



**MINUTES OF COUNCIL MEETING
HELD ON 15 MARCH 2005**

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CITY OF JOONDALUP

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
15 MARCH 2005**

OPEN AND WELCOME

The Deputy Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR P CLOUGH – Deputy Chairman
CMR M ANDERSON
CMR S SMITH
CMR A FOX

Officers:

Chief Executive Officer	G HUNT	<i>Absent from 2043 hrs to 2044 hrs</i>
Director, Corporate Services and Resource Management:	P SCHNEIDER	
Director, Infrastructure & Operations:	D DJULBIC	
Manager, Marketing Communications & Council Support:	M SMITH	
Manager, Approvals Planning and Environmental Services:	C TERELINCK	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

There were 32 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Meeting of Council held on 22 February 2005:

Q1 Tavern. In response to my question on page xiii, can the City direct me to the scheme text or the Local Government Act or relevant legislation clauses, as to where an elected member or Commissioner acting as a Council obtains the power to:

“(c) exercise its discretion not to commence any action, in relation to non-compliance, having regard to the merits of the matter before it.”

when the original decision of Council is lawful, enacted by the CEO, constructed by the applicant and required by staff to conform and clause 6.10 DPS-2 states "no person" shall permit, commence or carry out development otherwise than in accordance with the conditions.

A1 In cases where there is a complaint or allegation that a provision of the Scheme is not being complied with, the City exercises a judgement as to whether evidence of non-compliance exists and whether enforcement action is warranted in the circumstances.

Q2 In light of all the answers provided to our questions on the acid sulphate soils risk:

(a) are the Commissioners happy with the answers given?

(b) do the Commissioners feel they were adequately informed of the acid sulphate soils risk before their decision at the last Council Meeting on 14 December 2004?

A2 This is a matter for the Commissioners to comment on.

Q3 I draw the Commissioners attention to the answer provided to question 4 submitted by Ms M Moon on behalf of the SWREA and I ask, is the City saying it does not have a duty of care to its residents to protect them from contaminating the bore water, the lakes and the wetlands from pyrite exposure?

A3 In relation to this particular issue, the peak body for obtaining advice on acid sulphate soils in this state is the Department of Environment (DoE). The Western Australian Planning Commission, in conjunction with the DoE, has developed guidelines in the form of Planning Bulletin No 64 – Acid Sulphate Soils, which is for use throughout the state. The purpose of this bulletin is to address the matter of acid sulphate soils during the planning process.

Council has been following those guidelines set out in Planning Bulletin No 64 to ensure that this matter has been adequately addressed during the planning consent process.

Notwithstanding the above, the Council has been liaising with the applicant in an attempt to secure the lodgement of a management plan and to seek further testing of the site prior to construction of the development.

The following questions, submitted by Mr Vincent Cusack, Kingsley, were taken on notice at the Meeting of Council held on 22 February 2005:

Q1 According to the City of Joondalup Council the planned Meath Care aged care building foundations are estimated to be half a metre above the present ground water levels of the Yellagonga groundwater system. As is well known, the area has been subjected to a long period of dry weather and so the water table would be presumed to be below its normal level. Would the Council inform us of the expected water table levels in a normal year (taken on a ten year average), and in a year of increased rainfall?

A1 The plan received by Council from the architects for the project on 21 December 2004 was based on water level readings from bores located on the perimeter of the site. That information has since been superseded with more detailed information.

Following the submission of plans on 21 December 2004, the owners of the site advised Council at the end of December 2004 that they would undertake more site specific testing of the water table in relation to the excavation of the basement area of the Mary Surveyor Centre.

The results were subsequently received by Council from the owners' consultants in a letter dated 3 February 2005. The additional testing sought to identify the water table level below the basement footprint of the Mary Surveyor Centre. The testing for the water table level occurred on 24 January, 2005. The results showed that the water table level was between 26.88m AHD and 26.98m AHD, with the basement level being at 29.4m AHD – a difference of 2.42m at the highest reading.

Q2 What would be the expected water table level for Lots 28 & 63 after several consecutive years of higher than average rainfall? In a period of continued high rainfall, would the water table be expected to be near surface – at which point would it not be above the level of the planned building basements?

A2 This matter has not been considered and the information has been referred to the Department of Environment for comment.

Q3 Available plans show that the construction site lies within an area of high acidity. What is the measured pH of the water in the vicinity of the planned construction? The plans indicate that the pH contours contain a lesser level of acidity near the site of the construction. They also show a lack of drill information in the vicinity of the construction site. Has there been infill testing of the area around the proposed building site? If so how do the pH levels compare with those in the areas denoted as being of high to very high (acid) pH?

A3 The plans on the Western Australian Planning Commissions website concerning acid sulphate soils and the Meath site are incorrect, as the portion of the low lying site that was included in the high risk acid area has been subdivided from the site and now forms part of the adjoining park.

Whilst Council has the results of the self-assessment for acid sulphate soils that the applicant was required to undertake through Planning Bulletin No 64 - Acid Sulphate Soils, it is unaware of the extent of testing that has been carried out by the applicant. However, it will be the responsibility of the builder to ensure that they do not disturb acid sulphate soils during the construction phase and if they do, then they are required to address the DoE requirements relating to acid sulphate soils.

Q4 The soils in and around the Yellagonga lake, swamp and drainage systems are understood to be pyritic. Pyrite (FeS₂) is an amalgamation of iron plus sulphur. It is a well understood chemical reaction that pyrite and other sulphides such as pyrrhotite oxidise with exposure to air to form iron oxides plus sulphuric acid. Have studies on the site taken these factors into account?

Is there any pyrite in the test areas around the site? Has boring been carried out to establish how much (%)? and what effect this would have on the planned construction of the aged care facility and residential style buildings on both Lots 28 & 63 Hocking Road, Kingsley?

A4 It is assumed that the reference to Lot 28 and 63 Hocking Road in this question and Question 8 is a reference to the Meath site, which is Lots 62 and 63 Hocking Road.

Council is unaware of the full extent of studies undertaken by the applicant or the previous owners of the site.

The applicants have undertaken the necessary self-assessment test set out in Planning Bulletin No 64, which was produced by the Western Australian Planning Commission in conjunction with the DoE. This indicated that acid sulphate soils would not be an issue for the site. Should the excavation of the site result in the identification of acid sulphate soils, then the builder is required to respond to the requirements of the DoE relating to acid sulphate soils.

In addition, there is continuing dialogue with the developer in an attempt to secure further precautionary testing before work commences on the site.

Q5 What would be the effect on the construction material used in the basement? Acid ground water, with or without a pyrite – generated sulphuric acid enhancement, would have a corrosive effect on a lime-base building material such as a cement base. How do the engineers responsible for the design of this construction intend to ameliorate the influence of these adverse building conditions?

A5 This matter has been referred to Meath Care.

Q6 Is there any intention of reducing the water table around the construction site, either under existing circumstances or in the event of heavy rainfall during construction. Have pumping facilities been built into the construction equation to avoid flooding of the basement? If so, where would the discharge be disposed?

A6 If, based on the information provided by the consultant representing the owners in their letter dated 3 February 2005:

- Perth received sufficient rainfall that would raise the water table level by 2.5m, plus the difference in the water table level between the January 2005 reading and its lowest elevation; and
- dewatering was required;

the builder would be required to ensure that they meet any requirements of the Environmental Protection Act in relation to the actions they would take when dewatering this area.

Q7 The Joondalup City ratepayers are referred to as ‘Stakeholders’ in the City of Joondalup. The Yellagonga wetlands constitute an extremely fragile environment with their own fauna of wild fowl, amphibians, reptiles and insects – a microcosmic ecosystem easily destroyed by thoughtless or inappropriate development. If acid water or some other pollutant were to enter the lake system it would not disperse – the system is extremely slow moving or even stagnant. Any variance on the environmental conditions of this system would be detrimental to its stability. Acidity could rise, insect and other life be destroyed and the food chain be disrupted, resulting in the displacement or destruction of many species of wild life dependent on the wetland. Has this been taken into consideration by the developers? What means are in place to prevent an environmental disaster overtaking the wetlands? What value has been placed on the wetlands? Are these considered a part of the ‘Stakeholders’ environment – a place of interest and contrast within an ever increasing suburbanised region?

A7 Any development, that is located in or near an acid sulphate risk area and involves excavation work, would need to meet the guidelines set out in the Western Australian Planning Commissions Planning Bulletin No 64 – Acid Sulphate Soils, which was developed in conjunction with the DoE. If the guidelines set out in the Planning Bulletin and practices and management procedures determined by the DoE are followed, the environmental outcomes as predicted in the question should not occur.

Q8 The construction of the aged care facility on Lots 28 & 63 Hocking Road, Kingsley is the largest building project flanking the Yellagonga wetland system; it could, for environmental purposes, be regarded as breaking new ground. Has it been considered as such? Why is it allowed to impinge on the wetland reserve? Can the City and/or the Commissioners guarantee that there will be NO adverse effects from this development? Are there any similar projects close to Yellagonga Regional Park to follow?

A8 The assessment of this proposal has been underpinned by the aim of ensuring that it does not cause any environmental impacts.

It is not possible to predict what applications may be submitted to Council for its “Planning Consent” or the Western Australian Planning Commission’s “Approval to Commence Development”.

The following question, submitted by Mr M Norman, Sorrento, was taken on notice at the Meeting of Council held on 22 February 2005:

Q1 Is there any reason why the Commissioners should not resolve the following in relation to item CJ019-02/05, Final Adoption of Burns Beach Structure Plan 10?

“That Council:

1 notes that the Western Australian Planning Commission, Statement of Planning Policy No. 2.6, STATE COASTAL PLANNING POLICY, prepared under section 5AA of the Town Planning and Development Act 1928, under Coastal Strategies and Management Plans states:

“(x) Ensure that, at rezoning, subdivision, strata subdivision or development, whichever arises first and is appropriate in scale, a coastal foreshore management plan is prepared and implemented, by the proponent, for the coastal foreshore reserve and any abutting freehold land with conservation values of the subject land.”,

and

“(xi) Ensure that any structure plan, zoning, subdivision, strata subdivision or development proposal for public purposes, residential, industrial, commercial, tourist, special rural and similar uses on the coast is only approved based upon or in conjunction with a current detailed coastal planning strategy or foreshore management plan (whichever is appropriate for the stage and scale of development).”:

2 notes that the State Coastal Planning Policy, under clause 5. POLICY MEASURES, 5.1 General Measures (i) states: “Ensure that adequate opportunity is provided to enable the community to participate in the coastal planning and management. Including the support and guidance of the activities undertaken by voluntary coast care groups”

3 notes that the Foreshore Management Plan prepared for Peet and Co. has not yet been released for public comment, and has not as yet gained the support of the Joondalup Community Coast Care Forum Inc. or been endorsed by the Council of City of Joondalup after a suitable public participation process:

4 accordingly resolves that it cannot adopt and submit to the Western Australian Planning Commission the modified Burns Beach Structure Plan No.10 shown in attachment 2 to report CJ019-02/05 as there has been a failure to follow the prescribed processes as detailed in Statement of Planning Policy No. 2.6, State Coastal Planning Policy;

5 after consideration of the public submissions received, refers the Burns Beach Structure Plan, Structure Plan No.10 and all associated documents, including full copies of submissions received, with the consent of the submitters, to the Western Australian Planning Commission and the applicant, to resolve the issues revealed by the submissions;

- 6 *notes that the width of the foreshore reserve is too narrow (given it is a mainly sandy, eroding shoreline for the length of the proposed development, not limestone cliffs) and there is the need to ensure that the City of Joondalup will not be burdened with excessive maintenance costs protecting the Development Area from erosion of the foreshore (see Submission 22 and others);*
- 7 *notes the Structure Plan does not inform the applicant that the City has a Policy that prevents the use of Foreshore reserves for storm water and road run-off facilities and accordingly requires the applicant to identify the areas in the structure plan that will be marked "drainage reserve" and vested in the Crown under section 20A of the Town Planning and Development Act which shall be ceded free of cost and without any payment of compensation by the Crown;*
- 8 *attaches to the minutes, of this meeting a copy of Statement of Planning Policy 2.6 State Coastal Planning Policy for reference for all interested parties."*

A1 There are a number of reasons why it is considered unnecessary for Council to add the above proposed resolution to the report for the Burns Beach Structure Plan for final adoption. These are set out below under the eight (8) items within the proposed addition to the resolution.

Items 1,2 and 3

Further to advice from the Western Australian Planning Commission (WAPC), the recommendation of the report for the final adoption of the Burns Beach Structure Plan has been amended to include public advertising of the Draft Foreshore Management Plan, prior to the finalisation of the City's comments to the Western Australian Planning Commission at the subdivision stage. This will ensure that the community, including the Joondalup Community Coast Care Forum Inc, has been provided with adequate opportunity to participate in the planning of the coastal reserve land adjacent to the subject site.

Item 4

The WAPC did not require advertising of the Foreshore Management Plan during the rezoning of the land. Nevertheless, this issue is addressed in the report to the March Council meeting where it is recommended that the plan be advertised. This advertising does not influence the Structure Plan stage of development and, therefore, the Council can correspondingly proceed with the recommendation to adopt the Structure Plan.

Item 5

Copies of all submissions will be forwarded to the WAPC when the final Structure Plan documents are forwarded for its certification, as is the City's normal practice.

Item 6

The City has consulted the WAPC regarding the concern raised about the foreshore reserve width and has been assured that the matter was thoroughly assessed during the process of amending the Metropolitan Region Scheme to zone the land appropriately for future development. A copy of the WAPC's response to queries on this matter is provided at Attachment 7 to the March 2005 Council report.

Item 7

The City's Policy 5.4.3 - Prevention of Storm Water Discharge into Natural Areas states that the City opposes the discharging of piped or artificially channeled storm water drainage into natural areas, and that no new stormwater outfalls are to be discharged into natural areas managed or owned by the City, including coastal reserves. The Policy does not require details of storm water drainage to be identified at the Structure Plan stage. It is appropriate that such details be provided at the subdivision stage, as is normal practice.

Item 8

The objectives of the Statement of Planning Policy No 2.6: State Coastal Planning Policy relating to community participation in coastal planning and the relevant Policy Measure have been included in the Council report. It is therefore considered that attaching the whole Policy to the report is unnecessary, noting that the Policy is publicly available on the WAPC's web site.

The following questions, submitted by Mr A Bryant, Craigie, were taken on notice at the Meeting of Council held on 22 February 2005:

Q1 What is the total amount of funds allocated to the City of Joondalup by the Western Australian Government for the purpose of building a Community Centre for the suburb of Craigie and where does the Council propose erecting such a building in that suburb?

A1 The City of Joondalup received notification from the State Government in December 2003 that the Department for Community Development had withdrawn a previously long standing commitment to contribute up to \$500,000 towards a community facility in Currambine.

The correspondence notifying the City of that decision indicated that the funds once earmarked for Currambine were to be reallocated for use with a facility in Craigie. The proposed option in Craigie was considered appropriate by the Department for Community Development because the community demographics better matched a family centre facility.

At a recent meeting representatives from the Department for Community Development met with officers from the City with regard to a potential proposal and prospective sites for a family house. As a result of this meeting, a formal proposal was requested from the Department for Community Development outlining requirements and specific details. The City is aware that the proposal from the Department for Community Development may request a portion of land that is owned by the City.

Q2 When will it be erected and do I presume correctly it will be of brick construction?

A2 The proposal by the Department for Community Development is at a very preliminary stage and has not got to a point to consider details such as building materials. It would be reasonable to assume from the discussion that the building proposed by the Department for Community Development would be a permanent structure and that the building materials would be appropriate to that need.

Q3 What community consultation is proposed?

A3 The City is awaiting a formal proposal from the Department for Community Development. A project plan would then be formulated. Once again it is too soon to give any more detail, however, public participation in the planning process would be expected.

The following questions, submitted by Ms M Moon, Greenwood, were taken on notice at the Meeting of Council held on 22 February 2005:

Q1 Re: Answer to my Question 4 submitted to this meeting. It states in the answer "There is no special residential precinct and there is no unlimited discretion on the R Codes in the special design precinct." If we look at attachment 2 on page 5, it clearly lists special residential precinct and at point 2 on page 13, 9.2 Provisions, it also states a special residential precinct. Can Council clarify to what density you refer to in the statement except where defined on an approved structure plan at a higher density and this is in the structure plan to be approved?

A1 Provisions 9.2 of the Special Design Precinct states that development in this Precinct is to be in accordance with the R20 provisions of the Residential Design Codes unless otherwise provided for in this Structure Plan. This density is reinforced on Plan 1 of the Structure Plan.

Q2 If it is not unlimited, what will the higher limit be?

A2 The density is limited at R20 in the Structure Plan. Should a higher density be required in future, a modification to the Structure Plan would be required.

The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Meeting of Council held on 22 February 2005:

Q1 Re: Answers to questions I raised at the Annual General Meeting of Electors dealing with the ten lots at Merrifield Place. If I understand the response correctly as minuted, the officers of the City of Joondalup will prepare a report to Council dealing with those lots. Has Council received any correspondence from the ratepayer, Kevin Brabazon who used to reside at Burns Beach and now currently resides at Halls Head? I have copies of correspondence dated this year to the CEO and dated 2001 to Clayton Higham.

A1 Yes, correspondence has been received from Mr Brabazon. A copy of the correspondence is attached. Appendices 14 and 14(a) refers - To access this attachment on electronic document, click here: [Attach14agn150305.pdf](#)
[Attach14aagn150305.pdf](#)

The following question, submitted by Mr T Mahor, Hillarys, was taken on notice at the Meeting of Council held on 22 February 2005:

Re: Petition – Works to Broadbeach Park Lake No. 2, Hillarys

Q1 There is an ultrasonic algae control unit at the lake, is it working?

A1 Yes, and the unit is checked weekly in conjunction with the reticulation and park lighting.

The following question, submitted by Dr M Apthorpe, Ocean Reef, was taken on notice at the Meeting of Council held on 22 February 2005:

Q1 Are the Commissioners aware that the WAPC Coastal Planning guidelines for eroding sandy coasts were not followed when the width of the foreshore reserve was determined at Burns Beach because the information available to the WAPC was not correct?

A1 No, neither the Commissioners nor staff are aware that the WAPC Coastal Planning guidelines for eroding sandy coasts were not followed. The advice received from the WAPC reiterates that the alignment and width of the foreshore reserve was the result of an exhaustive process including assessment of detailed environmental documentation by a review team set up by the Minister for the Environment.

The following question, submitted by Mr S Magyar, Heathridge, was taken on notice at the Meeting of Council held on 22 February 2005:

Q1 Do planning policies issued under Section 5AA of the Town Planning Act 1928 have legal enforceability on how the City or any local government conducts its planning matters through the planning appeal system and possible supreme court action?

A1 In general terms, a Section 5AA policy relates to a Town Planning Scheme and has been adopted by the Western Australian Planning Commission. The documents are directed mainly towards broad general planning issues and coordinating planning throughout the State.

If a Council is preparing or amending a Town Planning Scheme or Structure Plan, the Local Authority is required to have due regard to any 5AA policy of the Western Australian Planning Commission. The Western Australian Planning Commission is required to endorse the Local Authority's Town Planning Scheme, Scheme amendment or Structure Plan to ensure that those documents have adequately addressed the relevant 5AA policy(ies).

When Council is determining an application for Planning Consent under the District Planning Scheme No 2, the provisions of that Scheme require Council to have due regard to any relevant 5AA policy or policies that have been developed by the Western Australian Planning Commission.

In response to the question, if a planning matter is before the State Administrative Tribunal (this body has replaced the Town Planning Appeal Tribunal), then the Tribunal acts as if it is the Local Authority when reviewing the Council's decision during the appeal process. The Tribunal, like the Local Authority, is required to have due regard to any relevant 5AA policy that may relate to the matter before it.

If a planning matter is before a Court, past experience has shown that the focus of the Court is to determine whether due process has been followed, rather than to adjudicate over the planning merits of a decision.

The following questions were submitted in writing prior to the Council Meeting and responses were tabled at the meeting.

Mr E Burton, Kingsley:

Q1 On what basis has the inclusion of a transitional public hospital facility been approved in relation to the Aegis Aged Care facility at Lot 550 Woodlake Retreat, Kingsley?

A1 The Woodlake Retreat Structure Plan No. 3 over the subject land was considered by Council and adopted by the Western Australian Planning Commission (WAPC) for the express purpose of developing an aged care facility in accordance with the provisions of the City's District Planning Scheme No.2. The facility is defined within the structure plan as an 'Aged Care Facility', not a 'transitional public hospital facility' as referred to above.

Q2 We refer to a letter from the Hon Alannah MacTiernan MLA to the Hon Ed Dermer, MLC dated 29 September 2004 (copy attached) in relation to residents concerns. Appendix 16 - To access this attachment on electronic document, click here: [Attach16min150305.pdf](#)

Q2(a) On what basis and on whose authority was the provision of the permanent road access from Wanneroo Road into the Waterview Estate, Kingsley at Lot 550 removed and replaced by a temporary access being the current Woodlake Retreat entrance?

A2(a) There is currently access onto Wanneroo Road along Woodlake Retreat, which is a permanent arrangement. The design of future road access to the total land holding was negotiated with the City of Joondalup, WAPC and Main Roads WA when the subdivision proposal for the greater land parcel was first developed in 1998-99.

Q2(b) If under the new structure plan the current Woodlake Retreat entrance becomes permanent road access, how does this conform with Main Roads Department policy? It is our understanding that this policy requires maximum distances between ingress and egress. The Waldeck's site entry is 150 metres from Hepburn Avenue and the Woodlake Retreat entrance is 50mtrs from the Waldeck's entrance.

A2(b) Main Roads was a party to, and granted approval for the location of road access to the land.

Q3 Can the Council inform the residents group as to the current status of their petition about road infrastructure which is lodged on 13 September 2004?

A3 The 66-signature petition received from residents of Kingsley registered their objections to the single access provided along Woodlake Retreat for traffic both into and out of the Structure Plan area. The petitioners also requested the City not to approve any more plans for the area, and to work with Main Roads WA to resolve this issue as a matter of urgency.

The matter has been progressed through the North West Districts Planning Committee (NWDPC) on 19/8/04 and the Department for Planning and Infrastructure/Main Roads for further consideration. At this point in time, the Council has not yet been advised of any outcomes.

Q4 Given the level of objection by so many residents to aspects of this proposed facility, will the Council be informing residents of the lodgement of the development plan?

A4 The Council is unable to confirm whether residents in the immediate area will be notified of the notional development proposal or invited to offer comment. This would depend on the content of the development application and therefore, whether it is considered necessary to advertise the proposal in accordance with the provisions of DPS2.

Q5 As development approval has been given to extend the Over 55's Retirement Village by 45 units, does the Council accept that access and traffic issues will be exacerbated and was/has this aspect been considered in conjunction with Structure Plan No 3?

A5 The Council considers that the existing road network (including the vehicular access point) is able to satisfactorily accommodate traffic generated by both the aged care facility and the extension of the retirement village. In considering the structure plan over the site, the Council was cognisant of the fact that the retirement village would be extended in the future.

Q6 Given that in the Schedule of Submissions on the Woodlake Retreat Structure Plan No 3:

Q6(a) The Waters and Rivers state "Subject lot is an area recognised as posing an Acid Sulphate Soil risk. Adherence to the DEWCP & EPA guidance and supporting documents on managing Acid Sulphate Soils must be adhered to.

Q6(b) The Department of Environmental Protection states "DEP has never received any information relating to Soil Contamination. Unable to confirm whether or not soil contamination is an issue for the subject land. Strongly recommends that a site investigation be undertaken.

Has the DEWCP & EPA requirements been adhered to?

A6(a)&(b)

Yes. This issue was brought to the City's attention as a result of the Water and Rivers Commission submission on the structure plan. It was determined that the issue relates to the future development upon the land and would be further assessed once a detailed development application is lodged with the City for development approval as the true extent of excavation works and resultant level of risk will be more readily identified and determined at that time.

Mr S Magyar, Heathridge:

Q1 Regarding CJ037-03/05 Burns Beach Structure Plan. If the Commissioners pass part one of the Officers' recommendation to adopt and submit the Structure Plan to the WAPC for final adoption and certification, and it is subsequently found that the area suitable for urban development is wrongly defined for any reason, is it possible for the WAPC and/or the City of Joondalup to rectify the problem through the subdivision approval process?

If so, can that rectification be completed without any financial burden to the City or the State Government?

A1 It is presumed the query relates to the width of the foreshore reserve. The subdivision process is not intended to define the extent of zoned or reserved land in any particular case. The authorities involved in the process for defining the urban development area at Burns Beach have reaffirmed satisfaction with the outcome. The process to alter the width of the foreshore reserve is regulated by the state, and involves the approval of the parliament. If a future proposal came forward to alter the boundary then this would need to be considered under due planning and environmental assessment processes.

Q2 Regarding CJ037-03/05 Burns Beach Structure Plan. Part two of the recommendation, gives the impression that the City will affix the Common Seal and sign the Structure Plan only after final adoption and certification by the WAPC. If this is correct, then would it be advisable for the Commissioners to include in their resolution of this item, any expressions of concern regarding any matters that should be brought to the WAPC attention, such as the narrowness of the foreshore reserve?

If the Commissioners did include any expressions of concern in their resolution of this item, then would the expression of concern be communicated to the WAPC?

A2 The recommendation is that the Council affixes the common seal, then the documentation is sent to the WAPC. In regard to concerns brought before the Council, WAPC officers have been briefed further on concerns lodged by the community in order to assist them in reconsidering the matters raised during recent deputations and in questions to the Council. In addition, the WAPC will receive the schedule of submissions, and the complete copies of submissions received by the Council.

Q3 Regarding CJ037-03/05 Burns Beach Structure Plan. Part three of the Officer's recommendation states that the Foreshore Management Plan will be put out for public comment for 30 days prior to the finalisation of the City's comments to the WAPC regarding subdivision of the site. Will the Commissioners, through a resolution of Council, sign off on the final adoption of the Foreshore Management Plan, or will the Officers handle this under delegated authority?

A3 The foreshore management plan will be referred to the Council.

Q4 Will the Commissioners, through a resolution of Council, sign off on the final subdivision plans, or will the Officers handle this under delegated authority?

A4 The Council has delegated the function of providing advice to the WAPC on subdivisions to certain officers, in accordance with the Council resolution adopted on 12 October 2004 (CJ240 –10/04 refers).

Mrs M Macdonald, Mullaloo:

Q1(a) I refer to the answers to my questions regarding the treatment of credit card payments in the report given to Council. Why was I refused information when the current procedure has been to provide me with this information on request?

A1(a) At the Council Meeting held on 22 February 2005 the Commissioners requested the Chief Executive Officer to provide a report to Council in due course on the detail to be provided in the Warrant of Payments in relation to credit card payments, such report to outline:

- the role of the Council
- processes used by other local governments
- advice from the Department of Local Government
- legal requirements
- recommendations of the City's Auditors
- any other information considered appropriate by the CEO

and requested that that the current procedures continue pending the submission of the report outlined in above.

As can be seen from the resolution above, Council has requested that the current procedures continue pending their consideration of the report to be provided by the CEO in due course.

Q1(b) I understand that you do not pass the credit card payments (money owing to the Bank) through the creditors system. Does this mean that you have an agreement with the bank to automatically deduct the credit cards payments from your bank account when they become payable? If so why aren't the details of these credit card accounts fully shown in the report as many of the expenses could have been paid by cheque and therefore would have appeared in the warrant of payments? Doesn't this allow many payments to bypass the scrutiny of councillors and ratepayers?

A1(b) The City's banking facilities agreement provides that the aggregate monthly credit card expenditure is deducted directly from the City's bank account when payable. This payment is listed in the Warrant of Payments.

Council has requested that the CEO provide a report of the details to be provided in the Warrant of Payments in relation to credit cards and that the current procedures continue pending submission of the report.

Q1(c) What other expenses of the City are paid by automatic sweep and do not find their way into the Warrant of Payments thereby avoiding scrutiny?

A1(c) Direct debits from the City's bank accounts includes bank charges, credit card payments, dishonoured cheques and investment transfers. All of these amounts are disclosed in the warrant of payments. See resolution in answer to question 1(a).

Q2 Reimbursement of Petty Cash and reimbursement to employees for monies expended on behalf of the City are paid presumably after being authorised. Who is responsible for ensuring that these expenses are legitimate expenses of the City and have not also been claimed elsewhere in the accounts, as the original vendors paid by these methods also do not appear in the Warrant of Payments?

A2 Authorisation for petty cash and employee expenditure reimbursements is undertaken by Managers, Directors and the CEO. The maximum for any one transaction is \$100. Wherever possible accounts of a repetitive nature are paid through the creditors system which has inbuilt systems checks for duplication. In other cases expenditure is to be supported by original tax invoices/receipts to prevent duplication as well as reliance on the authorising officer's knowledge of previous payments processed.

Mr M Sideris, Mullaloo:

With regard to Item CJ043-03/05 Compliance Audit Report on Section C (1):

Q1 Can you please advise details of the various Goods and Services, which failed to comply with the provisions of Regulation 11.

A1 The City has taken a conservative approach in identifying a number of categories of expenditure which could be interpreted as falling within the bounds of Regulation 11(1) of the Local Government (Functions & General) Regulations 1996, eg printing and hardware.

Q2 The values of those Goods and Services which failed to comply.

A2 Due to the interpretive nature of the assessment in relation to Regulation 11(1) of the Local Government (Functions & General) Regulations 1996 and the fact that it is not a requirement of the Compliance Audit Return, no value has been assigned to the categories of goods or services referred to in Q1 above.

- Q3 The specifics of how the provisions of Regulation 11 were not complied with for the Goods and Services identified at Q1.*
- A3 Regulation 11 states that where a local government enters into a contract for the supply of goods or services worth more than \$50,000.00 then it is to publicly invite tenders. In the non compliance referred to in Question 1 - tenders were not invited.
- Q4 Advise if there is any mechanism to overcome the requirements of Section C (14) and still satisfy the provisions of the Regulations.*
- A4 In the case of contract pricing being based on a schedule of rates, the amounts are not entered into the tender register due to the large quantity of data. The information is however retained and available upon request.
- Q5 With reference to the Compliance Audit Report for 2003 and the resolution of Council dated 090304:*
- 2 *REQUEST the Internal Auditor to report to the Audit Committee on the quotations and tender processes used by the City. advise the details of the report by the Internal Auditor to the Audit Committee*
- A5 An internal audit report on Contracts and Procurement has been completed and is to be considered at the next Audit Committee meeting.

Mr V Cusack, Kingsley:

- Q1 I refer Council to the eight questions taken on notice at the 22nd February 2005 meeting, and may I respectfully request that the minutes be amended to accurately record the way that they were presented to Council. Now they were written, and sent in, in advance of the aforementioned meeting and were not submitted by Vincent Cusack the individual.*

The minutes of the 22nd February meeting state that they were submitted by Vincent Cusack, President of the Southward Ratepayers and Electors Association which is correct. Except of course I clearly stated when I submitted them that they were on behalf of concerned residents in Kingsley. These questions are merely following up on the answers provided, and again are on behalf of some concerned residents in Kingsley.

- A1 Minutes of Council meetings are recorded in accordance with Regulation 11 of the Local Government (Administration) Regulations 1966 which states:

“11 The content of minutes of a meeting of a Council or a committee is to include:

- (a) the names of the members present at the meeting;*
- (b) where a member enters or leaves the meeting during the course of the meeting, the time of entry or departure, as the case 4requires, in the chronological sequence of the business of the meeting;*

- (c) *details of each motion moved at the meeting, the mover and the outcome of the motion;*
- (d) *details of each decision made at the meeting;*
- (da) *written reasons for each decision made at the meeting that is significantly different from the relevant written recommendations of a committee or an employee as defined in section 5.70 (but not a decision to only note the matter or to return the recommendation for further consideration;*
- (e) *a summary of each question raised by members of the public at the meeting and a summary of the response to the question; and*
- (f) *in relation to each disclosure made under section 5.65 and 5.70 in relation to the meeting, where the extent of the interest has also been disclosed, the extent of the interest.”*

It is important to note Part (e) of the Regulations. The minutes comply with the requirements of the legislation and are not recorded verbatim. Further, the guidelines adopted by the Council for public questions require a person to state their name and address.

The minutes of the 22 February 2005 ordinary meeting of the Council have been listed for confirmation at the ordinary meeting of the Council to be held on 15 March 2005. The Council will then determine the accuracy of the content of the minutes, however it is not recommended that any amendment be made.

- Q2 Now considering the fact that Council had three weeks to research the answers provided, can Council please explain why the main questions 'central to the issue of acid sulphate soils' are not answered at all? Questions 3 & 4 have simply been avoided.*
- A2 The Council is undertaking research on the broad issue of managing acid sulphate soils, and this will be the subject of a further report.
- Q3 What is the measured pH of the water on lots 28 & 29 (formerly lot 62) and 63 Hocking Road Kingsley, bearing in mind that the proponents did do testing to determine the water table levels, and would be aware of the pH readings?*
- A3 The Council has not been provided with the above information. The proponents have however committed to further preliminary testing and planning to deal with any potential risk from acid sulphate soils. When this information is provided, it will be published in the report to Council.
- Q4 Which specific plan or map on the Western Australian Planning Commission's website is "incorrect"? How did you determine it was "incorrect"? and did Council inform the WAPC that its plans or maps are incorrect?*
- A4 The WAPC plan that forms part of Planning Bulletin No. 64 – Acid Sulphate Soils does not truly indicate the boundaries of the Meath Care site.

Q5 Now that Lot 62 has been subdivided (lots 28 & 29) in order for the development to go around Walluburnup Swamp which is clearly identified as a high acid sulphate soils risk area. Is the proposed development greater or less than 50metres away from the contours of Walluburnup Swamp? Can Council please provide the precise buffer distance that the proposed development is from Walluburnup Swamp?

A5 This question will be taken on notice to allow further research.

