



**MINUTES OF COUNCIL MEETING  
HELD ON 30 AUGUST 2005**

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# CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 30 AUGUST 2005

## OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

## ATTENDANCES

CMR J PATERSON - Chairman

CMR P CLOUGH - Deputy Chairman

*Absent from 1953 hrs to 1955 hrs*

CMR M ANDERSON

CMR S SMITH

CMR A FOX

## Officers:

Chief Executive Officer

G HUNT

Director, Planning and Community

Development:

C HIGHAM

Director, Corporate Services and

Resource Management:

P SCHNEIDER

Director, Infrastructure & Operations:

D DJULBIC

Manager, Marketing Communications

& Council Support:

M SMITH

Manager, Audit and Executive Services:

K ROBINSON

Manager, Community Development:

G HALL

Manager, Approvals Planning and

Environmental Services:

C TERELINCK

Media Advisor:

L BRENNAN

Committee Clerk:

J HARRISON

Minute Clerk:

L TAYLOR

There were 33 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME****The following questions, were taken on notice at the Special Council meeting held on 28 July 2005:****Mrs S Hart, Greenwood**

Q1 *“\$900,000 will be transferred to the Sorrento Beach Foreshore Enhancement Reserve; being borrowings to complete works.”*

*Could the City please provide an audit of this project, with funds initially allocated by Council, through to this additional 'borrowing' amount?*

A1 The Sorrento Beach project was funded over a four-year period and the intended construction program is to be built in two stages.

The first stage overlapped the 2002/03 and 2003/04 periods with \$950,000 being allocated in each successive budget from municipal sources. Stage one was open to the public during January 2005 and was completed at an actual cost of \$1,989,285.

A Sorrento Beach Foreshore Enhancement Reserve was created in 2004/05. Funding for this reserve was to recognise outstanding stage 1 works at 30 June 2004 of \$1,347,864 and included an additional transfer of \$900,000 from municipal sources to supplement stage 2 funding requirements.

The second stage funding provisions were to overlap the 2004/05 and 2005/06 budgetary periods, with the \$900,000 allocated in the 2004/05 period from municipal sources, and an additional \$900,000 allocated in the 2005/06 period from loans to complete the estimated \$1.8M stage 2 project cost.

At this point in time it is tentatively scheduled for stage two of site works to commence during October 2005, with completion during the first quarter of 2006.

**The following questions were taken on notice at the Council meeting held on 9 August 2005:****Mr D Biron, Mullaloo:**

Q1 *What is the \$15 printing charge for each tape and also the 50% mark up per tape and how has this been calculated as representing the cost of copying the recording of this meeting and this includes the length of time of the tape?*

A1 Council's Policy 2.2.6 - Recording of Proceedings provides that:

"Costs of providing taped proceedings to members of the public will be the cost of the tape plus staff time to make a copy. The cost of supervised listening to recorded proceedings will be the cost of the staff time. The cost of staff time will be set in the City's schedule of fees and charges each year".

The City's Schedule of Fees and Charges, as adopted by the Special Meeting of Council held on 28 July 2005, states:

"Council publications – Council Proceedings. Tape. Actual printing cost plus 50% for computing and admin. 1 tape minimum. \$23.50."

Recordings of Council proceedings are provided on 90-minute tapes.

**Mr R de Gruchy, Sorrento:**

**Q1** *Re: The total amount of funds received by the City of Joondalup from ratepayers and/or all other sources over the past seven years. I understand that the total budget for the City of Joondalup during 2005/06 is in the vicinity of \$118,000 million. Would you please advise both the estimated, that is the budgeted, and the actual amounts received by the City for the financial years 1998/98, 1999/2000, 2000/01, 2001/02, 2002/03, 2003/04 and 2004/05.*

**A1** The following table provides the amounts requested and includes cash as well as non-cash items:

Year	Budgeted Operating Revenue \$	Actual Operating Revenue \$
1998/99	75,255,586	81,056,060
1999/00	70,803,469	74,543,317
2000/01	72,302,306	66,123,730
2001/02	68,957,586	63,478,976
2002/03	67,363,346	70,042,694
2003/04	75,799,413	72,740,908
2004/05	77,307,146	72,100,612

**Q2** *Re: Proposed building of the Works Depot – Would you please advise the current state of negotiations with Land Corp in relation to the potential purchase of land for the proposed Works Depot?*

(a) *what areas of land are currently under consideration?*

(b) *what is the total expenditure of ratepayers' funds that are involved in purchasing these various blocks of land?*

**A2(a) & (b)**

This matter is the subject of a report to Council at its meeting scheduled for 30 August 2005.

**Q3** *Do you really believe that the City of Joondalup should commit to the extravagant cost (\$11-12 million) of a Works Depot when you are saying that the financial position of the City of Joondalup is in such bad shape?*

**A3** This is a matter for the Commissioners to consider as part of their deliberations on this item.

**Mr M Sideris, Mullaloo:**

*Re: Mullaloo Beach Tavern – Issue of Amended Section 39 Certificate*

**Q1** *What are the three conditions on the Section 39 Certificate?*

**A1** (1) Submit an Evacuation Plan which satisfies AS 3745 – Emergency Control Organisation and Procedures for Buildings.

(2) Provide Certificate of Fire Ratings for all decorative treatment, e.g. carpet, blinds, curtains etc.

(3) Provide exit signs and directional exit signs to rear exits (stair wells).

**Ms S Hart, Greenwood:**

Re: *CJ168-08/05 – Page 117 of Agenda for Council Meeting, 9 August 2005*

Q1 *Will Council explain why it has taken almost six months to deal with my written request of 18 February 2005 for further legal funding assistance of \$2,500 pursuant to Policy 2.2.8?*

A1 The City received an application for further funding assistance dated 18 February 2005 from Cr Sue Hart (suspended). Council approved additional funding pursuant to Policy 2.2.8 for Cr Hart (suspended) on 9 August 2005.

At its meeting of Council held on 15 March 2005, the application was withdrawn along with items dealing with additional funding for other suspended Councillors and an officer of the City. All these outstanding matters were subsequently dealt with at the meeting of Council held on 9 August 2005.

During March and April 2005 the City sent a number of e-mails and letters to Ms Hart in relation to your queries dealing with the 'pay-back provisions' of the insurance policy and the payment of accounts to your legal advisors.

During this period, some confusion developed as to the operation and interrelationship between the City's Policy 2.2.8 – Legal Representation for Elected Members and Employees and the City's Councillors and Officers Elite Liability Insurance Policy. Whilst the City was clarifying issues such as which applicants had made submissions pursuant to the policy of insurance and therefore did not require legal funding and on what basis should the City proceed with further applications for additional funding, a hold was placed on these matters. Unfortunately, Ms Hart's application was delayed as a result of this process. There was nothing in correspondence during this time that suggested that Ms Hart's application needed to be progressed urgently or that it could not be delayed until the issues with regard to funding had been dealt with.

There was no malice or discrimination intended in this delay.

**Mr D Carlos, Ocean Reef:**

Q1 *At Page 118 (of Agenda for Council Meeting, 9 August 2005) where reference is made to Policy 2.2.8 and the Council meeting of 20 July 2004, it is stated that:*

- *An application for legal assistance funding was received from Mr Denis Smith;*
- *The Administration Recommendation was NOT to approve this application;*
- *Council subsequently amended the resolution and approved Mr Smith's application.*

*When, where and by whom was Mr Smith's funding application under Policy 2.2.8 approved?*

A1 The Officer's Recommendation submitted to Council at its meeting of 20 July 2004 recommended that Council:

*"3 DO NOT APPROVE the request for assistance for legal funding made by Denis Ian Smith for the forthcoming Inquiry into the City of Joondalup for the reasons set out in this Report."*

This recommendation was not supported and in its place Council resolved to approve the request for assistance for legal funding made by Mr Denis Smith subject to the finalisation of outstanding accounts by Mr Smith.

In summary, Council approved Mr Smith's application pursuant to Policy 2.2.8 on 20 July 2004.

**The following questions were submitted in writing for the Council meeting.**

**Mr S Kobelke, Sorrento:**

*The Joondalup coastal strip has come under the predicted attack from developers with the calling of a meeting by Urban Plan Design Development who have organised a "team of consultants" to work on behalf of the owners of Sorrento Village (The Plaza Shopping Centre), West Coast Drive, Sorrento to explore the prospect of reinvigorating the centre by redeveloping it for renewed commercial and residential use. This meeting has been called for 8pm Monday 5th September at the Sorrento Community Hall, Geneff Park.*

*This meeting can only be considered as kite flying at its very worst and the four phases of their suggested design led process will suggest to ratepayers that this is an official process.*

Q1 *What discussions have taken place between Urban Plan Design and the City of Joondalup regarding The Plaza Shopping Centre Redevelopment?*

A1 Urban Plan, at their request, met with staff and provided a brief verbal overview of the approach they had from landowners of the commercial properties to look at a possible redevelopment of the site.

Q2 *Have those discussions only been about the Plaza Shopping Centre or have they been about the entire site, including the service station and NV/Bottle Shop site?*

A2 Urban Plan indicated that a proposal may include the service station and NV café/bottle shop sites.

Q3 *Was the Council asked to participate in this public meeting process?*

A3 No.

Q4 *Will commercial and residential use require a rezoning of the land?*

A4 It is possible to develop both commercial and residential uses on land zoned commercial.

Q5 *What is the height of the existing Plaza Shopping Centre? What is the current zoning?*

A5 The original building licence plan for the shopping centre cannot be located and therefore the height of the building is unknown. The current zoning is Commercial with a density code of R20

Q6 *Should a plan be submitted to Council from the developer will this so-called public process be factored in at any level as many ratepayers will see the process for what it is and not attend these meetings.*

- A6 Urban Plan have verbally indicated that they intend to do some preliminary public consultation to understand the issues, prior to formulating a proposal. This is separate from any statutory or other consultation program that the City would undertake if and when an application is submitted. Urban Plan have been advised that a structure plan would be required.
- Q7 *Has Urban Plan been advised that the Council is undertaking public consultation regarding coastal viewshed commercial height?*
- A7 Urban Plan have been advised that the City is investigating the control of building heights within the coastal viewshed.
- Q8 *What has Urban Plan suggested to the Council Officers as their preferred outcome with regard to physical presence of the proposed construction?*
- A8 Urban Plan did not indicate any particular form of development. The discussion was about the potential issues around the development of the site.
- Q9 *What is the current zoning of the Service Station site?*
- A9 The current zoning is Commercial with a density code of R20.
- Q10 *What is the current zoning of the NV/Bottle Shop/Art Gallery site?*
- A10 The current zoning is Commercial with a density code of R20.
- Q11 *Will the Council move to assist ratepayers with information about their rights before they are run over by a "team of consultants" with everybody's interests in mind except the ratepayers.*
- A11 No formal application or proposal has been submitted to Council. It is understood that Urban Plan seek to discuss the issues with the surrounding residents to assist in understanding the issues, prior to formulating any application or proposals. Where major proposals are lodged, the Council endeavours to ensure that the community has opportunities to make its views known to a degree which exceeds the level contemplated by legislation.

**Ms Sue Hart, Greenwood:**

*Re SAT Appeal – Lot 407 Glenelg Place, Connolly.*

- Q1 *Will the City please elaborate on the term "short stay accommodation"?*
- Q2 *Is this the same 'short stay accommodation' as described in the Mullaloo Beach Tavern development previously?*
- A1-2 Short stay accommodation is a generic term used to describe temporary occupancy of a dwelling or unit. The appropriate land use class under the terms of District Planning Scheme no. 2 is "residential building". The Connolly development and the Mullaloo development include "residential building" as a land use class.
- Q3 *What guarantees does the City give that these short stay accommodations will not be sold off as independent units?*



- A3 The City has no jurisdiction to control the sale of individual units. The use of land is not necessarily related to how the land is sold or subdivided. If such units were to be used for permanent residential purposes, approval for a change of use would be required.
- Q4 *Can the City confirm this is what happened at Mullaloo Beach Tavern (short stay accommodations sold off)?*
- A4 No, Council does not have the power to determine the method of marketing for private developments. The Council has however approved the development for certain land uses, and the conversion of one land use to another would require a fresh application to the Council.
- Q5 *Why is the City not protecting the amenity of the residents of Connolly, who were united in not wanting this type of development near them?*
- A5 It is presumed this question relates to the SAT Appeal – Lot 407 Glenelg Place, Connolly. The matter comes before the Council because the issue is in the jurisdiction of the State Administrative Tribunal. The SAT has given a direction that Council respond to it by providing a list of conditions of approval for the SAT to consider. The Council does not have a choice in considering this matter.
- Q6 *Why is the City staff not defending its ratepayers and a Council decision on this issue?*
- A6 The City has vigorously defended the decision of Council in the SAT through the services of an independent advocate and the calling of local community members as witnesses. This approach was taken because the Council's determination of the development application differed from the officer's recommendation.
- Q7 *Will the Commissioners consider standing by their previous decision and protect the amenity of ratepayers?*
- A7 The Council has the background to this issue before it in making a further resolution about the development, and this will be taken into account.
- Q8 *Warrant of Payments - What goods and or services were provided to the City for cheque Nos 72085, 72087, 72147, 3383 EFT, 3313EFT, 3359EFT, 72106, 3314EFT, 3398EFT, 72089, 3400EFT, 72086, 72106, 72096,72037, 3429EFT, 72325, 3435EFT, 72211, 3423EFT, 72208, 3417EFT, 3443EFT, 71979, 72244, 72012, 72319, 72214, 72090, 72099, 3468EFT, 72108, 72084, 72102, 72088, 3318EFT, 72247, 3342EFT, 3513EFT, 3522EFT, 72248, 72107, 72028, 3346EFT, 3581EFT, 72138, 72063, 3351EFT, 3584EFT, 72146, 3356EFT, 3547EFT, 72135, 72107, 72028, 3346EFT, 3581EFT.*
- A8 Due to the extensive research required to answer the 57 items identified, the question will be taken on notice.

**Mrs M Macdonald, Mullaloo:**

*Re: Mullaloo Beach Hotel at 10 Oceanside Promenade Mullaloo*

- Q1 *The application for the Alteration and Redefinition of Liquor Licence for the Mullaloo Beach Tavern stated that the licensed premises as proposed will contain a ground floor drive through bottle shop which will be connected to a convenience store and a first floor tavern. Did the conditional Section 39 Certificate issued to the developer cover the whole of the licensed area and if not, did any condition to the Section 39*

*indicate that some parts of the building were not completed such as the drive through bottle shop/convenience store?*

- A1 The Section 39 Certificate issued on 8 August 2005 had three conditions and only relates to the Tavern and Bistro component and does not include the Bottle Shop/Convenience Store. This will be the subject of a separate Section 39 Certificate.
- Q2 *The report to Council on the 31 August 2002 stated that the tavern in the proposed development was the same size as the existing tavern. This has been confirmed by officers in subsequent questions to Council. Councillors and ratepayers would have naturally assumed that this statement would translate to "the same number of patrons will be accommodated in the new tavern as were allowed in the existing tavern". Is this correct, if not, why not?*
- A2 This report to Council made reference to the licensed areas being similar in area based on the knowledge of the former tavern and the information provided by the applicant at the time the application was lodged. No reference or inference to accommodation numbers was made as it has always been the advice that these numbers could not be calculated until the tavern has been fitted out.
- Q3 *Have the subsequent applications for development approval lodged by the developer contained any amendment which removes the convenient store from the development, and if so, what is the DA number and what was the outcome of that application?*
- A3 The fitout plan for the Bottle Shop did not include a convenience store component. The applicants have subsequently been advised of the terms of the Development Approval and will be submitting a revised fit out plan.

**Mr M Sideris, Mullaloo:**

*Re: Mullaloo Beach Hotel at 10 Oceanside Promenade Mullaloo*

- Q1 *With reference to the Order to Comply Schedule Item 3, as issued to Tolman Holdings, identifies 3) The "Stair 1", "Lift 1" and the "LMR" (Lift Maintenance Room) shown on the approved plans as being located in the basement have been constructed with a width of 6050 mm and depth of 3600 mm which is contrary to the approved plans which show a width of 9300 mm and a depth of 3850 mm. Can you advise if the nominated 'Stair 1' and 'Lift 1' extend beyond the basement and ground floor, into and past the Tavern (1st floor) and if so, why the fact that this is a matter in dispute and identified accordingly on the now reissued conditional Section 39 Certificate as advised to the Department of Racing Gaming and Liquor.*
- A1 The stair 1 and lift 1 detailed in the notice served on Tolman Holdings services the tavern level of the building, and the floors above. The notice however only relates to the portion of the stair 1 and lift 1 within the basement of the building, the stairwell and lift on all other levels have been approved and are not in dispute.
- Q2 *In a response to a question to Council, the public has been advised that the current re-pavement and verge works in front of the Mullaloo Beach Tavern (Hotel) site are being done by the City of Joondalup and at the developer's expense, with the City effectively acting as subcontractor to the Developer:*

- A2 The City submitted a price to the developer for paving of the verge to the City's standards utilising current tendered contractors. This price was accepted by the developer and work has commenced.
- Q3 *Has the City received any written orders or instructions from the Developer to officially undertake these work on their behalf?*
- A3 Yes. A quotation was given and the developer confirmed acceptance via email.
- Q4 *Has the City received instructions from the Developer as to how the pavement realignment works are to be constructed to ensure that the various grades and cross falls required, satisfy compliance with appropriate Codes, and Standards in particular those associated with access by people with disabilities?*
- A4 Verge Levels have been checked in accordance with the City's Verge Guidelines.
- Q5 *If these works are intended to meet the Development condition (q)... "the kerbline reinstated and the verge graded, stabilised and landscaped to the satisfaction of the City", does this then transfer all liabilities and compliance requirements from the Developer to the City?*
- A5 Following practical completion and handover, the City assumes care, control and management of the verge within the public road reserve.
- Q6 *Has a City Officer inspected the pre paved verge area to ensure that the 3 soak well for this reverse sloped area, are contained within the development site?*
- A6 Yes, this was identified at the start of the works.
- Q7 *Do these soak wells satisfy Development condition (d) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration?*
- A7 Yes, this is covered by the building inspections.

**Mr D Biron, Mullaloo:**

*Re: Customer Satisfaction Monitor 2005*

*The report presented to Council about the annual Customer Satisfaction Monitor represents the continuing deterioration in the City's performance as good. On page 5 of the attached report headed Overall Satisfaction under 2005 Benchmarks it makes clear that the City of Joondalup scores a mere 34. This is nearly a 10% reduction from last years reported figure of 37 under the good governance of the commissioners and even before this years rate rise was announced. The Industry average is now said to be 41.*

Q1 *How is this continuing deterioration in performance good?*

A1 The overall satisfaction rating for Council has increased marginally. In 2004 the overall satisfaction rating was 73% and 75% in 2005. Overall satisfaction is based on those respondents who rate overall satisfaction at 6,7,8,9 or 10 out of 10. The 34% represents those respondents who are very satisfied, that is they rate overall satisfaction as 8, 9 or 10.

The survey methodology and rating system is devised by an Independent Market Research Company and the methodology is consistent for all participants in the benchmarking syndicate.

The results will be used to develop an action plan to improve services and facilities provided to the community and increase satisfaction levels.

This industry average was calculated by using figures from the 10 authorities that purchase this survey instrument from AMI or Catalyse. They are two separate companies now but apparently still share all this information between them. Some of the 10 authorities are now surveyed by Catalyse and some by AMI.

*Q2 How much did the City pay AMI for the 2005 monitor survey and when?*

*A2 The City paid AMI a total of \$14,993.00 (including GST) for the 2005 Customer Satisfaction Monitor. \$ 7,496.50 was paid on 30 June 2005 and \$7,496.50 was paid on 29 July 2005.*

*Q3 How much did the City pay AMI Catalyse for the 2004 monitor survey and when?*

*A3 The City paid AMI a total of \$19,360.00 (including GST) for the 2004 Customer Satisfaction Monitor. This amount was paid on 8 July 2004.*

*Q4 How much did the City pay AMI for the 2003 monitor survey and when?*

*A4 The City paid AMI a total of \$18,700.00 (including GST) for the 2003 Customer Satisfaction Monitor. \$9,350.00 was paid on 28 April 2003 and \$9,350.00 was paid on 20 June 2003.*

*There are some 140 local authorities in WA. Less than 10% of them purchase this survey but the City of Joondalup does, and logs some of the lowest scores amongst even that small number.*

*On page 5 of the attached report headed Overall Satisfaction under 2005 Benchmarks the City of Joondalup scored a low 34.*

*Melville scored 46 - 35% higher*

*Kwinana scored 48 – 41% higher*

*Bassendean scored 50 and set the Benchmark for the 10 authorities – 47% higher!*

*Claremont didn't quote a benchmark figure.*

*Clearly the City of Joondalup's overall Satisfaction figure of 34 is so low that it is dragging down the quoted 'industry average' of 41.*

*Q5 How can the City present a Satisfaction report which makes no mention of this appalling fact and then make claim that this survey shows an improvement overall when it clearly does not?*

*A5 The City does not know the substance of the comments relating to the Melville and Kwinana scores and the percentage difference quoted by Mr Biron. The Benchmarking syndicate results are provided at no charge to participating Councils. The overall satisfaction levels of 75% for 2005 are marginally higher than in 2004, and lower than 2003 when overall satisfaction levels were 79%. The report and attachments provide full details of the methodology for the research and the analysis of responses. The benchmark syndicate results are based on the top three boxes or those respondents who rated satisfaction as a 1,2 or 3 and were,*

therefore, very satisfied. The industry average for those respondents who are very satisfied is 41 and the City of Joondalup rated 34, which is 7% below that average.

The City did set the benchmark in road maintenance, footpaths and cycle ways, community buildings, halls and toilets, Library and Information Services, and Conservation and Environmental Management.

The benchmarking results provide some indication of how the City compares with other local authorities who participate in the syndicate however the surveys are conducted at different times of the year, and the size and services offered by the local authorities are often very different.

*Re: Corporate Reporting Systems*

*Amongst the 63 reported performance indicators in the papers presented there appear to be a number of disparities and duplicated responses.*

*On page 57 of the attached report under customer satisfaction with complaint handling it states that this data is collected through the annual Customer Satisfaction Monitor. This is not the case. Complaint handling was removed by the City from this survey in 2003 after scoring only 50% for this service for two successive years.*

Q6 *Where did the figures used in this report come from?*

A6 Attachment 1 to the report details the source of each key performance indicator - 23 of the indicators were measured using the Customer Satisfaction Monitor, a number of the indicators are reliant on information from the ABS Census Data, and some indicators are taken from the various databases and statistical information collected by the City on an ongoing basis

In the specific instance of complaint handling the question relating to customer satisfaction with complaint handling was removed from the Customer Satisfaction Monitor in 2003 as there were concerns regarding the reliability of the responses, given that the term 'complaint' had not been clearly defined. The term 'complaint' may relate to a request for Council to take action regarding a particular matter, for example a request for action to be taken about a neighbour's barking dog. Alternatively, a 'complaint' could relate to an expression of dissatisfaction with the City's service.

For the purposes of the Strategic Plan KPIs the overall satisfaction levels with the City have been used in the report.

The methodology for measuring complaint handling is currently under review.

Q7 *Who measured them?*

A7 In the case of the Customer Satisfaction Monitor the Independent Market Research Company, Australian Market Intelligence, ABS figures are produced and published by the Australian Bureau of Statistics, and individual business units with responsibility for providing information on various key performance indicators provide information from the City's various data bases.

Q8 *How did they measure them?*

A8 The Customer Satisfaction Monitor data is collected by way of telephone surveys with the City's residents. The methodology involves random sampling and telephone interviewing of 500 respondents from within the City matching the demographic profile and population spread of the City.

Q9 *How did they suddenly produce such a huge improvement when the City was in the middle of crisis?*

A9 This is the first year that the Key Performance Indicators have been included against the Strategic Plan and the 2004 figures were provided where they were available for comparison purposes.

*On page 62 of the attached report under % of FOI applications processed to Schedule this information is required by the Office of the Information Commissioner.*

Q10 *How many FOI applications were received by the City in the period measured 03/04 – precise number please?*

A10 The City received 28 applications in 2003/04.

Q11 *How many of these FOI applications were processed in the prescribed time by the City in this same period - 03/04 - precise number please?*

A11 26 applications were processed in the prescribed time.

Q12 *How many FOI applications were received by the City in the period measured 04/05 – precise number please?*

A12 The City received 22 applications in 2004/2005.

Q13 *How many of these FOI applications were processed in the prescribed time by the City in this same period 04/05 – precise number please?*

A13 21 applications were processed in the prescribed time.

*On page 58 of the attached report under combined scores from team Mystery Shopper Audits, the same or very similar information appears to be already available from the Customer Satisfaction Survey results produced by AMI.*

Q14 *How does the information collected by Mystery Shopper Audits differ specifically from that gathered by AMI?*

A14 The Customer Satisfaction Monitor is conducted by an Independent Market Research Company involving random sampling of 500 respondents from within the City matching the demographic profile and population spread of the City. The methodology involves a set questionnaire that surveys respondents on overall satisfaction and perceived importance and satisfaction for selected services and facilities.

The Mystery Shopper Audits are also conducted by an Independent Market Research Company (a different company from the one conducting the Customer Satisfaction Monitor). The methodology for the Mystery Shopper Audit involves surveying staff to determine the level of customer service being provided to customers.

The difference between the two is that the AIM survey measures awareness and satisfaction with the City's services whereby the Mystery Shopping surveys measure the level of customer service being provided by staff.

- Q15 *How much were Mystery Shopper Audits paid for the period 2003/04 exactly?*
- A15 The City paid \$10,224.00 in 2003/04 for the Mystery Shopper Audit.
- Q16 *How much were Mystery Shopper Audits paid for the period 2004/05 exactly?*
- A16 The City paid \$10,321.00 in 2004/05 for the Mystery Shopper Audit.
- Q17 *How do Mystery Shopper Audits perform their survey and score their results exactly?*
- A17 Mystery Shopper surveys are conducted by telephone, in writing and in person and a sample of twenty are conducted each month. Each business unit within the City is surveyed against agreed measurements.

**Ms S Hart, Greenwood:**

- Q1 *Please submit my 2 questions "without prejudice" from last OCM, for answers directly related to the questions.*
- A1 A correction is to be made to the minutes of the Council meeting held on 9 August 2005, to reflect that Ms Hart raised her questions 'without prejudice'. Question 1 was taken on notice and a response has been provided in the agenda for tonight's meeting. Question 2 was answered at the Council meeting on 9 August 2005. In accordance with normal practice, a written response will be provided to Ms Hart.
- Q2 *Regarding the reply to my question re: Mullaloo Beach Development (please print your response as part of the record), am I correct in assuming from the information you sent me, that there have been no patron numbers submitted to Council by the developers:*
- (a) *at the initial development application stage?*
  - (b) *at any further application, or new plans submitted?*
  - (c) *that when the building is completed and assessed by the City patron numbers will be decided then?*
- A2(a-c) The developers provided a traffic report concerning parking and traffic movement with the original Development Application submitted in December 2001. The Traffic report made an assumption on patron numbers for the purpose of modelling traffic behaviour for the new development. The actual patronage limits are a function of detailed design and fit out of the premises, the details of which cannot be known until the development is near complete. For this reason, the assessment of patronage numbers is based on assessment of plans and "as finished" details of the building that are revealed through site inspection.
- Q3 *Is this situation above the way the City handles Development Applications, for developers, i.e., build the building then council will decide or determine patron numbers?*
- A3 The situation varies according to the type of development being applied for, its characteristics and the provisions and standards in the District Planning Scheme and its characteristics. The method of assessment (by checking plans and conducting site inspections) is consistently applied.

Q4 *Please explain the process the developer uses to take patron numbers to appeal, once the building is near completed?*

A4 The Council will limit occupancy by the issue of a Form 4 Certificate of Approval, which is issued under the Health Act 1911. Decisions made under the Health Act can be the subject of appeal to the State Administrative Tribunal.

In addition, the Director of Liquor Licensing can also impose a patronage limit through the powers contained within the Liquor Licencing Act 1988. Inquiries about review or appeal processes under the LL Act would best be directed to the Office of Racing and Gaming and Liquor.

Q5 *Please correct me if I am wrong, close to the first DA, patron numbers were submitted to the City, being an important factor in the number of car bays provided by the developer?*

A5 See answer 1 above. Also note that the requirement for parking bay numbers is defined by floor area for the non-residential parts of the building. This information was clearly provided in the development application that the Council considered.

Q6 *What is the number of car bays that have been provided by the developer?*

A6 The development currently provides 125 car bays on site, and 34 bays off site. The adequacy of the provision of on-site carbays in relation to the terms of the planning approval remains under investigation.

Q7 *How many patrons and staff does this cater for?*

A7 The District Planning Scheme does not provide a requirement for the provision of separate staff and patron car bays for all of the land uses proposed in the development.

Q8 *Please confirm that the City gave the MBD car bays that were part of the public car park at Tom Simpson Park?*

A8 The previous owners of the site did at some stage provide funding for the provision of additional parking on the opposite side of Oceanside Promenade to facilitate the expansion of the carpark to its current size. The arrangement was that the parking be available to the patrons and park users. The Council approved that proposal at the time.

Q9 *Was that at a cost or no cost to the developer?*

A9 This occurred more than 25 years ago. It is understood that the then owner paid for the bays.

Q10 *Why were the minutes not amended, to include the words "without prejudice" for my 2 questions asked last meeting, after my request (17th August 2005) to the CEO to do this?*

A10 An amendment has been included on page xii of the agenda for the Council meeting to be held on 30 August 2005 under the heading Confirmation of Minutes.



Q11 *As a ratepayer of the City, am I to expect the Customer Service Charter to be followed?*

A11 Yes.

Q12 *Does the City stand by the statement regarding, the developer should know the patron numbers before the public, and acknowledge at the same time the building is nearly completed?*

A12 The patronage numbers are determined by the City as a consequence of the submission of all details of the application and works conducted by the applicant. Once that process is complete to the extent that all relevant details are known and finalised about the development and its relationship to standards, then the relevant certificates are issued to the developer, and this information can then be passed on to others. It is considered appropriate that the person making the application for the Form 4 Certificate of Approval (occupancy numbers) receives the City's response in the first instance.

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

**Mr A Bryant, Craigie:**

Q1 *I submitted a question on 9 August 2005 in regard to illegally parked vehicles, Saturdays, Sundays and Public Holidays in the turning circle of Stocker Court, Craigie and Council agreed to take on board my concerns and target the area. Since then the vehicles continue to park in the turning circle. It is acknowledged that the Rangers do have the whole of the City area to patrol. May I ask how many Rangers are on patrol at weekends and Public Holidays?*

A1 The City is fully aware of the request from Mr Bryant and this request has been put through to target the area in question. The City will ascertain when the action will be carried out, if it has not already commenced, and Mr Bryant will be notified. At weekends at least two Rangers are available to carry out the various duties including infringement parking issues, dog attacks and any other issues.

**Ms M Zakrevsky, Mullaloo:**

Q1 *I refer to the front page article of the Joondalup Times of 11 August 2005 reporting on the last Council meeting of 9 August 2005 and headed "Legal Costs Mount – Bills for Smith Affair now ring the till at \$1.7 million". The fourth paragraph of the article refers to suspended Councillor Hart's question.*

*The fifth paragraph refers to Commissioner Anderson and the Chief Executive Officer saying they were waiting until the inquiry was over. I believe it was the Chairman of Commissioners, Mr Paterson, who answered that Council was waiting until the Inquiry was over.*

*Will Council please clarify who did provide that answer and why it does not appear in the Minutes?*

A1 It cannot be recalled who made the statement, but it is not a statement the City has issued to the media.

