



City of
Joondalup

DRAFT AGENDA

FOR

BRIEFING SESSION

TUESDAY, 24 AUGUST 2004

PUBLIC QUESTION TIME

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.

Disclaimer

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

DEPUTATION SESSIONS

Commissioners will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

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

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

CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on
TUESDAY, 24 AUGUST 2004 commencing at 6.30 pm

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 PUBLIC QUESTION TIME

The following questions were submitted by Ms S Hart, Greenwood to the Briefing Session held on 3 August 2004:

Q1 Item 10 - 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’: The Executive Summary says that nine submissions were received, of which seven were considered to be statements of no objection and two objections. The report then states that two petitions were received of 31 and 66 signatures. Are the Commissioners aware that a precedent was set for Mullaloo Tavern that accepted 32 submissions after closing date and a petition from the applicant, and there was more credence given to the 32 submissions by officers than to the submissions that were received before the closing date? Will Commissioners be provided with the information on these two petitions as they refer to a number of issues?

A1 Details of all petitions received before a report is finalised are included in the report.

Q2 Regarding the traffic impact study which was carried out recently. There is a proposed application for Luisini Winery, which will increase the traffic on the intersection with Wanneroo Road, however this has not been mentioned in the report. Do the Commissioners believe this is relevant?

A2 Both proposals are independent of each other. Luisini Winery is the subject of a report, which will be presented to Council in the near future.

Response by Cmr Paterson: Commissioners will give due consideration to reports provided by the Administration.

The following questions were submitted by Mrs M Macdonald, Mullaloo to the Briefing Session held on 3 August 2004:

Q1 I refer to tonight’s agenda and to the answer given to my question on page (ii) which states “there are certain items that are not listed on the Business Outstanding, which would necessitate a further report to Council”. As a review of the Centres Strategy is not a District Planing Scheme Amendment,

an approval to conduct community consultation or an ongoing issue relating to corporate projects, but a review of a policy document, will Commissioners place this item in Business Outstanding on the agenda and allow ratepayers access to the internal tracking system of other items of outstanding business of Council?

A1 The Administration is preparing a report in relation to items of outstanding business and these comments will be taken into consideration.

Q2 *I refer to Item 14 on tonight's agenda where under the heading of Applicant's Justification is states that "The Sorrento Beach Resort has advised of concerns with 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".*

Whilst there is no disagreement with the recommendation put forward, the report highlights the uncertainty for ratepayers in the interpretation of the land use table, with respect to multiple dwellings in R20 areas, holiday and short stay accommodation, residential dwellings, the absence of policies such as a housing policy, short stay accommodation policy and also absence of developments standards with respect to residential buildings and multiple dwellings in R20 areas. Will Commissioners urgently implement the recommendation from the Minister of Planning and Infrastructure and address these inadequacies?

A2 The statement made in the report was in relation to the difficulties that the valuer would have describing the value of the property. Apart from the recommendations of the Minister in relation to the Section 18 Inquiry on the Mullaloo Tavern, the City is not aware of any other recommendations.

The following questions were submitted by Mr S Magyar, Heathridge to the Briefing Session held on 3 August 2004:

Q1 *Item 7 - Minutes of the Conservation Advisory Committee held on 30 June 2004: Are Commissioners aware that the Graceful Sun Moth is only found on the Swan Coastal Plain and is therefore a rare and endangered species and the population in Warwick Open Space is the largest ever found? The report makes it seem that there are populations elsewhere.*

A1 This comment will be noted.

Q2 *Outstanding Petitions: Will Commissioners be looking at instituting the same procedures as the WA Parliament to ensure that they are satisfied that petitions are handled thoroughly, with a level of accountability similar to the Parliamentary process?*

A2 Administration will investigate that process and report back to Commissioners.

The following question was submitted by Mr M Caiacob, Mullaloo to the Briefing Session held on 3 August 2004:

Q1 Items 12 and 13: The reports state that “The proposed developments were not advertised as the form of the developments is expected under the JCCDPM”. Clause 4.5.2 of DPS2 states that advertising should be conducted if “in the Council’s opinion the variation is likely to affect any owners or occupiers in the general locality or adjoining properties”. How can Council then make a decision under 6.8.1 and 4.5.3 when it should take into account:

- *nil adverse impacts;*
- *the variations’ likely effects on the locality and*
- *the comments of supporters and objectors?*

A1 The report comments on plot ratio and discretions that are sought and comments that this development is consistent with developments in the locality.

The following questions were submitted by Mrs H Papworth, Ocean Reef to the Briefing Session held on 3 August 2004:

Q1 I understood six weeks ago we would know whether Ocean Reef Road was to be extended. How much longer will it be before we are advised?

A1 The working group has had two meetings, progress has been made and it is anticipated a press release will be made next week to advise the community.

Q2 When will a decision be made?

A2 It is anticipated a report will be presented to Council in approximately October/November.

3 DEPUTATIONS

4 APOLOGIES AND LEAVE OF ABSENCE

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ITEM 1 WARRANT OF PAYMENTS 31 JULY 2004 – [09882]

WARD - All

PURPOSE

The Warrant of Payments as at 31 July 2004 is submitted to the Joint Commissioners for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of July 2004 and also includes credit card payments debited to the Municipal Account during September 2002 to May 2003 and July 2003 to September 2003.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	65163 – 65701 & EFT 367 - 544	\$ 6,862,854.41
Municipal Account	000653 – 000659 & 14A – 17A, 363A, 364A, 369A, 382A, 383A, 386A, 389A, 402A, 415A, 420A, 452A, 453A.	\$ 7,768,687.09
Trust Account		Nil
	TOTAL	\$ 14,631,541.50

The Director Corporate Services & Resource Management Advance Account is an imprest account and was reimbursed from the Municipal Account during the month. The difference in total between the Municipal Account and the Director of Corporate Services & Resource Management Advance Account is attributable to the direct debits by the Commonwealth Bank for bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund.

It is a requirement pursuant to the provisions of Regulation 13(4) of the Local Government (Financial Management) Regulations 1996 that the total of all other outstanding accounts received but not paid, be presented to the Joint Commissioners. At the close of July 2004, the amount was **\$ 663,914.70**. The cheque register is appended as Attachments A & B.

COMMENTS

The credit card payments debited to the Municipal Account during September 2002 to May 2003 and July 2003 to September 2003 had not previously been included in the Warrants of Payments. This administrative oversight was highlighted during the examination of the use of all credit cards and how they are processed, approved and documented in accordance with the resolution of Council contained within CJ271-12/03 and C262-12/03. All Warrants of Payments since September 2003 have been correctly included.

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$ **14,631,541.50** which is to be submitted to the Joint Commissioners on 31 August 2004 has been checked, is fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown are due for payment.

PETER SCHNEIDER
Director Corporate Services & Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$ **14,631,541.50** was submitted to the Joint Commissioners on 31 August 2004.

.....
JOHN PATERSON
Chairman of Commissioners

ATTACHMENTS

Attachment A	Warrant of Payments for Month of July 2004
Attachment B	Municipal Fund Vouchers for Month of July 2004

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the Joint Commissioners APPROVE for payment the following vouchers, as presented in the Warrant of Payments to 31 July 2004, certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$ 14,631,541.50.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	65163 – 65701 & EFT 367 - 544	\$ 6,862,854.41
Municipal Account	000653 – 000659 & 14A – 17A, 363A, 364A, 369A, 382A, 383A, 386A, 389A, 402A, 415A, 420A, 452A, 453A.	\$ 7,768,687.09
Trust Account		Nil
	TOTAL	\$ 14,631,541.50

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1brf240804.pdf](#)

ITEM 2 FINANCIAL REPORT FOR THE YEAR ENDING 30 JUNE 2004 – [07882]

WARD - All

PURPOSE

The interim June 2004 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The financial report for the year ended 30 June 2004 has not been audited and is presented to Council as an interim report.

The overall variance (underspend) of \$8.6m is attributed to an increase in net operating funds of \$1.2m and an underspend in Capital Works of \$10.5m which is offset by Capital Expenditure of (\$3.1m)

The overall variance can be analysed as follows:

- The net **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$8.5m compared to a budgeted surplus of \$7.3m at the end of June 2004. The variance is due primarily to additional revenue as a result of recognizing Acquired Infrastructure Assets (assets gifted to the City) and under spends in Consultancy costs and Contribution costs.
- **Capital Expenditure** is \$10.0m compared to a budget of \$6.9m at the end of June 2004. The \$3.1m variance is mainly due to the value of Acquired Infrastructure Assets and the capitalization of Kingsley Memorial Clubrooms. These variances were partially offset by the carry forward of Computer Network Upgrades and deferring the purchase of some items of equipment.
- **Capital Works and Corporate Projects** expenditure is \$10.0m against a budget of \$20.5m, an under spend of \$10.5m at the end of June 2004. Of this variance, \$3.7m relates to normal Capital Works while \$6.8m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$3.5m. Works unfinished as at 30 June 2004 have been carried forward - \$3.2m for normal Capital Works and \$6.8m for Corporate Projects.

DETAILS

The interim financial report for the year ending 30 June 2004 is appended as Attachment A.

ATTACHMENTS

Attachment 1 Financial Report for the year ending 30 June 2004.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That the interim Financial Report forming Attachment 1 to this Report for the year ending 30 June 2004 be NOTED.

Appendix 2 refers.

To access this attachment on electronic document, click here: [Attach2brf240804.pdf](#)

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ITEM 3 TOWN PLANNING DELEGATION – [07032]

WARD - All

PURPOSE

To allow the Joint Commissioners to review and adopt Town Planning delegations following consideration of the Governance Review and advice from the City's solicitors.

EXECUTIVE SUMMARY

The Joint Commissioners at the meeting held on 18 May 2004, resolved to adopt Town Planning delegations in accordance with the District Planning Scheme No 2 (DPS2) for a period of two months.

At the 29 June 2004 meeting, the Council resolved to extend the Town Planning Delegation for a further two months.

The delegations have been reviewed in light of Recommendation No 32 of the Local Government Board Governance Review of the City of Joondalup.

In accordance with the recommendation, it is proposed to remove the involvement of the Mayor in the delegated authority process.

It is recommended that the Joint Commissioners adopt the Town Planning delegation as outlined in the recommendation.

BACKGROUND

DPS2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council considered this matter at its meeting held on 18 May 2004, at which time, the Joint Commissioners resolved to adopt Town Planning delegation in accordance with District Planning Scheme No 2, for a period of two months. In order for delegated authority powers to continue, a new draft delegation resolution has been prepared by the City's solicitors in conjunction with senior planning staff.

At the 29 June 2004 meeting, the Council resolved to extend the Town Planning Delegation for a further two months.

The new delegation takes into account Recommendation No 32 of the Local Government Board Governance Review of the City of Joondalup.

Governance Review

The Town Planning delegations were the subject of one recommendation (Recommendation 32) of the Governance Review, being:

The Mayor or any other elected member should not be involved in the exercise of delegated authority. In the case of planning issues at the City of Joondalup, District

Planning Scheme No 2 should be amended to permit the Director Planning & Community Development to exercise the delegated authority without consultation.

DETAILS

Statutory Provision:

Clause 8.6 of District Planning Scheme No 2 permits town planning functions to be delegated.

The Clauses are:

- 8.6 *Delegation of Development Control Powers, and Powers and Duties In Relation To Other Planning Functions*
- 8.6.1 *The Council may, either generally or in a particular case or particular class of case or cases, by resolution passed by an absolute majority of Council, delegate to all or any of the persons or committees referred to in Schedule 6 any power conferred or duly imposed on the Council under this Scheme.*
- 8.6.2 *Any delegation made under sub-cause 8.6.1 shall have effect for the period of twelve (12) months following the resolution unless the Council stipulates a lesser or greater period in the resolution.*
- 8.6.3 *A delegation of authority pursuant to the provisions of this clause has effect and may be exercised according to its tenor, but is revocable at the will of the Council and does not preclude the Council from exercising the power.*
- 8.6.4 *A resolution to revoke or amend a delegation under this clause may be passed by a simple majority.*
- 8.6.5 *A committee, member or officer exercising the power delegated pursuant to the provisions of this clause shall comply with the provisions of the Scheme governing the exercise of the power of the Council, insofar as such provisions are reasonably applicable.*
- 8.6.6 *A person who is or has been a delegate of the Council is not personally liable for anything done or omitted in good faith in, or in connection with, the exercise or purported exercise of any powers conferred, or the carrying out of any duty imposed on the Council by this Scheme.*

Most larger Local Governments utilise levels of delegated authority as a basic business principle, in relation to Town Planning functions and decision making. Without such a mechanism, it would be exceptionally difficult for the Council to be properly informed to make decisions itself, regarding approximately 60-90 planning applications per month.

COMMENT

Governance Review

The Town Planning delegations were the subject of one recommendation (Recommendation 32) of the Governance Review, being:

The Mayor or any other elected member should not be involved in the exercise of delegated authority. In the case of planning issues at the City of Joondalup, District Planning Scheme No 2 should be amended to permit the Director Planning & Community Development to exercise the delegated authority without consultation.

Form of the Delegation

The form of the delegation has been redrafted in accordance with legal advice. It is not proposed to alter the function of the delegation, however, the specific delegations have been outlined. This will provide further clarity for staff and stakeholders when implementing the delegation.