Q6 Considering the fact that the Chairman of Commissioners has conceded that the City of Joondalup does have a duty of care to do all it possibly can to protect its residents from the risks associated with acid sulphate soils, can council please explain why it is "unaware of the full extent of studies undertaken by the applicant" (Meathcare) of the aged care facility on lots 28 & 63 Hocking Road Kingsley?

A6 The Council is not the sole determining authority for all the processes that have created this development site (rezoning and subdivision processes). On environmental issues relating to the site, the applicant is required to conform to the needs of the Department of Environment, and its relevant policies and guidelines.

In order to satisfy the requirements of the various authorities, the applicant may well have conducted studies and background work that was not a requirement of the City of Joondalup.

Q7 Has any tests been undertaken to determine the pyrite (FeS₂) readings in the soil on lots 28 and 63 Hocking Road Kingsley? If not, why not? If yes, can Council please provide the ratepayers with those readings?

A7 It is not known if tests have been conducted. Testing is not a requirement of the Planning Approval process under the District Planning Scheme. Notwithstanding, the applicants have committed to further preparatory testing and measures to deal with any perceived risk that may eventuate from the development.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Mr L Ghersinich, Marmion:

Q1 Re: CSIRO Marmion – Have the Commissioners had time to consider and read all the submissions? The report states that it only deals with planning issues and not all the other pertinent issues required to be considered by the decision makers, i.e., public open space, amenities, noise, extra vehicles in the area, social problems etc.

A1 *Response by Commissioner Clough:* In terms of those issues the Commissioners have had opportunities to view them and will take them into account tonight.

Q2 At last week's Briefing Session one of the Commissioners requested a comparable reference to surrounding suburbs to Marmion. Can the officers confirm the public open space in Sorrento, Waterman, North Beach and Hillarys?

A2 The comparisons did not extend to Waterman or North Beach, those suburbs being in the City of Stirling, but did include the areas of Sorrento, Ocean Reef, Kallaroo, Mullaloo and Iluka. The results of the audit found that the percentages of open space are the following:

- Sorrento 7.8%
- Ocean Reef 7.5%
- Kallaroo 9.4%
- Mullaloo 9.2%
- Iluka 10.1%

Mrs E Cohen, Marmion:

Q1 Re: CSIRO Site – Are the Commissioners aware that Council’s report and recommendations are all biased in favour of the rezoning? For example, when it was pointed out in several submissions that there would be increased population density in Marmion once the sewerage goes through, Council’s comment was “There is no formal proposal to increase the density in the suburb of Marmion irrespective of the completion of infill deep sewerage.” It is Submission No. 279, which completely ignores the fact that the population is likely to double whatever Council states.

Another example is the submission in favour of rezoning – Submission No. 42, which states: “Marmion is well serviced by community facilities.” There is no comment at all by Council, but we all know that Marmion has no such facilities whatsoever. Have we the assurance of the Commissioners that they will ignore Council’s biased comments?

A1 *Response by Commissioner Clough:* The Commissioners will take those issues into account during the debate tonight.

Q2 The wishes of the Marmion community were made quite clear by the submissions handed into Council. Two thirds are against the rezoning of the site. If there is a decision in favour of the rezoning, would that not mean that money triumphs over the wishes of the community? Should the wishes of the community not be the prior consideration of the Commissioners?

A2 *Response by Commissioner Clough:* The Commissioners will take into account the wishes of the community during the debate tonight.

Mrs C Gherinich, Marmion:

Q1 Re: Proposed Amendment No 24 to District Planning Scheme No. 2 regarding the public open space requirements of Marmion – The report from Council mentions, for example, Clifford Colman Park designated parking, Marmion Primary School not including public open space requirement and all schools are going to be fenced in the metropolitan area. Star Swamp in the City of Stirling owes its very existence to a huge public outcry, which protected it. Foreshore Reserve under Policy DC2.34 Foreshore Reserves is not included in any public open space calculations. Were Council officers aware of this when they wrote this report?

A1 The figures quoted in the report exclude some of those features described, whilst another figure includes them, so that the Commissioners have the context either way.

Q2 Marmion has no public amenities and the impact of survey strata particularly Sorrento is still coming. We have ten new children in our street just to illustrate what is coming. The question to be asked is not whether the City can afford to purchase this site, it has justifiable recourse to both the State and Federal Funds, but whether it cannot. I would like an answer from the City.

A2 Response by Commissioner Clough: I am not sure that this is a question for the City, it is a decision that needs to be made by the Commissioners. The Commissioners will take that into account and provide answers during the debate and resolution of the item tonight.

Ms M John, Marmion:

Q1 The WAPC policy DC2.3 indicates that regional foreshore reserves are not included in local POS calculations. This has also been confirmed by independent consultation with Mr C Jennings, Senior Lecturer in urban planning at Curtin University. Can the City confirm in writing the exact methods used in calculating POS in the local suburbs quoted tonight of Sorrento and Hillarys? Last week we also made reference through the Commissioners to local suburbs, so is it possible to include Waterman and North Beach as being part of a locality in those POS calculations albeit they are in the City of Stirling?

A1 In relation to the first part of the question, the calculation of open space for the subject land in Marmion is shown at the top of page 70 of the agenda. In relation to the second part of the question, the City can seek advice from the City of Stirling as to whether it would be prepared to release the information.

Q2 I would also like it for the other calculations made for Sorrento and Hillarys and Ocean Reef that have been provided tonight as data.

A2 The same rationale has been applied for the other suburbs.

Q3 Can we see the numbers that pertain to that calculation so that we can see easily the breakdown?

A3 The City can provide that information.

Q4 The professional reports commissioned by the CSIRO have stated that traffic from any internal road on the site at Lot 61 Leach Street, Marmion would be required to exit on Leach Street due to safety issue restrictions. Are the Commissioners aware therefore that the pedestrian accessway right of way laneway between Leach Street and West Coast Highway has been subject to residents' complaints regarding safety, noise and amenity concerns prior to this application? Are the Commissioners also aware of the fact that the traffic report now submitted to Council neglects the issue, hypothesising that no traffic will travel in a westerly direction? In addition the Briefing notes fail to acknowledge the accessway linked to the right of way laneway in the indicative structure plan provided by the applicant.

A4 There has previously been discussion in the Chamber relating to the laneway, and the other issues have been canvassed and will be shown in previous Minutes.

Q5 If these issues have been canvassed before, why are they not in the notations tonight regarding the problems associated with that laneway? This is an issue in relation to that rezoning application.

A5 The report for tonight's agenda is focussed on the rezoning application for the CSIRO land. This question will be taken on notice.

Mr T Thorp, Sorrento:

Q1 Re: CSIRO Site – Would a residential land use upon the site known as the CSIRO site constitute an improper purpose? If Council passes the land use for residential purpose is it improper?

A1 If Council endorsed a proposal then it would be Council's view that it was 'proper', but that is a decision for Council to take.

Q2 What benefits to the community are there in this proposal other than rates revenue for services provided when it only supports one clause of the strategic plan and leaves six clauses unsupported?

A2 *Response by Commissioner Clough:* That is a matter that will be considered by the Commissioner as part of the debate.

Mr A Bryant, Craigie:

Q1 Thank you for the answers to my questions numbers 3 and 4 on 22 February 2005, but there is not any indication of what community consultation is proposed or to occur in regard to the building of a community centre for the citizens and ratepayers of the suburb of Craigie and where it is to be located. Can I have an indication of the progress made to date?

A1 This question will be taken on notice.

Mr Bryant thanked the Selection Panel for recommending him for the WA Premier's Australia Day Active Citizenship Award that was presented to him on Australia Day 2005 by the Chairman of Commissioners, Mr J Paterson.

C09-03/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Smith that public question time be extended for a further period.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Mr M Sideris, Mullaloo:

Q1 Re: Responses received to the questions submitted earlier this week. When will the answers be provided to those questions? Specific details were requested and these were not provided.

A1 The responses given will be reviewed and expanded where possible.

Q2 Re: Answer given to question 5 previously submitted. Why has it taken twelve months for an internal audit report to be provided to the Audit Committee?

A2 For the last seven months the internal auditor has been acting in another position. The CEO has had discussions with the Audit Committee and a meeting will be called within the next few weeks.

Mr R de Gruchy, Sorrento:

Q1 Re: The three leisure centres operated by the City of Joondalup – Would you please advise the number of members, over the age of 60 years, attending the Gym, Aerobics, Body Pump (and similar activities), at the Craigie, Sorrento/Duncraig and Ocean Ridge Leisure Centres on a regular basis. (Do not include those people who support the Growing Old and Living Dangerously (GOLD) excursions/activities.)

A1 This question will be taken on notice.

Q2 Re: Status of the proposed work depot – Bearing in mind that a decision on the proposed Works Depot was taken three months ago (CJ300-12/04). Would you please advise if the land at the end of the freeway, known as the ‘Hodges Site’ has been purchased, and if so would you please advise the price paid for it?

A2 The site has not been purchased at this stage.

Q3 What is happening?

A3 Detailed negotiations are being undertaken.

Mr N Gannon, Sorrento:

Q1 Re: CSIRO Site, Marmion – This local reserve has a long and controversial history and any decision taken tonight must be as a result of thorough research. To approve rezoning tonight would result in an immediate windfall profit of millions of dollars to the owner as it could quickly on-sell the property with this new and more valuable zoning without even touching the site. Would the Commissioners consider a more prudent approach and refuse the application which would result in the owner being able to appeal? This was advice given by a senior staff member when asked by the Chairman of Commissioners at last Tuesday’s Briefing Session.

A1 *Response by Commissioner Clough:* This is a matter that will be considered during debate tonight.

Ms S Hart, Greenwood:

Q1 Could I ask the CEO if he received the questions I emailed?

A1 Some questions were received last night but it is unknown whether these are the questions being referred to.

Q2 Why aren't my questions from the last meeting included in the agenda tonight? My question last meeting was to do with the payback clause in the insurance company. I received a letter dated 1 March yesterday in answer to my questions; it quotes the clause to me, but no information is given at all.

A2 *This question will be taken on notice. The CEO will contact Ms Hart to discuss the matter.*

Q3 Minutes of the Council Meeting 11 June 2002 it states: "A historical review and soil tests have not been undertaken with respect to the subject portion of Lot 62. It is believed that this should be undertaken prior to the Amendment being finalised due to the possibility of contamination from the adjoining market garden. The applicant believes however that this is unnecessary. The Department of Environmental Protection's advice is intended to be sought with respect to this matter." Can you please tell me what information was received from the Environmental Protection Department?

A3 This question will be taken on notice.

C10-03/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Smith that public question time be extended for a period of five minutes.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Mr M Caiacob, Mullaloo:

Re: CSIRO Site, Marmion

Q1 I note in the strategic implications section of the report that this project will facilitate infill housing in line with the objectives of Network City, which has not yet passed through Parliament.

Did the applicant apply for assessment under Network City/Liveable Neighbourhoods as I do not believe the initial report highlighted this and the submission accordingly stated that they did not address this issue, as it had not been raised?

A1 Liveable Neighbourhoods is a document that guides the form of subdivision design and this is an application for rezoning of the site. Subdivision would occur later if Council supported the proposal. The application was not lodged with cognisance of Network City, as the application was being developed before Network City.

Q2 There is a lawful order issued by Council in regards to the existing neighbourhoods within the City of Joondalup where the status quo is to be maintained unless there is a clear demonstrable support for any change. Why hasn't this issue been highlighted in the report?

A2 This question will be taken on notice.

Mr Caiacob submitted the following question in writing at the Council Meeting:

Q3 Re: City correspondence 04048 – If the City now deems the DPS2 a plan, can I have an explanation as to:

(a) Why the City did not advise this in answering previous questions, where the response was that the City did not have any plans for the areas in question?

(b) The DPS2 governs and guides development generally – it is a scheme, not a plan that is intended to exhibit the relative positions and sizes of the represented things. What plans are the City working to in the two areas highlighted (Mullaloo and Sorrento)?

A3 This question will be taken on notice.

Mr S Kobelke, Sorrento:

Q1 Are the Commissioners aware, in regard to the rezoning application for Lot 61 Leach Street, Marmion, that being privately owned is not a reason to rezone the site and they are under no obligation to rezone privately held Parks and Recreation land?

A1 *Response by Commissioner Clough:* This is a matter that will be considered during debate tonight.

Q2 Apart from the change of applicant from one of the world's foremost scientific organisations to a simple nominee company, what makes this application different from the two previous applications that were not approved by Councillors duly elected at the ballot box?

A2 Fifteen years have elapsed since the last two applications were considered. In relation to the last two applications, Council considered recommendations to support the rezoning but Council decided not to support it.

Mr S Magyar, Heathridge:

Q1 Re: Questions emailed to Council on 13 March 2005 and the last questions asked was, will the Commissioners through a resolution sign off on the final subdivision plans for Burns Beach or will the officers handle this under delegated authority? The response was that it would be handled under delegated authority. Considering the size, importance and controversy of the Burns Beach development is there any reason why the Commissioners should not resolve that this particular subdivision, the final report from the City to the Western Australian Planning Commission is subject to a resolution of Council?

A1 That will be a decision for the Commissioners to make.

Q2 *Re: CEO's Report – Late Items 2,3 & 4. Has there been a report prepared and will these three items be considered behind closed doors?*

A2 Any such matters will be dealt with in an open session. The CEO will make further comment later in the meeting that he does not intend to progress those three items tonight.

Mr V Cusack, Kingsley:

Q1 *Are the CEO and Commissioners aware that Lots 28 and 29 Hocking Road, Kingsley have not been excised from Bush Forever 299 and are the subject of a Water Pollution Control Area?*

A1 This question will be taken on notice.

Q2 *In response to my earlier question 3 specifically relating to ph levels, it says Council has not been provided with the above information. Does Council want to stand by that response?*

A2 The advice Council has had is that ph levels were not submitted to the City.

Q3 *I have a document, which was emailed to me by Matt Darby of Consulting Communities.*

A3 *Response by Commissioners Clough:* If you would like to table this document the City would be happy to look at it.

(Mr Cusack advised that he would email the document to the City.)

APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cmr J Paterson - 14 March 2005 to 24 March 2005 inclusive

C11-03/05 REQUEST FOR LEAVE OF ABSENCE - CMR S SMITH

Cmr S Smith requested Leave of Absence for the Council meeting to be held on 5 April 2005.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council APPROVES the request from Cmr S Smith for Leave of Absence for the Council meeting to be held on 5 April 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Chief Executive Officer, Mr Garry Hunt declared a financial interest in Item CJ027-03/05 – Schedule of Documents Executed by Means of Affixing the Common Seal as the signing of his employment contract is listed in this schedule.

Cmr Clough declared an interest that may affect his impartiality in Item CJ035-03/05 - Tender Number 029-04/05 Library Alterations at Whitfords, Duncraig, Woodvale and Joondalup as he lives in Woodvale.

Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Late Item 2 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as Mr Schneider may be an applicant under Policy 2.2.8 in the future as a witness in the Panel Inquiry.

Manager, Marketing Communications and Council Support, Mr Michael Smith declared a financial interest in Late Item 2 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as the decision by the Council may impact any further application made by Mr Smith in accordance with Policy 2.2.8.

Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Late Item 3 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Member (Suspended) and Manager, Marketing Communications and Council Support as Mr Schneider may be an applicant under Policy 2.2.8 in the future as a witness in the Panel Inquiry.

Manager, Marketing Communications and Council Support, Mr Michael Smith declared a financial interest in Late Item 3 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Member (Suspended) and Manager, Marketing Communications and Council Support as Mr Smith is one of the applicants for funding.

Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Late Item 4 – Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as Mr Schneider may be an applicant under Policy 2.2.8 in the future as a witness in the Panel Inquiry.

Manager, Marketing Communications and Council Support, Mr Michael Smith declared a financial interest in Late Item 4 – Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as the decision by the Council may impact any further application made by Mr Smith in accordance with Policy 2.2.8.

CONFIRMATION OF MINUTES**C12-03/05 MINUTES OF COUNCIL MEETING, 22 FEBRUARY 2005**

OFFICER’S RECOMMENDATION: That the Minutes of the Council Meeting held on 22 February 2005 be confirmed as a true and correct record.

MOVED Cmr Smith, SECONDED Cmr Fox that confirmation of the minutes of the Council meeting held on 22 February 2005 be DEFERRED pending clarification of whether questions have been adequately recorded.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

ANNOUNCEMENTS BY THE DEPUTY CHAIRMAN WITHOUT DISCUSSION**DOCKERS WIN HISTORIC JOONDALUP AFL MATCH**

Chairman, John Paterson had the honour of tossing the coin at the recent AFL match between Fremantle and Hawthorn at the Arena.

More than 10,000 footy fans packed in to the Arena for Joondalup’s historic first AFL match.

JOONDALUP FESTIVAL – CUBANISMO

The latest edition of the City’s newsletter “Council News”, delivered to all 55,000 homes in the City, has announced the headline act for the Joondalup Festival – Cubanismo!

The Cuban band fits perfectly with the festival theme this year – Carnaval.

Our organisers at the City are hard at work putting the finishing touches to a program that promises to be a blockbuster.

Drawing inspiration from the great carnivals of the world, Joondalup will come alive on the weekend of 19 and 20 March 2005 with masquerade, fireworks, live music, street theatre and much more.

PETITIONS

Nil.

Chief Executive Officer, Mr Garry Hunt declared a financial interest in Item CJ027-03/05 – Schedule of Documents Executed by Means of Affixing the Common Seal as the signing of his employment contract is listed in this schedule.

Chief Executive Officer left the Chamber, the time being 2043 hrs.

CJ027 - 03/05 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - 15876

WARD - All

CJ050308_BRF.DOC:ITEM 1

PURPOSE

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

DETAILS

Document: DPS Amendment
 Parties: City of Joondalup
 Description: Final adoption of DPS Amendment No 26 – rezoning of Lot 143 Elwood Court and Lots 1 and 2 Eddystone Avenue, Craigie
 Date: 08.11.04

Document: Contract
 Parties: City of Joondalup and Montdale P/L
 Description: Execution of Contract No 003-04/05 – Joondalup Administration Centre Building lighting upgrade
 Date: 09.11.04

Document: Copyright
 Parties: City of Joondalup and Bart Bollen
 Description: Recording of historical importance
 Date: 09.11.04

Document: Copyright
 Parties: City of Joondalup and Kedy Kristal
 Description: Recording of historical importance
 Date: 09.11.04

Document: Easement
 Parties: City of Joondalup, Tucson P/L and Valenza P/L
 Description: Deed of Easement document – 4 Dwyer Turn, Joondalup
 Date: 09.11.04

- Document: S70A
Parties: City of Joondalup and Reginald and Lisa Hodgins
Description: Notification under S70A – ancillary accommodation – 155 Goollelal Drive, Kingsley
Date: 09.11.04
- Document: Contract
Parties: City of Joondalup and Sanpoint P/L (T/as Landscape Dev)
Description: Execution of Contract 009-04/05 – Landscape Maintenance Services, Iluka
Date: 26.11.04
- Document: Lease
Parties: City of Joondalup and Crown Castle P/L
Description: Extension of Lease – Portion of Lot 977 (15) Burlos Court, Joondalup
Date: 26.11.04
- Document: Contract
Parties: City of Joondalup and NGR
Description: Execution of Contract 014-04/05 – Agreement for the provision of security and patrol services
Date: 26.11.04
- Document: Contract
Parties: City of Joondalup and C Q and J M Dowsing (T/as Dowsing Concrete P/L)
Description: Execution of Contract No 012-04/05 – provision of concrete paths, dual use paths, crossovers and pedestrian access ways
Date: 26.11.04
- Document: S70A
Parties: City of Joondalup and Ryan Mead and Laura West
Description: Notification under S70A – ancillary accommodation – Lot 928 (42) Craigie Drive, Craigie
Date: 08.12.04
- Document: Agreement
Parties: City of Joondalup and Muscara Holdings
Description: Licence Agreement for the installation of benches for Streetside Advertising
Date: 08.12.04
- Document: Deed
Parties: City of Joondalup (City of Wanneroo) and Muscara Holdings P/L
Description: Deed of Settlement and compromise for Streetside Advertising
Date: 08.12.04

Document: Contract
Parties: City of Joondalup and Benara Nurseries
Description: Execution of Contract 016-04/05 – supply and delivery of trees, shrubs and groundcover to City of Joondalup
Date: 08.12.04

Document: Structure Plan
Parties: City of Joondalup
Description: Certification of Agreed Structure Plan - JCCDPM
Date: 08.12.04

Document: Structure Plan
Parties: City of Joondalup
Description: Certification of Agreed Structure Plan – modifications to the JCCDPM
Date: 08.12.04

Document: Structure Plan
Parties: City of Joondalup
Description: Certification of Agreed Structure Pan – modifications to the JCCDPM
Date: 08.12.04

Document: DPS Amendment
Parties: City of Joondalup
Description: Close of Advertising – DPS Amendment No 22
Date: 08.12.04

Document: Agreement
Parties: City of Joondalup, Minister for Planning and Infrastructure on behalf of the State of WA
Description: Recreational Boating Facilities Scheme – Funding Agreement
Date: 17.12.04

Document: Contract
Parties: City of Joondalup and NE Catchment Committee T/as Bennett Brook Environmental Services
Description: Execution of Contract No 010-04/05 – Provision of bushland regeneration services
Date: 17.12.04

Document: Contract
Parties: City of Joondalup Retech Rubber P/L
Description: Execution of Contract No 015-04/05 – Supply and installation of synthetic rubber softball on stabilised base layer to existing play areas
Date: 17.12.04

Document: Structure Plan
Parties: City of Joondalup and WAPC
Description: Final adoption of Cook Avenue Structure Plan No 5 – Lot 124 (92)
Cook Avenue, Hillarys
Date: 24.12.04

Document: Amendment
Parties: City of Joondalup and WAPC
Description: Final approval of Scheme Amendment No 25 – Recoding Lot 405
Fairway Circle, Connolly R20 to R40
Date: 24.12.04

Document: Easement
Parties: City of Joondalup and Public Transport Authority of WA
Description: Grant of easement to enable public pedestrian and bicycle access
across Lot 454 Collier Pass, Joondalup
Date: 24.12.04

Document: Contract
Parties: City of Joondalup, Select Services T/as WA Nursing Agency
Description: Execution of Contract No 026-04/05 – provision of immunisation
services
Date: 24.12.04

Document: Contract
Parties: City of Joondalup and James Christou and Partners
Description: Execution of Contract No 027-04/05 – provision of architectural
consultancy services
Date: 24.12.04

Document: Contract
Parties: City of Joondalup and Coventry Group T/as Hotmix
Description: Execution of Contract No 021-04/05 – hire of plant and trucks
Date: 24.12.04

Document: Contract
Parties: City of Joondalup and Telstra Corp
Description: Deed of Extension and Variation of Lease – Administration
Building, City of Joondalup
Date: 06.01.05

Document: Amendment
Parties: City of Joondalup and Printfill P/L
Description: Withdrawal of Restrictive Covenant for Woodvale Park Community
Centre
Date: 06.01.05

- Document: Contract
Parties: City of Joondalup and Oldridge Investments T/as Dalco
Earthmoving
Description: Tender No 021-04/05 – hire of plant and trucks
Date: 06.01.05
- Document: Contract
Parties: City of Joondalup and Site Architecture Studio
Description: Tender 027-04/05 – provision of architectural consultancy services
Date: 06.01.05
- Document: Contract
Parties: City of Joondalup and Quality Traffic Management
Description: Tender 019-04/05 – installation of traffic signal and associated works
Date: 06.01.05
- Document: Contract
Parties: City of Joondalup and PMR Quarries T/as W A Limestone Co
Description: Execution of Contract No 011-04/05 – supply and delivery of crushed limestone and bitumen emulsion stabilised limestone
Date: 11.01.05
- Document: Contract
Parties: City of Joondalup and Densford P/L
Description: Execution of Contract No 018-04/05 – Joondalup Drive dual carriageway road works
Date: 19.01.05
- Document: Copyright
Parties: City of Joondalup and Norrie Livingstone
Description: Recording of historical importance
Date: 19.01.05
- Document: Structure Plan
Parties: City of Joondalup and WAPC
Description: Certification of modified agreed Currambine Structure Plan No 14
Date: 19.01.05
- Document: Contract
Parties: City of Joondalup and Sanpoint P/L T/as Landscape Dev
Description: Execution of Contract No 22-04/05 – Maintenance of public open space and landscaped areas (Harbour Rise, Hillarys)
Date: 19.01.05
- Document: Contract
Parties: City of Joondalup and Garry Hunt
Description: Execution of Employment Contract - CEO
Date: 21.01.05

Document:	Lease
Parties:	City of Joondalup and Granny Spiers Community House
Description:	Lease documentation – Lot 501 (2) Albatross Court, Heathridge
Date:	28.01.05
Document:	Contract
Parties:	City of Joondalup and Readymix Holdings
Description:	Execution of Contract No 017-04/05 – supply and delivery of premix concrete
Date:	08.02.05
Document:	Deed of Easement
Parties:	City of Joondalup and Roman Catholic Archbishop of Perth
Description:	Deed of Easement – Lot 9010 on Deposited Plan 42963 – Stage 17, Iluka
Date:	08.02.05
Document:	Agreement
Parties:	City of Joondalup and Armstrong Jones Management P/L
Description:	Execution of legal agreement relating to pedestrian and vehicular access – Joondalup Railway Station
Date:	08.02.05
Document:	Easement
Parties:	City of Joondalup and Roman Catholic Archbishop of Perth
Description:	Easement created pursuant to Section 136C of the Transfer of Land Act – retaining walls – Stage 18, Iluka
Date:	22.02.05

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that the schedule of documents executed by means of affixing the Common Seal for the period 8 November 2004 to 22 February 2005 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Chief Executive Officer entered the Chamber, the time being 2044 hrs.

**CJ028 - 03/05 2005/06 BUSINESS & COMMUNITY DIRECTORY -
JOONDALUP BUSINESS ASSOCIATION –
[03082][00004]**

WARD - All

CJ050308_BRF.DOC:ITEM 2

PURPOSE

For Council to give consideration to supporting the production of the 2005/06 Business & Community Directory with the Joondalup Business Association.

EXECUTIVE SUMMARY

The Joondalup Business Association (JBA) has advised the City that it has commenced the process for the publication of the 2005/06 Business & Community Directory. It has requested that the City contributes \$55,000 (including GST) to the project.

In 2000 the City produced its own Community Directory for the cost of \$32,000. In 2001 the Council resolved not to continue with the production of its own publication and contribute the funds towards the production of a business and community directory to be produced by the JBA.

The JBA has advised that for a financial contribution of \$55,000 (including GST) the City would receive the following:

- Welcome page;
- 19 pages for listing Council services;
- 9 pages for Community listings;
- 10 pages for maps of the City; and
- Front and inside covers.

This year's request for funding is an increase of \$10,000 to that contributed by the City to last year's publication.

Market research conducted in late 2003, immediately following the distribution of that year's directory, revealed that the publication was a desired product for the community. However it appears that the number of businesses advertising in the directory has been declining since its inception in 2001.

The City has a number of options available to it:

- Agree to support the directory to an amount of \$44,000 (including GST) with certain conditions embracing the principles of previous decisions;

- Agree to an amount of \$22,000 (including GST) with certain conditions as per above. This option is based on the fact that this will be the fifth year the directory has been produced and it could be assumed that the initial funding was to establish the product and now it should be self funding;
- Endorse the concept of the directory and advertise to an amount of \$11,000 (including GST) and the City produces its own community directory;
- Underwrite any losses to the publication to an amount of \$40,000 but still be entitled to advertising space which will strengthen the product;
- Not support the business and community directory proposal and examine options for communicating the relevant community based information;
- Agree to the proposal as submitted by the JBA.

The publication has been running for a few years and it could be assumed that the publication should be making a profit for the JBA but indications from it is that is making a loss on the product.

It is therefore recommended that the City support the production of the 2005/06 Business & Community Directory to an amount of \$44,000 (including GST) as per last year subject to a number of conditions.

BACKGROUND

The Joondalup Business Association (JBA) has advised that it has currently commenced the planning for the 2005/06 Business & Community directory and is seeking the support and the involvement of the City of Joondalup. The JBA has requested the City subscribe for its community related advertising space for the amount of \$55,000 (including GST).

The JBA (when it was known as the North West Metro Association) produced a business directory in 1999, which included Council related information at no cost to the City. In 2000, the City produced its own sixteen (16) page Council Services Directory at a cost of \$32,000 and this was distributed to every household.

In March 2001, the JBA approached the City to support a joint venture in producing a combined Business and Community directory. The City at that time agreed to subscribe to the directory to the value of \$32,000 to acquire sixteen (16) pages of Council-related information and agreed to no longer produce its own Council Services Directory.

The City has continued to support the publication since that time with further amounts of \$35,200 (including GST) for the 2001/02 and 2002/03. The City initially agreed to subscribe to the directory for the 2003/04 year to the amount of \$35,200 (including GST) but further agreed to increase its contribution by \$7,150 (including GST) to secure the cover and inside cover of the publication. For the current edition the City contributed an amount of \$44,000 (including GST).

Year	City's Contribution (including GST)
2001/02	\$35,200
2002/03	\$35,200
2003/04	\$44,000
2004/05	\$44,000
2005/06	\$44,000 (proposed)

For the publication of the 2002/03 Business and Community Directory, the JBA agreed to the following conditions of the funding:

- 1 *Agrees to contribute an amount of \$32,000 (plus GST) to the Joondalup Business Association towards the production of the 2002/03 Business and Community Directory only;*
- 2 *Advises the Joondalup Business Association that the funding is subject to the City being granted the following for the 2002/03 edition and all future editions of the Business and Community Directory:*
 - (a) *allocation of appropriated free space for information pertaining to Council services (currently this would need to be approximately 16 full A4 pages);*
 - (b) *two representatives being included on the working party for the production of the Business and Community Directory;*
 - (c) *allocation of free editorial space for a joint City of Joondalup Mayoral Message at the front of the Directory.*

This commitment made by the JBA has been used as the basis of future subscriptions by the City to support the publication.

At the meeting of Council held on 2 December 2003, it was resolved as follows:

“That Council AGREES to contribute an amount of \$40,000 (plus GST) to the Joondalup Business Association towards the production of the 2004/05 edition of the Joondalup Business and Community Directory with following terms and conditions:

- 1 *the City being allocated appropriate space for information pertaining to Council services (currently this is 16 full A4 pages) with the Community front and inside cover as per 2003/04;*

- 2 *the City having two representatives on the working party for the production of the Directory;*
- 3 *the City allocated editorial space and photograph for a joint message from the Mayor and JBA President at the front of both sides of the Directory;*
- 4 *the JBA commit to continuing to develop and improve the directory's content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the directory;*
- 5 *the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres, and*
- 6 *continued inclusion of Community organisation/groups listings as supplied by the City."*

The JBA failed to deliver the required extra number of copies of the directory as required by part 5 of the 2 December 2003 resolution of the Council.

At its meeting held on 22 February 2005 (item CJ003-02/05 refers) Council resolved to:

DEFER consideration of a financial contribution to the Joondalup Business Association (JBA) for the production of the 2005/06 Business & Community Directory to the next meeting of Council to be held on 15 March 2005 to allow time for the JBA to be consulted on the various options listed in Report CJ003-02/05, in particular Option 5.

DETAILS

The JBA has invited the City to continue its participation for the 2005/06 Business & Community Directory by subscribing for advertising space for an amount of \$55,000 (including GST). For this subscription, the JBA has indicated that the City will receive 39 full colour pages, which includes: -

- Welcome page;
- 19 pages for listing Council services;
- 9 pages for Community listings;
- 10 pages for maps of the City; and
- Front and inside covers.

The City has only ever committed to the required number of pages necessary to communicate the relevant community related information relating to community services. It was never intended to be charged for the provision of maps and community listings. These inclusions have evolved at the request of the JBA to strengthen the publication.

The JBA has advised that at current costs its proposal represents approximately \$80,000 worth of advertising. This would be based on the schedule of fees distributed by the JBA at \$2189 (including GST) per full-page advertisement. The JBA has indicated the following costings to produce 60,000 copies of the directory: -

2003/04 - Edition

Income

Sale of advertising	\$103,171
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Expenditure

Printing	\$89,366
Distribution (direct to the door)	\$13,375
Salaries/wages/commission	\$17,699
Miscellaneous	\$3,873

Total Profit (Loss)	(\$21,142)
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2004/05 – Edition

Income

Sale of advertising	\$140,788
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Expenditure

Printing	\$104,819
Distribution (direct to the door)	\$13,210
Stationery	\$1,473
Bank Fees	\$193
Salaries/wages/commission	\$30,104
Advertising	\$33
Telemarketer	\$1,327
Reimbursements/Cancellations	\$1153
Miscellaneous	\$1421

Total Profit (Loss)	(\$12,945)
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(The figures above referring to actual income, includes the City's contribution).

The printing costs are at that amount due to the:

- Size of the document. 2003/04 – 130 pages and 2004/05 – 105 pages.
- Stock/quality of the publication. This will vary the cost of printing. The 2004/05 edition included improvements in the quality of the paper stock.

The Options available to the City are as follows: -

Option 1

Provide a financial contribution to the Joondalup Business Association, in accordance with the City's budgeted amount of \$44,000 (including GST), subject to:

- 1 the City being allocated appropriate space for information pertaining to Council services (currently this is 21 full A4 pages) with the Community front and inside cover as per 2004/05;
- 2 the City having two representatives on the working party for the production of the Directory;
- 3 the City allocated editorial space and photograph for a joint message from the Chairman of Commissioners and JBA President at the front of both sides of the Directory;
- 4 the JBA commit to continuing to develop and improve the directory's content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the directory;
- 5 the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres, and
- 6 continued inclusion of Community organisation/groups listings as supplied by the City.

