

MINUTES OF COUNCIL MEETING
HELD ON 20 SEPTEMBER 2005

TABLE OF CONTENTS

No:	Item	Page
	OPEN AND WELCOME	1
	ATTENDANCES	1
	PUBLIC QUESTION TIME	2
C50-09/05	EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]	10
	APOLOGIES AND LEAVE OF ABSENCE	11
	DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY	11
C51-09/05	CONFIRMATION OF MINUTES MINUTES OF COUNCIL MEETING, 30 AUGUST 2005.....	12
	ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION	12
C52-09/05	PETITIONS	13
	REPORTS	
CJ187 - 09/05	OVERVIEW OF THE OFFICIAL VISIT FROM JINAN DELEGATION (SHANDONG PROVINCE), CHINA TO JOONDALUP – AUGUST 2005 AND TO PROVIDE FURTHER NOTIFICATION OF AN INVITATION TO VISIT JINAN IN OCTOBER 2005 – [52469] [11014]	13
CJ188 - 09/05	MATERIAL VARIANCES FOR THE FINANCIAL YEAR ENDING 30 JUNE 2006 – [80566]	24
CJ189 - 09/05	TENDER 001-05/06 SWEEPING OF PAVEMENTS, CAR PARKS AND PATHWAYS IN JOONDALUP CITY CENTRE – [77572]	26
CJ190 - 09/05	TENDER 003-05/06 PLUMBING MAINTENANCE SERVICES – [86572]	31
CJ191 - 09/05	TENDER 008-05/06 GRAFFITI CONTROL SERVICES – [11573]	35
CJ192 - 09/05	TENDER 014-05/06 SORRENTO BEACH REDEVELOPMENT STAGE 2 – [67573]	40
CJ193 - 09/05	MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 24 AUGUST 2005 – [12168].....	45
CJ194 - 09/05	PROPOSED DRAFT CURRAMBINE DISTRICT CENTRE STRUCTURE PLAN (STRUCTURE PLAN NO 6) - LOTS 9505, 929 AND 1574 DELAMERE AVENUE, HOBSONS GATE & SHENTON AVENUE, CURRAMBINE – [47351] [39557].....	51
CJ195 - 09/05	ADOPTION OF MODIFICATIONS TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL - SOUTHERN BUSINESS DISTRICT – [00152]	58

CJ196 - 09/05	EDUCATIONAL ESTABLISHMENT - CARPARK ADDITION (610 NEW BAYS) – LOT 502 (38) COLLIER PASS, JOONDALUP – [22460]	66
CJ197 - 09/05	CLOSE OF ADVERTISING FOR AMENDMENT NO 29 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE FROM 'COMMERCIAL' TO 'RESIDENTIAL' AND AMEND THE DENSITY CODE FROM R20 TO R40: LOT 674 (107) EDDYSTONE AVENUE, CNR PERILYA ROAD, CRAIGIE – [83567].....	75
CJ198 - 09/05	FOUR COMMERCIAL TENANCIES AND FOUR GROUPED DWELLINGS - LOT 519 (27) DAVIDSON TERRACE (NORTHEAST CNR REID PROMENADE) JOONDALUP – [76521]	80
CJ199 - 09/05	DEDICATION OF PORTION OF OCEAN REEF ROAD, OCEAN REEF – [07131]	90
CJ200 - 09/05	PROPOSED TWO STOREY DEVELOPMENT OF THIRTY SIX MULTIPLE DWELLINGS PLUS BASEMENT CAR PARKING AREA – LOT 251 (5) EASTLEIGH LOOP CURRAMBINE – [38659]	92
CJ201 - 09/05	SHOWROOM ADDITIONS – LOT 13 (57) JOONDALUP DRIVE, EDGEWATER – [38480]	114
CJ202 - 09/05	APPOINTMENT OF REPRESENTATIVES TO THE TAMALA PARK REGIONAL COUNCIL – [41196]	119
CJ203 - 09/05	APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO – [64266]	124
	REPORT OF THE CHIEF EXECUTIVE OFFICER	130
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN.....	136
	DATE OF NEXT MEETING.....	136
	CLOSURE	136

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 20 SEPTEMBER 2005

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON - Chairman
CMR P CLOUGH - Deputy Chairman
CMR M ANDERSON
CMR S SMITH
CMR A FOX

Officers:

Chief Executive Officer	G HUNT	<i>Absent from 2015 hrs to 2020 hrs</i>
A/Director, Planning and Community Development:	D DJULBIC	
Director, Corporate Services and Resource Management:	P SCHNEIDER	
A/Director, Infrastructure & Operations:	P PIKOR	
Manager, Marketing Communications & Council Support:	M SMITH	
Co-ordinator, Urban Design and Policy:	G CATCHPOLE	
Co-ordinator, Planning Approvals:	S SULLIVAN	
Media Advisor:	L BRENNAN	
Committee Clerk:	J HARRISON	
Minute Clerk:	L TAYLOR	

There were 14 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME**The following questions were taken on notice at the Council meeting held on 30 August 2005:****Ms Sue Hart, Greenwood:**

Q1 *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.*

A1 The response to this question is now provided – Appendix 16 refers. *To access this attachment on electronic document, click here: [Attach16agn200905.pdf](#)*

Mrs M Zakrevsky, Mullaloo:

Q1 *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?

A1 The City received applications from Cr Mackintosh (suspended) on 10 December 2004 and again on 13 December 2004, Cr O'Brien (suspended) on 11 December 2004 and again on 13 December 2004, and Cr Kimber (suspended) on 13 December 2004.

While their applications were processed quickly it was due to the fact that the individuals in question through their correspondence noted the significant urgency with which they required the funding, a situation that Ms Hart did not communicate to the City. In fact Ms Hart did not raise the issue of her application again after March 2005 and the City was not aware of any urgency with the application due to the fact that Ms Hart had at the time of her application and to the present, not expended her initial funding from July 2004.

Furthermore, it is noted from the Council resolution that Council deferred the applications of the three suspended elected members for two months.

The matter was then tabled for Council's consideration in February 2005. At that meeting it was resolved to deal with the application at a Special Council Meeting.

This did not eventuate due to the matter subsequently being dealt with through correspondence between the parties and finality given to the issue in August 2005. These three elected members have not claimed any hardship as a result of a decision on their application being delayed. They chose to investigate other avenues for legal funding to ensure that their legal representation was adequate.

A draft report had been prepared with regard to Ms Hart's application to be presented at the March Council Meeting, however, given the events of the February 2005 Council Meeting, it was deemed that the entire process relating to legal funding pursuant to Policy 2.2.8 be reviewed, especially given the fact that legal funding approved under this policy was beginning to mount.

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.

A1 As Ms Hart remained underspent in her initial \$5,000 legal funding it was open to her to have engaged further legal services. The Council was not aware of any hardship that Ms Hart claimed may have occurred as to the delay in processing her application.

The City's delay was due to a review of matters relating to Policy 2.2.8 that it had undertaken as a result of the February 2005 Council Meeting. These issues were not finalised until some months later.

It was open to Ms Hart to have contacted the City earlier to have had this matter dealt with if it was urgent. However, after 15 March 2005 Ms Hart apparently did not raise the issue of additional legal funding again. A schedule of the City's interaction with Ms Hart in relation to matters relating to questions of legal funding both under the policy of insurance and Policy 2.2.8 will be sent to her. The City attempted to find a solution to the questions Ms Hart raised in relation to these matters.

As to the suspended councillors who have engaged QCs to represent them they have not done so under Policy 2.2.8 and their fees have not been paid by the City.

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?

A2 The Commissioners, after the meeting of February 2005, wanted a review of legal funding granted pursuant to Policy 2.2.8 undertaken. The process was slow and involved discussions with the City’s legal representatives to determine a solution to the issue and to evaluate the City’s handling of the applications.

As to whether the Commissioners or the Chief Executive Officer were of the view that Ms Hart had been discriminated against, due to a delay in dealing with her funding application, the answer is no. At the time of her application Ms Hart had not spent all of her initial \$5,000 legal funding and this has remained underspent to date.

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 While the matter was deferred to a special council meeting, the decision of the Council did not specify a timeframe in which this special meeting needed to take place. As the three suspended Councillors subsequently obtained legal funding from the City’s Councillors and Officers Elite Insurance policy, and a number of other suspended elected members availed themselves of this policy of insurance, a special meeting was not called to deal with the issue. While the resolution may be considered to remain outstanding it is no longer active due to the alternative actions taken by the suspended Councillors and the near finalisation of the Inquiry process.

Ms M Macdonald, Mullaloo:

Q1 *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?*

- A1 The land use of a development is not necessarily related to its tenure or the division of land titles. In answer to a previous question it has been stated that the usual method of managing short stay units in a “residential building” would be by holding it on one title and managing it centrally. This aspect of the Mullaloo development is currently under assessment.

Mr J McNamara, Sorrento:

- Q1 *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?*

- A1 Surveying of the building has determined that the maximum height is 9.4 metres.

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 Certain sections of the basement were built in a manner that was not approved by the Council, and as a result, a Notice was issued under section 401 of the Local Government Act in order to call for compliance of the building. As to the upper levels of the development, the proponents did lodge plans and gain Building Licence approval for the changes described above before that part of the development was constructed. The section 39 certificate relates to a part of the building on the upper levels and hence is not impacted by the basement and the Order to Comply.

Mr S Kobelke, Sorrento:

- Q1 *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?*

- A1 In regard to the bacterial water quality of the Hillarys Boat Harbour (HBH), the City has met with the Department of Health and Department of Planning & Infrastructure (DPI) to discuss the issue. Whilst it is acknowledged that the care and control of the HBH is under the jurisdiction of the DPI, as the boat harbour is a strong focal point of the community the City has agreed to provide resources to assist in an Environmental

Sanitation Survey, to ascertain any threats to the water quality for beach users in the Hillarys Boat Harbour.

The proposed walkway is likely to have an impact on water movement, however, the extent of that impact is not known to the City. The Western Australian Planning Commission, as the decision maker, did not require an Environmental Impact Statement.

The following question was submitted at the Council meeting held on 5 April 2005

At the Council meeting held on 5 April 2005, the following question was raised by Mr Cusack. The response given at that time was that *“further information has been sought from the Department of Environment regarding the extent of Walluburnup Swamp and the 50 metre buffer, a response would be provided in due course.”* A response is now provided.

Mr V Cusack, Kingsley:

Q1 *Now that Lot 62 has been subdivided (Lots 28 & 29) in order for the development to go around Walluburnup Swamp, which is clearly identified as a high acid sulphate soils risk area. Is the proposed development greater or less than 50metres away from the contours of Walluburnup Swamp? Can Council please provide the precise buffer distance that the proposed development is from Walluburnup Swamp?*

A1 The aged care facility proposed on Lot 63 (30) Hocking Drive and the subdivision of former Lot 62 (to create Lot 28) (Meath development site) is within 50 metre of the contours of the Walluburnup Swamp, located south of Whitfords Avenue. However, the following additional comments are made.

Metropolitan Region Scheme Amendment No 1037/33 North West Districts Omnibus (No. 5), proposed to transfer a portion of (former) Pt Lot 62 and Lot 63 Hocking Road from the Rural zone and the Parks and Recreation reservation to the Urban zone.

In the report on submissions for this amendment dated August 2002, which was produced by the Department for Planning and Infrastructure for consideration by the Western Australian Planning Commission, it was identified that:

The Water and Rivers Commission ... advised that there is an area of Conservation Category Wetland in the north-western corner of Pt Lot 62 south of Whitfords Avenue and that this section of wetland is degraded but still an important part of Lake Goollelal. The Water and Rivers Commission has advised that it is prepared to waive the buffer requirement to the portion of the wetland to allow the 1.1 ha of Pt Lot 62 to be rezoned as Urban.

This Metropolitan Region Scheme Amendment was approved and gazetted on 14 January 2003. Once this amendment was gazetted, the City was then required to modify its District Planning Scheme to comply with the Metropolitan Region Scheme and this amendment (Amendment 12 to the City of Joondalup District Planning Scheme No. 2) was approved and gazetted on 25 May 2004.

Therefore, the imposition of a 50m buffer requirement for the section of Walluburnup Swamp south of Whitfords Avenue was not required by the WAPC to be included as part of the Metropolitan Scheme Amendment or the District Planning Scheme Amendment. The Meath development site is also outside of the 50m buffer requirements for the section of Walluburnup Swamp located north of Whitfords Avenue.

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

Mr M Caiacob, Mullaloo:

Re: Currambine Centre Structure Plan and, to some extent, the Davidson Terrace issue on this Agenda cover by the JCCDPM.

Q1 *As there are no Structure Plan documents or definitions attached to the Agenda for Currambine, (i.e., parts 1, 2 of the Structure Plan) can the Commissioners, Chief Executive Officer and planning staff guarantee to myself and residents of that locality, that the use of the term “shop top housing” is not going to be used to avoid or negate any applicable development standards?*

A1 The Plan will be available for public comment and the term “shop top housing” does not have a status under the District Planning Scheme. All the definitions are standard under the Town Planning Scheme and the term in itself does not have a meaning.

Re: Mullaloo Beach Tavern – re: verge gradients, ingress and egress and the consultant’s report prepared by Mr O’Neill.

Q2 *The Community had previously been advised that these issues would be coming before Council. I am particularly interested in the report by Mr O’Neil as this was paid for by ratepayers and used by the City to check its own position and the development conformity to its required conditions. Considering the ratepayers and developers have paid for planning staff to carry out these day-to-day functions already, could I please be advised when this report will be presented to the Council?*

A2 The report by Mr O’Neill was commissioned by the City as part of an independent exercise to review the process that had been used in terms of the dealing with plans after the planning approvals had been issued. In relation to the issues concerning ingress and egress, matters raised by Mr O’Neill in the report were very high level and those matters are still being dealt with in relation to the construction on site. The verge gradients were not part of the issue raised in the report.

The matters pertaining to Mullaloo Beach Tavern continue as the City has reported in previous meetings of Council. It is still not resolved. The information raised assisted the City in ensuring that the matters that ought to have been taken into account either had already been taken into account or would be taken into account before the final approvals were given.

Q3 *Will that report be presented to Council or the public?*

A3 This question will be taken on notice.

Mr D Davies, Connolly:

Q1 *Re: Short stay accommodation in Glenelg Place, Connolly. Are the Commissioners aware that the City’s Planning Department initiated, organised, convened and chaired a meeting with two out of the six members of the body corporate of the abutting retirement village at 192 Fairway Circle, Connolly to discuss a means of obtaining State Tribunal Approval for the proposed short stay accommodation?*

This meeting was also attended by Mr H Joubert and his town planner. The City at this meeting put forward some conditions that the City wanted mutual agreement on. To quote from the meeting: "Steve told the meeting that the cost of putting the caveat on the title deed of 3 Glenelg Place, Connolly would be approximately \$1000, Mr Joubert said he would not subscribe to the cost but would support it if all other undecided matters were settled amicably." The two people from the body corporate agreed to pay the \$1000 for the placing of the caveat. Legally approval is needed from the majority of the body corporate, which did not take place making this decision invalid.

At the same meeting discussions also took place on table and chair arrangements for the lodging house clientele on the 3m strip abutting the retirement village and lighting at the rear. Discussion took place on a block wall at 1.6 metres high running approximately 50 metres and costing about \$16,000 to act as a barrier for the retirees. A quote from the meeting "At the meeting the owner was adamant that he would not subscribe to any costs as it would make his project unfinancial. His town planner said the \$16,000 for the wall represented another ten percent on the project costs.

Have the results of this meeting been forwarded to the tribunal as an attempt to portray that the retirement village is now in favour of this proposal, as this would be false and retraction is demanded?

- A1 There was a meeting held between the City and the City's Planning consultant and Mr H Joubert and his representative and that was in accordance with the directions by the State Administrative Tribunal. This was following Council's meeting, where Council resolved to adopt certain conditions in relation to the proposed development. The directions of the Tribunal require both parties to meet to discuss those conditions. If there are any conditions in dispute, then those conditions are required to be referred to the State Administrative Tribunal.

In terms of process, it was agreed the City would go to the adjoining retirement village and speak about the issues in relation to the proposed conditions. The intention was to keep the retirement village informed, to provide dialogue between the two parties and ultimately get to the point for Mr Joubert to decide which conditions he might object to in relation to the Tribunal.

Shortly before the meeting, the City met with the adjoining property owners. The City sought, because of the restricted time, to meet with the Chairman of the Body Corporate and met with the Chairman and Secretary. The City discussed the conditions Council had imposed in terms of the adjoining development. The purpose was to then discuss with the adjoining property owners those conditions and for them to be informed so that dialogue could occur. At the end of the meeting, Mr Joubert decided that he would only object to one condition and he would be required by the directions in the Tribunal to provide written comments as to why he objected to that condition. From memory that condition was condition three or (c) which relates to the provision of a brick wall between the two properties. Having decided that he would only object to that condition, Council was required to respond to why we would impose that condition and the reasons supporting it.

This information was sent to the Tribunal by the required date of 9 September 2005. Council is now awaiting the Tribunal in terms of this decision, in relation to whether the application would be approved or not, if the Tribunal ultimately decides to approve it then those conditions the Tribunal will consider. Council's resolution in opposing the development still stands and it was made clear that Council's position was as per the decision made by Council.

Q2 Are the Commissioners aware of a letter sent to the Planning Department dated 20 August 2005 from a 91 year old resident of the village whose deteriorating health and increased medication can be contributed to this proposal. Why is the Planning Department apparently doing everything it can do to help the owner of 3 Glenelg Place, Connolly to gain approval to the detriment of the elderly ratepaying residents of the village? I table a copy of that letter and the resident's medical record. *Appendix 18 refers.*

To access this attachment on electronic document, click here: [Attach18min200905.pdf](#)

A2 This question will be taken on notice.

Mr M Sideris, Mullaloo:

Re: Agenda – 20 September 2005, Page xi, response to questions asked at the last Council Meeting.

Q1 *Given the answers posted in tonight's agenda to a question asked of this Council as to why the order to comply did not refer to all floors of the building and just the basement. Can you advise?*

- *when the said plans were officially received by the City;*
- *when the said approval to construct was officially conveyed to the developer;*
- *What the said planned drawing number and issue revision status was, and*
- *the document reference on the respective document on the FOI schedule of documents list as provided to Ms M Macdonald?*

Q2 *Having regard to the response given, being the order to comply was only on the basement, because plans were submitted to other floors and subsequently approved. Can you please tell me why the effect of lift one and stair one was deemed to be acceptable for all floors apart from the basement and doesn't this negate the order to comply and effectively this Administration then put the developer through the pains of an appeal and a SAT Tribunal?*

A1-2 These questions will be taken on notice.

Mrs M Macdonald, Mullaloo:

Q1 *Re: Letter dated 16 August 2005 regarding the patronage of the Tavern floor at the Mullaloo Beach Tavern which states that the maximum accommodation figures are currently being calculated. The calculation relies on an estimation of standing and seating area of the Tavern, which was determined at approval. This same area is used to calculate the carparking requirements so that if any area were increased so would be the patronage and the carparking. In improving the standing and seating area in the Development Application, a maximum number of patrons were implied. The tavern that was demolished had a maximum patronage of 369. Given that the new tavern is on a similar size to the old one, did Councillors approve a new building with a similar standing and seating area as the previous building and also an approximate same number of patrons?*

A1 In the past answers have been given in relation to similar floor areas, but in determining the final numbers for the licensing of the Tavern, the final layout with furniture and railings and other fixtures have a significant impact, as do doors and exit points.

Q2 *When the building was approved there was a standing and seating area approved. Is the City trying to say that the standing and seating area can be varied?*

A2 The original plans designated floor areas and they do not show all the individual seating and the like in the plans that are approved, they are indicative only.

Q3 *Are you trying to say that the standing and seating area, as approved in the tavern has not changed and the amount of patrons that we could expect to find in the seating area will not have changed irrespective of whether the health requirements have amended them? They are all based on an area and without the area there are no patronage numbers.*

A3 The City cannot make such a statement as it would be erroneous and negligent to do so. The calculations require a wide range of issues.

The City has tried repeatedly to make clear that it is not just area, there are a whole series of other criteria.

C50–09/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, **SECONDED** Cmr Clough that public question time be extended for a period of ten minutes.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Ms B Ross, Joondalup:

Q1 *How long do we have to wait for the graffiti to be removed in Joondalup City?*

A1 The target for the City is for all graffiti to be removed within forty-eight hours. In some situations the City requires to receive waivers from private properties. The City also works with the State and public authorities such as Western Power to remove graffiti. The City is trying to be proactive in removing the graffiti as quickly as it can, and is assessing the amount of graffiti with a view to providing extra patrols.

Mr S Magyar, Heathridge:

Q1 *Re: Chief Executive Officer's Performance Review – Are the Commissioners planning a meeting with the new elected members to explain what looks like some very good work that has been done in relation to the Chief Executive Officer's performance review and setting of Key Performance Indicators?*

A1 *Response by Chairman Paterson:* The Commissioners strongly support putting processes in place. All the work the Commissioners are doing on policies and the Chief Executive Officer's review are processes for a future Council to follow if it so wishes.

Mr S Kobelke, Sorrento:

Q1 *Re: Recycling questionnaire available on the website - Clearly from the Consumer Satisfaction response, recycling is a major issue and I congratulate the officers for putting it on the website. A local authority, which is certainly not as big as Joondalup, but rated twenty points higher than Joondalup in recycling, was the City of Melville. Why was the City of Melville's recycling programme not one of the options?*

- A1 The City of Melville plan has two bins with a pick up that has been operating for about 14 to 15 years. The significance difference is that the regional council there has a large area where people can take green waste. They undertake a similar pick up to the City of Joondalup for white goods and green waste and they have a large revenue where they recycle it.
- Q2 *Re: Answer to question regarding the Hillarys Boat Harbour. Based on the fact that the local paper states that the water quality has deteriorated through winter months, and summer months are coming on and the bridge is due to be built in the next few months, has a decision been made to monitor the water quality closely? On the basis of what is happening already, it would seem that the beach would need to be closed.*
- A2 The intent is that there will be significant ongoing monitoring of that area.

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 CJ190-09/05 – Tender 003-05/06 Plumbing Maintenance Services, as one of the tenderers is known to Cmr Clough.

Chief Executive Officer, Mr Garry Hunt, declared an interest that may affect his impartiality in Item CJ192-09/05 – Tender 014-05/06 Sorrento Beach Redevelopment Stage 2, as one of the tenderers is a former client of Mr Hunt.

In relation to Item CJ194-09/05 – Proposed Draft Currambine District Centre Structure Plan (Structure Plan No 6) – Lots 9505, 929 and 1574 Delamere Avenue, Hobsons Gate and Shenton Avenue, Currambine, Cmr Smith advised her daughter resides in the suburb of Currambine, however she would deal impartially with the matter.

Chief Executive Officer, Mr Garry Hunt, declared an interest that may affect his impartiality in Item CJ195-09/05 – Adoption of Modifications to the Joondalup City Centre Development Plan and Manual – Southern Business District due to the negotiations for the acquisition process of the Hodges Drive Depot site.

Acting Director Planning & Community Development, Mr David Djulbic, declared an interest that may affect his impartiality in Item CJ195-09/05 – Adoption of Modifications to the Joondalup City Centre Development Plan and Manual - Southern Business District due to the negotiations for the acquisition process of the Hodges Drive Depot site.

In relation to Item CJ200-09/05 – Proposed Two Storey Development of Thirty Six Multiple Dwellings plus Basement Car Parking Area – Lot 251 (5) Eastleigh Loop, Currambine, Cmr Smith advised her daughter resides in the suburb of Currambine, however she would deal impartially with the matter.

Chief Executive Officer, Mr Garry Hunt declared a financial interest in Item C53-09/05 – Minutes of the Chief Executive Officer Performance Review Committee as he holds the position of Chief Executive Officer.

Director, Corporate Services and Resource Management, Mr Peter Schneider, declared an interest that may affect his impartiality in Item C53-09/05 – Minutes of the Chief Executive Officer Performance Review Committee due to the nature of reporting/employment relationship to the Chief Executive Officer.

Chief Executive Officer, Mr Garry Hunt declared a financial interest in Item C54-09/05 – Performance Review Committee – CEO Initial Performance Review Report as he holds the position of Chief Executive Officer.

Director, Corporate Services and Resource Management, Mr Peter Schneider, declared an interest that may affect his impartiality in Item C54-09/05 – Performance Review Committee – CEO Initial Performance Review Report due to the nature of reporting/employment relationship to the Chief Executive Officer.

CONFIRMATION OF MINUTES

C51-09/05 MINUTES OF COUNCIL MEETING – 30 AUGUST 2005

MOVED Cmr Clough, SECONDED Cmr Anderson that the Minutes of the Council Meeting held on 30 August 2005, be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION

RECYCLING SURVEY

The City is undertaking a survey to ascertain which method of recycling is preferred by residents.

The survey is part of preparations for the new \$50 million “Resource Recovery Facility” at Neerabup, to be operational in 2008.

At present only 10,000 tonnes of the City’s 70,000 tonnes of waste is recycled or mulched.

Our aim is to increase this amount and reduce the amount going to landfill.

The City would like to hear from as many residents as possible and encourages you to take part in its survey which is posted on the City’s website.

THREE AWARDS

I heartily commend City staff involved in winning three recent awards.

The City’s recent NAIDOC Week celebrations have won a commendation in the 2005 National Awards for Local Government.

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

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

The City was also successful in the recent 2005 Australian Safer Communities Awards.

The City was one of several Councils that have formed an agreement to work together in the event of an emergency.

Police Commissioner, Karl O'Callaghan presented the award to Chief Executive Officer, Garry Hunt on behalf of the seven local governments party to the agreement.

Awards might not be everything, but they do tend to show the calibre of the people working for the residents of the City of Joondalup.

PETITIONS

C52-09/05 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 20 SEPTEMBER 2005

PETITION REQUESTING CLOSURE OF PEDESTRIAN ACCESSWAY – FAIRFIELD GROVE, HEATHRIDGE – [22576]

A 56-signature petition has been received from residents of Heathridge requesting the closure of the pedestrian accessway on Fairfield Grove, Heathridge.

The closure of the accessway is requested on the grounds of:

- Lack of security – the accessway aids house burglaries;
- Antisocial behaviour in the accessway;
- Infrequent usage of the accessway.

This petition will be referred to Planning and Community Development for action.

MOVED Cmr Anderson, SECONDED Cmr Clough that the petition requesting the closure of the pedestrian accessway on Fairfield Grove, Heathridge be received and referred to the appropriate Business Unit for action.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ187 - 09/05 OVERVIEW OF THE OFFICIAL VISIT FROM JINAN DELEGATION (SHANDONG PROVINCE), CHINA TO JOONDALUP – AUGUST 2005 AND TO PROVIDE FURTHER NOTIFICATION OF AN INVITATION TO VISIT JINAN IN OCTOBER 2005 – [52469] [11014]

WARD: All

RESPONSIBLE DIRECTOR: Mr Garry Hunt
Chief Executive Officer

CJ050913_BRF.DOC:ITEM 1

PURPOSE

To provide an overview and highlight the outcomes of the visit to the City of Joondalup by the delegation from the City of Jinan, Shandong Province, China from 18-19 August 2005 and to

consider a formal invitation to the City of Joondalup to lead a delegation to attend the China Shandong (Jinan) Twin Cities Tourism Conference to be held from 21-23 October 2005 in Jinan.

EXECUTIVE SUMMARY

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002 and in September 2004 the Chairman of Commissioners led a delegation to Jinan where a Protocol of Friendly Relations was signed. This was followed by a visit to the City of Joondalup by delegates from Jinan in November 2004 when an official protocol agreement formalising the Sister City Relationship between the two Cities was duly signed.

The City was advised in April 2005 that a delegation to be lead by Mayor Bao Zhiqiang of Jinan City would arrive in Joondalup in August 2005. Council received a report CJ306-12/04 - Notification of visits between Joondalup and Jinan sister cities during 2005 and subsequently endorsed the visit for Mayor Bao and his delegation to visit Joondalup in August and further requested the Chief Executive Officer to commence hosting arrangements to enable the visit. The report also provided advice to Council with respect to an invitation from Mayor Bao for the City of Joondalup to send a delegation to Jinan in October 2005 for the China Shandong (Jinan) Twin Cities Tourism Conference to be held from 21-23 October 2005 in Jinan. Council deferred their decision to accept the invitation pending the finalisation of the draft Joondalup – Jinan Relationship Plan being accepted by Council.

