program. Should the City decide to develop parking facilities upon these land parcels in the future, public consultation would be undertaken as part of this process.

The following question, submitted by Ms M Macdonald, Mullaloo, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 I refer to the answer to my question in tonight's agenda on page x which states:

"Issues raised by the Mullaloo Progress Association have been the subject of independent investigation and the assessment process has been assisted by the City's lawyers (as was previously advised). Legal Advice that was considered "privileged information" was not made available through the Freedom of Information process."

Can Commissioners state why this legal opinion was not discovered during the Freedom of Information process as there were no documents to which access was denied to the Association on the basis of it being privileged information?

A1 The legal advice was considered not to fall within the scope of the Freedom of Information application.

Notwithstanding this it would not have been released due to Clause 7 (legal professional privilege) of the *Freedom of Information Act 1992*.

The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 Do the Commissioners support the principles of open, accountable and totally transparent government and if so, can they please advise why, when this association sought a request for access to or a copy of letter of authority for legal engagement, this City instructed the solicitors to deny us access?

A1 The City does support the principles of open, accountable and transparent government, but reserves the right to deny access to information under legal professional privilege when it is considered appropriate and to be in the best interests of the City.

The following question, submitted by Mr K Zakrevsky, Mullaloo, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 Re: Page ix on tonight's agenda – The answer provided and I quote: "The City can confirm that this condition (Sound Transmission and Insulation Ratings) of the Development Approval has not been met at this time, however as this report is expected when the City receives a fit out application, the development does not breach the Town Planning Act and Development Act."

But in the body of the report for CJ204 it is stated that this should occur prior to a Building Certificate being issued. Council Minute CJ204 on 13 August 2002 Item 2 states: "Approve the application received 20 December 2001 and revised plans dated 17 May, 5 June, 19 July 2002 requiring specific conditions to be met" and this refers to Planning and Building Approval and not some fit out date.

Is the developer going to have pull down the building because of the non-compliances which should have been enforced before the issuing of a Building Licence?

- A1 The Building Licence is to be issued in stages. The second stage of the licence will include detail to allow the evaluation of acoustic performance.

The statements made in the question are not agreed by the City. The building complies, and as such the builder will not be required to pull down the building.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Meeting of Joint Commissioners held on 20 July 2004.

Q1 Re: Principal Activities Plan – Is it correct that the current Principal Activities Plan has a shortfall of \$3 million and the Commissioners may be borrowing \$3 million for this financial year, and in the last year of the five year Principal Activities Plan the shortfall is estimated to be \$17 million short between what the Council intends to be built and what it can afford on its rate base, and that this \$17 million is without the Ocean Reef Marina which could take the figure up to possibly \$50 or \$60 million?

- A1 The Principal Activities Plan shows a balanced financial position in 2004/05, inclusive of \$3m borrowings and associated repayment of principal and interest to fund redevelopment of the Craigie Leisure Centre.

The final year of the Principal Activities Plan (2008/09) shows a financial surplus of \$1.163m.

Funding for the Ocean Reef Boat Harbour project allocated in the Principal Activities Plan is to enable Council to explore development opportunities that best meet all stakeholder needs and prepare a draft structure plan.

The following question was submitted by Mrs C Mackintosh, Kallaroo:

Q1 Are the Commissioners aware of a failed writ upon the City by the Mullaloo Progress Association. in relation to the Mullaloo Tavern redevelopment?

- A1 Yes.

Q2 Have the damages (last estimated at \$66,000) payable to the City, been met by the Mullaloo Progress Association?

- A2 No.

Q3 Can the City ascertain if the Mullaloo Progress Association. is an Incorporated Association?

- A3 The Mullaloo Progress Association is an Incorporated Association.

Q4 Can the City ascertain if this Association is financial?

Q5 What steps are the City taking to recover these costs?

A4&5 The Administration is currently considering the various options available to the City in conjunction with its legal advisors.

Q6 If Association has disbanded due to inability to meet financial obligations (bankrupt), why is the City still accepting and wasting valuable (ratepayer funded) time and resources on obstructive questions from a non bone-fide Assn?

A6 When questions are asked, every effort will be made to answer those queries, regardless of the source.

The following questions were submitted by Mr M Baird, Duncraig:

Q1 In the Principal Activities Plan for 2004-2005, I note that Geddes Park is to receive a play equipment unit. I would like this reviewed in conjunction with an assessment of Macaulay Park, a more rational recipient for this play equipment option:

- *Residents around Macaulay Park have had a petition for this upgrade since April 2000 (CJ095-04/00) and the matter has been raised at budget submissions for the years following this date.*
- *Any comparison between the two parks shows that there is not one basis for preferring Geddes over Macaulay. Macaulay is larger, is reticulated, has older and fewer existing play equipment items (including kopper log construction) and has larger community usage and accessibility via pedestrian bridge and cycleway.*

Can the Commissioners establish a selection criteria for play equipment replacement which is fair, open and consistent?

A1 These comments are noted and will be considered in future considerations for provision of Play Equipment in the Draft 5 Year Capital Works Program.

Listed within the 2004/05 program is an allocation for an Audit of all play equipment within the City in preparation for the implementation of the new Australian Standards for Play Equipment which are being developed Nationally.

These Standards will be available late 2004 and the Audit will provide the City with an opportunity to review the existing process for assessment of equipment and where the priorities should apply. It is anticipated that the Standards will identify equipment types that are non conforming due to design changes, age and public safety concerns.

Q2 It appears that the administration is ignoring the review of the Dry Parks Development Assessment Criteria which was voted and passed 26 November 2002. This report stated that more emphasis should be placed on the social and local amenity aspects rather than be economically drive. The amended motion stated that 'those dry parks listed in Attachment 3 to Report CJ285-11/02 be listed for consideration in the 2003/04 budget.

Why has this review not been reflected in the dry parks selected in the 2004-2005 budget?

A2 There is no link between the Dry Park Development program and provision of play equipment and the programs are shown separately in the Principal Activities Plan.

Q3 Can the Commissioners consider the Wanneroo policy relating to park and median development and introduce a similar comprehensive policy for Joondalup City?

A3 The Dry Park Development program was developed and reviewed by the Dry Parks Committee, and Mr Baird was part of that process and forwarded a submission for the committee's consideration. The DPD program has been adopted by the Council and its priorities are reviewed on an annual basis as part of the annual budget process.

3 APOLOGIES AND LEAVE OF ABSENCE

4 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cmr Smith stated her intention to declare an interest that may affect her impartiality in relation to Item CJ181-08/04 – Proposed Modifications to Currambine Structure Plan No 14 – Deletion of the Residential Mixed Use Precinct and Minor Modifications to Development Provisions, as her daughter lives in the suburb of Currambine.

5 CONFIRMATION OF MINUTES

MINUTES OF MEETING OF JOINT COMMISSIONERS, 20 JULY 2004

RECOMMENDATION

That the Minutes of the Meeting of Joint Commissioners held on 20 July 2004 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

7 PETITIONS

8 REPORTS

CJ174 - 08/04 JOONDALUP REGIONAL PERFORMING ARTS CENTRE - SITE ACQUISITION – [14977]**WARD - All**

CJ040803_BRF.DOC:ITEM 1

PURPOSE

To seek approval from the Joint Commissioners for a business plan to be advertised on the proposed land purchase of the site fronting Grand Boulevard from the Department of Education and Training for the purpose of a cultural facility.

EXECUTIVE SUMMARY

At the Council meeting of 27 April 2004, the Joint Commissioners gave authorisation to the Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to the Contract of Sale between the City and the Department of Education and Training (DET) for the purchase of a 7919 sqm site fronting Grand Boulevard for the purpose of a cultural facility.

Since that time, the City has received legal advice from its Solicitors on a similar land transaction that recommended it would be prudent of the City to undertake a business plan process in accordance with Section 3.59 of the Local Government Act 1995 prior to executing the contract of sale.

On this basis, it is recommended that the Joint Commissioners:

- 1 APPROVE a business plan to be advertised on the proposed land purchase of the 7919 sqm site fronting Grand Boulevard for the purpose of a cultural facility for a period of 42 days to enable public comment;*
- 2 NOTE that the forward landscaping and preparation and execution of the necessary documents to give effect to the sharing of costs with DET for the road construction agreement previously approved by Council will be deferred until the business plan process has been completed and accepted;*
- 3 NOTE that a further report will be present to Council as soon as practical following the completion of the business plan process in order to obtain authority to execute the contract of sale for the cultural facility site.*

BACKGROUND

The Joondalup Regional Performing Arts Centre (JRPAC) project has made significant progress in the last 12 months.

The City has successfully negotiated with the DET for the purchase of a 7919 sqm site fronting Grand Boulevard and adjacent to the West Coast College of TAFE Hospitality Training Centre for an amount of \$578,171.65. This site will enable the benefits of co-location with the Hospitality Training Centre to be fully realised in terms of the City's strategic objective "To develop, provide and promote a diverse range of lifelong learning opportunities", as well as the development of the City as a cultural centre.

DETAILS

At the Council Meeting of 27 April 2004, a report was presented to the Joint Commissioners outlining the actions undertaken to progress the JPRAC project and noting finalisation of Contract of Sale terms with the Department of Education and Training for the purchase of a site for the purpose of a cultural facility. Council resolved to:

- “1 *NOTE the finalisation of a Contract of Sale with the Department of Education and Training (DET) for the purchase by the City of a 7919 square metre site from DET for the purpose of a cultural facility, for final consideration of \$578,171.65;*
- 2 *AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the Contract of Sale;*
- 3 *ENDORSE that a review of the performing arts concept including the social and economic development impact be undertaken to ensure the JRPAC meets the region's needs and is affordable for the City;*
- 4 *REQUEST that a landscape plan and costing be developed to enable landscaping of the "great lawn" area identified in the preferred concept design, adjacent to the JRPAC, to be listed for consideration in the budget for the 2004/2005 financial year;*
- 5 *AGREE to contribute 50% of the construction costs of a new entrance road to the TAFE site off Grand Boulevard, up to and including the proposed roundabout, estimated to \$385,000 in accordance with Development Application Number 124632 – Kendrew Crescent Joondalup;*
- 6 *AUTHORISE the preparation and execution of the necessary documents by the Acting CEO to give effect to the road construction agreement.”*

The requirement for the City to undertake a business plan for the acquisition of the cultural facility site was given consideration at the time the purchase was negotiated with DET. At this time it was deemed not required to comply with the provision of Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996, as the City was acquiring the land without intent for profit.

During the course of progressing the acquisition of a site for the proposed new Works Depot, the City sought legal advice clarifying the requirement or otherwise for a business plan for the acquisition of the depot site. This advice referred to Regulation 8 (1) of the Local Government (Functions and General) Regulations 1996 which provides that a land transaction is an exempt land transaction for the purposes of section 3.59 if the local government enters into it "without intending to produce profit to itself and without intending that another person will be sold, or given joint or exclusive use of, all or any of the land involved in the transaction."

The City's solicitor noted that the City's instructions were that, if the land was purchased, the present proposal was that it would be used for a works depot. The City received advice that this factor alone does not satisfy regulation 8 (1). If in purchasing the land, the City is making an investment and, in the fullness of time, the land may be sold at a profit, then regulation 8 would not apply.

COMMENT

Given that the proposed purchase of land for the purpose of a cultural facility is based on a similar premise to the Works Depot, it is recommended that the City take a prudent approach and the Joint Commissioners approve a business plan to be advertised on the proposed land purchase for a period of 42 days to enable public comment, prior to executing the Contract of Sale.

Statutory Provision:

Section 3.59 of the Local Government Act 1995.

Strategic Implications:

The Joondalup Regional Performing Arts Centre project is aligned to the following strategic objectives outlined in the City's Strategic Plan 2003-2008:

- Objective 1.1 - To develop, provide and promote a diverse range of lifelong learning opportunities
- Objective 1.2 - To meet the cultural needs and values of the community
- Objective 3.1 - To develop and maintain the City of Joondalup's assets and built environment
- Objective 3.2 - To develop and promote the City of Joondalup as a tourist attraction
- Objective 3.5 - To provide and maintain sustainable economic development

ATTACHMENTS

Attachment 1 Business Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 APPROVE a business plan to be advertised on the proposed land purchase of the 7919 sqm site fronting Grand Boulevard for the purpose of a cultural facility for a period of 42 days to enable public comment;**
- 2 NOTE that the forward landscaping and preparation and execution of the necessary documents to give effect to the sharing of costs with the Department of Education and Training (DET) for the road construction agreement previously approved by Council will be deferred until the business plan process has been completed and accepted;**
- 3 NOTE that a further report will be presented to Council as soon as practical following the completion of the business plan process in order to obtain authority to execute the Contract of Sale for the cultural facility site.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1min100804.pdf](#)

CJ175 - 08/04 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL – [15876]

WARD - All

CJ040803_BRF.DOC:ITEM 2

PURPOSE

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

Document: Deed
Parties: City of Joondalup and Telstra Corporation
Description: Deed of extension to allow Telstra to exercise lease extension to 29 December 2009 – Warwick Open Space, 719 Beach Road, Warwick
Date: 15.06.04

Document: Application
Parties: City of Joondalup and Department for Community Development
Description: Preferred Service Provider Application – City of Joondalup Financial Counselling Service
Date: 15.06.04

Document: Agreement
Parties: City of Joondalup and West Coast TAFE, Joondalup
Description: Parking Enforcement, Control and Management Agreement
Date: 05.07.04

Document: S70A
Parties: City of Joondalup and A and L Lawson
Description: Notification under Section 70A – Ancillary accommodation – 23 Straitsman Way, Currambine
Date: 05.07.04

Document: Grant Allocation
Parties: City of Joondalup and Main Roads
Description: Certification of Completion – Metropolitan Regional Road Programme – 03/04 Recoup and 04/05 Allocation
Date: 05.07.04

Document: Contract
Parties: City of Joondalup and Warp P/L
Description: Execution of Contract 031-03/04 – Traffic Management and Control Services
Date: 05.07.04

Document: Transfer
Parties: City of Joondalup, Roman Catholic Archbishop of Perth and Davidson Pty Ltd
Description: Transfer of Land – Lot 1574 Delamere Avenue, Currambine
Date: 20.07.04

Document: Contract
Parties: City of Joondalup and Westpac Bank
Description: Execution of Contract No 032-03/04 – Provision of banking facilities
Date: 20.07.04

Document: Contract
Parties: City of Joondalup and IPA Personnel Pty Ltd
Description: Execution of Contract No 028A-03/04 – Supply of temporary personnel services
Date: 20.07.04

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

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

**CJ176 - 08/04 MINUTES OF CBD ENHANCEMENT PROJECT
STEERING COMMITTEE MEETING 14 JULY 2004 –
[53469]**

WARD - Lakeside

CJ040803_BRF.DOC:ITEM 3

PURPOSE

The unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 14 July 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee met on Wednesday 14 July 2004.

Items of business discussed included a revised 2004 meeting schedule, a summary of the 2003/04 Joondalup Night Markets and the proposed format of the 2004/05 Joondalup Night Markets.

A brief update was provided on the ongoing business items, which included the Inner City Public Transport item concerning a Joondalup Central Area Transit (CAT) service and the Joondalup Car Boot Sale/Swap Mart item.

This report recommends that the Joint Commissioners NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 14 July 2004, shown at Attachment 1 to this Report.

DETAILS

The minutes of the CBD Enhancement Project Steering Committee meeting held on Wednesday 14 July 2004 are provided at Attachment 1.

ATTACHMENTS

Attachment 1 Unconfirmed minutes – CBD Enhancement Project Steering Committee meeting held on 14 July 2004.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 14 July 2004, shown at Attachment 1 to Report CJ176-08/04.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf030804.pdf](#)

**CJ177 - 08/04 FESA – EMERGENCY SERVICES LEVY PAYMENT
OPTION FOR THE YEAR ENDING 30 JUNE 2005 –
[31229]**

WARD - All

CJ040803_BRF.DOC:ITEM 4

PURPOSE

This report is to advise the Joint Commissioners that in respect of the Emergency Service Levy, Council may elect to remit payments by either of two options. It is recommended that the Joint Commissioners elect to make the 2004/05 ESL repayment by Option B.

EXECUTIVE SUMMARY

The Emergency Service Levy (ESL) was introduced by the West Australian State Government with effect from 1 July 2003 to fund the Fire & Emergency Services Authority (FESA). The ESL allows local governments to make an annual election to remit the ESL payments to FESA using either Option A or Option B.

Under Option A, FESA owns the debt and is entitled to the 11% interest on outstanding balances. Local governments collect the debt on behalf of FESA and are able to invest money received until it is required to be remitted to FESA. The total ESL and interest collected during any month is paid to FESA in the following month. Under Option A, past and new ESL debts are owned by FESA

Under Option B, the City acquires the ESL debt and becomes entitled to the 11% interest on outstanding balances. Local governments are able to invest money received until remitted to FESA in quarterly instalments (of the total ESL levied only). Under Option B FESA receives the total ESL levy during the 2004/05 year.

For the 2004/05 year, interest modelling undertaken indicates that under Option A the City may receive interest income of approximately \$40,000 whilst under Option B it may receive \$130,000.

It is recommended:

- 1 *That the Joint Commissioners elect to remit the 2004/05 emergency services levy by Option B inclusive of the following features:*
 - *Local government assumes ownership of all unpaid and deferred ESL debt as at 30 June 2004 (COJ owns the debt)*
 - *Local government remits the outstanding balance as at 30 June 2004 to FESA by 31 October 2004*
 - *Local government assumes ownership of all ESL debt levied during the year (COJ owns the debt)*

- *Local government has responsibility for accepting and subsequently approving any ESL amounts to be written off*
- *Local government remits 100% of the ESL levied to FESA on a quarterly basis (30% by 21 September 2004, 30% by 21 December 2004, 30% by 21 March 2005 and 10% on 21 June 2005)*
- *Local government retains any late payment penalty interest charges*

2 *That FESA be advised of this decision.*

BACKGROUND

The ESL was introduced by the West Australian State Government with effect from 1 July 2003 to fund the Fire & Emergency Services Authority (FESA). Local governments are required to raise the ESL as part of issuing their annual rates notices and to collect and remit the ESL payments to FESA.

The City of Joondalup levied \$5,556,205 for the ESL during 2003/04. As at 30 June 2004 the City had received \$5,517,626 (99.3%) of the 2003/04 ESL. \$38,580 (including deferred ESL debts of \$12,364) remained unpaid at 30 June 2004.

The ESL legislation allows a local government to make an annual election to remit ESL payments to FESA by either of 2 options:

- Option A – debt is owned by FESA, local government remits to FESA by the 21st of the month all monies collected during the previous month
- Option B – debt is owned by local government, local government remits 100% of the annual ESL levied to FESA in quarterly payments.

The City of Joondalup elected to use Option A during the 2003/04 year due mainly to the uncertainty of the ESL incoming cash flows during the ESL's inaugural year.

FESA has requested the City of Joondalup to advise its preferred payment option for 2004/05.