Option 2

Provide a reduced financial contribution to the Joondalup Business Association under the above terms, say to the value of \$22,000 (including GST). Given that this is the fifth year the Directory will be produced, the product has proven to be strong and should therefore be self-funding.

Option 3

The City to endorse the concept of the Directory and provide support in the form of purchasing advertising space in the Directory, for example to the value of \$11,000 (including GST), to promote the City. The City would then produce its own dedicated Council Services Directory.

Option 4

Underwrite any potential losses to the value of \$40,000. This limits the financial risk for the JBA, if it fails to draw the revenue from the sales of advertisements. The Council would still not produce its own Directory to provide a stronger product for the JBA with which to sell advertisements and maximise the chances of success. In order to enhance the product the City would still request the necessary advertising space to promote the Council services.

Option 5

That the City undertake the production of its own directory and extend an offer to the JBA to put the business listings in the Council Directory free of charge, so providing the JBA with additional benefits for members and as a tool for increasing membership.

Option 6

That the City not agree to support the Business & Community directory as proposed by the JBA and initiate its own dedicated Council Services directory.

Option 7

That the City agrees to the request as proposed by the JBA.

The City has not fully costed the option of producing its own directory. Approximate initial costs for 60,000 copies would be as follows:

- Print the City's section only – A4

Printing	\$30,000 - \$35,000	(including GST)
Distribution (letter box)	\$3,000 - \$5,000	(including GST)

- Print City only information based on 2000 edition – A5

Printing	\$20,000 - \$25,000	(including GST)
Distribution (letter box)	\$3,000 - \$5,000	(including GST)

These costs are only approximate and do not include internal operation cost in the preparation and compilation of the document. These costs may also vary depending on the final size and weight of the directory.

Upon examination of the publication it has been identified that there has been a dramatic decline in the number of businesses advertising in the directory. The initial directory of 2001/02 included 81 pages of business advertising, however the current directory has only 30 pages of business advertising. The following statistics for business advertising is as follows: -

- 2001 – 460 businesses (253 adverts & 207 line adverts)
- 2002 – 291 businesses (190 adverts & 101 line adverts)
- 2003 – 186 businesses (150 adverts & 36 line adverts)
- 2004 – 178 businesses (169 adverts & 9 line adverts)

It is no longer possible for the JBA to include the A-Z of business within the region due to the fact that the information is too expensive to acquire and reproduce. As a result of the decline in businesses advertising and the inability to reproduce the A-Z of businesses the publication mainly consists of community related information. It is estimated that there are approximately 3000 business located in the City of Joondalup with only 10% being members of the Joondalup Business Association.

Financial Implications:

The City as part of its 2004/05 budget allowed for an amount of \$44,000 (including GST) to assist in the production of a Business & Community directory.

Account No:	1 510 3720 0001 9999
Budget Item:	Governance Corporate Costs, Printing
Budget Amount:	\$126,000
YTD Amount:	\$26,847
Actual Cost:	\$44,000 (including GST)

The City provides financial assistance to the JBA via other funding options including:

- attendance at events;
- annual service level agreement;
- sponsorship of Small Business Awards;
- Business and Community Directory.

The financial assistance to the JBA over the past years is:

2002/03	\$ 85,130
2003/04	\$125,310
2004/05 (as at January 2005)	\$ 63,396

Strategic Implications:*Strategic Plan Outcome*

The City of Joondalup provides social opportunities that meet the community needs

1.3 To continue to provide services that meet changing needs of a diverse and growing community.

1.3.3 Provide support, information and resources.

Strategic Plan Outcome

The City of Joondalup is recognised for investment and business development opportunities.

3.5 To provide and maintain sustainable economic development.

3.5.1 Develop partnerships with stakeholders to foster business development opportunities.

Sustainability Implications:

The production of a joint Business & Community directory will mean the need for only one publication to be produced and assist in providing valuable information to the community and businesses.

Community Consultation:

The 2004/05 directory was distributed by the JBA in September/October of 2003. In November 2003 the City undertook some research on the City's communications methods, which included some questions regarding the Business & Community directory. The results of the survey indicated a positive reaction to the directory.

- Awareness of the directory was 82% (extremely high)
- Readership/Usage of directory 49% (well above average)
- 56% rated directory as 'Very useful' (above average percentage)
- Feedback received from the Research undertaken by the City, including 300 telephone interviews, indicating that the directory in its new format has above average awareness, usage and satisfaction levels.
- All residents interviewed during in-depth interviews had retained the document in their homes with their mainstream White & Yellow Page books.
- The City received more queries with regard to distribution of the 2003/04 Directory than in previous years, again highlighting an increased usage and demand of the directory.
- The City's participation enhances promotion of the Directory into the business sector, making the product as a whole more viable.

COMMENT

This would be the fifth year that the Business & Community directory has been produced in partnership with the JBA. The research undertaken by the City has indicated that the product is strong and that there is a demand and expectation within the community for such a product.

While it is fully appreciated that the research depicts that the directory is a required product within the community, the research does not detail whether the directory is retained for purely community related information or business related information or indeed both.

There is a concern that with what appears a decline in the amount of businesses willing to advertise in the directory and the inability to be able to list all businesses within the City and not just those who choose to advertise in the directory, the publication is strongly orientated towards the community related information. There may be more benefit for the City in producing its own community information related directory.

A further concern is that the directory has been produced for the last four years and indications from the JBA is that it has never made a profit. It is known that other cases where the business association has undertaken such a venture it has managed to include the Council/Community related information free of charge. The entire project was funded by the sales of the advertising space.

When the Council agreed to fund the 2002/03 directory, it was anticipated that future editions of the publication would be done so at a profit for the JBA, therefore being able to include the Council related information at no cost to the City to strengthen the recognition and creditability of the product.

The JBA has committed to the project by engaging the services of a full time employee to increase sales revenue from advertising for this year's directory. The JBA has advised that the salary for that employee contribute to 20% of the total project cost.

In the past Council has agreed to fund the project in a way of assisting the JBA. It is a way of showing support for the business community, through the JBA, and as a local government is taking a leadership role in the economic vitality of the City. This is in addition to the many other grants provided to the JBA in local business initiatives.

It is therefore recommended that at this stage it still appears to be most effective, from both cost and communications perspectives, to continue with this joint publication. To maximise the benefit of this publication it is recommended that the City proceed with Option 1 as outlined in this report.

The level of financial contribution in Option 1 ensures the professionalism of the Directory, in particular the Community component, being maintained to the current level with pages allocated for City Services / Facilities as well as Community Services in general.

It is envisaged that continuing participation from the City will assist in further improvement of the content and distribution of future editions of the Community Directory.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

ADDITIONAL INFORMATION

Following the Council meeting held on 22 February 2005, the JBA was advised of the decision of the Council and invited to provide comment on its preferred option. A copy of the letter received from the JBA dated 3 March 2005 is attached to this report.

The letter from the JBA raises a number of points for which clarification needs to be made:

- The City agreed to contribute \$35,200 (including GST) for the 2003/04 edition, and then further agreed to a full page inside cover to an amount of \$7,150 (including GST) for the same edition.
- As a result of the decision to support the inside cover for the 2003/04 edition, the City agreed to increase its contribution for the 2004/05 edition to \$44,000 (including GST) which included the inside front cover.

- The print run for the directory by the JBA was 60,000. There are approximately 56,000 households (not including businesses) within the City of Joondalup, therefore if every household received a copy it was not possible for the JBA to meet the additional copies required by the City.
- It was only ever the City's intent to provide Council/community related information for the directory. The additional information such as maps was requested by the JBA to strengthen the product.
- It is agreed that the product is retained within households. The research conducted by the City supports this.
- The discussion with the JBA referring to an amount of \$100,000 was approximate. This amount includes the City's contribution plus internal costs to produce the 'community' section of the directory. The City provides its information to the JBA 'print ready'.

The City's support is based on a partnership with the JBA and the City making a financial contribution to assist in the production of the directory. The partnership is based on:

- 1 showing support for the business community through the JBA;
- 2 the inclusion of Council/community related information within the directory strengthens the product and offers a mechanism for the City to communicate to its customers. The research indicates that the product has high awareness and usage by members of the community.

As indicated in the report, the City could agree to reduce the level of information it desires to place in the directory. This has been highlighted through Options 2 and 3.

OFFICER'S RECOMMENDATION: That:

- 1 Council PROVIDES a financial contribution to the Joondalup Business Association (JBA), in accordance with the City's budgeted amount of \$44,000 (including GST), for the production of the 2005/06 Business & Community Directory subject to:
 - (a) the City being allocated appropriate space for information pertaining to Council services (currently this is 21 full A4 pages) with the Community front and inside cover as per the 2004/05 publication;
 - (b) the City having two representatives on the working party for the production of the Directory;
 - (c) the City allocated editorial space and photograph for a joint message from the Chairman of Commissioners and JBA President at the front of both sides of the Directory;

- (d) the JBA commit to continuing to develop and improve the directory's content and its appeal to a wider audience including identification of new markets and extended distribution channels within the community for the directory;
 - (e) the print-run of the Directory is suitably increased to allow for wider distribution, and for the City to be provided a minimum of 6,500 copies for use in new resident welcome & citizenship packs, libraries, recreation centres and customer service centres; and
 - (f) continued inclusion of Community organisation/groups listings and regional maps as supplied by the City at no cost to the City;
- 2 EXPENDITURE in (1) above be charged to Account No. 1 510 3720 0001 9999 - Governance Corporate Costs, Printing.

MOVED Cmr Smith, SECONDED Cmr Anderson that Council:

- 1 NOTES the offer from the Joondalup Business Association for the Council to take out advertising space in its 2005 Business Directory in an amount of \$55,000;**
- 2 REQUESTS the Chief Executive Officer as a matter of urgency to undertake a strategic review of the way the City promotes its services and provides necessary information to the community;**
- 3 REQUESTS the Chief Executive Officer to make any interim arrangements needed to provide this information, possibly through the website, disks in welcome packs, through libraries and customer service outlets.**

Cmr Smith spoke in support of the motion and raised a number of concerns in relation to the matter.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf080305.pdf](#)

CJ029 - 03/05 HALF YEARLY PROGRESS REPORT ON CORPORATE PLAN 2004/05 – [20560] [77514]

WARD - All

CJ050308_BRF.DOC:ITEM 3

PURPOSE

To present the Half Yearly Progress Report on the City of Joondalup's Corporate Plan 2004/05.

EXECUTIVE SUMMARY

Following a review of the City's corporate planning and reporting system, a new system for corporate reporting was proposed. At the meeting of 14 December 2004, Council endorsed the new 'Corporate Reporting Framework' and also the recommendation that regular progress reports against the Corporate Plan be provided to Council and the community. (Item CJ307-12/04 refers)

The 'Half Yearly Progress Report' forms Attachment 1 to this report. It is structured around the four Key Focus Areas of the Strategic Plan and provides information on whether the targets set within the Corporate Plan 2004/05 have been met for the period 1 July 2004 to 30 December 2004.

The progress report is a valuable tool for Council to measure the performance of the City particularly in relation to its achievement of pre-determined outcomes and objectives as set out in the Corporate Plan. It is also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

It is recommended that Council RECEIVES the Half Yearly Progress Report from 1 July 2004 – 30 December 2004 against the milestones outlined within the City's Corporate Plan 2004/05 shown as Attachment 1 to this report.

BACKGROUND

Following a review of the City's Corporate Planning and Reporting System, a report was presented to Council on 14 December 2004 proposing a new system for corporate reporting. It was proposed that the new 'Corporate Reporting Framework' would include:

- the development of key performance indicators for the Strategic Plan 2003-2008 and that these indicators would be reported to both Council and the community on an annual basis; and
- the development of a Corporate Plan which would document the organisation's annual priorities for the achievement of the Strategic Plan and Principal Activities Plan and that quarterly progress reports, against the milestones included within the Corporate Plan, would be provided to both Council and the community;

Council endorsed the recommendations within this report and:

- “1 *ENDORSED the Strategic Plan Key Performance Indicators shown as Attachment 1 to Report CJ307-12/7/04;*
- 2 *ENDORSED the Corporate Plan 2004/05 shown as Attachment 3 in Report CJ307-12/04;*
- 3 *ENDORSED the Corporate Reporting Framework whereby the Joint Commissioners receive annual reports against the Strategic Plan Key Performance Indicators, annual reports against the key performance indicators for the principal activities of Council as outlined in the Principal Activities Plan, and Quarterly Progress Reports against the Corporate Plan.”* (Item CJ307-12/04 refers)

DETAILS

The Corporate Plan will be produced on an annual basis highlighting the annual priorities for the organisation to achieve the Strategic Plan. It will include milestones against Corporate Projects and other annual priorities (project, programs and services). Regular quarterly reports will be provided to Council and the community at the end of September, December, March and June of each financial year.

The ‘Half Yearly Progress Report’ forms Attachment 1 to this report. It is structured around the four Key Focus Areas of the Strategic Plan and provides information on whether the targets set within the Corporate Plan 2004/05 have been met or not. It was intended that a quarterly progress report would be provided at the end of the September 2004 quarter. However as Council did not endorse the new Corporate Reporting Framework until 14 December 2004, the first progress report provides information for the period 1 July 2004 to 30 December 2004. Subsequent reports will be provided on a quarterly basis.

Policy Implications:

Nil

Strategic Implications:

This item links to the Strategic Plan through Key Focus Area 4- Organisational Development.

Outcome - The City of Joondalup is a sustainable and accountable business

Objective 4.1 - To manage the business in a responsible and accountable manner

Strategy 4.1.2 - Develop a corporate reporting framework based on sustainable indicators

Sustainability Implications:

The Corporate Plan aligns with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council’s vision is to be ‘*A sustainable City and community that are recognised as innovative, unique and diverse*’. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance. Reports against the Corporate Plan 2004/05 will provide regular assessments against the progress of the City’s key projects, programs and services and, therefore, the City’s achievement of the Strategic Plan.

COMMENT

The progress report is a valuable tool for Council to:

- measure the performance of the City– particularly in relation to its achievement of pre-determined outcomes and objectives, and;
- capture the results of performance measurement and feed them back into the planning processes that then guide the organisation to make the necessary changes to its activities and operations and (if necessary) make changes to its strategic outcomes and objectives.

The report is also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

ATTACHMENTS

Attachment 1 – Half Yearly Progress Report – July 2004 – December 2004

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council RECEIVES the Half Yearly Progress Report from 1 July 2004 – 30 December 2004 against the milestones outlined within the City's Corporate Plan 2004/05 shown as Attachment 1 to Report CJ029-03/05.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn150305.pdf](#)

CJ030 - 03/05 2004/05 HALF YEAR BUDGET REVIEW - [79566]

WARD - All

CJ050308_BRF.DOC:ITEM 16

PURPOSE

The purpose of this report is for Council to consider and endorse the 2004/05 half year budget changes and to establish a revised 2004/05 budget.

EXECUTIVE SUMMARY

The 2004/05 half year budget review aims to assess the City's business revenue and expenditures for the year to date, recommend changes to the adopted budget for the 2004/05 year and to establish a 2004/05 revised budget for future management reporting.

Each business unit undertook the 2004/05 half year review by examining its year-to-date business plans, operations for the 2004/05 year to date and by considering the financial results as at 30 November 2004. The 2004/05 Capital Works and Corporate Projects were also reviewed.

A synopsis of each business unit's operations was prepared and the net changes to the budget for each unit were collated. The result shows that proposed new expenditure can be funded from savings in operational budgets, deferrals of project expenditures or savings from projects that will not be continued.

The report shows forecast surplus funding of \$640,919 and it is proposed that this be used to reduce the forecast budget shortfall in 2005/06.

It is recommended that the net adjustments and budget reallocations be made against the adopted budget and that future monthly financial reporting be compared to the "2004/05 Revised Budget."

It is recommended that Council:

- 1 *NOTES the 2004/05 forecast surplus funds of \$640,919 based on actual results as at 30 November 2004, available to contribute to the end of year surplus;*
- 2 *APPROVES BY AN ABSOLUTE MAJORITY the establishment of the 2004/05 revised budget to include the half-year budget adjustments;*
- 3 *CONFIRMS that monthly financial reporting be measured against the 2004/05 revised budget.*

BACKGROUND

The City historically undertakes a half-year review for management purposes. The process considers changes in the economic environment, the City's ongoing operations and projects with a view to forecasting the financial impacts likely to arise by the end of the financial year. A revised budget is developed and is used for management reporting purposes.

DETAILS

Business unit managers were requested to complete a descriptive summary of their business unit operations, proposals, corporate projects, capital works and to complete financial information to assist in the update of the 2004/05 Revised Budget.

The net financial position can be summarised as follows:

	Net funds available for reallocation \$	Additional expenditure requests \$
Operations	419,408	
Proposals: <ul style="list-style-type: none"> • Projects with savings • New proposals seeking funding approval 	83,961	81,450
Corporate Projects: <ul style="list-style-type: none"> • Corporate projects additional funds • Corporate projects additional expenditure 	1,150,000	700,000
Capital Works: <ul style="list-style-type: none"> • Capital works with savings • Capital works to be funded • Additional MRRP funding • Cost of works with MRRP funding • Capital works with surplus funding 	293,982 424,968 5,000	529,982 424,968
Sub-Total	2,377,319	1,736,400

Net funds available excluding uncertainties

\$ 640,919

The amounts and main reasons for adjustments in expenditure are as follows:

OPERATIONS	Available funds / (costs) \$	Main Reasons
Central Finance	332,000	Additional income - interest income, rates charges, grants Savings - early payment discount - \$180k, interest expense
Governance	40,000	Savings Civic functions, printing
Office of the CEO	(110,000)	Additional funding required for salary estimates in this area to rectify a budgeting error.
Audit and Executive Services	4,622	
Marketing, Communications & Council Support	1,807	
Strategic & Sustainable Development	(15,350)	This is offset by expenditure in project F371
Human Resources	5,000	
Financial Services	202,000	Savings in bank fees
Assets and Commissioning	2,949	
Information Services	0	
Planning and Community Development Admin	20,000	Savings in salary costs
Approvals, Planning & Environmental Services	(72,300)	Costs associated with project F791 (\$94,000) have been absorbed into operational expenditures and additional savings of \$22k identified
Community Development Services	(111,770)	Income from CLC - Gym less than expected
Library & Information Services	2,450	
Infrastructure Management Services	118,000	Savings in salary and various administration costs
Net savings from operations	\$419,408	

PROJECTS	Available funds / (costs) \$	Main Reasons
PREVIOUSLY APPROVED PROJECTS		
F371 CBD Enhancement Project (Sustainable development officer)	80,600	Project scaled back and officer not replaced
F402 Community Funding grants (north metro BEC service)	900	Identified savings in project
F497 Climate Protection Program	15,809	External grants secured
F751 Statutory compliance EHO (Environmental Health Officer)	15,000	Project to be deferred to 2005/06
F791 Conversion of 2 contract building positions to full time	94,000	Project costs now included in Operating Budget
F816 Capturing of Building Licence Documents and Large Plans	10,000	Funds no longer required
F681 Learning City	46,255	Project costs now split into extra segment
Learning City Resources	(37,500)	Project costs now split into extra segment
F700 City of Joondalup Local Biodiversity Plan	1,854	Funds no longer required
F721 Community Consultation Extension Ocean Reef	2,620	Funds no longer required
J015 Oracle Upgrade Phase 2	8,000	Funds no longer required
J024 Corporate PC Replacement Program	10,423	Funds no longer required
F822 – Sale of Yagan Pre-School (Note 1)	71,000	Net funding received compared to budget
Community Facility Reserve – Kingsley (Note 1)	(255,000)	Transfer of net proceeds on disposal of Yagan Pre-school to be applied to future works in the Kingsley area in accordance with Council Report CJ103-05/04
F745 Property Officer	20,000	Savings from delay in making appointment
Net savings from previously approved projects:	\$83,961	

Comments:

Sale of Yagan Pre-School (Note 1)

The 2004/05 budget anticipated net proceeds of \$195,000. Buildings on the property were demolished prior to sale at auction. A sale price of \$285,000 was achieved with a May 2005 settlement. Council approved the disposal subject to “(d) the sale of the site with the proceeds being set aside in the Community Facilities Reserve Account” CJ103-05/04 refers. The net proceeds to be transferred to the Community Facilities Reserve Account is estimated to be \$255,000 based on the sale price, GST paid at the margin scheme and after taking into account the demolition and other disposal costs.

New proposals seeking funding approval		
F831 Coastal Policy	(10,000)	To initiate, draft & implement policy on the height of commercial development in coastal or other potentially sensitive areas.
F833 Review Joondalup City Centre Structure Plan	(15,000)	To review & update Joondalup City Centre Development Plan and Manual to better align the document with the Residential Design Codes and clarify the specific development controls within the document.
F834 Land Information Upload	(15,000)	To transfer historical hard data to the Proclaim systems and audit land tenure information as a component of that for the benefit of corporate users of the database.
M008 Photocopier for Community Development	(16,000)	Replacement of photocopier
Shuttle bus Service	(25,450)	Per Council resolution CJ004-02/05
Total	(81,450)	

Comments:

All business units had the opportunity to seek funding for previously nominated proposals or to seek funding for new proposals.

Five new proposals have been put forward for funding approval, with relevant comments outlined below:

F831 Coastal Policy - Approvals, Planning and Environmental Services

Project Description - To initiate, draft & implement policy on the height of commercial development in coastal or other potentially sensitive areas.

Key Issues – The City currently has a Policy in regard to the height of buildings in a residential area. However, the policy does not cover commercial development, or in particular commercial development in sensitive locations such as the coastal view shed. It is proposed that a Policy be developed in this issue.

F833 Review of Joondalup City Centre Plan - Approvals, Planning and Environmental Services

Project Description - To review & update Joondalup City Centre Development Plan and Manual to better align the document with the Residential Design Codes and clarify the specific development controls within the document.

Key Issues – Current inconsistencies within the JCCDPM and difficulties in implementing and interpreting the document.

F834 Land information upload – Proclaim database - Approvals, Planning and Environmental Services

Project Description - To transfer historical hard data to the Proclaim systems and audit land tenure information as a component of that for the benefit of corporate users of the database.

Key Issues – Data integrity for Proclaim, corporate knowledge sharing, assisting with asset management

M008 Replacement of Photocopier – Community Development

This high volume photocopier has exceeded its recommended number of copies. The machine is consistently breaking down and is unavailable for extended periods of time. The replacement of this machine is recommended to be brought forward for replacement at the 2004/05 half year review due to the current number of breakdowns.

Shuttle bus service

A shuttle bus service is proposed to operate between the Joondalup CBD, University campus and train station and will be jointly funded by Edith Cowan University, Transperth and the City of Joondalup. The City will contribute 33% of the operating and capital costs. The City's contribution for the remainder of 2004/05 is \$25,450.

Reallocations of existing proposals:

Two proposals are currently listed under the Financial Services Business Unit (BU 32). These proposals - F825 Mindarie Lot 118 – Study (2004/05 budget - \$20,000) and F826 Mindarie Lot 118 – Construction (2004/05 budget - \$24,378) are under the control and direction of the Office of the CEO (BU 11). For reporting purposes it is proposed that these proposals be re-allocated to the Office of the CEO as part of the 2004/05 half year review.

CORPORATE PROJECTS	Additional income \$	Additional expenditure \$	Comments
4160 Craigie Leisure Centre Redevelopment	450,000	-	Unbudgeted funding from the CSRFF received for the geothermal bore.
4165 Currumbine Community Centre	-	-	Refer additional comment below.
F657 Ocean Reef Boat Harbour Development	700,000	-	Refer comment below
F657 Ocean Reef Boat Harbour Development		700,000	Refer comment below.
Corporate Projects – Net savings	1,150,000	700,000	

Comments:

Note: Unless otherwise indicated, funds allocated to the above projects as part of the 2004/05 adopted budget, which remain unspent at 30 June 2005, will be carried forward to fund the same project in 2005/06.

Craigie Leisure Centre Redevelopment

The City will receive an unbudgeted grant of \$450,000 from the Community Sporting and Recreation Facilities Fund (CSRFF) for the geothermal bore component of this redevelopment.

Currambine Community Centre

The Department of Community Development has advised that it has withdrawn support for developing the Currambine Community Centre. The 2004/05 budget included expenditure of \$115k for this project to be funded from the Community Facilities Reserve. The future of the Currambine Community Centre as a project will be considered in line with a number of other sites in the Joondalup, Kinross and Burns Beach area. This will be a subject to a separate report to Council. No adjustment is proposed for the 2004/05 half year budget review.

F657 Ocean Reef Boat Harbour Development

The Department of Planning & Infrastructure advised the City that it will contribute \$700,000 toward the concept design and development of a structure plan for Ocean Reef Boat Harbour. This funding effectively allows the concept design and development of a structure plan to be brought forward and to be undertaken during 2004-2006. The City had previously expected to undertake this project between 2004-2008 at a total estimated cost of \$1.484m. The City will now spend the DPI contribution of \$700k first and part of the \$100k allowed in the 2004/05 budget is likely to be carried forward at 30 June 2005.

CAPITAL WORKS	Reallocation from savings \$	Reallocation to works \$	Main Reasons
Reallocation of funds from specific projects to other existing projects			
4224 Joondalup Administration Centre Services	1,239		Savings reallocated to Connolly Community Centre
Connolly Community Centre		1,239	Additional variation for services
6610 Goollelal Drive Roadway Modifications	50,000		Modifications to be undertaken Project 6427
6608 Parnell Avenue Asphalt Median/Islands		50,000	Additional funds for works after sewer reinstatement
Additional funds requested from Reserves			
Reserve CJ303-12/04 Hodges Drive Drainage Reserve	196,000		Funding from Reserve and public advertising (section 6.11 LGA 1995)
6602 Ocean Reef Road		432,000	Additional costs to complete road works. Subdivision developer contribution has not been forthcoming.

Additional grant funds received			
6664 FLRG Various Road	46,743		Additional funds received from FLRG.
Road Preservation Program Asphalt Overlay		46,743	Various roads resurfaced with additional FLRG funds.
Total	293,982	529,982	

Additional funding for specific road resurfacing works funded by MRRP on proviso of COJ making 1/3 contribution:			
Additional income from MRRP	283,312		2/3 cash contribution by MRRP
6664 FLRG	141,656		Savings from deferral of various road resurfacing works.
RPR Caridean Street		4,752	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Erindale Road (Beach Road) FLRG		12,560	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Erindale Road (Warwick Road) FLRG		20,836	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Mawson Court FLRG		10,152	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Beach Road FLRG		33,249	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Treetop Avenue FLRG		6,912	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Erindale Road (Ellersdale Road) FLRG		20,295	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Warwick FLRG		32,900	Works - 2/3 MRRP + CoJ 1/3 funding
Metropolitan Regional Road Program (MRRP) Caridean Street, Poseidon Road to Ord Road		9,504	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Erindale Road, Beach Road to Ellersdale Road		25,119	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Erindale Road, Warwick Road to Ellersdale Road		41,673	Works - 2/3 MRRP + CoJ 1/3 funding

MRRP Mawson Court, David Street to Shackelton Avenue		20,304	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Beach Road, Dorchester Avenue to Erindale Road		66,498	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Treetop Avenue, Outlook Drive to Joondalup Drive		13,824	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Erindale Road, Ellersdale Road & Warwick Road		40,590	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Warwick Road, Timor Street to Lilburne Street		65,800	Works - 2/3 MRRP + CoJ 1/3 funding
Total	424,968	424,968	
Surplus funds available from projects			
Syree Court Marmion	5,000		
Total	5,000		
Capital Works - Net savings	\$ 5,000		

Comments:

Reallocations of funding from a number of capital works projects are proposed. Savings have been achieved from projects in similar programs. The City received additional Formula Local Road Grant funding of \$46k which has now been allocated to road resurfacing works.

Ocean Reef Road extension – Additional costs to undertake the Ocean Reef Extension. The City had unsuccessfully sought a contribution toward this project from the developer of \$236,000.

Additional MRRP specific road grants:

Council previously endorsed a list of road resurfacing works submitted to Main Roads WA for funding. Main Roads WA had advised the City that it could only fund a certain portion of those works during 2004/05 and those projects were included in the 2004/05 adopted budget. During November 2004, Main Roads WA (MRWA) advised the City that it had additional road resurfacing funding (\$283,312) available to be spent during the 2004/05 year. The funding is for the resurfacing of major distribution roads and requires the City to contribute a 1/3 share (\$141,656) toward the cost of the project. The financial contribution of \$283,312 is significant and assists the City in undertaking works that it may have needed to fully fund in the future.

Statutory Provision:

There is no statutory requirement to undertake a half-year budget review.

Consultation:

Not applicable.

Policy Implications:

Nil.

Financial Implications:

The half-year review indicates that a forecast net surplus of \$640,919 will be generated by 30 June 2005.

Strategic Implications:

Not applicable.

Sustainability Implications:

The available funds can be carried forward to assist for future funding of the City.

Community Consultation:

N/a

COMMENT**OPERATIONAL BUDGET**

The net operational savings of \$419,408 takes into account net savings from employee costs resulting from staff vacancies, savings in bank fees, savings in early payment discounts and is offset against reduced income from the Craigie Leisure Centre gym as a result of refurbishment works.

In addition, the accounts for legal expenses and consulting in the Office of the CEO have balances of approximately \$50,000 each, which have been left unadjusted to allow flexibility for the new CEO to undertake priorities as directed by Council, together with an unadjusted amount of approximately \$100,000 in Audit and Executive Services salaries to allow the new CEO flexibility in restructuring his immediate support staff.

MATTERS NOT INCLUDED IN THE 2004/05 HALF-YEAR BUDGET REVIEW

Uncertainties / contingencies exist in relation to the following matters, which have not been factored into the revised half year figures:

- Panel Inquiry into the City of Joondalup. The 2004/05 adopted budget includes funding of \$500,000 towards the costs of the Inquiry. As at 31 January 2005, costs allocated to the Inquiry total \$152,823. At this time no funding adjustment is suggested as the final costs associated with the Inquiry remain uncertain.

- Possible maintenance costs associated with the Wanneroo Basketball Association building.
- Possible delay of the 2005 City of Joondalup Council Elections. In the event that the elections are delayed, the current funding to conduct the 2005 elections and for equipment for elected members will not be required during 2004/05. Funding for these items will be carried forward at 30 June 2005.

The half-year review forecasts that a net surplus of \$640,919 will be available as at 30 June 2005. Forward planning as part of the 2004/05 budget, using 5-year financial modelling indicated that the City faces a potential budget shortfall in the 2005/06 year and the above surplus could be used to reduce this funding gap.

As the forecasts were based on actual results available to 30 November 2004, there may well be further movement in terms of actual variations with the passage of time, in the second half of the 2004/05 financial year.

In view of the above, it would be prudent to utilise these funds as part of the carry forward surplus for the 2005/06 budget.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 NOTES the 2004/05 forecast surplus funds of \$640,919 based on actual results as at 30 November 2004, available to contribute to the end of year surplus;**
- 2 APPROVES the establishment of the 2004/05 revised budget to include the half-year budget adjustments as detailed below:**

OPERATIONS	Available funds/ (costs) \$	Main Reasons
Central Finance	332,000	Additional income - interest income, rates charges, grants Savings - early payment discount - \$180k, interest expense
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Net savings from previously approved projects:	\$83,961	

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Total	(81,450)	

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F657 Ocean Reef Boat Harbour Development	700,000	-	Refer comment below
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ADDITIONAL FUNDS REQUESTED FROM RESERVES			
Reserve CJ303-12/04 Hodges Drive Drainage Reserve	196,000		Funding from Reserve and public advertising (section 6.11 LGA 1995)
6602 Ocean Reef Road		432,000	Additional costs to complete road works. Subdivision developer contribution has not been forthcoming.

ADDITIONAL GRANT FUNDS RECEIVED			
6664 FLRG Various Road	46,743		Additional funds received from FLRG.
Road Preservation Program Asphalt Overlay		46,743	Various roads resurfaced with additional FLRG funds.
Total	293,982	529,982	

Additional funding for specific road resurfacing works funded by MRRP on proviso of COJ making 1/3 contribution:			
Additional income from MRRP	283,312		2/3 cash contribution by MRRP
6664 FLRG	141,656		Savings from deferral of various road resurfacing works.
RPR Caridean Street		4,752	Works - 2/3 MRRP + CoJ 1/3 funding
RPR Erindale Road (Beach Road) FLRG		12,560	Works - 2/3 MRRP + CoJ 1/3 funding
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MRRP Treetop Avenue, Outlook Drive to Joondalup Drive		13,824	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Erindale Road, Ellersdale Road & Warwick Road		40,590	Works - 2/3 MRRP + CoJ 1/3 funding
MRRP Warwick Road, Timor Street to Lilburne Street		65,800	Works - 2/3 MRRP + CoJ 1/3 funding
Total	424,968	424,968	
Surplus funds available from projects			
Syree Court Marmion	5,000		
Total	5,000		
Capital Works - Net savings	\$ 5,000		

3 CONFIRMS that monthly financial reporting be measured against the 2004/05 revised budget.

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (4/0)**

**CJ031 - 03/05 WARRANT OF PAYMENTS 31 JANUARY 2005 –
[09882]**

WARD - All

CJ050308_BRF.DOC:ITEM 4

PURPOSE

The Warrant of Payments for the month ended 31 January 2005 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of January 2005 and seeks approval by Council for the payments listed.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	68989 – 69445 & EFT 1549 - 1765	\$6,355,778.03
Municipal Account	000732 – 000738 & 38A & 40A	\$7,389,324.75
Trust Account		Nil
	TOTAL	\$13,745,102.78

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 Westpac Bank and the bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund. The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of January 2005 was \$596,281.84.

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 \$13,745,102.78 which is to be submitted to Council on 15 March 2005 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 were 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 \$13,745,102.78 was submitted to Council on 15 March 2005.

.....
 JOHN PATERSON
 Chairman of Commissioners

DETAILS**Statutory Provision:**

The Council has delegated to the CEO the exercise of its power to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared. In addition regulation 13 (4) requires that after the list of payments has been prepared for a month, the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the Council.