Any formal response to a question is included in the Minutes. Ms Hart has identified that some of her words that were used at the front of her question were not included in the Minutes and this is listed for alteration tonight.

Q2 *I understand that suspended Councillor Sue Hart lodged an application for further legal funding assistance dated 18 February 2005 which was received by the City on 21 February 2005 three days later.*

*Why was this application not dealt with at the Council Meeting of 22 February 2005 when the applications of suspended Councillors Patterson, Mackintosh and Kimber and two senior City of Joondalup Administration Officers applications were processed within 24 hours? Why were their applications presented to Commissioners with 20 and 21 page reports at 14 December 2004 Council Meeting within 24 hours of receipt from these five applicants, yet Sue Hart has had to wait six months?*

A2 This question will be taken on notice. There have been extensive interactions in relation to that particular issue over a number of months and they have been documented recently. With Ms Hart's agreement, the City is happy to release those.

**Ms S Hart, Greenwood:**

Q1 *Without Prejudice – I refer to my first question at the previous Council Meeting of 9 August 2005 relating to the six months delay in dealing with my application for legal funding assistance dated 18 February 2005 pursuant to Policy 2.2.8. I now ask Commissioners if they are aware of the following?*

*From July 2004 to February 2005, 19 applications for funding pursuant to Policy 2.2.8 including my application of 18 February 2005 where lodged with the City.*

*The other 18 applicants were processed promptly including five applications, which were dealt with by the Commissioners the day after they were lodged.*

*I was not advised of any reason for the delay in processing my application, moreover on 10 March 2005 I was advised in writing by the City's Internal Inquiry Officer that she was currently preparing a report to be submitted to Council for my request for additional funding for legal representation.*

*During the Inquiry I took all possible steps to save the City money including cross-examining numerous witnesses personally, whereas some former Councillors retained legal teams of up to four members headed by a QC.*

*A number of the City's senior officers attended the Inquiry on several occasions and would have been fully aware of the situation.*

*On 23 May 2005, more than three months after my funding application was lodged, I was the only witness during the entire Inquiry to be cross-examined in camera, still without legal representation.*

*Due to the unreasonable and lengthy delay by Council in processing my application pursuant to Policy 2.2.8 – Legal Representation for Elected Members and Employees, I was denied fairness, due process and procedural justice.*

Q2 *I refer to my second question at the meeting of 9 August 2005 relating to whether any of the Commissioners or the Chief Executive Officer were of the view that I had been discriminated against, due to the lengthy delay in dealing with my funding application of 18 February 2005.*

*The response provided was “there was no intention to discriminate”. One interpretation of that response is that I was discriminated against, but it was not intended.*

*I wished to have the matter clarified, as I did not suggest there was any intended discrimination. I now ask, without prejudice, are any of the Commissioners or the Chief Executive Officer of the view that I have been discriminated against unintentionally or otherwise and consequently denied a fair and equal opportunity for legal assistance and procedural justice at the Inquiry into the City of Joondalup as a result of the lengthy delay in dealing with my funding application of 18 February 2005?*

A1-2 These questions will be taken on notice.

**Mr D Carlos, Ocean Reef:**

Q1 *At the Council Meeting of 22 February 2005, Item CJ026-02/05 dealing with the request for further legal funding assistance, the Commissioners resolved to defer the matter to a Special Meeting of Council. I believe this resolution places a mandatory obligation on the Chief Executive Officer to convene a Special Meeting of Council under the provisions of Section 5.4 of the Local Government Act 1995. Will Council please advise, pursuant to Section 5.5 (2) of the Act, the date, time and place of such a meeting?*

A1 This question will be taken on notice.

**Mr M Caiacob, Mullaloo:**

Q1 *Re: CJ184-08/05 – SAT Hearing – I have received the replies from the question I asked from the Briefing Session, but they do not answer my question. I asked, was the delegated authority existing or obtained for or by the Administration to provide the refused conditions to the SAT on this matter?*

A1 The SAT met and asked for the conditions to be submitted in the event of an approval. What was submitted were the original terms and conditions of the report submitted to the Council in the first instance with a strong and minuted proviso that the matter would need to go back to the Council for confirmation. That is the matter listed on the agenda tonight.

Q2 *Re: CJ172-08/05 – Trappers Drive Land Transfer – A quick calculation from the Council’s policy for Cash In Lieu Of Car Parking 3.1.12 works out at an approximate value of the land to be given for car parking at around \$1.6 million. Another calculation based on the Valuer’s rate of \$494.00 per square metre for an area of approximately 3,300 square metres of what FAL previously were going to purchase also comes of \$1.63 million. Does the City really believe that this car park easement idea including the loss of revenue for the bulk of the land, the identified detrimental amenity effects to the community and the loss of the community’s facilities expansion in the future is the best that can be achieved for the City and its ratepayers both now and in the future?*

A2 *Response by Cmr Paterson:* This is something that the Commissioners will deal with in their debate of the item.

**C47–08/05                    EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]**

**MOVED Cmr Anderson, SECONDED Cmr Smith that public question time be extended for fifteen minutes.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**Ms M Macdonald, Mullaloo:**

*Q1     I refer to my answer to the question tonight regarding patron numbers, where the statement was made “no reference or inference to accommodation numbers was made as it has always been the advice that numbers could not be calculated until the tavern has been fitted out.” On 31 August 2002, Councillors passed a plan that stated that there was a metre of standing and seating areas of the tavern. Maximum patron numbers could be calculated and were calculated for these areas. Why is it that residents are being denied this information?*

*A1     There is no denial of the numbers, the calculation has not been finalised. In the last two weeks there have been numerous visits to the site and on several occasions adjustments have been made to the fit-out inside the building which impact on the calculations. Until the fit-out is complete the numbers cannot be determined.*

*Q2     I am not asking for the calculated patronage, I am asking for the maximum numbers of patrons that could be accommodated in the standing and seated area as per the development approval in August 2002, which has never been stated to this community?*

*A2     The maximum number that can be accommodated will be the licensed number and that will depend upon the fit-out of the facility.*

*Q3     I refer to the answer to Sue Hart’s question, re: residential buildings. In this Chamber, in answer to a question, we were told that the residential building at the Mullaloo Tavern could not be strata titled. Given the answers to Sue Hart’s question tonight has the City changed its position on this matter?*

*A3     This question will be taken on notice.*

**Mr D Davies, Connolly:**

*Re: Item CJ184-08/05*

*Q1     Are you aware that under item 6.8.2 on Page 89 of the agenda in the Policy Implications, it states that the City has not got a policy on short-stay apartments, but in the report the Administration is clearly outlining conditions for short-stay apartments, the very same conditions that were rejected by the Commissioners. Has the Planning Department discussed these recycled conditions with the Commissioners or the affected retirees?*

*A1     In relation to that issue, an alternative recommendation has been circulated to Commissioners as it was identified at the Briefing Session last week that there needs to be a strengthening of those conditions.*

Q2 *Item D on Page 84, a landscape buffer to be provided and then on Page 87, an alternative from the applicant that the buffer zone becomes a minimum of one metre. We are talking of a distance of three metres of the property to the dividing fence. At least one metre would be taken up by a footpath. What sort of buffer is the Planning Department suggesting, shrubs, trees or a brick wall?*

A2 The answer to this question will become evident in the discussion of the alternative motion that is proposed.

**Mr J McNamara, Sorrento:**

Q1 *Re: Works Depot – Could I suggest to the Commissioners that as the staff are recommending this evening investigation of alternative sites, some of which have been identified previously, and as this is a step backwards in a very large project, could Commissioners consider, at this concluding stage of their work cycle, of referring this project to the new Council so that a fully considered appraisal be undertaken by the new entity who will represent the ratepayers of the City?*

A1 *Response by Cmr Paterson:* Commissioners will deal with the subject later in the meeting.

Q2 *Re: Responses to Mr S Kobelke of Sorrento, it concerns the Urban Plan Design Development Group who are looking at a redevelopment on the coast in Sorrento. Question 5 – what is the height of the existing Plaza Shopping Centre, the response is the original building licence plan for the shopping centre cannot be located and therefore the height of the building is unknown. I feel that it is a little flippant and disappointing that this issue of height obviously is going to be of major concern, both to the developers and to the ratepayers in the area right along the coast and throughout the City. Could I ask the Chief Executive Officer what response do we give to people when they ask with this new redevelopment about height? I am aware that you are undertaking a study on height along the coast, but do we have something that we can offer people at this stage?*

A2 Investigations will be undertaken to determine the height on the site by other means.

**Mr M Sideris, Mullaloo:**

Q1 *My first question raised previously, identified and referred to an order to comply and the fact that the stair 1 and lift 1 was part of the condition of that order to comply. I asked if that extended through the ground floor and through the tavern and given that the answer said quite clearly, that the stair 1 and lift 1 did, in fact, become the core of the building, can you please advise me why the effect of this change in development or building approval was not reflected on the Section 39 Certificate that was issued as part of the Liquor Licensing Act, given the fact that the very same condition was reflected in the order to comply for the basement and part (b) of the question is given that an order to comply was issued for the basement and this particular core of building affected the whole building, why an order to comply did not refer to all floors?*

A1 This question will be taken on notice.

Q2 *Re: Responses given to Sue Hart and followed up by Ms Macdonald, regarding the singular entity called a residential building identified on the Mullaloo Beach Tavern site. Can you please advise me how this singular building will be handled under the Health Act provisions given that the development conditions must satisfied lodging houses etc?*

A2 The City has received preliminary advice from the City's lawyers to the effect that the lodging house requirements do not apply to that residential building.

**Mr S Kobelke, Sorrento:**

Q1 *Correspondence that I received from the Officer of the Minister of Planning and Infrastructure yesterday, advised that the Minister has no role in the approval process of the Western Australian Planning Commission and is not able to intervene on planning matters. I refer to the recent decisions of the Western Australian Planning Commission regarding the alterations to the Burns Beach Structure Plan and the approval of a new tavern and retail on the northern side of the Hillarys Boat Harbour, despite Council sending the proposal back indicating concern with the existing overload at the Boat Harbour. Commissioners have been quoted publicly regarding the Commission not taking notice of Council decisions. Is the Council considering taking a more prominent media position questioning Planning Commission decisions and their general indifference towards the people of Joondalup?*

A1 It has been a topic of discussion between the Commissioners and the City of the impact of the WAPC decisions.

Q2 *With regard to the recent reports of unsafe bacteria levels in the swimming beach at Hillarys Boat Harbour, will Council be moving to meet with the Department of Health and other relevant government authorities to demand a moratorium on all development within the boat harbour? Is it not a fact that the water movement will be affected by the walkway across the boat harbour to service the new tavern and was there an environmental impact statement considered by the WAPC?*

A2 This question will be taken on notice.

**Ms A Walker, Padbury:**

*Re: CJ186-08/05 – Land Request for Community House, Craigie Lot 671 Camberwarra Drive on the corner of Perilya Road.*

Q1 *How does this recommendation fall in line with Council's commitment to sustainable community development by the Council?*

A1 The recommendation deals with the transfer or sale of land only, the recommendation does not make any comment in relation to the services proposed to be provided by the State Government.

Q2 *Is there a business plan for this major land transaction and has this transaction or business plan gone before public comment.*

A2 No there is not a business plan because the land is less than \$500,000.

**Ms L Fischer, Heathridge:**

Q1 *I am an adjoining resident to the proposed Child Care Centre in Marybrook Road and my understanding is that child care centres should not back onto residential properties. Can you tell me why this application is even being considered?*

A1 *Response by Cmr Paterson:* This is something that the Commissioners will consider tonight.

## APOLOGIES AND LEAVE OF ABSENCE

Nil.

## DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Cmr Clough declared an interest that may affect his impartiality in Item CJ172-08/05 – Proposed Disposal of 354m<sup>2</sup> of City owned Lot 3 (5) Trappers Drive, Woodvale and granting of two easements to Foodland Associated Limited on adjacent Lot 6 (931) Whitfords Avenue, Woodvale as he resides in the suburb of Woodvale.

Cmr Clough declared a financial interest in Item CJ183-08/05 – 2005 Sports Development Program as he provides consultancy services to the WA Football Commission.

Manager, Marketing, Communications and Council Support, Mr Mike Smith, declared an interest that may affect his impartiality in CJ183-08/05 – 2005 Sports Development Program as he is a life member of the Joondalup Cricket Club.

## CONFIRMATION OF MINUTES

### **C48-08/05            MINUTES OF COUNCIL MEETING, 9 AUGUST 2005**

**MOVED Cmr Clough, SECONDED Cmr Fox that the Minutes of the Council Meeting held on 9 August 2005 be confirmed as a true and correct record subject to the following corrections:**

**1        Pages 15 and 147: The declaration made by Cmr Fox to be amended to read:**

**“Cmr Fox declared a financial interest in Item C46-08/05 – Chief Executive Officer – Performance Review Committee as her husband is a subcontracted Consultant with the Integral Leadership Centre.”**

**2        Page 12: The response provided to question 2 from Mr M Sideris to be amended to read:**

**“A2    An amended Section 39 Certificate has been issued yesterday, with three conditions attached to it.”**

**3        Page 13: Questions from Ms S Hart were submitted “Without Prejudice”.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

## ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

### **SISTER CITY VISIT**

Last week, I hosted Mayor Bao and delegation from our Sister City, Jinan in China and their visit was a great success.

We have made progress in police training, with 20 police officers from Jinan now at Joondalup’s WA Police Academy.

In education, the Chinese held talks with Edith Cowan University and TAFE and there were talks with small business.

Visiting Parliament House, we were able to help Mayor Bao forge State Government links.

The partnership between China and Australia is becoming increasingly important. WA with its reserves of iron ore and gas plays a major part.

This is the most senior Chinese delegation to visit us so far.

Not only is Mayor Bao the Mayor of five million people, he is also a member of the provincial district of Shandong (with 95 million people) and federal Chinese Governments. It shows how seriously the Chinese view our Sister City relationship.

### **VP DAY**

On 22 August 2005, I spoke and laid a wreath at Joondalup's War Memorial in Central Park with Federal MP, Dr Mal Washer.

Along with veterans, we were commemorating the 60<sup>th</sup> anniversary of VP Day (Victory in the Pacific).

Of the 40,000 Australians who died in WW11, 19,000 of them perished in the Pacific in the war against the Japanese.

### **GOLD AWARD**

The City of Joondalup's GOLD (Growing Old and Living Dangerously) Fitness Program for the over 50s has won a major award.

GOLD was the State Winner in the 2005 Heart Foundation Kellogg Local Government Awards.

It also received the award for the best physical activity program.

Congratulations to all staff and participants in this terrific program and once again, emphasises the enormous contact the Council and City has with the community.

### **PETITIONS**

#### **C49-08/05            PETITIONS SUBMITTED TO THE COUNCIL MEETING – 9 AUGUST 2005**

#### **PETITION IN RELATION TO ON-GOING USE OF SEACREST RESERVE BY WANNEROO JOONDALUP TEE BALL CLUB – [02146]**

A 710-signature petition has been received from residents in the City of Joondalup in relation to on-going use of Seacrest Reserve by the Wanneroo Joondalup Tee Ball Club for the 2005/06 season.



The petitioners are opposed to the planned change of Saturday morning use of the eastern end of Seacrest Oval during the summer season for the following reasons:

- 1 Wanneroo Joondalup Tee Ball Club have used the entire oval on Saturday morning since the oval was created;
- 2 Travel time between Percy Doyle Oval and Seacrest Oval for two different games is just manageable;
- 3 Club Management of a greater number of ovals creates greater expense for the Club and increases communication difficulties.

**MOVED Cmr Smith, SECONDED Cmr Anderson that Council RECEIVES the petition in relation to on-going use of Seacrest Reserve by the Wanneroo Joondalup Tee Ball Club for the 2005/06 season and NOTES that the issue has now been resolved to the satisfaction of the petitioner.**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

## **CJ170 - 08/05 CUSTOMER SATISFACTION MONITOR 2005 – [47968]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Chief Executive Officer

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CJ050823\_BRF.DOC:ITEM 1

### **PURPOSE**

To present to Council the findings of the 2005 Community Satisfaction Monitor.

### **EXECUTIVE SUMMARY**

The Community Satisfaction Survey is conducted annually to measure the level of overall satisfaction with the City and its performance in delivering various services and facilities.

High levels of community satisfaction with the services and facilities provided by the City of Joondalup have been reported in the 2005 Community Satisfaction Monitor. The overall satisfaction rating is 75%. This is a slight increase from 2004 levels (73%).

The areas of **high importance** and **high satisfaction** in 2005 were:

- Weekly rubbish collection
- Library and Information
- Immunisation Clinics
- Fire Prevention
- Bulk Rubbish Collections
- Parks and Gardens
- Roads
- Aged Transport

The areas of **high importance** and **lower satisfaction** in 2005 were:

- Paths and Cycle ways
- Conservation and Environmental Management
- Recycling
- Security Patrols
- Graffiti, Vandalism and Anti-Social Control
- Planning Approvals

*It is recommended that Council NOTES the information contained in the 2005 Customer Satisfaction Monitor forming Attachment 1 to this Report.*

## **BACKGROUND**

Community Satisfaction surveys were conducted in 2000, 2001, 2002, 2003, 2004 and most recently in June 2005.

The most recent survey was conducted by *Australian Market Intelligence* using the same format as the 2003 and 2004 surveys to enable annual comparisons to be made.

The main objectives of the 2005 survey were to identify:

- Community perceptions of the City of Joondalup's performance in delivering services and facilities;
- The level of overall satisfaction and the elements that drive satisfaction;
- Reasons for perceptions of poor performance;
- Community satisfaction on contact with Council;
- Community Satisfaction on accessibility of information about Council services and facilities, and
- Percentage of residents who feel they have an opportunity to comment on Council business.

This latest customer research was undertaken during June 2005 and involved random sampling and telephone interviewing of 500 respondents from within the City. The sample was cross-checked to ensure that it significantly matched the demographic profile and population spread of Joondalup. Importance and performance were measured to give details of the greatest service delivery gaps that, if addressed, would increase community satisfaction.

The sampling size produces a sampling precision of +/- 4.4% at the 95% confidence interval – i.e. the City can be 95% confident that the results obtained are within a +/- 4.4% if a census had been conducted of all households within the City of Joondalup.

## **DETAILS**

### **Issues and options considered:**

High levels of community satisfaction with the services and facilities provided by the City of Joondalup have been reported in the 2005 Community Satisfaction Monitor. The overall satisfaction rating is 75%. This is a slight increase from 2004 levels (73%).

Satisfaction with the services and facilities provided by Council is higher among females, younger residents and seniors, residents for 5 years and over, and residents in the North Coastal Ward.

The relative importance of services to respondents has a bearing on overall satisfaction levels. The more important a service is, the more likely it is to impact on satisfaction levels and the less tolerant people are of lower levels of performance.

When evaluating their satisfaction with a service/facility, the community will take the relative importance of a factor into consideration. Any action by Council to address the community's perceived levels of expectations and satisfaction must be considered in conjunction with the relative importance of each of the factors.

The areas of **high importance** and **high satisfaction** in 2005 were:

- Weekly rubbish collection
- Library and Information
- Immunisation Clinics
- Fire Prevention
- Bulk Rubbish Collections
- Parks and Gardens
- Roads
- Aged Transport

The areas of **high importance** and **lower satisfaction** in 2005 were:

- Paths and Cycle ways
- Conservation and Environmental Management
- Recycling
- Security Patrols
- Graffiti, Vandalism and Anti-Social Control
- Planning Approvals

Those areas where significant variations have occurred from the 2004 Satisfaction Monitor are:

Service	2004	2005	Variation
Fortnightly Recycling Services	77%	67%	↓
Bulk Rubbish Collections	87%	81%	↓
Graffiti, vandalism and anti-social behaviour	82%	73%	↓
Conservation and Environmental Management	88%	82%	↓
Financial Counseling*	75%	55%	↓
Control Pests	86%	78%	↓
Provide Transport for the Aged	96%	88%	↓
Mobile Security Patrols	79%	65%	↓
Parking Control	78%	68%	↓
Abandoned and Off-Road Vehicle Control	89%	81%	↓
Planning and Building Approvals	75%	70%	↓

\*Small sample size (only 37 use service)

### Contact with Council

Fifty-one percent of respondents had contact with Council over the past 12 months (similar to 2004 – 48%).

#### Phone Contact

Most respondents had contact by phone (78%), which is significantly more than 2004 (69%). Of those respondents making contact by phone 77% were satisfied with the way they were dealt with.

**Contact – In Person**

Twenty-percent (20%) of respondents had contact in-person. Of those respondents making contact in-person 82% were satisfied with the way they were dealt with.

**Contact – In Writing**

Thirteen-percent (13%) of respondents had contact in writing. Of those respondents contacting Council in writing 64% were satisfied with the way their correspondence was dealt with. This is a significant increase from 2004 (50%).

**Accessibility of Information about Council Services and Facilities**

Seventy-three percent (73%) of respondents were satisfied with the accessibility of information about Council services and facilities. This satisfaction rating has fallen marginally from 2004 (77%).

**Percentage of residents who feel they have an opportunity to comment on Council business**

Most residents feel that they have an opportunity to comment on Council business (73%) however this has fallen by 5% from 2004 (78%). The reasons provided by respondents who feel they do not have an opportunity to comment on Council business are:

- Don't know how to apart from Council meetings (24%)
- Don't listen to me/have no say (14%)
- No information about when meetings held/issues (13%)
- No Council/Council not interested (10%)
- Don't go to meetings/don't like meetings (9%)
- Not asked/given opportunity (7%)
- Closed door/not accountable (6%)
- Not interested (5%)
- Not confident/lack knowledge of Council (5%)

*Usage* statistics were also collected around each service/facility. Not only do these statistics show what proportion of the sample is using each service/facility, they are also strategically useful when combined with the Performance Gap Analysis.

By taking into account levels of importance, satisfaction and usage Council can better optimise the allocation of scarce resources into those areas that will have the greatest influence on community perceptions.

A copy of the report is shown as Attachment 1 to this report.

**Link to Strategic Plan:**

The 2005 Community Satisfaction Monitor is connected to the Strategic Plan in the following area:

**Key Focus Area:** Organisational Development.

**Objective 4.2:** To provide quality services with the best use of resources.

The Survey has also provided data on the Strategic Plan Key Performance Indicators, which is the subject of a separate report to Council

**Legislation – Statutory Provisions:**

The purpose of the Local Government Act 1995 is set down in Part 1 – Introductory Matters:

Section 1.3 (2):

This Act is intended to result in –

- a) Better decision-making by local government;
- b) Greater community participation in the decisions and affairs of local governments;
- c) Greater accountability of local governments to their communities; and
- d) More efficient and effective local government.

**Risk Management considerations:**

Monitoring levels of customer satisfaction with services provided by Council is essential to ensuring the relevance of those services and the optimum use of Council resources.

The 2005 report includes a *Performance Gap Analysis whereby* importance and performance were measured to give details of the City's greatest service delivery gaps to illustrate which services and facilities need to be improved, monitored, maintained and celebrated.

**Financial/Budget Implications:**

The Community Survey results were utilised when budget priorities were being considered.

**Policy implications:**

There are no immediate policy implications, although the Survey results will be taken into account in future policy development and reviews.

**Regional Significance:**

Not Applicable.

**Sustainability implications:****Economic**

Satisfaction with safety and security in the City could impact on consumer behaviour and subsequent spending patterns

**Environmental**

Community satisfaction together with changing expectations of the City's role in encouraging and role modeling good environmental practices may impact on requirements for delivery of service around environmental management and education.

**Social**

Changing levels of satisfaction and/or perceived importance in the community may impact on requirements for cultural, social and recreational facilities

**Consultation:**

The 2005 Community Satisfaction Monitor was conducted using a randomly selected sample of 500 respondents representing the demographics of the City of Joondalup

**COMMENT**

The 2005 Community Satisfaction Monitor was conducted by an independent market research company, using a randomly selected sample of 500 respondents representing the demographics of the City of Joondalup. The same methodology was used for the 2003 and 2004 Community Satisfaction Monitor allowing for a yearly comparison of results.

Furthermore, a performance gap analysis was carried out to assist Council to identify strategic priorities. Importance and satisfaction levels were analysed and presented in four quadrants to illustrate which services and facilities need to be improved, monitored, maintained and celebrated.

Further analysis of the 'invest' areas is planned and once this analysis has occurred a report will be provided to Council outlining recommended actions to improve services and facilities provided to the community.

Overall community satisfaction levels with Council's performance in 2005 (75%) are at slightly higher levels to the 2004 Survey (73%).

Benchmarking results with other Local Government Authorities (LGAs) has been completed and are shown as Attachment 1.

The LGAs participating in the benchmarking syndicate are:

- City of Armadale
- Town of Bassendean
- Town of Claremont
- City of Cockburn
- City of Joondalup
- Town of Kwinana
- City of Mandurah
- City of Melville
- City of South Perth
- Town of Vincent

The City has set the benchmark for the following areas:

- Road Maintenance
- Footpaths and cycle ways
- Community buildings, halls and toilets
- Library and Information Services
- Conservation and Environmental Management

**ATTACHMENTS**

Attachment 1	Customer Satisfaction Monitor Results 2005
Attachment 2	Benchmarking Results 2005

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Clough that Council NOTES the information contained in the 2005 Customer Satisfaction Monitor forming Attachment 1 to Report CJ170-08/05.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf230805.pdf](#)

## **CJ171 - 08/05 CORPORATE REPORTING SYSTEMS – [20560]**

**WARD:** All

**RESPONSIBLE** Mr Garry Hunt  
**DIRECTOR:** Chief Executive Officer

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CJ050823\_BRF.DOC:ITEM 2

### **PURPOSE**

To present the following components of the *Corporate Reporting Framework* to Council:

- 1 Strategic Plan Key Performance Indicators – Performance Report for 2004/05;
- 2 Annual Plan 2004/05 –Progress Report for the period 1 April 2005– 30 June 2005

### **EXECUTIVE SUMMARY**

At the meeting of 14 December 2004, Council endorsed the new *Corporate Reporting Framework* including that regular progress reports against the Annual Plan (formerly the Corporate Plan), and reports on the achievement of the Strategic Plan Key Performance Indicators be provided to Council and the community. (*Item CJ307-12/04 refers*)

There are sixty-three Key Performance Indicators to measure progress against the Strategic Plan and these have been categorised according to the indicator type (social, economic, environmental) in line with the sustainability framework. The rationale for each indicator, data collection methodology and performance for 2004/05 (with 2003/04 measures where available) are detailed within Attachment 1 to this Report – *Annual Performance Report – 2004/05 (Detailed)*

Attachment 2 – *Annual Performance Report – 2004/05 (Snapshot)* details the targets set for 2008, and also contains 2004/05 (and 2003/04 where available) performance levels.

The Annual Plan is produced to highlight the annual priorities for achievement of the objectives of the Strategic Plan. Regular progress reports have been provided to Council and Attachment 3 to this report is the final report for 2004/05 for the period 1 April 2005 to 30 June 2005.

The report on the Key Performance Indicators against the Strategic Plan, and the Quarterly Progress Reports against the Annual Plan provide Council and the community with a full assessment of the City's progress against the overall vision in the Strategic Plan, and the City's projects, programmes and activities.

*It is recommended that Council ACCEPTS:*

- 1 *the Strategic Plan Key Performance Indicators – Performance Report for 2004/05 shown as Attachment 1 and 2 to this Report;*
- 2 *the Annual Plan 2004/05 – Progress Report for the period 1 April 2005 to 30 June 2005 shown as Attachment 3 to this Report.*

## **BACKGROUND**

On 14 December 2004, following a review of the City's Corporate Planning and Reporting System, a report was presented to Council proposing a new *Corporate Reporting Framework*. 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 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 those being:

- 1 *ENDORSE the Strategic Plan Key Performance Indicators shown as Attachment 1 to report CJ307-12/04*
- 2 *ENDORSE the Corporate Plan 2004/05 shown as Attachment 2 to report CJ307-12/04*
- 3 *ENDORSE the Corporate Reporting Framework whereby Council 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**

### **Issues and options considered:**

The Strategic Plan 2003 to 2008 provides direction to the organisation. It is Council's key strategic document containing strategies and objectives for achievement of the City's Vision:

*"To be a sustainable City and community that are recognised as innovative, unique and diverse"*

Key Performance Indicators were included in the Strategic Plan for the first time in 2004/05 to allow annual assessment of progress on achieving the objectives and strategies detailed in the Strategic Plan 2003 – 2008. Council endorsed the Key Performance Indicators on 14 December 2004 (CJ307-12/04 refers).



The key performance indicators were designed to give indicative outcome measures and in many cases will need to be read as a ‘family’ of measures to give a true indication of progress. In some cases, trend data collected over a number of years will be necessary before an accurate picture of progress becomes evident.

There are sixty-three Key Performance Indicators against the Strategic Plan and these have been categorised according to the indicator type (social, economic, environmental) in line with the sustainability framework. The rationale for each indicator, data collection methodology and performance for 2004/05 (and 2003/04 where available for comparison purposes) are detailed within Attachment 1 to this report – *Annual Performance Report – 2004/05 (Detailed)*

Data for twenty-three of the Key Performance Indicator’s against the Strategic Plan has been collected from the City’s Annual Customer Satisfaction Monitor, which was conducted in June 2005 by a market research company using the same methodology that was used in 2003 and 2004 allowing for a meaningful, yearly comparison of results.

Some of the Key Performance indicators are reliant on ABS Census Information. The latest Census was conducted in 2001

The KPIs will be used by business units in the formulation of business plans and will provide important information in the review of the City’s Strategic Plan. Areas where the measures indicate improvement is needed will be addressed at an operational and strategic level.

Attachment 2 – *Annual Performance Report – 2004/05 (Snapshot)* details the targets set for 2008, and also contains 2004/05 (and 2003/04 where available) performance levels.

The Annual Plan (formerly Corporate Plan) is produced on an annual basis and highlights the annual priorities for achievement of the objectives and strategies of the Strategic Plan. Attachment 3 to this report is the final report for 2004/05 for the period 1 April 2005 to 30 June 2005.

#### **Link to Strategic Plan:**

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

<i>Outcome</i>	<i>The City of Joondalup is a sustainable and accountable business.</i>
<i>Objective 4.1</i>	<i>To manage the business in a responsible and accountable manner.</i>
<i>Strategy 4.1.2</i>	<i>Develop a corporate reporting framework based on sustainable indicators.</i>

#### **Legislation – Statutory Provisions:**

The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

*“This Act is intended to result in -*

- (a) Better decision making by local governments*
- (b) Greater community participation in the decisions and affairs of local governments*
- (c) Greater accountability of local governments to their communities; and*
- (d) More efficient and effective government*

#### **Risk Management considerations:**

Council has an obligation to be open and accountable whilst providing services efficiently and effectively. The provision of regular reports on Council’s performance ensures that the community receives an evaluation of the City’s performance.

The report against the Strategic Plan Key Performance Indicators and the Quarterly Progress Reports against the Annual Plan enable Council to monitor and review the City's progress against Plans and to take appropriate action where required.