DETAILS

The 2004/05 ESL levy rate-in-the-dollar is 1.4700 cents per-GRV\$ (2003/04 was 0.8800 cents per \$GRV). The introduction of the new method of funding for FESA in 2003/04 relied on the phasing out of levies paid on insurance premiums where these were paid before 30 June 2003 and the introduction of the ESL from 1 July 2003. It was foreshadowed by FESA that the 2004/05 ESL rate-in-the-dollar would increase in the 2004/05 year, following completion of the phasing in period.

The City expects to levy approximately \$9m for the 2004/05 ESL, which will be levied and included on the City's rate notices.

The general features of the ESL are as follows:

Local government responsibilities are to:

- Calculate and invoice the ESL on behalf of FESA, on the local government's rates notices in accordance with the rules set out in the ESL Manual of Operating Procedures (MOP) applying the 2004/05 ESL rates declared by the Minister
- Report to FESA the amount of ESL that the local government has invoiced, within 14 days of the annual rates / ESL billing run
- Charge the ESL "late payment" interest rate (11%)
- Pay ESL on the improved property owned by the local government as invoiced by FESA
- Provide a monthly report on the collections and outstanding debt
- Make payments to FESA using Option A or Option B
- Collect the ESL debts and interest charges on outstanding ESL debts from the ratepayer or from the Office of State Revenue – for rebates paid on behalf of pensioner / senior ESL concession payment
- Collect the interest accruing on "deferred ESL" from the Office of State Revenue
- Incur all costs incurred in recovering the ESL debt

FESA responsibility:

- FESA may apply penalty interest at a rate declared by the Minister (11%) where ESL payments are not lodged by a local government with FESA on time
- FESA pays the local government an annual ESL administration fee by 31 October
- FESA will not accept responsibility for any costs incurred by a local government associated with future decisions by that local government where it chooses to migrate between Options A and B and this is approved

Other Information

- The ESL is a charge against the property (Section 360 of the Fire & Emergency Authority of Western Australia Act 1998)
- The local government may elect to use payment Option A or B in any year with the approval of FESA. FESA will not accept responsibility for any costs incurred by a local government associated with future decisions by that local government where it chooses to migrate between Options A and B and this is approved. If selecting Option B, the local government must accept all outstanding debt.

The specific features of the ESL payment options are as follows:

Option A – key features

- FESA assumes liability for all unpaid and deferred ESL (FESA owns the debt)
- FESA has responsibility for accepting and subsequently approving any ESL amounts to be written off
- Local government remits to FESA all monies collected during the previous month

Option B – key features

- ESL debts as at 30 June 2004
 - Local government assumes ownership of all unpaid and deferred ESL debt as at 30 June 2004 (CoJ owns the debt)
 - Local government remits the outstanding balance as at 30 June 2004 to FESA by 31 October 2004
- ESL debts arising during 2004/05
 - Local government assumes ownership of all ESL debt levied during the year (CoJ owns the debt)
 - Local government has responsibility for accepting and subsequently approving any ESL amounts to be written off
 - Local government remits 100% of the ESL levied to FESA on a quarterly basis (30% by 21 September 2004, 30% by 21 December 2004, 30% by 21 March 2005 and 10% on 21 June 2005)
- Local government retains any late payment penalty interest charges

Statutory Provision:

The Emergency Services Levy is contained within the Fire & Emergency Authority of Western Australia Act 1998.

Consultation:

N/A

Policy Implications:

Nil

Financial Implications:

The financial implications under Option B are as follows:

- Under Option B, the City has the potential to receive interest of approximately \$90,000 more than under Option A.
- The City will pay out the outstanding 2003/04 ESL debt at 30 June 2004 by October 2004. These debts will be shown as “ESL debtors” on the balance sheet. Outstanding ESL debts attract interest at 11% per annum. Any payments received will be applied against the outstanding interest and principal.

Strategic Implications:

Nil

Sustainability Implications:

The additional interest under Option B will generate funds that will assist the City with its economic sustainability. FESA has the ability to change the % remitted and the due dates annually and it is therefore proposed that the City review its election of Option A or Option B on an annual basis.

COMMENT

Benefits of selecting Option B

- The City has the potential to gain additional interest income (at a marginal rate) on the debt it takes over at 30 June 2004 and the outstanding 2004/05 ESL debt. The additional interest income arises (at a marginal rate) because the penalty interest rate on outstanding debt (11%) is higher than the City's interest rate it earns from its own investments (5-6% at July 2004).
- The City has the potential to gain additional interest income by investing the difference between the actual payments received and the quarterly instalment monies paid to FESA during 2004/05. Financial projections using 2003/04 ESL payments and adjusting for the proposed rates issue date of 24 August 2004 indicates that the City will potentially be better off by around \$90,000 (using the 2003/04 ESL payment profiles as a model).
- The City has the potential to gain interest at approximately 5.6% (gazetted annually in arrears) on deferred debt paid by the Office of State Revenue

Disadvantages / Risk

- Possible perception that local government is profiting from the ESL
- Possible perception that local government supports cost shifting from Federal and State Government to local government
- Risk that the cash flow profile may change from prior year profile and result in less funds available for investment
- The City will incur internal staff costs and minimal costs from the Proclaim to set-up the software / reports to implement the change to Option B
- FESA has invited local governments to take Option B for 1-3 year terms. A risk exists in that the payment dates and % payments to FESA may change on a year-to-year basis. This risk is mitigated if Council reviews the benefits of both options annually
- If investment interest rates increase, the quantified benefit will be reduced.

The table below shows that the estimated 2004/05 cash inflows for both options A + B (ESL payments to the City of Joondalup) exceeds the cash outflows (payments to FESA) at the time of making the payment and this surplus cash is invested by the City. This results in cash being retained and invested by the City for a longer period of time and therefore additional interest income is able to be generated.

Option A will result in interest of approximately \$40,000 whilst Option B will provide approximately \$130,000, i.e. \$90,000 more interest to the City of Joondalup than under Option A.

	Cumulative cash collections as at 21 st of the month \$	OPTION A Monthly payments Cumulative payments as at 21 st of the month \$	OPTION B Quarterly payments Cumulative payments as at 21 st of the month \$	
July 04	112,353	0	0	
August	116,507	112,353	0	
September	5,375,962	825,048	2,700,000	
October	7,814,494	7,120,350	2,700,000	
November	8,096,239	7,944,212	2,700,000	
December	8,491,404	8,404,254	5,400,000	
January 05	8,556,042	8,524,337	5,400,000	
February	8,623,772	8,595,432	5,400,000	
March	8,673,509	8,634,083	8,100,000	
April	8,811,505	8,702,425	8,100,000	
May	8,879,452	8,870,468	8,100,000	
June	8,925,797	8,913,296	9,000,000	Refer note 1
TOTAL – 30 June 2005	8,928,770	8,913,296	9,000,000	
ESL debt estimated at 30 June 2005 (2003/04 and 2004/05)	74,808			

Note 1 - At this point the ESL debt outstanding to the City attracts interest at 11%. The City earns approximately 5.9% on its own cash investments. Whilst the City has paid out more ESL than it has collected the interest rate margin is in the City's favour.

The actual benefit derived will be impacted by changes in the City's investment interest rates and the ESL payment profiles during 2004/05. Whilst the actual payment profile may differ to 2003/04, it is unlikely that the payment profiles will have a significantly detrimental effect on the estimated overall benefit of \$90,000. The interest rate risk is considered to be low as current financial forecasts obtained from the City's investment advisors indicate that significant interest rate increases are unlikely.

For these reasons it is recommended that the Joint Commissioners elect to remit ESL using Option B for 2004/05.

FESA has advised that 19 councils used Option B during 2003/04 (these include Stirling, Gosnells, Cockburn, Bunbury) and that an additional 15 local governments have taken up Option B for the 2004/05 year. The City of Cockburn and Stirling consider that Option B has been very successful. The only concern has been the increase in the rate-in-the-dollar for the 2004/05 may have an impact on the future payment profile.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 ELECT to remit the 2004/05 emergency services levy by Option B inclusive of the following features:**
 - Local government assumes ownership of all unpaid and deferred Emergency Services Levy debt as at 30 June 2004 (City Of Joondalup owns the debt);
 - Local government remits the outstanding balance as at 30 June 2004 to Fire and Emergency Services Authority by 31 October 2004;
 - Local government assumes ownership of all Emergency Services Levy debt levied during the year (City Of Joondalup owns the debt);
 - Local government has responsibility for accepting and subsequently approving any Emergency Services Levy amounts to be written off;
 - Local government remits 100% of the Emergency Services Levy levied to Fire and Emergency Services Authority on a quarterly basis (30% by 21 September 2004, 30% by 21 December 2004, 30% by 21 March 2005 and 10% on 21 June 2005);
 - Local government retains any late payment penalty interest charges;
- 2 ADVISE Fire and Emergency Services Authority of this decision.**

CJ178 - 08/04 TENDER NUMBER 041-03/04 SUPPLY OF ELECTRICAL MAINTENANCE SERVICES – [86559]**WARD - All**

CJ040803_BRF.DOC:ITEM 5

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Wanneroo Electric Pty Ltd for the Supply of Electrical Maintenance Services (in accordance with the Price Schedule as outlined in Attachment 1), Tender Number 041-03/04, for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty four (24) months. The total duration of the contract shall not exceed three (3) years.

EXECUTIVE SUMMARY

Tenders were advertised on 26 May 2004 through statewide public tender for the Supply of Electrical Maintenance Services. Tenders closed on 17 June 2004. Three submissions were received from Wanneroo Electric Pty Ltd, Suncourt Pty Ltd trading as High Speed Electrics, LJ & SL Best Family Trust trading as Best Home Automation & Electrical.

It is recommended, in relation to Tender Number 041-03/04 for the Supply of Electrical Maintenance Services, that the Joint Commissioners:

- 1 *REJECT the tender submitted by Suncourt Pty Ltd trading as High Speed Electrics under Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 without considering the merits of the tender because it failed to comply with requirements specified in the RFT;*
- 2 *ACCEPT the withdrawal of the tender submitted by LJ & SL Best Family Trust trading as Best Home Automation & Electrical;*
- 3 *CHOOSE Wanneroo Electrics Pty Ltd as the successful tenderer for the Supply of Electrical Maintenance Services (Tender No. 041-03/04) in accordance with the price schedule as outlined in Attachment 1 to this Report;*
- 3 *AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Wanneroo Electrics Pty Ltd in accordance with the tender submitted by Wanneroo Electrics Pty Ltd, subject to any minor variations that may be agreed between the CEO and Wanneroo Electrics Pty Ltd;*
- 4 *DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total duration of the contract not to exceed 3 years.*

Wanneroo Electric Pty Ltd has undertaken these works for an extended period of time. While the company principles have changed over time the service has continued to improve. During this period they have developed a comprehensive knowledge of the City of Joondalup's current in ground and building electrical infrastructure.

DETAILS

Three submissions were received from Wanneroo Electric Pty Ltd, Suncourt Pty Ltd trading as High Speed Electrics, LJ & SL Best Family Trust trading as Best Home Automation & Electrical.

The first part of the tender assessment is to determine that all essential requirements have been met. Tenders not meeting all the essential criteria are deemed to be non-conforming and are eliminated from consideration. Additionally, other criteria that is not mandatory is assessed and if not met the City may eliminate the tender from consideration. The extent of non-compliance in this section would determine if the tender was further considered.

As a part of the evaluation process, prices on the schedule of rates were compared against each tender. As a result of the price comparison it was determined that there were significant variances due to the interpretation by the tenderers of the price schedule.

Due to the price inconsistency, each tenderer was requested to specify in writing exactly what was included in the unit rates submitted. Two tenderers responded to the request, Wanneroo Electric Pty Ltd and Suncourt Pty Ltd trading as High Speed Electrics. The submission from Suncourt Pty Ltd failed to fully complete the price schedule and excluded some of the requirements from their prices. On the last page of the Price Schedule it is stated that *Tenders that do not provide a dollar figure where requested may be deemed to be non-conforming and therefore be rejected*. As there were a number of omissions and exclusions in the submission, which were deemed to be essential to undertake a fair assessment of the tender, the assessment panel deemed the tender to be non-conforming.

Under the City's Contract Management Framework, the tenders received from Wanneroo Electric Pty Ltd and LJ & SL Best Family Trust trading as Best Home Automation & Electrical were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4120-1994 'code of tendering'.

Each member of the Evaluation Team assessed the Tender submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessment.

The Selection Criteria for Tender number 041-03/04 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. Details should include:
- Level of Understanding of tender documents and work required.

- Written References from past and present clients.
- Ability to provide electronic pricing schedules.

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

- Company structure.
- Financial Capacity.
- Qualifications, Skills and Experience of Key Personnel.
- Equipment and Staff Resources available.
- Compliance with tender requirements – insurances, licenses, site inspections etc.
- Quality Systems.

Beneficial Effects of Tender/Local Content:

- The potential social and economic effect of the tender on the City of Joondalup community.
- Value Added items offered by tenderer.
- Sustainability/Efficiency/Environmental.

Contract Methodology:

- Communications.
- Management Control Systems.
- Documentation Controls.
- Procedures on Identification of further works.

Tendered Price/s:

- Schedule of rates for additional services.
- Discounts, settlement terms.

After the assessment was completed LJ & SL Best Family Trust trading as Best Home Automation & Electrical withdrew their tender. Best advised that as they were in a growing phase they did not have the current capacity to meet the requirements of the City but will be interested in the future.

The tender submitted by Wanneroo Electrics Pty Ltd fully complied with the conditions of tendering and the selection criteria. However, as a result of the assessment, the City sought confirmation on the prices submitted by Wanneroo Electric Pty Ltd in relation to the requested clarification and the prices submitted in their tender. Wanneroo Electric Pty Ltd responded by confirming that the prices stated in their tender submission will be in accordance with the City's intent of the price schedule specified in the tender document.

Wanneroo Electric Pty Ltd submitted a tender that demonstrated their ability to provide the service required by the City. Based on the assessment Wanneroo Electric Pty Ltd is 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 consideration for this contract exceeds 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; Wanneroo Electric Pty Ltd is located within the City of Joondalup.

Financial Implications:

Funding is in accordance with the approved Operations Services Annual Maintenance budget as adopted by Council.

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 term will be for an initial period of twelve (12) months. There will be an option to extend the contract for a further twenty four (24) months that will be subject to suitable performance by the Contractor in annual performance reviews that ensure that the requirements of the contract have been met. Subject to a satisfactory outcome of each review an extension, in increments of twelve-month periods, will be made. The duration of the contract will not exceed three (3) years.

Notwithstanding any statutory changes, the City may negotiate a price variation on the schedule of rates submitted for extending the Contract. The price variation shall not be more than the change in the consumer price index for the construction material and labour for Perth Metropolitan region as published by Australian Bureau of Statistics for a period of the previous 12 months.

The tender submitted by Wanneroo Electric Pty Ltd demonstrated that they have the ability to provide the required services to the City.

ATTACHMENTS

Attachment 1 Price Schedule

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That, in relation to Tender Number 041-03/04 for the Supply of Electrical Maintenance Services, the Joint Commissioners:

- 1 REJECT the tender submitted by Suncourt Pty Ltd trading as High Speed Electrics and under Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 without considering the merits of the tender because it failed to comply with requirements specified in the RFT;**
- 2 ACCEPT the withdrawal of the tender submitted by LJ & SL Best Family Trust trading as Best Home Automation & Electrical;**
- 3 CHOOSE Wanneroo Electrics Pty Ltd as the successful tenderer for the Supply of Electrical Maintenance Services (Tender No 041-03/04) in accordance with the price schedule as outlined in Attachment 1 to Report CJ178-08/04;**
- 4 AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Wanneroo Electrics Pty Ltd in accordance with the tender submitted by Wanneroo Electrics Pty Ltd, subject to any minor variations that may be agreed between the CEO and Wanneroo Electrics Pty Ltd;**
- 5 DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total duration of the contract not to exceed 3 years.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf030804.pdf](#)

CJ179 - 08/04 TENDER NUMBER 043-03/04 SUPPLY AND DELIVERY OF VARIOUS SIGNS – [53560]**WARD - All**

CJ040803_BRF.DOC:ITEM 6

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Sunny Sign Company for the Supply and Delivery of Various Signs (in accordance with the Price Schedule as outlined in Attachment 1), Tender Number 043-03/04, for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty four (24) months. The maximum term of the contract shall be three (3) years.

EXECUTIVE SUMMARY

Tenders were advertised on 26 May 2004 through statewide public tender for the Supply and Delivery of Various Signs. Tenders closed on 29 June 2004. Four submissions were received from Sunny Sign Company, Road Safety Shop Pty Ltd, DeNeefe Signs Pty Ltd and Galena Nominees Pty Ltd Trading as Jason Signmakers.

It is recommended, in relation to Tender Number 043-03/04 for the Supply and Delivery of Various Signs, that the Joint Commissioners:

- 1 *REJECT the tenders submitted by Road Safety Shop Pty Ltd, DeNeefe Signs Pty Ltd and Galena Nominees Pty Ltd Trading as Jason Signmakers in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 without considering the merits of these tenders because they each failed to comply with requirements specified in the RFT;*
- 2 *CHOOSE Sunny Sign Company as the successful tenderer for the Supply and Delivery of Various Signs (Tender No. 043-03/04) in accordance with the price schedule as outlined in Attachment 1 to this Report;*
- 3 *AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Sunny Sign Company in accordance with the tender submitted by Sunny Sign Company, subject to any minor variations that may be agreed between the CEO and Sunny Sign Company;*
- 4 *DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total term of the contract not to exceed 3 years.*

BACKGROUND

The City has utilised various suppliers for signs previously and all have met the requirements and delivery time. Signage requirements are ongoing and are regulated by effective communication between the maintenance section and supplier.

DETAILS

Four submissions were received from Sunny Sign Company, Road Safety Shop Pty Ltd, DeNeeffe Signs Pty Ltd and Galena Nominees Pty Ltd Trading as Jason Signmakers.

The first part of the tender assessment was the Conformance Audit Meeting. The purpose of this meeting is to ensure that all essential requirements have been met. Tenders not meeting all the essential criteria are deemed to be non-conforming and are eliminated from consideration. Additionally, other criteria that is not mandatory is assessed and if not met the City may eliminate the tender from consideration. The extent of non-compliance in this section would determine if the tender was further considered.

The tenders submitted by Road Safety Shop Pty Ltd, DeNeeffe Signs Pty Ltd and Galena Nominees Pty Ltd Trading as Jason Signmakers did not address all of the selection criteria, did not submit requested information about the company and did not comply with all the requirements of the Specification. Non-compliance issues also included changing the City's specified sign size to a different sized sign, not pricing required items according to the price schedule and qualifying submissions and their prices. The changing of the City's specified requirements and qualifying submitted prices on items that were deemed to be essential requirements does not allow for a fair assessment of the tender. Accordingly it is recommended that the tenders submitted by Road Safety Shop Pty Ltd, DeNeeffe Signs Pty Ltd and Galena Nominees Pty Ltd Trading as Jason Signmakers be rejected.

Under the City's Contract Management Framework, the tender received from Sunny Sign Company was 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 submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Team convened to submit and discuss their assessments.

The Selection Criteria for Tender number 043-03/04 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 other clients.
- Level of Understanding of tender documents and work required.
- Written 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 provide the services required:

- Company structure.
- Qualifications, skills and experience of key personnel including registration, training and experience.
- Equipment and staff resources available.
- Occupational health and safety management system and track record.