ATTACHMENTS

Attachment A Warrant of Payments for Month of January 2005
Attachment B Municipal Fund Vouchers for Month of January 2005

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 January 2005 certified by Council and Director Corporate Services & Resource Management and totalling \$13,745,102.78.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	68989 – 69445 & EFT 1549 – 1765	\$6,355,778.03
Municipal Account	000732 – 000738 & 38A & 40A	\$7,389,324.75
Trust Account		Nil
	TOTAL	\$13,745,102.78

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf080305.pdf](#)

**CJ032 - 03/05 FINANCIAL REPORT FOR THE PERIOD ENDING 31
JANUARY 2005 – [07882]****WARD - All**

CJ050308_BRF.DOC:ITEM 5

PURPOSE

The January 2005 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The January 2005 year to date report shows an overall variance (under spend) of \$12.3m when compared to the year to date adopted budget.

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$24.5m compared to a budgeted surplus of \$20.9m at the end of January 2005. The \$3.6m variance is primarily due to a favourable variance in income from rates instalment interest and charges, a reduction in early payment discounts, interest income employee costs, consultancy costs, administration costs, finance related costs and utilities.
- **Capital Expenditure** is \$1.7m under spent due to the deferral of heavy and light vehicle purchases and IT related projects.
- **Capital Works and Corporate Projects** expenditure is \$5.8m against a year to date budget of \$12.8m. This is a timing difference of which \$4.2m relates to normal Capital Works while \$2.8m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$12.4m.

DETAILS

The financial report for the period ending 31 January 2005 is appended as Attachment A.

Statutory Provision:

In accordance with Section 6.4 of the Local Government Act 1995 a local government is to prepare an annual financial report for the preceding year and such other financial reports as are prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 details those other financial reports which need to be prepared and states that they are to be presented to Council and recorded in the minutes of the meeting at which they are presented.

ATTACHMENTS

Attachment A Financial Report for the period ending 31 January 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that the Financial Report for the period ending 31 January 2005 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf080305.pdf](#)

CJ033 - 03/05 TOM SIMPSON PARK - LIGHTING AUDIT AND UPGRADE – [00468]

WARD - Whitfords

CJ050308_BRF.DOC:ITEM 6

PURPOSE

This report is provided in response to an item from the City's Annual General Meeting of Electors of 22 November 2004 – Resolution CJ299-12/04, to:

“REQUEST that the installation of better lighting to the Mullaloo Beach Carpark area and Tom Simpson Park be investigated with an audit undertaken to advise on options and costs, to be considered as part of the 2005/2006 budget deliberations.”

EXECUTIVE SUMMARY

The report describes the audit of the existing lighting environment and recommended lighting improvements at Tom Simpson Park, Mullaloo. Tom Simpson Park is a well used park that is popular with City residents and as a result of ongoing vandalism, anti-social behaviour and the need for better security and amenity for users and local residents, it is considered that a major lighting upgrade is warranted.

It is recommended that Council:

- 1 LISTS for consideration \$65,000 in the Draft 2005/06 Five Year Capital Works Budget for design, documentation, superintendence and construction of the dual use path lighting works at Tom Simpson Park, Mullaloo;*
- 2 LISTS for consideration \$65,000 in 2006/07 and 2007/08 as part of the Draft 2005/06 Five Year Capital Works Budget for further stages of lighting Tom Simpson Park, Mullaloo subject to the timing of redevelopment of the park.*

BACKGROUND

The area referred to as Tom Simpson Park in this report extends from south of the Mullaloo Surf Life Saving Club to north of the main carpark as shown on Attachment 1.

Tom Simpson Park is a large reticulated passive reserve used by residents and visitors for beach access, playground or picnic activities. It is located on foreshore and recreation reserves under the control of the City.

Tom Simpson Park is a well used area and is rated highly by users. The park has been included in various benchmarking surveys for parks across the metropolitan area and also across Australia. These daytime surveys indicated that:

- the park is used for picnics, using play equipment, socialising, relaxing, parties, cycling and other activities;
- park users generally felt safe and that facilities are liked
- users wanted more facilities such as BBQs and toilets as well as trees.

However, reports from City Watch, the City's Maintenance Management system and a community safety study (Crime and Community Safety Study for the City of Joondalup - Jan 2000) indicate that the park suffers from considerable anti-social behaviour in various forms and at a different time to the usage above. This antisocial activity is recorded as:

- burning bins and foreshore vegetation;
- vandalism and damage to toilets, BBQs, shelters, play equipment and sprinklers;
- graffiti to buildings and structures;
- broken bottles in the carparks and litter on the grassed areas;
- drunken and loud people and youths loitering in the park and carparks.

The community safety study recommended that an outcome for public places should be increased street lighting to provide greater visibility and surveillance which would reduce crime and also the fear among residents of visiting public places because of poor lighting.

As a result of this background and the resolution from the Annual General Meeting of Electors, the City commissioned Sage Consulting Engineers Pty Ltd of Subiaco to undertake a Lighting Audit and Strategy Report for Tom Simpson Park.

A copy of the Executive Summary of the Report is shown at Attachment 2.

Suburb/Location: Mullaloo.
Applicant: N/A
Owner: Reserve vested in the City of Joondalup
Zoning: **DPS:** Parks and Recreation
MRS: Parks and Recreation

Strategic Plan: This report addresses the following strategies:

- KFA 1 - Community Wellbeing - Objective 1.4 - To work with the community to enhance safety and security in a healthy environment;
- KFA 2 – Caring for the Environment - Objective 2.1 – To plan and manage our natural resources to ensure environmental sustainability;
- KFA 3 - City Development - Objective 3.1 - to develop and maintain the City of Joondalup's assets and built environment.

DETAILS

The Consultant undertook a night audit of the park on 21 January 2005. The Report notes the following lighting issues at Tom Simpson Park:

- The lighting in the existing carparks does not comply with Australian Standards. Although the carparks use high pressure sodium (yellow) lighting which is efficient, the color is not ideal for security and surveillance. The lighting in the Surf Club carpark is affected by trees and branches which reduces available illumination. It would comply with standards if trees were pruned or removed;
- The parks are floodlit however it provides only a small pool of light and there is no lighting of the gazebos, barbecue and dual use path areas;
- The park area luminaires have poor and inefficient optical systems resulting in obtrusive light with a high glare level to users, residents and motorists;
- The toilet block is well lit.

The Consultant's Report generally recommends:

- Carpark, Dual Use Path and Park Area lighting to be to Australian Standard for illumination levels, glare control and obtrusive light.
- White light type fittings to be used to enable better colour rendition of people and activities in the carparks and park areas. White light aids the accurate identification of colours and tones of skin, clothing and vehicles by the community, security personnel and police or emergency services;
- New off-the-shelf luminaires with efficient reflectors using Metal Halide and Compact Fluorescent lamps (white light) be used for new and replace existing lights for the carparks, park areas, barbecues, playground and dual use path;
- Metal Halide and Compact Fluorescent lamps as the preferred lamp type because of efficiency and lower energy consumption compared to mercury vapour (white-blue light).
- Luminaires to have low glare and obtrusive illumination output to minimize the effect of the better lighting to residents, motorists and marine navigation.

- Existing poles be retained where possible but all poles should be at least 6 meters high to minimise vandalism with poles to be hot dipped galvanized for corrosion control;
- Install power reduction switches where possible to reduce lighting levels after peak use times to reduce energy consumption costs;
- Consider illumination of the trees as some are mature with large foliage and would be impressive at night if illuminated effectively.
- Consider the use of Decorative luminaires and poles for the Dual Use Path on the basis of giving this park and section of dual use path through Mullaloo a distinctive identity.

Finally the report describes a conceptual lighting scheme for the park to meet the requirements of the relevant Australian Standards, users' needs and improve amenity for residents. As well, staging of the scheme is proposed which has been based on security risk, patronage, cost and existing lighting of an area. A table detailing costs and stages is shown at Attachment 3.

Statutory Provision:

N/A

Policy Implications:

N/A

Financial Implications:

The Report identifies improvements that can be undertaken so that illumination of Tom Simpson Park generally meets Australian Standards. Based on the use of decorative luminaires and poles, the order of cost estimate for the construction work alone is \$195,000. The annual energy cost of the concept scheme is estimated to be \$3,980 compared to an existing operating cost of \$2,140. If power switching is used to reduce energy costs after peak usage times then the annual energy cost of the scheme reduces to \$2,250.

Strategic Implications:

The project area coincides with the Corporate Project – Mullaloo Beach Redevelopment. As a result, consideration needs to be given to further evaluation of the proposed lighting scheme and how it would fit in with the Mullaloo Beach Redevelopment. The lighting report and concept scheme is based on existing facilities. The redevelopment proposes an upgrade to the existing park and additional facilities with an extension westwards into the foreshore reserve for new beach access paths and generally more trees over the whole area.

Any works undertaken on enhancing the existing facilities will need to take into consideration future integration into any proposed park enhancement works.

Sustainability Implications:

Social Benefits are accrued through improved safety, amenity, health and well being, reduced vandalism, crime and anti-social behaviour and a better urban and local streetscape.

Environmental Benefits achievable in the concept scheme are based on using the latest technology in illumination and illumination control equipment. Luminaires such as metal halide and compact fluorescent use less energy for the same amount of lumination output than the most common used luminaires of mercury vapour and are less dangerous in terms of disposal of mercury lamps. New control technology such as power reduction switches halve the number of lights on or off at certain times in the night. This would cut operational costs by 40% on parts of the area without drastically affecting safety or security issues.

Green House Gas emissions for the scheme are roughly doubled over existing emissions but if power switching is used then it amounts to only 22% increase above existing levels.

Financial Benefits may be obtained when the costs of the scheme are offset by the social benefits and the value of the improvements for a better community facility and local property values.

Community Consultation:

The Consultant liaised with the Mullaloo Surf Life Saving Club on operating times so that power switching can be used for carpark lighting. Further liaison with local residents and the Ratepayers Association will be required if the scheme progresses to design and construction stages.

COMMENT

Tom Simpson Park is a well used recreation reserve that is highly rated by users and visitors. Its patronage has a significant impact on the park, the local road system, residents and City's resources. In conjunction with the future redevelopment or by itself, the provision of effective illumination has the capacity to enhance the existing landscape and residential amenity, improve the recreation experience for patrons and make the area a safe and secure place for adults and children.

The lighting upgrade improves the functionality of the reserve, which may lead to a reduction in anti-social behaviour and subsequently the cost of maintenance. The effective lumination output from the concept lighting scheme is approximately 3.4 times the existing lighting output whereas the estimated energy cost is only 1.9 times the existing energy cost.

As shown on Attachment 3, the order of priority for illumination is the dual use path, car parks, park area and then structures and trees. It is considered that the concept lighting scheme should be undertaken in stages with lighting the dual use path as Stage 1 to provide an illuminated connection between the existing lit carparks and park areas. Stage 2 to be the upgrading of the carparks lighting followed by lighting of the park areas, structures and trees.

ATTACHMENTS

Attachment 1	Locality Plan of Tom Simpson Park
Attachment 2	Executive Summary of Consultant's Report
Attachment 3	Costing and Priorities

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 LISTS the sum of \$65,000 for consideration in the Draft 2005/06 Five Year Capital Works Budget for design, documentation, superintendence and construction of the dual use path lighting works at Tom Simpson Park, Mullaloo;
- 2 LISTS the sum of \$65,000 for consideration in 2006/07 and 2007/08 as part of the Draft 2005/06 Five Year Capital Works Budget for further stages of lighting Tom Simpson Park, Mullaloo subject to the timing of redevelopment of the park.

MOVED Cmr Smith, SECONDED Cmr Anderson that Council LISTS the sum of:

- 1 **\$130,000 as a high priority in the Draft 2005/06 Five Year Capital Works Budget for the installation of the dual use path, and car park lighting works at Tom Simpson Park, Mullaloo;**
- 2 **\$65,000 for consideration in the Draft 2005/06 Five Year Capital Works Budget but placed in the 2006/07 year, for further stages of lighting in Tom Simpson Park, Mullaloo, subject to the timing of redevelopment of the park.**

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf080305.pdf](#)

**CJ034 - 03/05 PETITION - BROADBEACH PARK LAKE NO 2,
HILLARYS – [01525]**

WARD - Whitford

CJ050308_BRF.DOC:ITEM 7

PURPOSE

To give consideration to the Petition submitted to the Council Meeting held on 22 February 2005 in relation to Broadbeach Park Lake No 2, Hillarys.

EXECUTIVE SUMMARY

There are a number of groundwater lakes within coastal suburbs that were installed as part of subdivision for aesthetic appearance and storm water drainage control. Hillarys has the greater number and are identified below:

Broadbeach Park Lake Nos 1 and 2	Lakes with storm water drainage
Conica Park	Lake with storm water drainage
Mawson Park	Lake with storm water drainage
Ohau Park Lake under construction	With storm water drainage

A number have been affected by algae blooms in recent years at various times as summarised below:

Mawson	2004	April/May
Flinders	2000	April/May
Conica	2000	March/April/May
Broadbeach No 2	2003	November/December
Broadbeach No 2	2004/05	December/January/February

The City has undertaken numerous product trials and mechanical measures to reduce the incidents of algal bloom with varying degrees of success.

Council in its capital works program for 2004/05 allocated \$84,000 for groundwater lakes upgrade of surrounds. This work includes trialling of alternative products, additional planting of nutrient stripping aquatic plants around lakeshore lines and cleaning of nutrient high sludge and exotic typha weed from lake area. This work is ongoing and involves all lakes within the municipal boundaries.

Broadbeach Park Lake No 1 is a larger lake with a water body of approximately .60 ha and lake No 2 is approximately .10 ha. Both areas have a dual role as an ornamental lake and a storm water drainage basin, and were constructed as part of subdivision. Water quality has been an ongoing problem in all groundwater lakes within Hillarys with various algae control measures being trialled.

It is recommended that Council ADVISES the petitioners that a groundwater hydro geologist will be engaged to undertake a review of current best practices in managing water quality for Broadbeach Park Lake No 2, Hillarys.

BACKGROUND

Council, at its meeting of 22 February 2005, received a petition from 132 residents of Hillarys requesting that Council:

- 1 Return the lake known as Broadbeach Park Lake No 2, in Hillarys to a clean and healthy state and eradicate the algal bloom as soon as possible. At present this is a health hazard to all of us who live or walk in this area.

- 2 Reinstall the fountain or similar aeration device to this lake to maintain the water quality.
- 3 Find a solution to the problem of the direct entry of the storm water drain on the west side of the lake which is causing the algae to bloom in spring and summer.

Broadbeach Park Lake No 2 is located within a section of Linear Public Open Space connecting the main area of Broadbeach Park to Flinders Park in the south (refer Attachment 1 – Locality Map).

The former City of Wanneroo initiated various studies into artificial and constructed groundwater lakes to determine the appropriate maintenance procedures:

- 1 Preliminary Study on Four Artificial Lakes in Wanneroo in 1993 by I Davis, in conjunction with Edith Cowan University.
- 2 Proposed Subdivision for Hillarys Provision of Lakes 1994 by I Davis
- 3 Management of Aquatic Ecosystems in Central Park Lake Joondalup by Lee-Stewart Pty Ltd.
- 4 The City has undertaken quarterly water quality samples, via an external consultant, from six park locations during the period 1997-2004.

The above studies have listed floating aerators as predominantly for aesthetic, visual effect.

Aerator fountains were installed by developers to provide the following benefits:

- 1 **Aesthetic Appeal** – Initially the fountains were operated continuously during day and early evening hours, with floodlighting to maximise the visual appearance. Developers promoted these aspects for ornamental purposes prior to establishment of the Public Open Space.
- 2 **Water Quality** – Aerators were installed in various lakes during the 1994-1998 Public Open Space development period. These units operated to provide water circulation and aeration, thus reducing algal build up. Control of algae was considered a secondary benefit and success was low due to the high fertiliser applications during development works. At handover to the City, the units' operating hours were restricted to night operations in an effort to gain maximum algal control benefits due to the lower water temperature. Algae growth has increased significantly as surrounding nutrient discharge from residential properties has increased. All these lakes are designated drainage sumps and accumulate nutrients from stormwater intake.

The City installed ultrasonic control units as a trial to investigate this alternative algal control measure. These units are currently being trialled at the Edith Cowan University Campus lake in Joondalup and the central lake in Broadbeach Park Hillarys. Initial results are positive and this trial has been extended to the Flinders Park lake.

Water quality is an ongoing concern with various lakes and the reduction in the groundwater table will only add to these problems, as reduced water depth affects quality. The reintroduction of the aerator/floating fountain will provide an aesthetically visual effect, with minimal water quality benefits, however an operational cost applies. Ongoing operational maintenance costs for aerators are high and this factor was also considered when terminating the units.

Council, at its meeting held on 24 April 2001, resolved in part to:

“ADVISE the petitioners that operation of the floating aeration fountain will be discontinued and alternative water quality controls trialled for a period of 12 months.”

DETAILS

Petitioners’ Request No 1:

- **Return the lake known as Broadbeach Park Lake No 2 in Hillarys to a clean and healthy state and eradicate the algal bloom as soon as possible. At present this is a health hazard to all of us who live or walk in this area.**

Trials initiated in February 2001 with installation of Ultra Sonic Control units have proven successful in Flinders Park and only marginally successful in Broadbeach Park Lake No 2. This has been attributed to the shallow water and increasing water temperature, which encourages algae development.

The Ultra Sonic Control unit effectively controls algae within the top 300mm but in shallow lakes it develops within the lower 300mm due to minimal depth at 600mm. Low water levels heat quicker and encourage growth.

In November 2004 the water quality was tested and a Public Health warning issued due to the high count of blue/green algae.

Signs were installed in accordance with Public Health Regulations advising residents and park users that contact with the water should be avoided. This condition has been previously experienced at Mawson Park in April 2004 and Broadbeach Park Lake No 2 in November 2003. The conditions remain until an influx of storm water occurs to dilute the nutrient loading that feeds the algae. Summer rainfall has a significant impact on algae development. The current drought conditions have provided high water temperatures in all shallow lakes and this, combined with nutrient loading from the residential area, provides the optimum condition for algal blooms.

Nutrient loading is the cause of the algae growth and directly impacts on the visual quality of the lake area.

Inspection of the three lakes in November 2004 highlighted the problems associated with Broadbeach Park Lake No 2.

Flinders Park and Broadbeach Park Lake No 1 were both clean and had no visible algae growth.

Broadbeach Park Lake No 2 discoloured brown with a small amount of floating algae evident. Water samples recorded blue/green algae.

Water quality testing has been undertaken by the City at three monthly intervals since 2002 and there is no clear trend to indicate the current water quality problems being experienced at Broadbeach Park Lake No 2.

Whilst the current approach within Lake No 2 is to reduce algae development by Ultra Sonic Control Unit and to plant and encourage growth of natural reeds around perimeter to shade the water, protect wildlife and strip nutrients from the water, further detailed investigations are necessary to determine what other options are available to address this problem.

Petitioners' Request No 2:

- **Reinstall the fountain or similar aeration device to this lake to maintain the water quality.**

Council, at its meeting of 13 February 2001, received a petition from 30 residents of Hillarys requesting repair/maintenance of the fountain in Flinders Park. Council resolved that:

“Operation of the floating aeration fountain will be discontinued and alternative water quality controls trialled for a period of 12 months.”

Various trials have been implemented with mixed results.

- | | | |
|---|---|--|
| 1 | Environ 8 | Bacteria applications
Result: Poor, less 20% |
| 2 | Waterman Algae Controller installed Ultrasonic Control Unit | Result: 40 – 60% |
| 3 | Lysofoss Biological Product Application | Regular application, 20 – 60 kg per month

Result: Low, 30 – 40% |
| 4 | Fossilo Filtration Unit | |

Trials currently being negotiated with supplier for installation of filter unit manufactured in Japan. Company proposal to trial the unit and use as marketing source. 2 – 3 months duration March 2005 start-up.

The trial cost to the City is minimal. Power and fencing for security. The treatment process is based on an environmentally friendly flocculent from the fossilized remains of a micro-organism called Bryozoa.

Petitioners' Request No 3:

- **Find a solution to the problem of the direct entry of the storm water drain on the west side of the lake which is causing the algae to bloom in spring and summer.**

A report prepared by Algae Odour Control Working Group (Shire of Wanneroo & Department Conservation & Environmental Working Group 1975 – 1976) has revealed that:

“The problems associated with algal blooms are in all probability manifestation of the degrading effects of urban development pressures on the unconfined groundwater systems of the Swan Coastal Plain.”

“The current problems being experienced at Broadbeach Park Lake No 2, Conica Park, Hillarys and many other constructed groundwater lakes within the Swan coastal plain will continue to occur and possibly increase as the groundwater level drops and winter rainfall decreases.”

Drainage inflow can be altered in a variety of ways:

- 1 Install sediment traps upstream of the lake. These would need to be located within the verge at specific locations.
- 2 Redesign the discharge pipe system (2) to enable them to flow into a sediment basin. This would involve a redesign of the existing lake shape.
- 3 Increase the lake depth to reduce water temperature.

All the above would require detailed investigations by a specialist in groundwater management and drainage control.

COMMENT

Whilst previous trials have proven relatively successful in controlling water quality in adjacent lakes, the water quality for Broadbeach Park Lake No 2 remains unresolved.

Inspection on 23 February 2005 indicated the water quality had improved significantly and the clarity was 10 – 14 metres. The problem appears to be seasonal, as it has occurred over the last two years, in December, January and February. Therefore the recommendation to undertake further studies is warranted to clearly identify why the water quality deteriorates during this period.

Whilst a number of factors may be contributing to the deterioration of the lakes water quality, it is considered that in an effort to identify long term solutions a detailed study needs to be undertaken that identifies best management practices in water quality control for this particular location. More specifically, the study scope needs to include the following aspects:

- Stormwater disposal treatments.
- Catchment management strategies.
- Lake design options.
- Water quality control measures and maintenance practices.
- Water quality monitoring program.
- Community awareness and education strategies.

It is noted that in undertaking this review to improve the lakes' water quality, the study needs to take into consideration the limitations of:

- Land
- Capital
- Aesthetics/Community acceptance
- Maintenance
- Prevailing weather conditions
- Effectiveness of treatments

It is recommended that a suitably qualified and experienced groundwater hydro geologist be engaged on behalf of the City to undertake such a study, and that a petitioners' representative group be consulted on the study findings before reporting to Council on the outcomes.

Financial Implications:

It is estimated that a study of the nature described above would cost approximately \$12,000.

Sufficient funds exist within the 2004/05 groundwater lakes budget allocation for this study to proceed.

ATTACHMENTS

Attachment 1 Locality Map

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council ADVISES the petitioners that a groundwater hydro geologist will be engaged to undertake a review of current best practices in managing water quality for Broadbeach Park Lake No 2, Hillarys.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf080305.pdf](#)

Comr Clough declared an interest that may affect his impartiality in Item CJ035-03/05 - Tender Number 029-04/05 Library Alterations at Whitfords, Duncraig, Woodvale and Joondalup as he lives in Woodvale.

CJ035 - 03/05 TENDER NUMBER 029-04/05 - LIBRARY ALTERATIONS AT WHITFORDS, DUNCRAIG, WOODVALE AND JOONDALUP – [74567]

WARD - All

CJ050308_BRF.DOC:ITEM 8

PURPOSE

To seek the approval of Council to choose Business Interiors as the successful tenderer for the library alterations at Whitfords, Duncraig, Woodvale and Joondalup.

EXECUTIVE SUMMARY

Tenders were advertised on 12 January 2005 through statewide public notice for the Library Alterations at Whitfords, Duncraig, Woodvale and Joondalup. Tenders closed on 3 February 2005. Three submissions were received from: Augen Contracting, Business Interiors and Dalcon Constructions.

It is recommended, in relation to Tender Number 029-04/05, that Council:

- 1 *DEEMS the tender submitted by Augen Contracting as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because it failed to fully comply with the essential requirements specified in the request for tender;*
- 2 *CHOOSES Business Interiors as the successful tenderer for the Library Alterations at Whitfords, Duncraig, Woodvale and Joondalup (Tender No. 029-04/05) in accordance with the Lump Sum Price of \$132,050.00;*
- 3 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Business Interiors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Business Interiors.*

BACKGROUND

Following an Occupational Safety and Health audit performed in 2001 it was identified that the library issues and returns areas were inadequately designed in order to address workplace movement and activity, and in some cases this had resulted in back and limb strain injuries and subsequent lost time to rehabilitate the affected staff.

The solution to address these issues involves the installation of a purpose built after hours book returns chute to Woodvale and Sorrento/Duncraig libraries, and purpose built issue counters and cabinetwork to Whitfords and Joondalup. These have been adequately designed to address the Occupational Safety and Health concerns regarding staff movement and activity.

DETAILS

Three submissions were received, from Augen Contracting, Business Interiors and Dalcon Constructions.

The first part of the tender evaluation process is the Conformance Audit Meeting. The purpose of this meeting is to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration. The tender submitted by Augen Contracting did not meet a significant proportion of the essential requirements. Accordingly it is recommended that their tender be deemed non-conforming.

The tenders submitted by Business Interiors and Dalcon Constructions met all the essential requirements and were submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submissions individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, leading to a ranking of each submission in order of merit.

Under the City's Contract Management Framework, the tenders were assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 029-04/05 are as follows:

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement with other clients
- Level of understanding of Tender documents and work required
- Written references from past and present clients

Capability and competence of Tenderer to perform the work required

- Company structure
- Qualifications, skills and experience of key personnel
- Equipment and staff resources available
- Compliance with Tender requirements – insurances, licences etc
- Occupational Safety and Health management system and track record

Beneficial effects of Tender / local content

- The potential social and economic effect of the Tender on the City of Joondalup community
- Infrastructure / office / staff / suppliers / subcontractors within the City of Joondalup
- Value added items offered by Tenderer

Methodology

Tenderers should:

- detail the procedures and process they intend to use to achieve the requirements of the Specification
- provide an outline of the works programme

Tendered Price/s

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Statutory Provision:

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

Policy Implications:

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process. The recommended tenderer is located in Osborne Park, which is within the Region.

Financial Implications:

Account No:	Project 1.4720.6862.C101.4195
Budget Item:	Implementation of small capital works – COJ Libraries.
Budget Amount:	\$161,000
YTD Amount:	\$25,398
Tender Price:	\$132,050

Strategic Implications:

Increased level of customer service – after hours return facility, improved issues desks.
Improved amenity for staff Occupational Safety & Health.

Sustainability Implications:

No Sustainability aspects for this project although it involves refurbishment of inadequately designed staff and customer facilities, which contribute to safe and effective ongoing business.

Community Consultation:

Not Applicable

COMMENT

The evaluation process identified Business Interiors as the highest ranked tenderer and the Panel considered that they had the capability and resources to carry out the work on a value for money basis.

The Evaluation Panel therefore recommend Business Interiors as the preferred tenderer.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that, in relation to Tender Number 029-04/05, Council:

- 1 DEEMS the tender submitted by Augen Contracting as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because it failed to fully comply with the essential requirements specified in the request for tender;**
- 2 CHOOSES Business Interiors as the successful tenderer for the Library Alterations at Whitfords, Duncraig, Woodvale and Joondalup (Tender No. 029-04/05) in accordance with the Lump Sum Price of \$132,050.00;**
- 3 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Business Interiors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Business Interiors.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

CJ036 - 03/05 CLOSE OF ADVERTISING FOR 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

CJ050308_BRF.DOC:ITEM 9

PURPOSE

The purpose of this report is for the Council to consider the submissions received during the advertising period for proposed Amendment 24 to District Planning Scheme No 2 (DPS2), and to consider final adoption of the Amendment.

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 refers). The site was formerly 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. This has been confirmed by title search.

The site is reserved as Local Reserves “Parks and Recreation” under the City’s District Planning Scheme No 2 (DPS2) (Attachment 2 refers) 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.

On 17 August 2004, both the proponent and member of the local community made a presentation to the Council with respect to the proposal. The Council at its meeting on 31 August 2004 (CJ 200 – 08/04 refers) resolved to initiate Amendment 24 to DPS2 for the purpose of public advertising.

The proposed Amendment was advertised for a 42 day period from 3 November 2004 to 15 December 2004. Submissions were received as follows:

- In support - three hundred and twenty three (323) submissions, plus one petition containing 178 signatures
- Objecting - three hundred and forty two (342) submissions, plus one petition containing 683 signatures.

These figures include four (4) submissions received prior to, and eleven (11) submissions received after, the public advertising period. Three (3) submissions were also withdrawn at the submitter's request (two objecting and one in support).

The objections to the proposed amendment relate to:

- public open space (POS) allocation for the site,
- local community requests for the City to retain the site as a park and/or reuse the buildings for community type purposes,
- the suggested deficiency in POS provision throughout the suburb of Marmion caused by the proposed rezoning,
- traffic increases and safety related issues,
- loss of amenity, and issues related to built form (height and bulk) pertaining to the indicative subdivision plan and corresponding future development of the land in accordance with the indicative subdivision plan submitted by the applicant (Attachment 2).
- ecological and environmental values of the site

The supporting submissions for the proposal relates to:

- the compatibility of the land use and density with the surrounding development,
- the removal of an eyesore,
- the sufficient amount of POS in the area, and
- the general upgrading of the area.

If the proposed amendment is ultimately granted final approval by the Minister for Planning and Infrastructure, a structure plan will be required to be considered and approved by the Council in accordance with Part 9 of the City's DPS2, which also requires public consultation. Should the structure plan be ultimately approved, this will be used as a planning assessment tool to determine any future subdivision and development applications over the site.

The advertising period has generated a significant number of submissions, both in opposition and in support of the amendment. Overall, given the proposed residential density of R20, the provision of public open space in the area, and proposed residential land use, it is considered that the amendment will facilitate a development that is compatible with the adjoining residential area.

It is therefore recommended that the Council:

- 1 *Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 61 (No. 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development';*
- 2 *AUTHORISE the affixation of the Common Seal and to endorse the signing of the amendment documents;*
- 3 *NOTE the submissions received and advise the submitters of the Council decision;*

- 4 *NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;*
- 5 *ADVISE the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;*
- 6 *ADVISE the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:*
- (a) clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);*
 - (b) have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;*
 - (c) ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;*
 - (d) ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads;*
 - (e) ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;*
- 7 *Notes that should Amendment 24 to the City's District Planning Scheme No. 2 be granted final approval by the Minister for Planning and Infrastructure, that the City, in considering any future subdivision application referral over the site, shall seek the Western Australian Planning Commission to support the City's request for the landowner to provide 10% of the site for public open space purposes. Furthermore, the City is prepared to consider a cash in lieu contribution for the required POS in this instance should the Western Australian Planning Commission resolve to accept a cash in lieu payment for the required POS.*

BACKGROUND

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.

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 an R20 residential density. A large area of public open space (Braden Park) is located immediately to the east of the subject land.

The landowner’s addressed the Council 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.

The members from the local community also addressed the Council regarding this proposal on the evening of 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.

Council at its meeting on 31 August 2004 (CJ 200 – 08/04 refers) resolved to initiate Amendment 24 to DPS2 for the purposes of public advertising.

DETAILS

The subject land is currently zoned Local Reserves ‘Parks and Recreation’ under the City’s DPS2 and has a density coding of R20.

An application has been made requesting that the zoning of the site be changed to ‘Urban Development’. The purpose of the proposed amendment is to facilitate the future residential subdivision of the land. An indicative subdivision plan for the site prepared by the applicant demonstrates 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. The indicative subdivision plan is shown in Attachment 2.

The indicative subdivision plan indicates that the majority of future lots proposed front the four existing roads surrounding the site. The 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 Right of Way (ROW) in Leach Street that leads to West Coast Drive and the ocean to the west.

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 (Attachment 3 refers).

Upon closure of the advertising period, the Council must consider all submissions received during the advertising period within 28 days and 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.

Given the large number of submissions, the WAPC was requested by the City of Joondalup for an extension to the required timeframe for Council to consider the submissions. This extension was granted by the WAPC, and the Council is now required to consider submissions by 11 May 2005, and forward a decision to the Minister for Planning and Infrastructure within 28 days of that decision.

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 in appropriate existing urban areas.

Environmental Protection Authority (EPA) Comments

Prior to the commencement of public advertising, the proposed amendment was referred to the EPA for comment, as required by legislation.

The EPA's advice contained within its response correspondence to the City dated 25 October 2004 states that the EPA has decided that the overall environmental impact of the implementation of this proposal would not warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review or the subsequent setting of formal conditions by the Minister for the Environment. The advice also states that there are no appeal rights on the level of assessment set for scheme amendments and that the proposed amendment is now deemed assessed under the provisions of Section 48(a) of the Environmental Protection Act.

The EPA's advice also states that although there is no formal assessment of the proposal, advice is provided on the key environmental factors, however the advice is not legally binding. The advice received from the EPA relates to remnant vegetation upon the site and is as follows;

“The site is known to contain vegetation that has been evaluated by the Department of Conservation and Land Management as being locally significant with an interesting array of plant species and ecological linkage value. It is also understood that members of the local community appreciate the sites remnant vegetation and Public Open Space value. It is therefore recommended that consideration be given to addressing these concerns through the planning process.”

Consultation:

The Town Planning Regulations 1967 required the amendment to be advertised for a period of forty-two (42) days. All landowners immediately surrounding to the site were notified in writing, two signs erected on the site, and a notice placed in the Joondalup Community Newspaper on 4 November 2004 and the West Australian Newspaper on 3 November 2004.

The submissions received were comprised as follows;

- In support - three hundred and twenty three (323) submissions, plus one petition containing 178 signatures
- Objecting - three hundred and forty two (342) submissions, plus one petition containing 683 signatures.

These figures include four (4) submissions received prior to, and eleven (11) submissions received after, the public advertising period. Three (3) submissions were also withdrawn at the submitter’s request (two objecting and one in support).

