

# DRAFT AGENDA

## Briefing Session City of Joondalup

**A BRIEFING SESSION**  
WILL BE HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



on  
**TUESDAY, 9 OCTOBER 2007**

PUBLIC QUESTION TIME



### Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 8 October 2007. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



**GARRY HUNT**  
Chief Executive Officer  
5 October 2007



City of  
Joondalup

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **PROTOCOLS FOR BRIEFING SESSIONS**

The following protocols for the conduct of Briefing Sessions were adopted at the Council meeting held on 9 August 2005.

### **INTRODUCTION**

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established protocols will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

### **PURPOSE OF BRIEFING SESSIONS**

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### **Protocols for Briefing Sessions**

The following protocols will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters that relate to a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 The Presiding Member at the commencement of each Briefing Session shall:
  - (a) Advise Elected Members that there will be no debate on any matters raised during the Sessions;
  - (b) Ensure that the relevant employee, through liaising with the Chief Executive Officer, provides a detailed presentation on matters listed on the agenda for the Session;
  - (c) Encourage all Elected Members present to participate in the sharing and gathering of information;
  - (d) Ensure that all Elected Members have a fair and equal opportunity to participate in the Session; and
  - (e) Ensure the time available for the Session is liberal enough to allow for all matters of relevance to be identified;
- 6 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following should be considered:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct;
  - (b) Persons disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) An exception shall be applied to the disclosing of interests by consultants where the consultant will be providing information only, and will be able to remain in the Session;
  - (d) As matters raised at a Briefing Session are not completely predictable, there is some flexibility in the disclosures of interests. A person may disclose an interest at such time as an issue is raised that is not specifically listed on the agenda for the Session.
- 7 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session by:
  - (a) A request to the Chief Executive Officer; or
  - (b) A request made during the Briefing Session.
- 8 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all elected members.

- 9 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 10 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## **PUBLIC QUESTION TIME**

The following protocols for the conduct of Public Question Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

## **PROCEDURE FOR PUBLIC QUESTION TIME**

Members of the public are invited to ask questions, either verbally or in writing, at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.

- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.
- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business on the working day immediately prior to the scheduled Briefing Session.  
  
Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.
- 9 The Mayor or presiding member shall decide to:
  - Accept or reject the question and his/her decision is final;
  - Nominate a member of the Council and/or City employee to respond to the question;
  - Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next briefing session.
- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
  - asking a question at a Briefing session, that is not relevant to a matter listed on the draft agenda, or;
  - making a statement during public question time;they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the notes of the Briefing Session.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **PUBLIC STATEMENT TIME**

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

### **PROCEDURE FOR PUBLIC STATEMENT TIME**

Members of the public are invited to make statements, either verbally or in writing, at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the draft agenda.

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the notes of the Briefing Session.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

## **DISCLAIMER**

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

## DEPUTATION SESSIONS

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

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

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

## **CITY OF JOONDALUP – BRIEFING SESSION**

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 9 OCTOBER 2007** commencing at **6.30 pm**

### **ORDER OF BUSINESS**

#### **1 OPEN AND WELCOME**

#### **2 DEPUTATIONS**

#### **3 PUBLIC QUESTION TIME**

The following questions were raised verbally at the Briefing Session on 18 September 2007:

**Mr R Repke, Kallaroo:**

*Re: Public Access Metro Wi-Fi Network for Joondalup City Centre*

Q1 *Is there anywhere in the Joondalup Business Centre that assists either by way of management or financing the establishment of young companies to develop, install and maintain such a system?*

A1 The City provides financial support through the Joondalup Business Association to assist small business establish themselves. The recommendation will furnish those businesses with an opportunity to put in an expression of interest and utilize the programs that the City runs in conjunction with the Small Business Centre and the City of Wanneroo.

*Re: Use of Differential Rating to Discourage the Holding of Undeveloped Land*

Q2 *In making it clear to buyers that the holding cost will increase if the land is not developed, could it not be reflected for example that for the first three years, regular rates apply; for year four \$1 extra per m<sup>2</sup>; for year 5 \$2 extra per m<sup>2</sup>; and for each of the following years \$3 per m<sup>2</sup>?*

A2 The Act does not provide that flexibility. There is an opportunity for the Council to lobby through WALGA for the Act to be changed to allow for the type of model suggested.

#### **4 PUBLIC STATEMENT TIME**



## 5 APOLOGIES AND LEAVE OF ABSENCE

### Leave of Absence previously approved

Cr M Macdonald 29 October 2007 to 3 November 2007 inclusive  
 Cr M Macdonald 21 November 2007 to 30 November 2007 inclusive

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

### Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

### Disclosure of interest affecting impartiality

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

<b>Name/Position</b>	<b>Mr Mike Smith, Acting Director Governance and Strategy</b>
<b>Item No/Subject</b>	Item 11 - Community Sport and Recreation Facilities Fund
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Smith is a life member of the Joondalup Districts Cricket Club

## 7 REPORTS

ITEM NO	TITLE	WARD	PAGE NO
1	Execution Of Documents - [15876]	All	1
2	2006/07 Annual Report and 2007 Annual General Meeting of Electors - [55603]	All	5
3	Minutes of the Sustainability Advisory Committee held on 13 September 2007 - [00906]	All	10
4	Financial Activity Statement for the period ended 31 July 2007 - [07882]	All	15

5	Tender 038/07 Provision of Service (Emptying) and Cleaning of Mobile Garbage Bins (MGBS) in Parks and Public Areas within the City of Joondalup - [67603]	All	18
6	Petition regarding Traffic Issues at the Intersection of Treetop Avenue and Woodview Court, Edgewater - [53530] [07367] [44484]	All	24
7	Proposed Taxi Rank – Mullaloo Beach Hotel - [02089] [02111]	North-Central	30
8	Amendment No 38 to District Planning Scheme No 2 – Consideration Following Advertising - [54602]	North-Central	34
9	Monthly Town Planning Delegated Authority Report, Development And Subdivision Applications – August 2007 - [07032] [05961]	All	38
10	Naming of Public Open Space Reserve 49154, Ozone Road, Marmion Consideration Following Advertising - [60601]	South	41
11	Community Sport and Recreation Facilities Fund (CSRFF) [22209]	All	44
12	Proposed Change of Use from Non-Retail Tenancies to Shop – Kinross Neighbourhood Shopping Centre: Lot 2278 (3) Selkirk Drive, Kinross - [67572]	North	53
13	Proposed Four Storey Plus Basement Development Of 25 Multiple Dwellings & 4 Commercial Tenancies On lot 532 (53) Davidson Terrace, Joondalup - [40855]	North	60
14	Whitfords Ratepayers and Recreation Association Community Bus - [07310]	All	71
15	Consideration of Reimbursement Claim for Court Resurfacing at Sorrento Tennis Club - [19860] [09631]	South	77
16	Proposed 14 Grouped Dwellings At Lot 11483 (4) Burns Place, Burns Beach - [43305]	North	85
17	Concept Design and Feasibility Study Outcome – City of Joondalup Leisure Centre, Craigie - [09050]	Central	106

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
  
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
  
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**

**LATE ITEMS / ADDITIONAL INFORMATION**

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional information 091007.pdf](#)

## ITEM 1 EXECUTION OF DOCUMENTS - [15876]

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Garry Hunt  
Office of CEO

### PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal or signed by the Mayor and Chief Executive Officer for noting by the Council for the period 17 September 2007 to 25 September 2007.

### EXECUTIVE SUMMARY

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

### BACKGROUND

Not Applicable.

### DETAILS

The following documents have either been executed by affixing the Common Seal or signed by the Mayor and Chief Executive Officer prior to finalising the process. Once the process is finalised the Common Seal will be duly affixed and accordingly reported to Council.

<b>Document:</b>	Service Agreement
<b>Parties:</b>	City of Joondalup and Department for Child Protection
<b>Description:</b>	Three Year Service Agreement for City of Joondalup Financial and Counselling Service, extended to 30 September 2010. Annual funding from the Department for Child Protection under this new agreement will be \$66,385.42.
<b>Date:</b>	17.09.07
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and M L Ramsay and E N Ramsay
<b>Description:</b>	To restrict occupation of the ancillary accommodation of Lot 224 (7) Kepler Close, Mullaloo to dependent member(s) of the family of the occupier(s) of the main dwelling on the land.
<b>Date:</b>	17.09.07
<b>Signed/Sealed:</b>	Sealed.

<b>Document:</b>	Initiation of Amendment to District Planning Scheme No 2
<b>Parties:</b>	City of Joondalup and the WA Planning Commission
<b>Description:</b>	Initiation of Amendment No 39 to District Planning Scheme No 2 – Proposed residential zoning of portion of Edgewater Primary School – Report to Council 28 August 2007 – CJ180-08/07 – Submitted for signing only.
<b>Date:</b>	17.09.07
<b>Signed/Sealed:</b>	Signing only

<b>Document:</b>	Initiation of Amendment to District Planning Scheme No 2
<b>Parties:</b>	City of Joondalup and the WA Planning Commission
<b>Description:</b>	Initiation of Amendment No 36 to District Planning Scheme No 2 – to include provisions relating to Short Stay Accommodation – Report to Council 28 August 2007 – CJ173-08/07 – Submitted for signing only.
<b>Date:</b>	17.09.07
<b>Signed/Sealed:</b>	Signing only

<b>Document:</b>	Deed of Guarantee
<b>Parties:</b>	City of Joondalup and Member Councils
<b>Description:</b>	Mindarie Regional Council – Deed of Guarantee – Resource Recovery Facility.
<b>Date:</b>	17.09.07
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Deed of Restrictive Covenant
<b>Parties:</b>	City of Joondalup, Davidson Pty Ltd and the Roman Catholic Archbishop of Perth
<b>Description:</b>	To restrict vehicular access Lot 9505 (2) Hobson's Gate, Currambine on Deposited Plan 56886 – Beaumaris Estate as a condition (No 3) of the subdivision approval granted by the WAPC on 5 September 2006.
<b>Date:</b>	25.09.07
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Deed of Restrictive Covenant
<b>Parties:</b>	City of Joondalup and Peet Ltd
<b>Description:</b>	To restrict vehicular access Stage 1B, Portion of Lot 9017 Burns Beach Road, Burns Beach on Deposited Plan 56707 as a condition of the subdivision approval granted by the WAPC on 11 November 2005. Deed of Restrictive Covenant placed on Certificates of Title – Lots 287 and 288 are the affected Lots in Stage 1B.
<b>Date:</b>	25.09.07
<b>Signed/Sealed:</b>	Sealed

**Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

**Legislation – Statutory Provisions:**

Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Some of the documents executed by the City may have financial and budget implications.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The various documents that have either been executed by affixing the Common Seal of the City of Joondalup or signed by the Mayor and Chief Executive Officer and are submitted to the Council for information.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 17 September 2007 to 25 September 2007 executed by:**

- 1 means of affixing the Common Seal; and**
- 2 signature of the Mayor and Chief Executive Officer.**

## **ITEM 2                    2006/07 ANNUAL REPORT AND 2007 ANNUAL GENERAL MEETING OF ELECTORS - [55603]**

**WARD:**                    All

**RESPONSIBLE DIRECTOR:**                    Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE**

For the Council to: -

- adopt the Annual Report for the 2006/07 financial year; and
- give consideration to the date for the Annual General Meeting of Electors.

### **EXECUTIVE SUMMARY**

In accordance with Section 5.53 of the Local Government Act 1995, the 2006/07 Annual Report has been prepared, summarising the year's highlights and achievements, as well as including specific statutory requirements.

The City's auditors have completed the audit of Council's financial statements for the 2006/07 financial year. The abridged Financial Statements will form part of the 2006/07 Annual Report. The Annual Report and the Financial Report will form an integral part of Council's report to the electors at the Annual General Meeting.

Section 5.27 of the Local Government Act 1995 requires that the Annual General Meeting of Electors is to be held on a day selected by the local government, but not more than 56 days after the report is accepted by the local government.

It is suggested that the most appropriate date for holding the Annual General Meeting of Electors is Monday 3 December 2007 at 6.30 pm.

### **BACKGROUND**

The Local Government Act requires that every local government prepares an Annual Report and holds an Annual General Meeting (AGM) of Electors. Both the Annual Report and the Financial Report reflect on the City's achievements during 2006/07 and focus on the many highlights of a busy year.

The Council resolved on 27 March 2001 that it:

*“Endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.”*



## DETAILS

### Issues and options considered:

The Annual Report for the City of Joondalup and the holding of the AGM of Electors are statutory requirements of the Local Government Act 1995. The issue to consider is the date to hold the AGM of Electors, being aware of the decision of the Council on 27 March 2001 and the limitations in being able to finalise the necessary documentation required to be available.

With the recent amendments to the electoral provisions of the Local Government Act 1995, in particular the changing of the election date, the ability to meet the intent of the decision of the Council of 27 March 2001 is becoming increasingly difficult. It is also suggested that with the change in election date, it is considered inappropriate that a newly elected Council hold the AGM of electors before it has had an opportunity to be fully inducted and conduct its first ordinary meeting.

### Link to Strategic Plan:

Strategy 4.1 of the City's Strategic Plan 2003-2008:

*"To manage the business in a responsible and accountable manner"*

### Legislation – Statutory Provisions:

Local Government (Financial Management) Regulation 51(2) states:

"A copy of the annual financial report of a local government is to be submitted to the Executive Director within 30 days of the receipt by the CEO of the auditor's report on that financial report."

Section 5.53 of the Local Government Act 1995 states:

#### **5.53 Annual Reports**

- (1) *The local government is to prepare an annual report for each financial year.*
- (2) *The annual report is to contain:*
  - a. *a report from the mayor or president;*
  - b. *a report from the CEO;*
  - (c) *and (d) deleted*
  - e. *an overview of the plan for the future of the district made in accordance with Section 5.56 including major initiatives that are proposed to commence or to continue in the next financial year;*
  - f. *the financial report for the financial year;*
  - g. *such information as may be prescribed in relation to the payments made to employees;*
  - h. *the auditor's report for the financial year;*
  - ha. *a matter on which a report must be made under section 29(2) of the Disability Services Act 1993, and;*
  - i. *such other information as may be prescribed.*

Section 5.54 of the Local Government Act 1995 states:

### **5.54 Acceptance of Annual Reports**

*(1) Subject to subsection (2) the annual report for a financial year is to be accepted\* by the local government no later than 31 December after that financial year.*

*\* absolute majority required*

*(2) If the auditor's report is not available in time for the annual report for a financial year to be accepted by 31 December after that financial year, the annual report is to be accepted by the local government no later than 2 months after the auditor's report becomes available.*

Section 5.55 of the Local Government Act 1995 states:

### **5.55 Notice of annual reports**

*The CEO is to give local public notice of the availability of the annual report as soon as practicable after the report has been accepted by the local government.*

Section 5.27 states:

### **5.27 Electors' general meetings**

*(1) A general meeting of the electors of a district is to be held once every financial year.*

*(2) A general meeting is to be held on a day selected by the local government but not more than 56 days after the local government accepts the annual report for the previous financial year.*

*(3) The matters to be discussed at general electors' meetings are to be those prescribed.*

The Local Government (Administration) Regulations 1996 at Clause 15 details the matters for discussion at the Annual General Meeting. They are the contents of the Annual Report for the previous financial year and then any other general business. It is suggested therefore, that the Agenda format for the Annual Meeting of Electors be:

- Attendances and Apologies
- Contents of the 2006/07 Annual Report
- General Business

### **Sustainability**

Not Applicable.

### **Risk Management considerations:**

The risk associated with not adopting the 2006/07 Annual Report and failure to set a date for the 2007 Annual General Meeting of Electors will result in non-compliance with the requirements of the Local Government Act 1995.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

There is no legislative requirement to consult on the Annual Report, but the Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the Annual Report to be made available publicly.

**COMMENT**

The audited financial statements for 2006/07 will be submitted to an Audit Committee meeting to be held prior to the Council meeting.

In order for the City to meet its legislative requirements, it is recommended that the Council adopts the Annual Report for 2006/07 and convenes the 2007 Annual General Meeting of Electors for Monday 3 December 2007.

It is further recommended that with the change in the electoral requirements, the decision of the Council of 27 March 2001 be revoked and replaced with a decision stating that future AGM of Electors be held as soon as practicable following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council.

**ATTACHMENTS**

Attachment 1            2006/07 Annual Report and Annual Financial Statements

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION****That Council:**

- 1 BY AN ABSOLUTE MAJORITY, ADOPTS the 2006/07 Annual Report of the City of Joondalup forming Attachment 1 to this Report;**
- 2 BY AN ABSOLUTE MAJORITY, REVOKES its decision of 27 March 2001 being:**  
  
*“Endeavours to hold future Annual General Meetings prior to 31 October if practicable, but not later than the third week in November.”*
- 3 AGREES to hold all future Annual General Meeting of Electors as soon as practical following the adoption of the Annual Report, but in a year where an ordinary election is held, not before the first ordinary meeting of the newly elected Council;**
- 4 CONVENES the 2007 Annual General Meetings of Electors on Monday 3 December 2007 at 6.30 pm in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup;**
- 5 ADVERTISES by public notice that the City of Joondalup Annual Report will be available from approximately 10 November 2007;**
- 6 in accordance with Local Government (Financial Management) Regulation 51(2) PROVIDES a copy of the Annual Report and Annual Financial Statements to the Executive Director.**

*Appendix 1 refers*

*Please Note: This attachment will be tabled at the Briefing Session.*

### **ITEM 3                    MINUTES OF THE SUSTAINABILITY ADVISORY COMMITTEE HELD ON 13 SEPTEMBER 2007 - [00906]**

**WARD:**                    All

**RESPONSIBLE DIRECTOR:**                    Mr Ian Cowie  
Governance & Strategy

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#### **PURPOSE**

To submit the unconfirmed minutes of the Sustainability Advisory Committee to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

#### **EXECUTIVE SUMMARY**

A meeting of the Sustainability Advisory Committee was held on 13 September 2007. The items of business that were considered by the Committee were:

- Solar Power Technology
- Key Performance Indicators for reducing the City's oil consumption
- Future Sustainability Advisory Committee Structure
- Thermal Weed Control

*It is recommended that Council:*

- 1        *NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 13 September 2007 forming Attachment 1 to this Report;*
- 2        *LISTS for consideration in its 2008/09 draft budget, funding for detailed planning of retro fitting the Council's Administration Building, Council Chambers Building and the Library at Boas Avenue, Joondalup, with solar and/or wind power energy collection systems to a level which would receive a five or six star rating under the Green Star Rating System run by the Green Building Council of Australia;*
- 3        *INCORPORATES Key Performance Indicators for the City's oil, natural gas and electricity consumption into the Implementation and Reporting Framework for the Environment Plan 2007 - 2011 and Greenhouse Action Plan 2007 – 2010.*

#### **BACKGROUND**

The objectives of the Sustainability Advisory Committee are:-

1.        To recommend to the City of Joondalup Council on policy, advice and appropriate courses of action which promote sustainability, which is:
  - (a)        environmentally responsible,
  - (b)        socially sound, and
  - (c)        economically viable
2.        To provide advice to Council on items referred to the Committee from the City of Joondalup Administration.

The Committee membership comprises of four Councillors, representatives from ECU and TAFE, and community members with specialist knowledge of sustainability issues.

## DETAILS

### Issues and options considered:

The Motions carried at the Sustainability Advisory Committee meeting held on 13 September 2007 are shown below, together with officer's comments.

#### 1 Solar Power Technology

The following Motion was carried:

*"That the Sustainability Advisory Committee recommends that Council:*

- 1 *CONTINUES to undertake its investigations into the potential for solar energy;*
- 2 *RAISES awareness in the community by providing relevant information and encouragement for residents and businesses to consider installing solar systems in their homes and business premises;*
- 3 *LISTS for consideration in its 2008/09 draft budget, funding for detailed planning of retro fitting the Council's Administration Building, Council Chambers Building and the Library at Boas Avenue, Joondalup, with solar and/or wind power energy collection systems to a level which would receive a five or six star rating under the Green Star Rating System run by the Green Building Council of Australia."*

#### Officer's Comment

These actions are supported. The City will continue to investigate the potential for solar energy and look for options to raise awareness amongst the community about the benefits of solar systems. Listing an amount for retro fitting in the budget is supported.

#### 2 Key Performance Indicators for reducing the City's oil consumption

The following Motion was carried:

*"That the Sustainability Advisory Committee NOTES the report and recommends that Council:*

- 1 *INCORPORATES Key Performance Indicators for the City's oil, natural gas and electricity consumption into the Implementation and Reporting Framework for the Environment Plan 2007 - 2011 and Greenhouse Action Plan 2007 – 2010;*
- 2 *CONSIDERS participating in the Cities for Climate Protection Sustainable Transport Project in 2008-09, if available."*

### Officer's Comment

These actions are supported. The first is included in the recommendation to Council while the availability of the Sustainability Transport Project will be reported to the Council if and when it becomes available.

### **3 Future Sustainability Advisory Committee Structure**

The following Motion was carried:

*“That the Sustainability Advisory Committee NOTES the report and RECOMMENDS to Council that:*

- 1 in future Council holds well advertised Sustainability Forums for the broader community approximately three (3) per year to workshop sustainability issues with residents and businesses;*
- 2 the Sustainability Advisory Committee continues to operate in its current format of Elected Members and community members holding approximately 3 meetings per year in months following sustainability forums.”*

### Officer's Comment

These resolutions provide background for a report on the future of committee structures which will be presented to Council shortly. It is not suggested that Council makes a decision on this matter in advance of this report.

### **4 Thermal Weed Control**

The following Motion was carried:

*“That the Sustainability Advisory Committee:*

- 1 NOTES the report on Thermal Weed Control shown as Attachment 1 to this Report;*
- 2 that Council needs to develop a Weed Control Strategy as part of its Environmental Plan, the Weed Control Strategy should be based on the principles of Integrated Weed Management, which includes the aim of reducing the reliance on herbicides.”*

### Officer's Comment

The City is currently reviewing its weed spraying program to reduce the potential risk of its overall use of herbicides. In particular those herbicides that are deemed to be high risk options in terms of environmental impact and potential groundwater impact. It is also noted that the City is currently investigating in more detail the cost implications of a twelve month trial of thermal weed control as part of the City's overall weed control program. The review and the trial will then inform the City of future management arrangements in terms of its weed control program.

**REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION:**

The following report was requested at the meeting of the Sustainability Advisory Committee:

- 1 A review of the report prepared by the WA Government on addressing alcohol problems in order for SAC to identify potential ideas and means by which Council can support the State's initiatives.

**Officer's Comment**

While sustainability is a very broad concept, the view is taken that alcohol problems are not the core business of SAC and a report should not be prepared.

**Link to Strategic Plan:**

Key Focus Area: Organisation Development

Objective 4.3 To ensure the City responds to and communicates with the community

**Legislation – Statutory Provisions:**

The Committee is established in accordance with the Local Government Act 1995.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

The Sustainability Advisory Committee provides an opportunity for consideration of regional matters that may impact on local sustainability.

**Sustainability Implications:**

The Sustainability Advisory Committee provides a forum for consideration of a range of sustainability issues by elected members and community representatives with local knowledge and expertise.

**Consultation:**

Not Applicable.



**COMMENT**

Nil.

**ATTACHMENTS**

Attachment 1            Minutes of the Sustainability Advisory Committee meeting held on 13 September 2007

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1        NOTES the unconfirmed minutes of the Sustainability Advisory Committee held on 13 September 2007 forming Attachment 1 to this Report;**
- 2        LISTS for consideration in its 2008/09 draft budget, funding for detailed planning of retro fitting the Council's Administration Building, Council Chambers Building and the Library at Boas Avenue, Joondalup, with solar and/or wind power energy collection systems to a level which would receive a five or six star rating under the Green Star Rating System run by the Green Building Council of Australia;**
- 3        INCORPORATES Key Performance Indicators for the City's oil, natural gas and electricity consumption into the Implementation and Reporting Framework for the Environment Plan 2007 - 2011 and Greenhouse Action Plan 2007 – 2010.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf091007.pdf](#)*

## **ITEM 4 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JULY 2007 - [07882]**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Director Corporate Services

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### **PURPOSE**

The July 2007 financial activity statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The July 2007 year to date report shows an overall variance (under spend) of \$1.9m when compared to the year to date budget approved by Council at its meeting of 3 July 2007 (JSC01-07/07).

#### **This variance can be analysed as follows:**

- The **Operating** deficit is \$5.4m compared to a budgeted deficit of \$6.7m at the end of July 2007. The \$1.3m variance is primarily due to lower than expected employee and material costs and higher than expected contributions, reimbursements and donations, profit on disposal of assets and fees and charges revenue offset by reduced interest income.
- **Capital Expenditure** is \$(417)k against the year to date budget of \$198k. The \$615k under spend is due to the reversal of the 2006/07 year end work in progress accrual which was not all spent in July. This accrual reversal will be adjusted in August.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 July 2007.*

### **BACKGROUND**

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

### **DETAILS**

The financial activity statement for the period ended 31 July 2007 is appended as Attachment A.

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

Not Applicable.

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

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended, requires the local government to prepare each month a statement of financial activity reporting on the sources and applications of funds as set out in the annual budget.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Refer attachment A.

**Policy implications:**

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 29 April to 29 May 2006.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 31 July 2007.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 July 2007, forming Attachment A to this Report.**

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf091007.pdf](#)

## **ITEM 5 TENDER 038/07 PROVISION OF SERVICE (EMPTYING) AND CLEANING OF MOBILE GARBAGE BINS (MGBS) IN PARKS AND PUBLIC AREAS WITHIN THE CITY OF JOONDALUP - [67603]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr David Djulbic  
Infrastructure Services

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### **PURPOSE**

This report is for Council to consider the tenders received for the emptying and cleaning of mobile garbage bins (MGBs) in parks and public areas within the City of Joondalup (COJ).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 11 August 2007 through statewide public notice for the emptying and cleaning of mobile garbage bins (MGBs) in parks and public areas within the COJ. Tenders closed on 3 September 2007. Three tender submissions were received from:

- City of Wanneroo (COW)
- Cleanaway
- Wheeliewash

*It is recommended that Council ACCEPTS the tender submitted by the City of Wanneroo for:*

- 1 The emptying of 500 plus bins per week for the sum of \$83,720 per annum (incorporating a 30% discount);*
- 2 The cleaning of the bins at the Ashby Depot based on 1,500 bins per annum for a cost of \$4,500 per annum;*
- 3 The emptying of additional bins if required under exceptional circumstances at a cost per 400 bins per week of \$1,840.*

*in accordance with the requirements as stated in Tender 038/07 and the Schedule of Rates for a three (3) year period with a further two (2) one (1) year optional extensions.*

### **BACKGROUND**

The City currently empties (at various levels of frequency) and cleans approximately 700 MGBs located at Council buildings, parks and bus stops across the City using internal resources. The refuse bins are owned and fully maintained by the City.

The City plans to install an additional 200, 'doggy doo' bins but does not have the internal resource capacity to provide the additional emptying and cleaning services required.

### **DETAILS**

The tender addresses the issue of insufficient internal resources by outsourcing part of the public MGB emptying and cleaning service.

Tenders were advertised on 11 August 2007 through statewide public notice. Tenderers were invited to respond to either the whole or part of the tender requirements. Tenders closed on 3 September 2007. Three submissions were received from:

- COW– for Emptying and some Cleaning
- Cleanaway – for Emptying and Cleaning
- Wheeliewash – for Cleaning only

### Emptying of Bins

Tender responses were as follows:

<b>PRICING SCHEDULE DETAILS FOR TENDERED REQUIREMENTS</b>			
<b>Emptying of Bins by Contractor</b>	<b>City of Wanneroo</b>	<b>Cleanaway</b>	<b>Wheeliewash</b>
<b>Price Offered (GST Exclusive)</b>			
Total price based on minimum of 400 bins emptied once per week.	\$95,680.00	\$112,320.00	Did not tender
Discount for emptying a minimum of 500 plus bins per week.	30% discount	Did not offer discount	Did not tender
<b>Total Cost per annum inclusive of discount for 500 bins per week</b>	<b>\$83,720.00</b>	<b>\$140,400.</b>	Did not tender

Based a quantity of 400 bins emptied per week the COW tender is \$16,640 or 17% lower than Cleanaway.

The tender invited tenderers to offer any discount arrangements that might apply. Only the COW responded to this part offering a 30% discount off the per bin per service rate if it was contracted for a minimum of 500 bins per week. If this were agreed to the COW tender would be \$56,680 per annum less than Cleanaway tender (based on 500 bins).

The tender included a request for ad hoc bin services as an emergency backup for the services that would continue to be undertaken by the City with internal resources. This is a very minor part of the tender and the services may not be used at all and was therefore not considered significant in the evaluation.

Cleaning of Bins

Tender responses were as follows:

<b>PRICING SCHEDULE DETAILS FOR CLEANING OF BINS</b>			
<b>Cleaning of bins</b>	<b>City of Wanneroo</b>	<b>Cleanaway</b>	<b>Wheeliewash</b>
	<b>Price Offered (GST Exclusive)</b>		
Bins on site in Parks, Reserves and Council Buildings	Did not tender	\$19.50	\$16.00
Discount offered	Nil	Nil	4%
Based on 1,500 cleans per annum		\$29,250.00	\$23,040.00
Cleaning of bins at City's Ashby Depot	\$3.00	\$6.50	\$6.00
Discount offered	Nil	Nil	4%
<b>Total Based on 1,500 cleans per annum</b>	<b>\$4,500.00</b>	<b>\$9,750.007</b>	<b>\$8,640.00</b>

The tender sought alternative prices for both cleaning at Ashby depot (the current practice) or cleaning the bins where they are located on site. Cleanaway and Wheeliewash responded to both and the COW responded only to the proposal to clean at Ashby Depot

The tenders for cleaning bins on site are significantly more expensive than the tenders for cleaning bins at the Ashby Depot. For cleaning at the Ashby Depot the COW tender at \$3 per clean is at least 50% less than the tenders from Cleanaway or Wheeliewash.

Combined Cost of Emptying and Cleaning

The following table identifies the estimated cost per annum for the emptying and cleaning of bins based on the quantity increasing to 500 bins per week to take advantage of the discount offered by COW.

<b>TOTAL VALUE OF CONTRACT FOR EMPTYING AND CLEANING OF BINS</b>			
<b>Description</b>	<b>City of Wanneroo</b>	<b>Cleanaway</b>	<b>Wheeliewash</b>
	<b>Price Offered (GST Exclusive)</b>		
Emptying of bins (500 per week) as per Table B	\$83,720.00	\$140,400.00	Did not tender
Cleaning of bins at City's Ashby Depot based on 1500 cleans per annum	\$4,500.00	\$9,750.00	\$8,640.00
<b>Total estimated cost per annum</b>	<b>\$88,220.00</b>	<b>\$150,150.00</b>	<b>\$8,640.00</b>
<b>Total estimated cost of Contract for three years plus two one year options excluding CPI increases.</b>	<b>\$441,100.00</b>	<b>\$750,750.00</b>	<b>\$43,200.00</b>

The tender response that achieves the best financial outcome is the COW tender to undertake both cleaning and emptying of bins with the number of bins to be increased to 500 to take advantage of the discount offered and the cleaning to be done at Ashby Depot. This tender is \$60,820 per annum less than the next best option which would be Cleanaway for emptying, and Wheeliewash for cleaning based on 500 bins per week.

The evaluation panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner, and concluded the Offer representing best value to the City is that submitted by the City of Wanneroo at the offered schedule of rates. The submission achieved a high qualitative score of 81% and was the overall lowest priced tender received.

COW has experience in providing similar services as its Waste Services unit, located at Ashby Operations Centre at Ashby, currently collects and disposes waste from over 110,000 domestic MGBs.

Cleanaway's submission for the emptying and cleaning of bins was more expensive with no discount offered and no added value could be identified for the extra cost that would be incurred by the City.

Wheeliewash only tendered for the cleaning of the bins. Its tender was not considered further as the prices offered for these items were not competitive.

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

The alternative to outsourcing the additional bin emptying and cleaning requirements would be to expand the internal resources. This would have required a capital investment in additional vehicle and plant as well as staff resources. The overall small size of the bin emptying and cleaning service, even with the additional bins, does not give the economies of scale (bearing in mind that all of the other COJ waste collection services are outsourced) that contractors are able to achieve.

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

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

Caring for the Environment.

Objective 2.2            To manage waste effectively and efficiently in alignment with environmental sustainable principles.

Strategy 2.2.2        Plan for the development of waste management.

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

A 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 \$100,000. 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:**

It is considered that awarding the contract to the recommended tenderer will represent a low risk to the City on the basis that it is an established organisation with experience in providing similar services and its Waste Services unit currently collects and disposes waste from over 110,000 domestic MGBs.

**Financial/Budget Implications:**

The 2007/08 project budget to provide for the roll out of the additional 'doggy doo' bins includes an allocation for additional emptying and cleaning costs of \$143,114. The total tendered cost of the recommended tenderer of \$88,220 is well within budget.

**Policy Implications:**

While there are no specific policy implications, the City's current practice is to encourage local business in the purchasing and tendering process and this practice has been incorporated into the selection criteria.

The recommended tenderer, the COW, is a Western Australian organisation located in Wanneroo. A significant number of its workforce lives in the Joondalup area. It will endeavour to purchase fuel for the collection vehicles from local service stations within the COJ.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

This Contract will ensure the City is able to manage waste effectively and efficiently in alignment with environmental sustainable principles and plan for the development of waste management.

**Consultation:**

Not Applicable.

**COMMENT**

The offer representing best value to the City is that submitted by the City of Wanneroo at the offered schedule of rates for a period of three (3) years with two (2) one (1) year optional extensions.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

That Council **ACCEPTS** the tender submitted by the City of Wanneroo for:

- 1 The emptying of 500 plus bins per week for the sum of \$83,720 per annum (incorporating a 30% discount);**
- 2 The cleaning of the bins at the Ashby Depot based on a quantity of 1,500 bins per annum for a cost of \$4,500 per annum;**
- 3 The emptying of additional bins if required under exceptional circumstances at a cost per 400 bins per week of \$1,840;**

**in accordance with the requirements as stated in Tender 038/07 and the Schedule of Rates for a three (3) year period with a further two (2) one (1) year optional extensions.**

**ITEM 6                    PETITION REGARDING TRAFFIC ISSUES AT THE  
INTERSECTION OF TREETOP AVENUE AND  
WOODVIEW COURT, EDGEWATER - [53530]  
[07367] [44484]**

**WARD:**                    North-Central

**RESPONSIBLE  
DIRECTOR:**            Mr David Djulbic  
                                 Infrastructure Services

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**PURPOSE**

To consider a petition regarding traffic issues at the intersection of Treetop Avenue and Woodview Court, Edgewater.

**EXECUTIVE SUMMARY**

At the Ordinary Meeting of Council held on 17 July 2007, a 16-signature petition was received from residents of Edgewater seeking the assistance of Council to resolve traffic issues at the intersection of Treetop Avenue and Woodview Court in Edgewater. These issues relate to vehicles parking on the verge of residential properties along Treetop Avenue (adjacent to the intersection) and impacting on the available sight distance when turning from Woodview Court.

The City's most recent traffic surveys for Treetop Avenue indicates that this road carries between 3,000 and 3,600 vehicles per day, travelling at an 85<sup>th</sup> percentile speed between 61 and 64km/h.

Investigations have indicated that the sight distance available when turning from Woodview Court into Treetop Avenue is only lower than the recommended sight distance in *Austroads Guidelines To Traffic Engineering (Part 5)* when there are vehicles parked on the verge of 28 Treetop Avenue (i.e. the corner property) and when the speed of vehicles along Treetop Avenue approaches 60km/h.

If the speed of vehicles was closer to the 50km/h speed limit, then the sight distance available would be sufficient to satisfy the minimum requirements indicated in the *Austroads Guidelines*, regardless of whether or not there is a vehicle parked on the verge of the corner property.

*This report recommends that Council:*

- 1        *NOTES that the construction of local road traffic management measures to assist in reducing vehicle speeds along Treetop Avenue is listed on the City's Five Year Capital Works Program;*
- 2        *REQUESTS the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest;*

- 3 *INTRODUCES a number of community awareness programs and initiatives with the support of the local community and residents of Treetop Avenue, including the Speed Alert Trailer program;*
- 4 *REQUESTS that Main Roads WA considers installing a give-way holding line at Woodview Court approach to the intersection with Treetop Avenue;*
- 5 *ADVISES the Petition Organiser of Council's decision.*

## **BACKGROUND**

At the Ordinary Meeting of Council held on 17 July 2007, a 16-signature petition was received from residents of Edgewater seeking the assistance of Council to resolve traffic issues at the intersection of Treetop Avenue and Woodview Court in Edgewater. These issues relate to vehicles parking on the verge of residential properties along Treetop Avenue (adjacent to the intersection) and impacting on the available sight distance when turning from Woodview Court.

A location plan identifying the intersection under consideration is attached (Attachment 1 refers).

Treetop Avenue and Woodview Court are currently classified as local access roads under the City's Functional Road Hierarchy<sup>1</sup>. The intersection of Treetop Avenue and Woodview Court operates under give-way control with Woodview Court being the terminating leg of the intersection.

The physical characteristics of Treetop Avenue are a relatively straight road rising to a crest just south of Lakeview Drive, 1500 metres long and 10 metres wide, centrally located within a 25-metre road reserve. Treetop Avenue extends from Joondalup Drive to Wedgewood Drive, providing frontage to 72 residential properties, Mater Dei College and Edgewater Primary School and access to numerous other local access roads such as Woodview Court.

The physical characteristics of Woodview Court are a straight road rising to a crest at the eastern (cul-de-sac) end, 170 metres long and 7.4 metres wide, centrally located within an 18-metre road reserve. Woodview Court extends east of Treetop Avenue to a cul-de-sac end, providing frontage to 9 residential properties and access to Hilltop Place and Hilltop Park.

A site inspection indicated that the road surface is in good condition. There is a footpath along both sides of Treetop Avenue and the street lighting is located adjacent to the eastern kerb (of Treetop Avenue), including a light pole located at the Woodview Court intersection. Treetop Avenue and Woodview Court are both governed by the default urban speed limit of 50km/h, which was introduced by law in Western Australia on 1 December 2001.

## **DETAILS**

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

The industry standard for traffic assessments uses the 85<sup>th</sup> percentile speed (i.e. the speed at which 85% of vehicles are travelling below) and traffic volumes measured over seven days as the criteria for evaluating traffic. This is prescribed in the Australian Standard *AS1742.4-1999 Manual of Uniform Traffic Control Devices, Part 4: Speed Controls*.

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<sup>1</sup> Treetop Avenue is likely to be reclassified as a Local Distributor road as part of a review of the entire local road network within the City, which is proposed to be undertaken in the near future.

The City's most recent traffic surveys for Treetop Avenue were undertaken in May 2005.

The data collected from these surveys is summarised as follows:

Average Weekday Traffic	Heavy Vehicles	85 <sup>th</sup> Percentile Speed	Mean Speed	Speed Distribution (km/h)			
				Below 50	50-60	60-70	Above 70
<i>Treetop Avenue, north of Lakeview Drive (i.e. north of the Woodview Court intersection)</i>							
3,018 vpd	3.7%	64.4 km/h	56.4 km/h	1,352 vpd (44.8%)	1,002 vpd (33.2%)	573 vpd (19.0%)	91 vpd (3.0%)
<i>Treetop Avenue, north of The Loop (i.e. south of the Woodview Court intersection)</i>							
3,648 vpd	2.9%	61.9 km/h	50.5km/h	719 vpd (19.7%)	1,784 vpd (48.9%)	952 vpd (26.1%)	193 vpd (5.3%)

Crash data provided by Main Roads WA indicates there have been no recorded crashes along the section of Treetop Avenue between Lakeview Drive and The Loop (which includes the Woodview Court intersection) in the 5-year period between January 2002 and December 2006.

Approach Sight Distance (ASD) is the minimum level of sight distance that should be provided at all intersections. ASD ensures that the driver of a vehicle has adequate distance to observe the road layout in sufficient time to react and stop if necessary before entering a conflict area with another vehicle. *Austrroads Guide To Engineering Practice (Part 5)* recommends that for a 50km/h road, the absolute minimum ASD that should be provided is 47 metres. While it is acknowledged that Treetop Avenue is governed by the default 50km/h speed limit, the traffic surveys indicate that vehicles are travelling closer to 60km/h. For a 60km/h road, the absolute minimum ASD is 63 metres.

When turning from Woodview Court onto Treetop Avenue, there is approximately 280 metres sight distance looking left (towards the Wedgewood Drive intersection). However, when looking right from Woodview Court (towards the crest of the hill near Lakeview Drive), the sight distance is impacted by vehicles parked on the verges of properties at house numbers 28 and 30 Treetop Avenue. When there is a vehicle parked on the verge of 28 Treetop Avenue (i.e. the corner property), the sight distance is approximately 60 metres. When there is no vehicle at 28 Treetop Avenue but there is a vehicle parked on the verge of 30 Treetop Avenue (i.e. one property away from the corner property), the sight distance increases to approximately 100 metres.

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

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2003-2008:

- 1.4.2 Contribute to the protection of human health
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.1.3 Develop a risk management strategy
- 4.2 To provide quality services with the best use of resources.
- 4.3.3 Provide fair and transparent decision making processes.

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

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Nil.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

No community consultation was undertaken in conjunction with the assessment of the petition, as there was no proposed solution to be addressed with adjoining residents.

**COMMENT**

Investigations have indicated that the sight distance available when turning from Woodview Court into Treetop Avenue is only lower than the recommended ASD in *Austroads Guidelines* when there are vehicles parked on the verge of 28 Treetop Avenue (i.e. the corner property) and when the speed of vehicles along Treetop Avenue approaches 60km/h. If the speed of vehicles was closer to the 50km/h speed limit, then the sight distance available would be sufficient to satisfy the minimum requirements indicated in the *Austroads Guidelines*, regardless of whether or not there is a vehicle parked on the verge of the corner property.

In order to address the issue of speeding vehicles along Treetop Avenue, the City has listed the construction of a tree-lined median treatment along the entire length of Treetop Avenue within the Five Year Capital Works Program budget. Given the length of road required for treatment and other projects within the program with a higher priority, the construction of this treatment is currently scheduled for the 2008/2009 financial year.