Regular reporting ensures that the City is measuring and analysing current performance regularly and feeding the results of that measurement into a planning process to help improve future performance.

### **Financial/Budget Implications**

Nil.

### **Policy implications**

The stated objective of Council's Communication Policy 2.3.2 is:

To indicate the City's high level of commitment to public consultation and to provide good, open and accountable government.

### **Regional Significance:**

Not Applicable.

### **Sustainability implications:**

The City of Joondalup through the introduction of the Key Performance Indicators against the Strategic Plan is applying a *"triple-bottom-line"* approach to the measurement of progress against the Strategic Plan 2003 – 2008.

The Quarterly Progress Reports against the Annual Plan 2004/05 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.

### **Consultation:**

Not Applicable.

### **COMMENT**

Overall the City is on track to achieving the Strategic Plan KPI targets set for 2008 although for some of the key performance indicators the information is not available. This is the first year of reporting against the Strategic Plan and in many cases trend data collected over a number of years will be necessary before an accurate picture of progress becomes evident.

Areas where the City is performing below expectations include:

- Community Satisfaction with Safety and Security (including Mobile Security Patrols)
- Community Satisfaction with Recycling
- Community Satisfaction with Planning Approvals

Areas where the City is performing above expectations, or where the City has seen significant improvements, include:

- Satisfaction with Complaint Handling
- Mystery Shopper Audits
- Level of community satisfaction with the City's leadership and decision-making processes of Council
- Loss time injuries and duration rate of injuries

The KPI measures will provide direction for the development of actions to improve performance where indicated, and will provide direction for the review of the Strategic Plan in 2005.

The relevance, usefulness and availability of reliable data will also be reviewed during the review and development of the City's new Strategic Plan.

This is the first year of reporting the Strategic Plan KPIs and it is expected that through regular annual reporting the City will be able to:

- Examine trends on a particular Key Performance Indicator over a number of years
- Compare performance on the same Key Performance Indicator
- Analyse trends between indicators to show how one affects the other
- Put in place strategies for improvement where required.

The Annual Plan 2004/05 highlights the annual priorities for the organisation to achieve the Strategic Plan. It includes milestones against Council Projects and other annual priorities (project, programs and services).

Council has received regular progress reports on the Annual Plan. The first progress report for the period 1 July 2004 – 31 December 2004 was received on 15 March 2005 (Item CJ029-03/05 refers) and the second progress report for the period 1 January to 31 March 2005 was received on 17 May 2005 (Item CJ085-03/05 refers). The final progress report for 2004/05 for the period 1 April to 30 June 2005 is at Attachment 3 of this Report.

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 cumulative effect of the key performance indicators against the Strategic Plan and the regular quarterly progress reports against the Annual Plan will provide Council and the community with a full assessment of the City's progress against the overall vision in the Strategic Plan and the City's projects, programmes and activities.

## **ATTACHMENTS**

Attachment 1	Strategic Plan 2003-2008 - Annual Performance Report – 2004/05 (Detailed)
Attachment 2	Strategic Plan 2003-2008 - Annual Performance Report – 2004/05 (Snapshot)
Attachment 3	Quarterly Progress Report on Annual Plan – 1 April to 30 June 2005

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council ACCEPTS:

- 1 the Strategic Plan Key Performance Indicators – Performance Report for 2004/05 shown as Attachments 1 and 2 to Report CJ171-08/05;
- 2 the Annual Plan 2004/05 – Progress Report for the period 1 April 2005 to 30 June 2005 shown as Attachment 3 to Report CJ171-08/05.

**MOVED Cmr Smith, SECONDED Cmr Anderson that Council:**

- 1 ACCEPTS the Strategic Plan Key Performance Indicators – Performance Report for 2004/05 shown as Attachments 1 and 2 to Report CJ171-08/05;**
- 2 ACCEPTS the Annual Plan 2004/05 – Progress Report for the period 1 April 2005 to 30 June 2005 shown as Attachment 3 to Report CJ171-08/05;**
- 3 REQUESTS the Chief Executive Officer to provide a report on consolidating those indicators that have parallel objectives, so that a composite rating can be produced.**

Discussion ensued.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendices 2, 2(a) & (b) refer*

To access this attachment on electronic document, click here: [Attach2brf230805.pdf](#)  
[Attach2aagn300805.pdf](#) [Attach2bbrf230805.pdf](#)

Cmr Clough declared an interest that may affect his impartiality in Item CJ172-08/05 – Proposed Disposal of 354m<sup>2</sup> of City owned Lot 3 (5) Trappers Drive, Woodvale and granting of two easements to Foodland Associated Limited on adjacent Lot 6 (931) Whitfords Avenue, Woodvale as he resides in the suburb of Woodvale.

**CJ172 - 08/05 PROPOSED DISPOSAL OF 354M2 OF CITY OWNED LOT 3 (5) TRAPPERS DRIVE, WOODVALE AND GRANTING OF TWO EASEMENTS TO FOODLAND ASSOCIATED LIMITED ON ADJACENT LOT 6 (931) WHITFORDS AVENUE, WOODVALE – [06524] [05132] [06114] [81533]**

**WARD:** Lakeside

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services and Resource Management

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CJ050823\_BRF.DOC:ITEM 3

**PURPOSE**

To request Council to approve the disposal of 354m<sup>2</sup> of its freehold owned Lot 3 (5) Trappers Drive, Woodvale to Foodland Associated Limited (FAL) and to grant FAL easements for car parking and vehicle access over Lot 3 to facilitate FALs proposed extension of its shopping centre on the adjacent Lot 6.

**EXECUTIVE SUMMARY**

FAL over recent years has endeavoured to purchase portions of the City's Lot 3 where it abuts Lot 6s northern boundary to facilitate its redevelopment plans for the shopping centre. Examination of Attachment 1 shows the lot boundaries and the buildings on both the City's Lot 3 and FALs Lot 6. FALs plans have included the expansion of the existing supermarket and to use the remaining land on Lot 3 for the additional car parking required. In the past, Council has been unsupportive of selling the requested land areas of Lot 3 to FAL, however, after the City's thorough assessment of the site and the options available, Council at its meeting of 15 October 2002, resolved to conditionally dispose of 354m<sup>2</sup> (CJ258-10/02 refers). Council's resolution of 15 October 2002, determined that the remaining area of Lot 3 was to be developed and maintained by FAL as a car park and leased to FAL for use by its customers. Legal advice received by the City since Council's October 2002 resolution indicates that an easement for FALs use of a portion of Lot 3 as a car park is more appropriate than a lease and it is proposed that this easement be for a ten-year term with a ten-year option. A vehicle access easement of approximately 734m<sup>2</sup> is also necessary which will be at cost to FAL and will be for the life of the supermarket development. The easement documentation will specify that FAL must surrender the easement if Lot 6 ceases to be used as a shopping centre for a period exceeding 6 months. The surrender will also apply if FAL no longer use the extension in accordance with the development approval of the 15 December 2004.

The City required the conditions of Council's resolution of 15 October 2002 to be undertaken in an order that concluded with the advertising of the disposal itself. This was necessary to ensure that there was enough detail to provide to the community regarding the proposed development when the disposal was advertised. Also, some of the conditional points of the resolution required the approval of the Western Australian Planning Commission (WAPC). Rezoning of the subject 354m<sup>2</sup> was one of the conditions and rezoning from 'Civic and Cultural' to 'Commercial' was gazetted on 9 June 2004. The majority of the concerns raised

during advertising of the rezoning were in respect to noise, traffic concerns and anti-social behaviour associated with the proposed development and modifications to Lot 3. Many of the concerns raised were then dealt with as part of the car park design and development application approval. These concerns were also raised again in one of the two objecting submissions received during the advertising period for the proposed disposal, which was from 21 May 2005 until 20 June 2005.

The other concern raised in both the objecting submissions was that the proposal would prevent users of the Woodvale Community Care Centre (WCCC) and/or the City from extending the WCCC for the future benefit of its users. It is highly unlikely that any major extensions to WCCC will be possible if the modifications to the car park go ahead as proposed. On balance however, the disposal of what is considered to be a small area of Lot 3, the development and ongoing maintenance of the balance of Lot 3 as a public car park and the revenue raised from the proposed disposal (\$295,000) and vehicle access easement (\$175,000) is considered to outweigh the concerns raised during advertising.

*It is recommended that Council:*

- 1 *ENTERS into an agreement with Foodland Associated Limited for an easement for its use of the proposed car park on Lot 3 (5) Trappers Drive, Woodvale;*
- 2 *ENTERS into an agreement with Foodland Associated Limited for a vehicle access easement as shown on Attachment 2 to this report for the life of the development on the disposed of 354m<sup>2</sup> portion of Lot 3 (5) Trappers Drive, Woodvale for the sum of \$175,000 exclusive of GST;*
- 3 *NOTES that the conditions of Council's resolution of 15 October 2002 to report CJ258-10/02 have been complied with and the disposal of the 354m<sup>2</sup> of Lot 3 (5) Trappers Drive, Woodvale as shown on Attachment 1 to this report can now proceed at the agreed sale price of \$295,000 exclusive of GST;*
- 4 *AUTHORISES the funds referred to in 2 and 3 above be placed in the City's Strategic Asset Management Reserve.*

## **BACKGROUND**

<b>Suburb/Location:</b>	Portion of Lot 3 (5) Trappers Drive, Woodvale
<b>Owner:</b>	City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> Commercial and Civic and Cultural
	<b>MRS:</b> Urban
<b>Land Area:</b>	1.5006ha

Lot 3 (5) Trappers Drive, Woodvale was created as a condition of subdivision in late 1990. The developer of that area, Australian Housing and Land, transferred the land to the City in freehold as a community purpose site. Development approval was issued for the construction of Woodvale Library on Lot 3 in October 1990 and the WCCC was developed on Lot 3 in 1999. WCCC is hired out by senior citizens groups, is the base of the Wanneroo-Joondalup RSL Sub-Branch and has an area of the building that is leased by Community Vision Inc. as an adult day care centre.

Lot 6 is a commercially developed site owned by FAL; Woodvale Boulevard Shopping Centre was developed on Lot 6 in 1991/92. FAL has on a number of occasions approached the City requesting disposal of a portion of Lot 3 in order for FAL to be able to expand its shopping centre on Lot 6.

### FAL's Development Proposals

The first redevelopment proposal from FAL was received by the City in 1997 and was a request for the acquisition of 4000m<sup>2</sup> of Lot 3. Council had concerns about the City's future need for the land and resolved not to dispose of the land (DP237-10/97 refers), subsequently, WCCC was developed on the site 1999.

FAL approached the City in 1999 and the proposal then was for FAL to purchase a 539m<sup>2</sup> portion of Lot 3 for the purpose of expanding the existing supermarket. FAL also wished to lease a further 2508m<sup>2</sup> of Lot 3 for car parking purposes in respect of the proposed expansion. The Council considered the matter at its meeting on 27 April 1999 (CJ140-04/99 refers) where they resolved to:

*“OFFER to dispose of 539m<sup>2</sup> of Lot 3 Trappers Drive, Woodvale, and lease a further 2508m<sup>2</sup> for car parking to Foodland Australia Pty Ltd at fair market value of the land and in accordance with Section 3.58 of the Local Government Act 1995, subject to the following:*

- 1 rezoning of the subject land to accommodate the use and additional floor space;*
- 2 subdivision of the 539m<sup>2</sup> portion of Lot 3 and its amalgamation into Lot 6;*
- 3 the proponent meeting all the costs involved; and*
- 4 the proponent agreeing that if the relevant development is not proceeded with, landscaping to the satisfaction of Council will be provided.”*

The City subsequently sought advice from the former Ministry for Planning (MfP) with regard to the proposed rezoning of the required 539m<sup>2</sup> of Lot 3 from 'Civic and Cultural' zone to 'Commercial' zone, and the proposed increase in allowable retail floorspace. The MfP's response raised various planning issues, including a request that adequate justification be provided for reducing the City's 'Civic and Cultural' zone on Lot 3. Based on this response from the MfP, the City decided to undertake further investigation regarding the matter.

### **Commencement of Amendment No. 1 to District Planning Scheme No. 2 (DPS2)**

The owners of Lot 6 applied to the City to amend DPS2 in August 2000. The portion of the City's land required by FAL for the extension of the supermarket needed to be rezoned from 'Civic and Cultural' to a 'Commercial' zone to facilitate the proposed extension. Council at its meeting of 13 February 2001 (CJ024-02/01 refers) resolved that the matter pertaining to Amendment No. 1 be deferred for further consideration by elected members.

A further report was then submitted to Council at its meeting of 12 June 2001 (CJ183 - 06/01 refers) and Council resolved to advise FAL that in order for the City to comply with Section 3.58 of the Local Government Act 1995 (LGA), a formal offer should be made for Council's consideration. Subsequent to Council's resolution of 12 June 2001, a follow up meeting between the City and FAL took place to discuss the issues associated with the overall proposal. The main points discussed were the need for FAL to provide the City with a formal offer and the arrangements that needed to be put in place for parking and legal issues concerning the retail floor area permitted at the shopping centre in respect to DPS2.

### Formal Offer

Following the meeting with FAL, the City received a formal offer of \$55,000 for the purchase of a 354m<sup>2</sup> portion of Lot 3, rather than a land area of 549m<sup>2</sup> as previously indicated. The City then arranged its own valuation of the subject 354m<sup>2</sup> and it was valued at \$79,200. A further report was submitted to Council at its meeting of 11 September 2001 (CJ307 - 09/01 refers) and Council resolved that:

- 1 the offer of \$55,000 inclusive of GST for the purchase of the portion of Lot 3 (5) Trappers Drive, Woodvale is considered inadequate and is therefore REJECTED;
- 2 the City would like to extend an offer to undertake a joint site planning project that will maximise the total community use potential of Lot 3 Trappers Drive, Woodvale and to provide greater integration on site between existing facilities, any proposed facilities and possible expansion of the shopping centre.

Subsequently, consultants conducted a study that involved a site analysis, identification of stakeholder and community needs, development options including cost benefit analysis and preparation of an outline development plan for the recommended option.

In June 2002, City officers met with representatives of FAL on site to discuss progression of FAL's request. The City advised FAL that a further offer for the land could be made and that Council would consider this in accordance with due process. In July 2002, the City received an increased offer of \$150,000 from FAL for the 345m<sup>2</sup> of Lot 3. FAL also offered to purchase 3387m<sup>2</sup> on a freehold basis for the sum of \$550,000 and agreed to develop the 3387m<sup>2</sup> as a car park, with FAL granting reciprocal parking rights to adjoining properties. The City agreed to examine the offer and prepare a report to Council on the matter.

Confidential report CJ258-10/02 was submitted to Council on 15 October 2002, to seek Council's approval for the disposal of a 354m<sup>2</sup> portion of the City's Lot 3 to FAL. The sale was to be in accordance with the relevant provisions of the LGA, the planning regulations and subject to rezoning and subdivision taking place, all at cost to FAL. The report further recommended that Council reject FAL's request to purchase the remainder of the site, but to enter into a lease for the land required by FAL to meet its car parking requirements for the proposed extension. Council's resolution was to:

- 1 *AUTHORISE the Mayor and CEO to execute a contract for the sale of a 354m<sup>2</sup> portion of Lot 3(5) Trappers Drive, Woodvale to Foodland Property Holdings Pty Ltd (FAL) for a minimum amount as specified in Report CJ258-10/02 in accordance with the relevant provisions of the Local Government Act and Town Planning Regulations conditional upon:*
  - (a) *rezoning of the 354m<sup>2</sup> portion of land to accommodate the use and additional floor space;*
  - (b) *subdivision and amalgamation of the 354m<sup>2</sup> portion into lot 6;*
  - (c) *the proponent meeting all costs involved;*
  - (d) *the proponent agreeing to proceed with an approved development for the extension of the shopping centre and associated parking area which includes landscaped parking facilities, modified vehicle access arrangements, upgrades the northern mall entry, provides a covered walkway between the shopping centre and adjoining retirement village, improves the pedestrian connections between the community centre, the library and the shopping centre, and undertakes measures to*



*reduce noise, odours and the outlook of unsightly areas from the shopping centre;*

- (e) *a comprehensive consultation process being undertaken by the City advising the community of the proposed sale and lease of Council property and of the details of the proposed development having regard to (d) above;*
  - (f) *the contract of sale being prepared by the City's solicitor and to the City's satisfaction prior to its execution;*
- 2 *REJECTS the Foodland Property Holdings Pty Ltd (FAL) request to purchase the remainder of the site;*
- 3 *ENTERS into negotiation with Foodland Property Holdings Pty Ltd (FAL) for a lease for the use of the car park.*

It should be noted that Foodland Property Holdings Ltd is a wholly owned subsidiary of Foodland Associated Limited, i.e., FAL is the parent entity.

The City and FAL have progressed the points of Council's resolution of 15 October 2002 and to-date rezoning from Civic and Cultural zone to Commercial zone has taken place on the subject 354m<sup>2</sup> and was gazetted on 1 June 2004. The Western Australian Planning Commission (WAPC) approved the subdivision/amalgamation application on 20 January 2005 and did not impose any conditions.

As part of the rezoning, the City and FAL have also entered into a legal agreement regarding the concept design for the extensions to the shopping centre and development of the City's Lot 3, taking into account the details in resolution 1(d) of Council's decision of 15 October 2002. This concept plan (see Attachment 3) cannot be amended without the agreement of both parties in writing. Planning approval was applied for in respect to the proposed extensions and approval was issued to FAL on 12 December 2004, with conditions imposed that meet resolution 1(d) of Council's decision of 15 October 2002.

With regard to resolution 3 above, legal advice received by the City indicated that a lease agreement was not the correct instrument for the proposed use of the car park. A lease agreement would afford FAL exclusivity in respect to the car park and this was never the intent. To facilitate full use of the car park by the public, which includes shoppers to Woodvale Boulevard Shopping Centre, the users of the library and the WCCC, an easement over the car park is recommended by the City's solicitors and this has been agreed to by FAL. The easement would be for a ten-year period with a ten-year option. Based on this change, Council would need to revoke resolution 3 above.

The City considered that a further easement would also be necessary for vehicle access and that this should be at the cost of FAL, and this has also been agreed to and will be for the life of the proposed supermarket development.

Up-to-date valuations were requested and the information provided to the City on 19 January 2005. The City appointed valuer took into account all the necessary factors associated with the proposed transactions and valued the land to be disposed of at \$295,000 and the vehicle access easement at \$175,000. This information was passed on to FAL who accepted the valuation and requested the City to continue with public advertising of the disposal, drafting of the easement documents and contract of sale; FAL also acknowledge that all expenditure associated with these actions will be at its cost.

## **DETAILS**

### **Issues and options considered:**

When examining the history of this site, there has been some reluctance by the City to dispose of large areas of Lot 3 to FAL. When land is set aside for community purposes, consideration needs to be given to that use remaining for future proposals that the City may have. Since the original proposals from FAL to purchase areas of Lot 3, the City built a community centre however, a large portion of Lot 3 remains unused and is unattractive. When Council made a decision in October 2002 to conditionally support the disposal of 354m<sup>2</sup> the City had, in conjunction with FAL, undertaken a thorough assessment of the site and examined the options and issues associated with it. The option chosen was considered to be the most suitable given that FAL had scaled back the land area desired. It was also seen as a benefit to the City and its residents that revenue would be raised for what is considered to be the loss of a small portion of its freehold land and the fact that FAL propose to develop and maintain the balance of the undeveloped area of Lot 3 as a car park with good pedestrian links to the surrounding facilities.

Two of the three submissions received during the advertising period associated with the disposal were objections from the main users of the WCCC and the point was raised that if this disposal proceeds and the remainder of Lot 3 is developed as a car park, any major expansion plans for the WCCC would be unachievable. Additions and extensions to community facilities, although needing the approval of the City, are often driven by the users of the facilities who endeavour to fund the works via various grants and these concerns need to be weighed against the benefits of this proposal overall. Other concerns from one of the objecting submissions was in respect to noise and fumes from vehicles in proximity to the exterior areas of the WCCC, security issues and traffic speeds in respect to the proposed new car park and how this will impact on the staff and users of the WCCC.

It is considered that some of the points raised in the submission have been dealt with as part of the associated planning processes but these concerns can be monitored by the City and actions such as extra security patrols, traffic treatments etc., can be considered if it becomes necessary.

### **Link to Strategic Plan:**

This proposal aligns with Strategy 3.1 of the Strategic Plan – to develop and maintain the City of Joondalup's assets and built environment. It also aligns with 3.5.1 – develop partnerships with stakeholders to foster business development opportunities and 3.5.2 - assist the facilitation of local employment opportunities.

### **Legislation – Statutory Provisions:**

The City can choose to dispose of land by private treaty pursuant to the provisions of Section 3.58(3) of the *LGA 1995* as opposed to public auction or public tender under Section 3.58 (2) of the Act. To dispose of land by this process, local government is required to give statewide public notice of the proposed disposition for at least fourteen days. Private treaty is considered appropriate in this case given the nature and intended use of the land and its proximity to the existing supermarket. The subject 354m<sup>2</sup> is also land-locked with the only access being via FAL's Lot 6 or the City's Lot 3.

### **Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

This proposal would benefit the City by it receiving \$470,000 in respect to the subject proposal; \$295,000 in respect to FAL's proposed purchase of the 354m<sup>2</sup> and \$175,000 for the proposed vehicle access easement. These funds could be placed in the City's Strategic Asset Management Reserve and be applied towards funding maintenance, refurbishment, replacement and disposal of assets in the most effective manner.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

It is considered that the benefits of this proposal are local, in that there will be a larger developed car park for the use of shoppers and users of the Woodvale Community Centre. Also the residents of the adjacent Timberside Villas retirement village will have improved pedestrian walkways across Lot 3, which is likely to be of benefit for accessing the community centre and Woodvale Library.

**Sustainability Implications:**

Notwithstanding the land to be disposed of, and the fact that the vehicle access easement is for the life of the supermarket development, the balance of Lot 3 that is to be developed as a car park has a potential life to FAL for twenty years, i.e., ten years with a ten-year option. At the end of that period, the City will be in a position to reconsider its options for that area.

**Consultation:**

The disposal was advertised for public comment for thirty days from 21 May 2005 until 20 June 2005. Public notice consisted of public notices in the West Australian, the Joondalup Community Newspaper and the Wanneroo Times. Information on the disposal was also posted on the City's website, in City libraries and a letter drop was undertaken to surrounding residents and businesses. Two signs providing details of the disposal were also placed on site for the thirty-day period.

Three submissions were received during the advertising period, one from the owner of Woodvale Park Commercial Centre and Woodvale Park Business Centre, both properties abutting FAL's Lot 6; no objection was raised to the proposal. Two submissions did object to the proposal and both raised concerns that the proposal will prevent users of the Woodvale Community Care Centre (WCCC) and/or the City from extending the WCCC for the future benefit of its users. One of the objecting submissions also raised concerns with regard to vehicle noise and fumes, traffic issues within Lot 3 and security related to the WCCC. It is unlikely that any major extensions to WCCC will be possible if the proposed car park development proceeds and this needs to be considered by Council, however, vehicle noise and fumes, security and traffic concerns have to a great extent been dealt with as part of the approved development application for the site and the design of the car park.

**COMMENT**

Council gave its conditional approval to the disposal as part of its resolution of 15 October 2002 and most of the points of the resolution have been actioned. The rezoning of the 354m<sup>2</sup> to commercial has been approved and subdivision of the 354m<sup>2</sup> has been supported by the City and approved by the Western Australian Planning Commission. During the rezoning process, a concept design of the proposed development of the car park on Lot 3 was agreed to and it has been formed as part of a legal agreement. Solicitors are progressing the contract of sale and the agreements regarding the easements.

It is considered that the community has been consulted with comprehensively regarding this proposal and the majority of the concerns raised at the time the rezoning of the 354m<sup>2</sup> was advertised (noise, vehicle movements and anti-social behaviour) have been considered and addressed by FAL and City in the design of the car park. One of the two objecting submissions received during the advertising period for the disposal, raised concerns of car noise, car fumes, anti-social behaviour and speeding traffic through Lot 3's car park/access roads. If these issues do arise, the City can monitor the situation and undertake actions such as traffic treatments, to alleviate the situation. However, both objections raised the fact that Woodvale Community Care Centre may not have any future development potential and this should be taken into account by Council.

It is considered that the disposal of 354m<sup>2</sup> of Lot 3 to FAL will increase the amenity at that location through the improvements proposed for the car park. It offers the opportunity to integrate pedestrian access between the shopping centre, the retirement village and the community care centre. The proposed additional car parking will also support the City's facilities by providing convenient additional vehicle access and suitable landscaping will enhance the appearance of the part of Lot 3 that is presently bare and unattractive. There is also financial benefit to the City with the proposed disposal and the fact FAL will construct and maintain the proposed car park.

## ATTACHMENTS

Attachment 1	Plan showing lot boundaries, buildings and the proposed disposal area regarding Lot 3 and Lot 6
Attachment 2	Plan showing the location and approximate area of the vehicle access
Attachment 3	Concept design plan in respect to the car park modifications for Lot 3

## VOTING REQUIREMENTS

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 ENTERS into an agreement with Foodland Associated Limited for an easement for its use of the proposed car park on Lot 3 (5) Trappers Drive, Woodvale;
- 2 ENTERS into an agreement with Foodland Associated Limited for a vehicle access easement as shown on Attachment 2 to Report CJ172-08/05 for the life of the development on the disposed of 354m<sup>2</sup> portion of Lot 3 (5) Trappers Drive, Woodvale for the sum of \$175,000 exclusive of GST;
- 3 NOTES that the conditions of Council's resolution of 15 October 2002 to Report CJ258-10/02 have been complied with and the disposal of the 354m<sup>2</sup> of Lot 3 (5) Trappers Drive, Woodvale as shown on Attachment 1 to Report CJ172-08/05 can now proceed at the agreed sale price of \$295,000 exclusive of GST;
- 4 AUTHORISES the funds referred to in 2 and 3 above be placed in the City's Strategic Asset Management Reserve.

**MOVED Cmr Clough, SECONDED Cmr Smith that Council:**

- 1 **ENTERS** into an agreement with Foodland Associated Limited for an easement for its use of the proposed car park on Lot 3 (5) Trappers Drive, Woodvale for a ten-year period with a ten-year option;
- 2 **ENTERS** into an agreement with Foodland Associated Limited for a vehicle access easement as shown on Attachment 2 to Report CJ172-08/05 for the life of the development on the disposed of 354m<sup>2</sup> portion of Lot 3 (5) Trappers Drive, Woodvale for the sum of \$175,000 exclusive of GST;
- 3 **REQUIRES** that both easements contain clauses requiring their surrender in the event that the development approved under the development approval of 15 December 2004 is no longer used in accordance with that approval and as a shopping centre for a period of in excess of 6 months;
- 4 **NOTES** that the conditions of Council's resolution of 15 October 2002 to Report CJ258-10/02 have been complied with and the disposal of the 354m<sup>2</sup> of Lot 3 (5) Trappers Drive, Woodvale as shown on Attachment 1 to Report CJ172-08/05 can now proceed at the agreed sale price of \$295,000 exclusive of GST;
- 5 **AUTHORISES** the funds referred to in 2 and 4 above to be placed in the City's Strategic Asset Management Reserve.

Cmr Clough spoke to the Motion.

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf230805.pdf](#)

**CJ173 - 08/05 WARRANT OF PAYMENTS 31 JULY 2005 – [09882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Peter Schneider  
Corporate Services & Resource Management

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CJ050823\_BRF.DOC:ITEM 4

**PURPOSE**

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

**EXECUTIVE SUMMARY**

This report details the payments drawn on the funds during the month of July 2005, totalling \$10,475,069.79 and seeks approval by Council for the payments listed.

*It is recommended that Council APPROVES for payment the vouchers, as presented in the Warrant of Payments to 31 July 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$10,475,069.79.*

**BACKGROUND**

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

**DETAILS**

The table below details the payments drawn on the funds during the month of July 2005 and seeks approval by Council for the payments listed.

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 71970 – 72325	\$10,475 069.79
	EFT 3305 – 3585	
	Vouchers 77A – 82A	
Trust Account		Nil
		<b>\$10,475,069.79</b>

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 July 2005 was \$2,037,711.48.

**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 \$10,475,069.79 which is to be submitted to Council on 30 August 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 \$10,475,069.79 was submitted to Council on 30 August 2005.

.....  
 JOHN PATERSON  
 Chairman of Commissioners

**Issues and Options Considered:**

Not Applicable.

**Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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.

**Risk Management Considerations:**

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

**Financial/Budget Implications:**

All expenditure from the municipal fund was included in the 2005/06 Annual Budget, or approved in advance by Council.

**Policy Implications:**

All expenditure included in the warrant of payments is drawn from the City's accounting records, which are maintained in accordance with Policy 2.4.1.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

**COMMENT**

All expenditure included in the warrant of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cmr Anderson, SECONDED Cmr Clough that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 31 July 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$10,475,069.79**

<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
<b>Municipal Account</b>	<b>Cheques 71970 – 72325 EFT 3305 – 3585 Vouchers 77A – 82A</b>	<b>\$10,475,069.79</b>
<b>Trust Account</b>		<b>Nil</b>
		<b>\$10,475,069.79</b>

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf230805.pdf](#)

## **CJ174 - 08/05 FINANCIAL REPORT FOR THE PERIOD ENDING 30 JUNE 2005 – [07882]**

**WARD:** All

**RESPONSIBLE** Mr Peter Schneider

**DIRECTOR:** Corporate Services and Resource Management

CJ050823\_BRF.DOC:ITEM 5

**PURPOSE**

The interim June 2005 financial report is submitted to Council to be noted.

**EXECUTIVE SUMMARY**

The financial report for the year ended 30 June 2005 has not been audited and is presented to Council as an interim report.

The June 2005 year to date report shows an overall variance (under spend) of \$19.4m when compared to the year to date revised budget approved by Council at its meeting of 15 March 2005 (CJ030-03/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$2.8m compared to a budgeted surplus of \$6.2m at the end of June 2005. The \$3.4m variance is primarily due to unfavourable variances in income from contributions, reimbursements and donations, offset by favourable variances in employee costs, consultancy costs, administration costs and utilities.



- **Capital Expenditure** is \$3.7m against the year to date budget of \$8.4m. The \$4.7m under spend is due to acquired infrastructure being less than budgeted, and the deferral of heavy and light vehicle purchases and IT related projects.
- **Capital Works and Council Projects** expenditure is \$16.0m against the year to date budget of \$34.1m. This is a timing difference of which \$6.9m relates to normal Capital Works while \$11.2m relates to Capital Works classified as Council Projects. Total committed funds in relation to all Capital Works are \$8.0m.

*It is recommended that Council NOTES the Financial Report for the period ending 30 June 2005.*

## **BACKGROUND**

Not Applicable.

## **DETAILS**

The interim financial report for the period ending 30 June 2005 is appended as Attachment A.

### **Issues and options considered:**

Not Applicable.

### **Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

### **Legislation – Statutory Provisions:**

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.

### **Risk Management considerations:**

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

### **Financial/Budget Implications:**

Refer attachment A.

### **Policy implications:**

All expenditure included in the financial statements is drawn from the City's accounting records, which are maintained in accordance with Policy 2.4.1.

### **Regional Significance:**

Not Applicable.

**Sustainability implications:**

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the plan for principal activities which was advertised for a 42 day period with an invitation for submissions in relation to the plan.