Copies of all the submissions were placed in the Commissioners reading room for perusal.

It is noted that the 63 submissions were submitted twice, and these duplicate submissions have been noted in the submission table, however have been removed from the tally. Additional signatures to the two petitions were also added during the comment period, and these have been added to the total number of signatures received for the two petitions, and have not been treated as new petitions.

Although informal consultation by the applicant has occurred previously, it should not be confused with the statutory public consultation process that was undertaken by the City. A summary of the submissions received and the evaluating comments are shown in Attachment 4.

Key Issues arising from Public advertising

Submission of Objection

Objection to the proposed amendment relate to the following major issues:

- public open space (POS) allocation for the site,
- local community requests for the City to retain the site as a park and/or reuse the buildings for community type purposes,
- deficiency in POS provision throughout the suburb of Marmion caused by the proposed rezoning,

- traffic increases and safety related issues (particularly along Cliff Street),
- loss of amenity
- issues related to built form (height and bulk) pertaining to the indicative subdivision plan and corresponding future development of the land in accordance with the indicative subdivision plan.
- ecological and environmental values of the site

Details with respect to all significant town planning related issues raised by objectors are discussed below;

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 may have been relocated and provided at Percy Doyle Reserve, however, this cannot be confirmed due to the loss of historical records.

Retain the site as a park and/or reuse the buildings for community type 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 Council would need to consider acquisition of the site to achieve either of the above uses.

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

There is 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 occurred in 1939 and predated the 10% POS contribution requirement that was introduced by the State Government in 1956. The remainder of the suburb of Marmion was subdivided after 1956 to which the 10% POS contribution requirement was applied.

Many submissions also believe that bush on the site is significant and should be protected.

Matters contained within the proforma submission (objection)

Attachments 5 & 7 are copies of the standard objection forms that were received by the City during the advertising period by many members of the community who oppose the amendment. The list of matters is comprehensive and those of a town planning nature are addressed within Attachments 6 & 8.

The submission at Attachment 5 also refers to the aims and objectives of the DPS2, and refers to specific clauses within DPS2, Council's Strategic Plan, and policies.

In addition to the issues raised in the section, the submission at Attachment 7 states that:

- the proposal will not have any additional employment opportunities,
- there is already a variety of housing choices in the area, and
- the proposal is not compatible with the adjoining area as it is not for a public purpose.

Traffic related issues

A very high percentage of objecting submissions suggest that the proposal will create adverse impacts with respect to traffic and parking generation, manoeuvrability and vehicular safety, particularly along Cliff Street. This comment was included in the proforma objecting submissions. Some submissions suggest that vehicles from the site will use the ROW located opposite to access West Coast Drive.

Amenity related issues

The proforma submission of objection and other individual objections also have a dominant theme of stating that the proposal will detrimentally affect their (the objectors) existing high levels of amenity. These primarily relate to noise, privacy and visual amenity.

Submissions of Non Objection/Support

Details with respect to arguments raised by supporters of the proposal are as follows;

- There is no need for additional POS (enough already) and there is already a large parcel of open space/parkland directly opposite Lot 61 Leach Street, Marmion (Braden Park).
- Local action group is advocating that the land should be used for parks or community purposes. This is inappropriate as there are sufficient parks in the area and the locality is already well serviced by community facilities.
- Urban development will enhance the area and bring in fresh new activity.
- The proposed development will become an asset to the Marmion community.
- Most of the residents have lived in this area 20+ years. If their land hadn't been opened up they would not have had the enjoyment for that time, so why deprive others of an opportunity. For most of us change is inevitable.
- Proposed redevelopment of the site for housing is consistent with the surrounding zoning and housing development.
- Redevelopment of the site will remove a historic eyesore from the Marmion suburb and a land use, which is totally out of character with the surrounding residential properties.
- The proposed density is in keeping with the area.
- Support the rezoning of the site for residential use, which would result in the redevelopment of the site into lots of between 440m² and 700m² for quality single residential housing. This would be in keeping with the housing that is occurring in Marmion and other coastal areas.

Preliminary traffic report provided by the applicant & consideration of traffic related issues arising from submissions received during the advertising period

The applicant has submitted a report that lists the traffic issues arising from the proposal, which have been summarized and appear in italics below. 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.*

Analysis of the traffic report concludes a general concurrence with its findings as outlined above. In addition, the following comments are provided;

- (a) 9 vehicles trips per day per lot is a reasonable assumption for the traffic generated from the proposal;
- (b) The assumed distribution of traffic from the proposal would appear reasonable;
- (c) From a technical viewpoint, the volume of traffic generated by the proposal would not be expected to adversely impact the surrounding road system, regardless of which internal road layout were provided;
- (d) Based on the information provided it would appear that adequate vehicle sight distances could be achieved at intersections, regardless of which internal road layout were provided.

Many submissions of objection suggest that the proposal will create adverse impacts with respect to traffic and parking generation, manoeuvrability and vehicular safety. Should the rezoning of the site be ultimately supported, traffic related issues arising could be fully addressed at the future structure plan and subdivision stage.

The future use of the site for residential purposes will create marginal traffic generation and movement increases and as such, will have no significant impact upon adjoining properties or the existing road network. Should the site be developed for any other purpose, particularly those relating to community type purposes as suggested by some members of the community, the impact of traffic generated by this type of land use is likely to be significantly greater than that reflected in this proposal.

COMMENT

Environmental Protection Authority Advice

As outlined within report CJ 200–08/04, the landscape assessment of the site and this assessment of the site has been reviewed. The review confirmed the majority of recommendations within the applicant’s Environmental and Landscape and Visual Quality Assessment reports. However, 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.

It is noted that most of the site appears to have been cleared in the past and has removed any remnant vegetation with the exception of a small area at the northern end of the site.

In taking the EPA’s advice into consideration, it remains the City’s position that the existing vegetation throughout the site, including the northern portion of the site, is weed infested and the vegetation found in this area does not possess any characteristics or attributes which would give it conservation significance at any level other than of local significance.

The EPA has conducted, through the Department for Conservation and Land Management, its own independent landscape assessment of the site. The results of this assessment are outlined within the EPA’s advice above.

Whilst it is acknowledged that some local community members hold the view that the site does contain remnant vegetation and fauna that should be protected at the local level, the site is privately owned (by virtue of the State Government removing its reserve status in 1974). In order to protect the vegetation on site in its entirety, the site would need to be acquired from the current landowner. Even if the land were to be made available for sale by the current landowner to the City, the City is not in a financial position to purchase the land.

The land is not identified by the State Government as a ‘bush forever’ site and therefore, it is likewise unlikely that the site would be purchased by the State Government for conservation purposes.

Options relating to Environmental Protection Authority Advice

As the Percy Doyle land exchange issue was not able to be definitively resolved (see comments below) due to the destruction of historical records pertaining to this matter by the State Government, it is considered appropriate that the landowner be requested to provide 10% of the subject lot for POS purposes at the time of subdividing the subject lot. Whilst this may not satisfy the requests by some members of the local community to protect all remnant vegetation on site, this is a compromise that the City is able to pursue.

The POS area created as a result of the 10% requirement would equate to approximately 2188m². It should be acknowledged, however, that a POS parcel of this size is insufficient for it to function as a bonafide conservation reserve, and indeed, small POS parcels containing remnant vegetation are inappropriate from a management and maintenance point of view, particularly with respect to the protection of remnant vegetation from weed infestation.

As a possible alternative, should the proposed amendment and structure plan be ultimately approved, a cash in lieu arrangement could be considered in lieu of providing the POS onsite. It should be noted, however, that this alternative arrangement would need to be ultimately approved by the WAPC at the time of subdivision, as the WAPC are vested with the power to grant subdivision approval and not the City. Only the WAPC, through application of their policy, has the ability to waive the provision of 10% POS and accept a cash in lieu payment for the POS. Some submissions received suggest that this option should be pursued, however others suggest that the POS be provided on the site.

It is expected that should a cash in lieu arrangement be ultimately pursued by the City and supported by the WAPC, that the value of the cash in lieu contribution in this case would be significant as it is based on the value of the land from which the POS is to be taken from. These funds would then be able to be applied to the upgrading of facilities and vegetation within other POS areas within the suburb of Marmion, particularly Braden Park.

It is also proposed that existing stands of remnant vegetation be identified and protected through the subsequent structure plan and subdivision application process within road reserves and straddling proposed lot boundaries where possible. Whilst this may not satisfy the requests by some members of the local community to protect all remnant vegetation on site, this would allow some significant vegetation to be retained. The future structure plan over the site could also ensure the planting of native vegetation upon streetscapes and road reserves. This would have resultant environmental and sustainability related benefits.

Response to Issues arising from Public advertising

The following comments outline the City's town planning approach, justification on planning related grounds and options that the Council may wish to consider with respect to the proposed amendment.

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

Within several submissions objecting to the proposed amendment, it has been suggested that there is a deficiency in public open space (POS) provided within the suburb of Marmion. However, within several submissions supporting the proposed amendment, it was suggested that there is sufficient POS available in Marmion.

The subdivision of Marmion in 1939 that created the subject lot and the residential cells immediately surrounding it predated the 10% POS contribution requirement that was introduced by the State Government in 1956. The remainder of the subdivision of Marmion was undertaken after 1956, and as such, the 10% POS requirement was applied. The 10% POS requirement therefore did not apply to the entire subdivision of Marmion, and as such, should not be used as a benchmark to compare POS provided in other suburbs in which the 10% POS requirement was wholly applied.

Research has identified that, within a previous Council report in 1991, 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.

A POS audit for the suburb of Marmion has been undertaken, with the results 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.

It is therefore considered that the suburb of Marion does have access to sufficient open space, considering that both regional (Percy Doyle Reserve, Star Swap, ocean foreshore) and local (Braden Park, Clifford Coleman Park) POS areas are all easily accessible.

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

Percy Doyle Reserve

As outlined within report CJ 200 – 08/04, the DPI was unable to definitively confirm that the local POS provided at this site was relocated and provided at Percy Doyle Reserve, however it is confirmed that Percy Doyle Reserve was increased in size in approximately 1978. 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 Council consideration and subsequent determination of the rezoning proposal, particularly as the overall amount of land available within Marmion for recreational pursuits is considered sufficient.

Percy Doyle Reserve is not within the suburb of Marmion, however this Reserve is located immediately adjacent and has a direct pedestrian linkage through an existing underpass on Marmion Avenue near Freeman Way, Marmion. 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.

Retention of bushland on the Site

As previously noted, only a small portion of the site is remnant bushland, with the majority of the site having been previously cleared. While it is possible to pursue the retention of this area of bush through the 10% public open space requirement should the site be subdivided, it is considered that the area created would be too small to be a genuine conservation area, and would be susceptible to weed infestation. The decision on whether or not to include a 10% POS area on the site does not form part of the decision on the proposed rezoning of the site. However, it is recommended that any 10% POS contribution be accepted as cash in lieu payment and the funds allocated to the upgrading open space areas in the vicinity, including Braden Park.

Reuse of the Buildings for Community Purposes

The City is currently in the process of compiling a Community Development Plan that identifies community needs and actions for the next five years. The planning process identifies the needs of the community; what opportunities currently exist in the community; and what action is necessary to meet the needs identified. The process will enable Council to take into account the range of needs within the community when formulating their plans and be in a position to act, where necessary as advocates for the range of groups within the City of Joondalup.

The Community Development Plan has not been finalised at this stage. However, there is no current identified need for additional community facilities in the area. In addition, the form of the existing buildings on the site is unlikely to meet the needs required of a modern community facility.

Matters contained within proforma submissions (objection)

Two types of proforma submissions were made that objected to the proposal (Attachments 5 and 7 refer).

Attachments 6 and 8 contain comments in regard to the above proforma objection submissions.

Traffic related issues

As outlined in the previous section, traffic generation is not expected to be substantial, and is within the capacity of the existing road network. Although individual submissions state that the development of the site would create safety issues, this is not the conclusion of the traffic assessments.

The purpose of a traffic report at the rezoning stage is to assess the overall capacity of the road network to sustain the likely development of the land following the rezoning. However, as the details for the proposed development are not finalised at this stage, it is not possible for a traffic report to assess the details of the particular on-site development.

Notwithstanding, adequate sightlines and technical engineering standards must be met, and these would be considered in detail during both the structure plan and subdivision stages. To this end, in the event that this rezoning proposal is approved, the City recommends that, at the structure plan and subdivision stages, further traffic reports and engineering plans be submitted addressing all traffic and safety aspects of the proposed subdivision of the land. The traffic report should also assess the impact of the development on the ROW located between West Coast Drive and Leach Street.

Amenity related issues

The submissions received indicate that some members of the community consider that the development for the CSIRO site for residential purposes will have negative impacts, while others consider it will have positive impacts.

It is evident that in terms of land use, the development of the site for residential purposes is compatible with the adjoining residential area. Amenity may be impacted upon by the future structure plan, subdivision and development proposals over the site and as such, these impacts are required to be addressed during the City's consideration of these future applications should the proposed rezoning be ultimately granted approval.

Rationale behind recommendation to grant final approval to the rezoning of the site purposes

The following points are provided in order to provide context for the recommendation that the proposed amendment should be granted final approval on proper and orderly planning related grounds:

- The residential land use ultimately proposed for the site is identical to that prevailing in the immediate locality.
- The 'Urban Development' zoning and resultant 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 and within coastal areas generally, and the future structure plan that is required over the site will ensure that this occurs.
- 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 and throughout the City of Joondalup generally.
- The subject land is not a formal Reserve for Recreation as the State Government cancelled its Reserve status in 1974 and sold it 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.

- Traffic related issues and concerns can be addressed during the subsequent structure plan and subdivision applications required for the site.
- Environmental related issues and concerns are able to be addressed (in part only due to the EPA's non legally binding advice) during the subsequent structure plan and subdivision application's that are required for the site.
- No significant historical or ethnographic issues have been identified.
- No additional community facility need has currently been identified.

Options

The Council has two options in dealing with this rezoning application. The Council can either resolve to adopt the proposed amendment as final (with or without further modification) and forward it to the Minister for Planning and Infrastructure for final approval, or resolve to not support the amendment.

Furthermore, there is no right of appeal to the State Administrative Tribunal with respect to a decision to refuse to grant final approval to the amendment.

It is noted that Council must consider the submissions by 11 May 2005, and forward a decision to the Minister for Planning and Infrastructure within 28 days of that decision.

Irrespective of the Commissioners decision, the final decision on the proposed scheme amendment rests with the Minister for Planning and Infrastructure. The Minister may elect to determine the amendment proposal under powers provided by the Town Planning Regulations, regardless of the Council's position on the amendment.

Conclusion

There is an extensive and complex planning history associated with this site, with several applications being previously made to rezone the site. In those cases, the technical recommendation was that rezoning be allowed, however in each case the decision made by the Council of the day was not to proceed with either of the proposals.

Advertising of the proposal indicates that there is community division on the proposal. The City's recommendation to support the proposed amendment for final approval is based on planning related grounds and other considerations outlined within this report.

ATTACHMENTS

- Attachment 1 - Site Plan/Marmion Public Open Space Schedule
- Attachment 2 - Scheme Amendment Map & Indicative Subdivision Plan
- Attachment 3 – Scheme Amendment Process Flowchart
- Attachment 4 - Schedule of Submissions
- Attachment 5 - Standard proforma submission 1 (objection)
- Attachment 6 – Comments in regard to standard proforma submission
- Attachment 7 - Standard proforma submission 2 (objection)
- Attachment 8 – Comments in regard to standard 2 proforma submission

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No 2 without modification for the purposes of rezoning Lot 61 (No. 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development';
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;
- 3 NOTES the submissions received and advise the submitters of the Council decision;
- 4 NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;
- 5 ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;
- 6 ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:
 - (a) clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);
 - (b) have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;
 - (c) ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;
 - (d) ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads;

- (e) ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;
- 7 NOTES that should Amendment 24 to the City's District Planning Scheme No. 2 be granted final approval by the Minister for Planning and Infrastructure, that the City, in considering any future subdivision application referral over the site, shall seek the Western Australian Planning Commission to support the City's request for the landowner to provide 10% of the site for public open space purposes. Furthermore, the City is prepared to consider a cash in lieu contribution for the required POS in this instance should that the Western Australian Planning Commission resolve to accept a cash in lieu payment for the required POS.

ADDITIONAL INFORMATION

Legal Issues and Advice

The City has obtained written legal advice from solicitors McLeod & Co which confirms that the Council is not acting ultra vires by considering support for the proposed amendment to rezone Lot 61 Leach Street from 'Local Reserves – Parks and Recreation' to 'Urban Development'. It should be noted that Council's resolution to either support or refuse the proposed amendment is a recommendation to the Minister for Planning and Infrastructure, by way of the Western Australian Planning Commission (WAPC), with whom the final decision for approval or refusal of the amendment rests.

The site was originally created in 1939 as a Reserve for 'Recreation and Parking'. In November 1974, the land's reserve status was cancelled and notification provided within the Government Gazette on 22/11/1974. The State Government action in canceling the land's reserve status effectively cancelled its public purpose use for which it was originally created. The site was sold in freehold title in 2003 to the current owners.

The Department of Land Information has confirmed that there are no encumbrances on its freehold title that restrict the use of the land for any particular use, including public purpose.

Additional Public Open Space Information

With respect to the City's public open space (POS) audit, the following table is provided which illustrates the application of the Western Australian Planning Commission's 10% POS requirement to the suburb of Marmion. There is currently 9.2% POS provided in Marmion, and therefore a POS deficit of 0.8% currently exists. Should the proposed amendment be ultimately approved, the POS provision would reduce to 7.23%, thus increasing the deficit of POS to 2.77%.

MARMION POS COMPARISON TABLE

Land Classification	Area	WAPC's POS Requirement (percentage) #	City's POS (Percentage of total land area / land area)*	Audit
Foreshore Reserve	4.7443 ha	Not included	4.1% / 4.7443 ha	
Parks and Recreation (excluding CSIRO Site of 2.1885 ha)	10.1955 ha (8.007 ha)	9.2 % (7.23%)	8.82% / 10.1955ha (6.93% / 8.007 ha)	
Public use (School)	6.0285 ha	Not included	5.22% / 6.0285 ha	
Residential	61.9473 ha	Not included	Not included	
Commercial	1.6234 ha	Not included	Not included	
Roads	30.9760 ha	Not included	Not included	
Total	115.5213ha	9.2% (7.23%)	18.14% / 20.9683 ha (16.25% / 18.7798 ha)	

Calculation based on Local Reserves - Parks and Recreation land area only, as set out in WAPC's Policy DC 2.3 Public Open Space in Residential Areas over a land area of 110.777 hectares for the suburb of Marmion which excludes the foreshore reserve area.

* Calculation based on a total land area of 115.5213 hectares, including the foreshore reserve area.

Attached is a plan of Marmion showing a 500 metre radius around all existing POS areas. It is noted that only a few properties are located outside the 500 metre radius – Appendix 17 refers.

POS Comparison With Other Suburbs

In order to provide the Council with an accurate comparison, the oceanside suburbs of Sorrento, Ocean Reef, Mullaloo and Iluka have been selected. It should also be noted that the same calculation as appears in the above POS comparison table was also applied.

Whilst the calculations provided are generally in accordance with the requirements set out under WAPC's Policy DC 2.3, it is not possible to provide an exact measure of the POS in these suburbs due to the fact that Policy DC 2.3 allows for various concessions and adjustments to the 10% requirement, such as parting terms of credits for useable drainage basins, school sites where POS is co-located and community purpose facilities. In this regard, the following figures represent a standardised POS assessment approach and are as follows;

Sorrento	–	7.8%
Ocean Reef	–	7.5%
Kallaroo	–	9.4%
Mullaloo	–	9.2%
Iluka	–	10.1% (note that this figure has recently been provided as a result of a formal application by the landowners to amend the Iluka Structure Plan).

Letter from Conservation and Land Management

The background to this advisory letter is that it was prepared by Conservation and Land Management (CALM) to assist the Environmental Protection Authority (EPA) in its consideration of the amendment. Under the Town Planning Regulations, amendments need to be referred to the EPA for consideration. The EPA may decide what level of environmental assessment, if any, it deems appropriate for land which is the subject of the proposed rezoning. The EPA was considering what level of environmental assessment would be required to complement the rezoning process for the CSIRO site, and it sought the comments of CALM as a component of its own research. The CALM advice was not provided to the City, but its content was considered by the EPA when it decided what advice to give to the Council.

MOVED Cmr Anderson, SECONDED Cmr Smith that consideration of Close of Advertising for 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) be DEFERRED to the next ordinary meeting of Council to be held on 5 April 2005 in order to:

- 1 seek clarification as to whether the area is locally significant bushland in terms of the landscape values of the site and the range of native plant species on the site, and any other relevant information that the officers believe should be provided;**
- 2 allow the Commissioners time to consider the additional information provided prior to the meeting of Council held on 15 March 2005.**

Cmr Smith, with the approval of Cmr Anderson, requested that reasons for the deferment of this Item be included as part of the Motion.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendices 6 and 17 refer

*To access this attachment on electronic document, click here: [Attach6agn150305.pdf](#)
[Attach17min150305.pdf](#)*

**CJ037 - 03/05 FINAL ADOPTION OF BURNS BEACH STRUCTURE
PLAN NO.10 – PORTION OF LOT 9017 BURNS
BEACH ROAD, BURNS BEACH – [29557]**

WARD - North Coastal

CJ050308_BRF.DOC:ITEM 10

PURPOSE

The purpose of this report is for Council to consider the submissions received as a result of public advertising of the proposed Burns Beach Structure Plan No.10, and proposed minor modifications, for the purpose of final adoption as an Agreed Structure Plan.

EXECUTIVE SUMMARY

The Council considered the proposed Burns Beach Structure Plan No. 10 on Portion of Lot 9017 at its meeting on 2 November 2004 (CJ 267-11/04 refers) where it was resolved to adopt the Structure Plan and to make it available for the purposes of advertising.

The draft Structure Plan was advertised for a 28 days period from 11 November to 9 December 2004. A total of ninety five (95) submissions were received, ten (10) of which supported or did not object to the proposal and eighty five (85) of which objected to the proposal. Sixty one (61) of the submissions received were proforma submissions, twenty (20) were not from residents/landowners within the immediate locality, four (4) submissions were from the same submitter and three (3) submissions were received after the close of advertising.

A summary of all submissions and responses is provided with this report for consideration by the Council (Attachments 3 & 4 refer). The issues raised relate primarily to the retention of bushland, a desire for a buffer between the existing Burns Beach residences and the proposed lots, car parking, building height, location, extent and maintenance of public open space, traffic and safety and development of the foreshore. The issues raised in public submissions that are relevant to the Structure Plan process have been adequately addressed by the applicant, and do not alter the Council's position in relation to progressing the Structure Plan.

Two necessary minor modifications were identified during the advertising period, partly as a result of the submissions received and also to provide greater clarity, both modifications being in relation to the proposed maximum building height. Since the proposed modifications do not alter the intent or details of the Structure Plan, re-advertising is not considered warranted.

Council at its meeting held on 22 February 2005 considered the proposed structure plan and resolved to defer the matter to its March 2005 meeting. In addition to the information contained within the report to the February 2005 round of Council meetings, the City has received information from the Department for Planning and Infrastructure (DPI) regarding its coastal policy requirements, particularly in relation to the foreshore reserve width, the involvement of other environmental authorities in the assessment of the site and the need for a

Foreshore Management Plan. The DPI's response to these environmental concerns raised through submissions has been appended to this report (Attachment 7 refers). In addition, comment on the State Coastal Policy has been included in this report. Any additional information has been underlined for clarity.

It is recommended that Council:

- 1 *Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No. 2 RESOLVES that the modified Burns Beach Structure Plan No. 10 shown in Attachment No.2 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, ADOPTS the modified Burns Beach Structure Plan No. 10 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.*
- 3 *In accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No. 2.6 – State Coastal Planning Policy, ADVERTISES the draft Foreshore Management Plan for public comment for a period of 30 days, prior to the finalisation of the City's comments to the WAPC regarding subdivision of the site.*
- 4 *ADVISES the developer to involve the City in discussions during all stages of development of the subject site with regard to any intentions by the developer or any telecommunications carriers to locate telecommunications facilities within, or adjacent to, the Burns Beach Structure Plan No. 10 area.*
- 5 *ADVISES the applicant to include the provision of up to 120 car parking bays along the foreshore road and adjacent to POS 6, including details of the location, dimensions and form of such bays, in the Foreshore Management Plan in relation to the Burns Beach Structure Plan area, to be finalised at the subdivision stage to the satisfaction of City of Joondalup.*

BACKGROUND

Suburb/Location: Portion Lot 9017 Burns Beach Road, Burns Beach
Applicant: Development Planning Strategies
Owner: Burns Beach Property Trust
Zoning: **DPS:** Urban Development
MRS: Urban and Parks & Recreation
Strategic Plan: Strategy 3.3 – Provide residential living choices to meet changing demographic needs

Lot 9017 comprises several parcels of land over the suburbs of Currambine, Kinross and Burns Beach and is the subject of ongoing subdivision (Attachment 1 refers). The subject portion of Lot 9017 is located north of Burns Beach Road and west of Marmion Avenue, immediately north of the pocket of residences within the suburb of Burns Beach.

The area subject of the proposed Structure Plan is approximately 291 hectares in area. It includes the 147 hectares part of the site immediately north of Burns Beach Road zoned “Urban” under the Metropolitan Region Scheme (MRS) and “Urban Development” under the City’s District Planning Scheme No. 2 (DPS2) (Amendment No. 21), as well as the 144 hectares abutting this developable land to the north that is reserved for “Parks & Recreation” purposes (CJ166-07/04 refers). Any development of the northern part (144 hectares) of the site needs to be in accordance with the provisions of the MRS in accordance with the City’s DPS2.

The northern part and much of the southern part of the proposed Structure Plan area were identified in the former draft Perth Bushplan and subsequent Bush Forever plan on the basis of its representation of ecological community types, maintaining ecological process, scientific or evolutionary importance and its value meeting coastal reserve criteria. The land is not, however, identified in the current draft Metropolitan Region Scheme Amendment No.1082/33 that seeks to establish Special Control Areas over Bush Forever sites as this draft Amendment post dates the gazettal of the MRS Amendment 992/33 that zoned the southern portion of the land for development.

Future urban development of the subject land has been opposed over the course of approximately 6 years. The Council also expressed concerns about the environmental impacts of development of the subject portion of Lot 9017. As a result, an additional 24 hectares of land was reserved for conservation (northern part of the Structure Plan area) in a negotiated outcome as a result of the MRS rezoning of the land and the development area reduced accordingly. This negotiated outcome was also reflective of community concerns.

Council at its meeting held on 22 February 2005 considered the proposed structure plan and resolved to defer the matter to its March 2005 meeting. This was due to a number of queries raised during the February 2005 agenda cycle, with regard to the relationship of the State Coastal Policy to the proposed structure plan, the width of the foreshore reserve, and the preparation of the Foreshore Management Plan.

DETAILS

The draft Structure Plan is intended to facilitate the future development of approximately 1600 low and medium density dwellings with density codes of R20 and R40, a primary school and associated senior- sized sporting oval, a beach shop/lunch bar/restaurant, a local shop and fifteen (15) areas of public open space (POS) distributed across the subject site, together with road and dual use and pedestrian path works external, yet adjacent to the subject site.

Five (5) development precincts and the Parks and Recreation Reserve land to the north are identified with associated objectives and development provisions, as follows:

- Residential R20 Precinct
- Residential R40 Precinct
- Special Residential Precinct
- Local Shop Precinct
- Beach Shop/Lunch Bar/Restaurant Precinct
- Parks & Recreation Reserve

At the Council meeting on 2 November 2004, Council considered the draft Burns Beach Structure Plan for the purpose of initiation of public advertising where it was resolved:

- 1 *Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No. 2, adopt the draft Burns Beach Structure Plan No. 10 as per Attachment No.2 to report CJ267- 11/04 for the purpose of public advertising and make it available for public comment for 28 days, subject to the receipt of the following to the satisfaction of the City during the period of public consultation:*
 - (a) *further justification or alternatives to the proposed road arrangement around the proposed areas of open space, denoted as POS 8 & POS 9 on Plan I;*
 - (b) *written advice from all telecommunications carriers currently operating in Western Australia that they do not require or intend to provide any telecommunications infrastructure, including mobile towers, in the proposed structure plan area in the near future;*
- 2 *ADVISE the applicant that the City encourages the developer to actively pursue the development of a possible future swimming beach and associated facilities located immediately north of the developable area of the subject site in conjunction with the Department of Conservation and Land Management, the Department for Planning and Infrastructure and the City of Joondalup. Consideration should be given to the impacts of development on the internal road system, car parking, the foreshore, bush land and the amenity of the future residents of Burns Beach, as well as the possible northward extension of the proposed road near the foreshore.*

In regard to the issues highlighted above, the following advice is offered:

Road Arrangement

The applicant has been working with the City regarding the proposed road arrangement around POS 8 and 9 on the Structure Plan and has provided a satisfactory alternative. The result is a slight modification to the road width of the central boulevard and the inclusion of roundabouts along this boulevard at each end of the POS areas.

In view of the minor nature of the changes to the road arrangement and therefore the overall number of lots and lot layout, it is not considered necessary to amend the plan provided in the Structure Plan. The details of the amended road arrangement will therefore be provided and approved at the subdivision stage, as is normal practice.

Telecommunications Infrastructure

The applicant has contacted the four main telecommunications carriers (Telstra, Optus, Hutchison and Vodafone) and requested confirmation that they have no intention of providing any telecommunications infrastructure, including mobile towers, in the Structure Plan area in the near future. A letter of response was received from Mobile Carriers Forum (MCF) on behalf of these companies (see Attachment 6) that states that the existing mobile tower located at Tamala Park adequately meets the current servicing needs.

The letter also notes that further development of Burns Beach would create a need for greater network capacity and coverage than is currently provided. In this event, a mobile telecommunications facility may indeed be necessary and MCF expressed a keenness to work with the developers of Burns Beach to achieve an efficient and integrated outcome. This advice is contrary to the Joint Commissioner's resolution, which came from experiences of the City in relation to the locations of other mobile towers in the City. In particular, the City may be concerned where a low impact facility is proposed such that no development approval from the City is required, or where high impact facilities are proposed within public spaces such as parks. It is noted that the Telecommunications Act controls the installation of telecommunication facilities.

It is also noted that the fifteen (15) areas of POS within the Structure Plan area and the primary school/sporting oval site appear to be the only sites of sufficient area to accommodate any future required high impact telecommunications facilities. The applicant has advised that the developer has met with an officer at the Department for Planning and Infrastructure (DPI) and received verbal advice that it is not likely to object to a mobile tower being located within foreshore land adjacent to a future possible beach area north of the subject site. Conversely, the applicant suggests that a tower may be suitably located in the regional open space north of the subject site with no detrimental impacts on the reserve.

Regardless of any future need for such facilities, and the limited suitable sites in the Burns Beach area, should the Council not support final adoption of the Structure Plan on the basis that the developer cannot receive the required confirmation from telecommunications carriers, such a decision is unlikely to be supported by the WAPC. This is due to the Structure Plan and development application processes being two separate processes and it would not be appropriate for the WAPC to refuse to certify the Structure Plan in the absence of any development applications for such structures. The Council could request the developer to continue discussions with the telecommunications carriers and keep the City informed of any intended locations so that it may have the opportunity to comment in the early stages of planning for these facilities.

It is recommended that an advice to this effect be included in Council's resolution.

Future swimming beach

The developer has commenced discussions with the Department of Conservation and Land (CALM), the Department for Planning and Infrastructure (DPI) and the City regarding the possible future development of a swimming beach and associated facilities immediately north of the subject site, as noted on the Structure Plan. This beach will be considered further in conjunction with a foreshore management plan that is required by the City and the DPI at the subdivision stage. Details of vehicular and pedestrian access, car parking and associated facilities, such as change rooms, toilets and possible clubrooms, would be the subject of ongoing discussions between the developer, CALM, the City and DPI as development of this area would be a long term project.

Statutory Provision:

Clause 9.1 of DPS2 states that the Council may require the preparation of a Structure Plan as a prerequisite to its support for a proposal to rezone or classify land in the district. Clause 3.12.2 of DPS 2 states that no subdivision or development is to commence on land zoned "Urban Development", as is the subject site.

Consultation:

Clause 9.5 of DPS2 requires Structure Plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by the Council. Advertising was undertaken for a period of twenty eight (28) days from 11 November to 9 December 2004. All adjoining landowners were notified in writing, three signs were erected on the site and a notice was placed in the Joondalup Community newspaper.

A total of ninety five (95) submissions were received, ten (10) of which supported or did not object to the proposal and eighty five (85) of which objected to the proposal. Sixty one (61) of the submissions received were proforma submissions, twenty (20) were not from residents/landowners within the immediate locality, four (4) submissions were from the same submitter and three (3) submissions were received after the close of advertising.

Under clause 9.6 of DPS2, the Council are to consider all submissions received during the advertising period (Attachment 3 refers). After consideration of all submissions, the Council are to either resolve to adopt the Structure Plan, with or without modification, or to refuse to adopt the Structure Plan. Three copies of the Structure Plan are then submitted to the Western Australian Planning Commission (WAPC) for final adoption and endorsement.

Key Issues arising from Public Advertising

Objections to the draft Structure Plan include the following major issues:

- retention of bushland;
- a desire for a buffer between the existing Burns Beach residences and the proposed lots in the Structure Plan area;
- car parking;
- building height;
- location, extent and maintenance of public open space;
- traffic and safety; and
- development of the foreshore.

These issues will be discussed further in this report. It should be noted that three (3) of these seven (7) issues were the subject of the 61 proforma submissions

Strategic Implications:

The draft Structure Plan would facilitate the development of a variety of lots sizes, and therefore housing forms, with the future subdivision of the southern part of the subject site. Provision of a variety of residential living choices is in line with the Council's Strategic Plan.