The petition organiser has requested whether various options could be considered to improve the sight distance at this intersection, without necessarily introducing prohibitions to prevent the residents of 30, 32, 34 and 36 Treetop Avenue from parking on the verge.

In the short term, there are a number of other measures that can be undertaken by the City to assist in reducing the speed of vehicles along this road. These include:

- Request the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest.

- Trial the “50 in my street” and “Slow Down Consider Our Kids” bin stickers and other community awareness programs with the support of the local community and residents of Treetop Avenue, Woodview Court and Hilltop Rise.
- Utilise the City’s Speed Alert Trailer along Treetop Avenue, especially adjacent to the Woodview Court intersection, to educate and remind drivers about speeds in the street.
- Write to the occupants of 30, 32, 34 and 36 Treetop Avenue to request that they refrain from parking on the verge as much as practically possible to improve sight distances at the adjacent Woodview Court intersection. This would avoid the need for parking prohibitions that prevent parking at all times of the day.

In residential situations, low sight distances can and do occur from time to time due to parked vehicles, untrimmed vegetation, etc. and it is therefore necessary for motorists to take extra care.

It should also be noted that another factor that may be contributing to the reduced sight distance at this location is that some motorists were observed not stopping at the correct location, and were in fact stopping some distance back from the intersection. The City has previously written to Main Roads WA (MRWA) to request the installation of a Give Way holding line at this intersection to provide a clear indication to motorists as to the correct stopping location. A response received from MRWA in August 2006 has indicated that if Council considers a Give Way holding line is warranted, it should forward a written request together with a drawing showing the location and length of the holding line.

## **ATTACHMENTS**

Attachment 1            Location Map of the Treetop Avenue / Woodview Court Intersection

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1        NOTES that the construction of local road traffic management measures to assist in reducing vehicle speeds along Treetop Avenue is listed on the City’s Five Year Capital Works Program;**
- 2        REQUESTS the WA Police to carry out enforcement, particularly during periods identified by the traffic classifiers where the volume and percentage of speeding vehicles is highest;**
- 3        INTRODUCES a number of community awareness programs and initiatives with the support of the local community and residents of Treetop Avenue, including the Speed Alert Trailer program**

- 4 REQUESTS that Main Roads WA considers installing a Give Way holding line at Woodview Court, Edgewater approach to the intersection with Treetop Avenue, Edgewater;**
- 5 ADVISES the Petition Organiser of Council's decision.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf091007.pdf](#)*



## **ITEM 7                      PROPOSED TAXI RANK -    MULLALOO BEACH HOTEL - [02089] [02111]**

**WARD:**                      North-Central

**RESPONSIBLE DIRECTOR:**                      Mr David Djulbic  
Infrastructure Services

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### **PURPOSE**

To consider a petition from the owners of the Mullaloo Beach Hotel, received by Council on 17 July 2007, requesting a taxi rank.

### **EXECUTIVE SUMMARY**

The City received a 786-signature petition (276 of whom reside outside the City of Joondalup) from the Mullaloo Beach Hotel in July 2007, requesting a designated taxi rank opposite the hotel.

In March 2007, Council adopted a resolution to implement traffic calming treatments on Oceanside Promenade, between Mullaloo Drive and Marjorie Street. This project is programmed for the 2007/08 capital works program. Subsequent investigations were undertaken for the possible locations for taxis.

The provision of taxi bays in the locality would increase the ease of access to the area generally, either for beach users or visitors to the commercial development.

*It is recommended that Council:*

- 1        *ADOPTS the location of Taxi parking as shown on Attachment 1 to this Report;*
- 2        *APPROVES the Taxi parking on time restrictions as shown in Attachment 1 to this Report;*
- 3        *NOTES that the installation of designated bays and path works will be undertaken as part of the Oceanside Promenade Traffic Calming Project to be completed as part of the 2007/08 Capital Works Program.*

### **BACKGROUND**

At the Ordinary Meeting of Council on 17 July 2007 a 786-signature petition was tabled on behalf of the owners of the Mullaloo Beach Hotel seeking the assistance of Council for the installation of a designated Taxi rank with associated street lighting opposite the Mullaloo Beach Hotel.

The Mullaloo Beach Hotel is located on Oceanside Promenade, Mullaloo.

Oceanside Promenade provides a north-south coastal link between Mullaloo Drive and Ocean Reef Road as well as access to the beach, Mullaloo Surf Life Saving Club, Tom Simpson Park and the Mullaloo Tavern. Oceanside Promenade is classified as a District Distributor “B” road in the Perth Metropolitan Functional Road Hierarchy and the posted speed limit is 50km/hr.

## DETAILS

### Issues and options considered:

Whilst the current roadway arrangement meets Austroads and Australian Standard requirements, activities in the area now include surf life saving, the beach, Tom Simpson Park, the beachside car park, the Mullaloo Beach Hotel and bus stops. The concentration of all these activities has resulted in a significant number of vehicular and pedestrian movements occurring on Oceanside Promenade between Mullaloo Drive and Marjorie Street, particularly during the summer months. In addition Oceanside Promenade in the vicinity of the Mullaloo Beach Hotel has a horizontal curve, which from a traffic and pedestrian safety perspective is unacceptable for the installation of a taxi rank parallel to the road pavement.

The car park directly opposite the Mullaloo Beach Hotel was considered the most appropriate location for taxi access. The petition received by the City and subsequent consultation with the Hotel management has highlighted the need for taxi bays.

The car park opposite the hotel experiences peak demand during daytimes in the warmer summer months. An option has been developed to allocate two bays in the car park on the beachside of Oceanside Promenade as taxi bays between the hours of 8pm to 5am and outside these hours they would be available for the general public.

The recommended location for the two taxi bays is as shown in Attachment 1. Some minor footpath works would be required to provide easy pedestrian access to the two bays.

An inspection at night has shown that there is sufficient lighting opposite the Hotel and on Oceanside Promenade, Mullaloo.

### Link to Strategic Plan:

The recommendation in this report is supported by the following objectives in the City's Strategic Plan 2003-2008:

Objective: 1.4 To work with the community to enhance safety and security in a healthy environment

Strategy: 1.4.2 Contribute to the protection of human health

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

Strategy: 3.1.1 Plan the timely design, development, upgrade and maintenance of the City's infrastructure

Objective: 3.2 To develop and promote the City of Joondalup as a tourist attraction

Strategy: 3.2.1 Create and promote cultural tourist attractions

Objective: 3.3 To continue to meet changing demographic needs

Strategy: 3.3.2 Integrate plans to support community and business development

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Given the high pedestrian movements in the area and the desire of providing safe and varied means of transport, it is advisable to provide two taxi bays in the car park.

**Financial/Budget Implications:**

The costs to sign the existing bays for designated parking and associated footpath works are minimal and can be incorporated into the Oceanside Promenade Traffic Calming Project as part of the 2007/08 Capital Works Program.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Mullaloo beach attracts visitors and tourists and is part of the tourist Sunset strip as well as being listed as one of the best beaches in Perth on tourism websites.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The owner of the Mullaloo Beach Hotel was contacted and has agreed that the proposed location of taxi bays would be acceptable given the constraints of the site. In addition the owner suggested that the taxi bays would not be required until after 8pm in the evenings.

**COMMENT**

Given the geometry of the Oceanside Promenade road reserve, and the availability of bays in the car park in the evenings, the proposal to add taxi bays to the car park does have merit.

The taxis may also benefit beach users and the Mullaloo Surf Club.

Allowing the bays to be used for taxis after 8pm in the evenings would ensure that there is no loss of parking for the public during peak times.

**ATTACHMENTS**

Attachment 1: Oceanside Promenade Traffic Management Concept and Designated parking

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION****That Council:**

- 1 ADOPTS the location of Taxi parking as shown on Attachment 1 to this Report;**
- 2 APPROVES the Taxi parking on time restrictions as shown in Attachment 1 to this Report;**
- 3 NOTES that the installation of designated bays and path works will be undertaken as part of the Oceanside Promenade Traffic Calming Project to be completed as part of the 2007/08 Capital Works Program.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf091007.pdf](#)

## ITEM 8 **AMENDMENT NO 38 TO DISTRICT PLANNING SCHEME NO 2 - CONSIDERATION FOLLOWING ADVERTISING - [54602]**

<b>WARD:</b>	North-Central
<b>RESPONSIBLE DIRECTOR:</b>	Mr Clayton Higham Planning and Community Development

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### **PURPOSE**

For Council to consider the submissions received during the public advertising period for Amendment No 38, and to consider adopting the amendment as final.

### **EXECUTIVE SUMMARY**

Amendment No 38 relates to the Mullaloo Tavern, located at 10 Oceanside Promenade, Mullaloo. There are 7 short stay apartments (residential building), and 5 permanent dwellings of which at least some will fall into the multiple dwelling definition.

A 2005 decision of the State Administrative Tribunal (SAT) about a proposal in Sorrento suggests that multiple dwellings cannot be approved in an area coded R20. However, this interpretation contradicts an aspect of the Mullaloo Tavern development (approved 3 years earlier, in 2002). The District Planning Scheme No 2 (DPS2) states that multiple dwellings are a discretionary land use in the Commercial zone.

The 2005 SAT decision has raised the need for Council to consider redressing this situation through affirming the nature and configuration of the approved dwellings on the site.

Council at its June 2007 meeting resolved to advertise Amendment No 38 for a period of 42 days. Thirty-three submissions were received during the public submission period, of which 28 were objections. It is not considered that the submissions warrant Council not proceeding with the amendment. It is recommended that Amendment No 38 be adopted as final, and forwarded to the Western Australian Planning Commission for consideration.

### **BACKGROUND**

<b>Suburb/Location:</b>	10 Oceanside Promenade, Mullaloo
<b>Applicant:</b>	N/A
<b>Owner:</b>	Rennet Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	2377 sqm
<b>Structure Plan:</b>	N/A

Council at its June 2007 meeting resolved as follows:

- 1 *Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 38 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, by adding additional use 1-20 to Lot 100 (10) Oceanside Promenade, Mullaloo, in “Schedule 2 – Section 1 (Clause 3.15) – Additional Uses” as follows:*

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-20	10 Oceanside Promenade, Mullaloo	Lot 100	While the building comprised in Strata Plan 47048 remains on this site, Strata Lots 4 and 10 of Strata 47048 may be used as multiple dwellings (permanent residential accommodation), notwithstanding that the R20 density code applies to the land.

- 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;*
- 3 *NOTES that the scheme amendment is proposed as a result of the decision of the State Administrative Tribunal in the Owners of Strata Plan 18449 v the City of Joondalup (2005) WASAT 304, deciding that at density codes of R30 or less multiple dwellings are not permissible;*
- 4 *NOTES for the sake of clarity on this issue that strata lots 3, 8 and 11 are designated as grouped dwellings, and that strata lots 1, 2, 5, 6, 7, 9 and 12 are designated residential building (short stay).*

## DETAILS

The proposed amendment seeks to clarify that, in relation to the existing Mullaloo Tavern development, two of the permanent dwellings may be utilised as multiple dwellings.

The full background and details are outlined in the June 2007 report (CJ118-06/07) to Council.

### Link to Strategic Plan:

Not Applicable

### Legislation – Statutory Provisions:

Part 5 of the *Planning and Development Act 2005* enables local authorities to amend a Town Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purposes of public advertising at its June meeting. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

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

**Risk Management considerations:**

There is a risk to Council if the status of the permanent residential units is not affirmed. Queries about the land uses need to be directly answered to give owners or potential purchasers reassurance. There is a prospect of action against Council in various forms and by various parties if Council does not make best endeavours to clarify this situation in good faith.

**Financial Implications**

The costs of being engaged in a civil action (by the owners or potential purchasers) or a section 211 investigation under the *Planning and Development Act 2005* are potentially considerable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The amendment was advertised in writing to all adjoining landowners, a notice placed in the Joondalup Community newspaper and Western Australian newspaper and a sign placed on the site. A notice was also placed on the City's website. Public advertising occurred for a period of 42 days, closing on 19 September 2007.

A total of 33 submissions were received, 28 of which were objections to the proposed amendment, three were from government agencies that had no objection, and the remaining two submissions were neutral. The submissions received have been included in the Schedule of Submissions (Attachment 2 refers).

**COMMENT**

Submissions

Submissions of objection state that Council is seeking to bypass the density of the site, circumvent Town Planning law, and facilitate an illegal development.

It is a fact that the proposed amendment does not facilitate any change in density of the site. There would be no physical change to the development as a result of Amendment 38. The amendment does seek to rectify an existing situation that has occurred as a result of the 2005 SAT decision, which, in opinion of SAT, means that multiple dwellings are not permitted in density codes below R35.

In a practical application, it does not matter whether the permanent residents live above each other on the third and fourth floors of the development, or whether they live next door to each other. Either scenario does not present any new or changed planning circumstances. Neither option would be immediately discernible to adjoining neighbours, customers, or passers by.

It is recommended that the amendment be adopted for final approval without modification and the documents be subsequently endorsed and submitted to the WAPC for determination.

## **ATTACHMENTS**

- Attachment 1 – Location Plan
- Attachment 2 – Submission Schedule
- Attachment 3 - Submissions
- Attachment 4 - Location Plan of Submitters

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 Pursuant to regulation 17(2) of the *Town Planning Regulations 1967* ADOPTS as final Amendment No 38 to the City of Joondalup's District Planning Scheme No. 2 without modification;**
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision.**

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf091007.pdf](#)



## **ITEM 9                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – AUGUST 2007 - [07032] [05961]**

**WARD:**                    All

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

### **PURPOSE**

To report on the number and nature of applications considered under Delegated Authority.

### **EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to a committee or an employee of the City.

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

The normal monthly report on Town Planning Delegations identifies:

- 1     Major development applications
- 2     Residential Design Codes
- 3     Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of August 2007 (see Attachments 1 and 2 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for August 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of August 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	94	18,331,093
R-Code variations (Single Houses)	114	7,569,689
<b>Total</b>	<b>208</b>	<b>25,900,782</b>

The number of development applications received in August 2007 was 125. (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Processed Under Delegated Authority Month of August 2007</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	4	457 residential 2 commercial
Strata Subdivision Applications	3	8

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 17 July 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

## **DETAILS**

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

Not Applicable

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

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

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

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk Management considerations:**

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

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

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

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

Of the 94 development applications determined during August 2007, consultation was undertaken for 42 of those applications. Of the 7 subdivision applications determined during August 2007 no applications were advertised for public comment, as the proposals complied with the relevant requirements.

**COMMENT**

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

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

**ATTACHMENTS**

Attachment 1	August 2007 decisions - Development Applications
Attachment 2	August 2007 Subdivision Applications processed

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the determinations made under Delegated Authority in relation to the:**

- 1 development applications for August 2007 forming Attachment 1 to this Report;**
- 2 subdivision applications for August 2007 forming Attachment 2 to this Report.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf091007.pdf](#)

## **ITEM 10 NAMING OF PUBLIC OPEN SPACE RESERVE 49154, OZONE ROAD, MARMION CONSIDERATION FOLLOWING ADVERTISING - [60601]**

**WARD:** South

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

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### **PURPOSE**

For Council to consider the names suggested as a result of public submissions for the public open space created as part of the subdivision of the former CSIRO site, Marmion.

### **EXECUTIVE SUMMARY**

The site has been subdivided into 34 residential lots and a public open space area of 2257sqm. The public open space site is bounded by Cliff and Leach Streets, and Ozone Road. The area of public open space (known as Reserve 49154) requires naming.

City Policy 7-6 states that it is preferred that public open space be named after an adjacent street, for ease of identification. Any departure from this policy is referred to Council for consideration.

Council at its July 2007 meeting resolved to seek public suggestions for the naming of the reserve. Twenty three submissions were received, including a 9 signature petition. Sixteen of the submissions suggested 'Magpie' as the Reserve name.

It is recommended that Council selects 'Magpie' as the Reserve name, and advise the Geographic Names Committee.

### **BACKGROUND**

At its meeting held on 17 July 2007, it was resolved that Council:

*"ADVERTISES seeking public submissions for the naming of the Reserve 49154, created as part of the subdivision of the former CSIRO site Cliff Street, cnr Ozone Road, Marmion, for a period of 21 days."*

### **DETAILS**

Options

Council can:

- Support the one of the proposed names for the POS that complies with the naming guidelines, and advise the Geographic Names Committee of the decision.
- Not support the proposed names, and choose an alternative name in accordance with naming guidelines.

**Link to Strategic Plan:**

Not Applicable.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Policy Implications**

The Geographic Names Committee (GNC) advises the Minister for Lands on naming matters in Western Australia. The GNC guidelines are Attachment 2.

City policy 7-6 (Attachment 3 refers) accords with the GNC Guidelines as applied to the naming of streets and reserves, and states that parks and reserves shall be named after an adjacent road, where possible, to facilitate ease of identification. Council can consider exceptions, although these should still be in accordance with the GNC guidelines.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

A notice seeking suggested names for the Reserve placed in the local paper and on the City's website. Letters were sent to nearby owners, and two signs were also erected on the site. The advertising period was 21 days.

A total of 23 submissions were received, including a 9 signature petition. A schedule of submissions is included in attachment 4. Copies of all submissions have been placed in the Councillors' reading room.

**COMMENT**

The 23 submissions have suggested 7 names (or close variants), with most names being in accordance with the GNC naming guidelines.

The most suggested name was Magpie Park/Reserve. Although magpies' normal habitat is woodlands with tall trees for nesting and shelter, the name itself would not contradict the GNC naming guidelines. One submission states that magpie actually stands for Marmion Action Group. As the area of POS is designated a Reserve, and has a reserve number, 'Reserve' is the appropriate suffix for any name.

The GNC guidelines indicate a name should have evidence of 'strong community support'. The GNC has verbally indicated that the decision on what constitutes 'strong' community support is for Council to decide, although suggested that 75% of submissions in support of a name would be guide. In this case 70% of the submissions received suggested 'Magpie' and this could reasonably show a substantial level of support for this name.

Alternatively, Council could adopt 'Ozone' as the Reserve name, without any further advertising, as the name is preferred under the guidelines.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Naming Principles, Guidelines and Procedures.
Attachment 3	City Policy 7-6 - Naming of Public Facilities.
Attachment 4	Public Submissions received during the public consultation period.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 ADOPTS the name 'Magpie Reserve' for Reserve 49154, created as part of the subdivision of the former CSIRO site Cliff Street, cnr Ozone Road, Marmion;**
- 2 ADVISES the Geographical Names Committee of the adopted name;**
- 3 AUTHORISES the erection of a plaque on Reserve 49154, acknowledging that the site was previously occupied by the CSIRO marine research facility.**

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf091007.pdf](#)*

<b>Name/Position</b>	<b>Mr Mike Smith, Acting Director Governance and Strategy</b>
<b>Item No/Subject</b>	Item 11 - Community Sport and Recreation Facilities Fund
<b>Nature of interest</b>	Interest that may affect impartiality
<b>Extent of Interest</b>	Mr Smith is a life member of the Joondalup Districts Cricket Club

## **ITEM 11 COMMUNITY SPORT AND RECREATION FACILITIES FUND (CSRFF) - [22209]**

**WARD:** All

**RESPONSIBLE A/DIRECTOR:** Mr Chris Terelinck  
Planning and Community Development

### **PURPOSE**

To provide details and recommendations on the applications received for the Department of Sport and Recreation's Community Sport & Recreation Facilities Fund (CSRFF).

### **EXECUTIVE SUMMARY**

The Department of Sport & Recreation has allocated nine (9) million dollars from the Community Sport & Recreation Facility Fund for the 2007/08 round of applications, to be funded in the 2008/09 financial year. The City of Joondalup is required to assess, rank and rate all applications received from sporting and community groups located within the region. Applications are assessed in relation to the level of planning undertaken including coordination with other users, the project's ability to increase physical activity and its overall financial viability.

Four (4) community sporting groups have submitted applications for consideration. In addition, the City has developed an application for the construction of additional aquatic facilities at the City of Joondalup Leisure Centres - Craigie. In total, five (5) applications have been assessed.

*It is recommended that Council:*

- 1 *ENDORSES the relevant priority rankings and applicant ratings for each project, as stated below:*

	<b>Priority Rank</b>	<b>Applicant's Rating</b>
1	City of Joondalup	A. Well planned and needed by the municipality.
2	Beaumaris Sports Association	A. Well planned and needed by the municipality.
3	Joondalup Kinross Junior Football Club	B. Well planned and needed by the applicant.
4	Northern Warriors Veterans Football Club	B. Well planned and needed by the municipality.
5	Sorrento Football Club	B. Well planned and needed by the applicant.