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 services.
- Schedule of rates for additional services.
- Discounts, settlement terms.

Sunny Sign Company submitted a tender that demonstrated their ability to provide the service required by the City and accordingly is 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 consideration for this contract exceeds 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; none of the tenderers are located within the City of Joondalup.

FINANCIAL IMPLICATIONS

In accordance with Operations Services annual maintenance budget as authorised by Council.

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 term will be for an initial period of twelve (12) months. There will be an option to extend the contract for a further twenty four (24) months that will be subject to suitable performance by the Contractor in annual performance reviews that ensure that the requirements of the contract have been met. Subject to a satisfactory outcome of each review an extension, in increments of twelve-month periods, will be made. The duration of the contract will not exceed three (3) years.

Notwithstanding any statutory changes, the City may negotiate a price variation on the lump sum price submitted for extending the Contract. The price variation shall not be more than the change in the consumer price index for the construction material and labour for Perth Metropolitan region as published by Australian Bureau of Statistics for a period of the previous 12 months.

The tender submitted by Sunny Sign Company demonstrated that they have the ability to provide the required services to the City.

ATTACHMENTS

Attachment 1 Price Schedule

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That, in relation to Tender Number 043-03/04 for the Supply and Delivery of Various Signs, the Joint Commissioners:

- 1 REJECT the tenders submitted by Road Safety Shop Pty Ltd, DeNeefe Signs Pty Ltd and Galena Nominees Pty Ltd Trading as Jason Signmakers in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 without considering the merits of these tenders because they each failed to comply with requirements specified in the RFT;**
- 2 CHOOSE Sunny Sign Company as the successful tenderer for the Supply and Delivery of Various Signs (Tender No. 043-03/04) in accordance with the price schedule as outlined in Attachment 1 to Report CJ179-08/04;**
- 3 AUTHORISE the Acting Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Sunny Sign Company in accordance with the tender submitted by Sunny Sign Company, subject to any minor variations that may be agreed between the CEO and Sunny Sign Company;**

- 4 DETERMINE that the contract is to be for an initial period of 12 months with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of 24 months, in 12 month increments, with the total term of the contract not to exceed 3 years.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf030804.pdf](#)

CJ180 - 08/04 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 30 JUNE 2004 – [12168]

WARD - All

CJ040803_BRF.DOC:ITEM 7

PURPOSE

The unconfirmed Minutes of the Conservation Advisory Committee Meeting held on 30 June 2004 are submitted for noting by Council.

EXECUTIVE SUMMARY

The Conservation Advisory Committee meeting held on 30 June 2004 discussed a range of conservation matters within the City of Joondalup. The Committee discussed issues including regional natural area linkages and the Adopt a Bushland/Coastline Programme.

It is recommended that the Joint Commissioners NOTE the unconfirmed Minutes of the Conservation Advisory Committee held on 30 June 2004.

BACKGROUND

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

The Committee comprises 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.

DETAIL

A meeting of the Conservation Advisory Committee was held on 30 June 2004, and the minutes of this meeting are provided as Attachment 1.

The following matters were considered:

- The City of Joondalup's Bushland Regeneration Tender
- The Conservation Advisory Committees Action Plan
- The City's Eco Tourism Initiative
- Fox Control

A note of great interest at the meeting was the report that 25 Graceful Sun Moths had been discovered in Warwick Open Space during a survey undertaken by the WA Museum. The Graceful Sun Moth is a declared rare species and its population in Warwick Open Space is the largest yet found on the Swan Coastal Plain.

COMMENT

It is recommended that the Joint Commissioners note the unconfirmed Minutes of 30 June 2004 meeting of the Conservation Advisory Committee.

ATTACHMENTS

Attachment 1 Conservation Advisory Committee Minutes 30/6/2004

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the unconfirmed Minutes of the Conservation Advisory Committee held on 30 June 2004 forming Attachment 1 to Report CJ180-08/04.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf030804.pdf](#)

Cmr Smith stated her intention to declare an interest that may affect her impartiality in relation to Item CJ181-08/04 – Proposed Modifications to Currambine Structure Plan No 14 – Deletion of the Residential Mixed Use Precinct and Minor Modifications to Development Provisions, as her daughter lives in the suburb of Currambine.

**CJ181 - 08/04 PROPOSED MODIFICATIONS TO CURRAMBINE
STRUCTURE PLAN NO. 14 - DELETION OF THE
RESIDENTIAL MIXED USE PRECINCT AND MINOR
MODIFICATIONS TO DEVELOPMENT PROVISIONS
– [11160]**

WARD - North Coastal

CJ040803_BRF.DOC:ITEM 8

PURPOSE

For the Joint Commissioners to consider submissions received in relation to proposed modifications to the development provisions contained within the Currambine Structure Plan No 14 and to adopt the modified Currambine Structure Plan No14.

EXECUTIVE SUMMARY

At the meeting held on 27 April 2004 (CJ088-04/04 refers), the Joint Commissioners considered proposed modifications to the Currambine Structure Plan that would refine it and provide clearer guidelines for future development within the Structure Plan area. Consequently, at this meeting, the Joint Commissioners resolved to advertise the proposed modifications to the Currambine Structure Plan for a period of 28 days, which has now closed.

The proposed modifications include the deletion of the Residential Mixed Use Precinct and its replacement with a Small Lot Residential Precinct, modifications to the development provisions of the Residential Precinct and a number of minor modifications to existing development provisions contained within the Structure Plan document.

One submission was received at the end of the advertising period that opposed the proposed modifications based on concerns that these modifications would be a development and land use disadvantage. The submission is mainly concerned with issues of the ability of running a business from home, site coverage and property values. These concerns have been considered and addressed in this report.

It is recommended that the modified Currambine Structure Plan No 14 be adopted and submitted to the Western Australian Planning Commission (WAPC) for final adoption and certification.

BACKGROUND

The Currambine Structure Plan was adopted as an Agreed Structure Plan under Part 9 of the City's District Planning Scheme No 2 (DPS2) on 21 May 2002. The Structure Plan relates to the land located to the east of Connolly Drive, Currambine and affects lots located on Connolly Drive, De Crillon Way, Marriot Turn, Miramere Boulevard, Paddington Avenue, Normandy Place, Continental Boulevard, Kowloon Corner, Palace Way and Chandela Loop (see Part 1 Structure Plan Map in Attachment 1).

There have been issues raised during the implementation of the Currambine Structure Plan in respect of the applicability and adequacy of its development provisions, particularly, in relation to the Residential Mixed Use Precinct. The issues raised became more apparent when an application for a childcare centre in the Structure Plan area was approved at the Joint Commissioners' meeting on 30 March 2004. As a result, a report was requested on the adequacy of the Structure Plan and its applicability to the future of the area and submitted back to the Joint Commissioners for further consideration. Consequently, a review of the Currambine Structure Plan was carried out by the City.

The proposed modifications are intended to provide clearer guidelines for future development over the Structure Plan area in relation to the existing Residential Mixed Use Precinct and the Residential Precinct. With respect to the Commercial Centre Precinct of the Structure Plan, it was resolved at the Joint Commissioners' meeting on 27 April 2004, that a separate report be prepared at a later date, giving further consideration to the provision of retail land uses for the locality in relation to the City's Policy 3.2.8 – Centres Strategy, and floorspace allocation across the City, as stipulated in Schedule 3 of DPS2. At the meeting, the Joint Commissioners also resolved to advertise the modifications to the Currambine Structure Plan for a period of 28 days.

DETAILS

Deletion of the Residential Mixed Use Precinct

The Structure Plan currently comprises four Precincts: Commercial Centre, Residential Mixed Use, Community and Residential (refer Attachment 2). The most significant proposed modification to the Structure Plan is to delete the Residential Mixed Use Precinct and replace it with a Small Lot Residential Precinct.

The initial intent of the Residential Mixed Use Precinct was to allow both residential and commercial development. Should lots within this precinct be developed for commercial uses, these commercial developments will need to comply with the requirements of Building Codes of Australia (BCA) relating to disabled access. These BCA requirements do not apply to residential development. Given the topography/gradient of the lots that resulted from the subdivision of the area at the time, together with the relatively small lot sizes created, significant constraints have emerged, particularly in regard to the need for suitable access grades for disabled persons. (This is regulated by the BCA). It is recommended that the Residential Mixed Use Precinct be removed and replaced with the Small Lot Residential Precinct in order to enhance the City's ability to approve any future development within the area.

Replacement with the Small Lot Residential Precinct

Deletion of the Residential Mixed Use and replacement with the Small Lot Residential Precinct requires a new set of development provisions to guide the future development of the affected lots (refer Attachment 2). The replacement development provisions are similar to those under the current Residential Mixed Use Precinct in order to ensure consistency between any future applications and those already approved. The following development provisions are sought to be amended:

- Setbacks

Setback requirements remain unchanged from those under the Residential Mixed Use Precinct. However, an additional provision has been included in the proposed Small Lot Residential Precinct. This additional provision allows a minimum side setback of 1 metre. The 1 metre setback takes into consideration the Acceptable Development provisions of the Residential Design Codes 2002 (R Codes) and the requirements of the Building Code of Australia whilst also ensuring adequate space is provided to maintain the building.

- Site Coverage

Under the current provisions, the maximum site coverage for the Residential Mixed Use Precinct is 55% as per the R40 provisions contained within the R Codes. It is recommended that the site cover for the proposed Small Lot Residential Precinct be increased to 70% in order to be consistent with the site cover provisions for the Residential Precinct contained within the Structure Plan.

- Residential Design Codes 2002 (R Codes)

A new development provision is proposed for inclusion in the Structure Plan to exclude Element 8 and Element 9 of the R Codes. Element 8 provides development provisions to control privacy and overlooking. Element 9 controls the degree of overshadowing caused by development of new dwellings.

The Structure Plan was prepared prior to the gazettal of the 2002 R Codes, which introduced Element 8 (overlooking control). Consequently, control of overlooking had not been taken into consideration at the time of preparing the Structure Plan. Therefore, to minimise overlooking, a new development provision is proposed to permit windows facing the front or rear of the dwelling only, to ensure that the privacy of adjoining properties is maintained. In addition, with respect to overshadowing, it is accepted that there will be a degree of overshadowing to adjoining properties, since the subject lots are relatively small (approximately 350-450m²) and currently nil setbacks to side boundaries are permitted. Accordingly, it is recommended that Element 8 and Element 9 of the R Codes should not apply to the Structure Plan.

Modifications to the Residential Precinct

- Setbacks

It is recommended that clause 5.4.3 (f) to the Residential Precinct of the Structure Plan be deleted (refer Attachment 2). The clause states that no garages are permitted forward of the building line. Due to the fact that many garages were permitted with a minimum setback distance of 3 metres prior to the introduction of this clause, applications received since then, propose garages to be built with similar setbacks and have been supported. The clause therefore is considered inappropriate and it is recommended that it be deleted.

- Plot Ratio

It is recommended that the plot ratio development provision for the Residential Precinct be deleted (refer Attachment 2). The existing plot ratio requirement is not a provision required under the R Codes for single houses and is therefore deemed to be unnecessary. In addition, development of the lots can be adequately controlled through site coverage, height and setback provisions.

- Residential Design Codes 2002 (R Codes)

For the same reason mentioned previously, it is also recommended that Element 9 (overshadowing control) be excluded for lots within the Residential Precinct.

Element 8 (overlooking control) is not, however, considered necessary to be excluded from the development provisions in the same way as it is recommended for lots within the proposed Small Lot Residential Precinct. Because the lot sizes (approximately 500–600m²) within the Residential Precinct are relatively larger than those within the Small Lot Residential Precinct, and are consistent with most other lots within the City of Joondalup, that are subject to the R Codes provisions in terms of overlooking control. Therefore, Element 8 of the R Codes shall still apply to these lots.

Administrative Text Changes

The Structure Plan was written when the Residential Planning Codes (1991) were in effect. These are now superseded and it is therefore recommended that all reference to the 'Residential Planning Codes' be replaced with the words 'Residential Design Codes' (refer Attachment 2). This change is administrative only and will not change the purpose or intent of the detailed development provisions.

Statutory Provision:

Under clause 9.6.1 (b) of DPS2, upon completion of advertising Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt the modifications to the Structure Plan, or resolve that the modifications to the Structure Plan are satisfactory with or without changes, and submit three copies to the WAPC for adoption and certification.

Consultation:

The public advertising period took place between 20 May 2004 and 17 June 2004. A newspaper notice was placed in Joondalup Community newspaper on 20 May 2004, two signs were erected on the site and all landowners within the Structure Plan area were notified of the proposal in writing. The documentation associated with the proposal was made available for inspection at the Council Administration Building, the Customer Service Centre, Whitfords Shopping Centre, all the City's libraries and the City's Website.

At the close of advertising, one submission was received from a landowner within the area subject to the proposal, who opposed the proposed modifications to the Structure Plan (refer Attachment 3).

The reasons for the objection are summarised as follows:

- 1 The change of the Precinct from Residential Mixed Use to Small Lot Residential will result in the loss of ability of running a business from home.
- 2 The loss of the Residential Mixed Use Precinct will affect the property value, as the Residential Mixed Use Precinct could attract a potential purchaser who was looking for a property with the ability of running a business from home.
- 3 The increase of the plot ratio to 70% will relax the requirements of future development applications. This seems to be unfair to those who have already built under the previous plot ratio.

Sustainability Implications:

The deletion of the existing Residential Mixed Use Precinct will reduce the opportunity for commercial land uses within the area. Hence, it will reduce potential traffic conflict and avoid the likely shortage of car parking space resulting from potential increase of commercial activities under the existing Residential Mixed Use Precinct. Therefore, it will enhance the environment in the area. The replacement of the Small Lot Residential Precinct to the Residential Mixed Use Precinct will enable the City to approve future development and eliminate confusion amongst landowners and potential purchasers. This will provide more certainty to the community, which helps to ensure social sustainability.

COMMENT

The proposed modifications to the Currambine Structure Plan are considered minor, as they do not cause a fundamental change to the Structure Plan. The deletion of the Residential Mixed Use Precinct and replacement with the Small Lot Residential Precinct is essential for the City to approve any future development. This is because the City is unable to approve the development of any commercial use on the lots under the existing Residential Mixed Use Precinct, due to the inability of complying with the BCA requirements, which have been mentioned in the "Details" section of this report, and can only approve residential

development. Furthermore, the proposed Small Lot Residential Precinct is considered to be the most appropriate zoning for replacing the existing Residential Mixed Use Precinct, since this zoning excludes any commercial development proposals and only permits residential development, and hence it will enable the approval process and eliminate any unnecessary confusion.

The impact to the landowners caused by the change to the above Precinct is considered minor, because:

- 1 Most lots within the existing Residential Mixed Use Precinct are currently undeveloped.
- 2 The proposed development provisions of the Small Lot Residential Precinct are similar to those under existing Residential Mixed Use Precinct.

Apart from the proposed modifications to the existing Residential Mixed Use Precinct, other proposed modifications motioned in the "Detail" section are mainly concerned with administrative text changes or deletion of provisions that are considered being inconsistent with the R Codes requirements. Therefore, these proposed modifications would be unlikely to negatively affect any future development.

The submission received by the City concerns the change of the Precinct from Residential Mixed Use to Small Lot Residential, which the submitter considers to be a disadvantage. Three reasons have been provided objecting to the proposed change (refer Attachment 2).

Firstly, the submitter believes that the change of the Precinct will result in the loss of ability to run a business from home. This may be an inaccurate statement, because the submitter can still lodge a Home Business application under clause 4.4 of the City's DPS2, even though the Precinct has changed to Residential. However, the nature of the business may be restricted to some extent. Home Business is classified into three categories according to the nature of the business under the DPS2 (see Attachment 4). All three categories are permitted under a Mixed Use zone; however, under a Residential zone, Category 1 is permitted, while Category 2 and Category 3 Home Businesses are subjected to Council's approval and require a consultation process. It is unsure whether the change of the precinct will be "a disadvantage", since the category of the home based business of the submitter is unknown.

Secondly, the submitter believes that the loss of the Residential Mixed Use Precinct will affect the property value, as the Residential Mixed Use Precinct could attract a potential purchaser looking for a property with the ability of running a Home Business. The ability to run a Home Business on the subject land still exists to some extent as discussed above. With respect to property values, the City's officers are unable to make any comment as this is not a relevant town planning consideration.

Finally, the submitter believes that the increase of the maximum site coverage from 55% to 70% would seem unfair, as the submitter had to build up to two storeys under the 55% of maximum coverage, which involved additional cost. This may be a valid concern; however, this 70% is the maximum site coverage requirement and it does not necessarily mean that any future development would need to be built to the maximum site coverage.

It can be concluded from the above that the proposed modifications to the Structure Plan would enhance the City's ability to approve appropriate future development within the Structure Plan area particularly within the proposed Small Lot Residential Precinct and provide more certainty to landowners and potential purchasers. Moreover, the proposed modifications would reduce potential traffic conflict, as well as the likely shortage of car parking space in the area. Although there may be some minor disadvantages for those who have already built within the existing Residential Mixed Precinct as mentioned above, it is believed that the benefits that the proposed modifications may offer will outweigh any perceived disadvantages. Therefore, to help ensure long-term sustainable planning in the area, it is recommended that the modifications to the Currambine Structure Plan be adopted.

ATTACHMENTS

Attachment 1	Modified Currambine Structure Plan No.14 for endorsement
Attachment 2	Draft Modified Currambine Structure Plan with Tracked Changes
Attachment 3	Schedule of Submissions Following Advertising
Attachment 4	Home Business – Approvals Fact Sheet

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners pursuant to clause 9.6.1 (b) of the City of Joondalup District Planning Scheme No 2:

- 1 ADOPT the following modifications to the Currambine Structure Plan No 14 as final:**
 - (a) delete clause 5.3 Residential Mixed Use Precinct and replace with the Small Lot Residential Precinct and the development provisions as detailed in Attachment 2 to Report CJ181-08/04;**
 - (b) delete reference to the Residential Mixed Use Precinct from clause 1.0 and replace with Small Lot Residential Precinct;**
 - (c) amend the Part 1 Structure Plan Map by deleting the Residential Mixed Use Precinct and replacing with the Small Lot Residential Precinct in accordance with Attachment 2 to Report CJ181-08/04;**
 - (d) delete clause 5.4.3 (f) relating to garage setbacks;**
 - (e) add a new clause 5.4.3 (f) to read:**

Element 9 (Design for Climate) of the Residential Design Codes shall not apply;

- (f) delete clause 5.4.3 (e) relating to plot ratio;**
 - (g) delete all references to the Residential Planning Codes within the Structure Plan and replace with the words 'Residential Design Codes.'**
- 2 SUBMIT the modified Currambine Structure Plan No 14 to the Western Australian Planning Commission for adoption and certification;**
 - 3 Subject to certification of the modified Currambine Structure Plan No 14 by the Western Australian Planning Commission, ADOPT the modified Currambine Structure Plan No 14 as an Agreed Structure Plan and authorise the signing and sealing of the Structure Plan documents.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf030804.pdf](#)

**CJ182 - 08/04 PROPOSED MINOR MODIFICATIONS TO KINROSS
NEIGHBOURHOOD CENTRE STRUCTURE PLAN
NO 2 – [20514]**

WARD - North Coastal

CJ040803_BRF.DOC:ITEM 9

PURPOSE

For the Joint Commissioners to consider minor modifications to the development provisions contained within the Kinross Neighbourhood Centre Structure Plan No 2 and adopt the Structure Plan No 2.