Sustainability Implications:

The draft Structure Plan provides for small lot subdivision of low and medium density which will facilitate better utilisation of the existing infrastructure, community facilities and public transport system in the locality, in line with the State's planning objectives. The future subdivision and dwelling forms support sustainability principles with the lots being predominantly (69%) oriented with preferred solar orientation to maximise energy efficiency, in accordance with the WAPC's Liveable Neighbourhoods document which provides a guide to subdivision design. Smaller lot sizes proposed assist in encouraging efficient building designs.

COMMENT

A significant proportion of the objections received (62 of 95, being 65% of submissions received) were in the form of a proforma letter. For clarity, a summary of the comments in the proforma letter and the corresponding comments of the City are at Attachments 4 & 5 respectively. The issues raised are discussed further under the headings of the key issues arising from public submissions.

Environmental Issues

Many of the public submissions relate to environmental issues regarding the foreshore and dune systems in the locality, and the loss of bushland (Attachment 3 refers). These issues are very specific and not within the capacity of the City to fully assess, however these would have been considered by the Environmental Protection Authority (EPA), the DPI and the Council during the process of amending the MRS and the City's District Planning Scheme DPS2. The City has received correspondence (attachment 7) from the DPI confirming that a rigorous environmental analysis was undertaken by a review team set up by the Minister for Environment, including an assessment of coastal dune and shore stability, prior to arriving at the final alignment of the foreshore reserve.

The extent of the land available for development has previously been defined, and it is not the purpose of the current structure planning process to revisit these boundaries. The City is therefore limited in the extent to which it can allay concerns about these environmental issues. Notwithstanding this, any development on the subject site needs to comply with policies of the Western Australian Planning Commission (WAPC) in relation to foreshore reserves and the City's requirements, which includes the preparation of a Foreshore Management Plan at the subdivision stage.

Concern has been raised that the City may be burdened with unreasonable foreshore maintenance costs when the foreshore comes under the City's care and management through the vesting of this portion of land (comprising the proposed foreshore road, POS areas 1 & 6 and associated infrastructure). It is anticipated that future maintenance costs would not vary significantly to what is currently being experienced within other similar coastal foreshore areas within the City, provided that the section of coastline in question is stable. The Council determines, in conjunction with the developer, when it will accept vesting of the foreshore land and this is dependent on the Council being satisfied with the content of the Foreshore Management Plan, as well as any works that are considered necessary to the foreshore area having been completed by the developer, such as dune stabilization, control fencing and vegetation recovery.

Whilst the bushland will largely be cleared with development of the subject site, the developer has expressed a desire to retain native vegetation where possible in public open space (POS) areas, in particular within proposed POS 15 on the corner of Burns Beach Road and Marmion Avenue where a stand of Christmas trees is located, as well as Banksia stand located within proposed POS 11. Moreover, the developer was required at the rezoning stage to set aside 144 hectares of bushland in the northern part of the Structure Plan area, which has been reserved for Parks and Recreation and will be vested in the Department of Conservation and Land Management (CALM) for its care and management.

Landscape Buffer

All of the proforma letter submissions, and a number of the other submissions, included a request for a 30 metre landscape buffer zone between the existing residences in Burns Beach and the future proposed lots in the Structure Plan area (Attachment 4 refers). The draft Structure Plan indicates this land as part of the Residential R20 Precinct. Whilst this request has been seriously considered, there are several valid planning reasons not to request the applicant to provide a landscape buffer and these are set out in Attachment 5. The current proposal within the draft Structure Plan is considered to be the best planning outcome and is therefore supported in its current form.

Car Parking

All of the proforma submissions, and a number of the other submissions, request additional car parking and suggest that this should be provided along Burns Beach Road near the existing Burns Beach residences. This area is road reserve land that is not within the draft Structure Plan area and the City is not currently considering the provision of car parking along Burns Beach Road.

Nevertheless, a foreshore road extending the length of the developable portion of the Structure Plan area is proposed and the City will require a significant number of bays to be constructed along this road at the subdivision stage. In addition, car parking will be required adjacent to foreshore POS 6 where a beach shop/lunch bar/restaurant is proposed. The applicant has undertaken a more thorough assessment of the car parking options in these locations and advised that up to 120 bays could be provided, as opposed to the preliminary figure of 80 bays noted within the explanatory report provided with the Structure Plan.

It is recommended that, should the Council adopt the Structure Plan, the applicant be advised that the provision of up to 120 car parking bays be shown along the foreshore road and adjacent to POS 6 within the Foreshore Management Plan at the subdivision stage, including details of location, dimensions and form of the bays.

Building Height

The proposed maximum building height in the draft Structure Plan is 10 metres. The applicant has reviewed this height further to public comments and modified the Structure Plan to reflect an allowable height of 9.5 metres, which is similar to that in the Hillarys and Cook Avenue Structure Plans. For comparison, the allowable height of buildings in the Iluka Structure Plan area, which is opposite the subject site, is in accordance with the Residential Design Codes (R Codes) at 9 metres. However, it should be noted this height is in addition to retaining walls that on occasions adds significant height in Iluka.

The difference between the allowable building height for building in the Iluka Structure Plan area and that proposed for the Burns Beach lots is that the developer of the Burns Beach Structure Plan area intends lots to be generally developed in accordance with the natural topography of the subject site with only minimal retaining (no more than 0.5 metres). This intention is reflected in the proposed definitions of “Building Height” and “Natural Ground Level” with the latter specifying finished levels of lots are to be not more than 0.5 metres greater than the level of the mid-point of the road at the frontage of each lot. The modified 9.5 metre maximum building height is therefore considered to be acceptable.

Public Open Space

All of the proforma letter submissions suggested a reduction in the number of POS (4 instead of 15) areas as a way of reducing on-going watering and maintenance costs. It is suggested that this would reduce 1600-1800m² of POS area. It is acknowledged that the POS areas will need to be managed and maintained by the City, however reducing the number of POS areas will not necessarily alter the watering and maintenance requirements as the total overall area still needs to be the same (10% of the subdivision).

Moreover, the proposed distribution of open space across the subject site is in line with the WAPC's Liveable Neighbourhoods document that encourages POS areas to be within walking distance of residences so they serve as neighbourhood parks and promote a community focus.

In addition, the proposed distribution of POS areas supports some of the drainage requirements for the overall site which would otherwise result in the construction of extensive drainage sumps and, therefore, reduce the overall functionality and usability of the POS areas. No change to the POS areas is considered necessary.

Traffic and Safety

Some public concerns have been expressed about the current traffic situation on Marmion Avenue and Burns Beach Road, as well as potential traffic and safety concerns associated with the proposed primary school site on Burns Beach Road.

The City is currently assessing a traffic report that includes existing and projected vehicular movements in the vicinity of the Structure Plan area. This assessment will be undertaken in consultation with Main Roads WA who is responsible for regional roads, including Marmion Avenue, and appropriate measures imposed as conditions of subdivision.

The location of the proposed primary school has been determined in consultation with the Department of Education, the DPI and the City. It is noted that there is no other primary school in the immediate locality and therefore it is likely to be attended by children living in the adjoining suburbs of Iluka and Kinross. Therefore, the location of the school needs to be accessible to these areas. It is less desirable option to locate a school in the middle of a residential area where traffic and noise associated with this use can significantly impact on residential amenity.

The school is proposed to be surrounded by roads to facilitate efficient traffic movements during peak traffic times and also to provide a variety of drop off/pick up places in the form of on-street car parking bays located along these roads. The details of on-street car parking bays will be assessed at the subdivision stage.

Foreshore Development

Public submissions included various requests for a swimming beach and other associated beach facilities to be provided on the foreshore adjacent to the southern part of the Burns Beach Structure Plan area. The beach in this locality is rocky and not suitable for swimming and, therefore, the City has discouraged the inclusion of a swimming beach in the location. In addition, the dunes are also very steep in this area. Both of these factors may compromise safety if access to the beach in this locality is encouraged through the development of a swimming beach.

On this basis, a potential future swimming beach is noted on the Structure Plan adjacent to the regional reserve on the northern portion of the subject site. As is noted previously in this report, discussions are proceeding with CALM and DPI in relation to developing a beach, associated facilities and car parking in this locality.

Whilst it is in the interests of the developer to assist in the development of the foreshore, it is not reasonable for the developer to fully bear the cost of providing public facilities on land outside of the Structure Plan area. The City will continue to liaise with the developer regarding the suitable development of the foreshore as part of the Foreshore Management Plan.

Statement of Planning Policy No. 2.6 – State Coastal Planning Policy

The WAPC's Statement of Planning Policy No. 2.6 – State Coastal Planning Policy supplements the WAPC's DC Policy 6.1 – Country Coastal Planning Policy, and requires consideration with regard to the Structure Plan. The objectives of the Policy are:

- protect, conserve and enhance coastal values, particularly in areas of landscape, nature conservation, indigenous and cultural significance;
- provide for public foreshore areas and access to these on the coast;
- ensure the identification of appropriate areas for the sustainable use of the coast for housing, tourism, recreation, ocean access, maritime industry, commercial and other activities; and
- ensure that the location of coastal facilities and development takes into account coastal processes including erosion, accretion, storm surge, tides, wave conditions, sea level change and biophysical criteria.

One of the Policy measures is to ensure that development is in the public interest and, to this end, that adequate opportunity has been provided to enable the community to participate in coastal planning and management, including the support and guidance of voluntary coast care groups.

As a resolution of the Council at the time of the amendment to DPS2 to rezone the site appropriately for future development, the developer undertook extensive public consultation associated with the draft Structure Plan, including establishment of a Community Reference Group comprising interest/focus groups and individuals. A Foreshore Management Strategy was included in the draft Structure Plan at this time. This Strategy provides the basis for the detailed Foreshore Management Plan that is to be finalised at the subdivision stage. It is recommended that the draft Foreshore Management Plan be advertised for comment prior to its finalisation at the subdivision stage in order to ensure compliance with Policy 2.6. Any comments received during the public advertising period can be considered and assessed by the City of Joondalup and the DPI, prior to adoption of the Foreshore Management Plan.

The public consultation process required for the Foreshore Management Plan does not prevent the Council determining the Structure Plan. Rather the public consultation can proceed independent of the Structure Plan process, prior to the determination of any subdivision application over the subject site. It is noted that discussions with officers of the DPI confirm that this approach is satisfactory, and it is therefore considered that the proposed Structure Plan is not in conflict with the State Coastal Planning Policy.

Other Minor Modifications to Structure Plan

Two further minor modifications to the draft Structure Plan have been identified as necessary for clarity.

Definitions

The proposed definition of allowable building height relates to height above natural ground level, in line with the definition under the R Codes. However, no definition of natural ground level has been provided and it is proposed that the following definition be included in the Structure Plan:

“NATURAL GROUND LEVEL” shall mean the finished level of the lot relative to the finished Australia Height Datum (AHD) level of the road that it fronts (existing or as established at subdivision stage) and immediately adjacent to the lot. The finished level of the lot shall be +/- 0.5 metres from the AHD level of the mid point of the road and measured from the midpoint of the frontage of each lot frontage.

This definition is based on the definition under the R Codes, incorporating allowance for a variance of the finished lot levels not greater than 0.5 metres to accommodate minimal retaining only for the future lots.

The proposed “Ground Floor Level” definition is the same as the definition used in the Cook Avenue Structure Plan where it was relevant only to future development of the grouped dwelling lot in the Structure Plan area. This definition is not, however, relevant to the Burns Beach Structure Plan with the proposed modification to include a definition of natural ground level and it is therefore recommended that it be deleted.

The Burns Beach Structure Plan site has a long history in terms of public opposition to development through the rezoning process and has attracted a high level of public scrutiny through the Structure Plan process. For this reason, the Council required additional public consultation prior to submission of the Structure Plan.

Concerns raised in public submissions received during the City’s advertising period have been addressed in this report, or relate to the earlier rezoning process. Some minor modifications to the Structure Plan are considered to be necessary to address some of the public concerns and to provide clarity to the provisions of the Structure Plan. Car parking concerns can be adequately addressed at the subdivision stage and details included in the Foreshore Management Plan.

In addition, some environmental issues still need to be resolved and will continue to be addressed in the context of the Foreshore Management Plan at the subdivision stage. The Council’s position in this regard will be conveyed to the DPI with its comments on the future subdivision.

The developer is unable to comply with the Council’s previous resolution in relation to telecommunications facilities because the proposed 1600 additional residences in the Structure Plan area may necessitate such facilities. Nevertheless, it is considered that the City can be adequately involved in determining a suitable location for any future required facilities through the development application process. It is recommended that the developer be advised to include the City in any such discussions to achieve a suitable planning outcome.

The City's recommendation for support of the modified Structure Plan is based on planning grounds and consideration of factors raised within this report.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Modified Burns Beach Structure Plan No. 10 (Part 1)
Attachment 3	Schedule of Submissions
Attachment 4	Proforma letter from submitters
Attachment 5	Response to proforma letter
Attachment 6	Letter regarding future telecommunications facilities
Attachment 7	DPI letter regarding environmental analysis of the site

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No. 2 RESOLVES that the modified Burns Beach Structure Plan No. 10 shown in Attachment 2 to Report CJ037-03/05 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, ADOPTS the modified Burns Beach Structure Plan No. 10 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents;
- 3 In accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No. 2.6 – State Coastal Planning Policy, ADVERTISES the draft Foreshore Management Plan for public comment for a period of 30 days, prior to the finalisation of the City's comments to the WAPC regarding subdivision of the site;
- 4 ADVISES the developer that the City wishes to be included in discussions during adjoining landowner stages of development of the subject site with regard to any intentions by the developer or any telecommunications carriers to locate telecommunications facilities within, or adjacent to, the Burns Beach Structure Plan No. 10 area.
- 5 ADVISES the applicant to include the provision of up to 120 car parking bays along the foreshore road and adjacent to POS 6, including details of the location, dimensions and form of such bays, in the Foreshore Management Plan in relation to the Burns Beach Structure Plan area, to be finalised at the subdivision stage to the satisfaction of City of Joondalup.

ADDITIONAL INFORMATION

Vesting and acceptance of responsibility for managing coastal reserves

With regard to the question of Council taking on the responsibility for the foreshore reserve land in the event of "vesting" of the land, advice has been sought from the Department of Land Information and the Department for Planning & Infrastructure. Under the Land Administration Act 1997, Crown land reserved for a designated purpose is placed in the care, control and management of local governments, State Government departments and other incorporated bodies through the "vesting" process, now achieved through management orders. Management orders in effect replace the term "vesting" and provide a statutory right to manage and control Crown land in accordance with the management order, the Act and other legislation.

The creation and "vesting" of land as a "Reserve for Recreation" is required in accordance with Section 20A of the Town Planning and Development Act, however, the Act is silent on being able to compel local governments to accept "vesting". Local governments, therefore, have the option of refusing to accept "vesting", as does occur on occasions. Should a local government not accept "vesting", the land is then managed by the Department for Planning & Infrastructure.

It is worthy of note that, in the event of a local government not accepting "vesting", the relevant local government is denied the opportunity to direct any development on this land. Furthermore, any costs of maintaining/managing the land, and therefore any profits or non-fiscal advantages such as community benefits resulting from the use of the land, are also outside of the local government's control.

(The above advice has been provided by DLI staff, and also in reference to legislation).

Legal advice confirms that there is no obligation on the City to accept a vesting of this nature. In the event that the City did not accept a vesting then the land would remain within the care and control of the Department of Planning and Infrastructure (the Crown). However, if this were to occur, the City would have no ability to control any potential activities in respect of the land, save to the extent that the Crown would be bound by any relevant planning controls.

The width of the foreshore reserve as shown on the Burns Beach Structure Plan area varies along its length, ranging from approximately 97 metres to around 160 metres, with the majority at 110-120 metres in width.

It is also noted that the Western Australian Planning Commission's Policy DC 6.1 Country Coastal Planning Policy, and associated Statement of Coastal Planning Policy No. 2.6, provide a general guide of 100 metres as a minimum width of foreshore reserves. However, these documents also state that the required width will vary according to the circumstances of any particular proposal.

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No. 2 **RESOLVES** that the modified Burns Beach Structure Plan No. 10 shown in Attachment 2 to Report CJ037-03/05 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, **ADOPTS** the modified Burns Beach Structure Plan No. 10 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents;
- 3 **ADVISES** the Western Australian Planning Commission that the Council will not accept the vesting of the foreshore adjacent to the southern part of the Burns Beach Structure Plan area;
- 4 **REQUESTS** the CEO to investigate the role the Council can play to assist the community to achieve a change to the width of the foreshore reserve in the Metropolitan Regional Scheme, as it pertains to the Burns Beach coastal zone;
- 5 **ADVISES** the developer that the City wishes to be included in discussions during adjoining landowner stages of development of the subject site with regard to any intentions by the developer or any telecommunications carries to locate telecommunications facilities within, or adjacent to, the Burns Beach Structure Plan No. 10 area;
- 6 **ADVISES** the applicant to include the provision of up to 120 car parking bays along the foreshore road and adjacent to POS 6, including details of the location, dimensions and form of such bays, in the Foreshore Management Plan in relation to the Burns Beach Structure Plan area, to be finalised at the subdivision stage to the satisfaction of City of Joondalup.

Discussion ensued in relation to the development of the Structure Plan area.

Cmr Clough sought clarification from Cmr Anderson as the Mover of the Motion whether it was his intention to delete Point 3 of the Officer's Recommendation. Chief Executive Officer was of the opinion that it would be necessary to retain Point 3 within the Motion in order to progress this matter.

With the approval of the Mover and Seconder, the Motion was WITHDRAWN

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No. 2 **RESOLVES** that the modified Burns Beach Structure Plan No. 10 shown in Attachment 2 to Report CJ037-03/05 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, ADOPTS the modified Burns Beach Structure Plan No. 10 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents;**
- 3 In accordance with the Western Australian Planning Commission's (WAPC) Statement of Planning Policy No. 2.6 – State Coastal Planning Policy, ADVERTISES the draft Foreshore Management Plan for public comment for a period of 30 days, prior to the finalisation of the City's comments to the WAPC regarding subdivision of the site;**
- 4 ADVISES the developer that the City wishes to be included in discussions during adjoining landowner stages of development of the subject site with regard to any intentions by the developer or any telecommunications carriers to locate telecommunications facilities within, or adjacent to, the Burns Beach Structure Plan No. 10 area;**
- 5 ADVISES the applicant to include the provision of up to 120 car parking bays along the foreshore road and adjacent to POS 6, including details of the location, dimensions and form of such bays, in the Foreshore Management Plan in relation to the Burns Beach Structure Plan area, to be finalised at the subdivision stage to the satisfaction of City of Joondalup;**
- 6 ADVISES the Western Australian Planning Commission that the Council will not accept the vesting for the foreshore adjacent to the southern part of the Burns Beach Structure Plan area;**
- 7 REQUESTS the CEO to investigate the role the Council can play to assist the community to achieve a change to the width of the foreshore reserve in the Metropolitan Regional Scheme, as it pertains to the burns Beach coastal zone.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf080305.pdf](#)

CJ038 - 03/05 PROPOSED TWELVE (12) SINGLE STOREY AGED PERSONS' DWELLINGS: LOT 742 (83) CARIDEAN STREET CNR ADMIRAL GROVE, HEATHRIDGE – [25177]

WARD - Marina

CJ050308_BRF.DOC:ITEM 11

PURPOSE

To request the Council's consideration of an application for twelve (12) single storey aged persons' dwellings on Lot 742 (83) Caridean Street corner Admiral Grove, Heathridge.

EXECUTIVE SUMMARY

The proposal is to develop twelve (12) new, brick and tile aged persons' dwellings on the subject site. The proposed units are single-storey and of an attached and semi-detached nature.

The subject site is located on the northeast corner of Caridean Street and Admiral Grove, Heathridge. Adjoining the property to the west of the site is Heathridge Shopping Centre. The property adjacent, south of the subject site is vacant land (Lot 743) which has been the subject of a recent planning approval for thirteen (13) single bedroom dwellings (two-storey). The residential properties within close proximity are generally single residential and zoned R20. The subject site was previously used as a service station.

The subject development has its main frontage onto Caridean Street for three (3) of the proposed units, four (4) units facing Admiral Grove with the remaining five (5) units fronting the Heathridge Shopping Centre or internally within the site. All vehicular access is proposed to be from Caridean Street. Twelve (12) of the required fifteen (15) car bays are located internally within the site, with five (5) car bays proposed as verge parking.

The Minister for Planning approved the rezoning of the subject site from 'Business' to 'Centre', on 6 April 2004 (District Planning Scheme No 2 - Amendment No 19). On 30 April 2004, under the provisions of Part 9 of the City of Joondalup District Planning Scheme No 2 (DPS2), Structure Plan No 4 (Lots 742 & 743 Caridean Street & Admiral Grove, Heathridge) was adopted by resolution of the Western Australian Planning Commission.

It is considered that the proposed development will create a suitable interface between the existing commercial and residential development in the area. The development in its current form meets the criteria as set out by Structure Plan No 4 (Lots 742 & 743 Caridean Street & Admiral Grove, Heathridge), District Planning Scheme No 2 and the Residential Design Codes 2002 and is recommended for approval.

BACKGROUND

Suburb/Location:	Lot 742 (83) Caridean Street, Heathridge
Applicant:	Newtime Homes Pty ltd
Owner:	Isodor Pty Ltd
Zoning:	DPS: Centre (R40)
	MRS: Urban
Strategic Plan:	3.3 – To continue to meet changing demographic needs.
Land Area:	2013m ²

Application History

10 November 2004	Application received.
20 January 2005	Further information requested, requiring amendments to plans and compliance with all criteria as set out by the Structure Plan, which had not been completed.
07 February 2005	Applicant requested further clarification on legal requirements for pedestrian access between Lots 742 and 743.
09 February 2005	Amended plans received.

DETAILS

The proposed development has the following features:

- Twelve (12) semi-detached, single storey, aged persons' dwellings;
- Each unit is to be brick and tile with frontages to Caridean Street, Admiral Grove and the Heathridge Shopping Centre;
- Vehicular access is provided from Caridean Street;
- Car parking is to be located on-site and on the verge along Admiral Grove;
- A one (1) metre pedestrian access has been provided along the western boundary (shopping centre) as part of a legal agreement between the owners of the subject property, the adjoining Lot 743 and the City.

Statutory Provision:

In considering the application, Structure Plan No 4 (Lots 742 & 743 Caridean Street & Admiral Grove, Heathridge), DPS2 and the Residential Design Codes 2002 (RDC) are relevant statutory documents.

The following table summarises the development details:

Single Bedroom Dwellings

Standard	Required	Provided
Front/ Rear Setback: (Caridean Street, Admiral Grove & Western Boundary)	1.0m minimum, 3.0m maximum	1.0m minimum, 1.4m maximum
Side Setbacks: (as per Structure Plan No 4)	Nil	

Standard	Required	Provided
Structure Plan No 4)		Nil
Southern side	Nil or minimum 1.5m	Nil and 1.5m
Height	Maximum 6.0 m (top of wall) Maximum 9.0m (top of roof ridge line)	4.0m 6.4m
Outdoor Living Area	Minimum 20m ²	20m ²
Storerooms	Minimum 4.0m ²	4.0 m ²
Minimum Site Area	146.7m ² - (as per Structure Plan No 4)	167.75 m ²

Car Parking

Use	Parking Standard	No of Bays Required	No of Bays Provided
Single Bedroom Dwellings	1 per dwelling + 1 visitor bay for every 4 dwellings	15	12, with 5 additional bays in the street verge along Admiral Grove

Consultation:

Consultation with the adjoining landowner at Lot 743 Admiral Grove, Heathridge was required for the proposed over height parapet walls along the southern boundary of the development. The parapet walls are proposed at a height of up to 4.0 metres, which is in excess of the maximum 3.5 metres as set out in the Acceptable Development Provisions A2 (iii) Section 3.3.2 of the Residential Design Codes 2002. Comment was also required as the applicant is proposing fill in excess of 500mm within the front setback along Admiral Grove and the southern side setback, which is a variation to Acceptable Development Provisions, Sections 3.6.1 and 3.6.2 of the Residential Design Codes 2002. Comment has been received from the owner of Lot 743, having no objection to the above variations as stated.

Consultation with the other surrounding landowners for the proposed development was not considered to be necessary, as the proposal was advertised for public comment during the Structure Plan and Amendment process in which a draft development plan was incorporated into the application. The draft development proposal incorporated into the Structure Plan and Amendment process is considered to be similar in nature to the proposal, which is the subject of this application.

It is not a requirement to advertise the subject application as set out in Structure Plan No 4, DPS2 or the Residential Design Codes 2002.

Strategic Implications:

The City of Joondalup recognises the changing demographic needs of the community and aims to provide a range of residential living choices.

COMMENT

In general, it is considered that the development of the site for aged persons' dwellings, as foreshadowed in Structure Plan No 4 (Lots 742 & 743 Caridean Street & Admiral Grove, Heathridge) is appropriate.

As per clause 5.1.2 of Structure Plan No 4, it is noted that the subject development is exempt from compliance with Element 8 (Privacy) and Element 9 (Design for Climate) of the Residential Design Codes 2002 and the City's Policy 3.1.9 for Height and Scale of Building within a Residential Area.

The application complies with Structure Plan No 4, District Planning Scheme No 2, Policy and other requirements except as otherwise set out below.

The applicant is proposing a variation to the Acceptable Development Provisions Sections 3.6.1 and 3.6.2 of the Residential Design Codes 2002, for the units located along the Admiral Grove frontage, being Units 1, 2 & 3 by having fill and retaining walls over 500mm within the front setback area. This is also the case for the southern side setback for Unit 1.

It is noted that the existing topography of the land from the front (Unit 1) to the rear (Unit 7) of the subject property, increases by approximately 2.76 metres. The proposed dwellings on the site are, for the most part, built at natural ground level. It is considered that due to the natural slope of the site, the retaining and proposed infill for Unit 1, 2 and 3 (Admiral Grove) is acceptable. This will allow easier access to the dwellings from the proposed internal car parking area for the aged person residents. Furthermore, the variation in floor levels to the Units 1, 2 & 3 are considered to have a minor impact on the streetscape in relation to any increase in bulk with the units being single storey. Therefore the variation is considered acceptable.

A zero lot setback for the ground floor is permitted along the southern boundary, which the applicant has utilised in this situation, having a nil setback for units 1, 10, 11 & 12. This setback is required to be in accordance with the Acceptable Development Provisions A2 (iii) Section 3.3.2 of the Residential Design Codes 2002. Due to the need for retaining walls as mentioned above, the height of the proposed parapet walls along the southern boundary is a variation to these requirements, proposing a wall height of up to 4.0m (Unit 1) in lieu of 3.5m.

It is noted that Structure Plan No 4 requires that any ground floor development on this property is to have either a nil setback or a minimum setback of 1.5 metres. There is no scope to have a setback of between nil and 1.5 metres. The applicant originally proposed a setback of 1.0 metre for Unit 1, from the southern boundary, but has amended the plans to show a nil setback, to comply with the requirements of Structure Plan No 4. Thereby creating a parapet wall of 4.0 metres in height along the southern boundary for Unit 1, being 7.85 metres in length.

It is considered that the impact of the parapet will be minimal in this instance due to the length of the wall and the single storey nature of the dwelling. The adjoining landowner at Lot 743 has provided written consent, having no objection to the height of the retaining wall and proposed fill. The variation is therefore considered acceptable.

Structure Plan No 4 has certain guidelines for fencing with which the applicant must comply. The structure plan does not encourage fencing along the primary street frontage, however, if fencing is to be provided, it is required that the fencing is permeable, solid or a combination of both types to a maximum height of 1.0 metre. Where there is fencing proposed along the primary street frontage, the side fencing within the primary street frontage area, is required to be of the same height (1.0 metre), same style and materials as the fencing provided in the primary street frontage. The applicant in this instance has provided fencing along the primary street frontage, being Caridean Street, Admiral Grove and the shopping centre frontage. The fencing proposed by the applicant is solid in nature.

The plans submitted by the applicant indicate that the fencing along the boundary of Admiral Grove, Caridean Street and the shopping centre frontage (western side) will be 1.0 metre in height in most sections. In some of the areas, the fencing provided is above 1.0 metre in height, which is required to be reduced to comply with Structure Plan No 4. As stated above, many segments along the boundary include retaining walls. A fence proposed on top of these retaining walls subsequently increases the overall height of the proposed fencing. The highest portion of the retaining wall, which is located along the southeast corner of the site in front of Unit 1 (Admiral Grove), results in an overall height of 2.45 metres above the existing natural ground level.

As stated above it is considered that the retaining walls are acceptable in this instance. Therefore the provision of fencing on top of the retaining walls is acceptable, at a maximum height of 1.0 metre. It is recommended that the proposed fencing shall be of a permeable nature rather than solid to reduce any bulk impact of the development on the streetscape.

Clause (IX) of Structure Plan No 4 states that both visitor and residents' parking shall be located internally such that garages and parking spaces are largely hidden from the street. Clause (IX) also states that in the event visitor parking bays cannot be provided on-site, the landowner will be required to provide visitor parking bays within the verge area on the condition that it is provided at the full expense of the landowner and that the parking is available for use by the general public.

The applicant has proposed that five (5) parking bays be provided, within the verge area, along Admiral Grove. It is considered that the proposed verge bays are acceptable. However, the parking bay closest to the corner of Admiral Grove and Caridean Street should be deleted to achieve a sufficient setback from the corner. This will reduce the number of car bays provided from seventeen (17) bays to sixteen (16). This is considered to be acceptable, as the minimum parking requirement will still be achieved with the loss of one (1) car bay.

It should be noted that it is preferable that all parking is located on-site. The provision of verge bays with this particular development is unique and would not usually be acceptable. The Structure Plan, in this instance, allows for a variation to the standard requirements for parking.

As a result of the proposed verge car bays, the existing footpath, which extends along Admiral Grove would need to be relocated and widened to 2.4 metres. The area between this path and the property boundary of the subject lot should be in-filled with brick paving or similar, to provide access for residents and to remove any maintenance issue.

It is further recommended that the existing pedestrian island along Caridean Street will have to be relocated to the west due to the proximity of the proposed vehicle crossover for the subject development. This relocation would be at the expense of the applicant/owner of this development. The proposed relocation will require consultation with the adjacent landowners and the City's Infrastructure Management Services.

The above issue is quite important for the development, as the pedestrian island will have to be relocated to a position that will not be of detriment to the adjacent landowners. If an amicable position cannot be achieved then other options will need to be applied. This may include the relocation of the existing crossover, which may bring about a redesign of the proposal, or the use of a left-in/ left -out only access.

Clause (X) of Structure Plan No 4 requires the applicant to provide a 1.0 metre wide pedestrian access way along the shopping centre boundary (west) to provide a direct link to Caridean Street. This area is to be landscaped, paved, maintained and adequately provided in terms of lighting. The applicant in this instance has provided a 1.0 metre wide access way. No details with regard to landscaping and lighting for this area have been provided. It is deemed that this could be incorporated as a condition.

Clause (XIX) of Structure Plan No 4 states that the applicant/owner of the land shall enter into a legal agreement with the City of Joondalup, to create the pedestrian access way between the subject lot, the adjoining Lot 743 and the shopping centre. It will be necessary for the applicant to provide this legal agreement providing pedestrian access between the subject property and that of the adjoining Lot 743. However it is considered that to require a third party (shopping centre) to enter into a legal agreement, which does not provide the party any benefit, would not be appropriate in this instance. Therefore the provision of pedestrian access between the subject site and the adjoining shopping centre will not be a requirement, but will be recommended as part of the legal agreement preparation.

A legal agreement was originally required to be completed prior to the approval of the amendment or structure plan process. This requirement has not been completed to date. However, it is considered that a determination on the proposed development should not be withheld due to the fact that clause (XIX), of Structure Plan No 4 has not been met. A condition of planning approval can be included, which would require the legal agreement to be fulfilled prior to a Practical Completion Certificate being issued to the applicant/owner and prior to occupation. The applicant is aware of this issue and is currently in the process of completing this requirement.

It is a requirement of the Structure Plan for necessary notations to be applied on the title of the lot to ensure that the proposed dwellings are designated and used as "Aged Persons' Dwellings". This will be included as a condition.

The bin store provided by the applicant, adjoining Unit 5, is considered to be sufficient for the location of up to six (6) bins. The applicant has proposed this bin store to be for the use of units 7, 8, 9, 10, 11 & 12. All remaining units have a location set aside for bin storage within the unit boundary.

The subject site, being used for aged persons' dwellings, is required to comply with the requirements of the Residential Design Codes 2002 in relation to the incorporation of standards set out in AS 4299 (Adaptable Housing) to the Adaptable House Class B standard. These requirements will need to be achieved.

The subject site, being previously used as a service station, is required to have a site contamination assessment and site remediation validation report, which is to satisfy the requirements of the Department of Environment. The City does not have any records that this has been completed in which case the applicant should be made aware of this and subsequently complete any requirements as set out by the Department of Environment.

Conclusion

It is considered that the use of the subject site for the development of twelve (12), single-storey, aged persons' dwellings, is acceptable. The layout of the development maintains a suitable interface between the adjacent residential dwellings to the east and the adjoining commercial development to the west of the site. The development of this unimproved land is seen to be a benefit for the local community and will offer diversity in the range of living choices within the area.

The location of the site is considered to be a benefit for aged persons, being convenient in relation to public transport accessibility (bus) and shopping (Heathridge Shopping Centre).