- 2 *NOTES that the City's CSRFF application seeks \$1,414,813 from the Department of Sport and Recreation for the development of a 50m pool as part of the aquatic facilities upgrade at City of Joondalup Leisure Centres - Craigie;*
- 3 *LISTS \$147,166 for consideration in the 2008/09 draft budget for an upgrade to the floodlighting at the Iluka District Open Space, subject to the Beaumaris Sports Association meeting one third (1/3) of the project's total cost, and the Association being granted \$147,166 from the Community Sport & Recreation Facilities Fund;*
- 4 *LISTS \$94,704 for consideration in the 2008/09 draft budget for an extension to the clubroom facility at Windermere Park, subject to the Joondalup Kinross Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$94,704 from the Community Sport & Recreation Facilities Fund;*
- 5 *LISTS \$13,517 for consideration in the 2008/09 draft budget for an upgrade to the floodlighting at Forrest Park, subject to the Northern Warriors Veteran Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$13,517 from the Community Sport & Recreation Facilities Fund;*
- 6 *LISTS \$54,516 for consideration in the 2008/09 draft budget, subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional capital costs to upgrade the floodlighting to 'match play' standards and the Club being granted \$56,940 from the Community Sport & Recreation Facilities Fund.*

## **BACKGROUND**

The Department of Sport & Recreation's CSRFF program aims to increase physical activity and participation through the development of good quality, well designed infrastructure for sport and recreation.

The CSRFF program represents a partnership opportunity for community organisations to work with Local Government Authorities and the Department of Sport & Recreation. A CSRFF grant will not exceed one third (1/3) of the total completed cost of the project, with the remaining funds to be contributed by applicant's own cash or 'in-kind' contribution, and the Local Government Authority. CSRFF grants are available in one of two categories:

1. Annual Grants, and
2. Forward Planning Grants.

Annual grants are of a less complex nature and have a total project value of between \$2,500 and \$90,000, while forward planning grants are for projects requiring a period of between one and three years to complete with a maximum grant amount of \$1.8 million.

The City of Joondalup is required to place a priority ranking and rating on applications from organisations that fall within its boundaries using the following descriptions:

- Well planned and needed by municipality
- Well planned and needed by applicant
- Needed by municipality, more planning required
- Needed by applicant, more planning required
- Idea has merit, more preliminary work needed
- Not recommended



### Application Process

Following last year's CSRFF program, the City conducted a review of the process used to engage and liaise with community sporting clubs/associations. Previously, the process began in June of each year with applications closing in September. This provided little time for applicants to fully meet the strict requirements of the program and was impacting on the standards of the applications being submitted.

A strong emphasis was placed on a planned approach towards CSRFF applications and as a result, the City revised its CSRFF process to reflect this principle. The application process undertaken in 2007 is detailed below:

February	<b>Program Launch</b> <i>Advertisement in Community Newspaper, email to Clubs/Associations.</i>
March	<b>Expressions of Interest</b> <i>Eligibility Criteria, Project Feedback.</i>
April	<b>CSRFF Workshop</b> <i>Conducted by the Department of Sport &amp; Recreation.</i>
May - August	<b>Application Development</b> <i>Ongoing meetings with Clubs.</i>
September	<b>Applications Close</b> <i>Follow up meetings - applications finalised.</i>

### **DETAILS**

The City of Joondalup has received four (4) applications from local community sport and recreation clubs/associations. In addition, the City has developed an application for a forward planning grant. A breakdown of the funding requested for each application has been included as Attachment 1, with a copy of the project assessments detailed in Attachment 2.

A project summary and justifications for the City's recommendations have been developed for each application.

#### **Project 1- City of Joondalup**

##### Project Summary

Description: Upgrade of aquatic facilities at City of Joondalup Leisure Centres - Craigie including a 50m 8-lane swimming pool, zero depth aquatic play area and associated facilities and equipment.

Total Project Cost:	\$7,603,649
City of Joondalup Contribution:	\$6,188,836
CSRFF Grant Requested:	\$1,414,813

Assessment Summary

Assessment Criteria	Evidence Provided			
	High	Medium	Low	N/A
Project Justification	✓			
Financial Viability	✓			
Potential to Increase Physical Activity	✓			
Planned Approach	✓			
Design	✓			
Co-ordination	✓			

Recommendation Summary

Ranking: 1  
Rating: Well planned and needed by the municipality.

**Project 2- Beaumaris Sports Association**Project Summary

Description: Upgrade of floodlighting infrastructure to Australian Standards at the Iluka District Open Space. The project involves the installation of eight (8) poles to provide a dedicated training area for small ball sports (cricket and hockey- 250 lux) on the western side of the oval and large ball sports (rugby and soccer- 50 lux) on the eastern side of the oval.

Total Project Cost: \$441,500  
City of Joondalup Grant Requested: \$147,166

Assessment Summary

Assessment Criteria	Evidence Provided			
	High	Medium	Low	N/A
Project Justification	✓			
Financial Viability	✓			
Potential to Increase Physical Activity	✓			
Planned Approach	✓			
Design	✓			
Co-ordination		✓		

Recommendation Summary

Ranking: 2  
Rating: Well planned and needed by the municipality.  
Funding Recommended: \$147,166

**Project 3- Joondalup Kinross Junior Football Club**Project Summary

Description: Upgrade to the clubroom facility at Windermere Park including an extension to the existing function area (clubroom), construction of two (2) designated changerooms, expansion to the undercover areas and the construction of two (2) storage areas.

Total Project Cost: \$284,113  
City of Joondalup Grant Requested: \$ 94,704

Assessment Summary

Assessment Criteria	Evidence Provided			
	High	Medium	Low	N/A
Project Justification	✓			
Financial Viability	✓			
Potential to Increase Physical Activity		✓		
Planned Approach	✓			
Design	✓			
Co-ordination	✓			

Recommendation Summary

Ranking: 3  
 Rating: Well planned and needed by the applicant.  
 Funding Recommended: \$94,704

**Project 4 - Northern Warriors Veterans Football Club**Project Summary

Description: Upgrade of the floodlighting to Australian Standards at Forest Park including the utilisation of three (3) existing floodlighting poles and the installation of two (2) floodlighting poles.

Total Project Cost: \$40,551  
 City of Joondalup Grant Requested: \$13,517

Assessment Summary

Assessment Criteria	Evidence Provided			
	High	Medium	Low	N/A
Project Justification	✓			
Financial Viability	✓			
Potential to Increase Physical Activity	✓			
Planned Approach	✓			
Design	✓			
Co-ordination		✓		

Recommendation Summary

Ranking: 4  
 Rating: Well planned and needed by the municipality.  
 Funding Recommended: \$13,517

**Project 5 - Sorrento Football Club**Project Summary

Description: Install floodlighting to Australian Standards on Pitch No. 1 at Percy Doyle Reserve. The project involves the installation of four (4) floodlighting poles to match play standards.

Total Project Cost: \$170,820  
 City of Joondalup Grant Requested: \$54,516

Assessment Summary

Assessment Criteria	Evidence Provided			
	High	Medium	Low	N/A
Project Justification	✓			
Financial Viability		✓		
Potential to Increase Physical Activity	✓			
Planned Approach	✓			
Design	✓			
Co-ordination	✓			

Recommendation Summary

Ranking: 5  
Rating: Well planned and needed by the applicant.  
Funding Recommended: \$62,634

**Link to Strategic Plan:**Community Wellbeing

Outcome The City of Joondalup provides social opportunities that meet community needs.

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

Strategy 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

Strategy 1.3.3 Provide support, information and resources.

**Legislation – Statutory Provisions:**Australian Standard AS2560.2.3 - Guide to Sports Lighting for Football (All Codes)

This code sets out specific recommendations for the lighting of outdoor football grounds for all codes commonly played in Australia (Rugby League, Rugby Union, Australian Rules and Soccer). The standard provides recommendations on lighting to facilitate training and match standards of play.

Australian Standard AS2560.2.7 - Guide to Sports Lighting for Hockey – Outdoor

This code sets out specific recommendations for the lighting of outdoor hockey grounds for standards associated with ball training for juniors and minor grade clubs, as well as major grade clubs, national and international levels.

**Risk Management considerations:**

For floodlighting projects, it is always important to consider that safety standards will increase as a result of upgrades. All proposed upgrades meet current Australian standards for floodlighting.

**Financial/Budget Implications:**

It is proposed that the funding recommendations presented to Council be listed for consideration in the City's 2008/09 draft budget, subject to approval for the projects being provided by CSRFF. It is anticipated that the Department of Sport and Recreation will advise the outcome of assessments in March 2008.

**Policy Implications:**

The assessment process undertaken for the CSRFF program is in line with the following City policies:

City Policy 5-2	Community Funding
City Policy 6-1	Reserves, Parks and Recreation Grounds
City Policy 7-3	Community Facilities – Built

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The CSRFF program aligns with the City's strategic plan and supports the goals and objectives of leisure and recreational services in the provision of increased opportunities for participation in sport and physical activity.

The City has followed a clear and equitable process to enable applicants the opportunity to meet with City staff and receive feedback on their proposed projects to ensure that their application meets the program aims and objectives.

The CSRFF program assists to facilitate the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive effect on community access to leisure, recreational and health services.

**Consultation:**Community Consultation

The City undertook a community consultation process for all CSRFF applicants. A letter was sent to local residents, along with a plan of the particular park and the locations of all proposed projects. Residents were invited to forward any concerns in writing to the City, or contact the Recreation Development Officer if they required any more information before forming their opinions.

A consultation period of 20 days was provided for submissions to be made, with a distribution area of 200 - 250m around each location. The number of letters sent and comments received are detailed in Attachment 3.

**COMMENT**

The Department of Sport & Recreation, through the CSRFF, aims to increase participation in sport and recreation with an emphasis on physical activity, through rational development of sustainable, good quality, well-designed and well-utilised facilities. The CSRFF provides the City with an excellent opportunity to upgrade community facilities and City infrastructure with the support of the state government (Department of Sport and Recreation) and the community organisations that will directly benefit from the upgrades.

The program guidelines list floodlighting projects specifically as applications that will be considered for funding assistance. This indicates that the Department of Sport & Recreation recognises the need to improve the provision of floodlighting on active sporting fields to develop quality facilities that are safe for all participants. Improved floodlighting facilitates the important philosophies associated with sport and recreation of multi-use and shared use, whilst assisting in the long-term maintenance of the grounds by enabling even wear.

It is considered that the Northern Warrior Veteran Football Club, Beaumaris Sports Association and Sorrento Football Club applications will have a positive impact on the provision of opportunities for increased participation in physical activity, but providing more opportunities for usage of active sporting reserves. Supporting these projects represents a sound financial commitment toward sport and recreation in the Joondalup region for clubs and the community in general.

The Joondalup Kinross Junior Football Club application will assist in the provision of community facilities in the northern suburbs of the City, supporting the large existing member base, and the increasing residential population in the region. By supporting this project, the City is facilitating the delivery of physical activity, by allowing the Joondalup Kinross Junior Football Club and Joondalup Kinross Cricket Club to provide a safer and more comfortable environment to football and cricket participants.

The aquatic facilities upgrade at City of Joondalup Leisure Centres - Craigie has been designed to meet identified community need. A feasibility study has been conducted to illustrate the commercial viability for the project, along with considerable evidence to support the physical activity benefits of a 50m pool. This component of the overall project is designed to meet the eligibility criteria of the CSRFF guidelines, and will have along term positive impact on the sport and recreation opportunities in the region.

## **ATTACHMENTS**

Attachment 1	2007/08 CSRFF Breakdown of Project Costs
Attachment 2	2007/08 CSRFF Project Assessments
Attachment 3	Summary of Community Consultation

## **VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council:**

- 1 ENDORSES the relevant priority rankings and applicant ratings for each project, as stated below:**

<b>Applicant's Rank</b>	<b>Applicant's Rating</b>
<b>1 City of Joondalup</b>	<b>A. Well planned and needed by the municipality.</b>
<b>2 Beaumaris Sports Association</b>	<b>A. Well planned and needed by the municipality.</b>
<b>3 Joondalup Kinross Junior Football Club</b>	<b>B. Well planned and needed by the applicant.</b>
<b>4 Northern Warriors Veterans Football Club</b>	<b>B. Well planned and needed by the municipality.</b>
<b>5 Sorrento Football Club</b>	<b>B. Well planned and needed by the applicant.</b>

- 2 NOTES that the City's CSRFF application seeks \$1,414,813 from the Department of Sport and Recreation for the development of a 50m pool as part of the aquatic facilities upgrade at City of Joondalup Leisure Centres - Craigie;**
- 3 LISTS \$147,166 for consideration in the 2008/09 draft budget for an upgrade to the floodlighting at the Iluka District Open Space, subject to the Beaumaris Sports Association meeting one third (1/3) of the project's total cost, and the Association being granted \$147,166 from the Community Sport & Recreation Facilities Fund;**
- 4 LISTS \$94,704 for consideration in the 2008/09 draft budget for an extension to the clubroom facility at Windermere Park, subject to the Joondalup Kinross Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$94,704 from the Community Sport & Recreation Facilities Fund;**
- 5 LISTS \$13,517 for consideration in the 2008/09 draft budget for an upgrade to the floodlighting at Forrest Park, subject to the Northern Warriors Veteran Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$13,517 from the Community Sport & Recreation Facilities Fund; and**
- 6 LISTS \$54,516 for consideration in the 2008/09 draft budget, subject to the Sorrento Football Club meeting one third (1/3) of the project's total cost plus all additional capital costs to upgrade the floodlighting to 'match play' standards and the Club being granted \$56,940 from the Community Sport & Recreation Facilities Fund.**

*Appendix 9 refers*

To access this attachment on electronic document, click here: [Attach9brf091007.pdf](#)

**ITEM 12                      PROPOSED CHANGE OF USE FROM NON-RETAIL  
TENANCIES TO SHOP – KINROSS  
NEIGHBOURHOOD SHOPPING CENTRE: LOT 2278  
(3) SELKIRK DRIVE, KINROSS - [67572]**

**WARD:**                      North

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

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**PURPOSE**

To request Council's determination of an application for planning approval for a proposed change of use from non-retail tenancies to shop use at several tenancies within Kinross Neighbourhood Shopping Centre (KNSC) at Lot 2278 (3) Selkirk Drive, Kinross, including a request for Council to accept a cash-in-lieu payment for a shortfall of 39 bays.

**EXECUTIVE SUMMARY**

The KNSC is located on the north east corner of Connolly Drive and Selkirk Drive and was approved by Council at its meeting of 11 October 2005 (CJ217 – 10/05). The centre opened for trading in early November 2006.

The maximum retail net lettable area (NLA) originally approved as part of the development was 3,000m<sup>2</sup>. Amendment No. 34 to the City's District Planning Scheme No.2 (DPS2) subsequently increased the maximum allowable NLA for the shopping centre site from 3,000m<sup>2</sup> to 4,000m<sup>2</sup>.

In 2006, the applicant submitted amended plans proposing a change of use of eleven non-retail tenancies to a "shop" use, which would have increased the total retail NLA for the shopping centre to 4,000m<sup>2</sup>. This proposed increase to the retail floor space would have resulted in a total parking shortfall of 39 car bays.

In order to address the potential car parking shortfall, the applicant subsequently revised the application and proposed to keep four tenancies closed until adequate parking was provided. Council approved this revised proposal at its meeting of 31 October 2006.

The applicant is now seeking approval to use the four tenancies for retail purposes. In support of this request, the applicant has prepared a parking assessment to review the current and long term parking demands associated with the KNSC, and requests that Council accept a cash-in-lieu payment for the shortfall on site.

Based on the findings of this report, it is recommended that the proposed change of use and cash-in-lieu payment be supported.



## BACKGROUND

<b>Suburb/Location:</b>	Lot 2278 (3) Selkirk Drive, Kinross
<b>Applicant:</b>	J. Prestipino Building Designs Pty Ltd
<b>Owner:</b>	Adriatic United Pty Ltd (lot 2278)
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Structure Plan:</b>	Kinross Neighbourhood Centre Structure Plan
<b>Site Area:</b>	1.3876ha

The subject site is zoned “Centre” under the City’s District Planning Scheme No 2, with its development guided by the criteria set out in the Kinross Neighbourhood Centre Structure Plan.

The Kinross Neighbourhood Centre Structure Plan is made up of three major areas. The western most component is for “Commercial” use (Lot 2278), and is the subject of the current application.

A vacant site, which is owned by the Crown and earmarked for community and civic purposes (Lot 2277), is located directly to the east of the subject site. The third area is a “Residential” area with a density coding of R40. This area is located to the west of Balliol Elbow, and has been generally developed as residential housing.

To the north of the subject site is an area of public open space (McNaughton Park) with existing playing fields, clubrooms and skate-park. Established residential land is located to the south of the site, on the opposite side of Selkirk Drive.

The KNSC was approved by Council at its meeting of 11 October 2005, and consisted of:

- Supermarket
- Café / deli
- Liquor store
- Two take away food outlets
- Eleven non-retail tenancies
- Two ATMs

The total approved retail NLA of the centre was 3000m<sup>2</sup>, and was shared between the supermarket (2518m<sup>2</sup>) and the café / deli, liquor store and take away food outlets.

At its meeting of 4 April 2006, Council resolved to adopt Amendment No. 34 to DPS2, which proposed to increase the maximum retail NLA of the KNSC from 3000m<sup>2</sup> to 4000m<sup>2</sup>. Amendment 34 was subsequently gazetted on 26 May 2006.

Following the gazettal of Amendment No 34, the landowner lodged an additional three planning applications for the subject site, being:

1. An application for a change of use of eleven non-retail tenancies to shop use, increasing the retail NLA of the centre from 3,000m<sup>2</sup> to 4,000m<sup>2</sup> for the shopping centre;
2. An application for retrospective approval of a loading dock;
3. An application to provide 25 additional car bays (inclusive of one bay straddling both lots) on the adjoining Crown land to the east of the KNSC (Lot 2277), with access from Balliol Elbow.

Council considered these applications at its meeting of 31 October 2006. At this meeting, Council resolved to:

- Approve Application 1, subject to 4 tenancies not being utilised until adequate car parking was provided;
- Approve Application 2; and
- Advise the applicant that it was unable to consider Application 3 as the MRS Form 1 (planning application form) had not been counter-signed by the Department of Land Information.

Application 1 increased the retail NLA of the KNSC to 3,360m<sup>2</sup>.

## DETAILS

The applicant is proposing a change of use for four non-retail tenancies to a shop use at Kinross Neighbourhood Shopping Centre. This would entail an increase in the retail NLA from 3,360m<sup>2</sup> to 4,000m<sup>2</sup> for the centre. The change of use would result in an increase in parking demand over the site, requiring a total of 284 car bays.

**TABLE 1 – ON-SITE PARKING FIGURES**

Land Use	Area (m <sup>2</sup> )	Parking Ratio	Total No Car bays Required
Retail Floorspace	4,000	7 bays per 100m <sup>2</sup>	280
Non-Retail Floorspace	116	1 bay per 30m <sup>2</sup>	3.86
<b>Total Required</b>			<b>284</b>

The total number of parking bays provided on site is 245. Subsequently, a 39 bay shortfall would be created if the subject application is approved.

In support of the change of use application, the applicant has submitted a traffic and parking report. The applicant's justification for the proposal is as follows:

- The requirement for 284 bays on site is excessive for a centre of this size;
- There will be no adverse effects to the occupiers and users of the centre or the surrounding community;
- The provision of existing bays on site is more than the 75% required under the City's Cash-In-Lieu Policy;
- The Kinross Neighbourhood Centre Structure Plan advocates shared access arrangements between the shopping centre and adjacent community purposes site.

The applicant has requested that instead of providing car bays on site, a cash-in-lieu payment be made to the City for the 39 bay shortfall.

## 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 recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective 3.2	To provide and maintain sustainable economic development.
Strategy 3.2.1	Assist in the facilitation of local employment opportunities.

**Legislation – Statutory Provisions:**DPS2

The following clauses of DPS2 are specifically relevant to this application:

**4.11 Car Parking – Cash in Lieu or Staging**

4.11.1 The Council may permit car parking to be provided in stages subject to the developer setting aside for future development for parking the total required area of land and entering into an agreement to satisfactorily complete all the remaining stages when requested to do so by the Council.

4.11.2 *Council may accept a cash payment in lieu of the provision of any required land for parking subject to being satisfied that there is adequate provision for car parking or a reasonable expectation in the immediate future that there will be adequate provision for public car parking in the proximity of the proposed development.*

4.11.3 *The cash payment shall be calculated having regard to the estimated cost of construction of the parking area or areas suitable for the proposed development and includes the value, as estimated by the Council, of that area of land which would have had to be provided to meet the car parking requirements specified by the Scheme. The cash payment may be discounted and may be payable in such manner as the Council shall from time to time determine.*

4.11.4 *Any cash payment received by the Council pursuant to this clause shall be paid into appropriate funds to be used to provide public car parks in the locality as deemed appropriate by Council.*

**6.8 Matters to be considered by Council**

6.8.1 *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme, the Council is required to have due regard;*

- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

#### Kinross Neighbourhood Centre Structure Plan

Of relevance is clause 6.2viii of the above structure, which states:

#### 6.2 *Civic and Cultural Land Use Area*

- viii. *Parking circulation shall be linked with the abutting Commercial Land Use Area in the location shown in the Development Plan, and the City may require the application of reciprocal rights of access.*

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

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

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

The applicant has requested a cash payment in lieu of 39 car parking bays. Based on the applicable rate of \$22,820 per bay, this amounts to a cash-in-lieu requirement of \$889,980 for 39 car bays.