The City finalised the draft Joondalup-Jinan Relationship Plan, which will guide the development of the Sister City Relationship over the next 5 years. The draft Relationship Plan recommends, among other details, biennial visits between the two Cities rather than annually. The draft Plan has been released for public comment and report will be submitted to Council after the submission period closes at the end of September 2005.

The invitation extended to the City of Joondalup to attend the China Shandong (Jinan) Twin Cities Tourism Conference needs to be considered in light of the delivery of the pending City of Joondalup Inquiry Report. The Report of Inquiry is expected for public release in October 2005. Given the seriousness and significance of this Inquiry into the City of Joondalup and the unknown potential outcomes, it is considered that the timing of a visit to Jinan would not be conducive to the current priorities of the City and it will be necessary for the Commissioners and the Chief Executive Officer to be available to address any outcomes of the Inquiry report.

An option is still available for the stakeholders of Joondalup to form a separate delegation without Council involvement and this is a matter that the stakeholders themselves need to consider.

This report recommends that Council:

- 1 *NOTES the report on outcomes of the visit from the Jinan delegation in August 2005;*
- 2 *IS UNABLE to accept the invitation to attend the China Shandong (Jinan) Twin Cities Tourism Conference on this occasion as the Report of the Inquiry into the City of Joondalup is scheduled to be released in October 2005, and given the unknown outcomes of that report it is considered as not being conducive to the current priorities of the City;*

- 3 *ADVISES Mayor Bao of Jinan of its decision accordingly and thanks him for his kind consideration;*
- 4 *ADVISES the Joondalup Stakeholders Group of the decision of Council.*

BACKGROUND

Friendly relations between the City of Joondalup and the City of Jinan in eastern China have been developing since 2000. A Memorandum of Friendly Talks was signed between the two Cities in 2002 and, in late 2003, the City received an invitation to lead a delegation to Jinan in September 2004 where a Protocol of Friendly Relations to establish a formal Sister City relationship was signed. In August 2004 the Chairman of Commissioners extended an invitation to official representatives from the City of Jinan to form a delegation to visit Joondalup in November 2004. The delegation lead by Mr Duan Yihe, Director of the Standing Committee of Jinan's People Congress from Jinan was received by the City of Joondalup from November 19 – 22, 2004. During this visit the two Cities signed an official protocol agreement formalising the Sister City relations between the two Cities

In March 2005 the City of Joondalup received advice from the Jinan Foreign Affairs Office that Mayor Bao was proposing to make a visit to Joondalup in August 2005 and furthermore Mayor Bao was extending an official invitation to the City of Joondalup to travel to Jinan to attend the China Shandong (Jinan) Twin Cities Tourism Conference to be held from 21-23 October 2005.

Council at its meeting on 12 April 2005 resolved to:

- 1 *APPROVE that the delegation from Jinan, China lead by Mayor Bao Zhiqiang is received in August 2005;*
- 2 *Request the Chairman of Commissioners to issue official invitations to Mayor Bao Zhiqiang and his delegation;*
- 3 *REQUEST the Chief Executive Officer to commence arrangements for the hosting of the delegation and to provide a report back to Council in the near future outlining the details of the itinerary as well as a promotion and education program for business and community to be appropriately involved in the forthcoming visit in August 2005;*
- 4 *DEFER the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People's Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Fair from 21-23 October 2005 until the draft relationship plan is presented to Council in May 2005;*
- 5 *AUTHORISE the Chairman of Commissioners to hold formal discussions with the City's key stakeholders to seek their level of interest, support and attendance at the proposed visits between the Sister Cities during 2005;*
- 6 *ADVISE Mayor Bao Zhiqiang of the Municipal People's Government of Jinan that travel and accommodation costs would be borne by each delegate and/or their respective organisations;*
- 7 *LIST for consideration a budget allocation of \$15,000 in the 2005-06 budget to ensure costs associated with hosting an inbound delegation and an outbound delegation can be met.*

With respect to the Council resolution to DEFER the decision to accept the invitation from Mayor Bao Zhiqiang of the Municipal People's Government of Jinan for the Chairman of Commissioners to lead a delegation to Jinan to attend the International Tourism Conference from 21-23 October 2005 until the draft Relationship Plan is presented to Council, it should be noted that Council at its meeting on 9 August 2005 (CJ157-08/05 refers) received the draft Joondalup – Jinan Relationship Plan and resolved to:

- 1 *ENDORSE the draft Plan shown as Attachment A to be disbursed to all interested parties for a comment period no longer than 30 days;*
- 2 *Present the draft plan to Mayor Bao and his delegation from Jinan in August 2005 seeking support for the draft plan;*
- 3 *Request a further report on the draft plan be presented to Council for final endorsement following the receipt of comments from interested parties and the Jinan delegation.*

Full details of the history of the relationship with Jinan can be found in the following reports, previously submitted to Council:

CJ007-02/04	Invitation to further formalise friendly relations with Jinan in Shandong Province, China
CJ155-07/04	Delegation to formalise friendly relations with Jinan in Shandong Province, China
CJ250-11/04	A Protocol for Friendly Relations with the City of Jinan in Shandong Province, China – September 2004
CJ306-12/04	Overview of the Official Visit from Jinan Delegation (Shandong province), China to Joondalup – November 2004
CJ306-12/04	Notification of visits between Joondalup and Jinan sister cities during 2005
CJ157-08/05	Draft Jinan – Joondalup Relationship Plan

DETAILS

Issues and options considered:

The invitation extended to the City of Joondalup to attend the China Shandong (Jinan) Twin Cities Tourism Conference needs to be considered in light of the delivery of the pending City of Joondalup Inquiry Report. The Report of Inquiry is expected for public release in October 2005. Given the seriousness and significance of this Inquiry into the City of Joondalup and the unknown potential outcomes, it is considered that the timing of a visit to Jinan would not be conducive to the current priorities of the City and it will be necessary for the Commissioners and the Chief Executive Officer to be available to address any outcomes of the Inquiry report.

An option is still available for the stakeholders of Joondalup to form a separate delegation without Council involvement and this is a matter that the stakeholders themselves need to consider.

Overview of the Jinan Delegation Visit to Joondalup August 18-19 2005.

The main objectives of the Jinan delegation's visit to Joondalup in August 2005 lead by Mayor Bao Zhiqiang were to gain a more in-depth understanding of the business, trade and exchange opportunities that can be offered by the City of Joondalup and its key industries of

business, health, safety, education and tourism to China and to also identify any linkages that the City of Joondalup could facilitate on behalf of the City of Jinan to exploit other trade opportunities that are not available within the City of Joondalup. The concept of Joondalup becoming a gateway for Jinan was raised in the discussions with Mayor Bao during this visit.

Brief details of trip

The Jinan delegation comprised 8 representatives from Government and key industry sectors from the City of Jinan and are listed as follows:

	Name	Title
1	Mr. Bao Zhiqiang	Mayor, City of Jinan
2	Mr Hu Zhanping	Secretary-General, Jinan Municipal Government
3	Mr Fu Zhenkuan	Deputy President China Council for the Promotion of International Trade - Jinan Branch
4	Mr Sun Xiaogang	Director, Jinan Hi-Tech Zone
5	Mr Li Zhongxue	Director, Jinan Foreign Affairs Office
6	Mr Meng Xianghuan	Director, Jinan Foreign Trade and Economic Cooperation Bureau
7	Mr Lin Shuhong	Deputy Director, General Office Jinan Municipal Government
8	Ms Liu Yanqiu	Division Chief, Jinan Foreign Affairs Office

In total, the delegation spent 2 days in Joondalup undertaking a number of key activities to further understanding between the two Cities and raising awareness within the City of Joondalup community of the sister city relationship. A number of key events were especially set up for community interaction and were all very well attended. A summarised itinerary is provided as follows:

Summarised Itinerary

Date	Time	Details
Thursday 18 August 2005	7.35am	Delegation arrives Perth International Airport and are taken to the Joondalup Resort
Thursday 18 August 2005	10.00 -11.30	Tour of Western Australian Police Academy and morning tea
Thursday 18 August 2005	11.30-14.00	Tour of ECU and Luncheon at ECU hosted by the Vice Chancellor Professor Millicent Poole
Thursday 18 August 2005	16.00 – 17.00	Official Sister Ceremony Civic Chambers Joondalup – Hosted by Commissioner Paterson - Open to community
Thursday 18 August 2005	17.00 – 18.30	Industry Meetings 1 Mayoral meeting 2 Education, Training and Relationship Plan 3 Hi Tech and Science 4 Trade, Economy and Business
Thursday 18 August 2005	18.30 – 21.00	Official Dinner – Civic Chambers Joondalup hosted by Commissioner John Paterson

Date	Time	Details
Friday 19 August 2005	7.30-9.30am	Breakfast Meeting and Tour of West Coast College hosted by Ms Sue Slavin Managing Director West Coast TAFE – A table was set aside for community members and was quickly filled through Expressions of Interest
Friday 19 August 2005	10.00 – 11.00	Tour of Craigie Leisure Centre and morning tea with residents of Joondalup
Friday 19 August 2005	11.00 – 12.00	Meeting at the Chinese Consulate General Office – East Perth
Friday 19 August 2005	12.30 – 14.00	Luncheon at Parliament House hosted by The Honourable Mr Robert (Bob) Kucera, Minister for Multicultural Affairs and Mr Tony O’Gorman and Mr Ken Travers, State Members for Joondalup
Friday 19 August 2005	15.00 – 16.00	Tour and presentation – Bentley Technology Park hosted by Mr Peter Why
Friday 19 August 2005	18.30 – 21.00	Farewell Dinner function held at AQWA Hillarys hosted by Chairman John Paterson
Saturday 20 August 2005	6.00am	Delegation leaves for Perth Domestic airport

OUTCOMES FROM THE JINAN VISIT

A focal point of the delegation’s visit was to hold industry meetings in order to provide a networking forum for industry sector leaders to meet and discuss opportunities with the Jinan delegates.

The City facilitated 4 industry meetings:

- 1 Mayoral meeting

Attendees:

Mayor Bao Zhiqiang – Mayor of Jinan
 Mr John Paterson - Chairman of Commissioners, City of Joondalup
 Mr Garry Hunt - Chief Executive Officer, City of Joondalup.

The key issues raised by Mayor Bao were:

- That the City of Jinan has a number of sister city relationships and the Mayor has a duty to progress these relationships.
- The City has 12 relationships, one of which has been with a UK local government for 20 years.
- The activities with the Police and proposed visit by the public servants in 2006 are significant achievements.
- The information on the dairy cattle was appreciated, as the City of Jinan is very interested in the import of cattle for its dairy industry.
- All sister city relationships are administered by the Government of Jinan.
- The City of Jinan is keen for the City Joondalup to visit the exhibition in late October 2005.

2 Education, Training and Relationship Plan

Attendees:

Mr Hu Zhanping	Secretary General Jinan Municipal Government
Mr Li Zhongxue	Director Jinan Foreign Affairs Office
Ms Liu Yanqui	Division Chief Jinan Foreign Affairs Office
Dr Glenda Jackson	Edith Cowan University
Mr Paul Linnane	West Coast TAFE
Dr Glenn Watkins	International Institute of Business Technology (IIBT)
Mr David Xu	International Institute of Business Technology (IIBT)
Ms Rhonda Hardy	Manager Strategic and Sustainable Development – City of Joondalup

3 Hi Tech and Science

Attendees:

Mr Sun Xiaogang	Director, Jinan Hi-Tech Zone
Professor Tony Watson	Pro Vice Chancellor, Edith Cowan University
Mr Lip Yien Teh	Project Manager, Department of Industry & Resources
Ms Sandi Evans	Facilitator

4 Trade, Economy and Business

Attendees:

Mr Fu Zhenkuan	Deputy President, China Council for the Promotion of Intl Trade, Jinan
Mr Meng Xianghuan	Director, Jinan Foreign Trade & Economic Cooperation Bureau
Mr David Curry	Vice President, David Curry & Associates
Mr Russell Poliwka	President, Joondalup Business Association
Ms Nicole Stoffers	Department of Industry & Resources
Mr Alan Green	Director, Compaq Marketing
Mr James Chan	Joondalup Resort
Mr Danny Tan	Danny Tan Travel Agents
Mr Raymond Been	Shandong Publishing
Mr Peter Flatt	Manager ING Real Estate
Mr Ross Dowling	Edith Cowan University (Tourism & Hospitality)
Mr Michael Smith	Westspan Corp & China Link
Mr Michael Lee	Compass Group
Mr David Purslow	David Purslow & Associates
Ms Juan Lu	Interpreter

Link to Strategic Plan:

This item links to the City's Strategic Plan 2003-08 under Key Focus Area One - Community Well-being through the following outcome:

"The City of Joondalup is recognised globally as a community that value and facilitates Lifelong Learning"

- 1.1 *To develop, provide and promote a diverse range of lifelong learning opportunities.*
 - 1.1.1 *Continue the development of the City as a learning city – plan for student growth*
 - 1.1.2 *Continue the development of learning precincts and relationships with local stakeholders and service providers*

1.2 To meet cultural needs and values of community

1.2.1 Continue to enhance and create new cultural activities and events

And under Key Focus Area Three – City Development

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

3.5 To provide and maintain sustainable economic development

3.5.1 Develop partnerships with stakeholders to foster business development opportunities

3.5.2 Assist the facilitation of local employment opportunities

Legislation – Statutory Provisions:

There are no legislative requirements that relate to this report.

Risk Management considerations:

Ethical Risk A key risk associated with the Jinan-Joondalup relationship at this point is the timing of the invitation to lead the delegation to Jinan and the release of the Inquiry Report into Joondalup. It is envisaged that the City would not have community support at this time when local issues surrounding the Inquiry will likely be seen as the priority.

Project Risk There is a risk that by not accepting the invitation there may be a detrimental impact to our relationship from the Jinan perspective. The City in anticipating this issue has provided advice to the Jinan Government alerting them to the issues at hand and the pending inquiry report. The City has also advised its key stakeholders that a delegation could be undertaken themselves without City participation and this would likely satisfy all stakeholders and the City of Jinan.

Funding Risk The draft Joondalup-Jinan Relationship Plan articulates that the two Cities should embark upon biennial outbound visits. To this end the City of Joondalup would be able to easily maintain its expenditure each year to within its given budget allocation of \$15,000. Should the City increase the visitations in a given year then a funding reallocation would be required.

Financial/Budget Implications:

The current level of funding that has been allocated to the Joondalup – Jinan Relationship to date has been as follows:

2001/2	\$15,000	Utilised by former Mayor Bombak’s outbound visit
2002/3	\$15,000	Not utilised
2003/4	\$15,000	Not utilised
2004/5	\$15,000	Utilised for outbound and inbound delegations
2005/6	\$15,000	Utilised for an inbound delegation

It is envisaged that a minimum amount of \$15,000 should be allocated annually to meet expenses related to either an inbound or an outbound visit.

Policy Implications:

At this point in time the City does not have any associated policy to guide Sister City Relationships. It may be necessary for this matter to be referred to the Policy Review Committee to consider if the City needs an overarching policy to guide formation and direction of sister city relationships in general.

Regional Significance:

The potential for sister city relationships to grow regional economic development is quite significant. The potential for development with a country like China and its massive markets has real opportunities for the northwest metropolitan region.

A sister city relationship has the ability to grow an appreciation of cultural differences and it is through the development of robust relationships built on trust and like values that will give the region's economy a competitive advantage when dealing with Chinese markets.

Sustainability Implications:

The Sister City Relationship with Jinan, China has been built on social, environmental, economic and governance outcomes. The draft Relationship Plan is clearly built to reflect the 4 constructs of sustainability. To date social and economic outcomes have been achieved. The Relationship Plan, once endorsed, will further add substance to this relationship with respect to its sustainability.

Consultation:

A web page has been constructed that contains up to date information on the progress of the relationship with online opportunities for the community to comment or provide ideas for the City to consider. The draft Joondalup-Jinan Relationship Plan can be found on the web page and is open for public comment until the end of September 2005.

COMMENT

To date the Joondalup-Jinan Sister City relationship has been highly successful. Key achievements in the past 12 months since the official signing of protocols to the relationship include:

- 1 The delivery of a 3-month police-training program with 20 officers from the Jinan Police Bureau being trained in Joondalup.
- 2 The development of a draft long-term relationship plan.
- 3 Agreement from Jinan to participate in a 6 month public servant training program for 30 officers from Jinan to be trained in Joondalup in early 2006.
- 4 A number of business initiatives have been kicked off including China-Link and Salon Culinaire.
- 5 A '2+2' agreement between ECU and Jinan University to provide degree courses to students who complete two years of training in Jinan then 2 years in Joondalup.
- 6 Hosting of 2 very successful civic delegations by the City of Joondalup and the provision of social opportunities for community to participate in the relationship.

Considering the newness of this relationship both Cities can be very proud of these achievements in such a short period of time. The City has also received a number of calls from small business operators in Joondalup looking to make connections into China. All these enquiries are directed through the City to the Jinan Foreign Affairs Office who are instrumental in connecting our people to the right people in Jinan.

ATTACHMENTS

Attachment A Letter of Thanks and Official Invitation from Mayor Bao Zhiqiang.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES Report CJ187-09/05 on outcomes of the visit from the Jinan delegation in August 2005;
- 2 IS UNABLE to accept the invitation to attend the China Shandong (Jinan) Twin Cities Tourism Conference on this occasion as the Report of the Inquiry into the City of Joondalup is scheduled to be released in October 2005, and given the unknown outcomes of that report it is considered as not being conducive to the current priorities of the City;
- 3 ADVISES Mayor Bao of Jinan of its decision accordingly and thanks him for his kind consideration;
- 4 ADVISES the Joondalup Stakeholders Group of the decision of Council.

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 **NOTES that the Joondalup-Jinan Relationship Plan 2005-2010 is currently being advertised inviting public comment and closes 30 September 2005;**
- 2 **REQUESTS the Chief Executive Officer when preparing the report evaluating the public comments received as part of the consultation period on the Joondalup-Jinan Relationship Plan to ensure that it encompasses five (5) and ten (10) year strategic horizon action plans;**
- 3 **DEVELOPS, in conjunction with the City of Joondalup stakeholders, a clear-shared vision for the future of the Joondalup-Jinan sister city relationship over the next 10 and 20 years;**
- 4 **ADVISES Mayor Bao of the City of Jinan that due to critical scheduled government activities in Perth and Joondalup at the time of the Twin City Tourism Conference, it will be impossible for the City of Joondalup to send a delegate to the conference;**
- 5 **ADVISES Mayor Bao of its intention to send an official delegation to the City of Jinan in early 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan;**
- 6 **ADVISES all Joondalup stakeholder group members of these decisions of Council at the earliest opportunity so that development of the shared vision can be progressed.**

Discussion ensued.

1ST AMENDMENT MOVED Cmr Fox, SECONDED Cmr Smith that Point 5 of the Motion be amended to read as follows:

- “5 ADVISES Mayor Bao of its intention to send an official delegation to the City of Jinan as early as is feasible 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan;”**

Discussion ensued.

The 1st Amendment was Put and

CARRIED (5/0)

Discussion ensued.

2ND AMENDMENT MOVED Cmr Clough, **SECONDED** Cmr Paterson that Point 5 of the Motion be amended to read as follows:

“5 ADVISES Mayor Bao that the Joint Commissioners will recommend that the incoming Council sends an official delegation to the City of Jinan as early as is feasible 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan;”

The 2nd Amendment was Put and

CARRIED (5/0)

The Original Motion as amended, being:

That Council:

- 1 NOTES that the Joondalup-Jinan Relationship Plan 2005-2010 is currently being advertised inviting public comment and closes 30 September 2005;**
- 2 REQUESTS the Chief Executive Officer when preparing the report evaluating the public comments received as part of the consultation period on the Joondalup-Jinan Relationship Plan to ensure that it encompasses five (5) and ten (10) year strategic horizon action plans;**
- 3 DEVELOPS, in conjunction with the City of Joondalup stakeholders, a clear shared vision for the future of the Joondalup-Jinan sister city relationship over the next 10 and 20 years;**
- 4 ADVISES Mayor Bao of the City of Jinan that due to critical scheduled government activities in Perth and Joondalup at the time of the Twin City Tourism Conference, it will be impossible for the City of Joondalup to send a delegate to the conference;**
- 5 ADVISES Mayor Bao that the Joint Commissioners will recommend that the incoming Council sends an official delegation to the City of Jinan as early as is feasible 2006 in order to further grow and strengthen the sister city relationship with the City of Jinan;**
- 6 ADVISES all Joondalup stakeholder group members of these decisions of Council at the earliest opportunity so that development of the shared vision can be progressed.**

was Put and

CARRIED (4/1)

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

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf130905.pdf](#)

CJ188 - 09/05 MATERIAL VARIANCES FOR THE FINANCIAL YEAR ENDING 30 JUNE 2006 – [80566]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Schneider
Corporate Services and Resource Management

CJ050913_BRF.DOC:ITEM 2

PURPOSE

The purpose of this report is to seek Council determination as to what constitutes a material variance in the Statement of Financial Activity, in respect of which an explanation is to be provided to Council.

EXECUTIVE SUMMARY

Recent amendments to the Local Government Act 1995 and the Local Government (Financial Management) Regulations 1996 require that each financial year a local government is to adopt a materiality level for reporting variances in the monthly statement of financial activity.

This report recommends that Council ADOPTS for the Financial Year ending 30 June 2006 a variance amount of \$50,000 or 5 percent of the appropriate base, whichever is higher, to be a material variance for the purposes of reporting under Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996.

BACKGROUND

The Local Government (Financial Management) Amendment Regulations (No. 2) 2005 included a replacement to Regulation 34 requiring the local government to prepare each month a statement of financial activity, reporting on the sources and applications of funds for that month as set out in the Rate Setting Statement included in the annual budget.

Regulation 34 (1) lists the details to be included in the statement of financial activity, among which are **material variances** between budget estimates and actual amounts of expenditure, revenue and income to the end of the month to which the statement relates.

Regulation 34 (2) (b) requires an **explanation** to be provided to Council for each of the material variances shown in each statement of financial activity.

Regulation 34 (5) prescribes that each financial year, a local government is to adopt a **percentage or value**, calculated in accordance with accounting standard AAS 5, to be used in statements of financial activity for reporting material variances.

This report recommends the percentage or value to be adopted in determining material variances for the purposes of Regulation 34 of the Local Government (Financial Management) Regulations 1996 as amended, during the current financial year.

DETAILS

Accounting Standard AAS 5 defines **materiality** in relation to information to mean that information which if omitted, misstated or not disclosed has the potential to adversely affect decisions or the discharge of accountability by management or the governing body of the entity.

The Standard also provides that an amount, which is equal to or greater than 10 per cent of the appropriate base, may be presumed to be material, whilst an amount equal to or less than 5 per cent of the appropriate base may be presumed not to be material unless there is evidence to the contrary.

Having regard to the content of AAS 5 and considering other limits prescribed in the Local Government Regulations, particularly in respect of tendering, it is proposed that the Council adopts a combined percentage and value for material variance, to be an amount of \$50,000 or 5 percent of the appropriate base, whichever is higher.

In determining whether the variance amount of an item is material, the variance is to be compared with the corresponding budgeted revenue and expense amount to the end of the month to which the statement of financial activity relates.

Issues and options considered:

Australian Accounting Standard AAS 5

Link to Strategic Plan:

Outcome: The City of Joondalup is a sustainable and accountable business
Objective: To manage the business in a responsible and accountable manner
Strategies: Ensure financial viability and alignment to the Plan

Legislation – Statutory Provisions:

Regulation 34 of the Local Government (Financial Management) Regulations 1996

Risk Management considerations:

Adoption of the materiality limits will satisfy statutory compliance requirements.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Policy 2.4.1 – Accounting, has as its objective “to provide a framework for the financial management of the City of Joondalup which is clear, transparent and meets statutory obligations”.

Regional Significance:

Not Applicable.

Sustainability Implications:

Reporting of variances assists in maintaining the ongoing financial sustainability of the City.

Consultation:

Not Applicable.

COMMENT

The adoption of the recommended materiality limits will satisfy the requirements of AAS 5 and the amended Local Government (Financial Management) Regulations 1996.

ATTACHMENTS

Not Applicable.

VOTING REQUIREMENTS

Simple Majority.

MOVED Cmr Anderson, **SECONDED** Cmr Fox that Council **ADOPTS** for the Financial Year ending 30 June 2006 a variance amount of \$50,000 or 5 percent of the appropriate base, whichever is higher, to be a material variance for the purposes of reporting under Regulation 34 (5) of the Local Government (Financial Management) Regulations 1996.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

**CJ189 - 09/05 TENDER 001-05/06 SWEEPING OF PAVEMENTS,
CAR PARKS AND PATHWAYS IN JOONDALUP
CITY CENTRE – [77572]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Peter Pikor (Acting Director)
Infrastructure and Operations

CJ050913_BRF.DOC:ITEM 3

PURPOSE

For Council to consider the acceptance of Asteranch Pty Ltd trading as Clean Sweep as the successful Tenderer for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre (Number 001-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 27 July 2005 through statewide public notice for the sweeping of pavements, car parks and pathways in Joondalup City Centre. Tenders closed on 11 August 2005. Two submissions were received from:

- Asteranch Pty Ltd trading as Clean Sweep
- Gregory W & Anne R Blight trading as Coastal Sweeping Services

It is recommended, in relation to Tender Number 001-05/06 for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre, that Council:

- 1 *CHOOSES Asteranch Pty Ltd trading as Clean Sweep as the successful tenderer for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre in accordance with Tender Number 001-05/06 Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre and the Schedule of Rates included as Attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Asteranch Pty Ltd trading as Clean Sweep in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Asteranch Pty Ltd trading as Clean Sweep;*
- 3 *DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;*
- 4 *BY AN ABSOLUTE MAJORITY, DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Asteranch Pty Ltd trading as Clean Sweep under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.*

BACKGROUND

Asteranch Pty Ltd trading as Clean Sweep are the current Contractor and have successfully undertaken this work for the City since 2002.

DETAILS

Tenders were advertised on 27 July 2005 through statewide public notice for the sweeping of pavements, car parks and pathways in Joondalup City Centre. Tenders closed on 11 August 2005. Two submissions were received from:

- Asteranch Pty Ltd trading as Clean Sweep
- Gregory W & Anne R Blight trading as Coastal Sweeping Services

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

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

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

The Selection Criteria for Tender Number 001-05/06 are as follows:

Selection Criteria

Demonstrated understanding of the required tasks

- Appreciation of requirements
- Outline of methodology

Capacity

- Details of resources for the Contract, including company details, skills and specialised equipment

Local infrastructure

- After hours contacts
- Additional personnel and resources if required

Demonstrated experience in completing similar projects

- Similar work carried out, including scope of work, periods and dates, and referees

Social and economic effects on the local community

- Maintained or increased opportunities for local employment
- Maintained or increased arrangements with local service providers
- Value added services to the City

Safety management policy

- Safety procedures to be used for the Contract
- Details of safety records for the past two years

Quality Assurance

- Details of any Quality Assurance system
- Applicability to the Contract

Issues and options considered:

Asteranch and Coastal Sweeping are the two main contractors involved in Road Sweeping and have both successfully undertaken this work previously for the City. The tenders submitted by both organisations reflect this situation, as they were very competitive.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

- 3 City Development
- Objective 3.1 To develop and maintain the City of Joondalup assets and built environment.
- Strategies 3.1.1 Plan the timely design, development, upgrade and maintenance of the city's infrastructure.

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is expected to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

Contract performance risk is minimal as the recommended Tenderer has effective quality assurance and safety management procedures, and have extensive resources and plant readily availability. The recommended tenderer is the currently contracted to the City for the sweeping of Residential and Arterial roads.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Maintenance and Capital Works Budgets, as authorised by Council annually and reviewed periodically. The budget amount for this requirement is \$155,000 per annum. Based on current demand and requirements the expenditure is not expected to exceed this amount for the initial contract period of one (1) year. The total cumulative contract value over the three (3) year period of the contract is approximately \$465,000 (excluding GST).