It is considered that the development in its current form has met the criteria, as set out by Structure Plan No 4 (Lots 742 & 743 Caridean Street & Admiral Grove, Heathridge), District Planning Scheme No 2 and the Residential Design Codes 2002 and is therefore recommended for approval.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Fox that Council:

- 1 EXERCISES discretion under clause 6.1.3 (b) of the City of Joondalup District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002, and determines that the performance criteria under clauses 3.3.2, 3.6.1 & 3.6.2 have been met and that:**

- (a) variation to clause 3.3.2 having a wall along the southern side boundary with a height of 4.0 metres in lieu of 3.5 metres;
- (b) variation to clause 3.6.1 to allow fill over 500mm within the front setback and within 1.0m of a common boundary;
- (c) variation to clause 3.6.2 having a retaining wall along the common boundary in lieu of a setback of 1.5 metres;

are appropriate in this instance;

2 APPROVES the application for Planning Consent dated 10 November 2004 submitted by Newtime Homes, on behalf of the Isodor Pty Ltd for Twelve (12) Single Storey Aged Persons' Dwellings on Lot 742 (83) Caridean Street, Heathridge subject to the following conditions:

- (a) prior to issuance of a practical completion certificate and occupation of the proposed aged persons' dwellings the owner/s of Lot 742 (83) Caridean Street, Heathridge shall enter into a legal agreement with the City to allow for pedestrian access between Lot 742 (83) Caridean Street and Lot 743 (79A-79B) Admiral Grove, Heathridge, to the satisfaction of the Manager Approvals, Planning & Environmental Services. The owner/s shall be responsible for all costs (including the City's costs) of and incidental to the preparation and execution of this legal agreement;
- (b) the owner/s of Lot 742 (83) Caridean Street, Heathridge shall provide necessary notations on the Certificate of Title of the land to state that the proposed dwellings are designated and shall be used as "Aged Persons' Dwellings" only, to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (c) the parking bay/s, driveway/s, crossover and points of ingress and egress shall be designed and constructed in accordance with the Australian Standard for Off-street Parking (AS2890) to the satisfaction of the Manager Approvals, Planning & Environmental Services, before occupation of the dwellings;
- (d) the street verge parking bays proposed along Admiral Drive is to be designed and constructed at the full expense of the landowner, prior to a Practical Completion Certificate being issued, to the satisfaction of the Manager Approvals, Planning & Environmental Services. These car bays are to be available for the use of the general public at all times;
- (e) the existing pedestrian footpath along Admiral Grove shall be relocated behind the proposed verge parking bays and widened to approximately 2.4 metres, to the satisfaction of the Manager Approvals, Planning & Environmental Services. The owner/s shall be responsible for all costs of and incidental to this relocation;

- (f) the applicant is required to submit details of the proposed crossover location for approval by the City. Any approved changes would be at the cost of the applicant;**
- (g) the proposed one (1) metre wide, pedestrian access-way, to the west of the subject site shall be landscaped, paved and maintained and adequately provided in terms of lighting, to the satisfaction of the Manager Approvals, Planning & Environmental Services, prior to occupation of the dwellings;**
- (h) the proposed fencing along the western side shopping centre boundary, Caridean Street and Admiral Grove shall have a maximum height of 1.0 metre being permeable in nature and of the same style and materials, to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (i) the applicant is to obtain approval and clearance from the Department of Environment with regard to a site contamination assessment on the property, prior to the commencement of any works whatsoever;**
- (j) the development complying with the requirements and standards as set out in AS 4299 (Adaptable Housing) to the Adaptable House class B standard;**
- (k) there shall be at least one wheel-chair accessible parking space for the exclusive use of each wheel-chair accessible dwelling provided;**
- (l) parapet walls shall be of clean finish and made good to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (m) there shall be no encroachment of the development into any adjoining property;**
- (n) the minimum distance between the gutter-line of the dwellings and the boundary shall be no less than 750mm;**
- (o) common areas shall be landscaped and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. A landscape plan, indicating landscaping location and types, shall be submitted to the Manager Approvals, Planning & Environmental Services prior to the issuance of a Practical Completion Certificate;**
- (p) the private yard areas shall be nominated and suitably screened from adjoining dwellings and the street, prior to the development first being occupied, to the satisfaction of the Manager Approvals, Planning & Environmental Services;**

- (q) all stormwater shall be collected on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services;
- (r) the proposed bulk bin area is to be suitably constructed and screened prior to the development first being occupied, to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (s) any amendments marked in RED on the approved plans being completed to the satisfaction of the Manager Approvals, Planning & Environmental Services.

Footnote:

- (a) The applicant/owner is required to lodge an application for a Building Licence and obtain approval under the provisions of the Building Regulations prior to the commencement of any works whatsoever;
- (b) In relation to Conditions (d), (e) and (f), engineering drawings are required to be submitted for approval prior to construction. Please contact the City for information on satisfying this condition;
- (c) In relation to Condition (f) the determining of the position of the pedestrian island will require consultation with the adjacent landowners prior to a decision being made by the City;
- (d) In relation to Condition (e), it is recommended that the area between the path and the property boundary be in-filled with brick paving or similar to provide access for residents and to remove any maintenance issues;
- (e) The applicant is advised that all fencing proposed for the subject development must comply with the requirements of Structure Plan No 4 (Lots 742 & 743 Caridean Street & Admiral Grove, Heathridge) and may require approval from the Manager Approvals, Planning & Environmental Services prior to installation;
- (f) In relation to Condition (i), you are advised that approval is required from the Department of Environment. In this regard, a site contamination assessment and site remediation validation report shall be provided to the satisfaction of the Department of Environment. Clearance from the Department of Environment shall be sought prior to any works being carried out;
- (g) In relation to Condition (r), the bin store area shall be provided with a concrete floor that grades evenly to an industrial floor waste, connected to sewer with the provision of a hose cock.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf080305.pdf](#)

**CJ039 - 03/05 PARKS & RECREATION - PROPOSED TAVERN,
BOARDWALK AND RETAIL ADDITIONS ON PT RES
39197 (52) SOUTHSIDE DRIVE, HILLARYS – [01081]**

WARD - Whitfords

CJ050308_BRF.DOC:ITEM 12

PURPOSE

This report is to request Council’s consideration of an application for a proposed tavern, pedestrian boardwalk and retail additions to the Hillarys Boat Harbour. Consideration of this application and outcomes will be forwarded to the Western Australian Planning Commission for final determination.

EXECUTIVE SUMMARY

The proposal is to develop a new two-storey tavern, five (5) retail shops (food & beverage) and a pedestrian boardwalk connecting the proposed additions to the existing northern car park, within Hillarys Boat Harbour (HBH).

The subject extension is proposed to be located to the north of the existing harbour, encompassing part of a relocated “seabed” lease area. The land is zoned “Parks & Recreation” in which the ultimate decision on the proposal will rest with the Western Australian Planning Commission.

The proposed tavern is to encompass 1500sq/m of new floorspace, over two (2) levels, whilst the retail food and beverage area is to have 800sq/m of new floorspace, which includes five (5) separate retail tenancies. Overall the proposed tavern/ retail additions will be approximately 75 metres in length and over 30 metres wide. The height of the proposed additions will be approximately 3.0 metres higher than the existing main roof height of Hillarys Boat Harbour.

These new food and beverage retail outlets and tavern are proposed to include extensive alfresco areas. Much of the new alfresco seating will be incorporated as part of the tavern extension on both the lower floor and upper floor. The upper floor of the tavern is proposed to be a multi purpose room being a tavern, restaurant and function room.

The 6.0 metre wide pedestrian boardwalk proposed to link the new extension to the northern car park and eastern beaches will allow for visitors to walk one complete loop around the whole quay. The boardwalk is proposed to incorporate a drawbridge, which will allow “boats for sale” to be moored at the existing boat pens to the eastern side of the quay. The proposed boardwalk will encroach into the boat exclusion zone (or swimming area) to the northwest of the site.

It is noted the applicant is proposing to relocate the existing tavern (Breakwater Tavern) into the new premises if approved. There have been no plans or details given to the City for the proposed use of the existing tavern, other than that it is envisaged to be used for more retail/food and beverage outlets.

The proposed additions will reduce the number of “Rottnest Boat Ferry” berths to one (1). The applicant has shown that there is a potential area to the north of the boardwalk for a new ferry terminal. This would mean that the existing ticket office would be relocated to the northern boardwalk area. However, this is not included as part of the subject application.

The applicant has estimated that the proposed development would require the provision of 141 additional car bays to meet the parking standards as specified in the Hillarys Boat Harbour Structure Plan. Furthermore the applicant is of the opinion that the existing on-site parking provision is currently sufficient to cater for the proposed extension.

It is recommended Western Australian Planning Commission be advised that the subject application is not supported.

BACKGROUND

Suburb/Location: Pt Res 39197 (52) Southside Drive, Hillarys
Applicant: Cox Howlett + Bailey Woodland Architects
Owner: Department Of Land Information – Crown Land
Zoning: **DPS:** Parks & Recreation (R20)
MRS: Parks & Recreation

Application History

15 October 2004	Application received.
10 December 2004	Meeting to discuss issues of proposed development - held at Hillarys Boat Harbour - Harbour Management Office. Manager Hillarys Boat Harbour, A/Manager, Regional & Asset Performance (DPI), Manager North (DPI), Manager Approvals, Planning and Environmental Services (COJ), Senior Planning Officer (COJ).
17 December 2004	Meeting with the Lease Holder (Wylie Group), Applicant (Cox Howlett + Bailey Woodland), A/Chief Executive Officer, Manager Approvals, Planning and Environmental Services, Coordinator Planning Approvals, Senior Planning Officer (COJ) – Discussed further issues of the development, advertising & timing for a decision from Council.
6 January 2005	Application advertised for Public Comment (Newspaper).
11 January 2005	Applicant holds information session for public at Breakwater Tavern, Hillarys Boat Harbour. (This session was independent of the City of Joondalup).
03 February 2005	Advertising completed.

DETAILS

The proposal is to develop a new two-storey tavern, five (5) retail shops (food & beverage) and a pedestrian boardwalk connecting the proposed additions to the existing northern car park, within Hillarys Boat Harbour (HBH). The applicant, Cox Howlett + Bailey Woodland states that this development outlines a vision for enhanced development of the quay, which both at a macro and micro levels will reinforce the significance of the site for the community, offering a greater dynamic hub for recreational activity and tourism whilst enhancing people's experience of the Harbour.

The applicant has suggested, as part of the development application, and given the cost of the proposed boardwalk at \$1.75 million, the cost contribution should be converted into a cash-in-lieu allowance for car parking. At a cost of \$5,500 per car bay for cash in lieu contribution, the applicant believes that this would afford 350 new car bays for the site. The applicant believes that the boardwalk will redistribute the car parking usage from the southern car park to the northern car park, therefore relieving congestion from the Hepburn Avenue roundabout.

Cox Howlett + Bailey Woodland, have estimated that the proposed development will require an additional 141 car bays to be provided as a result of the proposed development. This is based on parking ratios, which has been provided in the "Hillarys Boat Harbour Structure Plan and Implementation Strategy", as shown below:

- | | | |
|--|----------------|----------------------------|
| • Tavern (1500sq/m) - 3 car bays per 100sq/m | = | 45 car bays |
| • Retail (800sq/m) – 12 car bays per 100sq/m | = | 96 car bays |
| | Total = | <u>141 car bays</u> |

The applicant believes that the existing car parking provision will allow for these car bays without the need to provide any new car bays. This is explained by the applicant as follows:
(Note: 1 trailer bay is equivalent to two car bays)

Total On-Site Parking Provision Figures:

Total Car bays = 1824

Total Boat Trailer Parking = 253

Peak Demand Figures Provided (Sat/Sun):

Total Car bays = 1690

Total Boat Trailer Parking = 200-250

These estimates have been based on a series of surveys conducted by the applicant. (It is noted that these estimates include an allowance of 300 car bays for staff).

The applicant has stated that there are 334 car bays within the northern car park as well as 253 boat trailer bays, including an additional 41 car bays within this area. The total for car bays in the northern section therefore totals 375 bays. (There are an additional 75 bays for the Marine Research facility, which the applicant states that the availability of these bays is unclear).

The applicant states that the peak use of the boat ramp during the “Australia Day” holiday was 243 trailer bays at 1230hrs, whilst a day with an early sea breeze (April 21, 2002) peaked at 81 trailer bays being used at 1000hrs. The conclusion drawn from these figures was that the peak time for usage of the boat trailer bays occurs before midday.

Therefore the applicant believes that the peak usage times of the Hillarys Boat Harbour additions for the proposed retail and tavern would occur in the afternoon and evenings. This would indicate that the two peak periods would not overlap.

The applicant further argues that the existing setup demonstrates that the people who utilize the Rottneest Ferry, currently park in the southern car park area, as this is the closest area to the terminal. The applicant believes that the construction of the boardwalk would make it more attractive for people wishing to catch the ferry, to use the northern car park. The boardwalk will create greater access from the northern car park area for these passengers. The applicant believes that this setup will free up a further 115 car bays in the southern car park area.

The applicant maintains that it is not normal for the design of intersections and parking to accommodate traffic for the busiest day of the year. The applicant believes that parking for other developments, such as shopping centres, are based on the capacity for the 5th or 7th worst day of the year.

Surplus Trailer Parking Spaces (Note: 1 trailer bay is equivalent to two car bays)

Worst Day (Aust Day) = 10 Trailer bays	(20 Car bays)
Typical Usage Weekend = 160 trailer Spaces	(320 Car bays)

The applicant concludes that on a normal peak day there are in the order of 2144 car bays available based on the spare trailer bays being able to accommodate two cars each.

Based on a maximum peak demand of 80% of the worst day of the year, the applicant states that the allocation level for parking should be based on 200 trailer bays, to meet the expected demand. This would mean that 106 car bays would be available over and above the 134 bays, which are currently in surplus.

Therefore the total number of surplus bays, according to the applicant, is 240 car bays which is well in excess of the 141 car bays the applicant believes is necessary for the proposed new additions.

Additional comments to support the above numbers would be that the proposed parking peak demands of the boat trailer parking and the proposed retail/ tavern additions would not occur at the same time. Therefore the applicant believes that there will be additional co-usage of the boat trailer bays.

The applicant also states that with future modification the parking would be further accommodated. These changes would include:

- The provision of appropriate traffic management procedures to redirect many of the staff to park on the northern side to alleviate congestion in the southern car parking area.
- The provision of a signalled intersection at southern access;

- Incorporate a “3 hour parking” zone for southern car parking;
- “Unlimited Parking” area for northern car park which will make parking in this area more attractive;
- Upgrading of pedestrian network;
- Plan for new car park to southern side with additional exit to West Coast Drive;
- Introduce Parking Fee Strategy;
- Designate 250 car trailer bays with exclusive use for boat launch ramp users up to 12 noon on Saturdays and Sundays;
- Develop alternative boat ramps and associated trailer parking along the coastline to accommodate future growth in demand.

The applicant believes that if a reasonable approach to the parking provision is taken (not using the extreme events as a guide) and with the use of high-quality future planning the existing car parking to the northern side of the development should easily accommodate the proposed new additions.

Statutory Provision:

The City of Joondalup District Planning Scheme No 2 and the Hillarys Boat Harbour Structure Plan and Implementation Strategy 2004, are relevant documents.

The subject land is zoned “Parks & Recreation” under the Metropolitan Region Scheme (MRS) in which the development is required to be referred to the Western Australian Planning Commission for its determination. The subject area is “Crown Land” in which ownership of the land is the Department Of Land Information (DOLI).

When considering an application for Planning Approval the following clause of District Planning Scheme No. 2 is specifically relevant to this application:

6.8 Matters to be considered by Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme, the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*

- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Consultation:

It was deemed necessary to advertise the subject proposal due to the significance of the development, and the development site, on a regional scale. The proposal was advertised for a period of twenty-eight (28) days in accordance with the requirements of the Scheme. Two separate advertisements were posted in the Community newspaper inviting comment from the public.

It is noted that the applicant, Cox Howlett & Bailey Woodland, held an on-site public information session at the “Breakwater Tavern” on 11 January 2005, which was conducted from 3:30pm to 7:00pm. This information session was open to the public in which information about the proposed development could be obtained, and any queries or questions could be answered.

This session was overseen by an independent organization, being “Patterson Market Research”, where a Community Feedback Form was handed out to the public. This form provided some questions about the public’s individual views of the proposed development and asked for any comments “for or against” the proposed development. This information session was independent of the City of Joondalup.

At the close of the public advertising period, Council had received eight (8) objections. It is noted that one of the objections received was a late objection. This was received from the Department of Fisheries Western Australia on 21/02/2005.

Submissions Summary

Issue	Officers Comment
The use of the upper floor of the tavern as a function centre, designed with the emphasis for alfresco usage will not contain noise. I have no objection to the upper floor use being for a restaurant, retail or coffee shop that do not have loud music as an integral part.	It is a requirement for a development such as this one to comply with the Department of Environments Noise Regulations 1997. Therefore this development would have to meet these requirements.
Anti-social behaviour from existing tavern/nightclub patrons has already been a problem. The increased floor area will continue and exacerbate the problem.	It is considered difficult to use the concern that the increased floor area of the proposed tavern will exacerbate anti-social behaviour as being a valid planning reason for refusal. Anti-social behaviour is a Harbour Management issue, which should be assessed regularly with appropriate action taken.

<p>There is a distinct lack of parking in both the northern and southern car parks, which is clearly evident during the school holiday period, public holidays and weekends. I feel that the parking would need to be doubled to cater for both shop-owners, penholders & marina patrons.</p>	<p>The issue of parking is one which is considered to be a very important factor in the decision making process for this application. It is agreed that the parking availability is limited during the school holiday period, public holidays and summer weekends. It is agreed the amount of parking for such a development has to be assessed, taking into account all users of the harbour.</p>
<p>In regards to the drawbridge under no circumstances shall there be jumping, diving or fishing allowed. Will it be fenced?</p>	<p>The plans, which have been submitted, do not show any plans for fencing along the boardwalk or drawbridge area. The patrolling of this area in relation to jumping, diving and fishing should be a matter considered by the Management of the Harbour.</p>
<p>The marina is becoming nothing but a retail outlet, and is losing its charm and visual appeal.</p>	<p>It is important to consider the existing and future impact of any development on a site including its capacity to cater for further commercial development and the amenity of the area.</p>
<p>The proposed boardwalk and jetty extensions intrudes into the swimming/ beach reserve. The swimming / beach reserve is a very popular area and any intrusion has the potential to degrade it.</p>	<p>It considered that this impediment is minor with a small portion of the boardwalk encroaching into the northwest corner of the swimming area. Most of the boardwalk area is located outside of the “boat exclusion zone” or swimming area. It is considered that the boardwalk will provide a clear delineation between the boat area and the swimming area.</p>
<p>Without doubt tavern patrons will dump their rubbish into the water from the boardwalk. If you doubt this then I urge you to survey the present situation where patrons from the tavern and Irish club regularly dump broken empty bottles into the parking facility.</p>	<p>As stated above, patron or clientele behaviour is considered to be Harbour Management issue, which should be dealt with as the need arises.</p>
<p>I have seen documents, which suggest that the proposed development only needs the 141 car bays to be provided. What is being put where the tavern is now? Wylie’s plan is to relocate the existing tavern and build more retail space. Therefore parking for the existing use should be based on 15 bays per 100sq/m and total parking should be 354 bays, not including alfresco.</p>	<p>It is agreed that the development proposal should include detailed plans of the proposed use for the existing tavern (Breakwater Tavern). Furthermore, the application should address possible increase in the parking demand, having regard to the introduction of new users into the existing tavern facility.</p>

<p>I am amazed that Liquor Licensing, the Health Department, the Police and other interested parties would not be totally opposed to such a move. Intoxicated patrons using a tavern surrounding on three (3) sides by deep water. As well as the ferry being located next to the tavern and the potential for intoxicated patrons leaving the tavern and falling into the propellers of the ferry exists.</p>	<p>This issue will need to be researched and addressed by such departments as mentioned, if the proposal was approved. Safety will have to be an issue that is also addressed as part of this application.</p>
<p>No mention is made of the Structure Plan's requirement for real car bays to be built for any new development. They talk about co-usage of trailer bays. This will take further bays away from the boat users, given the large amount of bays grabbed by the Fisheries for their new development.</p>	<p>It is agreed that the applicant is providing an argument that the existing level of parking available, including co-usage of boat trailer bays in the northern car park, will be sufficient to cater for this development. The applicant has argued that the co-usage is based on peak demands for the tavern and retails tenancies being different from the boat usage. It is important that this factor is sufficiently researched based on current and future demands for the site and will be an important determining factor of this report.</p>
<p>The applicant has suggested that the cost of the boardwalk, together with additional jetty structures, will be in the order of \$1.75 million. It has been argued that based on this cost, cash in lieu should be provided for the applicant at a cost of \$5,500 per bay, giving the applicant a further 250 car bays, therefore a surplus of 209 car bays. Is the jetty structure any benefit to anyone other than the Wylie Group and its customers and should the boardwalk not be a safety requirement after the recent fire?</p>	<p>The concept of cash in lieu of parking has been detailed in the applicant's proposal. It is agreed that concession on parking bays should not be given as part of this application. Alternative transport means should be addressed as part of the application rather than giving any further concessions.</p> <p>The applicant has explained that the boardwalk will be able to provide access for small fire or emergency vehicles to drive down. The development application would have to comply with the requirements of FESA before any approval is given.</p>
<p>No cash in lieu should be given. The development should only proceed if the required number of car bays for the addition has been provided. This would be the provision of at least 345 car bays.</p>	<p>As stated above it is agreed that cash in lieu should not be afforded to the applicant in this instance and that car parking bays should be provided, or alternative measures implemented, as part of this proposal.</p>
<p>My wife and I sick and tired of the rowdiness, vandalism, and general intimidating loutish behaviour that emanates from that area of an evening. We do not believe that an enlarged tavern will improve the situation in any way.</p>	<p>As stated above, it is difficult to use the concern that the proposed tavern will be a cause for anti-social behaviour, as being a valid planning reason for refusal. Anti-social behaviour is considered to be a Harbour Management issue, which should be assessed regularly with appropriate action taken.</p>

<p>I believe that the boat harbour has already gone past what was sold to the community at its commencement. Clearly the infrastructure is having difficulty coping with the demand. The proposal is getting bigger which means it is moving further away from the reason the Boat Harbour went in. I believe that the boat harbour is at capacity now.</p>	<p>It is agreed that the Boat Harbour is currently a sizeable development and any new development will cause addition pressure on the existing infrastructure. The commercial nature of the development also needs to be considered as part of this application and its affect on the amenity of the area and whether the site has reached its capacity for development.</p>
<p>I feel that boating is going to be affected by this development and suggest that its time to move further up the coast to provide the next amenity for the boating public.</p>	<p>It is important to address all aspects of this development in relation to the existing usage for the site, whether it is land based or sea based activities. The effect on the existing boat parking is something that will have to be addressed as part of this application.</p>
<p>The marina is becoming nothing but a retail outlet.</p>	<p>It is agreed that there should be a balance between the amount of retail, recreation and marine facilities provided on the site with the commercial side being monitored.</p>
<p>The plan suggests a tavern of 1500sq/m will only require 45 parking bays (3 bay per 100sq/m). This is not at all consistent with what we could reasonably expect for a tavern and is not at all consistent with the City's District Planning Scheme No. 2. Table 2 requires the Use Class for Tavern/ Club to provide 1 bay per 3sq/m NLA for standing area plus 1 per 5sq/m for seating area. Factoring these requirements there will be either 135sq/m of standing area, or 225sq/m of seating area. This is clearly nonsense.</p>	<p>It is agreed that the parking ratio's, which have been set out by the Hillarys Boat Harbour Structure Plan and Implementation Strategy, clearly differ from that which is required under the City's District Planning Scheme No. 2. The Structure Plan suggests development proposals will be required to provide car parking generally in accordance with the rates stipulated in Section 10.3. These parking ratios must also take into account variables such as operation times, whether the use is incidental to the existing uses and whether it primarily serves people who do not generate a demand for parking. At present the provision of no parking, for the development, is seen to be inadequate for the proposed use proposed.</p>
<p>Approval of our facility (Fisheries) required significant documentation including environmental, traffic and landscaping studies, which do not appear to have been required in this case.</p>	<p>It is agreed that more consideration needs to be given to the impact on traffic and parking within the facility before an addition such as this is approved. A landscaping study would not be considered necessary for this addition over a seabed, but some attention could be drawn to the environmental impact.</p>
<p>The development is clearly in conflict with the intent of the Hillarys Boat Harbour Structure Plan, and is planned to occur over an area of seabed not set aside for development.</p>	<p>First point noted as general. In relation to the seabed lease the applicant is proposing to relocate existing portions of the seabed lease area, which has not been utilised, so as the development would be over an appropriate lease area.</p>

<p>The Department of Fisheries was required to create 150 additional parking bays. We strongly object to these newly created car bays being regarded as part of “excess” parking capacity in the northern area for use by another commercial development.</p>	<p>Agreed. The provision of parking should be based on support that there is surplus parking over and above parking bays provided by the Fisheries Department.</p>
<p>The proposed building and pedestrian walkway will severely restrict and constrict the water area in front of the boat ramps, creating potential safety hazards for the recreational boating public using the ramps.</p>	<p>As has been previously mentioned in the report, only a limited portion of the proposed boardwalk will encroach into the public swimming area zone, of which is designated as a boat exclusion zone. It could be said that the boardwalk offers more safety for the public swimming area, in that it provides a barrier between the boating areas. The normal path of boating is not considered to be significantly affected by the proposed additions.</p>
<p>The proposed walkway will severely restrict access for small boats to the area east of the ramps, which is currently being used extensively by canoeists and rowing clubs.</p>	<p>It is agreed that the pedestrian boardwalk may have the potential to restrict access for small boat users. It would be a preferable option for the boardwalk to be of a sufficient height above the water to continue to allow small boat users such as canoeists and rowing clubs access.</p>
<p>The extensive infill building over the water area of the harbour will significant reduce the visual amenity of the marina, particularly from the internal swimming beaches and the southern restaurant area.</p>	<p>It is agreed that the building is of a significant size of which will have an impact on the outlook, toward the moored boating area and expanse of ocean, from the southern swimming beach and restaurant area. The height of the structure and subsequent bulk may have an affect on the visual amenity from these southern areas of the Harbour.</p>
<p>The proposed pedestrian boardwalk walkway duplicates the treed walk trail and its only apparent purpose is to directly feed pedestrian from the northern parking area into the new development.</p>	<p>It is considered that the proposed boardwalk area would be beneficial in providing easier pedestrian access from the existing northern car park to the quay area. This boardwalk would provide visitors the opportunity to walk a complete loop of the harbour. The proposed boardwalk would also provide an alternative fire exit from the site. The fact that it leads directly into the proposed new development is not considered to be a valid planning consideration.</p>
<p>The timing of the release of the proposal at the centre of the Christmas festive season has minimised the possibility of adequate public consultation.</p>	<p>The application was open for public comment for a period of 28 days, from 06/01/2005 until 03/02/2005. The comment period was specifically set after the Christmas and New Year period to avoid this conflict. The Council only has 60 days to deal with a specific application and to further extend the application process due to the Christmas</p>

	period was not seen to be acceptable.
The announcement of the proposal was limited to poster in busy thoroughfares and personal one on one discussion with the project architects.	The posters that were erected around the harbour were additional advertising information provided by the application, which is not a statutory requirement. The provision of the posters in a busy thoroughfare would be seen as a more ideal location than an area not well utilised by the public. One on one discussion with the architect's is seen as a benefit to interested parties to obtain relevant information. It is noted that the applicant held these discussions independently.
No attempt was made to provide an informative presentation to the members of the public and local stakeholders who attended the launch.	As above, the applicant held this presentation independently, which is not a statutory requirement.
The community feedback form and overall process, was as a consequence of the lack of information likely to provide misinformed views of the public response. The survey outcomes should therefore, be disregarded by Council.	The community feedback form provided from, "Patterson Market Research" has been noted within the report but the results have not been incorporated.
The expected presence of a City of Joondalup officer to view the public consultation process did not appear to occur, possibly due to the unfortunate timing of the release.	It is noted that a Planning Officer of the City was present at the public consultation session. As this session was independently run by the applicant it was not necessary for an Officer of the City to participation in proceedings
Overall the consultation process appears to have been designed to minimise the likelihood of the plans receiving full public scrutiny.	It is deemed that the advertising process has met the requirements as has been set out in Clause 6.7 of the City's District Planning Scheme No. 2.

COMMENT

Hillarys Boat Barbour is recognised as one of the State's major regional recreation centres for tourism, which contains multi-faceted uses including, ferry services, residential, food & beverage, public open spaces and entertainment.

The City of Joondalup in conjunction with the Department for Planning and Infrastructure has developed the "Hillarys Boat Harbour Structure Plan and Implementation Strategy", which was endorsed on 5 October 2004. This structure plan has been prepared as a guide for the development of Hillarys Boat Harbour, which addresses many objectives for the site including the opportunities, constraints and options for the future for over the next ten (10) years.

The applicant in this instance is proposing an addition to the existing Hillarys Boat Harbour (HBH) development. The additions proposed are for an additional retail floor space (food & beverage) of 800m² and a tavern of 1500m². In addition to these developments, a boardwalk is also proposed to connect the existing northern car park area directly through to the proposed new retail/ tavern development.

The applicant has envisaged that the proposed additions could be developed without the need to provide for any further parking and has argued there will be benefits, which will arise from the development of a new pedestrian boardwalk to the north of the proposed additions linking the existing northern car park.

It is agreed that the new boardwalk proposed by the applicant will make the northern car park more attractive for users of the site to park their vehicles, which may free up some parking within the southern car parking area. The northern car park would be more attractive to all levels of users whether it be short stay or long term parking. However it is considered that this redistribution of parking will not change the level of demand for parking which is a significant issue.

It is agreed that the subject usage of the northern car park is dependant upon the time of year (public/ school holidays and summer) and whether there is an early sea breeze (boat usage).

It is agreed that there is a level of co-usage of car parking within the Hillarys Boat Harbour development. However, due to the mix of uses and variation of opening hours, it is difficult to ascertain what the overall parking requirements are for the site.

It is considered that the proposed tavern/ retail additions for the site are a significant increase to the existing use and function of the Harbour. The current size of the commercial section of the Harbour is believed to be at a level, whereby any further additions would put a considerable strain on the existing infrastructure for the site and in particular the parking provisions.

It is considered that there is a limited ability for the site to provide additional parking at present. Therefore to support a new development, incorporating 2,300sq/m of new floor area, without the provision of new parking is not considered to be acceptable.

It is important for Hillarys Boat Harbour to continue to function as a site that provides a safe and comfortable environment for the public. It is considered that the size and nature of the new development will increase the pressure on parking, access/ egress and the surrounding road network for the site, thereby increasing the possibility of the amenity of the locality to be adversely affected.

The existing Harbour is considered to be close to capacity in terms of the existing commercial and marine based activities. Therefore, it is considered that before any new development is approved further investigation should take place in terms of providing for adequate parking, access/ egress and safety for all users. It is necessary to explore other alternatives such as the improvement of public transport services and pedestrian/ cycle access.

It is further noted that the existing tavern (Breakwater Tavern) is foreshadowed for further retail tenancies, which have not been incorporated as part of the applicant's car parking figures, which would increase the number of required car bays, as retail uses under the Structure Plan require the provision of more car bays than a tavern use. The operation of these retail uses, during the peak periods of the boating area, would create future conflict.

Due to the existing parking constraints, it is considered unacceptable that by providing a boardwalk for the development, the applicant is granted a cash in lieu concession without providing any new on-site parking.

In reference to the Hillarys Boat Harbour Structure Plan and Implementation Strategy it is considered the objectives set out within the document must be fully addressed for a development of this size to be considered for a favourable decision. Such objectives would be to protect the role of Hillarys Boat Harbour as a regional attraction by improving and better managing the vehicle access/ egress and parking facilities. Upgrading pedestrian and cycle access and improve public transport access to and from the Harbour.

The Hillarys Boat Harbour Structure Plan and implementation Strategy, states that the current parking and access/ egress situation needs to be addressed as a matter of some urgency. Public transport to the site, especially during large special events, requires significant upgrading. Additionally pedestrian access and safety within the site must also be improved, and pedestrian priority reinstated in many areas.

The site is increasing in popularity every year, which means that the site is experiencing further pressures on the infrastructure every year. The comfort and safety for all users of the site is imperative, and it is considered that the expansion of the site for commercial activities should not be supported until the existing infrastructure capacity has been satisfactorily assessed in relation to the current and the future demands of the site.

CONCLUSION

Therefore it is recommended that the Western Australian Planning Commission be advised that the proposed additions for a new tavern/ retail and boardwalk not be supported. Additionally, the Western Australian Planning Commission be advised that further investigation is required for the management of existing car parking areas and the improvement of vehicular access and egress from the site which should be identified and incorporated into the development proposal, including detailed plans for the proposed use of the existing tavern site.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ADVISES the Western Australian Planning Commission that the proposed Tavern, Boardwalk and Retail Additions on Pt Res 39197 (52) Southside Drive, Hillarys (Hillarys Boat Harbour) is not supported as:

- 1 The amenity of the area will be detrimentally affected by the increase in commercial activity on the site, without the provision of further car parking areas;
- 2 The existing car parking for the site is considered to be close to capacity in which further development would put considerable pressure on the availability and safety of parking within the northern and southern car parking areas, thereby affecting the safety and amenity within the area;
- 3 Further investigation and research should be undertaken for:
 - (a) The management of existing car parking areas;
 - (b) Identification of the future demands for parking;
 - (c) The improvement of vehicular access/ egress for the site;prior to any further additions being approved, to alleviate the pressures on the existing infrastructure;
- 4 The proposed use of the existing tavern should be outlined in detail and considered as part of the development proposal, including the possible increase in parking demand, types of uses and hours of operation;
- 5 Other means of transport to the site including public transport, cycling and pedestrian means should be further investigated and improved prior to any further additions being approved for the site.