The delegation allows the Director Planning & Community Development and Manager Approvals, Planning & Environmental Services to implement all aspects of District Planning Scheme No 2. The Coordinator Planning Approvals and Senior Planning Officer have authority to approve development applications that are in compliance with District Planning Scheme No 2, or with minor variations to the applicable standards.

The current delegation permits individual Councillors/Commissioners to ‘call in’ any planning application for determination by Council. No reason is needed by the Councillor/Commissioners to exercise this power.

In accordance with the intent of Recommendation No 32, it is proposed to remove the Mayor from the Delegation process and remove the ‘call in’ power of Councillors from the Delegation.

It is important to note that the new delegation has been drafted in an altered format from what is currently the case.

The previous delegation expressed authority to deal with applications up to a limit, whereas the new notice proposes to delegate all matters subject to certain exceptions.

The proposed delegation also outlines the applications and matters that will be forwarded to Council for determination, where in the opinion of the Director Planning and Community Development, matters of principle or public interest are involved. This will also ensure that strategic decisions are made by Council, prior to the determination of the application.

The new delegation also deals with the Residential Design Codes (introduced in 2002) in a more detailed form and with the benefit of practical experience with the new standards that come with time.

Public Comment

It is estimated that over 5000 invitations to comment on proposals are sent out each year. Many of the invitations are sent by letter, although a small percentage of applications are distinguished by also being advertised with signage on site or newspaper advertisements (depending on the aspects of the application).

Any application to which an objection is received will be referred to the Director Planning & Community Development or the Manager Approvals, Planning & Environmental Services for determination.

Major developments are extensively advertised to the community and particularly to adjoining properties. The Residential Design Codes require that adjoining owners be consulted where a particular development may have a significant adverse impact on that adjoining property.

It is considered inappropriate that items to be dealt with under delegated authority be advertised publicly as any potentially affected adjoining owners have already been contacted. It is noted that approximately 800 planning applications are processed under delegated authority each year.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That the Joint Commissioners BY AN ABSOLUTE MAJORITY ADOPT the revised Town Planning delegation for a period of two years in accordance with the following:

- 1 For the purpose of schedule 6 of the City of Joondalup District Planning Scheme No 2 (“the Scheme”) the town planners who occupy from time to time the following positions are appointed by the Council to supervise the Town Planning control functions of the Council:**
 - (a) the Director Planning & Community Development;**
 - (b) the Manager Approvals, Planning & Environmental Services;**
 - (c) the Coordinator Planning Approvals;**
 - (d) the Senior Planning Officers (Planning Approvals).**
- 2 Pursuant to clause 8.6 of the Scheme, the Council delegates to the persons who occupy, from time to time, the following positions:**
 - (a) the Director Planning & Community Development;**
 - (b) the Manager Approvals, Planning & Environmental Services;**

all powers conferred or imposed on the Council under the Scheme.
- 3 Pursuant to clause 8.6 of the scheme, the Council delegates to the persons who occupy, from time to time, the positions of:**
 - (a) the Coordinator Planning Approvals;**
 - (b) the Senior Planning Officer (Planning Approvals);**

all powers conferred or imposed on the Council under the Scheme except:

- (i) the determination of an application for approval of a single house under clause 6.1.3 (b) of the Scheme or the determination of an application for approval of a grouped dwelling or multiple dwelling or mixed use development under clause 6.1.1 of the Scheme where:**
 - (A) The open space of the proposed development is less than the applicable minimum requirement of table 1 of the Residential Design Codes by more than 10% of that requirement; or**
 - (B) The plot ratio of the proposed development exceeds the maximum requirement of table 1 of the Residential Design Codes by more than 10% of that requirement; or**
 - (C) Any of the setbacks of the proposed development are less than the minimum requirements of table 1 & table 2 or clause 3.2.3 a3.3, a3.5 of the Residential Design Codes by more than 1.5 metres; or**
 - (D) The site area per dwelling of the proposed development is less than the minimum requirement of table 1 of the Residential Design Codes; or**
 - (E) The requirements of clause 3.10.1 a1 (iii), (iv) and (v) of the Residential Design Codes are exceeded by more than 10% of those requirements.**
 - (F) The requirements of clause 3.3.2 a2 (ii), (iii) of the Residential Design Codes are exceeded by more than 10% of those requirements.**
- (ii) the determination of an application for planning approval under clause 6.1 of the Scheme where:**
 - (A) the setbacks of the proposed development; or**
 - (B) the number of on-site car parking bays to be provided; or**
 - (C) the area of the development site to be developed as landscaping,**
is less than the applicable minimum requirement under the Scheme by more than 10% of that requirement;
- (iii) the determination of an application for planning approval where:**
 - (A) advertising and the giving of notice has occurred under clause 6.7 of the Scheme;**

- (b) where any subdivision is approved by the Western Australian Planning Commission subject to a condition to be carried out to the satisfaction of the local government – the determination as to whether the local government is so satisfied;**

As functions to be performed by the persons who occupy, from time to time, the following positions;

- (a) the Director Planning & Community Development;**
- (b) the Manager Approvals, Planning & Environmental Services;**
- (c) the Coordinator Urban Design & Policy;**
- (d) the Senior Planning Officers (Urban Design & Policy);**

- 7 The Chief Executive Officer is to cause a report of the exercise of functions referred to in paragraph 6 above to be prepared and presented to an Ordinary Meeting of Council.**

ITEM 4 ADOPTION OF PROPOSED MODIFICATIONS TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL STRUCTURE PLAN NO. 1 - CITY NORTH, CENTRAL BUSINESS, LAKESIDE AND CAMPUS DISTRICTS – [00152]

WARD - Lakeside

PURPOSE

For the Joint Commissioners to consider submissions regarding proposed modifications to the Joondalup City Centre Development Plan and Manual (JCCDPM) following public advertising and to adopt these modifications.

EXECUTIVE SUMMARY

The Joint Commissioners considered a report on the proposed modifications to the JCCDPM at their meeting on 27 April 2004 (CJ089-04/04 refers). The proposed modifications relate to plot ratio and car parking provisions in the City North, Central Business, Lakeside and Campus Districts within the JCCDPM and also seek to correct references to the 1991 Residential Planning Codes that have now been replaced by the Residential Design Codes (R Codes).

It was resolved at this meeting to adopt the modifications for the purposes of public advertising, which closed on 1 July 2004. One submission of objection was received and is summarised in this report (see Attachment 17).

The proposed modifications are minor in nature and do not alter the intent or purpose of the JCCDPM. It is therefore recommended that the Joint Commissioners:

- 1 pursuant to Clause 9.6 of the City of Joondalup's District Planning Scheme No. 2, RESOLVE that the modifications to the Joondalup City Centre Development Plan and Manual Structure Plan No. 1 as shown in Attachments 2, 4, 6, 8, 10, 12, 14 & 16 to this Report be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;*
- 2 subject to certification by the Western Australian Planning Commission ADOPT the modifications to the Joondalup City Centre Development Plan and Manual Structure Plan No. 1 and authorise the affixation of the Common Seal to, and signing of, the Structure Plan documents.*

BACKGROUND

The JCCDPM relates to land within the Joondalup City Centre and is arranged into Districts. The Districts that are the subject of this report are City North, Central Business, Lakeside and Campus Districts (see Attachment 1).

The proposed modifications can be divided into matters relating to plot ratio, car parking and general administrative matters. They are necessary to address anomalies between the JCCDPM and the R Codes, and to provide further clarification regarding development provisions within the subject Precincts.

The Joint Commissioners considered a report on the proposed modifications to the JCCDPM at their meeting on 27 April 2004 (CJ089-04/04 refers) when they resolved to adopt the modifications for the purposes of public advertising. Advertising closed on 1 July 2004.

DETAILS

There are seven modifications proposed. These modifications follow:

1 Adding a clause A2.5 to Section A2 Plot Ratio for City North District

Section A2 does not include a definition for plot ratio and therefore it is left open to interpretation as to what should be included or excluded from the calculated area. Attachment 2 shows the proposed modification and Attachment 3 shows the tracked changes.

2 Replacing clause A2.2 Measuring Plot Ratio for Central Business District

Clause 2.2 provides a brief definition of plot ratio based on gross leasable area which does not adequately explain what areas are included in this calculation. It is proposed to replace the current definition with the same plot ratio definition for the Central Business District as for the City North District to provide consistency (Attachment 4 shows the proposed modifications & Attachment 5 shows the tracked changes).

3 Adding text to clause 2.0 Plot Ratio for the Campus District

A plot ratio is only set out only for Mixed Use/Residential lots in the Campus District but no plot ratio for Residential lots. The R Codes provisions therefore have to be used which state a maximum plot ratio of 0.65 for single houses and grouped dwellings and 0.70 for multiple dwellings applies to lots within the Campus District. However, the maximum plot ratio and the density of the residential lots in the Campus District are not compatible such that compliant developments cannot achieve the maximum plot ratio set out in the R Codes.

This report proposes definition of plot ratio and adds a statement that the plot ratio requirements of the R Codes shall not apply to the Residential component of any development (Attachment 14 shows the proposed modifications & Attachment 15 shows the tracked change). This will provide consistency with the development provisions for City North, Central Business and Lakeside Districts where plot ratio does not apply for Residential developments.

4 Adding car parking requirements for the Central Business and City North Districts

There are currently no car parking requirements for the Central Business District and City North District included within the JCCDPM. However, the City has been applying standard car parking requirements based on the DPS2 provisions detailed in Table 2 – Car Parking Standards and the City’s Joondalup City Centre Public Parking Strategy (the Strategy), to all applications submitted for approval. This report proposes to formalise the car parking

requirements imposed by modifying the JCCDPM to include them. (Attachments 6 & 8 show the proposed modifications & Attachments 7 & 9 show the tracked changes).

5 Modifying the car parking requirements for the Lakeside District

The current car parking requirements for the Lakeside District refer to the requirements stipulated in the Residential Planning Codes (1991) that are were superseded by the R Codes in 2002. However, rather than simply update the relevant sections within the Lakeside District to refer to the requirements of the R Codes, it is more consistent to stipulate the same specific car parking requirements in the same way that requirements are stipulated for the Central Business and City North Districts, as noted above (Attachment 10 shows the proposed modifications & Attachment 11 shows the tracked changes).

6 Deleting reference to car parking requirements of the R Codes for the Campus District

Similarly, the current car parking requirements for the Campus District refer to the requirements stipulated in the outdated Residential Planning Codes (1991) Campus District. It is proposed to stipulate the same specific car parking requirements in the same way that requirements are set out for the Central Business, City North and Lakeside Districts above (Attachment 12 shows the proposed modifications & Attachment 13 shows the tracked changes).

7 Deleting all references to the “Residential Planning Codes” and replacing with the words “Residential Design Codes”

As noted above, the Residential Planning Codes (1991) were superseded by the R Codes in 2002. It is proposed to alter the reference for the whole JCCDPM (see Attachment 16).

Statutory Provision:

Clause 9.7 of the City’s District Planning Scheme No. 2 (DPS2) requires modifications to Structure Plans to be advertised in accordance with provisions of clause 6.7 of DPS2 prior to further consideration by the Joint Commissioners. Under clause 9.6 of DPS2, the Joint Commissioners shall consider all submissions received during the advertising period within sixty (60) days of the date of the last submission (see Attachment 17).

After consideration of all submissions, the Joint Commissioners shall either resolve to refuse or to adopt the modifications to the Structure Plan, with or without further modification, and to submit three copies to the Western Australian Planning Commission (WAPC) for final adoption and certification.

Consultation:

Advertising was undertaken for a period of forty two (42) days by way of notification to all affected landowners in each of the subject Districts, a notice being placed in the Joondalup community newspaper and details provided on the City’s web site.

Public advertising closed on 1 July 2004, and one submission of objection was received (see Attachment 17). The concerns raised in this submission relate to the status of the JCCDPM as an Agreed Structure Plan, definitions of land uses, car parking provisions for temporary accommodation, mixed use and hotel uses, plot ratio provisions for residential uses,

development controls for residential temporary accommodation uses and the use of planning terminology.

COMMENT

The main comments raised in the one submission received are summarised below and a response provided under each heading. Attachment 17 sets out each point individually with the City's response.

Status of the JCCDPM as an Agreed Structure Plan.

Comment

The submitter contends that the JCCDPM is not an Agreed Structure Plan.

Response

The JCCDPM was adopted as a Structure Plan under the City of Wanneroo's Town Planning Scheme No 1 (TPS1). The City has obtained legal advice that confirms the status of its JCCDPM as an Agreed Structure Plan.

Definitions of land uses

Comment

The submitter raises concern that there is no specific definition of a 'residential/commercial unit' in the JCCDPM.

Response

The term 'residential/commercial' unit refers to a combination of both 'residential' and 'commercial' uses. This combination is also referred to as mixed use development and is distinct from either use on its own.

Comment

The submitter queries whether temporary forms of accommodation are residential or commercial in nature in relation to car parking provisions discussed below.

Response

A Supreme Court ruling included in a letter to the City from the Minister for Planning and Infrastructure dated 31 May 2004 concerning the redevelopment of the former Mullaloo Tavern site as serviced apartments determined that short stay accommodation is to be classified as a residential building. Car parking provisions for residential uses are proposed within this modification to the JCCDPM.