#### **Policy Implications:**

Not Applicable.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was not advertised for public comment, on the basis that Amendment No 34 to DPS2, which increased the permitted retail NLA at the centre from 3000m<sup>2</sup> to 4000m<sup>2</sup>, was previously advertised for public comment in 2006.

**COMMENT**

The existing shopping centre was approved and built with a retail NLA of 3000m<sup>2</sup>. Following the approval of Amendment No 34 to DPS2, Schedule 3 of the Scheme has been modified to allow a maximum retail NLA of 4000m<sup>2</sup> for the KNSC (Lot 2278). The applicant is requesting an increase in the retail NLA from 3360m<sup>2</sup> to 4000m<sup>2</sup> through a change of use application for 4 non-retail tenancies.

While the concept of the increase in retail floorspace is considered acceptable, the main issue for this proposal is the impact the additional 640m<sup>2</sup> of retail NLA on the overall parking provision at the site. The original Council approval and subsequent modifications resulted in an overall parking provision of 245 bays across the site. The increase of retail NLA to 4000m<sup>2</sup> creates a demand for 284 bays, resulting in a shortfall of 39 bays.

Under the current approvals, the 4 existing tenancies cannot be utilised due to the insufficient provision of car parking by DPS2 standards. The applicant engaged consultants to prepare a traffic and parking study based on existing circumstances to demonstrate that the existing car parking is sufficient to meet anticipated demand.

The main findings of the study are that:

- The current peak parking demand for the centre results in only 33% of the centre's car bays being occupied;
- Factoring in the proposed retail NLA increase of 600m<sup>2</sup>, the car park would be 47% utilised at peak periods;
- Adjusting for peak use in December and adding an extra 20% to cater for any incidental increased demand, the total required number of bays is 222 bays, compared to the 245 car parking spaces provided – an excess of 23 car parking spaces.

The traffic and parking report has been reviewed by the City, which is satisfied with its contents and recommendations. The existing parking provision is considered to be sufficient to accommodate the additional demand created by the increased retail NLA.

The applicant has proposed a cash-in-lieu payment for the shortfall of the 39 car parking spaces based on DPS2 car parking provisions. If Council accepts the findings of the traffic and parking report and is satisfied that there is adequate provision for car parking, it can then accept the cash-in-lieu payment as set out in clause 4.11.2 of DPS2. Alternatively, it could vary the car parking standard of DPS2, or accept a combination of a cash-in-lieu payment and variation to the car parking standard.

It is noted that the KNSC Structure Plan advocates shared access arrangements and the need for the parking circulation to be linked between the shopping centre site and the abutting community purposes site. As the community purposes site is owned by the Crown, the City does not have the legal authority to enter into a reciprocal rights agreement over this land, however, the City's lawyers are currently making arrangements with the Department of Planning and Infrastructure to secure an access easement over the community purposes site.

Based on the above, it is considered acceptable that a cash-in-lieu payment is acceptable in this instance as there will be an adequate provision of parking on the site based on the traffic and parking report provided by the applicants consultant thereby satisfying the requirement of Clause 4.11.2 of DPS2. Any money received by way of a cash in lieu payment is to be used to provide public car park in the locality, as deemed appropriate by Council. This may be utilised to provide additional car parking in the area on an as needed basis. Opportunities may exist to provide public parking abutting schools, public open space reserves or other locations (including the adjoining Community Purpose site) in the locality that may be identified following a study on the possible expenditure of any cash-in-lieu funds that may be received.

In summary, the proposed shortfall of on-site car parking bays and payment of cash-in-lieu are considered appropriate in this instance and are supported. Future public parking in the locality, if ever required, could be funded through the funds provided through the cash in lieu payment.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Illustrative Development Plan used in KNC Structure Plan

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

### **That Council:**

- 1 In regard to the application for planning approval for a change of use of four non-retail tenancies to shop use, on Lot 2278 (3) Selkirk Drive, Kinross, and in accordance with clause 4.11.2 of District Planning Scheme No 2, determines that a cash-in-lieu payment of 39 car parking spaces is appropriate in this instance;**
- 2 APPROVES the application for planning approval, dated 26 July 2007, submitted by J Prestipino Building Designs Pty Ltd on behalf of the owners, Adriatic United Pty Ltd, for a change of use of four non-retail tenancies to shop use, on Lot 2278 (3) Selkirk Drive, Kinross, subject to a cash-in-lieu payment being made to the City of Joondalup for 39 car parking spaces at rate of \$22,820 per bay.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf091007.pdf](#)

## **ITEM 13                    PROPOSED FOUR STOREY PLUS BASEMENT DEVELOPMENT OF 25 MULTIPLE DWELLINGS & 4 COMMERCIAL TENANCIES ON LOT 532 (53) DAVIDSON TERRACE, JOONDALUP - [40855]**

**WARD:** North

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

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for a development consisting of 25 multiple dwellings and 4 commercial tenancies at Lot 532 (53) Davidson Terrace, Joondalup.

### **EXECUTIVE SUMMARY**

An application has been received for the development of building containing 25 multiple dwellings and 4 commercial ground floor tenancies within the City Centre. The proposed building is to be 4 storeys in height plus a basement car parking area. The site is located on the north-eastern corner of Boas Avenue and Davidson Terrace, north of the City of Joondalup Council Offices.

The proposal was advertised for public comment and no submissions were received.

Council approved a similar development in April 2005 on the subject lot, however that approval was not acted upon, and has now lapsed. This proposal incorporates a number of minor changes to the previous design although the same discretions are being sought, relating to density, open space and single bedroom floor areas.

It is recommended that the application be approved.

### **BACKGROUND**

**Suburb/Location:** Joondalup  
**Applicant:** Greg Rowe and Associates  
**Owner:** Plazaline Pty Ltd  
**Zoning:**        **DPS:** Centre  
                      **MRS:** Central City Area  
**Site Area:** 1438m<sup>2</sup>  
**Structure Plan:** Joondalup City Centre Development Plan and Manual (JCCDPM)

The subject site is located on the corner of Davidson Terrace and Boas Avenue (Attachment 1 refers). The site is 1438m<sup>2</sup> in area and is vacant.

There is an existing single storey development to the north of the subject site, a three-storey development to the west (on the opposite side of Davidson Terrace) and the City offices on the southern side of Boas Avenue. A vacant site exists to the east of the subject site.

A six metre wide sewer, drainage, power and access easement is located within the property, along its eastern boundary. This easement provides access to the central public car parking area that services all land bounded by Boas Avenue, Davidson Terrace, Reid Promenade and Lakeside Drive. The easement incorporates a 4.6 metre vertical height component to prevent development encroaching into this area.

The property is zoned Centre under the City's District Planning Scheme No 2 (DPS2) and is subject to the provisions of the JCCDPM. Under the JCCDPM, the site is located within the Central Business District, and is designated for 'General City Uses'.

At its meeting held on 5 April 2005, Council approved an application for 25 multiple dwellings and 4 commercial tenancies on the subject site. The approved development incorporated variations to the JCCDPM and Residential Design Codes 2002 (RDC) as shown below:

- Density of R160 as the development was considered to be of significance to the Central City Area;
- Allowing 6 single bedroom units comprising an area of up to 89m<sup>2</sup> rather than the 60m<sup>2</sup> requirement under the RDC; and
- Provision of 21% open space in lieu of a minimum 60% requirement under the RDC.

The development has not commenced and the previous approval has now lapsed.

## DETAILS

The proposed development incorporates the following features:

- A four storey building with a maximum height of 13.5 metres. The building will include a basement area;
- Twenty five multiple dwellings consisting of 6 single bedroom dwellings, 16 two bedroom dwellings and 3 three bedroom dwellings;
- Four ground level commercial tenancies with a total floorspace of 526m<sup>2</sup> Net Lettable Floor (NLA);
- Provision of 43 on-site car bays provided with 8 bays (incorporating a disabled car bay and a small car bay) on the ground level to the eastern side of the site, and 35 bays being provided within the basement level;
- Vehicle access to the ground floor and basement car park provided from the easement access way on the eastern side of the property, accessible from Boas Avenue
- Storerooms for each residential unit;
- Gym, spa and BBQ facilities for residents and;
- Bin storage areas accessible from the eastern access way.

## Compliance with Standards

The compliance with the JCCDPM requirements is summarised below:

Standard	Required	Proposed
Front setback	0m	0m
Side setbacks	0m	0m
Rear Setbacks	No requirement	6.0m
Plot Ratio	1.5 (Residential component excluded)	0.36
Density Code	R20	R160
Height	13.5m	13.5m
Car Parking	43	43



Six single bedroom dwellings with floor areas varying from 84m<sup>2</sup> to 89m<sup>2</sup> are being proposed within the complex. These dwellings incorporate balconies which range in area from 10.2m<sup>2</sup> to 13.9m<sup>2</sup>. The balconies open directly from a habitable room and provide private open space for residents. Clause 4.1.3 of the RDC states that single bedroom dwellings are to have a maximum floor area of 60m<sup>2</sup>.

#### Previously Approved Development

The following changes have been made to the development from the previous approval:

- Relocation of store rooms;
- Provision of three car bays under the access ramp;
- Relocation of the entry lobby between commercial tenancies 1 and 2;
- Carparking adjustment for disabled bay;
- Provision of a small car bay to make allowance for a 1.5m x 1.5m south-eastern sight line truncation; and
- Modification of balconies to avoid the 4.6 metre vertical height requirement over the drainage and access easement.

In addition to the changes, an increase in commercial floor area is proposed from 510m<sup>2</sup> to 526m<sup>2</sup>. This has resulted in an increase in the required number of carparking bays from the original 42 car bays to the proposed 43 car 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 objective 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

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

The subject land is within the Centre zone of DPS2. The proposal incorporates several variations to the provisions of the JCCPM. Provisions of DPS2 enable Council to consider such variations.

The relevant clause in DPS2 is as follows:

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

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

- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7; and*
  - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

In exercising discretion under Clause 4.5, the considerations listed under Clause 6.8 are particularly relevant:

#### 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:**

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The development will provide additional commercial and high-density residential development in close proximity to services such as public transport, education and shopping within the City Centre, which is generally in accordance with sustainable development principles.

**Consultation:**

The proposal was advertised for public comment for a period of 21 days. Nearby owners were contacted in writing, two signs were placed on the site and an advertisement was placed in the Joondalup Times Newspaper and on the City's website. Advertising closed on 26 July 2007. No submissions were received.

**COMMENT**

In April 2005, Council approved a 25 multiple dwelling and 4 commercial tenancy development on the subject lot. The current proposal incorporate minor changes from the original proposal, however, no further variations from those previously approved are being sought.

### Land Use

The development is proposed within the 'General City Uses' precinct of the Central Business District under JCCDPM. The land use of Multiple Dwellings and Commercial are preferred uses.

### Density

As the JCCDPM does not include a specific density code for the 'General City Uses' precinct of the Central Business District, a 'default' density of R20 applies, however, Council can approve a higher density in accordance with the merits of the proposal.

Council previously granted a density of R160 for the original proposal based on the following supporting information:

- The development is located on a prominent corner of Davidson Terrace and Boas Avenue. The development is also located in close proximity to the City of Joondalup Council Offices, which will enhance the prominence of the area as a site of importance.
- The height (4 storeys) of the proposed development would add to the status of the structure. It is noted that most of the buildings in the immediate area are single and two storey in nature with the largest structure being a 3 storey building located across the road of Davidson Terrace to the west of the site.
- The structure having nil setbacks along the street frontages is also seen to increase the prominence of the structure on the corner site.
- The design of the development will enhance the area, due to a varied façade of balconies, windows and solid building materials.

Furthermore, Council has approved similar developments in the past with densities of this nature within the Central Business District. For example, Lot 10 (17) Davidson Terrace, Joondalup has 38 multiple dwellings and 6 commercial tenancies at a density of R159. On this basis, a density coding of R160 is considered to be appropriate within the City Centre.

The proposal will enhance the legibility and amenity of the area by creating a development, which reinforces the unique identity of the Central Business District forming a mixed-use development, which is conducive to pedestrian activity whilst maintaining a suitable interface between the streetscape and the built form.

### Floor Area for Single Bedroom Dwellings

The floor area of single bedroom units within this complex ranges from 84m<sup>2</sup> to 89m<sup>2</sup> and exceeds the 60m<sup>2</sup> maximum floor area requirement under clause 4.1.3 of the RDC.

The dwellings contain a living room and no more than one other habitable room that is capable of use as a bedroom. The only other rooms provided are the kitchen/dining and bathrooms. Therefore, the additional floor area proposed for the 6 single bedroom dwellings is considered to satisfy the performance criteria of the RDC, which states "dwellings that provide limited accommodation, suitable for one or two persons".

Additionally, if approved, the owner will be required to provide the necessary notations on the certificate of title of the land to state that the subject dwellings are designated as single bedroom dwellings only.

### Open Space

The RDC requires a minimum total of 60% open space for lots coded R160. (The RDC is used as a guide for development within the City Centre District). For the subject site, this would require approximately 863m<sup>2</sup> of open space. The applicant has provided 300m<sup>2</sup> of open space, which is a total of 21% of the site.

The performance criteria of the RDC states that open space should be provided around buildings:

- *to complement the building;*
- *to allow attractive streetscapes;*
- *to suit the future needs of the residents, having regard to the type and density of the dwelling.*

The proposed open space variation is considered to satisfy the performance criteria for the following reasons:

- The open space complements the building, as landscaping is proposed at ground floor level, which can be viewed internally from all levels;
- The ground floor courtyard provides a safe and secure open facility, which suits the needs of the residents of a high density development of this nature;
- Each dwelling provides a balcony for private open space purposes; and
- The restriction of a six metre easement to the east of the site limits the potential for development of an appropriate size within a CBD area.

Furthermore, the provision of additional facilities in the form of a gym and spa on the first floor and a BBQ area on the second floor are of benefit to the residents, which are not usually considered as open space for the purposes of the RDC.

It is considered that the proposed open space is sufficient and suits the needs of the residents within a high density development in a CBD environment.

### Conclusion

The proposed development is very similar to the proposal approved by Council in 2005, which has now lapsed. It is considered that the development proposal has satisfied the requirements of the JCCDPM and DPS2 in terms of the objectives for development within the City Centre.

The corner site is considered important in relation to its proximity to the surrounding locality. The development through its design, materials, prominence, bulk, interaction and proposed concentration of commercial and residential activity is seen to achieve status within the CBD area.

The variations sought for the proposed residential density, floor space increase for single bedroom dwellings and reduced open space requirements for the development are considered to be acceptable and will not have any adverse impact on the adjoining properties or the proposed residents. The proposal will make a positive contribution to the CBD.

It recommended the application be approved.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Perspective Drawings

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 EXERCISES discretion in relation to Clause 4.2.4 and 4.5 of District Planning Scheme No. 2 and determines that:**
  - (a) the development within the Central Business District with a residential density of R160 in lieu of R20;****is appropriate in this instance;**
- 2 EXERCISES discretion in relation to Clauses 3.1.1, 3.4.1 & 4.1.3 of the Residential Design Codes 2002 and determines that:**
  - (a) a floor area of up to 89m<sup>2</sup> for single bedroom dwellings in lieu of 60m<sup>2</sup>, having regard to the configuration of the units and their likely function;**
  - (b) a minimum open space requirement of 21% in lieu of 60% for lots zoned R160, having regard to the amenities proposed to be included in the communal open space area;****are appropriate in this instance;**
- 3 APPROVES the application for planning consent, dated 16 April 2007, submitted by Greg Rowe and Associates on behalf of the owners, Plazaline Pty Ltd for 25 Multiple Residential Dwellings and 4 Commercial Units at Lot 532 (53) Davidson Terrace, Joondalup subject to the following conditions:**
  - (a) The small car bay toward the south-east corner of the subject site as marked in RED on the approved plans shall be designed and identified as a small car bay;**

- (b) Carparking bays within the basement area as marked in RED on the approved plans shall be marked as either residential or commercial bays. There shall be 25 car bays designated for residential and 10 bays designated for commercial tenancies;
- (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the AS/NZS 2890.1 2004. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied;
- (d) Disabled carparking bays to be in compliance with the Building Code of Australia. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);
- (e) Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (f) At least 50% of the area of the ground floor façade shall be glazed and the horizontal dimension of the glazing shall comprise of 75% of the total building frontage;
- (g) The glazing on the ground floor is not to be obscure to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (h) Ground floor level of the building shall be at finished pedestrian level to allow ease of access and contribute to the animation of the streetscape;
- (i) All building finishes and materials used on the exterior of the building shall be robust, durae and resistant to vandalism to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (j) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (k) Each multiple dwelling to be provided with an adequate area for clothes drying that is screened from view from Davidson Terrace and Boas Avenue or alternatively to be provided with clothes drying facilities within the unit;
- (l) Should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (m) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure to the satisfaction of the Manager Approvals, Planning & Environmental Services;

- (n) All fencing to be designed and constructed in accordance with the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (o) Suitably screened bin storage areas are to be provided prior to the development first being occupied, in the location as shown on the approved plans. Such an area must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock;
- (p) A statement being included in the strata company by-laws notifying all future residents that the bins must be serviced from the bin store and must not be positioned along the Right-of-Way to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (q) No obscure or reflective glazing being used in the ground level commercial units facing Davidson Terrace and Boas Avenue;
- (r) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (s) A statement being included in the strata company by-laws notifying all future residents that this lot is located in the City Centre Area which is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment including rubbish collection, commercial activity and servicing;
- (t) The submission of an acoustic consultant's report demonstrating to the satisfaction of the Manager Approvals, Planning & Environmental Services that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (u) Common areas shall be landscaped and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (v) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals, Planning & Environmental Services, for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans;
- (w) Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;



- (x) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be shown on the building licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;
- (y) The minimum headroom (below all services) throughout the undercroft parking area shall be 2200mm. Confirmation of this requirement is to be included with the Building Licence application;
- (z) The above ground power dome at the north-eastern corner of the lot is to be relocated or made trafficable;
- (aa) The existing brick paved footpaths on Boas Avenue and Davidson Terrace are to be continued to the property boundary at a grade of 2% using pavers to match the existing, to the satisfaction of the Manager Infrastructure Management; and
- (bb) The owner/s of Lot 532 (53) Davidson Terrace, Joondalup shall provide necessary notations on the Certificate of Title of the land to state that the proposed single bedroom dwellings as shown on the approved plans are designated as “Single Bedroom Dwellings”, to the satisfaction of the Manager Approvals, Planning & Environmental Services.

*Appendix 11 refers*

To access this attachment on electronic document, click here: [Attach11brf091007.pdf](#)

## **ITEM 14                    WHITFORDS RATEPAYERS AND RECREATION ASSOCIATION COMMUNITY BUS - [07310]**

**WARD:** All

**RESPONSIBLE A/DIRECTOR:** Mr Chris Terelinck  
Planning & Community Development

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### **PURPOSE**

To provide Council with details of legal advice and a proposed course of action to finalise the terms of the agreement with the Whitfords Ratepayers and Recreation Association (WRRRA) for the community bus.

### **EXECUTIVE SUMMARY**

At its meeting on 22 May 2007, Council resolved to provide support and financial assistance to the Whitford Ratepayers & Recreation Association for its community bus service (CJ096 - 05/07). This decision involved WRRRA replacing the existing bus, the bus remaining an asset of the City and WRRRA entering into a five (5) year agreement with the City for the ongoing management and operation of the bus.

In developing a new agreement to comply with this resolution, the City engaged a legal consultant to amend the original draft agreement that had been developed in consultation with WRRRA. Legal advice outlined that the previous agreement cannot simply be amended, and that a new agreement of a more complex nature is required. This agreement would need to be similar to that of a vehicle hire agreement and as a result, there would be significant risks to the City.

The recommendation from the City's legal advisor is for the City to reconsider entering into a vehicle hire agreement and proceed on the basis of the original draft agreement with the WRRRA as the owner of the community bus.

*It is recommended that Council:*

- 1 *in accordance with Section 3.58(3) of the Local Government Act 1995, AGREES to give local public notice of the proposed disposition of the community bus to the Whitfords Ratepayers and Recreation Association;*
- 2 *NOTES that the procedure to be followed in (1) above invites submissions for a period of two (2) weeks following the placement of the local notice; and*
- 3 *BY AN ABSOLUTE MAJORITY, AGREES in the event that no objections are received during the local public notice period as detailed in (1) above, that the CEO proceed with the disposal of the community bus to the Whitford Ratepayers and Recreation Association in accordance with the existing delegated authority;*
- 4 *DEVELOPS a five (5) year agreement with the Whitford Ratepayers and Recreation Association detailing the City's support (licensing insurance and maintenance) for the service.*

## BACKGROUND

In 2005, the WRRRA approached the City to commence the process for purchasing a new bus (at WRAA's expense), requesting that the City purchase the bus at a discounted rate and keep it on the City's asset register.

At the 22 May 2007 Council meeting (CJ096 - 05/07 refers), it was recommended that the City transfer ownership of the community bus to the WRRRA and enter into an agreement detailing its support for the community bus service. The City had worked with the WRRRA to develop a draft agreement in line with this arrangement and was seeking endorsement for the process to commence. This agreement was relatively short and had a limited number of obligations for each party.

Council resolved to:

- 1 *Council AGREES to dispose of the existing Toyota Coaster (22 seat) bus and purchase a new equivalent seat bus to be provided to the Whitfords Ratepayers and Recreation Association Inc for a community bus service, SUBJECT TO the Whitfords Ratepayers and Recreation Association Inc agreeing to:*
  - (a) *enter into a five (5) year agreement for the provision of a community bus service to all community, charitable and other associations within the City of Joondalup; and*
  - (b) *contributing to the total changeover cost of the bus of approximately \$63,145, being the difference between the trade-in price of the existing bus (estimated at \$22,000) and the purchase price of the new bus (estimated at \$85,145);*
- 2 *the bus purchased in (1) above will;*
  - (a) *be fitted with seat belts;*
  - (b) *remain an asset of the City of Joondalup with all insurance, maintenance and licensing costs being met by the City.*

Following the Council meeting, the City sought legal advice on the development of a new agreement that would reflect the Council's decision.

## DETAILS

Within the Council resolution, clause 2(b) calls for the community bus to remain an asset of the City. This decision has meant that the original draft agreement could not be amended, as there is a substantial difference in legal terms between the two arrangements.

To meet the terms of the Council resolution, the new agreement would need to be developed with similar terms and conditions as that of a vehicle lease or vehicle hire agreement, which, in its nature, involves a considerable number of complex issues. Such an agreement is without precedent in a local government context and requires specific experience and familiarity of the issues and administration requirements associated with vehicle hire agreements.

The legal advice identified key issues with a vehicle hire agreement. These include;

1. The City would be responsible for various consumer protection legislation including, potentially, the provisions of the 'Trade Practices Act'. This in effect exposes the City to claims from the WRRRA for misrepresentations in the provision of information relating to the use, availability and/or condition of the bus.
2. When entering into a long-term agreement with a community association where a large number of obligations and responsibilities exist, there is considerable potential for disputes between the parties. This can also have a significant impact on the service being provided.

It is acknowledged that Local Governments often enter into long-term lease agreements with sporting clubs for community facilities. However, the City has experience and knowledge in such arrangements and is a significant property owner and manager in its own right.

The recommendation from the City's legal advisor is for the City to reconsider entering into a vehicle hire agreement and proceed on the basis of the original draft agreement with the WRRRA as the owner of the community bus. The process required would be for the City to transfer ownership of the existing bus to WRRRA, the Association to purchase the new vehicle and for the City to enter into a five (5) year agreement with WRRRA detailing the City's support for the community bus service.

The key components of this agreement would be:

- Term  
Five (5) year agreement with a commitment to enter into discussions for an extension of the term in the final year.
- City's Obligations  
Costs of scheduled maintenance, licensing and insurance (\$4,500 pa indexed against CPI, with an option for the balance of funds to be carried forward).
- Association's Obligations  
To ensure that the bus is kept securely garaged, in a road worthy condition and that licenses and insurances are maintained.

**Issues and options considered:**

No further options have been considered.

**Link to Strategic Plan:**

The service provided by the WRRRA links with the following outcome in the City's Strategic Plan 2003-2008.

Outcome: The City of Joondalup provides social opportunities that meet community needs.

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

Strategies: 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.2 Provide quality-of-life opportunities for all community members.

1.3.3 Provide support, information and resources.

Outcome: The City of Joondalup has an effective integrated transport system.

Objective: 3.4 To provide integrated transport to meet regional and local needs.

Strategies: 3.4.1 Advocate and facilitate the creation of transport linkages.

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

The Council at its meeting held on 25 September 2007 delegated authority to the CEO for the ability to dispose of property to a limit of \$500,000.

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

Legal advice has identified a number of risks to the City associated with the City entering into a vehicle hire agreement with WRRRA. These risks include:

- 1 Responsibility of the City to comply with various consumer protection legislation (including the Trade Practices Act).
- 2 Potential for disputes relating to a long-term agreement with a community association that involves numerous complex obligations.

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

<b>Account No:</b>	
<b>Budget Item:</b>	Item not currently listed
<b>Budget Amount:</b>	2007/08 \$4,500
	2008/09 \$4,500 + CPI
	2009/10 \$4,500 + CPI
	2010/11 \$4,500 + CPI
	2011/12 \$4,500 + CPI
<b>YTD Amount:</b>	Nil
<b>Total Cost:</b>	\$22,500 (+ CPI increases)

#### **Policy Implications:**

No policy implications were identified.

**Regional Significance:**

The community bus is designed to provide a valuable service to the local sport, leisure, recreation and community clubs/group that operate within the City of Joondalup.

**Sustainability implications:**

No sustainability implications were identified.

**Consultation:**

The City has consulted with the WRRRA since its initial request was received in 2005. The WRRRA have expressed their preference for the bus to remain as an asset of the City.

**COMMENT**

Considering the City's legal advice, it is in the best interests of both parties to develop a simple agreement that is easy to manage and administer. The agreement proposed will specify the key components of the relationship between the City and WRRRA and clearly identify the obligations of each party.

The City's recommendation sets out a process to transfer ownership of the bus to WRRRA, with a future report to be presented to Council detailing any public submission regarding the disposal of the vehicle and a draft of the new agreement detailing the City's support for the community bus service.

While the CEO currently has delegated authority to undertake the process to dispose of the property, it is considered appropriate that the change from the original decision of the Council be reported back. However, it is recommended to expedite the process, that if no submissions are received objecting to the disposal, the CEO dispose of the property in accordance with the current delegation.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Absolute Majority

**RECOMMENDATION****That Council:**

- 1** in accordance with Section 3.58(3) of the Local Government Act 1995, **AGREES** to give local public notice of the proposed disposition of the community bus to the Whitfords Ratepayers and Recreation Association;
- 2** **NOTES** that the procedure to be followed in (1) above invites submissions for a period of two (2) weeks following the placement of the local notice; and
- 4** **BY AN ABSOLUTE MAJORITY, AGREES** in the event that no objections are received during the local public notice period as detailed in (1) above, that the CEO proceed with the disposal of the community bus to the Whitford Ratepayers and Recreation Association in accordance with the existing delegated authority;
- 4** **DEVELOPS** a five (5) year agreement with the Whitford Ratepayers and Recreation Association detailing the City's support (*licensing insurance and maintenance*) for the service.

## **ITEM 15                    CONSIDERATION OF REIMBURSEMENT CLAIM FOR COURT RESURFACING AT SORRENTO TENNIS CLUB - [19860] [09631]**

**WARD:**                    South

**RESPONSIBLE A/DIRECTOR:**      Mr Chris Terelinck  
   Planning and Community Development

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### **PURPOSE**

To provide Council with:

- an overview of the existing arrangements for Tennis Clubs within the City and recommend a course of action for standardising these arrangements: and
- a recommended course of action to satisfy the reimbursement claim for court resurfacing from the Sorrento Tennis Club.

### **EXECUTIVE SUMMARY**

The Sorrento Tennis Club has a long-standing lease agreement with the City, which provides direction to the responsibilities of maintaining the leased asset, in this case clubrooms and twenty (20) plexipave tennis courts. The terms of the lease for Sorrento Tennis Club are different to the other Tennis Clubs particularly in the area of maintaining facilities.

Last year the Club, without prior advice to the City, sent a bill for \$28,138 for the cost of resurfacing four courts at the Sorrento Tennis Club. In July 2007 the Club made a further request of \$22,400 for proposed resurfacing works. Previously the Club had paid for all resurfacing costs for its courts. This reports recommends a course of action to resolve these claims.

In 2007 the City undertook a review of all agreements with the tennis clubs, and more broadly the provision and standard of tennis facilities throughout the City.

This reports provides a recommended course of action for resolving the lease arrangement issues with the Sorrento Tennis Club.

Further, this report recommends that a standard tenure agreement is developed for all Tennis Clubs in the City, to ensure equity and a clear outline of responsibilities for both the City and the Clubs.

*It is recommended that Council:*

- 1      *AGREES to a one off final without prejudice payment for retrospective resurfacing costs at Sorrento Tennis Club totalling \$28,138 in 2007/2008;*
- 2      *AGREES to a one-off final without prejudice payment on the completion of resurfacing works for Courts 5, 6, 9 and 10 at Sorrento Tennis Club totalling \$22,400 in 2007/2008;*



- 3 *REQUESTS a further detailed report outlining the current status of lease and license agreements within the City, and a process for the development of standard tenure agreements for tennis clubs located within the City, that can be used as a model for all sporting clubs and associations so that there is equity between sporting groups of particular classifications;*
- 4 *AGREES that future requests for resurfacing of Courts at the Sorrento Tennis Club will not be considered until a new tenure agreement has been entered into with the Sorrento Tennis Club.*

## **BACKGROUND**

In December 2006, the City received a request for reimbursement of \$28,138.00 for the resurfacing of four courts at the Sorrento Tennis Club.

In April 2007, the Mayor and the City's Chief Executive Officer met with the President of Sorrento Tennis Club regarding the claim, where it was agreed that further consideration and legal advice was required to determine each party's responsibilities under the Lease Agreement. Following this meeting, the City's Chief Executive Officer met with the President on site to view the facilities. Subsequent to that meeting, a quote of \$22,400 for resurfacing of four additional Courts was forwarded to the City, with a request that these funds also be reimbursed once the work was undertaken.

As a result of the original request, a review of all Tennis Clubs within the City was undertaken. This review identified that inconsistent arrangements had existed for a number of years, with Sorrento Tennis Club and Greenwood Tennis Club operating under lease agreements, Ocean Ridge Tennis Club operating under a 'licence to occupy', and Kingsley Tennis Club operating under a hire agreement.

The review also examined the history of each of the four Tennis Clubs, the facilities that they currently use and the tenure arrangements that are currently in place for both the Club facilities and tennis courts.

The review also sought in-house legal advice on the terms and conditions of the lease agreement for Sorrento Tennis Club to ascertain whether responsibility for maintenance lay with the City or the Club.

## **DETAILS**

The investigation into the arrangements of Tennis Clubs located in the City highlighted many inconsistencies in the range of facilities, types of agreements and their associated terms and conditions. These are detailed below:

### **Facilities**

Sorrento Tennis Club – Percy Doyle Reserve

- 20 plexipave tennis courts
- Hit-up wall
- Outdoor barbeque area
- Clubroom facility - exclusive use. Facility includes function room and social facilities [small bar area], kitchen, meeting areas, offices, toilets and change rooms
- Lighting 20 (courts)

## Greenwood Tennis Club – Warwick Open Space

- 12 plexipave tennis courts
- Clubroom facility – exclusive use through Warwick Sports Association. Facility includes function room and social facilities, kitchen, meeting area, offices and toilets
- Lighting 12 (courts)

## Ocean Ridge Tennis Club – Heathridge Park

- 10 plexipave tennis courts
- Clubroom facility – exclusive use of one section (facility split in two). The Club's section includes a small function area, kitchen, office and toilets
- Lighting 10 (courts)

## Kingsley Tennis Club – Timberlane Park

- 12 plexipave tennis courts
- Office facility – exclusive use. The Club hires the clubroom at a discounted hourly rate as per the licence to occupy agreement
- Lighting 12 (courts)

**Tenure Arrangements:**

	<b>CLUBROOM</b>	<b>COURTS</b>	<b>EXPIRY</b>
<b>Sorrento Tennis Club</b>	Lease Agreement	Lease Agreement	31/12/2009
<b>Greenwood Tennis Club</b>	Lease Agreement	Hire Agreement	30/12/2009
<b>Ocean Ridge Tennis Club</b>	Licence to Occupy	Hire Agreement	1/03/2008
<b>Kingsley Tennis Club</b>	Hire Agreement	Hire Agreement	1/10/2004

**City imposed charges:**

	<b>CLUBROOM (per annum)</b>	<b>COURTS (per annum)</b>	<b>TOTAL</b>
<b>Sorrento Tennis Club</b>	Lease - \$5786.00 inclusive of club room and courts Rates - \$2466 ESL - \$478		\$8,730
<b>Greenwood Tennis Club</b>	Peppercorn rent	\$7,254	\$6,792
<b>Ocean Ridge Tennis Club</b>	Peppercorn rent	\$6,237	\$5,821
<b>Kingsley Tennis Club</b>	\$2,845	\$6,008	\$8,853

Sorrento Tennis Club has the second highest annual charges, with all bookings and revenue for court hire being received and retained by the Club. The City is responsible for the booking and collection of court hire fees from the other three Clubs.

**Court hire revenue**

Sorrento Tennis Club collects and retains all court hire revenue. The City collects and retains all court hire revenue at Greenwood, Ocean Ridge and Kingsley Tennis Clubs sites.

**Conditions of Agreement:**

	<b>CONDITIONS</b>
<b>Sorrento Tennis Club</b>	The Club is responsible for all maintenance and outgoings for the Clubrooms and Tennis Courts.
<b>Greenwood Tennis Club</b>	The Warwick Sports Association is responsible for all internal and external maintenance and all outgoing associated with the Clubrooms. The City maintains the Tennis Courts.
<b>Ocean Ridge Tennis Club</b>	The Club is responsible for internal maintenance and cleaning of the Clubrooms. The City is responsible for external maintenance (including the Tennis Courts).
<b>Kingsley Tennis Club</b>	The City is responsible for all maintenance, outgoings and cleaning.

**Tennis Court Resurfacing:**

	<b>CONDITIONS</b>
<b>Sorrento Tennis Club</b>	The Club is responsible for all resurfacing.
<b>Greenwood Tennis Club</b>	The City is responsible for all resurfacing.
<b>Ocean Ridge Tennis Club</b>	The City is responsible for all resurfacing.
<b>Kingsley Tennis Club</b>	The City is responsible for all resurfacing.

The City recently appointed an external consultant to develop a resurfacing programme for the City's tennis courts (excluding Sorrento Tennis Club). Following the development of the programme, work was undertaken to consider the condition of the courts, risks associated with current playing surfaces, and the utilisation of the Courts in order to determine priorities for the resurfacing programme.

The terms of the Lease Agreement with Sorrento Tennis Club (Clause 2(w)) provides that 'all buildings, playing surfaces and other improvements to be constructed, erected or made and all works to be carried out or executed' on the premises shall be at the cost of the lessee 'under the supervision and to the satisfaction of the lessor's building surveyor.'

The terms of the lease agreement also impose an obligation on the Club to keep all playing surfaces during the term of the lease in good and tenable repair and condition and clean and in good order to the satisfaction of the lessor. The City is under a duty to repair damage to the court surface that is the result of fair wear and tear.

In relation to the recent claim for reimbursement for resurfacing from Sorrento Tennis Club, it needs to be noted that since inception of the Club in 1981, the Club had maintained and resurfaced its Courts at no cost to the City. The claim received in December 2006 was retrospective and had not provided the City with the opportunity to inspect the Courts to assess fair wear and tear and the need for resurfacing.

## Issues and Options Considered

The review that was undertaken has highlighted there are two main issues:

- 1 Whether the City should reimburse Sorrento Tennis Club for resurfacing works already undertaken and whether it should contribute to any future resurfacing works at the Club.
- 2 The need for the development of a consistent tenure agreement across all Sporting Clubs and Associations.

### Sorrento Tennis Club Reimbursement

#### Option 1:

Maintain the current Lease Agreement and conditions, and make no contribution to resurfacing.

#### Option 2:

The City make a one off final without prejudice payment for retrospective resurfacing works of \$14,069 that being 50% of the \$28,138.00 claimed for the resurfacing of four courts at the Sorrento Tennis Club, which occurred in 2006. The 50% payment reflects the City's legal opinion that all works require supervision by the City's Building Surveyor prior to execution.

#### Option 3:

The City make a one off final without prejudice payment for retrospective resurfacing works of \$28,138.00 for the resurfacing of four courts at the Sorrento Tennis Club, which occurred in 2006.

#### Option 4:

The City make a one off final without prejudice payment of \$28,138 in 2007/2008 for retrospective resurfacing works and a payment of \$22,400 in 2007/2008 for the latest request for a contribution to resurfacing of Courts 5, 6, 9 and 10, totalling \$50,538 to Sorrento Tennis Club.

#### Option 5:

The City to develop a standard tenure agreement that provides equity in the conditions of the agreement and addresses maintenance issues such as resurfacing. No further requests for resurfacing will be considered until the new tenure agreements are completed.

### Development of standardised tenure agreements for all Sporting Clubs and Associations

In light of the inequities that have been highlighted with tennis clubs and with clubs and associations across the City, it is considered that a standard tenure agreement needs to be developed for all sporting clubs and associations within the City. It is also considered appropriate that the development of such a tenure agreement commence with the City's Tennis Clubs. The model that is developed for the Tennis Clubs could then be consistently applied across all other Clubs and Associations.

**Link to Strategic Plan:**

Outcome	The City of Joondalup provides social opportunities that meet community needs.
Objectives:	1.3 To continue to provide services that meet the changing needs of a diverse and growing community.
Strategies	1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.  1.3.3 Provide support, information and resources.

**Risk Management considerations:**

There are risks associated with the inconsistencies in current lease arrangement with Sporting Clubs and Associations in the City.

The failure to address the specific issues associated with the Sorrento Tennis Club could result in protracted legal proceedings.

Agreement to a retrospective payment for resurfacing of tennis courts at the Sorrento Tennis Club could set a precedent for similar types of claims from other Sporting Clubs and Associations.

**Financial/Budget Implications:**

The City has allocated \$120,000 for the resurfacing of eight tennis courts in 2007/2008. The resurfacing program includes four courts at Timberlane Park (Kingsley Tennis Club) and Warwick Open Space (Greenwood Tennis Club).

Preliminary quotes for the re-surfacing works on the eight courts listed above totals \$90,000.

This leaves a provisional balance of \$30,000 in the 2007/2008 Capital Expenditure Court Resurfacing budget.

The City has made no specific budget provision for resurfacing at Sorrento Tennis Club. The balance of funds required to meet the resurfacing costs will need to be considered as part of the 2007/08 mid year budget review.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The four tennis clubs located within the City provide regional tennis facilities and services to the community.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable

**COMMENT**

The reimbursement claim that was received late last year from Sorrento Tennis Club and the resulting review that took place has clearly highlighted that there are a number of anomalies in relation to lease and hire agreements with all Tennis Clubs in the City.

In particular, the lease agreement established for Sorrento Tennis Club places level of responsibility on the Club in terms of maintenance of the clubrooms and tennis court facilities. In comparison, arrangements with the other Tennis Clubs place a responsibility on the City to maintain, as a minimum, the tennis courts.

The lease between the City and Sorrento Tennis Club provides direction to the responsibilities of each party in the agreement. Whilst resurfacing of the courts is not mentioned specifically, the lease agreement does place an obligation on the City to repair damage to the court surface that is the result of fair wear and tear. This is on the condition that the City's Building Surveyor supervises such works.

The four Tennis Clubs provide similar services to the community and similar opportunities for use of the courts by the general public. The Sorrento Tennis Club has a higher membership base and greater utilisation rate of its courts. The Club also participates in a higher level of competition, which does have an impact on the required minimum standard of their facilities.

To address the situation with Sorrento Tennis Club, the City needs to consider the implications associated with a range of different agreements that currently exist with the Tennis Clubs and, with all Sporting Clubs and Associations in the City. Consideration of a standard tenure agreement for all Clubs and Associations should be considered to ensure that, moving forward, the City and the Sporting Clubs have a clear understanding of their roles and responsibilities, and to prevent a situation such as exists with Sorrento Tennis Club from occurring in the future.

It is therefore recommended that a standardised tenure agreement is developed, initially for all Tennis Clubs that can then be used as a model for all other Sporting Clubs and Associations in the City. This agreement would clearly outline the City and Club responsibilities relating to maintenance, upgrades, cleaning of facilities and the standards at which the facilities would be maintained.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1**     **AGREES to a one off final without prejudice payment for retrospective resurfacing costs at Sorrento Tennis Club totalling \$28,138 in 2007/2008;**
- 2**     **AGREES to a one-off final without prejudice payment on the completion of resurfacing works for Courts 5, 6, 9 and 10 at Sorrento Tennis Club totalling \$22,400 in 2007/2008;**
- 3**     **REQUESTS a further detailed report outlining the current status of lease and license agreements within the City, and a process for the development of standard tenure agreements for tennis clubs located within the City, that can be used as a model for all sporting clubs and associations so that there is equity between sporting groups of particular classifications;**
- 4**     **AGREES that future requests for resurfacing of Courts at the Sorrento Tennis Club will not be considered until a new tenure agreement has been entered into with the Sorrento Tennis Club.**

## **ITEM 16                      PROPOSED 14 GROUPED DWELLINGS AT LOT 11483 (4) BURNS PLACE, BURNS BEACH - [43305]**

**WARD:** North

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

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### **PURPOSE**

To request Council's determination of an application for planning approval for 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach.

### **EXECUTIVE SUMMARY**

The subject site is located at Lot 11483 (4) Burns Place, Burns Beach, which is on the corner of Burns Place, Second Avenue and Ocean Parade.

The applicant proposes to construct 14 two storey grouped dwellings on the development site. The development will create the appearance of 14 single houses due to the individual designs of the dwellings and the separation between the buildings, rather than an alternative design option of a "terrace style" development.

The Residential Design Codes (RDC) require development of each grouped dwelling to comply with standards regarding minimum and average site areas, setbacks, car parking provision, open space etc. The development proposes variations to a number of the Acceptable Development Standards, which are required to be determined based on Performance Criteria.

The majority of the proposed variations to the RDC occur within the development site and will not affect surrounding owners. The large number of internal variations are a consequence of the design of the development, which seeks to create a single house streetscape.

Four submissions were received during the public consultation period, being objections to the proposal. A further two objections to the proposal were received following the close of advertising. Submissions raised concerns over the density of the site, car parking, traffic flow and noise.

The proposed development complies with the density provisions of the RDC and the proposed variations are considered minor and will not impact on the surrounding locality. It is recommended that the application for Planning Approval be approved subject to conditions.

### **BACKGROUND**

**Suburb/Location:** Lot 11483 (4) Burns Place, Burns Beach  
**Applicant:** Design & Construct  
**Owner:** Moonvale Enterprises Pty Ltd  
**Zoning:** **DPS:** Residential R40  
**MRS:** Urban  
**Site Area:** 3690m<sup>2</sup>  
**Structure Plan:** Not applicable



This proposal was presented to the Council meeting held on the 28 August 2007 – CJ179-08/07 refers - where it was resolved that in accordance with Clause 47(4) of the City's Standing Orders Local Law 2005, the matter be referred back for further consideration pending a traffic impact study as a result of this development in the locality.

The subject site is located on the corner of Ocean Parade, Second Avenue and Burns Place, Burns Beach (refer Attachment 1). Ocean Parade is located to the south of the subject site, Burns Place to the north of the site and Second Avenue to the east of the site.

The site has a crossfall of approximately 2.5m from the north-east side of the site down to the south-west corner.

There are existing single houses opposite the proposed development on both Burns Place and Second Avenue. The development site abuts only one single house, this being 8 Burns Place, Burns Beach.

The City of Wanneroo initiated an amendment to the Town of Wanneroo Town Planning Scheme No. 1 in the early 1990s to re-zone and re-code the subject lot. The amendment to the Town Planning Scheme (Amendment No. 570 of Town Planning Scheme No. 1) resulted in the land being coded R40 in 1993.

The City of Joondalup District Planning Scheme No 2 (DPS2), which was gazetted in November 2000, retained the Residential zoning and the R40 density coding for the development site. The surrounding residential lots are zoned Residential R20.

Approval was previously granted for 12 grouped dwellings on the site in 1999, however this approval lapsed without any works being undertaken.

The development is required to be determined by Council as the number of grouped dwellings proposed exceeds that which may be determined under delegated authority (ten grouped dwellings).

## **DETAILS**

The applicant proposes to construct 14 grouped dwellings on a 3690m<sup>2</sup> site. The proposed development includes the following features:

- 14 two storey grouped dwellings, with eight having separate vehicular access from Burns Place or Second Avenue and the remaining six having access from a common drive (entering from Second Avenue);
- the provision of a double garage for each dwelling and an additional two visitor parking bays for dwellings accessed from the common drive;
- vehicle access to the site from Second Avenue and Burns Place; and
- store rooms for each dwelling.

The development plans are provided in Attachment 2.

## Variations

The applicant has requested that Council exercises discretion and allow variations to the open space, overshadowing, garage door width, privacy setback, and building setback requirements of the RDC.

### Policy 3.2 Height and Scale of Buildings in a Residential Area - Building Threshold Envelope Variation

The proposed development has projections through the sides of the Building Threshold Envelope as follows:

- The southern side of unit 1, approximately 0.6m;
- The southern side of unit 2, approximately 1.7m;
- The southern side of unit 3, approximately 0.5m;
- The southern side of unit 4, approximately 0.7m;
- The south-eastern side of unit 5, approximately 0.45m; and
- The north-eastern side of unit 6, approximately 1.0m.

The projections through the Building Threshold Envelope relating to units 1, 2, and 3 adjoin the Ocean Parade PAW. The projections relating to units 4 and 5 adjoin a Metropolitan Region Scheme (MRS) Reserve, and the projection relating to unit 6 adjoins the property at 8 Burns Place, Burns Beach. The six dwellings that have projections through the Building Threshold Envelope are located on the lower side of the site. There are no projections through the top of the Building Threshold Envelope.

## Residential Design Codes Compliance

Compliance with the main requirements of the RDC is summarised below:

Criteria	R-Code Requirement	Proposed	Compliance
<u>Site Area</u>	Minimum 200m <sup>2</sup> Average 220m <sup>2</sup>	At least 228.93m <sup>2</sup>	Yes
<u>Car parking</u> Dwellings	2 per dwelling	2 per dwelling	Yes
Visitors bays	1 space for each four dwellings or part thereof in excess of 4 dwellings served by a common access. Total = 2 bays	2 bays	Yes
<u>Outdoor Living Areas</u>	20m <sup>2</sup> Minimum Dimension 4m 2/3 without permanent roof cover	At least 20m <sup>2</sup> > 4m x 4m >2/3 without permanent roof cover	Yes
<u>Essential Facilities</u>	Enclosed, lockable store, accessible from outside the dwelling with minimum dimension 1.5m and internal area minimum 4m <sup>2</sup>	All dwellings have a store in garage, minimum dimension 1.5m, area >4m <sup>2</sup> .	Yes

### External Variations – Residential Design Codes

The applicant is seeking approval for various variations to the "Acceptable Development" provisions of the RDC that may have an impact on surrounding development or within the development itself. These variations are required to be assessed against the Performance Criteria set out in the Residential Design Codes.

Variations to the Acceptable Development Standards of the RDC that have the potential to impact on the adjoining property and the streetscape are as follows:

#### Unit 14

- Cone of vision setback of 3.5m in lieu of 6m from the upper floor family room to the north-eastern boundary.

#### Units 8, 9, 10

- Garage door being 54.6% of the frontage in lieu of 50%

### Internal Variations – Residential Design Codes

The following is a list of internal RDC variations that are likely to impact on the development. These variations will impact only on other dwellings within the development: The table column headed "Acceptable Development" refers to the standard or requirement set out in the "Acceptable Development" provisions of the RDC, while the "Proposed" column sets out the applicants proposed standards or requirement:

Wall Setback Variations	Acceptable Development	Proposed
Unit 1 eastern wall (upper floor)	2m	1m
Unit 1 eastern wall (upper floor)	1.1m	0.5m
Unit 1 southern wall (upper floor)	1.8m	1.0m
Unit 2 eastern wall (upper floor)	3.3m	1.5m
Unit 2 western wall (upper floor)	1.5m	1.0m
Unit 3 eastern wall (ground floor)	1.5m	1.05m
Unit 3 western wall (ground floor)	1.5m	1.387m
Unit 3 eastern wall (upper floor)	1.5m	1.05m
Unit 3 western wall (upper floor)	1.2m	1.0m
Unit 3 southern wall (upper floor)	2.5m	1.385m
Unit 4 western wall (upper floor)	3.5m	1.5m
Unit 4 south-eastern wall (upper floor)	1.1m	1.0m
Unit 5 north-eastern wall (upper floor)	1.2m	1.0m
Unit 5 south-eastern wall (upper floor)	2.5m	1.658m
Unit 6 northern wall (ground floor)	1.5m	1.0m
Unit 6 eastern wall (ground floor)	1.5m	1.215m
Unit 7 northern wall (ground floor)	1.5m	1.0m
Unit 8 southern wall (ground floor)	1.5m	1.0m
Unit 8 northern wall (upper floor)	1.5m	1.0m
Unit 8 southern wall (upper floor)	2.5m	1.5m

Unit 8 southern wall (upper floor)	1.8m	1m
Unit 8 eastern wall (upper floor)	1.2m	1.0m
Unit 9 southern wall (ground floor)	1.5m	1.0m
Unit 9 eastern wall (ground floor)	1.5m	0.863m
Unit 9 northern wall (upper floor)	2.5m	1.5m
Unit 9 northern wall (upper floor)	1.8m	1.0m
Unit 9 southern wall (upper floor)	1.7m	1.0m
Unit 10 southern wall (ground floor)	1.5m	1.0m
Unit 10 northern wall (upper floor)	2.7m	1.0m
Unit 10 southern wall (upper floor)	2.8m	1.514m
Unit 10 southern wall (upper floor)	1.9m	1.014m
Unit 11 southern wall (upper floor)	1.2m	1.0m
Unit 11 eastern wall (upper floor)	1.2m	1.1m
Unit 12 eastern wall (ground floor)	1.5m	1.1m
Unit 12 eastern wall (upper floor)	2.8m	1.5m
Unit 12 eastern wall (upper floor)	1.9m	1.1m
Unit 12 western wall (upper floor)	1.6m	1.15m
Unit 13 eastern wall (ground floor)	1.5m	1.0m
Unit 13 southern wall (ground floor)	1.5m	0.9m
Unit 13 eastern wall (upper floor)	1.5m	1.2m
Unit 13 western wall (upper floor)	1.8m	1.0m
Unit 14 southern wall (upper floor)	2.8m	1.5m

Front Setback Variations	Acceptable Development	Proposed
Unit 2 – Portico to common drive	1.5m	1.2m
Unit 2 – Building to common drive	2.5m	1.5m
Unit 3 – Building to common drive	2.5m	1.935m
Unit 4 – Building to common drive	2.5m	1.6m
Unit 5 – Portico to common drive	1.5m	1.1m
Unit 5 – Building to common drive	2.5m	1.632m
Unit 7 – Portico to common drive	1.5m	0.35m
Unit 7 – Building to common drive	2.5m	0.671m

Boundary Wall Variations	Acceptable Development: Length	Proposed
Unit 1	5.95m	7.6m
Unit 7	4.4m	7.665m
Unit 11	6.57m	7.986m

Boundary Wall Variations	Acceptable Development: Height	Proposed
Unit 3	Max - 3.5m Average – 3.0m	Max - 5.05m Average – 3.775m
Unit 5	Average – 3.0m	Average – 3.2m

Unit 6	Max – 3.5m Average – 3.0m	Max – 5.45m Average – 3.92m
Unit 7	Max – 3.5m	Max – 3.93m
Unit 8	Max – 3.5m Average – 3.0m	Max – 5.7m Average – 4.325m
Unit 11 eastern wall	Average – 3.0m	Average – 3.2m
Unit 11 southern walls	Average – 3.0m	Average – 3.45m
Unit 12	Average – 3.0m	Average – 3.275m
Unit 13	3.0m	3.275m
Unit 14	Average - 3.0m	Average 3.325m

Boundary Wall Variations	Acceptable Development: No of Boundary Walls	Proposed
Unit 1	1	2
Unit 8	1	2
Unit 11	1	2

Boundary Wall Variations	Acceptable Development – Front Setback	Proposed
Unit 2 – to common driveway	2.5m	1.5m
Unit 3 – to common driveway	2.5m	1.935m
Unit 4 – to common driveway	2.5m	1.6m
Unit 5 – to common driveway	2.5m	1.962m
Unit 7 – to common driveway	2.5m	0.671m

Cone of Vision Variations	Acceptable Development	Proposed
Unit 1 – balcony to unit 2 boundary	7.5m	1.7m
Unit 2 – bedroom 2 to unit 3 boundary	4.5m	1.5m
Unit 2 – balcony to unit 1 boundary	7.5m	2.3m
Unit 3 – balcony to unit 2 boundary	7.5m	1.0m
Unit 4 – balcony to unit 3 boundary	7.5m	1.5m
Unit 4 – upper floor activity to unit 3 boundary	6.0m	1.5m
Unit 4 – bedroom 2 window to unit 5 boundary	4.5m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.7m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	2.3m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	3.1m
Unit 5 – balcony to unit 4 boundary	7.5m	1.58m
Unit 6 – rear balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 5 boundary	7.5m	1.2m

Unit 6 – front balcony to unit 14 boundary	7.5m	6.2m
Unit 7 – bedroom 4 window to unit 9 boundary	4.5m	3.8m
Unit 8 – balcony to unit 9 boundary	7.5m	1.0m
Unit 9 – balcony to unit 8 boundary	7.5m	1.0m
Unit 9 – balcony to unit 10 boundary	7.5m	2.2m
Unit 9 – bedroom 2 window to unit 10 boundary	4.5m	1.5m
Unit 9 – bedroom 3 window to unit 12 boundary	4.5m	3.0m
Unit 9 – bedroom 3 window to unit 8 boundary	4.5m	2.4m
Unit 10 – bedroom 1 window to unit 9 boundary	4.5m	1.514m
Unit 10 – balcony to unit 9 boundary	7.5m	3.4m
Unit 10 – balcony to unit 11 boundary	7.5m	1.0m
Unit 10 – upper floor family room to unit 11 boundary	6.0m	1.0m
Unit 11 – bedroom 4 to unit 10 boundary	4.5m	2.4m
Unit 11 – balcony to unit 10 boundary	7.5m	1.0m
Unit 12 – balcony to unit 10 boundary	7.5m	1.15m
Unit 12 – balcony to unit 7 boundary	7.5m	4.264m
Unit 12 – balcony to unit 9 boundary	7.5m	1.5m
Unit 12 – bedroom 3 to unit 13 boundary	4.5m	1.5m
Unit 12 – bedroom 4 to unit 13 boundary	4.5m	1.5m
Unit 13 – balcony to unit 12 boundary	7.5m	1.0m
Unit 13 – balcony to unit 7 boundary	7.5m	2.35m
Unit 14 – kitchen to unit 6 boundary	6.0m	1.5m
Unit 14 – meals area to unit 6 boundary	6.0m	1.5m
Unit 14 – balcony to unit 6 boundary	7.5m	2.9m
Unit 14 – balcony to unit 7 boundary	7.5m	2.9m
Unit 14 – balcony to unit 13 boundary	7.5m	1.23m

<b>Open Space Variations</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 2	45%	40.57%
Unit 7	45%	38.42%
Unit 11	45%	44.61%

<b>Overshadowing</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 6 – overshadowing unit 5	35%	41.4%
Unit 9 – overshadowing unit 8	35%	37.7%
Unit 10 – overshadowing unit 9	35%	45.8%
Unit 11 – overshadowing unit 10	35%	39.9%

## **Applicant Justification**

The applicant has provided the following written justification for the proposed variations:

### *Element 3.2.1 - Boundary Setbacks*

*Reduced set backs to upper storey walls in lieu of the R-Code requirements to residences noted below. The reasons being to facilitate the design of a reasonably sized and useable upper floor given the lot area is not substantially large. We believe this will not have a detrimental effect on the amenity of the surrounding lots, all lots in questions are owned by developer.*

*Double storey parapet to units noted below as detailed on plans and elevation again to facilitate the design of a reasonably sized residence given the lot area is not large.*

- *Reduced setbacks to units 1,2,3,4,5,6,8,9,10,11,12,13,14*
- *2 storey parapets to units 3,6*

### *Element 3.4.1 – Open Space Provision*

*Increased site cover to units listed below, reason being to facilitate reasonable size living area to ground floor we have provided good size courtyards with balconies to upper floor which provides extra open space.*

- *Units 2,7,11*

### *Element 8 – Privacy*

*A reduced cone of vision for overlooking to the upper floor windows and balconies to the units listed below is requested, this to enable owners of the lot to take advantage of the ocean views and also to allow good light and ventilation to the upper floor rooms. We note that all over looking issues are to internal boundaries as property is owned by the one developer we will not need to seek neighbours comments.*

- *Units 1,2,8,9,10,11,12,13*

### *Element 3.6.2 – Retaining walls*

*We have retaining walls to internal common boundaries over 500mm in height reason being due to sloping nature of the site there will be 1800 high fencing to prevent any overlooking units affected as listed below.*

- *Units 3,4,5,7,8,*

### *Element 3.9.1 – Solar Access for adjoining sites*

*Overshadowing to units noted below. The reasons being to facilitate the design of a reasonably sized and useable dwelling given the lot area is not substantially large. We believe this will not have a detrimental effect on the amenity of the surrounding lots, all lots in questions are owned by developer.*

- *Overshadowing unit 11 over unit 10. Overshadowing will not be an issue as we have a substantial upper floor balcony, which will be used extensively due to some of the living areas being on the upper floor.*

- *Overshadowing unit 10 over unit 9. Overshadowing is to an area with no major openings, and no effected outdoor areas.*
- *Overshadowing unit 9 over unit 8. Overshadowing will not be an issue as we have a substantial upper floor balcony, which will be used extensively due to some of the living areas being on the upper floor.*
- *Overshadowing unit 6 over unit 5. Overshadowing is to an area with no major openings, and no affected outdoor areas.*

#### *Element 3.2.3 – Setback of garages and carports*

*Garage openings being more than 50% of front boundary. The reasons being to facilitate the design of a reasonably sized and useable garage, given the front boundary length not being substantially large, and also due to the odd shape of the sites in question. We have reduced the impact of garages by having the upper floor directly over, which allows for windows to overlook driveway (for street surveillance).*

#### *Conclusion*

*Based on the R-codes this site could be fully maximised with 16 units, we decided that by reducing the number of units on the site we would be able build a development of better quality which would have less impact on the surrounding area, as well as have the impression of individual homes rather than units. We have attempted to give each home its own individual look, therefore creating an attractive streetscape. Although we are asking for variations, most of these variations are to internal boundaries, which will not impact on exist homes.*

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

Council has the discretion to:

- approve the application without conditions;
- approve the application with conditions; or
- refuse the application.

#### **Consultation:**

The proposal was advertised for 21 days, by way of two signs being erected on site and an advertisement being placed in the Joondalup Times for three consecutive weeks and also on the City's website.

At the conclusion of advertising, four submissions had been received. A further two submissions were received following the close of the advertising period. The submissions received raised concerns over density, car parking, traffic flow and noise.

#### **Policy Implications:**

The proposed development will result in certain parts of the development projecting through the Building Height Threshold Envelope. Council is required to consider the extent of those projections against the objectives of Policy 3.2 - Height and Scale of Buildings in a Residential Area.



**Risk Management considerations:**

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Legislation – Statutory Provisions:**

In considering the subject application, the following clauses of the RDC and DPS2 require consideration:

**Residential Design Codes 2002**

Clause 2.3.4 of the RDC allows for the exercise of discretion, having regard to the provisions of clause 2.3.4 (2) of the RDC as follows:

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

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

**District Planning Scheme No 2 (DPS2)**

Grouped Dwelling is a 'D' use in the Residential Zone. A 'D' use means:

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

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

**6.8 Matters to be considered by Council**

**6.8.1** *The Council when considering an application for Planning Approval shall have due regard to the following:*

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*

- (d) *any planning policy of the Council adopted under the provisions of clause 8.11*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*
- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

As the proposed use is a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for planning consent:

*6.8.2 In addition to the matters referred to in the preceding sub clause 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 subclasses 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.*

**Link to Strategic Plan:**

The proposal is considered to be consistent with objective 3.3 of the City’s Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**COMMENT****Land Use**

Grouped dwellings are a discretionary 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 proposal addresses objective (b) of part 3.4 of the City of Joondalup District Planning Scheme No. 2 by providing the opportunity for grouped dwellings in selected locations so that there is a choice in the type of housing available within the City.

The nature of the proposed use and its relationship to the use of other land within the locality is considered to meet the objectives of the Residential R40 provisions of the RDC.

The proposed development consists of 14 grouped dwellings with individual designs and architectural features that complement one another but give the appearance of single houses due to the separation between the dwellings and many having separate access.

**Density**

The subject site has a density coding of R40. Under this coding, the site could accommodate a maximum of 16 dwellings, however, the applicants are proposing to develop the site with 14 grouped dwellings.

**Streetscape**

The proposed development will provide an alternative living choice to the range offered in the Burns Beach area, but in a way that includes a complementary scale of construction and palette of finishes and materials.

Given the prominent location of the site, and its sensitive location between the new and old Burns Beach subdivision, it is considered important that any development of the land provides a high quality example to contribute to the range of building styles and types in the locality.

The design has attempted to set buildings away from external boundaries and to have them detached from each other within the site. This objective has had the effect of attempting to create an independent development of dwellings (each appearing to be on their own lot). This option has had the effect of avoiding walls on both common lot boundaries (which is considered an advantage) but it does introduce issues where the buildings are located closer to each other than would otherwise be the case. In so doing, the proposal would require the exercise of favorable discretion for the setbacks between buildings to be approved.

Notably, although the development proposes a large range of variations to ordinary standards, the resulting siting and design of the development will contribute very positively to the area.

### Submissions on Application

A total of six submissions were received regarding the proposal. The submissions expressed concerns over density, car parking, traffic impact and noise. One submission requested that a traffic impact study be undertaken.

### Density

The number of dwellings proposed complies with the Acceptable Development Standards of the RDC with regard to minimum and average site size.

### **Visitor Car parking**

The parking facilities proposed meet the requirements of the RDC, with two parking bays being provided per dwelling and the development is therefore unlikely to generate on-street parking.

The RDC does not require the provision of visitor parking bays for dwellings not served by the common driveway, however there will be some opportunity for visitors to these eight units to park in the driveways of the individual dwellings.

Two visitor bays are provided for dwellings served by the common driveway, which also meets the requirements of the RDC.

### **Traffic**

Current engineering practice indicates that medium density residential units generate in the order of 5.0-6.5 vehicles trips per day per dwelling. Consequently, the proposed 14 grouped dwellings can be expected to generate up to 91 vehicle trips per day.

The City's latest traffic surveys for Second Avenue indicate that this road carries approximately 500 vehicles per day, north of Ocean Parade. In accordance with the City's Functional Road Hierarchy, a local access road of this type can be expected to carry up to 3,000 vehicles per day. Therefore, the resulting traffic flow on Second Avenue would be well within the expected range for a local access road and the proposed development is not anticipated to have a significant impact on the local road network. As such, a traffic impact study is not considered necessary.

### Noise

Concerns were also raised about noise generated from the proposed development. The development must be designed and constructed in compliance with the requirements of the Environmental Protection Act 1986 and the Environmental Protection (Noise) Regulations 1997. The provisions of the Environmental Protection Act 1986 also apply to noise generated from within the site that may affect surrounding properties.

### **Policy 3.2 Height and Scale of Buildings in a Residential Area - Building Threshold Envelope Variation**

The proposed dwellings 1-6 have minor projections through the building threshold envelope. Policy 3.2 – Height and Scale of Buildings in Residential Areas, requires that where a proposed development projects through the Building Threshold Envelope, the development is considered in relation to the Policy and its objectives. With regard to this proposal, all projections are through the sides of the envelope. The proposed variations are mostly along the Ocean Parade side of the site and as such, will not have an adverse impact on the streetscape or the amenity of the adjoining owner.

#### **Variations - RDC**

The RDC require development of each grouped dwelling to individually comply with the RDC in relation to defined site areas, including development controls relating to setbacks, car parking, open space, etc. The proposed development has been assessed in this manner and numerous variations to the Acceptable Standards have been identified, including side, front, and boundary wall setback variations, open space and overshadowing variations. The majority of these variations occur within the site.

One variation directly affects the adjoining property at 8 Burns Place, being a cone of vision variation. The owner of 8 Burns Place did not make a submission regarding the proposal.

#### **RDC – Proposed Variations that May Impact on the Adjoining Property or Streetscape**

There are four variations to the Residential Design Codes proposed that will affect the streetscape or adjoining property. A cone of vision setback encroaches onto the adjoining property at 8 Burns Place. There are also three garage doors that exceed 50% of the frontage of their lot and as such may impact on the streetscape.

##### Cone of Vision

The cone of vision variation is considered to be relatively minor in this instance and occurs mostly as a result of the irregularly shaped boundary. The outdoor living area of the adjoining dwelling is to the rear of that dwelling, beyond the area encroached on by the cone of vision. The variation is considered to meet the Performance Criteria of Clause 3.8.1 of the RDC and it is recommended that it be supported.

##### Garage Doors

Clause 3.2.8 of the RDC allows garage doors to occupy 50% of the frontage at the building line or 60% where a balcony or upper floor extends the full width and the entry to the dwelling is clearly visible from the street. It is considered that Units 8, 9 & 10 meet the performance criteria of this clause as the upper floor and the dwelling actively address the streetscape and are well set back to reduce the impact of building bulk.

#### **Residential Design Codes – Variations that May Impact on the Proposed Development**

The internal variations that have been identified are unlikely to impact on any future occupier of the development. Those internal variations to the RDC, which are outlined above, have been assessed against the performance criteria of the RDC and are considered to have met the relevant performance criteria.

## CONCLUSION

The Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, RDC and the Council's other relevant policies. Due to the siting and design of the proposed dwellings within the development, most of the variations requested are internal to the development, meet all the relevant performance criteria of the RDC and are considered not to have a major impact on the future occupiers of those dwellings. Variations that affect the external areas of the development also meet the relevant performance criteria.

The integrated nature of the development allows each dwelling to be designed with respect to the other and to maximise orientation, window location, size and access characteristics and open space so that the development will provide a high degree of amenity and be consistent with what is sought under the RDC.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the Strategic Plan with regard to diversity of housing choice.

### Having regard to the:

- details of the application;
- justification submitted by the application for the variations to the Acceptable Development Standards of the Residential Design Codes;
- Performance Criteria of the RDC;
- submissions received; and
- provisions of the District Planning Scheme No 2,

It is recommended that Council approves the application with conditions.

## ATTACHMENTS

Attachment 1	Location Plans
Attachment 2	Development Plans

## VOTING REQUIREMENTS

Simple Majority.

## ADDITIONAL INFORMATION

At the Council meeting held on 28 August 2007 it was resolved that the matter be deferred pending a Traffic Impact study as a result of this development in the locality.

The City engaged external consultants to prepare a Traffic Impact Statement. The Traffic Impact Statement has been reviewed by the City, which is satisfied with its contents and findings. A copy of the Traffic Impact Statement is available in the Councillors' Reading Room. The findings of the Traffic Impact Statement are shown below:

The Transport Statement has found the following:

- *The existing frontage streets all carry low traffic volumes relative to their capacity.*
- *The development includes adequate provision for vehicle access and parking.*
- *The development includes adequate provision for service vehicle access.*
- *The development is forecast to generate 91 vehicle trips per day, with 9 vehicles in each of the peak hours.*
- *The increased traffic is forecast to have minor impact on the operation of the existing road network, in that road users along Second Avenue and Burns Place may detect increased traffic volumes. Increases along Ocean Parade and Burns Beach Road are likely to be imperceptible.*
- *The development site is located in close proximity to public transport (bus) services, and the existing pedestrian and cyclist network.*
- *The sight distances at the proposed crossovers have been checked and all found to exceed the minimum requirement of 40m, based on a speed limit of 50 km/hr, a domestic property classification.*

Having regard to the findings contained within the Traffic Impact Statement, it is considered that the proposed development would not have an adverse impact on the existing road system.

In light of the above, it is recommended that the Council grants its approval for the proposed development subject to the conditions in the following recommendation.

It is also noted that following the August 2007 Council meeting, a petition containing 88 signatures was received by the City in support of the proposed development.

## **RECOMMENDATION**

### **That Council:**

- 1 EXERCISES discretion under Clause 6.1.1 of District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clause(s) 3.2.1, 3.3.1, 3.3.2, 3.4.1, 3.6.2, 3.8.1 and 3.9.1 have been met and determines that Policy 3.2 has been addressed and that the:**
  - (a) Retaining setback of nil in lieu of 1.5m to the eastern boundary of Unit 14;**
  - (b) Cone of vision setback of 3.5m in lieu of 6m from the Unit 14 upper floor family room to the north-eastern boundary;**
  - (c) Garage doors being 54.6% of the frontage in lieu of 50% for units 8, 9 & 10; and**
  - (d) the following internal variations within the development site are acceptable in this instance:**

Wall Setback Variations	Acceptable Development	Proposed
Unit 1 eastern wall (upper floor)	2m	1m
Unit 1 eastern wall (upper floor)	1.1m	0.5m
Unit 1 southern wall (upper floor)	1.8m	1.0m
Unit 2 eastern wall (upper floor)	3.3m	1.5m
Unit 2 western wall (upper floor)	1.5m	1.0m
Unit 3 eastern wall (ground floor)	1.5m	1.05m
Unit 3 western wall (ground floor)	1.5m	1.387m
Unit 3 eastern wall (upper floor)	1.5m	1.05m
Unit 3 western wall (upper floor)	1.2m	1.0m
Unit 3 southern wall (upper floor)	2.5m	1.385m
Unit 4 western wall (upper floor)	3.5m	1.5m
Unit 4 south-eastern wall (upper floor)	1.1m	1.0m
Unit 5 north-eastern wall (upper floor)	1.2m	1.0m
Unit 5 south-eastern wall (upper floor)	2.5m	1.658m
Unit 6 northern wall (ground floor)	1.5m	1.0m
Unit 6 eastern wall (ground floor)	1.5m	1.215m
Unit 7 northern wall (ground floor)	1.5m	1.0m
Unit 8 southern wall (ground floor)	1.5m	1.0m
Unit 8 northern wall (upper floor)	1.5m	1.0m
Unit 8 southern wall (upper floor)	2.5m	1.5m
Unit 8 southern wall (upper floor)	1.8m	1m
Unit 8 eastern wall (upper floor)	1.2m	1.0m
Unit 9 southern wall (ground floor)	1.5m	1.0m
Unit 9 eastern wall (ground floor)	1.5m	0.863m
Unit 9 northern wall (upper floor)	2.5m	1.5m
Unit 9 northern wall (upper floor)	1.8m	1.0m
Unit 9 southern wall (upper floor)	1.7m	1.0m
Unit 10 southern wall (ground floor)	1.5m	1.0m
Unit 10 northern wall (upper floor)	2.7m	1.0m
Unit 10 southern wall (upper floor)	2.8m	1.514m
Unit 10 southern wall (upper floor)	1.9m	1.014m
Unit 11 southern wall (upper floor)	1.2m	1.0m
Unit 11 eastern wall (upper floor)	1.2m	1.1m
Unit 12 eastern wall (ground floor)	1.5m	1.1m
Unit 12 eastern wall (upper floor)	2.8m	1.5m
Unit 12 eastern wall (upper floor)	1.9m	1.1m
Unit 12 western wall (upper floor)	1.6m	1.15m
Unit 13 eastern wall (ground floor)	1.5m	1.0m
Unit 13 southern wall (ground floor)	1.5m	0.9m
Unit 13 eastern wall (upper floor)	1.5m	1.2m
Unit 13 western wall (upper floor)	1.8m	1.0m
Unit 14 southern wall (upper floor)	2.8m	1.5m

Front Setback Variations	Acceptable Development	Proposed
Unit 2 – portico to common drive	1.5m	1.2m
Unit 2 – Building to common drive	2.5m	1.5m
Unit 3 – Building to common drive	2.5m	1.935m
Unit 4 – Building to common drive	2.5m	1.6m



<b>Unit 5 – portico to common drive</b>	<b>1.5m</b>	<b>1.1m</b>
<b>Unit 5 – Building to common drive</b>	<b>2.5m</b>	<b>1.632m</b>
<b>Unit 7 – Portico to common drive</b>	<b>1.5m</b>	<b>0.35m</b>
<b>Unit 7 – Building to common drive</b>	<b>2.5m</b>	<b>0.671m</b>

<b>Boundary Wall Variations</b>	<b>Acceptable Development Length</b>	<b>Proposed</b>
<b>Unit 1</b>	<b>5.95m</b>	<b>7.6m</b>
<b>Unit 7</b>	<b>4.4m</b>	<b>7.665m</b>
<b>Unit 11</b>	<b>6.57m</b>	<b>7.986m</b>

<b>Boundary Wall Variations</b>	<b>Acceptable Development Height</b>	<b>Proposed</b>
<b>Unit 3</b>	<b>Max - 3.5m Average – 3.0m</b>	<b>Max - 5.05m Average – 3.775m</b>
<b>Unit 5</b>	<b>Average – 3.0m</b>	<b>Average – 3.2m</b>
<b>Unit 6</b>	<b>Max – 3.5m Average – 3.0m</b>	<b>Max – 5.45m Average – 3.92m</b>
<b>Unit 7</b>	<b>Max – 3.5m</b>	<b>Max – 3.93m</b>
<b>Unit 8</b>	<b>Max – 3.5m Average – 3.0m</b>	<b>Max – 5.7m Average – 4.325m</b>
<b>Unit 11 eastern wall</b>	<b>Average – 3.0m</b>	<b>Average – 3.2m</b>
<b>Unit 11 southern walls</b>	<b>Average – 3.0m</b>	<b>Average – 3.45m</b>
<b>Unit 12</b>	<b>Average – 3.0m</b>	<b>Average – 3.275m</b>
<b>Unit 13</b>	<b>3.0m</b>	<b>3.275m</b>
<b>Unit 14</b>	<b>Average - 3.0m</b>	<b>Average 3.325m</b>

<b>Boundary Wall Variations</b>	<b>Acceptable Development – No of Boundary Walls</b>	<b>Proposed</b>
<b>Unit 1</b>	<b>1</b>	<b>2</b>
<b>Unit 8</b>	<b>1</b>	<b>2</b>
<b>Unit 11</b>	<b>1</b>	<b>2</b>

<b>Boundary Wall Variations</b>	<b>Acceptable Development – Front Setback</b>	<b>Proposed</b>
<b>Unit 2 – to common driveway</b>	<b>2.5m</b>	<b>1.5m</b>
<b>Unit 3 – to common driveway</b>	<b>2.5m</b>	<b>1.935m</b>
<b>Unit 4 – to common driveway</b>	<b>2.5m</b>	<b>1.6m</b>
<b>Unit 5 – to common driveway</b>	<b>2.5m</b>	<b>1.962m</b>
<b>Unit 7 – to common driveway</b>	<b>2.5m</b>	<b>0.671m</b>

<b>Cone of Vision Variations</b>	<b>Acceptable Development</b>	<b>Proposed</b>
Unit 1 – balcony to unit 2 boundary	7.5m	1.7m
Unit 2 – bedroom 2 to unit 3 boundary	4.5m	1.5m
Unit 2 – balcony to unit 1 boundary	7.5m	2.3m
Unit 3 – balcony to unit 2 boundary	7.5m	1.0m
Unit 4 – balcony to unit 3 boundary	7.5m	1.5m
Unit 4 – upper floor activity to unit 3 boundary	6.0m	1.5m
Unit 4 – bedroom 2 window to unit 5 boundary	4.5m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.7m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	1.5m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	2.3m
Unit 5 – upper floor family room to unit 6 boundary	6.0m	3.1m
Unit 5 – balcony to unit 4 boundary	7.5m	1.58m
Unit 6 – rear balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 5 boundary	7.5m	1.2m
Unit 6 – front balcony to unit 14 boundary	7.5m	6.2m
Unit 7 – bedroom 4 window to unit 9 boundary	4.5m	3.8m
Unit 8 – balcony to unit 9 boundary	7.5m	1.0m
Unit 9 – balcony to unit 8 boundary	7.5m	1.0m
Unit 9 – balcony to unit 10 boundary	7.5m	2.2m
Unit 9 – bedroom 2 window to unit 10 boundary	4.5m	1.5m
Unit 9 – bedroom 3 window to unit 12 boundary	4.5m	3.0m
Unit 9 – bedroom 3 window to unit 8 boundary	4.5m	2.4m
Unit 10 – bedroom 1 window to unit 9 boundary	4.5m	1.514m
Unit 10 – balcony to unit 9 boundary	7.5m	3.4m
Unit 10 – balcony to unit 11 boundary	7.5m	1.0m
Unit 10 – upper floor family room to unit 11 boundary	6.0m	1.0m
Unit 11 – bedroom 4 to unit 10 boundary	4.5m	2.4m
Unit 11 – balcony to unit 10 boundary	7.5m	1.0m
Unit 12 – balcony to unit 10 boundary	7.5m	1.15m
Unit 12 – balcony to unit 7 boundary	7.5m	4.264m

Unit 12 – balcony to unit 9 boundary	7.5m	1.5m
Unit 12 – bedroom 3 to unit 13 boundary	4.5m	1.5m
Unit 12 – bedroom 4 to unit 13 boundary	4.5m	1.5m
Unit 13 – balcony to unit 12 boundary	7.5m	1.0m
Unit 13 – balcony to unit 7 boundary	7.5m	2.35m
Unit 14 – kitchen to unit 6 boundary	6.0m	1.5m
Unit 14 – meals area to unit 6 boundary	6.0m	1.5m
Unit 14 – balcony to unit 6 boundary	7.5m	2.9m
Unit 14 – balcony to unit 7 boundary	7.5m	2.9m
Unit 14 – balcony to unit 13 boundary	7.5m	1.23m

Open Space Variations	Acceptable Development	Proposed
Unit 2	45%	40.57%
Unit 7	45%	38.42%
Unit 11	45%	44.61%

Overshadowing	Acceptable Development	Proposed
Unit 6 – overshadowing unit 5	35%	41.4%
Unit 9 – overshadowing unit 8	35%	37.7%
Unit 10 – overshadowing unit 9	35%	45.8%
Unit 11 – overshadowing unit 10	35%	39.9%

**2 APPROVES** the application for Planning Approval dated 4 May 2007 submitted by Design & Construct, the applicant on behalf of the owner, Moonvale Enterprises Pty Ltd for 14 Grouped Dwellings at Lot 11483 (4) Burns Place, Burns Beach, subject to the following conditions:

- (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). 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. These works are to be done as part of the building program;
- (b) Visitor parking bays are to be a minimum of 2800mm in width;
- (c) Visitor car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (d) The driveway/s and crossover/s to be designed and constructed to the satisfaction of the Manager Infrastructure Management before the occupation of the development;

- (e) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction;**
- (f) **The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, to be shown on the landscaping plan;**
- (g) **Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (h) **All highlight windows shall have a sill height not less than 1.6 metres above the finished floor level;**
- (i) **Boundary walls and retaining walls shall be of a clean finish and made good to the Satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (j) **All construction works to be contained within property boundaries;**
- (k) **A visual truncation is to be provided for the unit 11 vehicle access as marked in RED on the approved plans;**
- (l) **The Unit 5 garage shall have a minimum internal dimension of 5.4m as marked in RED on the approved plans.**

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13brf091007.pdf](#)*

**ITEM 17**                    **CONCEPT DESIGN AND FEASIBILITY STUDY  
OUTCOME – CITY OF JOONDALUP LEISURE  
CENTRE, CRAIGIE - [09050]**

**WARD:**                      Central

**RESPONSIBLE  
A/DIRECTOR:**            Chris Terelinck  
   Planning and Community Development

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This report was not available at the time of production of this agenda. Once available, the report will be provided on the following link: [Additional information 091007.pdf](#)

## 8 REPORT OF THE CHIEF EXECUTIVE OFFICER

## 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

### **NOTICE OF MOTION NO 1 – MAYOR TROY PICKARD – SOUTHERN BUSINESS DISTRICT DEVELOPMENT - [65597]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Troy Pickard has given notice of his intention to move the following motion at the Council Meeting to be held on 16 October 2007:

***“That Council:***

- 1** ***RESOLVES that its vision and strong preference is for the Southern Business District area to provide a unique range of office and commercial related functions and opportunities to complement the Joondalup CBD area;***
- 2** ***ADVISES LandCorp and any known potential purchasers that, in addition to the range of permitted land uses shown in the Southern Business District Structure Plan, the Council requires that proposed applications for the development of the land:***
  - (a) Demonstrates strong potential land use linkages to or reliance on the adjacent learning precinct area;***
  - (b) Are of a style that provides interactive and open facades to public thoroughfares, including Joondalup Drive, Mitchell Freeway, and the internal road system (in accordance with Part 6 of the Structure Plan);***
  - (c) Provides for the introduction of significant employment operating land uses, including offices, education and training related business.”***

### **REASON FOR MOTION**

Mayor Pickard submitted the following comment in support of his Notice of Motion:

The Southern Business District land holding is one of the last significant areas to be developed in the City of Joondalup and accordingly should be strategic in its execution. Given the significant expanse of bulk retail to the south of the Southern Business District and the identified shortage of office and commercial premises within the CBD, this land holding needs to compliment the learning precinct, interact with the public thoroughfares, provide significant employment generating opportunities and address current use deficiencies within the CBD.

**OFFICER'S COMMENT**

The objectives of the Structure Plan are consistent with the proposed recommendation. Offices are a permitted land use within the Structure Plan.

Through the process of negotiating with the current land owner and potential purchasers and tenants of the land, the City can use best endeavours to establish a unique range of commercial activities on the land, and ones that to inter-relate with the adjoining learning precinct area.

**NOTICE OF MOTION NO 2 – CR STEVE MAGYAR - BEACH HEALTH STUDY – DANGERS OF STORM WATER - [65597]**

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Magyar has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 16 October 2007:

***“That Council AFFIRMS the decision of the North Metropolitan Zone of the Local Government Association of Western Australia dated 27 September 2007, Item Number 7.4 – Beach Health Study Highlights Dangers of Storm Water that:***

- 1 WALGA requests that the State Government give consideration to the formation of a task force composed of State and Local Officers on options to address the problem;***
- 2 WALGA give consideration to seeking an urgent meeting with the appropriate Minister/s to discuss concerns regarding the State addressing its responsibilities regarding stormwater discharge under its control that does not comply with relevant health standards;***
- 3 Officers representing the various local authorities of the North Metro Zone form an informal working group to address the issue and exchange information.”***

**REASON FOR MOTION**

Cr Magyar submitted the following comment in support of his Notice of Motion:

“To ensure that this issue of public health is addressed in a fully co-ordinated manner across all organisations involved and that Council allocates adequate resources to the issue.”

**OFFICER’S COMMENT**

Points 1 and 2 of the Notice of Motion seeks Council’s support of the position taken by the Western Australian Local Government Association. This is supported.



## **10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

<b>Name/ Position</b>	
<b>Meeting Date</b>	
<b>Item No/ Subject</b>	
<b>Nature of Interest</b>	Financial Interest * Interest that may affect impartiality* <span style="float: right;"><i>* Delete where not applicable</i></span>
<b>Extent of Interest</b>	
<b>Signature</b>	
<b>Date</b>	

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



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**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

<b>TITLE</b> <i>(Mr/Mrs/Ms/Dr)</i>	<b>FIRST NAME</b>	<b>SURNAME</b>	<b>ADDRESS</b>

**STATEMENT**

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**Please note that:**

- Statements made at a **Briefing Session** must relate to matters contained on the draft agenda.
- Statements made at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Statements made at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called