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy Implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. The preferred tenderer is located in Bellevue, which is not in either the City or the Region, while Coastal Sweeping Services are located in Joondalup.

Regional Significance:

Not Applicable.

Sustainability Implications:

This contract is essential to ensure the environment of the City is presented at a high standard. To minimise effluent and debris entering the storm water drainage system, regular sweeping of the streets and kerbs is essential.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel considered that Asteranch Pty Ltd trading as Clean Sweep has the capability and resources to carry out the work on a best value for money basis and therefore recommend them as the preferred tenderer.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Anderson, **SECONDED** Cmr Clough that Council in relation to Tender Number 001-05/06 for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre:

- 1** **CHOOSES** Asteranch Pty Ltd trading as Clean Sweep as the successful tenderer for the Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre in accordance with Tender Number 001-05/06 Sweeping of Pavements, Car Parks and Pathways in Joondalup City Centre and the Schedule of Rates included as Attachment 1 to Report CJ189-09/05;
- 2** **AUTHORISES** the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Asteranch Pty Ltd trading as Clean Sweep in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Asteranch Pty Ltd trading as Clean Sweep;
- 3** **DETERMINES** that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4** **DELEGATES** the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Asteranch Pty Ltd trading as Clean Sweep under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

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

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf130905.pdf](#)

Mr Clough declared an interest that may affect his impartiality in Item CJ190-09/05 – Tender 003-05/06 Plumbing Maintenance Services, as one of the tenderers is known to Mr Clough.

CJ190 - 09/05 TENDER 003-05/06 PLUMBING MAINTENANCE SERVICES – [86572]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Pikor (Acting Director)
Infrastructure and Operations

CJ050913_BRF.DOC:ITEM 4

PURPOSE

For Council to give consideration to the acceptance of RW & JA Olsen trading as Joondalup Plumbing Services as the successful Tenderer for the Supply of Plumbing Maintenance Services (Number 003-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 27 July 2005 through statewide public notice for the Supply of Plumbing Maintenance Services. Tenders closed on 11 August 2005. Two submissions were received from:

- Joondalup Plumbing Service
- AAA Hillarys Plumbing and Gas

It is recommended, in relation to Tender Number 003-05/06, that Council:

- 1 *CHOOSES RW & JA Olsen trading as Joondalup Plumbing Services as the successful tenderer for the Supply to the City of Plumbing Maintenance Services in accordance with Tender Number 003-05/06 Supply of Plumbing Maintenance Services and the Schedule of Rates included as Attachment 1 to this Report;*
- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with RW & JA Olsen trading as Joondalup Plumbing Services in accordance with the tender submitted by RW & JA Olsen trading as Joondalup Plumbing Services, subject to any minor variations that may be agreed between the CEO and RW & JA Olsen trading as Joondalup Plumbing Services;*
- 3 *DETERMINES that the contract is to be for an initial period of twelve (12) months commencing on 14 October 2005 and ending on 13 October 2006, with an option to extend, subject to satisfactory annual performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;*
- 4 *BY AN ABSOLUTE MAJORITY, DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of RW & JA Olsen trading as Joondalup Plumbing Services under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.*

BACKGROUND

Joondalup Plumbing have successfully undertaken plumbing works for City of Joondalup facilities since 1999/2000. Its work has been of high quality and responsive to the City's needs throughout this period.

DETAILS

Tenders were advertised on 27 July 2005 through statewide public notice for the Supply of Plumbing Maintenance Services. Tenders closed on 11 August 2005. Two submissions were received from:

- AAA Hillarys Plumbing and Gas
- Joondalup Plumbing Service

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

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

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

The Selection Criteria for Tender Number 003-05/06 are as follows:

Selection Criteria

Demonstrated understanding of the required tasks

- Appreciation of requirements
- Outline of methodology

Capacity

- Details of resources for the Contract, including company details, skills and specialised equipment

Local infrastructure

- After hours contacts
- Additional personnel and resources if required

Demonstrated experience in completing similar projects

- Similar work carried out, including scope of work, periods and dates, and referees

Social and economic effects on the local community

- Maintained or increased opportunities for local employment
- Maintained or increased arrangements with local service providers
- Value added services to the City

Safety management policy

- Safety procedures to be used for the Contract
- Details of safety records for the past two years

Quality Assurance

- Details of any Quality Assurance system
- Applicability to the Contract

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

3 *City Development*

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

Strategies 3.1.1 Plan the timely design, development, upgrade and maintenance of the city's infrastructure.

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

To ensure that the City's facilities are maintained in full working order for public use.

Financial/Budget Implications:

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Ongoing expenditure will be in accordance with the City's Maintenance and Capital Works Budgets, as authorised by Council annually and reviewed periodically. The budget amount for this requirement is \$370,000 per annum. Based on current demand and requirements the expenditure is not expected to exceed this amount for the initial contract period of one (1) year. The total cumulative contract value over the three (3) year period of the contract is approximately \$1,110,000 (excluding GST).

Policy Implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. The preferred tenderer is located in Currabine and AAA Hillarys Plumbing and Gas are located in Hillarys.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel considered that RW & JA Olsen trading as Joondalup Plumbing Services have the capability and resources to carry out the work on a best value for money basis and therefore recommend them as the preferred tenderer.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Clough, **SECONDED** Cmr Smith that Council in relation to Tender Number 003-05/06:

- 1 CHOOSES RW & JA Olsen trading as Joondalup Plumbing Services as the successful tenderer for the Supply of Plumbing Maintenance Services in accordance with Tender Number 003-05/06 Supply of Plumbing Services and the Schedule of Rates included as Attachment 1 to Report CJ190-09/05;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with RW & JA Olsen trading as Joondalup Plumbing Services in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and RW & JA Olsen trading as Joondalup Plumbing Services;**

- 3 **DETERMINES** that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;
- 4 **DELEGATES** the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of RW & JA Olsen trading as Joondalup Plumbing Services under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.

The Motion was Put and

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

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf130905.pdf](#)

CJ191 - 09/05 TENDER 008-05/06 GRAFFITI CONTROL SERVICES – [11573]

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Peter Pikor (Acting Director)
Infrastructure and Operations

CJ050913_BRF.DOC:ITEM 5

PURPOSE

For Council to give consideration to the acceptance of Graffiti Systems Australia as the successful Tenderer for the Supply of Graffiti Control Services (Number 008-05/06) incorporating the removal of graffiti and the application of anti graffiti sealing to Council buildings and associated structures within the City of Joondalup.

EXECUTIVE SUMMARY

Tenders were advertised on 27 July 2005 through statewide public notice for the Supply of Graffiti Control Services. Tenders closed on 11 August 2005. Six submissions were received from:

- FCT Surface Cleaning
- Kleenit
- Graffiti Busters
- Graffiti Systems Australia
- PM Industries
- Graffiti Off

It is recommended, in relation to Tender Number 008-05/06 for the Supply of Graffiti Control Services, that Council:

- 1 *CHOOSES Graffiti Systems Australia as the successful tenderer for the Supply of Graffiti Control Services in accordance with Tender Number 001-05/06 Supply of Graffiti Control Services and the Schedule of Rates included as Attachment 1 to this Report;*

- 2 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Graffiti Systems Australia in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Graffiti Systems Australia;*
- 3 *DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;*
- 4 *BY AN ABSOLUTE MAJORITY, DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Graffiti Systems Australia under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.*

BACKGROUND

The removal of graffiti from Council facilities has been undertaken by external contractors in the past to enable the use of a wider variety of products. Where the buildings require coatings to minimise the necessity for the removal process, the Contractor is qualified to undertake the works, while in-house crews are utilised for the basic removal of graffiti from fixtures, private property fences and signs.

DETAILS

Tenders were advertised on 27 July 2005 through statewide public notice for the Supply of Graffiti Control Services. Tenders closed on 11 August 2005. Six submissions were received from:

- FCT Surface Cleaning
- Kleenit
- Graffiti Busters
- Graffiti Systems Australia
- PM Industries
- Graffiti Off

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

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

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

The Selection Criteria for Tender Number 008-05/06 are as follows:

Selection Criteria

Demonstrated understanding of the required tasks

- Appreciation of requirements
- Outline of methodology

Capacity

- Details of resources for the Contract, including company details, skills and specialised equipment

Local infrastructure

- After hours contacts
- Additional personnel and resources if required

Demonstrated experience in completing similar projects

- Similar work carried out, including scope of work, periods and dates, and referees

Social and economic effects on the local community

- Maintained or increased opportunities for local employment
- Maintained or increased arrangements with local service providers
- Value added services to the City

Safety management policy

- Safety procedures to be used for the Contract
- Details of safety records for the past two years

Quality Assurance

- Details of any Quality Assurance system
- Applicability to the Contract

Issues and options considered:

The City has critical requirements for the removal of graffiti within specified timeframes, and it is considered by the Evaluation Panel that the recommended tenderer has the capacity to service those requirements in a competent manner.

Link to Strategic Plan:

This requirement is linked to the Strategic Plan in accordance with the following items:

Item 3 City Development

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

Strategies 3.1.1 Plan the timely design, development, upgrade and maintenance of the city's infrastructure.

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is expected to be, more, or worth more, than \$50,000. The expected consideration for this contract is estimated to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management Considerations:

Contract performance risk is minimal as the recommended Tenderer has effective quality assurance and safety management procedures, and has adequate resources and plant readily available to undertake the requirements of the City. Regular inspections will be undertaken by the City to monitor the performance of the Contractor. The recommended tenderer is the currently contracted to the City for Graffiti Control Services.

Financial/Budget Implications:

Ongoing expenditure will be in accordance with the City's Maintenance and Capital Works Budgets, as authorised by Council annually and reviewed periodically. The budget amount for this requirement is \$150,000 per annum, and based on current demand and requirements the expenditure is not expected to exceed this amount for the initial contract period of one (1) year. The total contract cumulative value over the three (3) year period of the contract is approximately \$450,000 (excluding GST).

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy Implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. The preferred tenderer is located in Welshpool, which is not in either the City or the Region. FCT Surface Cleaning is located in Karrinyup, which is within the Region, while the remaining tenderers are not located in either the City or the Region.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Council officers will coordinate requirements with the Contractor and liaise with user groups of leased facilities prior to the Contractor commencing any works.

COMMENT

The Evaluation Panel consider that Graffiti Systems Australia have the capability and resources to carry out the work on a best value for money basis and therefore recommend them as the preferred tenderer.

ATTACHMENTS

Attachment 1 Schedule of Rates

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Clough, **SECONDED** Cmr Fox that Council, in relation to Tender Number 008-05/06 for the Supply of Graffiti Control Services:

- 1 CHOOSES Graffiti Systems Australia as the successful tenderer for the Supply of Graffiti Control Services in accordance with Tender Number 001-05/06 Supply of Graffiti Control Services and the Schedule of Rates included as Attachment 1 to Report CJ191-09/05;**
- 2 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Graffiti Systems Australia in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Graffiti Systems Australia;**
- 3 DETERMINES that the contract is to be for an initial period of twelve (12) months with an option to extend, subject to satisfactory performance reviews, for a further maximum period of twenty-four (24) months, in twelve (12) month increments, with the total term of the contract not to exceed three (3) years;**
- 4 DELEGATES the power to the CEO to, on behalf of the City, determine in accordance with (3) whether the annual performance of Graffiti Systems Australia under the contract has been satisfactory and if satisfied in that respect, to exercise the options to extend the contract.**

In response to a query raised by Cmr Anderson, it was advised that material requirements were specified within the tender documentation and the City liaises closely with any contractor in this regard. This tender relates to Council owned buildings, with graffiti removal on private residential buildings being undertaken by the City's own workforce. The City liaises with owners in relation to paint.

Chief Executive Officer was of the view that there has been an increased intensity of graffiti "tagging" occurring over the last few weeks. Discussions have taken place with Government agencies in an attempt to resolve this issue.

The Motion was Put and

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

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf120905.pdf](#)

Chief Executive Officer, Mr Garry Hunt, declared an interest that may affect his impartiality in Item CJ192-09/05 – Tender 014-05/06 Sorrento Beach Redevelopment Stage 2, as one of the tenderers is a former client of Mr Hunt.

CJ192 - 09/05 TENDER 014-05/06 SORRENTO BEACH REDEVELOPMENT STAGE 2 – [67573]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Pikor (Acting Director)
Infrastructure and Operations

CJ050913_BRF.DOC:ITEM 6

PURPOSE

For Council to give consideration to choosing Sanaya Pty Ltd trading as DME Contractors as the successful tenderer for the Sorrento Beach Redevelopment Stage 2 (Tender Number 014-05/06).

EXECUTIVE SUMMARY

Tenders were advertised on 30 July and 3 August 2005 through statewide public notice for the Sorrento Beach Redevelopment Stage 2. Tenders closed on 19 August 2005 and six submissions were received, being:

- The Haines Family Trust trading as DVH Industries Pty Ltd
- Mako Civil Pty Ltd
- Sanaya Pty Ltd trading as DME Contractors
- DB Cunningham Pty Ltd trading as Advantearing Civil Engineers
- Industrial Roadpavers (WA) Pty Ltd
- Works Infrastructure Pty Ltd

It is recommended, in relation to Tender Number 014-05/06, that Council:

- 1 *AUTHORISES BY AN ABSOLUTE MAJORITY, in accordance with Section 6.8(1) of the Local Government Act 1995, re allocation of \$38,856 from Project 6658 Various Arterial Roads Locations Storm Water Drainage to Project 1011 Sorrento Beach Project Stage 2;*
- 2 *CHOOSES Sanaya Pty Ltd trading as DME Contractors as the successful tenderer for the Sorrento Beach Redevelopment Stage 2 in accordance with the Lump Sum Price of \$1,738,856 excluding GST. In addition the City has allocated \$100,000, exclusive of GST, as a contingency measure for the resultant contract;*

<i>Lump Sum Tendered Price</i>	<i>\$1,738,856 Exclusive of GST</i>
<i>City of Joondalup Project Contingency</i>	<i>\$ <u>100,000</u> Exclusive of GST</i>
<i>Total Project Cost</i>	<i>\$<u>1,838,856</u> Exclusive of GST</i>

- 3 *AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Sanaya Pty Ltd trading as DME Contractors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Sanaya Pty Ltd trading as DME Contractors.*

BACKGROUND

On 17 December 2002 (CJ323 – 12/02 refers) Council approved the Sorrento Beach Development Concept Plan. This major enhancement included the bulk earthworks, drainage, limestone retaining walls, creation of a recreation reserve, which incorporate reticulated, grassed areas, wooden boardwalks, beach access paths and outlooks, barbecues, shade shelters and the refurbishment of an existing toilet block.

The City subsequently programmed this project to be carried out in two construction stages and funded over four financial years.

Stage One 2002-2003 and 2003-2004 \$1.9 Million

Stage Two 2004-2005 and 2005-2006 \$1.8 Million

Council approved the contract for Stage One of this project on 29 July 2003 (CJ184 – 07/03 refers).

Stage One was completed and opened to the public on 26 January 2005.

On 28 July 2005, Council approved funding to enable Stage Two tender to be advertised. Following approval of the contract for Stage Two, it is envisaged that Stage Two works will be completed early in 2006.

DETAILS

Tenders were advertised on 30 July and 3 August 2005 through statewide public notice for the Sorrento Beach Redevelopment Stage 2. Tenders closed on 19 August 2005. Six submissions were received from:

- The Haines Family Trust trading as DVH Industries Pty Ltd
- Mako Civil Pty Ltd
- Sanaya Pty Ltd trading as DME Contractors
- DB Cunningham Pty Ltd trading as Advantearing Civil Engineers
- Industrial Roadpavers (WA) Pty Ltd
- Works Infrastructure Pty Ltd

The first part of the tender evaluation process is to check conformance to the Compliance Criteria, in order to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration.

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

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

The Selection Criteria for Tender Number 014-05/06 are as follows:

Selection Criteria

Demonstrated understanding of the required tasks

- Appreciation of requirements
- Outline of methodology

Capacity

- Details of resources for the Contract, including company details, skills and specialised equipment

Local infrastructure

- After hours contacts
- Additional personnel and resources if required

Demonstrated experience in completing similar projects

- Similar work carried out, including scope of work, periods and dates, and referees

Social and economic effects on the local community

- Maintained or increased opportunities for local employment
- Maintained or increased arrangements with local service providers
- Value added services to the City

Safety management policy

- Safety procedures to be used for the Contract
- Details of safety records for the past two years

Quality Assurance

- Details of any Quality Assurance system
- Applicability to the Contract

Link to Strategic Plan:

3.1 To develop and maintain the City of Joondalup's Assets and Built Environment.

Legislation – Statutory Provisions:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is expected to be, more, or worth more, than \$50,000. The consideration for this contract exceeds the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$250,000.

Risk Management considerations:

A comprehensive report was obtained from Dun and Bradstreet encompassing Commercial, Financial and Risk Evaluation matters. The report indicated that Sanaya Pty Ltd trading as DME Contractors achieved a dynamic score rating of 'low', which is in line with industry average. The dynamic score as compiled by Dun and Bradstreet, is a mechanism used to measure the degree of possible risk to an organisation and identify any exposure in entering into a contract with that organisation.

As Sanaya Pty Ltd trading as DME Contractors had a dynamic score rating as 'low', the evaluation panel considered that contracting with Sanaya Pty Ltd trading as DME Contractors represented minimal risk.

Financial/Budget Implications:

Account No:	Project Number 1010		
Budget Item:	Sorrento Beach Project		
	Excluding GST	GST	Including GST
Budget Amount:		\$180,000	\$1,980,000
YTD Amount:	\$0	\$0	\$0
Tender Price:	\$1,738,856	\$173,885	\$1,912,741
Project Contingency	\$ 100,000	\$ 10,000	\$110,000
Total Project Costs	\$1,838,856	\$183,885	\$2,022,741
Funding Shortfall To be funded from Project 6658	\$ 38,856		

Due to the nature of this project, there is a requirement to allocate a contingency amount of \$100,000. The total project cost will be greater than the available budget funds by \$38,856, and it is proposed that this shortfall will be funded from project number 6658 - Various arterial roads locations storm water drainage. The budget for project 6658 is \$88,000, which is available, and with the transfer of \$38,856 to project number 1011 Sorrento Beach Project Stage 2, the remaining budget will be \$49,144.

The City of Joondalup is a registered business entity for GST purposes. The nett effect on the price submitted by the successful tenderer is that the City pays GST but is able to claim an input tax credit for the amount of GST paid.

Policy Implications:

The City's Policy 2.5.7 Purchasing Goods and Services encourages local business in the purchasing and tendering process and has been applied and incorporated into the selection criteria. The preferred tenderer, Sanaya Pty Ltd trading as DME Contractors is located in Wangara, which is within the Region.

Regional Significance:

This enhanced recreation reserve links directly into Hillary's Boat Harbour, which is one of Western Australia's top tourist attractions.

Sustainability Implications:

This project has taken into consideration the sustainable implications in that the project has been funded over a four (4) year period to meet the budget constraints. From an environmental perspective, a key component of the design was the establishment of the

primary foredune system to not only assist in protecting the new infrastructure, but also enable the public to experience the natural beach environs, and the design also enables easy and convenient access to all sections of the community, including the elderly and disabled.

Consultation:

During 2002 an extensive public consultation process was undertaken by the City to develop the Concept Plan for the Sorrento Beach Development. On 17 December 2002 (CJ323–12/02 refers) Council approved this plan.

Further consultation has been carried out with both the Sorrento Surf Lifesaving Club and Department for Infrastructure (Hillary's Boat Harbour), throughout all phases of the project delivery.

COMMENT

The Evaluation Panel considered that Sanaya Pty Ltd trading as DME Contractors have the capability, appropriate infrastructure and resources to carry out the work on a best value for money basis and in a competent manner.

The Evaluation Panel therefore recommend Sanaya Pty Ltd trading as DME Contractors as the preferred tenderer.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Fox, SECONDED Cmr Smith that Council in relation to Tender Number 014-05/06:

- 1 AUTHORISES in accordance with Section 6.8(1) of the Local Government Act 1995, re allocation of \$38,856 from Project 6658 Various Arterial Roads Locations Storm Water Drainage to Project 1011 Sorrento Beach Project Stage 2;**
- 2 CHOOSES Sanaya Pty Ltd trading as DME Contractors as the successful tenderer for the Sorrento Beach Redevelopment Stage 2 in accordance with the Lump Sum Price of \$1,738,856 excluding GST. In addition the City has allocated \$100,000 exclusive of GST as a contingency measure for the resultant contract;**

Lump Sum Tendered Price	\$1,738,856 Exclusive of GST
City of Joondalup Project Contingency	\$ <u>100,000</u> Exclusive of GST
Total Project Cost	<u>\$1,838,856</u> Exclusive of GST

- 3 AUTHORISES the Chief Executive Officer (CEO), on behalf of the City, to enter into a contract with Sanaya Pty Ltd trading as DME Contractors in accordance with their submitted tender, subject to any minor variations that may be agreed between the CEO and Sanaya Pty Ltd trading as DME Contractors.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

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

CJ193 - 09/05 MEETING OF THE CONSERVATION ADVISORY COMMITTEE HELD ON 24 AUGUST 2005 – [12168]

WARD: All

RESPONSIBLE DIRECTOR: Mr Peter Pikor (Acting Director)
Director Infrastructure and Operations

CJ050913_BRF.DOC:ITEM 7

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 24 August 2005 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the meeting of the Conservation Advisory Committee meeting that was held on 24 August 2005.

There was one item of business on the August agenda, the Biodiversity Strategy. The Committee was given an overview on the progress of the City's Local Biodiversity Strategy. At the July 2005 CAC meeting Mr Ryan Taylor (Acting Manager Perth Biodiversity Plan) had explained to the Committee the methodology required to achieve the milestones associated with the development of a local biodiversity strategy.

Committee members noted that Council had made good progress in assessing the Council reserves that contained bushland and that substantial on ground management activities had already been undertaken in reserves having being identified as having high ecological values. The Committee considered that reserves identified as having high ecological significance should be given protection through the District Planning Scheme 2. Members noted that under this scheme there is provision to protect areas of environmental significance.

The Committee requested staff to provide the Committee with a list of reserves that have been identified by Council staff as having environmental significance using the assessment templates developed by the Perth Biodiversity Project.

The Committee resolved the following recommendations:

- 1 REQUESTS that Council endorse the concept of protecting natural areas of significance, with high landscape and/or environmental values by listing those areas under Schedule 5 of the District Planning Scheme No 2;**

- 2 RECOMMENDS that Council recognises the significant work already completed by City Staff, in identifying natural areas of high environmental value, as identified by the Perth Biodiversity Project assessment process and forming part of the development of the City of Joondalup's Biodiversity Strategy;
- 3 REQUESTS that Council require a report from staff, listing natural areas (within the City of Joondalup) that were identified using the Perth Biodiversity Project assessment process; these are to be included under Schedule 5 of the District Planning Scheme 2. This report is to be first reviewed by the Conservation Advisory Committee prior to a recommendation going to Council.

The Conservation Advisory Committee is seeking support from Council to protect the significant natural areas it manages, and identified by the PBP process by placing them in Schedule 5 of the District Planning Scheme 2. This course of action is supported, and would form part of the progression required to produce a local biodiversity strategy at the City of Joondalup. Staff have assessed the hundred reserves that contain bushland and are managed by the City. These reserves have been placed in order of management priority. The number of these reserves that the committee wishes to be placed on schedule 5 of the District Planning Scheme 2 is to be determined. A future report on this process will be submitted to Council for its consideration.

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 24 August 2005 forming Attachment 1 to this Report;*
- 2 *NOTES that a list of bushland reserves managed by the City in order of management priority has been prepared and that the Chief Executive Officer will provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect natural areas of significance under Schedule 5 of District Planning Scheme No. 2;*
- 3 *NOTES the Conservation Advisory Committee's meeting recommendation to recognise the significant work already completed by City staff in identifying natural areas of high environmental value.*

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. The Conservation Advisory Committee assisting Council in developing a Local Biodiversity Strategy falls within the terms of reference of that Committee.

In 2002, the City of Joondalup signed a memorandum of understanding (MOU) with the Western Australian Local Government Association (WALGA) for the protection of native vegetation within the City of Joondalup. The MOU demonstrated the commitment of the City of Joondalup through the Perth Biodiversity Project (A WALGA initiative) to the protection of local biodiversity within the City.

In 2003/04 a sum of \$30,000 was approved in the budget to fund the development of a Local Biodiversity Strategy in the City of Joondalup. The development of a Local Biodiversity Strategy was commenced in accordance with The Local Biodiversity Planning Guidelines that were produced by the Perth Biodiversity Project. These guidelines were designed to provide a consistent approach to local biodiversity planning across local government.

In 2004 an ecologist was engaged by the City to assess the remnant native vegetation occurring within the City's Reserves. These reserves were then placed in order of ecological and management priority.

In the 2004/05 budget a sum of \$150,000 was approved to commence on ground operational work within the 27 reserves that were identified as having management priority.

DETAILS

Issues and Options

The intent of local biodiversity planning is to achieve the following:

- Conserve local biodiversity.
- Address Local Government roles and responsibilities
- To develop a strategy endorsed by Council and the WA Planning Commission.
- Obtain Community support for the implementation of the strategy.

The Conservation Advisory Committee has been active and supportive of Council's efforts to develop a local biodiversity strategy. Council has been able to achieve a number of milestones as part of its local biodiversity planning exercise. The most important being a broad assessment of all the bushland areas that falls within Council's management responsibility.

The Committee at its August meeting considered that Council should further develop its Local Biodiversity Strategy by protecting its significant natural areas within Schedule 5 of the District Planning Scheme 2.

The Local Biodiversity Planning Guidelines produced by the Perth Biodiversity Project promote the use of town planning schemes to protect areas of significant local and regional biodiversity. The use of town planning schemes, are an integral component of the development of a local biodiversity strategy.

The City of Joondalup's District Planning Scheme No 2 lists among its aims and objectives as:

- To provide the Council and residents with appropriate mechanisms to protect identified places of landscape or environmental value within the City.
- To ensure that adequate regard is given to the protection of the natural environment in the determination of land use and development proposals in accordance with sustainable development principles.

To achieve the above aims and objectives Part 5 Special Controls Landscape/Environment Protection form part of the document. The details of which follow:

Schedule 5 contains details of those places and objects within the City that the Council has classified as having significance for the purpose of protection of the landscape or environment.

If the Council at any time considers that a place or object has significance from the point of view of protection of the environment or landscape, the Council may classify the place or object accordingly and shall add details thereof to Schedule 5 by amendment to the Scheme.

If Council at any time considers that any Schedule 5 place or object should no longer be subject to the provisions of this clause the Council may initiate an amendment to the Scheme for the deletion of the place or object from Schedule 5.

Notwithstanding any other provisions of the Scheme to the contrary, the approval of the Council is required for the following development on or in relation to any place of landscape value or environmental value listed in Schedule 5.

- (a) the clearing, excavation or filling of any land;
- (b) the felling, removal, killing or causing of irreparable damage to any tree;
- (c) the erection of any fence;
- (d) the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building; or
- (e) the alteration or removal of any building or object or part thereof.

The Council may enter into agreements with any State or Commonwealth government authority or other body in Western Australia for the preservation or conservation of any place or object listed in Schedule 5.

At the August Conservation Advisory Committee meeting the following motions were put and carried.

- 1 REQUESTS that Council endorse the concept of protecting natural areas of significance, with high landscape and/or environmental values by listing those areas under Schedule 5 of the District Planning Scheme No 2;
- 2 RECOMMENDS that Council recognises the significant work already completed by City Staff, in identifying natural areas of high environmental value, as identified by the Perth Biodiversity Project assessment process and forming part of the development of the City of Joondalup's Biodiversity Strategy;
- 3 REQUESTS that Council require a report from staff, listing natural areas (within the City of Joondalup) that were identified using the Perth Biodiversity Project assessment process; these are to be included under Schedule 5 of the District Planning Scheme 2. This report is to be first reviewed by the Conservation Advisory Committee prior to a recommendation going to Council.