Plot ratio definition and provisions for residential uses

Comment

The submitter objects to the proposed definition for plot ratio differing from the R Codes.

Response

The definition varies only in specifying “residential/commercial units” rather than just using the term buildings as in the R Codes. This change specifically addresses the intent of the JCCDPM to apply plot ratio to mixed use only development in City North, Central Business and Campus Districts, not to solely ‘residential’ uses.

Comment

The submitter questions how plot ratio applies to dwellings and considers that plot ratio is necessary to control bulk and scale.

Response

By excluding any specific reference to ‘residential’ buildings in the proposed definition, the plot ratio is not applicable to residential uses. No plot ratio applies therefore to “residential” only developments in these Precincts. Plot ratio is not the major planning tool used to control the bulk and scale of development, rather other measures such as setbacks and policies relating to height and scale are used to control height and scale. The R60 density provisions of the R Codes are considered to be adequate in this case, making plot ratio unnecessary.

Car parking provisions for temporary accommodation, mixed use and hotel uses*Comment*

The submitter suggests that the modifications refer only to parking provisions for residences.

Response

Residential car parking provisions are set out in the car parking requirements. In the Central Business, City North and Campus Districts, where uses other than residential are permitted, car parking provisions have also been set out for the permissible commercial uses.

Comment

The submitter suggests that proposed car parking requirements are inadequate for temporary accommodation, mixed use and hotel uses.

Response

An assessment of car parking requirements for these uses would be based on an overall car parking requirement having considered the particular use, form of accommodation, the number of employees, hours of operation and any anticipated visitors to the site. This assessment would therefore be site specific. Furthermore, the Joondalup City Centre was specifically planned to promote the use of alternative modes of transport other than private vehicles. A requirement to provide more car parking bays would be contrary to this overriding intent and would not support principles of sustainability.

Car parking for residential developments and landmark buildings*Comment*

The submitter claims that car parking provisions for residential uses in the Campus District are inadequate and will affect amenity and accessibility.

Response

The proposed provisions are consistent with the R Codes as the standard for the State and are therefore considered adequate.

Comment

The submitter suggests that car parking requirements for landmark sites should be stated.

The number of car parking bays required for such sites is assessed according to the particular merits of a development application to the City.

Development controls for residential temporary accommodation uses

The submitter states that the City was directed by the WAPC to prepare a policy on temporary accommodation, including the impacts of car parking provisions, and that the City has not prepared such a policy.

Response

The Minister for Planning and Infrastructure, in a letter to the City dated 31 May 2004 concerning the redevelopment of the former Mullaloo Tavern site as serviced apartments, recommended urgent attention be given to the formulation of guidelines for the development of short stay accommodation in Commercial zones where such developments are permissible. It is noted that the preparation of such a policy is urgent, therefore its preparation has commenced and will be finalised as soon as possible.

Comment

The submitter objects that there are no development controls in place relating to temporary accommodation.

Response

The location of car parking bays and development controls are not the subject of these proposed modifications to the JCCDPM and are therefore not addressed.

Use of planning terminology*Comment*

The submitter has objected to planning terminology not being applied.

Response

Where possible, the use of planning terminology and jargon is avoided, and the use of common language is usual to increase public understanding. This is normal practice within Council reports and correspondence where the understanding of the reader is essential.

Conclusion

At this time, what floor areas are included in plot ratio within the City North, Central Business and Campus Districts of the JCCDPM are either undefined or incomplete. This makes it difficult for developers to design compliant buildings and for the City's officers to assess developments in a consistent manner. Moreover, the lack of definition does not enhance public confidence that the City assesses all developments consistently. A clear definition will allay these concerns.

In addition, car parking provisions are not set out for residential or commercial uses in these Districts and rely on cross-referencing with the provisions of DPS2 and the City's Joondalup City Centre Public Parking Strategy. This can be confusing and may lead to misinterpretation. Setting out the requirements in the JCCDPM will provide clarity.

Furthermore, there are outdated references to the 1991 Residential Planning Codes in the JCCDPM which need to be amended so that all requirements relating to these provisions are clear.

The proposed modifications are considered necessary to provide definitions and clear direction on plot ratio and car parking provisions in the City North, Central Business, Lakeside and Campus Districts within the JCCDPM and also to correct outdated references in the general text to a statutory document.

The objections raised by the submitter in relation to the status of the JCCDPM as an Agreed Structure Plan, definitions, car parking provisions and plot ratio provisions have been addressed in this report. Concerns about the lack of development controls for temporary accommodation are not addressed as these are not the subjects of this report.

Further modifications to the JCCDPM to provide more clarity are not considered necessary and it is recommended that the proposed modifications be adopted, without modification.

ATTACHMENTS

Attachment 1	Plan of JCCDPM Districts
Attachments 2, 4, 6, 8, 10, 12, 14,	Proposed modifications (extract only)
Attachment 3, 5, 7, 9, 11, 13, 15	Districts' provisions (tracked extract)
Attachment 16	Addendum to whole text
Attachment 17	Summary of submissions

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That the Joint Commissioners:

- 1** pursuant to Clause 9.6 of the City of Joondalup’s District Planning Scheme No. 2, **RESOLVE** that the modifications to the Joondalup City Centre Development Plan and Manual Structure Plan No. 1 as shown in Attachments 2, 4, 6, 8, 10, 12, 14 & 16 to this Report be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;
- 2** subject to certification by the Western Australian Planning Commission **ADOPT** the modifications to the Joondalup City Centre Development Plan and Manual Structure Plan No. 1 and authorise the affixation of the Common Seal to, and signing of, the Structure Plan documents.

Appendix 3 refers.

To access this attachment on electronic document, click here: [Attach3brf240804.pdf](#)

ITEM 5 AMENDMENT 24 TO DISTRICT PLANNING SCHEME NO 2 - PROPOSED REZONING FROM LOCAL RESERVES 'PARKS AND RECREATION' TO 'URBAN DEVELOPMENT' – LOT 61 (NO 14) LEACH STREET, MARMION (FORMER CSIRO SITE) – [85558]

WARD - South Coastal

PURPOSE

The purpose of this report is for the Joint Commissioners to consider initiating Amendment 24 to District Planning Scheme No 2 (DPS2) for the purposes of public advertising (Attachment 2).

EXECUTIVE SUMMARY

Lot 61 (No 14) Leach Street, Marmion is a 2.1885 hectare parcel of land bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Attachment 1). The site was formally owned in freehold title by the Commonwealth Scientific and Industrial Research Organisation (CSIRO). The CSIRO disposed of the site in 2003 as it was surplus to their requirements and it was subsequently purchased by Marmion Estate Pty Ltd.

The site is reserved as Local Reserves “Parks and Recreation” under the City’s District Planning Scheme No 2 (DPS2) (Attachment 2) and “Urban” under the Metropolitan Region Scheme (MRS). A residential density code of R20 applies to the site.

The proposed amendment seeks to rezone the land to ‘Urban Development’ to facilitate the preparation of a structure plan to guide future redevelopment of the site for residential purposes.

The subject land was originally created as a Recreation Reserve and ceded free of cost to the Crown. The land had its Reserve status cancelled in 1974 by the State Government at the time and it became a freehold lot (known as lot 61). A private company now owns the land in freehold title, with no encumbrances on the title that limit use or development of the land. The proposed amendment does not seek to facilitate a built form outcome that is significantly different to that already prevailing within the immediate locality. No significant environmental, historical or traffic related issues have been identified.

Three key issues have been identified by some members of the local community with respect to the proposed rezoning of the site. These relate to public open space (POS) allocation for the site, local community requests for the City to retain the site as a park and reuse the buildings for community purposes and a suggested deficiency in POS provision throughout the suburb of Marmion caused by the proposed rezoning.

Public advertising of the proposal will ensure that all interested parties are given an opportunity to comment on the proposed amendment and will assist the City to gauge the level of community support for the rezoning of the land.

The Joint Commissioners considered a report on the proposed scheme amendment at their meeting on 20 July 2004, however resolved to defer its decision to the ordinary meeting on 31 August 2004 in order for the administration to further investigate the Percy Doyle Reserve land exchange issue and to also allow for both the proponent and the community to make a presentation to the Joint Commissioners. Further information relating to Percy Doyle Reserve is provided within the details and comment sections of this report. On the 17 August 2004, both the proponent and the local community made a presentation to the Joint Commissioners with respect to the proposal.

It is therefore considered appropriate that the Joint Commissioners:

- 1 *Pursuant to Section 7 of the Town Planning and Development Act 1928 (as amended), AMEND the City of Joondalup District Planning Scheme No 2 for the purpose of unreserving Lot 61 (14) Leach Street, Marmion from Local Reserves ‘Parks and Recreation’ and zoning it to “Urban Development” and ADOPT Amendment No 24 as suitable for the purpose of advertising for a period of 42 days;*
- 2 *FORWARDS the amending documents to the Environmental Protection Authority to decide whether or not an environmental review is required and obtains the Environmental Protection Authority’s decision in writing prior to the advertising period commencing.*

BACKGROUND

The proposed amendment applies to land described as Lot 61 (14) Leach Street, Marmion which is a 2.1885 hectare parcel of land bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south. The site lies in an elevated coastal area, approximately 200 metres east of the Indian Ocean (refer Attachment 1). The central portion of the site was developed as a marine research facility for use by the CSIRO, with the remaining land to the north and south of the marine research buildings remaining vacant. The subject land is surrounded by single residential dwellings (predominantly two storey brick and tile construction) at a low (R20) residential density. A large area of public open space (Braden Park) is located immediately to the east of the subject land.

Suburb/Location:	Lot 61 (14) Leach Street, Marmion
Applicant:	Chappell and Lambert Pty Ltd
Owner:	Marmion Estate Pty Ltd
Zoning:	DPS: Local Reserves “Parks and Recreation”
	MRS: Urban
Strategic Plan:	Strategy 3.3.1 – Provide residential living choices.

Attachment 3 lists all previous planning and development applications lodged with both the City of Joondalup and former City of Wanneroo with respect to the site, together with a chronological list of all known planning, development and land tenure events associated with the site from its creation in 1939 to the present time (including all previous relevant Council resolutions pertaining to the site).

The landowner has undertaken preliminary public consultation with the local community in order to raise awareness of the proposal. The details of this consultation are summarised within the details section of this report.

The landowner's also addressed the Joint Commissioners regarding a proposal to rezone and subsequently subdivide the site at the strategy session on 9 December 2003 and 17 August 2004. The purpose of their presentations was to inform Commissioners of their intentions for development of the site in the event the City could expect to receive calls concerning the matter.

The local community also addressed the Joint Commissioners regarding this proposal on the evening on 1 June and 17 August 2004. The purpose of these deputations was to inform Commissioners of the local community's issues with respect to the proposal.

DETAILS

The subject land is currently zoned Local Reserves 'Parks and Recreation' under the City's DPS2 and has a density coding of R20. The City's DPS2 maps show both zoning and density coding on separate maps and allocate a density code to road reserves and public open space. The City's DPS2 maps therefore depart from other Local Government Planning Scheme maps which show both zoning and coding information on the same map, with road reserves and public open space not being allocated a density code.

An application has been made requesting the City to change the zoning the site to 'Urban Development' (proposed scheme amendment).

The purpose of the proposed amendment is to facilitate future subdivision of the site into approximately 39 residential lots, with an average lot size of 500m² in accordance with its current residential density code of R20. An indicative subdivision plan is shown in attachment 2, which outlines how the applicant generally intends to subdivide the site (refer Attachment 2).

The majority of future lots proposed front the four existing roads surrounding the site. The indicative subdivision plan also shows an internal east/west road that provides vehicular access to lots fronting this new road, whilst providing a pedestrian linkage from Braden Park to the east of the site to an existing Pedestrian Access Way (PAW) in Leach Street that leads to West Coast Drive and the ocean to the west.

Preliminary community consultation, traffic, environmental and heritage assessment reports

The applicant has provided Community Consultation, Traffic, Environmental, Landscape and Visual Quality Assessment and Heritage Assessment Reports to support their application to rezone the site. The main outcomes/recommendations contained within the technical reports have been summarised and appear under separate headings below, with the key applicant's findings shown in italics:

Community Consultation

The applicant has undertaken preliminary public consultation with the local community in order to provide input for the planning of the site, to obtain feedback for the landowner's proposal and to gauge the level of community support to the proposal. This consultation was in addition to, and does not form part of, the statutory 42 day public consultation period to be undertaken by the City in the future. Consultation was undertaken from December 2003 to February 2004, with a total of 114 contacts made with local residents through the following methods;

- Door knock of neighbouring residents undertaken on 6/12/03.
- Two open days held at the Marmion Primary School on 13/12/03 and Marmion Shopping Centre on 17/1/04.
- One-on-one meetings undertaken, an information phone line set up and community update newsletters delivered to local residents.

The main results of this consultation, as contained within the applicant's report, are as follows:

- *There is an historical attachment to the natural qualities of the site by the local community, with past development of the CSIRO site causing dissent in the local community.*
- *A small number of residents wanting no development of the site and/or the site to be returned to parkland.*
- *Most residents supported development of the site and offered suggestions such as restricting heights of retaining walls, retaining the natural landform, ensuring zoning of the site is consistent with the surrounding neighbourhood, improving infrastructure and design guidelines covering the above issues, as well as house colours, fence height, house size and limiting use of extensive paved areas at the front of houses.*
- *There are differing opinions in the provision of public open space either on site or via cash in lieu.*
- *The traffic on Cliff Street is a major concern with respect to vehicle speed and dangerous driving. Traffic calming efforts to date have not resolved the problems.*
- *The streetscape requires upgrading with the provision of street trees and planting of trees within traffic islands/roundabouts.*

A statutory 42 day public advertising period for all proposed scheme amendments is required under the Town Planning Regulations 1967. Should the Joint Commissioners decide to initiate the proposed amendment for the purposes of public advertising, the City controls this advertising process, which is in addition to consultation previously undertaken by the landowner. This is to ensure that all submissions received by the City during the statutory public advertising period are fairly considered (to remove any perception of bias), investigated and a response provided.

Traffic Report

The applicant has submitted a report that lists the traffic issues arising from the proposal. The main results, as listed within the report, are as follows:

- *The proposal will generate approximately 351 trips per day.*
- *The existing roads surrounding the site carry less than 3000 vehicle movements per day, with direct lot access from these streets being acceptable under current road planning guidelines.*
- *60% of vehicle trips are expected to be to the south, with 20% to the North and 20% to the east. It is assumed that any trips west to the beach would be walking/cycling trips given the close proximity of the beach.*
- *In traffic engineering terms, the proposed traffic associated with the development will have no significant impact on local streets.*
- *With respect to the location of the proposed east/west road, sufficient vehicle sight lines and visibility at proposed intersections can be achieved.*

Environmental Reports

The applicant has submitted two Environmental Reports for the site. The main results, as listed within the reports, are as follows:

- *There are no known occurrences of rare, threatened, endangered or priority flora within the site.*
- *There are no known occurrences of declared rare or priority species of fauna within the site.*
- *The site is not part of the WA Government's 'bush forever' policy nor is the site proposed for reservation as a 'bush forever' site, therefore the site has no regional conservation significance.*
- *Poor biological condition of the vegetation on the site suggests that the site's vegetation does not possess any characteristics or attributes which would give it conservation significance in the local context.*

The reports were commissioned at different times, one in 2003, and one completed this year.

An environmental assessment of the site for hazardous materials arising from its previous use as a marine research facility is also included within the Environment Report. The main findings, as listed within the environmental report, are as follows:

- *Asbestos is either known or suspected of being present in existing buildings.*
- *PCB capacitors are present in older fluorescent light fittings.*
- *Glass fibre insulation material is present in the ceilings of the main laboratory.*
- *Small quantities of hazardous laboratory chemicals remain in the laboratory.*
- *Subject to confirmation of the composition of any sludge material in the interceptor trap, soils within the site do not pose a health risk to future occupants of the site (material in the interceptor trap should be tested for chemical deposits).*
- *Further site investigation of soil and groundwater is not necessary.*

Landscape and Visual Quality Assessment Report

In addition to the environmental report, a landscape and visual quality assessment report was prepared for the CSIRO. The recommendations, as listed within the report, are as follows;

- *Development within the site should be of scale, form and finishes that are visually compatible with the surrounding residential area.*
- *The built form should be interspersed with open, landscape spaces of sufficient size distribution and planting to be discernible from middle ground viewpoints.*
- *Elements of either built or landscape form that are taller than the overall scale of the surrounding residential area may be introduced provided that they are not visually intrusive from middle ground or distant viewpoints and provided that they are not major components of the development.*
- *The natural vegetation extending approximately 20 metres inwards from the northern site boundary should be protected, retained and rehabilitated to enhance its scientific and community value as remnant bush land.*

The comments above indicate a need for landscaping in future to break up the building massing and to give the landscape some profile when viewed across the site particularly from a distance.

Both the City's Landscape Architect and Biodiversity Assessment Officer undertook an independent landscape assessment of the site and this assessment confirmed what was recommended within the above Environmental and Landscape and Visual Quality Assessment reports.

The City's independent landscape assessment of the site did not support the recommendation within the Landscape and Visual Quality Assessment Report, relating to the protection and rehabilitation of the northern portion of the site. The existing vegetation throughout the site, including the northern portion of the site, is weed infested and vegetation found in this area does not possess any characteristics or attributes which would give it conservation significance. It is also expected that the Environmental Protection Authority (EPA) will also conduct its own independent landscape assessment of the site through the normal scheme amendment referral process.

Heritage Report

The applicant has submitted a Heritage Report for the site, with the main findings listed as follows:

- *The former marine research facility is considered to be of some scientific significance for its role in the field of marine science in Australia in the period of operation from 1975 to the 1990s.*
- *The report did not find any other grounds for assessing the place to be of cultural heritage significance.*
- *The site is not included on any heritage registers.*
- *The site is not identified on any register as being of Aboriginal significance.*

The above reports shall be made available to the public for perusal at the City's administration building if the proposed amendment is granted approval for the purposes of advertising by the Joint Commissioners.

The comments made in the above reports are made by the landowner's various technical consultants and have been summarised by the City. Comments outlined above may be viewed by some members of the community as being incorrect, with the City simply noting these comments.

Details of Key Issues

Three key issues have been identified by some members of the local community with respect to the proposed rezoning of the site. These relate to public open space (POS) allocation for the site, local community requests for the City to retain the site as a park and reuse the buildings for community purposes and deficiency in POS provision throughout the suburb of Marmion caused by the proposed rezoning. Details with respect to these issues are as follows;

Outstanding POS allocation issue

Council records indicate that the land was previously created as a reserve for recreation (Public Open Space). When the State Government (Minister for Lands) cancelled the reserve status in 1974 and sold the site to the CSIRO in 1975, the local POS provided at this site is believed to have been relocated and provided at Percy Doyle Reserve. This statement appears within a report prepared by Russell Taylor and William Burrell, Town Planning consultants in 1990, which related to a previous application to rezone the site. The Minutes of a Special Meeting of Electors on 16 June 1992 also include a comment to the effect that *'The land was purchased by the Commonwealth from the State Government and the City obtained the Percy Doyle Reserve in exchange for this land'*.

Further details required by the Joint Commissioners at its meeting on 20th July 2004 (CJ169-07/04 refers) with respect to Percy Doyle Reserve

With respect to the matter relating to Percy Doyle Reserve, and as requested by the Joint Commissioners, the City liaised with the Department for Planning and Infrastructure (DPI) in order to obtain further information. The response provided to the City by the DPI is as follows;

"I refer to previous E-Mails in response to queries raised by a Commissioner of the City of Joondalup and our telephone discussions, regarding the relationship between the creation of Reserve 33894 (Percy Doyle) and the disposal of Marmion Lot 61.

"As discussed, there was no land exchange involving the disposal of Lot 61 to the Commonwealth of Australia in 1974 and the creation of Reserve 33894 in 1976. The (then) Shire of Wanneroo did not own or have any right, title or interest in Lot 61. In accordance with approved Retention and Disposal policies, the file for Lot 61 has been destroyed. Therefore, there are no records as to any specific discussions with the Shire of Wanneroo regarding the disposal of Lot 61 and whether there were any agreements or understandings, following the disposal of the Crown Land.

The majority of land that consists of Reserve 33894 came from freehold land transferred to the State of Western Australia from the (then) R & I Bank, in 1981. This resulted from a planning process with respect to an area identified as "West Hamersley". There are references in volume 1 of 2974/970 to discussions with the Shire of Wanneroo and the respective parties to the "loss" of Crown land that comprised Lot 61. However, these were general comments and it is not known in what context the discussions were held. As previously advised by telephone, I note that the initial area nominated to be transferred to the State by the Bank was increased during this time. The final additional amount exceeded the area of Lot 61".

Retain the site as a park and reuse the buildings for community purposes

There is some suggestion that the land be retained and developed as a park and the existing buildings used for community purposes. Whilst the current zoning of the site would allow for this to occur, the current landowner has lodged an application to rezone the site in order to redevelop the land for residential purposes and as such, does not intend to retain the site as a park and reuse the buildings for community purposes.

In order to achieve this outcome, the City would need to purchase the site from the current landowner. The landowner advised council's officers that the recent purchase of the land was for an amount of approximately \$9 million.

Deficiency and Loss of Public Open Space (POS) in Marmion

There is some suggestion that there is a deficiency in public open space provided within the suburb of Marmion. The subdivision that created the subject lot and lots immediately surrounding it on Ozone Road, Leach Street and Troy Avenue in 1939 predated the 10% POS contribution requirement that was introduced by the State Government in 1956.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (as amended) together with the Town Planning Regulations 1967 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed (refer Attachment 4).

Should the Joint Commissioners support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal environmental review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

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

Consultation:

The Town Planning Regulations 1967 requires the amendment to be advertised for a period of forty-two (42) days. All landowners immediately adjacent to the site would be notified in writing, a sign erected on the site and a notice placed in the Joondalup Community Newspaper.

Although informal consultation has occurred, it should not be confused with the statutory public consultation process that is required to be undertaken and controlled by the City.

Strategic Implications/Sustainability Implications:

The proposed amendment will facilitate the provision of 'infill' housing in line with the State Government's objective in minimising urban sprawl by facilitating the consolidation of existing urban areas.

COMMENT

The following comments outline the City's town planning approach, justification on planning related grounds and options that the Joint Commissioners may wish to consider with respect to the rezoning application;

Current Zoning and Development Permissibility

Under Clause 2.3 of the City's DPS2, this clause outlines the planning and development requirements for local reserves and Clause 2.32 relates to use of reserves and states that any local reserve not owned by or vested in the Council may be used for any purpose approved by the Council but in accordance with any conditions imposed by Council.

In essence, the above clause of DPS2 allows the Joint Commissioners to approve development upon the site without the need for the land to be rezoned. The use of this particular clause by the Joint Commissioners is not recommended, as the process is not considered to be open and transparent because it does not offer the local community any opportunity to provide comment on the proposal.

'Urban Development' Rezoning Approach vs 'Residential' Rezoning Approach

Applying an "Urban Development" zoning to the site enables a more holistic approach for the future planning and development of this site, rather than applying a "Residential" zone to the site. The 'Urban Development' zoning requires the provision of a structure plan. A structure plan sets out specific development requirements and facilitates future subdivision and development of the site.

Under Clause 3.12 of DPS2, this clause relates to the "Urban Development" zone. Under sub clause 3.12.2 of DPS2, no subdivision or other development should be commenced or carried out in an Urban Development Zone until a structure plan has been prepared and adopted in accordance with the provisions of Part 9 of DPS2. No such provisions are included within clause 3.4 for the "Residential" Zone and therefore does not necessarily allay community concern in terms of future built form or amenity. The result is a more transparent process that allows the community to be better informed with respect to what future development upon the site will look like.

The density coding of land within the "Urban Development" zone is usually considered within the context of a structure plan, however in this case, the applicant seeks to redevelop the land in accordance with its existing R20 density code, which is the same density code prevailing within the Marmion locality and throughout the City of Joondalup generally.

Rationale behind recommendation to initiate rezoning of the site for advertising purposes

The following points are provided in order to justify the City's recommendation that the proposed amendment should be initiated for the purposes of advertising:

- The residential land use proposed for the site is identical to that prevailing in the immediate locality.
- The residential land use proposed for the site is in conformity with the 'Urban' zoning of the site under the Metropolitan Region Scheme.

- The built form outcome proposed by the applicant is not expected to be significantly different to that prevailing in the locality.
- The current R20 residential density code applied to the site is to remain unchanged and is identical to the residential density code that applies to land surrounding the site.
- The subject land is not a formal Reserve for Recreation as its Reserve status was cancelled in 1974 and the site sold in freehold title to the CSIRO.
- Upon cancellation of the sites Reserve status, the CSIRO's subsequent acquisition and use of the site was not for park/recreational type uses. The zoning of the site under the then Town Planning Scheme No 1 (TPS1) should have reflected the CSIRO's use of the site as a marine research facility. The change in zoning was never undertaken, with the 'Parks and Recreation' zoning remaining in TPS1 and carried over into the City's DPS2.
- The site was never formally developed as a bonafide Recreation Reserve.
- No significant traffic issues have been identified.
- No significant environmental issues have been identified.
- No significant historical or ethnographic issues have been identified.

Further to the above, advertising of the proposed amendment will:

- Ensure that all interested parties are given an opportunity to comment on the proposed amendment, with this process being controlled by the City.
- Assist the City to gauge the level of community support or non support for the proposal.
- Assist the City to identify all issues arising from the proposed amendment, so that every issue raised can be thoroughly investigated and reported upon within a future report to the Commissioners for their decision to either refuse or grant final approval to the proposed amendment.

Deficiency and Loss of Public Open Space (POS) in Marmion

It has been suggested that there is a deficiency in public open space provided within the suburb of Marmion.

The subdivision of Marmion in 1939 predated the 10% POS contribution requirement that was introduced by the State Government in 1956. The 10% POS requirement therefore did not apply to the subdivision of Marmion, and should not be used as a benchmark to compare POS provided in other suburbs.

Research has identified that within a previous Council report in 1991, the report stated that public open space provision in Marmion comprises 9.7% (8.18 hectares) of the gross subdividable area, which equates to a 0.3% shortfall. The report went on to state that this is insignificant considering proximity to the ocean foreshore and Star Swamp.

The City has recently undertaken a POS audit for the suburb of Marmion, with the results of the audit shown in Attachment 1. There is a total of 8.007 hectares of POS (excluding the former CSIRO Site, foreshore reserve, and primary school site) provided within Marmion. Based on a total land area of 110.777 hectares, which excludes the foreshore reserve of 4.7443 hectares that is generally excluded in the calculation of the 10% POS provision requirement), POS provided within the suburb of Marmion equates to approximately 7.23%.

All coastal suburbs (including Marmion) contain foreshore recreation reserves that are generally in addition to the normal 10% POS requirement that is given up at the time of subdivision. The size of the foreshore reserve for Marmion is 4.7443 hectares. The Marmion Primary School site also contains an area of 6.0285 hectares that can be accessed by the general public for recreational pursuits.

A total of 18.7798 hectares of land, which excludes the former CSIRO site area of 2.1885 hectares, is available for recreational pursuits within the suburb of Marmion, which has a total land area of 115.5213 hectares (including the foreshore reserve area) and equates to approximately 16% of the suburb being set aside for recreational purposes.

From a town planning perspective and having due regard to both State Government subdivision policy and the City's POS audit outlined above, the overall amount of land available within Marmion for recreational pursuits is considered sufficient.

Percy Doyle Reserve

As outlined within the details section of this report, the DPI is unable to definitively confirm that the local POS provided at this site was relocated and provided at Percy Doyle Reserve, however it is now confirmed that Percy Doyle Reserve was increased in size. Whether or not this increase is directly linked to the cancellation of the subject land's reserve status and subsequent sale to the CSIRO remains unconfirmed, as both DPI and former City of Wanneroo records are either destroyed or can not be found.

The comments made by DPI appear to assist in substantiating a link between the two land parcels and gives further credence to statements made with respect to this particular matter in previous Council reports that considered previous applications to rezone the site. Confirmation of this issue is not considered to form an integral component of the Joint Commissioners consideration and subsequent determination of the rezoning proposal, particularly as the overall amount of land available within Marmion for recreational pursuits is considered sufficient as outlined within this report.

Percy Doyle Reserve is not within the suburb of Marmion, however this Reserve is located immediately adjacent. Percy Doyle Reserve is available for use by the general public and given its considerable size and close proximity to the suburb of Marmion, the Reserve is also utilised by members of the Marmion community for recreational pursuits, thus adding to the total amount of recreational area available to the Marmion community.

Environmental Protection Authority (EPA) Issues

The Environmental Protection Authority (EPA) has advised the City that the proposal has been formally referred to them under Section 38 of the Environmental Protection Act 1986. Section 7A1 of the Town Planning and Development Act 1928 requires all proposed amendments to be forwarded to the EPA to enable them to conduct an assessment for environmental issues. This is undertaken once the local government resolves to initiate any proposed amendment for the purposes of advertising. The advertising period does not commence until such time as the EPA has made its decision and conveyed its decision to the Local Government.

Within the EPA referral process, the City shall advise the EPA of the comments contained within the applicant's environmental reports, and in particular comments with respect to testing the material contained in the existing interceptor trap on the site.

Options

The Commissioners have two options in dealing with this rezoning application (proposed amendment). The Commissioners can either resolve to adopt the proposed amendment for the purposes of public advertising, or resolve to refuse the amendment.

Should the Commissioners decide to support the amendment for the purposes of advertising, this action does not construe that the Commissioners will grant final approval to the proposed amendment.

Furthermore, there is no right of appeal to the Town Planning Appeals Tribunal with respect to a decision to refuse initiating the rezoning application (scheme amendment) for the purposes of advertising or to refuse to grant final approval to the amendment.

Conclusion

There is an extensive planning history associated with this site, with several applications being previously made to develop, rezone and subdivide the site. Considerable public reaction has resulted from these historical planning applications.

The City's recommendation to support the proposed amendment for the purposes of public advertising is based on planning related grounds and considerations contained within this report. It is also with the knowledge of previous recommendations to Council for similar rezoning applications over the site in the past.

Should the Joint Commissioners resolve to initiate the proposed amendment for the purposes of public advertising, the proposed amendment is first required to be forwarded to the EPA in order for the EPA to decide whether the proposal requires a formal environmental assessment. Upon written confirmation of this by the EPA, the City then publicly advertises the proposed amendment for a 42 day period. Upon closure of the consultation period, a further report is presented to the Joint Commissioners to consider all submissions received during the advertising period and to decide if the proposed amendment should be adopted for final approval or not.

ATTACHMENTS

Attachment 1	Site Plan/Marmion Public Open Space Schedule
Attachment 2	Scheme Amendment Map & Indicative Subdivision Plan
Attachment 3	Chronological List of Planning, Development and Land Tenure History
Attachment 4	Scheme Amendment Process Flowchart

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 District Planning Scheme No 2 for the purpose of unreserving Lot 61 (14) Leach Street, Marmion from Local Reserves ‘Parks and Recreation’ and zoning it to “Urban Development” and ADOPT Amendment No 24 as suitable for the purpose of advertising for a period of 42 days;**
- 2 FORWARD the amending documents to the Environmental Protection Authority to decide whether or not an environmental review is required and obtains the Environmental Protection Authority’s decision in writing prior to the advertising period commencing;**
- 3 ADVISE that submissions received will be considered on planning merit, including (but not restricted) to such aspects as:**
 - (a) Submissions that may be lodged by interested parties;**
 - (b) The adequacy of the supply of open space in Marmion;**
 - (c) The variety of housing choice that is offered in the area;**
 - (d) the impact of the proposed use in terms of:**
 - Building bulk and siting;**
 - Compatibility with the existing surrounding residential land use;**
 - (e) Known potential alternative uses for the land;**
 - (f) The aims and objectives of the existing District Planning Scheme;**
 - (g) Any other matter arising during the construction period that may be relevant, in the opinion of the Council.**

Appendix 4 refers.

To access this attachment on electronic document, click here: [Attach4brf240804.pdf](#)

ITEM 6 PROPOSED CLOSURE OF PORTION OF ROAD RESERVE CONTAINING WESTERN POWER TRANSFORMER BETWEEN LOTS 1 AND 2 MOLLOY PROMENADE, JOONDALUP - [83558]

WARD - Lakeside

PURPOSE

This report is for the Joint Commissioners to consider the closure of approximately 28.9m² of road reserve containing a Western Power transformer between Lots 1 and 2 Molloy Promenade, Joondalup for the purpose of amalgamating this land into Lots 1 and 2 Molloy Promenade, Joondalup (See Attachment 1).

EXECUTIVE SUMMARY

Lots 1 and 2 Molloy Promenade form a part of the site for the proposed ‘village’ development which was approved by the Joint Commissioners at their meeting on 29 June 2004 (CJ150-06/04). Lots 1 and 2 are currently being amalgamated to accommodate Village 1 of the ‘village’ development (refer Attachment 2).

On 29 March 2004, the City received an application to close a portion of road reserve along the east side of Molloy Promenade containing a Western Power transformer between Lots 1 and 2 Molloy Promenade. The purpose of this proposal is to facilitate the provision of a larger Western Power transformer on the site, as the existing one is considered insufficient to supply Village 1 of the proposed ‘village’ development in both voltage and physical space according to Western Power. It is intended that this portion of road reserve be closed and amalgamated with Lots 1 and 2, and the new transformer will be provided by Western Power at the developer’s cost. In addition, an appropriate easement will be provided by the developer to the satisfaction of Western Power to host the replacement of the transformer.

The City obtained comments from service authorities and the Department for Planning and Infrastructure (DPI) prior to publicly advertising the proposal. The advertising took place from 1 July to 5 August 2004. A newspaper notice and map was placed within the Joondalup Community Newspaper, a sign was placed on site, and comments invited from the adjoining landowner, Edith Cowan University. No submissions were received.

The proposed road reserve closure is not expected to create any negative impact on vehicle and pedestrian movement. It will facilitate the proposed ‘village’ development, which is supported by the City. Therefore, it is recommended that the Joint Commissioners:

- 1 *SUPPORT the closure of portion of road reserve, containing Western Power transformer between Lots 1 and 2 Molloy Promenade, Joondalup as shown in Attachment 1 of this report;*
- 2 *COMMUNICATE their decision to the Department of Land Information and REQUEST that both the Department of Land Information and the Department for Planning and Infrastructure proceed in finalising the road closure.*

BACKGROUND

Suburb/Location:	Molloy Promenade, Joondalup
Applicant/Developer:	Proven Joondalup Pty Ltd
Owner:	Crown
Zoning:	
DPS:	Centre Zone
MRS:	Central City Area
Strategic Plan:	Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

DETAILS

At the meeting on 29 June 2004 the Joint Commissioners approved the proposed ‘village’ development, which comprises three ‘villages’ (refer Attachment 2). Village 1 will be developed within Lots 1 and 2 Molloy Promenade. As such, amalgamation of Lots 1 and 2 was essential to accommodate Village 1. Subsequently, the developer submitted an application for amalgamation of Lots 1 and 2, and the Western Australian Planning Commission approved the application on 25 May 2004.

On 29 March 2004, the City received a letter from the applicant requesting to close the above-mentioned road reserve and to purchase this portion of land from the DLI (refer Attachment 1). The applicant intends to amalgamate this portion of land into Lots 1 and 2 Molloy Promenade in order to create more space to accommodate a larger Western Power transformer, as the existing transformer is considered insufficient for the supply to Village 1 in terms of both voltage and physical space according to Western Power.

The proposal to increase the space for the new transformer, without adversely impacting on the pedestrian movement, is to obtain extra land from Lots 1 and 2 instead of taking more land from the road reserve. To achieve this, it is necessary to close the road reserve containing the existing transformer, and amalgamate this land with Lots 1 and 2, which enables the land to have the same ownership as Lots 1 and 2. As a result, the extra space needed for the new transformer can be obtained from the amalgamated new lot.

It is understood that the new transformer will be provided by Western Power at the developer’s cost in the same location, but incorporating additional land. It is currently still unclear how much extra land is required; however, the applicant will liaise with Western Power to decide the size of the land for the new transformer in the near future. In addition, the developer will also provide an easement for accessing the transformer to the satisfaction of Western Power.

Road Closure Process

A request can be made to close a road reserve and amalgamate that land into an adjoining property. As part of this process, service authorities are requested to provide details of any service plant that is within the road reserve sought to be amalgamated and, if such infrastructure exists, the cost of relocation or provision of easements to protect and obtain access to infrastructure, should the need arise in the future. All costs and conditions associated with service plant modification are to be met by the applicant if closure is the outcome.

The proposal is also forwarded to the DPI for comment. If the service authorities and the DPI do not raise any objections and the applicant(s) has agreed to meet all associated costs and conditions, then the application can be advertised for public comment.

If Council supports a road closure application, all relevant documentation is forwarded to DLI with a request to formally close the road reserve. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

Statutory Provision:

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

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

Consultation:

Comments have been sought from the DPI and the service authorities regarding this proposal. The DPI have advised it has no objection to the proposed closure, subject to the land being amalgamated with Lots 1 and 2 Molloy Promenade.

Telstra, Western Power, Water Corporation and Alinta Gas do not have any objections to the proposal.

The public advertising period took place between 1 July and 5 August 2004. A newspaper notice and map was placed within the Joondalup Community Newspaper on 1 July 2004, a sign was placed on site, and comments invited from the adjoining landowner, Edith Cowan University (ECU). At the close of advertising, no submission was received.

Sustainability Implications:

The closure of the road reserve and its amalgamation with the adjoining lots is necessary to facilitate the future development of the site. The proposed development represents a significant investment into the City of Joondalup and is expected to enhance the status of Joondalup City Centre as a regional centre and promote both social and economic sustainability within the local community.

COMMENT

The proposed 'village' development is considered a landmark development for the Joondalup City Centre and was supported by the Joint Commissioners at their meeting on 29 June 2004.

The road closure proposal is considered to be an integral part of the proposed 'village' development, and upgrading the Western Power transformer is necessary for the power supply to Village 1. For these reasons, supportive decisions towards the road closure proposal are essential in order to be able to progress the proposed 'village' development.

Responses received from DPI and the service authorities during the consultation period show no objections to the proposed road closure. In addition, no submission was received from the adjoining owner ECU.

While the proposed road closure is not expected to adversely impact the pedestrian and vehicle movement, as well as the surrounding environment, it is considered that the closure will be beneficial to the future ‘village’ development. Therefore, it is recommended that the proposed road reserve closure be supported.

ATTACHMENTS

Attachment 1	Site Plan
Attachment 2	Block Identification Plan of the “Village” Development

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners:

- 1 SUPPORT the closure of portion of road reserve, containing Western Power transformer between Lots 1 and 2 Molloy Promenade, Joondalup as shown in Attachment 1 to this Report;**
- 2 COMMUNICATE their decision to the Department of Land Information and REQUEST that both the Department of Land Information and the Department for Planning and Infrastructure proceed in finalising the road closure.**

Appendix 5 refers.

To access this attachment on electronic document, click here: [Attach5brf240804.pdf](#)

ITEM 7 DELEGATED AUTHORITY REPORT FOR THE MONTH OF JULY 2004 – [07032]

WARD - All

PURPOSE

This report provides a resumé of the Development Applications processed by Delegated Authority during the month of July 2004 (Attachments 1 refers).

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

Month	No	Value
July 2004	104	\$21,053,884

COMMENT

A total of 109 Development Applications was received during the month of July compared to a total of 140 for the month of June.

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 this Report.

Appendix 6 refers.

To access this attachment on electronic document, click here: [Attach6brf240804.pdf](#)

ITEM 8 SUBDIVISION REFERRALS PROCESSED 1 – 31 JULY 2004 – [05961]

WARD - Lakeside, Whitfords, North Coastal

PURPOSE

This report is to advise the Joint Commissioners of subdivision referrals received by the City for processing in the period 1- 31 July 2004.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed by Urban Design and Policy from 1 – 31 July 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

Nine subdivision referrals were processed within the period. The average processing time taken was 22 days. The subdivision applications processed enabled the potential creation of two (2) residential lots and two (2) strata residential lots. One application was not required to be processed, one application was not supported and two applications were deferred. These applications are as follows:

Ref: SU125229 – 30 Grand Boulevard, Joondalup

This application was deferred pending an amended plan.

Ref: SU631-04 – 9 Grand Boulevard, Joondalup

This application was forwarded to the City in error and was not required to be processed.

Ref: SU125483 – 18 Quarry Ramble, Edgewater

This application was deferred pending an amended plan.

SU729-04 – 31 Sheffield Place, Hillarys

This application was not supported due to non-compliance with the minimum average lot size of 450m².

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 this Report.

Appendix 7 refers.

To access this attachment on electronic document, click here: [Attach7brf240804.pdf](#)

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ITEM 9 TENDER NUMBER 046-03/04 REDEVELOPMENT OF CRAIGIE LEISURE CENTRE – [36561]

WARD - All

PURPOSE

To seek the approval of the Joint Commissioners to choose the tender submitted by Perkins (WA) Pty Ltd as the successful tenderer for the Redevelopment of Craigie Leisure Centre (Tender Number 046-03/04).

EXECUTIVE SUMMARY

On 19 June 2004 tenders were requested, through Statewide public advertisement, for the Redevelopment of Craigie Leisure Centre. A mandatory pre-tender site meeting and briefing for all prospective tenderers was held on 22 June 2004. Tenders closed on 15 July 2004.

Three tenders were received, as follows:

Perkins (WA) Pty Ltd	\$8,547,000
Cooper & Oxley Builders Pty Ltd	\$8,685,000
Keywest Constructions Pty Ltd	\$8,820,938

It is recommended, in relation to Tender Number 046-03/04 for the Redevelopment of Craigie Leisure Centre, that the Joint Commissioners:

- 1 CHOOSE Perkins (WA) Pty Ltd as the successful tenderer for the Redevelopment of Craigie Leisure Centre (Tender No. 046-03/04) for a lump sum price of eight million five hundred and forty seven thousand dollars (\$8,547,000);*
- 2 AUTHORISE the Acting Chief Executive Officer, on behalf of the City, to enter into a contract with Perkins (WA) Pty Ltd in accordance with the tender submitted by Perkins (WA) Pty Ltd, subject to any minor variations that may be agreed between the Acting Chief Executive Officer and Perkins (WA) Pty Ltd and Planning Approval being given by the Western Australian Planning Commission.*

BACKGROUND

At its meeting 30 September 2003 (COJ refers), the Council resolved to:

- 1 APPROVE Option 6 as the preferred option for the redevelopment of the Craigie Leisure Centre;*
- 2 LIST the outdoor 50-metre pool for strong consideration in the 2004/05 budget process as a second stage to the project.*

Option 6 is a remodelling of the existing pool shell with some structural alterations such as geothermal water heating, new plant an improved gym and a relocated spa. The plan also allows for improvements to the facility such as tiles in the pool and on the pool surrounds and

refurbished change rooms. The outdoor 50m-pool component of the facility was considered as part of the budget process but was not supported at this time given the overall project costs and the need for further understanding as to the community's usage of the aquatic facilities at the Craigie Leisure Centre.

The Craigie Leisure Centre Project Management Working Group has managed the Craigie Leisure Centre redevelopment project through the consultation, concept development, detailed design, documentation and tender phases. This Group includes officers from City of Joondalup, representatives from the City's project managers, Clifton Coney Group and in the latter stages the architect James Christou and Partners and quantity surveyor Ralph Beattie Bosworth.

DETAILS

Three tenders were received in response to request for tenders (No. 046-03/04), one from each of Perkins (WA) Pty Ltd, Cooper & Oxley Builders Pty Ltd and Keywest Constructions Pty Ltd.

The invitation for tenders included essential criteria and desirable criteria.

The first part of the tender assessment was the Conformance Audit Meeting. The purpose of this meeting was to ensure that all of the potential tenderers were aware of the essential criteria of the invitation for tenders, so that each of these requirements would be covered in the tenders.

Under regulation 18(2) of the *Local Government (Functions and General) Regulations 1996* a tender that does not meet any of the requirements of the invitation for tenders may be considered by the City or rejected by the City without considering the merits of the tender (at the City's discretion). A tender that did not meet all the essential criteria could be deemed to be non-conforming and eliminated from consideration. A tender that did not meet the desirable criteria would be assessed on the extent of non-compliance. Depending on the extent of non-compliance, the tender could also be deemed non-conforming and eliminated from consideration.

All of the tenders met the essential criteria of the invitation for tenders document however, none of the tenders satisfied all the desirable criteria. The Evaluation Team considered the extent of non-compliance of the tenders to determine whether a tender should be rejected without considering its merits. The Evaluation Team considered that the non-compliance in each tender was of a minor nature and, therefore, decided to assess all of the tenders.

Under the City's Contract Management Framework, all the tenders submitted were assessed by the Evaluation Team using a weighted multi-criterion assessment system and AS 4121-1994 'Code of Ethics and Procedures for the Selection of Consultants'. The Evaluation Team consisted of three officers of the City and representatives from James Christou & Partners (architect) and Clifton Coney Group (project managers).

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

The Selection Criteria for Invitation for Tenders (No. 046-03/04) 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
- References from past and present clients

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
- Equipment and Staff Resources available
- Percentage of Operational Capacity represented by this work
- Financial Capacity
- Risk Assessment
- Compliance with tender requirements – insurances, licenses, site inspections etc
- Quality Systems
- Occupational Health and Safety Management System and Track Record
- Management Methodology
- Post Contract Services offered

Beneficial Effects of Tender/Local Content:

- The potential social and economic effect of the tender on the City of Joondalup community
- The Potential Social and Economic Effect of the tender on the West Australian community
- Infrastructure/Office/Staff/Suppliers/Sub-Contractors within the City of Joondalup
- Value Added items offered by tenderer
- Sustainability/Efficiency/Environmental

Methodology:

- Details of the procedures and process they intend to use to achieve the requirements of the Specification
- Provision of an outline of the provisional works program

Tendered Price/s:

- The lump sum price
- Discounts, settlement terms

All three tenderers demonstrated their experience in similar types of work and their ability to complete the works in accordance with the specification.

Due diligence checks were undertaken on the three tenderers including risk assessment which was part of the Selection Criteria. The Dun and Bradstreet risk assessment ranked the tenderers in the following order (from lowest risk to highest risk): Perkins (WA) Pty Ltd, Cooper & Oxley Builders Pty Ltd and then Keywest Constructions Pty Ltd.

After considering the tenders in accordance with the Selection Criteria, the Evaluation Team considers that the tender submitted by Perkins (WA) Pty Ltd would be the most advantageous for the City to accept.

Of the three tenderers Perkins (WA) Pty Ltd has:

- (a) constructed the most recent pools;
- (b) demonstrated that they are fully capable of delivering a quality product;
- (c) submitted the lowest price; and
- (d) been identified as having the lowest risk (by Dun & Bradstreet).

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions and General) Regulations 1996*. Advertising this tender also ensures compliance with the *Local Government (Functions and General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is worth, or 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

The pre-tender estimate from the Quantity Surveyor indicated a construction price of between \$7,815,000 and \$8,115,000. No obvious anomalies such as misunderstanding of the specification or drawings were found in comparing the trade price breakdowns between the tenders and the pre-tender estimate. Discussions with the potential tenderers indicated that there was little interest from trades due to the excessive amount of work currently available and that this project, being a refurbishment project, makes it more complex.

The project costs are as follows:

Kiosk Lease Buy Back	\$	157,000
Contingency	\$	368,000
Furniture and Equipment	\$	90,000
Consultants' Fees	\$	938,000
Construction	\$	8,547,000
<u>Total</u>	<u>\$</u>	<u>10,100,000</u>

COMMENT

Of the three tenderers Perkins (WA) Pty Ltd has constructed the most recent pools, demonstrated that they are fully capable of delivering a quality product, submitted the lowest price and were identified by Dun & Bradstreet as having the lowest risk. According to the Dun & Bradstreet report Keywest Constructions have recently re-entered the construction industry due to the current favourable conditions

Based on the Selection Criteria, the Evaluation Team considers that the tender submitted by Perkins (WA) Pty Ltd represents the best value for money and would be the most advantageous for the City to accept. The Evaluation Team recommends that Perkins (WA) Pty Ltd be chosen as the successful tenderer for the redevelopment of the Craigie Leisure Centre. Prior to entering into a formal contract with Perkins (WA) Pty Ltd some negotiations will be required that could identify a number a minor variations to the scope of works.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That, in relation to Tender Number 046-03/04 for the Redevelopment of Craigie Leisure Centre, the Joint Commissioners:

- 1 CHOOSE Perkins (WA) Pty Ltd as the successful tenderer for the Redevelopment of Craigie Leisure Centre (Tender No. 046-03/04) for a lump sum price of eight million five hundred and forty seven thousand dollars (\$8,547,000);**
- 2 AUTHORISE the Acting Chief Executive Officer, on behalf of the City, to enter into a contract with Perkins (WA) Pty Ltd in accordance with the tender submitted by Perkins (WA) Pty Ltd, subject to any minor variations that may be agreed between the Acting Chief Executive Officer and Perkins (WA) Pty Ltd and Planning Approval being given by the Western Australian Planning Commission.**

ITEM 10 COUNCIL TO ACT AS A LENDING AUTHORITY OR GUARANTOR FOR SPORTING CLUBS OR OTHER EXTERNAL ORGANISATIONS – [03097]

WARD - All

PURPOSE

To consider the issues associated with the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority or provide any guarantee for any loan for any sporting club or other external organisation and recommend a course of action.

EXECUTIVE SUMMARY

At its meeting held on 29 April 2003, Council considered a report on the Wanneroo Basketball Association proposed write off of debt to Council (CJ57-04/03 refers). Council resolved:

- “1 Council *AGREES* to write off the Wanneroo Basketball Associations Inc debt and other payments detailed in Council’s resolution 1 (a) (b) and (c) of item number “C22 - 03/03 Resolution of Wanneroo Basketball Association inc.” subject to:
 - (a) *A deed of agreement between the City and the Wanneroo Basketball Association Inc. outlining the details of what is proposed by the resolution;*
 - (b) *The Wanneroo Basketball Association Inc. in return for the City writing off the Association’s debt to the City, forgives and thereupon forever releases the City from any claim whatsoever the Association may have on the City relating to the area of land as initially leased and amended from time to time, and including the stadium building;*
- 2 Council *REQUESTS* a report be prepared on the appropriateness or otherwise of the City adopting a policy that it shall not in future act as a lending authority for any sporting club or other external organisation or provide any guarantee for any loan raised by any sporting club or association;
- 3 *the actions taken in relation to the Wanneroo Basketball Association Inc. in writing off its outstanding debt to the Council are a one off and do not set a precedent in the way other clubs and associations should expect to be treated by the City in the future.”*

This report is now provided to address point 2 of the above resolution, which is currently outstanding.

It is recommended that the Joint Commissioners adopt Policy 2.4.6 – Lending Authority or Loan Guarantor for Sporting Clubs or other External Organisations, which states that the City of Joondalup choose not to enter into any agreements with any sporting clubs or other external organisations to act as a lending authority or provide any guarantee for any loan raised by any sporting club or external organisation.

BACKGROUND

In addressing the issue of appropriateness of the City of Joondalup acting as a lending authority or guarantor for sporting clubs or other external organisations, research was carried out on the current practices and/or policies of the following local governments:

City of Stirling
City of Swan
City of Melville
City of Wanneroo
City of Nedlands
City of Armadale
City of Gosnells
City of Mandurah

Three local governments, the Cities of Melville, Swan and Mandurah provide assistance to clubs and organisations to establish facilities in a lending capacity. In the other cases, the local governments do not currently provide loans or guarantees, although this is not formalised through their policy manual.

A self supporting loan is interpreted to be, loans provided to organisations for the purpose of building construction or addition that is repaid through a loan agreement, generally via lease payments on a lease agreement tied to the loan.

The status of each local government area is summarised below.

City of Stirling

The City of Stirling has a “no loans” practice and would not consider changing due to the volatile clubs environment impacting on repayment ability. This practice is not formalised through Council policy.

The City does have a capital works funding program in place with guidelines similar to the Community Sport and Recreation Facilities Fund (CSRFF). There is no specific amount allocated annually, submissions are assessed on a business case basis. Average expenditure for the last 5 years has been \$170,000 per annum. The City is currently reviewing this program with a view to encouraging shared facilities and mixed use.

City of Swan

The City of Swan provides self-supporting loans to sporting clubs or community associations on a case-by-case basis, although every effort is made to look to CSRFF funding first.

There is no formal Council policy or procedure in place to manage this facility, each case is assessed in accordance with identified community need, commercial practices and the borrower's capacity to repay. The City of Swan has a self-supporting loan portfolio of approximately \$1.5 million made up of 13 loans. Only one default has been experienced within the self-supporting loan structure in recent years. Loans are taken out in the City's name and repayment terms are negotiated individually with the party involved.

City of Melville

The City of Melville provides a self-supporting loan facility, which is tied into its leases and licenses agreements. For example if a club lease is \$5,000 per annum and its loan repayments are \$4,000 per annum, then \$4,000 of the lease payment is made towards the loan amount.

The City does have a formal policy in place but it is currently under review in light of difficulties being experienced by clubs in meeting repayments, primarily due to a decline in club membership and bar sales. The City's self-supporting loan portfolio is valued at approximately \$5.45 million, made up of 20 loans. One of these loans is for a figure of approximately \$2.9 million.

The City also provides assistance through the CSRFF program.

City of Wanneroo

The City of Wanneroo has historically provided self-supporting loans but does not have a formal policy either for or against. The Administration and Council consider all proposals on a case-by-case basis.

The City uses CSRFF funding where possible and does not support proposals without a needs analysis and feasibility study to support it.

City of Nedlands

The City of Nedlands has historically provided self-supporting loans, but it is not a preferred practice. The City currently has no formal policy for or against but may develop one in future.

The CSRFF funding program is the preferred vehicle for funding requests for new facilities or improvements. There is ability for clubs to apply to Council outside this process and any proposals would be considered and funded on a case-by-case basis.

City of Armadale

The City of Armadale has acted as a guarantor on a loan facility on two occasions in the past, where the clubs concerned were unable to meet the debt and the City was required to pay. As a result, the City does not act as a lending authority or provide any guarantee. They do not currently have a policy in place to reflect this position, although they may formalise it in future.

If a project fits under CSRFF guidelines then the City will provide assistance, generally on an equal third basis for smaller projects. On larger projects the contribution is negotiated between the City and the community party.

City of Gosnells

The City of Gosnells acted as a guarantor once previously, but the club folded and the City was required to pay out the loan. As a consequence, they will not act as a guarantor or provide a loan facility, but do not have a formal policy reflecting this.

The City runs a Community Sponsorship Grants program for minor capital works and improvements, with a maximum contribution of \$15,000 per grant, matched on a dollar for dollar basis. The annual budget for this program is approximately \$140,000 per annum, provided in two grant rounds.

Any major capital works are considered within the CSRFF program.

City of Mandurah

The City of Mandurah provides two types of loan facilities, both of which require the applicant to provide details on the purpose of the loan, a needs analysis and project brief, financial capacity to pay, who will manage construction and five personal guarantors. These guarantors are responsible for the loan in the event the club/community group ceases operating. Applications are required by 31 March each year in order to be assessed and listed for consideration in the budget process. The two loan types are:

- Interest free loan up to \$50,000, with a loan period of generally 10 years;
- Self-supporting loan at an interest rate fixed on commencement, with a loan period of 10 years unless resolved by Council otherwise. There is no limit on the size of loan.

The City of Mandurah has a Sport and Recreation Facility Development policy in place, which is currently under review. The current endorsed policy provides for a maximum contribution by Council of 1/3 of costs, not including any loan funds provided. The new draft policy will be presented to Council shortly and is apparently more comprehensive, encourages shared use of facilities and sets a base level of provision by Local/State Government.

DETAILS

Funding of new community facilities and improvements to existing facilities is emerging as a significant issue, for the City of Joondalup and local governments in general. The City is presently experiencing significant pressure in the newer suburbs to provide facilities and in the southern suburbs for facility upgrade and replacement.

There are inherent risks associated with the provision of self-supporting loans or guarantees. However there is also a limit to the City's ability to fund and maintain community facilities and services to the extent desired by the community. It is considered critical to address this issue as part of a holistic approach to future community development.

Current Position

The City of Joondalup currently has no formal policy in place either for or against acting as a lending authority.

The City has acted as both a lending authority and guarantor in the past, however as a result of financial difficulties, the club in question was unable to meet its repayment obligations. Following protracted negotiations, the City resolved to forgive and forever release the debt owed by the club.

In order to assist clubs and organisations, the City actively participates in the Community Sport and Recreation Facilities Fund (CSRFF) funding program, with a policy for a one third contribution each to be made by the City and the State Government through the CSRFF

programme and the organisation. All projects of a capital works nature are required to apply to CSRFF.

The City's Sports Development Program policy is aimed at financially assisting district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents, which was endorsed by Council in September 2002 (Report CJ240-09/02 refers).

This policy encompasses the following priorities:

- 1 To support local district sporting clubs in the creation and implementation of Sports Development Planning;
- 2 To assist local district sporting clubs to enhance the delivery of sport within the City of Joondalup to all local residents;
- 3 To promote community based sport, through the growth of developmental programs initiated and conducted by local district sporting clubs;
- 4 To ensure the success of local district sporting clubs through the establishment of identified pathways for local junior talent development.

The expenditure for this program in the 2003/2004 budget is \$60,000.

Community Development Plan

The City intends to commence development of a Community Development Plan this financial year, which will incorporate the establishment of a Sport and Recreation Plan and a Community Facilities Plan to address funding of new community facilities and improvements to existing facilities.

These plans will include the following studies:

- Community Profile and demographic analysis;
- Trend Analysis to uncover research and trends at a local, regional, state, national and international level;
- Policy Review analysis;
- Strategic Plan and Human Resource Analysis;
- Needs Analysis to determine the needs of the sporting and recreation community;
- Usage Analysis – carrying out detailed analysis of current usage (2003-2004);
- Financial Analysis to determine the cost of operating and maintaining each facility. As far as is practical this will include subsidy per user/user group compared with income generated;
- Audit of Facilities – to take into account findings from the recent audit of Community Facilities undertaken by the Assets and Commissioning Business Unit and adhere to the City's Asset Management Plan.

Consultation with key stakeholders, Council and user groups will be fundamental to these studies. A five-year action plan will then be produced and a discussion paper detailing all findings prepared for the purposes of internal and public discussion.

It is currently estimated that the study will take approximately one year to complete, with a completion date programmed for June 2005.

Strategy to Manage City Community Buildings

The City also plans to commence a project to develop a management strategy for City owned Community Buildings this financial year. The Project will include:

- A review of the property management processes within the City, including current licences, leases, and fees and charges;
- The development and progression a Management Strategy for City of Joondalup community buildings.

The primary objective of the project is to recommend best practice property management model/s for the City's owned and controlled properties that aim to meet the following outcomes for the City:

- 1 Improved customer service and ensure future customer service is of high quality, and committed to customer care;
- 2 Provide a transparent system that is fair and equitable to all clients;
- 3 Ensure that all the City's owned and maintained properties are adequately maintained and comply with current regulations;
- 4 Ensure that all the City's owned and maintained properties benefit the community by meeting changing and diverse needs.
- 5 Maximise the use of the City's properties,
- 6 Manage facilities in an effective and efficient manner

The City has 63 premises held under a Lease or Management Licence. Many of the facilities are ageing, and require either a large overhaul or a substantial maintenance budget allocated to them. The City is currently progressing the development of a Strategic Asset Management Plan to address such issues. As the upgrade or maintenance of Council facilities could be beyond the capabilities of some groups, it results in the degradation of the City's assets.

The City has a number of projects proposed which align closely with this project. Research completed in this project will assist in the research stage of the development of the Community Facilities Plan.

COMMENT

The City recognises that the provision of community facilities and services that meet identified community needs is one of its biggest challenges, and therefore, a major priority. As such significant effort will be made to address this issue, notably through the development of the Community Development Plan, the Management Strategy for City owned Community Buildings and the Strategic Asset Management Plan.

It is critical that a holistic approach is made to future community development and on this basis it would be premature to adopt a stand alone policy that provides for the City to act as a lending authority or guarantor without a full appreciation of all the information.

It is therefore recommended that the Joint Commissioners adopt Policy 2.4.6 – Lending Authority or Loan Guarantor for Sporting Clubs or other External Organisations, which states that the City of Joondalup choose not to enter into any agreements with any sporting clubs or other external organisations to act as a lending authority or provide any guarantee for any loan raised by an sporting club or external association.

It is noted that the Joint Commissioners have previously agreed to discuss policy matters at a workshop at a date to be determined.

ATTACHMENTS

Attachment 1 Policy 2.4.6 – Lending Authority or Loan Guarantor for sporting Clubs or other external Organisations.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners ADOPT Policy 2.4.6 – Lending Authority or Loan Guarantor for Sporting Clubs or other External Organisations forming Attachment 1 to this Report, which states that the City of Joondalup choose not to enter into any agreements with any sporting clubs or other external organisations to act as a lending authority or provide any guarantee for any loan raised by any sporting club or external organisation.

Appendix 8 refers.

To access this attachment on electronic document, click here: [Attach8brf240804.pdf](#)

S:\FINAL Draft Lending Authority Sporting Clubs.doc

ITEM 11 MINUTES OF THE SENIORS INTERESTS ADVISORY COMMITTEE HELD ON WEDNESDAY 21 JULY 2004 – [55511]

WARD - All

PURPOSE

To note the unconfirmed minutes of the Seniors Interest Advisory Committee meeting held Wednesday, 21 July 2004.

EXECUTIVE SUMMARY

A meeting of the Seniors Interest Advisory Committee was held on Wednesday, 21 July 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, 21 July 2004 forming Attachment 1.

DETAILS

The unconfirmed minutes of the meeting of the Seniors Interest Advisory Committee held on Wednesday, 21 July 2004 are included as Attachment 1.

The committee discussed the removal by Council of the off peak memberships and seniors discounts at the Craigie Leisure Centre. It was agreed by the committee that the following recommendation be put forward to Council.

MOVED Allyn Bryant, **SECONDED** Robert Kinloch that the Joint Commissioners “Reinstate the off peak memberships and discounts for seniors using the Craigie Leisure Centre.”

COMMENT

The outcomes of the “visioning” workshop conducted by Dana Anderson as a part of this meeting, have proved useful to the committee. The workshop challenged them to consider the strengths and weaknesses of the committee, to make suggestions regarding the role of the committee and to identify future strategies to achieve their goals as a committee. Members participated in the workshop with enthusiasm and many valuable strategies were developed. It is expected that this enthusiasm and the resulting strategies should provide the committee with renewed focus for their future activities.

The meeting resolved to suggest to Council that it “Reinstate the off peak memberships and discounts for seniors using the Craigie Leisure Centre”

It is intended that the matter will be discussed further with the committee at its next meeting.

The issue of discount rates to all sections of the community will be considered at a strategic level. A review of all Council fees and charges (particularly discounts) will be undertaken

through the Seniors Plan during the 2004/2005 financial year. To coincide with this project, fees and charges for leisure programmes, facilities and services will be reviewed at the same time through the Leisure Plan.

Consideration of discount for seniors only at the Craigie Leisure Centre facility is restrictive to the City's desire to be inclusive of all sectors of the community. The Seniors Interest Advisory Committee will be consulted as part of the Leisure and Seniors Planning process.

It should be noted that the City has implemented discount rates for seniors whilst these reviews are being undertaken.

ATTACHMENTS

Attachment 1 Minutes of the Seniors Interest Advisory Committee Meeting
 21 July 2004

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That the Joint Commissioners NOTE the unconfirmed minutes of the Seniors Interest Advisory Committee held on Wednesday, 21 July 2004 forming Attachment 1 to this Report.

Appendix 9 refers.

To access this attachment on electronic document, click here: [Attach9brf240804.pdf](#)

**ITEM 12 STREETSIDE BENCHES PROPOSED SETTLEMENT –
[45612] [45924]**

WARD - All

This Item Is Confidential - Not For Publication

A full report will be provided to the Joint Commissioners under separate cover.

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

BUSINESS OUTSTANDING FROM PREVIOUS MEETINGS

OFFICE OF THE CEO

AMENDMENT TO CITY'S STANDING ORDERS LOCAL LAW (ex CJ307-12/02 – ANNUAL GENERAL MEETING OF ELECTORS)

- 2(a) Motion 1 (*requesting Council to make the various changes to public question time*) be considered as part of the further review of the City's Standing Orders Local Law:

Status: A further review of the Standing Orders Local Law is being undertaken.

MEETING OF THE POLICY MANUAL REVIEW COMMITTEE HELD ON 18 SEPTEMBER 2003 – ex CJ213-09/03

“3 DEFERS consideration of:

- (a) Policy 2.5.1 Commercial Usage of Beachfront and Beach Reserves – as detailed in Attachment 2 to Report CJ213-09/03 pending a further report being presented to the Policy Manual Review Committee incorporating additional recommendations;
- (c) Policy 2.6.4 – Environmental Sustainability – as detailed in Attachment 2 to Report CJ213-09/03 pending referral to the Environmental and Sustainability Committee for consideration;

Status: Reports will be submitted in due course.

DISBANDING OF POLICY MANUAL REVIEW COMMITTEE (ex CJ158-07/04 – POLICY MANUAL REVIEW COMMITTEE)

“that consideration of the role of the Policy Manual Review Committee, and protocols for the review and adoption of new policies, be REFERRED to a workshop to be attended by Commissioners.”

Status: A workshop will be scheduled.

USE OF CORPORATE CREDIT CARDS (ex C262-12/03 - NOTICE OF MOTION NO 4 – CR L PROSPERO

“that the CEO be requested to prepare a detailed report for consideration by the Audit Committee on the use of all City of Joondalup Corporate credit cards from December 1999.”

USE OF CORPORATE CREDIT CARDS – (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD MONDAY 17 NOVEMBER 2003)

- 7 in relation to Motion 16 of the Annual General Meeting of Electors held on 17 November 2003, REFER the matter to the Audit Committee for consideration as part of their examination into the use of all corporate credit cards and how they are processed, approved and documented.

Status: This matter was submitted to the Audit Committee meeting held on 17 August 2004. This item may therefore be removed from the Agenda.

REVIEW OF CORPORATE CODE OF CONDUCT – ex CJ074-04/04

“2 GIVE further consideration to reviewing the Code of Conduct following the outcome of the Governance Review.”

GOVERNANCE REVIEW ex CJ116-06/04

“2 NOTE that Administration will submit reports on recommendations contained therein for consideration by the Joint Commissioners.”

Status: Once the findings of the Governance Review have been reviewed, this issue will be further considered.

MAYOR D CARLOS (SUSPENDED) – REQUEST FOR PAYMENT OF MAYORAL ALLOWANCE – ex CJ118-06/04

“that no determination is made on this matter at this time and the item be DEFERRED until the McIntyre Inquiry completes its deliberations and issues a Report.”

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

REVIEW OF COUNCIL MEETING DATES – EX C48-07/04

“that the Joint Commissioners DEFER the review of Council meeting dates until the Council meeting to be held on 10 August 2004 and REQUEST the Acting Chief Executive Officer to provide a report on protocol and parameters for the operation of the strategy sessions to ensure that strategy sessions are in compliance with open and accountable governance and that their purpose and operation is clearly understood by Commissioners, future elected members and the community.”

Status: A report will be submitted in due course.

PROPOSED LAND PURCHASE – CULTURAL FACILITY (ex CJ174-08/04 – MAJOR LAND TRANSACTION – SITE ACQUISITION)

“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;

4 REQUEST the CEO to prepare a report for Council detailing the landscaping plans for the site for the further consideration of Council and recommended that such a plan be developed to satisfy the cultural and performing arts needs of the community at this time;

5 REQUEST the CEO to prepare a report for Council covering the costs and options of redesigning the Council Chamber to meet the provisions of the Governance Review and at the same time to allow for greater availability and usage for performing arts and other community events.”

Status: A Business Plan will be advertised for a period of 42 days seeking public comment to this proposal.

STRATEGIC AND SUSTAINABLE DEVELOPMENT

DEVELOPMENT OF A COUNTRY TOWN RELATIONSHIP - ex CJ278-11/02

“that Council DEFERS any decision to enter into a city-country sister City relationship until further analysis can be undertaken.”

Status: This report will be presented to Council in 2005 following the adoption of the City’s Tourism development Plan. It is envisaged that the development of a Country Town relationship should be tied to a specific purpose and have clear objectives and outcomes. The Development of the City’s Tourism Plan will likely provide a clear link for the development of such a relationship.

EXTENSION OF OCEAN REEF ROAD – HODGES DRIVE TO SHENTON AVENUE (ex C229-11/03 – NOTICE OF MOTION – CR C BAKER)

“2.4 that the Working Party prepare a report and recommendations to Council at the conclusion of the Community consultation process;”

Status: A Report will be presented to Council in November 2004 following the outcome of the Consultation process.

DELEGATION TO FORMALISE FRIENDLY RELATIONS WITH JINAN IN SHANDONG PROVINCE, CHINA ex CJ155-07/04

“3 REQUEST a report on the outcome of the visit to Jinan which is to include key performance indications that will allow the City to monitor the impact of the relationship with Jinan over the next five years.”

Status: A report will be presented to a future Council meeting on completion of the visit in October 2004.

PLANNING & COMMUNITY DEVELOPMENT

LOT 1 OCEANSIDE PROMENADE, MULLALOO (ex C83-05/03 NOTICE OF MOTION NO 4 – CR M CAIACOB)

“that Council AGREES and RESOLVES to incorporate Lot 1 Oceanside Promenade, Mullaloo into Tom Simpson Park reserve proper and makes any and all necessary changes to the status and zoning of the land as per the Council Officers recommendation in CJ118-05/02.”

“that consideration of the Notice of Motion - Cr M Caiacob – Lot 1 Oceanside Promenade, Mullaloo be DEFERRED pending submission of a report.”

Status: Research is being undertaken. A report will be prepared in due course.

ALLOWANCE OF DRAINAGE WATER FROM DEVELOPMENTS INTO NATURAL AREA RESERVES INCLUDED AS PART OF SUBDIVISION APPLICATION (ex CJ302-12/03 – MINUTES OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 22 OCTOBER 2003 AND 26 NOVEMBER 2003)

“2 REFER the following new motion to the Chief Executive Officer for consideration, with a further report being submitted to Joint Commissioners;

‘That the motion passed at the August Meeting of the Conservation Advisory Committee opposing the allowance of drainage water from developments into natural area reserves, be enclosed as an attachment to the subdivision application on referral to all parties prior to planning approval.’”

Status: This is currently under review by Infrastructure Management and Planning and Community Development.

PROPOSED MODIFICATIONS TO CURRAMBINE STRUCTURE PLAN NO 14 – DELETION OF THE RESIDENTIAL MIXED USE PRECINCT AND REPLACEMENT WITH A SMALL LOT RESIDENTIAL PRECINCT AND MINOR MODIFICATIONS TO THE DEVELOPMENT PROVISIONS – ex CJ088-04/04

“3 a separate report giving further consideration to the provision of retail land uses for the Currambine locality in relation to the City’s POLICY 3.2.8 – Centres Strategy, and retail floorspace allocations across the City, as noted in Schedule 3 of DPS2, be prepared;”

Status: Partially addressed in Report to Council 27 April 2004. Remainder to be reported as part of the Centres Strategy review which is intended to be undertaken in 2004/2005.

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

“that consideration of 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 be DEFERRED until the meeting of Joint Commissioners to be held on 31 August 2004 to allow the applicant sufficient time to reconsider the form of the application.”

Status: Additional information has not been received from the applicant to allow the item to be referred back to the meeting of the 31 August 2004. When the information is received from the applicant, the matter will be referred back to a meeting of the Joint Commissioners.

COMMUNITY DEVELOPMENT

PROPOSED NEW STRUCTURES FOR CRIME PREVENTION IN WESTERN AUSTRALIA– ex CJ338-12/02

“4 NOTES that Council will be advised as the matter progresses both through Desk of the CEO reports and a further report to Council”

Status: The structures of crime prevention within Western Australia has recently been reviewed by the Office of Crime Prevention. At the Safer WA Annual General Meeting conducted on 25 October 2003 it was announced that a new proposed model has been developed to essentially replace the current Safer WA structure. The new structure would begin in April 2004 and sees crime prevention coordinated and facilitated at a local level by Local Government. Local Government would be responsible for identifying community needs, co-coordinating community involvement and developing local crime prevention plans. Local community safety partnerships are to be established to implement the local crime prevention plan, which is to be facilitated by local government.

At this stage, the outline of the model does not contain sufficient information for the City of Joondalup to make a clear determination on the impact of the proposal. A community engagement team is being developed by the Office of Crime Prevention to visit local government and volunteers to discuss the new structures in more depth.

A report will be presented to Council in October 2004.

PATROLS AND SAFETY/SECURITY ISSUES (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003

4 in relation to Motion 11 of the Annual General Meeting of Electors held on 17 November 2003:

(b) REQUEST the CEO to review the effectiveness of the current programme of patrols on Thursday, Friday and Saturday nights;

Status: An investigation of the effectiveness of the current programme of patrols on Thursday, Friday and Saturday nights is currently being reviewed. Results of this investigation will be given to the Joint Commissioners in due course.

SORRENTO DUNCRAIG AND OCEAN RIDGE LEISURE CENTRES OPERATIONS AND MANAGEMENT REVIEW RECOMMENDATIONS – ex CJ093-04/04

“3 NOTE that this arrangement be reviewed as part of the proposed Leisure Plan to be developed by the City.”

Status: Leisure Plan will require funding in the 2004/05 budget. Subject to funding being approved in the 2004/05 budget, it is anticipated that work would commence January 2005. The development of the Leisure Plan will take approximately six months.

INFRASTRUCTURE & OPERATIONS

FIRE BREAKS AND PEDESTRIAN ACCESS TO BEACHES IN OCEAN REEF (ex CJ004-02/04 – ANNUAL GENERAL MEETING OF ELECTORS HELD ON MONDAY 17 NOVEMBER 2003)

1 in relation to Motion 4 of the Annual General Meeting of Electors held on 17 November 2003:

- (c) REQUEST the CEO to provide Council with a report and suitable recommendations once investigations concerning the second fire break have been completed;
- (d) REQUEST the CEO to arrange to provide Commissioners with a briefing at a future Strategy Session on the situation regarding pedestrian access to the beaches in Ocean Reef.

Status: (c) A report will be submitted in due course.

(d) Information report to be presented at future Strategy Session.

PROPOSED NEW WORKS DEPOT – EX C46-07/04

“5 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 Works Depot site.”

Status: Business Plan being advertised for 42 days as from 26 July 2004.

<p>A 10-signature petition has been received from residents of Eddystone Avenue, Beldon seeking the assistance of Council in relation to problems associated with speeding vehicles/anti-social behaviour of drivers in Eddystone Avenue, Beldon.</p> <p>Comment: Investigations will be carried out and a report will be submitted to Council in due course.</p>	<p>8 June 2004</p> <p>Director Infrastructure and Operations</p>
<p>A 37-signature petition has been received from Warwick residents calling on the City to investigate ways of curbing unruly traffic behaviour, including speeding vehicles in Ellersdale Avenue.</p> <p>Comment: Letter sent to all residents on 9 August 2004 advising listing of works as part of 04/05 Capital Works Program and seeking comment to proposed concept design.</p>	<p>20 July 2004</p> <p>Director Infrastructure and Operations</p>
<p>A 86-signature petition has been received from Kingsley residents objecting to the proposed four-storey development at Lot 99 (4) Hocking Road, Kingsley.</p> <p>Comment: All submissions to be taken into consideration in assessing the proposal.</p>	<p>10 August 2004</p> <p>Director Planning & Community Development</p>

REPORTS/PRESENTATIONS REQUESTED BY COMMISSIONERS

	DATE OF REQUEST - REFERRED TO -
<p>Youth Affairs Advisory Committee</p> <p>Cmr Smith requested that the formation of this Committee be referred to a future Strategy Session.</p> <p>Comment: This matter will be reported to Commissioners in due course.</p>	<p>17 February 2004</p> <p>Office of the CEO/Director Planning and Community Development</p>
<p>Planning Issues</p> <p>Cmr Smith requested a workshop for Commissioners be arranged at a future date with Planning staff in view of concerns within the community.</p> <p>Comment: The second Town Planning workshop was held on 17 August 2004. This item may therefore be removed from the Agenda.</p>	<p>17 February 2004</p> <p>Director Planning and Community Development</p>
<p>Cmr Smith requested that the following comment, from the Minutes of the Sustainability Advisory Committee meeting held on 29 April 2004, be taken into consideration within the proposed review of the Policy Manual:</p> <p><i>“General Business</i></p> <p><i>Mr Carstairs indicated that it was important to ensure that sustainability issues are embedded into Council policy during the next 12 months to ensure ongoing sustainable outcomes in the City. Mr Carstairs believes that it is important to identify targets, outcomes and timeframes to implement these to ensure the best sustainability outcomes in the future.”</i></p>	<p>11 May 2004</p> <p>Office of the CEO/Strategic and Sustainable Development</p>
<p>Profile of Aboriginal issues in the City of Joondalup</p> <p>That the Budget Committee calls for a report on raising the profile of Aboriginal issues in the City of Joondalup as a significant part of the Cultural Plan.</p> <p>Comment: The City will liaise with Department of Local Government and the Cities of Wanneroo and Stirling concerning the profile of Aboriginal issues. A report will be tabled at 21 September 2004 Council meeting.</p>	<p>14 July 2004</p> <p>Budget Committee</p>

<p>Selection Committee for a Chief Executive Officer</p> <p>Cmr Smith raised concern that the current committee name might give reason for the role and responsibility of the Committee to be misunderstood, and it was requested that a report be submitted to Council to rename the Committee to “Advisory Committee for the Selection of a Chief Executive Officer”.</p> <p>Comment: A report will be submitted in due course.</p>	8 July 2004
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