MOVED Cmr Fox, SECONDED Cmr Smith that consideration of Parks and Recreation – Proposed Tavern, Boardwalk and Retail Additions on Pt Res 39197 (52) Southside Drive, Hillarys be DEFERRED to allow the proponents to present their view by way of a deputation to Commissioners.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf080305.pdf](#)

**CJ040 - 03/05 PROPOSED OFFICE DEVELOPMENT (20 OFFICES):
LOT 458 (10) REID PROMENADE, JOONDALUP –
[61509]**

WARD - Lakeside

CJ050308_BRF.DOC:ITEM 13

PURPOSE

To request the Council's determination of an application for planning consent for a multi storey office development at Lot 458 (10) Reid Promenade, Joondalup and a request for a cash-in-lieu payment for a car parking shortfall of 9 bays.

EXECUTIVE SUMMARY

The applicant proposes to construct a three storey commercial building fronting Reid Promenade which consists of 20 office units. Vehicular access and the on site carpark is gained from the rear right of way that connects with McLarty Avenue.

The development will integrate well with the character of the City Centre. The proposal will contribute to the urban wall along Reid Promenade, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the residential/commercial areas is likely to be minimal.

The Joondalup City Centre Development Plan and Manual (JCCDPM) specifies that 1 car bay is to be provided per 30m² Net Lettable Area. It is noted that the development does not comply with the car parking requirements and there is an overall shortfall of 9 bays. The applicant is proposing to provide 36 bays to be provided on site in lieu of 45 bays. The applicant has sought a cash-in-lieu payment for this shortfall.

Given that the development is within close proximity to a car parking station and the Joondalup Railway Station, a car parking shortfall of 9 bays is considered to be acceptable in this instance. The proposal is also consistent with the intent of the Joondalup City Centre Public Parking Strategy (JCCPPS) to provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City. It is recommended that a cash-in-lieu payment calculated at \$8,100 per bay be implemented as a condition upon any approval.

It is considered that the development will provide office facilities to meet the future demands of the growing City Centre. It will be characteristic of the development already approved in the immediate area and will add value to the City Centre. It is recommended that planning consent be given to this development

BACKGROUND

Suburb/Location: Lot 458 (10) Reid Promenade, Joondalup
Applicant: Meyer Shircore and Associates
Owner: Brian Swain
Zoning: **DPS:** Centre
MRS: City Centre

Lot 458 is 1395m² in area, is currently being utilised as landscaped open space and falls within the Central Business District of the Joondalup City Centre, where it is designated for General City Use. The preferred uses are residential, retail, office, accommodation, leisure and entertainment, cultural facilities, community and medical suites. The subject lot abuts a public bar on its western side and a two storey office building on its eastern side, which both form part of an urban wall along Reid Promenade. Vehicular access is gained from a right of way at the rear of the property, which links other properties, including a public car parking station to McLarty Avenue.

DETAILS

The proposed development includes the following features:

- Twenty (20) office units ranging in size from 50m² to 120m².
- The ground level consists of two office units, toilet facilities, and a foyer;
- Floors 1 and 2 consist of 18 offices and all necessary toilet facilities;
- A bin storage area has been located in the under-croft car park and abuts one of the offices;
- The height of the building is three storeys (13 metres at its highest point);
- The total number of car bays provided is 36 (19 of which are undercover), including one staff disabled bay;
- Service vehicle access and car parking is provided from the rear laneway;
- The upper level offices are accessed via a centrally located lift;
- Fire escape stairways are located at the northern and southern ends of the building;
- The ground and upper floors address the street frontages with a nil setback from Reid Promenade;
- The Reid Promenade frontage includes a pedestrian shelter awning that extends over the road reserve.

Statutory Provision:

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

District Planning Scheme No 2

The site is zoned “Centre” under DPS2.

When determining this application, Clauses 4.8, 4.11 and 6.8 of the DPS2 are relevant:

4.8 Car Parking Standards

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

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

4.11 Car Parking – Cash-In-Lieu or Staging

4.11.1 The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.

4.11.2 Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.

4.11.3 The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.

4.11.4 Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.

6.8 Matters To Be Considered By Council

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*

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

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

Joondalup City Centre Public Parking Strategy ('Parking Strategy')

Council resolved to adopt the Joondalup City Centre Public Parking Strategy on 12 February 2002, which has several underlying principles:

- 4 *provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City of Joondalup;*
- 5 *ensure that the provision of public parking is efficient and cost effective to the City.*
- 6 *Minimise financial risk to the City arising from the provision and management of parking in the Joondalup CBD.*
- 7 *Use monies received from cash-in-lieu of providing parking in the CBD only for the purchase of land for or the development of parking facilities for the Joondalup CBD.*

*Where a developer decides to provide a lesser number of parking bays than is required in a development, the option is available under District Planning Scheme No 2 for a cash payment to be made for each parking bay that is not provided. Any cash-in-lieu must be quarantined for parking purposes. **This provision should not be relaxed or varied for City Centre development because the funds are essential for the construction of future multi level parking facilities in the CBD.***

At the same Council meeting, it was resolved that the cash payment in lieu of the provision of on-site parking within the City Centre would be \$8,100 per parking bay.

Development Standards Table

Standard	Required	Provided
Front Setback	0m	0m
Side Setbacks	As per Building Code of Australia	0m
Rear Setbacks	As per Building Code of Australia	17.8m
Plot Ratio	2.5 (max)	0.96
Height	13.5m at boundary (max)	13m
Car Parking	45	36

Strategic Implications:

It is likely that this office development will contribute to meeting the projected demand for commercial space for the increasing population of the City of Joondalup. The commercial space will contribute and assist in supporting the local economy.

Community Consultation:

The proposal has not been advertised, as the form of the development is that expected in the City Centre and contains the preferred land-uses stipulated in the JCCDPM.

COMMENT

The proposal complies with all DPS2 and JCCDPM requirements with the exception of the car parking requirements.

The development will integrate well with the character of the City Centre. The proposal will contribute to the urban wall along Reid Promenade, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the residential/commercial areas is likely to be minimal.

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

Land Use

The proposal provides office space and complies with the General City preferred land uses for which the lot has been earmarked under the JCCDPM. The proposal will be adjacent to a City of Joondalup Parking Station (P2), another office development and public bar.

The two ground floor offices have sufficient space and flexibility to accommodate other permitted uses under the JCCDPM in the future, including retail, entertainment and restaurant/café functions.

Plot Ratio

For developments in the 'General City' precinct of the Central Business District, the JCCDPM permits a maximum plot ratio of 2.5. The plot ratio includes the Net Lettable Area of a development. Therefore, the plot ratio for the proposed development is 1.11.

The plot ratio of the commercial development is considered to be appropriate as it integrates with other development within the area. Although the plot ratio is considerably under the City's requirements, the proposal is constrained by its obligation to provide 36 car parking bays on site.

Car Parking

The JCCDPM specifies that 1 car bay is to be provided per 30m² Net Lettable Area.

From the table, it is noted that the development does not comply with the car parking requirements and there is an overall shortfall of 9 bays. The applicant has sought a cash-in-lieu payment for this shortfall.

The JCCPPS states that 137 bays are available at the car parking station (P2) accessible from McLarty Avenue. The station is intended to complement the car parking requirements of the lots adjacent, including the subject lot. It is also expected that through eventual redevelopment, the station could include 460 multi-decked parking bays as detailed in the Joondalup City Centre Parking Strategy.

Given that the development is within close proximity to the car parking station and the Joondalup Railway Station, a car parking shortfall of 9 bays is considered to be acceptable in this instance. The proposal is also consistent with the intent of the JCCPPS to provide up to fifty percent (50%) of parking in the Joondalup CBD strategy area in the long term as public parking under the control of the City. It is recommended that a cash-in-lieu payment calculated at \$8,100 per bay be implemented as a condition upon any approval.

Glazing/Awnings

The JCCDPM requires that at least 50% of the area on the ground level façade shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the total building frontage for uses other than residential. The development exceeds both these requirements and it is considered that the proposed façades will reduce the solid 'urban wall' and help provide visual interest to pedestrians.

The awnings for 'General City' developments are to extend 2 metres across the verge and maintain a minimum clearance of 2.75 metres from the ground level. The awning proposed exceeds these minimum requirements and provides continuous pedestrian shelter along the Reid Promenade frontage.

Conclusion

It is considered that the development will provide office facilities to meet the future demands of the growing City Centre. The possible number of employees could also contribute to the activity and economy of the City Centre. It will be characteristic of the development already approved in the immediate area and will add value to the City Centre.

The land use, plot ratio, glazing, awning and car parking provisions are considered appropriate in this instance and it is therefore recommended that the development be approved, subject to appropriate conditions.

In accordance with clause 4.11 of DPS2 and having regard to the criteria of clauses 4.2 and 4.3 of the JCCPPS, it is recommended that Council determines that the proposed car-parking provisions and cash payment in lieu of the shortfall is appropriate as the nearby car parking station will alleviate demand and will not have an adverse impact upon the occupiers of the development or on the locality.

ATTACHMENTS

Attachment 1	Locality Plan
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 DETERMINES that a cash-in-lieu payment of \$72,900 for 9 car parking bays is appropriate in this instance;**
- 2 APPROVES the application for Planning Consent dated 6 August 2004, submitted by Meyer Shircore and Associates for an office development comprising 20 office units on Lot 458 (10) Reid Promenade, Joondalup subject to the following conditions:**
 - (a) the parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme;**

- (b) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. Alternatively, the stormwater can be disposed of via the City's existing stormwater disposal system. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (c) any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes and radio masts to be designed and located so as not to be visible from the primary street;
- (d) no obscure or reflective glazing being used for the commercial units fronting onto public spaces and road reserves;
- (e) all boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;
- (f) the provision of 45 bays to be provided on site, of which, Council is prepared to accept a cash in lieu payment of nine spaces at \$8 100 each.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- 2 The cash value that will be accepted for each car parking bay is the sum of the construction cost and land component. A sum of \$8,100 has been adopted for this purpose. Cash-in-lieu parking will contribute towards a fund for the Council to meet future parking demand within the locality;
- 3 It is advised that the Council will not support the erection of telecommunications infrastructure on any part of the proposed building.

To a query raised by Cmr Anderson in relation to cash-in-lieu payments for car parking, Chief Executive Officer advised this issue was being investigated and suggested it may be more appropriate that this issue is determined on an annual basis, possibly through the Schedule of Fees and Charges.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf080305.pdf](#)

**CJ041 - 03/05 PROPOSED CHANGE OF USE - SORRENTO BEACH
RESORT: LOT 25 (1) PADBURY CIRCLE, CNR
WEST COAST DRIVE, SORRENTO – [12171]**

WARD - South Coastal

CJ050308_BRF.DOC:ITEM 14

PURPOSE

To consider and determine an application for Planning Approval for a change of use of the Sorrento Beach Resort at Lot 25 (1) Padbury Circle, Cnr West Coast Drive, Sorrento to allow longer-term accommodation.

EXECUTIVE SUMMARY

The Sorrento Beach Resort consists of 80 “units” and a restaurant.

The development has a long and complex history of planning approvals under the previous Planning Scheme, with each approval for development referring to a different type of land use. That is, there have been approvals for development on the site limiting the period to which persons can stay and other approvals, which have not imposed the same limitations.

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

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

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

In this instance, it is considered that the request to increase the length of stay would be defined as a change in use from the previously approved uses to “Multiple Dwellings” under the Table 1 - Zoning Table of the DPS2, and is therefore a Discretionary (“D”) use. The equivalent density of the development would be R100, as opposed to the density of R20 for this site under DPS2. The applicant has suggested that the development is for ‘extended stay residential’, however, it is considered that ‘Multiple Dwellings’ are the most appropriate use class for the proposal.

The application is therefore recommended for refusal due to non-compliance with the applicable residential density and being contrary to the orderly and proper planning of the locality.

BACKGROUND

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

At the meeting held on 10 August 2004, Council resolved:

“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.”

Since this time the applicant has reconsidered and advised that the form of the application will remain the same and that they wish to progress with the application in its current form.

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

The development has a complex history of approvals as follows:

- 14/9/81 - Approval was given to commence development for 45 motel type residential units. No condition was imposed which impacts on the type of uses permitted on the land, beyond the terms of the approval itself, which refers to motel type residential units.
- 29/9/96 - Approval was given to commence development for alterations and additions to existing holiday units and restaurant. No conditions were added to that approval on limitation of stay. Thirty-five (35) additional units were added with this approval, described as ‘holiday units.’
- 29/7/99 - Approval was granted to commence development in respect to part of the car parking design and parking bay dimensions.
- 14/12/99 - Approval was granted to commence development for 130 ‘holiday units’, restaurant and function rooms (redevelopment of the existing resort). The approval was valid for a period of five years, but has now expired.

It is important to note that the units were not constructed nor approved as dwellings and that the density of the development if the units were classified as dwellings would exceed the assigned residential density.

DETAILS

Statutory Provision:

Clause 3.2 of DPS2 states:

Zoning Table

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

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

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

“D” = A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2;

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

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

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

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

3.3 *Unlisted Uses*

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

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

(b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an ‘A’ use in clause 6.6.3 in considering an application for planning approval; or*

(c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Applicant's Justification:

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

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

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

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

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

Consultation:

The application was advertised as an 'unlisted use' as it appeared that the proposed use did not fit into a particular Use Class. The proposal was advertised for 21 days by way of a sign on the site, adjoining and nearby owners were contacted in writing and a notice was placed in the local newspaper.

However, following concerns raised during the comment period, legal advice was obtained and it was considered that the advertising of the proposal as an 'unlisted use' was premature. Notwithstanding, it is noted that a total of 51 submissions was received.

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

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

COMMENT

Determination of the Proposed Use under the Zoning Table

The City initially advertised the application as an “unlisted use”. However, on review, the advertising of the proposal on this basis is considered to be premature, as outlined below, the proposed use is not considered to be an “unlisted use”. The applicant contests that the development should be considered as an “unlisted use” as such a use as proposed is not specifically mentioned within the Zoning Table of DPS2.

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

The applicant advises that there are concerns with the existing zoning and land use provisions of the Town Planning Scheme, which were too vague to allow valuations to be confidently placed on the units within the Resort.

The operation of the site would need to be in accordance with previous approvals granted. Advice from McLeod’s Barrister and Solicitors (McLeod’s) suggests that the units approved under the 1996 approval could be occupied for up to 4 months by the same tenant.

With regard to the 45 units approved in 1981, McLeod’s advised that these units should fall within the motel use class. The legal opinion does not express a maximum length of stay for the units, but does suggest that occupancy would not be of a permanent nature.

McLeod’s conclude that:

‘The 45 units approved in 1981 can be used for longer-term accommodation than the holiday accommodation contemplated with an approximate 4 month maximum duration.’

‘The longer term accommodation in those 45 units would need to be motel style accommodation which is related to the type of accommodation provided in an hotel or boarding house, and consequently it would need to be associated with a payment of a rent or fee or tariff. Permanent accommodation would not be appropriate, and nor would owner occupation as a principal place of residence be appropriate.’

From the advice given, it is reasonable to define the extent of stay given by the previous approvals with some certainty.

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

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

In addition, a “Multiple Dwelling” is defined as

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

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

“A Use Class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2;”

Density

There are 80 short stay apartments on the subject lot, which is 8, 259m² in area. If the development were to be classified as multiple dwellings, the equivalent density of the development would be R100. The permitted density under DPS2 on the site is R20. As there is no discretion permitted under DPS2 to vary the applicable density, the proposal cannot be approved. To facilitate development up to R100, the site would need to be recoded via a Scheme Amendment process.

Notwithstanding the above it is not considered that development of the site to a R100 density is appropriate bearing in mind the current R20 density assigned to the site and the expectation that development will conform to the R20 requirements.

If a Scheme Amendment process were to be initiated, there is no guarantee that the amendment would be approved. Moreover, it is likely that there would need to be physical changes to the development to allow some conformity with the R-Codes.

It should be noted that the question of development potentially exceeding a reasonable limit, by virtue of labelling some as ‘short stay accommodation’ has been close to the forefront on other decisions of the Council. This question was raised when the Mullaloo Tavern redevelopment was approved and the logic of it has been thoroughly tested.

If, in this case, the developer sought to have the land use altered to allow for accommodation that is other than short term, then the appropriate way to do so would be by way of a request to rezone the land to the appropriate zoning, density and development standards.

Deemed Refusal

Clause 6.5.1 of DPS2 allows a proponent to deem the application refused if a determination has not been conveyed to the applicant within 60 days of receipt of the application. In this case the 60 day period has expired, however, the applicant has agreed to allow the Council to determine the application. This is permitted by clause 6.5.1 if it is agreed to in writing between the Council and proponent. As such the Council will need to resolve, as part of the recommendation, to extend the consideration period as required by clause 6.5.1.

Conclusion

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

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

ATTACHMENTS

Attachment 1 Location Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Anderson that Council:

- 1 RESOLVES to extend the period of time to consider the application for Planning Approval beyond the 60 days as specified by clause 6.5.1 of District Planning Scheme No 2 as agreed to by the applicant;**
- 2 DETERMINES that the proposed change of use to “extended stay residential” is defined as a “Multiple Dwelling” under the provisions of clause 3.2 and 3.3 of the District Planning Scheme No 2;**
- 3 REFUSES the application for a change of use at Lot 25 (1) Padbury Circle, cnr West Coast Drive, Sorrento, for the following reasons:**
 - (a) the proposal would result in the development being classified as Multiple Dwellings under District Planning Scheme No 2 with a resultant proposed density of R100, which does not comply with the density of R20 designated under District Planning Scheme No 2;**
 - (b) approval of the development to a R100 density would be contrary to orderly and proper of the locality considering the R20 density of the site;**

- 4 ADVISES the applicant that a Scheme Amendment would be required to allow the full and proper consideration of any application, to alter the current use of the site to allow multiple dwellings. The Council does not warrant that approval of a Scheme Amendment would be forthcoming. Rather, the request for a Scheme amendment would be considered on its merits.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf080305.pdf](#)

CJ042 - 03/05 DELEGATED AUTHORITY REPORT FOR THE MONTH OF JANUARY 2005 – [07032]

WARD - All

CJ050308_BRF.DOC:ITEM 15

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority during January 2005 (see attachment 1).

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

Month	No	Value (\$)
January 2005	64	19,284,450

The number of DAs received in January 2005 was 53.

ATTACHMENTS

Attachment 1 Development Approvals determined in January 2005

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ042-03/05, for the month of January 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf080305.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ043 03/05 2004 COMPLIANCE AUDIT RETURN - [09492]

WARD - All

PURPOSE

For the Council to adopt the completed 2004 Compliance Audit Return.

EXECUTIVE SUMMARY

The City has completed the Department of Local Government's compliance audit return for the period 1 January 2004 to 31 December 2004.

Presentation of this report and adoption of its recommendations will allow the City to meet all the necessary requirements, which are part of the audit process.

BACKGROUND

Some years ago, the Department of Local Government introduced a voluntary statutory compliance assessment as a result of its concerns at the level of non-compliance within the industry.

To ensure requirements of the Local Government Act Section 7.13(i) are followed, Sections 13, 14 and 15 of the Local Government (Audit) Regulations have been amended. This means that there is now a legal requirement to annually complete a Compliance Audit Return and return it to the Department of Local Government by 31 March each year.

DETAILS

The completed return is an attachment to this report.

To enable all of its statutory requirements to be met necessary initiatives have been put in place to ensure a thorough and ongoing compliance process.

The return indicates compliance, with the exception of:

- Section C (Tenders for Providing Goods or Services) numbers 1 and 14;
- Section G (Disclosure of Interest) numbers 4 and 5;
- Section H (Finance) number 20; and
- Section I (Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property) number 1.

With regard to non-compliant sections, the following explanatory notes are offered:

Section C (Tenders for Providing Goods or Services):

- 1 There appears to be some goods or services acquired by the City which have not complied with Regulation 11(2) of the Functions and General Regulations. Tenders specifications and Expressions of Interest are now being developed for relevant goods or services.
- 14 In the case of contract pricing being based on a schedule of rates, the amounts are not entered into the Tender Register due to the large quantity of data. The information is however retained and available upon request.

Section G (Disclosure of Interest)

- 4 Twenty three Primary Returns were submitted outside of the required timeframe. These Primary Returns were all from Library Services Officers who exercise a minor delegation. The level of delegation within the organisation is being reviewed.
- 5 Five Annual Returns were submitted outside of the required timeframe. In all cases, officers were on extended leave and completed their Annual Return immediately on resumption of duties.

Section H (Finance)

- 20 The Financial Report was forwarded to the Department of Local Government and Regional Development on 27 January 2005.

Section I (Local Government Grants Commission, Miscellaneous Provisions and Disposal of Property)

- 1 The Grants Commission return was provided to the Grants Commission on 11 January 2005 after receiving an extension of time from the Commission.

COMMENT

A review has been undertaken by the Internal Auditor and the return is now presented for adoption. Following the adoption of the Compliance Audit Return, the Chairman and the Chief Executive Officer will jointly certify it.

ATTACHMENTS

Attachment 1 2004 Compliance Audit Return

VOTING REQUIREMENTS

Simple Majority

Note: It is a requirement of the Return that details of voting (ie carried 5/0) be recorded in the Minutes.

OFFICER'S RECOMMENDATION: That Council:

- 1 ADOPTS the completed Local Government Compliance Return for the period 1 January 2004 to 31 December 2004 forming Attachment 1 to Report CJ043-03/05;
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, as amended, SUBMITS the completed Local Government Compliance Return to the Executive Director.

MOVED Cmr Smith, SECONDED Cmr Fox that Council:

- 1 ADOPTS the completed Local Government Compliance Return for the period 1 January 2004 to 31 December 2004 forming Attachment 1 to Report CJ043-03/05;**
- 2 in accordance with Regulation 15 of the Local Government (Audit) Regulations 1996, as amended, SUBMITS the completed Local Government Compliance Return to the Executive Director;**
- 3 EXPRESSES its concern that the Tender Regulations have not been followed and advises the Department of Local Government and Regional Development that the Council has requested that a report on this matter be submitted to the Audit Committee;**
- 4 ADVISES the Department of Local Government and Regional Development that in addition to the handwritten comments, the reason for the excessive number of library staff being required to complete Annual Returns is due to an anomaly in the delegation and that this will be rectified.**

Chief Executive Officer advised at the time of issuing this report he was unaware it had been the practice of the Council for this matter to be submitted to the Audit Committee in the first instance. Cmr Smith believed it was appropriate that this matter be dealt with by the Council at this time and not submitted to the Audit Committee.

Cmr Smith spoke to the Motion.

Chief Executive Officer advised that the issue of delegation of authority to library staff will be immediately addressed.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn150305.pdf](#)

**C13-03/05 ACID SULPHATE SOILS – INTERIM POSITION –
[21105]**

WARD - All

PURPOSE

To advise Council on the action undertaken to date in relation to concerns raised by the Sustainability Advisory Committee regarding Acid Sulphate Soils at the Council Meeting of 22 February 2005.

EXECUTIVE SUMMARY

In light of growing community concern, and in response to the Council resolution of the meeting of 22 February 2005, research of appropriate and best practice processes for assessment of Acid Sulphate Soils for developments in the City of Joondalup has been initiated.

Acid Sulphate Soils (ASS) are naturally occurring sulphides which are generally found in a layer of water logged soil or sediment and are benign in their natural state below the surface. When disturbed and exposed to air, they oxidise and form sulphuric acid, iron precipitates and concentrations of dissolved heavy metals such as aluminum, iron and arsenic which can cause harm to human health, environment and infrastructure.

The effect of Acid Sulphate Soils on urban developments has recently come to light due to the increased demand for land development.

In November 2003 the Western Australian Planning Commission (WAPC) in consultation with the Department of Environment (DoE) released a Planning Bulletin 64 – Acid Sulphate Soils, which sought to provide planning guidelines for development in areas where there is a risk of disturbing ASS.

It is stated in this bulletin that there is a lack of detailed knowledge as to the location of Acid Sulphate Soils in Western Australia, which has made it difficult for the WAPC to provide a comprehensive planning response on the issue. The lack of comprehensive soil mapping or detailed policy response at a State level in regard to Acid Sulphate Soils, has resulted in a situation whereby applications for planning consent at the local level comply with the requirements of the planning guidelines, however, the community is seeking greater assurance that adequate investigations have been undertaken by Local Governments and developers to avoid these potential adverse effects.

More specifically, it is the process of assessment for ASS for proposed developments, in relation to the self assessment form and the perceived rigour and appropriateness of this process, that has raised community concern and triggered the further investigation required by the Council.

In response to the Council's resolution, the CEO has formed a project team to progress the issue. The intention of this report serves to provide an indication of the issues that will be addressed and the consideration and data collection that needs to occur.

Part of the project intent is to consider the method by which applications for planning consent within the City can be obliged to conform to best practices in this field, over and above statutory obligations.

The results of this investigation and recommendations will be presented to the Sustainability Advisory Committee for comment, prior to presentation to Council.

BACKGROUND

Acid Sulphate Soils

Acid Sulphate Soils is the name given to naturally occurring soil and sediment containing iron sulphides. These naturally occurring sulphides are generally found in a layer of water logged soil or sediment and are benign in their natural state below the surface. When disturbed and exposed to air they oxidise and form sulphuric acid, iron precipitates and concentrations of dissolved heavy metals such as aluminum, iron and arsenic which can cause harm to human health, environment and infrastructure.

If ground disturbing activity must be undertaken on Acid Sulphate Soils, it should be undertaken in a manner that ensures that there is no resultant acid water discharge into streams and waterways. While management does present difficulties and some risk, expensive treatment technologies can enable major developments and projects to proceed.

The effects of Acid Sulphate Soils on urban developments has recently come to light due to the increased demand for land development. Events in relation to soil and groundwater acidity and arsenic contamination, which arose in the City of Stirling in 2001, highlighted the problem caused by development that involves Acid Sulphate Soils.

Planning Guidelines

In November 2003 the Western Australian Planning Commission (WAPC), in consultation with the DoE, released Planning Bulletin 64–Acid Sulphate Soils, which intended to provide planning guidelines for local governments in relation to the assessment of town planning schemes and amendments, subdivision and strata applications and applications for planning approval where there is evidence of a ‘significant’ risk of disturbing acid sulphate soils.

It is stated in this bulletin that ‘the Australia wide distribution of acid sulphate soils is largely unknown’. This lack of detailed knowledge as to the location of Acid Sulphate Soils in WA has made it difficult for the WAPC to provide a comprehensive planning response on the issue. The planning guidelines contained within Bulletin 64 have been adopted by WAPC until such a time as detailed mapping of ASS areas is available and a comprehensive policy response of acid sulphate soils is prepared.

The bulletin contains Acid Sulphate Soils risk maps, which indicate those areas classified on the basis of geomorphological and hydrological properties of relevance to formation of Acid Sulphate Soils, including the depth to groundwater and height above sea level in Australian height datum.

For the purposes of the Planning Guidelines, these Acid Sulphate Soil risk maps are to be interpreted as having high risk of Actual Acid Sulphate and Potential Acid Sulphate Soil less than 3 metres from the surface, and of which the planning guidelines are to apply.

The Planning Guidelines contained in this bulletin also provide a four-step test for determining whether an acid sulphate soil investigation is required in any particular instance. This four step test is called ‘The Acid Test’.

Acid Sulphate Soil concern – Kingsley

The Council recently considered an application for development on a site which is adjacent to the Yellagonga Regional Park. The site originally contained land depicted in the map attached to Planning Bulletin No 64 as having high risk Acid Sulphate Soils. Land near the North West Corner of the site is mapped as having high risk of Actual Acid Sulphate and Potential acid sulphate soil less than 3 m from the surface. This low lying portion of the site was subsequently excised from the original parent lot and no longer forms part of the site.

The applicant, Meath Care, carried out site investigations into the groundwater levels below the site which enabled them to address the requirements of the planning guidelines (from WAPC – Planning Bulletin 64 – Acid Sulphate Soils). Based on the self-assessment guidelines within this bulletin, the proposal was deemed not to require any further investigation in regard to ASS, nor referral to the Department of Environment for assessment as it was outside the area mapped as having risk in relation to Acid Sulphate Soils.

The applicant is aware of the potential risk, and in January 05 undertook further ground water level testing over the site of the Mary Surveyor Center, which will require some soil excavation for the placement of a basement. This investigation revealed that the basement level will be approximately 2.5m above the water table level as of Jan 05.

As a further contingency measure Meath Care have agreed to the preparation of an acid sulphate soil management plan to manage any potential effects of ASS on the natural environment. Meath Care anticipate the plan will commence in March 2005. The plan will be submitted to the Department of Environment for approval. This is over and above what is statutorily required of the applicant.

Community concern in relation to Acid Test process

The Planning Guidelines provide a four-step test for determining whether an acid sulphate soil investigation is required in any particular instance. This four step test is called ‘The Acid Test’.

It is the process in relation to the self assessment form, contained within Step One of the Acid Test, that has raised community concern as to the perceived rigor and appropriateness in this process. The City’s Sustainability Advisory Committee at its meeting of the 10 February 2005 discussed this issue and deemed that a transparent and independent process was necessary.

The minutes of this meeting were considered by Council at it’s meeting of the 22 February 2005. It was resolved at this meeting that Council:

2. *REQUESTS the CEO to submit a further report to the ordinary meeting of the Council held on the 15 March 2005 addressing the concerns raised by the Sustainability Advisory Committee pertaining to acid sulphate soils; and*
3. *INITIATES appropriate research into the matter of Acid Sulphate Soils considering the issues raised by the SAC and seeks input from the Western Australian Local Government Association, Department of Planning and Infrastructure and other relevant state government agencies.*

DETAILS

Prior to this decision by the Council, the CEO has commenced investigation into the matter. A project team will be responsible for seeking advice from the relevant State government agencies on the management of Acid Sulphate Soils, taking issue on the appropriateness of the self assessment process with the relevant agencies, clarifying roles and responsibilities in relation to Acid Sulphate Soils and benchmark best practice service provision in relation to assessment of developments in potential or high risk Acid Sulphate Soils areas.

Part of the review will involve consideration of the method by which applicants within the City, as well as Council operations can be obliged to conform to best practices in this field, that are over and above statutory obligations.

The nature of this work is on-going and in the meantime this report serves to provide an indication of the issues that will be addressed and the consideration and data collection that needs to occur.

The results of this investigation and recommendations will be presented to the Sustainability Advisory Committee for comment, prior to presentation to Council.

It is also noted that a new development proposal, which involves excavation works near land identified as having Acid Sulphate Soils, could soon be submitted to Council. The site is located at No 42 Woodlake Retreat and is commonly known as the AEGIS site. Following discussions with the owners of the site, they are in the process of testing the soil for Acid Sulphate Soils, prior to lodging an Application for Planning Consent to Council.

Statutory Provision:

Western Australian Planning Commission – Planning Bulletin 64 – Acid Sulphate Soils

Strategic Implications:

Aligns with the City's Key Focus Areas of Community Well-being and Caring for the Environment

Sustainability Implications:

To ensure that the development of land containing acid sulphate soils is planned and managed to avoid potential adverse effects on the natural and built environment.

Community Consultation:

A proposed method of community engagement for new local government policy on Acid Sulphate Soils needs to be developed in consultation with the DoE and will be the subject of a subsequent report to Council.

COMMENT

A further report will be presented to Council upon completion of the research.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council NOTES the interim report on Acid Sulphate Soils and the intention of the Chief Executive Officer to submit a further report to the 5 April 2005 meeting of Council.

Chief Executive Officer provided a brief overview in relation to the current status of this matter and requested that community members allow the City time to deal with this issue in an appropriate way.

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Late Item 2 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as Mr Schneider may be an applicant under Policy 2.2.8 in the future as a witness in the Panel Inquiry.

Manager, Marketing Communications and Council Support, Mr Michael Smith declared a financial interest in Late Item 2 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as the decision by the Council may impact any further application made by Mr Smith in accordance with Policy 2.2.8.

**ITEM 2 REQUEST FOR FURTHER FUNDING ASSISTANCE
PURSUANT TO POLICY 2.2.8 – LEGAL
REPRESENTATION FOR ELECTED MEMBERS AND
EMPLOYEES – ELECTED MEMBERS (SUSPENDED) –
[72559]**

WARD - All

Chief Executive Officer formally advised this Item would not proceed at this time.

Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Late Item 3 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Member (Suspended) and Manager, Marketing Communications and Council Support as Mr Schneider may be an applicant under Policy 2.2.8 in the future as a witness in the Panel Inquiry.

Manager, Marketing Communications and Council Support, Mr Michael Smith declared a financial interest in Late Item 3 Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Member (Suspended) and Manager, Marketing Communications and Council Support as Mr Smith is one of the applicants for funding.

**ITEM 3 REQUEST FOR FUNDING ASSISTANCE PURSUANT
TO POLICY 2.2.8 - LEGAL REPRESENTATION FOR
ELECTED MEMBERS AND EMPLOYEES –
MANAGER MARKETING COMMUNICATIONS AND
COUNCIL SUPPORT - [72559]**

WARD - All

Chief Executive Officer formally advised this Item would not proceed at this time.

Director, Corporate Services and Resource Management, Mr Peter Schneider declared a financial interest in Late Item 4 – Chief Executive Officer's Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as Mr Schneider may be an applicant under Policy 2.2.8 in the future as a witness in the Panel Inquiry.

Manager, Marketing Communications and Council Support, Mr Michael Smith declared a financial interest in Late Item 4 – Chief Executive Officer’s Report – Request for Funding Assistance Pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees – Elected Members (Suspended) as the decision by the Council may impact any further application made by Mr Smith in accordance with Policy 2.2.8.

**ITEM 4 REQUEST FOR FURTHER FUNDING ASSISTANCE
PURSUANT TO POLICY 2.2.8 - LEGAL
REPRESENTATION FOR ELECTED MEMBERS AND
EMPLOYEES – ELECTED MEMBER (SUSPENDED) -
[72559]**

WARD - All

Chief Executive Officer advised this Item would not proceed at this time.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 5 APRIL 2005** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Deputy Chairman declared the Meeting closed at 2026 hrs; the following Commissioners being present at that time:

CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX