

Agenda **Ordinary Meeting of Council**

NOTICE IS HEREBY GIVEN THAT THE NEXT ORDINARY MEETING OF THE COUNCIL OF THE CITY OF JOONDALUP WILL BE HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP

ON **TUESDAY, 28 OCTOBER 2008**
COMMENCING AT **7.00 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by 9.00am on **Monday, 27 October 2008**.

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Council Meeting.

QUESTIONS TO

council.questions@joondalup.wa.gov.au
PO Box 21 Joondalup WA 6919

GARRY HUNT
Chief Executive Officer
24 October 2008

www.joondalup.wa.gov.au

PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 18 December 2007:

Questions asked verbally

- 1 Members of the public are invited to ask questions at Council Meetings.
- 2 Questions asked at an ordinary 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.
- 3 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.
- 4 Public question time will be limited to two minutes per member of the public, with a limit of two questions per member of the public.
- 5 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 6 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.
- 7 Public question time will be limited to the legislative minimum of fifteen minutes and may be extended in intervals of up to ten 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. 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 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. The Presiding Member shall decide to:
 - Accept or reject any question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next Council meeting.
- 9 Where an elected member is of the opinion that a member of the public is:
 - asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
 - making a statement during public question time;they may bring it to the attention of the meeting.

- 10 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 11 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.

Questions in Writing

- 1 Members of the public may submit questions to the City in writing.
- 2 Questions submitted to an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. Questions submitted to a Special Meeting of the Council must relate to the purpose for which the meeting has been called.
- 3 The City will accept a maximum of 5 written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by 9.00 am on the day immediately prior to the scheduled Council meeting will be responded to, where possible, at the Council meeting. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Mayor will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Council meeting will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Council meeting.
- 8 A person who submits written questions may also ask questions at a Council meeting and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the minutes of the Council meeting.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements, either verbally or in writing, at Council meetings.
- 2 Statements made at an ordinary Council meeting must 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.
- 3 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.
- 4 Public statement time will be limited to two minutes per member of the public.
- 5 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.
- 6 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier than such time where there are no further statements.
- 7 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.
- 8 Where an Elected Member is of the opinion that a member of the public is making a statement at a Council meeting, that is not relevant to the operations of the City of Joondalup, they may bring it to the attention of the Presiding Member who will make a ruling.
- 9 A member of the public attending a Council meeting may present a written statement rather than making the Statement verbally if he or she so wishes.
- 10 Statements will be summarised and included in the minutes of the Council meeting.

CODE OF CONDUCT

The Code recognises these ethical values and professional behaviours that support the principles of:

Respect for persons - this principle requires that we treat other people as individuals with rights that should be honoured and defended, and should empower them to claim their rights if they are unable to do so for themselves. It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to other persons.

Justice - this principle requires that we treat people fairly, without discrimination, and with rules that apply equally to all. Justice ensures that opportunities and social benefits are shared equally among individuals, and with equitable outcomes for disadvantaged groups.

Beneficence - this principle requires that we should do good, and not harm, to others. It also requires that the strong have a duty of care to the weak, dependent and vulnerable. Beneficence expresses the requirement that we should do for others what we would like to do for ourselves.

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information.pdf](#)

CITY OF JOONDALUP

Notice is hereby given that a Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 28 OCTOBER 2008** commencing at **7.00 pm**.

GARRY HUNT
Chief Executive Officer
24 October 2008

Joondalup
Western Australia

VISION

“A sustainable City that is committed to service delivery excellence and operates under the principles of good governance.”

MISSION

“To undertake all our activities with the endeavour of meeting community expectations and achieving sustainable lifestyles.”

VALUES AND PRINCIPLES

Customer Focus

- We will work to understand and respond to the needs of all our customers both now and into the future.
- We will provide opportunities for community engagement.
- We will focus our improvement efforts on better services for our customers.

Purpose, Direction and Planning

- We will be plan driven, we will set priorities and we will ensure the effective allocation of resources to achieve our plans.

Sustainability

- We will minimise any adverse impact from our activities on the external environment and the resources available for future generations.
- We will provide value for money to all of our stakeholders.
- We will always act to ensure our activities serve the long-term interests of Joondalup.

Data, Measurement and Understanding

- We will make decisions based on information and understanding.
- We will measure and report progress against our goals.
- We will use measurement to drive continuous improvement.

Honesty and Integrity

- We will be fair, open and transparent in our activities.

AGENDA

Note: Members of the public are advised that prior to the opening of the Council meeting, Mayor Pickard will say a Prayer.

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 30 September 2008:

Mr S Magyar, Heathridge:

Re: Notice of Motion – Cr Macdonald – Call for Environmental Impact Study to be prepared before a design is chosen for the Ocean Reef Marina.

Q1 *Will the Council release the Environmental Impact Studies as soon as possible on line so that the public can be familiar with the environmental aspects of the Ocean Reef Marina?*

A1 The City is committed to environmental assessment in relation to the Ocean Reef Marina Site and environmental consultants have already been significantly involved in site investigations and preparation of preliminary designs.

In other words, the intention has been to insert sustainability and ecological principles into the front end of this development process, rather than conduct environmental impact assessments of designs at the final stage.

The City has to date engaged extensively with the community on this development proposal through both a questionnaire and Community Reference Group. It will continue to engage with the community on all aspects of the development.

Mr C Page, Iluka:

Re: Draft Local Law for Cats 2008

Q1 *Why has Council or the City established no research into the cat population of Joondalup or cat ownership?*

A1 The City has consulted with the community to further inform itself in relation to matters pertaining to cats.

The following questions were submitted in writing prior to the Council meeting:**Mr K Robinson, Como:**

- Q1 *Is the Council and each elected member and employee responsible for the conduct of administrative investigations aware of the Guidelines for Conducting Administrative Investigations developed to assist government agencies conduct administrative investigations published by the Ombudsman of Western Australia including the nine steps involved in conducting such investigations or an alternative credible set of Guidelines for conducting administrative investigations?*
- A1 City employees are aware of the Ombudsman's guidelines. Questions directed specifically to Elected Members are not appropriate.
- Q2 *Given the Guidelines produced by the Ombudsman of Western Australia state that "All investigations must be conducted without bias, in an impartial and objective manner. No one with an actual or perceived conflict of interest should be appointed or remain an investigator."*
- Why have administrative investigations into complaints submitted by myself been conducted by the Mayor and the CEO where they have previously disclosed that they have an interest that may affect their impartiality in dealing with matters before Council submitted by myself?*
- A2 The investigations are conducted without bias. The CEO has responsibility for assessing Code of Conduct complaints and there is no officer senior to the CEO to address them.
- Q3 *What training and or experience do the CEO and Mayor have that equips them to undertake administrative reviews in a competent manner which necessarily includes ensuring that the investigation process is conducted without bias in an impartial and objective manner?*
- A3 The CEO has extensive experience in public administration and receives advice as necessary.
- Q4 *Does the Council consider it acceptable that the rules of procedural fairness have not been observed in relation to the investigation of complaints submitted by myself undertaken by the Mayor and CEO?*
- A4 The City does not accept the views expressed in this question.
- Q5 *Is it the case that the Council is aware and agreeable to the CEO and Mayor determining themselves capable of conducting an appropriate administrative investigation into complaints lodged by myself whilst overlooking (inadvertently or deliberately) the rules of procedural fairness?*
- A5 As A4 above.

Mr W Dunne, Wembley Downs:

- Q1 *Why weren't discrete responses provided to each of the questions submitted by Mr Spack to the Council meeting held on 30 September 2008 dealing with separate issues associated with the nine (9) month delay in responding to each of the questions submitted by Mr Robinson to the November 2007 Briefing session despite not less than 18 emails being provided to Mr Hunt indicating that responses had still not been received?*
- A1 It is for the City to determine how questions are responded to.
- Q2 *Has the Administration apologised to Mr Robinson for providing him with a response to each of his questions submitted to the November 2008 Briefing session some nine (9) months after the questions were submitted and only after not less than 18 individual e-mails advising that responses had not been received were provided to Mr Hunt?*
- Q3 *If not, why isn't an apology appropriate?*
- Q4 *Is it being suggested if an accurate answer has been provided by the Administration to Mr Spack's questions indicating that each of Mr Robinson's e-mail is read and registered for Mr Hunt to have been unaware that responses had not been provided to each of the questions and for the matter to be described as an administrative oversight?*
- Q5 *Why hasn't Mr Hunt been required in the interests of accountability and openness to explain how he could inadvertently overlook not less than 18 individual e-mails over a nine month period asking for information Mr Robinson was entitled to under the City's procedures and which dealt with issues relating to Mr Hunt's own performance?*
- A2-5 The City has publicly acknowledged the oversight in relation to responding to the questions referred to.

Mr V Separovich, Mt Hawthorn:

- Q1 *Would it be appropriate for the Council to consider a motion recommending that an independent review be undertaken of Mr Hunt's handling of the issues raised in relation to Mr Robinson's question submitted to the November Briefing Session and the veracity of the response provided by Mr Hunt attributing the delay to an oversight?*
- A1 This is for Council to decide.
- Q2 *Is the Council concerned with what appears to be an attempt by the Administration to sweep under the carpet an issue relating to the CEO's governance without having been provided with a detailed account of how so many oversights were made by the CEO in relation to responding to questions raising issues with his own performance?*
- A2 The assumption in the question is rejected.

Q3 *Is this a matter that the Mayor would need to consider under the Official Corruption Commission Act?*

A3 There is no State Act of that name.

Q4 *Is the City concerned given Mr Hunt has previously declared an interest affecting his impartiality in dealing with issues associated with Mr Robinson that this could reinforce people's views that the issues raised require an independent review as to date they have not been satisfactorily answered?*

A4 This is not the City's view.

3 PUBLIC STATEMENT TIME

4 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Councillor Marie Macdonald	14 November 2008 – 22 November 2008 inclusive
Mayor Troy Pickard	18 November 2008
Mayor Troy Pickard	9 December 2008

5 CONFIRMATION OF MINUTES

MINUTES OF COUNCIL MEETING, 30 SEPTEMBER 2008

RECOMMENDATION

That the Minutes of the Council Meeting held on Tuesday, 30 September 2008 be confirmed as a true and correct record.

6 ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION

7 DECLARATIONS OF INTEREST

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.

Name/Position	Cr Albert Jacob
Item No/Subject	CJ230-10/08 - Proposed 63 Grouped Dwellings At Lot 5005 and 5006 (24) Delamere Avenue, Currambine
Nature of interest	Financial
Extent of Interest	Cr Jacob has provided architectural services for the applicant/owner.

Name/Position	Cr Albert Jacob
Item No/Subject	CJ233-10/08 - State Administrative Tribunal – Request for Proposed Draft Conditions Of Planning Approval - Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine
Nature of interest	Financial – proximity
Extent of Interest	Cr Jacob has a financial interest on a neighbouring/adjacent site.

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.

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ229-10/08 - Proposed Additions of Two Outbuildings to St Stephens School - 100 - 112 Doveridge Drive, Duncraig
Nature of interest	Interest that may affect impartiality
Extent of Interest	Son is registered on the waiting list for pre school.

8 IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

9 PETITIONS

1 PETITION IN RELATION TO PROPOSED DEVELOPMENT OF TAVERN, OFFICES AND A SHOP AT 14 HOBSONS GATE, CURRAMBINE – [77608]

A 112-signature petition has been received from Joondalup residents requesting Council to refuse approval for a tavern development on Lot 5003 Hobsons Gate Cnr Chesapeak Way, Currambine due to the proposed tavern being too small and the facilities and amenities being inadequate for the facilities and amenities requested by the Currambine and surrounding communities.

2 PETITION OBJECTING TO THE INTRODUCTION OF PAID PARKING IN JOONDALUP - [57618]

A 19-signature petition has been received from residents of Maddison Apartments, Joondalup objecting to the introduction of paid parking in Joondalup.

The petitioners are students and request that alternative arrangements are made to cater for the needs of students living in the locality such as “free” and “close to home” car parking spaces.

3 PETITION REQUESTING THE IMPROVEMENT OF SIGHT LINES BETWEEN THE ROAD AND PLAY AREA AND RESTORATION OF PLAY EQUIPMENT AT CLERMONT PARK, JOONDALUP - [04370]

A 20-signature petition been received from residents of the City of Joondalup requesting the:

- improvement of sight lines between the road and play area at Clermont Park, Joondalup by trimming back the surrounding bush in order that the play equipment is clearly visible from the road;
- park be made more family friendly and restoration of play equipment.

Three petitions containing ten-signatures in support and a further one-signature petition disagreeing with this request were presented to the Council meeting held on 30 September 2008.

RECOMMENDATION

That Council RECEIVES the following Petitions, refers them to the CEO and seeks a subsequent report to Council for information relative to the:

- 1 Petition requesting Council refuse approval for a tavern development on Lot 5003 Hobsons Gate Cnr Chesapeak Way, Currambine;**
- 2 Petition objecting to the introduction of paid parking in Joondalup.**
- 3 Petition requesting the:**
 - (a) improvement of sight lines between the road and play area at Clermont Park, Joondalup by trimming back the surrounding bush in order that the play equipment is clearly visible from the road;**
 - (b) park be made more family friendly and restoration of play equipment.**

10 REPORTS

CJ217-10/08 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 4 September 2008 to 3 October 2008.

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 been executed by affixing the Common Seal or signed by the Mayor and Chief Executive Officer.

Document:	Deed of Caveat
Parties:	City of Joondalup and Mr Kurt Ryan Figliomeni
Description:	Deed to provide vehicular access to car parking at Strata Lot 2 (No.2/8) Dugdale Street, Warwick on Strata Plan 35814
Date:	04.09.08
Signed/Sealed:	Sealed

Document:	Deed of Caveat
Parties:	City of Joondalup and Mr Ian Davidson Deany/Susan Deany
Description:	Deed to provide vehicular access to car parking at Strata Lot 6 (No.6/8) Dugdale Street, Warwick on Strata Plan 35814
Date:	04.09.08
Signed/Sealed:	Sealed

Document:	Deed of Caveat
Parties:	City of Joondalup and IDAMEN EO (No.123) Pty Ltd
Description:	Deed of Covenant for reciprocal parking and access restrictions at Lot 672 (No.9) Perilya Road, Craigie.
Date:	16.09.08
Signed/Sealed:	Sealed

Document:	Amendment 40 to DPS No.2
Parties:	City of Joondalup and WA Planning Commission
Description:	Amendment 40 to District Planning Scheme No.2 to zone Lot 500 Arawa Place, Craigie to Urban Development and Lot 501 Arawa Place, Craigie to Civic and Cultural (former Craigie High School site) – to be initiated prior to advertising.
Date:	16.09.08
Signed/Sealed:	Signed Only

Document:	Section 70A Notification
Parties:	City of Joondalup and M J & M R Lovett
Description:	Section 70A Notification to restrict occupation of the ancillary accommodation and the main dwelling at Lot 144 (10) Casilda Road, Duncraig to members of the same family.
Date:	03.10.08
Signed/Sealed:	Sealed

Document:	Section 70A Notification
Parties:	City of Joondalup and Ms Maria M Bluhe
Description:	Section 70A Notification to restrict occupation of the ancillary accommodation to dependent member(s) of the family of occupier(s) of the main dwelling at Lot 17 (28) Marine Terrace, Sorrento.
Date:	03.10.08
Signed/Sealed:	Sealed

Document:	Deed – Grant of Easement
Parties:	City of Joondalup and Southern Cross Care (WA) Inc.
Description:	Grant of Easement for Public access at Lot 9018 (4) Sunlander Drive, Currambine. Subject of a development approval (30/4744) granted 26 July 1994 for a service station at Lot 1326 (2) Sunlander Drive, Currambine to BP Australia. Condition 4 of the approval required landowner to enter into a legal agreement with the adjoining Lot to facilitate access over a shared driveway.
Date:	03.10.08
Signed/Sealed:	Sealed

Document:	Lease Agreement
Parties:	City of Joondalup and Silver Chain Nursing Association Inc.
Description:	Lease for part of Lot 549 (11) Moolanda Boulevard, Kingsley – renewal of lease with Silver Chain Nursing Association as per resolution of Council in relation to Report CJ244-11/07.
Date:	03.10.08
Signed/Sealed:	Sealed

Document:	Restrictive Covenant Deed
Parties:	City of Joondalup and The Roman Catholic Archbishop of Perth, Davidson Pty Ltd.
Description:	To restrict vehicular access to Burns Beach Road, Iluka – Lot 1674 Kallatina Drive, Iluka in order to satisfy Condition 9 of the WA Planning Commission Subdivision Approval 134458 dated 14 August 2007
Date:	03.10.08
Signed/Sealed:	Sealed

Document:	Deed of Restrictive Covenant
Parties:	City of Joondalup and The Roman Catholic archbishop of Perth, Davidson Pty Ltd.
Description:	To restrict vehicular access to Burns Beach road, Iluka – Lots 1651, 1652 and 1659 Burns Beach road Iluka, in order to satisfy Condition 9 of WA Planning Commission Subdivision Approval 129507 dated 7 February 2006.
Date:	03.10.08
Signed/Sealed:	Sealed

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Some of the documents executed by affixing the common seal or signed by the Mayor and Chief Executive Officer 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 been executed by affixing the Common Seal of the City of Joondalup or signed by the Mayor and Chief Executive Officer are submitted to the Council for information.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 4 September 2008 to 3 October 2008 executed by:

- 1 Means of affixing the common seal;**
- 2 Signature of the Mayor and Chief Executive Officer.**

**CJ218-10/08 MINUTES OF EXTERNAL COMMITTEE - [60514]
[00033]**

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of Western Australian Local Government Association – North Metropolitan Zone held on 18 September 2008

ATTACHMENTS

Attachment 1 Minutes of Meeting of Western Australian Local Government Association – North Metropolitan Zone held 18 September 2008

(Please Note: These minutes are only available electronically)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the minutes of the meeting of the Western Australian Local Government Association – North Metropolitan Zone held 18 September 2008 forming Attachment 1 to Report CJ218-10/08.

To access this attachment on the electronic document, click here:
[externalminutes211008.pdf](#)

**CJ219-10/08 2007/08 ANNUAL FINANCIAL REPORT - [12283]
[54620]**

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Mike Tidy
Corporate Services

PURPOSE

To consider the 2007/08 Annual Financial Statements and the auditor's report.

EXECUTIVE SUMMARY

In accordance with Section 6.4 of the Local Government Act 1995, the 2007/08 Annual Financial Report has been prepared and the accounts and the report have been submitted to the City's auditors.

The City's auditors have completed their audit of the City's accounts and the Annual Financial Report for the 2007/08 financial year in accordance with the terms of their appointment and the requirements of the Local Government Act 1995 Part 7 Division 3 and have submitted their report. An abridged set of Financial Statements will form part of the 2007/08 Annual Report.

The auditors report and the Annual Financial Report for the financial year 2007/08 were submitted to the Audit Committee on 20 October 2008. The Committee's recommendation is:

That Council, BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2007/08 forming Attachment 1 to Report CJ219-10/08.

BACKGROUND

Section 6.4 of the Local Government Act 1995 requires local government to prepare an annual financial report and to submit both the report and its accounts to its auditor by the 30 September each year. The City of Joondalup has met these requirements and the City's auditors have completed the audit of Council's accounts and Annual Financial Report for the financial year 2007/08.

As has been past practice, an abridged version of the Annual Financial Report has also been prepared for inclusion in the City's Annual Report. The Annual Financial Report for the financial year 2007/08 is included with this report at attachment 1.

DETAILS**Issues and options considered:**

The preparation of an Annual Financial Report and the submission of the report and the City's accounts to the auditors for audit are statutory requirements of the Local Government Act 1995.

The Annual Financial Report needs to be accepted by Council in order to enable the holding of an Annual General Meeting of Electors at which the City's Annual Report containing the abridged version of the financial report will be considered. A copy of the Annual Financial Report is also required to be submitted to the Departmental CEO.

Link to Strategic Plan:

Objective 1.1 of the City's Strategic Plan 2008-2011:

"To ensure that the processes of local governance are carried out in a manner that is ethical, transparent 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 Departmental CEO within 30 days of the receipt by the local government's 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:*
 - (f) *the financial report for the financial year;*

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 6.4 of the Local Government Act 1995 states:

6.4 Financial report

- (1) *A local government is to prepare an annual financial report for the preceding financial year and such other financial reports as are prescribed.*
- (2) *The financial report is to —*
 - (a) *be prepared and presented in the manner and form prescribed; and*
 - (b) *contain the prescribed information.*

(3) *By 30 September following each financial year or such extended time as the Minister allows, a local government is to submit to its auditor —*

(a) the accounts of the local government, balanced up to the last day of the preceding financial year; and

(b) the annual financial report of the local government for the preceding financial year.

Risk Management considerations:

The risk associated with not accepting the Annual Financial Report for the financial year 2007/08 is that it could lead to failure to set a date for the Annual General Meeting of Electors resulting 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 preparation of the Annual Financial Report, however, the Audit Committee met with the auditor prior to the commencement of the audit as well as post audit. The Local Government Act 1995 requires an Annual General Meeting of Electors to be held and the City's Annual Report incorporating the abridged financial report to be made available publicly. The full Annual Financial Report will also be publicly available.

COMMENT

It is proposed that the Annual Financial Report will be produced on CD-Rom and made available on the City's public website. A minimal number of printed, bound colour copies will be available for viewing at libraries, leisure centres and customer services centres.

In order for the City to meet its legislative requirements, it is recommended that the Council accepts the Annual Financial Report for the financial year 2007/08.

ATTACHMENTS

Attachment 1 Annual Financial Report for the financial year 2007/08.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council, BY AN ABSOLUTE MAJORITY, ACCEPTS the Annual Financial Report of the City of Joondalup and the accompanying audit report for the financial year 2007/08 forming Attachment 1 to Report CJ219-10/08.

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1agn281008.pdf](#)

CJ220-10/08 2007/2008 ANNUAL REPORT AND 2008 ANNUAL GENERAL MEETING OF ELECTORS – [18618]

WARD: All

RESPONSIBLE DIRECTOR: Mr Ian Cowie
Governance and Strategy

PURPOSE

For the Council to:

- adopt the Annual Report for the 2007/08 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 2007/08 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 2007/08 financial year. The abridged Financial Statements will form part of the 2007/08 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, 1 December 2008.

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 2007/08 and focus on the many highlights of a busy year.

At its meeting held on 16 October 2007 (Item CJ206-10/07 refers), Council resolved to:

“AGREE 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.”

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 16 October 2007, and the limitations in being able to finalise the necessary documentation that is required to be available.

Link to Strategic Plan:

1.3 Objective: To lead and manage the City effectively.

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 2007/08 Annual Report
- General Business

Sustainability

Not Applicable.

Risk Management considerations:

The risk associated with not adopting the 2007/08 Annual Report and failure to set a date for the 2008 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 2007/08 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 2007/08 and convenes the 2008 Annual General Meeting of Electors for Monday, 1 December 2008.

ATTACHMENTS

Attachment 1 2007/08 Annual Report and Annual Financial Statements

VOTING REQUIREMENTS

Absolute Majority

RECOMMENDATION

That Council:

- 1 **BY AN ABSOLUTE MAJORITY, ADOPTS the 2007/08 Annual Report of the City of Joondalup, forming Attachment 1 to Report CJ220-10/08;**
- 2 **CONVENES the 2008 Annual General Meetings of Electors on Monday, 1 December 2008 at 7.00 pm in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup;**
- 3 **ADVERTISES by public notice that the City of Joondalup Annual Report will be available from approximately Friday, 7 November 2008;**
- 4 **in accordance with Local Government (Financial Management) Regulation 51(2) PROVIDES a copy of the Annual Report and Annual Financial Statements to the Director General of the Department of Local Government and Regional Development.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2agn281008.pdf](#)

CJ221-10/08 CRAIGIE BUSHLAND – PROPOSED CONSERVATION SANCTUARY DEVELOPMENT – [44236]

WARD: Central

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

PURPOSE/EXECUTIVE SUMMARY

To provide Council with the outcomes of research conducted into the potential establishment of a nature sanctuary in Craigie Bushland and to make recommendations on how to progress the project.

BACKGROUND

At its meeting of 2 September 2008, Council resolved, inter alia, to:

“SEEK a report from the Chief Executive Officer on the development and management options for a potential wildlife sanctuary at Craigie Bushland including possible partnership arrangements and the anticipated costs over the five years of operation.”

This report addresses the direction from Council above by outlining research undertaken on the subject, reporting outcomes from consultation with Friends Groups, proposing options for Council to consider and outlining each option’s anticipated cost.

DETAILS

Craigie Bushland, also known as Craigie Open Space, is part of a natural bushland corridor running north to south along the western side of the Mitchell Freeway for approximately 5 kilometres. This corridor includes the immediately adjacent Beenyup Bushland to the north, and Pinnaroo Memorial Park and Hepburn Heights Bushland to the south. Public access to Craigie Bushland is available from the rear of the Craigie Leisure Centre. A map showing the location and main features of the site can be found in Attachment 1 to Report CJ221-10/08.

Over 145 species of plants and trees have been identified on this 53 hectare reserve. They range from Quandong, Rottnest Island Pine and Acacia in the Quindalup Dunes, to Banksia, Tuart and Jarrah in the Spearwood Woodlands. A major feature of the area is the Quindalup Dune System that runs in a north-south direction along the western edge of the site. Sweeping views can also be obtained of the Bushland and surrounding areas from the top of the escarpment.

The natural and environmental values of Craigie Bushland were recognised in 2000 when it was included in the Bush Forever program. According to the Site Description, more than 70 percent of this Bushland was in ‘very good’ to ‘excellent’ condition. The report identified several native animal species that have largely disappeared from the Perth Metropolitan Area, including the Western Grey Kangaroo, Western Brush Wallaby, Splendid Fairy Wren and Grey Shrike Thrush.

In 2005, a preliminary report was commissioned by the City into the concept of establishing a nature sanctuary on the Craigie site. The report identified the Bushland as suitable for this purpose and proposed the reintroduction of a range of native flora. The report further identified several animal species suitable for reintroduction, including the Quenda, Quokka,

Numbat, Tammar Wallaby, Brushtail Possum, Ringtail Possum, Bilby and Boodie.

Research Methodology:

In order to further explore the concept of a conservation sanctuary at Craigie Bushland, research was undertaken into viable methods of establishment, financial management and operation. Various nature sanctuaries and wildlife parks in Australia were contacted and central common features were identified. Following this benchmarking process, a comprehensive literature review was conducted on the practicalities of establishing a nature sanctuary, as well as the social, environmental and financial impacts of such a proposal.

Findings:

BENCHMARKING:

A number of conservation sanctuaries and wildlife parks were reviewed for benchmarking purposes, including: Barna Mia (Dryandra Woodland); Caversham Wildlife Park (Whiteman); Cohunu Koala Park (Kelmescott), Herdsman Lake Wildlife Centre (Wembley); John Forrest National Park (Jane Brook); Karakamia Sanctuary (Chidlow); The Maze (Bullsbrook); Perth Zoo (South Perth); Yanchep National Park (Yanchep); Healesville Sanctuary (Healesville, Victoria); and Warrawong Wildlife Sanctuary (Mylor, South Australia). These examples can be broadly grouped into two main types ranging from 'for-profit' tourism entities to 'not-for-profit' conservation sites.

The first category focuses primarily on entertainment and generally meets the expectations of visitors wishing to 'experience' wildlife in a pleasant, park-like setting. These sanctuaries and parks may have a conservationist or an educational outlook, or may cater directly to the tourism market. Nature sanctuaries and wildlife parks such as Perth Zoo, Caversham Wildlife Park, Cohunu Koala Park, The Maze, Healesville Sanctuary and Warrawong Wildlife Sanctuary largely fall under this category.

The second category includes publicly or privately owned 'spaces' which promote the area in its 'natural' (generally pre-colonial) state. These spaces are often revegetated with local native flora and provide shelter for reintroduced wildlife species (many of which are rare or endangered). Public access is sometimes limited or highly supervised, focussing heavily on conservation and restricting the adverse interaction between humans and nature. Nature sanctuaries and wildlife parks such as Karakamia Sanctuary, Herdsman Lake Wildlife Centre and John Forrest National Park largely fall under this category.

LITERATURE REVIEW:

A comprehensive review of the literature revealed four main areas of management to be considered in the establishment and operation of a nature sanctuary. 'Best practice' models in the areas of business management, environmental management, wildlife management, and visitor/tourist management were identified.

It was recognised in the literature that any nature-based tourism or conservation venture, including a conservation sanctuary, required the same considerations as any other business. 'Best practice' models included appropriate planning and research, and, for a nature-based enterprise of this type, extensive market research and an effective marketing strategy. Further, that business management for any nature-based tourism or conservation venture should also consider government requirements, staffing, customer service and community and public relations.

The review secondly identified effective environmental management as an essential feature of a successful conservation sanctuary. According to the literature, environmental management would need to focus on issues such as foreign weeds, diseases and pesticide use. A comprehensive plan for managing the environment would need to be formulated so as

to preserve the natural area, implement appropriate revegetation measures and mitigate any adverse human impacts.

Attention to and care of wildlife was also identified. The literature review outlined various issues relating to wildlife management which varied widely in relevance depending on the extent to which wildlife featured as an 'exhibit'. Large-scale zoos for example, required extensive design and maintenance of cages and enclosures, whereas unfenced natural areas chiefly required attention to feral animal control. Additional issues for wildlife management included wildlife relocation practices, rates of mortality, preventing/treating disease and preventing animals from escaping.

The review also noted various issues relating to visitor or tourist management. In particular, the literature conveyed the importance of managing human/nature interactions to ensure the mitigation of any adverse human impacts. The literature also highlighted a number of factors that can contribute to visitor/tourist satisfaction, including: maintaining high aesthetic qualities; providing adequate directional signage; offering a variety of wildlife for visitors to view; offering a high level of visitor/wildlife interaction; ensuring exemplary customer service; and offering sufficient education/interpretation programs.

Overall, the review of the literature revealed that both short and long-term planning is vital to the success of a nature sanctuary. Furthermore, the review described that while there is a demand for nature-based tourism, such ventures are not often profitable. (However, for the City's purposes, a cost-neutral situation would be sufficient to ensure the long-term viability of such a venture). In considering the potential for a sanctuary in Craigie Bushland, it would be necessary to compile a comprehensive Management Plan that includes relevant aspects of business, environmental, wildlife and visitor/tourist management.

In order to be effective either as a tourism facility or a nature conservation facility, Craigie Bushland will need to be carefully evaluated, planned, managed and monitored so as to be both environmentally and financially viable.

Stakeholder Involvement:

In both the Benchmarking and Literature Review, volunteers have been identified as heavily supporting the operations of conservation sanctuaries and wildlife parks. However, the majority of the venues reviewed are also reliant upon skilled professionals working as horticulturalists, biologists, ecologists, landscapers, environmental scientists, rangers, veterinarians and animal carers. Professionals in marketing and customer relations are also essential in promoting the venue as an attraction and in ensuring that the visitor's 'natural experience' is a high quality product.

To establish and maintain a conservation sanctuary at Craigie Bushland, volunteer support would be a necessity. Enquiries were made with the following groups:

- Friends of Craigie Bushland: very supportive of the concept of a nature sanctuary, but have not given any indication as to the nature and extent of that support.
- Friends of Yellagonga: very supportive of the concept of a nature sanctuary, but would be limited to sharing their advice and experiences.
- Joondalup Community Coast Care Forum: very supportive of the concept of a nature sanctuary, but would be limited to sharing their advice and experiences.
- Northern Suburbs Reconciliation Group: strong in-principle support for the concept of a nature sanctuary, would appreciate being privy to a feasibility study when completed so that the whole group can discuss their future involvement.

Other stakeholder groups who may hold an interest in the concept of a nature sanctuary include:

- Metropolitan Cemeteries Board (Pinnaroo Memorial Park)
- Water Corporation (Beenyup Water Treatment Plant)
- Department of Environment and Conservation (DEC)
- Edith Cowan University
- Local Residents'/Ratepayers' Associations (eg: Whitford Community, Ratepayers & Recreation Association Inc.)

Issues and Options Considered:

The research conducted demonstrates the variety of nature sanctuaries and wildlife parks around Australia. These examples have a range of differing emphases which ultimately affect the activities undertaken at the venue and the necessary infrastructure required.

Consequently, the extent to which the proposed conservation sanctuary at Craigie Bushland will engage flora and fauna (especially with regard to revegetation and wildlife reintroductions) must be determined. The following two options are proposed:

OPTION 1: Conservation Sanctuary with limited and controlled human interaction focussing on restoration

The initial purpose of the sanctuary will be to return the local ecosystem to its highest levels by restoring or revegetating degraded natural bushland, reintroducing native animal species, and preventing further destruction or damage by feral animals and uncontrolled human activity. Additional 'low-impact' infrastructure, such as walk trails, seating and interpretive signage, are also advised to encourage casual visitors to walk around the site whilst limiting their potential to damage flora and fauna.

This option would require the development of comprehensive short and long-term management plans informed by an audit of existing natural bushland and wildlife. Planning would need to include strategies to restore or revegetate the area and to reintroduce species within feral-proof fencing. The costs associated with this option would be likely to include the initial audit, any necessary ground works or infrastructure, provision of interpretive signage and the establishment of a program for animal reintroduction, care and monitoring. The costs of this option would most likely require considerable outlay in the beginning but, with the ongoing commitment and support of volunteers, may decrease over time.

COST ESTIMATE *		
ITEM:	CAPITAL:	RECURRENT:
flora and fauna audit	\$ 30 000	
environmental/wildlife management plan	\$ 25 000	
feral-proof fence	\$ 285 000	
annual bushland maintenance		\$ 39 000
upgrade of existing pathways	\$ 80 000	
construction of new pathways/seating	\$ 200 000	
interpretive signage and marketing	\$ 100 000	\$ 20 000
introduction and monitoring of native fauna (one year duration)		\$ 16 000
TOTAL	\$ 720 000	\$ 75 000

* Indicative only – No detailed scope of the project has been compiled.

OPTION 2: Conservation Sanctuary with a focus on human experience and education

The purpose of the sanctuary will be to create a place where visitors can ‘experience nature’ through a variety of activities in an area where the local ecosystem is preserved (or enhanced).

The first stage of this option would incur similar costs as option 1 in that time will be required to restore vegetation and reintroduce native animal species to a firmly established level prior to allowing increased human activities to be undertaken in the Bushland area.

Similar to option 1, this option would also require the development of comprehensive short and long-term management plans with considerable support and advice from technical staff in the areas of flora and fauna management as well as the areas of business and marketing.

Upon introducing tourism activities within the area, the costs of this option would significantly increase and would be likely to remain significant for some time. However, the long-term goal of this option would be to create a financially and operationally sustainable tourism product that utilises a user-pays system.

	COST ESTIMATE *		
	ITEM:	CAPITAL:	RECURRENT:
Stage One	flora and fauna audit	\$ 30 000	
	environmental/wildlife management plan	\$ 25 000	
	feral-proof fence	\$ 285 000	
	annual bushland maintenance		\$ 39 000
	upgrade of existing pathways	\$ 80 000	
	construction of new pathways/seating	\$ 200 000	
	interpretive signage and marketing	\$ 100 000	\$ 20 000
	introduction and monitoring of native fauna (one year duration)		\$ 16 000
Stage Two	interpretive centre (reception, display area, kiosk, public toilets, storage, office)	\$ 875 000	
	staff to coordinate interpretive activities		\$ 10 000
	TOTAL	\$1 595 000	\$ 85 000

* Indicative only – No detailed scope of the project has been compiled.

(Further, should be noted that the cost estimates provided for each option do not include the costs of conducting a feasibility study which would examine the cost/benefits associated with establishing a sanctuary on this site in greater depth. Further, the floor space estimate has been based on average square metre cost of \$2,500, assuming a building of 350 square metres.)

Link to Strategic Plan:

KEY FOCUS AREA: The Natural Environment

- OBJECTIVE 2.1: To ensure that the City’s natural environmental assets are preserved, rehabilitated and maintained.
- OBJECTIVE 2.2: To engage proactively with the community and other relevant organisations in the preservation of the City’s natural environmental assets.
- STRATEGY 2.2.4: The City undertakes actions to protect and rehabilitate its natural bushland and coastal environment and works closely with Friends and local environmental groups to achieve these outcomes.

Links to Plans Endorsed by Council:

Environment Plan 2007-2011

- SECTION 3: Biodiversity.
- OBJECTIVE: To ensure the effective protection and maintenance of the City's biodiversity.
- ACTION 3.1.8: Undertake a feasibility study for the development of a native animal sanctuary in the Craigie Bushland.

Legislation – Statutory Provisions:

Currently, the Craigie Bushland site is zoned for Parks and Recreation under the Metropolitan Regional Scheme. Any development of the site (eg: clearing, structures) would require the approval of the Western Australian Planning Commission (WAPC) unless the development is part of a Management Plan that has been endorsed by the WAPC. As the City has committed the area to the Bush Forever program, the relevant WAPC draft policy and Regional Scheme would also need to be taken into account.

Legislation pertinent to the establishment and operation of a sanctuary has been summarised as follows:

- *WA Wildlife Conservation Act 1950*

The purpose of this Act is to provide for the conservation and protection of wildlife. The Act provides a definition of Wildlife Sanctuary as an area of land which is the subject of an agreement made under Section 16 of the *Conservation and Land Management Act 1984* for management as a nature reserve.

- *WA Wildlife Conservation Regulations 1970*

These regulations identify the terms and conditions under which licences may be issued for a range of activities including the taking, transporting, keeping, farming, breeding, scientific research, commercial display, using for educational purposes, hunting or sale of fauna.

- *WA Conservation and Land Management Act 1984*

The purpose of this Act is to make better provision for the use, protection and management of certain public lands and waters and the flora and fauna thereof, to establish authorities to be responsible therefore, and for incidental or connected purposes.

- *WA Environmental Protection Act 1986*

The purpose of this Act is to provide for an Environmental Protection Authority, for the prevention, control and abatement of pollution and environmental harm, for the conservation, preservation, protection, enhancement and management of the environment and for matters incidental to or connected with the foregoing.

Risk Management Considerations:

Given that the Literature Review exposed a community expectation for a site to be a pleasing and attractive 'natural' place for visitors, the proposed sanctuary may not have significant appeal as a potential visitor/tourism attraction in its present condition for the following reasons:

- A significant portion of bush has been damaged by poisoning associated with a sump located in the area;
- The odour from the nearby Beenyup Water Treatment Plant is unpleasant; and
- The sound of traffic from the adjacent Mitchell Freeway is noticeable.

There is a risk that measures to mitigate these issues may not be sufficiently effective, therefore reducing the potential value of the area as an attractive tourism destination. Risks in these areas will be exposed during the feasibility stages of the project.

Financial/Budget Implications:

Dependent upon the option selected, the financial outlay could be significant for the City. Though costs incurred by the City will be subject to potential grant applications the City may pursue to reduce the net costs of the project.

It is likely that consultancy services would be required to determine the condition of the natural bushland and the subsequent need for and implementation of Environmental, Wildlife and Business Management Plans to establish a sanctuary.

Further financial implications are referred to in the Cost Estimates provided above in "Issues and Options Considered".

Policy Implications:

Establishing an animal sanctuary in the Craigie Bushland area will need to be underpinned by the principles outlined in the City's Sustainability Policy 5-4.

Regional Significance:

The location of the proposed sanctuary, adjacent to an extensive leisure complex off the Mitchell Freeway with ample free parking and within easy reach of public transport services, would make it feasible as a regional attraction. The sanctuary could also form part of an extensive cycling network linking the northern suburbs.

Sustainability Implications:

As noted in the literature, a major threat to a sustainable ecosystem is that of uncontrolled human visitation. In designating Craigie Bushland as a sanctuary, the City may be able to provide an invaluable 'hands on' learning opportunity to the wider community.

Consultation:

During the Benchmarking process, low-key consultation was undertaken with owners and operators of nature sanctuaries and wildlife parks around Australia.

Contact was also made with local environmental groups/organisations as noted above in the "Stakeholder Involvement" section of this report.

COMMENT

The City's intention to conduct a feasibility study for the development of a sanctuary in the Craigie Bushland originated as an action in the Biodiversity Section of the City's Environment Plan 2007-2011. From the research conducted it has emerged that the type of sanctuary to be developed and the infrastructure necessary to support it will depend upon the purpose for which it is intended. It is recognised that option 2 will not be attainable until most aspects of option 1 have been successfully completed. Therefore, it is recommended that the establishment of a conservation sanctuary in Craigie Bushland proceed in line with option 1, the development of which can be monitored and assessed at regular intervals. Based on its level of success, the economic and environmental viability of option 2 can be investigated at a later date.

ATTACHMENTS

Attachment 1: Site Map (Proposed Craigie Bushland Animal Sanctuary)

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. ENDORSES the concept for the establishment of a conservation sanctuary in Craigie Bushland subject to a future and more detailed report to Council on the subject which presents the detailed Feasibility and Management Plan;**
- 2. APPROVES the installation of a feral-proof fence in accordance with the 2008/09 budget allocation;**
- 3. REQUESTS the development of a detailed Feasibility and Management Plan that outlines all short and long-term planning issues and associated costs in line with option 1 as detailed in Report CJ221-10/08;**
- 4. REQUESTS the City to investigate opportunities for potential partnerships in the development of the site as outlined in this Report as without external support, the project is unlikely to be feasible (Stakeholder Involvement).**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf211008.pdf](#)

CJ222-10/08 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2008 - [09882]

WARD: All

RESPONSIBLE: Mr Mike Tidy
DIRECTOR: Corporate Services

PURPOSE

For Council to note the list of accounts paid under the CEO's delegated authority during the month of September 2008.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2008 totalling \$11,772,123.10.

It is recommended that Council NOTES the CEO's list of accounts for September 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to Report CJ222-10/08, totalling \$11,772,123.10.

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

DETAILS

The table below summarises the payments drawn on the funds during the month of September 2008. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 82250 - 82497 and EF 1251 - 2507 Net of cancelled payments	\$9,073,603.41
	Vouchers 442A - 443A, 446A - 448A & 450A	\$2,681,948.12
Trust Account	Cheques 202294 + 202317 Net of cancelled payments	\$16,571.57
Total		\$11,772,123.10

Issues and Options Considered:

Not Applicable

Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or approved in advance by Council.

Policy Implications:

All expenditure included in the list of payments is drawn from the City's accounting records.

Sustainability Implications:

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

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2008/9 Annual Budget as adopted by Council at its meeting of 22 July 2008 or has been authorised in advance by Council where applicable.

ATTACHMENTS

- | | |
|--------------|------------------------------------------------------------------------|
| Attachment A | CEO's Delegated Municipal Payment List for the month of September 2008 |
| Attachment B | CEO's Delegated Trust Payment List for the month of September 2008 |
| Attachment C | Municipal and Trust Fund Vouchers for the month of September 2008 |

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for September 2008 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to Report CJ222-10/08, totalling \$11,772,123.10.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf211008.pdf](#)

CJ223-10/08 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 AUGUST 2008 – [07882]

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

PURPOSE

The August 2008 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The August 2008 year to date report shows an overall increase in budgeted surplus from operations and capital of \$1,096K when compared to the 2008-2009 adopted budget (JSC3 -07/08).

This variance can be summarised as follows:

- The **Operating** surplus at the end of August 2008 is \$1,931K above budget, comprising lower Revenue of \$(354)K and lower operating expenditure of \$2,285K.

Revenue was below budget on Fees & Charges by \$(522)K and Grants & Subsidies by \$(72)K. There was additional revenue of \$119k for Rates, \$77K for Interest and \$37K for Profit on Asset Disposals.

Expenditure variances arose principally from underspending on Materials and Contracts \$1,325K, Employee Costs \$736K and Other Expenses \$239K, partly offset by Depreciation being \$(76)K over budget.

- **Capital Expenditure** is \$(323)K above the budget of \$1,499K. The variance relates mainly to higher than expected expenditure on Corporate Projects of \$(547)K partly offset by lower expenditure of \$197K on Vehicle and Plant replacements.

The variances are detailed in the attached notes.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 August 2008.

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

Issues and options considered:

The Financial Activity Statement for the period ended 31 August 2008 is appended as Attachment A.

Link to Strategic Plan:

Objective 1.3 – To lead and manage the City effectively.

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 source and application 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 revised 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.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the 2008-09 Annual Budget or have been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A - Financial Activity Statement for the period ended 31 August 2008.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 August 2008.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf211008.pdf](#)

CJ224-10/08 NORTH ROAD STOCK ROUTE DRIVE TRAIL DEVELOPMENT PLAN – [45001]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

To provide Council with information on the North Road Stock Route Drive Trail Development Plan.

EXECUTIVE SUMMARY

The North Road Stock Route Drive Trail is a proposed 'tourist drive' through the northern Perth metropolitan area and the mid-west regions of Western Australia. The North Road Stock Route Drive Trail Development links Perth with Geraldton, via a number of towns and places of interest.

The project is an initiative of the City of Geraldton–Greenough which is seeking endorsement and comments on the project from the ten Local Governments that will be hosting the route of the trail (Attachment 1).

If the proposal is endorsed, the City's contribution will be limited to working with the proponents of the trail to develop a Memorandum of Understanding that will determine the roles and responsibilities of those bodies that agree to be partners in the project.

The North Road Stock Route Drive Trail Plan estimates the infrastructure costs for the local authorities that host the trail, in this instance the City's contribution, would be \$4000 for the installation of interpretive signage at Neil Hawkins Park.

It is recommended that Council ENDORSES in principle the North Road Stock Route Drive Trail Plan proposal, and work with the proponents to prepare a Memorandum of Understanding for the development and future management of the trail.

BACKGROUND

The City has recently been contacted by the City of Geraldton-Greenough seeking written endorsement/acceptance of the North Road Stock Route Drive Trail Development Plan, and the City's participation in preparing a Memorandum of Understanding in relation to the development and future management of the Trail.

The trail seeks to follow the course of the 19th century stock route. The City of Joondalup has been invited to participate because historically the stock route passed by the western shore of Lake Joondalup in the area now known as Neil Hawkins Park. Neil Hawkins Park has been identified as an important watering hole on the original stock route.

All Local Governments situated along the proposed route of the trail have been contacted by the City of Geraldton-Greenough seeking support for the project.

The main focal points of the trail will be a series of historic watering holes and other sites of interest associated with the earliest movement of goods and stock between Geraldton and Perth.

DETAILS

The North Road Stock Route Trail is proposed to extend from Geraldton in the north to Reabold Hill in the Town of Cambridge. It is intended as a tourist drive, following the stockman route that was first used in the latter half of the nineteenth century. The proposed route will contain over thirty sites of interest with interpretive themes and/or stories to be displayed at each site. Various stakeholders including the City have contributed to the Trail Plan; the other contributors are State Government Departments, other Local Government authorities, non government organisations and the Mid West Development Commission.

The North Road Stock Route Drive Trail Plan (Attachment 2) provides details on the proposed route (note: only detail referenced to the City is included). It does not however, contain the full text of the interpretive panels to be installed at the sites of interest. This work is planned to be undertaken with the assistance of stakeholders, including the City, who have local knowledge of the sites of interest

Neil Hawkins Park has been chosen as the site of interest in the City because of the following excerpt from North Road Stock Route Drive Trail Plan:

- Highly scenic views over Lake Joondalup; exceptional level of facilities.
- This area was part of the original Stock Route because of the water. It is the southern terminus of the Yaberoo Budjara Heritage Trail.
- Excellent visitor facilities and east access. Ample car and caravan parking. BBQ facilities.
- A good opportunity to promote the trail because of the high visitation rate.
- Interpretive shelter with no information. Sculpture detailing Aboriginal significance of area.

The proposal is that the North Road Stock Route Drive Trail will connect with other major drive trails already established within Western Australia. The proponents believe the trail will add another highly significant tourism product in Western Australia and Australia's self-drive market, as well as completing a 'missing link' in the suite of drive trails already established in the State.

The North Road Stock Route Drive Trail Plan estimates the infrastructure costs for the City's contribution would be \$4000 for the installation of interpretive signage at Neil Hawkins Park.

Issues and options considered:

The options are:

- 1 Not to support the project.
- 2 To support the project.

If Option 1 is chosen the City may miss the opportunity to be an integral part of a project that will have an impact over a large part of the State, and potentially bring a greater tourist flow to the City with the benefits associated with this, that is a boost to local business and a lift in the City's exposure as a tourist destination.

With this option the cost associated with inclusion in the project will be saved, currently estimated at \$4000 for interpretive signage. Also, with this option, no City staff resources will be incurred.

If Option 2 is supported, the City will be part of a large state wide tourism project, working with potentially ten other local authorities. It is intended that the Trail will be promoted via a website, postcards, maps and brochures. The publicity generated to market the trail would also bring benefits to the Local Governments located along the trail.

Link to Strategic Plan:

2.2 OBJECTIVE:

To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

If the North Road Stock Route Drive Trail Plan is adopted by the City, interpretive signage would need to be placed in Neil Hawkins Park. The cost of this signage is estimated at \$4000.

Policy implications:

Not Applicable

Regional Significance:

The North Road Stock Route Drive Trail Plan will pass through areas administered by ten Local Government authorities, as well as land managed by the Department of Environment and Conservation. It is the intention that the trail be marketed widely; this will give the trail wide regional significance.

Sustainability implications:

The interpretive signs constructed at Neil Hawkins Park will have an educational bias, with a focus on history, as well as the natural environment. It is also envisaged that messages be included on the care and protection of the natural environment, giving a strong sustainability message.

Consultation:

The development of the Trail Plan has been a very much consultation driven process, with ten Local Governments and many government and non government organisations being involved.

It would be envisaged that discussions would be held with local stakeholders as the Trail Plan is developed further.

COMMENT

Historically the North Road Stock Route had a strong influence on the early development of the land area that is now Joondalup. There is now a strong interest in local history and this factor, in association with the increased cost of flying interstate for holidays should produce an interest in tourists wishing to follow the North Road Stock Route Drive Trail.

The City's financial contribution to be part of the Trail is small compared with other Local Governments on the Trail, this is because most of the infrastructure including access roads and toilet facilities are already in place and in excellent condition.

It is recommended that the City should become involved in this exciting regional project.

ATTACHMENTS

Attachment 1	Letter from City of Geraldton-Greenough
Attachment 2	North Road Stock Route Drive Trail Plan

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ENDORSES in principle the North Road Stock Route Drive Trail Plan proposal, and work with the proponents to prepare a Memorandum of Understanding for the development and future management of the trail.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf211008.pdf](#)

CJ225-10/08 TENDER 037/08 SUPPLY, DELIVERY AND INSTALLATION OF INSTANT TURF – [18620]

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tenders submitted by Allwest Turfing and A & S Lawn Supplies for the Supply, Delivery and Installation of Instant Turf (Tender 037/08).

EXECUTIVE SUMMARY

Tenders were advertised on 27 August 2008 through state wide public notice for the Supply, Delivery and Installation of Instant Turf. Tenders closed on 16 September 2008. Four (4) Tenders were received from:

- Allwest Turfing;
- A & S Turf Supplies;
- Turfmaster Facility Management; and
- Lovegrove Turf Services Pty Ltd.

The Tenders received from Allwest Turfing and A & S Lawn Supplies both demonstrated significant industry experience and the capacity to meet the City's requirements.

It is recommended that Council ACCEPTS the Tenders submitted by Allwest Turfing and A & S Lawn Supplies for the Supply, Delivery and Installation of Instant Turf for a three (3) year period in accordance with the statement of requirements as specified in Tender 037/08 at the submitted schedule of rates (GST exclusive).

BACKGROUND

This requirement is for the supply, delivery and installation of instant turf, including soil preparation, for streetscapes (median islands and verges) and parks within the City.

The City has not previously had a contract in place for this requirement. Services were obtained on a quotation basis for individual projects. The City has implemented a comprehensive turf maintenance programme and the value of these services is expected to exceed the tender threshold and a contract is now required.

DETAILS

Tenders were advertised on 27 August 2008 through state wide public notice for the Supply, Delivery and Installation of Instant Turf. Tenders closed on 16 September 2008. Four (4) Tenders were received from:

- Allwest Turfing;
- A & S Turf Supplies;
- Turfmaster Facility Management; and
- Lovegrove Turf Services Pty Ltd.

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Demonstrated understanding of the required tasks	35%
2	Capacity	30%
3	Demonstrated experience in completing similar projects	30%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1. It should be noted that the Tender submission from Turfmaster Facility Management was determined to be non-compliant.

To provide an estimated expenditure over a twelve (12) month period the six (6) most commonly used items and their typical usage based on historical data have been used to calculate the total price. These items form approximately 90% of the contract value and the following table provides a comparison of the estimated expenditure. The six (6) most commonly used items are:

- Supply, delivery & installation of Kikuyu turf (1m², 15-20mm thick);
- Supply, delivery & installation of Kikuyu turf (1m², 20-30mm thick);
- Top dressing – coarse river sand;
- Top dressing – yellow lawn sand;
- Root zone levelling – coarse river sand mix; and
- Root zone levelling – yellow lawn sand.

The City has fifty-two parks and the estimate of expenditure has been based upon twenty-five parks having a 300m² area of turf replaced each year. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The estimated cost of the Contract for each Tenderer is as follows:

Estimated Cost	Allwest Turfing	A & S Lawn Supplies	Lovegrove Turf Services Pty Ltd
Year 1	\$184,800	\$192,750	\$343,875
Year 2	\$192,192	\$200,460	\$357,630
Year 3	\$199,880	\$208,478	\$371,935
Total Estimated Cost	\$576,872	\$601,688	\$1,073,440

Previously turf maintenance was included in general parks maintenance with no specific allocation to this requirement. With an established turf maintenance programme now in

place, it is expected the City will incur in the order of \$600,000 over the three (3) year Contract period.

Evaluation Summary

Tenderer	Evaluation Score	Estimated Contract Price	Qualitative Rank
Lovegrove Turf Services Pty Ltd	75.3%	\$1,073,440	1
Allwest Turfing	67.6%	\$576,872	2
A & S Lawn Supplies	65.5%	\$601,688	3
Turfmaster Facility Management	Non-compliant, not considered further		

Issues and options considered:

The supply and installation of instant turf is required for the maintenance of the City's fifty-two parks. The City does not have the internal resources to supply the required services and as such requires an appropriate external service provider.

Link to Strategic Plan:

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

5. Community Wellbeing

Objective 5.2 To facilitate healthy lifestyles within the community.

Strategy 5.2.1 The City provides high quality recreation facilities and programs.

Legislation – Statutory Provisions:

A state wide 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.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be significant as the City would be unable to maintain the quality of playing surfaces to the standards required for community sporting usage.

It is considered that the Contract will represent a low risk to the City as the recommended Respondents are well-established companies with significant industry experience and the capacity to provide the services to the City.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$312,000	\$133,835 (1-Jul-08 to date) \$123,200 (new Contract)	\$190,000	\$600,000

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on historical and known requirements, it is estimated that the expenditure over the Contract period will be in the order of \$600,000.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

The Tender from Turfmaster Facility Management was non-compliant. This organisation is subject to a contractual dispute with the City and in accordance with Clause 4.20 of the conditions of tendering, the City will reject any Offer from a Respondent who is engaged in a dispute, contractual or otherwise, with the City. The Tender was not considered further.

The submissions from Allwest Turfing and A & S Lawn Supplies achieved qualitative scores of 67.6% and 65.5% respectively. They are similar sized organisations and both demonstrated considerable experience, sufficient resources and a reasonable understanding of the City's requirements. Allwest Turfing was ranked first in price with an estimated contract cost of \$576,872. A & S Lawn Supplies was ranked second in price and was \$24,816 (4.3%) more expensive than Allwest Turfing.

The submission from Lovegrove Turf Services Pty Ltd achieved a qualitative score of 75.3% and was ranked third in price. They are a large organisation with comprehensive industry experience. They demonstrated a thorough understanding of the City's requirements and have more than adequate resources to meet any project scope. Lovegrove Turf Services was \$495,568 (86%) more expensive than Allwest Turfing and \$471,752 (78.4%) more expensive than A & S Lawn Supplies. All the rates submitted were higher than the two other Tenderers; however the main additional cost was in the rates for materials. The rates

submitted were between 120% and 190% higher than those submitted by Allwest Turfing and A & S Lawn Supplies. They are accordingly not recommended.

The evaluation panel considered all factors and concluded that appointing the Tenders received from Allwest Turfing and A & S Lawn Supplies to a panel Contract would represent the best value to the City. The panel has confidence in their ability to complete the services to the required standards and their Tenders achieved the two lowest estimated contract prices.

The protocols that apply to this requirement will be that the City will ensure that the service provider with the lowest rates and availability necessary to meet the timeframe required to complete each project will be contracted to provide its Services. If that service provider is not able to meet the required service timeframes, the City will seek those required Services from the next appropriate, available and competitively priced service provider.

This protocol will enable the City to obtain flexibility from its approved service providers while obtaining the most competitive price for each project at the time to meet the required outcomes for the City.

The attached summary of Tender submissions includes the location of each of the Tenderers.

ATTACHMENTS

Attachment 1 – Summary of Tender Submissions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tenders submitted by Allwest Turfing and A & S Lawn Supplies for the Supply, Delivery and Installation of Instant Turf for a three (3) year period in accordance with the statement of requirements as specified in Tender 037/08 at the submitted schedule of rates (GST exclusive).

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf211008.pdf](#)

CJ226-10/08 TENDER 024/08 CLEANING OF STORMWATER DRAINAGE STRUCTURES AND PIPES – [39614]

WARD: ALL

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by SmartStream Technology for the Cleaning of Stormwater Drainage Structures and Pipes (Tender 024/08).

EXECUTIVE SUMMARY

Tenders were advertised on 16 July 2008 through state wide public notice for the Cleaning of Stormwater Drainage Structures and Pipes for three (3) years. Tenders closed on 31 July 2008. Five (5) submissions were received from:

- Lyons & Peirce;
- SmartStream Technology;
- SmartStream Technology (Alternative Tender);
- Western Educting Services; and
- Western Educting Services (Alternative Tender).

The submission from SmartStream Technology represents best value to the City. As one of the Wormal Group of Companies, SmartStream is a well established service provider that has, since 2001, been undertaking monitoring, cleaning, maintaining and reporting on the condition and performance of various drainage features within the catchments. It submitted the lowest priced offer and demonstrated experience in completing drainage projects in the past and has recently provided drainage services for the Cities of Gosnells, Wanneroo, Cockburn, Town of Vincent and also for various private companies. SmartStream is well equipped and has an OH&S Policy in place. As part of the Wormal Group, the company operates with a Quality Management System to ISO9001.

It is recommended that Council ACCEPTS the Tender submitted by SmartStream Technology for the Cleaning of Stormwater Drainage Structures and Pipes for a three (3) year period in accordance with the statement of requirements as specified in Tender 024/08 at the submitted schedule of rates (GST Exclusive).

BACKGROUND

The City has a requirement for all nominated stormwater drainage pits including stormwater pollutant traps and associated pipes to be cleaned of sand, silt and other deleterious materials on an 'as and when required' basis.

The Contractor shall provide the services, for the cleaning of manholes, pipes and stormwater pollutant traps, which shall consist of but not be limited to:

- Lifting of the cover and cleaning of drainage structure;
- Clearing of debris and blockages;

- Sumps to be dewatered, where necessary, to ensure all foreign materials have been removed;
- The immediate inlet and outlet stormwater lines of each structure shall be checked to ensure that they are clear and blockages, and if any are found, they are to be removed from the drains;
- Clearing and cleaning of pipes shall be by either high pressure jetting or by hydraulic root cutting, or other means, as approved by the Superintendent;
- To ensure site safety where works are in progress, structures are to be either barricaded or temporary covers are to be used;
- All covers shall be replaced immediately on completion of the cleaning works to ensure security;
- Detailed reports showing documented evidence of work undertaken for all structures.

Due to the different types of stormwater pollutant traps, the Contractor shall adapt the cleaning system to suit each structure.

Tenders were sought for the Cleaning of Stormwater Drainage Structures and Pipes and Respondents were required to provide rates mainly on a per unit basis for the services as scheduled.

Previously, the City sought quotations for these services as and when required and payment was made on an hourly rate basis. The City has identified that a scheduled maintenance programme for cleaning of drainage structures including storm water pollutant traps is essential to be undertaken annually to reduce flooding caused by blocking of structures and also to prevent run off pollutants from entering waterways. Therefore, it was considered necessary that a formal contract be established with a pricing arrangement on a per unit cost, rather than an hourly rate basis, as this pricing format is no longer suitable from an operational perspective, or cost effective to the City.

DETAILS

Tenders were advertised on 16 July 2008 through state wide public notice for the Cleaning of Stormwater Drainage Structures and Pipes for three (3) years. Tenders closed on 31 July 2008. Five (5) submissions were received from:

- Lyons & Peirce;
- SmartStream Technology;
- SmartStream Technology (Alternative Tender);
- Western Educting Services; and
- Western Educting Services (Alternative Tender).

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Capacity	50%
2	Demonstrated experience in completing similar projects	25%
3	Demonstrated understanding of the required tasks	20%
4	Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three (3) members; one with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process.

Tender Submissions

A summary of the Tender submissions is provided in Attachment 1.

This Contract is based on a fixed price per Pollutant Trap and a Schedule of Rates for additional services as and when required throughout the Contract period. The additional services consist of but are not limited to hydraulic root cutting, high pressure jetting and cleaning of drainage lines, and the extent and frequency of these types of requirements are unknown and are therefore priced on a schedule of rates hourly basis.

During the last financial year 2006/07, the City incurred \$46,000 for the provision of drainage cleaning services and due to an increased in the scope of work, the estimated expenditure for these services is envisaged to be in the order of \$376,443 over the three (3) year Contract period.

Evaluation Summary

TABLE A: ESTIMATED EXPENDITURE

Respondent	Estimated Price (in first 12 months of Contract)			
	Items 2 – 6 Inclusive	Items 7.1 to 7.5 Inclusive	Items 8.1 to 8.29 Inclusive	
			Dry Weather	Wet Weather
SmartStream Technology	\$43,350	\$2,700	\$20,010	\$53,940
Lyons & Peirce	\$36,457	\$8,550	\$44,070	\$88,140
Western Educting Services	\$72,785	\$27,500	\$79,750	\$159,500

Table A represents an estimated expenditure over a twelve (12) month period, based on a scheduled maintenance programme that was used to identify and calculate the estimated requirements and associated expenditure for the categories, being Flood Pumps (Items 7.1 to 7.5) and Pollutant Traps (Items 8.1 to 8.29). Table A, Items 7.1 to 8.29, represents approximately sixty three percent (63%) of the requirements.

Items 2 to 6 are non scheduled services, consisting of the cleaning of Grated Gully Pit and various types of Manholes, High Pressure Jetting, Hydraulic Root Cutting and general cleaning of drainage lines and other such requirements. Due to the lack of any previous scheduled maintenance it is anticipated that items 2 to 6 represent approximately thirty six percent (36%) of the total requirements.

Item 1 – Call Out Fee and Items 9.1 - After Hours Rates and 9.2 – Rates for Weekends and Public Holidays were not included in the table as these items represent less than one percent (1%) of the total services required and will only be used in the event when unscheduled and emergency services are required to be provided by the Contractor.

TABLE B: QUALITATIVE SCORE AND ESTIMATED CONTRACT VALUE

Respondent	Evaluation Score	Estimated Price in First 12 Months	Estimated Price Over 3 Years Assuming 4.5% Compound Increases in Years 2 to 3.	Rank
SmartStream Technology	67%	\$120,000	\$376,443	1
Lyons & Peirce	66%	\$177,217	\$555,935	2
Western Educting Services	63%	\$339,535	\$1,065,130	3

Table B provides a comparison of offers between the Respondents showing the score achieved for their qualitative assessment, the estimated price in the first 12 months and total annual estimated expenditure over the 3 year period calculated with escalation based on current 4.5% CPI increase (All Groups in Perth).

Issues and options considered:

The City previously has not implemented a scheduled maintenance programme for the cleaning of drainage structures including storm water pollutant traps, and this type of service is essential if the City is to act in accordance with its Strategic Plan 2008 – 2011. It is very important the stormwater drainage structures and pipes are cleaned and maintained in a manner to ensure their effective operation in accordance with a scheduled maintenance programme, thereby reducing possible flooding caused by the blocking of structures, and to prevent run-off pollutants from entering waterways and environmentally sensitive areas.

The City does not have the internal resources or specialised equipment to provide the required services and as such requires an appropriate external service provider.

Link to Strategic Plan:

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

2. The Natural Environment.

Objective 2.1 To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Strategy 2.1.4 The City implements improved storm water management and water quality processes.

Legislation – Statutory Provisions:

A state wide 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.

Risk Management considerations:

Should the Contract not proceed, the risk to the City will be potentially high as the City requires the cleaning of drainage structures including storm water pollutant traps to be undertaken in accordance with a scheduled maintenance programme to reduce flooding

caused by the blocking of structures to prevent run-off pollutants from entering waterways and environmentally sensitive areas.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well-established company with significant industry experience and the capacity and specialised equipment to provide the services to the City.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2009	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$120,000	\$18,000 (current expenditure to date) \$102,000 (new Contract)	\$120,000	\$376,443

The projected expenditure on these Services is subject to change and dependent on the quantity and type of requirements throughout the Contract period. Based on known scheduled maintenance requirements and incorporating current 4.5% CPI increase (All Groups in Perth), the estimated expenditure over the Contract period will be \$376,443.

Policy implications:

Not applicable.

Regional Significance:

Not applicable.

Sustainability implications:

Not applicable.

Consultation:

Not applicable.

COMMENT

SmartStream Technology included an 'Alternative Tender' with its conforming Tender. Its alternative Tender contained insufficient details to enable any further assessment. The Alternative Tender for a Premium Catchment Management package proposed a specialist service of complete management over every aspect of any Stormwater Drainage Catchment network. This service is outside the scope of the work specified in the RFT document.

Western Educting Services also submitted an 'Alternative Tender' which was not compliant. Its Alternative Tender proposed payments to be on an hourly rate basis which is not in accordance with the City's requirements.

The panel concluded that these Alternative Tenders were non-conforming and were not considered further.

Western Educting Services' main submission was not fully compliant in accordance with Clause 3.5.2 - Schedule of Rates Offered: Item 1 - Minimum Charge for Call Outs. The Respondent did not provide any details of its Minimum Charge for Call Outs but was included for further assessment as Item 1 would represent less than one percent (1%) of the requirements.

Lyons & Peirce and Western Educting Services scored 66% and 63% for the qualitative assessment, respectively and both companies demonstrated the appropriate capacity and experience to provide the services to meet the expected requirements of the City. However, the rates offered were more expensive at 48% and 183%, respectively, when compared with SmartStream Technology. Both Lyons & Peirce and Western Educting were not considered further on the basis that their rates offered were not competitive.

The Tender from SmartStream Technology represents best value to the City as it achieved the highest score of 67% for its qualitative assessment and also submitted the lowest priced offer. SmartStream is a well established service provider that has, since 2001, been undertaking monitoring, cleaning, maintaining and reporting on the condition and performance of drainage features for various catchments within Perth WA. It has recently provided drainage services for local governments, being the Cities of Gosnells, Wanneroo, Cockburn, Town of Vincent and also for various private companies. SmartStream is well equipped and, if awarded the Contract, will purchase additional specialist equipment such as root cutting machinery and a special camera to take photographs inside the drainage systems. The company operates with a third party accredited Quality Management System to ISO9001 and has an OH&S Policy in place.

ATTACHMENTS

Attachment 1 – Summary of Tender Submissions

VOTING REQUIREMENTS

Simple majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by SmartStream Technology for the Cleaning of Stormwater Drainage Structures and Pipes for a three (3) year period in accordance with the statement of requirements as specified in Tender 024/08 at the submitted schedule of rates (GST Exclusive).

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf211008.pdf](#)

CJ227-10/08 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – SEPTEMBER 2008 – [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 September 2008 (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 September 2008 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

Approvals Determined Under Delegated Authority – Month of September 2008		
Type of Approval	Number	Value (\$)
Development Applications	82	\$10, 113,460
R-Code variations (Single Houses)	89	\$ 9, 972,315
Total	171	\$20, 085,775

The number of development applications received in September 2008 was 95. (This figure does not include any applications that may become the subject of the R-Code Variation

process). The R Code Variation figure provided does not include the Code Variations determined as a Building Licence Application.

Subdivision Approvals Processed Under Delegated Authority Month of September 2008		
Type of Approval	Number	Potential new Lots
Subdivision Applications	3	0
Strata Subdivision Applications	10	73

The above subdivision applications may include amalgamation and boundary realignments which may not result in any additional lots.

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 13 May 2008 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

DETAILS

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, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 82 development applications determined during September 2008, consultation was undertaken for 33 of those applications. Of the 13 subdivision applications determined during September 2008, 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	September 2008 - Decisions - Development Applications
Attachment 2	September 2008 - Subdivision Applications Processed

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council NOTES:**

- 1 The determinations made under Delegated Authority in relation to the development applications described in Report CJ227-10/08 for September 2008;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in Report CJ227-10/08 for September 2008.**

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf211008.pdf](#)

CJ228-10/08 PROPOSED ADDITIONS TO EXISTING SPORTS CLUBROOMS – WINDERMERE PARK, 100 CANDLEWOOD BOULEVARD JOONDALUP – [25191]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for Planning Approval for extensions to the existing sports clubrooms at Windermere Park which is located at 100 Candlewood Boulevard, Joondalup.

EXECUTIVE SUMMARY

Windermere Park is vested in the Crown as a reserve for 'Public Recreation' and has been developed with park facilities, a clubroom and public toilet block. The Joondalup Kinross Junior Football Club (JKJFC) leases the clubroom, with the City managing the rest of the park.

The JKJFC has recently received funding to expand the clubrooms. The proposed expansion includes:

- toilet, shower and change room facilities,
- storerooms; and
- extension to the existing meeting room.

The existing toilet block will remain, and no changes to the car park are proposed.

The application is required to be determined by Council as the proposed extension has a setback variation which exceeds the limits set under the Delegated Authority Notice. The street setback to Candlewood Boulevard is less than that required by the City's District Planning Scheme No. 2 (DPS2). The proposed setback to Candlewood Boulevard is 4 metres in lieu of 9 metres, which is required by DPS2.

The proposal was not advertised for public comment as the proposed development is located opposite Joondalup Primary School and is over 80m from the nearest residential dwelling. Further, the proposed use of the clubrooms is consistent with the existing use of the clubrooms and park, and it is anticipated there will be no increase in the number of sporting matches or events at the park.

It is considered that the proposed development with a reduced street setback will not have a significant adverse impact on the existing streetscape or surrounding properties. Therefore the application is recommended for approval.

BACKGROUND

Suburb/Location:	Windermere Park – 100 Candlewood Boulevard, Joondalup
Applicant:	Joondalup Kinross Junior Football Club Inc
Owner:	Crown Land with a Management Order in favour of the City
Zoning:	DPS: Local Reserve - Parks & Recreation
	MRS: Urban
Site Area:	4.6951ha
Structure Plan:	Not Applicable

The development site is located within Windermere Park which is located on the corner of Candlewood Boulevard and Blue Mountain Drive and surrounded by Jessup Pass, Eucumbene Crescent, and Windermere Circle. The development site is located opposite Joondalup Primary School.

The reserve is approximately 4.6951 hectares in area and supports active sporting fields, passive park areas, cricket nets, clubroom, toilet block, car parking area and a storm water drainage sump.

Approval was granted in 1994 for the construction of the existing toilet block. Approval was granted in 2000 for the existing meeting room and storage room. The existing clubrooms are used by JKJFC and Joondalup Kinross Cricket Club, and this arrangement is intended to continue.

The existing clubrooms are located on a separate reserve from the remaining portion of Windermere Park. At its meeting held on 2 September 2008, Council supported the excision of more land from the park reserve to support the clubroom additions.

DETAILS

The proposed extensions to the existing clubrooms include (refer attachment 2):

- extension to the existing meeting room;
- three new storerooms for furniture and equipment;
- two new change rooms which include toilet and shower facilities; and
- a new verandah and patio which face the playing oval.

The proposed single storey building extensions will result in an additional 284m² of floor area, with a maximum wall height of 3.1 metres.

The setbacks of the proposed development are as follows (refer to attachment 1):

Boundary	Requirement under DPS2	Proposed Setback	Compliance
Street Boundary (Candlewood Boulevard)	9m	4m	No
Side Boundary (Blue Mountain Drive) (Jessup Pass)	3m 3m	Approximately 56 metres Approximately 120 metres	Yes Yes
Rear Boundary (Windermere Circle)	6m	Approximately 230 metres	Yes

The front of the building is orientated towards the playing oval in order for patrons to observe the sporting matches which will be held within the park. There will be no increase in the number of sporting matches or events held at the park and therefore no additional car parking is proposed.

Issues and options considered:

Council has the discretion to:

- Approve the application without conditions;
- Approve the application with conditions; or
- Refuse the application, with grounds for refusal.

Link to Strategic Plan:

Strategy 4.1.3 Give timely and thorough consideration to applications for statutory approval.

Strategy 5.2.1 The City provides high quality recreation facilities and programs.

Legislation – Statutory Provisions:

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

2.3 LOCAL RESERVES

2.3.4 Applications for Planning Approval on Local Reserves

2.3.4.1 The Council may consider applications for Planning Approval for land within a Local Reserve but shall have due regard to the ultimate purpose intended for the Local Reserve and the matters set out in Clause 6.8 (“Matters to be Considered by Council”).

2.3.4.2 Provisions in the Scheme relating to applications for Planning Approval and the exercise of any discretion thereon shall, insofar as they are not inconsistent with this clause, apply to Local Reserves.

2.3.4.3 To the extent that it is reasonable to do so, the Council shall apply or impose development standards and requirements which would be imposed for development of the kind in question on zoned land, and the Council shall for that purpose stipulate the zone most relevant for comparison.

2.3.4.4 Where any land is partly zoned under the Scheme and partly included in a Local Reserve, then the general provisions of the Scheme shall apply to the part which is zoned, and where the circumstances permit, the Council may give one decision in respect of the part of the land which is zoned and a different decision in respect of the part of the land included in the Local Reserve.

2.3.4.5 The Council shall, in the case of land reserved for the purposes of a public authority, consult with that authority before giving its approval.

4.7 BUILDING SETBACKS FOR NON-RESIDENTIAL BUILDINGS

4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

- Setback from street boundary 9.0 metres*
- Setback from side boundary 3.0 metres*
- Setback from rear boundary 6.0 metres*

Council has discretion under Clause 4.5 of the DPS2 to vary the development standards for a non-residential building (clause 4.7 of the DPS2) 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 6.7.1; 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.*

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

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (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 appeal 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:

The proposed work will necessitate the addition of a bin store enclosure near the carpark. It is noted that this is not a budgeted item for the applicant, and that the City is effectively the owner of the asset. To allow this consideration to be satisfied, it must be noted that budget expenditure of a minor amount (probably less than \$5,000) would be required in future.

Regional Significance:

Not Applicable

Sustainability Implications:

Not Applicable

Consultation:

The proposal was not advertised for the following reasons:

- The proposed development is located over 80m from the nearest residential dwelling
- The proposed use of the extension is consistent with the existing sports clubrooms which have been operating for 8 years without issue or complaint;
- There is no expected increase in the frequency or amount of activity at the park as a result of the extension to the clubrooms.

For the above reasons it was considered that the proposed extension to the sports clubrooms will not have any adverse impact on the amenity or enjoyment of nearby properties and therefore, the application was not advertised.

COMMENT

Reduced Street Setback of 4 metres in lieu of 9 metres.

The proposed storerooms have a street setback of 4m in lieu of the required 9 metres under DPS2.

It is considered that the reduced setback is acceptable for the following reasons:

- The proposed wall faces Joondalup Primary School and therefore the reduced setback will have no impact on the operations or amenity of the school;
- The proposed development is consistent with the existing streetscape character of Candlewood Boulevard as the proposed development faces Joondalup Primary School has a tennis court and fencing which has a nil setback to Candlewood Boulevard; and
- The nearest residential dwelling is approximately 80m away from the proposed development and therefore there will be no impact on the amenity of any residential property.

Use of the Building.

The proposed extensions to the clubrooms are proposed to be used for the same purposes and by the same organisations which currently use the facilities at the park. There is no change in the use of the site and no additional activity or impact on the locality.

Car Parking.

No changes are proposed to the existing car parking area which is adjacent to the proposed additions. There are currently 42 bays located within this car park.

The DPS2 parking standard for a Place of Assembly is 1 bay per 4 persons accommodated. As there are 42 bays in existence already, the proposed clubrooms can accommodate up to 168 persons.

As the use of the site is not changing, or the intensity of the use of the sporting oval, it is considered that this number of parking bays is acceptable to meet the demands of the proposed extension to the clubrooms.

Ultimate Use of the Park

Under clause 3.4.2.1 of the DPS2, Council is required to have due regard for the ultimate purpose of the local reserve. The reserve is currently used for sports matches for the junior football and cricket club, which currently utilises the clubrooms throughout the year.

It is considered that the proposed extensions to the sports clubrooms are consistent with the ultimate purpose of the reserve, and will enhance the quality of its use.

The clubrooms do however require a screened bin store area, in order to bring the development up to contemporary standards and equivalent to more recent developments. The requirement is included as a proposed condition of approval.

Conclusion

Having regard to clauses 2.3.4, 6.8.1, and clause 6.9.1(c) of DPS2 and the following:

- The proposed reduced street setback is in keeping with the existing streetscape character of development on Candlewood Boulevard;
- The proposed extensions to the clubrooms will not have an adverse impact on the surrounding development of Windermere Park or on any adjoining or nearby residential property; and
- The proposed extensions to the clubrooms are consistent with the ultimate purpose and use of the reserve;

it is recommended that Council approve the application subject to conditions.

ATTACHMENTS

Attachment 1: Aerial Photo

Attachment 2: Submitted Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. **EXERCISES its discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that the place of Assembly with a street setback (south – west boundary) of 4 metres in lieu of 9 metres is acceptable in this instance;**
2. **APPROVES the application for planning approval dated 28 July 2008 submitted by Joondalup Kinross Junior Football Club Inc, the applicant, on behalf of the owners, the Crown (management order in favour of the City of Joondalup), for the proposed extensions to the existing sporting clubrooms (place of assembly) on Lot 14115 (100) Candlewood Boulevard, Joondalup, subject to the following conditions:**
 - (a) **The colours and materials of the proposed additions shall match the existing dwelling where practicable, to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
 - (b) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. 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;**
 - (c) **Anti graffiti non-sacrificial treatment is to be applied to walls adjacent to Candlewood Boulevard as marked in RED on the approved plans;**

- (d) **A bin storage area is to be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer and hose cock to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
3. **NOTES that to satisfy condition 2 (d) above, Council lists an amount of \$5,000 in the 2009-10 Budget for the construction of a bin enclosure on Lot 14115 Candlewood Boulevard, Joondalup adjacent to the clubrooms.**

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf211008.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mayor Troy Pickard
Item No/Subject	CJ229-10/08 - Proposed Additions of Two Outbuildings to St Stephens School - 100 - 112 Doveridge Drive, Duncraig
Nature of interest	Interest that may affect impartiality
Extent of Interest	Son is registered on the waiting list for pre school.

CJ229-10/08 PROPOSED ADDITIONS OF TWO OUTBUILDINGS TO ST STEPHENS SCHOOL - 100 - 112 DOVERIDGE DRIVE, DUNCRAIG – [07560]

WARD: South

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE/EXECUTIVE SUMMARY

To request Council's determination of an application for Planning Approval for two proposed outbuilding additions at St Stephens School located at 100-112 Doveridge Drive, Duncraig.

An application for Planning Approval has been received for two outbuildings to be constructed on the St Stephens School site. The outbuilding located to the south of the site complies with all the requirements of City of Joondalup District Planning Scheme No 2 (DPS2), whereas the northernmost outbuilding, which is located near the Hepburn Avenue frontage, has a setback variation to the northern front boundary.

The determination of this application by Council is required as the proposed variation exceeds the limits that allow the application to be determined under delegated authority.

The proposed variation will not affect any adjoining property or surrounding properties or the Hepburn Avenue streetscape. Consequently, it is recommended that the application for Planning Approval be approved.

BACKGROUND

Suburb/Location: 100-112 Doveridge Drive, Duncraig
Applicant: St Stephens School
Owner: St Stephens School
Zoning: **DPS:** Private Clubs/Recreation
 MRS: Urban
Site Area: 9.656 hectares
Structure Plan: Not Applicable

The subject site is bounded by Hepburn Avenue (northern boundary), the rear of residential properties fronting Mapleton Place (western boundary), Doveridge Drive (southern boundary) and the Mitchell Freeway reserve (eastern boundary). The main entrance to the site is located off Hepburn Avenue, Duncraig.

The land north of the site (which is separated from the development site by approximately 115m of road reservations) is predominately residential in use. Residential development, with an R20 density code, is located on the western boundary of the site and to the south of Doveridge Street. (refer to the Aerial Plan – Attachment 1).

The proposed outbuilding near the Hepburn Avenue frontage is set back to be in alignment with an existing substation structure contained within a brick wall enclosure.

The development site is zoned Private Clubs/Recreation under DPS2 (refer to Zoning Plan – Attachment 2).

DETAILS

The applicant proposes to erect two outbuildings with one of the structures being located near the Doveridge Drive frontage. This outbuilding will be 6.8 metres in width and 12.2 metres in length and a maximum height of 3.8 metres. It is proposed to be setback 12m from the Doveridge Road street boundary.

The second structure, which is the smaller of the two proposed outbuildings, is proposed to be located to the north of the site near the Hepburn Avenue frontage. The proposed structure will be 3.8 metres in width and 7 metres in length and a maximum height of 2.9 metres. The structure is proposed to be setback 2.5m from the street boundary

The proposed external cladding of the proposed outbuilding will be colorbond. The existing ground level will not be altered.

The table below sets out the only area of non-compliance for the proposed development, which is the street setback to the northern outbuilding:

STANDARD Building Setbacks for Non Residential Buildings	REQUIRED	PROVIDED	COMPLIANCE
Northern outbuilding: Setback from Hepburn Avenue	9 metres	2.5 metres	No

The development is required to be determined by Council as the front setback variation exceeds the limits that allow the proposal to be considered under delegated authority.

The applicant has provided written justification for the proposed variation, which is summarised below:

- the need for storage is the most pressing need within the Physical Education department and the proposed shed storage system was the most effective at this time;
- with the proposed expansion of the school in the coming years, they are attempting to leave infrastructure that will remain in place for the long term;
- as these sheds represent a significant capital investment, they are reluctant to site them in areas that may be used for future school buildings as this would mean the outbuildings would have to be shifted at a cost;
- the reason they have placed the shed within this setback of 9 metres, is that it is going to be used to store equipment that is used on the basketball courts; and
- vegetation screens the outbuilding from the road and it was felt that the location was ideal.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The following Clauses of DPS2 are relevant to the development proposal

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 6.7.1; 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.

4.7 Building setbacks for non-residential buildings

4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

Setback from street boundary 9.0 metres

Setback from side boundary 3.0 metres

Setback from rear boundary 6.0 metres

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 in so far 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:

Not Applicable

Consultation:

Due to the minimum distance separation of approximately 110m from the location of the proposed northern outbuilding to the nearest residential properties and the extent of screening that occurred from the existing vegetation, it was considered that there would be no adverse impact on the amenity of the locality as a result of the proposed development. Consequently, advertising was not required in this instance.

COMMENT

Northern Boundary Setback Variation

Under DPS2, the required front setback for non residential buildings is 9 metres. The applicant is proposing a front setback of 2.5 metres to the Hepburn Avenue boundary for the northernmost outbuilding. There is a distance of approximately 40 metres from the site boundary to the edge of the Hepburn Avenue road pavement. The structure is also approximately 110m from the closest residential properties, which are located along the western boundary of the site.

The proposed northern outbuilding will also be significantly screened from view by dense vegetation on the site and the Hepburn Avenue road reservation.

Having regard to the:

- distance that the proposed structure is located from the Hepburn Avenue road pavement and closest residential properties; and
- screening of the proposed structure by the existing landscaping on the development site and the Hepburn Avenue road reservation;

it is considered that the proposed boundary setback variation will not have a detrimental impact on any adjoining properties or the amenity of the area. As such, it is recommended that the proposed variation be supported.

It is also recommended that additional planting be provided on the site to ensure that any future loss of landscaping on the Hepburn Avenue road reservation is screened by landscaping on the site.

Conclusion

The proposed development is considered to be relatively small in size. The location of the proposed northern outbuilding will not be readily visible from Hepburn Avenue and will have no impact on any adjoining or surrounding properties, or the streetscape.

In light of the above, it is recommended that the application be approved, subject to conditions.

ATTACHMENTS

Attachment 1	Aerial and Zoning Plans
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1. **EXERCISES** discretion under Clause 4.5.1 of District Planning Scheme No. 2 and determines that the front setback of 2.5 metres in lieu of 9 metres to the northern boundary is appropriate in this instance;
2. **APPROVES** the application for Planning Approval dated 13th August 2008 submitted by St Stephens School as the owner of the property for two outbuilding additions to the existing Saint Stephen School on 100-112 Doveridge Drive, Duncraig, subject to the following conditions:
 - (a) this approval relates only to the proposed outbuildings, as indicated on the approved plans. It does not relate to any other development on this lot;
 - (b) all stormwater to be discharged to the satisfaction of the Manager Approvals Planning and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
 - (c) the colours and materials of the proposed outbuildings shall match the existing school buildings where practicable, to the satisfaction of the Manager Approvals Planning and Environmental Services;
 - (d) the proposed northern outbuilding is to be further screened by new landscaping on the development site. A landscaping plan shall be submitted for approval by the City. The proposed landscaping shall be developed and maintained in accordance with the approved landscaping plan.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf211008.pdf](#)

Disclosure of Financial Interests

Name/Position	Cr Albert Jacob
Item No/Subject	CJ230-10/08 - Proposed 63 Grouped Dwellings At Lot 5005 and 5006 (24) Delamere Avenue, Currambine
Nature of interest	Financial
Extent of Interest	Cr Jacob has provided architectural services for the applicant/owner.

CJ230-10/08 PROPOSED 63 GROUPED DWELLINGS AT LOT 5005 AND 5006 (24) DELAMERE AVENUE, CURRAMBINE – [86611]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for 63 Grouped Dwellings at Lot 5006 (24) Delamere Avenue, Currambine.

EXECUTIVE SUMMARY

An application has been received for a grouped dwelling development consisting of 63 one and two storey grouped dwellings. The site is located within the Currambine District Centre Structure Plan (Structure Plan). The subject lot is zoned Residential and coded R40 under the Structure Plan. A Grouped Dwelling is a discretionary land use in the Residential Zone.

Council's determination of the application is required as the number of grouped dwellings proposed is greater than the number that can be approved under delegated authority.

The proposal includes variations to the setback, open space, outdoor living and cone of vision requirements of the Residential Design Codes 2008 (R-Codes). In addition, some of the dwellings project through the Building Threshold Envelope (BTE) as defined in the City's Policy 3.2 Height and Scale of Buildings within a Residential Area.

The majority of the proposed variations to the R-Codes are internal to the development and will not affect the locality or the future inhabitants. The proposed development complies with the density provisions of the R-Codes and the proposed variations are considered to be minor and will not impact on the surrounding locality. It is recommended that Council approve the application subject to conditions.

BACKGROUND

Suburb/Location: Lot 5005 and 5006 (24) Delamere Avenue, Currambine
Applicant: Dynamic Planning and Developments
Owner: Claymont Land Pty Ltd
Zoning: **DPS:** Residential R40
MRS: Urban
Site Area: 17114 m²
Structure Plan: Currambine District Centre Structure Plan

The subject site is located within the Currambine District Centre Structure Plan (Structure Plan) which is bounded by Shenton Avenue to the south, Marmion Avenue to the west and Delamere Avenue to the north and east (Attachment 1 refers).

The proposed development is located in the north east corner of the Structure Plan area, on the south western side of Delamere Avenue. The proposed grouped dwelling development is located entirely on lot 5006 and a 733m² portion of lot 5005 which is being amalgamated into lot 5006.

The subject site is zoned Residential under the Structure Plan and the City of Joondalup District Planning Scheme No 2 (DPS2). The density coding of the site is R40 under the Structure Plan.

The land immediately to the south of the proposed development is zoned Civic and Cultural and is currently proposed to be developed as future Public Open Space with a small community purpose facility. The land to the north and east of the subject site contains existing residential development.

The owner of the subject site also owns the adjoining lot to the west, which is anticipated to be developed with mixed uses, offices and residential development.

DETAILS

The proposed development includes the following:

- 63 single and two storey grouped dwellings;
- each dwelling has three bedrooms and two bathrooms, a courtyard, store room and a double garage;
- 14 dwellings have direct access off Delamere Avenue, and the remaining dwellings have access from the internal access roads;
- vehicle access to the site is provided from two access points off Delamere Avenue;
- 14 visitors car parking bays located in five locations throughout the site;
- a 1.2m wide footpath along one side of the internal access ways; and
- visually permeable fencing to the public open space.

The development is serviced by the public road Delamere Avenue and several private internal communal streets. Fourteen dwellings have vehicular access from Delamere Avenue, and the remaining 49 dwellings have vehicular access from the communal streets.

A survey strata subdivision application for the 63 lots has been submitted to the Western Australian Planning Commission for determination. The survey strata subdivision has the same layout and configuration as the proposed grouped dwelling development.

The site plan is provided in Attachment 1. A small sample of the development plans are provided in Attachment 2 and perspectives are provided in Attachment 3. The full set of development plans for all 63 units are provided in the Councillors Reading Room.

The development proposal has been assessed in accordance with the Structure Plan, the R-Codes and Policy 3.2 Height and Scale of Buildings within Residential Areas.

Policy 3.2 Height and Scale of Buildings within Residential Areas

Units 17, 18, and 21 to 24 project through the sides of the Building Threshold Envelope by a maximum of 1 metre as shown in Attachment 3. There are no projections through the top of the Building Threshold Envelope.

The applicant has requested that Council exercises discretion and allow these dwellings to exceed the Building Threshold Envelope.

Residential Design Codes Compliance

Compliance with the main requirements of the R-Codes is summarised below:

Criteria	R-Code Requirement	Proposed	Compliance
<u>Site Area</u>	Minimum 200m ² Average 220m ²	Minimum 204m ² Average 270m ²	Yes
<u>Primary street setback</u> (Delamere Ave) Units 1 – 11 Units 13 – 15	Average 4m Average 4m	Average 4m Average 4m	Yes Yes
<u>Car parking</u> Dwellings Visitors bays	2 per dwelling 13 bays	2 per dwelling 14 bays	Yes Yes
<u>Essential Facilities</u>	Each dwelling to have a min. 4m ² store room	All dwellings have a 4m ² store room	Yes

Variations

The applicant has requested that Council exercise its discretion and allow variations to the setback, open space, outdoor living and cone of vision requirements of the R-Codes. The variations are required to be assessed against the Performance Criteria set out in the R-Codes.

The following table lists the areas of non compliance with the R-Codes:

Criteria	R-Code Requirement	Proposed
<u>Communal street setback</u> Unit 12 Unit 16, 19, 20, 25 – 27 Unit 17, 18, 21, 24, 57, 63 Unit 42, 43 Unit 47 Unit 52, 58 Unit 54 Unit 59 – 62	2.5m or 1.5m for porch or balcony	1.892m 1.5m 2.0m 2.4m 2.47m 2.3m 2.4m 2.46m
<u>Side/rear boundary setbacks</u> Unit 1, 40, 41 GF Bed 3 GF Bed 1 Unit 2, 14, 15, 46-48, 51, 52, 63 GF Bed 3 Unit 3 – 5 GF Dining room UF Bed 2 & 3 Unit 8 GF Living room Unit 9 GF Bed 3 GF Dining room Unit 10 GF Bed 3 Unit 11 GF Dining room UF Bed 2	1.5m 1.5m 1.5m 1.5m 1.2m 1.5m 1.5m 1.5m 1.5m 1.5m 1.5m 1.5m 1.5m 1.5m 1.5m 1.5m 1.2m	1.0m 1.0m 1.0m 1.0m 0.9m 0.9m 0.837m 1m 1.08m 1.235m 1m 0.8m

UF Bed 3	1.2m	0.4m
Unit 12 GF Dining room	1.5m	0.72m
Unit 13 GF Living & dining room	1.5m	1.44m
Unit 22, 23		
UF Bed 1	1.2m	1m
UF Ensuite	1.2m	0.75m
Unit 42, 44 GF Bed 3	1.5m	1.1m
Unit 43 GF Bed 2	1.5m	1.1m
Unit 53 GF Dining room	1.5m	0.8m
Unit 54 GF Bed 1	1.5m	1m
Unit 55 GF Bed 1	1.5m	1m
Unit 57 GF Bed 1 & 3	1.5m	1m
Unit 59 – 62		
GF Bed 1 & 3	1.5m	1m
GF Dining room	1.5m	1.08m
<u>Open space</u>		
Unit 42	45%	43%
Unit 43	45%	44.6%
Unit 44	45%	44%
Unit 47	45%	44%
Unit 48	45%	44%
Unit 51	45%	44%
<u>Outdoor living</u>		
Unit 17, 18, 21, 24	Directly accessible from habitable room Min. dimension 4m	Accessible from a hallway Min. dimension 3.8m
Unit 22, 23	Directly accessible from habitable room Min. dimension 4m	Accessible from a hallway Min. dimension 3.65m
Unit 54	Min. dimension 4m	Min. dimension 3.42m
Unit 55	Min. dimension 4m	Min. dimension 3.9m
Unit 58	Min. dimension 4m	
<u>Cone of vision</u>		
Unit 3 Bed 2	4.5m	2.8m east
Unit 3 Bed 2	4.5m	4.2m south
Unit 4 Bed 2	4.5m	2.4m east
Unit 5 Bed 2	4.5m	3.1m east
Unit 5 Bed 2	4.5m	4.1m south
Unit 6 Balcony	7.5m	3.5m south
Unit 8 Bed 2	4.5m	4.0m west
Unit 11 Bed 3	4.5m	1.6m north
Unit 12 Bed 2	4.5m	3.1m north
Unit 22 Bed 2	4.5m	1.3m west
Unit 22 Bed 3	4.5m	3.8m east
Unit 23 Bed 2	4.5m	1.3m east
Unit 23 Bed 3	4.5m	3.8m west

The applicant has provided written justification for the proposed variations, which are summarised below.

Communal street setback variations

- *Through appropriate use of soft and hard landscaping features, all communal streets are considered to be visually attractive and of high quality to future occupants of the proposed Grouped Dwellings.*
- *Dwellings 16 – 27 have the dwellings frontage orientated towards the southern abutting public open space.*

- *Dwellings 28 – 39 have the dwellings frontage orientated towards the communal street to promote an interactive internal streetscape.*

Side setback variations

- *Prospective purchasers will be buying an approved and/or constructed development, therefore no opportunity for ambiguity exists in relation to side and rear setbacks and potential amenity impacts.*
- *Major openings add additional light and ventilation to habitable rooms and aid in cross ventilation*
- *A 1.8m high boundary fence will be erected between properties that will prevent views at the ground floor into adjoining properties.*

Cone of vision

- *The cone of vision variations will have minimal impact on neighbours.*
- *Upper floor, major openings have been positioned or designed to avoid overlooking of the neighbours courtyards.*

Outdoor living

- *Units 17, 18, and 21 to 24 are provided with additional outdoor living areas which are accessible from the living rooms. These face the public open space and provide surveillance of the public open space through visually permeable fencing.*
- *Units 54, 55 and 58 have angled lot boundaries which make it difficult to achieve the 4m minimum outdoor living dimension.*

Projection through the Building Threshold Envelope (BTE)

- *The upper floor gable roof projects through the BTE for units 17, 18, and 21 to 24. The projection through the BTE could be rectified by changing the roof type to hip and valley, or pitch, however for aesthetics the gable roof style has been opted for.*

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:

Not Applicable.

Legislation – Statutory Provisions:

Residential Design Codes

Clause 2.5 of the R-Codes allows for the exercise of discretion, having regard to the provisions of clause 2.5.2 of the R-Codes as follows:

2.5.2 *Discretion shall be exercised having regard to the following considerations:*

- the stated purpose and aims of the Scheme;*
- the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*

- (c) *the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (d) *the explanatory text of the Codes that corresponds to the relevant provision;*
- (e) *any Local Planning Strategy incorporated into the Scheme;*
- (f) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (g) *orderly and proper planning.*

District Planning Scheme No 2

Grouped Dwelling is a “D” use in the Residential Zone. A “” 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.*

Risk Management considerations:

The proponent has a right of appeal 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:

Not applicable.

Consultation:

The application was advertised for a period of 21 days by way of a sign on site, letters to surrounding land owners, notification on the City's website and advertisements in the local newspaper (Attachment 5 refers). The advertising period closed on 12 June 2008. At the close of the advertising period four submissions had been received, comprised of one neutral submission, one letter of no objection and two objections.

The main issues raised in the objections were:

- The high density housing proposed would create a significant traffic increase along Delamere Avenue.
- There is not enough parks and open space in the vicinity for the new residents who have little or no yard space.
- The infrastructure in the immediate area does not support the housing proposed.
- Residents need to be consulted before considering a developer's proposal.

COMMENT

Land Use

A Grouped Dwelling development is a discretionary land use within the Residential Zone. As such, it is a use that is not permitted but Council may grant its approval following the exercise of discretion.

The proposal addresses objective (b) of part 3.4 of DPS2 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. In addition, the Structure Plan states that Grouped Dwellings shall be one of the predominant land uses in this area. It is therefore considered to be an appropriate land use for this location.

Density

The subject site has a density coding of R40 under the Structure Plan. Under this coding, the site could support a maximum of 77 grouped dwellings or single houses, or 64 multiple dwellings. The proposal for 63 grouped dwellings complies with the density coding.

Car Parking

Grouped Dwelling developments are required to provide two parking spaces per dwelling and visitors parking at a rate of one bay per four dwellings served by a common access. The parking facilities proposed comply with the requirements of the R-Codes.

Setbacks to Delamere Avenue

The primary street of the proposed development is Delamere Avenue. The required setback to the primary street under the R40 density code is an average of 4 metres. The proposal complies with the average primary street setback requirement of 4 metres.

The dwellings fronting Delamere Avenue are a combination of one and two storey dwellings which will provide interest to the primary frontage. In addition, these buildings have been designed with a modern façade utilising rendered finishes, balconies and eclectic architectural materials to provide an attractive streetscape to Delamere Avenue.

Development adjoining the Public Open Space

The Structure Plan requires that development adjacent to the Public Open Space ensures efficient and safe pedestrian access to the front of the lots and allows for passive surveillance over the public open space from future residential dwellings whilst creating a sense of separation and privacy.

The dwellings adjacent to the public open space have been designed to promote natural surveillance with their habitable rooms, a courtyard and balcony orientated towards the public open space. In addition, direct pedestrian access to these dwellings is from the pedestrian accessway. These features not only promote passive surveillance of the public open space, but also provide a permeable façade and visual interaction for users of the public open space.

Assessment of Variations to the R-Codes

The proposed variations to the R-Codes have been assessed against the relevant Performance Criteria for each variation proposed. This assessment is discussed in detail in the following sections. The applicant has modified the plans on two occasions which has resulted in greater compliance with the Acceptable Development Standards and the Performance Criteria of the R-Codes.

Setback of buildings to communal streets

Forty nine dwellings within the development have their main frontage to communal streets. Of these dwellings, 23 have variations to the setback requirement of 2.5 metres, with 16 having a minimum setback of 2 metres from the house to the communal street and 7 having a minimum setback of 1.5 metres to the communal street.

Communal streets are private roads that provide access to a number of dwellings in a residential development. Whilst they share some of the characteristics and roles of public streetscapes they differ in function to conventional public roads as they are not part of the public realm. The communal streets within the proposed development facilitate a reduced speed limit and less traffic generation than conventional residential streets.

The dwellings adjacent to the public open space (units 16 to 27) have been designed with their main frontage orientated to the public open space. Therefore, the setback to the communal street has been reduced to allow for this and to provide a greater setback to the public open space (in excess of 3 metres for most units). It is envisaged that this greater setback along with the slight level change will provide increased surveillance of the public open space.

The reduced scale, communal nature and informality of layout of these communal streets calls for a less rigid approach to setbacks for dwellings. Communal streets have their own character rather than needing to integrate with an existing streetscape. It is considered these variations can be supported in this instance.

Boundary setbacks

Approximately half of the dwellings have setback variations to the side and/or rear boundaries. Many of these setback variations are ground floor setback variations where the wall contains a major opening and is therefore required to be setback 1.5 metres, but is setback only 1 metre. If the window was changed to a minor opening it would comply with the setback requirement, however, this is not a good outcome for the future residents of the dwelling as these major openings will allow light and ventilation into the rooms, along with a view of the outside.

The construction of 1.8 metre high boundary fences between dwellings will protect the privacy between adjoining properties and therefore the setback variations will not affect privacy.

It is considered that the proposed setback variations meet the performance criteria of the R-Codes as the reduced setbacks make efficient use of space and privacy is not compromised. The setbacks ensure access to daylight and direct sun for the building and adjoining properties. Additionally, the reduced setbacks will not have a significant impact on the amenity of the adjoining properties.

The side and rear setback variations are unlikely to impact on the future occupiers of the development, and as they are internal, they will not affect the amenity of the surrounding residents.

Open Space

The acceptable development standards of the R-Codes require a minimum of 45% of the site area to be provided as open space for R40 grouped dwelling developments. Six of the 63 dwellings have variations to the open space requirement ranging from 43% to 44% in lieu of the 45% required. The proposed open space variations are very minor and are considered to meet the performance criteria of the R-Codes as there is sufficient open space to meet the future needs of the residents. In addition, each dwelling is provided with a private courtyard and there is 2 hectares of public open space immediately to the south of the development site.

Several of the dwellings have variations to the outdoor living requirements. Units 17, 18 and 21 to 24 have an outdoor living area that is not directly accessible from a habitable room. However, these units also have another outdoor living area accessible from the living room that fronts the public open space.

Units 54, 55 and 58 have outdoor living areas that do not have a minimum dimension of 4 metres, due to the angled nature of the lot boundary. However, the outdoor living areas provided for these units are greater than 20m² and are directly accessible from a habitable room.

It is considered that the variations to the open space and outdoor living area requirements satisfy the Performance Criteria of the R-Codes and will not have a significant impact on the amenity of the future residents of the development. The variations proposed are considered to be minor and it is recommended that they be supported by Council.

Cone of Vision

The proposed development includes several cone of vision variations from the upper floor bedrooms and one cone of vision variation from a balcony. The dwellings have been designed so that their windows and balconies do not directly overlook adjoining properties' outdoor living areas or habitable room windows.

The cone of vision variations from units 3, 4, 5, 11, 12, 22 and 23 are from the side of the windows at a 45 degree angle to the window and therefore do not directly overlook the adjoining properties. These cone of vision variations are very minor and are considered to meet the Performance Criteria as they do not directly overlook habitable space and outdoor living areas of other dwellings. For this reason, it is recommended they be supported

The balcony cone of vision variation from Unit 6 is over the front of Unit 5. It does not overlook any active habitable spaces, outdoor living areas or major openings to habitable rooms and therefore meets the performance criteria of the R-Codes.

The only dwelling with a cone of vision variation with direct line of sight into another property is Unit 8 where bedroom 2 overlooks the outdoor living area of Unit 53. It is recommended that the window of bedroom 2 either be changed to a highlight window or shifted to the northern wall to prevent overlooking of the courtyard of Unit 53. It is recommended that this be included as a condition of approval.

The development is considered to meet the performance criteria of the R-codes with regards to visual privacy and it is recommended that the variations be supported as they are minor and will not have a significant impact on the amenity of the adjoining properties.

Building Height

Policy 3.2 (Height and Scale of Buildings within Residential Areas) applies a building threshold envelope to the site. Units 17, 18, and 21 to 24 project through the Building Threshold Envelope (BTE). These projections are considered to be minor as they only project through the sides of the BTE. There are no projections through the top of the envelope.

There is no adjoining residential housing that will be directly affected by the dwellings that project through the BTE. These dwellings all front the public open space and therefore will not have an adverse impact on the streetscape. In addition, it is desirable to have two storey dwellings that overlook the public open space to provide a greater opportunity for passive surveillance.

It is recommended that Council support the proposed projections through the BTE as they will not have a negative impact on the amenity of the area or adjoining landowners.

Response to objections

Two objections to the development were received during the public consultation period. The objections expressed concerns over density, traffic, public open space and public consultation.

Density

The number of dwellings proposed complies with the acceptable development standards of the R-Codes with regard to minimum and average site size.

Traffic

The applicant provided a traffic impact statement as part of their submission which found that the traffic volumes generated by the proposed development will not have a significant impact on the capacity of the surrounding road network. The parking proposed for the development also meets the requirements of the R-Codes.

Open Space

With the exception of 9 units, all dwellings have been provided with an outdoor living area that meets the requirements of the R-Codes. In addition, the area to the south of the subject site will be developed as public open space and it is intended that a park with toilet facilities and a community centre be developed on this site.

Public consultation

The application was advertised to the local community for a period of 21 days by way of sign on site, letters to adjoining owners and advertisements in the local newspaper. This is in accordance with the requirements of DPS2.

Conclusion

The City is required to assess the proposed development against the Structure Plan, DPS2, the R-Codes and 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 R-Codes and are not considered 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.

It is recommended that Council support the variations to the setback, open space, outdoor living and cone of vision requirements of the R-Codes and the projections through the sides of the Building Threshold Envelope and approves the application with conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Site Plan
Attachment 3	Development Plans
Attachment 4	Perspectives
Attachment 5	Consultation Plan
Attachment 6	Variations to the Residential Design Codes

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under Clause 6.1.1 of District Planning Scheme No 2 and under clause 2.5 of the Residential Design Codes 2008 and determines that the performance criteria under clause(s) 6.2.1, 6.3.1, 6.4.1, 6.4.2 and 6.8.1 have been met and determines that Policy 3.2 has been addressed, and that the variations listed in Attachment 6 of Report CJ230-10/08 are acceptable in this instance;**
- 2 APPROVES the application for Planning Approval dated 6 March 2008 and the amended plans dated 11 August 2008 submitted by Dynamic Planning and Developments, the applicant on behalf of the owner, Claymont Land Pty Ltd for 63 Grouped Dwellings on Lots 5005 and 5006 (24) Delamere Avenue, Currambine, 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 car parking bays are to be clearly marked and signposted to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (c) 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;**
 - (d) Detailed engineering drawings to be approved by the Manager Infrastructure Management prior to the issue of the Building Licence;**

- (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 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 are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are 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;
- (g) A refuse management plan indicating the method of rubbish collection, number and type of bins shall be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;
- (h) The window of Bedroom 2 of Unit 8 shall be modified to comply with the cone of vision to prevent overlooking into the courtyard of Unit 53;
- (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) The fencing along the southern boundary adjoining the public open space shall comply with the City's Policy 7.15 Subdivision and Development adjoining area of public space;
- (k) All construction works to be contained within property boundaries;
- (l) Any retaining and fill over 500mm shall be subject to a separate development application.

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf211008.pdf](#)

CJ231-10/08 COMMUNITY SPORT AND RECREATION FACILITIES FUND– [22209]

WARD: All

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

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

EXECUTIVE SUMMARY

The Department of Sport and Recreation has nine (9) million dollars allocated in the Community Sport and Recreation Facility Fund for applications that will be funded in the 2009/10 financial year. The City of Joondalup is required to assess, rank and rate all applications received from sport and recreation clubs/groups located within the region.

Three (3) community sporting groups have submitted applications for consideration.

It is recommended that Council:

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

Applicant's Rank	Applicant's Rating
1 Sorrento Duncraig Junior Football Club	<i>Well planned and needed by the local government.</i>
2 Ocean Ridge Junior Football Club	<i>Well planned and needed by the local government.</i>
3 Sorrento Football Club	<i>Well planned and needed by the applicant.</i>

2. *LISTS \$30,133 for consideration in the 2009/10 draft budget, subject to the Sorrento Duncraig Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$30,133 from the Community Sport and Recreation Facilities Fund;*
3. *LISTS \$67,200 for consideration in the 2009/10 draft budget, subject to the Ocean Ridge Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$67,200 from the Community Sport and Recreation Facilities Fund;*
4. *LISTS \$59,909 for consideration in the 2009/10 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 \$59,909 from the Community Sport and Recreation Facilities Fund.*

BACKGROUND

The Department of Sport and Recreation's CSRFF program aims to increase participation in physical activity through the development of 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 and 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 based on the following criteria:

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

A strong emphasis is placed on a planned approach towards CSRFF applications and as a result, the City implements its CSRFF process to reflect this principle. The application process undertaken is detailed in **Attachment 1**.

DETAILS

The City of Joondalup received three (3) completed applications. A summary of the funding requested for each application has been included as **Attachment 2**.

The City did receive expressions of interest for the CSRFF program from four (4) other local sporting clubs. Details of the projects and the reason for the clubs not submitting an application for funding in 2009/2010 are included in **Attachment 3**.

A formal assessment panel was established to review the three (3) applications received. The panel used a scoring matrix to maintain a consistent approach towards the assessment of the funding applications. Details of the assessment panel's evaluation of the applications are included in **Attachment 4**.

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

Project 1 - Sorrento Duncraig Junior Football Club

Project Summary

Upgrade of floodlighting to Australian Standards at Seacrest Park, Sorrento. The project involves the installation of four (4) poles, each with three (3) lights to provide a training area for large ball sports (AFL – 50 lux) on the eastern side of the park. A plan of the proposed project is included as **Attachment 5**. The club has 700 active members.

Total Project Cost:	\$90,400
City of Joondalup Contribution:	\$30,133
CSRFF Grant Requested:	\$30,133

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.
Funding recommended:	\$30,133

Project 2 – Ocean Ridge Junior Football Club

Project Summary

Upgrade of floodlighting to Australian Standards at Heathridge Park, Heathridge. The project involves the installation of four (4) poles, each with six (6) lights, to provide a training area for large ball sports (AFL - 50 lux) across the entire reserve. A plan of the proposed project is included as **Attachment 5**. The club has 550 active members.

Total Project Cost:	\$201,600
City of Joondalup Contribution:	\$ 67,200
CSRFF Grant Requested:	\$ 67,200

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: \$67,200

Project 3 - Sorrento Football ClubProject Summary

Install floodlighting to Australian Standards on Pitch No. 1 at Percy Doyle Reserve, Duncraig. The project involves the installation of four (4) floodlighting poles, each with three (3) lights, to match play standards for large ball sports (Soccer – 100 lux). A plan of the proposed project is included as **Attachment 5**. The club has 400 active members.

Total Project Cost: \$188,727
 City of Joondalup Grant Requested: \$ 59,909
 CSRFF Grant Requested: \$ 59,909

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: \$59,909

Link to Strategic Plan:Community Wellbeing

Objective 5.2 To facilitate healthy lifestyles within the community.

Strategy 5.2.1 The City provides high quality recreation facilities and programs.

Outcome The Joondalup community is provided with opportunities to lead a healthy lifestyle.

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 AS4282 – Control of Obtrusive Effects of Outdoor Lighting

This code specifically refers to the potentially adverse effects of outdoor lighting on nearby residents (e.g. of dwellings such as houses, hotels, hospitals), users of adjacent roads (e.g. vehicle drivers, pedestrians, cyclists) and transport signalling systems (e.g. air, marine, rail), and on astronomical observations.

Risk Management

The key risk associated with the installation of floodlighting is related to the quality of completed works. This risk is mitigated by the City's Building and Approvals process. All floodlighting projects must meet Australian Standards Legislation in order to receive building approval. The City assesses all works on completion. The works must meet the City's requirements prior to funding being released.

Financial/Budget Implications:

It is proposed that the funding recommendations presented to Council be listed for consideration in the City's 2009/10 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 2009.

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

Sustainability implications:

Environmental Considerations

The proposed design of each floodlighting project has been developed to ensure flexibility in the switching of each individual pole and the park lighting as a whole. Considerations have been made for future technologies that would enable an automated system linking the lighting to the formal park bookings. These two initiatives will assist in reducing power usage and associated greenhouse emissions.

Consultation:

Community Consultation

The City undertook community consultation 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.

A period of 29 days was allowed for submissions to be made. A distribution area of between 250 and 300 metres surrounding each location was used to cover residents who may be impacted by the projects. The number of letters sent and comments received are detailed below:

Reserve	Letters Sent	Responses Received	Comments
Seacrest Park	176	8	<ul style="list-style-type: none"> • Supported proposal to help deter anti-social behaviour • Issues with anti-social behaviour • Issues with the playing of ball sports on the park • Issues with illegal parking around the park
Heathridge Park	125	0	<ul style="list-style-type: none"> • No comments received
Percy Doyle Reserve	130	0	<ul style="list-style-type: none"> • No comments received

COMMENT

The Department of Sport and 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.

Projects that involve the floodlighting of active sporting fields have the potential to positively impact on the community's ability to participate in physical activity and provides increased opportunities for the safe use of the City's grounds.

The CSRFF process requires the City of Joondalup to rank all project applications. The City determined the ranking of each project using an assessment criteria provided by the Department of Sport and Recreation.

The Sorrento Duncraig Junior Football Club project was ranked first. The project has the potential to benefit a large number of club participants and the wider community. The project represents the best value for money of the three (3) applications and the club has cash in the bank to cover the total project cost. The club has also demonstrated its ability to deliver CSRFF projects, when it received funding through the 2003/2004 round.

The Ocean Ridge Junior Football Club project was ranked second. The project has the potential to provide significant benefit to a large number of clubs, participants and the general community. The club is in a strong financial position, with cash in the bank to fund the project.

The Sorrento Football Club project was ranked third. The primary benefit of the project will be to club participants. The cost of the project will be funded by a loan, as opposed to the other two projects, which will be financed by cash in the bank.

The City supports all of the proposed applications. The applications have been researched, are well planned and represent a sound financial contribution toward sport and recreation in the Joondalup region for clubs and the community in general. The approach taken by each club demonstrates a strong commitment to deliver the projects successfully.

ATTACHMENTS

Attachment 1	CSRFF Application Process Summary
Attachment 2	CSRFF Project Cost Summary
Attachment 3	CSRFF Expression of Interest Summary
Attachment 4	CSRFF Project Assessments
Attachment 5	CSRFF Project Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council;

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

Applicant's Rank	Applicant's Rating
1 Sorrento Duncraig Junior Football Club	Well planned and needed by the municipality.
2 Ocean Ridge Junior Football Club	Well planned and needed by the municipality.
3 Sorrento Football Club	Well planned and needed by the applicant.

- 2. LISTS \$30,133 for consideration in the 2009/10 draft budget, subject to the Sorrento Duncraig Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$30,133 from the Community Sport and Recreation Facilities Fund;**
- 3. LISTS \$67,200 for consideration in the 2009/10 draft budget, subject to the Ocean Ridge Junior Football Club meeting one third (1/3) of the project's total cost, and the Club being granted \$67,200 from the Community Sport and Recreation Facilities Fund;**
- 4. LISTS \$59,909 for consideration in the 2009/10 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 \$59,909 from the Community Sport and Recreation Facilities Fund.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13agn281008.pdf](#)

CJ232-10/08 DETAILED DESIGN OUTCOMES – LEISURE CENTRE, CRAIGIE – [09050]

WARD: Central

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Director Planning & Community Development

PURPOSE

To provide Council with the outcomes of the detailed design and the pre-tender estimate for additional aquatic facilities at Craigie.

EXECUTIVE SUMMARY

The detailed design for the proposed aquatic additions at Craigie has been completed. This report presents the outcomes of the detailed design, including the facility design, environmentally sustainable operating inclusions and a pre-tender estimate for the project.

A key focus of the detailed design was to investigate initiatives that could be included in the Centre that would significantly reduce greenhouse gas emissions and ongoing operating costs. Some of the new initiatives include solar hot water systems, artificial turf, waterless urinals and upgrading the pool disinfection system.

The detailed design of the additional aquatic facilities has a pre-tender capital cost estimate of \$8,298,952. The proposed construction timeframe for the project is 50 weeks. To meet an expected completion date of the first quarter of the calendar year, it is proposed to advertise the tender for the construction of the additional aquatic facilities following Council endorsement of detailed design.

It is recommended that Council:

- 1 *APPROVES the detailed design of the facility (attachment 2).*
- 2 *APPROVES the inclusion of the following environmentally sustainable development initiatives:*
 - *Solar hot water systems,*
 - *Artificial turf,*
 - *Waterless urinals and*
 - *Upgrade of the pool disinfection system as additional.*
- 3 *NOTES that the City will investigate funding through the Federal Government's Green Precincts Fund for the installation of rainwater harvesting, wind turbines and photo voltaic panels.*
- 4 *NOTES that the outcomes of the tender for the construction of the additional aquatic facilities will be the subject of a further report to Council;*
- 5 *NOTES that the City will approach the State Government to seek funding towards the capital cost of constructing the additional aquatic facilities.*

BACKGROUND

In October 2007, the Council endorsed (CJ217-10/07 refers) the concept design of additional aquatic facilities at Craigie and sought more information regarding cost estimates of environmentally sustainable options for the project. In addition, Council requested the local swim clubs be consulted on the design; and the final colours, finishes and textures be presented for consideration.

In April 2008, the Council endorsed (CJ060-04/08 refers) architects to undertake detailed design documentation of the proposed aquatic facilities and develop pre-tender estimates for the project.

This report presents the findings to the items listed above and provides a pre-tender cost estimate on the detailed design of the proposed aquatic facilities.

DETAILS

Issues and options considered:

The outcome of the architect's detailed design is summarised under the heading of environmental considerations, club consultation, finishes and cost estimates.

Environmental Considerations

Environmentally sustainable development options were considered by an external consultant. A copy of the report will be available in the Councillors reading room.

Key areas reviewed included;

- Solar energy.
- Wind energy.
- Electric heat pumps supporting existing geothermal.
- Recycling water from backwash tanks and toilets for irrigation purposes.
- Rainwater harvesting for pool top up.

SOLAR AND WIND ENERGY SYSTEM

The review investigated if solar power or wind power would be feasible options for energy cost and greenhouse gas savings. A suitable solar system was estimated at \$593,000 and would reduce new power consumption by 3% at the Centre, representing a basic payback period of 50 years. A suitable wind turbine system was estimated at \$562,000 and would reduce new power consumption by 14% at the Centre, representing a basic payback period of 17 years.

The power supply from either source would not be sufficient to replace the need for an upgrade to the power substation for the aquatic facility's heat pumps. The consultants stated "the output of the solar (photovoltaic) system would be lowest when electrical demand on the system is highest (during winter)." In relation to a wind turbine the consultants highlighted "that the intermitted nature of the wind (and therefore power supply) would mean that there would frequently be times when there is no wind and the additional power draw must come from the power grid." These options were summarised by the consultants to have a significant capital outlay for a system that provided a relatively low proportion of the Centre's energy demand. Consequently it is proposed these options not be incorporated into the final design without external subsidisation.

POOL HEATING SYSTEM

The proposed design has confirmed that the existing geothermal heating system has the capacity to operate as the primary heat source with electrical heat pumps operating as the secondary heat source to the 50 metre pool. The electrical heat pump system has been designed with the capacity to heat the indoor aquatic facilities, to ensure heated aquatic facilities can be maintained in the event of the geothermal heating system requiring down time. This option of electric heat pumps operating as a support heating system was supported by the consultants as it offered a \$180,000 operating saving and 668 tonnes of greenhouse gas emission savings as compared to the gas boiler alternative. Through the detailed design process it was highlighted that a re-routing to some of the existing geothermal heating system pipe work was required to accommodate the new plant room and underground services. The cost of including the electric heat pump system was included in the original budget estimates with the re-routing works being an additional cost of \$80,000.

ELECTRICITY

One option identified to improve the Centre's 'green' rating was to upgrade the renewable power from the Centre's existing electricity supplier, Landfill Gas and Power, from 75% to 100%. This option was assessed to increase costs by 4.2%, yet reduce greenhouse gas emissions by 84%, or 385 tonnes per year. This option has been incorporated into the final design. The Centre's pumps will be linked to the Centre's building management system to ensure the most efficient use of the variable speed drives.

SOLAR HEATING SYSTEM

The new change rooms/showers are proposed to be heated by solar heated hot water systems, removing the need for gas boilers. The Consultant's review supported this option highlighting a payback period of 5-8 years, with the City being able to claim a rebate once installed. The estimated cost to install the solar hot water system is \$40,000.

WATER

Rainwater harvesting from the Centre's roof was considered for backwash, toilet flushing and pool top up. Rainwater harvesting is a principle based on the aquatics roof being used to capture rainwater with a new drainage system directing water to an underground water tank.

The 50 metre pool water volume capacity is 1,410KI. Over a year it is expected that the 50 metre pool would use 3800KI in water for the topping up of the pool, as a result of evaporation and backwashing of filters.

A 200kl tank would be the required capacity to deliver most significant savings. The order of cost estimates for rainwater harvesting tank and equipment is \$220,000. The estimated water savings for this system is 3,287KI which represents a 19.4% saving against current usage. The estimated financial saving of this system is \$2900 per annum, which represents a payback period of 75 years.

Due to the significant capital cost and comparative low water saving this option has not been included in the final design. If grant funding is available for this option, it will be included.

A range of additional water saving options was also investigated. These options included:

- Artificial lawn – The installation of artificial lawn to the area adjacent to the water playground (under the shade sails) and next to the barbeque area was included in the design to reduce the water required for reticulation. This option would also reduce maintenance costs (mowing, fertilizing) and the amount of grass clippings spilling into

the 50 metre pool and water playground filtration systems. The artificial turf was also deemed to be more suitable to the area under the shade sails where lawn may struggle to maintain coverage with the limited sunlight. The estimated cost for the installation of the artificial turf \$27,000. The specification for the turf request a minimum 10 year warranty.

- Waterless urinals – These have been included in the male toilets to reduce water usage for flushing. Projected water savings are 590kL per year for each unit. The estimated cost is \$7,000.
- New chemical water disinfection system – The existing liquid chlorine system is proposed to be upgraded to a gas chlorine system. A gas chlorine is system significantly safer and reduces the amount of chlorine required to treat water, which reduces the by-products from the disinfection process. In addition to improved water quality the need to backwash water and top up the pool with fresh water is also significantly reduced. The estimated cost is \$45,000.

External Funding

At the time of completing the report, the Federal Government launched a new Green Precincts Fund (www.environment.gov.au/water/programs/green-precincts/index.html). The program offers up to \$1.5 million in funding, split on a 50/50 ratio for water and energy saving projects.

A minimum of \$500,000 is offered in funding. Therefore, the City would need to spend the same amount, which means the total cost of the green elements of the project for Craigie Leisure Centre would need to be \$1,000,000.

The options of rainwater harvesting, wind turbines and photo voltaic panels were not recommended for inclusion as part of this project due to their high capital cost. This funding program provides the City with an option of contributing 50% of the total cost to include these environmentally sustainable options.

It is proposed that these options are investigated as part of a funding submission to the Green Precinct Fund and that this is treated separately to the delivery of the proposed additional aquatic facilities project at Craigie.

Club Consultation

A meeting was held with each of the Clubs located at the Centre including the Whitfords Aussie, the Breakers Swim Club and Westcoast Aussie Masters to discuss the design of the proposed facilities, in particular the 50 metre pool and meeting room. A full explanation was provided on the design with a follow up survey provided to capture additional feedback (see attachment 1).

Overall the Clubs responded positively to the design. The following feedback from the Clubs was incorporated into the design:

- Wet area (sink) in meeting room.
- Wall to display Club memorabilia in meeting room.
- PA system linked from meeting room for carnival use.
- 25 metre mark across pool.
- Step at the deep end of the 50m pool.
- Storage cupboard

The Breakers Swim Club highlighted disappointment relating to the shallow end depth of 1.1 metres in the 50 metre pool, stating it does not allow starting blocks to be installed for competitions.

The 1.1 metre water depth was previously endorsed by Council (CJ217-10/07 refers) as a compromise between the ideal depth for competition swimming versus the needs of the general public, the Education Department and Centre's learn to swim program.

The access from the indoor facility to the outdoor facilities was discussed with the Clubs. Following the feedback received the design was altered to provide double door access to and from the outdoor areas. The double doors provide easy and uncongested access during peak periods with the ability to reduce access in periods of low demand (winter) to reduce heat loss from the indoor facility.

Finishes

The City's brief to the architects was to ensure that all fixtures, fittings and finishes were of a high standard, maintained appearance, required minimal maintenance, linked to the existing facilities and had a low whole of life cost.

Some of the key finishes include;

- Brushed aggregate concrete concourse limestone colour that requires minimal high-pressure water cleaning.
- Artificial grass to external areas.
- Tiles to change rooms and pool to match existing indoor facility.
- Synthetic rubber compound for outdoor water playground surface, cut into bright and colourful patterns.
- Hard vinyl floor to meeting room.
- Concrete limestone colour spectator stands with painted sealant.
- External walls to be rendered and painted in china white and weathered tan.
- Sails to be a mix of lime green, white and blue.

The visual appearance and colour scheme of the proposed facilities are detailed in Attachment 2. Some of the key colour designs will be implemented on the shade sails, flooring of the outdoor water playground and outdoor showers with the balance of the facilities aesthetically linking to the indoor facility.

Final colour selections will be made once a contractor is appointed subject to availability and cost allowance.

Link to Strategic Plan:

5.2.1 The City provides high quality recreation facilities and programs.

Legislation – Statutory Provisions:

Not Applicable

Risk Management considerations:

Not Applicable

Financial/Budget Implications:

A pre-tender cost plan has been prepared for the detailed design based on construction commencing in January 2009, with completion expected in January 2010. The pre-tender project capital cost was estimated at \$8,298,952 (excluding GST). The initial capital cost estimate based on the concept design was \$7.6 million. The increase in costs is a result of the following;

- Detailed design has provided more accurate costs of construction through a better understanding of site services, construction timeframes and schedules of finishes.
- Environmentally sustainable development inclusions \$119,000.
- Relocation of geothermal line of \$80,000.

To commence construction the City has budgeted \$2.9 million for the 2008/2009 financial year.

Detail	Concept design cost estimate October 2007	Detailed design estimate September 2008
Estimated project capital cost	\$7,603,649	\$8,298,952
City reserve fund contribution	\$1,500,000	\$1,500,000
Balance to be financed	\$6,103,649	\$6,798,952 (subject to tender)
Capital cost variance	-	\$695,303

Account No: 1.444.C1022.6232.0000

Budget Item: Aquatic Facilities Upgrade – Craigie

Budget Amount: \$ 2,910,000

Policy implications:

Not Applicable

Regional Significance:

The City of Joondalup Leisure Centre, Craigie is a regionally significant facility due to its central location within the City. The Centre is the only multi-purpose community facility directly provided by the City. The nearest aquatic facilities include the Arena Joondalup located 9kms from the Centre and Aqua-motion (currently being redeveloped) located 12kms from the Centre. There is a large gap of aquatic facilities located south of the Centre to Bold Park Aquatic Centre in Floreat, highlighting the regional significance of the aquatic facilities provided. The proposed developments at the Centre, namely a 50 metre pool, would ensure Craigie remains a regional facility, as 50 metre pools attract a larger catchment than 25 metre or leisure pools.

If a 50 metre pool is included in the mix of facilities at the City of Joondalup Leisure Centre - Craigie, the City would be the only Local Government in Western Australia that hosts two multi-purpose recreation facilities with 50 metre pools within its local government.

Sustainability implications:

A key component of the proposed design was to ensure the environmental impact of the proposed facilities was minimised. In summary, the key green initiatives that have been included in the final design are:

- Solar hot water heating to change rooms.
- Pool blankets to reduce water and chemical evaporation from the 50m pool.
- Energy efficient light fittings and lamps.
- Dual flush toilets, waterless urinals, timer controlled taps and showers, water efficient shower heads.
- Pool filters fitted with backwash air scour system to reduce water loss.
- Gas chlorine system.
- All roof and ceiling insulation rated to a minimum “R” rating of 2.5.
- Skylights in change rooms.
- Landscaping to include artificial turf and drought tolerant species.
- Geothermal heating system remains the “lead” heating source and will be used at its full available capacity prior to starting the supplementary electric heat pump system.
- The use of variable speed drives on pumps to allow speed reduction during off peak periods reducing energy usage.
- Upgrade the electricity supply to 100% renewable energy.

Consultation:

Consultation during detailed design was centred on the existing swim clubs at the Centre, as detailed earlier in this report.

COMMENT

The final design of the facilities has incorporated a significant range of environmentally sustainable inclusions that will reduce greenhouse emissions and energy costs. These environmental initiatives supporting the existing geothermal heating system will ensure the Centre continues to be a market leader with its environmentally sustainable operating principles.

The design based on the previously endorsed concept plan, reflects the outcomes expressed by the community for the types of aquatic facilities required at the Centre (CJ076-04/07 refers).

The key impacts on the cost estimates for the project have been the new timeframes for the project that includes a longer period for construction, re-routing part of the geothermal line, increasing pedestrian flow from indoor pool to outdoor area, solar hot water systems, rubber flooring to the outdoor water playground and the installation of synthetic grass to outdoor areas.

The opportunity to include additional environmentally sustainable options at the Centre will be investigated separately to this project, as part of a funding submission to the Federal Government’s Green Precinct Funding program.

The proposed construction timeframe for the project is 50 weeks. The target completion date for the project is the first quarter of the calendar year. If Council endorse the detailed design, the City will proceed to advertise the tender for the construction of facilities.

The architects coordinating the project have indicated that the current construction market has been showing signs of slowing. This may have a positive impact on reducing the total

cost for the project, however this will be dependent on other projects being advertised and the existing commitments of suitable builders.

The outcomes of the tender which will detail the actual cost of the project will be reported back to Council for consideration and approval.

ATTACHMENTS

Attachment 1 – Club consultation survey and results.

Attachment 2 –Design and images of the proposed facilities.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 APPROVES the detailed design of the facility as shown on Attachment 2 to Report CJ232-10/08;**
- 2 APPROVES the inclusion of the following environmentally sustainable development initiatives:**
 - Solar hot water systems,**
 - Artificial turf,**
 - Waterless urinals and**
 - Upgrade of the pool disinfection system as additional;**
- 3 NOTES that the City will investigate funding through the Federal Government's Green Precincts Fund for the installation of rainwater harvesting, wind turbines and photo voltaic panels;**
- 4 NOTES that the outcomes of the tender for the construction of the additional aquatic facilities will be the subject of a further report to Council;**
- 5 NOTES that the City will approach the State Government to seek funding towards the capital cost of constructing the additional aquatic facilities.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf211008.pdf](#)

Disclosure of Financial Interests

Name/Position	Cr Albert Jacob
Item No/Subject	CJ233-10/08 - State Administrative Tribunal – Request for Proposed Draft Conditions Of Planning Approval - Proposed Liquor Store: Lot 929 (1244) Marmion Avenue, Currambine
Nature of interest	Financial – proximity
Extent of Interest	Cr Jacob has a financial interest on a neighbouring/adjacent site.

CJ233-10/08 STATE ADMINISTRATIVE TRIBUNAL – REQUEST FOR PROPOSED DRAFT CONDITIONS OF PLANNING APPROVAL - PROPOSED LIQUOR STORE: LOT 929 (1244) MARMION AVENUE, CURRAMBINE – [75606]

WARD: North

RESPONSIBLE DIRECTOR: Mr Clayton Higham
Planning and Community Development

PURPOSE

For Council to consider and submit, without prejudice, a set of draft conditions of Planning Approval to the State Administrative Tribunal (SAT) and the applicant in relation to the refused application for a proposed liquor store at Lot 929 (1244) Marmion Avenue.

EXECUTIVE SUMMARY

At its June 2008 meeting, Council refused an application for a single storey Liquor Store at Lot 929 (1244) Marmion Avenue, Currambine (Item CJ106-06/08 refers).

The applicant subsequently lodged an Application for Review of Council's decision with the SAT. The matter has now progressed to a Final Hearing, which will commence on 17 November 2008. Part of the Orders issued by the SAT requires Council to submit, on a without prejudice basis, a draft set of conditions of Planning Approval for consideration by SAT and the applicant.

The recommendation contains a draft set of conditions of Planning Approval that includes:

- the original conditions of Planning Approval contained in the June 2008 report; and
- two new conditions of Planning Approval that address the glazing and footpath provisions of the Currambine District Centre Structure Plan (Structure Plan).

BACKGROUND

Suburb/Location: Lot 929 (1244) Marmion Avenue, Currambine
Applicant: TPG Town Planning and Urban Design
Owner: Davidson Pty Ltd
Zoning: **DPS:** Busines
MRS: Urban
Site Area: 7.5000 ha
Structure Plan: Currambine District Centre Structure Plan

The subject site is located on the eastern side of Marmion Avenue, immediately north of Shenton Avenue (Attachment 1 refers). The proposed liquor store is located in the north western corner of the subject site on a 1.024 ha portion of the 7.5 hectare site.

The Currambine Shopping Centre and Cinema complex is located on the southern portion of the subject site and residential development is located to the west across Marmion Avenue. The remainder of the surrounding land is vacant, however there are several applications currently being considered by the City for the development of this land.

The subject site is located within a Structure Plan which guides development within the area. The subject site is zoned Business under the City of Joondalup District Planning Scheme No 2 (DPS2), therefore there is no maximum retail floorspace applicable to this site under DPS2. The maximum retail net lettable area (NLA) only applies to Commercial zoned land.

In October 2007, an application for planning approval for the Liquor Store was lodged with the City.

On 10 June 2008 Council resolved to refuse the application for the following reasons:

- (a) The application does not meet the objectives of the Currambine District Centre Structure Plan as it does not encourage a high standard of 'Main Street' built form and does not provide an active edge with an attractive façade to vehicle and pedestrian routes;
- (b) The nature of the proposed land use will have a negative impact on the amenity of the surrounding residential area;
- (c) The application does not comply the requirements of the Currambine District Centre Structure Plan in regards to:
 - i. Setbacks;
 - ii Glazing;
 - iii Landscaping;
 - iv Footpath width.

The City received notification during July 2008 that the applicants had lodged a Request for Review (appeal) with the SAT.

The matter has been the subject of a Directions Hearing and Mediation Hearings. It was determined that the matter was to be referred to a four day Final Hearing commencing on 17 November 2008. Following the Final Hearing, the SAT will make a decision to either uphold the Council's decision to refuse the application or approve the application subject to appropriate conditions of Planning Approval

As part of the Orders issued by the SAT at the last Directions Hearing, Council has been requested to provide a draft set of conditions of Planning Approval to the SAT and the applicant on a "without prejudice" basis by 3 November 2008.

DETAILS

The applicant proposes to construct a single storey liquor store on a portion of the subject site (Attachment 2 refers). The plans refused by Council have not been modified during the SAT process. For ease of reference, the following is an extract from the Details section of the June 2008 report that sets out the details of the proposed development:

The proposed development incorporates the following:

- One single storey building with a maximum building height of 9 metres above natural ground level and an average height of 6 metres;
- Provision of 98 car parking bays, including three disabled bays;
- Drive through loading dock;
- Bin storage area;
- Landscaping throughout the car park and along the access road;
- Awnings along the southern side of the building; and
- Vehicle access to the site from an access road off Marmion Avenue and the future Main Street.

Compliance with the relevant requirements of the Structure Plan is summarised below:

Required	Provided	Compliance
<u>Setbacks</u>		
South: nil	60m	No
North: no requirement	6.5m	Yes
East: nil	14.5m	No
West: no requirement	39m	Yes
<u>Awnings along building</u>		
South	Awnings provided	Yes
East	Partially provided	No
<u>Building facades</u>		
South: Active frontage with 70% glazing	24%	No
North: Blank façade	Blank façade	Yes
East: Blank façade	Blank façade	Yes
West: Active frontage with 70% glazing	5.2%	No
<u>Landscaping</u>		
South: 3m along street boundary	2.5m	No
West: 3m along street boundary	2m	No
<u>Car parking</u>		
Liquor Store: 7 per 100 m ² 1350 m ² = 95 bays	98 bays	Yes
<u>3m footpath along building edge</u>		
South	2.5m	No
West	1.5m	No

Issues and options considered:

Council has no option other than to respond to the Orders issued by the State Administrative Tribunal.

Link to Strategic Plan:

Not applicable

Legislation – Statutory Provisions:

The applicants have requested the SAT to review Council's decision under the State Administrative Tribunal Act 2005 (SAT Act), which has a different decision-making process to DPS2. Council is required to consider and convey its position, without prejudice, on draft conditions of Planning Approval to SAT and the applicant. Council does not make a formal planning decision as such.

Risk Management considerations:

There is an obligation under the SAT Act for decision makers to assist the SAT, failing which, the party (Council) could be in contempt. If Council does not act in good faith, then the City could face a claim for costs being awarded against it.

Financial/Budget Implications:

This matter is before the SAT following the lodging of a request for review of Council's decision. Being a Class 2 hearing, both parties have elected to have legal representation. The City has engaged the services of McLeod's Solicitors to represent the Council on this matter.

The Request for Review by the applicant could result in a total expenditure by the City of approximately \$20,000 – \$30,000.

Policy implications:

Not applicable

Regional Significance:

Not applicable

Sustainability implications:

Not applicable

Consultation:

Not applicable

COMMENT

Council is required to submit a set of draft conditions of Planning Approval for consideration by SAT and the applicants. As a starting point, the original conditions of Planning Approval recommended by the City have been included in the recommendation.

The proposed development does not comply with the following areas of the Structure Plan:

Required	Provided	Compliance
<u>Setbacks</u> South: nil East: nil	60m 14.5m	No No
<u>Awnings along building</u> East	Partially provided	No
<u>Building facades</u> South: Active frontage with 70% glazing West: Active frontage with 70% glazing	24% 5.2%	No No
<u>Landscaping</u> South: 3m along street boundary West: 3m along street boundary	2.5m 2m	No No
<u>3m footpath along building edge</u> South West	2.5m 1.5m	No No

Council is required to determine whether the list of conditions of Planning Approval originally recommended is appropriate or should be amended to address other matters, such as the areas of non-compliance with the Structure Plan. The original conditions of Planning Approval recommended by the City are conditions 3(a)-(k) in the proposed recommendation.

The application was refused by Council for three reasons, those reasons being summarised as follows:

- (a) The application did not meet the objectives of the Structure Plan relating to the 'Main Street' built form requirements;
- (b) The nature of the proposed land use would have a negative impact on the amenity of the surrounding residential area; and
- (c) The application did not comply with certain development requirements of the Structure Plan.

The SAT will determine the validity of the reasons for refusal at the Final Hearing. If the SAT determines that the proposed land use and the design of the development is inappropriate, the application would be refused and the applicant would need to re-consider the land use and design of the proposed development. Alternatively, if the proposed land use and design of the development are supported by the SAT, it is expected that SAT would issue Planning Approval subject to conditions of approval.

The third reason for refusal, which relates to non-compliance with certain requirements of the Structure Plan, identified the following areas of non-compliance:

- i. Setbacks;
- ii. Glazing;
- iii. Landscaping;
- iv. Footpath width.

In relation to point (i), consideration by SAT of the first two reasons for refusal will address this area of non-compliance, and as such, no additional conditions are proposed in relation to this aspect.

Points (ii) – (iv) are areas of non-compliance with the Structure Plan. These areas of non-compliance, if considered to be major areas of concern, can be addressed through the imposition of conditions of approval.

New conditions to address points (ii) and (iv) are proposed, which are identified as conditions (l) and (m) of the proposed recommendation. Point (iii) above is already covered by Condition (d) of the City's original recommendation.

Conclusion

It is recommended that Council reiterates to SAT its previous decision to refuse the application, but submits the draft conditions of Planning Approval as directed by SAT, for consideration by SAT and the applicant on a without prejudice basis.

ATTACHMENTS

Attachment 1 – Locality Plan

Attachment 2 – Development Plans

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1. ADVISES the State Administrative Tribunal that it reiterates its opposition to the proposed development of the Liquor Store at Lot 929 (1277) Marmion Avenue, Currambine;**
- 2. NOTES that it is required through the State Administrative Tribunal review process, to provide draft conditions of Planning Approval on a “without prejudice” basis;**
- 3 PROVIDES the following draft conditions of Planning Approval on a “without prejudice” basis in relation to the proposed liquor store as shown on the plans dated 24 October 2007 and amended plans dated 18 February 2008 for Lot 929 (1277) Marmion Avenue, Currambine:**
 - (a) The colours and materials of the southern and western façades of the building shall be to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
 - (b) The southern and western facades shall be treated with non-sacrificial anti-graffiti coating;**

- (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890.01 2004) with the exception of the following:
- (i) Parking bays adjacent to landscaping shall be a minimum of 2.8 metres wide; and
 - (ii) Up to a maximum of 5% of the required car parking bays can be set aside as small car bays.

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;

- (d) A minimum 3 metre wide landscaping strip shall be provided along Marmion Avenue as marked in RED on the approved plans;
- (e) The lodging of detailed landscaping plans 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 are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are 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;
- (f) Shade trees shall be planted and maintained in the car parking areas at the rate of one tree for every four car parking bays, to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (g) 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;
- (h) Suitably screened bin storage area shall be provided prior to the development first being occupied with minimum dimensions of 1.5 metres x 1.5 metres. Such an area must be constructed with a 100mm thick concrete floor graded to a commercial floor waste connected to sewer and the provided with a hose cock;
- (i) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;
- (j) Any advertising signage shall be subject to a separate development application;
- (k) Car park levels, car park lighting, the internal access road and any proposed retaining walls do not form part of this approval and shall be subject to a separate development application;

- (l) **The proposed development being modified to provide clear glazing to the southern and western elevations in accordance with the provisions of clause 8.1.2 IX of the Currambine District Centre Structure Plan;**
 - (m) **A 3.0m wide pedestrian pathway shall be provided along the western and southern side of the proposed building in accordance with the provisions of clause 8.1.2 XI of the Currambine District Centre Structure Plan;**
 - (n) **A management plan for the Liquor Store outlining hours and days of operation shall be submitted to the City with the Building Licence Submission for approval of the Manager Approvals, Planning & Environmental Services;**
 - (o) **Stage two of the proposed development shall be designed and constructed in accordance with the main street provisions of the Currambine District Centre Structure Plan;**
- 4. WRITES to the Department of Racing Gaming and Liquor inviting its involvement and endorsement of the proposed management strategies for the Liquor Store, including (but not limited to) management of patrons, and hours of operation.**

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15agn281008.pdf](#)

11 REPORT OF THE CHIEF EXECUTIVE OFFICER**CJ234-10/08 ELECTION OF DEPUTY MAYOR OF THE CITY OF JOONDALUP – [29610]**

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Ian Cowie Governance and Strategy

PURPOSE/ EXECUTIVE SUMMARY

To elect a Deputy Mayor for a term to expire at the next ordinary elections in October 2009.

BACKGROUND

Following the ordinary elections held in October 2007, Council at its Special Meeting held on 24 October 2007 elected Cr Russ Fishwick to the position of Deputy Mayor for a term to expire in October 2009.

DETAILS

Cr Russ Fishwick has submitted his resignation as Deputy Mayor of the City of Joondalup to take effect at 7.00 pm on Tuesday 28 October 2008.

The role of the Deputy Mayor is to perform the functions of the Mayor when authorised to do so, that is when the office of Mayor is vacant or the Mayor is not available or is unwilling to perform the functions of the Mayor.

The Local Government Act 1995 requires the office of Deputy Mayor to be filled as the first matter dealt with at the first meeting of the Council after an ordinary election. Upon election of the Deputy Mayor, there is a requirement for the incumbent to make a declaration for that office.

How the Deputy Mayor is elected:

- 1 The Council is to elect a Councillor (other than the Mayor) to fill the office;
- 2 The election is to be conducted by the Mayor, or if he is not present, by the CEO;
- 3 Nominations for the office are to be given to the person conducting the election in writing;
- 4 Nominations close at the meeting at a time announced by the person conducting the election, which is to be a sufficient time after the announcement by that person that nominations are about to close to allow for any nominations made to be dealt with;
- 5 If a Councillor is nominated by another Councillor, the person conducting the election is not to accept the nomination unless the nominee has advised the person conducting the election, orally or in writing, that they are willing to be nominated for the office;

- 6 The Council members are to vote on the matter by secret ballot as if they were electors voting at an election;
- 7 Subject to Clause 9(1) of Schedule 2.3 of the Local Government Act 1995, the votes cast under subclause (6) are to be counted, and the successful candidate determined, in accordance with Schedule 4.1 of the Local Government Act 1995, as if those votes were votes cast at an election.

COMMENT

As a result of the resignation of Cr Russ Fishwick, Council is required to elect a Deputy Mayor for the period to expire in October 2009.

ATTACHMENTS

Attachment 1 Letter of resignation – Cr Russ Fishwick

VOTING REQUIREMENTS

Election

RECOMMENDATION

That Council:

- 1 **NOTES the resignation of Cr Russ Fishwick as Deputy Mayor of the City of Joondalup, effective from 7.00 pm on Tuesday 28 October 2008, and THANKS him for his valuable contribution during his term of office;**
- 2 **ELECTS a Deputy Mayor for a term to expire at the ordinary elections in October 2009.**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16agn281008.pdf](#)

12 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**NOTICE OF MOTION – MAYOR TROY PICKARD – REQUEST FOR REPORT ON THE ESTABLISHMENT OF ADVISORY COMMITTEES**

In accordance with Clause 26 of Standing Orders Local Law 2005, Mayor Pickard has given notice of his intention to move the following motion at the Council Meeting to be held on 28 October 2008:

“That Council REQUESTS the Chief Executive Officer to prepare a report on the establishment of:

1 a Community Safety and Crime Prevention Advisory Committee consisting of community representatives and Elected Members to provide advice to Council on community safety and crime prevention issues; and

2 a Streetscape Advisory Committee consisting of community representatives and Elected Members to provide advice to Council on local streetscape amenity including, but not limited to, street trees, verges and medians.”

Reason for Motion

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

“Community safety, crime prevention and streetscape amenity have a direct impact on the daily lives of residents within the City. It is envisaged that the proposed two Advisory Committees would operate similarly to the existing Advisory Committees within the City and provide relevant advice to Council on matters within their terms of reference.

It is suggested that membership of the two proposed Advisory Committees consist of Elected Members, representatives of resident and ratepayer Associations and residents and ratepayers whose experience and expertise is aligned with a particular Committee.

The establishment of a Community Safety and Crime Prevention Advisory Committee and Streetscape Advisory Committee would provide an opportunity for Council to actively engage with the community on issues and initiatives that directly relate to safety, crime prevention and streetscapes within the City, providing Council with direction on these important aspects that directly affect residents and ratepayers within the City.”

OFFICERS COMMENT

A report can be prepared.

13 ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

14 CLOSURE



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

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

Name/ Position	
Meeting Date	
Item No/ Subject	
Nature of Interest	Financial Interest * Interest that may affect impartiality* <i>* Delete where not applicable</i>
Extent of Interest	
Signature	
Date	

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.*



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

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

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

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**

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

STATEMENT

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Please submit this form at the meeting or:

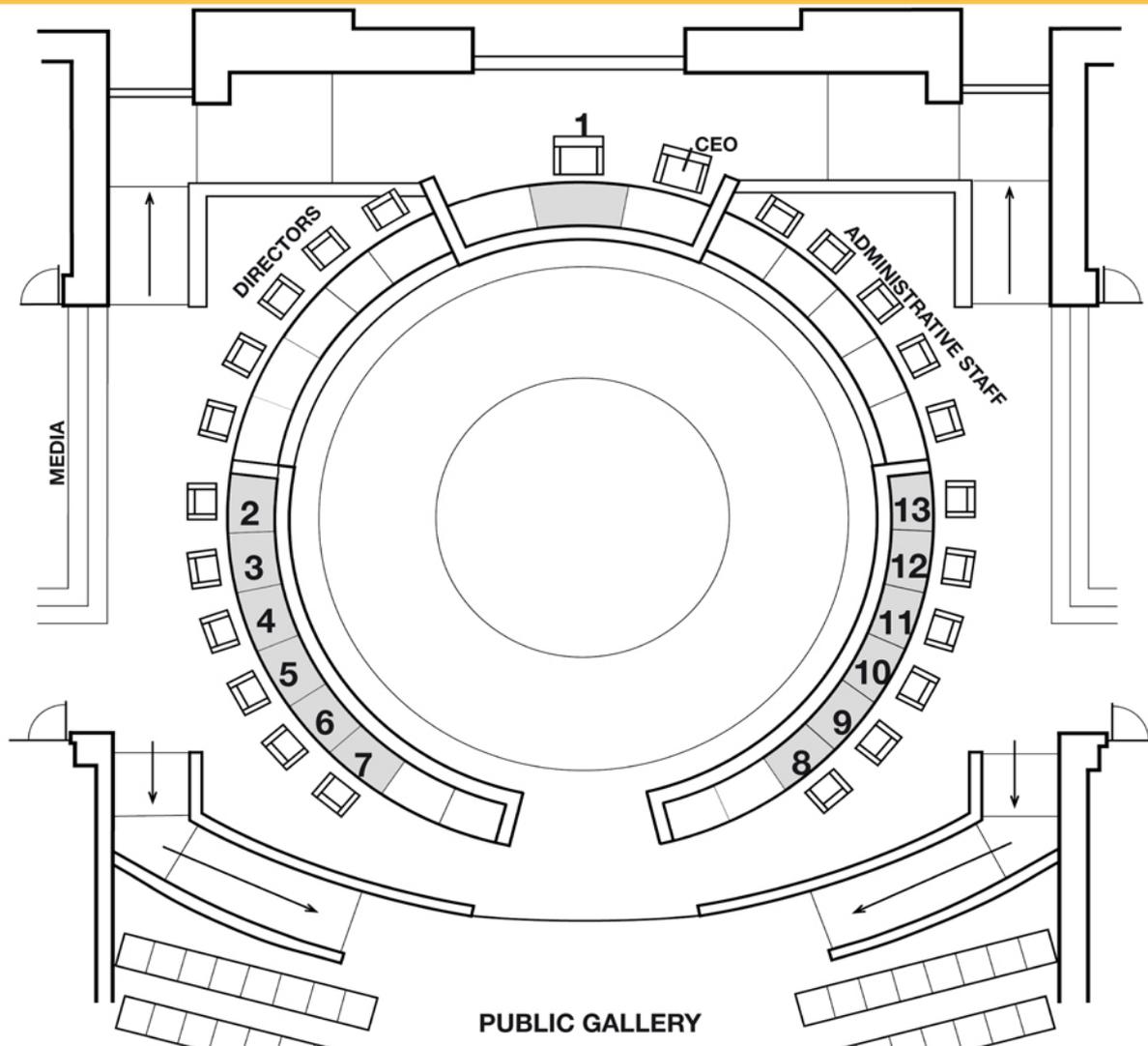
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

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

COUNCIL CHAMBER – SEATING DIAGRAM

City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 10/09)

North Ward

- 2 Cr Kerry Hollywood (Term expires 10/09)
- 3 Cr Tom McLean (Term expires 10/11)

North-Central Ward

- 4 Cr Albert Jacob (Term expires 10/09)
- 5 Cr Trona Young (Term expires 10/11)

Central Ward

- 6 Cr Marie Macdonald (Term expires 10/09)
- 7 Cr Geoff Amphlett (Term expires 10/11)

South-West Ward

- 8 Cr Michele John (Term expires 10/09)
- 9 Cr Mike Norman (Term expires 10/11)

South-East Ward

- 10 Cr Sue Hart (Term expires 10/09)
- 11 Cr Brian Corr (Term expires 10/11)

South Ward

- 12 Cr Russ Fishwick (Term expires 10/09)
- 13 Cr Fiona Diaz (Term expires 10/11)



City of
Joondalup