

# agenda

## Briefing Session

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

**ON** **TUESDAY, 10 AUGUST 2010**  
**COMMENCING AT** **6.30 pm**

**PUBLIC QUESTION TIME**

Members of the public are requested to lodge questions in writing by close of business on Monday, 9 August 2010

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

**QUESTIONS TO**

[council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

PO Box 21 Joondalup WA 6919

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

## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

### **INTRODUCTION**

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

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

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

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

### **PURPOSE OF BRIEFING SESSIONS**

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

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

### **PROCEDURES FOR BRIEFING SESSIONS**

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

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

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
  - 9.1 Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
  - 9.2 Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - 9.3 Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4.00pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 17 March 2009:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 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.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to 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 briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
  - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 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.

**Questions in Writing – (Residents and/or ratepayers of the City of Joondalup only).**

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of five written questions per City of Joondalup resident/ratepayer. 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 the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. 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 Presiding Member 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 Briefing Session 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 Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 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 at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 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.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 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.
- 5 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 if there are no further statements.
- 6 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.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

## DEPUTATION SESSIONS

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

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

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



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### **LATE ITEMS / ADDITIONAL INFORMATION**

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

[Additional Information 10.08.10.pdf](#)

## CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 10 August 2010** commencing at **6.30 pm**.

### ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**

The following questions were submitted to the Briefing Session held on 13 July 2010:

**Mr C Finn, Greenwood:**

*Re: Proposed Amendment No.46 to District Planning Scheme No.2 to Rezone Lot 9867 (63) Mulligan Drive from 'Public Use' to 'Urban Development'*

*Q1 It is part of the mission of the Perth Disc Golf club to make a positive contribution to the community with which it shares Cockman Park. It does this by:*

- (a) Encouraging safe, fun and low impact outdoor recreation.*
- (b) Holding fund raising events for worthy charities.*
- (c) Assisting to maintain Cockman Park as a valuable community amenity by holding regular busy bees to pick up litter in the park. Our question is – how else can we assist the community that live near and use the park?*

**A1** This question is unable to be answered.

*Q2 The Rob Hancock Memorial Disc Golf course is known worldwide as one of the oldest established, permanent and free-to-play disc golf courses and as such brings considerable credit to the region from international visitors. Yet there is no formal assurance that protects the course from future development. Would the Council consider making an undertaking that guarantees the future of the Ron Hancock Memorial Disc Golf course at Cockman Park?*

**A2** The Rob Hancock Memorial Disc Golf course is located at Cockman Park. Cockman Park is reserved under the City of Joondalup District Planning Scheme No. 2 as 'Parks and Recreation'. Local reserves can only be used for the purpose for which they are reserved, in this case, for parks and recreation purposes. Therefore, Cockman Park cannot be developed or used for any other purposes. Disc golf is a recreation purpose so can continue to be played at this site.

- Q3 *If the Council proceeds with its current application to rezone and remove the oval, car park and public amenities that are currently used by Perth Disc Golf Club, does the Council have any position on re-establishing the only free to play public Disc golf course in Western Australia to another park area with similar vegetation and amenities?*
- A3 The application has been made by the Department of Housing on behalf of the owner of the site, the Department of Education and Training for rezoning of the East Greenwood Primary school site. The disc golf course is located on the adjacent Cockman Park which is not part of the scheme amendment application. The City has no current proposals to remove the disc golf course.
- Q4 *If the public car parking area is removed and not replaced, does the Council intend the current park users to park their vehicles on surrounding verges when using the park?*
- A4 There is no public car park for users of Cockman Park. East Greenwood Primary school has its own car park which it is required to provide for staff and visitors as part of its approval. When the school is demolished, these facilities are not required to be retained. However, the applicant will be requested to consider the possibility of retaining part of the oval and car park in the development of a structure plan for the site. Visitors to Cockman Park can park on the surrounding road verges.
- Q5 *Is it possible to include in the development of this area a building with basic amenities such as toilets, water, electricity and shelter for the Club use?*
- A5 The City has no intention to include these facilities in the area at this time.

**Mr R Repke, Kallaroo:**

*Re: Item 9 – Council Working Groups and Community Forums*

- Q1 *Will the minutes of meetings of these groups be presented to Council directly, or to the officer in charge that he/she then presents his/her view to Council? Will the decisions of the Council go directly to these groups, or will they again go via the officer? In other words, do we need a middleman between these groups and the Council?*
- A1 The Chief Executive Officer advised that where the Council makes a decision that an item be presented to a Working Group or Community Forum, then the full text of what the Council has resolved will go to that group. Any documentation and recommendations made at either a Working Group or Community Forum will require to be presented to Council and advice given to the Council on what has been prepared.

## **4 PUBLIC STATEMENT TIME**

**The following statement was submitted to the Briefing Session held on 13 July 2010:**

**Mr R Repke, Kallaroo:**

*Re: Item 8 – Proposal for Domestic Cat Control Legislation – City of Joondalup  
Submission to WALGA and the Department of Local Government*

Mr Repke spoke in relation to the proposed State Cat Legislation.

## **5 APOLOGIES AND LEAVE OF ABSENCE**

**Leave of Absence previously approved**

Mayor Troy Pickard 9 – 16 August 2010 inclusive

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

## **7 REPORTS**

## **ITEM 1                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - JUNE 2010**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	07032 05961
<b>ATTACHMENTS:</b>	Attachment 1     June 2010 Decisions planning applications Attachment 2     June 2010 Decisions building applications Attachment 3     June 2010 Subdivision applications processed

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### **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, allow 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, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed 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.

This report identifies:

- 1     Planning applications (development applications and Residential Design Codes variations);
- 2     Building applications (Residential Design Codes variations); and
- 3     Subdivision applications

determined by those staff members with Delegated Authority powers during June 2010 (see Attachments 1, 2 and 3 respectively).

## BACKGROUND

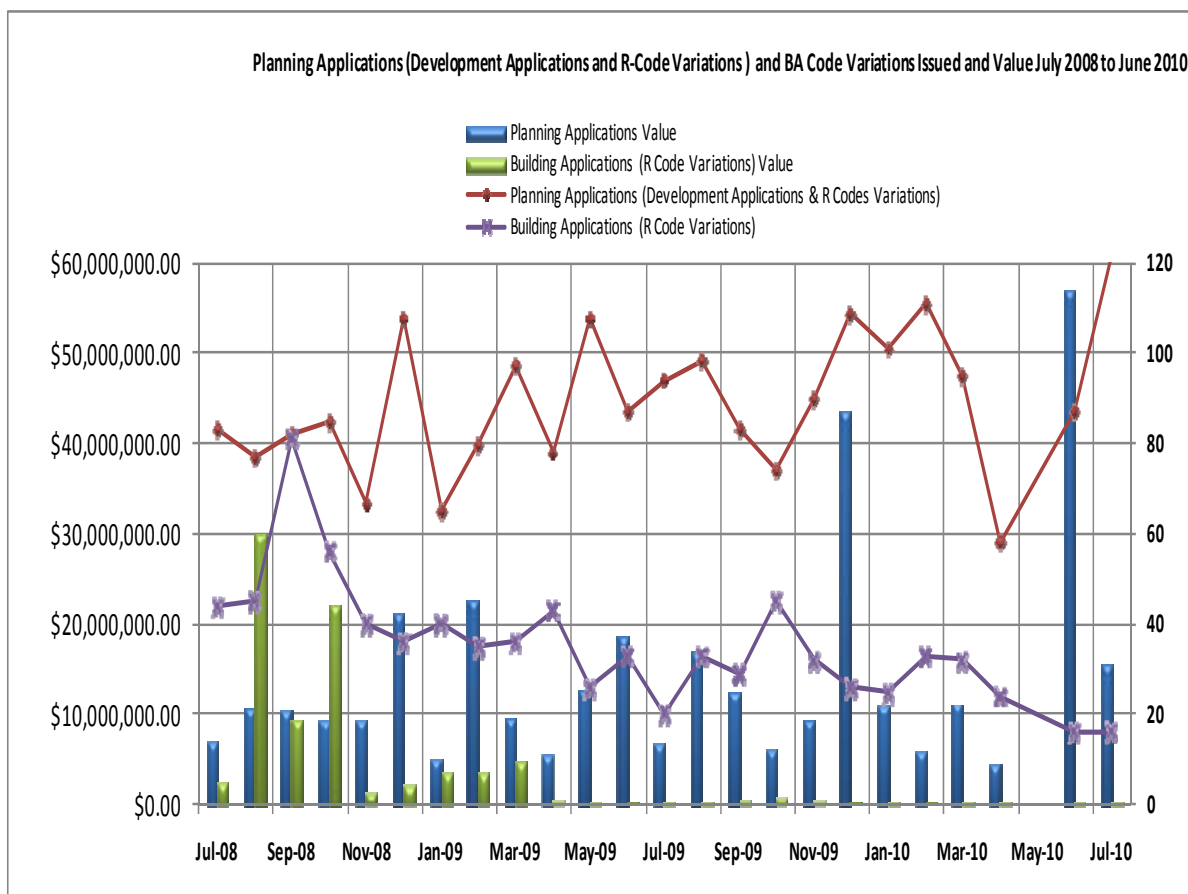
The District Planning Scheme No 2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. Council, at its meeting held on 22 June 2010 considered and adopted the most recent Town Planning Delegation.

## DETAILS

The number of applications determined under delegated authority for the period of June 2010, is shown below:

Approvals determined under delegated authority – June 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	122	\$ 15,606,647
Building applications (R-Codes variations)	16	\$ 142,037
<b>TOTAL</b>	<b>138</b>	<b>\$ 15,748,684</b>

The number of development applications received during the period for June was 120. (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



<b>Subdivision approvals processed under delegated authority From 1 June to 30 June 2010</b>		
<b>Type of approval</b>	<b>Number</b>	<b>Potential additional new lots</b>
Subdivision applications	2	1
Strata subdivision applications	5	6

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

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

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.

#### **Strategic Plan**

Key Focus Area: The Built Environment

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

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.

#### **Policy**

As above.

#### **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.

#### **Regional Significance:**

Not Applicable.

#### **Sustainability Implications:**

Not Applicable.



**Consultation:**

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

Of the 122 development applications determined during June 2010, consultation was undertaken for 56 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes variation). The seven subdivision applications determined during June 2010 were not 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 for timeliness and consistency in decision-making for 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.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

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

- 1 development applications and R-Codes variations described in Attachments 1 and 2 to this Report during June 2010;**
- 2 subdivision applications described in Attachment 3 to this Report during June 2010.**

*Appendix 1 refers*

To access this attachment on electronic document, click here: [Attach1brf100810.pdf](#)

## **ITEM 2                    PROPOSED SHORT STAY ACCOMMODATION AT LOT 511 (22) OCEANSIDE PROMENADE, MULLALOO**

<b>WARD:</b>	North-Central
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	73345
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Development plan Attachment 3      Submitters map

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### **PURPOSE**

To request Council's determination of an application for a change of use from single house to short stay accommodation at Lot 511 (22) Oceanside Promenade, Mullaloo.

### **EXECUTIVE SUMMARY**

The applicant proposes to utilise the property to provide emergency accommodation for families who are unable to find other suitable accommodation.

The subject site is zoned 'Residential' under the City of Joondalup District Planning Scheme No.2 (DPS2), with a density code of R20. The surrounding locality predominantly consists of single dwellings, with car parking to Tom Simpson Park located opposite the site on Oceanside Promenade.

As the occupants will be utilising the accommodation on a temporary basis (for less than three months), the use is considered consistent with short stay accommodation as defined in DPS2. Short stay accommodation is a use that is not permitted ("X" use) in the Residential Zone.

The proposal was advertised to 16 nearby land owners in writing, as well as a sign placed on-site for 21 days. 46 responses were received, including 45 objections to the proposed use.

As the land use is an "X" use in the Residential Zone the application is recommended for refusal.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 511 Oceanside Promenade, Mullaloo
<b>Applicant:</b>	St Vincent de Paul Society
<b>Owner:</b>	A Strano
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Site Area:</b>	1024.99m <sup>2</sup>
<b>Structure Plan:</b>	Not Applicable

The site is zoned 'Residential' under DPS2, with a density coding of R20. The subject site adjoins residential properties also coded R20 to the north, south and east, and Tom Simpson Park to the west (opposite Oceanside Promenade).

The existing building, approved as a single house in 1974, has four bedrooms, lounge/kitchen/dining/family area, sunroom and single carport. There is also a swimming pool and shed towards the rear of the property.

In April 2008, Council resolved to adopt Scheme Amendment No.36 - Short Stay Accommodation and associated draft policy (CJ066-04/08 refers). Following direction from the Minister, further amendments were made in August 2009. The Amendment was gazetted on 16 July 2010, with the modifications to the draft policy still requiring adoption by Council.

## **DETAILS**

The subject site has been bequeathed to the St Vincent de Paul Society on the condition that it is used as a respite or emergency accommodation facility.

It is proposed that the property will be used as emergency accommodation for:

- Families who through various circumstances find themselves without accommodation;
- Newly arrived families to WA who are unable to locate suitable and affordable accommodation; or
- Families staying in the City who need to attend medical appointments or treatment for medical needs.

Those accommodated may stay for anywhere up to three months at a time, however there may be times when the property is unoccupied. During these times the Society will manage and maintain the property.

No additions or renovations are proposed as part of this application.

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

As the proposed land use is an "X" use in the Residential Zone, Council is required to refuse the application for planning approval.

## **Legislation/Strategic Plan/Policy Implications**

### **Legislation**

#### City of Joondalup District Planning Scheme No.2

##### 6.6 Dealing with "P", "D", "A" and "X" Uses

*6.6.4 "X" Uses - The Council shall refuse to approve any applications for planning approval which involves an "X" Use unless the use complies with clause 3.15.*

Clause 3.15 refers to particular parcels of land where additional uses are also permissible (Schedule 2 of DPS2). 22 Oceanside Promenade is not mentioned in Schedule 2.

**Strategic Plan**

Not Applicable.

**Policy**            Draft City Policy - Short Stay Accommodation

The Draft Policy has been prepared in line with Scheme Amendment No.36, and modifications to the draft policy are required to be adopted by Council before the policy comes into effect.

The Policy provides guidelines in terms of the preferred location, and management of Short Stay Accommodation.

The Policy aims to minimise the negative impacts that may be caused by the transient nature of Short Stay Accommodation, such as:

- *Excessive noise and/or anti-social behaviour.*
- *Potential increased demand for car parking*
- *Sense of loss of security*
- *Poor property appearance and maintenance.*

**Risk Management considerations:**

In this instance, the decision being made by Council is not a discretionary decision, and as such it is considered that no right of review exists for the applicant, proponent or owner pursuant to Clause 8.4 of DPS2.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was advertised via letters to 16 nearby landowners, and a sign was placed on site for a period of 21 days. This consultation was commenced prior to Scheme Amendment No.36 being gazetted.

A total of 46 submissions were received, including 45 objections. 19 of these objections were copies of the same proforma submission. Attachment 3 indicates the location of submitters.