EXECUTIVE SUMMARY

At the meeting held on 27 April 2004, the Joint Commissioners resolved to advertise the proposed minor modifications of the Kinross Neighbourhood Centre Structure Plan for a period of 28 days, which has now closed. No submissions were received during the consultation period.

The Kinross Structure Plan was included within a part of the review of all the City's Structure Plans to ensure compliance with the Residential Design Codes (R Codes) and to address issues with respect to the operation of Structure Plans.

The proposed modifications relate to a number of changes to the development provisions which will correct current anomalies, provide further clarification to development provisions and delete development provisions that are now no longer required.

It is recommended that the modified Kinross Neighbourhood Centre Structure Plan No 2 be adopted and submitted to the Western Australian Planning Commission (WAPC) for adoption and certification.

BACKGROUND

The Kinross Neighbourhood Centre Structure Plan was adopted as an Agreed Structure Plan under Part 9 of the City's District Planning Scheme No 2 (DPS2) on 1 October 2003. The Structure Plan affects the portion of land on the corner of Selkirk Drive and Connolly Drive, Kinross (refer Attachment 1).

The centre is one of two commercial hubs in the Kinross suburb.

Recently, there have been some building applications submitted to the City by owners with land located within the Structure Plan. These applications were assessed against the existing development provisions of the Structure Plan. While the existing development provisions are reasonably useable for assessing those applications, there are some issues raised in terms of the applicability and clarity of the development provisions of the Structure Plan. One of the

examples is the roof pitch requirement under clause 6.3.2 (x), which has caused some confusion – this is discussed within the “Details” section of this report.

The proposed modifications to the Structure Plan are considered essential in order to improve the applicability and clarity of the development provisions. The Joint Commissioners’ meeting held on 27 April 2004 resolved to advertise the modifications to the Structure Plan for a period of 28 days.

DETAILS

The Kinross Neighbourhood Centre Structure Plan comprises five Precincts - Residential, Commercial, Civic and Cultural, Parks & Recreation and Public Purposes (refer Attachment 1).

The proposed modifications are divided into two parts:

- (1) those that affect the Residential Precinct of the Structure Plan;
- (2) administrative text changes affecting the Structure Plan as a whole.

Part 1 - Proposed Modifications to the Residential Precinct

The modifications to development provisions to the Residential Precinct contained within the Structure Plan are as follows (refer Attachment 2):

- **Setbacks**

Clause 6.3.2 (iv) of the Structure Plan refers to front setback requirements and states that portions of buildings containing habitable rooms may be set back to a minimum of 3 metres from the front property boundary. It is recommended that this development provision be modified to permit any portion of the building (excluding carport or garage), to be setback at 3 metres from the front property boundary. This modification is proposed to enable small areas of non-habitable rooms such as bathrooms, to be incorporated into the design of the dwelling without having to request that these small sections be set back further than the rest of the dwelling. Hence, it simplifies the front setback requirements.

Clause 6.3.2 (v) states that garages and carports be setback 5 metres from the front property boundary. This requirement may lead to inefficient use of land on lots within the Residential Precinct, particularly when the lot sizes are relatively small (300-400m² is the average lot size within the area). Therefore, it is recommended that setbacks to garages and carports be permitted to a minimum of 3.5 metres provided that the garage or carport is at least 0.5 metres behind the front wall of the main dwelling. This provision will permit a more lenient setback for the development of the subject lots, which facilitates more efficient use of land, whilst ensuring that the streetscape is not dominated by garages and carports.

Clause 6.3.2 (ix) allows for nil setbacks to the side boundaries, with a 5 metre setback from the front boundary and a 6 metre setback from the rear boundary. It is proposed to modify this development provision to reduce the front setback distance to 3 metres. This reduction in the setback is to ensure consistency with the front setback requirements stated in clause 6.3.2 (v).

- Parapet Walls

A new development provision is proposed for inclusion in the Structure Plan to ensure that parapet (boundary) walls are finished in a manner that matches the rest of the dwelling, unless it can be clearly demonstrated that the adjoining dwelling will be constructed with walls of the same height and scale so as not to leave any areas of exposed parapet wall. This will ensure that the streetscape is not detrimentally affected by large areas of untreated parapet walls.

- Height

A new development provision is proposed for inclusion in the Structure Plan to clarify the maximum allowable height limit. The current Structure Plan refers to a maximum height limit of 2 storeys, however, it is recommended that a specific maximum wall height limit of 6 metres be stated to provide further clarity.

Further, as a result of specifying a height limit for the Structure Plan area it is recommended that a new development provision be included in the Structure Plan to state that Policy 3.1.9 “Height and Scale of Buildings within a Residential Area” shall not apply in order to avoid any confusion.

- Residential Design Codes 2002 (R Codes)

A new development provision is proposed for inclusion in the Structure Plan that will permit balconies and windows on the upper level facing the front and rear only. This development provision is proposed as a means of controlling overlooking into adjoining properties to ensure that the privacy of adjoining properties is maintained. It is noted that this development provision has been used successfully in other areas within the City, such as the Lakeside District.

Reference to Element 8 of the R Codes in the Structure Plan, which provides development provisions to control privacy, is therefore intended to be excluded from the Structure Plan.

Furthermore, Element 9 of the R Codes, which controls the degree of overshadowing, needs to be excluded from the Structure Plan on the basis that some degree of overshadowing on these small lot sizes (approximately 300 – 400m²) is considered to be acceptable.

- Roof Pitch

A rewording of the current provision in regard to roof pitch is proposed for inclusion in the Structure Plan. Clause 6.3.2 (x) refers to “45% pitched roofing”. The current wording has been written incorrectly and should refer to a 45 ‘degree’ pitched roof rather than the written 45 ‘percent’. It is recommended that the roof pitch requirement

be reduced to a minimum pitch of 25 degrees. The reason for this proposed modification is that a pitch of 45 degrees is considered to be very restrictive and will significantly add to the cost of development on these lots. In addition, the proposed pitch of 25 degrees is considered to be steep enough to create the intended urban design outcome for this area.

- Dual Use Paths

The deletion of development provisions in relation to dual use paths is recommended within the Structure Plan. Two of the current development provisions (clause 6.3.2 (vi) and (vii)) contained within the Structure Plan relate to the construction of dual use paths along Selkirk Drive, MacNaughton Crescent and the internal residential road. In accordance with the approved subdivision for this area the dual use paths have now been constructed and therefore the two development provisions are now no longer required to be included within the Structure Plan.

Part 2 - Administrative Text Changes (refer Attachment 2)

The Structure Plan refers to the Residential Planning Codes (1991) rather than to the Residential Design Codes 2002 (R Codes). The R Codes (2002) have now superseded the 1991 Codes and it is therefore recommended that all references to the Residential Planning Codes be replaced with the words 'Residential Design Codes'. This change is administrative only and will not change the purpose or intent of the detailed development provisions.

Clause 5.0 'Residential Density Coding' of the Structure Plan refers to land within the Centre Zone being developed in accordance with the Residential Planning Codes. The wording is required to be modified to state that the land is to be developed in accordance with the R Codes and in addition, it is recommended that the clause be strengthened to state that the area shall be developed in accordance with the "Acceptable Development provisions" of the R Codes.

Generally, there are two sets of development provisions provided by the R Codes: Acceptable Development provisions and Performance Criteria. The Acceptable Development provisions provide a means by which development can be "deemed-to-comply" and therefore provide a speedy and certain path to approval, while the Performance Criteria allow the possibility of other, perhaps more innovative, ways of achieving an acceptable residential design outcome.

By referring to the Acceptable Development provisions of the R Codes as opposed to the R Codes in general, this shall clarify what will or will not be supported. If it is not clearly stated that the area shall be developed in accordance with the Acceptable Development provisions, an application may be made based on the Performance Criteria of the R Codes, which leaves the application process open to a greater degree of discretion and may mean that the intentions of the Structure Plan are not met and the City is unlikely to achieve the development intention for this area.

Statutory Provision:

Under clause 9.6.1 (b) of DPS2, upon completion of advertising Council is required to review all submissions within sixty (60) days and then proceed to either refuse to adopt the modifications to the Structure Plan, or resolve that the modifications to the Structure Plan are satisfactory with or without changes and submit three copies to the WAPC for adoption and certification.

Consultation:

The public advertising period took place between 27 May 2004 and 24 June 2004. A newspaper notice was placed in Joondalup Community newspaper on 27 May 2004 and all landowners within the Structure Plan area and immediately adjoining the site were notified of the proposal in writing. The documentation associated with the proposal was made available for inspection at the Council Administration Building, the Customer Service Centre, Whitfords Shopping Centre, all the City's libraries and the City's Website.

At the close of advertising, no submissions were received.

Sustainability Implications:

The proposed minor modifications will refine the development provisions contained within the Structure Plan and hence provide more certainty to the community, which helps to ensure social sustainability.

COMMENT

No submission was received during the consultation period. However, as mentioned in the "Details" section of this report, the proposed modifications to the Kinross Structure Plan will reduce the shortcomings of existing development provisions, enhance the consistency of the development provisions contained within the Structure Plan, and eliminate any anomalies between the Structure Plan and the R Codes.

Given the overarching intent of this proposal to provide clearer guidelines to assist facilitating future development within the Structure Plan area, it is recommended that the proposed modifications to the Kinross Structure Plan be adopted.

ATTACHMENTS

- Attachment 1 Modified Kinross Neighbourhood Centre Structure Plan No 2 for endorsement
- Attachment 2 Draft Modified Kinross Structure Plan with Tracked Changes

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners pursuant to clause 9.6.1 (b) of the City of Joondalup District Planning Scheme No 2:

- 1 ADOPT the following modifications to the Kinross Neighbourhood Centre Structure Plan No 2:**
 - (a) Replace the development provisions in clause 6.3 Residential Land Use Area with the development provisions as detailed in Attachment 2 to Report CJ182-08/04;**
 - (b) Modify clause 5.0 Residential Density Coding, to read:**

Residential land within the Centre Zone shall be developed in accordance with the Acceptable Development provisions of the Residential Design Codes of Western Australia, as given effect by clause 4.2 of the Scheme, unless otherwise provided for by the specific requirements in this Structure Plan. The enclosed Plan 2: ‘Coding Map’ indicates the Residential Density Codes that apply to the subject land, pursuant to clause 4.2.5 of the Scheme;
 - (c) Delete all references to the “Residential Planning Codes” and replace with the words “Residential Design Codes.”**
- 2 SUBMIT the modified Kinross Neighbourhood Centre Structure Plan No 2 to the Western Australian Planning Commission for the adoption and certification;**
- 3 SUBJECT to certification of the modified Kinross Neighbourhood Centre Structure Plan No 2 by the Western Australian Planning Commission, ADOPT the modified Kinross Neighbourhood Centre Structure Plan No2 as an Agreed Structure Plan and authorise the signing and sealing of the Structure Plan documents.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf030804.pdf](#)

CJ183 - 08/04 RECONSIDERATION OF AMENDMENT NO 13 TO DISTRICT PLANNING SCHEME NO 2 – REZONING OF LOT 99 (4) HOCKING ROAD KINGSLEY FROM ‘PRIVATE CLUBS/RECREATION’ TO ‘BUSINESS’ – [50526]

WARD - South

CJ040803_BRF.DOC:ITEM 10

PURPOSE

For the Joint Commissioners to seek reconsideration of the Minister for Planning and Infrastructure’s refusal of Amendment No. 13 to the City’s District Planning Scheme No 2 (DPS2) that sought to rezone the subject lot from ‘Private Clubs/Recreation’ to ‘Business’ in order to facilitate the use of the existing building upon the land for showroom/warehouse purposes (Attachment 3 refers).

EXECUTIVE SUMMARY

Council at its meeting on 23 July 2002 (CJ183–07/02 refers), resolved to initiate Amendment 13 to DPS2 to rezone the land from ‘Private Clubs/Recreation’ to ‘Business’ for the purposes of advertising and resolved to advise the applicant that it was not willing to adopt the Amendment for final approval until:

- the rezoning of the property under the Metropolitan Region Scheme (MRS) from ‘Rural’ to ‘Urban’ had been finalised; and
- the traffic impact statement had been assessed.

The required amendment to the MRS to rezone the property from ‘Rural’ to ‘Urban’ was gazetted on 14 January 2003. This enabled Amendment 13 to proceed for the purposes of public advertising for a period of 42 days from 29 January 2003 to 12 March 2003.

Upon closure of the advertising period, nine (9) submissions were received. Seven (7) submissions were considered to be statements of no objection, while the other two (2) were deemed to be objections to the proposal as they raise concerns regarding the future use of the subject site if the proposed zoning is approved.

After the closing date for advertising, the City was also presented with two petitions of 31 and 66 signatures each on 1 April 2003, urging the Council not to support the proposed amendment until a number of issues have been taken into consideration.

Council at its meeting on 29 April 2003 (CJ098–04/03 refers) considered submissions received during the public advertising period for the Amendment and recommended that the Amendment be adopted as final, endorsed and submitted to the Western Australian Planning Commission (WAPC) for recommendation to the Hon Minister for Planning and Infrastructure for final approval to be granted.

On 28 May 2004, the WAPC advised the City that the Minister for Planning and Infrastructure supported the submissions of objection, dismissed the submissions of non objection and has refused to grant final approval to the amendment, citing reasons relating to inconsistencies with the Metropolitan Centres Policy, traffic and amenity issues.

On 19 July 2004, the applicant submitted correspondence to the City seeking the City's assistance in requesting that the Minister reconsider the decision to refuse Amendment No 13. Given the City has reviewed and concurs with the comments contained within this correspondence, it is recommended that the Joint Commissioners;

- 1 *REQUEST the Minister for Planning and Infrastructure to reconsider her decision to refuse Amendment No 13 to the City's District Planning Scheme No 2; and*
- 2 *Should the Minister for Planning and Infrastructure favourably reconsider her decision and grant final approval to Amendment No13, that all persons who made submissions (including petitions) be advised of the Ministers decision accordingly.*

BACKGROUND

Suburb/Location: Lot 99 (4) Hocking Road, Kingsley
Applicant: Mitchell Goff and Associates
Owner: Hostyle Pty Ltd
Zoning: **DPS:** Private Clubs/Recreation
MRS: Urban
Strategic Plan: Strategy 3.5.2 – Assist the facilitation of local employment opportunities.

Previous Council Decisions

Council at its meeting on 23 July 2002 (CJ183–07/02 refers) resolved to initiate Amendment 13 to DPS2 for the purpose of advertising. It also resolved that it was not willing to adopt the Amendment for final approval until the rezoning of the property under the MRS from 'Rural' to 'Urban' has been gazetted and the traffic impact statement had been assessed.

Council at its 26 February 2002 meeting (CJ041-02/02 refers) considered Amendment No 1037/33 North West District Omnibus (No 5) to the MRS. The Amendment proposed, amongst other things, to transfer a portion of Lot 62 and Lots 63, 98 and 99 Hocking Road, Kingsley, from the 'Parks and Recreation' reservation and 'Rural' zone to 'Urban' zone. Council resolved at this meeting to support the proposed changes. The MRS Omnibus amendment was gazetted on 14 January 2003.

Council at its meeting on 29 April 2003 (CJ098–04/03 refers) considered submissions received during the public advertising period for the amendment and recommended that the Amendment be granted final approval, endorsed and submitted to the Western Australian Planning Commission (WAPC) for recommendation to the Hon Minister for Planning and Infrastructure for final approval to be granted.

Site Details

The subject land is located on the corner of Whitfords Avenue and Wanneroo Road in the northeastern section of Kingsley (Attachment 1). The land to the north of Whitfords Avenue forms part of the Yellagonga Regional Park, whilst the land to the east of Wanneroo Road falls within the City of Wanneroo's boundaries and forms part of the Wangara Industrial Area. The land is bounded by Hocking Road and a special residential estate to the south and by the Cherokee Village Caravan Park to the west. The land to the west of the Caravan Park (Lot 63 Hocking Road) is currently used as market garden and associated retail outlet, however, it is proposed along with a portion of Lot 62 Hocking Road to be rezoned to facilitate an aged persons' development. The land to the west of Lot 62 Hocking Road forms part of the Yellagonga Regional Park.

Land Use & History

Lot 99 Hocking Road has been developed with a large building and associated carparking area, which was previously used as an indoor recreation centre and place of public worship. The City's records indicate that the former use of the site attracted numerous complaints (predominantly noise related) from the occupants of the adjoining Cherokee Village Caravan Park. The building is currently vacant.

Access to the site is obtained from an existing crossover on Hocking Road, which lies adjacent to the boundary of Lot 98 Hocking Road (the Cherokee Village Caravan Park).

DETAILS

Western Australian Planning Commission Reasons to Refuse Amendment No 13

On 28 May 2004, the Western Australian Planning Commission (WAPC) advised the City that the Minister for Planning and Infrastructure supported the submissions of objection, dismissed the submissions of non-objection and has refused to grant final approval to the amendment for the following reasons:

- 1 *The Amendment is inconsistent with the Metropolitan Centres Policy, particularly in respect of retail and commercial development along major roads and the location of the site outside existing and proposed commercial centres.*
- 2 *The site is subject to vehicular access constraints due to the existence of the abutting major roads; the proposal, which would generate significant traffic movements, would give rise to unsafe and inconvenient traffic conditions.*
- 3 *The Amendment would be detrimental to the amenity of the locality, in particular that of the nearby residential land (including the caravan park), this would be exacerbated should vehicular access to the site be required from Hocking Road.*

In addition to the above, the City was further advised of the following:

Council is further advised that Metropolitan Region Scheme Amendment No1037/33, which zoned the site 'Urban', included advice that due to constrained access arrangements, proximity to Yellagonga Regional Park, location on a visually prominent corner and the adjoining special residential subdivision, the site would be suitable for low traffic generating uses with a high amenity value; the use as proposed in Amendment 13 would be contrary to this principle.

Applicants Rationale for Reconsideration

The applicant has submitted correspondence to the City in support of the landowner's request to reconsider the refusal of Amendment 13 (Attachment 2). In summary, the broad grounds for reconsideration, as outlined by the applicant in their correspondence, is as follows;

Metropolitan Centres Policy

- The Lot is occupied by an indoor recreation centre which is currently vacant. It has been used for commercial recreational purposes and as a place of public assembly/worship. These uses are consistent with activities normally found in an industrial/commercial area, such as the Wangara Industrial Area opposite. To this extent, the site has for a long time been more or less part of the Wangara complex.
- A wide range of commercial uses is already permissible on the land under the current zoning. In view of the established land use and zoning pattern, it is difficult to see how a zoning change which extends the range of permissible commercial uses to include showrooms/warehousing, a comparatively low impact use, conflicts with the Metropolitan Centres strategy.

Traffic

- The traffic issue has been addressed in the past, particularly with respect to a Structure Plan prepared as a basis for rezoning the area from 'Rural' to 'Urban' in the Metropolitan Region Scheme. Main Roads WA gave due consideration to traffic circulation in order to accommodate commercial uses on Lot 99.
- The landowner engaged Sinclair Knight Merz to undertake more detailed assessment of traffic issues associated with the proposed use and this confirmed that the road system could operate satisfactorily.

Amenity

- Former uses of the site have generated numerous complaints from nearby residents.
- The premises have been vacant and have been a target for graffiti attacks and the car park used for 'burn outs'. The current zoning and situation of the property has created a very poor amenity outcome which will be improved by the Amendment No 13.
- Currently, a boat sales/chandlery business is keen to occupy the premises and clearly, such a use would be quite 'benign' in terms of amenity impacts on neighbouring uses. Traffic generation would be relatively low and the site would be well maintained in order to be attractive.

- It is difficult to conceive a more appropriate zoning of the land than that proposed under Amendment No 13.
- There is a substantial building on the site and it cannot reasonably be removed to allow other potential uses such as residential. The future Whitfords Avenue fly-over and interchange with Wanneroo Road makes residential use inappropriate.

Statutory Provision

The Town Planning Regulations 1967 set out the procedure for amendments to a Town Planning Scheme. The procedure is summarised as Attachment 4 to this report.

There are no appeal rights available with respect to the refusal of an Amendment. As a matter of practice (rather than by regulation), the Minister can be requested to revisit the decision that has been made.

In this case, the Minister is requested to reconsider her decision to refuse Amendment 13, as Council supported Amendment 13.

COMMENT

Given existing traffic and access constraints associated with the site, together with the exacerbation of these constraints in the future with the intended modifications to the intersection of Whitfords Avenue and Wanneroo Road (proposed fly-over and interchange), site specific evaluation and consideration on planning grounds needs to be given to this particular application.

The comments made by the applicant in support of the landowner's reconsideration request (as outlined above) concentrate on addressing the Minister's grounds for refusal. These comments do not raise any new issues that have emerged since the City previously considered and supported Amendment No 13. These comments have been reviewed by the City and are noted.

Finally, with respect to the future use of the land and existing buildings for showroom/warehouse type landuses, this will have minimal impact under the Metropolitan Centres strategy as retail floorspace is restricted to 200m². Under the proposed 'Business' zoning, such land has a retail floorspace restriction of 200m² in accordance with the definition of a 'shop' under DPS2, which was facilitated by Amendment 10 to the City's DPS2.

Conclusion

The existing zoning no longer meets the developer's expectations for the property, given its high level of visibility as a result of its location on an intersection of two major access routes.

Properties with a 'business' zoning are located alongside 'residential' properties throughout the City of Joondalup without detrimental impact on the residential uses, while the traffic impact study has illustrated that a proposed rezoning of the property to 'business' would not result in traffic generation beyond the capacity of existing road network. The proposal also does not have any adverse environmental impact on the Yellagonga Regional Park.

The proposed rezoning will allow the use of the subject site to be maximised. While it is not expected that the proposed rezoning will have any adverse impact on the surrounding area, any amenity issues that may arise with a future land use can be addressed through design solutions via the planning approval process. The rezoning is therefore considered to be appropriate and it is recommended that the Joint Commissioners request that the Minister reconsider her decision to refuse Amendment No 13.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Applicant's Rationale for Reconsideration correspondence
Attachment 3	Amendment No 13 document
Attachment 4	Amendment procedure flowchart

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 REQUEST the Hon Minister for Planning and Infrastructure reconsider her decision to refuse Amendment No 13 to the City's District Planning Scheme No 2 to rezone Lot 99 (4) Hocking Road, Kingsley from 'Private Clubs/Recreation' to 'Business';**
- 2 Should the Minister for Planning and Infrastructure favourably reconsider her decision and grant final approval to Amendment No 13, ADVISE all persons who made submissions (including petitions) of the Minister's decision.**

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf030804.pdf](#)

**CJ184 - 08/04 PROPOSED AMENDMENT NO 25 TO DISTRICT
PLANNING SCHEME NO 2 - RECODING LOT 405
(174) FAIRWAY CIRCLE, CONNOLLY FROM R20
TO R40 – [40146]**

WARD - Marina

CJ040803_BRF.DOC:ITEM 11

PURPOSE

To seek the Joint Commissioners' consent to initiate proposed Amendment No 25 to District Planning Scheme No 2 (DPS2) for the purpose of public advertising (Attachment 2 refers).

EXECUTIVE SUMMARY

Lot 405 is located on the corner of Fairway Circle and Country Club Boulevard, Connolly and is 2644m² in area. Lot 405 is zoned "Commercial" with a density code of R20. A disused service station is presently located on the site.

An application has been received by the City to increase the residential density code for Lot 405 from R20 to R40. Recoding of a site requires an amendment to the City's District Planning Scheme (DPS2).

Residential land use is a discretionary ("D") use within the "Commercial" Zone under DPS2. Commercial land use is a not permitted "X" use in a "Residential" zone. For this reason, no change to the current "Commercial" zoning is sought because the landowner has no definitive development intentions for the land at this time and wishes to retain redevelopment options under the current "Commercial" zoning of the land.

However, should the future intent be to redevelop the land primarily for residential use, rezoning of the land to "Residential" may be required and considered by way of a separate amendment being initiated.

The proposal will assist maximising use of public transport, community facilities and retail uses that are in close proximity to the site and as such promote environmental, social and economic sustainability. In addition, the increase in density would also offer increased residential living choices.

It is recommended that the Joint Commissioners:

- 1 *pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), AMEND the City of Joondalup's District Planning Scheme No 2 for the purpose of recoding Lot 405 (174) Fairway Circle, Connolly from R20 to R40;*
- 2 *ADOPT Amendment No 25 as suitable for the purpose of public advertising for a period of forty two (42) days.*

BACKGROUND

Suburb/Location:	Lot 405 (174) Fairway Circle, Connolly
Applicant:	Planning Solutions
Owner:	M & R A Vitale
Zoning:	DPS: Commercial
	MRS: Urban

Strategic Plan: Strategy 3.3 – Provide living choices to meet changing demographic demands.

Lot 405 is located on the corner of Fairway Circle and Country Club Boulevard, Connolly and is 2644m² in area. The Connolly Shopping Centre is located on the southern adjoining property (Lot 406) and a medical centre and community centre are located between the shopping centre and Hodges Drive. Lot 405 is zoned “Commercial” and a disused service station is located on the site. A residential density code of R20 applies to the subject lot.

The Joondalup Resort, comprising a country club, hotel and golf course, is located in close proximity to the site. The residential area of Connolly surrounds the Resort and was developed prior to the subdivision that enabled the creation of these facilities.

Lots 405 and 406 were originally zoned “Residential Development”. Rezoning of these lots to “Commercial” occurred in 1986 to accommodate the development of a service station and local shopping centre as part of a neighbourhood centre to service the retail, commercial and recreational needs of the local community.

DETAILS

An application has been received by the City to increase the residential density code for Lot 405 from R20 to R40. Recoding of a site requires an amendment to the City’s District Planning Scheme (DPS2).

Residential land use is a discretionary (“D”) use within the “Commercial” Zone under DPS2. Commercial land use is a not permitted (“X”) use in the “Residential” zone. Because residential uses may be approved under the current zoning but the converse does not apply, no change to the current zoning of “Commercial” is sought. The landowner has no clear development intentions for the land at this time and wishes to retain redevelopment options available under the current “Commercial” zoning of the land.

The applicant’s justification for the recoding is summarised below (quotes are in italics):

- The subject site has a high degree of accessibility to a range of urban facilities such as a public transport, a major access route (Hodges Drive), commercial and retail outlets and recreational facilities and therefore meets the locational requirements for medium density development. This accords with the Western Australian Planning Commission’s (WAPC) Liveable Neighbourhoods initiative that advocates increased densities where the provision of community facilities, retail uses, parkland and public transport are located in close proximity to a site;

- *The increase in density is consistent with the Council's planning philosophies. This is reflected in R40 density development located adjacent to the shopping centre and R40 land parcels abutting the Joondalup golf course;*
- *Redevelopment of the subject site at an R40 density will allow for the scale and intensity of residential development that will improve the streetscape and local amenity, provide much enhanced opportunities for passive surveillance of the public realm, and contribute to the revitalisation of the shopping centre. Local employment opportunities are advocated in the WAPC's Liveable Neighbourhoods planning strategy and State Government's Sustainability Strategy;*
- *It will contribute towards the rejuvenation of the abutting shopping centre and provide for an increase in catchment population;*
- *Lot 405 is developed with a disused service station that is outdated in architectural style, presents a solid brick wall to the abutting shopping centre car park area, is visually unattractive and detracts from the streetscape and local amenity. The vacant service station together with vacant offices in close proximity are seen as reflecting a lack of economic vibrancy and contribute to a perception of economic decline in the area;*
- *The proposed density will provide an economic/commercial opportunity to redevelop the site for mixed use establishments ("shop-top" developments where Offices/Shops are located below residential apartments). The proposed increase in density is consistent with the provisions of the Residential Design Codes (R Codes) which support a residential density of R60 where mixed use developments are proposed.*

The attached aerial photograph shows the subject site in the context of its surroundings (Attachment 3 refers). An Indicative Concept Site Plan and an Indicative Elevation Plan have been provided to present visual representations of how the site could be developed in future in accordance with the proposed increased density (Attachment 5 refers). The applicant has emphasised that these indicative plans are purely conceptual in nature and are intended to provide the City's staff and Joint Commissioners with an understanding of potential development outcomes that could arise from their application.

Statutory Provisions:

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 set out the process to be followed (Attachment 6 refers).

Consultation:

The Town Planning Regulations 1967 requires the Amendment to be advertised for a period of forty two (42) days. All adjoining landowners would be notified in writing, a sign erected on the site and a notice placed in the Western Australian and Joondalup Community newspapers.

Strategic Implications:

Should the site be developed for residential use in the future, the increase in residential density will facilitate the development of a greater variety of building forms to provide increased residential living choices which accords with the City's Strategic Plan.

Sustainability Implications:

An increase in the density of the land would facilitate the development of medium density dwellings. In view of the site's close proximity to the Connolly Shopping Centre, community and recreational facilities, medium density development is considered appropriate. A greater number of people residing within walking distance of the shopping centre will assist in providing greater patronage and may assist in revitalising the centre. Moreover, the proposal supports the principles of sustainability that are the basis of the WAPC's Liveable Neighbourhoods planning strategy which was prepared to implement the urban content of the State's Planning Strategy that guides sustainable development of the State until 2029.

COMMENT**Zoning**

The Indicative Elevation Plan (Attachment 5 refers) shows two storey buildings with the ground floor being utilised for "Shops" or "Office" uses and the first floor being utilised for "Residential" uses ("shop-top" development). Notwithstanding this, the building design shown could also readily be utilised solely for grouped dwelling development.

The justification for recoding the site and the Indicative Concept Site Plan provided by the applicant is primarily directed at development of the site for future residential use because the application is solely for an increase in the density, which relates only to residential development. In accordance with proper and orderly planning principles, the zoning of land should closely align with the use of that land. Irrespective of the fact that Residential use is a discretionary ("D") use under the current "Commercial" zoning of the land for which a development application would need to be made to the City, should the intention be to develop the site primarily for residential use, rezoning of the site to "Residential" would be appropriate.

Mixed Use zoning of the site in accordance with DPS2 could be considered as an option to the current "Commercial" zoning. This zone is intended to accommodate a mixture of residential development with small commercial activities in a primarily residential built environment that is intended to maintain residential amenity, whilst facilitating small scale commercial land uses/businesses to be provided locally.

One of the constraints of the Mixed Use Zone in relation to development on the subject site for commercial landuses such as a "Shop" use is limited to a floor space of 200m². Given the lot size (2644m²) and the fact that the site fronts two roads (Fairway Circle and Country Club Boulevard), as well as being located directly adjacent to an established shopping centre, this floorspace limitation would not enable the landowner to maximise the potential of the site and ensure commercial viability. This outcome could also adversely impact on the viability of the existing shopping centre and counteract any attempts to instil some vibrancy into this local centre by redeveloping the disused service station site.

In addition, the type of commercial activities that may be proposed on the subject site will, to some extent, be influenced by the existing commercial activities on the adjoining shopping centre site. Rezoning to "Mixed Use" may not be a viable or equitable option in this case in view of the floorspace limitations for this zone under DPS2.

Density

In its current state, the site could be seen to negatively impact on the streetscape and the amenity of the area, particularly because of its highly visible location. Lot 405 is well located in terms of accessibility of existing retail, commercial, recreational and social facilities in order to maximise its development potential.

The R40 density code proposed represents a doubling of the density that currently applies to the site. Residential development with a density of R40 is located cornerwise opposite the site, adjacent to the Joondalup Club/Resort and nearby between Fairway Circle and Hodges Drive. The built form that would result from the R40 coding would generally be consistent with the built form on the other R40 lots, thereby providing more consistency in the streetscape and positively contributing to the amenity of the area. An example of how development on the site could look is provided in the Indicative Concept Elevation Plan (Attachment 4 refers).

The applicant has in part justified the proposed recoding of the site by referring to higher density provisions in the R Codes relating to mixed use development. Under the R Codes, the dwelling component of a mixed use building can be developed in accordance with the multiple dwelling requirements of the R60 density code. In this respect, the applicant claims that future residential development that may occur as a result of the proposed density would comply with the provisions of the R Codes because the density would be R40.

Conclusion

The subject site is currently a disused service station site in a highly visually prominent location. The rezoning could arguably create a more positive impact on the streetscape or the amenity of the locality. The proposed increase in residential density supports sustainability principles in terms of maximising opportunities associated with the site's proximity to existing retail, commercial, recreational and transport routes.

An R40 density coding would facilitate a built form outcome that would provide an appropriate interface with the existing shopping centre, whilst also being consistent with the density and form of development in close proximity to the site and offer residential living choices.

The increase in density coding is therefore considered to be appropriate and it is recommended that the Joint Commissioners initiate and adopt proposed Amendment No 25 to DPS2 for the purposes of public advertising for a period of forty two (42) days.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Proposed Amendment Plan
Attachment 3	Aerial Photograph of Site and Surrounding Area
Attachment 4	Existing Streetscape
Attachment 5	Indicative Concept Site Plan and Indicative Elevation Plan
Attachment 6	Scheme Amendment Process

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended) AMEND the City of Joondalup's District Planning Scheme No 2 for the purpose of recoding Lot 405 (174) Fairway Circle, Connolly from R20 to R40;**
- 2 ADOPT Amendment No 25 as suitable for the purpose of public advertising for a period of forty two (42) days.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf030804.pdf](#)

CJ185 - 08/04 PROPOSED MIXED USE DEVELOPMENT (2 OFFICES AND 19 RESIDENTIAL UNITS) LOTS PT 325, 342, 343 (38) GRAND BOULEVARD, CNR HAMMERSMITH COURT, JOONDALUP – [53559]

WARD - Lakeside

CJ040803_BRF.DOC:ITEM 12

PURPOSE

To request the Joint Commissioners' determination of a mixed use development in the City Centre.

EXECUTIVE SUMMARY

An application has been received from Euro Form Constructions Pty Ltd for the development of three lots in City North for offices and residential uses. Overall the proposal comprises 178.5m² of office space (2 offices) and 2231.6m² for residential purposes (19 units). The proposed height of the building is 3 storeys including a loft.

The proposal will be located on a proposed new lot (Lot 88) as shown on the Survey Plan (Attachment 1 refers). This Survey Plan is at present being processed by the Western Australian Planning Commission (WAPC) and has not yet been approved. Subdivision approval is expected in the very near future by the Western Australian Planning Commission (WAPC).

The density, height and urban form of the development will create an urban area that is compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) and the Residential Planning Codes (R-Codes) in regard to the plot ratio, front setback, extent of glazing and the internal areas of a number of storerooms.

Given that the development will contribute to the desired character of the City Centre area and is compatible with other developments in the vicinity, the proposed development is supported, subject to a number of conditions.

BACKGROUND

Suburb/Location: Lot Pt 325, 342, 343 (38) Grand Boulevard, cnr Hammersmith Court, Joondalup.
Applicant: Euro Form Constructions Pty Ltd
Owner: Euro Form Constructions Pty Ltd
Zoning: DPS 2: Centre
MRS: Central City Area

The proposed development is to be located on a proposed new Lot 88, Grand Boulevard, Joondalup (Attachment 1 refers) which will be created from the amalgamation of Lots Pt 325, 342 and 343 (Attachment 2 refers). The adjacent Lot 89 (to be created from existing lots 326 and Pt 325) is subject to another proposed development by the same developer consisting of 8 residential units and 5 offices. The Survey Plans are at present being processed by the Western Australian Planning Commission and have not yet been approved.

The proposed Lot 88 (currently vacant) falls within the 'City North' area of the Joondalup City Centre, where it is designated for "General City Use". The preferred uses are residential, retail, office, accommodation, residential, leisure and entertainment, cultural facilities, community facilities and medical suites.

DETAILS

The proposed development includes the following features:

- A mixed use development consisting of 19 residential units and 2 office units;
- The ground level consists of residential and office units;
- The height of building is three storeys including a loft;
- The total number of car parking bays provided is 44 which includes one disabled parking bay;
- Service, vehicle access and covered car parking for all units are provided from the rear laneway;
- The upper level residential units are accessed via stairs located at the rear of the building;
- The office units address the street frontage with zero setback from both streets (Grand Boulevard and Hammersmith Court), except with a very small part along Grand Boulevard;
- Balconies have been provided for the residential units; and
- The office tenancy frontages include pedestrian shelter awnings that extend over the road reserve.

Statutory Provision:

Development within this area is controlled by the provisions of District Planning Scheme No 2, the Joondalup City Centre Development Plan and Manual (JCCDPM) and the R-Codes.

District Planning Scheme No 2

The site is zoned "Centre" under DPS2.

When determining this application Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 are relevant:

- 4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map the R20 density code applies unless the Council determines that a higher code should apply.*

4.5 *Variations to Site and Development Standards and Requirements.*

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
 - (b) have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
 - (b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

4.8 *Car Parking Standards*

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

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

Residential Design Codes (R-Codes)

The provisions of the R-Codes apply in regard to all residential development.

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, which shall be exercised having regard to the clause 2.3.4 (2) of the R-Codes as follows:

“2.3.4(2) Discretion shall be exercised having regard to the following considerations:

- (i) *the stated purpose and aims of the Scheme;*
- (j) *the provisions of Parts 2,3 and 4 of the Codes as appropriate;*
- (k) *the Performance Criterion of Criteria in the contest of the R-Coding for the locality that correspond to the relevant provision;*
- (l) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (m) *any Local Planning Strategy incorporated into the Scheme;*
- (n) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (iv) *orderly and proper planning.*

Development Standards Table

The following table summarises the development details:

Standard	Required	Provided
Front Setback Side/Rear Setbacks	0m As per BCA	0m 0m
Plot Ratio	1.0	1.11 (Residential 0.99, Commercial 0.12)
Height	3 storeys max	3 storeys plus loft within roof space
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 3.4 m ² – 4m ² area

Consultation

The proposal has not been advertised, as the form of the development is that expected in the City Centre.

Strategic Implications

It is likely that this mixed use development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City of Joondalup.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan and City Development.

COMMENT**Urban Design**

It is considered that the development will integrate well with the character of the City Centre. Together with the proposed development on the adjacent lot (Lot 89), the proposal will create urban walls along Grand Boulevard, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal.

The overall design of development provides a three storey 'urban wall' along the road frontages with a tower element on the corner. Along Hammersmith Court there are covered parking spaces, which create a sense of urban wall.

The glazed office fronts and pedestrian shelter will ensure that active frontages will face the streets and will help to bring life into the public spaces of the built form.

Land use

As the proposal provides for both residential dwellings and office space, the proposed uses comply with the general city land use for which the lot has been earmarked under the JCCDPM.

The proposal provides two (2) office tenancies of different configurations. In this form the office space is flexible enough, in the future, to accommodate the permitted uses under the JCCDPM including retail, entertainment and restaurant/café.

With a diverse mix of residential accommodation ranging from 1 to 4 bedroom units, the proposal also contributes to the range of housing stock available in the City.

Residential Density

There are no specific residential density requirements in the 'general city' precinct of the City North. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map the R-20 density applies unless Council determines that a higher code should apply. The proposal has an equivalent density of R-85. This density is consistent with other approved developments within the City Centre.

Therefore, it is recommended that the Joint Commissioners determine that the proposed density at R-85 is considered to be appropriate given that the site is in a prominent location within the City, where higher densities are appropriate and encouraged.

Plot Ratio

For "General City Use" the JCCPDM requires that the development have a maximum plot ratio of 1.0. The plot ratio for the residential component is 0.99 and for the commercial component is 0.12. The overall plot ratio is therefore 1.11.

It is considered that the required plot ratio of 1.0 is somewhat counter-productive to the development of an appropriate style building that achieves the form expected, and desirable (for example a 3 storey building), within the City Centre. Given that the proposed development complies with the majority of other development standards, in particular car parking, it is not considered that the site would be over-developed at the proposed plot ratio.

The plot ratio of the office development is considered to be appropriate as it integrates with other existing developments in the area. The development maximises the potential of this land, which is seen as highly desirable, given that the adjoining area is due for development in the near future. From the City's perspective, it will add value to the City Centre by having quality offices and creating employment opportunities. Moreover the office areas provided may in future accommodate other permitted uses under the JCCDPM including retail, entertainment, and restaurant/café.

It is therefore recommended that, in accordance with Clause 4.5 of DPS2 and having regard to the criteria of Clause 6.8, the Joint Commissioners determine that the proposed plot ratio for the office space is appropriate as the built form integrates with the surrounding areas and will not have and adverse effect upon the occupiers of the development or on the locality.

Car Parking

The JCCDPM does not specify car parking standards for this precinct.

Clause 4.8 of DPS2 provides that where no parking standards are provided, a car parking standard is to be determined. The car parking ratios below are considered to be appropriate as the standards have been consistently applied to developments throughout the City.

It is recommended the Council exercises discretion under clause 4.8 of DPS2 and applies the following car parking ratios.

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial	1 bay per 30m ² GFA (600 ÷ 30)	6	
Residential Units	1 bay per residential unit	19	
Total		25	44 bays are provided (including one disabled bay)

From the above table it is noted that the development complies with the parking requirements.

Glazing/Awnings

JCCDPM requires that at least 50% of the area on ground level façade shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the total building frontage for uses other than residential. The building complies with this requirement along Grand Boulevard, however, along Hammersmith Court the area and horizontal dimension are 41% and 50% respectively. This is due to the fact that along Hammersmith Court glazing is not provided along part of the wall so as to provide privacy and security to the internal stairs and storeroom. It is not considered that this variation will have an adverse impact on the streetscape, particularly as this portion of building is on the secondary street.

The awnings within the road reserve provide shelter for the pedestrian path along the full frontage of the office tenancies including the corner. However, the awning does not extend up to the end of the building along Hammersmith Court. Therefore, it is appropriate that a condition be applied to any planning approval issued, to extend the awning up to the end of the building along Hammersmith Court.

Storerooms

Clause 3.10.3 of the Residential Design Codes requires an enclosed, lockable storage area, constructed in a design and material matching the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4m² for each Multiple Dwelling.

The majority of storerooms comply with the requirements however, three storerooms will have internal areas varying from 3.4m² to 3.6m². This is considered a minor variation and it is considered that they will comply with the Performance Criteria of Clause 3.10.3 of the Residential Design Codes as the storerooms are adequate to the needs of the residents and are without detriment to the amenity of the locality.

Amalgamation of Lots

Fundamental to the proposal is the requirement that the survey plan shown on Attachment 1 for the amalgamation of the lots Pt 325, 342 and 343 will receive approval from the Western Australian Planning Commission. Therefore is appropriate that a condition be applied to any planning approval issued, that the amalgamation be finalised prior to the issue of a building licence.

Conclusion

It is considered that the proposed development will add value to the City Centre. It will provide accommodation and office facilities to meet the future demands of the growing City Centre, and will be highly compatible with the overall City Centre environment.

Therefore the plot ratio, density, glazing and areas of the storerooms are considered appropriate in this instance, and it is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Survey Plan (hard copy)
Attachment 2	Location/Site Plan (hard copy)
Attachment 3	Development Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 EXERCISE discretion under Clauses 4.2.4, 4.5, 4.8.1 of the District Planning Scheme No 2 and determine that:**
 - (a) Plot ratio for the development of 1.11 in lieu of 1.0;**
 - (b) The area and horizontal dimension of the glazing along Hammersmith Court being 41% and 50% in lieu of 50% and 75 respectively;**
 - (c) The development having a density of R-85;**

- (d) The parking standards of 1 bay per 30 m² Gross Leasable Area (GLA) for commercial space and 1 bay per residential unit;

are appropriate in this instance;

- 2 EXERCISE discretion under Clause 2.34 of the R-codes and determines that the performance criteria of Clause 3.10.3 have been met and that the internal areas of three stores varying 3.4 m² to 3.6 m² are appropriate in this instance;

- 3 APPROVE the application dated 14 April 2004 and amended plans dated 22 June 2004 submitted by Euro Form Constructions Pty Ltd for a mixed use development comprising 2 offices and 19 residential units on the proposed Lot 88 (Lots Pt 325, 342 & 343) No 38 Grand Boulevard cnr Hammersmith Court, Joondalup, subject to the following conditions:

- (a) 325, 342 and 343 being amalgamated prior to the issue of a building licence;
- (b) roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes and radio masts to be designed and located so not to be visible from the primary street;
- (c) No obscure or reflective glazing being used for the commercial units fronting onto public spaces and road reserves;
- (d) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (e) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City;
- (f) Three car parking spaces are to be allocated to each commercial unit;
- (g) The awning for the offices shall be extended to the end of the building along Hammersmith Court;
- (h) The footpath treatment in the adjoining road reserve to be continued to the property boundary in a design with a finished floor level that matches the existing paving and at a grade 2% rising from the kerblines, prior to the development first being occupied;
- (i) Suitable capping is to be provided to the satisfaction of the City along southern boundary so that any gap between the existing wall of the adjoining development on the joint boundary and the proposed parapet walls of this development is closed. The capping is to be painted to match the development;
- (j) The ground level walls of the development to be coated with sacrificial anti-graffiti coating to the satisfaction of the City.

Footnote:

- (a) A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;**
- (b) It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;**
- (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off street Car parking (AS2890). Such areas are to be constructed, drained and marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**
- (d) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed storm water drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf030804.pdf](#)

CJ186 - 08/04 PROPOSED MIXED USE DEVELOPMENT (5 OFFICES AND 8 RESIDENTIAL UNITS) LOTS PT 325 & 326 (42) GRAND BOULEVARD, CNR PIMLICO PLACE, JOONDALUP – [54559]

WARD - Lakeside

CJ040803_BRF.DOC:ITEM 13

PURPOSE

To request the Joint Commissioners' determination of an application for a mixed use development in the City North precinct of the City Centre.

EXECUTIVE SUMMARY

An application has been received from Euro Form Constructions Pty Ltd for the development of a building for offices and residential uses. Overall the proposal comprises 446.13m² of office space (5 offices) and 984m² for residential purposes (8 units). The building is 3 storeys in height and includes a loft and undercroft parking.

The proposal will be located on a new lot (Lot 89) as shown on the Survey Plan (Attachment 1 refers). This Survey Plan is at present being processed by the Western Australian Planning Commission and it has not yet been approved. Subdivision approval is expected in the very near future by the Western Australian Planning Commission (WAPC).

The density, height and urban form of the development will create urban spaces with active frontages to all streets and serves to create an urban area that is compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) in regard to the plot ratio and the front setback.

Given that the development will contribute to the desired character of the City Centre area and is compatible with existing developments in the area, the proposed development is supported.

BACKGROUND

Suburb/Location: Lot Pt 325 & 326 (42) Grand Boulevard, cnr Pimlico Place, Joondalup.

Applicant: Euro Form Constructions Pty Ltd

Owner: Euro Form Constructions Pty Ltd

Zoning: **DPS 2:** Centre

MRS: Central City Area

The proposed development is to be located on a proposed new Lot 89, Grand Boulevard, Joondalup (Attachment 1 refers) which will be created from existing Lots 326 and Pt 325 (Attachment 2 refers). The adjacent Lot 88 (to be created from existing Lots Pt 325, 342,343) is subject to another proposed development consisting of 19 residential units and 2 offices. The Survey Plan is at present being processed by the Western Australian Planning Commission and has not yet been approved.

The proposed Lot 89 (currently vacant) falls within the 'City North' area of the Joondalup City Centre, where it is designated for "General City Use". The preferred uses are residential, retail, office, accommodation, residential, leisure and entertainment, cultural facilities, community facilities and medical suites.

DETAILS

The proposed development includes the following features:

- A mixed use development is proposed consisting of 8 residential units and 5 office units;
- The height of the building is three storeys including a loft;
- The total number of car parking bays provided is 32, which includes one disabled parking bay;
- The proposed building includes an undercroft level that accommodates car parking, stores and services;
- The upper level residential units are accessed via foyer/stairs located in a central location of each side of the building;
- The residential and office units address the street frontage with zero setback from both streets (Pimlico Place and Grand Boulevard) except at the corner;
- Balconies have been provided for the residential units; and
- The office tenancy frontages include pedestrian shelter awnings that extend over the road reserve.

Statutory Provision:

Development within this area is controlled by the provisions of District Planning Scheme No 2 (DPS2), the Joondalup City Centre Development Plan and Manual (JCCDPM) and the R-Codes.

District Planning Scheme No 2

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

When determining this application Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 apply are relevant:

- 4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme.*

Unless otherwise specified on the map the R-20 density code applies unless the Council determines that a higher code should apply.

4.5 *Variations to Site and Development Standards and Requirements.*

4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*

4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*

(c) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and

(d) have regard to any expressed views prior to making its decision to grant the variation.

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

(a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and

(b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.

4.8 *Car Parking Standards*

4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*

The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.

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 Table

The following table summarises the development details:

<i>Standard</i>	<i>Required</i>	<i>Provided</i>
<i>Front Setback Side/Rear Setbacks</i>	<i>0m As per BCA</i>	<i>0m, with the exception of a truncation to the corner of the building 0m</i>
<i>Plot Ratio</i>	<i>1.0</i>	<i>1.452 (Residential 1.0, Commercial 0.452)</i>
<i>Height</i>	<i>3 storeys max</i>	<i>3 storeys plus loft within roof space</i>
<i>Storerooms</i>	<i>1 per dwelling, 4m² area</i>	<i>1 per dwelling</i>

Consultation

The proposed development was not advertised as the form of development is expected under the JCCDPM.

Strategic Implications

It is likely that this mixed use development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City of Joondalup.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan and City Development.

COMMENT

General

The proposed development will integrate well with the character of the City Centre and complement current development. Together with the proposed development on the adjacent lot (Lot 88), the proposal will create urban walls along Grand Boulevard, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal.

Urban Design

Internally, the basis of the design is an "L" shaped building, which articulates the corner while the building addresses the two streets, either by way of access from the street and/or the location of balconies, which overlook the public streets. The building can be accessed internally from the undercroft car parking area to the residential and office units.

Throughout the development highlighted entrance foyers, active office fronts and the pedestrian shelter will ensure that the development provides appropriate interaction with the street.

Land use

As the proposal provides for both residential dwellings and office space, the proposed uses comply with the general city land use for which the lot has been earmarked under the JCCDPM.

The proposal provides two (2) office tenancies of different configurations. In this form the office space is flexible enough, in the future, to accommodate the permitted uses under the JCCDPM including retail, entertainment and restaurant/café.

With a diverse mix of residential accommodation ranging from 1 to 5 bedroom units, the proposal also contributes to the range of housing stock available in the City

Residential Density

There are no specific residential density requirements in the 'general city' precinct of the City North. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map the R-20 density applies unless Council determines that a higher code should apply. The proposal has an equivalent density of R-81. This density is consistent with other approved developments within the City Centre.

It is recommended that the Joint Commissioners determine that the proposed density at R-81 is considered to be appropriate given that the site is in a prominent location within the city, where higher densities are appropriate and encouraged.

Plot Ratio

For "General City Use" the JCCDPM requires that the development have a maximum plot ratio of 1.0. The plot ratio for the residential component is 1.0 and for the commercial component is 0.452. The overall plot ratio is therefore 1.452.

It is considered that the required plot ratio of 1.0 is somewhat counter-productive to the development of an appropriate style building that achieves the form expected, and desirable (for example a 3 storey building), within the City Centre. Given that the proposed development complies with all other development standards, it is not considered that the site would be over-developed if allowed at the proposed plot ratio.

The plot ratio of the office development is considered to be appropriate as it integrates with other existing developments in the area. The development maximises the potential of this land, which is seen as highly desirable, given that the overall area is due for development in the near future. From the City's perspective, it will add value to the City Centre by having quality offices and creating employment opportunities. Moreover the office areas provided, may in future *accommodate other permitted uses under the JCCDPM including retail, entertainment and restaurant/café.*

It is therefore recommended that, in accordance with Clause 4.5 of DPS2 and having regard to the criteria of Clause 6.8, the Joint Commissioners determine that the proposed plot ratio for the office space is appropriate as the built form integrates with the surrounding areas and will not have and adverse effect upon the occupiers of the development or on the locality.

Car Parking

The JCCDPM does not specify car parking standards for this precinct.

Clause 4.8 of DPS2 provides that, where no parking standards are provided, a car parking standard is to be determined. The car parking ratios below are considered to be appropriate as the standards have been consistently applied to developments throughout the City.

It is recommended the Council exercises discretion under clause 4.8 of DPS2 and applies the following car parking ratios.

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial	1 bay per 30m ² GFA (600 ÷ 30)	17	17
Residential Units	1 bay per residential unit	8	15
Total		25	32 bays are provided (including one disabled bay)

From the above table it is noted that the development complies with the parking requirements.

Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street.

The office and residential units generally comply with the required nil front setback. However, the building is 'truncated' at the corner between Grand Boulevard and Pimlico Place, with a setback of a maximum of three (3) metres.

The building is designed to articulate the corner and the recess contributes to give a clear identity to the building. The awnings provide shelter for the pedestrian path along the full frontage of the office tenancies including the corner.

Essentially the design promotes the interaction between the office tenancies and the adjoining public streets creating animated spaces at a human scale. The proposed setback of three (3) metres at the corner between the two streets does not have any impact on the creation of urban walls along the streets, and minor variation is supported.

Amalgamation of Lot

Fundamental to the proposal is the requirement that the Survey Plan shown on Attachment 1 for the amalgamation of the lots Pt 325 and 326, will receive approval from the Western Australian Planning Commission. Therefore, it is appropriate that a condition be applied to any planning approval issued, that the amalgamation be finalised prior to a building licence being issued.

Conclusion

The proposed development will be a positive addition to the City Centre. It will provide accommodation and office facilities to meet the future demands of the growing City Centre. There will be the creation of urban area that is compatible with the overall City Centre environment. Therefore the residential density, plot ratio, setback and car parking standards are considered appropriate in this instance.

It is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Survey Plan
Attachment 2	Location/Site Plan
Attachment 3	Development Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 EXERCISE discretion under clauses 4.2.4, 4.5, 4.8.1 of District Planning Scheme No 2 and determine that:**
 - (a) The proposed plot ratio for the development of 1.45 in lieu of 1.0;**
 - (b) Setback of building at the corner is 3 metres in lieu of 0 metres;**
 - (c) The equivalent development density of R-81 in lieu of R-20;**
 - (d) The parking standards of 1 bay per 30m² for commercial space and 1 bay per residential unit;**

are appropriate in this instance;

- 2 APPROVE the application dated 14 April 2004 and amended plans dated 11 June 2004 submitted by Euro Form Constructions Pty Ltd for a mixed use development comprising 5 offices and 8 residential units on the proposed Lot 89 (lots Pt 325 & 326) Grand Boulevard cnr Pimlico Place, Joondalup subject to the following conditions:**
 - (a) Lots Pt 325 and 326 being amalgamated prior to the issue of a building licence;**
 - (b) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes and radio masts to be designed and located so as not to be visible from the primary street;**
 - (c) No obscure or reflective glazing being used for the office units fronting onto public spaces and road reserves;**

- (d) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (e) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Development Plan and Manual and thereafter be maintained to the satisfaction of the City;
- (f) The required car parking spaces to be allocated to the offices are as follows:
 - (i) 3 parking spaces for each office Nos 1, 2 and 3;
 - (ii) 4 parking spaces for each Office Nos. 4, 5;
- (g) The footpath treatment in the adjoining road reserve to be continued to the property boundary in a design with a finished floor level that matches the existing paving and at a grade of 2% rising from the kerblines, prior to the development first being occupied;
- (h) Suitable capping is to be provided to the satisfaction of the City along the northern boundary so that any gap between the existing wall of the adjoining development on the joint boundary and the proposed parapet walls of this development is closed. The capping is to be painted to match the development;
- (i) The ground level walls of the development to be coated with sacrificial anti-graffiti coating to the satisfaction of the City.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- 3 The minimum height clearance in the undercroft car park area is to be 2.1 metres.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf030804.pdf](#)

**CJ187 - 08/04 PROPOSED CHANGE OF USE - SORRENTO BEACH
RESORT, LOT 25 (1) PADBURY CIRCLE, CNR WEST
COAST DRIVE, SORRENTO – [12171]**

WARD - South Coastal

CJ040803_BRF.DOC:ITEM 14

PURPOSE

For the Joint Commissioners to consider and determine an application to change the use of the Sorrento Beach Resort to allow longer-term accommodation.

EXECUTIVE SUMMARY

The Sorrento Beach Resort consists of 80 holiday style units and a restaurant.

The development has a long and complex history of development approvals, with each approval for development referring to a different type of land use.

The resort operates as short term holiday type accommodation. The applicant seeks to amend the allowable use of the resort to incorporate residential stays of a longer term (up to 24 months).

Under the provisions of the City's Town Planning Scheme No 2 (DPS2), any proposed development must first be categorised as a use under the 'Zoning Table'.

If no appropriate use is specified under the Zoning Table, the proposed use may be considered as an 'Unlisted Use' to which particular provisions of DPS2 apply.

In this instance, it is considered that the request to increase the length of stay would be defined as "Multiple Dwellings" under the Zoning Table, and is therefore a Discretionary ("D") use. The equivalent density of the development would be R100, as opposed to the density of R20 under DPS2.

The application is therefore recommended for refusal due to non-compliance with the applicable residential density.

BACKGROUND

Suburb/Location: Lot 25 (1) Padbury Circle, Sorrento
Applicant: Ed Turner and Associates
Owner: Owners of Strata Plan 18449
Zoning: **DPS:** Private Clubs and Recreation
MRS: Urban

The applicant has advised that no physical changes are proposal to the existing development. The application purely involves a change of use to allow residential stays of up to 24 months.

DETAILS

Statutory Provision:

Clause 3.2 of DPS2 states:

ZONING TABLE

3.2.1 *The Zoning Table (hereinafter called Table1) indicates subject to the provisions of the Scheme, the permissibility of use classes within the various zones. The permissibility of any use class is indicated by a symbol determined by cross reference between the list of "Use Classes" listed down the left hand side of Table 1 and the "Zones" listed along the top of Table 1.*

3.2.2 *The symbols used in Table 1 have the following meanings:*

"P" = A Use Class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval;

"D" = 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;

"A" = A Use Class that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with Clause 6.7;

"X" = A Use Class that is not permitted except under the provisions of clause 3.15.

The Special Use Zone, Urban Development Zone, Rural Zone and Centre Zone are not listed in Table 1 and the permissibility of uses in those zones is to be determined by the provisions specifically applying to them in the Scheme or in any Agreed Structure Plan approved under Part 9.

3.2.3 *Where in the Zoning Table a particular use is mentioned it is deemed to be excluded from any other use class which by its more general terms might otherwise include such particular use.*

3.3 UNLISTED USES

If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*

- (b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Applicant's Justification:

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

"...The Sorrento Beach Resort have advised of concerns with the existing zoning and land use provisions of the Town Planning Scheme, which were too vague to allow valuations to be confidently placed on units within the Resort.

From advice given by Denis McLeod Solicitors, it appears the Sorrento Beach Resort has three approvals with differing time constraints on occupancy. The initial approval for 45 units, of the 80 units, did not provide any clear time limit on the accommodation; the approval was for "motel style residential units". The second and the third approvals were subject to definitions, which effectively give a four-month time limit on length of stay. The last approval was for the redevelopment of the site for 130 units. That approval has not been acted upon but remains valid until 13 December 2004.

Under the terms of the past approvals over half of the existing units have no restriction on the period of occupancy, whereas other units in the complex are subject to 4 month occupancy restrictions. It is suggested that this uncertainty could be removed or alleviated by the use of all units in the Resort specifically being permitted to be occupied continually for an extended period of up to 2 years. This would provide certainty, facilitate ease of valuations and validate greater length of stay for those requiring more than four months.

The major redevelopment and intensification of the resort for 130 units on the site was previously approved by Council and remains valid until the end of 2004. That approved development is still under consideration. However, upon the approval of their application (on acceptable terms) the owners would agree not to pursue the previous approval for redevelopment of the site as a resort..."

Consultation:

The application was advertised as an Unlisted Use as it appeared that the proposed use did not fit into a particular Use Class.

The proposal was advertised for 21 days by way of a sign on the site, adjoining and nearby owners were contacted in writing and a notice was placed in the local newspaper.

However, following concerns raised during the comment period, legal advice was obtained and it is considered that the advertising of the proposal as an Unlisted Use was premature.

Notwithstanding, it is noted that a total of 51 submissions were received.

Submissions in support (37) stated that there was no car parking problem at the resort, the intention to allow longer residential stays would enhance the current resort, and would not have any negative impacts.

Submissions objecting (14) stated that on-site car parking would be insufficient, the proposal is for multiple dwellings which are not permitted in the zone, advertising of the proposal has been insufficient, and the proposal is not in accordance with the objectives of the Zone.

COMMENT

Determination of the Proposed Use under the Zoning Table

The City initially advertised the application as an “Unlisted Use”. However, on review, the advertising of the proposal on this basis is considered to be premature, as outlined below, the use is not considered to be an “Unlisted Use”.

Prior to determining whether a proposal is an “Unlisted Use”, it must be determined whether the proposed use falls within a purpose mentioned with the Zoning Table of DPS2 or if it can reasonably be determined to do so.

The application is to allow residential stays within the Sorrento Beach Resort of up to 24 months. It is considered that this use will fall within the definition of a “Dwelling”, which is defined under the R-Codes as

“A building or portion of a building being used, adapted, or designed or intended to be used for the purpose of human habitation on a permanent basis by a single person, a single family, or no more than six persons who do not comprise a single family.”

In addition, a “Multiple Dwelling” is defined as

“A dwelling in a group of more than one dwelling on a lot where any part of a dwelling is vertically above part of any other but does not include a Grouped Dwelling.”

A residential stay of 24 months has a large degree of permanency attached to it. Simply, it is that person’s usual residence for that period. On this basis it is considered appropriate to define the proposal as “Multiple Dwelling”. A Multiple Dwelling is a Discretionary Use with the Private Clubs and Recreation zoning. A Discretionary use is:

“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;”

Density

There are 80 short stay apartments on the subject lot, which is 8259m² in area.

If the development were to be classified as multiple dwellings, the equivalent density of the development is R100. The permitted density under DPS2 on the site is R20. As there is no discretion permitted under DPS2 to vary the applicable density, the proposal cannot be approved.

Conclusion

The applicant was initially advised that the most appropriate way for achieving their desired outcome is through an amendment to DPS2 to rezone the site to an appropriate zoning and density. Legal advice confirmed that this would be the most appropriate course of action. Notwithstanding, the City received a development application and is required to determine that application.

There is clear concern that the application is to allow residential accommodation without the need to formally rezone the site and recognise the equivalent Residential density. In addition, the current development is unlikely to fully comply with the requirements for Multiple Dwellings under the Residential Design Codes in regard to the development provisions such as car parking, storerooms, and balconies.

ATTACHMENTS

Attachment 1 Location Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 DETERMINE that the proposed change of use from “motel type accommodation” and “resort” to “extended stay residential” is defined as a “Multiple Dwelling” under the provisions of Clauses 3.2 and 3.3 of the District Planning Scheme No 2;**
- 2 REFUSE the application for a change of use from “motel type accommodation” and “resort” to Multiple Dwelling at Lot 25 (1) Padbury Circle, cnr West Coast Drive, Sorrento, for the following reason:**
 - (a) The proposed density of R100 does not comply with the density of R20 designated under District Planning Scheme No. 2;**
- 3 ADVISE the applicant that a scheme amendment would be required to allow the full and proper consideration of any application, to alter the current use of the site to allow multiple dwellings.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf030804.pdf](#)

CJ188 - 08/04 PROPOSED SIGNAGE FOR LAKESIDE SHOPPING CENTRE, LOT 504 JOONDALUP DRIVE, JOONDALUP – [05802]

WARD - Lakeside

CJ040803_BRF.DOC:ITEM 15

PURPOSE

To request the Joint Commissioners' determination of an application for two pylon signs for Lakeside Shopping Centre, Joondalup.

EXECUTIVE SUMMARY

The applicant seeks to erect two signs to advertise the Lakeside Shopping Centre. The centre currently has no external pylon signage.

One sign 18 metres high is proposed on the Joondalup Drive frontage, while a second 18 metre high sign is proposed on the corner of Grand Boulevard and Collier Pass.

The Joondalup City Centre Development Plan and Manual does not support the erection of pylon signs in the subject precinct.

Considering the location and regional status of the shopping centre and the limited potential impact of the signs, it is considered that the application has merit, and subject to a reduction in the size of the signs, approval is recommended.

BACKGROUND

Suburb/Location: Lakeside Shopping Centre, Joondalup
Applicant: Cameron Chisholm Nicol Pty Ltd
Owner: Armstrong Jones Management Pty Ltd and ING Real Estate
Zoning: **DPS:** Centre
 MRS: Central City Area

DETAILS

The application initially included a total of seven (7) signs around the frontages of the shopping centre. The number of signs was subsequently reduced to two (2).

Applicant's Justification

The applicant has supplied the following justification:

“The current signage policy does not allow any flexibility for major retail centres to maximise the potential for signage to their extensive boundaries and entry points.

The policy is penalising Lakeside's ability to compete with nearby centres and the recently completed extensions to Whitford City.

The proposal for signage at Lakeside in terms of size is comparable with other shopping centres. The signs are located at the perimeter to minimise any visual 'clutter'.

It is imperative that Joondalup's prime retail site is provided with the opportunity to compete equally with its competitors, with this signage design proposed located in logical strategic locations.”

Statutory Provision:

The JCCDPM states that pylon signs are not permitted in the CBD precinct. The JCCDPM also states that:

“Pylon signs are not permitted within the Western Business District with the exception of the Highway/Drive-In zone, where 1 pylon sign per development is allowable with a total maximum height of 6.0m. No single face of a Pylon Sign shall exceed 4.0m² in total area.”.

Clause 4.5 of DPS2 allows the consideration of discretion.

4.5.1 Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:

- (e) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
- (f) have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (c) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (d) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Consultation:

The proposal has not been advertised as it is expected that, should the application be approved, no adverse impacts on the surrounding area will occur.

COMMENT

Proposed Sign – Joondalup Drive

The Joondalup Drive frontage of the shopping centre does not present as a traditional city centre environment. This frontage is akin to a traditional suburban shopping centre, given the centre has extensive areas of car parking, the property fronts a dual carriageway and is located opposite the service industrial area.

In this context, a pylon type sign is considered to be in keeping with this style of development. Most shopping centre developments include a large pylon sign displaying the major tenants and it is not considered that a pylon will detract significantly from the streetscape.

However, the proposed location of the sign is slightly elevated and it is considered that the height of the sign should be reduced so as not to unduly dominate the streetscape. It is therefore recommended that the height of the sign be reduced from 18 metres to 15 metres.

Proposed Sign – Grand Boulevard

Of more concern is the proposed signage on Grand Boulevard. This frontage of the shopping centre adjoins the CBD proper, where a traditional city centre environment is envisaged. Given that buildings are usually built up to the street boundary, a city centre does not usually include the ability to include large pylon signs, therefore they are not generally found in city centres.

This sign is proposed to be 18 metres high. It is considered that this sign would be out of context with the city centre environment. Development within the city centre should be at a human scale and it is not considered that an 18 metre high pylon sign would achieve that objective. A sign of this height is likely to dominate the streetscape and is therefore not supported.

The applicant proposes that the sign on the corner of Grand Boulevard and Collier Pass be temporary in nature, with the sign being moved further north along Grand Boulevard so as to integrate with the future expansion of the shopping centre.

Given that the nature and design of any expansion of the shopping centre is not known at this stage, it may be appropriate to allow a smaller pylon sign at the corner of Grand Boulevard and Collier Road on a temporary basis. This would allow the signage to be reconsidered at a later date when the details of the shopping centre expansion are known.

It is therefore recommended that, should signage be approved, that the sign be reduced to a maximum of 6 metres, and be approved on a temporary (12 month) basis.

Sign Design

The design of the proposed signs is simple and uncluttered. The proposed signs will include the Lakeside symbol, the word 'Lakeside' and have eight (8) signage panel infills. Overall, the proposed design is considered acceptable.

Other Pylon Signs in the City Centre

It is noted that there are other pylon signs in the city centre. These include signs at the Police Academy and ECU and the strip of commercial development adjoining the Lakeside Shopping Centre on Joondalup Drive. These signs are in precincts that do not explicitly prohibit pylon signs.

Conclusion

It is recognised that Lakeside Shopping Centre is in a unique situation, being within a CBD context, yet displaying a suburban appearance on its major frontage. It would seem reasonable that some form of pylon sign could be acceptable for the centre. The signs are therefore supported as discussed in this report.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 **EXERCISE discretion under Clause 4.5 of District Planning Scheme No 2 to allow pylons within the Western Business District and CBD to the extent outlined in Point 2 below;**
- 2 **APPROVE the application dated 28 May 2003 and amended plans dated 24 May 2004 for two pylon signs at Lakeside Shopping Centre, Lot 504 Joondalup Drive, Joondalup, subject to the following conditions:**
 - (a) **The pylon sign fronting Joondalup Drive shall have a maximum height of 15 metres;**
 - (b) **The pylon sign on the corner of Grand Boulevard and Collier Pass shall have a maximum height of 6 metres. The approval for this sign shall be valid for a period of 12 months only;**
 - (c) **The pylon signs shall be designed and implemented so as not to interfere with any existing or proposed traffic signals;**
 - (d) **The pylon signs shall be wholly contained within the subject site and no part of the sign shall overhang the road reserve.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf030804.pdf](#)

**CJ189 - 08/04 RETROSPECTIVE APPROVAL FOR PATIO
ADDITION TO EXISTING SINGLE HOUSE
INCLUDING SETBACK VARIATION: LOT 300 (29)
FIRWOOD TRAIL, WOODVALE – [52450]**

WARD - Lakeside

CJ040803_BRF.DOC:ITEM 16

PURPOSE

To request the Joint Commissioners' determination of an application for retrospective approval of a patio with a setback variation of 0.27 metres in lieu of 1.5 metres.

EXECUTIVE SUMMARY

An application has been received for approval of an existing patio addition along the northern boundary of the subject property. The patio is 6.44 metres in length and located 0.27 metres from the common side boundary.

This application has been called in by Cmr Smith for determination by the Joint Commissioners in accordance with the provisions of the Town Planning Delegations.

The Residential Design Codes 2002 require the building to be setback 1.0 metre from the boundary. A variation is therefore required for the patio to remain with a setback 0.27 metres from the boundary.

The application was advertised to the affected adjoining owner and an objection was received from this neighbour. This objection concerned location of the patio adjoining the entrance to her house, unsightly appearance of patio and loss of property value.

After assessing the application under the Performance Criteria of the Residential Design Codes 2002, it is considered that the application can be supported, as the patio will not have a significant adverse affect on the amenity, privacy or overshadowing of the adjoining property.

BACKGROUND

Suburb/Location: 29 Firwood Trail, Woodvale
Applicant: Mr Malcolm Campbell
Owner: Mr Malcolm Campbell
Zoning

DPS: Residential R20

MRS: Urban

DETAILS

The subject site is 706m² in size with a single dwelling located on the lot. The neighbouring properties are of generally similar size and style with many residential outbuildings. Firwood Tail has a gradual fall from north to south and the subject patio has a finished floor level consistent with the adjoining development. The site location is shown in Attachment 1. Plans of the development are shown at Attachment 2.

The City became aware of the existing development by way of a complaint from the adjoining owner.

Statutory Provision:

As the development has been constructed prior to approval being given, the following clause of the DPS2 is applicable:

6.12 Approval of Existing Developments

6.12.1 The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

Residential Design Codes (R-Codes)

The Residential Design Codes set out the acceptable development criteria for developments. Where a development varies from these acceptable development criteria, clause 2.3.4 permits Council to exercise discretion as follows:

2.3.4(2) Discretion shall be exercised having regard to the following considerations:

- (i) the stated purpose and aims of the Scheme;*
- (ii) the provisions of Parts 2,3 and 4 of the Codes as appropriate;*
- (iii) the Performance Criterion of Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) any Local Planning Strategy incorporated into the Scheme;*
- (vi) the provision of a Local Planning Policy pursuant to the Codes and complying with sub-clause (5) below; and*
- (vii) orderly and proper planning.*

To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy and overshadowing on adjoining properties, new developments are required to be setback from boundaries to meet the following performance criteria:

“3.3.1 Buildings set back from the Boundary

P1 Buildings setback form the boundaries other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties*

Consultation:

The City contacted the adjoining owner in writing, who subsequently has objected to the existing patio. A summary of the objection is as follows:

Objection	Officer Comment
The patio structure is only metres away from front entrance and bedroom;	The carport of the adjoining property is located adjacent to the patio.
Devalue the property due to unsightly appearance of structure	It is not considered the patio will have an adverse impact on the adjoining property. The structure is of the type and scale that is prevalent in the area or could be expected, hence from a planning viewpoint it is suggested that property value would not be affected.
If it were in the rear yard it would be acceptable.	Noted

Applicant’s Justification

The applicants have provided justification in support of their application, which can be summarised as follows:

- The patio structure was built behind front setback area and behind locked gates to stop vandalism and increase security.
- The applicant has attempted to negotiate a compromised solution with the objecting adjoining owner but they will not even discuss the issue.
- Other similar structures have been built in the immediate area (photo provided).

COMMENT

The applicant/owner built the subject patio to park a recreational trailer boat. DPS2 does not restrict the parking of a recreational boat within the boundaries of the property.

The minimum setback from the primary street is 3.4 metres and the setback averages 6 metres. Generally the patio is on the same alignment as the house and does not significantly affect the streetscape. The structure is constructed of materials that match the colour of the existing house.

The Performance Criteria of the Residential Design Codes 2002 require assessment against the following criteria:

- *Provide adequate direct sun and ventilation to the building:*
The patio is open on the side and therefore adequate sun and ventilation is available to the building.
- *Ensure adequate direct sun and ventilation being available to adjoining properties:*
The development complies with the overshadowing standards of the Codes; the patio is located on the southern side of the adjoining property and is next to the carport and driveway. The carport is open-sided and fencing to 1.8 metres in height already exists on the boundary. It is considered therefore that the development will not have a significant further impact on access to direct sun and ventilation of the neighbouring property.
- *Provide adequate direct sun to the building and appurtenant open spaces:*
The patio has been located on the same alignment as the house so as to maximise existing open spaces to the rear of the block. Construction of the patio between the dwelling and northern boundary has been undertaken with consideration for the existing open spaces and to ensure ease of access to and from the property for the trailer boat.
- *Assist with protection of access to direct sun for adjoining properties:*
Given that the overshadowing standards of the Residential Design Codes will be met, it is considered that existing access to direct sun for the adjoining property will be protected.
- *Assist in ameliorating the impacts of building bulk on adjoining properties:*
The bulk of the building along the northern boundary is ameliorated by the open-sided nature of the development and the location being away from the living areas of the adjoining house. Given that there is an existing screen fence along this boundary it is also considered that the affect of the additional height of the building (approximately 900mm above the fence) will not significantly impact on the property.
- *Assist in protecting privacy between adjoining properties:*
Although the patio is open-sided along the neighbouring boundary, the development is intended for the use of storing a recreational boat. It is also located well away from the living areas of the adjoining property. This means that privacy into the entertainment area of the adjoining property is not considered to be detrimentally affected.

In light of the above, it is considered that the patio complies with the performance criteria of the R-Codes, and the structure will not have a significant adverse impact on the adjoining property.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Photographs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 EXERCISE discretion under Clause 2.3.4 of the Residential Design Codes 2002 and determine that the performance criteria under Clause 3.3.1 have been met and that the patio with a northern side setback of 0.27 metres in lieu of 1.0 metres is appropriate in this instance;**
- 2 APPROVE the application dated 14 June 2004 submitted by Mr Malcolm Campbell, the applicant and owner, for retrospective approval of a patio addition on Lot 300 (29) Firwood Trail, Woodvale, with the following footnote attached;**
 - (a) Advise the applicant to obtain an Acknowledgement of an Unauthorised Structure for the works.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf030804.pdf](#)

**CJ190 - 08/04 RETROSPECTIVE APPROVAL FOR GARAGE TO A
SINGLE HOUSE, INCLUDING SETBACK
VARIATION: LOT 682 (10) ABERDARE WAY,
WARWICK – [45211]**

WARD - South

CJ040803_BRF.DOC:ITEM 17

PURPOSE

To request the Joint Commissioners' determination of an application for retrospective approval of a garage with a setback variation of 0.5 metres in lieu of 1.5 metres.

EXECUTIVE SUMMARY

An application has been received for approval of an existing open-sided garage addition along the western boundary of the subject property. The garage is 15.05 metres in length and located 0.5 metres from the common side boundary.

This application has been called in by Cmr Smith for determination by the Joint Commissioners in accordance with the provisions of the Town Planning Delegations.

The Residential Design Codes 2002, require the building to be setback 1.5 metres from the boundary. A variation is therefore required for the garage to remain with a setback 0.5 metres from the boundary.

The application was advertised to the affected adjoining owner and an objection was received from this neighbour. This objection concerned the effect of the development on amenity, the workmanship of the building and overshadowing.

After assessing the application under the Performance Criteria of the Residential Design Codes 2002, it is considered that the application can be supported, as the open-sided garage will not have a significant adverse affect on the amenity, privacy or overshadowing of the adjoining property.

BACKGROUND

Suburb/Location:	10 Aberdare Way, Warwick
Applicant:	G & S Nastevski
Owner:	G & S Nastevski
Zoning:	DPS: Residential R20
	MRS: Urban

The subject site is 713m² in size with a single dwelling located on the lot. The neighbouring properties are of generally similar size and style with single dwellings and other residential outbuildings, carports and garages. Aberdare Way slopes down towards the west requiring retaining walls on the western side of most properties along the street. The site location is shown in Attachment 1.

In December 2003, the existing carport and shed on the property were removed and a new open-sided garage was erected between the dwelling and the western boundary. The garage is 15.05 metres in length and varies between 2.6 metres and 4 metres in width. Plans of the addition are shown in Attachment 2.

In addition to the new garage, a 26m² outbuilding was also constructed to the rear of the property. This outbuilding complies with the standards of the Residential Design Codes and therefore a variation is not required for the outbuilding.

The ground levels at the boundary are approximately 1 metre above the adjoining property levels with existing retaining walls on the boundary. These ground levels are existing and there have been no amendments to the ground levels as part of this development.

The City became aware of the new garage and outbuilding after concerns were raised from the adjoining owner.

DETAILS

Statutory Provision:

District Planning Scheme No 2 (DPS2)

As the development has been constructed prior to approval being given, the following clause of the DPS2 is applicable:

6.12 Approval of Existing Developments

6.12.1 The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.

Residential Design Codes

The Residential Design Codes set out the acceptable development criteria for developments. Where development varies from these acceptable development criteria, clause 2.3.4 permits Council to exercise discretion as follows:

“2.3.4(2) Discretion shall be exercised having regard to the following considerations:

- (i) *the stated purpose and aims of the Scheme;*
- (ii) *the provisions of Parts 2,3 and 4 of the Codes as appropriate;*
- (iii) *the Performance Criterion of Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) *any Local Planning Strategy incorporated into the Scheme;*
- (vi) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (vii) *orderly and proper planning.*

To ensure adequate provision of direct sun and ventilation for buildings and to ameliorate the impacts of building bulk, interference with privacy and overshadowing on adjoining properties, new developments are required to be setback from boundaries to meet the following performance criteria:

“3.3.1 Buildings set back from the Boundary

P1 Buildings setback from the boundaries, other than street boundaries so as to:

- *Provide adequate direct sun and ventilation to the building;*
- *Ensure adequate direct sun and ventilation being available to adjoining properties;*
- *Provide adequate direct sun to the building and appurtenant open spaces;*
- *Assist with protection of access to direct sun for adjoining properties;*
- *Assist in ameliorating the impacts of building bulk on adjoining properties; and*
- *Assist in protecting privacy between adjoining properties.”*

Although the application is for a ‘carport’, the structure abuts the dwelling on one side and has a door that is not visually permeable, therefore under the Residential Design Codes it is defined as a ‘garage’. For this reason, the structure is referred to as a garage in this report.

Consultation:

The application was advertised for a period of 14 days to the affected adjoining owner to the west of the development. An objection was received from this owner. These comments are summarised below:

Objection	Comment
The structure is an eye sore	Given that the garage is open-sided on this boundary, has an existing screen fence 1.8 metres in height and complies with overshadowing requirements of the Codes, it is considered that the effect on the amenity of the neighbour will not be significant.
Looms over entertainment area, overshadows and limits natural light to property	The entertainment area on the neighbouring property is located between the existing garage and dwelling and has a width of approximately 7 metres. The existing ground level of the subject lot is approximately 1 metre higher than the neighbour’s lot and therefore buildings on or near this boundary will be higher and may appear to ‘loom’ over the entertainment area, even if the Codes are complied with in full.

Objection	Comment
	In this case, the garage is open-sided and not higher than 2.4 metres from ground level, with an existing 1.8 metre high fence. The garage is located to the east of the objector's property and therefore complies in full with all overshadowing standards in the Residential Design Codes. The impact of the open-sided wall 500mm from this boundary in terms of access to direct light and effect on the entertainment area for the neighbouring property is therefore considered minimal.
Gutters and down pipes are unsatisfactory	These are not planning matters. Separate approval is required for an acknowledgement of unauthorised structures from the City's Building Approvals. This will ensure the structure complies with the appropriate requirements under the Building Code of Australia in terms of stormwater disposal. A footnote is recommended if approval is granted, to reiterate that the appropriate stormwater control will be required as part of approval under the Building Codes.

Note: The comments from the objector refer to both the outbuilding and the garage. The outbuilding complies with the R-Codes standards and therefore has not been taken into account as part of this assessment.

Applicant's justification:

The applicants have provided justification in support of their application, which can be summarised as follows:

- The adjoining property has a garage, vine covered pergola and shed erected up to the common boundary between the lots, hence the character and nature of the dwelling and additions are consistent with the surrounding residential buildings and neighbourhood.
- The development makes effective use of space (maximising the outdoor living area – allowing the family to establish a useable lawn area in conjunction with the pool area) and enhances the amenity and functionality of the single dwelling development on the subject site.
- The development does not restrict solar access to habitable rooms or outdoor living areas on the adjoining property.
- The height of the development is consistent with the existing dwelling heights in the locality and acceptable under the Codes.

COMMENT

The application is for retrospective approval of an open-sided garage near the western side boundary of the property. The garage is 15.05 metres in length and requires a variation of the Residential Design Codes for a setback of 0.5 metres from the boundary in lieu of 1.5 metres.

With reference to the performance criteria under clause 3.3.1 of the Residential Design Codes, the following comments are made:

- *Provide adequate direct sun and ventilation to the building:*
The garage is open on the western side and generally open on the eastern side (where not abutting the dwelling), therefore adequate sun and ventilation is available to the building.
- *Ensure adequate direct sun and ventilation being available to adjoining properties:*
The development complies with the overshadowing standards of the Codes and is located to the east of the adjoining property. The garage is open-sided and fencing 1.8 metres in height already exists on the boundary approximately 1 metre above the adjoining property. It is considered therefore that the development will not have a significant further impact on access to direct sun and ventilation of the neighbouring property.
- *Provide adequate direct sun to the building and appurtenant open spaces:*
The garage is located to the west of the dwelling and existing open spaces are located to the east and rear of the block. Construction of the garage between the dwelling and western boundary has been undertaken with consideration for these existing open spaces to ensure that these spaces are not affected by the development and indeed, are maximised.
- *Assist with protection of access to direct sun for adjoining properties:*
Given that the overshadowing standards of the Residential Design Codes will be met, it is considered that existing access to direct sun for the adjoining property will be protected.
- *Assist in ameliorating the impacts of building bulk on adjoining properties:*
The bulk of the building along this boundary is ameliorated by the open-sided nature of the development. Given that there is an existing screen fence along this boundary it is also considered that the affect of the additional height of the building (approximately 600mm above the fence and 500mm further back from the boundary) will not significantly impact on the adjoining property.
- *Assist in protecting privacy between adjoining properties:*
Although the garage is open-sided along the neighbouring boundary, the existing ground levels of the property are at least 1 metre above the adjoining property with a 1.8 metre high screen fence. This means that privacy into the entertainment area of the adjoining property is not considered to be further detrimentally affected.

With regard to the neighbour's concerns about stormwater from the development, a footnote can be included as part of any approval issued stating that the applicant will be required to get an Acknowledgement of Unauthorised Structure and will be required to install guttering around the development to ensure all stormwater is contained within the site in accordance with the Building Code of Australia. It is considered that this will address the neighbour's concern in this regard.

Conclusion

After consideration of the Performance Criteria under clause 3.3.1 of the Residential Design Codes, it is concluded that due of the open-sided nature of the garage and the existing ground levels and screen fencing, the garage will not have a significant adverse affect on the amenity, privacy or overshadowing of the adjoining property, therefore the application can be supported.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Plans of the proposal
Attachment 3	Photographs

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Joint Commissioners:

- 1 EXERCISE discretion under clause 2.3.4 of the Residential Design Codes 2002 and determine that the performance criteria under clause 3.3.1 have been met and that the garage with a western side setback of 0.5 metres in lieu of 1.5 metres is appropriate in this instance;**
- 2 APPROVE the application dated 11/05/04 submitted by G & S Nasteviski, the applicant and owners, for retrospective approval for a garage addition on Lot 682 (10) Aberdare Way, Warwick, with the following footnotes attached:**
 - (a) In accordance with the Building Code of Australia, guttering will need to be installed on the garage to contain all stormwater within the boundaries of the lot;**
 - (b) Advise the applicant to obtain an Acknowledgement of an Unauthorised Structure for the garage and outbuilding from the City's Building Approvals.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf030804.pdf](#)

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CJ191 - 08/04 DELEGATED AUTHORITY REPORT FOR MONTH OF JUNE 2004**WARD - All**

CJ040803_BRF.DOC:ITEM 18

PURPOSE

This report provides a resume of the Development Applications processed by Delegated Authority for the month of June 2004 (see Attachment 1 refers)

EXECUTIVE SUMMARY

The total number of Development Applications determined (including Council and delegated decisions) for June is as follows:

Month	No	Value
June	49	\$ 4,975,714

The total number of Development Applications received for June 2004 was 140, compared with 68 for May 2004, representing an increase of 100%.

ATTACHMENTS

Attachment 1 List of determinations

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the determinations made under Delegated Authority in relation to the applications described in Attachment 1 to Report CJ191-08/04.

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf030804.pdf](#)

CJ192 - 08/04 SUBDIVISION REFERRALS PROCESSED 1 – 30 JUNE 2004 – [05961]

WARD - Marina, North Coastal, South Coastal, Whitfords

CJ040803_BRF.DOC:ITEM 19

PURPOSE

The purpose of this report is to advise the Joint Commissioners of subdivision referrals received by the City for processing in the period 1- 30 June 2004.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 – 30 June 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

Seven subdivision referrals were processed within the period. The average processing time taken was 20 days. The subdivision applications processed enabled the potential creation of ninety two (92) residential lots and six (6) strata residential lots. One application was deferred and one application was not supported. These applications are as follows:

Ref: SU124866.01 – 13 Taylor Way, Hillarys

This application was deferred pending the receipt of an amended plan, as the proposal is contradictory to the Residential Design Codes (R Codes) 2002 with respect to boundary wall requirements.

Ref: SU125284 – 58 Constellation Drive, Ocean Reef

This application was not supported as it did not comply with District Planning Scheme No 2 by reason of the existing “Commercial” zoning of the land.

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the action taken by the subdivision control unit in relation to the applications described in Attachment 1 to Report CJ192-08/04.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf030804.pdf](#)

CJ193 - 08/04 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON 16 JUNE 2004 – [55511]

WARD - All

CJ040803_BRF.DOC:ITEM 20

PURPOSE

To note the unconfirmed minutes of the Seniors Interest Advisory Committee meeting held Wednesday, 16 June 2004.

EXECUTIVE SUMMARY

A meeting of the Seniors Interest Advisory Committee was held on Wednesday, 16 June 2004. The unconfirmed minutes of this meeting are submitted for noting by Council.

It is recommended that the Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 16 June 2004 forming Attachment 1 to this Report.

DETAILS

The unconfirmed minutes of the meeting of the Seniors Interest Advisory Committee held on Wednesday, 16 June 2004 are included as Attachment 1.

ATTACHMENTS

Attachment 1: Minutes of the Seniors Interest Advisory Committee Meeting held 16 June 2004

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 16 June 2004 forming Attachment 1 to Report CJ193-08/04.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf030804.pdf](#)

CJ194 - 08/04 COMMUNITY FUNDING PROGRAMME – AMENDMENTS TO COMMUNITY FUNDING POLICY AND GUIDELINES 2004-2005 – [39290]

WARD - All

CJ040803_BRF.DOC:ITEM 21

PURPOSE

To recommend changes to the Community Funding Programme Policy and Guidelines for 2004-2005 to enhance and improve the implementation of the programme.

EXECUTIVE SUMMARY

The City's Community Funding Programme came into operation on 1 July 1999. The Programme has been developed to provide financial assistance to not-for-profit organisations that operate within the City in support of a range of community development initiatives consistent with the City's strategic objectives.

The Community Funding Programme consists of a policy and funding guidelines for each funding category of the policy.

The Programme has been successfully implemented for four financial years. As part of the annual review of the Community Funding Programme, this report recommends improvements and enhancements to the Policy and Guidelines, which seek to clarify the eligibility provisions contained in the Policy.

The Policy changes recommended are:

4.2 Ineligible Projects, Activities or Events

Council will not fund the following:

4.2.2 Retrospective funding – expenses incurred prior to the application closing date.

4.2.8 Projects considered part of a school's core activities.

4.2.9 Development or improvement of school facilities and equipment.

It is recommended that the Joint Commissioners REVOKE existing Policy 4.1.1 – Community Funding – and replace it with the revised Community Funding Policy 4.1.1 forming Attachment 1 to this Report.

BACKGROUND

At the Council meeting of 22 December 1998, the City's Community Funding Policy was adopted to take effect from 1 July 1999 and a further report was sought to detail the funding guidelines for each funding category of the Policy (Report CJ286-1298 refers).

At the Council meeting of 14 September 1999, the Community Funding Programme Guidelines were adopted (Report CJ304-09/99 refers) together with various amendments to the Community Funding Policy (Report CJ303-09/99 refers).

Together, the Policy and Guidelines form the City's Community Funding Programme, a programme which has been developed to enable the City to provide financial assistance to not-for-profit organisations in support of a range of community development initiatives consistent with the City's strategic objectives.

At the Council meeting of 11 April 2000, the outcomes of the first year of administering the Community Funding Programme were reported to Council (Report CJ077-04/00 refers). It was noted that a further report would be provided to Council proposing certain enhancements to the Community Funding Programme.

The Community Funding Programme was further developed following a report to Council in September 2000 (Report CJ247-09/00 refers) and a revised Community Funding Policy was adopted.

Further amendments to the Community Funding Policy were recommended and adopted by Council at the meetings of 11 September 2001 (Report CJ298-09/01 refers) and 19 August 2003 (Report CJ193-08/03 refers).

DETAILS

An annual review of the Community Funding Programme was conducted in June 2004, by the administrating officers of each fund category under the programme, coordinated by a project officer.

The proposed amendments to the Community Funding Policy are shown in the amended policy statement included as Attachment 1. The proposed amendments to the Community Funding Programme Guidelines are shown in the amended guidelines included as Attachment 2. The amendments are shown with the wording, where a change is proposed, struck through and any additional wording underlined.

The major amendments and their rationale are as follows:

Policy Implications:

4.2 Ineligible Projects, Activities or Events

4.2.2 Retrospective funding – expenses incurred prior to the application closing date.

Comment

Point 4.2.2 identifies that expenses incurred prior to the closing date of applications will not be funded retrospectively. In past funding rounds funding applications have been submitted for projects or events, which commenced either prior to or during the application assessment process. While this does not affect the eligibility of the projects, this point seeks to clarify that funding will only be granted for expenses incurred after the application date.

4.2.8 Projects considered part of a school's core activities.

Comment

The words 'normal curriculum' have been replaced by 'core activities' to better identify the intent of this point. Core activities extend beyond pure curriculum to the provision of facilities and equipment normally provided by the Department of Education. The school projects funded through the Community Funding Programme are an expansion of the schools' core activities and would not be possible if the schools did not seek funding via this programme.

4.2.9 Development or improvement of school facilities and equipment.

Comment

Applications are frequently received for the upgrade or replacement of school playground equipment. Often the amount requested in one application exceeds the total funds available in the programme. Such applications have not been approved in the past. In the 2003/2004 2nd funding round the Community Services Fund Assessment Panel rejected several applications of this nature on the grounds that the provision of playground equipment is considered to be a normal function of the school and the Department of Education. There are approximately 50 Primary Schools within the City of Joondalup and the panel recognised that community expectations could be raised far beyond the City's ability to respond if a precedent was set by funding these applications. Consequently, the assessment panel recommended that the City consider modifying the Policy and Guidelines to reflect this position.

Guidelines

The Community Funding Programme Guidelines have been amended to include the phrase "You are encouraged to discuss your project with the relevant Contact Officer before submitting your application" within the guidelines and in each of the application forms. This change has also been reflected in the Policy under point 9 – Guidelines.

For the past five years the officers responsible for each of the funds have conducted workshops to provide a forum for potential applicants to seek assistance when preparing their applications. These workshops have not been particularly well attended and the Administrating Officers have agreed that it may be of more benefit to potential applicants receive advice or assistance directly from the officers responsible for the various funds. The assistance would be available either over the telephone or in a one-on-one meeting arranged at the convenience of the applicant.

COMMENT

The amendments to the existing Community Funding Policy and Guidelines which are included in this report are proposed with a view to enhance the current Policy and improve efficiency in the selection process.

The Community Funding Programme Guidelines will be updated to reflect the amended Community Funding Policy.

It is requested that the review of the Community Funding Policy not be held over to the next meeting of the Policy Review Committee due to the formation of this committee being under review (Report CJ002-02/04 refers). If the review of this policy was delayed beyond the Joint Commissioners' meeting of 10 August 2004, it would be difficult to arrange distribution of funding prior to the Christmas period.

ATTACHMENTS

Attachment 1	Policy 4.1.1 - Community Funding
Attachment 2	Community Funding Programme Guidelines 2004/2005

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners ADOPT the revised Community Funding Policy 4.1.1 forming Attachment 1 to Report CJ194-08/04.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf030804.pdf](#)

9 REPORT OF THE ACTING CHIEF EXECUTIVE OFFICER

10 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

11 DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 31 AUGUST 2004** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

12 CLOSURE

DECLARATION OF INTEREST FORM, CLICK HERE: [dec interest march 2004.pdf](#)



QUESTION TO MEETING OF COUNCIL

NAME

ADDRESS

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QUESTION

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

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

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

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

FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE: [*seatplan cmrs august 2004.pdf*](#)