**COMMENT**

All expenditure included in the financial statements is in accordance with the 2004/05 Annual Budget, 2004/05 Half Year Budget review or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment 1            Financial Report for the period ending 30 June 2005.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Clough that Council NOTES the Financial Report for the period ending 30 June 2005.**

Cmr Anderson spoke to the Motion.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5agn300805.pdf](#)*

**CJ175 - 08/05    TRAFFIC MANAGEMENT TREATMENT: LANEWAY  
NUMBER 6, BETWEEN LEACH STREET AND WEST  
COAST DRIVE, MARMION – [09031]**

**WARD:**                    South Coastal

**RESPONSIBLE  
DIRECTOR:**            Mr David Djulbic  
                                 Infrastructure and Operations

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CJ050823\_BR.F.DOC:ITEM 6

**PURPOSE**

The purpose of this report is to advise on the outcomes of the investigation and local community consultation undertaken on the implementation of a suitable traffic management treatment for the Leach Street laneway.

## EXECUTIVE SUMMARY

In Council's consideration of Report CJ051-04/05, 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) dated 5 April 2005, in part it was resolved to:

*"DIRECT the CEO to investigate the implementation of a suitable traffic management treatment within the laneway linking West Coast Highway through to Leach Street in conjunction with the preparation of the draft structure plan."*

Since 2002, the City has received several complaints from the residents adjacent to the laneway regarding parking, vehicle speed and antisocial behaviour.

Following a consultation process with local residents adjacent to the laneway, a permanent closure of the laneway to through vehicular traffic is considered the most appropriate traffic treatment.

The laneway is designated as a dedicated road and thus a permanent road closure to vehicular traffic would need to be advertised and follow due process as stated in the Land Administration Act 1997.

*It is recommended that Council INITIATES the permanent road closure of Laneway Number 6 between Leach Street and West Coast Drive to vehicular traffic at mid-point in accordance with the requirements of the Land Administration Act (1997).*

## BACKGROUND

<b>Suburb/Location:</b>	Marmion
<b>Applicant:</b>	City of Joondalup
<b>Owner:</b>	Road Reserve (Crown Land)
<b>Zoning:</b>	<b>DPS:</b> N/A
	<b>MRS:</b> N/A

## DETAILS

### Issues and options considered:

The laneway provides access to four properties, all of which can be accessed from either Leach Street or West Coast Drive. The residents access needs, the nature of their concerns and the traffic safety issues at the West Coast Drive intersection were discussed with residents as part of the consultation process.

Of particular concern to the residents was the speed of the traffic along the laneway and the potential dangers posed to pedestrians and residents, in particular at West Coast Drive.

The intersection at West Coast Drive is of concern due to the lack of adequate sight distance for vehicles turning left or right onto West Coast Drive. The footpath at this point merges into the laneway creating a conflict area between vehicles and pedestrians.

Since 2002, there has been ongoing concern by the residents of the through traffic speeds and associated safety issues.

Following consultation with the adjacent residents it was agreed that closure at mid point would be the most appropriate traffic treatment.

**Link to Strategic Plan:**

This recommended proposal is in line with Strategies:

- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.1 To develop and maintain the City of Joondalup's assets and built environment.
- 4.2 To provide quality services with the best resources.

**Legislation – Statutory Provisions:**

The Department of Land Information has advised that the laneway is Crown Right of Access, approved and dedicated on the approval of Crown Plan 5288 dated, 27/04/1939. Therefore, its closure has to be considered the same as a Public Road.

Under the Local Government Act (1995), section 3.5, the laneway can be closed by order, subject to community consultation, to through vehicular traffic, however it needs to be renewed every four years. A permanent closure as required in this case is undertaken under the Land Administration Act (1997).

Under this Act a road closure as defined in the Crown Land Administration and Registration Practice Manual requires a Council resolution to initiate the road closure process.

**Risk Management considerations:**

The closure of the laneway at midpoint to vehicular traffic addresses the safety issues and therefore mitigates risk management considerations.

**Financial/Budget Implications:**

The installation of kerb and bollards is estimated at \$2,500, advertising and provision of signage is approximately \$1,000, with funds being available in the operational budget.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The City has been consulting with the residents adjacent to the laneway since 2002 with respect to their concerns and possible solutions.

A formal consultation was undertaken in June 2005 with the property owners adjacent to the laneway. The four residents unanimously agreed to a proposal to close the laneway at midpoint using kerbing and bollards as indicated in attachment 1, to prevent through vehicular traffic but maintaining pedestrian, wheelchair and cycle access.

The statutory requirement is to advertise the proposed road closure for public comment for a period of 35 days. Signs are required to be placed at both ends of the laneway and advertisements placed in local newspapers.

## COMMENT

In most instances road closures should only be considered if significant safety improvements could be established. In this instance, it is anticipated that preventing through vehicular traffic will significantly improve the safety of the West Coast Drive intersection and improve the overall safety and environment of the residents.

The residents directly affected have unanimously supported the proposal to close the laneway to through vehicular traffic. The City supports the closure on the grounds of safety and no adverse effects are anticipated to traffic flows in the area.

The laneway provides access to four residential properties only. The only affect to some of these properties is the need to place rubbish bins out onto West Coast Drive or Leach Street on waste collection day and the residents agreed on this during the consultation phase.

As the laneway is dedicated as a road, the Land Administration Act applies, and requires a Council resolution to commence the formal road closure process.

The City is then required to consult with Department of Planning and Infrastructure, advertise the proposal for public comment and consult with all service authorities.

If all the necessary support has been given by all parties, including the service authorities and all the adjoining landowners, a report is prepared for consideration by Council seeking its endorsement. The final decision rests with the Minister for Department of Planning and Infrastructure. The Department of Land Information, together with the Department of Planning and Infrastructure will then administer the matter.

## ATTACHMENTS

Attachment 1            Concept plan of proposed closure of laneway

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Smith that Council INITIATES the permanent road closure of Laneway Number 6 between Leach Street and West Coast Drive to vehicular traffic at mid-point in accordance with the requirements of the Land Administration Act (1997).**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf230805.pdf](#)

**CJ176 - 08/05 SITE ACQUISITION - WORKS DEPOT – [80513]  
[58498]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Infrastructure and Operations

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CJ050823\_BRF.DOC:ITEM 7

**PURPOSE**

To consider the purchase of the 4-hectare site on Hodges Drive for the proposed use of the City's works depot.

**EXECUTIVE SUMMARY**

Negotiations with LandCorp since late 2002 have been on the basis of the purchase price for the 4-hectare site on Hodges Drive being \$2.8 million. This amount was identified in the advertised business plan.

The City received advice from LandCorp on 24 September 2004 that the delay in finalising the contract of sale had highlighted a complication for LandCorp in that it required a current valuation (less than 3 months old) to support any sale contract. Accordingly, LandCorp had sought a review of the \$2.8 million valuation of the site. The outcome was an increase in value to \$4.2 million based on highest and best use for the land. The City sought an independent valuation using the same valuation brief originally agreed between the City and LandCorp based on the land designated for depot purposes, with potential for higher uses. The valuation was received on 25 November 2004 and valued the site at \$2.5 million.

Over the past six months negotiations with LandCorp have resulted in a joint valuation being obtained with the value of the land now \$4.6 million based on highest and best use as Landcorp want the highest possible return for the site. This value assumes the power lines will be relocated prior to purchase. Previously the City was to fund the relocation and allocated \$415,000 for the works. As the owner of the land, LandCorp will only value the land at its highest possible use regardless of its actual use.

Should the City decide to proceed with the purchase the business plan will need to be re-advertised and the budget for the project will need to increase to an approximately \$14.0 million. If the City does not proceed an alternative site will need to be found.

*It is recommended that Council:*

- 1 *NOTES the current status of negotiations with Landcorp as it relates to the purchase of the Hodges Drive site, recently valued at highest and best use value of \$4.6 million;*
- 2 *ENDORSES the action of the Chief Executive Officer to investigate alternative sites;*
- 3 *REQUESTS the Chief Executive Officer to report on options for alternative sites as soon as practical;*
- 4 *NOTES that a Business Plan will be advertised seeking public comment following the identification of an alternative site.*

## BACKGROUND

Negotiations with LandCorp since late 2002 have been on the basis of the purchase price for the 4-hectare site on Hodges Drive being \$2.8 million. This amount was identified in the advertised business plan.

The City received advice from LandCorp on 24 September 2004 that the delay in finalising the contract of sale had highlighted a complication for LandCorp in that it required a current valuation (less than 3 months old) to support any sale contract. Accordingly, LandCorp had sought a review of the \$2.8 million valuation of the site. The outcome was an increase in value to \$4.2 million. The City sought an independent valuation using the same valuation brief originally agreed between the City and LandCorp. The valuation was received on 25 November 2004 and valued the site at \$2.5 million. This value included the impact of site works attributed to the topography of the site being \$900,000, which will be a cost to the City. However it was acknowledged that as a condition of the sale, LandCorp will bear the full cost of constructing a bridge to access the site at \$1.5 million. On this basis, the City considered the \$2.8 million purchase price previously agreed to be reasonable and that LandCorp should honour the \$2.8 million purchase price.

Negotiations have been ongoing between LandCorp and the City since December 2002 when Council resolved in relation to the Joondalup Normalisation Agreement to authorise the Chief Executive Officer to negotiate with LandCorp for either cash contribution, or partial cash and partial in-kind contribution by way of the transfer of land owned by LandCorp to the City for the purpose of housing the City of Joondalup's planned works depot.

From that date negotiations continued between the two parties for the terms of the contract of sale, including vehicular access to the site and the relocation of powerlines going through the site. This necessarily involved third parties including Main Roads, Western Power and the Public Transport Authority and took some time.

The fact that payment by the City for the depot site was to take place in lieu of a cash payment from LandCorp to the value of \$2.8 million as part of the Joondalup Normalisation Agreement, meant that a contract of sale could not be entered into until all matters relating to the Normalisation Agreement had been resolved. This included the requirement to obtain a private ruling from the Australian Taxation Office on whether or not GST was applicable to the cash or kind components of the Normalisation Agreement. This process commenced in September 2003 and a ruling was obtained from the Australian Taxation Office that none of the transactions relating to the agreement formed a taxable supply in March 2004.

Finalised contract of sale documents were received from LandCorp on 17 June 2004, which confirmed the purchase price of \$2.8 million for the depot site. The requirement for the City to undertake a business plan for the acquisition of the depot site was given consideration at the time the purchase was negotiated with LandCorp. At this time it was deemed not required to comply with the provision of Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996, as the City was acquiring the land solely for the purposes of the works depot and no part of the site was to be disposed (sell or lease as defined in 3.58) to a third party.

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

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

On this basis, at the Council meeting of 20 July 2004 it was recommended that the City take a prudent approach and the Council approved a business plan to be advertised on the proposed land purchase and concept design for a period of 42 days to enable public comment (C46-07/04 refers). LandCorp were advised as soon as the City became aware of this matter and the public comment process commenced immediately it was possible to do so.

It is understood that clause 2.3 of LandCorp's Procedures Manual requires that "valuations for active projects shall be reviewed as necessary depending upon the market conditions that prevail. Stock that remains unsold after 6 months should be revalued." However it is the City's contention that the depot site has effectively been committed since Council's resolution of 29 April 2003 to accept LandCorp's offer for the City to purchase a fully serviced site of 4 ha for an amount of \$2.8 million and authorise the CEO to negotiate the contract of sale with LandCorp (CJ107-04/03 refers).

Over the past six months negotiations with LandCorp have resulted in a joint valuation being obtained with the value of the land now being \$4.6 million or \$115/sqm. This value assumes that the power lines have been relocated prior to purchase of the land, which was not the previous instruction. The project budget of \$11.0 million allowed a sum of \$415,000 for the relocation of the power lines.

A number of factors can be identified as having a major impact on the valuation. Firstly, previous valuations were based on a land use of "Depot with the potential for Bulk Retail/Showroom/Service Industry". LandCorp wanted the land use as "Bulk Retail/Showroom/Service Industry". In June 2005 LandCorp agreed to include "Depot" in the description however the valuation is based on the highest and best use of the site being Bulk Retail/Showroom. Secondly, current sales evidence. The most recent similar sales achieved indicate a sqm rate of \$200 to \$250/sqm (Clarkson, Midland, Malaga). Finally, access and site conditions. Due to current indications from Main Roads advising that access or egress to Hodges Drive and the Freeway is not allowed and due to the topography of the site the value of the land is reduced by around 50% to \$115/sqm.

## **DETAILS**

At the Council meeting of 20 July 2004, Council resolved to note negotiations were being finalised with LandCorp for a contract of sale for a fully serviced 4-hectare site for an amount of \$2,800,000 with the purpose of constructing a works depot. The Council also endorsed a concept design and project budget for the works depot and approved a business plan to be advertised for a period of 42 days to enable public comment on the proposed land purchase (CJ46-07/04 refers).

The business plan was advertised in The West Australian and Joondalup Community Newspaper with a closing date of 16 September 2004. Following a request from the community, the public comment period was extended to 12 October 2004.

At the close of comment period, eight submissions were received. Some of the concerns raised included the location of a works depot on what is considered to be a landmark site, excessive costs of the project primarily due to high site costs and the impact of increased traffic levels. Suggested alternatives included the use of the Quarry site at Edgewater, operating a number of smaller depots within the City's boundaries and sharing of facilities with neighbouring cities.



These submissions were considered at the Council meeting held on 14 December 2004 (CJ300-12/04), when it was resolved that the Council:

- 1 *NOTE the comments received in relation to the advertised business plan and thank those residents that submitted their comments;*
- 2 *ADOPT the business plan as advertised;*
- 3 *AUTHORISE the Acting Chief Executive Officer to prepare and execute the necessary documents to give effect to a contract of sale between the City and LandCorp for the purchase of a fully serviced site of 4.0 hectares at Hodges Drive for the purpose of constructing a works depot at a purchase price of up to \$2.8 million;*
- 4 *APPROVE the production of detailed design and tender documentation and the calling of tenders for the construction of the City of Joondalup proposed Works Depot Concept Design as endorsed at its meeting held on 20 July 2004;*
- 5 *REQUEST the City's officers in acknowledgement of public submissions received to the Business Plan and in the interests of the long-term strategic planning for the City, undertake a needs and opportunities analysis of the Edgewater Quarry site and report back to Council.*

A joint valuation received on 1 July 2005 has valued the subject land at \$4.6 million. Accordingly the previous resolution of Council does not allow the Chief Executive Officer to execute the contract of sale. Should the City wish to proceed the business plan will need to be re-advertised as the purchase price has increased significantly. If the City does not proceed an alternative site will need to be found.

#### **Issues and options considered:**

The City could purchase the land and proceed with the development of a works depot on the site. A revised budget allocation of approximately \$14.0 million would be required to complete the development at this point in time.

The City could decide not to purchase the land and investigate alternative sites within the City boundaries or surrounding areas. A budget would need to be determined once a site has been identified.

Staying at the current Ashby site is not a long-term option. The longer the City waits to secure an alternative site the less chance there will be of an available site for a works depot.

It is also noted that Edgewater Quarry was raised during the previous Business Plan process as a possible alternative site. However, due to complications in the way the land is classified, its location adjacent to schools and residential amenities, and cost considerations should the City attempt to purchase the site, it is considered that this location is not a sustainable or suitable option for the City.

#### **Link to Strategic Plan:**

Development of the a new works depot will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

*Caring for the Environment:* The concept plan for the new depot has been designed taking into account the latest Environmentally Sensitive Design principles where the Ashby depot is 30 years old and is in need of a major overhaul.

*Community Wellbeing:* The development of a new depot will assist in providing a more efficient and environmentally friendly service to the community.

*City Development:* A new depot within the City boundaries will encourage local employment and economic development.

*Organisational Development:* Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community by the reduction in operational inefficiencies that have been identified with the depot in Ashby.

#### **Legislation – Statutory Provisions:**

The requirements of Section 3.59 of the Local Government Act 1995 and the Local Government Act (Functions and General) Regulations 1996 were followed however the purchase price nominated in the advertised Business Plan was \$2.8 million. Should the City wish to proceed with the purchase of the land the Business Plan will need to be re-advertised. LandCorp have advised that a contract must be executed by 27 September 2005 or the site will need to be revalued. The City must accept submissions on business plans for a period of not less than six weeks and then formally consider those submissions.

#### **Risk Management considerations:**

At some stage in the future the City would be moving out of the Ashby site and without an available parcel of land, a new location within the City may not be available. The current lease with the City of Wanneroo expires in June 2007.

If the Hodges Drive land were purchased and the City was unable to commence construction until the bridge was constructed, funds required for construction could continue to increase.

Operational inefficiencies identified at the current Ashby site continue to increase and if land cannot be found within the City's boundaries these inefficiencies will continue.

#### **Financial/Budget Implications:**

At its meeting on 20 July 2004 the Council endorsed the project estimate of \$11.0 million and allocated the funds required as per the break up in the table below (C46-07/04). At the Council meeting held on 14 December 2004 it was indicated that \$12.0 million would be required if the land could be purchased for up to \$2.8 million.

#### Hodges Drive – Original Project Estimates

ITEM	\$
Building Works (rate per sq. metre)	2,665,000
Communication cabling, I.T items, Two Way Radio and Reticulation Control.	150,000
Gateway Allowance (strategic location)	250,000
Site Works (significant cross fall)	2,970,000
Environmentally Sensitive Design Allowance	200,000
Escalation (to July 04)	200,000
Escalation Premium due to Market Condition	150,000
Consultant Fees	600,000
Land Acquisition	2,800,000
FF&E (furniture, fittings and equipment)	600,000
HV Relocation	415,000
<b>TOTAL:</b>	<b>11,000,000</b>

Should the City proceed with the purchase of this land and the development as per the concept plan the estimated cost would be approximately \$14.0 million depending on when site works could commence. This increased budget estimate includes the increase in land and construction costs. Should the City not proceed an alternative site will need to be found and a review of the required funding would be undertaken.

The City has spent approximately \$165,000 to date on this project. Should the concept design that has been developed and approved by Council not be compatible with an alternative site a new concept design would need to be developed. It is estimated that a new concept design and due diligence requirements would cost in the order of \$100,000.

#### NORMALISATION AGREEMENT

The \$5.24 million payment figure by LandCorp as part of the Joondalup Normalisation Agreement was agreed in October 2001, which covered a number of works negotiated between the City and LandCorp that effectively completed LandCorp's obligations for City development.

The Agreement was signed by the City and LandCorp in February 2003, but was not executed by the Minister for Planning and Infrastructure until June 2003 during a formal handover function.

As part of negotiations in 2003 between the City and LandCorp, it was agreed that the \$5.24 million payment would comprise \$1.9 million, which was received by the City in June 2004 and \$2.8 million as an offset to the purchase price of the 4ha Hodges Drive site.

The remaining \$540,000 was for the dualling of Collier Pass on a condition included as part of the Normalisation Agreement to dual Collier Pass, to be paid on termination of the Wanneroo Basketball Association lease (expires 23 December 2007), subject to LandCorp gaining vacant possession of the site.

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability implications:**

Remaining at Ashby depot for a period of at least ten years is not considered to be a sustainable solution to the requirements of the City. The City of Wanneroo has advised that they have a ten-year plan to remain at their current location. With residential development reaching the southern boundary of the Ashby depot site it is a matter of time before complaints are received about noise levels. Ensuring compliance with noise requirements is the responsibility of the occupier of a site not the owner.

The new depot has been designed taking into account the latest Environmentally Sensitive Design principles where the Ashby depot is 30 years old and is in need of a major overhaul. The Ashby site has been identified as having operational inefficiencies of \$536,000 per annum, which will only increase over time. Additionally, lease payments and development costs to remain at Ashby are considered to be 'dead money' as they do not return an asset to the City. The Ashby site has no potential for expansion to meet future needs unless the City of Wanneroo move out of their site. The proposed Hodges Drive depot has incorporated the current requirements of the City and has been designed to meet the future changing needs of the City.

At some stage in the future the City would be moving out of the Ashby site and without an available parcel of land, a new location within the City may not be available. The proposed site will consolidate the current depot operations that are currently split. The current lease with the City of Wanneroo expires in June 2007.

### **Consultation:**

The business plan was originally advertised in The West Australian and Joondalup Community Newspaper with a closing date of 16 September 2004. Following a request from the community, the public comment period was extended to 12 October 2004. At the close of comment period, eight submissions were received. Should the City decide to proceed with the purchase the business plan will need to be re-advertised due to the increased purchased price.

### **COMMENT**

LandCorp as the owner of the Hodges Drive site want to maximise their return on the sale of the site. To do so they will only value the land on its best and highest use with the subject value being \$4.6 million. The City would therefore be purchasing a site for use as a works depot that has a much lower value. Negotiations with LandCorp over the past six months have not been successful in changing the valuation basis.

Recent advice from LandCorp dated 12 August 2005 pertaining to apportioning costs associated with realignment of Western Power overhead lines and the deduction of an allowance for interest requires further examination and discussions with LandCorp.

Notwithstanding this, the City could continue with the purchase and development of the depot however a budget of approximately \$14.0 million would be required. Alternatively the City could source other sites within the City however there is no guarantee any is available now or in the future and as the future at the Ashby site is limited the City could be left without an alternative.

As the development of a depot at Hodges Drive cannot be achieved within the allocated budget of \$11.0 million at this point in time, it is recommended that alternative sites be investigated.

### **ATTACHMENTS**

Nil.

### **VOTING REQUIREMENTS**

Simple Majority

### **OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the current status of negotiations with Landcorp as it relates to the purchase of the Hodges Drive site, recently valued at highest and best use value of \$4.6 million;
- 2 ENDORSES the action of the Chief Executive Officer to investigate alternative sites;
- 3 REQUESTS the Chief Executive Officer to report on options for alternative sites as soon as practical;
- 4 NOTES that a Business Plan will be advertised seeking public comment following the identification of an alternative site.

**MOVED Cmr Smith, SECONDED Cmr Anderson that Council:**

- 1 REFERS back the report to the Officers for further clarification of issues surrounding the Normalisation Agreement;**
- 2 ENDORSES the action of the Chief Executive Officer to investigate alternative sites;**
- 3 REQUESTS the Chief Executive Officer to report on options for alternative sites as soon as practical;**
- 4 NOTES that a Business Plan will be advertised seeking public comment following the identification of an alternative site.**

Discussion ensued.

To a query raised by Cmr Anderson, it was advised the purchase price that was reflected in the Business Plan put out to the community for comment, was \$2.8 million.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

## **CJ177 - 08/05 MINUTES OF THE MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 27 JULY 2005 – [12168]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Infrastructure and Operations

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CJ050823\_BRF.DOC:ITEM 8

### **PURPOSE**

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 27 July 2005 for endorsement by Council.

### **EXECUTIVE SUMMARY**

The intention of this report is to inform Council of the proceedings of the Conservation Advisory Committee meeting held on 27 July 2005.

There were two items of business on the July agenda, the Biodiversity Strategy and the Friends of Maritana Bushland (Maritana Park, Kallaroo) - Committee Representative.

Mr Ryan Taylor, Acting Manager of the Perth Biodiversity Project, was an invited guest at the meeting. Mr Taylor gave a PowerPoint presentation and answered questions on the steps and processes involved in producing a local biodiversity strategy.

Committee members discussed the recent formation of the Friends of Maritana bush care group, and the group's request to have representation on the Conservation Advisory Committee. The Committee resolved the following recommendation:

The Conservation Advisory Committee recommends Council to:

*“ACCEPT the membership of the Friends of Maritana Bushland representative, Ms Sue Bailey, and a deputy, on the Conservation Advisory Committee.”*

The Conservation Advisory Committee's Terms of Reference allows for the membership of each bushland group.

*It is recommended that Council:*

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 27 July 2005 forming Attachment 1 to this Report.*
- 2 *APPOINTS, BY AN ABSOLUTE MAJORITY the Friends of Maritana Bushland representative, Ms Sue Bailey, to the Conservation Advisory Committee;*
- 3 SETS a quorum for the Conservation Advisory Committee of six (6) members.

## **BACKGROUND**

The Conservation Advisory Committee is a Council Committee that advises on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Committee meets on a monthly basis.

Committee membership comprises of a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues. City of Joondalup staff attend the meetings, but have no voting rights.

## **DETAILS**

### **Issues and options considered:**

#### **Biodiversity Strategy**

The Perth Biodiversity Project is a West Australian Local Government Association sponsored initiative to protect and conserve natural areas occurring on the Swan Coastal Plain. The Swan Catchment Council and the Department of Planning and Infrastructure are also partners in the project, which has thirty-one local government authorities participating.

Mr Ryan Taylor, the Acting Manager of the Perth Biodiversity Project, gave a presentation on the City progressing with its own Local Biodiversity Strategy and advised that the City had already completed a number of significant milestones associated with a Local Biodiversity Strategy including:

- The Cities recent assessment and priority management rating of all the City's reserves containing bushland.
- The preparation and adoption of the Joondalup Coastal Foreshore Natural Areas Management Plan.

Mr Taylor went on to suggest that previous initiatives pertaining to the management of the City's natural areas be consolidated into one Local Biodiversity Strategy.

**Friends of Maritana Bushland (Maritana Park, Kallaroo) – Committee Representative**

The Friends of Maritana Bushland are a recently formed community bush care group. The group was formed to assist Council in the care of the bushland that forms part of Maritana Park, Kallaroo.

The group's coordinator, Ms Sue Bailey, has requested that she and a deputy be permitted to become members of the Conservation Advisory Committee, in accordance with the Terms of Reference of that Committee. The Conservation Advisory Committee's Terms of Reference (Attachment 2 refers) state the following:

The committee shall consist of the following members:

- Community representatives with specialised knowledge of the natural environment.
- A representative from each community group concerned with natural area protection and management in the City of Joondalup or their deputy.

At the July Conservation Advisory Committee meeting the following motion was put that Ms Sue Bailey and a deputy from the Friends of Maritana Bushland be accepted as members of the Conservation Advisory Committee:

The Conservation Advisory Committee recommends Council to:

ACCEPT the membership of the Friends of Maritana Bushland representative, Ms Sue Bailey, and a deputy, on the Conservation Advisory Committee.

**Link to Strategic Plan:****Key Focus Area**

Caring for the Environment

**Outcomes**

The City of Joondalup is environmentally responsible in its activities.

**Objectives**

To plan and manage our natural resources to ensure environmental sustainability.

**Strategies**

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

**Legislation – Statutory Provisions:**

The Local Government Act 1995 allows a council to establish committees to assist a Council to exercise its powers and discharge duties that can be delegated to a committee.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**Environmental

Conservation Advisory Committee objective as outlined in the Committees Terms of Reference, “ To make recommendations to Council for the Conservation of the City of Joondalup’s natural biodiversity”.

Social

To promote partnerships between Council and the Community with the intention of protecting the City of Joondalup’s natural biodiversity and conservation values.

**Consultation:**

The Conservation Advisory Committee provides a forum for regular community consultation and engagement on conservation matters.

**COMMENT**

It is recommended that Council notes the unconfirmed Minutes of 27 July 2005 Meeting of the Conservation Advisory Committee, endorses the membership of Ms Sue Bailey of the Friends of Maritana Bushland and notes that the selection and nomination of a deputy will be considered by the CAC Committee at a later date.

**ATTACHMENTS**

Attachment 1        Minutes of 27 July 2005 Meeting of the Conservation Advisory Committee  
Attachment 2        Conservation Advisory Committee’s Terms of Reference.

**VOTING REQUIREMENTS**

Absolute Majority



**MOVED Cmr Anderson, SECONDED Cmr Clough that Council:**

- 1 NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 27 July 2005 forming Attachment 1 to Report CJ177-08/05.**
- 2 APPOINTS the Friends of Maritana Bushland representative, Ms Sue Bailey, to the Conservation Advisory Committee;**
- 3 SETS a quorum for the Conservation Advisory Committee of six (6) members.**

The Motion was Put and

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

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf230805.pdf](#)

## **CJ178 - 08/05 PROPOSED CHILD CARE CENTRE AT LOTS 61 & 62 (1 & 3) MARYBROOK ROAD, HEATHRIDGE – [23970]**

**WARD:** Marina

**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 9

### **PURPOSE**

To request the Council determination of an application for planning approval for a Child Day Care Centre development at Lots 61 & 62 (1 & 3) Marybrook Road, Heathridge.

### **EXECUTIVE SUMMARY**

The proposed 56 places Child Day Care Centre (CDCC) will be located on Lots 61 and 62 Marybrook Road, Heathridge. The two lots will be amalgamated into one (1433m<sup>2</sup>) and the two existing houses on these lots will be demolished for the construction of the CDCC.

The subject site abuts and is opposite existing single house residential development and is located on the northwest corner of Marybrook and Ocean Reef Roads at a “T” junction.

The CDCC is a discretionary (‘D’) land use, that is a land use class that is not permitted, but to which the Council may grant its approval after following the advertising procedures laid out down by subclause 6.6.2 of the District Planning Scheme No 2 (DPS 2).

The proposed development does not satisfy the following criteria for the location of CDCCs, as set out in Council’s Local Planning Policy 3.11 – Child Care Centres:

- CDCCs should not be located on a Primary District Distributor (Ocean Reef Road) or adjacent to Access Roads (Marybrook Road) in residential areas; and
- the preferred location for a CDCC being within or adjacent to non-residential uses, rather than in residential areas.

The degree of proposed activity (commercial use of the site) and the times that this activity occurs represents a significant intensification of the use of the site when compared to a single house, which is the predominant land use within this locality.

Traffic movement to and from the site, and within the car parking area may reduce the amenity of the adjoining property at 5 Marybrook Road. Any verge and pavement parking on Marybrook and Ocean Reef Roads is not desirable and is likely to adversely impact upon the amenity of the adjoining residential properties. Further, the location of the crossover, the intensive use of the site, and the road layout configuration may also create an unsafe environment on the street.

Whilst a development of this type can satisfy a community need, the location of the proposed land use and design of the development is considered inappropriate and likely to adversely impact upon the amenity of the adjoining and surrounding residential properties.

*It is recommended that the application for planning approval be refused.*

## BACKGROUND

<b>Suburb/Location:</b>	Heathridge
<b>Applicant:</b>	Anthony Love
<b>Owner:</b>	Synergy WA Pty Ltd and Tonic Holdings Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban

The initial proposal was to provide a 64 place CDCC. The application was amended so that it complied with the State Government Child Care Centre regulations. Consequently, the amended proposal for the CDCC now caters for 56 children and 10 staff.

The proposed 56 places CDCC will be located on Lots 61 and 62 Marybrook Road Heathridge. The two lots will be amalgamated into one and the two existing houses on these lots will be demolished for the construction of the new CDCC.

The site plan submitted incorrectly identifies the compass points on the plan. For simplicity, the following reference points will be used:

- eastern site boundary – fronts Marybrook Road;
- southern site boundary – fronts Ocean Reef Road;
- western site boundary – abuts residential houses that front onto Norlup Place; and
- northern site boundary – abuts 5 Marybrook Road
- Marybrook Road – north-south orientation
- Ocean Reef Road – east-west orientation

The subject site will have a land area of 1433m<sup>2</sup> and is located on the northwest corner of corner of Marybrook and Ocean Reef Roads, which forms a “T” junction. The site is located approximately:

- 200 metres from Conidae Park;
- 300 metres from the Belridge City Shopping Centre and Littorina Park;
- 670 metres from Belridge High School; and
- 450 metres from Eddystone Primary School.

## DETAILS

The proposed development will consist of a new single storey building and will be setback:

- 3.0m from the southern (Ocean Reef) boundary;
- 9.6m from the eastern (Marybrook Road) boundary;
- 3.45m from the western boundary; and
- 18.55m from the northern boundary

The development site is located at the corner of Ocean Reef Road and Marybrook Road. The configuration of Ocean Reef Road is that it has a:

- (a) slip lane to allow traffic travelling east to:
  - (i) use a separate left turn lane to gain access into Marybrook Road;
  - (ii) slow vehicles down for the movement into Marybrook Road;
- (b) separate right turn lane to allow traffic travelling west to turn into Marybrook Road.

The two turn lanes from Ocean Reef Road merge approximately 27m from the southern side of the proposed crossover to the CDCC.

Vehicle and pedestrian access to the site is from Marybrook Road. The proposed double crossover is setback approximately 6.0m from the common boundary with No 5 Marybrook Road.

The car parking area serving this building:

- is located on the northern side of the site, abutting the property boundary of No 5 Marybrook Road;
- has a central driveway with parking on either side;
- provides a total of seventeen spaces, which includes one disabled parking bay;
- nine of the car parking spaces are to be located along the common boundary with No 5 Marybrook Road;
- has a 3.0m landscaping strip between the boundary to Marybrook Road and the car parking area (eastern side) and a play area between the western side of the car parking area and the western boundary of the site; and
- a paved 250mm strip separates the car parking area from the common boundary with No 5 Marybrook, with a small triangular landscaping area at the corners of the car parking spaces.

The property at No. 5 Marybrook Road is setback approximately 1.65m from the common boundary with the development site. The design of the dwelling at No. 5 Marybrook has two bedrooms, service areas and a family room that are located along this common boundary.

The play areas for the centre are located in three primary areas, with each area linked together with narrower strips of open space. The western play areas are located against the properties that front Norlup Place and No. 5 Marybrook Road

In support of the application, the applicant has provided:

- A letter in support of the application, stating that the site is bounded by two roads and the three closest CDCCs are also located in residential areas.
- A traffic engineer's report; and
- An acoustic report.

In addition, the applicant has responded to the objections raised by surrounding property owners during the advertising process, which is outlined below:

*Increase in Traffic Volume and Noise*

*The following points are direct extract from a Traffic Impact and Safety Report that has been submitted to Council by an independent consultant.*

*It is concluded that the impact of the proposed childcare centre on the surrounding area will be acceptable in terms of traffic safety, traffic operation and residential amenity.*

*The adjoining residential development is not expected to be adversely affected by the development from vehicles parking outside the houses because:*

*The on-site parking satisfies the City of Joondalup policy requirements for child care centres; and the design of the development requires all visitors to enter from the parking area before entering the building and therefore would not be any advantage in parking on the road or verge.*

*The following summary is a direct extract from a noise Assessment Report prepared by an independent consultant:*

*N.D Engineering's opinion is that the proposed child care centre will comply with reference A, during the daytime periods of 0700-1800 hrs Monday to Saturday, subject to the implementation of the recommendations contained in the 'Recommendations' section.*

*Unauthorised access from the proposed car park to their property.*

*All boundary fencing will be 1.8 meters high minimising any potential for access from the centre to adjoining properties.*

*No need for another Child Care Centre in the Area due to the number of centres already servicing these areas.*

*The three centres located on Eddystone Avenue are in the suburb of Craigie, which adjoins the suburb of Beldon, which adjoins Heathridge. Given the distance of this centre from the proposed site and the fact they are in unrelated suburbs, should not present any issues related to oversupply.*

*Our research has shown that the only other centre in Heathridge is the James McCaulay centre at 91 Prince Regent Drive. This centre was contacted on 30/5/05 and it was reported that only one vacancy on one day was available in each three age groups.*

*The proposal does not comply with the Child Care Regulations in terms of staff which will have an impact on the parking requirements.*

*These child numbers (56) and staff (10 staff) are according to the Child Care Regulations.*

**Link to Strategic Plan:**

Not applicable

**Legislation – Statutory Provisions:**

A CDCC is a “D” use in a Residential area. A “D” use means:

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

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8, which is shown below:

**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.*

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Approval:

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council, when considering whether or not to approve a “D” or “A” use application, shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

#### **Development Standards under District Planning Scheme 2 (DPS 2)**

<b>DPS 2 Policy Standard</b>	<b>Required</b>	<b>Provided</b>
Front setback (Marybrook Rd)	6.0m	9.6m
Rear setback ( northern side)	1.5m	3.45m
Side setback (Ocean Reef Rd)	1.5m	3m
Western side setback	1.5m	2.3m
Car parking	17 bays	17 bays
Landscaping	8%/3 m width	Comply
Fencing	1.2m and 1.8m solid (max)	1.5 High Pool fence and 1.8m solid fence.

#### **Risk Management Considerations:**

Not Applicable.

#### **Financial/budget implications:**

Not Applicable.

#### **Policy Implications:**

##### Local Planning Policy 3.1.1 – Child Care Centres

This planning policy sets out guidelines for the development of a CDCC including the requirements for the provision of car parking and landscaping, the preferred location of CDCCs, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas. The policy is included as Attachment 5.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal was advertised for public comment for a period of 21 days. Adjoining and nearby owners were contacted in writing, two signs were placed on the site, and an advert placed in the local newspaper. Advertising closed on 18 May 2005.

A total of 7 submissions were received which are summarised below:

Submission	Technical Comments
<p>No objections to the Child Care Centre provided that their security and privacy are not compromised. The main concern is unauthorised access from the proposed car park to their property.</p>	<p>The existing fence will prevent any overlooking and access to the adjoining property.</p>
<p>Object to Child Care Centre as the traffic is too busy already at the corner of Marybrook Road and Ocean Reef Roads.</p>	<p>The Traffic Impact Statement report indicates that there would be no traffic impact and there should be no parents parking outside the centre as adequate parking is provided on-site. However the City considers that people may choose not to park in the car parking area and street and verge parking may occur for convenience, causing safety issues for pedestrians and motorists. Should parking in the street occur or on the verge, traffic prohibitions would need to be erected in order to address any traffic safety issues. This may result in street parking occurring in Marybrook Road or in Templemore Drive.</p>
<p>There is no need for another Child Care Centre in the Area due to the number of centres already servicing these areas. There are three centres located in Eddystone Avenue, which are less than 1000 metres away. The centre is licensed for 48 places and at present 40-50% full which resulted in cut down of staff.</p> <p>The proposed Child Care Centre will be closer to their centre, which will probably destroy the business because most of the children come from the area of Beldon and Heathridge.</p> <p>The objector claims that her Centre is of high quality one with professional training staff and high accreditation, however the number of children is only 40-50% full due to many centres in this area.</p>	<p>The commercial viability of CDCC is not a planning consideration. The impact of the proposed facility on the level of service provided by similar existing or approved facilities enjoyed by the community may be a planning consideration. However, it is very difficult to determine if the proposed facility will impact on the level of service provided by the existing facilities.</p>

<p>Concerned that the amount of staff required to operate a 64 Child Care Centre will be inadequate with the number of parking bays provided. The number of staff proposed, being seven, does not meet the requirements under the Child Care Regulations.</p>	<p>Revised plans were submitted to the City which complies with the required number of parking bays. In addition the applicant has advised that the amended proposal complies with the Child Care Regulations.</p>
<p>There is no need for another Child Care Centre in the area due to the number of centres already servicing this area. The centre is one of the three situated on Eddystone Avenue between Whitfords Avenue and Ocean Reef Road. The centre is licensed for 56 places and since January 2005 the occupancy has not been above 80 per cent.</p> <p>The other two centres on Eddystone Avenue, Craigie Child Care and Eddystone Avenue Childcare are licensed for in excess of 78 combined places. Neither of these centres is operating to full capacity and have not been for a number of years. All the three existing centres along Eddystone Avenue cater for the children in the Beldon and Heathridge areas.</p> <p>Concern that the amount of staff required to operate a 64 Child Care Centre will be inadequate with the number of parking bays provided. The number of staff proposed, seven, does not meet the requirements under the Child Care Regulations.</p>	<p>The commercial viability of CDCC is not a planning consideration. The impact of the proposed facility on the level of service provided by similar existing or approved facilities enjoyed by the community may be a planning consideration. However, it is very difficult to determine if the proposed facility will impact on the level of service provided by the existing facilities.</p> <p>Revised plans were submitted to the City which complies with the required number of parking bays. In addition the applicant has amended the proposal and advises that it complies with the Child Care Regulations.</p>
<p>Concern about traffic and noise impact</p>	<p>With respect to traffic impacts, refer to above comments.</p> <p>With respect to the noise, an acoustic report has been submitted and the recommendations are considered acceptable by the City to address acoustic issues. However, there still remains the issue of the impact of noise associated with vehicle movements in close proximity to the adjoining residential property at 5 Marybrook Road and noise from children. These noises are not covered by the legislation and needs to be assessed from an amenity perspective</p>
<p>Support the approval of the proposed CDCC</p>	<p>Noted</p>

Three of the submissions were from the adjoining property owners while a further two submissions were received from operators of other CDCCs, as their submissions were on company letterhead.

### Traffic Report

A Traffic Impact Statement (TIS) was requested and received by the City. The report sought to address any adverse traffic impact from the proposal including, but not limited to the close proximity of the crossover of the proposed centre to the Ocean Reef Road intersection and the location of the proposed CDCC to the surrounding road system.



The report has been found acceptable to the City. However, concern still exists in relation to the potential for street and verge parking as visitors and staff are not required to park on-site. If street parking does occur, Council may need to implement traffic management measures to address this matter.

### Acoustic Report

An acoustic assessment report was required to be submitted in conjunction with the application. Some of the pertinent recommendations made by the Acoustic Consultant are as follows:

- 1 *Fixed play equipment should be plastic and concrete or brick paved areas should be minimised and where practicable covered with synthetic grass carpet to minimise noise of play equipment on the hard surfaces.*
- 2 *The play areas are to be located and segregated as follows:*
  - (a) *Position any concentrated play areas for the Kindergarten groups such as a "fort" as far as practicable from the boundary fences;*
  - (b) *Restrict the total amount of external play time during suitable weather to 2 hours per day typically 0930 to 1030 hours and 1500 to 1530 hours;*
- 3 *Music*
  - (a) *Keep external windows and doors closed;*
  - (b) *Do not play music outdoors.*
- 4 *Parking*
  - (a) *Restrict staff parking to the use of car bays 1 to 9.*

The recommendations are considered acceptable by the City to address acoustic issues, however, there still remains the issue of the impact of noise associated with vehicle movements in close proximity to the adjoining residential property and noise from children. These noises are not covered by the legislation and need to be assessed from an amenity perspective.

### **COMMENT**

The proposed development will involve:

- (i) a change in land use from single houses to a CDCC;
- (ii) the two existing single houses being demolished and the construction of a new single storey CDCC;
- (iii) the construction of a car parking area against the side of the single house located at No. 5 Marybrook Road; and
- (iv) the location of the outdoor play areas around the proposed building.

### **Location in relation to Other Land Uses**

One of the objectives of the Residential Zone, as outlined in Clause 3.4 of DPS 2, is that it is intended to be primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population. The Zone is also to provide for certain cultural and recreational development to occur where Council considers the same to be appropriate in residential neighbourhoods.

The Child Care Centre is likely to add value to the area by offering a community facility and bringing additional employment opportunities to the surrounding neighbourhood.

However, the proposed land use is a prohibited land use, although Council may grant its approval if it is satisfied having regard to the merits of the proposal and the matters to be considered as set out in the DPS 2 and other relevant documents.

A survey of the surrounding area has revealed that the nearest commercial centre is located approximately 300 metres away and the Eddystone Primary School approximately 450 metres away. All other development within close proximity to the development site consists of residential uses or local reserves.

Council's Local Planning Policy 3.1.1 states that:

*"Where possible it is preferred to locate Child Care Centres adjacent to non-residential uses such as shopping centres, Medical Centres/Consulting Rooms, School sites and Community Purpose Buildings to minimise the impact such Centres will have on the amenity of residential area.*

It is clear that the location of the proposed CDCC is adjacent to single residential uses and is well away from any non-residential uses that would not be as susceptible to the impacts that the activities of a CDCC could have on those non-residential uses.

## **Noise**

The general increase in car associated noise and noise from the play areas are a proper planning consideration in terms of determining the impact of the proposed development on the adjoining site and the suitability of the proposed land use.

Vehicles used by both staff and clients will access the site before 7am and throughout the day. The parking area will abut the property at No. 5 Marybrook Road. Staff parking is proposed to be allocated to those parking spaces located against the side boundary of this adjoining property.

Only one of the adjoining neighbours has raised concerns in relation to the potential impact of noise. The adjoining property owner at No. 5 Marybrook Road has not objected to the proposed development. Notwithstanding this, Council is required, in terms of the orderly and proper planning of the locality, to be satisfied that the nuisance noise from the development, which is not controlled by the noise regulations, will not adversely impact on the amenity of the adjoining residential properties.

Concern is expressed in relation to the potential impact that the use of the car parking area will have on the amenity of the adjoining property at No. 5 Marybrook Road. The dwelling is set back 1.65m from the common boundary and has been designed with two bedrooms, family room and service areas near the future car parking area. There is no substantial noise attenuation proposals that will minimise the impact of vehicular noise. Whilst the noise from traffic movements (possibly before 7:00am), and the opening and closing of doors may comply with the noise regulations, the nuisance factor associated with this activity is not controlled by that legislation. Having regard to the location and design of the car parking area, the proposed operation of the centre and its relationship with the location and design of the adjoining single house on No. 5 Marybrook Road, it is considered that this aspect of the proposal will have an adverse impact on the amenity of the adjoining single house.

The applicants are proposing to locate one of the two major outdoor play areas against the side (rear section) boundary of No. 5 Marybrook Road and the rear of other properties in Norlup Place. This play area has the potential to be a noise nuisance factor to the property of No. 5 Marybrook Road. The Norlup Place properties may not be as affected as the rear yards of these properties about the play area.

### **Location In Relation To Roads**

The CDCC is located within close proximity to a District Distributor (Ocean Reef Road) that is adjacent to an Access Road (Marybrook Road) in a residential area, as defined in the Perth Metropolitan Area Functional Road Hierarchy (1999). This is contrary to the direction contained within Local Planning Policy 3.1.1 which states CDCCs should not be adjacent to Access Roads in residential areas where amenity, safety and aesthetics must take priority. Such centres should be located on Local Distributor roads so that they will not conflict with traffic control devices and will not encourage the use of nearby access roads for turning movements.

Vehicular access and egress to the site will be from Marybrook Road. The intersection of Marybrook Road and Ocean Reef Road has:

- (a) left and right turn lanes from Marybrook Road into Ocean Reef Road;
- (b) a right turn lane from Ocean Reef Road (travelling west) into Marybrook Road; and
- (c) a slip lane from Ocean Reef Road (travelling east) into Marybrook Road.

The turning movements from Ocean Reef Road results in the merging of these two lanes of traffic. The proposed crossover location is approximately 27m away from the junction of the merging point of the two lanes.

A house may generate an approximate 8-10 vehicular trips per day, whereas the traffic consultants have indicated that the proposed use may generate approximately 211 vehicular trips per day which was based on the child care centre operating with a maximum of 63 children at any one time. However the initial proposal was for 64 children which was amended to 56 children to comply with the State Government Child Care Regulations.

Concern is expressed in relation to the intensification of use of the site with the increased number of vehicular trips at a point close to the merging lanes in Marybrook Road. Whilst the access points for the existing single houses may have been closer, the number of trips generated by those uses would be substantially less than that proposed for the proposed CDCC.

Further, whilst parking is provided on-site, it is not possible to require or enforce people to use those on-site parking spaces. If street parking or verge parking occurs, concern is raised in relation to the potential impact on traffic safety, especially in relation to vehicles exiting from Ocean Reef Road or traffic travelling towards Ocean Reef Road along Marybrook Road.

If approval is considered, an option to address this concern would be to prohibit car parking around these sections of Marybrook Road. This would direct any street parking further along Marybrook Road or into Templemore Drive.

### **Car Parking**

The car parking area provided for the proposed development is located between the proposed building and the property at No. 5 Marybrook Road. It will be easily visible from the street. Vehicular access onto Ocean Reef Road has not been proposed. According to Local Planning Policy 3.1.1, there is a requirement of 7 car bays for visitors and 10 for the staff, which equates to a total of 17 car bays

The applicant has stated that the CDCC will operate from 7am to 6pm, Monday to Friday. This is corroborated in the Traffic Impact Statement, which suggest that the majority of children drop-offs and pick-ups are typically between 7am to 8.30am and 4pm to 5.30pm respectively. Additionally, the morning drop-offs normally peak around 8:30am and the afternoon/evening pick-ups typically peak around 5pm. It is considered that this activity, when compared to the traffic movements generated from a single house, could have a significant adverse impact upon the amenity of the adjoining residential property.

It should be noted that staff and visitors may arrive earlier than 7:00am, with staff to park in allocated car parking spaces against the boundary of No. 5 Marybrook Road.

It is reasonable to expect that the concentration of street traffic flows at peak times and when special occasions are held, that may lead to overflow and drivers may elect to park on the verge or street to avoid conflict. Verge and street parking at Marybrook Road during peak traffic times and at other times (i.e. special occasions or events) would impact on the safety of the road system and would more than likely to adversely impact upon the amenity of the residential properties in this section of Marybrook Road.

### **Landscaping**

The proposed development provides a three metre wide landscaping strip along Marybrook Road and complies with the 8% of site area for landscaping. However should planning approval be given to this proposal, then conditions relating to the landscaping have to be imposed.

### **Fencing**

The applicant has requested amendments to his plans with the brick and picket fence along Ocean Reef be exchanged for a fibro of the exact same dimensions and height. However the City does not consider that fibro fence to be acceptable for a commercial activity where high aesthetic standards are required, particularly in a residential area. Should planning approval be given to this proposed development, any fencing proposed to be located behind the landscaping strip to Marybrook Road should be conditioned to be visually permeable as defined by the R-Codes, and the fibro fence proposed along Ocean Reef is not considered acceptable.

### **Other**

The applicant has advised that the sleep room 1 in activity room as shown on the plans submitted is to be deleted. This does not have any impact on the recommendation.

### **Conclusion**

The development of CDCCs can satisfy a community need, however, it is a commercial activity which needs to be located carefully within the fabric of an existing residential area.

It is considered that the proposed development will adversely impact on the surrounding locality due to:

- (a) the proposal (non-residential use) being located adjacent to single houses rather than non-residential uses;
- (b) the anticipated increase in noise levels based on the design and activities associated with the proposed use;
- (c) increased traffic noise and movement onto the site and within the site; and
- (d) potential for verge and street parking to occur in Marybrook Road.

Having regard to the:

- details of the application;
- justification submitted by the applicant;
- the submissions received during the consultation process;
- details provided in the acoustic and traffic consultants' reports;
- provisions of the District Planning Scheme No 2; and
- provisions of Policy 3.1.1 – Child Care Centres;

It is recommended that the application for planning approval be refused.

Since the preparation of the report, additional information was submitted by the applicant on 19 August 2005, which shows that the surrounding neighbours do not have any objections to the proposed Child Day Care Centre (Attachment 6 refers). However it is to be noted that two of the adjoining neighbours who have previously made a submission on the proposal, have now signed a letter stating that they have no objections. The original comments made by the submitters, as outlined in the report, were summarised as follows:

- No objections to the Child Care Centre provided that their security and privacy are not compromised. The main concern is unauthorised access from the proposed car park to their property.
- Concern about traffic and noise impact.

Whilst the new information indicates support from the surrounding property owners, Council is still required to decide whether the proposed use:

- (a) is appropriate in this locality; and
- (b) will have an adverse or detrimental impact on the amenity of the locality.

In spite of the new information, the City's recommendation remains unchanged.

## **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Development Plans
Attachment 3	Traffic Impact Statement
Attachment 4	Acoustic Assessment
Attachment 5	Local Planning Policy 3.1.1

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Clough that:**

- 1 Council REFUSES the application for planning approval for the proposed Child Day Care Centre at Lot 60 & 61 (1 & 3) Marybrook Road, Heathridge as the proposal is contrary to the principles of orderly and proper planning for the following reasons:
  - (a) The proposed site is not considered appropriate as it does not adjoin non-residential uses as encouraged by Policy 3.1.1 – Child Care Centres;
  - (b) The commercial nature of the proposed use is not compatible with existing uses of other land within the locality, contrary to clause 6.8.2 (a) of DPS 2;
  - (c) The proposal is located on an access road in a residential area, contrary to Policy 3.1.1 – Child Care Centres;
  - (d) The nature of the roads giving access to the subject land is inappropriate contrary to clause 6.8.2 (c) as it will distribute traffic to nearby access roads;
  - (e) The increased intensity of uses will adversely impact upon the amenity of the adjoining residential property at No 5 Marybrook Road;
  - (f) The potential for car parking overflows onto the access road and the adverse impact on adjoining and surrounding residential properties.
- 2 the submitters be advised of Council's decision.

Cmr Smith spoke to the Motion.

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendices 8 and 17 refer*

To access this attachment on electronic document, click here: [Attach8brf230805.pdf](#)  
[Attach17min300805.pdf](#)

**CJ179 - 08/05 APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO – [64266]****WARD:** Whitford**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

CJ050823\_BRF.DOC:ITEM 10

**PURPOSE**

For Council to consider a request for the cancellation and subsequent amalgamation into an adjoining residential property of a portion of Castlecrag Park (Reserve 39624) on Castlecrag Drive, Kallaroo.

**EXECUTIVE SUMMARY**

The owners of Lot 787 (5) Stewart Court, Kallaroo are seeking Council support for the cancellation and subsequent amalgamation of a 227m<sup>2</sup> portion (approx) of Castlecrag Park being Reserve 39624 (Attachment 1 refers).

Reserve 39624, Castlecrag Park is located at No 77 Castlecrag Drive, Kallaroo (Attachment 2 refers) and is set-aside for Public Recreation with a Management Order issued in favour of the City of Joondalup. Reserve 39624 was created under Section 20A of the Town Planning and Development Act and is subject to stringent guidelines concerning its use and disposal.

The applicant has indicated that purchasing the subject portion of Reserve 39624 would benefit the applicant and the adjoining landowner by deterring antisocial behaviour, improve privacy from the adjoining property, and compensate the loss of a portion of the applicant's lot due to erosion of the existing embankment.

Each application for purchase of a portion of reserve is considered on the merits of the request. It is not considered that the reasons given justify the excision and the purchase of the subject portion of POS. The excision of the POS would not be in the best interests of proper and orderly planning.

It is therefore recommended that Council:

- 1 DOES NOT SUPPORT the cancellation and subsequent purchase of a portion of Reserve 39624 Castlecrag Park No 77 Castlecrag Drive, Kallaroo as the loss of public open space is not considered to be in the best interests of the community, or orderly and proper planning;
- 2 NOTES that the City is investigating any erosion issues that are associated with Lot 787 (5) Stewart Court, Kallaroo and the adjoining Reserve 39624 Castlecrag Park, Kallaroo.

## BACKGROUND

<b>Suburb/Location:</b>	Reserve 39624 No 77 Castlecrag Drive, Kallaroo
<b>Applicant:</b>	Nicholas and Claudine Hadfield
<b>Owner:</b>	Crown Land-City of Joondalup Management Order (Own)
<b>Zoning:</b>	<b>DPS:</b> Parks and Recreation - Local
	<b>MRS:</b> Urban

The subject portion of Castlecrag Park that the applicant wishes to purchase adjoins the applicant's lot to the southwest (Attachment 1 refers), is relatively flat and sandy and is not vegetated.

The subject portion of POS adjoins an embankment with an estimated height difference of approximately 5 metres between the ground level of the subject portion and the ground level of Castlecrag Park. The embankment is densely vegetated with indigenous species of flora.

A draft 'Preservation of Public Reserves Policy' was prepared and considered by Council at its meeting on 27 November 2001 and was adopted for public consultation purposes. The policy aimed to ensure that public reserves are protected and maintained. Due to community concerns at the time relating to reserves being re-developed for residential purposes, which was not the objective of the policy, it was not proceeded with.

## DETAILS

### Issues and options considered:

Reserve 39624 is densely vegetated with open grassed areas that can be used for recreational activities. Reserve 39624 functions as a 'Green Route' linking Castlecrag Drive and Aristride Avenue (refer Attachment 1). Each application for purchase of a portion of reserve is considered on the merits of the request.

The issues associated with the proposed purchase of a portion of the POS include:

- Consideration to the supply of public open space within the locality and the purpose and function the subject reserve serves for the community.
- The merits of the request to purchase.

The options available to Council in considering this proposal are:

- To not support the proposed purchase of the subject portion of Reserve 39624. It may be appropriate to investigate any erosion issues.
- To initiate advertising of the proposal to dispose of a portion of POS for public comment.

### Applicant's Submission

The applicant has raised the following comments to attempt to justify support of the cancellation and purchase of the subject portion of Castlecrag Park:

- *We wish to secure more privacy from the southern adjoining landowner (Lot 761 Queenscliff Court, Kallaroo) through planting of trees along the common boundary.*



- *Purchasing the subject portion of Reserve 39624 would increase safety and prevent vandalism to the exposed portion of wall along the common boundary, as the wall has been graffiti in the past.*
- *Lost a portion of land due to erosion of the embankment in the northwest corner of our lot.*
- *To make the visual aspect much more attractive by vegetating the land instead of being flat and sandy.*

**Link to Strategic Plan:**

The following objective and strategy in the City's Strategic Plan 2003 – 2008 is applicable to this report:

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

**Legislation – Statutory Provisions:**

A reserve is the setting aside of Crown Land for a specific purpose, generally a public purpose. Under Section 41 of the Land Administration Act 1997 (LAA), the Minister for Lands may set aside Crown Land by a Ministerial Order in the public interest. Reserve 39624, Castlecrag Park was ceded by the developer when the land was subdivided and set aside under Section 20A of the Town Planning and Development Act as a reserve for public recreation. The land set aside for recreation use as a consequence of S.20A of the Town Planning and Development Act is clearly identified as reservation for "Public Recreation".

Once created, a reserve is usually placed under the care, control and management of a State Government department, Local Government or incorporated community group by way of a Management Order. A Management Order under the LAA does not convey ownership of the land, however it only allows so much control as is essential for the management of the land.

The provisions under Department Land and Information (DLI) guidelines to dispose of S.20A reserves indicate that an application to cancel and subsequently excise a portion of land set aside for recreation purposes is to be extensively advertised by way of an onsite sign and a notice placed in the local circulating newspaper. The application would also be required to be externally referred to relevant State Government departments.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

DLI guidelines to dispose of S.20A reserves state when the disposal of a reserve is supported, the funds received from the sale of the land must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

**Policy Implications:**

The objective of Council's Policy 5.2.2 (Council Reserves and Parks) is to provide a variety of Public Open Spaces that fulfil the community's recreational and environmental needs.

**Regional Significance:**

Public Open Spaces are created and made accessible for the use of the community for recreational activity, passive or active. While the subject POS is a local reserve, the principle of retaining POS for the community is of significance.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

In the event that Council wishes to consider an application to cancel and subsequently sell any portion of a S.20A Reserve, the proposal to amend the reserve would be extensively advertised by way of an onsite sign, a notice placed in the circulating local newspaper, on Council's website and in Council's offices. The advertising period is to be no less than thirty (30) days.

**COMMENT**

In general, the DLI Section 20A Guidelines state that a reserve created under Section 20A is required to be retained for its designated purpose. DLI will consider amending or cancelling and disposing of a reserve when it can be demonstrated that this action will have a minimal impact on the vicinity.

POS is a result of the developer being required to cede 10% of the gross sub-divisible area of new residential neighbourhoods. The land is provided free of cost to the Crown and is nominated as recreational reserve. The purpose of Public Open Space is to allow for community interaction through recreational activity, which contributes to a healthier community. Public Open Space also serves as 'Green Route' linkages. These designated 'Green Routes' provide linkages throughout communities, encourage alternative means of transport through the hard and soft landscape design of the POS and contribute to the amenity of the area. POS also allows for the retention of significant and indigenous species of vegetation.

The applicant has indicated that the purchase of the subject portion of POS is to enable improved privacy from the adjoining residence, to deter unsocial behaviour and to alleviate erosion issues.

While these reasons may benefit the purchaser of the subject portion of land, the reason for providing POS, and the implications of disposal must not be overlooked.

The subject portion of POS is located at the top of a bank, with the majority of the adjoining POS being at a lower level. While it may be argued that the subject portion of POS is not useable space, the area was provided as part of the required POS, and it is not desirable to decrease the amount of POS provided.

With regard to the erosion of the subject portion of the POS, this aspect is being investigated by the City.

Even though the request of the applicant involves the subsequent purchase of small portion of Reserve 39624, Castlecrag Park, it is considered that the loss of public open space would not be in the best interests of the community, or of orderly and proper planning.

### **ATTACHMENTS**

Attachment 1            Location Plan and showing the subject portion of Reserve 39624 and proposed boundary alignment.

Attachment 2            Photos of Castlecrag Park.

### **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1        DOES NOT SUPPORT the cancellation and subsequent purchase of a portion of Reserve 39624 Castlecrag Park No 77 Castlecrag Drive, Kallaroo as the loss of public open space is not considered to be in the best interests of the community, or orderly and proper planning;
- 2        NOTES that the City is investigating any erosion issues that are associated with Lot 787 (5) Stewart Court, Kallaroo and the adjoining Reserve 39624 Castlecrag Park, Kallaroo.

**MOVED Cmr Smith, SECONDED Cmr Clough that consideration of the application for the cancellation of a portion of Reserve 39624 (Castlecrag Park) Castlecrag Drive, Kallaroo be DEFERRED to allow the applicant to present a deputation to a Briefing Session.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (3/2)**

**In favour of the Motion:** Cmr Clough, Smith and Fox    **Against the Motion:** Cmr Paterson and Anderson

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf230805.pdf](#)

## **CJ180 - 08/05 APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 44173, CUMBERLAND RESERVE, BELDON – [02420]**

**WARD:** Pinnaroo

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 11

### **PURPOSE**

For Council to consider a request for the cancellation and subsequent amalgamation into an adjoining residential property of a portion of Cumberland Park (Reserve 44173), Cumberland Way, cnr, Gradient Way, Beldon.

### **EXECUTIVE SUMMARY**

The owners of Lot 604 (243) Eddystone Avenue, Beldon are seeking Council support for the cancellation and subsequent amalgamation of a 57m<sup>2</sup> (approx) portion of Cumberland Park, Beldon being Reserve 44173 (Attachment 1 refers).

Reserve 44173, Cumberland Park is located at Lot 12190 (2) Cumberland Way, Beldon (Attachment 2 refers) and is set aside for Public Recreation with a Management Order issued in favour of the City of Joondalup. Reserve 44173 was created under Section 20A of the Town Planning and Development Act (1928) and is subject to stringent guidelines concerning its use and disposal. There is currently a sewer easement that encompasses Cumberland Park.

The applicant has not provided any justification for the request to purchase the portion of Reserve 44713 Cumberland Park, however the additional area will increase the size of the applicant's lot to enable development potential.

Each application for purchase of a portion of reserve is considered on the merits of the request. It is not considered in the interests of the community or proper and orderly planning that the request to purchase portion of the public open space (POS) be supported.

*It is therefore recommended that Council DOES NOT SUPPORT the cancellation and subsequent purchase of a section of Cumberland Park on Reserve 44173 (2) Cumberland Way, Beldon as the loss of public open space is not considered to be in the interests of the community, or orderly and proper planning.*

### **BACKGROUND**

<b>Suburb/Location:</b>	Reserve 44173 (2) Cumberland Way, Beldon
<b>Applicant:</b>	David and Anthonia Jessamine
<b>Owner:</b>	Crown Land - City of Joondalup Management Order (Own)
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban

Cumberland Park is treed and well maintained however has limited active recreational benefit due to the lot size being 962m<sup>2</sup>, as well as it being a dry park as no reticulation is provided.

In 1994 (Report I21009 refers), the City received a request from the applicant to purchase a portion of Cumberland Park. The applicant indicated that they were experiencing access problems to their property and by purchasing a portion of the POS, this would alleviate the access issue. Council resolved to approve the request, and the portion of the POS land was amalgamated into their residential property. The applicant now seeks a further portion of the POS.

In 2000, a request by the owner of Lot 605 Cumberland Way requested the purchase of 164sqm of Cumberland Park, to enable the owners to make improvements to their home. The request was refused by Council at its meeting of 22 February 2000 (Report CJ029-02/00 refers).

Information as to the reason for the request to purchase a portion of the reserve has been requested from the applicant, however no justification has been provided.

A draft 'Preservation of Public Reserves Policy' was prepared and considered by Council at its meeting on 27 November 2001 and was adopted for public consultation purposes. The policy aimed to ensure that public reserves are protected and maintained. Due to community concerns at the time relating to reserves being re-developed for residential purposes, which was not the objective of the policy, it was not proceeded with.

## **DETAILS**

### **Issues and options considered:**

The applicant proposes to purchase a four (4) metre strip of Cumberland Park (Reserve 44713) along the western common boundary of their property. The land area proposed to be acquired is approximately 57m<sup>2</sup>. The applicant has not indicated the reason for the proposed purchase however the additional area will increase the size of the applicant's lot to enable development (additional dwelling) potential. Each application for purchase of a portion of reserve is considered on the merits of the request.

The issues associated with the proposed purchase of a portion of the POS include:

- Consideration to the supply of public open space within the locality and the purpose and function the subject reserve serves for the community.
- The merits of the request.

The options available to Council in considering the proposal are:

- To not support the proposed purchase of the subject portion of Reserve 44173.
- To initiate advertising of the proposal to dispose of a portion of POS for public comment.

**Link to Strategic Plan:**

The following objective and strategy in the City's Strategic Plan 2003 – 2008 is applicable to this report:

Objective 3.1 To develop and maintain the City of Joondalup's assets and built environment.

Strategy 3.1.3 Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.

**Legislation – Statutory Provisions:**

A reserve is the setting aside of Crown land for a specific purpose, generally a public purpose. Under Section 41 of the Land Administration Act 1997 (LAA), the Minister for Lands may set aside Crown land by a Ministerial Order in the public interest. Reserve 44173, Cumberland Park was ceded by the developer when the land was subdivided and set aside under Section 20A of the Town Planning and Development Act (1928) as a reserve for public recreation. The land set aside for recreation use as a consequence of Section 20A of the Town Planning and Development Act is clearly identified as reservation for "Public Recreation".

Once created, a reserve is usually placed under the care, control and management of a State government department, Local government or incorporated community group by way of a Management Order. A Management Order under the LAA does not convey ownership of the land, however it only allows so much control as is essential for the management of the land.

The provisions under Department Land and Information (DLI) guidelines to dispose of Section 20A reserves indicate that an application to cancel and subsequently excise a portion of land set aside for recreation purposes is to be extensively advertised by way of an on site sign and a notice in the local circulating newspaper. The application would also be required to be externally referred to relevant State Government departments.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

DLI guidelines to dispose of Section 20A reserves states that when the disposal of part of a reserve is supported, the funds received from the sale of the land must be used to fund the purchase of replacement recreation land or to undertake capital improvements to other recreation reserves in the general locality.

**Policy Implications:**

The objective of Council's Policy 5.2.2 (Council Reserves and Parks) is to provide a variety of Public Open Spaces that fulfil the community's recreational and environmental needs.

**Regional Significance:**

Public Open Spaces are created and made accessible for the use of the community for recreational activity, passive or active. While the subject POS is a local reserve, the principle of retaining POS for the community is of significance.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

In the event that Council wishes to consider an application to cancel and subsequently sell any portion of a Section 20A Reserve, the proposal to amend the reserve would be extensively advertised by way of an onsite sign, a notice placed in the circulating local newspaper, on Council's website and in Council's offices. The advertising period is to be no less than thirty (30) days.

**COMMENT**

In general, the DLI Section 20A Guidelines state that a reserve created under Section 20A is required to be retained for its designated purpose. DLI will consider amending or cancelling and disposing of a reserve when it can be demonstrated that this action will have a minimal impact on the vicinity.

Cumberland Reserve was ceded by the developer when the land was subdivided and set aside under Section 20A of the Town Planning and Development Act as a reserve for public recreation. Under the Guidelines for the Administration of Section 20A Public Recreation Reserves, it is stated that consideration should be given to the fact that the developer would be justified in thinking that such land would be used for its designated purpose. The Guidelines further state that purchasers of subdivided blocks are frequently influenced in their decision to acquire land and build by the existence of such reserves and have an expectation that these reserves will remain.

The request to purchase a portion of POS would enable the applicant's lot to have development (additional dwelling) potential, although it is unknown if this is the reason for the purchase request.

There has not been identified any valid planning or other relevant reasons to consider the reduction in the size of the POS.

Council has previously approved the purchase of a portion of the subject reserve, and it is considered that a further loss of public open space would not be in the best interest of the community, or in the interests of orderly and proper planning.

**ATTACHMENTS**

- |              |   |
|--------------|---|
| Attachment 1 | Location Plan showing the subject portion of Reserve 44173 and proposed boundary alignment. |
| Attachment 2 | Photo of Cumberland Park  |

## VOTING REQUIREMENTS

Simple Majority

**MOVED Cmr Clough, SECONDED Cmr Anderson that Council DOES NOT SUPPORT the request for the cancellation and subsequent purchase of a section of Cumberland Park (Reserve 44173 (2) Cumberland Way), Beldon as the loss of public open space is not considered to be in the interests of the community, or orderly and proper planning.**

The Motion was Put and

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf230805.pdf](#)

## **CJ181 - 08/05 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT – JULY 2005 [07032]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 12

### **PURPOSE**

To provide an explanation of the town planning delegated authority report included in this agenda and to submit items of Delegated Authority to Council for noting.

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council to staff is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a yearly basis. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

The normal monthly report identifies the major development applications that have been determined under delegated authority. A second approval process exists which deals with requests for Council to exercise its discretion to vary an acceptable standard of the Residential Design Codes for a single house. This process is referred to as "R-Codes variation approval for single houses" (this was introduced by the 2002 R-Codes).

This report provides a list of the development applications determined by those staff members with delegated authority powers during July 2005 (see Attachment 1) and includes the codes variations referred to above.



The number of “development applications” determined for July 2005 (including Council and delegated decisions) and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month Of July 2005</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	75	4,873,779
R-Code variations (Single Houses)	43	1,093,577
<b>Total</b>	118	5,967,356

Additionally Council determined four applications during this month at a total value of \$813,500. The number of development applications received in July 2005 was 80. This figure does not include any applications that may become the subject of the R-Code variation process.

## **BACKGROUND**

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	Various – see attachment
<b>Owner:</b>	Various – see attachment
<b>Zoning:</b>	<b>DPS:</b> Various
	<b>MRS:</b> Not applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at their meeting of 19 July 2005 considered and adopted the most recent Town Planning Delegation.

## **DETAILS**

### **Issues and options considered:**

Not Applicable.

### **Link to Strategic Plan:**

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

City development is a key focus area of the City’s Strategic Plan. The proposals considered by staff acting under delegated authority relate closely to the objectives of providing for a growing and dynamic community.

The Council adopted the Delegation of Authority instrument after detailed consideration, in accordance with the Strategic Plan objective of providing a sustainable and accountable business.

The delegation is necessary due to the large volume of development applications received for development within the City. It is a key instrument in providing a range of services that are proactive, innovative and using best practice to meet organisational and community needs. This is also a strategy of the City’s Strategic Plan.

**Legislation – Statutory Provisions:**

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees.

**Risk Management considerations:**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 118 applications determined during the report summary period, consultation was undertaken for 40 of those applications.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is submitted for determination by the Coordinator Planning Approvals. Should the R-codes variation consultation process result in an objection being received, then the matter is referred to the Director Planning and Community Development or the Manager, Approvals, Planning and Environmental Services, as set out in the notice of delegation.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Without such a mechanism, it would be exceptionally difficult for the Council to be properly informed to make decisions itself, regarding approximately 70-110 planning applications per month.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

The delegation notice itself outlines specific delegations to respective levels and the limits to those levels of determination. The delegation allows the Director Planning & Community Development and Manager Approvals, Planning & Environmental Services to implement aspects of the District Planning Scheme No 2 that relate to the determination of certain types of development applications, and to process subdivision applications.

The Coordinator Planning Approvals and Senior Planning Officers (Planning Approvals) have authority to approve development applications that are in compliance with the District Planning Scheme No 2 or with minor variations to the applicable standard.

In addition to the major development applications dealt with under delegated authority, the Residential Design Codes and the District Planning Scheme provisions require an applicant to seek Council's written approval to exercise its discretion to vary an Acceptable Standard of the Residential Design Codes for a development that relates to a single house or additions to a single house, such as patios, outbuildings, carports, garages, retaining walls, etc. As this type of written approval requires an exercise of discretion, they are required to be reported to Council in accordance with the notice of delegation.

Where a development does not require planning approval (complying development), the application is dealt with as a building licence only. Should a building licence application be received and it is identified that an R-Codes variation is required, then the applicant will be requested to seek the relevant approval.

## **ATTACHMENTS**

Attachment 1	July 2005 Approvals – Development Applications
Attachment 2	July 2005 Approvals – R-code variations for Single House

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Fox, SECONDED Cmr Clough that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ181-08/05 for the month of July 2005.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf230805.pdf](#)*

**CJ182 - 08/05 SUBDIVISION REFERRALS PROCESSED  
BETWEEN 1 AND 31 JULY 2005 – [05961]**

**WARD:** South Coastal, Whitfords, Pinnaroo, Lakeside

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 13

**PURPOSE**

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-31 July 2005.

**EXECUTIVE SUMMARY**

Attachment 1 is a schedule of the Subdivision Referrals processed from 1–31 July 2005. Applications were dealt with in terms of the delegation adopted by the Council in July 2005.

**BACKGROUND**

Not Applicable.

**DETAILS****Issues and options considered**

Nine subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 14 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of two (2) residential lots and six (6) strata residential lots. Four applications were not supported. These applications are as follows:

**Ref: SU651-05 – 1 Otway Place, Craigie**

This application was not supported as the approval of the survey strata subdivision would be premature as the Diagram or Plan of Survey (Deposited Plan) for subdivision application 128442 is yet to be finalised and new titles issued.

**Ref: SU208-04.01 – 31 Portree Way, Duncraig**

This application was not supported as the proposal does not set aside a legitimate area of common property that could be utilised by both lots.

**Ref: SU128755 – 2 Acacia Way, Duncraig**

This application was not supported as the proposal does not achieve the minimum lot size for a rear battleaxe lot.

**Ref: SU128822 – 32 Guron Road, Duncraig**

This application was not supported, as the proposal does not conform to the requirements of the Residential Design Codes with respect to average lot sizes.

**Link to Strategic Plan:**

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

**Legislation – Statutory Provisions:**

All proposals were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

**Risk Management considerations:**

The delegation process includes details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

No applications were advertised for public comment for this month, as either the proposals complied with the relevant requirements, or were recommended for refusal due to non-compliance.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1            Schedule of Subdivision Referrals

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Anderson, SECONDED Cmr Clough that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ182-08/05 for the month of July 2005.**

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf230805.pdf](#)

Cmr Clough declared a financial interest in Item CJ183-08/05 – 2005 Sports Development Program as he provides consultancy services to the WA Football Commission.

Manager, Marketing, Communications and Council Support, Mr Mike Smith, declared an interest that may affect his impartiality in CJ183-08/05 – 2005 Sports Development Program as he is a life member of the Joondalup Cricket Club.

*Cmr Clough left the Chamber, the time being 1953 hrs.*

## **CJ183 - 08/05 2005 SPORTS DEVELOPMENT PROGRAM – [58536]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 14

### **PURPOSE**

To provide Council with recommendations from the assessment panel's evaluation of the 2005 Sports Development Program.

### **EXECUTIVE SUMMARY**

The Sports Development Program aims to assist not for profit and incorporated, local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

The four (4) applications received through the 2005 Sports Development Program initially did not fully comply with the program objectives. It was therefore recommended that each applicant be provided with an opportunity to resubmit their proposals. Details of the additional information required from each applicant in order to satisfy the program objectives, was presented to the individual clubs. Two (2) of the four (4) applicants took the opportunity to resubmit their project proposals.

Two (2) applications did include small development projects that focused on coaching and sports medicine courses. These projects were deemed to be better suited to the City's Sport & Recreation Development Fund of the Community Funding Program. The panel recommended that these projects be transferred and assessed as part of the Community Funding Program.

It is recommended that Council:

- 1 *APPROVES a \$7,000 financial contribution for the appointment of a Coaching Development Manager for the ECU Joondalup Lakers Hockey Club, subject to the signing of a Funding and Sponsorship Agreement between the ECU Joondalup Lakers Hockey Club and the City of Joondalup;*
- 2 *APPROVES a \$16,000 financial contribution for the appointment of junior and senior Directors of Coaching for the Joondalup Districts Cricket Club, subject to the signing of a Funding and Sponsorship Agreement between the Joondalup Districts Cricket Club and the City of Joondalup;*
- 3 *ADVISES the Joondalup Brothers Rugby Union Football Club and Sorrento Tennis Club that their applications for funding through the 2005 Sports Development Program have not been successful;*
- 4 *NOTES and manages any applicable GST implications, if any, associated with the provision of grant funding and subsequent acknowledgement of the City's contribution;*
- 5 *SEEKS to promote the benefits that arise as a result of this program thereby value adding to the work done by the recipients of the funding.*

## **BACKGROUND**

Council, throughout the year, receives ongoing requests from numerous sporting groups for financial assistance. In June 2002, Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to clubs located within the City of Joondalup in lieu of individual sponsorship support (Item CJ136-06/02 refers). In September 2002 Council endorsed the City of Joondalup's Sports Development Program policy budgeting \$60,000 for the continuation of the program.

The Sports Development Program aims to assist not for profit and incorporated, local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents. District sporting clubs are defined as clubs that play at or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels.

The Sports Development Program offers support to sporting clubs to ensure that they are able to commence or maintain sporting or club development initiatives. This funding program is a supplement to important sponsorship funds, which are hard to source for clubs at this level. The program aims to ensure that the City, like any corporate sponsor, receives appropriate recognition for its investment in a particular sporting entity.

This program encompasses the following priorities:

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

The Sports Development Program was advertised via a formal Expression of Interest, in the Community Newspaper in October 2004. An information package, which contained the Sports Development Program Guidelines and Expression of Interest forms, was sent directly to seventeen (17) potential applicants for their consideration. These details were also made available electronically on the City of Joondalup's website. The district level clubs that were sent the information package included:

- Sorrento Soccer Club
- ECU Joondalup Soccer Club
- West Perth Football Club
- Joondalup Giants Rugby League Club
- Joondalup Brothers Rugby Union Football Club
- Wanneroo Lacrosse Club
- Wanneroo Basketball Association
- ECU Joondalup Lakers Hockey Club
- Joondalup Netball Association
- Perth Outlaws Softball Club
- Mullaloo Surf Life Saving Club
- Sorrento Surf Life Saving Club
- Sorrento Tennis Club
- Greenwood Tennis Club
- Ocean Ridge Tennis Club
- Kingsley Tennis Club
- Joondalup & Districts Cricket Club

The Expression of Interest forms are designed to provide the City with details of the applicant's proposed project/program and enable feedback prior to a full submission being lodged. In doing so, the City aims to assist potential applicants, whilst helping to save valuable resources (time and effort) from being spent on proposals that do not meet the program guidelines.

The City of Joondalup received five (5) Expressions of Interest by the 12 December 2004 closing date. Council officers assessed the Expressions of Interest and a meeting was held with each applicant to provide feedback on their proposed project. One applicant was ineligible to apply, as they are not represented at both junior and senior levels. The remaining four (4) applicants were invited to make full applications for financial assistance through the 2005 Sports Development Program.

A matrix outlining the applications made to the City as part of the 2005 Sports Development Fund Program is included as Attachment 1.

A formal assessment panel was established to review the four (4) completed applications. The members of the assessment panel consisted of representatives from the Department for Sport and Recreation, Western Australian Sports Federation and the City of Joondalup.

At the initial assessment panel meeting, no funding was recommended to the applicants as it was deemed that the individual proposals did not comply with the program objectives. Rather than dismiss the applications outright, each applicant was provided with the opportunity to revise and resubmit their proposal. Each club was contacted in writing outlining the additional information. Responses were received from the Joondalup and Districts Cricket Club and ECU Joondalup Lakers Hockey Club. Details of the additional information required from each applicant in order to satisfy the program objectives, was presented to the individual clubs.



A summary of the assessment panel's evaluations of the applications and the corresponding final recommendations made for each submission is detailed in Attachment 2.

## **DETAILS**

### **What projects are available for funding?**

Consideration is given to the following:

- Projects/programs and events that are considered new initiatives and that can be seen to enhance the sports community profile.
- Projects/programs and events that include or aim to develop partnerships within the community.
- Projects/programs and events that directly increase the participation levels in the sport.
- Projects/programs and events that are supported by and clearly fit within the Sport Development Plans of the State Sporting Association.
- Projects/programs and events that develop pathways for local sports people to achieve the highest possible level of competition.
- Projects where alternative sources of State Government Funding are not available.
- Projects that assist clubs, on a short-term basis, to meet potentially restrictive recurrent funding costs.
- New short term coaching appointments (1 year) where evidence of the club's continued commitment to coaching development is provided.
- Projects that provide replacement sponsorship income for a one-year period.

Council will **not** fund the following:

- Projects covered under the Community Sport & Recreation Facilities Fund (CSRFF). Such projects include the construction and extension of sporting facilities.
- Retrospective deficit funding (to repay cash shortfalls).
- For profit organisations
- Individuals
- Tours or travel costs resulting from overseas or interstate competitions.
- Payments for contracted players.
- Clubs that have received funding through the City of Joondalup's Community Funding Program.

### **What are the conditions of Funding?**

- All applications must include a full financial history and future budget projections for the next 2 years to highlight how the funds will contribute to the self-sufficiency of the club.
- Clubs are not eligible to apply to the Sports Development Program the following year after a successful application.
- The maximum funding available to an individual club is \$20,000 in any one year.
- For funds received, clubs are required to recognise the support provided by the City of Joondalup, as specified in the Council report and according to the level of funding offered (refer Sport Development Program application at Attachment 1).
- The club is to supply a full report and acquittal of the funds received by the time stipulated in the funding agreement.

**Issues and options considered:**

After the assessment panel conducted its initial evaluation of the project submissions, it determined none of the applications met the program objectives. At this point, the assessment panel considered its options and decided to present the applicants with the opportunity to provide additional information to complete their proposals.

**Link to Strategic Plan:**

Outcome      The City of Joondalup provides social opportunities that meet community needs.

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

Strategies     1.3.1    Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3    Provide support, information and resources.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

The extended process followed this year in conducting the Sports Development Program has meant that the funds allocated in the 2004/2005 financial budget were not expended. As a result, of the \$60,000 budgeted for the 2006 program, only \$37,000 will be available.

Due to the extended deliberation processes that has occurred with the 2004/2005 Sports Development Programme, the funds being expended for applications received last year need to come from the present year's budget. The impact of this will mean that availability of funds for the programme in 2005/2006 will be reduced from the \$60,000 budgeted to \$37,000.

**Financial/Budget Implications:**

<b>Account No:</b>	1.4530.4403.0001.9999
<b>Budget Item:</b>	Sponsorships
<b>Budget Amount:</b>	\$60,000
<b>YTD Amount:</b>	\$0
<b>Actual Cost:</b>	\$0

It is noted that there may be GST implications for this sponsorship. The acknowledgement of the City's contribution by way of use of the City's logo may be considered a supply for consideration under the GST legislation and if the recipient is registered for GST they will be required to invoice the City for the services they will provide in exchange for the grant funds.

**Policy Implications:**

The program is conducted in line with Policy: 4.1.2 Sports Development Program.

**Sustainability Implications:**

The Sports Development Program aligns with the City's strategic plan and directly supports business unit goals and objectives of leisure and recreational services.

The City has followed a clear and equitable process to enable applicants with the opportunity to meet with City staff and receive feedback on their proposed projects to help ensure that the projects meet the program aims and objectives.

The program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive affect on community access to leisure, recreational and health services.

There are no environmental considerations.

**Consultation:**

The five (5) applicants that submitted Expressions of Interest for the Sports Development Program were invited to meet individually with Council officers to discuss their proposal. One applicant was informed that they were ineligible to apply, as they are not represented at both junior and senior levels, whilst the remaining four (4) applicants were provided with feedback and directions to assist in their final application. In addition, the four (4) applicants were encouraged to contact the City if they had any questions regarding their proposal prior to the closing date.

After the initial assessment panel meeting to review the applications, each applicant was provided with details of the additional information required in order to meet the program objectives and given an opportunity to resubmit their proposal.

**COMMENT**

After conducting the final evaluation of applications, the members of the 2005 Sports Development Program assessment panel are recommending funding of \$7,000 to ECU Joondalup Lakers Hockey Club for the appointment of a Hockey Development Manager and \$16,000 to Joondalup District Cricket Club for the appointment of a Junior Director of Coaching and a Senior Director of Coaching. For varying reasons, Joondalup Brothers Rugby Union Football Club and Sorrento Tennis Club chose not to provide the additional information requested by the assessment panel and therefore no funding has been recommended for their projects.

At the initial assessment panel meeting, no funding was recommended to any of the applicants as it was deemed that the individual proposals did not fully comply with the program objectives. As a result, all applicants were provided with an opportunity to resubmit their proposal, with the assessment panel requesting additional information from each applicant in order to satisfy the program objectives. The request to each club was made in writing. The two clubs recommended for funding were the only ones who chose to provide information. The complete assessment of all applications is detailed in Attachment 2.

The further information provided by ECU Joondalup Lakers Hockey Club and Joondalup District Cricket Club to strengthen their overall applications and provided answers to the questions raised by the assessment panel. The extended assessment process conducted for the 2004/2005 program has meant that the funds allocated in the 2004/2005 budget were not expended. The budgeted funds for 2005/2006 are being used to meet the previous year's commitments. As a result, the amount available for the 2005/2006 Sports Development Program will be reduced from \$60,000 to \$37,000.

The applications from Joondalup Brothers Rugby Union Football Club and ECU Joondalup Lakers Hockey Club included components involving the conduct of coaching courses and sports medicine courses with project costs of \$2,800 and \$1,080 respectively. These projects were assessed as providing valuable skills to volunteers and club officials and worthy and deserving of the City of Joondalup's support. However, such projects are best suited to the Sport and Recreation Development Fund of the City's Community Funding Program. As a result, the two (2) projects were transferred and assessed as part of this program in May 2005, with both being successful in receiving funding assistance.

ECU Joondalup Lakers Hockey Club requested a total of \$15,080 from the City comprising \$14,000 for the appointment of a Hockey Development Manager and \$1,080 for the conduct of coaching courses. In addition to the coaching courses, which were funded through the Community Funding Program, the assessment panel recommended \$7,000 for the appointment of the Hockey Development Manager in the first year. The program guidelines allow for short-term coaching appointments (one (1) year) where evidence of ongoing sustainability is demonstrated.

Joondalup District Cricket Club requested a total of \$20,000 from the City comprising \$16,000 for the appointment of a Junior Director of Coaching and a Senior Director of Coaching and \$4,000 for equipment and infrastructure items. The assessment panel recommended full funding for the appointment of a Junior Director of Coaching and a Senior Director of Coaching, no funding for the infrastructure items as the applicant did not wish to pursue this component of the project and no funding for the equipment as it was not eligible through the program guidelines.

As part of the grant process the City seeks acknowledgement of its contribution. In some incidences there may be a Goods and Services Tax (GST) implication. This process will be managed in accordance with the legislation.

## **ATTACHMENTS**

Attachment 1      Table 1: Application Summary  
Attachment 2      Application Assessments

## **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cmr Anderson, SECONDED Cmr Smith that Council:**

- 1 APPROVES a \$7,000 financial contribution for the appointment of a Coaching Development Manager for the ECU Joondalup Lakers Hockey Club, subject to the signing of a Funding and Sponsorship Agreement between the ECU Joondalup Lakers Hockey Club and the City of Joondalup;**
- 2 APPROVES a \$16,000 financial contribution for the appointment of junior and senior Directors of Coaching for the Joondalup Districts Cricket Club, subject to the signing of a Funding and Sponsorship Agreement between the Joondalup Districts Cricket Club and the City of Joondalup;**
- 3 ADVISES the Joondalup Brothers Rugby Union Football Club and Sorrento Tennis Club that their applications for funding through the 2005 Sports Development Program have not been successful;**

- 4 **NOTES and manages any applicable GST implications, if any, associated with the provision of grant funding and subsequent acknowledgement of the City's contribution;**
- 5 **SEEKS to promote the benefits that arise as a result of this program thereby value adding to the work done by the recipients of the funding.**

Discussion ensued.

The Motion was Put and

**CARRIED UNANIMOUSLY (4/0)**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf230805.pdf](#)*

*Cmr Clough entered the Chamber, the time being 1955 hrs.*

#### **REVISED REPORT – CJ184-08/05**

Since the production of the final agenda, a number of changes have been made to this report. Accordingly, the revised report is included in the minutes.

**CJ184 - 08/05 STATE ADMINISTRATIVE TRIBUNAL - APPEAL NO 447 OF 2005 HENNIE JOUBERT V CITY OF JOONDALUP– LOT 407 (3) GLENELG PLACE, CONNOLLY: CHANGE IN LAND USE FROM CONSULTING ROOMS TO RESIDENTIAL BUILDINGS (SHORT STAY ACCOMMODATION) – [03180]**

**WARD:** Marina

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 15

#### **PURPOSE**

For Council to consider a draft schedule of conditions of approval that may be imposed on the proposed development, should the request for review be approved by the State Administrative Tribunal (SAT). These conditions are without prejudice and will not affect the decision to be handed down by the SAT.

#### **EXECUTIVE SUMMARY**

Council, at its meeting held on the 26 April 2005, resolved to refuse an application for a change in land use from Medical Centre to Residential Building for the purpose of short stay accommodation. The application was refused for the following reasons:

- 1 *The proposed land use is not in keeping with the intent of the Mixed Use Zone;*
- 2 *The proposal will detrimentally affect the amenity of adjoining residential developments.*

On 24 May 2005 the applicant lodged an appeal against the Council's decision with the State Administrative Tribunal.

The SAT has recently made administrative changes in the process of hearing an appeal application. It is now a general practice of the SAT to issue direction orders prior to the first hearing requiring the determining authority to supply to the applicant and the SAT a draft schedule of conditions.

On the 29 June 2005, the SAT set down orders requiring the City of Joondalup to file and give to the applicant a draft schedule of conditions, which the SAT may impose if it considers that approval of the application subject to the conditions is appropriate. The orders required the City to file a draft schedule of conditions by 22 July 2005. This order did not allow adequate time for Council to comply with the order. Therefore the conditions recommended in the Council report tabled at the meeting held on 26 April 2005 were tabled for consideration by the SAT.

The review of Council's decision by the SAT in relation to No 3 Glenelg Place was heard on 5 August 2005. Council was represented by a Planning Consultant and members of the Connolly Community were called as witnesses to present their opinion on the perceived impact that the proposed change in land use will have on the amenity of the locality and the adjoining retirement village.

The SAT member hearing the appeal reserved his decision and passed down direction orders requiring the City and the applicant to meet and consider the draft schedule of conditions that had previously been submitted to the SAT. These conditions were submitted without prejudice and will not affect the decision passed down by the SAT.

The applicant has the opportunity to make comment on any condition that the Council may recommend to the SAT. Should the SAT rule in favour of the applicant and uphold the appeal the SAT can impose conditions as it sees fit in relation to the development.

Council determination on the proposed conditions of planning approval detailed in this report is sought for presentation to the SAT, if the appeal is upheld.

## **BACKGROUND**

<b>Suburb/Location:</b>	Connolly
<b>Applicant</b>	Hennie Joubert
<b>Owner:</b>	Jowebo Investments Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Mixed use
	<b>MRS:</b> Urban

The property is zoned "Mixed Use" and is located between the Connolly Shopping Centre to the north and the Connolly Community Centre to the south. To the east, at the rear of the property, is the Fairways Retirement Village and the Joondalup Country Club is approximately 350 metres north. The location of the development site is shown on Attachment 1.

The existing buildings were approved as a Medical Centre in 1987. The applicant advised Council that approximately 80% of the premises have been vacant for over two years. Permitted uses within the Mixed Use zone include bank, hairdresser, beauty parlour, corner store, lunch bar, office, consulting rooms, or a single house.

The application for a change of land use from medical centre to residential building for the purpose of short stay accommodation was recommended for approval by officers of the City at the Council meeting of 26 April 2002. The Council resolved to refuse the application for the following reasons;

- 1 *The proposed land use is not in keeping with the intent of the Mixed Use Zone;*
- 2 *The proposal will detrimentally affect the amenity of adjoining residential developments.*

On 24 May 2005 the applicant lodged an appeal against the Council's decision with the SAT.

At a preliminary direction hearing on 29 June 2005 the SAT set down orders including;

*The respondent (City of Joondalup) is to file and give to the other party by the 22 July 2005, without prejudice to its position in the proceeding, a draft set of all of the conditions which it will contend at the hearing should be imposed if the Tribunal considers that approval of the application subject to the conditions is appropriate.*

*The applicant is to file and serve on the Respondent by 29 July 2005 a statement identifying any of the draft conditions it objects to, stating briefly the reason for each objection, and setting out any alternative or additional conditions it will contend at the hearing should be imposed if the Tribunal considered approval subject to conditions is appropriate.*

The requirement to provide a draft schedule of conditions of approval (without prejudice) is a new step in the approval process.