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 the 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 “ 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 to protect the City of Joondalup’s natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

Consultation:

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

COMMENT

The Conservation Advisory Committee has been working with Council to produce a local biodiversity strategy for the City. Natural areas of high ecological value have been identified by utilising structured processes made available to Council by the Western Australian Local Government Association, through the Perth Biodiversity Project (PBP). The Local biodiversity Guidelines produced by the PBP, advise that natural areas identified through this process be protected by the use of town planning schemes.

The Conservation Advisory Committee is seeking support from Council to protect the significant natural areas it manages, and identified by the PBP process by placing them in Schedule 5 of the District Planning Scheme 2. This course of action is supported, and would form part of the progression required to produce a local biodiversity strategy at the City of Joondalup. Staff have assessed the hundred reserves that contain bushland and are managed by the City. These reserves have been placed in order of management priority. It is a yet unspecified number of these reserves that the CAC wish to place on schedule 5 of the District Planning Scheme 2. A future report on this process will be submitted to Council for its consideration.

ATTACHMENTS

Attachment 1 Minutes of 24 August 2005 meeting of the Conservation Advisory Committee.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 24 August 2005 forming Attachment 1 to Report CJ193-09/05;
- 2 NOTES that a list of bushland reserves managed by the City in order of management priority has been prepared and that the Chief Executive Officer will provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect natural areas of significance under Schedule 5 of District Planning Scheme No. 2;
- 3 NOTES the Conservation Advisory Committee's meeting recommendation to recognise the significant work already completed by City staff in identifying natural areas of high environmental value.

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 **NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 24 August 2005 forming Attachment 1 to Report CJ193-09/05;**
- 2 **THANKS the Conservation Advisory Committee for its work;**
- 3 **NOTES that a list of bushland reserves managed by the City in order of management priority has been prepared;**

- 4 **REQUESTS** the Chief Executive Officer to provide a future report on the Conservation Advisory Committee's review and the process impact of the proposal to protect native areas of significance under Schedule 5 of the District Planning Scheme No 2;
- 5 **NOTES** the Conservation Advisory Committee's meeting recommendation to recognise the significant work already completed by City staff in identifying natural areas of high environmental value.

Cmr Smith requested her seconding of the Motion be recorded as pro-forma, pending an explanation of the proposed Motion being given by Cmr Anderson.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf130905.pdf](#)

In relation to Item CJ194-09/05 – Proposed Draft Currambine District Centre Structure Plan (Structure Plan No 6) – Lots 9505, 929 and 1574 Delamere Avenue, Hobsons Gate and Shenton Avenue, Currambine, Cmr Smith advised her daughter resides in the suburb of Currambine, however she would deal impartially with the matter.

CJ194 - 09/05 PROPOSED DRAFT CURRAMBINE DISTRICT CENTRE STRUCTURE PLAN (STRUCTURE PLAN NO 6) - LOTS 9505, 929 AND 1574 DELAMERE AVENUE, HOBSONS GATE & SHENTON AVENUE, CURRAMBINE – [47351] [39557]

WARD: North Coastal

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 8

PURPOSE

The proposed Currambine District Structure Plan (Structure Plan No 6) is brought before Council for its consideration and consent to advertise in accordance with the provisions of District Planning Scheme No 2 (DPS2).

EXECUTIVE SUMMARY

The intent of this structure plan is to guide the future subdivision and development of both improved and unimproved land comprising the Currambine District Centre in a coordinated and integrated manner following 'main-street' urban design principles (refer Attachment 2 – Indicative Concept Plan).

The structure plan area comprises three (3) separate lots of a combined area of approximately 18.35 hectares and is bounded by Shenton Avenue to the South, Marmion Avenue to the West, Delamere Avenue to the East and North, and includes internal roads being Hobsons Gate and Chesapeake Way.

A total of four (4) land use zones are proposed under the structure plan, being 'Residential', 'Civic and Cultural', 'Commercial' and 'Business' and are in conformity with the current zoning of the land under DPS2.

The Commercial and Business zones also seek to allow for 'shop top' housing forms of development at an R100 and R40 density respectively. This form of development is expected to be similar to the form of development found within the Joondalup Central Business District, however the scale of development (particularly with respect to height and building bulk) will be considerably lower.

Lot 929 is listed as the Currambine District Centre under Schedule 3 of DPS2, with a retail net lettable area of 10,000m². The proposed structure plan does not propose to increase this existing retail floorspace allocation.

Should the draft structure plan be considered satisfactory, the proposal is required to be advertised for public comment prior to further consideration by the Council.

The draft structure plan has been subject to significant negotiations between the City and the applicants. The draft structure plan is now considered to be in a form suitable for the purposes of public advertising in accordance with the provisions of DPS2.

The town planning and urban design principles used to prepare the structure plan are in accordance with the Council's previous resolution for the centres future growth to evolve from an internalised shopping centre model to a more traditional main street model.

The objectives and criteria proposed for each zone are appropriate as they collectively ensure that a high standard of future land subdivision and development will be achieved.

It is recommended that Council:

- 1 *Pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Currambine District Centre Structure Plan (Structure Plan No 6) as per Attachment 3 to this Report - for the purpose of public advertising and make it available for public comment for 28 days;*
- 2 *NOTES that the City is not contributing to the costs associated with the preparation of the Currambine District Centre Structure Plan.*

BACKGROUND

Suburb/Location:	Currambine District Centre Lot 9503 - 8.85 hectares (vacant land) Lot 929 - 7.5 hectares (existing shopping centre & cinema) Lot 1574 - 2 hectares (vacant land owned by the City)
Applicant:	The Planning Group & Roberts Day
Owner:	Davidson Pty Ltd, Roman Catholic Archbishop and City of Joondalup (Community purpose site)
Zoning:	DPS: Commercial, Business, Residential & Civic and Cultural MRS: Urban

The area encompassed by the Currambine District structure plan comprises approximately 18.35 hectares and is bounded by Shenton and Delamere Avenues, Chesapeake Way, Hobson Gates and Marmion Avenue (refer Attachment 1).

The subject land is zoned 'Commercial', 'Business', 'Civic and Cultural' and 'Residential – R40' under District Planning Scheme No 2 (DPS2). Lot 929 is listed as the Currambine District Centre under Schedule 3 of DPS2, with a retail net lettable area of 10,000m².

The current retail floorspace upon Lot 929 is approximately 5413m², comprising 4083m² of supermarket, 1330m² of specialty stores. In addition, 229m² of office floor space is provided, which is considered non-retail floor space.

Amendment 662 to the City of Wanneroo Town Planning Scheme No 1 (finalised 27 March 1995) rezoned the land from 'Rural' and 'Residential Development' to 'Commercial', 'Mixed Business', 'Service Station' and 'Civic'.

As part of the above rezoning, the Council required the owners to transfer to the City the land to be zoned 'Civic' for the purposes of recreation and construction thereon of community facilities and a town square. This arrangement was formalised via a legal agreement being entered into between the landowners and the City dated 14 July 1995. The legal agreement facilitated the transfer, free of all costs and encumbrances of a 2-hectare parcel of land in the location shown in attachment 1. Of this two (2) hectare land parcel, 0.5 hectares is intended to be used for community purposes, with the remaining 1.5 hectares for recreation purposes.

The entire 2 hectares was to be credited towards the landowners 10% Public Open Space (POS) subdivisional commitment.

The above legal agreement did not stipulate a definitive timeframe for the transfer of the community purpose site, however the Western Australian Planning Commission (WAPC) subdivision number 117546 sought to excise the two (2) hectare public purposes site from the subject land, with a condition of that subdivision approval requiring the land to be created as a separate lot and transferred in fee simple free of cost to the City. The subdivider has finalised subdivisional works and conditions of the above WAPC subdivision approval and land ownership was subsequently transferred to the City in June 2004.

Davidson Pty Ltd and the Roman Catholic Archbishop of Perth own the entire area (except for Lot 1574 which is owned by the City) with a sub lease in favour of Woolworths Pty Ltd over part of that area, being Lot 929.

DETAILS

Issues and options considered:

The proposed structure plan seeks to facilitate additional development of the Currambine Market Place Shopping Centre that incorporates surrounding vacant land and existing fragmented development into what the applicant's propose to be an innovative and community focused main street "Small Town Centre".

The proposed Currambine District Centre structure plan consists of two parts, Part 1 and Part 2. Due to the size of the traffic report, only the structure plan document has been attached to this Council report. Full copies of the structure plan document, including traffic report, have been made available in the Commissioners reading room. Full copies of the structure plan document, including traffic report, will also be made available for inspection by the public during the public comment period should Council consent to it being advertised. It will also be made available for viewing on the City's website.

Part 1 is the statutory planning section setting out the objectives and development provisions that determine the intended overall form of development on the subject land, particularly where these provisions differ from those required under both DPS2 and Residential Design Codes (R Codes).

Part 1 of the proposed structure plan is divided into four precincts that directly relate to the four existing zones within DPS2, which are, 'Commercial', 'Business', 'Residential and 'Civic & Cultural'.

Part 1 also sets out the definitions, objectives, permitted land uses, applicable residential density coding (R Codes) and development provisions relating to each of the above precincts.

Part 2 of the structure plan is the explanatory report, which provides background to the objective, purpose and intentions of the proposed structure plan. It also includes background information (including traffic report), the processes proposed for implementation and administration of the structure plan.

The structure plan is shown diagrammatically within the indicative concept plan (refer Attachment 3). The proposed structure plan's main components are:

- A new North/South orientated 'Main-street' that will run through the site between Marmion and Delamere Avenues providing both a vehicular and pedestrian link to commercial, business and residential areas.
- The proposed future community purposes building being located on a prominent corner on the above proposed main street with improved street exposure and views of the parklands.
- Highly visible plaza and town square, blending shopping, entertainment and dining with cultural activities to encourage night use.
- Car parking will be provided on street, in undercroft areas of proposed future buildings and in parking cells behind buildings with 'Main Street' frontage.

The following details are provided with respect to the structure plan relating to vehicular & pedestrian access, residential density and development height, the City's Centres strategy and the City's DPS2.

Vehicular & Pedestrian Access

The draft structure plan seeks to create a new 'Main-street' by extending Chesapeake Way south to ultimately intersect with Shenton Avenue. Dual use paths are proposed that run along each side of the proposed mainstreet.

The structure plan seeks to utilise and enhance all existing vehicular access points currently available to the centre from the surrounding road network. The structure plan also seeks to utilise and enhance pedestrian pathways and linkages both internally and externally.

A detailed traffic report has been prepared and forms an appendix to the structure plan (refer Attachment 2).

Residential Density and Development Height

A residential density of R40 has been applied to land zoned 'Business' and 'Residential' within the structure plan. The R40 density code is a medium density code where the minimum and average lot size requirement for each dwelling is 200m² and 220m² respectively.

A residential density of R100 is proposed to be applied to land zoned 'Commercial' within the structure plan. The R100 density code is a high-density code where a minimum lot size requirement of 100m² is required for each dwelling.

The structure plan allows for 'shop top' housing (dwellings above commercial development) to be considered and developed within both the 'Commercial' and 'Business' zones. The Residential Zone is to be developed solely for housing and could be developed as single or grouped dwellings at the R40 density.

A two-storey height limit has been applied to all future development within the structure plan area.

City of Joondalup Centres Strategy (Policy 3.2.8)

The Currambine District Centre is classified as a small town centre within the City's Centres Strategy. The recommendations for Currambine under the City's Centres Strategy are as follows:

No expansion over 10,000m² be permitted until it can be demonstrated that the planned commercial structure of the centres in the north of the City has been substantially developed to their planned sizes and trading patterns have settled.

Nothing in the recommendation above shall preclude the incremental expansion of Currambine along 'main street principles' as envisaged under Section 5.2.6 of the Metropolitan Centres Policy contained in Statement of Planning Policy No 9 (17/10/00).

Clause 1.4.7 of the City's Centres Strategy relates to Mixed Business Areas/Community Business Parks, whereby it is recommended that mixed business areas be provided within the Currambine Small Town Centre.

District Planning Scheme No 2 (DPS2)

The provisions of DPS2 will apply to the area subject to the proposed draft structure plan and the structure plan provisions seek to further complement those in DPS2. Land uses that may be considered under DPS2 within the 'Commercial', 'Business', Civic & Cultural and 'Residential' Zones will be wholly applied to the structure plan and no additional land uses outside of these are proposed.

Options

The Council has the following options when considering the draft structure plan:

- Determine that the structure plan is satisfactory and commence advertising.
- Determine that the structure plan should not be advertised until specified matters have been included or addressed.
- Determine that the structure plan should not be agreed to for stated reasons.

Link to Strategic Plan:

Consideration of this amendment is consistent with the City's Strategic Plan 2003 – 2008 by providing increased commercial opportunities and housing choices and therefore sustainable economic and social development.

Legislation – Statutory Provisions:

Under clause 9.4.1 (a) of DPS 2, Council may determine that the structure plan is satisfactory, send a copy to the Commission, and advertise it under the provisions of clause 9.5 and 6.7 of DPS2.

Under clause 9.4.1 (b), Council may determine that the structure plan should not be advertised until specified matters have been included in it or have otherwise been attended to by the proponent.

Under clause 9.4.1 (c), Council may determine that the structure plan should not be agreed to for stated reasons.

Should Council determine that the structure plan are satisfactory, the proposal is to be advertised for public comment in accordance with clause 9.5 and 6.7 of DPS2.

Upon completion of public advertising, Council is required to review all submissions within sixty days and then proceed to either refuse or adopt the structure plan, with or without further modifications.

Risk Management Considerations:

Not Applicable.

Financial Implications:

Lot 1574 is owned by the City whereby future opportunities exist to develop the land for public open space and a community purposes building.

Policy Implications:

Not Applicable.

Regional Significance:

This structure plan proposal has marginal regional significance, however is locally significant as it caters for retailing, business and housing related needs of both existing and future residents residing either within or nearby the centre.

Sustainability Implications:

The proposed structure plan would enable the City to consider future subdivision and development on the site that will provide 'Main-Street' development promoting both economic and social sustainability.

Consultation:

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days, however, advertising for a period of twenty eight (28) days is recommended in this instance. Advertising would consist of notification of all adjoining landowners, two (2) signs being erected in prominent locations on the site, a notice being placed in the Joondalup Community newspaper and on the Council website.

COMMENT

The structure plan has been subject to negotiations between the City and the applicants. The draft structure plan is now considered to be in a form suitable for the purposes of public advertising in accordance with the provisions of DPS2.

The structure plan seeks to guide the development of the entire site towards becoming an innovative, community focused district centre. The structure plan follows main street design principles and seeks to achieve a strong sense of place and support for social, economic and environmental sustainability.

The principles used to prepare the structure plan are based upon the Council's previous resolution for the centre's future growth to evolve from an internalised shopping centre model to a more traditional main street model.

Whilst the conversion from one model to another is challenging given the existing shopping centre has been largely developed utilising the internalised shopping centre model, the structure plan seeks to incorporate and address these built form constraints to create a main street built form.

The objectives and criteria for each zone seek to create a high standard of future land subdivision and development.

The use of the R40 and 100 residential density codes seek to facilitate the development of residential dwellings within the structure plan area. The resultant residential population assists patronage, vitality and passive surveillance of the centre, particularly at night.

The comments and recommendations contained within the traffic report have been reviewed, however the proposal for a new intersection onto Shenton Avenue is not supported at this time. This intersection proposal is to be further investigated in consultation with Main Roads WA, where it is intended that further technical information be obtained, reviewed and reported to the Council upon completion of the public advertising period.

The comments, ideas and suggestions contained within any submissions received during the advertising period will be reviewed and commented upon in a future report to the Council. The structure plan will also be referred to the WAPC for comment.

The structure plan may be further modified and refined to reflect comments contained within submissions received during the advertising period. The advertising process is therefore anticipated to add value to the structure plan consideration and determination process in order to achieve the best possible result for the community who utilise this centre.

ATTACHMENTS

Attachment 1	Aerial Site Plan & Lot details
Attachment 2	Indicative Concept Plan
Attachment 3	Currambine District Structure Plan

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Currambine District Centre Structure Plan (Structure Plan No 6) as per Attachment 3 to Report CJ194-09/05 - for the purpose of public advertising and make it available for public comment for 28 days;
- 2 NOTES that the City is not contributing to the costs associated with the preparation of the Currambine District Centre Structure Plan.

MOVED Cmr Anderson, SECONDED Cmr Clough that:

- 1 PRIOR to advertising, the applicant be requested to submit a Flora and Fauna study of the site;**
- 2 Council, pursuant to clause 9.4 of the City of Joondalup District Planning Scheme No 2, ADOPTS the draft Currambine District Centre Structure Plan (Structure Plan No 6) as per Attachment 3 to Report CJ194-09/05 - for the purpose of public advertising and make it available for public comment for 28 days;**
- 3 Council NOTES that the City is not contributing to the costs associated with the preparation of the Currambine District Centre Structure Plan.**

Cmr Anderson spoke to the Motion.

Chief Executive Officer sought clarification of the fact that once the flora and fauna report is received, the City may then proceed to advertising without the necessity of this issue being resubmitted to Council.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 6 refers

*To access this attachment on electronic document, click here: [Attach6brf130905.pdf](#)
[Attach15brf130905.pdf](#)*

Chief Executive Officer, Mr Garry Hunt, declared an interest that may affect his impartiality in Item CJ195-09/05 – Adoption of Modifications to the Joondalup City Centre Development Plan and Manual – Southern Business District due to the negotiations for the acquisition process of the Hodges Drive Depot site.

Acting Director Planning & Community Development, Mr David Djulbic, declared an interest that may affect his impartiality in Item CJ195-09/05 – Adoption of Modifications to the Joondalup City Centre Development Plan and Manual - Southern Business District due to the negotiations for the acquisition process of the Hodges Drive Depot site.

**CJ195 - 09/05 ADOPTION OF MODIFICATIONS TO THE
JOONDALUP CITY CENTRE DEVELOPMENT PLAN
AND MANUAL - SOUTHERN BUSINESS DISTRICT –
[00152]**

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 9

PURPOSE

This report is for Council to consider submissions received as a result of public advertising of the inclusion of objectives, permitted uses and development provisions for the Southern

Business District as modifications to the Joondalup City Centre Development Plan and Manual.

EXECUTIVE SUMMARY

Council considered the inclusion of objectives, permitted uses and development provisions for the Southern Business District within the Joondalup City Centre Development Plan and Manual (JCCDPM), as shown in Attachment 2, at its meeting on 23 November 2004 (CJ293-11/04 refers). At this meeting, Council resolved to allow the commencement of public advertising. Further to the close of advertising, the landowner sought modifications to the draft document, principally to enable additional flexibility of land uses in relation to the area referred to in document as the “Depot Site”. In addition, the Department for Planning and Infrastructure (DPI) provided comments that required some modifications to be made to the document.

Council considered the proposed modifications at its meeting on 28 June 2005 (CJ132-06/05 refers) and resolved to make the modified document available for public comment for a period of 21 days. Upon the close of advertising period, two (2) submissions were received, both objecting to the proposal (see Attachment 3).

The proposed modifications do not alter the intent of the Southern Business District and considered to be enhancements to the intent of the JCCDPM that will be of assistance during the assessment and development stages.

It is therefore recommended that Council:

- 1 *Pursuant to clause 9.6 and 9.7 of the City of Joondalup’s District Planning Scheme No 2, RESOLVES to adopt the amended Joondalup City Centre Plan and Manual to include objectives, permitted uses and development provisions for the Southern Business District, as shown in Attachment No 2 to this Report, and submit it to the Western Australian Planning Commission for final adoption and certification;*
- 2 *Subject to certification by the Western Australian Planning Commission, AUTHORISES the affixation of the Common Seal to, and signing of, the amended Joondalup City Centre Plan and Manual documents.*

BACKGROUND

Suburb/Location:	Lots 10, 11, 13, 902, Reserve 41707 & Pt Location 7898 Honeybush drive, Joondalup Drive and Hodges Drive
Applicant:	Masterplan Consultants WA Pty Ltd
Owner:	Landcorp
Zoning:	DPS: Centre Zone
	MRS: Central City Area

The Joondalup City Centre Development Plan and Manual (JCCDPM) is an Agreed Structure Plan adopted under the District Planning Scheme No 2 (DPS 2) and applies to the ‘Centre Zone’, which includes the subject lot. The JCCDPM is divided into seven districts of different characters that are distinguished by their land use activities, densities and building form. Not all districts, however, have planning controls or guidelines set out to provide development standards. The Southern Business District is one of these districts, having only been provided with background data stating that this district is to have “an emphasis on mixed business and technology development”.

Location

Lots 10,11,13 and Reserve 41707 Honeybush Drive, Pt Location 7898 Joondalup Drive and Lot 902 Hodges Drive are located between Joondalup Drive, Hodges Drive, the Mitchell Freeway and Eddystone Avenue (Attachment 1). The railway reserve for the Perth City to Currambine rail line dissects the site between the Mitchell Freeway at the junction of Joondalup Drive and Hodges Drive. The subject lots are zoned Centre Zone and are located within the Joondalup City Centre. The site comprises a total area of 35 hectares.

The site is very prominent due to its key location at the junction of the Mitchell Freeway and Hodges Drive. The site is also significantly elevated on the northern portion of the site. The site is also prominent by virtue of being effectively isolated by roads from the rest of the City Centre, Edith Cowan University Campus located on the opposite side of Joondalup Drive to the east of the site and the Joondalup Gate business area located to the south.

History

Landcorp has been involved in extensive discussions with the City regarding the future development of the subject site for several years. A draft structure plan for the site was submitted previously in 2000, however, vehicular access to the site was a major obstacle to progressing the proposal.

Lot 902 has since been identified and included in the modifications to the JCCDPM as the site for the City's new works depot. Should negotiations be successful, the future depot would be located on a 4 hectare portion of the 5.42 hectares of Lot 902. The Western Australian Planning Commission (WAPC) has approved the subdivision of Lot 902. The subdivision of Lot 902 includes the construction of a bridge over the railway reserve from Joondalup Drive that will enable vehicular access to all lots in the Structure Plan area, including the future depot site.

Council's previous resolutions:

Council considered the inclusion of objectives, permitted uses and development provisions for the Southern Business District, including a designated Depot Precinct on a portion of Lot 902, within the JCCDPM at its meeting on 23 November 2004 (CJ293-11/04 refers). At this meeting, Council resolved to adopt the amendments to the JCCDPM and allow the commencement of public advertising. Further to the close of advertising, the landowner sought modifications to the draft document, principally to enable additional flexibility of land uses in relation to the area shown as the "Depot Site". In addition, the Department for Planning and Infrastructure had provided comments that required some modifications to be made to the document.

Council considered the proposed modifications at its meeting on 28 June 2005 (CJ132-06/05 refers) and resolved the following:

- 1 *NOTES the submissions received and ADVISES the submitters of the Council's resolution;*
- 2 *NOTES the amendments proposed to the draft structure plan;*
- 3 *Pursuant to clause 9.6 of the City of Joondalup's DPS2, ADOPTS for the purposes of public advertising the modification to the Joondalup City Centre Development Plan and Manual to include objectives, permitted uses and development provisions for the Southern Business District, as per Attachment 2 to Report CJ132-06/05 and makes it available for public comment for a period of 21 days.*

DETAILS

Issues and options considered:

Proposed Modifications to JCCDPM

Only a background data statement regarding the Southern Business District is included in the JCCDPM. No objectives, permitted uses or development provisions are provided for within this District. The JCCDPM therefore needs to be amended to incorporate these details.

In this instance, Part 1 (Attachment 2) addresses the following issues:

- Structure Plan Precincts, being the following:
 - Bulk Retail/Showroom Precinct
 - Bulk Retail/Showroom and/or Technology Park Precinct
 - Service Industry Precinct
 - Bulk Retail/Showroom/Service Industry Precinct (*formerly the Depot Site Precinct*)
 - Drainage Precinct
- Interpretations
- Future Subdivision (further to subdivision of a portion of the land previously approved)
- Objectives, Permitted Uses and Development Provisions for each Precinct

The second component, Part 2, is the explanatory report providing the background and supporting documentation to Part 1 and includes the following:

- Land Analysis, Services/Infrastructure and Access/Road Network for the subject site;
- Town Planning Context (zoning and strategic planning background);
- Market Demand.

Further proposed modifications

The landowner has sought further modifications to the draft document that are essentially as follows:

- Renaming the Depot Precinct to Bulk Retail/Showroom/Service Industry Precinct to allow for additional land use and development flexibility,
- Modifying and rewording several provisions contained within the document relating to land use and development of land within all precincts to improve the document and provide greater clarity.

In addition, DPI provided comments that required some modifications to be made to the document.

Details of all proposed modifications are outlined below:

- *Remove references to 'retail warehouse' as this is not a term that is defined in DPS2 or the structure plan.*
- *Plan 1 - location of vehicle cross-easements shown on all lots fronting Joondalup Drive.*
- *In relation to clauses:*
 - 6.2 Permitted uses modified to exclude lunch bars and caretakers residence.*
 - 6.3.1 Modify setback provision to clarify that minimum and maximum setbacks apply to 70% of the front facade*
 - 6.3.2 Clause added regarding building orientation*
 - 6.3.7 Clause added prohibiting reflective glazing*
 - 6.3.8 Maximum fence height of 1.8m added*
 - 7.2 Deleted Educational Establishment (repeated from previous clause)*
 - 8.2 Amended the Permitted Uses to include Light Industry and Lunch Bar*
 - 9.0 Precinct title changed to 'Bulk Retail/Showroom/Service Industry*
 - 9.2 Land uses expanded to include the uses permitted in the Bulk Retail/Showroom/Service Industry Precinct. Depot use retained as a permitted use.*
 - 9.3 Clauses modified to expand permitted land uses and modify development provisions as appropriate*
 - 9.3.5 Height requirements modified to be consistent with other precincts.*
 - 9.3.6 iii) Clause added prohibiting reflective glazing*
 - 9.3.7 Boundary fencing clause modified to be consistent with other precincts*
 - 6.3.8 Maximum fence height of 1.8m added*
 - 10.0 Adjacent regional road network added to objective.*

Furthermore, the opportunity is presented to encourage the construction of a landmark building in the vicinity of the corner of Hodges Drive and Mitchell Freeway, to emphasise this "gateway" to the City Centre. An appropriate development provision has therefore been added to clause 9.3.5 of the Bulk Retail/Showroom/Service Industry Precinct.

Options

Council, in considering the proposed amendments to the JCCDPM, may:

- Not adopt the amendments to the JCCDPM.
- Adopt the amendments to the JCCDPM and forward these to the WAPC for final adoption and certification.

Link to Strategic Plan:

The proposed amendment to the JCCDPM will support the City's Strategic Plan of promoting and maintaining sustainable economic development (objective 3.5) by facilitating opportunities for the commercial development of a significant portion of land within the City Centre.

Legislation – Statutory Provisions:

Under clause 9.6 of DPS 2, the Council is required to consider all submissions received during the advertising period (see Attachment 3). After consideration of all submissions, the Council are to either resolve to adopt the structure plan, with or without modification, or to refuse to adopt the structure plan. If Council adopts the structure plan, three copies are then submitted to the Western Australian Planning Commission (WAPC) for final adoption and endorsement.

Risk Management considerations:

There are no known risks associated with the proposed amendments to the Southern Business District within the JCCDPM.

Financial/Budget Implications:

There are no financial or budget implications associated with the proposed amendments to the Southern Business District within the JCCDPM. The outcome of the City's negotiations regarding the purchase of portion of Lot 902 for potential use as the City's Works Depot is not dependent on the outcome of the structure plan process.

Policy Implications:

There are no policy implications associated with the proposed amendments to the Southern Business District within the JCCDPM.

Regional Significance:

The proposed amendments to the JCCDPM relating to the Southern Business District are regionally significant as they seek to facilitate the future commercial growth of the greater Joondalup Central Business District in order for it to achieve the overarching intent of being the largest satellite central business district (CBD) outside of the Perth CBD.

Sustainability Implications:

The proposed amendments to the JCCDPM will facilitate the future subdivision of the 35-hectare site for the purpose intended noted in the JCCDPM. In so doing, it will assist in achieving economic sustainability for the City Centre.

Consultation:

Clause 9.5 of DPS 2 requires structure plan proposals to be advertised, in accordance with clause 6.7 of DPS 2. The proposed amendments to the JCCDPM were advertised for a period of 21 days by way of all adjoining landowners, submitters from the original advertising period and service authorities being notified in writing, two signs being erected on the site, a notice being placed in the Joondalup Community newspaper on 21 June 2005 and a notice placed on the City's website.

The advertising period closed on 11 August 2005 and 2 submissions were received, both objecting to the proposal. The submissions are summarised in Attachment 3.

COMMENT

Submissions

The issues arising from public advertising (in italics) and a brief summary of the evaluating comments to each are as follows:

- *Concern about vehicular access being provided on to Hodges Drive for safety reasons.*

The development provisions for this precinct states that vehicular access is to be achieved using the internal access road that includes a bridge over the railway. Nevertheless, left-in/left-out access only may be permitted from Hodges Drive, subject to the approval of Main Roads WA.

- *Concerns about greenhouse gases, global warming, loss of habitat and impacts of clearing and development on future generations.*

The issues raised are not specific to the site or the structure plan process. The land is privately owned and zoned appropriately for development. Council is required to deal with any applications in accordance with the provisions of DPS 2, which includes statutory timeframes.

Other

The objective of clause 10.0 is to identify appropriate drainage areas in the structure plan area to service its drainage needs. As it will also need to accommodate drainage from the regional road network that surrounds the site, the City has included reference to this need in clause 10.0.

The proposed modifications do not change the intent of the objectives of the Southern Business District. The main proposed modifications are the renaming of the previous Depot Precinct which has been modified to the Bulk Retail/Showroom/Service Industry Precinct, and the expansion of the permitted land uses to enable a greater range of land uses to be developed. Previously, the only permitted use was a municipal depot.

The other proposed modifications are considered to be enhancements to the intent of the JCCDPM that will be of assistance during the assessment and development stages.

Advertising of the proposal has not resulted in any issues that would require the proposed modifications to the JCCDPM to be further modified. Final approval of the inclusion of provisions for the Southern Business District of the JCCDPM is therefore recommended.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Modified Southern Business District within the JCCDPM (current)
Attachment 3	Schedule of submissions

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 Pursuant to clause 9.6 and 9.7 of the City of Joondalup's DPS2, **RESOLVES** to adopt the modified Joondalup City Centre Plan and Manual to include objectives, permitted uses and development provisions for the Southern Business District, as shown in Attachment No 2 to Report CJ195-09/05, and submit it to the Western Australian Planning Commission for final adoption and certification;
- 2 Subject to certification by the Western Australian Planning Commission, **AUTHORISES** the affixation of the Common Seal to, and signing of, the modified Joondalup City Centre Plan and Manual documents.

ADDITIONAL INFORMATION

An amendment is required to be made to the recommendation of Item CJ195-09/05, Adoption of Modifications to the Joondalup City Centre Development Plan and Manual – Southern Business District.

Whilst the report outlines the proposed amendment to Clause 9.3.5 of the structure plan, this was inadvertently not outlined in the recommendation. Accordingly, Point 1 of the recommendation requires to be amended, as shown underlined below:

That Council:

- 1 Pursuant to clause 9.6 and 9.7 of the City of Joondalup's DPS2, **RESOLVES** to adopt the modified Joondalup City Centre Plan and Manual to include objectives, permitted uses and development provisions for the Southern Business District, as shown in Attachment No 2 to Report CJ195-09/05, and submit it to the Western Australian Planning Commission for final adoption and certification, subject to Clause 9.3.5 of the structure plan being modified to insert the words "Council may approve buildings in excess of 13m in height in the vicinity of the corner of Hodges Drive and Mitchell Freeway where it is determined that these are of considerable landmark quality" prior to the words "In addition...".

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 pursuant to clause 9.6 and 9.7 of the City of Joondalup's DPS2, **RESOLVES** to adopt the modified Joondalup City Centre Plan and Manual to include objectives, permitted uses and development provisions for the Southern Business District, as shown in Attachment No 2 to Report CJ195-09/05, and submit it to the Western Australian Planning Commission for final adoption and certification, **subject to Clause 9.3.5 of the structure plan being modified to insert the words "Council may approve buildings in excess of 13m in height in the vicinity of the corner of Hodges Drive and Mitchell Freeway where it is determined that these are of considerable landmark quality" prior to the words "In addition..."**;

- 2 subject to certification by the Western Australian Planning Commission, AUTHORISES the affixation of the Common Seal to, and signing of, the modified Joondalup City Centre Plan and Manual documents.**

Cmr Anderson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf130905.pdf](#)

**CJ196 - 09/05 EDUCATIONAL ESTABLISHMENT - CARPARK
ADDITION (610 NEW BAYS) – LOT 502 (38)
COLLIER PASS, JOONDALUP – [22460]**

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 10

PURPOSE

For Council to give consideration on the application for planning approval for 610 new at grade car parking bays for the Edith Cowan University (ECU) site at Lot 502 (38) Collier Pass, Joondalup.

EXECUTIVE SUMMARY

The applicant is proposing to construct 610 new at grade car bays on Lot 502 (38) Collier Pass. No 38 Collier Pass is triangular in shape and is located between Collier Pass, the railway line and Grand Boulevard. The development site is also located to the west of the main campus and separated by Grand Boulevard. Access to the new car parking area is proposed to be via the proposed four-way intersection of Grand Boulevard and Kendrew Crescent, which has been identified for the installation of new traffic signals.

The development site is currently subject to the Joondalup City Centre Development Plan & Manual (JCCDPM) where the subject site is identified as being suitable for “Residential Mixed-Use” land uses. However, ECU has recently lodged a new draft structure plan application with the City. The draft structure plan is proposed to provide a comprehensive framework for future development of the ECU Joondalup Campus for the consideration and approval of future development proposals by Council. The draft structure plan is currently being assessed.

Clause 9.11 of the City’s District Planning Scheme No 2 allows Council to consider an application in respect of an application for planning approval, before the adoption of a Structure Plan.

The construction of additional car bays was required by Council as part of a recent planning approval for a new Health & Wellness building within the Edith Cowan University (ECU) site. The application was approved by Council at its meeting dated 17 May 2005 (CJ092 - 05/05).

In this report, it was stated that the application should be approved subject to the imposition of appropriate conditions with particular reference to the future parking needs of the campus. Consequently, one of the conditions of approval was for the applicant to provide a minimum of 594 on-site car bays prior to the occupation of the Health & Wellness building. The car parking application has been submitted for consideration in order to comply with the relevant condition of approval relating to the Health & Wellness building, even though the proposed Structure Plan has yet to be endorsed.

In spite of the current status of the proposed Structure Plan for the campus land holdings, it is recommended that the car parking proposal before Council be approved, subject to conditions with particular reference to the design and access/egress of the parking area.

The current application before Council is consistent with the draft Structure Plan, as submitted, and the likely development scenario for the pocket of land, which has been longstanding.

BACKGROUND

Suburb/Location:	Lot 502 (38) Collier Pass, Joondalup
Applicant:	Capital Projects Group ECU
Owner:	Edith Cowan University
Zoning:	DPS: Centre R20
	MRS: Central City Area

Approval of Health and Wellness Building

Planning approval was given on 17 May 2005 for a new Health & Wellness building on the ECU Joondalup Campus at a cost of \$29 million. It was noted as part of this planning approval, that there will be a loss of parking bays for the campus site as a result of the Health & Wellness building. To ameliorate any further loss of parking bays through the new development, a condition was imposed as part of that approval which stated the following:

- 1) The applicant is to provide a minimum of 594 on-site car bays, prior to the occupation of the Health & Wellness Building, to the satisfaction of the Manager Approvals, Planning & Environmental Services.

History of Application

13/04/2005	Meeting to discuss the proposed development and future development for ECU, including parking provisions and a Structure Plan for the site. This meeting was held between the City, the applicant and ECU Manager Project Services.
14/04/2005	Application received. Awaiting submission of draft structure plan for the site.
18/04/2005	Draft structure plans received. Awaiting initial assessment to ascertain whether parking application aligned with that of the draft structure plan and whether the application can/will be dealt with prior to the adoption of the draft structure plan.
16/05/2005	Application referred internally to various departments within the City, for comment.
20/07/2005	Further internal referrals required. Relevant comment received the same day.

DETAILS

The applicant is proposing to construct 610 new car bays on a site located to the west of the main ECU Campus site between the railway line, Collier Pass and Grand Boulevard. This development application has been submitted as a result of the loss of existing car bays proposed through the development of the Health & Wellness Building, approved by Council at its meeting dated 17 May 2005 (CJ092 - 05/05 refers).

The demand for parking, according to the ECU figures, and the requirements for parking were previously tabled in the Council Report for the Health & Wellness building. These figures were derived from independent traffic/ parking studies conducted by ECU, which occur on an annual basis during each semester. According to the ECU figures, by 2007 there will be an overall shortfall of parking of 114 car bays (See table below). These figures were based on there being 600 new car bays provided as part of this development application. Through this development application, which is proposing the construction of 610 new car bays, this would leave a shortfall of 104 car bays, according to the ECU's figures.

The following table provides a comparison of the anticipated parking demand, as determined through previous car parking studies, which have been carried out independently by the University.

TABLE 1 – Comparison of Anticipated/ Actual Car Parking Demand by ECU figures

Year	No of Car bays Provided	No of Car bays Required	Difference
Projected number of bays required 2005	2,017	2,249	- 232
Projected number of bays required 2006	2,417	2,400	+ 17
Projected numbers of bays required 2007	2,617	2,731	- 114

The applicant is proposing to begin construction of the car bays within 2005 to allow for completion by Semester 1, 2006. The applicant is proposing to stage the development of these car bays with 400 being provided as part of Stage 1 and the remaining car bays constructed as part of Stage 2, being completed for use at the start of Semester 1 2007.

The applicant has submitted a draft structure plan application over the whole site (Lot 502), which was received on 18 April 2005. The structure plan and is currently undergoing some minor modifications by the proponent (Hames Sharley) in order for it to correlate with the existing Joondalup City Centre Development Plan and Manual (JCCDPM). These changes are mainly text based. The structure plan has illustrated the subject car parking area on the "draft structure plan map" and "indicative development plan", corresponding with that of the current application.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approved the application with conditions; or
- Refused the application.

Link to Strategic Plan:

The Strategic Plan states that the development of Joondalup as a Learning City is a key strategy, including planning for student growth and creating learning opportunities.

Legislation – Statutory Provisions:

The City of Joondalup District Planning Scheme No 2 (DPS2) and the Joondalup City Centre Development Plan and Manual (JCCDPM) are relevant statutory documents.

When considering an application for Planning Approval, the following clauses of District Planning Scheme No 2 are specifically relevant to this application:

Table 2 (Clause 4.8) – Car Parking Standards

Tertiary College – 1 bay per 3 Students

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.*

9.11 Development prior to adoption of structure plan

If Council is required to consider an application in respect of a development, use or subdivision proposal before a Structure Plan has been prepared and adopted, then the Council shall, in addition to any other matters required by this Scheme to be considered, have regard to the following considerations:

- (a) as an overriding consideration, the intent of the application;*
- (b) the desirability from a planning point of view of having an Agreed Structure Plan in place before development or subdivision occurs; and*

- (c) *the interests of orderly and proper planning, and concern for the amenity of the relevant locality in the short, intermediate and long term.*

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

There is approved funding within the 2005-2006 budget for the construction of new traffic signals at the Grand Boulevard/ Kendrew Crescent intersection.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Education is a key service within the City of Joondalup. It is considered that the number of students within the ECU Campus is projected to increase over the next two years and beyond, which will have an impact on spending within the City, which in turn will be of benefit to business owners within the City and towards the encouragement of economic growth.

Consultation:

The application was not advertised as the car parking area is considered to be in keeping with the use of the land and is ancillary to the functioning of the University.

COMMENT

Edith Cowan University is considered to be a major focal point of the Joondalup City Centre area. Therefore it is important that the design, built form and use of development within the campus site is in keeping with the surrounding area and the intended function of the area.

Draft Structure Plan

ECU has lodged a draft structure plan application over the whole landholding (Lot 502). The draft structure plan is currently being evaluated. Figure 7 (proposed structure plan map) and Figure 8 (indicative development plan) contained within this structure plan identifies the proposed parking location. It is considered that the location, as identified under the structure plan, is similar in nature to that of the parking proposed within this subject development application. There are some minor variations to the parking layout between the structure plan and development application, which are not considered to affect the outcome or assessment of the proposed structure plan.

Parking Demand

As per the previous approval for a new Health & Wellness building within the Edith Cowan University (ECU) site, which was approved by Council at its meeting dated 17 May 2005 (CJ092 - 05/05), the existing and future proposed parking figures/ requirements were based on the parking standards set out in City's District Planning Scheme No 2 (Table 2, Clause 4.8 – Car Parking Standards). The DPS parking standard sets a parking rate of 1 bay per 3

students accommodated, which results in a surplus of 6 car bays in 2007, as per the table below.

TABLE 2 - PARKING FIGURES (DISTRICT PLANNING SCHEME NO. 2)

Year	No of Car bays Provided	No of Car bays Required	Difference
Projected number of bays required 2005	2,017	2,085	+ 68
Projected number of bays required 2006	2,417	2,228	+ 189
Projected numbers of bays required 2007	2,617	2,611	+ 6

It is noted that the figures above were based on the fact that an additional 600 car bays were to be provided through this subject development application. However, within this development application, the applicant is proposing to construct 610 new car bays. Therefore the overall surplus of parking would be 16 car bays according to the requirements set out in the City's DPS2.

In accordance with Table 1 illustrated in the "Details" section of this report, which is based on regular parking studies carried out by ECU, the required parking in 2007 is insufficient by a total of 114 bays. However, ECU continually undertakes measures to promote public transport including the provision of an existing shuttle bus service to and from the University and Joondalup/ Edgewater train stations.

The City currently has a Public Parking Strategy in place for the City Centre area. A review of the Public Parking Strategy document is currently being undertaken, in which the "Joondalup City Centre Public Parking Strategy Working Party" has been created to conduct the review process. The revised strategy document is currently in draft form. The current parking development application is for the exclusive use of ECU. Therefore the review of the public parking strategy will not be affected by this proposal.

Therefore it is considered that the number of car bays provided within this application is sufficient and in compliance with the requirements that have been set out in the City's District Planning Scheme No 2. It is also considered that the provision of these new parking bays has fulfilled Condition No. 1 of the approval for a new Health & Wellness building within the Edith Cowan University (ECU) site, which was approved by Council at its meeting dated 17 May 2005 (CJ092 - 05/05). The number of bays provided satisfies the condition of the previous approval for approval for a new Health & Wellness building within the Edith Cowan University (ECU) site, which was approved by Council at its meeting dated 17 May 2005 (CJ092 - 05/05).

Parking Layout & Access

The layout of the car park and access road will be required to be designed and constructed to the relevant Australian Standards and to the City's specifications.

It is recommended that the dual use path that is proposed to join the car parking area from the western side to the existing northwest development, be modified and extended around the northern and eastern perimeters of the car park so that it can be better utilised. It is also recommended that a path be provided along the central car park access road to allow a central access for all users of the proposed car parking area.

The access to this car parking area is proposed to be via the eastern side of the subject lot through an intersection with Grand Boulevard. It is noted that the intersection of Grand Boulevard is to accommodate future traffic signals. The development of these traffic signals is a joint venture between the City of Joondalup, ECU, Main Roads Western Australia and the Public Transport Authority. The development of this car park area will ensure the need for these signals to be provided as part of this development. These signals will need to be built in conjunction with the development of this car park and would need to be designed and constructed to the City's standards prior to the use of the car parking area.

It should be noted that the Council has provided funds within the 2005-2006 budget to contribute towards the installation of these traffic signals. The process for the installation of these traffic signals has now reached the implementation phase.

The applicant has provided 4 disabled bays within this development. The usual requirement for the supply of disabled bays, for tertiary institutes, is 2% of the overall numbers. Therefore the requirement for disabled car bays should be a minimum of 12 bays for this development.

It is considered that with the alterations and improvements as stated above that the parking layout and access is acceptable, from both a vehicular and pedestrian aspect.

Site Works & Drainage

The applicant will be required to carry out site works as part of this development application as the existing land is largely undulating, typified by small rises in the land. The proposed site levels shown on the plans, which have been submitted, are considered to complement that of the existing land maintaining a gradient, which slopes from north to south. It is considered that the site works have been minimised to that which is only necessary for the development of these car-parking bays. Any further clearing or site works should not be approved until such time that the draft structure plans has been adopted.

The applicant has not provided any drainage details as part of this application. As the applicant is not required to submit plans for a building licence, it is considered necessary that all required plans are provided and approved before any construction takes place. Therefore it is recommended that the applicant provide adequate drainage plans and details, which are to be approved by the City, prior to any construction or site works occurring.

Landscaping (Existing & Proposed)

A large portion of the site is bushland, which is burnt and recovering from fire. The remaining portion of the vegetation is in good condition with some examples of Jarrah, Casuarina and Tuart Trees on low-lying areas.

At this stage the proposed extensive changes to the existing ground level would see the removal of a large portion of this vegetation. It is noted that a large portion of the lot is already cleared and disturbed. However, the Council should encourage the applicant to retain or transplant, where possible, vegetation in good condition.

The applicant has not provided a landscaping plan as part of this development application in which, a landscaping plan will be requested to be submitted and approved prior to the construction of the car parking area.

Further, landscaping should also be provided in the form of shade trees at a minimum rate of 1 tree per 4 car bays, as per Scheme requirements.

Lighting

It is recommended that the proposed car parking area be provided with adequate lighting to ensure the safety of the individuals who will utilise this car parking area after hours. This lighting will need to be designed in accordance with the Australian Standards and meet the general needs of the users.

Conclusion

It is considered that the car parking area proposed within this application is a necessary requirement forming part of a previous Council resolution for a proposed new Health & Wellness building within the Edith Cowan University (ECU) site, which was approved by Council at its meeting dated 17 May 2005 (CJ092 - 05/05).

The location and design of the car parking area is also deemed to be similar in nature to that which has been identified under the draft structure plan for the ECU site, which is currently being assessed by the City. Therefore it is considered that a decision being made for this application, prior to the adoption of the structure plan, will not have any detrimental affects on the outcome or assessment of the structure plan. It is recommended that Council exercise its discretion under Clause 9.11 of the City's District Planning Scheme No 2 in this regard.

It is important that the proposed car parking area is developed in conjunction with that of the proposed traffic signals to be located at the intersection of Grand Boulevard to the east of the proposed car parking area and west of the main ECU campus site. The construction of these traffic signals will form an integral part of the access/ egress to the proposed car parking area.

The application is therefore recommended for approval, subject to conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site plans, floor plans & elevations (original plans and new plans)
Attachment 3	ECU Draft Structure Plan - Figure 7 (proposed structure plan map) and Figure 8 (indicative development plan)

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith, SECONDED Cmr Clough that Council:

- 1 EXERCISES discretion under clause 9.11 of the City's District Planning Scheme No. 2 and determines that the consideration of an application in respect of a development proposal before the adoption of a new Structure Plan is appropriate in this instance;**
- 2 APPROVES the application for planning approval, dated 14 April 2005, submitted by Capital Projects Group ECU on behalf of the owners, Edith Cowan University for a car park addition (610 new bays) on Lot 502 (38) Collier Pass, Joondalup subject to the following conditions:**

- (a) The proposed car parking area shall not be utilised until such time as the proposed traffic signals to be located at the access point/Grand Boulevard/Kendrew Crescent intersection have been become operational;
- (b) The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car parking (AS2890) unless otherwise specified by this approval. Such areas are to be constructed, sealed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied;
- (c) A minimum of twelve (12) disabled car parking bay(s) being provided and located convenient to the pedestrian pathways, to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (d) The dual use path that is proposed to join the car parking area from the western side to the existing northwest development, shall be modified and extended around the northern and eastern perimeters of the car park, as marked in RED on the approved plans, to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (e) A pedestrian path along the central car park access road being provided, as marked in RED on the approved plans, to allow a central access for all users of the proposed car parking area to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (f) Installation of lighting in the car parking areas to deter theft and anti social behaviour shall be provided to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (g) Any floodlighting being designed in accordance with Australian Standards for the Control of Obtrusive Effects of Outdoor Lighting (AS4282) and shall be where possible internally directed to not overspill into nearby lots or the road reserve;
- (h) The applicant shall submit plans and details illustrating an onsite stormwater drainage system or alternative discharge treatment system with the capacity to contain a 1:100 year storm of a 24-hour duration. The proposed stormwater drainage system or alternative discharge treatment system is required to be approved by the City prior to the commencement of any site works and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (i) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals, Planning & Environmental Services, prior to any site works commencing;
- (j) The car parking area shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;

- (k) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being utilised and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (l) The pedestrian pathways, landscaping areas, parking areas and/or associated accessways shall not be used for storage (temporary or permanent) and/or display and/or be obstructed in any way at any time, without the prior approval of the Manager Approvals, Planning & Environmental Services;
- (m) Retaining walls are to be provided where the angle of natural repose of the soil cannot be maintained. Drawn details, signed by a practising Structural Engineer, must be submitted for Council's Planning Approval in addition to the Building Licence, prior to construction.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf130905.pdf](#)

CJ197 - 09/05 CLOSE OF ADVERTISING FOR AMENDMENT NO 29 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE FROM 'COMMERCIAL' TO 'RESIDENTIAL' AND AMEND THE DENSITY CODE FROM R20 TO R40: LOT 674 (107) EDDYSTONE AVENUE, CNR PERILYA ROAD, CRAIGIE – [83567]

WARD: Pinnaroo

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 11

PURPOSE

The purpose of this report is for the Council to consider submissions received during the advertising period and to consider adopting as final, Amendment No 29 to District Planning Scheme No 2 (DPS2) without modification.

EXECUTIVE SUMMARY

Lot 674 (107) Eddystone Avenue, corner Perilya Road, Craigie is currently zoned 'Commercial', with a density code of R20. Amendment No 29 proposes to rezone the lot to 'Residential' and apply a density code of R40 (Attachments 1 & 2) to facilitate the future development of eight grouped dwellings upon the lot (Attachment 3 refers).

Council at its meeting on 26 April 2005 (CJ077-04/05 refers) resolved to initiate Amendment No 29 to DPS 2 for public advertising. The advertising period closed on 17 August 2005 and a total of seven (7) submissions were received, four (4) of which supported the proposal and three (3) of which objected.

The current 'Commercial' zoning allows the Council to consider grouped dwelling developments as a discretionary ('D') use under clause 6.6.2 of DPS2, however, any residential development would be anticipated to be a component of the commercial development of the site. Rezoning the land to 'Residential' will allow future grouped dwelling development on the subject lots to be considered as a permitted ('P') use under DPS2.

The objections raised have been addressed in the Schedule of Submissions (Attachment 5). Several of the points raised in the objection relate to potential conflicts that may arise with the existing shopping centre. It is noted that the existing shopping centre adjoins a residential area, and the shopping centre is required to operate according to the required environmental standards in regard to noise and odour emissions.

The development of residential dwellings will assist in maximising use of public transport and other community facilities that are available in close proximity to the site. This promotes environmental and economic sustainability. The proposed land use is considered to be compatible with adjoining and surrounding uses.

It is therefore recommended that Council grant final approval to Amendment 29 to DPS2 as follows:

That Council:

- 1 *Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 29 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 674 (107) Eddystone Avenue from 'Commercial' to 'Residential' and recode from R20 to R40;*
- 2 *AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;*
- 3 *NOTES the submissions received and advise the submitters of the Council;*
- 4 *ADVISES the applicant that the concept plan submitted with the Amendment is not endorsed at this time, and will require the submission of development application. The development application will be required to adequately address the interface between the subject site and the shopping centre site.*

BACKGROUND

Suburb/Location: Lot 674 (107) Eddystone Avenue, Craigie
Applicant: Joe Conway, Director Conway Projects
Owner: Family Holdings Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban

A service station was constructed on the site in 1978 and was operated until 2001. Demolition of the building and structures took place in August 2002, after preliminary investigation and environmental assessment had been undertaken.

To the east of the site, on the opposite side of Eddystone Avenue, a lot has recently been rezoned from 'Mixed Use' to 'Residential' and the density code amended from R20 to R40 to facilitate the future development of fourteen (14) grouped dwellings. A development application for the site was approved by Council at its 2 August 2005 meeting.

Amendment 29 was considered by Council at its meeting on 26 April 2005 (CJ077-04/05 refers). The resolution was as follows:

- 1 *Pursuant to section 7 of the Town Planning and Development Act 1928, ADOPTS Amendment No 29 to the City of Joondalup District Planning Scheme No 2 to rezone Lot 674 (107) Eddystone Avenue, Craigie from 'Commercial' with a density code of R20 to 'Residential' with a density code of R40, for the purposes of advertising for a period of 42 days;*
- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required.*

IT Environmental was commissioned by Shell Engineering to conduct soil validation at the former Shell Craigie service station site. The conclusion was that the site has been fully remediated and is now suitable for alternative land uses. The proposed amendment was also referred to the Environmental Protection Authority (EPA), who subsequently advised that the proposal did not require an environmental assessment

DETAILS

Issues and Options considered:

The proposed amendment applies to lot 674 (107) Eddystone Avenue, cnr Perilya Rd, Craigie and is sought to facilitate the residential development of eight (8) single storey grouped dwellings.

The applicant seeks to rezone the land to 'Residential' so that future grouped dwelling development upon the site is a permitted use. The applicant also seeks to increase the residential density code applicable to the land from R20 to R40.

Under the current coding a maximum of four (4) dwellings could be accommodated. Under the proposed density a maximum of nine (9) dwellings could be accommodated, however the indicative development submitted by the applicant shows eight (8) grouped dwellings.

The indicative development plan shows the development of single storey dwellings, which will front both Eddystone Avenue and Perilya Road. The relationship between the subject site and the shopping centre site will be addressed through the design of the units, and will include windows on the west wall of the dwellings and appropriate uniform fencing.

Council has the following options when considering the proposal:

- Adopt the proposed amendment to DPS2 without modifications.
- Adopt the proposed amendment to DPS2 with modifications
- Refuse the proposed amendment to DPS2

In all the above options, the proposal is then forwarded to the Western Australian Planning Commission for determination.

Link to Strategic Plan:

The proposal supports objective 3.3.1 of the City's Plan 2003 – 2008 that seeks to 'continue to meet changing democratic needs'. Strategy 3.3.1 is also important in that the proposal seeks to provide residential living choices, through an increase in residential density applicable to the land.

Legislation – Statutory Provisions:

The Town Planning and Development Act 1928 enables local authorities to amend a Town Planning Scheme.

Under provision 17(2) of the Regulations, Council is required to consider all submissions received during the advertising period. After considering all submissions the Council can either resolve to not proceed with the amendment or adopt the amendment, with or without modifications.

Sustainability implications:

The rezoning will facilitate the development of eight (8) medium density dwellings. The development of medium density housing is considered appropriate given the location of the subject site in close proximity to the Craigie Plaza Shopping Centre and community facilities.

The development may increase the number of people living within walking distance of the shopping centre by providing additional housing choices and an increased density and will assist in providing greater patronage. This accords with strategy 3.3.1 'Provide Residential Living Choices' of the City's Strategic Plan and the state government policy – Liveable Neighbourhoods Community Design Code.

Consultation:

The proposed amendment was advertised for a period of 42 days from 6 July 2004 to 17 August 2005. Advertising was in the form of a sign erected on site, adjoining landowners being notified in writing and advertisements placed in the West Australian (6 July 2005) and the local newspaper (7 July 2005). The proposal was also placed on the Council website.

Upon closure of public advertising a total of seven (7) submissions were received, three (3) of which were considered objections to the proposed amendment, three of which were from government agencies that had no objection and the remaining one (1) submission supported the proposed amendment.

COMMENT

The proposed amendment would facilitate future residential development, which would be in a built form that is complementary to surrounding existing residential development. Approval of the proposed amendment will facilitate the provision of residential living choices in accordance with the City's Strategic Plan. Although a concept plan has been submitted, this plan is not endorsed at this stage and will be subject to a development application. It is appropriate to advise the applicant that the interface between the subject site and the shopping centre site will need to be satisfactorily addressed.

It is anticipated that the Craigie Plaza Shopping Centre will benefit from additional patronage as a result of the subject site being developed for residential purposes by creating additional demand for local retail services. The development of lots for residential purposes is expected to take advantage of the existing bus service, community services and retail facilities that are available in close proximity to the site, which promotes environmental and economic sustainability.

Several of the points raised in objection to the proposed amendment relate to the issues that may arise given the location of the existing shopping centre and tavern. It is noted that the existing shopping centre and tavern currently adjoin a residential area. While the proposed rezoning will introduce additional dwellings in the vicinity of these commercial uses, this in itself would be difficult to justify as a reason for not supporting the rezoning, given the location of existing residential areas. Both the shopping centre and tavern are required to operate according to the required environmental standards in regard to noise and odour emissions.

With respect to traffic issues the current zoning of the land allows the City to consider land uses that may have a higher traffic generating capability, compared to a relatively low traffic generating residential use sought under the proposed amendment.

It is recommended that the amendment be granted final approval without modification and the documents be subsequently endorsed and submitted to the WAPC for recommendation to the Minister for Planning and Infrastructure to grant final approval.

ATTACHMENTS

Attachment 1	Proposed Amendment No 29 to District Planning Scheme No 2 Zoning Map
Attachment 2	Proposed Amendment No 29 to District Planning Scheme No 2 R Code Map
Attachment 3	Indicative site plan for future 8 grouped dwelling development
Attachment 4	Town Planning Scheme Amendment process flow chart
Attachment 5	Schedule of Submissions

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that Council:

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 29 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 674 (107) Eddystone Avenue from 'Commercial' to 'Residential' and recode from R20 to R40;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advise the submitters of the Council decision;**
- 4 ADVISES the applicant that the concept plan submitted with the Amendment is not endorsed at this time, and will require the submission of development application. The development application will be required to adequately address the interface between the subject site and the shopping centre.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf130905.pdf](#)

CJ198 - 09/05 FOUR COMMERCIAL TENANCIES AND FOUR GROUPED DWELLINGS - LOT 519 (27) DAVIDSON TERRACE (NORTHEAST CNR REID PROMENADE) JOONDALUP – [76521]

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning & Community Development

CJ050913_BRF.DOC:ITEM 12

PURPOSE

To request the Council's determination of an application for planning approval for a development containing four commercial tenancies and four grouped dwellings in the Central Business District of the City Centre.

EXECUTIVE SUMMARY

The application is for a two-storey development on the north-east corner of Davidson Terrace and Reid Promenade within the Central Business District (CBD) of the Joondalup City Centre. The development includes four commercial tenancies at ground floor level and four upper storey grouped dwellings.

The proposed 4 residential dwellings are located at first floor level above the commercial tenancies and therefore, the proposed residential units are defined as group dwellings.

There are no specific residential density requirements in the Central Business District. Clause 4.2.4 of the text to Council's District Planning Scheme No 2 (DPS2) indicates that unless otherwise specified on the Scheme Map, the R-20 density applies unless Council determines that a higher density coding should apply. The proposed density of development is approximately R36.

Council discretion is requested under clause 4.2.4 of the District Planning Scheme No. 2 for a residential density coding of R40 to be applied to the site in lieu of R20. Based on the standards for R40, variation to the Codes is required for each of the proposed dwellings to be provided with a balcony having a minimum area of 10m² in lieu of providing an outdoor living area of 20m².

The proposed development is smaller in scale and bulk than other surrounding developments, however, the proposed development does meet the objectives for this locality. Therefore, it is recommended that the application for planning approval be granted.

BACKGROUND

Suburb/Location: Joondalup City Centre
Applicant: Mark Anthony Design
Owner: Kotisan Pty Ltd
Zoning: **DPS:** Centre
 MRS: Urban
Strategic Plan: Joondalup City Centre Development Plan and Manual

The development site, which is currently vacant, is located on the corner of Davidson Terrace and Reid Promenade within the Central Business District of the Joondalup City Centre. To the east of the site on Reid Promenade is a three storey multiple unit residential development and to the north on Davidson Terrace is a five-storey development (currently under construction) with commercial at ground level and multiple dwellings above. Across Reid Promenade, the corner site has been approved for the temporary use of the site as a garden centre and diagonally across Davidson Terrace is a vacant site. On the north western corner of Reid and Davidson Terrace is a landscaped car parking area.

The proposed development consists of four commercial tenancies at ground level and four group dwelling units at the first floor. Three of the residential units have 3 bedrooms and one unit with 2 bedrooms, all units have balconies that overlook the street or the rear parking area.

Development standards contained within the JCCDPM;

Standard	Required	Provided
Front Setback	0m	0m
Side Setback	As per BCA*	0m
Secondary street setback	0m	0m
Plot Ratio	1.0 1102m ² maximum	0.79 (848m ²)
Height	13.5m at street frontage	9.0m maximum
Parking	1 bay per 30m ² Net lettable area (Commercial) and 1 bay per dwelling (Residential) = total parking bays 17	17 Parking Bays provided

DETAILS

Link to Strategic Plan:

The proposed development is consistent with the City's Strategic Plan 2003 – 2008 by providing a range of commercial and residential accommodation that contributes to a vibrant City Centre and community.

Legislation – Statutory Provisions:

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

District Planning Scheme No 2

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

When determining this application Clauses 4.2.3, 4.2.4, 4.5 and 6.8 of the DPS2 apply:

- 4.2.3 Unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Planning Codes shall conform to the provisions of those Codes.*

4.2.4 *Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map, the R-20 density code applies unless the Council determines that a higher code should apply.*

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

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

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

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

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

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

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.*

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable

Policy Implications:

Not Applicable.

Regional Significance:

The proposed development is located within the Central Business District of the Joondalup City Centre. The Joondalup City Centre is planned to be a multi-functional centre, which provides a range of services and opportunities for the residents of the north-west Corridor.

Sustainability Implications:

The proposed mixed use development has the potential to contribute to a multi-functional city centre and therefore contribute to sustainable development within the City of Joondalup.

Consultation:

The proposed development was not advertised as the form and scale of the development is consistent with other similar developments within the CBD and is expected under the provisions of the JCCDPM.

COMMENT**Land Use**

The proposal provides for both residential dwellings and commercial/office space, and as such, the proposed uses comply with the preferred uses identified within the CBD under the JCCDPM. The proposal provides four (4) office or commercial tenancy of varying sizes. In this form, the space is flexible enough in the future to accommodate other permitted uses under the JCCDPM, including retail, entertainment and restaurant/café.

Residential Density

There are no specific residential density requirements in the designated General City Use area within CBD of the Joondalup City Centre. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the Scheme Map the R-20 density applies until Council determines that a higher density coding should apply for that site. The proposal has an equivalent density of R36. Given that there is no such density coding as R36 is specified in the Residential Design Codes 2002, it is considered that a density coding of R40 is appropriate for the purpose of assessing the residential component of the development. A residential density of R40 is a lower residential density than the two adjoining developments on Davidson Terrace and Reid Promenade.

It is recommended that Council determine that the proposed density at R-40 in lieu of R20 is considered to be appropriate given that the site is in a prominent location within the City Centre, where higher densities are appropriate and encouraged.

R-Codes Requirements for Group Housing R-40

Clause 4.2.3 of DPS2 requires that unless otherwise provided for in the Scheme the development of land for any of the residential purposes dealt with by the Residential Design Codes shall conform to the provisions of those Codes.

The JCCPDM does not specify development requirements for group housing development within the General City land use area of the CBD. For the purpose of determining the application the development standards of R40 as detailed in the R-Codes have been applied.

Development standards (R-40) for group dwellings contained within the R-Codes;

Standard	Required	Provided
Open space	45%	54.9%
Outdoor living	20m ²	Unit A – 6.38m ² Unit B – 10.52m ² Unit C - 14.27m ² Unit D – 7.5m ²
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ²

Outdoor Living Areas

The Residential Design Codes defines Outdoor Living Area:

The area external to a Single House or Grouped Dwelling to be used in conjunction with that dwelling such that it is capable of active or passive use but excludes any area with a dimension of less than one metre minimum dimension or which, by reason of its development or topography, is not readily accessible from the dwelling.

The performance criteria of clause 3.4.2 of the R-Codes for outdoor living areas requires an outdoor area capable of use in conjunction with a habitable room of the dwelling, and if possible, open to the winter sun.

The proposed residential units by the definition contained in the R-Codes are considered as group dwellings by virtue of the fact that there is no residential dwelling either above or below. This aside, the design of the development with commercial at ground level and residential units at first floor requires that the provision of open space is by way of a balcony for each residential unit. This design is compatible with the intent of preferred development within the Joondalup CBD.

The 4 residential group dwellings have balconies that are accessible from a living area. The balconies of units C and D are open to the winter sun. The balconies of units A and B are not directly open to the winter sun but in this instance it is considered appropriate to have the balconies situated on the southern side of the building to provide visual surveillance of the public street. It is considered that the proposed balconies meet the performance criteria of clause 3.4.2 of the Residential Design Codes 2002.

Clause 3.4.3 of the R-Codes – requires multiple dwellings to be provided with at least one balcony opening directly from a habitable room and with a minimum dimension of 2m and a minimum area of 10m². By definition, the proposed dwellings are classed as group dwellings, the actual design of the residential units are in keeping with multiple dwellings, which would require the provision of a balcony. Each of the 4 group dwellings have a balcony but units A and D have balconies with areas less than 10m². It is considered that the design of these units can be altered to provide a combined balcony area to each unit of 10m².

It is recommended that the Council exercises discretion under clause 3.4.2 of the R-Codes and determine that a balcony for each group dwelling meets the performance criteria for outdoor living areas and impose a condition of planning approval that requires units A and D to have a combined minimum balcony area of 10m².

Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street. The commercial and residential units comply with the required nil front setback. Essentially, the design promotes the interaction between the commercial tenancies and the adjoining public streets creating animated spaces at a human scale. The design of the development also includes awning over entrances to the development. Awnings over the public street are encouraged as they provide shelter for pedestrians.

The proposed zero setback to the corner site at Davidson Terrace and Reid Promenade will contribute to creating an urban wall along the streetscape edge, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal. The upper floor residential balconies overlook the public streets and therefore provide surveillance of public areas. The building can be accessed internally from the car parking area at the rear to both the residential and commercial units

Landscaping

The proposed awnings will interfere with three of the existing street trees. One of the trees on Davidson Terrace is dying and will be replaced. The two trees on Reid Promenade are to be relocated or a mature replacement tree is to be provided at the expense of the owner/applicant. It is also recommended that the owner/applicant provide one shade tree within the rear parking area.

Conclusion

The design of the development articulates the street corner and has facades at ground level that address both Davidson Terrace and Reid Promenade. Entrances to the development include awnings that provide shelter to pedestrians. The design and land uses of the proposed development with commercial at ground level and residential units at first floor meets the objectives of the JCCDPM. The scale of the building, while smaller than the two adjoining sites is consistent with other existing one and two storey developments along Davidson Terrace and Reid Promenade.

The proposed development will be a positive addition to the City Centre. It will provide residential accommodation and commercial space to meet the future demands of the growing City Centre. The residential density of R-40 is considered appropriate in this instance. It is therefore recommended that the development application be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Aerial photo
Attachment 3	Development plan
Attachment 4	Colour Elevations
Attachment 5	Site photos

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clauses 4.2.4, of District Planning Scheme No 2 and determine that the equivalent development density of R-40 in lieu of R-20 is appropriate in this instance;
- 2 EXERCISES discretion under clauses 2.3.4 of the Residential design codes 2002 and 4.2.3 of District Planning Scheme No 2 and determines that the performance criteria of clause 3.4.3 of the R-Codes has been met and balconies with a minimum area of 10m² in lieu of outdoor living of 20m² is acceptable in this instance;
- 3 APPROVES the application for planning approval dated 13 June 2005 submitted by Mark Anthony Design for 4 commercial tenancies and 4 grouped dwellings on the proposed Lot 519 (27) Davidson Terrace, Joondalup subject to the following conditions:
 - (a) Units D and A to have a minimum combined balcony area of 10m² for each unit;
 - (b) Parking bay 17 as shown red on the approved plan is to have a minimum width of 2800mm in accordance with the Australian Standards;
 - (c) Two shade trees on Reid Promenade that conflict with the proposed awnings as shown in red on the approved plans are to be relocated or replaced with a mature tree at the expense of the owner/applicant. The applicant is to liaise with the City's Operations Services in relation to the relocation of the street trees;
 - (d) The gradient between the disabled parking bay and the building entrance at rear to be a maximum of 5%;
 - (e) Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);

- (f) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works to be done as part of the building programme;
- (g) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (h) A separate application being made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- (i) With reference to condition (d) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the City;
- (j) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (k) Obscured or reflective glazing shall not be used at the ground level;
- (l) Any advertising signage shall be subject to a new application for Planning Approval.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage.
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building.
- 3 In relation to condition (e) disabled toilet facilities will be required for all commercial units. The doorway to the foyer and unit 2 will need to open outwards but not encroach beyond the boundaries of the lot.
- 4 Windows within 3 metres of a boundary are to be fire rated in accordance with the provisions of the Building Codes of Australia.

ADDITIONAL INFORMATION

The information within the report refers to Clause 3.4.2 of the Residential Design Codes, which relates to minimum outdoor living area for grouped dwellings, which the development was assessed against. Part (2) of the recommendation is incorrect in that it should have referred to Clause 3.4.2 instead of 3.4.3.

Point 2 of the Recommendation should now read:

- 2 EXERCISES discretion under clauses 2.3.4 of the Residential design codes 2002 and 4.2.3 of District Planning Scheme No 2 and determines that the performance criteria of clause 3.4.2 of the R-Codes has been met and balconies with a minimum area of 10m² in lieu of outdoor living of 20m² is acceptable in this instance.

MOVED Cmr Smith, SECONDED Cmr Fox that Council:

- 1 EXERCISES discretion under clauses 4.2.4, of District Planning Scheme No 2 and determine that the equivalent development density of R-40 in lieu of R-20 is appropriate in this instance;**
- 2 EXERCISES discretion under clauses 2.3.4 of the Residential design codes 2002 and 4.2.3 of District Planning Scheme No 2 and determines that the performance criteria of clause 3.4.2 of the R-Codes has been met and balconies with a minimum area of 10m² in lieu of outdoor living of 20m² is acceptable in this instance;**
- 3 APPROVES the application for planning approval dated 13 June 2005 submitted by Mark Anthony Design for 4 commercial tenancies and 4 grouped dwellings on the proposed Lot 519 (27) Davidson Terrace, Joondalup subject to the following conditions:**
 - (a) Units D and A to have a minimum combined balcony area of 10m² for each unit;**
 - (b) Parking bay 17 as shown red on the approved plan is to have a minimum width of 2800mm in accordance with the Australian Standards;**
 - (c) Two shade trees on Reid Promenade that conflict with the proposed awnings as shown in red on the approved plans are to be relocated or replaced with a mature tree at the expense of the owner/applicant. The applicant is to liaise with the City's Operations Services in relation to the relocation of the street trees;**
 - (d) The gradient between the disabled parking bay and the building entrance at rear to be a maximum of 5%;**
 - (e) Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);**
 - (f) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works to be done as part of the building programme;**
 - (g) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;**
 - (h) A separate application being made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;**
 - (i) With reference to condition (d) design levels of the proposed development must ensure a smooth transition between the development**

and the adjoining pavement within the road reserve to the satisfaction of the City;

- (j) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (k) Obscured or reflective glazing shall not be used at the ground level;
- (l) Any advertising signage shall be subject to a new application for Planning Approval.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage.
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building.
- 3 In relation to condition (e) disabled toilet facilities will be required for all commercial units. The doorway to the foyer and unit 2 will need to open outwards but not encroach beyond the boundaries of the lot.
- 4 Windows within 3 metres of a boundary are to be fire rated in accordance with the provisions of the Building Codes of Australia.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf130905.pdf](#)

CJ199 - 09/05 DEDICATION OF PORTION OF OCEAN REEF ROAD, OCEAN REEF – [07131]

WARD: Marina

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 13

PURPOSE

Council is requested to support dedication of a portion of road currently being constructed that forms part of Ocean Reef Road, but which has not been formally dedicated as road reserve.

EXECUTIVE SUMMARY

As part of the extension of Ocean Reef Road a dedication is now required for a portion of road between Hodges Drive and Resolute Way (Attachment 1 & 2 refer). The portion of Ocean Reef Road to the north of Resolute Way and to the south of Hodges Drive is already dedicated.

The dedication of the land is an administrative function and does not have any significant impacts for the City of Joondalup.

It is therefore recommended that Council APPROVES the dedication of the land, as detailed and contained in Attachment 1 to this Report as road under Section 56 of the Land Administration Act.

BACKGROUND

Suburb/Location: Ocean Reef Road
Applicant: City of Joondalup
Zoning: **DPS:** Regional Reserve – Parks and Recreation, Residential
MRS: Urban, Parks and Recreation

DETAILS

Issues and options considered:

A portion of Ocean Reef Road, between Hodges Drive and Resolute Way has not been dedicated. The road to the north of Resolute Way and south of Hodges Drive has already been dedicated.

As part of the Ocean Reef Road extension (reports CJ075-04/05 and CJ303-12/04 refers) a dedication is now required.

The land has always been set aside for road reserve, and as the road is now currently under construction it is required to be dedicated.

The City is currently carrying out construction works on this road and it is envisaged that the road will be open to the public in October 2005.

Link to Strategic Plan:

This policy aligns with the objectives and strategies of the City's Strategic Plan with regard to continuing to facilitate the changing needs of the community, and to provide integrated transport to meet regional and local needs.

Legislation – Statutory Provisions:

A dedicated road reserve is one that has been created by lawful process, whether by approval of a plan creating the road, or by publication in the government Gazette or State Newspaper of a notice of dedication, or by registration against Crown Land Title of an order declaring that the land had been set-aside for such purposes.

In this situation a resolution is required to dedicate the land as public road in accordance with Section 56 of the Land Administration Act.

Risk Management considerations:

This is a formal administration process that registers the reserve against Crown Title, under the care and control of the City as the Local Authority. This dedication allows the City to carry out works on the road and verge, including general maintenance and parking restrictions when required.

Financial/Budget Implications:

There are no further financial or budget implications.

Policy Implications:

There are no policy implications.

Regional Significance:

There are no regional significance implications for the proposal.

Sustainability Implications:

The proposed road extension will enable better connectivity and community interaction.

Consultation:

The community has been involved in a consultation process for that section of road currently being constructed (CJ303-12/04 refers).

COMMENT

The portion of Ocean Reef Road has not formally been dedicated as road reserve. As part of the extension of Ocean Reef Road the portion road between Hodges Drive and Resolute Way is now required to be dedicated.

ATTACHMENTS

Attachment 1	Location Plan of land to be dedicated as road reserve.
Attachment 2	Site Plan of road reserve

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, **SECONDED** Cmr Cough that Council **APPROVES** the dedication of the land, as detailed and contained in Attachment 1 to Report CJ199-09/05 as road under Section 56 of the Land Administration Act.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf130905.pdf](#)

In relation to Item CJ200-09/05 – Proposed Two Storey Development of Thirty Six Multiple Dwellings plus Basement Car Parking Area – Lot 251 (5) Eastleigh Loop, Currambine, Cmr Smith advised her daughter resides in the suburb of Currambine, however she would deal impartially with the matter.

CJ200 - 09/05 PROPOSED TWO STOREY DEVELOPMENT OF THIRTY SIX MULTIPLE DWELLINGS PLUS BASEMENT CAR PARKING AREA – LOT 251 (5) EASTLEIGH LOOP CURRAMBINE – [38659]

WARD: North Coastal

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 14

PURPOSE

To request Council's determination of an application for planning approval for the development of thirty-six multiple dwellings at Lot 251 (5) Eastleigh Loop, Currambine.

EXECUTIVE SUMMARY

The development site is located at 5 Eastleigh Loop Currambine. The lot has a land area of 4707m² and is zoned Residential with a density coding of R80 under the City of Joondalup District Planning Scheme No 2 (DPS2). Apart from the adjoining sites that are reserved under the Metropolitan Region Scheme, all other immediate land uses are low-density single residential developments, even though the land is zoned Residential and coded R80.

The site is adjacent to the Currambine rail station and carpark to the north, the rail reserve to the east, Paddington Street to the west and Eastleigh Loop to the south (see Attachment 1).

The applicant proposes to construct three two-storey buildings consisting of thirty-six multiple dwellings with the majority of parking available in the basement parking area. Multiple dwellings are a discretionary land use within the Residential zone.

The applicant has sought discretion under the performance criteria of the R-Codes and DPS2 including variations to:

- side setbacks,
- building height threshold limits,
- open space,
- car parking and
- cone of vision.

The majority of these variations occur within the site or adjacent to non-residential properties.

Submissions in relation to the development have been received, including a petition signed by 44 people.

The development is required to be determined by Council as the number of multiple dwellings proposed (thirty six) is beyond the delegation limits set out in the Notice of Delegation (ten multiple dwellings).

The proposed development complies with the allocated density coding for the area and will assist in meeting key objectives of the Strategic Plan. It will contribute to the diversity of housing choice, help create employment opportunities and support the local economy. Additionally, it will promote passive surveillance of the Currambine rail and parking facility and adjacent residential streets.

Having regard to the submissions received and the provisions of the DPS2, R-Codes and other relevant documents, it is recommended that the application for planning approval be granted, subject to appropriate conditions.

BACKGROUND

Suburb/Location:		Currambine
Applicant:		Dryka and Partners Architects
Owner:		Currambine Gardens Pty Ltd
Zoning:	DPS:	Residential R80
	MRS:	Urban

The property is situated adjacent to the “Park n’ Ride” carpark and Currambine rail station to the north, the rail reserve to the east, Paddington Street to the west and Eastleigh Loop to the south (see Attachment 1). The City of Joondalup District Planning Scheme No 2 (DPS2) zoning for the subject site and surrounding residential lots is Residential R80.

The density coding of the land at R80 is in keeping with the Western Australian Planning Commission’s Policy No DC 1.6 Development Near Metropolitan Rapid Transit Stations – Amended 1992 (WAPC DC 1.6), which aims to ensure that provision is made in subdivision design for public transport services.

The land was given a density code of R80 in 1991 after negotiations with the State Government for the subdivision of the land. The then City of Wanneroo proposed, as part of amendment No. 452 of Town Planning Scheme No. 1, to develop the subject land at a density of R40. The Department of Planning and Urban Development (Now Department for Planning and Infrastructure) consented to the amendment subject to some modifications, including a requirement to code the subject land at a density of R80.

In subsequent years, due to market forces, the development of the land occurred at a much lower density, resulting in the predominantly single residential nature of the area as it is today.

In 2003 both the Council and the Western Australian Planning Commission (WAPC) did not support an application for strata subdivision of the subject site into 14 lots, as it was considered that the proposal could not meet the density requirements of WAPC DC 1.6.

The WAPC and City of Joondalup subsequently received and supported a subdivision of the lot into three separate lots. The WAPC indicated that the subdivision into three lots '*preserves the ability to develop the lots at a higher density, which should bring the scheme closer to satisfying the requirements of DC 1.6*'. The then owner did not complete the subdivision, and as such the lot remains as one single parcel of land.

28/02/2005	Current application received by Council.
30/03/2005	Further information requested.
27/04/2005	Further information requested.
27/04/2005	Referral to Main Roads.
16/05/2005	Further information received including amended plans.
16/05/2005	Main Roads comments received.
14/07/2005	Public Transport Authority referral.
14/07/2005	Advertising commenced.
20/07/2005	Objection received.
20/07/2005	Advertising sign placed on site.
22/07/2005	Objection received.
26/07/2005	Objection received.
27/07/2005	Objection received.
28/07/2005	Four objections received.
29/07/2005	No objection received.
29/07/2005	Two objections received.
29/07/2005	Advertising concluded.
28/07/2005	Public Transport Authority comments received.
03/08/2005	Advertising sign removed from site.
04/08/2005	Petition received.

DETAILS

Description of the development

The proposal consists of:

- 1 Three 2-storey buildings comprising thirty-six multiple dwellings.
- 2 Each dwelling being three bedrooms, two bathrooms with living and dining areas leading out to either an alfresco area (ground floor) or balcony (first floor) overlooking the central open space or Eastleigh Loop.
- 3 Seventy-one (71) car-parking bays. The parking allocation includes twenty-one dedicated single bays for units 1-21, 30 dedicated parking bays for units 22-36 (2 bays per unit), thirteen spare bays for residents and or visitors and 7 dedicated parking bays for visitors at street level.
- 4 The majority of parking is located beneath the ground floor, partially undercroft and partially underground due to the fall of the level of the site.
- 5 A central open space including a pool and spa area.
- 6 An open space area including a water feature.

External variations

The following is a list of variations to the Acceptable Development criteria of the Residential Design Codes 2002 (R-Codes) and Council policies proposed in the application that affect the external boundaries of the subject site:

Wall Setback Variations	Acceptable Development	Proposed
Unit 3 (first floor) setback to Paddington Avenue	4.6m	4.0m
Unit 3 (first floor) setback to north boundary – carparking facility	4.8m	3.5m
Unit 36 (first floor) setback to east boundary – rail line	2.5m	1.5m
Unit 36 (first floor) setback to east boundary – rail line	2.5m	1.5m

Cone of Vision Variations	Acceptable Development	Proposed
Unit 36 (first floor) to south boundary – adjoining residential property	4.5m	2.4m
Unit 35 (first floor) to south boundary – adjoining residential property	4.5m	2.4m

Policy Variations	Acceptable Development	Proposed
Projection through the threshold limits of the City of Joondalup Policy 3.1.9 – Height and Scale of Buildings within a Residential Area – Units 1-8	8.5m	Max 9.8m

Internal variations

The following is a list of variations to the Acceptable Development criteria of the Residential Design Codes 2002 (R-Codes) and Council policies included in the proposal that address the assumed internal boundaries of the site.

Setbacks between buildings within the lot are measured in accordance with Clause 3.3.1 A1(iii) of the R-Codes, which states that:

‘Separate multiple dwelling buildings on the same site, or portions of the same multiple dwelling building, setback from each other as though there were a boundary between them’.

Wall Setback Variations	Acceptable Development	Proposed
Unit 8 setback from unit 11 and vice versa	5.6m	3.7m (7.4m separation)
Unit 8 setback from unit 23 and vice versa	5.3m	2.2m (6.0m separation)
Unit 24 setback from unit 11 and vice versa	5.3m	1.5m (5.0m separation)

Cone of Vision Variations	Acceptable Development	Proposed
Units 2 & 4 balcony/alfresco to units 5 & 7 balcony/alfresco and vice versa	7.5m	6.2m
Units 6 & 8 balcony/alfresco to units 21 & 23 balcony/alfresco and vice versa	7.5m	6m
Units 22 & 24 balcony/alfresco to units 9 & 11 balcony/alfresco and vice versa	7.5m	5m

Open Space Variation	Acceptable Development	Proposed
4707m ²	60% Open Space	54% Open Space

Parking Variation	Acceptable Development	Proposed
36 Dwellings	75 Parking Bays	71 Parking Bays

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Link to Strategic Plan:

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

The proposal will address Strategies 3.3.1 and 3.3.2, which seek to provide residential living choices and integrate plans to support community and business development.

It will address Strategy 3.4.1 and 3.4.2, which seek to advocate and facilitate the creation of transport linkages and align uses of land and modes of transport.

It will also address Strategy 3.5.2, which seeks to assist the facilitation of local employment opportunities by providing an increased population to frequent nearby commercial land uses.

In addition, the proposal links to State Planning Policy with regard to the WAPC DC 1.6, which seeks to encourage high-density accommodation varieties within reasonable walking and cycling distance of stations and public transport hubs and interchanges.

Legislation – Statutory Provisions:

City of Joondalup District Planning Scheme No 2

Clause 3.3.2 describes a 'D' land use as a use which is not permitted, but to which Council may grant its approval after following the procedures laid down by sub-clause 6.6.2. The proposed development is a "D" use within the Residential Zone.

The following clauses are also relevant under the existing District Planning Scheme No 2:

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.*

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:

The applications exceeds the City of Joondalup Policy 3.1.9 – Height and Scale of Buildings within a residential area threshold limit and as such, Council is required to consider this policy in relation to the proposed development.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed development seeks to achieve sustainability by providing diversity of housing choice and density of housing adjacent to public transport nodes. This will be achieved through the utilisation of existing infrastructure.