### Key concerns arising from Public Consultation

- *The accommodation is not consistent with the purpose or objective of the Residential Zone. The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure health and welfare of the population.*
- *The accommodation will adversely impact the amenity of the area and create an undesirable precedent.*
- *Residents have paid a premium to live in this location, and the accommodation is not in keeping with the nature of this area. The location does not provide suitable transport and employment. The size of the block will make it difficult to maintain when occupied on an ad hoc basis.*
- *Ambiguous language concerning the types of families to be accommodated. Concerns for safety and loss of community with transient clientele.*
- *Anti-social behaviour from the nearby Hotel which could influence behaviour of occupants.*

### **COMMENT**

#### Land Use Permissibility

The site is proposed to be utilised to provide emergency accommodation to those who otherwise cannot find appropriate accommodation. The applicant has stated that occupants will reside at the property for anywhere up to three months at a time, however, there may be times when the property is unoccupied.

Prior to Scheme Amendment No.36 being gazetted on 16 July 2010, the land use was considered to be an unlisted use under DPS2. However, with families being accommodated for periods of up to three months, the land use is considered consistent with short stay accommodation as defined by the Scheme Amendment, and as now defined in DPS2. Short stay accommodation is defined in DPS2 as meaning:

*“... the use of a single house, grouped dwelling or multiple dwelling for the purposes of providing temporary accommodation to any person or persons; for the purpose of the definition of ‘short stay accommodation’, temporary accommodation excludes any period of accommodation which exceeds a continuous period of 3 months;”*

Under DPS2 short stay accommodation is an “X” use in the Residential Zone. Therefore, in accordance with Clause 6.6.4 of DPS2 Council is required to refuse the application for planning approval.

#### Conclusion

As the proposed land use is an “X” use in the Residential Zone the application for planning approval is recommended for refusal.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **REFUSES** the application for planning approval dated 24 March 2010, submitted by St Vincent de Paul Society - Lucinda Ardagh for the proposed change of use from single house to an short stay accommodation at Lot 511 (22) Oceanside Promenade, Mullaloo as the proposed land use is a use not permitted (“X” use) in the Residential Zone under the City of Joondalup District Planning Scheme No. 2;
- 2 **NOTES** that all persons who lodged a submission during the public consultation period will be notified of Council’s decision on the application.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf100810.pdf](#)

## **ITEM 3                    PROPOSED AMENDMENT NO. 51 TO DISTRICT PLANNING SCHEME NO 2 TO PERMIT CINEMA COMPLEXES IN THE COMMERCIAL ZONE**

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	101037
<b>ATTACHMENTS:</b>	Attachment 1     Scheme amendment process flowchart

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### **PURPOSE**

The purpose of this report is for Council to consider initiating proposed Amendment No. 51 to the District Planning Scheme No. 2 (DPS2) to allow the use class 'Cinema Complex' in the 'Commercial' zone, for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

An application has been received to amend Table 1 of DPS2 to allow the land use 'Cinema Complex' to be a discretionary ('D') land use in the 'Commercial' zone. Currently, 'Cinema Complex' is not permitted as a land use in the 'Commercial' zone.

There are three existing cinema complexes on 'Commercial' zoned land within the City of Joondalup. The proposed scheme amendment will address an anomaly in the Scheme whereby these existing cinema complexes have appropriate planning approval and are desirable within the 'Commercial' zone, yet are currently non-conforming uses. The proposed amendment would allow the consideration of redevelopment or expansion of these existing cinema complexes in addition to the development of new cinema complexes.

The proposed scheme amendment is considered to be consistent with the objectives of the 'Commercial' zone and it is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

### **BACKGROUND**

<b>Suburb/Location:</b>	Not Applicable
<b>Applicant:</b>	The Planning Group Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	Not Applicable
<b>Structure Plan:</b>	Not Applicable

The applicant has submitted the scheme amendment request on behalf of the owners of Grand Cinemas who own the cinema complexes in Currambine, Joondalup, Warwick and Whitfords. These are the only currently existing cinema complexes (being multi-screen cinemas) in the City of Joondalup. It is noted that a seasonal cinema operates at Edith Cowan University, Joondalup, however, this is a single screen cinema, and is therefore not affected by the proposal.

Currambine, Warwick and Whitfords cinema complexes are located on 'Commercial' zoned land. Joondalup cinema complex is located within the Joondalup City Centre which is currently zoned 'Centre'. Development is controlled by the Joondalup City Centre Structure Plan, under which, cinema complexes are permitted in the 'Central Core' and 'City Fringe' zones.

All the existing cinema complexes were approved under the previous Town Planning Scheme No 1. It is unclear why DPS2, which came into force in 2000, made 'Cinema Complex' a prohibited use in the 'Commercial' zone. With the exception of the cinema complex in the Joondalup City Centre, which is subject to its own Structure Plan, the other cinema complexes are now 'non conforming uses'. This means that, although lawfully approved under the previous planning scheme and can continue to operate, any extension or alteration to the use or building requires special consideration and approval by Council.

## **DETAILS**

A 'Cinema Complex' is currently an 'X' land use in the 'Commercial' zone, which means that it is not permitted. An application has been received to amend the permissibility of the use class 'Cinema Complex' in Table 1 of DPS2 from 'X' to 'D' in the 'Commercial' zone. A 'D' land use is a use class to which Council may grant approval following the exercise of discretion.

The applicant states that while the amendment will apply to all 'Commercial' zoned land within the City, it is specifically aimed at appropriately updating the zoning table under DPS2 in respect to the established cinema complexes in the 'Commercial' zone.

The applicant also states that the cinema complexes are appropriately located in shopping centres that provide a mix of retail and activities that cater for large numbers of visitors and traffic and are consistent with the objectives of the 'Commercial' zone.

### **Issues:**

The main issue associated with the proposed amendment is the appropriateness of the land use 'Cinema Complex' in the 'Commercial' zone.

### **Options:**

The options available to Council in considering the scheme amendment proposal are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.



## Legislation/Strategic Plan/Policy Implications

### Legislation

#### District Planning Scheme No 2.

Clause 3.7.1 of DPS2 contains the objectives of the Commercial Zone.

*The objectives of the Commercial Zone are to:*

- (a) *make provision for existing or proposed retail and commercial areas that are not covered by an Agreed Structure Plan;*
- (b) *provide for a wide range of uses within existing commercial areas, including retailing, entertainment, professional offices, business services and residential.*

A cinema complex is defined under DPS2 as:

*“.....any land or building where the public may view a motion picture, and may include more than one cinema screen, and may include other minor and subsidiary amusements.”*

#### Scheme amendment

Part 5 of the *Planning and Development Act 2005* enables local governments to amend a Local Planning Scheme and sets out the process to be followed (refer Attachment 1).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City will advertise the proposed amendment for 42 days.

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

### Strategic Plan

**Key Focus Area:** The built environment.

Objective 4.1 To ensure high quality urban development within the City.

### Policy

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. A notice will be placed in the Joondalup Community Newspaper and The West Australian newspaper. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

**COMMENT**Appropriateness of proposed land use in 'Commercial' zone

The proposed scheme amendment will address an anomaly in the Scheme, whereby the existing cinema complexes have appropriate planning approval and are appropriate within the 'Commercial' zone yet are currently non-conforming uses. These existing cinema complexes are consistent with the objectives of the 'Commercial' zone under DPS2 as they provide an entertainment land use which is consistent with the objectives of the 'Commercial' zone.

It is considered that the proposed scheme amendment is consistent with orderly and proper planning as it will allow consideration of the redevelopment or expansion of the existing cinema complexes within the City. The amendment will also allow new cinema complexes to be developed on 'Commercial' zoned land subject to compliance with the provisions of the scheme.

The proposed scheme amendment is considered to be consistent with the objectives of the 'Commercial' zone. It is therefore recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

That Council, pursuant to Part 5 of the *Planning and Development Act 2005*, CONSENTS to initiate Amendment No 51 to the City of Joondalup District Planning Scheme No. 2 to amend the permissibility of the use class 'Cinema Complex' in Table 1 (Clause 3.2) – The Zoning Table from 'X' to 'D' in the 'Commercial' zone, for the purposes of public advertising for a period of 42 days.

*Appendix 3 refers*

To access this attachment on electronic document, click here: [Attach3brf100810.pdf](#)

## **ITEM 4                    PROPOSED SCHEME AMENDMENT NO 50 TO DISTRICT PLANNING SCHEME NO 2 TO ZONE RESERVE 36690 (34) CURRAJONG CRESCENT, CRAIGIE, URBAN DEVELOPMENT**

<b>WARD:</b>	Central
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development
<b>FILE NUMBER:</b>	100944
<b>ATTACHMENTS:</b>	Attachment 1      Location plan Attachment 2      Scheme amendment process

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### **PURPOSE**

The purpose of this report is for Council to consider initiating proposed Amendment No 50 to the District Planning Scheme 2 (DPS2) to rezone the former Camberwarra Primary School from 'Public Use' to 'Urban Development' for the purpose of public advertising.

### **EXECUTIVE SUMMARY**

Reserve 36690 (34) Currajong Crescent, Craigie is currently designated as a Local Reserve – Public Use 'Primary School' under DPS2. The subject site consists of the now closed Camberwarra Primary School and currently contains disused school rooms, teaching facilities and associated sports and recreation areas.

The subject site is owned by the Department of Education, however, there are arrangements in place for the Western Australian Land Authority (LandCorp) to acquire and develop the land for residential uses. In order to facilitate the redevelopment, an application has been received to zone the site 'Urban Development'.

The proposed amendment to DPS2 is the initial step in allowing the land to be redeveloped for residential purposes in accordance with a Structure Plan. The Structure Plan will be prepared as part of a separate process, subsequent to the proposed scheme amendment. The proposed use of the land for residential development is considered to be compatible with the surrounding residential land uses.

Should the proposed scheme amendment be supported, it will be formally advertised for public comment prior to further consideration by Council. It is recommended that Council consents to initiating the advertising of the proposed scheme amendment for 42 days.

### **BACKGROUND**

<b>Suburb/Location:</b>	Reserve 36690 (34) Currajong Crescent, Craigie
<b>Applicant:</b>	Masterplan Consultants WA Pty Ltd
<b>Owner:</b>	Department of Education
<b>Zoning:</b>	<b>DPS:</b> Local Reserve – Public Use (Primary School)
	<b>MRS:</b> Urban
<b>Site Area:</b>	3.0519 ha
<b>Structure Plan:</b>	Not Applicable

Reserve 36690 is located on the northern edge of Craigie and bordered by Camberwarra Drive, Currajong Crescent and Argus Close (Attachment 1 refers). The subject site is currently designated as a Local Reserve – Public Use ‘Primary School’ under DPS2. The site does not operate as a school and currently contains disused school rooms, teaching facilities and associated sports and recreation areas.

The land surrounding the subject site is zoned Residential R20 and contains residential dwellings. To the south of the subject site is the former Craigie High School site which was zoned ‘Urban Development’ as part of Amendment No 40 to DPS2 in July 2009. Council, at its July 2010 meeting, also resolved to support a scheme amendment to include Lot 500 (formerly identified for a state community facility site on the corner of the high school site) in the ‘Urban Development’ zone.

## **DETAILS**

An application has been received to amend the DPS2 to remove the designation of Reserve 36690 (34) Currajong Crescent, Craigie from ‘Public Use – Primary School’ and to zone the site to ‘Urban Development’. The ‘Urban Development’ zone requires the preparation and adoption of a local structure plan over the site by Council, prior to the subdivision and development of the land.

LandCorp and the Department of Education have entered into an agreement for LandCorp to undertake project management and planning actions on behalf of the Department of Education. It is proposed that LandCorp will acquire the site from Department of Education for residential development in due course.

In support of the proposal, the applicant states that:

- The proposal will facilitate the urban infill objectives of Directions 2031, which states that 47% of new dwellings should be infill development. The applicant also outlines that the proposal is in accordance with the development principles of Liveable Neighbourhoods, as it will create a development site in proximity to local shops and open spaces.
- The detailed design of the residential development, including residential densities, will be determined as part of the structure planning process.

## **Issues and options considered:**

The issues associated with the proposed amendment include:

- The suitability of the proposed ‘Urban Development’ zoning; and
- The suitability of the future subdivision to integrate with the surrounding residential dwellings.

The options available to Council in considering the scheme amendment proposal are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment, with modification, for the purpose of public advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

## Legislation/Strategic Plan/Policy Implications

### Legislation

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their local planning schemes and sets out the process to be followed (Attachment 2 refers).

Should Council support the initiation of the proposed amendment for the purposes of public advertising, the proposed amendment will be required to be referred to the Environmental Protection Authority (EPA) to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City's receipt of written confirmation of this from the EPA, the City will advertise the proposed amendment for 42 days.

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

If Council resolves not to initiate the amendment, there is no right of review to the State Administrative Tribunal by the applicant.

It is important to note that the scheme amendment process is a separate process to the Structure Plan process. If the scheme amendment is ultimately approved by the Minister for Planning following the statutory advertising period, the applicant would be required to submit a Structure Plan for the site, which would be subject to a further public comment period.

Clause 3.12.2 of DPS2 requires that no subdivision or development should occur in the 'Urban Development' zone until a Structure Plan has been prepared and adopted in accordance with Part 9 of DPS2.

The proposal presently before Council is to consider the scheme amendment only.

### Strategic Plan

**Key Focus Area:** The built environment.

Objective 4.1 To ensure high quality urban development within the City.

### Policy

Not Applicable.

Risk Management considerations:

Not Applicable.

### Financial/Budget Implications:

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings. Being an infill site, this will contribute to environmental, economic and social sustainability by providing dwellings near existing facilities and infrastructure in an established suburb.

**Consultation:**

Should Council initiate the proposed amendment, it will be required to be advertised for public comment for a period of 42 days. All adjoining landowners will be notified in writing, a notice placed in the Joondalup Community newspaper and The West Australian newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

**COMMENT**Scheme amendment

Given that the site is no longer used for its current reservation of Local Reserve – Public Use 'Primary School', an amendment to DPS2 is appropriate. Zoning of the site as 'Urban Development' is considered to be preferable to a 'Residential' zone, as the 'Urban Development' zone requires the preparation and adoption of a structure plan. The 'Urban Development' zone will ensure that future subdivision and redevelopment of the site occurs in a co-ordinated and integrated manner.

Under DPS2, the subject site has a density code of R20. The density coding of land within the 'Urban Development' zone is defined by the structure plan itself. Therefore, the proposed amendment includes the removal of the density code from the subject site.

The site is within Housing Opportunity Area 5 of the draft Local Housing Strategy (LHS). The site is identified as an existing 'public use' within the draft LHS, reflecting its current zoning under DPS2. The surrounding residential area is identified as proposed R20/R30 coding, which allows development at the higher coding of R30 when the development criteria set out in the draft Dual Density Code Policy are achieved. It is considered that the development of the subject site at densities consistent with the draft LHS would be appropriate for the site.

The applicant has indicated that the site is intended to be developed for residential purposes. Given the surrounding development is residential, development of this surplus school site for this use is considered to be appropriate.

Structure plan

Future subdivision and development of the site must conform to the requirements of an agreed structure plan.

The redevelopment of an infill site is an opportunity for good design outcomes to be achieved. The development of the structure plan will enable consideration of requirements such as energy efficient building design.

In addition, issues such as of public open space provision and residential densities will be considered during the development of the structure plan.

### Community consultation

In addition to the consultation required for the scheme amendment, community consultation is also required as part of the consideration of a structure plan, which will give the surrounding landowners further opportunity to comment on the proposed development of the site. Due to the anticipated community interest in the proposal, it is recommended that the applicant submit a community involvement and consultation plan to supplement the formal consultation process.

### Conclusion

It is recommended that Council initiates the proposed amendment to DPS2 for the purposes of public advertising for a period of 42 days.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 50 to the City of Joondalup District Planning Scheme 2 to:**
  - (a) remove the 'Public Use' reservation from Reserve 36690 (34) Currajong Crescent, Craigie and zone to 'Urban Development'; and**
  - (b) change the density code for Reserve 36690 (34) Currajong Crescent, Craigie from R20 to uncoded;****for the purposes of public advertising for a period of 42 days.**
- 2 NOTES that, in the event that Amendment No 50 is approved, a Structure Plan is required to be prepared in accordance with Part 9 of the City of Joondalup District Planning Scheme No 2. The Structure Plan application and approvals process will require further extensive community consultation to be undertaken, prior to consideration by Council.**
- 3 ADVISES the applicant that the City would anticipate a high level of community and other stakeholder interest in the subdivision and development of the site, and therefore requests a community involvement and consultation plan be submitted to the City prior to the preparation of the structure plan, undertaken at the applicant's cost, to supplement the formal consultation process required under District Planning Scheme No 2.**
- 4 ADVISES the applicant that, subject to the finalisation of Amendment 50, sustainability and energy efficiency measures are to be considered in the preparation of a structure plan for the site.**

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4brf100810.pdf](#)



## **ITEM 5                    PROPOSED AMENDMENT TO DISTRICT PLANNING SCHEME NO 2 - LOT 5001 (86) DELAMERE AVENUE, CURRAMBINE - ADDITIONAL USE, 'SHOP'**

<b>WARD:</b>	North	
<b>RESPONSIBLE DIRECTOR:</b>	Ms Dale Page Planning and Development	
<b>FILE NUMBER:</b>	86607	
<b>ATTACHMENTS:</b>	Attachment 1	Location Plan
	Attachment 2	Zoning Plan

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### **PURPOSE**

The purpose of this report is for Council to consider a request to initiate an amendment to the District Planning Scheme No.2 (DPS2).

### **EXECUTIVE SUMMARY**

A proposal has been received to amend DPS2 to allow a 'shop' (growers market) with a total net lettable area (NLA) of 1000m<sup>2</sup> on Lot 5001 (86) Delamere Avenue, Currambine.

There is a current development approval on the site for a one and two storey development consisting of Showrooms, Offices, Convenience Store and Shop. Under DPS2, the use class 'shop' is not permitted unless certain criteria are met including the floor space being limited to an area of 200m<sup>2</sup> in accordance with the requirements of the 'Business' zone.

In assessing the appropriateness of the proposal to allow an increase to 1000m<sup>2</sup> of shop floor space, consideration is to be given to the existing and future development potential of the Currambine District Centre. It is considered that the amendment generally is not consistent with the objectives of the Business zone, and it is not considered orderly and proper planning.

It is recommended that Council does not initiate the proposed scheme amendment.

### **BACKGROUND**

<b>Suburb/Location:</b>	Lot 5001 (86) Delamere Avenue, Currambine	
<b>Applicant:</b>	Dynamic Planning and Developments	
<b>Owner:</b>	Claymont Westcapital Pty Ltd	
<b>Zoning:</b>	<b>DPS:</b>	Business
	<b>MRS:</b>	Urban
<b>Site Area:</b>	7659m <sup>2</sup>	
<b>Structure Plan:</b>	Currambine District Centre	

The subject site is located within the Currambine District Centre Structure Plan area (CDCSP) and is zoned 'Business' under DPS2. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south and Delamere Avenue to the north and east. The subject site is located at the eastern edge of the Currambine District Centre, immediately north of Tyger Entrance and to the west of Delamere Avenue (Attachment 1 refers).

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs as well as form a liveable town centre.

The land on the eastern side of Delamere Avenue is zoned Residential R20. The site immediately to the west of Lot 5001, being Lot 929 Marmion Avenue, is zoned 'Commercial', and comprises the Currambine Market Place.

In March 2009, development approval was granted on Lot 5001 for a one and two storey development comprising of four separate buildings with the approved uses being Showrooms, Offices, Convenience Store and Shop.

In October 2009, the applicant submitted another development application for the same site which included a proposed growers market, with a floor space of 1000m<sup>2</sup>. A growers market is a 'Shop' under the DPS2. The application could not be approved, as a 'Shop' is limited to a maximum of 200m<sup>2</sup> within the 'Business' zone. The application was therefore withdrawn.

## DETAILS

The application is seeking to amend DPS2 to allow a 'Shop' with a floor space of 1000m<sup>2</sup> on Lot 5001 (86) Delamere Avenue, Currambine. This would be achieved by amending Schedule 2 of DPS2 which permits specific additional uses on specified sites within the City.

Clause 3.6.3 of DPS2 sets criteria whereby a shop is limited to a maximum of 200m<sup>2</sup> NLA in the 'Business' zone. The applicant proposes that a growers market will occupy 1000m<sup>2</sup> NLA.

In support of the proposal, the applicant has provided a Retail Needs and Economic Impact Assessment, prepared by Macro Plan Australia, in which its stated aim is to demonstrate the need for a growers market within the Currambine District Centre. The assessment includes analysis of elements such as the projected population growth, social demographic profile existing retail supply network and retail turn over.

It is indicated in the report that there is 'escape expenditure' from the Currambine District Centre, as a result of the market demand for retail options such as a growers market, exceeding the market supply. As such the focus of the report is the suitability, sustainability and economic impact of the proposed growers market.

The findings of the report indicate the benefits to the community as a result of the inclusion of a growers market on Lot 5001. The benefits include:

- increased consumer choice and competition;
- increase in employment and retailing opportunities;
- encouraging multi purpose trips and increasing walkable opportunities;
- reduction in the length and frequency of car trips;
- reducing environmental impacts as a result of fewer car trips.

Additionally the applicant states the amendment is appropriate as it meets the objectives of DPS2 and relevant state government policy such as the State Planning Policy 4.2 – Metropolitan Centres Policy Statement for the Perth Metropolitan Region.

The applicant states the proposed amendment and associated development is warranted as:

*"The proposed scheme amendment is consistent with the objectives of the 'Business' zone as it shall facilitate a retail outlet which provides for the needs of the surrounding community.*

*....A land use such as a 'Growers Market' would service the fresh produce needs of the surrounding residential population, as well as providing numerous employment opportunities for the community.*

*...The Scheme Amendment shall address a growing retail demand in the area and subsequently shall not have any undue detrimental impacts on the trading abilities of existing retail centres in the surrounding area."*

The full Retail Needs and Economic Impact Assessment report has been placed in the Councillors' reading room.

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

The issues associated with the proposed amendment include:

- Suitability of the proposed increase in retail net lettable area for Lot 5001.
- Impact on adjoining 'Commercial' zoned land.

The options available to Council in considering the scheme amendment request are:

- Support the initiation of the proposed amendment for the purpose of public advertising;
- Support the initiation of the proposed amendment with modifications, for the purpose of advertising; or
- Not support the initiation of the proposed amendment for the purpose of public advertising.

### **Legislation/Strategic Plan/Policy Implications**

#### **Legislation**

#### City of Joondalup District Planning Scheme No.2 (DPS2)

The objectives of the 'Business' zone and permissibility of a 'Shop' within the zone are provided for under Section 3.6 of DPS2. The relevant clauses to be considered in relation to the scheme amendment are:

#### **3.6 BUSINESS ZONE**

*3.6.1 The Business Zone is intended to accommodate wholesaling, retail warehouses, showrooms and trade and professional services and small scale complementary and incidental retailing uses, as well as providing for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets that provide for the needs of the community but which due to their nature are generally not appropriate to or cannot be accommodated in a commercial area.*

*The objectives of the Business Zone are to:*

- (a) provide for retail and commercial businesses which require large areas such as bulky goods and category/theme based retail outlets as well as complimentary business services;*
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

3.6.3 *A shop may be permitted in the Business Zone, subject to Council's discretion after giving notice in accordance with Clause 6.7, and provided the following conditions have been met:*

- (a) Shopping floor space does not exceed 200m<sup>2</sup> NLA;*
- (b) The parcel of land is on a separate green title lot of not less than 1000m<sup>2</sup>;*
- (c) The aggregate shopping NLA on any group of adjoining or adjacent lots in the Business and Mixed Use Zones must not exceed 1000m<sup>2</sup>; and*
- (d) The direct street frontage of any lot containing a shop must be at least 20m in width.*

### Currambine District Centre Structure Plan

The Currambine District Centre Structure Plan (CDCSP) guides development within the area identified as being the Currambine District Centre. The relevant clauses of the CDCSP are:

#### 4.0 THE SCHEME

*Unless provided for by specific requirements in this Structure Plan, all requirements shall be in accordance with the Scheme.*

#### 5.0 RETAIL NET LETTABLE AREA (NLA)

*The retail floor space limit shall be 10,000m<sup>2</sup> NLA, which is in accordance with Schedule 3 of the Scheme and City of Joondalup Policy 3.2.8 'Centres Strategy'*

#### 8.2 BUSINESS ZONE

*The Business zone is intended to accommodate a wider range of uses including entertainment, professional offices, business services and residential. The land uses listed in the Scheme for the Business Zone are the land uses that can be considered in the Business Area.*

##### 8.2.1 Objectives

*The general objectives of the Business Area are:*

- I. To create an active focus for the community with a diversity of non-retail mainstreet uses that generate day and evening activity;*
- II. To allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community;*
- III. Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction;*
- IV. Provide efficient vehicle access and circulation with pedestrian priority; and*
- V. Encourage a high level of passive surveillance of public and private spaces.*

### Scheme Amendment

Part 5 of the *Planning and Development Act 2005* enables local governments to amend their Local Planning Schemes and sets out the process to be followed.

Should Council support the initiation of the proposed amendment for the purpose of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA), to decide whether or not a formal review is required. Should the EPA decide that an environmental review is not required, upon the City receipt of written confirmation of this from the EPA, the City advertises the proposed amendment for 42 days.

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

If Council resolves not to initiate the amendment, there is no right of appeal by the applicant.

### **Strategic Plan**

**Key Focus Area:** The built environment.

Objective 4.1 To ensure high quality urban development within the City.

### **Policy:**

Not applicable.

### **Risk Management considerations:**

Not Applicable.

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

Not Applicable.

### **Regional Significance:**

Not Applicable.

### **Sustainability implications:**

Not Applicable.

### **Consultation:**

Should Council initiate the proposed amendment, it is required to be advertised for public comment for a period of 42 days. All adjoining landowners would be notified in writing, a notice placed in the Joondalup Community Newspaper and The West Australian newspaper and a sign placed on the site. The proposed amendment would also be displayed on the notice board at the City's administration building and on the City's website.

## COMMENT

### 'Business' zone objectives

The proposed development of the growers market is not considered to meet the objectives of the 'Business' zone which state that retailing should either be goods of a bulky nature (for example showrooms), or be small scale and ancillary in nature (for example small shops). The provisions of DPS2 only permit a maximum 200m<sup>2</sup> shop to ensure the small scale nature of the shop use. In this context, the proposed 1000m<sup>2</sup> growers market does not represent a small scale shop, and therefore, does not meet the objectives of the 'Business' zone.

The proposed scheme amendment may also have implications for the development of legitimate small scale shops within the 'Business' zone. Should the amendment be supported, adjacent 'Business' zoned sites which are yet to be developed may not be able to provide any small scale retail floor area as, under the provisions of DPS2, the aggregate shopping floor space on any group of adjoining or adjacent lots in the 'Business' zone must not exceed 1000m<sup>2</sup>. Lot 5001 alone would contain that 1000m<sup>2</sup> of floor space.

### Currambine District Centre Structure Plan and 'Commercial' zone

The Currambine District Centre was developed with the intention of allowing compatible uses to develop with the diversity and robustness of a small town centre. In part, the 'Business' zone has been located to create a buffer between the existing residential development along Delamere Avenue and the more intense uses permitted within the 'Commercial' zone which forms the core of the District Centre.

The Currambine District Centre Structure Plan states the retail floor space limit on the 'Commercial' zoned land is 10,000m<sup>2</sup> which is in accordance with DPS2. The current retail floor space of the Currambine Market Place is approximately 6,800m<sup>2</sup>. Therefore, there is 2,200m<sup>2</sup> of retail floor space available within the 'Commercial' zone, which could accommodate the proposed growers market.

### Precedent

There is also the potential for similar requests for additional shop floor space within the 'Business' zone. It is likely that such requests would not be substantially different from the current proposal and therefore the issue of precedent is relevant. If supported, it is likely that the proposed scheme amendment would set an undesirable precedent. This would have the effect of further undermining the objectives of the 'Business' zone, and render the provisions of DPS2, as it relates to small scale shops, meaningless.

### Retail needs and economic impact assessment report

The assessment report provided by the applicant states that the proposed 1000m<sup>2</sup> of retail floor space will achieve many positive outcomes for the community, satisfies an identified market need and does not result in any unacceptable economic impacts. This statement may have some validity. However, these are statements in regard to the growers market as a land use, not as a justification for the proposed scheme amendment for Lot 5001.

For example, the growers market could be located on the adjoining 'Commercial' zoned land and would attract exactly the same benefits. The benefits of the growers market are not confined to Lot 5001.

The applicant states that the proposal is consistent with various State level policies including the State Sustainability Strategy, Network City, Metropolitan Centres Policy, and the draft Activity Centres Policy. However, these are broad, high level policies, and their relevance to an ad hoc scheme amendment proposal for an individual site is minimal.

### Draft Activity Centres Policy

It is noted that the current retail floor space limits are likely to be removed under the new state level draft Activity Centres Policy. However, the implementation of a new policy, while relevant, should not be viewed as having a large bearing on the current proposal, as the implications of any new policy would be considered for the Currambine District Centre as a whole, and not for individual sites. The development of a draft Local Commercial Strategy for the City of Joondalup will also provide guidance for the Currambine District Centre.

### Conclusion

It is considered the proposed amendment is not appropriate as;

- The proposed 1000m<sup>2</sup> 'shop' is not consistent with the objectives of the 'Business' zone;
- A growers market can be accommodated within the 'Commercial' zone;
- The proposed amendment is likely to set an undesirable precedent and is not considered to be in accordance with orderly and proper planning.

It is recommended that Council resolve not to support the initiation of the proposed amendment to include Lot 5001 (86) Delamere Avenue, Currambine in Schedule 2- Section 1- Additional Use - Shop.

### **VOTING REQUIREMENTS**

Simple Majority

### **RECOMMENDATION**

#### **That Council:**

- 1 RESOLVES not to initiate an Amendment to the City of Joondalup's District Planning Scheme No.2 to include Lot 5001 (86) Delamere Avenue, Currambine in Schedule 2 – Section 1- Additional Use – Shop, pursuant to Part 5 of the Planning and Development Act 2005 for the following reasons:**
  - (a) The 1000 m<sup>2</sup> 'shop' is generally not consistent with the objectives of the 'Business' zone, and is only considered appropriate in accordance with the provision laid out in Clause 3.6.3 of the District Planning Scheme No.2;**
  - (b) The proposed land use is able to be accommodated, and would be more appropriately located, in the adjoining 'Commercial' zone;**
  - (c) The amendment is not considered to be in accordance with orderly and proper planning and will set an undesirable precedent.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf100810.pdf](#)

## **ITEM 6                    PROPOSED       FIVE       STOREY       COMMERCIAL DEVELOPMENT AT LOT 523 (35) DAVIDSON TERRACE, JOONDALUP**

**WARD:**                    North

**RESPONSIBLE  
DIRECTOR:**            Ms Dale Page  
                                  Planning and Development

**FILE NUMBER:**        60529

**ATTACHMENTS:**      Attachment 1        Location plan  
                                  Attachment 2        Development plans

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### **PURPOSE**

To request Council's determination of an application for a five storey commercial development, with basement car parking at Lot 523 (35) Davidson Terrace, Joondalup.

### **EXECUTIVE SUMMARY**

An application for Planning Approval has been received for a new five storey commercial development with a total of 2899.4m<sup>2</sup> net lettable area (NLA). The development also includes a total of 38 car bays and four motorcycle bays to be provided on site, including a basement car park and parking directly accessed from the Right of Way (ROW).

The site is located on the corner of Reid Promenade and Davidson Terrace (Attachment 1 refers). A disused garden centre and pedestrian awning are currently located on the site.

The proposal is considered to meet all the requirements of the Joondalup City Centre Development Plan and Manual (JCCDPM) other than a projection through the 60 degree recession plane on the western (Davidson Terrace) elevation, and a parking shortfall of 55 bays.

Council at its meeting on 25 May 2010 adopted the draft Joondalup City Centre Structure Plan (JCCSP), which is currently with the Western Australian Planning Commission (WAPC) to be certified. As the draft JCCSP has been adopted by Council it is considered a "seriously entertained planning proposal" and must be given consideration in the assessment and determination of this application. The following variations to the draft JCCSP are proposed:

- Storeys four and five being setback a maximum of 2.5 metres instead of a nil setback to the street alignment.
- Floor level of the ground floor not matching with the verge level on the northern (Reid Promenade) boundary.

Having regard to the requirements of both the JCCDPM and draft JCCSP the variations are considered acceptable. On this basis, it is recommended that the application be approved.



## BACKGROUND

<b>Suburb/Location:</b>	Lot 523 (35) Davidson Terrace, Joondalup
<b>Applicant:</b>	Raphael Maguire
<b>Owner:</b>	Raphael, Elizabeth & Alex Maguire
<b>Zoning:</b>	<b>DPS:</b> Centre
	<b>MRS:</b> Urban
<b>Site Area:</b>	1334m <sup>2</sup>
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual (JCCDPM), and draft Joondalup City Centre Structure Plan (JCCSP)

The site is located on the corner of Reid Promenade and Davidson Terrace. A disused garden centre and pedestrian awning are currently located on the site. There is a single storey commercial development to the south.

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

Council at its meeting on 25 May 2010 adopted the draft JCCSP. Under the draft JCCSP the site is located within the 'Central Core' zone. This draft Structure Plan is currently with the Western Australian Planning Commission (WAPC) to be certified.

## DETAILS

The proposed development incorporates the following:

- a five storey development comprising nine commercial tenancies;
- a single storey commercial tenancy fronting Reid Promenade;
- a basement car park accessed from the adjoining right of way, with 29 car bays, and one motor cycle bay; and
- car parking accessed directly from the ROW at the rear of the site, including ten tandem car bays, a disabled bay and three motor cycle bays.

The application's compliance with the relevant requirements of the JCCDPM and draft JCCSP is summarised below:

Standard	Proposed	JCCDPM	Compliant	Draft JCCSP	Compliant
<b>Setbacks</b>					
Street Setback	Davidson Terrace - Nil for the first three storeys, 2.5m for fourth and fifth storeys.	Nil	Yes	Nil. 6m above 5 storeys	No

<b>Standard</b>	<b>Proposed</b>	<b>JCCDPM</b>	<b>Compliant</b>	<b>Draft JCCSP</b>	<b>Compliant</b>
Street Setback cont.	Reid Promenade -Nil for the first three storeys, 1.7m for fourth and fifth storeys. Single storey tenancy with nil setback	Nil	Yes	Nil. 6m above 5 storeys	No
Side Setback	Nil	Nil	Yes	Nil	Yes
Rear Setback	Minimum of 2.0m, maximum of 17.1 (including 6.0m access/drainage easement)	No requirement	Yes	No requirement	Yes
<u>Plot Ratio</u>	.49	1.0	Yes	N/A	Yes
<u>Height</u>	5 storeys with single storey component on Reid Promenade.	Buildings shall not penetrate a 60 degree recession plane 13.5m above NGL, or 10m for north south pedestrian spine	No, Portion of fifth storey projects through recession plane on Davidson Terrace.	5 storeys minimum	No. Single storey component on Reid Promenade.
<u>Glazing</u>					
Ground floor	59% area 75% width	Minimum 50% area, 75% width.	Yes	Minimum 50% area, 75% width	Yes
West façade (except ground floor)	40% (with awnings on third and fifth floor)	Maximum 50%	Yes	Window in an external wall of a building facing east or west to be protected from direct sun.	Yes
East façade (except ground floor)	10%	Maximum 50%	Yes	Window in an external wall of a building facing east or west to be protected from direct sun.	No (no protection provided)

<b>Standard</b>	<b>Proposed</b>	<b>JCCDPM</b>	<b>Compliant</b>	<b>Draft JCCSP</b>	<b>Compliant</b>
<u>Pedestrian Shelter</u>	Width - 2.0m Height - 3.0m minimum, 4.0m maximum	Width - 2.0m Height - 2.75m min	Yes	Width - 2.0m Height - 3.0m min, 4.0m max	Yes
<u>Floor levels</u>	Davidson Terrace - maximum 150mm.  Reid Promenade - Maximum 900mm  Floor level average less than 600mm for both frontages.	For sloping sites - average height of the finished floor level at the property line must not exceed 0.6m. No part of the FFL to exceed 1.2m.	Yes (max less than 1.2m and average less than 600mm)	The ground floor of a building to be at or near the level of the footpath. Any level differences to be addressed within the building.	No (900mm max.)
<u>Car Parking</u>	42 bays (38 car bays, 4 motor cycle bays)	1:30m <sup>2</sup> total NLA	No (97 bays required)	1:30m <sup>2</sup> for first storey. No req. for other storeys	Yes (22 bays required)

### Issues and options considered:

Council has the discretion to:

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

### Legislation/Strategic Plan/Policy Implications

**Legislation** District Planning Scheme No.2

The application also includes proposed variations to the Structure Plan. Clause 4.5 of DPS2 gives Council discretion to consider these variations.

#### 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.*

*In exercising discretion under Clause 4.5, the matters listed under Clause 6.8 require consideration:*

**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.*

**Strategic Plan**

**Key Focus Area:** The built environment

**Objective:** To ensure high quality urban development within the City.  
**Policy** Council Policy - Joondalup City Centre Car Parking for Commercial Development

The objective of this Policy is to provide guidance to the provision of private and public car parking to ensure the Joondalup City Centre attains its position as the second major City in metropolitan Perth, and to achieve an appropriate balance between private and public car parking.

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

The proposed commercial development is considered beneficial to the economic development of the Joondalup CBD in the long term, and will provide further opportunities for local employment. The development also provides end of trip facilities (showers/lockers), which is generally in accordance with sustainable development principles.

**Consultation:**

The proposal was not advertised as it was considered that it would not adversely impact on the amenity of the locality or surrounding residents.

**COMMENT****Street Setbacks**

The development proposes nil setbacks to the street boundary for the first three storeys. This setback meets the requirements of the JCCDPM. However, the draft JCCSP requires the first five storeys to have a setback of nil to street boundaries.

Having regard to the objectives of the draft JCCSP, it is considered that the first three storeys having a nil setback maintains a strong "urban wall" and will enhance the character of the City Centre. Furthermore, the changes in textured finishes for the three storeys will create visual interest to the streetscape. The development is therefore considered to meet the relevant objectives of the draft JCCSP.

### Building Height

The fifth storey of the development projects marginally through the 60 degree recession plane set out in the JCCDPM (Attachment 2 refers). The projection through the recession plane will not have an adverse effect on the occupiers of the building, or upon the future development of the locality. The development meets the minimum five storey height required under the draft JCCSP, and it is considered to be an appropriate height and size for City Centre development.

The single storey tenancy fronting Reid Promenade creates an “urban wall”. Whilst consistent with the requirements of the JCCDPM, it does not meet the minimum five storey height set out in the draft JCCSP. Given that the majority of the development is five storeys in height and that the single storey tenancy is consistent with the JCCDPM objectives, it is considered appropriate.

### Car Parking

Car parking for the site has been calculated in accordance with the JCCDPM (1:30m<sup>2</sup> NLA) and *Council Policy - Joondalup City Centre Car Parking for Commercial Development*.

Under the JCCDPM a total of 97 bays is required. However, having regard to the requirements of draft JCCSP, in which car parking is only required for the ground floor commercial tenancies, a total of 22 bays would be needed. The 42 bays provided are sufficient for the ground and first floor at a standard of 1:30m<sup>2</sup> NLA.

In accordance with the Council Policy, 10% of the bays to be constructed on-site may be used for motor cycles, and 20% of the bays may be designed and constructed as “small” vehicle bays. A total of four motorcycle bays and eight “small” vehicle bays have been provided on-site and are consistent with the Policy.

DPS2 allows Council to determine whether the 42 bays being provided are sufficient to service the development. The options available to Council are:

1. Determine that the provision of 42 bays is appropriate; or
2. Determine that the provision of 42 bays is not appropriate; or
3. Determine that a cash-in-lieu payment is required for the shortfall in parking.

The intent of car parking only being required for the ground floor for commercial developments under the draft JCCSP is to encourage a balance between providing sufficient car parking to stimulate economic activity and not providing too many bays which would encourage vehicle use rather than other modes of transport.

In relation to access to public transport services it is noted that there is a bus stop within 100 metres of the site, and it is within 800 metres of Joondalup Train Station.

Having regard to the draft JCCSP and the lesser requirement for car parking to be provided on site, and the proximity to public transport, it is considered that the provision of 42 bays is sufficient for this development. A condition of approval will be included that requires the tandem bays to be marked for staff use only.

### Floor Levels

The internal floor levels have been stepped along Davidson Terrace to be consistent with the pavement levels, and therefore in compliance with both the JCCDPM and draft JCCSP. However, the finished floor level for Tenancy 1 will be a maximum of 900mm above the pavement level on Reid Promenade, being inconsistent with the requirement of the draft JCCSP.

Tenancy 1 is accessed via the entry at the intersection of Reid Promenade and Davidson Terrace. Further glazing for the tenancy is also located on the Davidson Terrace frontage. Due to the access to internal service corridors, it is unlikely that Tenancy 1 may be partitioned in the future where access would be required from Reid Promenade frontage.

Given that the raised floor level is in compliance with the JCCDPM, is only for a small portion of the frontage, and it being unlikely that there will be a need for access from this frontage in the future, the level is considered appropriate.

### Signage and Glazing

No signage is proposed as part of this application. An advice note will be included on the decision letter should the application be approved, advising that any signage is to be the subject of a separate application for planning approval.

A further condition of approval is recommended to ensure that no obscure glazing is used on the ground floor tenancies, in accordance with the requirements of the JCCDPM. This condition also requires that sun protection shall be provided to the east facing windows in order to satisfy the requirements of the JCCSP.

### Approval Period

The City's DPS2 allows for approval to be issued for a particular length of time. If a development is not commenced, substantially commenced, or completed (as specified within the approval documents) within the timeframe set out, the approval ceases to be valid. To ensure that the subject development is fully constructed as proposed, and is not staged, this condition sets out that the entire development must be completed within four years from the date of approval.

### Conclusion

The proposed development complies with the requirements of DPS2 and the JCCDPM with the exception of building height and car parking. It is considered that these variations should be supported as the proposal is appropriate for the location in regards to land use, bulk and scale of development. Furthermore, having regard to the draft JCCSP recently adopted by Council, the development is considered to meet all relevant objectives.

The proposed development will be a positive addition to the City Centre. It will provide a significant amount of commercial floorspace to meet the future demands of the growing City Centre. It is considered that the design of the building will positively contribute to the urban fabric of the Joondalup City Centre.

Given the above, it is recommended that the application be approved.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion in relation to Clause 4.5 and 4.8.1 of the City's District Planning Scheme No.2, and determines that:
  - (a) Parking provision of 42 bays in lieu of 97 bays; and
  - (b) The projection through the 60 degree recession plane;are appropriate in this instance;
- 2 **NOTES** that the proposal does not meet the requirements of the draft Joondalup City Centre Structure Plan in relation to:
  - (a) Storeys four and five not having a nil setback to the street alignment; and
  - (b) Floor levels on the northern boundary (Reid Promenade) being a maximum of 900mm above the verge level.
- 3 **APPROVES** the application for planning approval, dated 26 February 2010, submitted by Raphael Maguire, on behalf of the owners, Raphael, Elizabeth and Alex Maguire, for proposed five storey commercial development plus basement at Lot 523 (35) Davidson Terrace, subject to the following conditions:
  - (a) This decision constitutes planning approval only and is valid for a period of two years from the date of the decision letter. If the subject development is not substantially commenced within the two year period, the approval shall lapse and be of no further effect;
  - (b) The entire development, as shown on the approved plans shall be completed within four years from the date of approval;
  - (c) Other than the awnings to the ground and third floor, all construction works shall be contained within the property boundaries;
  - (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Off-street Car Parking (AS2890.01). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
  - (d) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of 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 approved by the City prior to the commencement of construction;



- (e) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence, and approved by the City, prior to the development first being occupied;
- (f) Any proposed external building plant, including air conditioning units, piping, ducting and water tanks, being located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings, with details of the location of such plant being submitted for approval prior to the issue of the relevant building licence;
- (g) A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, to the satisfaction of the City;
- (h) A Construction Management Plan being submitted and approved prior to the issue of the relevant Building Licence. The management plan shall detail how it is proposed to manage:
  - the delivery of materials and equipment to the site;
  - the storage of materials and equipment on the site;
  - the parking arrangements for the contractors and subcontractors;
  - other matters likely to impact on the surrounding properties.
- (i) Car bays 1, 2 and bays 36 - 37 as shown on the approved plans shall be marked and permanently set aside for staff parking only;
- (j) Obscured or reflective glazing shall not be used on the building facades facing Davidson Terrace and Reid Promenade;
- (k) The windows on the eastern façade are to be protected from direct sun. Plans demonstrating how this requirement will be satisfied are to be provided with the Building Licence Application, to the satisfaction of the City;
- (l) The brick paved footpaths along Davidson Terrace and Reid Promenade shall be continued to the property boundary in a pattern to match the existing paving, at a grade of 2%, at the applicant's expense and to the satisfaction of the City.

*Appendix 6 refers*

To access this attachment on electronic document, click here: [Attach6brf100810.pdf](#)

## **ITEM 7                    PROPOSED SHADE SAIL ADDITION TO A PLACE OF WORSHIP AT LOT 550 (15) MOOLANDA BOULEVARD, KINGSLEY**

**WARD:** South-East

**RESPONSIBLE DIRECTOR:** Ms Dale Page  
Planning and Development

**FILE NUMBER:** 17306

**ATTACHMENTS:** Attachment 1      Location plan  
Attachment 2      Development plans  
Attachment 3      Advertising plan

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### **PURPOSE**

To request Council's determination of an application for a shade sail addition with a setback variation, at an existing Place of Worship.

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a shade sail addition for the above Church site. The shade sail is located to the rear of the Church, adjoining Calthorpe Park. The proposal complies with all the requirements of the City of Joondalup District Planning Scheme No.2 (DPS2), except for the side setback to the western boundary.

The existing use, Place of Worship, was approved under the provisions of the City of Wanneroo Town Planning Scheme No.1 (TPS1), and as the land use Place of Worship is an 'X' or prohibited use in the 'Residential' zone, the site is only permitted to continue operating in accordance with the non-conforming use provisions of DPS2.

The proposal satisfies the provisions of Part 7 of DPS2 – Non-Conforming Uses and will not adversely affect any adjoining or surrounding properties. Consequently, it is recommended that the application for planning approval be approved subject to conditions.

### **BACKGROUND**

**Suburb/Location:** Lot 550 (15) Moolanda Boulevard, Kingsley WA 6026  
**Applicant:** Steve Dalby  
**Owner:** Westminster Presbyterian Church Kingsley Inc  
**Zoning:**      **DPS:** Residential  
                  **MRS:** Urban  
**Site Area:** 2819.66m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is bounded by Calthorpe Place to the north, Moolanda Boulevard to the east, Calthorpe Park to the west, and a City of Joondalup owned development to the south which is utilised by Community Vision.

The existing use, Place of Worship, was approved under the provisions of the City of Wanneroo Town Planning Scheme No.1 (TPS1). The subject land is zoned 'Residential' under the City's District Planning Scheme No.2 (DPS2). Place of Worship is an 'X' or prohibited use in the 'Residential' zone. However, the site can continue to be used for such a purpose having regard to the non-conforming use provisions of DPS2.

### **DETAILS**

The applicant proposes to erect a shade sail adjacent to the western property boundary, adjoining Calthorpe Park.

The shade sail has a maximum dimension of seven metres and will be attached to the existing Church building in two places, and to posts in three other locations, including immediately adjacent to the western boundary (Attachment 2 refers).

The shade sail will be three metres above ground level where attached to the building, and 2.4 metres above ground level where attached to the post closest to the western boundary. It will be fixed at 2.4 and 2.5 metres above ground level in the other locations. There are no proposed changes to the existing ground levels, and it is proposed that the shade sail will be constructed of 'classic cream' coloured materials.

The proposed development complies with all the relevant requirements of DPS2 with the exception of a nil rear setback in lieu of six metres to the western boundary.

The proposal does not affect on-site car parking or landscaping provisions.

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

Council has the discretion to:

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

### **Legislation/Strategic Plan/Policy Implications**

**Legislation** City of Joondalup District Planning Scheme No. 2

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.

7.2 *Extensions and changes to a non-conforming use:*

7.2.1 *A person shall not alter or extend a non-conforming use or erect, alter or extend a building used in conjunction with a non-conforming use or change the use of land from a non-conforming use to another non-conforming use without first having applied for and obtained planning approval under the Scheme.*

7.2.2 *An application for planning approval under this clause shall be advertised in accordance with Clause 6.7.1.*

7.2.3 *Where an application is for a change of use from an existing non-conforming use to another non-conforming use, the Council shall not grant its planning approval unless the proposed use is:*

*(a) substantially less detrimental to the amenity of the locality than the existing non-conforming use; and*

*(b) in the opinion of the Council is closer to the intended purpose of the zone.*

**Strategic Plan**

**Key Focus Area:**

Not Applicable.

**Objective:**

Not Applicable.

**Policy**

Not Applicable.

**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.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

The rear boundary of the subject property adjoins Calthorpe Park and, combined with the open nature of the proposed shade sail structure, it is considered that no surrounding residential landowners are likely to be adversely impacted. However, Clause 7.2 of DPS2 requires that where an application proposes to alter or extend a non-conforming use that the proposal must be advertised in accordance with Clause 6.7.1.

Advertising occurred by way of a letter to three adjoining landowners for a period of 14 days from 17 June 2010 to 1 July 2010.

No submissions were received.

**COMMENT**

Under DPS2, the required rear setback for non residential buildings is 6.0 metres. The applicant is proposing a nil setback to the western boundary.

Only a small portion of the proposed shade sail will have a nil setback to the rear boundary, and the development at this point is proposed to be a maximum of 2.4 metres above ground level. The structure will be somewhat screened from view from surrounding properties and the street as a result of existing mature vegetation in Calthorpe Park, and also by the existing Church building.

Having regard to:

- the distance that the proposed structure is located from any surrounding residential properties; and
- the location of the proposed shade sail adjacent to Calthorpe Park, and at the rear of the existing Church;

it is considered that the proposed 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.

**Conclusion**

The proposed development is considered to be relatively small in size and scale. The proposed structure is not bulky due to its open nature and it is considered that it will not adversely 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.

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **EXERCISES** discretion under Clause 4.5.1 of the District Planning Scheme No.2 and determines that the rear setback of nil in lieu of 6.0 metres to the western boundary is appropriate in this instance;
- 2 **APPROVES** the application for Planning Approval dated 25 March 2010 submitted by Steve Dalby as the applicant on behalf of the owners Westminister Presbyterian Church Kingsley Inc for a shade sail addition addition at Lot 550 (15) Moolanda Boulevard, Kingsley, subject to the following conditions:
  - (a) All stormwater is to be collected on site and disposed of in a manner acceptable to the City of Joondalup; and
  - (b) The colours and materials of the proposed shade sail shall match the existing church buildings where practicable, to the satisfaction of the City of Joondalup.
- 3 **NOTES** that this approval relates only to the proposed shade sail, as indicated on the development plans provided in Attachment 2, it does not relate to any other development on this lot.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf100810.pdf](#)

## ITEM 8 EXECUTION OF DOCUMENTS

<b>WARD:</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Jamie Parry Director Governance and Strategy
<b>FILE NUMBER:</b>	15876
<b>ATTACHMENTS:</b>	Nil

### PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 13 July 2010 to 20 July 2010.

### 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 Chief Executive Officer are reported to the Council for information on a regular basis.

### BACKGROUND

Nil.

### DETAILS

The following documents have been executed by affixing the Common Seal:

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and Paul John Shearman
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member/s of the family of the occupier/s of the main dwelling on the land at Lot 4 (No 25) Opal Drive, Edgewater.
<b>Date:</b>	13.07.10
<b>Signed/Sealed:</b>	Sealed

<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and A J and T D Tonge
<b>Description:</b>	To restrict the occupation of the ancillary accommodation to dependent member/s of the family of the occupier/s of the main dwelling on the land at Lot 60 (No 25) Shelley Place, Kallaroo.
<b>Date:</b>	20.07.10
<b>Signed/Sealed:</b>	Sealed



<b>Document:</b>	Section 70A Notification
<b>Parties:</b>	City of Joondalup and Zencich
<b>Description:</b>	To withdraw a Caveat J449637 which required the proprietors of Lot 2 (No 4) and Lot 1 (No 6) Abaco Court, Hillarys, to build and construct a battleaxe driveway as the terms of the associated Deed have been satisfied.
<b>Date:</b>	20.07.10
<b>Signed/Sealed:</b>	Sealed

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Sub-sections (2) and (3) of Section 2.5 of the Local Government Act 1995 state:

- (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.

**Strategic Plan**

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

**Policy**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

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

**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 are submitted to the Council for information.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council notes the schedule of documents covering the period 13 July 2010 to 20 July 2010 executed by means of affixing the Common Seal.**

## **ITEM 9 COMMUNITY SPORTING AND RECREATION FACILITIES FUND (CSRFF) SMALL GRANTS ROUND 1**

<b>WARD:</b>	South-West
<b>RESPONSIBLE DIRECTOR:</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER:</b>	22209
<b>ATTACHMENT:</b>	CSRFF Small Grants Application Process Summary

### **PURPOSE**

To provide details and recommendations on the applications received as part of the Department of Sport and Recreation's Community Sporting and Recreation Facilities Fund (CSRFF) Small Grants Round 1.

### **EXECUTIVE SUMMARY**

The Department of Sport and Recreation has \$20 million allocated for the Community Sporting and Recreation Facility Fund. The Department has implemented two (2) Small Grants Rounds in addition to the Annual and Forward Planning Grants offered annually. The City of Joondalup is required to assess, rank and rate all applications received from sport and recreation clubs/groups located within the region.

One community sporting group submitted an application for consideration as part of the CSRFF Small Grants Round 1.

*It is recommended that Council:*

- 1 *ENDORSES the priority ranking and applicant rating for the project, as stated below:*

<b>Applicant's Rank</b>	<b>Applicant's Rating</b>
1   <i>Whitford Hockey Club</i>	<i>Well planned and needed by the applicant.</i>

- 2 *APPROVES a grant of \$10,133 (excluding GST), to the Whitford Hockey Club for the development of a turf hockey facility feasibility study, subject to:*
  - (a) the Club meeting one third of the project's total cost being \$30,399 (excluding GST);*
  - (b) the Club being granted \$10,133 (excluding GST) from the Community Sporting 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 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. The State Government allocates \$20 million per year for CSRFF grants. The categories include the Annual and Forward Planning grants, which have been offered by the State for over ten years, and the second year of two Small Grants Rounds. Details of each category are:

### 1 Small Grants (\$1.5 million per year; \$750,000 each round)

Small Grants are offered on a bi-annual basis for projects that have a total value of between \$7,500 and \$150,000. This includes planning studies to a total value of \$45,000, which may lead to future CSRFF applications for large scale projects. Applications close in August and March of each year.

### 2 Annual Grants (\$3 million per year)

Annual Grants require greater detail and planning and have a total project value of between \$150,001 and \$500,000. Applications close in October of each year.

### 3 Forward Planning Grants (\$15.5 million per year)

Forward Planning Grants are for projects requiring a period of between one and three years to complete with a maximum grant amount of \$4 million (total project value up to \$12 million). Applications close in October of each year.

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 the local government.
- Well planned and needed by the applicant.
- Needed by the local government, more planning required.
- Needed by the 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 (Attachment 1 refers).

## DETAILS

The City of Joondalup received one application as part of the CSRFF Small Grants Round 1.

The City assessed the application, and a project summary and justification for the recommendation has been developed.

## Whitford Hockey Club

### Project Summary

The Whitford Hockey Club submitted an Expression of Interest (EOI) in March 2009, for the development of a turf hockey pitch at MacDonald Park, Padbury, with a view to submitting a Forward Planning application for the 2009 CSRFF program.

Following discussions between City Officers, the club, representatives from the Department of Sport and Recreation, and Hockey WA; it was recommended that further planning was required prior to the submission of a grant application for projects over \$500,000. It was agreed that a feasibility study would be required and that the CSRFF Small Grants provided an opportunity to part-fund the engagement of a qualified consultant to complete the study.

The CSRFF Small Grants Program provides funding for planning and feasibility studies required to determine the need for large scale projects. The Whitford Hockey Club has developed a scope for a consultant to undertake a feasibility study for the project to thoroughly test the following criteria:

- Population and sport trends.
- Facility components and design.
- Location options.
- Management options.
- Community, Environmental and Economic impacts.
- Life cycle costs.

The feasibility study will provide the Club, and the City, with the information required to assess the need and suitability of a turf hockey pitch at MacDonald Park. The study will form part of a future application for a CSRFF Forward Planning Grant to construct the turf, should it be recommended as part of the consultant's report. The study will include community consultation, concept plans and cost estimates.

<b>Total Project Cost:</b>	<b>\$30,399</b>
City of Joondalup Contribution requested:	\$10,133
CSRFF Grant requested:	\$10,133
Club Contribution	\$10,133

(excluding GST)

Assessment Summary

Assessment Criteria	Evidence Provided			
	High	Medium	Low	N/A
Project justification	✓			
Planned approach	✓			
Community input	✓			
Management planning	✓			
Access and opportunity	✓			
Design	✓			
Financial viability	✓			
Co-ordination	✓			
Potential to increase Physical activity	✓			
Sustainability	✓			

Recommendation Summary

Ranking: 1  
 Rating: Well planned and needed by the applicant.  
 Funding recommended: \$10,133

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

**Strategic Plan**

**Key Focus Area:** 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.

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

Community Funding  
 Reserves, Parks and Recreation Grounds  
 Community Facilities – Built

**Risk Management considerations:**

If the feasibility study provides the recommendation for the turf hockey pitch to be constructed, there is the potential for a future application to CSRFF by the club for the construction of the facility.

The preliminary costs provided by the Whitford Hockey Club indicate the development of a turf hockey pitch is estimated at \$1.8 million, which if supported through a CSRFF application, would result in the City meeting one third (1/3) of the total cost. The support of this application for a feasibility study does not commit the City to any future application submitted by the club.

To manage this risk, any future application received will be assessed by Council prior to submission and assessment by the Department of Sport and Recreation.

**Financial/Budget Implications:**

If the project is approved, the funds would be available during the 2010/11 financial year and require acquittal prior to 15 June 2011.

<b>Account No:</b>	1.443.A4409.3299.0000
<b>Budget Item:</b>	Future Facilities Fund
<b>Budget Amount:</b>	\$30,000
<b>Amount Spent To Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$10,133
<b>Balance:</b>	\$19,867

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

To date no consultation has been undertaken; however, as part of the feasibility study, community consultation will be conducted by the consultant engaged to undertake the project.

**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.

The Whitford Hockey Club's application has been researched and well planned. The approach taken by the club demonstrates a strong commitment to deliver the project. Supporting this project represents a sound financial contribution toward sport and recreation in the Joondalup region for clubs and the community in general.

The study will benefit the club, and the City, through an independent review on the feasibility of a turf hockey pitch at MacDonald Park. This project will provide recommendations for the future development of the site, including concept designs and cost estimates.

In accordance with all CSRFF projects, the Whitford Hockey Club will project manage the study; however, the City will be consulted as part of the feasibility process and contribute to the design of the proposed facility.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **ENDORSES** the priority ranking and applicant rating for the project, as stated below:

	<b>Applicant's Rank</b>	<b>Applicant's Rating</b>
<b>1</b>	<b>Whitford Hockey Club</b>	<b>Well planned and needed by the applicant.</b>

- 2 **APPROVES** a grant of \$10,133 (excluding GST), to the Whitford Hockey Club for the development of a turf hockey facility feasibility study, subject to:

- (a) *the Club meeting one third of the project's total cost being \$30,399 (excluding GST);*
- (b) *the Club being granted \$10,133 (excluding GST) from the Community Sporting and Recreation Facilities Fund.*

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf100810.pdf](#)



## ITEM 10 REGIONAL GOVERNANCE FRAMEWORK FOR NORTH WEST REGION

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 43213, 43458

**ATTACHMENTS:** Attachment 1 Proposed Regional Governance Framework.  
Attachment 2 Diagrammatic representation of implications of Australian and State Government Policy on Local Government.

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### PURPOSE

To seek Council's endorsement of a Regional Governance Framework to coordinate and manage economic development and infrastructure planning in the North West region.

### EXECUTIVE SUMMARY

The Cities of Wanneroo and Joondalup are seeking to secure State Government support for the establishment of a regional governance body to coordinate and manage economic development and infrastructure planning in the North West region. State Government support is also sought for the proposed Regional Governance Framework to be leveraged through an appropriate State Government agency and headed by a Cabinet Minister.

The City of Joondalup has adopted the following Strategic Position Statement:

*The City, in conjunction with the City of Wanneroo, should have a Regional Governance Framework for the North West region that provides:*

- *An effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the region;*
- *A reporting mechanism to State and Federal Government;*
- *Engagement and commitment from key stakeholders;*
- *A high level of consensus of direction in infrastructure priorities;*
- *Mechanisms and planning strategies to generate timely key employment land supply; and*
- *Integrated infrastructure planning to activate economic development in a timely manner.*

The proposed Regional Governance Framework will provide a structure through which the North West region can proactively contribute towards the articulated direction of the Australian Government which states that all three spheres of government have roles to play in addressing and meeting the key challenges and opportunities to improve the productivity, liveability and sustainability of Australian cities.

This report seeks Council endorsement of the Regional Governance Framework as a basis for ongoing dialogue with the City of Wanneroo and the State Government to progress existing and emerging capital infrastructure needs in the region.

## BACKGROUND

The recent planning history of the North West region shows that previous frameworks have failed to deliver an agreed sub-regional Structure Plan with associated infrastructure coordination, staging strategy or economic development strategy. This can be attributed to the failure of previous initiatives to gain the high level political legitimacy and acceptance required to implement a Regional Governance Framework.

The macroeconomic future of the region is therefore uncertain, defaulting to existing structure plans (developer, landowner and local government driven), ad-hoc infrastructure delivery and limited State Government Budget commitment. The need for macro level strategic planning has been highlighted at Federal and State levels.

The Council of Australian Government Communiqué in December 2009 agreed that by 1 January 2012, all States will have in place Capital City Strategic Plans that will meet the National criteria, and noted that the Commonwealth will link future infrastructure funding decisions to meeting those criteria.

National criteria will provide the platform to reshape cities and the criteria will ensure cities have strong, transparent and long term plans in place to manage population and economic growth, plans that address climate change, improve housing affordability and tackle urban congestion.

The criteria will:

- Provide for future oriented and publicly available long term strategic plans.
- Be integrated across functions (land use, infrastructure, and transport) and coordinated between all three spheres of government.
- Clearly identify priorities for future investment and policy effort by governments.
- Provide for effective implementation arrangements and supporting mechanisms.
- Support and facilitate economic growth, population growth and demographic change.

Capital City strategic planning systems naturally filter down to necessitate sub regional and local level planning to feed into these directives as shown in *Attachment 2*.

The Western Australian Planning Commission Draft Spatial Framework for Perth and Peel *Directions 2031* was released in June 2009. The growth management strategies and structure plans for each sub region will form the basis of future policy development and provide clear direction regarding the planning, management and staging of urban growth for the entire Perth and Peel region.

*Directions 2031* will provide future oriented and publicly available long term strategic plans that meet the national criteria for future strategic planning of capital cities outlined above, and in particular, the integration across the functions of land use, infrastructure and transport and coordination between all three spheres of government.

The Cities of Joondalup and Wanneroo entered into discussions in 2009 to examine the requirement for a Regional Governance Framework for the North West region. The intended purpose was to secure State Government support for the establishment of a regional governance body to coordinate and manage economic development and infrastructure planning in the North West region and to obtain State Government support for the proposed Regional Governance Framework to be leveraged through an appropriate State Government agency.

It should be noted that at the Council meeting at the City of Wanneroo held on 9 March 2010 it was resolved inter alia that the Council endorse the proposed Draft Regional Governance Framework as a basis for ongoing dialogue with the City of Joondalup and the State Government.

At the City of Joondalup meeting held on 20 July 2010, Council adopted the following Regional Governance Framework for the North West Corridor Strategic Position Statement: (CJ121-07/10 refers)

*The City, in conjunction with the City of Wanneroo, should have a Regional Governance Framework for the North West region that provides:*

- *an effective, transparent and co-ordinated implementation mechanism to strategically respond to the needs of the region;*
- *a reporting mechanism to State and Federal Government;*
- *engagement and commitment from key stakeholders;*
- *a high level of consensus of direction in infrastructure priorities;*
- *mechanisms and planning strategies to generate timely key employment land supply; and*
- *integrated infrastructure planning to activate economic development in a timely manner.*

## **DETAILS**

The Cities of Wanneroo and Joondalup are seeking to secure State Government support for the establishment of a Regional Governance Framework to coordinate and manage economic development and infrastructure planning in the North West region. State Government support will also be sought for the proposed Regional Governance Framework to be leveraged through an appropriate State Government Agency and headed by a Cabinet Minister.

The role of the North West region Regional Governance Framework will be to coordinate and manage economic development and infrastructure planning in the NW region and its key outputs will be:

- to develop the North West region Structure Plan;
- to develop a North West region Transport Strategy;
- to develop and implement strategies to deliver employment and skills outcomes;
- to develop and implement investment attraction strategies and action plans;
- to identify and prioritise major projects required for a healthy North West region economy;
- to lobby key stakeholders for commitment to major projects; and
- to ensure that key projects are included in Treasury forecasts.

The proposed Governance Framework is shown as *Attachment 1* to this report and its ability to achieve *whole of region* economic development outcomes and infrastructure provision is contingent on strong terms of reference and collaboration between Federal Government, State Government Agencies, Local Government, and the private sector.

It is essential that any regional governance structure has legislative legitimacy with leverages through an appropriate State Government Agency in order to avoid replicating the ad hoc approach to strategic planning and development that has occurred in the North West region.

**Issues and options considered:****Option 1**

Council may endorse the Regional Governance Framework without modification shown as *Attachment 1*.

This is the preferred option as the Regional Governance Framework shown as *Attachment 1* provides a sound framework for coordinating and managing economic development and infrastructure planning in the NW corridor between State Government, Local Government and key stakeholders. The Framework has also been endorsed by the City of Wanneroo – a key partner in a regional approach.

**Option 2**

Council may endorse the Regional Governance Framework with modifications.

**Option 3**

Council may choose not to endorse the Regional Governance Framework with or without modifications.

**Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable

**Strategic Plan 2008-2011**

**Key Focus Area:** Economic Prosperity and Growth

**Objective:** 3.2.3 The City works collaboratively the City of Wanneroo and the State Government in developing and implementing regional strategies to increase employment opportunities.

**Policy** Council Policy - Economic Development

**Risk Management considerations:**

The absence of a Regional Governance Framework to support a regional approach to economic development and infrastructure planning risks the ad hoc delivery of major infrastructure, transport, and services for the NW region.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

The Regional Governance Framework provides a robust regional governance model to enable major infrastructure coordination and provision, and to maximise economic development opportunities in the region through State Government, Local Government and Key Stakeholder collaboration.

The Regional Governance Framework will develop agreed North West regional strategies that feed into State Government strategies such as *Directions 2031* which will provide future oriented and publicly available long term strategic plans to manage population and economic growth and subsequently feed into the required long term planning for the Federal Government's Future Strategic Planning of Capital Cities.

**Sustainability implications:**

A coordinated and integrated regional approach to transport, major projects, infrastructure provision, employment and urban growth management will address urban sustainability into the future taking into account strategic priorities for the whole of the North West region.

**Consultation:**

Not Applicable.

**COMMENT**

The issues associated with managing urban growth and providing infrastructure to support population growth are well documented. Local governments are facing increasing pressure on the services they provide as a result of population and economic growth and increasing community expectations for new and upgraded infrastructure.

The Cities of Joondalup and Wanneroo have been examining a regional partnership approach through the development of the *Regional Governance Framework* which will facilitate the coordination and management of economic development and infrastructure planning for the North West Corridor.

The State Government Local Government Reform process has developed the concept of a Regional Collaborative Group (RCG) to voluntarily adopt a regional approach to local government strategic and community planning and the social, economic and environmental development of their communities. The RCG will also facilitate the harmonisation of core local government functions and services. Joining a RCG is considered an effective option for local governments in remote regional areas however it is considered that the proposed Regional Governance Framework model discussed in this report is more suited to a macro approach to urban development as it incorporates partnerships with all tiers of government as well as key stakeholders and agencies.

The proposed Regional Governance Framework will provide a structure through which the North West region can proactively contribute towards the articulated direction of the Australian Government which states that all three spheres of government have roles to play in addressing and meeting the key challenges and opportunities to improve the productivity, liveability and sustainability of Australian cities.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION:**

**That Council ENDORSES the proposed Regional Governance Framework shown as Attachment 1 to this Report as a basis for ongoing dialogue with the City of Wanneroo and the State Government.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf100810.pdf](#)*

**ITEM 11                    MINUTES OF EXTERNAL COMMITTEES****WARD:** All**RESPONSIBLE  
DIRECTOR:** Mr Jamie Parry  
Governance and Strategy**FILE NUMBER:** 03149**ATTACHMENTS:** Attachment 1 Minutes of the Meeting of the Mindarie Regional Council held on 1 July 2010

*(Please Note: These minutes are only available electronically)*

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**PURPOSE**

To submit minutes of external committees to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of the Mindarie Regional Council held on 1 July 2010.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the minutes of the meeting of the Mindarie Regional Council held on 1 July 2010 forming Attachment 1 to this Report.**

To access this attachment on electronic document, click here: [externalminutes100810.pdf](#)

**ITEM 12                    ANNUAL PLAN 2010/11****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy**FILE NUMBER:** 20560**ATTACHMENTS:** Attachment 1    Annual Plan 2010/11  
Attachment 2    Capital Works Program 2010/11

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**PURPOSE**

To present Council with the Annual Plan 2010/11.

**EXECUTIVE SUMMARY**

The Annual Plan contains the major projects and priorities which the City intends to deliver in the 2010/11 financial year.

*It is recommended that Council RECEIVES the:*

- 1        *Annual Plan 2010/11 which is shown as Attachment 1 to this Report.*
- 2        *Capital Works Program 2010/11 which is shown as Attachment 2 to this Report.*

**BACKGROUND**

The City's Corporate Reporting Framework requires the development of an Annual Plan to achieve the objectives of the Strategic Plan 2008/11 and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

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

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2010/11 financial year.

Quarterly milestones are set for each key project and program to be delivered, and a report will be presented to Council at the end of each quarter detailing progress against these milestones. Progress against the Capital Works Program 2010/11 will also be provided with the quarterly reports. The Capital Works Program 2010/11 is shown as *Attachment 2* to this Report.



**Legislation/Strategic Plan/Policy Implications**

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

*This Act is intended to result in:*

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

**Strategic Plan**

**Key Focus Area:** Leadership and Governance.  
1.3 To lead and manage the City effectively.

**Objective:**

**Policy** City Policy - Communications – the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders.

**Risk Management considerations:**

The development of the Annual Plan and quarterly reports provides a mechanism for tracking progress against milestones for major projects and programs.

**Financial/Budget Implications:**

All projects in the Annual Plan 2010/11 have been included in the 2010/11 Budget.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

All projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance of the City.

**Consultation:**

Not Applicable.

**COMMENT**

It is important that the City develops and communicates to the community a clear plan of the projects and activities it intends to undertake each year. Measuring performance on the timely delivery of projects and programs enables the community to assess the City's achievements against the Annual Plan and the objectives of the Strategic Plan 2008/11.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council RECEIVES the:**

- 1 Annual Plan 2010/11 which is shown as Attachment 1 to this Report.**
- 2 Capital Works Program 2010/11 which is shown as Attachment 2 to this Report.**

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf100810.pdf](#)*

## **ITEM 13**                      **JOONDALUP JINAN SISTER CITY RELATIONSHIP - DELEGATION TO JINAN**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Jamie Parry  
Governance and Strategy

**FILE NUMBER:** 52469

**ATTACHMENTS:** Attachment 1      Sister City Relationship Plan  
Attachment 2      History of the Sister City Relationship

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### **PURPOSE**

To seek Council's endorsement for a Delegation to visit Jinan to progress the Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government, and for the Delegation to attend the *Better City, Better Life* Expo for one day en route to Jinan.

### **EXECUTIVE SUMMARY**

The City of Joondalup received an invitation from Mayor Zhang Jianguo from Jinan inviting the City to participate in the 7<sup>th</sup> China International Garden and Flower Expo and for the Mayor to lead a Delegation to Jinan for the event in 2009. The invitation was declined due to other commitments.

The Jinan Delegation led by Mayor Zhang Jianguo in May 2010 also issued an invitation for the City of Joondalup to send a Delegation to Jinan to continue to progress the Sister City Relationship.

It is proposed to send a Delegation to Jinan in September 2010 led by the Mayor and the Chief Executive Officer (or a representative for the Chief Executive Officer) to represent the City and lead the Delegation in accordance with normal protocols. It is also proposed that the City pay all costs including airfare, accommodation and incidentals associated with the Delegation for the Mayor and Chief Executive Officer. The Delegation is proposed for a period of three to four days with two days travel time included.

There is also an opportunity to attend a major Expo in Shanghai, *Better City, Better Life*, which will attract governments and people from across the world. The Expo will showcase new approaches to urban and sustainable development, and provides an opportunity for the Delegation to participate in this Expo and learn from the approaches of a range of countries in relation to sustainable urban development.

### **BACKGROUND**

The City of Joondalup has a Sister City Relationship with the Jinan Municipal People's Government.

The Sister City Relationship began in 2000. The signing of a Memorandum of Understanding which was endorsed by the Council on *25 July 2000* marked the beginnings of the Sister City Relationship.

In August 2006, the Council endorsed a long term Relationship Plan to assist in guiding the growth and continuity of the Jinan-Joondalup Sister City Relationship (*CJ224 – 11/05 refers*).

The Plan highlighted four key focus areas for the relationship:

- 1 Relationship Management
- 2 Social-Cultural Exchange
- 3 Environmental Exchange
- 4 Economic Exchange

The Sister City Relationship has included a number of inbound and outbound Delegations and a condensed history of the relationship is shown as *Attachment 2* to this Report.

The most recent Jinan Delegation visited Joondalup on 12 and 13 May 2010, and an invitation was extended at that time for the City of Joondalup to send a Delegation to Jinan.

## **DETAILS**

Since the adoption of the Relationship Plan in 2006 the following Key Achievements across the four focus areas include:

### **Relationship Management**

- Positive feedback from all stakeholders involved on civic events and delegation hosting.
- Mayoral outbound visit in September 2007.
- Extensive promotion of the Sister City Relationship.
- The City has provided sponsorship to Woodvale Senior High School to assist with the Sister School Relationship with Jinan Number 9 Middle School.

### **Socio-Cultural Exchange**

- Development of a Public Service Training Programme in March 2008 (in conjunction with Edith Cowan University and West Coast Institute of Training).
- Publication of the updated Joondalup - Jinan booklet was completed in 2007.
- A Women's Cultural Delegation from Jinan in November 2007 was hosted by the City.
- Jinan Delegation visited Joondalup in 2009 and the itinerary included a visit to Woodvale SHS, West Coast Institute of Training Hospitality and Tourism Centre, and the WA Institute of Sport to watch the Jinan Acrobatic Troupe train with elite gymnasts.
- Jinan Acrobatic Troupe performed at the Joondalup Festival 2009.
- Woodvale SHS attendance at the Jinan Children's Festival in 2009.
- Woodvale SHS hosts a Delegation comprising education officials from Jinan in 2010.
- Woodvale SHS invited to attend Jinan Children's Festival in 2010.

### **Environmental Exchange**

- Discussions between Jinan University and Edith Cowan University to establish courses and research projects.
- Development of Jinan Sister City Garden Project.
- Construction of Joondalup Garden in Jinan.

### **Economic Exchange**

- Visit by West Coast Institute of Training Delegation to Jinan in March 2008 followed by a Jinan Delegation visit in May 2008.
- The City's representation at the Tourism Fair in Jinan, with the Mayor and Chief Executive Officer involved in the official party for the opening.
- Visit by Joondalup Business Association President to Jinan as part of the Mayoral Delegation in September 2007 initiated the development of a Trade Desk for local businesses. The Trade Desk was launched at the Joondalup Business Centre in August 2008.
- West Coast Institute of Training Hospitality and Tourism Centre attend Jinan regularly to provide training and students from Jinan attend the Centre.
- Jinan Delegation visited West Coast Institute of Training Hospitality and Tourism Centre in 2009 and 2010.

The Sister City Relationship has provided significant benefits particularly for West Coast Institute of Training and Edith Cowan University and a number of initiatives have been progressed to develop cooperation in vocational education and training programs of benefit to students in Jinan and Joondalup. West Coast Institute of Training recently signed an Agreement with Jinan Vocational College to deliver WCIT information technology and financial services courses in Jinan. This Agreement builds upon the original Agreement on Co-operative Education signed in 2007 for hospitality and tourism.

Edith Cowan University continues to attract high numbers of overseas students including significant numbers from China.

The City received an invitation from Mayor Zhang Jianguo from Jinan inviting the City to participate in the 7<sup>th</sup> China International Garden and Flower Expo and for the Mayor to lead a delegation to Jinan for the event. The invitation was declined at that time.

The Jinan Delegation led by Mayor Zhang Jianguo in May 2010 also issued an invitation for the City of Joondalup to send a Delegation to Jinan to continue to progress the Sister City Relationship.

It is proposed to send a Delegation to Jinan between 25 and 29 September 2010. The exact dates and itinerary have not been finalised, however, the Jinan Foreign Affairs Office has confirmed that the proposed dates are the most suitable for receiving a Delegation from Joondalup.

It is proposed that the Mayor and the Chief Executive Officer (or a representative for the Chief Executive Officer) represent the City and lead the Delegation in accordance with normal protocols. It is also proposed that the City pay all costs including airfare, accommodation and incidentals associated with the Delegation for the Mayor and Chief Executive Officer.

The visit also represents an opportunity for other Elected Members to participate in the Delegation, however, costs will need to be met from the annual conference and training allowances provided to Elected Members.

It is further proposed that invitations are issued to the following organisations to participate in the Delegation on the basis that these organisations have been involved in previous outbound delegations and/or play a critical role in the ongoing Sister City Relationship and the achievement of a number of core areas in the Relationship Plan:

- Edith Cowan University;
- West Coast Institute of Training;
- WA Police Academy;
- Joondalup Health Campus;
- Joondalup Resort;
- Joondalup Business Centre;
- Small Business Centre;
- Woodvale Senior High School; and
- Lend Lease

All costs associated with participating stakeholders will be borne by the stakeholders or their respective organisations.

The Delegation will provide the City with an opportunity to progress the Sister City Relationship and to view the Sister City Garden that has been built, and to continue to develop the social and cultural, environmental, and economic exchange opportunities as outlined in the Relationship Plan.

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

- 1 Council may choose to support the Delegation and approve the attendance and invitation of the delegates as outlined in this report.
- 2 Council may choose to support the Delegation and alter the composition of the attendees and invitees.
- 3 Council may choose not to support the Delegation and advise the Mayor of Jinan of its decision.

#### **Legislation/Strategic Plan/Policy Implications**

**Legislation** Not Applicable.

#### **Strategic Plan**

**Key Focus Area:** This item has a general link to the Strategic Plan across the Key Focus Areas of Economic Prosperity and Growth, the Natural Environment, and Community Wellbeing.

#### **Policy**

Travel is covered by Council Policy - Elected Members – Allowances.

**Risk Management considerations:**

There are two key risks associated with this Report:

- Should Council decide not to support the proposed Delegation, there may be a negative impact on the goodwill that has been developed with the Jinan Municipal People's Government.
- Costs associated with the Delegation may be viewed negatively by the community.

**Financial/Budget Implications:**

A budget has been allocated in the 2010/11 Budget of \$14,000 for the Sister City Relationship. The costs associated with the proposed outbound Delegation are detailed below. It should be noted that City delegates will travel economy class and that costs are estimates only at this stage.

Category	Details	Estimated Cost
Airfares	Return Economy Class x 2 (Perth – Singapore – Shanghai – Jinan – Return)	\$ 7,000
Accommodation	\$250 per night x 6	\$ 1,500
Incidentals	\$170 per day x 6	\$ 1,020
Costs associated with entry to the Expo	\$50 per day x 2	\$ 100
Hire of a Mini Van and Interpreter in Shanghai	Interpreter - \$40 per hour x 8 Mini Van - \$250 per day	\$ 570
Gifts	Gifts for Jinan	\$ 1,000
<b>Total</b>		<b>\$11,190</b>

<b>Account No:</b>	532.A5302.3346.5003
<b>Budget Item:</b>	Jinan Sister City Relationship
<b>Budget Amount:</b>	\$14,000
<b>Amount Spent To Date:</b>	\$ 0
<b>Proposed Cost:</b>	\$11,190
<b>Balance:</b>	\$ 2,810

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government has been developed with the intent of achieving positive social/cultural, economic, and environmental exchange opportunities.

**Consultation:**

Not Applicable.

## COMMENT

The Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government commenced in 2000 with the signing of a Memorandum of Understanding on 25 July 2000. Since this time, the City has led three delegations to Jinan (2001, 2004, and 2007) to progress the Joondalup-Jinan Relationship Plan 2006 – 2016 shown as *Attachment 2*.

The Sister City Relationship has been highly successful. A number of key achievements have been delivered supporting the Relationship Plan including:

- The delivery of a three-month police training program with twenty officers from the Jinan Police Bureau receiving training at the WA Police Academy in Joondalup in criminal investigation, governance and security management;
- The development of a long term Relationship Plan;
- The delivery of a six-month public servant training program delivered in Joondalup for eighteen senior officers from Jinan;
- A number of business initiatives including China-Link;
- The formation of a Sister School Relationship between Woodvale Senior High School and Jinan Number 9 School;
- West Coast Institute of Training has a Sino-Australian Agreement of Co-operation with Jinan Vocational College for Hospitality and Tourism courses and has students enrolled in its Diploma of Hospitality and Tourism under an auspicing agreement. A West Coast Institute of Training lecturer visits Jinan Vocational College each year to deliver specific components of the course. Students from Jinan Vocational College attend the West Coast Institute of Training campus to enhance their studies;
- The development of the Sister City Garden Project – with the successful construction of the Joondalup Garden in Jinan; and
- A number of inbound and outbound Delegations providing opportunities for delegates to further opportunities for cultural/social, economic, and environmental exchanges.

The proposed Delegation to Jinan will provide further opportunities to progress the Sister City Relationship between the City of Joondalup and the Jinan Municipal People's Government and provide opportunities for the City and other delegation members to learn from the experiences of Jinan as well as sharing successes of the City and other key stakeholders in an international setting and improving and expanding international communication, cultural awareness and cooperation.

The Delegation will also provide an opportunity to build the experience and capacity of the Delegation members through a focus on:

- Learning from the experiences and programs of the Jinan Municipal People's Government through the identification of areas of interest to be included in the Itinerary including environmental initiatives;
- Visiting the Joondalup Garden which has been constructed;
- Economic development and commerce, and
- Partnership opportunities.



## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

**That Council:**

- 1 ACCEPTS the invitation from the Jinan Municipal People’s Government to send a Delegation to Jinan to further the Sister City Relationship between the City of Joondalup and the Jinan Municipal People’s Government and to view the recently constructed Joondalup Garden;**
- 2 APPROVES the attendance of the Delegation at the Better City, Better Life Expo in Shanghai for one full day en route to Jinan;**
- 3 APPROVES the travel period from 25 to 29 September 2010;**
- 4 ENDORSES a formal Delegation comprising the Mayor and the Chief Executive Officer (or his representative) to represent the City and to lead the delegation;**
- 5 APPROVES the associated costs for airfares, accommodation, and incidental expenses for the Mayor and Chief Executive Officer or his representative estimated at \$11,190 (exclusive of GST) being charged to Budget Item Jinan Sister City Relationship;**
- 6 ENDORSES the following stakeholders being invited to be a part of the official Delegation:**
  - Edith Cowan University;**
  - West Coast Institute of Training;**
  - WA Police Academy;**
  - Joondalup Health Campus;**
  - Joondalup Resort;**
  - Joondalup Business Centre;**
  - Joondalup Business Association;**
  - Small Business Centre;**
  - Woodvale Senior High School; and**
  - Lend Lease.**
- 7 NOTES that all costs associated with stakeholder attendance will be borne by the stakeholders or their organisations;**
- 8 APPROVES an invitation being extended to Elected Members wishing to participate in the formal Delegation with all expenses being charged to individual Elected Member Conference and Travel Allowance Budgets in accordance with Council Policy – Elected Members Allowances.**

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf100810.pdf](#)*



As this is the final Quarterly Progress Report for the 2009-2010 Annual Plan, the following provides an overall summary of significant achievements for the financial year:

### **Leadership and Governance**

- Hosting of a delegation of senior bureaucrats from the Jinan Municipal People's Government;
- Adoption of the City's 20-Year Strategic Financial Management Plan;
- Launch of the City's new website;
- Community Consultation conducted on the following projects:
  - Ocean Reef Development Site Concept Plan;
  - Seacrest Community Sporting Facility;
  - Draft City Centre Structure Plan;
  - Local Planning Strategy;
  - Currambine Community Centre;
  - Upgrade of community facilities at Calectasia Hall and Greenwood Scout and Guide Hall in Greenwood;
  - Draft Yellagonga Integrated Catchment Management Plan;
  - City of Joondalup Local Government Reform Submission;
  - Gibson Park Community Centre, Padbury;
  - Fleur Freame Pavillion, MacDonald Park, Padbury;
  - Forrest Park Clubrooms, Padbury;
  - Yellagonga Biodiversity and Cultural Heritage Project;
  - Special Trading Precinct (Extended Trading Hours);
  - Beach Management Plan; and
  - Local Housing Strategy;
- North Metropolitan Zone Australia Day Citizenship Ceremony held in conjunction with the Cities of Wanneroo and Stirling at Edith Cowan University at which 873 guests from the City of Joondalup became Australian citizens;
- Annual Customer Satisfaction Monitor conducted; and
- Provision of quarterly progress reports to Council on the Annual Plan and Capital Works Program for 2009-2010.

### **The Natural Environment**

- Development of an Environmental Education Program;
- Completion of Milestone 3 and 4 of the ICLEI Water Campaign;
- Publication of *Plants and People in Mooro Country*;
- Environmental events held, including:
  - Clean-Up Australia Day;
  - Great Gardens Workshops;
  - World Heritage Day;

- *Switch your thinking!* Program;
- International Composting Awareness Week;
- World Environment Day; and
- Household Hazardous and E-waste collections.
- Endorsement of the Yellagonga Integrated Catchment Management Plan;
- Completed actions from the City's Landscape Master Plan, including:
  - Conversion of Emerald Park hydrozoning and ecozoning of Emerald Park;
  - Burns Beach Road/Hodges Drive landscaping project; and
  - Joondalup Drive Hardscape;
- Significant reduction in the City's groundwater usage;
- Development of draft Strategic Waste Minimisation Plan.

### **Economic Prosperity and Growth**

- Designation of the City of Joondalup as a Special Trading Precinct;
- Significant progress on the City Centre Structure Plan to guide future development within the City;
- The hosting of three Breakfast Business Forums - *Facts and Forecasts for Growth; Directions 2031, Businesses Let's Go Online Project;*
- Delivery of two Business Round Tables with key stakeholders;
- Publication of a Joondalup Business Online Newsletter;
- Provision of business statistical data on the City's website;
- Upgrade of the City's webpage; and
- Endorsement of the Joondalup City Centre Commercial Office Development Project Philosophy and Parameters Paper

### **The Built Environment**

- Endorsement of the City's Local Planning Strategy;
- Significant progress towards the development of the Local Housing Strategy;
- Endorsement of the Joondalup City Centre Structure Plan;
- Development of Online Building Licence Applications Service;
- Major Capital Works completed, which include:
  - West Coast Drive dual-use path;
  - Feral proof fence constructed at Craigie Bushland;
  - The completion and the official opening of Quindalup Dunes Pathway which connects Craigie Open Space to Warrandyte Park;
  - Duplication of carriageway on Connolly Drive;
  - Reconstruction of Burns Beach Groyne;
  - New play equipment at Claremont Park, Currambine, Mirror Park, Ocean Reef, Warrigal Park, Greenwood and Emerald Park, Edgewater;

- New footpaths constructed at Carnaby Reserve, Connolly, Aberdare Way, Warwick, Johnson Crescent, Mullaloo, and Bankfield Retreat Ocean Reef;
- Six Gross Pollutant Traps installed;
- 17 kms of new asphalt as part of the City's Road Resurfacing Program;
- Completed projects as part of the Black Spot Program, which include:
  - The roundabout at the intersection of Ocean Reef and Craigie Drive, Beldon;
  - Median islands in Gradient Way, Beldon;
  - Speed cushions in Duffy Terrace, Woodvale;
  - Roundabouts at the intersection of Winton Road and Pontiac Way, Joondalup; and
  - A seagull island installed at the intersection of Ocean Reef Road and Edgewater Drive, Edgewater.
- Local Road Traffic Management Projects which include:
  - Timberlane Drive, Woodvale;
  - Swanson Way, Ocean Reef;
  - Harman Road Sorrento;
  - Dampier Avenue, Kallaroo;
  - Waterford Drive, Hillary;
  - Beltana Road, Craigie;
  - Dinroy Street/Alder Way, Duncraig; and
  - Montclair Avenue, Woodvale.
- Streetscape enhancements which include:
  - Timberlane Drive, Woodvale;
  - Joondalup Drive, Joondalup; and
  - Canham Way, Greenwood;
- Marmion Beach Toilets and Change Rooms; and
- Guy Daniels Clubrooms Refurbishment.

### **Community Wellbeing**

- Delivery of a comprehensive program of cultural events throughout the year, including:
  - NAIDOC Week;
  - Joondalup Festival;
  - Joondalup Sunset Markets;
  - Summer Concert Series;
  - Valentine's Day Concert;
  - Joondalup Eisteddfod;
  - Sunday Serenades;
  - Invitation Art Award;

- Community Art Exhibition; and
- Little Feet Festival.
- Council endorsement of the Positive Ageing Plan 2009-2012;
- Delivery of Art of Ageing Events;
- Completion of Craigie Leisure Centre Aquatic Expansion Project, including construction of a 50 metre pool;
- Adopted proposals for the upgrade or construction of community buildings and facilities, including:
  - Changeroom/toilet facility at Forrest Park, Padbury;
  - Upgrade and extension to the Fleur Fraeme Pavillion at MacDonald Park, Padbury; and
  - Construction of a new Community Sporting Facility at Seacrest Park, Sorrento;
- Upgrade of community facilities at Calectasia Hall and Greenwood Scout and Guide Hall, Greenwood
- Completion of refurbishments to community facilities, which include:
  - Padbury Community Hall;
  - Guy Daniels Clubrooms;
  - Heathridge Park Clubrooms;
  - Emerald Park Community Facility; and
  - Marmion Beach Toilets and Change Rooms.
- Funding of approximately \$70,000 distributed to Community Groups as part of the Community Funding Program;
- Upgrade of the City's Library Lending Service to implement self-service terminals; and
- Adoption of the Community Safety and Crime Prevention Plan.

### **Legislation/Strategic Plan/Policy Implications**

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

*This Act is intended to result in:*

- (e) Better decision making by local governments;*
- (f) Greater community participation in the decisions and affairs of local governments;*
- (g) Greater accountability of local governments in their communities;*  
*and*
- (h) More efficient and effective government.*

**Key Focus Area:**      Leadership and Governance

**Objective:**            1.3 To lead and manage the City effectively.

**Policy**                    City Policy - Communications – the Council recognises and acknowledges the importance of consistent, clear communication, and access to information for its stakeholders.

**Risk Management considerations:**

The development of the Annual Plan and quarterly reports provides a mechanism for tracking progress against milestones for major projects and programs.

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Projects and programs in the Annual Plan contribute to community wellbeing, the natural and built environment, economic development and good governance.

**Consultation:**

Not Applicable.

**COMMENT**

Significant progress on most major projects and programs has been made during the final quarter. Projects not completed will be carried forward to the 2010/11 Annual Plan.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council RECEIVES the**

- 1 final Annual Plan Quarterly Progress Report for the period 1 April – 30 June 2010 which is shown as Attachment 1 to this Report;**
- 2 Capital Works Overview Report for the period 1 April – 30 June 2010 which is shown as Attachment 2 to this Report.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12brf100810.pdf](#)*

## **ITEM 15 LIST OF PAYMENTS MADE DURING THE MONTH OF JUNE 2010**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	09882
<b>ATTACHMENTS:</b>	Attachment 1 CEO's Delegated Municipal Payment List for the month of June 2010 Attachment 2 CEO's Delegated Trust Payment List for the month of June 2010 Attachment 3 Municipal and Trust Fund Vouchers for the month of June 2010

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### **PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of June 2010 for noting.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of June 2010 totalling \$12,927,668.55

*It is recommended that Council NOTES the CEO's list of accounts for June 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$12,927,668.55.*

### **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 June 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.



<b>FUNDS</b>	<b>DETAILS</b>	<b>AMOUNT</b>
Municipal Account	Cheques 87013 - 87332 and EF 12660 – 13137 Net of cancelled payments	\$ 7,565,207.05
	Vouchers 696A – 700A, 702A – 703A and 705A	\$ 4,544,001.20
Trust Account	Cheques 203528 – 203577 Net of cancelled payments	\$ 818,460.30
<b>Total</b>		<b>\$12,927,668.55</b>

**Issues and options considered:**

Not Applicable.

**Legislation/Strategic Plan/Policy Implications****Legislation**

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.

**Strategic Plan**

Key Focus Area: Leadership and Governance

Objective: To ensure that the processes of Local Governance are carried out in a manner that is ethical, transparent and accountable.

**Policy**

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

**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 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 and as amended in the Mid Year Budget Review by Council at its meeting of 20 April 2010 or approved in advance by Council.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

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

**Consultation:**

Not Applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 or has been authorised in advance by Council where applicable.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for June 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$12,927,668.55.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf100810.pdf](#)

## **ITEM 16                    TENDER   016/10   CIVIL   WORKS   FOR   TWO CARRIAGEWAY DUPLICATIONS**

<b>WARD:</b>	North
<b>RESPONSIBLE DIRECTOR:</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER:</b>	100832
<b>ATTACHMENTS:</b>	Attachment 1      Summary of Tender Submissions

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### **PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by Fulton Hogan Pty Ltd for the provision of civil works for two carriageway duplications (Tender 016/10).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 5 June 2010 through state wide public notice for the provision of civil works for two carriageway duplications. Tenders closed on 22 June 2010. Three submissions were received from:

- CECK Pty Ltd;
- Fulton Hogan Pty Ltd; and
- VDM Earthmoving Contractors Pty Ltd trading as Malavoca.

The submission from Fulton Hogan Pty Ltd represents best value and low risk to the City. Fulton Hogan has sufficient resources and the appropriate experience to complete the City's requirements. The evaluation panel has confidence in Fulton Hogan's ability to complete the works within the timeframe required.

*It is recommended that Council ACCEPTS the Tender submitted by Fulton Hogan Pty Ltd for the provision of civil works for two carriageway duplications (on Connolly Drive, between Burns Beach Road and Shenton Avenue and Moore Drive between Connolly Drive and Marmion Avenue) in accordance with the statement of requirements as specified in Tender 016/10 for the fixed lump sum of \$3,434,580.00 (GST Exclusive) with practical completion within six months from date of possession of site.*

### **BACKGROUND**

The City has a requirement for an appropriate Contractor to undertake civil works for the carriageway duplication on Connolly Drive, between Burns Beach Road and Shenton Avenue and Moore Drive between Connolly Drive and Marmion Avenue.

This project is a result of a Main Roads WA Traffic Study, which has identified that these sections of carriageways require duplications. The projections undertaken by Main Roads WA took into account the recent extension of the Mitchell Freeway to Burns Beach Road and the increased traffic from ongoing residential development.

## DETAILS

Tenders were advertised on 5 June 2010 through State wide public notice for the provision of civil works for two carriageway duplications.

### Evaluation Criteria

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

Qualitative Criteria		Weighting
1	Capacity	40%
2	Demonstrated experience in completing similar projects	30%
3	Demonstrated understanding of the required tasks	25%
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.

### Tender Submissions

Three submissions were received from:

- CECK Pty Ltd;
- Fulton Hogan Pty Ltd; and
- VDM Earthmoving Contractors Pty Ltd trading as Malavoca.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1

This Contract is for a fixed lump sum with practical completion within six months from date of possession of site.

### Evaluation Summary

Tenderer	Price	Price Rank	Evaluation Score	Qualitative Rank
VDM Earthmoving Contractors trading as Malavoca	\$3,784,323.37	2	77%	1
Fulton Hogan Pty Ltd	\$3,434,580.00	1	72%	2
CECK Pty Ltd	\$3,924,650.90	3	66%	3

All Tenderers have the capacity and the appropriate industry experience to undertake the requirements for the City.

However, the submissions from CECK Pty Ltd and VDM Earthmoving Contractors trading as Malavoca are \$490,070 (14.3%) and \$349,743 (10%) more expensive, respectively, than the submission from Fulton Hogan Pty Ltd. The panel concluded that the Offer representing best value to the City is that as submitted by Fulton Hogan Pty Ltd.

### Issues and options considered:

The City has a requirement for the provision of civil works for two carriageway duplications and as such requires an appropriate Contractor to undertake the work.

### Legislation/Strategic Plan/Policy Implications

**Legislation** A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions and 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.

### Strategic Plan

**Key Focus Area:** The Built Environment

**Objective:** To progress a range of innovative and high quality urban development projects within the City.

**Policy** Not Applicable.

### Risk Management considerations:

Should the Contract not proceed, the risk to the City will be high as the duplications of the carriageways on Connolly Drive and Moore Drive cannot be completed within the required timeframe. The duplications of the sections of the carriageways on Connolly Drive and Moore Drive are needed due to increased traffic as a result of the recent extension of the Mitchell Freeway and from ongoing residential development.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is well established with significant experience and the capacity to complete the work.

### Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Services to 30 June 2011	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
\$4,100,000	\$3,434,580	\$3,434,580	\$3,434,580

The project is two-thirds funded by the State Government.

The balance of the budget funds (\$665,420) will be initially utilised for contingency within the Contract and the remainder to be expended on landscaping.

All figures quoted in this report are exclusive of GST.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The City will advise all affected residents of scheduled works to be undertaken prior to commencement of work.

**COMMENT**

The evaluation panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria and concluded that the tender representing best value to the City is that as submitted by Fulton Hogan Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority

**RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by Fulton Hogan Pty Ltd for the provision of civil works for two carriageway duplications, being on Connolly Drive, between Burns Beach Road and Shenton Avenue, Currambine and Moore Drive between Connolly Drive and Marmion Avenue, Currambine, in accordance with the statement of requirements as specified in Tender 016/10 for the fixed lump sum of \$3,434,580.00 (excluding GST) with practical completion within six months from date of possession of site.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf100810.pdf](#)

## **ITEM 17                    TENDER 023/10 - SUPPLY, DELIVERY AND LAYING OF CONCRETE KERBING**

**WARD:** All

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

**FILE NUMBER:** 100989

**ATTACHMENTS:** Attachment 1      Summary of Tender Submissions  
Attachment 2      Schedule of Items

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### **PURPOSE**

This report is to seek the approval of Council to accept the Tender submitted by Weskerb Pty Ltd for the supply, delivery and laying of concrete kerbing (Tender 023/10).

### **EXECUTIVE SUMMARY**

Tenders were advertised on 30 June 2010 through state wide public notice for the supply, delivery and laying of concrete kerbing. Tenders closed on 15 July 2010. Two submissions were received from:

- Weskerb Pty Ltd
- Downer EDI Works (Late Tender)

The submission from Downer EDI Works was received after the closing time and was not accepted for evaluation.

The submission from Weskerb Pty Ltd represents value to the City. Weskerb is well established and has the capacity and experience to undertake the works. The company is currently providing similar requirements for a number of local governments and has in the past successfully completed similar works for the City of Joondalup.

*It is recommended that Council ACCEPTS the Tender submitted by Weskerb Pty Ltd for the supply, delivery and laying of concrete kerbing for a three year period in accordance with the statement of requirements as specified in Tender 023/10 at the submitted schedule of rates.*

### **BACKGROUND**

The City has a requirement for an appropriate Contractor to supply, deliver and lay extruded concrete kerbing, construct concrete pram ramps and carry out minor concrete reinstatements associated with kerbing works.

The Contractor shall be required to provide all necessary materials, equipment, apparatus and labour to undertake kerbing:

- (a) as and when such works are required by the City; and
- (b) at the direction of the Superintendent.

The City currently has a panel contract for the supply, delivery and laying of concrete kerbing with Roadside Kerbing Pty Ltd, Weskerb Pty Ltd and Works Statewide Kerbing which is due to expire on 19 August 2010. A review of the current kerbing requirements has identified that a single Contract is sufficient to meet the operational needs of the City.

## DETAILS

Tenders were advertised on 30 June 2010 through state wide public notice for the supply, delivery and laying of concrete kerbing.

### Evaluation Criteria

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

Qualitative Criteria	Weighting
Capacity	50%
Demonstrated experience in providing similar services	25%
Demonstrated understanding of the required tasks	20%
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

Two submissions were received from:

- Weskerb Pty Ltd
- Downer EDI Works (Late Tender)

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

The schedule of items as listed in the RFT is provided in Attachment 2.

The tender submitted by Downer EDI Works was received after the closing time and was not accepted for evaluation.

To provide an estimated expenditure over a 12 month period all the items listed in the attached schedule and their typical usage based on historical data have been used in the calculation. The table below provides the estimated cost of the Contract. Any future requirement will be based on demand and subject to change in accordance with the operational needs of the City.

The rates are fixed for the first year of the Contract, but are subject to a price variation in years two and three of the Contract to a maximum of the CPI for the preceding year. For estimation purposes, a 3.5% CPI increase was applied to the rates in years two and three.



<b>Estimated Cost</b>	<b>Weskerb Pty Ltd</b>
Year 1	\$1,089,959
Year 2	\$1,128,108
Year 3	\$1,167,591
<b>Total Estimated Cost</b>	<b>\$3,385,658</b>

During the last financial year 2009/10, the City incurred \$1,053,100 for the supply, delivery and laying of concrete kerbing and is expected to incur in the order of \$3,385,658 over the three (3) year Contract period.

### **Evaluation Summary**

<b>Tenderer</b>	<b>Price</b>	<b>Price Rank</b>	<b>Evaluation Score</b>	<b>Qualitative Rank</b>
Weskerb Pty Ltd	\$3,385,658	N/A	74%	N/A

Weskerb Pty Ltd has the capacity and experience to undertake the kerbing requirements. Weskerb has been in the kerbing industry for a number of years and has a team of experienced key personnel. The company is currently contracted to provide kerbing requirements for the City of Mandurah.

Weskerb is the City's current supplier. Its tendered prices for all items with two exceptions have an increase of 3.4% or less when compared to its current contracted rates. The current contracted rates were effective from October 2008.

Although the City received only one compliant tender records show that the tender documents were downloaded by nine other parties.

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

The City has a requirement for the supply, delivery and laying of concrete kerbing. The City does not have the internal resources to provide the required goods and services and requires an appropriate external supplier to supply the requirements.

### **Legislation/Strategic Plan/Policy Implications**

**Legislation** A state wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions and 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.

### **Strategic Plan**

**Key Focus Area:** The Built Environment

**Objective:** To progress a range of innovative and high quality urban development projects within the City.

**Policy** Not Applicable

**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the City will not have the supply of the materials and services required to complete its various capital works projects.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well established supplier with significant industry experience and has the capacity to provide the goods and services for the City

**Financial/Budget Implications:**

<b>Current Year Budget Allocation for this Contract</b>	<b>Projected Expenditure on these Goods and Services to 30 June 2011</b>	<b>Projected Expenditure on these Goods and Services in first 12 Months of Contract if Accepted</b>	<b>Projected Expenditure on these Goods and Services over the Life of the Contract if Accepted</b>
\$1,100,000 (Estimate of kerbing component of Capital Works Projects)	\$175,500 (current contract)  \$908,300 (new Contract)	\$1,089,959	\$3,385,658

The projected expenditure under the Contract is dependent on the quantity and type of requirements throughout the Contract period and may change accordingly.

**Regional Significance:**

Not Applicable

**Sustainability implications:**

Not Applicable

**Consultation:**

Not Applicable

**COMMENT**

The evaluation panel carried out the evaluation of the submission in accordance with the Qualitative Criteria and concluded that the tender representing value to the City is that as submitted by Weskerb Pty Ltd.

**VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council ACCEPTS the Tender submitted by Weskerb Pty Ltd for the supply, delivery and laying of concrete kerbing for a three year period in accordance with the statement of requirements as specified in Tender 023/10 at the submitted schedule of rates.**

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf100810.pdf](#)*

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



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

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

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

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

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

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



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

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

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

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

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

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



**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](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

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