Due to the short timeframe of 22 days set by the SAT, the proposed conditions of approval that were recommended as part of the report to Council at the meeting of 26 April 2005, were sent to the SAT. The conditions are as shown below:

- (a) *A pedestrian access agreement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The agreement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots. All costs associated with the agreement to be paid by the applicant.*
- (b) *The existing gate within the dividing fence at the north-east corner of the site to remain open and accessible to the residents of the Fairway Retirement Village.*
- (c) *The provision of two pedestrian gates within the proposed security wall to the satisfaction of the Manager Approvals, Planning and Environmental Services. The gates to be left unlocked at all times.*
- (d) *A landscape buffer to be provided between the rear path accessing the proposed units and the dividing fence on the eastern boundary.*

- (e) *A landscaping plan to be provided prior to the lodgement of a building licence and approved to the satisfaction of the Manager Approvals, Planning and Environmental Services. Landscaping plan to include upgrade of existing landscaping on site and remedial works in relation to reconfiguration of parking area.*
- (f) *A reciprocal parking agreement to be registered on the certificate of title between the subject site and the adjoining Community Centre Lot 404, Glenelg Place, Connolly. All cost and expenses associated with the agreement to be paid by the applicant.*
- (g) *In relation to the proposed reconfiguration of the parking area, all remedial works required on the adjoining parking area of Lot 404 to be at the expense of the applicant.*
- (h) *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 Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme.*
- (i) *Provision must be made for disabled access and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1)*
- (j) *The units are to be used for short stay accommodation and not for human habitation on a permanent basis and:*
  - (i) *the maximum length of stay for each lodger is three months in a 12 month period;*
  - (ii) *to be managed to the satisfaction of the Manager Approvals, Planning and Environmental Services. Details of the proposed management of the units are to be submitted for approval by the Manager Approvals, Planning and Environmental Services. Any changes to the approved method of management is required to be submitted for approval by the Manager Approvals, Planning and Environmental Services;*
  - (iii) *a register of lodgers showing the name and address of every lodger staying within the units and the unit occupied;*
  - (iv) *the register is to be signed by the lodger;*
  - (v) *their date of arrival and departure;*
  - (vi) *the register is to be kept on the premises of the serviced apartments or at such other place as agreed to by Council and shall be open to inspection on demand by an authorised Council officer;*
  - (vii) *if the management of the service apartments agreed to by the Council in point (ii) above involves an on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation.*
- (k) *Should the application require minor modifications to comply with the conditions of approval, revised plans are requested to be submitted to the City of Joondalup and approved by the Manager Approvals, Planning and Environmental Services.*



Footnote:

*The applicant must provide the following additional information addressing the Health Regulations and City of Joondalup local laws prior to the issue of a building license:*

- 1 A kitchen area that complies with the Class 1 requirements of the Health (Food Hygiene) Regulations 1993 and sufficient dining areas in accordance with the City of Joondalup Health Local Laws 1999. Minimum size of kitchen shall be 0.65m<sup>2</sup> per person where lodgers prepare their own meals or 1.0m<sup>2</sup> per person where the kitchen and dining areas are combined. A dining room must be a minimum of 0.5m<sup>2</sup> per person but not less than 10m<sup>2</sup> and be in close proximity to the kitchen.*
- 2 The keeper or manager of the lodging house is required to reside continuously within the lodging house.*
- 3 The applicant to provide details regarding the washing of linen and cleaning of apartments.*
- 4 The application is to meet all relevant provisions of the Health Act and City of Joondalup local laws 1999 in regard to Lodging Houses*
- 5 Where food is prepared for patrons, the kitchen shall comply with the Health (Food Hygiene) Regulations 1993.*
- 6 Changes to the development plans may require a new development application.*

The applicant objected to condition (a) and (f) and submitted to the SAT, alternate conditions.

The review of Council's decision by the SAT in relation to the change of land use at No 3 Glenelg Place was heard on 5 August 2005. Council was represented by a Planning Consultant, and members of the Connolly Community were called as witnesses to present their opinion on the perceived impact that the proposed change in land use will have on the amenity of the locality and the adjoining retirement village.

The SAT member hearing the appeal reserved his decision and passed down new direction orders as shown below;

- 2 The parties are to confer and produce a schedule of draft conditions, without prejudice to the respondent's final position in the matter, which they consider should be imposed if the Tribunal considers that approval of the application subject to conditions is considered appropriate.*
- 3 If any conditions cannot be agreed between the parties, the parties are each to provide written advise as to why they cannot agree and to provide any alternative conditions that is considered should be imposed.*

*The parties are to provide the submissions required by orders 2 and 3 by 9 September 2005.*

In response to the draft schedule of conditions sent to the SAT on 22 July 2005, the applicant has provided the following conditions. Where a condition is not mentioned then the applicant has no objection or comment to those conditions listed above.

The applicant wishes the Council to consider the following changes to the proposed conditions (a), (c), (d) and (f):

Proposed condition (a)(Council)

- (a) A pedestrian access agreement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The agreement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots. All costs associated with the agreement to be paid by the applicant.

Alternate condition (a)(applicant)

- (a) A pedestrian easement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The easement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots.

Proposed condition (c)(Council)

- (c) The provision of two pedestrian gates within the proposed security wall to the satisfaction of the Manager Approvals, Planning and Environmental Services. The gates to be left unlocked at all times.

Alternate condition (c)(applicant)

Condition (c) to be deleted as it is no longer proposed by the applicant to have a vehicle gate blocking off the proposed car park of the residential building and therefore the condition is no longer required.

Proposed condition (d)(Council)

- (d) A landscape buffer to be provided between the rear path accessing the proposed units and the dividing fence on the eastern boundary.

Alternate condition (d)(applicant)

- (d) A landscape buffer to a minimum width of 1.0 metre to be provided between the rear path accessing the proposed units and the dividing fence on the eastern boundary.

Proposed condition (f)(Council)

- (f) A reciprocal parking agreement to be registered on the certificate of title between the subject site and the adjoining Community Centre, Lot 404 Glenelg Place, Connolly. All cost and expenses associated with the agreement to be paid by the applicant.

Alternate condition (f)(applicant)

- (f) A reciprocal parking and access easement for the parking bays west of the walled parking area and shown red on the approved plans to be registered on the certificate of title between the subject site and the adjoining Community Centre, Lot 404 Glenelg Place, Connolly. . The parking and access easement is to ensure the orderly movement of vehicle traffic between lots 407 and 404 Glenelg Place.

It should be noted that if Council agrees to the deletion of condition (c) the remaining following conditions will need to be renumbered.

## DETAILS

### Issues and options considered:

Planning conditions presented to the SAT either by the City or the applicant are without prejudice to the final decision and are a guide for the residing member/s in determining the request for a review of Council decision. In the event that the appeal is upheld the SAT can impose any conditions that it considers relevant to the development in the context of statutory controls.

### Link to Strategic Plan:

Not Applicable.

### Legislation – Statutory Provisions:

#### State Administrative Tribunal Act 2004

##### *Section 34 Directions*

- (5) The Tribunal may give a direction requiring a party to produce a document or other material, or provide information, to the Tribunal or another party despite any rule of law relating to privilege (other than legal professional privilege) or the public interest in relation to the production of documents.

The relevant provisions of District Planning Scheme 2 (DPS2) that control development within the Mixed Use Zone and are applicable to the change of land use application:

#### Zone Objectives

##### 3.5 *The Mixed Use Zone*

3.5.1 *The Mixed Use Zone is intended to accommodate a mixture of residential development with small businesses in a primarily residential scale environment. The predominant non-residential uses will be office, consulting, dining and limited retail uses occupying the street frontage of lots.*

*The zoning will provide an intermediate stage between Residential and Commercial or Business Zone areas. A high level of pedestrian amenity should be provided.*

*The objectives of the Mixed Use Zone are to:*

- (a) *provide a diversity of landuse and housing types compatible with the maintenance of residential amenity;*
- (b) *allow appropriate businesses to locate and develop in close proximity to residential areas;*
- (c) *allow for services to be provided locally.*

## Local Amenity

### 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:*

- *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- *any relevant submissions by the applicant;*
- *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- *any planning policy of the Council adopted under the provisions of clause 8.11;*
- *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- *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;*
- *the comments or wishes of any public or municipal authority received as part of the submission process;*
- *the comments or wishes of any objectors to or supporters of the application;*
- *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.*

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council when considering whether or not to approve a “D” or “A” use application shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

### **Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

A policy for short stay accommodation is currently being formulated by the City but has not been adopted by Council.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposed development will not detract from the City's strategic focus on sustainable development.

**Consultation:**

The original planning application was advertised for 14 days in accordance with clause 6.7.2 of DPS2 by way of letters sent to 94 local residents being the properties deemed most affected by the proposal. A total of 14 submissions were received, being 3 non-objections and 11 objections.

**COMMENT**

The SAT have introduced a new step in the review process which requires the Local Authority (determining authority) to provide a draft schedule of conditions of approval on a without prejudice basis. Council was required to provide those conditions within four weeks to the applicant and the SAT. The applicant was required to provide comments within one week of any conditions under dispute. As part of the appeal hearing, the conditions of approval were discussed.

At the hearing, the applicant questioned the wording of some of the conditions and as such, an extension of time was provided for these conditions to be discussed between the parties. Council's representative requested that additional time be allowed for the draft schedule of conditions to be referred to the Council as:

- the application was determined by the Council;
- insufficient time was allowed for Council to develop draft conditions of approval; and
- it should be provided with the opportunity to consider and determine the draft schedule of conditions of approval.

As a consequence of the applicant wanting to review other conditions of approval, the SAT has directed both parties:

- (a) to confer and provide a schedule of draft conditions by the 9 September 2005; and
- (b) provide:
  - (i) written comments on why they cannot agree on a condition; and
  - (ii) alternative condition(s) that should be imposed.

If Council agrees to the conditions on 30 August 2005, then Council's representative may still have to negotiate and prepare a position on alternative conditions that may be presented by the applicant. This would occur between the Council meeting on 30 August 2005 and 9 September 2005.

Further, it should be noted that the SAT will not impose any footnotes to an approval, as footnotes are seen as advice to the applicant rather than as a condition of approval which must be complied with. Should the appeal be upheld, Council would then write to the applicants advising them of any relevant information that would normally be provided as a footnote.

Pedestrian Access and Movement Across the Site - relating to proposed conditions (a) and (c)

Eleven objections to the proposed change of use have been received, mostly from the residents of the Fairways Retirement Village. One of the primary concerns has been in relation to the existing gate at the rear of the site that provides pedestrian access to the shopping and community centres. It is considered that this gate provides an important pedestrian link that crosses private land.

There was an agreement between the Fairway Retirement Village and the previous owner of Lot 407 (3) Glenelg Place but this agreement was not registered on title and is not binding over the current owner of the site.

Currently there is no formal access agreement for the occupants of the Fairway Retirement Village to cross the development site and gain access to the adjoining shopping area and/or community centre. To address the concerns an access easement that secures the long-term pedestrian link across the site for the residents of Fairway Retirement Village is proposed as a condition of approval. A letter dated 12/08/2005 from a planning consultant acting on behalf of the applicant states;

*in the interest of community spirit and neighbourly relations (the applicant) is willing to enter into an agreement to provide a form of legal access across the site as part of a development approval.*

*As the retirement village (community) is clearly the beneficiary of such an agreement it is logical that the cost should be met by the Fairways Retirement Village and that the applicant should be indemnified against any potential claims for damages or personal injury resulting from the use of the pedestrian access by people associated with the retirement village.*

The Council is not able to impose a condition on a third party (i.e. The Fairways Retirement Village) not directly related to the development application. The condition can be changed to allow opportunity for the applicant to negotiate cost sharing and issues relating to public liability but ultimately it should be the responsibility of the applicant to comply with a condition of approval to provide pedestrian access across Lot 407 (3) Glenelg Place to the adjoining commercial and community sites.

It is requested that Council change the wording of the condition (a) with the condition to read:

- (a) *A pedestrian easement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The easement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots.*

**Design and Amenity - relating to old condition (d) and proposed condition (c)**

The design and appearance of the existing development will not change significantly. To maintain the amenity to adjoining developments it is recommended that the proposed pedestrian path that will provide access to the rear short stay apartments be constructed close to the existing development and that a landscape strip adjoining the rear dividing fence be provided to the satisfaction of the Manager Approvals, Planning & Environmental Services. The applicant has no objection to this condition in principle but request that the condition be amended to be more specific and the width of landscaping required to be a maximum of 1.0 metre. The wording should be a "minimum" rather than a "maximum". A maximum limit could result in landscaping that buffer that would not meet the purpose of the condition, which is to provide some form screening and noise attenuation of the adjoining property.

It is requested that Council adopt the following wording of old condition (d) and proposed condition (c), with the condition to read:

- (c) *A landscape buffer to a minimum width of 1.0 metre to be provided between the rear path accessing the proposed units and the dividing fence on the eastern boundary to the satisfaction of the Manager Approvals, Planning & Environmental Services.*

**Car Parking and Vehicle Movement - relating to old condition (f) and proposed condition (e)**

The applicant proposed to construct a secure parking area for the short stay apartments. This involves reorganising the parking bays at the eastern end of the car park nearest the community centre. This proposal will partially restrict the movement of vehicles using the community centre but overall there will be no loss of parking bays. Currently there is no physical division in the parking areas for the community centre and medical centre. A reciprocal access agreement over the medical centre, community and shopping facilities was drafted in 1990. The agreement only covers access to and between the individual lots and does not designate reciprocal parking between Lots 407 & 404 (community centre).

Thirteen (13) parking bays will be separated by a security wall for the use of the patrons of the apartments. The proposed security wall will provide a private parking area for patrons of the apartments but will still allow surveillance of the public parking areas and adjoining sites. The applicant has advised that there will be no gates blocking access to the apartments therefore condition (c) is no longer relevant to the proposed development.

The majority of parking on the site will still be available for use by patrons of the community centre and adjoining commercial area. It is recommended that the Council request the SAT to impose a condition of planning approval that the development be subject to a parking easement securing the remainder of parking bays on lot 407 for reciprocal parking. The applicant has no objection to this condition in principle and will pay the fees associated with drafting and registering the documents but the applicant has requested that the City pay any legal fees that the City may incur for advice received from the City's solicitor. Given that the parking agreement will be in favour of patrons using the community centre this request is considered acceptable. All remedial works to the parking area on the adjoining lot is to be at the expense of the applicant.

It is requested that Council agree with the applicants request to changes in the wording of the condition with the condition to read:

- (e) *A reciprocal parking and access easement for the parking bays west of the walled parking area and shown red on the approved plans to be registered on the certificate of title between the subject site and the adjoining Community Centre, Lot 404 Glenelg Place, Connolly. The parking and access easement is to ensure the orderly movement of vehicle traffic between lots 407 and 404 Glenelg Place.*

## **CONCLUSION**

Should the SAT overturn the Council's decision and approve the change of land use to residential building, it is considered that the main planning conditions required to protect the amenity of the Mixed Use Zoning and the adjoining land uses is:

- (a) pedestrian access across the site; and
- (b) shared vehicle parking between the community centre and the proposed residential building.

The other recommended conditions are related to the management of the short stay apartments and compliance with health, building and parking legislation/requirements. The applicant has no opposition to these conditions.

To protect the movement of vehicles and pedestrians across the site and between the adjoining land uses it is considered important that Council express to the SAT, (not withstanding Council's original position on this application) that the recommended planning conditions have planning merit and are required as a condition of approval to protect the overall amenity of the wider area and adjoining land uses and the orderly and proper planning of the area.

The draft schedule of conditions proposed for the development, especially the conditions relating to controlling the use of the Residential Building, were based on a previous decision of Council. The application was for a mixed-use development (including a portion of the development as a Residential Building short stay) at No. 91 Reid Promenade, which was approved at Council's December 2004 meeting.

The SAT has advised Council to meet certain directions. If Council does not meet these directions, Council may be seen to be acting contrary to those direction and costs may be awarded accordingly.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Aerial Photo
Attachment 3	Parking Plan

## **VOTING REQUIREMENTS**

Simple Majority



**OFFICER'S RECOMMENDATION:** That Council:

- 1 SUBMITS the following draft schedule of conditions to the State Administrative Tribunal without prejudice:
  - (a) A pedestrian easement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The easement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots;
  - (b) The existing gate within the dividing fence at the north-east corner of the site to remain open and accessible to the residents of the Fairway Retirement Village Lot 408 (192) Fairway Circle Connolly but to have restricted access between Lot 407 and 408 to all other parties;
  - (c) A landscape buffer to a minimum width of 1.0 metre to be provided between the rear path accessing the proposed units and the dividing fence on the eastern boundary;
  - (d) A landscaping plan to be provided prior to the lodgement of a building licence and approved to the satisfaction of the Manager Approvals, Planning and Environmental Services. Landscaping plan to include upgrade of existing landscaping on site and remedial works in relation to reconfiguration of parking area;
  - (e) A reciprocal parking and access easement for the parking bays west of the walled parking area and shown red on the approved plans to be registered on the certificate of title between the subject site and the adjoining Community Centre, Lot 404 Glenelg Place, Connolly. The parking and access easement is to ensure the orderly movement of vehicle traffic between lots 407 and 404 Glenelg Place;
  - (f) In relation to the proposed reconfiguration of the parking area, all remedial works required on the adjoining parking area of Lot 404 to be at the expense of the applicant;
  - (g) 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 Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;
  - (h) Provision must be made for disabled access and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
  - (i) The units are to be used for short stay accommodation and not for human habitation on a permanent basis;
  - (j) The maximum length of stay for each lodger is three months in a 12-month period;

- (k) The short stay accommodation to be managed to the satisfaction of the Manager Approvals, Planning and Environmental Services. Details of the proposed management of the units is to be submitted for approval by the Manager Approvals, Planning and Environmental Services. Any changes to the approved method of management is required to be submitted for approval by the Manager Approvals, Planning and Environmental Services;
    - (i) a register of lodgers showing the name and address of every lodger staying within the units and the unit occupied;
    - (ii) the register is to be signed by the lodger;
    - (iii) their date of arrival and departure;
    - (iv) the register is to be kept on the premises of the serviced apartments or at such other place as agreed to by Council and shall be open to inspection on demand by an authorised Council officer;
    - (v) if the management of the service apartments agreed to by the Council in condition (k) above involves an on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation.
  - (l) Should the application require minor modifications to comply with the conditions of approval, revised plans are requested to be submitted to the City of Joondalup and approved by the Manager Approvals, Planning and Environmental Services;
- 2 AUTHORISES the Coordinator Planning Approvals to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal.

**MOVED Cmr Clough, SECONDED Cmr Fox that Council:**

- 1 ADVISES the State Administrative Tribunal that the Council remains opposed to the approval of this development;**
- 2 SUBMITS, without prejudice, the following draft schedule of conditions to the State Administrative Tribunal:**
  - (a) A pedestrian easement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The easement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots;**
  - (b) The existing gate within the dividing fence at the north-east corner of the site to remain open and accessible to the residents of the Fairway Retirement Village Lot 408 (192) Fairway Circle Connolly but to have restricted access between Lot 407 and 408 to all other parties;**
  - (c) A masonry wall, of a height to be determined by Manager, Approvals, Planning and Environmental Services in consultation with the applicant and the adjoining property owners, shall be provided along the portion of the development site that abuts the common boundary with Lot 408 (192) Fairway Circle Connolly;**

- (d) The landscaping area between the access pathway to proposed units B, D, F, K, & J as shown red on the approved plans and the southern boundary shall be developed and maintained as a dense landscaping buffer. Details of the proposed landscaping treatment shall be provided for approval by the Manager, Approvals, Planning and Environmental Services;
- (e) Security or flood lighting shall not be provided on the site that:
  - (i) causes a level of illumination greater than 1 lux to spill into adjacent land by more than 1m or onto any vertical or horizontal surface of a building thereon;
  - (ii) has the main beam angle of any floodlight or security light installed higher than 3m above natural ground level and positioned at a maximum angle of 70 degrees from the vertical plane;
- (f) A landscaping plan to be provided prior to the lodgement of a building licence and approved to the satisfaction of the Manager Approvals, Planning and Environmental Services. Landscaping plan to include upgrade of existing landscaping on site and remedial works in relation to reconfiguration of parking area;
- (g) A reciprocal parking and access easement for the parking bays west of the walled parking area and shown red on the approved plans to be registered on the certificate of title between the subject site and the adjoining Community Centre, Lot 404 Glenelg Place, Connolly. The parking and access easement is to ensure the orderly movement of vehicle traffic between lots 407 and 404 Glenelg Place;
- (h) In relation to the proposed reconfiguration of the parking area, all remedial works required on the adjoining parking area of Lot 404 to be at the expense of the applicant;
- (i) 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 Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;
- (j) Provision must be made for disabled access and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
- (k) The units are to be used for short stay accommodation and not for human habitation on a permanent basis;
- (l) The maximum length of stay for each lodger is three months in a 12-month period;

- (m) **The short stay accommodation to be managed to the satisfaction of the Manager Approvals, Planning and Environmental Services. Details of the proposed management of the units is to be submitted for approval by the Manager Approvals, Planning and Environmental Services. Any changes to the approved method of management shall include:**
- (i) **a register of lodgers showing the name and address of every lodger staying within the units and the unit occupied;**
  - (ii) **the register is to be signed by the lodger;**
  - (iii) **their date of arrival and departure;**
  - (iv) **the register is to be kept on the premises of the serviced apartments or at such other place as agreed to by Council and shall be open to inspection on demand by an authorised Council officer;**
  - (v) **if the management of the service apartments agreed to by the Council in condition (m) above involves an on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation.**
- (n) **Should the application require minor modifications to comply with the conditions of approval, revised plans are requested to be submitted to the City of Joondalup and approved by the Manager Approvals, Planning and Environmental Services;**

- 3 AUTHORISES the Coordinator Planning Approvals to respond to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal.**

Discussion ensued.

**1<sup>ST</sup> AMENDMENT MOVED** Cmr Anderson, **SECONDED** Cmr Fox that Point 3 of the resolution be amended to read:

**“3 AUTHORISES the CEO to arrange for a response by a qualified Town Planner to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Resolution 1 and 2 above;”**

Cmr Smith sought the approval of Cmr Anderson as the Mover of the Amendment for the words “...Coordinator, Planning Approvals to respond...” to be changed to read “...the CEO to arrange for a response by a qualified Town Planner...”. Cmr Anderson as the Mover and Cmr Fox as the Secunder agreed to this change.

Cmr Anderson spoke to the Amendment.

**The 1<sup>st</sup> Amendment was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**2<sup>ND</sup> AMENDMENT MOVED** Cmr Smith, **SECONDED** Cmr Clough that an additional Point 4 be added to the Motion as follows:

**“4 REQUESTS the Chief Executive Officer to approach the Western Australian Local Government Association to take up at an industry level the issue of procedures adopted by the State Administrative Tribunal that require conditions to be submitted before the State Administrative Tribunal has made its determination.”**

Cmr Smith spoke to the Amendment.

**The 2<sup>nd</sup> Amendment was Put and**

**CARRIED UNANIMOUSLY (5/0)**

**The Original Motion as amended, being:**

**That Council:**

- 1 ADVISES the State Administrative Tribunal that the Council remains opposed to the approval of this development;**
- 2 SUBMITS, without prejudice, the following draft schedule of conditions to the State Administrative Tribunal:**
  - (a) A pedestrian easement to be registered on the certificate of title being Lot 407 (3) Glenelg Place Connolly. The easement is for the benefit of the residents of the Fairway Retirement Village so that they can cross the site to the commercial and community facilities on the adjoining lots;**
  - (b) The existing gate within the dividing fence at the north-east corner of the site to remain open and accessible to the residents of the Fairway Retirement Village Lot 408 (192) Fairway Circle Connolly but to have restricted access between Lot 407 and 408 to all other parties;**
  - (c) A masonry wall, of a height to be determined by Manager, Approvals, Planning and Environmental Services in consultation with the applicant and the adjoining property owners, shall be provided along the portion of the development site that abuts the common boundary with Lot 408 (192) Fairway Circle Connolly;**
  - (d) The landscaping area between the access pathway to proposed units B, D, F, K, & J as shown red on the approved plans and the southern boundary shall be developed and maintained as a dense landscaping buffer. Details of the proposed landscaping treatment shall be provided for approval by the Manager, Approvals, Planning and Environmental Services;**
  - (e) Security or flood lighting shall not be provided on the site that:**
    - (i) causes a level of illumination greater than 1 lux to spill into adjacent land by more than 1m or onto any vertical or horizontal surface of a building thereon;**
    - (ii) has the main beam angle of any floodlight or security light installed higher than 3m above natural ground level and positioned at a maximum angle of 70 degrees from the vertical plane;**

- (f) A landscaping plan to be provided prior to the lodgement of a building licence and approved to the satisfaction of the Manager Approvals, Planning and Environmental Services. Landscaping plan to include upgrade of existing landscaping on site and remedial works in relation to reconfiguration of parking area;
- (g) A reciprocal parking and access easement for the parking bays west of the walled parking area and shown red on the approved plans to be registered on the certificate of title between the subject site and the adjoining Community Centre, Lot 404 Glenelg Place, Connolly. The parking and access easement is to ensure the orderly movement of vehicle traffic between lots 407 and 404 Glenelg Place;
- (h) In relation to the proposed reconfiguration of the parking area, all remedial works required on the adjoining parking area of Lot 404 to be at the expense of the applicant;
- (i) 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 Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;
- (j) Provision must be made for disabled access and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
- (k) The units are to be used for short stay accommodation and not for human habitation on a permanent basis;
- (l) The maximum length of stay for each lodger is three months in a 12-month period;
- (m) The short stay accommodation to be managed to the satisfaction of the Manager Approvals, Planning and Environmental Services. Details of the proposed management of the units is to be submitted for approval by the Manager Approvals, Planning and Environmental Services. Any changes to the approved method of management shall include:
  - (i) a register of lodgers showing the name and address of every lodger staying within the units and the unit occupied;
  - (ii) the register is to be signed by the lodger;
  - (iii) their date of arrival and departure;
  - (iv) the register is to be kept on the premises of the serviced apartments or at such other place as agreed to by Council and shall be open to inspection on demand by an authorised Council officer;
  - (v) if the management of the service apartments agreed to by the Council in condition (m) above involves an on-site manager, then only one unit can be allocated to the on-site manager for permanent occupation.

- (n) Should the application require minor modifications to comply with the conditions of approval, revised plans are requested to be submitted to the City of Joondalup and approved by the Manager Approvals, Planning and Environmental Services;
- 3 AUTHORISES the CEO to arrange for a response by a qualified Town Planner to any challenges made to the draft schedule of conditions of approval or any alternative recommendations presented by the applicant, for this appeal, and to remain faithful to the intent of Council as expressed within Resolution 1 and 2 above;
- 4 REQUESTS the Chief Executive Officer to approach the Western Australian Local Government Association to take up at an industry level the issue of procedures adopted by the State Administrative Tribunal that require conditions to be submitted before the State Administrative Tribunal has made its determination.

Cmr Anderson spoke to the Motion.

was Put and

CARRIED UNANIMOUSLY (5/0)

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf230805.pdf](#)

**CJ185 - 08/05 CHILD CARE CENTRE: LOT 10 (6) GLENGARRY DRIVE (CNR ARNISDALE ROAD) DUNCRAIG – [19236]**

**WARD:** South Coastal

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 16

**PURPOSE**

The purpose of this report is to request Council's determination of an application for Planning Approval for a Child Care Centre (CDCC).

**EXECUTIVE SUMMARY**

The development site is Lot 10 (6) Glengarry Drive and is located on the southeast corner of Glengarry Drive and Arnisdale Road. The site was previously approved for use as a Drive Through Food Outlet. The building is currently unoccupied. The subject site adjoins other commercial land uses.

The applicant proposes to convert the existing building, as well as carry out additions to the existing building and reconfigure the existing car parking area.

The CDCC satisfies criteria set out in the City's Local Planning Policy 3.1.1 – Child Care Centres, however with regard to vehicle movements this is dependent on the satisfactory resolution of parking and access easements agreements with the adjoining landowners.

A traffic impact assessment has been provided by the applicant and it concludes that traffic related issues should not form an impediment to the approval of the proposed child care centre. It notes that the proposed parking arrangements, while providing sufficient numbers of bays for the estimated demand, could be enhanced to improve efficiency and safety.

The proposed development is considered to be compatible with the neighbouring commercial uses and the Glengarry Shopping Centre notwithstanding that the abutting use to the south is a petrol station and the uses to the east are an automated carwash and the Glengarry Tavern.

It is recommended that the application for Planning Consent be granted.

## BACKGROUND

**Suburb/Location:** Lot 10 (No. 6) Glengarry Drive, Duncraig.  
**Applicant:** T & Z Architects  
**Owner:** EJ and MM Reilly  
**Zoning:** **DPS:** Commercial  
**MRS:** Urban

The subject site has a land area of 2,000m<sup>2</sup> and is located on the south–east corner of Glengarry and Arnisdale Roads at a “T” junction with limited direct access. The site abuts a petrol service station to the south, an automated carwash to the east and the Glengarry Tavern approximately 70 metres to the southeast. Opposite on Glengarry Road is the Glengarry Shopping Centre.

The development site and the surrounding area is zoned Commercial. The area is characterised by low intensity uses and large areas of open parking and vehicle access ways.

## DETAILS

The subject site contains a building, which was previously occupied as a KFC drive through fast food outlet, the building has not been used for this purpose from some time and is presently boarded up and fenced off.

The application proposes to modify and extend the existing building and convert it to a CDCC with 90 children and 16 staff. It is also proposed to extend the existing car park to accommodate the proposed centre. The centre would be open from 7:00am to 6:00pm Monday to Friday and 8:00am to 5:00pm Saturday and Sunday.

The car park is to be modified to accommodate 29 on site parking bays for staff and visitors, including 1 disabled bay and 8 tandem bays. The Council's Child Care Centres policy specifies that there would be 1 bay provided for each staff member and a total of 16 bays for visitors for the 90 children. This car parking provision is one bay in excess of the requirement set out Council's Child Care Policy.

If the application is approved, in regard to the overall car parking provision, the shortfall for Lots 10, 11,12 and 3 will be increased from 11 bays at the time of the last development application (the carwash) to 31 bays. At that time the KFC outlet provided 35 bays and was only required to provide 14 bays. As the peak periods between the uses do not coincide overall impact on the parking arrangements from the development of the CDCC would be reduced.



The site adjoins a petrol service station to the south that contains an above ground LPG gas storage tank. The storage of dangerous goods is regulated by the Department of Industry and Resources under the Explosives and Dangerous Goods (Dangerous Goods Handling and Storage) Regulations 1992. Under the Regulations the separation distance of a "Sensitive" area from an above ground tank with a capacity of less than or equal to 8kl is 55metres.

After discussions with the City the initial plans were modified to exclude the children's outdoor play area from the 55 metre buffer area around the tanks.

The subject site is affected by a number of easements including a Water Authority easement, which cuts diagonally through the site. The other easements relate to reciprocal rights of access and parking with the adjoining site containing the carwash, tavern and TAB.

The owners of the sites affected by the easements have been negotiating changes to these easements to accommodate recent and proposed development at the time of the preparation of this report. It is noted the vehicle access arrangements for proposed development on the subject site are dependent on access being available through the adjoining properties as well as from Glengarry Road.

It is proposed that the existing landscaped verges would be maintained and that additional tree planting would be provided abutting these verges within the subject property. It is also indicated that the area over the Water Authority easement which cuts through the northeast corner of the site would be landscaped and retained for outdoor recreation purposes.

A 1200mm high wrought iron fence is proposed for the western boundary on Glengarry Road and along the eastern boundary with the carwash site, while on northern boundary with Arnisdale Road a 1200mm retaining wall is proposed.

#### **Applicant Justification:**

During the technical assessment of the proposal the applicant has modified the original submitted plans and has put forward the following documentation in support of the application:

- A report on access and parking easements; and
- A traffic impact statement.

#### **Report on Access and Parking Easements:**

The report on easements provides clarification of the arrangements that have been established between the subject site (Lot 10), the adjoining carwash site (Lot 11), the Tavern (Lot 12) and TAB site (Lot 3). The City of Wanneroo was a signatory to some of these easements.

The report identifies a number of easements that have been put in place since 1979 that include the Water Corporation easement allowing access and constraining building within part of the Lot 10 and the adjoining lots.

The remaining easements put in place over Lot 10,11, 12 and 3 have established a series of reciprocal rights of access and parking between these landholdings. It would appear that over time some additional easements were put in place that put restrictions on the reciprocal access and parking rights of the affected parties. In addition the construction of the carwash on Lot 11 has also reduced the amount of land available for parking and access.

The report states that the owners of Lot 10, although being signatories to the original easements, were not a signatory nor were they consulted when new easements were put in place that limited the ability of the owners of Lot 10 to have access and parking rights on Lots 11, 12 and 3.

It is also apparent that despite the changes to the easements Lot 10 continues to enjoy access between the southern portion of Lot 10 to Lot 11 which will ensure access from the car park of the proposed child care through the carwash and tavern sites to Warwick and Arnisdale Road.

It will be important for the owners of Lots 10, 11, 12 and 3 to clarify and amend the easements to reflect the current and proposed development that has occurred on the land. However it is apparent that what remains of the original easements protects and retains access between Lots 10,11,12 and 3 and provides for the operation of the childcare centre car park as part of the movement of vehicles through Lots 10, 11, 12 and 3 and to the adjoining roads.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

A CDCC is a 'D' use in a Residential area. A 'D' use means:

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

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

**6.8 MATTERS TO BE CONSIDERED BY COUNCIL**

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

- (l) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (m) any relevant submissions by the applicant;*
- (n) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (o) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (p) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (q) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*

- (r) *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;*
- (s) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (t) *the comments or wishes of any objectors to or supporters of the application;*
- (u) *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*
- (v) *any other matter which in the opinion of the Council is relevant.*

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Consent:

6.8.2 *In addition to the matters referred to in the preceding subclause of this clause, the Council, when considering whether or not to approve a “D” or “A” use application, shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (c) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (d) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (e) *the nature of the roads giving access to the subject land;*
- (f) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (g) *any relevant submissions or objections received by the Council; and*
- (h) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

#### **Development Standards under District Planning Scheme 2 (DPS 2)**

<b>DPS 2 Policy Standard</b>	<b>Required</b>	<b>Provided</b>
Front Setback (Glengarry Rd)	9.0m	4.445m
Rear Setback	6.0m	4.8m
Side Setback (Arnisdale Rd)	3.0m	5.1m
Side Setback	3.0m	15.0m
Car parking	28bays	29 bays
Landscaping	8%	16%
Fencing	1.2m solid (max)	1.2m solid/open

**Policy 3.1.1 – Child Care Centres**

This policy sets out guidelines for the development of a CDCC including the requirements for the provision of car parking and landscaping, the preferred location of CDCCs, as well as the need to advertise proposals due to the possible detrimental effect on the amenity of residential areas.

The policy is provided as Attachment 5.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

See Policy 3.1.1 – Child Care Centres which is attached.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Traffic Issues:**

The applicant submitted a Traffic Impact Statement (TIS) prepared by Transcore. The following conclusions were made in the report:

*“The results of the daily traffic distribution of the Child Care Centre indicates that traffic volumes on the adjacent roads would increase modestly as following:*

- *Glengarry Drive north of Warwick Road 1.3%*
- *Glengarry Drive north of Arnisdale Road 1.7%*
- *Arnisdale Road east of Glengarry Drive 2.4%.*

*Therefore it is concluded that the traffic increases as a result of the proposed development on the surrounding roads is almost insignificant and will not have any impacts on the traffic operations of these roads.”*

With regard to parking supply within the proposed Centre the report states:

*“The proposed parking supply for the Centre exceeds the City’s requirements, however to improve the efficiency and safety the following suggestions are made:*

- *Only the back bays of the tandem bays should be used by staff and the front bays should be used for drop off and pick up;*
- *The disabled bay should be relocated to the north side of the parking area in front of the building;*
- *The staff and drop off/pick up bays should be clearly marked; and*
- *The dimensions of the parking layout should be in accordance with Australian Standards (AS/NZS 2890). 1:2004.”*

The report concludes that the centre can be established without adversely impacting on existing traffic movements in the area. This outcome is based on the assumption that access and egress to the childcare centre is available not only from Glengarry Drive but also through the adjoining sites to Arnisdale Road and Warwick Road.

As such it will be important to ensure that the parties involved retain easements to ensure that permanent access through the adjoining sites is maintained.

The report was assessed and the conclusions and recommendations contained within the TIS are accepted. The application is supported subject to the developer finalising reciprocal access agreements.

### **Consultation:**

The application was referred to the owners of the Carwash (Lot 11), the Tavern (Lot 12) and the Service Station (Lot 1) for comments.

One objection to the proposal was received from Canning Bridge Superwash Pty Ltd (Lot 11). The objection was raised on the following grounds:

Objection / Comment	Technical Comments
Should the child care centre be established there may be some form of objection lodged to the extended hours of operation of the carwash (24 hours a day / 7 days a week) by the operators of the child care centre.	Any future submission made by the operator of the child care centre, if approved, will be considered on its merits.  It is expected that both the child care centre and the carwash would operate within and will accept the usual operating tolerances of business uses within a Commercial zone.
While acknowledging reciprocal access and parking arrangements between the adjoining lots it is pointed out that there is an expectation that the developer of the child care centre will provide sufficient car bays fully within the boundary of Lot 10 to satisfy the requirements for the development.	The child care centre application is proposing to provide sufficient car parking on its site to satisfy the requirements for this form of development.

### **COMMENT**

The proposed development will involve:

- (i) a change of use from drive through food outlet to CDCC;
- (ii) modifications and extension to the existing building to accommodate the new use; and
- (iii) modifications to the car park and access routes to provide parking and access to the existing southern car park.

### **Location in Relation to Other Land Uses**

The subject property is located on the southeast corner of Glengarry Road and Arnisdale Road. The adjacent properties in the commercial area include a service station abutting to the south, a carwash abutting to the east and to the southeast the Glengarry Tavern also in the vicinity is a TAB premises and a medical centre. On the opposite side of Arnisdale Road is the Glengarry Shopping Centre.

The location of the proposed CDCC in a Commercial zone is consistent with the City's Policy 3.1.1 – Child Care Centres which states that it is preferred to locate child care centres adjacent to non-residential uses such as shopping centres and medical centres/consulting rooms to minimise the impact such centres will have on the amenity of residential areas.

### Noise

The centre is located approximately 125 metres away from the nearest residential area and as such will have no noise impact on the amenity of the residents. The uses in the immediate area – the carwash, petrol station and tavern, are of a nature that will not be impacted by noise from the child care centre.

The CDCC is intended to operate between 7.00am and 6.00pm Monday to Friday and 8.00am to 5.00pm Saturday and Sunday.

With regard to possible future concerns by those attending the child care centre about noise from the established adjoining uses, it is considered that the day time and early evening operation of the proposed centre will limit the potential for loss of amenity due to noise generated from these uses. Furthermore the nature of the existing uses, with the possible exception of the tavern, are not in themselves those which are associated with significant noise generation that might raise concerns within the child care centre.

### Car Parking

The proposed centre is intended to accommodate 90 children and 16 staff. It is proposed that the centre would contain 29 on site parking bays for staff and visitors including 1 disabled bay and 8 tandem bays which are to be used by staff only. This car parking provision is one bay in excess of the requirement set out Council's Child Care Policy.

Car parking areas between the child care site and the adjoining carwash, tavern and TAB are shared through reciprocal car parking and access arrangements that have been established through a number of easements. The overall car parking requirements for Lots 10, 11, 12 and 3 are as follows:

Use	Provision	Required	Shortfall
Tavern	123	149	26
TAB	8	14	6
Carwash	Nil	Nil	Nil
Child Care Centre	29	28	-1
<b>Totals</b>	<b>160</b>	<b>191</b>	<b>31 bays</b>

The proposed car parking provision on the child care centre site is adequate to meet the anticipated demand for the proposed development and will not require the use of bays outside this site.

In regard to the overall car parking shortfall for Lots 10, 11,12 and 3 the shortfall has increased from 11 bays at the time of the carwash application to 31 bays. At that time the KFC outlet provided 35 bays and was only required to provide 14 bays.

At the time of the application for the carwash a car parking survey was submitted that was undertaken over a 2 week period demonstrating the underutilisation of the available car parking. The car bays occupied within the tavern site was 45.5%, this was calculated to increase to 51.8% when the carwash was constructed.

The TIS report states that it is expected that the week day peak drop-offs and pick-ups will occur between the hours of 7.00 - 10.00am and 3.00 – 6.00pm. It is noted that the peak demand period for the carwash was identified as being on Saturdays and Sundays at 3.00pm and the Tavern on Thursdays and Fridays after 6.00pm followed by Saturdays at 9.00pm. As the peak periods between the uses do not coincide overall impact on the parking arrangements from the development of the CDCC would be reduced.

### **Access / Easement Documents**

As stated above easements apply to the proposed child care centre, the carwash, tavern and TAB sites which establish reciprocal car parking and access arrangements. It is essential that these remain in effect as they ensure ease of movement though the commercial centre, effective access and egress to the surrounding roads and avoid congestion on the surrounding streets.

Given the overall car parking shortfall, the easements also ensure that the available parking bays are available to be shared by each of the properties which have peak times at different times during the day.

In recent months there has been discussion between the affected landowners about the various overlapping easements and the impact of changes in land use in recent years. It would appear that these easements do still remain in effect and, in regard to the proposed CDCC, that they will allow access from the proposed CDCC car park east to the adjoining lots. However it is considered that it would be appropriate at this time for the affected parties to formally reconcile the current and proposed land uses with the actual parking and access arrangements and update the easement documents.

### **Landscaping and Fencing**

The proposal provides approximately 321 sqm (16%) of open space which is twice the amount required under DPS 2 within a Commercial zone. The plans supplied also indicate trees being planted along the Glengarry and Arnisdale Road lot boundaries. The outdoor recreation area has been designed to exclude the children from the 55 metre buffer area from the LPG tank at the service station.

Wrought iron fencing to a height of 1.2 metres is proposed along the east and west boundaries and between the outdoor area and the car parking area. Along the Arnisdale Road frontage a solid 1.2 metre retaining wall is proposed. Given the prominence of the site on Arnisdale Road opposite the Glengarry Shopping Centre it will be necessary to ensure that this frontage is treated sensitively and that the applicant be advised that the City will require any future application for fencing on this frontage to be permeable above 1.2 metres.

### **Conclusion**

Having regard to the relevant clauses of DPS 2, the proposed CDCC is supported. The proposal is considered to be a suitable use within a commercial area and is not of a nature that will have an adverse impact on the adjoining business activities.

The application satisfies the requirements of the City's Policy 3.1.1 – Child Care Centres. The location of the proposed child care centre within a Commercial zone overcomes many of the amenity issues that can arise when centres such as this are developed within Residential zones.

In regard to parking the application satisfies the requirements set out in the DPS 2. Furthermore the Traffic Impact Statement that has been prepared in support of the application concludes that traffic increases as a result of the proposed development on the surrounding roads are insignificant and will not have any impacts on the traffic operation of these roads.

It is noted however that the traffic statement conclusion was based on vehicles being able to arrive at and leave the child care centre from Arnisdale and Warwick Roads through the adjoining lots as well as from Glengarry Road. This scenario is only possible with easements being in place which allow reciprocal rights of access and parking through lots 10,11,12 and 3.

It is to the benefit of each of the affected landowners for these easements to remain in effect. In light of the overall shortfall of car parking (despite its under-utilisation) it will be necessary to require that the easements are updated to identify the existing land uses and the proposed CDCC and the also to illustrate the access and parking areas that are to be protected.

It is recommended that the application for Planning Consent be approved.

### **ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 2	Development Plan
Attachment 3	Traffic Impact
Attachment 4	Report on Access and Parking Easements
Attachment 5	Child Care Centre Policy 3.1.1

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cmr Smith, SECONDED Cmr Clough that Council APPROVES the application for Planning Approval dated 27/12/2004 submitted by T & Z Architects, the applicants on behalf of the owners, EJ Reilly and MM Reilly for a Child Care Centre on Lot 10 (6) Glengarry Road, Duncraig, subject to the following conditions:**

- 1 The parking bays, driveway and points of ingress and egress being upgraded and modified in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be upgraded, 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;**
- 2 All stormwater must be contained on site to the satisfaction of the City;**
- 3 Any fencing on top of the Arnisdale Road retaining wall shall be visually permeable as defined by the Residential Design Codes 2002 to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
- 4 A maximum of ninety (90) children are permitted to be cared for at any one time;**



- 5 The operating hours for the Child Care Centre shall be between 7am to 6pm, Monday to Friday and 8am to 5pm Saturday and Sunday;
- 6 The Arnisdale Road retaining wall shall be of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
- 7 A minimum of twenty-nine (29) car bays to be provided for the proposed use;
- 8 The 16 staff bays and 13 drop off/pick up bays should be clearly marked;
- 9 The front (northern) four tandem parking bays are to be marked for staff use only, the rear tandem bays are to be marked for drop off/pick up;
- 10 The location of the disabled parking bay is to be relocated to the north side of the carpark;
- 11 The easement agreement regarding reciprocal access and parking rights between the owners of Lots 10, 11, 12, and 3 being amended and endorsed by the various land owners before a Building Licence is issued for the development.

**Footnote:**

- 1 Development shall comply with the Health (Food Hygiene) Regulations 1993, Health (Public Building) Regulations 1992 and the Environmental Protection (Noise) Regulations 1997.
- 2 The kitchen shall be of a suitable size and be provided with sufficient number of hand basins, double bowl sink and food preparation sink. Fitout requirements will be assessed at building licence stage.
- 3 A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.
- 4 A separate application being made to the City for approval to commence development prior to the installation of any patio or shade structure at the outdoor play area.
- 5 Where any metal tube frames are used, they shall be filled with sand. Furthermore, plastic children trucks or cars may require rubber tyres to reduce noise disturbances.
- 6 Compliance with the Building Code of Australia Vol. 1 with particular note to access for disabled persons to and within the building and circulation space within the building in accordance with AS 1428.1 – 2001 (Passages and Doorways).

**The Motion was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf230805.pdf](#)

**CJ186 - 08/05 LAND REQUEST FOR PROPOSED COMMUNITY HOUSE IN CRAIGIE LOT 671 (178) CAMBERWARRA DRIVE (CORNER OF PERILYA ROAD) – [23562]**

**WARD:** Pinnaroo

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ050823\_BRF.DOC:ITEM 17

**PURPOSE**

To consider the possible disposal of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development (DCD).

**EXECUTIVE SUMMARY**

The Department for Community Development (DCD), IS seeking from the City a parcel of land identified as Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) (Attachment 1 - Map of site) as a gift or reduced-value sale, to enable the development of a Community House for the benefit of the surrounding community. The Department made its approach to the City following an assessment of community needs and as a result of its decision to allocate capital works funding toward the construction of a Community House facility in Craigie.

A number of options for Council's response have been explored and are outlined in detail in the body of this report. The funding for a facility in Craigie has come as a result of a decision by DCD in December 2004, to re-allocate funding from the Currambine site which was a joint project with the City of Joondalup.

*It is recommended that Council:*

- 1 *SUPPORTS this State Government initiative by agreeing to the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development for the construction of a Community House in accordance with the provisions of the Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996;*
- 2 *AGREES to the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development at its market value as determined by an independent property valuer selected by the City of Joondalup;*
- 3 *AGREES that any funds acquired as a result of the sale of Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) to the Department for Community Development be transferred to the City's Strategic Asset Management Reserve Account.*

## BACKGROUND

<b>Suburb/Location:</b>	Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road)
<b>Applicant:</b>	State Government Department for Community Development
<b>Owner:</b>	The City of Joondalup
<b>Zoning:</b>	<b>DPS:</b> Civic and Cultural
	<b>MRS:</b> Urban

On 23 March 2005, the City received correspondence from DCD regarding Lot 671 Camberwarra Drive (Corner of Perilya Road) in Craigie. The correspondence indicated that this site had been identified as the most suitable for the construction by DCD of a Community House. The request from DCD outlined its desire for the City to either gift, lease at a peppercorn rate, or sell at a reduced price, the area of land.

The State Government, via DCD, is seeking to develop a Community House in Craigie as a result of research undertaken which indicates that there is significant social need in the area for a Community House facility. The State Government has approved the sum of \$390,000 for the purchase of land in Craigie for this purpose.

In order for the development of a Community House in Craigie to proceed, the State Government has transferred an amount of \$500,000 that was previously committed to a joint project with the City for a community facility in Currambine. The State Government's contribution of \$500,000 to the Currambine facility was on the basis that the City of Joondalup would match the funding on a dollar for dollar basis and with some components of the facility designed to meet the specific needs of DCD. Preliminary designs for the Currambine facility had included spaces in which counselling and children's services could be conducted.

The decision by DCD to progress the development of a Community House in Craigie was based on data reflecting client numbers, which are significantly higher than in other suburbs of the City. Indicators such as the number of low-income families on Centrelink payments (22%), the number of rental properties (17%) and one-parent families (22%) indicate to DCD that Craigie is a suburb of significant need. The location of the Community House facility within Craigie would not only assist that suburb, but also provide services to residents of Beldon and Padbury, which are also suburbs known to have significant social needs.

Indication from DCD is that whilst \$500,000 has been allocated to the project, this amount would only provide a modest Community House. If the City was to gift the land to DCD, it has been suggested that the additional funding of \$390,000 would enable DCD to provide a significantly enhanced facility. This is identified as a preferred option by DCD.

Prior to approaching the City, DCD engaged recognised Property Consultants to seek site options for a Community House. Several potential sites were identified, however the majority were deemed unavailable or unsuitable. The City of Joondalup property in Camberwarra Drive was assessed to be ideal for the project. The site is 2,000 square metres; it is zoned for Civic and Cultural use and is ideally located in the centre of Craigie. The site is very accessible to the residents of Craigie and lends itself to maximising the usage and benefits for the local community.

The other sites identified by DCD in the research process were:

- Lots 1 and 3 Eddystone Avenue
- Lot 674 Eddystone Avenue
- Part of Lot 1025 Camberwarra Drive
- Part of former Craigie High School

The subject land was transferred from North Whitfords Estate Pty Ltd on the 13 June 1979 at nil consideration as part of the subdivision process. The City has not identified any use for the property to date.

Community Houses offer programs that support the social well being of community members. A community-based management committee usually manages the activities of the facility and the programs offered are determined by the assessment of and response to community need. Examples of the kinds of support services that are offered through a Community House program are:

- Parenting courses
- Financial Counselling
- Emergency relief funds disbursement
- Low-cost legal services
- Support groups for families with disabilities
- Support groups for families experiencing domestic violence
- Counselling
- Self esteem courses
- Leisure and recreational opportunities

The programme and facility mix of community facilities is orientated around multiple use. All structural components of the facility are not overly specialised in their design, thus enabling a diversity of usage. Other than Financial Counselling the types of services and programmes that are identified for this community house are outside of the sorts of services the City would seek to provide. The opportunity for the City to have the state government to provide a facility from which these services could be provided is an ideal situation.

## **DETAILS**

Lot 671 (178) Camberwarra Drive Craigie (Corner Perilya Road) was valued by an independent valuer on behalf of the City in June 2004, at \$360,000. The current zoning "Civic and Cultural" does not allow residential development on the site. The land could however, be developed for civic buildings within that zoning. The land is adjacent to the Perilya Road commercial precinct and the eastern portion of the lot is affected by a car park adjoining the bowling alley. An agreement is in place for reciprocal parking rights for this lot and the adjoining bowling alley lot.

The current zoning of Civic and Cultural on the site would allow the Community House to be developed without advertising the intention for use. It would be advantageous, however, to implement an advertising period of between 21 and 28 days as a discretionary strategy to ensure that the local community are fully informed regarding the proposed Community House.

There are a number of community facilities located in Craigie and [the](#) surrounding suburbs. These buildings meet a variety of needs but are not specifically designed to meet requirements of a Community House. Examples of "community model" buildings of this nature are Granny Spiers Community House in Heathridge and the Homestead Community

Houses in Beldon and Kingsley. These facilities are built on the model of a large residential building, and designed specifically to create a homely atmosphere. Research demonstrates that this model is a successful way in which to offer social services to local communities. Being located in Camberwarra Drive, Craigie the Craigie Community House would be situated some distance from other “like” facilities.

The facility is likely to assist and support the community for the following reasons:

- The facility will provide services that are not readily available to the residents of Craigie
- The programs on offer will be different to those offered by other similar community facilities in closest proximity
- Other Community Houses – Granny Spiers and Beldon Homestead are well utilised.
- The demographics of Craigie are indicative of an area that requires the delivery of these sorts of services
- The programs would complement rather than detract from those of other community facilities.

Within reasonable proximity of the proposed site are facilities such as the Craigie Leisure Centre, Ocean Ridge Leisure Centre, Rob Baddock community hall and clubroom facilities such as Guy Daniels and Warrantdyte. These facilities are purpose-built and better suited to providing for sport and leisure activities, and therefore do not readily lend themselves to the provision of social services as identified for the Craigie Community House. These buildings are well used at peak times and offer limited options for the types of services that are likely to be based at a community house facility.

### **Issues and Options:**

In considering the formal approach made by DCD to the City, for the land for the development of a Community House, the City has a number of options. The options considered are identified below as being:

- Option 1** Offer the land as a gift to Department for Community Development.
- Option 2** Sell the land to Department for Community Development at full market value.
- Option 3** Sell the land to Department for Community Development at a reduced market value.
- Option 4** Lease the land to Department for Community Development at peppercorn rental.

The implications of each option are identified below:

#### **Option 1 Offer the land as a gift to Department for Community Development**

There would be significant community benefit in that the \$390,000 allocated for the purchase of land would enable DCD to construct an enhanced facility. The City would receive positive recognition as a result of its contribution to the community. If gifted, the land would become an asset of the State Government and not the City of Joondalup.

**Option 2 Sell the land to Department for Community Development at full market price**

This option has obvious financial benefits for the City as the property has a market value of approximately \$360,000 as per valuation by independent valuer. This approach would enable the City to establish a consistent and transparent way of handling all requests of this nature.

**Option 3 Sell the land at a reduced market price**

This option has some financial benefits for the City due to the market value of the property, at the same time allowing DCD to make a greater contribution to the construction of the Community House.

**Option 4 Lease the land**

By offering the area of land at a market or peppercorn rental the City would enable the construction of the Community House to proceed whilst the City would retain ownership of the land.

(Options 2 and 3 could enable the City to utilise the funds to be set aside in the Strategic Asset Management Reserve Account).

**Link to Strategic Plan:****Objective 1.3**

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

**Strategy 1.3.2**

Provide quality-of-life opportunities for all community members.

**Strategy 1.3.3**

Provide support, information and resources.

**Objective 3.3**

To continue to meet changing demographic needs.

**Strategy 3.3.2**

Integrate plans to support community and business development.

**Objective 3.5**

To provide and maintain sustainable economic development.

**Strategy 3.5.1**

Develop partnerships with stakeholders to foster business development opportunities.

**Disposal of an Asset by the City of Joondalup**

The land at Lot 671 (178) Camberwarra Drive (Corner of Perilya Road) is unencumbered. The disposal of land by the City would not require a Business Plan if the disposition is less than \$500,000.

**Legislation – Statutory Provisions:**

A disposition of land is defined under section 3.58 of the Local Government Act 1995 to include selling, leasing or otherwise disposing of property whether it be the whole or part of the property. Section 3.58 needs to be adhered to unless the disposition is an 'exempt' disposition' as defined under regulation 30 of the Local Government (Functions and General) Regulations 1996. As the City proposes to dispose of the property to State Government, Regulation 30(2)(c)(ii) qualifies the disposition as an exempt disposition.

The City has no statutory responsibility to provide this sort of community facility or the types of services as proposed to occur in the facility. The responsibilities vested in the City relate to the following of proper process regarding disposal of freehold land, land ownership, planning and land use.

Accordingly, if the City disposes of the land or enters a lease agreement with DCD, the statutory obligation outlined below becomes relevant:

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Lot 671 Camberwarra Drive Craigie (Corner Perilya Road) was valued in June 2004 at \$360,000. The City has previously indicated through its Strategic Financial Plan and 2005/06 Budget that it has major issues with the future funding for the replacement and refurbishment of its existing building assets and should be setting aside a minimum of \$3.5m for this purpose. Only \$1.8m was able to be transferred into the Strategic Asset Management Reserve in the 2005/06 Budget. The disposal of this property at market value would allow the funds to be placed in this reserve for future and present requirements.

**Policy Implications:**

The City does not have a policy on the disposal of its freehold land, however, Policy 2.5.2 – Procurement of Council Buildings states as its objective for the City's procurement of new buildings or additions, that such buildings or additions shall be subject to review to ensure that they meet the objectives of:

- Strategic Plan;
- Corporate responsibilities, and
- Identified needs.

The formulation of a Strategic Asset Management Plan will occur during 2005/06 however at this stage there is no adopted strategy to guide consideration of this potential disposal. Disposal for any value other than market value would dilute the City's net asset position.

**Regional Significance:**

The construction of a community facility in the suburb of Craigie is fundamentally a local issue. The services provided would be mainly intended for delivery to residents of the City of Joondalup who live near to the facility. The regional significance of the project is linked to the fact that DCD is a state body delivering services to the whole of Western Australia.

**Sustainability Implications:**

The proposal to provide a Community House in the suburb of Craigie addresses the diverse needs of all sectors of the community and will have a positive effect on the development of a healthy, equitable, active and involved community.

The Community House will also have a positive effect on community access to education, leisure, recreational, cultural and health services. The quality and variety of services available to the community will be greatly enhanced with the development of community house programs, albeit that this is a state government rather than local government responsibility.

Disposal for less than market value would negatively impact on the City's financial sustainability.

**Consultation:**

The City has been made aware of the desire of a number of members of the community for this facility to proceed.

**COMMENT**

The proposal from DCD seeking to obtain access to an area of land, Lot 671 Camberwarra Drive Craigie (Corner Perilya Road), has initiated a range of opportunities for the City. The proposal to develop Community House facility in this area is highly supportable on the grounds that the services are needed, there is no duplication of facilities and the location of the building is ideal for the community. Whilst this project is fully supported as a state government initiative, the City is not in a position to gift the land or dispose of it, other than for its market value.

Prior to approaching the City, DCD undertook research regarding the needs of various suburbs within the City of Joondalup. The selection of Craigie as the most suitable location for a community house facility was based on the number of low-income families on Centrelink payments, the number of rental properties (17%) and one-parent families (22%). Measurement of the above indicators have clearly identified to DCD that Craigie is a suburb of significant need. The location of the Community House facility will have significant impact on the social needs of Craigie and surrounding suburbs.

From a procedural perspective it is clear that there would be no reason that the City should be unable to dispose of an asset that has an appropriate land use and is able to meet the needs of the community without the City needing to expand its level of service. However, due to the City's financial position it would not be considered prudent to dispose of its asset for anything other than market value.



Through the sale of the land sought by DCD the City has an opportunity to direct the proceeds into the Strategic Asset Management Reserve for funding its current and future asset responsibilities. Whilst no specific project is identifiable at this time it is likely that there will be a future opportunity to benefit from the availability of the funds from this sale for other community buildings. One potential project that could benefit from the generation of funds in this manner is the Currambine Community Centre. This project will undergo a feasibility study during the 2005/2006 budget year.

## **ATTACHMENTS**

Attachment 1	Map of the site
Attachment 2	Letter from Kevin Wringe, District Manager Joondalup office Department for Community Development - 23 March 2005.

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 SUPPORTS this State Government initiative by agreeing to the sale of Lot 671 (178) Camberwarra Drive, Craigie (Corner Perilya Road) to the Department for Community Development for the construction of a Community House in accordance with the provisions of the Local Government Act (1995) and the Local Government (Functions and General) Regulations 1996;
- 2 AGREES to the sale of Lot 671 (178) Camberwarra Drive, Craigie (Corner Perilya Road) to the Department for Community Development at its market value as determined by an independent property valuer selected by the City of Joondalup;
- 3 AGREES that any funds acquired as a result of the sale of Lot 671 (178) Camberwarra Drive, Craigie (Corner Perilya Road) to the Department for Community Development be transferred to the City's Strategic Asset Management Reserve Account.

**MOVED Cmr Fox, SECONDED Cmr Clough that Council:**

- 1 **DEFERS consideration of the land request for proposed Community House in Craigie, Lot 671 (178) Camberwarra Drive (corner of Perilya Road);**
- 2 **OBTAINS from the Department of Community Development detailed outcomes for this proposed service, clearly stating how the community house will meet identified community needs;**
- 3 **RECEIVES from the Department of Community Development projected costs of building the community house, giving reasons why the funds currently available will be inadequate if the arrangements for the sale of the land, Lot 671 (178) Camberwarra Drive, Craigie goes ahead;**
- 4 **REQUESTS the Chief Executive Officer to provide relevant information on budgetary implications should the sale of Lot 671 (178) Camberwarra Drive, Craigie not be realised.**

Cmr Fox spoke to the Motion.

**AMENDMENT MOVED Cmr Smith, SECONDED Cmr Fox that an additional Point 5 be added to the Motion as follows:**

**“5 REQUESTS that when this report is resubmitted, Option 4 is explored further, with a long term cost benefit analysis.”**

**The Amendment was Put and**

**CARRIED (5/0)**

**The Original Motion as amended, being:**

**That Council:**

- 1 DEFERS consideration of the land request for proposed Community House in Craigie, Lot 671 (178) Camberwarra Drive (corner of Perilya Road);**
- 2 OBTAINS from the Department of Community Development detailed outcomes for this proposed service, clearly stating how the community house will meet identified community needs;**
- 3 RECEIVES from the Department of Community Development projected costs of building the community house, giving reasons why the funds currently available will be inadequate if the arrangements for the sale of the land, Lot 671 (178) Camberwarra Drive, Craigie goes ahead;**
- 4 REQUESTS the Chief Executive Officer to provide relevant information on budgetary implications should the sale of Lot 671 (178) Camberwarra Drive, Craigie not be realised;**
- 5 REQUESTS that when this report is resubmitted, Option 4 is explored further, with a long term cost benefit analysis.**

**was Put and**

**CARRIED UNANIMOUSLY (5/0)**

*Appendix 16 refers*

*To access this attachment on electronic document, click here: [Attach16brf230805.pdf](#)*

Chief Executive Officer made reference to Page 111 of this evening's agenda in relation to the disposal of property and stated he wished to correct advice he had given earlier in the meeting. There have been amendments to the Local Government Act 1995 to the effect that disposal of land by the City does not require a Business Plan if the disposition is less than \$1 million, and not \$500,000 as previously stated. Chief Executive Officer advised this has no impact on the decision made by Commissioners, however he wished to clarify the position prior to the close of the meeting.

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

Nil.

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

Nil.

## **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 20 SEPTEMBER 2005** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

## **CLOSURE**

There being no further business, the Chairman declared the Meeting closed at 2029 hrs; the following Commissioners being present at that time:

CMR J PATERSON  
CMR P CLOUGH  
CMR M ANDERSON  
CMR S SMITH  
CMR A FOX