Consultation:

Comments were sought in accordance the requirements of the R-Codes and DPS2 via letters and a sign placed on the site.

Letters were sent to 38 surrounding and adjoining owners likely to be impacted by the development, advising them of the proposed development, with plans and supporting documentation made available for perusal at the City's offices for two weeks from 14 July 2005 to 29 July 2005.

The signage placed on site was erected on 20 July 2005 and removed on 3 August 2005.

One letter of no objection and ten letters of objection have been received from adjacent and nearby owners with regard to the development. A petition, containing 44 signatures was also received as a late submission.

A summary of the submissions and responses to those submissions is shown below:

Objection/Comment	Technical Comment
<p>The parking shortage may result in 'spill-over' parking along Paddington Avenue and Eastleigh Loop.</p> <p>Extra traffic calming measures should be considered e.g. roundabout where Eastleigh Loop joins Paddington Ave.</p>	<p>The parking provided within the site meets the Performance Criteria of Clause 3.5.1 of the Residential Design Codes 2002.</p> <p>The existing traffic network was designed to accommodate density to Residential R80. The development proposes a lower density of approximately R76.</p>
<p>There are too many units in the area</p> <p>There are too many rentals in the area.</p> <p>The application will increase traffic in Eastleigh Loop, which is unsafe, as the road has not been designed with the capacity for this development.</p> <p>The proposal will devalue properties within the immediate area.</p> <p>The units will encourage misconduct.</p> <p>The residents were told that the site would be used for an aged care facility.</p>	<p>The immediate surrounding area is zoned to encourage high-density housing.</p> <p>The Council does not have control over whether dwellings are used on an owner-occupied or rental basis.</p> <p>The existing traffic network was designed to accommodate density to Residential R80. The development proposes a lower density of approximately R76.</p> <p>This is not a planning consideration and no evidence has been submitted to justify this conclusion.</p> <p>Misconduct is a civil matter and subject to civil law. The dwellings have been designed to promote passive surveillance of the surrounding area.</p> <p>The subject site is zoned Residential R80. Various land use options are available to the owner.</p>
<p>Opposed to access from Eastleigh Loop. Would prefer a solid wall to the Eastleigh Loop elevation.</p>	<p>The development is proposed to address Eastleigh Loop with vehicular access from Eastleigh Loop. Access via Eastleigh Loop meets the relevant criteria.</p>
<p>The proposed access and egress point directly affects my property.</p> <p>The proposed three-storey complex is repulsive.</p>	<p>An assessment of the access and egress point has been done and the proposal meets the relevant criteria.</p> <p>The façade of the development appears as a two-storey development from the Eastleigh Loop frontage.</p>
<p>High-density housing will encourage misconduct.</p> <p>The residents were told that the site would be used for an aged care facility.</p>	<p>Misconduct is a civil matter and subject to civil law. The design of the dwellings promotes passive surveillance of the surrounding area.</p> <p>The subject site is zoned Residential R80. A number of land uses are discretionary at this site.</p>

<p>The proposal will devalue properties within the immediate area.</p> <p>The proposal will reduce privacy, safety and amenity.</p> <p>The application will increase traffic in Eastleigh Loop.</p>	<p>This is not a planning consideration and no evidence has been submitted to justify this conclusion.</p> <p>The proposal has been assessed against the provisions of the Residential Design Codes 2002. The design of the dwellings promotes passive surveillance of the surrounding area. The discretions requested will be addressed later in this report.</p> <p>The existing traffic network was designed to accommodate density to Residential R80. The development proposes a lower density of approximately R76.</p>
<p>The proposal will affect our access to sunlight.</p> <p>The proposal will affect our privacy.</p> <p>The proposal will affect the amenity of the streetscape – being predominantly single housing.</p> <p>The residents were told that the site would be used for an aged care facility.</p> <p>The proposal will devalue properties within the immediate area.</p> <p>The proposal will affect the safety of the children who live and play in the street.</p>	<p>The proposal meets the overshadowing provisions of Clause 3.9.1 of the R-Codes.</p> <p>The proposal has been assessed against the provisions of the R-Codes. The discretions requested will be addressed later in this report.</p> <p>The proposal meets the requirements of the Residential Design Codes 2002. The land is zoned Residential R80 to encourage diversity of housing types.</p> <p>The subject site is zoned Residential R80. Various land use options are available to the owner.</p> <p>This is not a planning consideration and no evidence has been submitted to justify this conclusion.</p> <p>The existing traffic network was designed to accommodate density to Residential R80. The development proposes a lower density of approximately R76.</p>
<p>The parking shortage may result in verge parking along Paddington Avenue and Eastleigh Loop.</p> <p>The application will increase traffic in Eastleigh Loop.</p>	<p>The parking provided within the site meets the Performance Criteria of Clause 3.5.1 of the Residential Design Codes 2002.</p> <p>The existing traffic network was designed to accommodate density to Residential R80. The development proposes a lower density of approximately R76.</p>
<p>The proposal is too large a development in the suburb.</p>	<p>The subject site is zoned Residential R80. Previous attempts to reduce the density have been refused at both local and state level.</p>

<p>The residents were told that the site would be used for an aged care facility.</p>	<p>The subject site is zoned Residential R80. Various land use options are available to the owner.</p>
<p>The proposal does not meet the aims of the R-Codes.</p> <p>The proposal has not been designed to contribute to the social and built-form infrastructure of the local community.</p> <p>The proposal has an excessive number of units.</p> <p>The units will attract student and share accommodation and be over populated.</p> <p>The proposal will increase the quantity of traffic in the street.</p> <p>The scale, bulk and form of the development are out of character with the locality.</p> <p>The proposed height is unacceptable and does not have a sufficient roof form.</p> <p>The proposed setback variation to Paddington Avenue is not considered appropriate. The design is not responsive to the streetscape.</p>	<p>The proposal has been assessed against the relevant provisions of the R-Codes.</p> <p>The proposal meets the expected development of the subject site and appropriately addresses the existing infrastructure.</p> <p>The density of the development complies with the Acceptable Development provisions of the R-Codes.</p> <p>The Council does not have control over whether dwellings are used on an owner-occupied or rental basis.</p> <p>The existing traffic network was designed to accommodate density to Residential R80. The development proposes a lower density of approximately R76.</p> <p>The proposal meets the relevant provisions of the Residential Design Codes 2002.</p> <p>The proposal has been assessed against Council Policy 3.1.9 – Height and Scale of Building within a Residential Area. The discretions requested will be addressed later in this report.</p> <p>The setback provided meets the Performance Criteria of Clause 3.2.1 of the Residential Design Codes 2002. The proposal has been assessed against the relevant provisions of the R-Codes.</p>
<p>Petition (Late submission)</p> <p>The petition does not comment on the application. Rather, it extends support for stopping the development in its entirety.</p>	<p>No technical objection was made. As such, no technical comment is given.</p>

The petition consisted of 44 signatures. Of the 44 signatures, 10 were multiples of signatures from individual properties, 6 had previously submitted individual objections, 5 were not the owner of the property objecting, and 10 signatures were not attributed to properties in the vicinity.

Of the remaining 13 signatures on the petition received from property owners reasonably affected by the proposal, 4 had received consultation letters and had not responded.

Comments were also sought in accordance the requirements of the DPS2 from external parties, being the Public Transport Authority and Main Roads WA.

The Public Transport Authority (PTA), owner of the adjacent rail reserve and carpark, and Main Roads WA, with regard to the freeway reserve, both indicated no objection to the proposal. Additionally, the PTA responded as follows:

'The PTA welcomes developments of this nature as it encourages use of the public transport system.

Given that the freeway will be between the subject development and the rail reserve the PTA has no objections nor does it wish to impose any conditions at this time'

COMMENT

Multiple dwellings are a discretionary land use within the Residential zone. As such, it is a use that is not permitted but Council may grant its approval after following the procedures set out in subclause 6.6.2. The proposed land use would be in keeping with the objectives of the Residential Zone (Clause 3.4) of DPS2.

The proposed use (Multiple Dwellings) and density of the development comply with the acceptable development criteria of the R-Codes Clause 3.1.1 – Site Area Requirements. The R-Codes allow for a maximum density of 37.65 units, whilst the proposal includes 36 units. The location of the units is generally distanced from nearby residential properties, and where the units address the most immediately affected properties, the finished floor levels of the units are below street level.

Consideration Of Proposed Variations

Variations External to Development

The following identifies those variations that are considered likely to impact on the streetscape or adjoining properties.

Design Element 2 - Streetscape

The primary street is considered to be Eastleigh Loop. Table 1 – General site requirements of the Residential Design Codes 2002 (RDC) requires a primary street setback average of 4 metres. The proposal meets this requirement as it has an average greater than 8 metres. It is considered that the proposal meets the acceptable development standards in this regard.

Under the R-Codes, the secondary street setback (Paddington Avenue) is required to meet the development standards of Table 2 and Element 3 of the R-Codes. Proposed unit three, which is on the first floor, has a setback requirement of 4.6 metres whereas the applicant is proposing a setback of 4 metres.

The required setback is a result of the length and height of the building. At this point of the development site, the proposed structure is at its highest due to the natural contour of the site and the proposed provision of a basement parking level. The variation is for a small portion of the building and additionally, an average greater than 4.6 metres is achieved for the frontage in its entirety.

The immediately adjacent lot is a carpark for the Currambine rail station. Directly opposite, residential properties address internal streets and the façade of these residences from Paddington Avenue is a solid brick estate wall (see attached photos). To the south, lots have been developed as single residential or grouped dwellings and are predominantly single storey. To the north, lots have been developed as single houses, grouped and multiple dwellings. Multiple dwellings addressing Currambine Boulevard are three storeys in height.

The setback variation is considered minor and will not significantly affect the amenity of the streetscape or privacy and open space of adjoining dwellings. As the proposed variation meets the relevant performance criteria, it is recommended that the setback variation of 4 metres in lieu of 4.6 metres from first floor unit three to the secondary street be approved in this case.

Design Element 3 – Boundary Setbacks

The proposal includes three setback variations to the external boundaries of the site.

A setback variation from Unit Three on the first floor of 3.5 metres in lieu of 4.8 metres is the result of the length and height of the wall at the northwest corner of the site. The variation also occurs due to the provision of a major opening from a bedroom at this point.

The windows facing out over the carpark will contribute to passive surveillance of the southern end of the carpark, which is currently screened from surveillance by dense shrubbery on the subject site. It is considered that the resultant surveillance will improve safety in this facility, a desired outcome also of WAPC Policy DC 1.6.

It is considered that the setback variation will not affect direct sunlight and ventilation or privacy to the subject site or adjoining property. The impact of building bulk on the carpark is minimal, and a setback of 3.5 metres is considered acceptable. Additionally, the proposal meets preferred surveillance outcomes of both Local and State Government Policies.

As the setback variation complies with the performance criteria of the R-Codes it is recommended that the variation be supported.

Two setback variations to the eastern boundary adjacent to the rail line are also proposed. In both cases the variation is for 1.5 metres in lieu of 2.5 metres and the variation is to the first floor (Unit Thirty-six) only.

It is considered that the setback variation will not affect direct sunlight and ventilation or privacy to the subject site or adjoining property. The affect of building bulk on the rail line is considered to be neutral and a setback of 1.5 metres is considered acceptable.

As the setback variation complies with the performance criteria of the R-Codes it is recommended that the setback variations of 3.5 metres in lieu of 4.8 metres from the first floor of unit three and 1.5 metres in lieu of 2.5 metres from the first floor of unit thirty-six be approved in this case.

Design Element 7 – Building Height

City of Joondalup DPS2 Policy 3.1.9 – Height and Scale of Buildings within a Residential Area (Policy 3.1.9) - overrides this Design Element of the R-Codes unless otherwise stated in a structure plan adopted by the Council. As such, Element 7 of the R-Codes is not a consideration in this case.

Policy 3.1.9 provides a threshold limit for building height for residential properties, beyond which, Council is required to consider the impact of such projection. The projection past this threshold limit has attracted an objection, which requires consideration by Council.

The point at which the proposal projects through the building height threshold envelope is immediately adjacent to a non-residential site. Residential properties directly opposite the site on Paddington Avenue address Ghan Place and as such, the Paddington Avenue frontage is the rear property boundary of those sites. As such, the visual impact of the height variation to the properties on the opposite site of Paddington Avenue will be minimal.

Further, the level of the land falls from the Eastleigh Loop frontage to the north. Subsequently, the visual affect of the height projection is reduced from the Eastleigh Loop façade, with all parts of the building falling below the building height envelope from this point of view.

It is considered that there will not be any loss of views of significance due to the height of the structure. Additionally, that portion of the proposed development that is immediately adjacent to a residential property (at number 11 Eastleigh Loop) is partially below ground level and has the appearance of a two-storey building.

It is considered that the variations to building height Policy 3.1.9 are unlikely to cause excessive building bulk to any adjoining or nearby residential property, that the impact to residential properties is greatly reduced by the location of the projection and that the height of the development adjacent to a residential property is acceptable in a residential area.

In addition, the height of the development largely complies with the desired outcomes of Element 7 of the R-Codes, being that the proposal does not affect access to daylight, direct sun or views of significance.

It is recommended that the projection of 9.8 metres in lieu of 8.5 metres past the building height threshold be supported.

Design Element 8 – Privacy

The external variations occur from bedroom three of the first floor of unit numbers thirty-five and thirty-six. The overlooking is into the immediately adjacent property at 11 Eastleigh Loop, and falls within the rear yard of that property. The rear of the adjacent property is considered to be the active outdoor living area of the adjacent site, and as such the overlooking is considered unacceptable in this case.

It is recommended that the bedroom windows of these units be fixed and obscured or raised to a minimum sill height of 1.6 metres in order to protect the privacy of the adjoining property.

Variations Internal to Development

The following identifies those variations that are considered likely to impact future residents of the proposed development.

The proposed storerooms located within the basement parking area are required under Australian Standards to have a travel distance no greater than 20 metres to a single exit. In this instance approximately half of the storerooms have a distance greater than 20 metres. It is considered that the design of the stores can be changed and that additional secure exit points can be created to accommodate this requirement. It is therefore recommended that Council include a special condition that stores shall not exceed the maximum travel distance to a single exits of 20 metres.

Design Element 3 – Boundary Setbacks

Three internal setback variations are proposed. The setbacks are measured to internal units as if there were a boundary between them. The setback variations are between first floor units towards the centre of the site only. The units are generally offset so that the impact of the setback variation between units is minimised.

The configuration of the dwellings aids in the delineation of a private open space area for the development and allows for regular passive surveillance of the internal areas and the Eastleigh Loop frontage. Additionally, the configuration of the units allow for a greater streetscape setback average to be achieved whilst providing a more diverse streetscape appearance due to the angled positioning of the buildings.

Whilst the setback is measured as if there were an equidistant boundary between the two units, the physical separation between the units is generally acceptable. The greatest variation proposed is assessed as being 1.5 metres in lieu of 5.3 metres, whilst the physical separation of the units is a minimum of 5 metres. It is considered that the physical separation of the units is adequate separation, and as the variations do not limit access to sunlight, ventilation or privacy, the proposal is deemed to have met the performance criteria of the R-Codes.

As the setback variations comply with the performance criteria of the R-Codes it is recommended that the internal setback variations be approved in this case.

Design Element 4 – Open Space

The proposal includes a variation to the requirements of the R-Codes with regard to open space provision. The R-Codes acceptable development provisions require 60% (2824.2m²) open space on R80 zoned lots (2824.2m² in this case). The applicant proposes 54% (2547m²).

The provision of basement parking in the proposal results in the majority of the open space provided being useable open space. With the exception of 7 visitors bays, the vehicular accessway and a bin store area, all open space provided is useable outdoor area comprising a large communal open space area, a smaller water feature area and grassed and landscaped gardens.

The communal open space provides a pool, spa and cabana area. Twelve of the units have either direct access to this area, or overlook this area from private outdoor living areas. The open space complements the buildings, provides useable space for the future needs of residents with regard to the density and location of the development and the streetscape setbacks provide ample area for landscaping to allow attractive streetscapes.

Additionally, the property is within 200 metres of a large local park, contributing to the provision of active outdoor area available to residents of the development.

As the proposal meets the performance criteria of the R-Codes, and considering that the open space is predominantly useable outdoor area rather than carparking and the like, it is recommended that the variation to open space of 54% in lieu of 60% be approved in this case.

Design Element 5 – Access and Car Parking

The parking requirement for the proposed development is specified under clause 3.5.1 of the Residential Design Codes 2002. The parking requirement is as follows;

Parking Provision	No of Bays Required	No of Bays Provided
0.35 spaces per dwelling plus 0.015 spaces per sqm of plot ratio area, to a maximum of two spaces per dwelling	12.6 bays (0.35 per dwelling) 62.39 bays (0.015 spaces per sqm of plot ratio)	64 bays dedicated to residential dwellings 7 spaces for visitor parking
Total	75 parking bays	71 parking bays

The applicant proposes seventy-one (71) parking bays in lieu of the required seventy-five (75) equating to an overall shortfall of 5.33% (or 4 car parking spaces).

The acceptable development standards of the R-Codes require that not less than 10% of the parking allocation be for the exclusive use of visitors. In this instance 10% would equate to 7.6 parking bays or 8 bays if rounded up. The applicant has provided 7 visitor parking bays at street level accessed via Eastleigh Loop.

Twenty-one of the residential units have one dedicated parking bay and 15 of the units have 2 dedicated parking bays. In addition there are 13 parking bays that can be used by either residents of the units or visitors.

The R-Codes performance criteria refers directly to '*the location of the proposed development in relation to public transport and other facilities*' and '*the availability of on-street and other off-site parking*'.

The development is located immediately adjacent to Currambine rail station and associated car parking area. Having regard to the location of the major public transport station, it is reasonable to assume that a number of the units may be occupied by residents that have only one or no vehicles. All units have dedicated parking, 15 of the units have parking for two vehicles and there is an additional 20 bays (7 visitor bays and 13 bays not allocated) for use by either residents or visitors and the proximity of the adjoining railway station car parking area, it is considered that the demand for on-street parking will be minimal.

The single entry and egress point allows for travel in both directions as required by the R-Codes and is provided so as to minimise the number of vehicle crossovers for both safety and aesthetics.

The development proposes a security gate at the entry to the basement parking to provide for safe internal pedestrian travel within the development. Additionally, the basement parking conceals all parking from the street other than visitors bay as required by the R-Codes.

As the development complies with the performance criteria of the R-Codes, and the variation is considered minor, it is recommended that the parking variation of 71 bays in lieu of 75 bays be approved in this case.

Design Element 8 – Privacy

The proposal includes three internal variations to Element 8 of the R-Codes.

The internal variations occur between the balconies/alfresco areas of the central and western most units. The proposed minimum separation is 5 metres in lieu of 7.5 metres. The units in question are offset, and as such overlooking is generally angled. Additionally, the areas being overlooked are generally quite visible from the communal open space area and the street.

It is considered that the separation of living areas and bedrooms internal to the units is in compliance with the acceptable development standards of the R-Codes and that the minor variations between the balconies are acceptable.

As the proposed internal cone of vision variations are in compliance with the performance criteria of the R-Codes, it is recommended that the internal cone of vision variations be approved in this case.

Design Element 10 – Incidental Development

It is considered that the application generally complies with the requirement of Element 10. Where there is some ambiguity, it is recommended that conditions be placed on any planning consent.

In this regard, all stores will be conditioned to meet the minimum area of 4sqm, the bin store area will be required to meet all health requirements and all clothes drying facilities shall be required internally to the units or screened from the street and communal areas.

Additionally, any roof plant, external drainpipes, air-conditioning units, antennas and other external fixtures shall be required to be screened from the south and west boundary, and to a lesser extent to the north boundary.

CONCLUSION

The Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, R-Codes and the Council's other relevant policies. Predominantly, the development complies with the acceptable development provisions of the R-Codes. The majority of variations proposed are immediately adjacent non-residential properties, meet all the relevant performance criteria of the R-Codes and are considered to have a minimal impact on adjacent residential properties.

The proposed development will assist in meeting key objectives of the Strategic Plan and State Planning Strategy and the objectives of the DPS2. It will contribute to the diversity of housing choice, help create employment opportunities and support the local economy.

Having regard to the:

- details of the application;
- the submissions received during the consultation process; and
- provisions of the District Planning Scheme No 2,

it is recommended that Council approve the application with conditions.

ATTACHMENTS

Attachment 1	Locality Plans
Attachment 2	Development Plans
Attachment 3	Photos
Attachment 4	Western Australian Planning Commission Policy No 1.6

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That:

- 1 Council EXERCISES discretion under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.3.1, 3.4.1, 3.5.1, 3.8.1 has been met and that:
 - (a) setback of 4 metres in lieu of 4.6 metres from Unit 3 to the west boundary;
 - (b) setback of 3.5 metres in lieu of 4.8 metres from Unit 3 to the north boundary;
 - (c) setback of 1.5 metres in lieu of 2.5 metres from Unit 36 to the east boundary;
 - (d) 54% provision of open space in lieu of 60%;
 - (e) 71 parking bays in lieu of 75 parking bays;
 - (f) 7 visitors bays in lieu of 8 parking bays;
 - (g) and the following internal variations:

Wall Setback Variations	Wall Setback Variations	Proposed
Unit 8 setback from unit 11 and vice versa	5.6m	3.7m (7.4m separation)
Unit 8 setback from unit 23 and vice versa	5.3m	2.2m (6.0m separation)
Unit 24 setback from unit 11 and vice versa	5.3m	1.5m (5.0m separation)

Cone of Visions Variations	Acceptable Development	Proposed
Units 2 & 4 balcony/alfresco to units 5 & 7 balcony/alfresco and vice versa	7.5m	6.2m
Units 6 & 8 balcony/alfresco to units 21 & 23 balcony/alfresco and vice versa	7.5m	6m
Units 22 & 24 balcony/alfresco to units 9 & 11 balcony/alfresco and vice versa	7.5	5m

are appropriate in this instance;

- 2 due regard has been held to Policy 3.1.9 and that the building height threshold projection beyond 8.5 metres to the west boundary (proposed 9.8 metres) is appropriate in this instance;
- 3 Council APPROVES the application for Planning Approval dated 28/02/2005 submitted by Dryka and Partners Architects the applicant on behalf of the owner Currambine Gardens Pty Ltd for thirty-six multiple dwellings on Lot 251 (5) Eastleigh Loop, Currambine, subject to the following conditions:

- (a) The window to bedroom three of Units 35 *and* 36, shall be fixed and obscured OR the sill height shall be raised to a minimum of 1.6 metres above the finished floor level of the subject units, in order to provide privacy to 11 Eastleigh Loop;
- (b) A refuse management plan is required to be submitted indicating on site management of refuse collection the satisfaction of the Manager, Approvals Planning and Environmental Services before the issuing of a building licence;
- (c) Details of bin wash down facilities are required to be submitted to the satisfaction of the Manager, Approvals Planning and Environmental Services before the issuing of a building licence;
- (d) Details of a Mechanical Ventilation Services Plan are required to be submitted to demonstrate compliance with AS1668.2 – 1991 to the satisfaction of the Manager, Approvals Planning and Environmental Services before the issuing of a building licence;
- (e) The driveway is to be designed and constructed to the satisfaction of the Manager, Approvals Planning and Environmental Services before occupation of the multiple dwellings;
- (f) The parking bays, driveways and points of ingress and egress are required to be designed and constructed in accordance with AS 2890.1. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services prior to the development first being occupied;
- (g) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (h) External doors to stairs shall open in the direction of egress;
- (i) Stores shall not exceed the maximum travel distance to a single exit of 20 metres;
- (j) The lodging of a detailed landscaping plan(s) to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs within the site;
 - (ii) any lawns to be established;
 - (iii) areas to be reticulated or irrigated;
- (k) All significant Grass Trees, Zamia Palms, mature Christmas Trees, Banksias and Allocasuarinas, together with suitable under storey shall be retained in areas outside of the development footprint;

- (l) The approved landscaping shall be implemented and thereafter maintained by the Body Corporate using the best practice known to the satisfaction of the Manager, Approvals Planning and environmental Services;
- (m) Shade trees shall be provided in the visitor parking area and shown on the landscaping plan required in condition (j);
- (n) The bin store shall be screened by vegetation;
- (o) The existing verge trees shall be retained and protected;
- (p) Visitors car parking shall be signposted;
- (q) Parking bays allocated to units shall be marked with the relevant unit number;
- (r) All stores shall have a minimum dimension of 1.5 metres and a minimum area of 4 square metres;
- (s) The applicant shall submit a plan demonstrating compliance with the Residential Design Codes 2002 Clause 3.5.5 – Pedestrian Access – with regards to the provision of a pedestrian access to the site additional to the vehicular access point;
- (t) Television aerials, satellite dishes, air-conditioning units, plumbing and rainwater pipes and other external fixtures shall be screened from the primary and secondary street;
- (u) Clothes drying facilities shall be provided for each multiple dwelling and be completely screened from the primary and secondary street;
- (v) The Body Corporate rules and regulations when established shall require all residents of the development to screen all clothes drying from the primary and secondary street.

Footnotes:

- 1 The development shall comply with the provisions of the Health (Swimming Pool) Regulations 1964.
- 2 With regard to (k) above, this will create a natural setting for the development with unique icons of WA flora contributing to the biodiversity of the area and the sustainability of the development.
- 3 The applicant is advised that a fence is required to protect all natural vegetation for retention, preventing uncontrolled access, dumping of building materials and damage during construction.
- 4 The verge vegetation to be improved with groundcovers.
- 5 The applicant is advised that if there is insufficient room on the verge for all of the bins, then a 'special service' collection will be necessary at a slightly enhanced cost.

MOVED Cmr Smith, SECONDED Cmr Clough that:

1 Council EXERCISES discretion under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.3.1, 3.4.1, 3.5.1, 3.8.1 has been met and that:

- (a) setback of 4 metres in lieu of 4.6 metres from Unit 3 to the west boundary;
- (b) setback of 3.5 metres in lieu of 4.8 metres from Unit 3 to the north boundary;
- (c) setback of 1.5 metres in lieu of 2.5 metres from Unit 36 to the east boundary;
- (d) 53% provision of open space in lieu of 60%;
- (e) the following internal variations are appropriate in this instance:

Wall Setback Variations	Wall Setback Variations	Proposed
Unit 8 setback from unit 11 and vice versa	5.6m	3.7m (7.4m separation)
Unit 8 setback from unit 23 and vice versa	5.3m	2.2m (6.0m separation)
Unit 24 setback from unit 11 and vice versa	5.3m	1.5m (5.0m separation)

Cone of Visions Variations	Acceptable Development	Proposed
Units 2 & 4 balcony/alfresco to units 5 & 7 balcony/alfresco and vice versa	7.5m	6.2m
Units 6 & 8 balcony/alfresco to units 21 & 23 balcony/alfresco and vice versa	7.5m	6m
Units 22 & 24 balcony/alfresco to units 9 & 11 balcony/alfresco and vice versa	7.5	5m

2 due regard has been held to Policy 3.1.9 and that the building height threshold projection beyond 8.5 metres to the west boundary (proposed 9.8 metres) is appropriate in this instance;

3 Council APPROVES the application for Planning Approval dated 28/02/2005 submitted by Dryka and Partners Architects the applicant on behalf of the owner Currambine Gardens Pty Ltd for thirty-six multiple dwellings on Lot 251 (5) Eastleigh Loop, Currambine, subject to the following conditions:

- (a) The window to bedroom three of Units 35 *and* 36, shall be fixed and obscured OR the sill height shall be raised to a minimum of 1.6 metres above the finished floor level of the subject units, in order to provide privacy to 11 Eastleigh Loop;

- (b) A refuse management plan is required to be submitted indicating on site management of refuse collection the satisfaction of the Manager, Approvals Planning and Environmental Services before the issuing of a building licence;
- (c) Details of bin wash down facilities are required to be submitted to the satisfaction of the Manager, Approvals Planning and Environmental Services before the issuing of a building licence;
- (d) Details of a Mechanical Ventilation Services Plan are required to be submitted to demonstrate compliance with AS1668.2 – 1991 to the satisfaction of the Manager, Approvals Planning and Environmental Services before the issuing of a building licence;
- (e) The driveway is to be designed and constructed to the satisfaction of the Manager, Approvals Planning and Environmental Services before occupation of the multiple dwellings;
- (f) The parking bays, driveways and points of ingress and egress are required to be designed and constructed in accordance with AS 2890.1. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services prior to the development first being occupied;
- (g) An on-site stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
- (h) External doors to stairs shall open in the direction of egress;
- (i) Stores shall not exceed the maximum travel distance to a single exit of 20 metres;
- (j) The lodging of a detailed landscaping plan(s) to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans shall be drawn to a scale of 1:100 and show the following:
 - (i) the location and type of existing and proposed trees and shrubs within the site;
 - (ii) any lawns to be established;
 - (iii) areas to be reticulated or irrigated;
- (k) All significant Grass Trees, Zamia Palms, mature Christmas Trees, Banksias and Allocasuarinas, together with suitable understorey shall be retained in areas outside of the development footprint;
- (l) The approved landscaping shall be implemented and thereafter maintained by the Body Corporate using the best practice known to the satisfaction of the Manager, Approvals Planning and environmental Services;

- (m) **Shade trees shall be provided in the visitor parking area and shown on the landscaping plan required in condition (j);**
- (n) **The bin store shall be screened by vegetation;**
- (o) **The existing verge trees shall be retained and protected;**
- (p) **Visitors car parking shall be signposted;**
- (q) **Parking bays allocated to units shall be marked with the relevant unit number;**
- (r) **All stores shall have a minimum dimension of 1.5 metres and a minimum area of 4 square metres;**
- (s) **The applicant shall submit a plan demonstrating compliance with the Residential Design Codes 2002 Clause 3.5.5 – Pedestrian Access – with regards to the provision of a pedestrian access to the site additional to the vehicular access point;**
- (t) **Television aerials, satellite dishes, air-conditioning units, plumbing and rainwater pipes and other external fixtures shall be screened from the primary and secondary street;**
- (u) **Clothes drying facilities shall be provided for each multiple dwelling and be completely screened from the primary and secondary street;**
- (v) **The Body Corporate rules and regulations when established shall require all residents of the development to screen all clothes drying from the primary and secondary street;**
- (w) **REVISED plans shall be submitted for approval by the Manager, Approvals Planning and Environmental Services, such plans showing:**
 - (i) **compliance with the Acceptable Standards of the Residential Design Codes 2002 relating to car parking by the provision of four additional car parking spaces;**
 - (ii) **one of the four additional car parking spaces shall be set aside and used as a visitor car parking space, such space to be located in the area to the west of the proposed visitor car parking area.**

Footnotes:

- 1 The development shall comply with the provisions of the Health (Swimming Pool) Regulations 1964.**
- 2 With regard to (k) above, this will create a natural setting for the development with unique icons of WA flora contributing to the biodiversity of the area and the sustainability of the development.**
- 3 The applicant is advised that a fence is required to protect all natural vegetation for retention, preventing uncontrolled access, dumping of building materials and damage during construction.**

- 4 The verge vegetation to be improved with groundcovers.
- 5 The applicant is advised that if there is insufficient room on the verge for all of the bins, then a 'special service' collection will be necessary at a slightly enhanced cost.

Cmr Smith spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf130905.pdf](#)

**CJ201 - 09/05 SHOWROOM ADDITIONS – LOT 13 (57)
JOONDALUP DRIVE, EDGEWATER – [38480]**

WARD: Lakeside

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 15

PURPOSE

To request the Council's determination of an application for planning approval for minor additions to an existing showroom development, at Lot 13 (57) Joondalup Drive, Edgewater.

EXECUTIVE SUMMARY

The development site is located at 57 Joondalup Drive and is known as Joondalup Gate. The lot has a land area of 6.1840 hectares and is zoned Business under the City of Joondalup District Planning Scheme No 2 (DPS2).

The site is located adjacent to the Mitchell Freeway/railway line to the West, Edgewater Station carpark to the southwest, a Western Power sub-station to the south, drainage sump to the north and Joondalup Drive to the east. Residential properties overlooking Joondalup Drive to the east are accessed via the adjacent Harvest Loop/Joondalup Drive intersection (See Attachment 1).

The applicant proposes to extend portions of three existing buildings out to the edge of the covered walkways (Refer to Attachment 2). The total extension equates to 96m².

Discretion has previously been used by Council to permit development on the site with a 107 bay or 13.2% shortfall in the number of car parking spaces. The proposed additions will result in a further increase in the shortfall of car parking to 111 bays or 13.7%, an increase of 0.5%.

The Notice of Delegation allows certain officers of the City to make a determination on applications for Planning Approval, subject to certain conditions. One of those conditions is that if there is a shortfall in car parking, the shortfall cannot be more than 10%. As the car parking for this development site already exceeds 10%, the matter is required to be referred to Council for determination.

The proposed development complies with the intentions of the Business Zone in the DPS2 and will assist in meeting key objectives of the Strategic Plan. It will contribute to the investment and business development opportunities, help create employment opportunities and support the local economy.

Having regard to the provisions of the DPS2, it is recommended that the application for planning approval be granted.

BACKGROUND

Suburb/Location: Edgewater
Applicant: John McKenzie & Associates Architects
Owner: Joondalup Gate Pty Ltd
Zoning: **DPS:** Business
MRS: Urban

The development site comprises of various buildings identified as C1 and C2, C3 and C4, C8, N1, N2 and N3. The buildings vary in size and contain multiple tenancies. During the history of the development, several parking discretions have been applied to reach the existing total of 1 bay per 34.55m², whilst the required parking provision for the development is 1 bay per 30m². This represents a 13.2% parking deficit over the site.

In determining a previous application in 2003, buildings comprising C3 and C4 were subject to discussions regarding a reduction in the number of parking bays required for those buildings. It was established at the time that a discretion of 1 bay per 50m² be approved with the Council undertaking to monitor the effect of the discretion.

There have been no parking issues recorded for the development site, and no overflow parking has been observed.

DETAILS

Description of the development

The current proposal consists of minor additions to the existing showrooms that will result in a:

- 1 59m² extension to building C4; and
- 2 37m² extension to building N1.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application.

Link to Strategic Plan:

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

It will address Strategy 3.5.1 and 3.5.2, which seek to develop partnerships with stakeholders to foster business development opportunities and assist the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

Clause 3.2.2 describes a 'P' land use as a use that is permitted, but which may be subject to any conditions that the Council may wish to impose in granting its approval.

The following clauses are also relevant under the existing District Planning Scheme No 2:

4.8 CAR PARKING STANDARDS

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

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (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.*

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Comments were not sought, as it was considered that the proposal would cause no significant impact or loss of amenity. Additionally, the nearest residential property is approximately 95 metres away and is separated from the development site by Joondalup Drive and an existing landscaping strip.

COMMENT**Consideration of proposed parking variation**

The existing buildings comprise a total net lettable area of 24,329m² requiring 811 bays, whilst the proposed development would result in an increase of total net lettable area to 24,425m² and an increase in bays required to 815. There are currently 704 bays provided on site.

The applicant proposes a total extension of 96m² divided between three separate tenancies. The proposed works will result in a parking provision of 1 bay per 34.69m², which represents a 13.7% deficit over the site, a 0.5% increase in the site deficit.

The development site generally comprises large showroom developments displaying and providing for the storage of bulky goods. The type and style of businesses within the site are not considered to be high traffic generators, and there have been no parking issues regarding the site at the current parking deficit.

The impact of the proposed additions, and the additional parking generated by the additions, is not considered to negatively impact the overall development

Having regard to the extent of discretion being sought which is considered minor, and that there have been no recorded parking issues related to the site, the application is recommended for approval.

An issue has been raised with regard to the identification of an existing disabled toilet in Unit 58, and therefore a condition is recommended in the approval to address this matter.

CONCLUSION

The Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2. The variation proposed is considered to be minimal and is not expected to have an impact on:

- the operations of the centre;
- Joondalup Drive; or
- the residential properties which are located on the eastern side of Joondalup Drive.

The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the DPS2. It will contribute to developing partnerships with stakeholders to foster business development opportunities, creation of employment opportunities and support the local economy.

Having regard to the:

- details of the application; and
- provisions of the District Planning Scheme No 2,

it is recommended that Council approves the application with conditions.

ATTACHMENTS

Attachment 1	Locality Plans
Attachment 2	Development Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 EXERCISES discretion under clause 4.8.2 of the City of Joondalup District Planning Scheme No. 2 and determines that parking provided at 704 bays in lieu of 815 bays is appropriate in this instance;**
- 2 APPROVES the application for Planning Approval dated 28/02/2005 submitted by John McKenzie & Associates Architects the applicant on behalf of the owner Joondalup Gate Pty Ltd for Showroom Additions at 57 Joondalup Drive, Edgewater, subject to the existing disabled toilet in Unit 58 being designated and shown on plans that are to be submitted for a building licence.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf130905.pdf](#)

CJ202 - 09/05 APPOINTMENT OF REPRESENTATIVES TO THE TAMALA PARK REGIONAL COUNCIL – [41196]

WARD: All

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning & Community Development

CJ050913_BRF.DOC:ITEM 16

PURPOSE

To give consideration to the appointment of two (2) Commissioners to represent the City of Joondalup on the Tamala Park Regional Council (TPRC).

EXECUTIVE SUMMARY

An Establishment Agreement for the TPRC has been created for setting up of a Regional Council for development of approximately 165 hectares of Lot 118 Mindarie. The seven owner Councils propose to use the vehicle of a Regional Council to manage the development of portion of Lot 118 Mindarie.

A Regional Council will provide legal status for commercial activity conducted on behalf of the participant Councils. Each of the participant Councils will provide elected personnel to be part of the Regional Council. The number of elected members from each participant Council will follow ownership share in Lot 118 land.

Election of the Chairperson would be from members, with a term of two years applying to the offices of member and Chairman.

As part of the Establishment Agreement, provision has been made for the City of Joondalup to have two members on the Council. This allocation is based on the City's 2/12th share of ownership.

It is recommended that Council:

1 *in accordance with the provisions of the Establishment Agreement APPOINTS two (2) Commissioner representatives of the City of Joondalup to the Tamala Park Regional Council;*

2 *NOTES the previous decision of Council of 5 April 2005 that:*

“Council, in the interests of good governance AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”

BACKGROUND

At its meeting held on 28 June 2005 (CJ129-06/05 refers), the Council adopted the Business Plan for a major land transaction on Lot 118 Mindarie, and the establishment of a Regional (Development) Council.

DETAILS

An Establishment Agreement for the TPRC has been created for setting up of a Regional Council for development of approximately 165 hectares of lot 118 Mindarie. The seven owner Councils propose to use the vehicle of a Regional Council to manage the development of portion of lot 118 Mindarie. The key points of the Agreement being:

The regional purpose for the TPRC is:

- (a) to undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the land; and
- (b) to carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

The objectives of the TPRC are:

- To develop and improve the value of the land;
- To maximise, within prudent risk parameters, the financial return to the participants;
- To balance economic, social and environmental issues; and
- To produce a quality development demonstrating the best urban design and development practice.

Representation

A Regional Council will provide legal status for commercial activity conducted on behalf of the participant Councils. Each of the participant Councils will provide elected personnel to be part of the Regional Council. The number of elected members from each participant Council will follow ownership share in lot 118 land.

Election of the Chairperson would be from members, with a term of two years applying to the offices of member and Chairman.

As part of the Establishment Agreement, provision has been made for the City of Joondalup to have two members on the Council. This allocation is based on the City's 2/12th share of ownership.

Issues and options considered:

At Council's meeting held on the 5 April 2005 (CJ050-04/05 refers) Council resolved in part that:

"in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council."

With that in mind the nominated representatives for the Tamala Park Regional Council cannot be sitting members of the Mindarie Regional Council.

Link to Strategic Plan:

Development of Lot 118 will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

Caring for the Environment: Conservation of environmental assets through reservation of portions of the land containing regionally significant bushland; supporting efficient use of water, energy and other resources through incorporation of best practice urban design principles in the development (e.g. water sensitive design, transit oriented design).

Community Wellbeing: Providing a cohesive system of integrated land use planning through planning that balances built form and land use, community needs and the environment, and through supporting and encouraging the delivery and utilisation of a safe, effective transport network.

City Development: Encourage local employment and economic development through the urban design of the development (e.g. promote mixed use development and a business enterprise precinct).

Organisational Development: Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community.

Legislation – Statutory Provisions:

The Regional Council will be established under Section 3.61 of the Local Government Act (LGA). It is necessary to form a body that has a legal capacity to act on behalf of all of the stakeholders in the Lot 118 development land. Investigations into different joint venture arrangements has indicated that although there can be agreements made about land development, the only way in which local authorities can conveniently form a legal body to act conjointly on their behalf is through a Regional Council established under the LGA.

The LGA sets out specific requirements for the establishment of the Regional Council. The overarching requirement is the preparation of an Establishment Agreement, which follows the requirements of the Act. The Establishment Agreement, once compiled, is submitted to the Minister for Local Government for approval.

Risk Management considerations:

The Regional Council, in performing its duties, will be required to work within the framework as set out within the establishment agreement, relevant statutory regulations and adopt necessary policies and procedures to achieve the Regional Council's objectives.

Financial/Budget Implications:

The planning and development of Lot 118 will involve financial implications for Council, although it should be noted that all costs and returns are shared amongst the seven owner Councils according to their ownership share of the land (this City's share is two-twelfths). It is noted that the City has allocated as part of the 2005/06 Budget, \$40,000, as its owner's share in administrative and associated costs necessary to establish the new Regional Council and associated activities.

It is also emphasised that the compensation payable to the owners under the proposed Bush Forever NPS will provide seeding capital to cover or offset initial stages of subdivisional works. Cash flow analysis based on the owners' earlier structure plan was that the development could achieve positive cash flow returns within two years of commencement.

Policy Implications:

Not Applicable.

Regional Significance:

Lot 118 is a critical piece of land in the WAPC projections for urban land releases in the northern corridor. Development of the land will feed into the efficient utilisation of local infrastructure and the viability of local businesses.

Following the development of Burns Beach Lot 2 to the south (approximately 1,100 lots) and Somerly immediately adjacent to the north (approximately 1,400 lots remaining), Lot 118 is the one remaining large land parcel to be developed south of Neerabup Road.

Following extensive research by the CEO Group and solicitors, it has become apparent that the logical vehicle for decision making and to provide legal status for transactions throughout a prolonged development period is a Regional Council established under the Local Government Act.

A Regional Council will require an Establishment Agreement setting out the way in which the Council operates. The form of the Agreement is set out in Local Government legislation. The Minister administering the Local Government Act must approve the Agreement.

Sustainability Implications:

Included within the objectives of the Regional (Development) Council is to balance economic, social and environmental considerations to produce a quality development demonstrating the best urban design and development practice.

Consultation:

Negotiations relating to Bush Forever outcomes, the establishment of a Regional Council and a new lease with the Mindarie Regional Council are included in a Business Plan, which is discussed in the comments section of the report. This Business Plan was subject to a public comment period of 42 days.

At later stages there will be further consultation processes associated with the preparation of the Structure Plans for the future urban development.

COMMENT**Establishment of Regional Council – Current Status**

The proposals for the Regional Council involved a whole series of land transactions:

- A change to the Mindarie Regional Council (MRC) lease;
- Transfer of Bush Forever land to Western Australian Planning Commission (WAPC);
- An agreement to transfer land from the fee simple ownership of 7 Councils to a new Regional Council;
- A development proposal for the fee simple land transferred to the new Regional Council.

All of these land transactions required prior advertising of a Business Plan.

The Business Plan advertising has been completed. All 7 Councils have now resolved to proceed to implement the Business Plan. Councils have also agreed to proceed with the completion of the new Regional Council Establishment Agreement, the MRC lease amendment and the Negotiated Planning Solution (NPS) with the WAPC.

The Establishment Agreement for the new Regional Council is in final draft form. The documentation is ready for distribution and signing except that plans to be included are awaiting minor details that need to be coordinated with the detail that will appear in the NPS documents.

The Department of Local Government & Regional Development has been kept abreast of documentation changes that have occurred over time. The Department has recently advised that it anticipates no difficulty in progressing the Establishment Agreement when it is received as a formal application from participant Councils.

The formal application for approval of the Establishment Agreement by the Minister for Local Government is being delayed until such time as documentation relating to the NPS with the WAPC is advanced – at least to the stage where the principal elements of the agreements have been formally endorsed by the WAPC. Officers of the WAPC have signified approval to the NPS negotiations.

It was noted at the most recent meeting of the CEO group held on the 27 August 2005, that there could be a move to convene the first regional council meeting during November/December 2005, subject to all previously outstanding mentioned matters being finalised.

It is expected that the following could form part of the agenda for the first Council meeting:

- (a) Consideration of standing orders, code of practice, purchasing and other administrative policies to enable a starting framework for the operation of the Council.
- (b) The details of the NPS that affect the progress with land development.
- (c) A report on the provisions of the lease with the MRC that require cooperation between MRC and other Lot 118 stakeholders.
- (d) The status of structure planning for the north-west corner of Lot 118.
- (e) A suggestion that the new Council develop a strategic plan to guide Council operations.
- (f) Two outline project plans, one covering administrative issues in establishing a Regional Council, the second would provide a possible outline for progressing development of Lot 118 land.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 in accordance with the provisions of the Establishment Agreement APPOINTS two (2) Commissioner representatives of the City of Joondalup to the Tamala Park Regional Council;
- 2 NOTES the previous decision of Council of 5 April 2005 that:

“Council, in the interests of good governance AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”

MOVED Cmr Smith, SECONDED Cmr Fox that Council:

- 1 in accordance with the provisions of the Establishment Agreement APPOINTS the following representatives of the City of Joondalup to the Tamala Park Regional Council:

**Cmr John Paterson, Chairman of Commissioners
Cmr Peter Clough, Deputy Chairman
Cmr Michael Anderson as deputy to both positions**

- 2 NOTES the previous decision of Council of 5 April 2005 that:

“Council, in the interests of good governance AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.”

Discussion ensued.

Cmr Anderson recommended that when a report is presented to a future incoming Council, consideration be given to the Tamala Park Regional Council and Mindarie Regional Council each being represented by either the Mayor or Deputy Mayor in order that a senior level of representation be maintained.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

CJ203 - 09/05 APPLICATION FOR THE CANCELLATION OF A PORTION OF RESERVE 39624 (CASTLECRAG PARK) CASTLECRAG DRIVE, KALLAROO – [64266]

WARD: Whitford

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

CJ050913_BRF.DOC:ITEM 17

PURPOSE

Council is requested 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 227m² portion (approx) of Castlecrag Park being Reserve 39624 (refer Attachment 1).

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

At its meeting held on 30 August 2005 (CJ179-08/05 refers), Council resolved 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.

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

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 Aristrade Avenue (Attachment 1 refers). 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

MOVED Cmr Clough, SECONDED Cmr Anderson 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.**

Cmr Clough spoke to the Motion.

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

- “3 REFERS the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.”**

Discussion ensued.

The Amendment was Put and

CARRIED (5/0)

The Original Motion as amended, being:

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;**
- 3 REFERS the issue of the sale of public open space to the Policy Committee with a request that the Committee considers whether a Council policy should be developed around this issue.**

was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf130905.pdf](#)

REPORT OF THE CHIEF EXECUTIVE OFFICER

Chief Executive Officer, Mr Garry Hunt declared a financial interest in Item C53-09/05 – Minutes of the Chief Executive Officer Performance Review Committee as he holds the position of Chief Executive Officer.

Director, Corporate Services and Resource Management, Mr Peter Schneider, declared an interest that may affect his impartiality in Item C53-09/05 – Minutes of the Chief Executive Officer Performance Review Committee due to the nature of reporting/employment relationship to the Chief Executive Officer.

Chief Executive Officer left the Chamber, the time being 2015 hrs.

C53-09/05 MINUTES OF THE CHIEF EXECUTIVE OFFICER PERFORMANCE REVIEW COMMITTEE - [74574] [28456]

WARD: All

RESPONSIBLE Mr Peter Schneider
DIRECTOR: Corporate Services and Resource Management

PURPOSE

To submit the minutes of the Chief Executive Officer Performance Review Committee to Council for noting.

EXECUTIVE SUMMARY

Meetings of the Chief Executive Officer Performance Review Committee were held on:

- 19 and 28 July 2005;
- 2, 16, 23 and 30 August 2005;
- 6 September 2005.

It is recommended that Council NOTES the following minutes of the Chief Executive Officer Performance Review Committee:

- confirmed minutes of 19 and 28 July 2005;
- confirmed minutes of 2, 16, 23 and 30 August 2005;
- unconfirmed minutes of 6 September 2005.

BACKGROUND

At its meeting held on 7 June 2005 (Item CJ104-06/05 refers) Council established the Chief Executive Officer Performance Review Committee, comprising the Joint Commissioners, and set the Committee's terms of reference as follows:

- “(a) *Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;*

- (b) *Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;*
- (c) *Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;*
- (d) *Review the Key Performance Indicators to be met by the Chief Executive Officer."*

At its meeting held on 9 August 2005 (Item C46-08/05 refers) Council resolved as follows:

- "1 *Council APPOINTS Integral Leadership Centre as per their submission forming Appendix 16 hereto in the official Minute Book as the external and independent human resources expert to facilitate the review of the Executive's performance per clause 11 of the CEO's Employment Contract;*
- 2 *the terms of reference for the Chief Executive Officer - Performance Review Committee be expanded to include:*
 - (a) *Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;*
 - (b) *Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary."*

DETAILS

Meetings of the Chief Executive Officer Performance Review Committee were held on:

- 19 and 28 July 2005;
- 2, 16, 23 and 30 August 2005;
- 6 September 2005.

The minutes of these committee meetings are attached for noting – Attachment 1 refers.

Issues and options considered:

As contained within the minutes of the Chief Executive Officer Performance Review Committee.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Section 5.38 of the Local Government Act 1995 requires that the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Risk Management Considerations:

The performance review process is designed to evaluate and assess the CEO's performance against Key Performance Indicators on a periodic basis and the Performance Review Committee is required to refer its concluded report to the Council for consideration and actioning. Schedule 2 of the CEO's Employment Contract details the initial Key Performance Indicators to be achieved by the CEO.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The minutes of the Chief Executive Officer Performance Review Committee are submitted to Council for noting.

ATTACHMENTS

- Attachment 1 Minutes of meetings of the Chief Executive Officer Performance Review Committee held on:
- 19 and 28 July 2005;
 - 2, 16, 23 and 30 August 2005;
 - 6 September 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, **SECONDED** Cmr Smith that Council **NOTES** the following minutes of the Chief Executive Officer Performance Review Committee forming Attachment 1 to Report C53-09/05:

- **confirmed minutes of 19 and 28 July 2005;**
- **confirmed minutes of 2, 16, 23 and 30 August 2005;**
- **unconfirmed minutes of 6 September 2005.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17min200905.pdf](#)

Chief Executive Officer, Mr Garry Hunt declared a financial interest in Item C54-09/05 – Performance Review Committee – CEO Initial Performance Review Report as he holds the position of Chief Executive Officer.

Director, Corporate Services and Resource Management, Mr Peter Schneider, declared an interest that may affect his impartiality in Item C54-09/05 – Performance Review Committee – CEO Initial Performance Review Report due to the nature of reporting/employment relationship to the Chief Executive Officer.

REVIEW

**C54-09/05 PERFORMANCE REVIEW COMMITTEE - CEO INITIAL
PERFORMANCE REVIEW REPORT - [74574]**

WARD: All

RESPONSIBLE Peter Schneider
DIRECTOR: Corporate Services and Resource Management

PURPOSE

To submit the CEO Performance Review Committee's confidential report on the outcome of their initial performance review of the CEO, for consideration by Council.

EXECUTIVE SUMMARY

The CEO Performance Review Committee (the Committee) has assessed the performance of the CEO, against the Key Performance Indicators (KPI's) contained within his Employment Contract. The Committee's confidential report is attached.

It is recommended that Council:

- 1 *Gives CONSIDERATION to the recommendations contained within attachment 1 to this report.*
- 2 *FORMULATES a decision relating to the performance of the CEO at the meeting.*

BACKGROUND

At the Council meeting held on 7 June 2005, Council established a Performance Review Committee consisting of the five Joint Commissioners, with the following terms of reference:

- (a) Review the Chief Executive Officer's performance in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment Contract;
- (b) Prepare and table the concluded report, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract to the Council at a Council meeting for consideration and actioning;
- (c) Review the Chief Executive Officer's performance on an on-going basis as and when deemed necessary in accordance with the appropriate provisions contained within the Chief Executive Officer's Employment contract;
- (d) Review the Key Performance Indicators to be met by the Chief Executive Officer.

Subsequent to the above, Council at its meeting of 9 August 2005 expanded the Committee's terms of reference to include:

- (a) Review the Chief Executive Officer's remuneration package, in accordance with the appropriate provisions within the Chief Executive Officer's Employment Contract;
- (b) Review the Chief Executive Officer's Employment Contract and make recommendations to Council in relation to varying the contract as and when necessary.

The following related reports have previously been considered by Council:

C2-01/05	CEO Recruitment & Appointment.
CJ104-06/05	Chief Executive Officer – Performance Review Committee.
C46-08/05	Chief Executive Officer - Performance Review Committee.

DETAILS

The Committee has met on several occasions to progress the CEO's initial performance review in accordance with clause 11 Performance Development and Review, of the CEO's Employment Contract.

Meetings were held on:

- 19 & 28 July 2005; (Consultant/facilitator selection)
- 2, 16, 23 & 30 August 2005; (Committee training & preparation for interview with CEO)
- 6 September 2005. (Interview with CEO)

As a result of those meetings, the Committee has undertaken its evaluation of the CEO's performance and arrived at its own assessment, judged against the Key Performance Indicators for the period 31 January 2005 to 31 July 2005, inclusive.

The Committee's confidential written report is attached and submitted for consideration by Council.

The review process, specified within the CEO's Performance Contract, allows for a comment period by the CEO on the matters contained within the report. Any such comments received by the Committee are to be included by way of appendix to the report and the concluded report will then be referred to the next Council meeting for consideration and actioning.

Link to Strategic Plan:

Objective 4.5 - To manage our workforce as a strategic business resource.

Legislation – Statutory Provisions:

In accordance with section 5.38 of the Local Government Act 1995 the performance of each employee who is employed for a term of more than one year, including the CEO and each senior employee, is to be reviewed at least once in relation to every year of the employment.

Clause 11.2 of the CEO's Employment Contract requires that his performance is to be reviewed initially within thirty days after the sixth month of his employment under his contract.

During the review process it became necessary to contact the lawyers that drew up the contract for clarification of some of the relevant clauses.

Risk Management Considerations:

The performance review process is designed to evaluate and assess the CEO's performance against Key Performance Indicators on a periodic basis and the Performance Review Committee is required to refer its concluded report to the Council for consideration and actioning. Schedule 2 of the CEO's Employment contract details the initial Key Performance Indicators to be achieved by the CEO.

Financial/Budget Implications:

The use of an external HR specialist/facilitator, as specified in the CEO's Employment Contract, has an estimated cost provision of \$6825.00 (excluding GST).

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

KPI's for the CEO have ongoing sustainability implications underpinning them.

Consultation:

Not Applicable.

COMMENT

The CEO Performance Review Committee has produced its assessment of the CEO's initial performance review, which is attached for consideration by Council.

ATTACHMENTS

Attachment 1 "Confidential Report" Chief Executive Officers Initial Performance Review (incorporating CEO's Self Assessment) appended hereto in the Official Minute Book – Appendix 19 refers.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 Gives CONSIDERATION to the recommendations contained within Attachment 1 to Report C-09/05;
- 2 FORMULATES a decision relating to the performance of the CEO at the meeting.

MOVED Cmr Fox, SECONDED Cmr Smith that Council:

- 1 **ENDORSES** the Performance Review Committee's satisfactory findings and conclusions about the CEO's performance during the period 31 January 2005 to 31 July 2005, inclusive;
- 2 **ENDORSES** further discussion between the CEO and the Performance Review Committee to review and vary the Key Performance Indicators going forward with recommendations to be referred to Council;
- 3 **CONGRATULATES** the CEO on his achievements in relation to meeting the relevant conditions of his Employment Contract relating to Key Performance Indicators.

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Chief Executive Officer entered the Chamber, the time being 2020 hrs.

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, 11 OCTOBER 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 2021 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX