

agenda

Briefing Session

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

ON **TUESDAY, 15 NOVEMBER 2011**
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, 14 November 2011**

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

PO Box 21 Joondalup WA 6919

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:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
 - (b) 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;
 - (c) 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 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 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 thirty five (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 5 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 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

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

* *Any queries on the agenda, please contact Governance Support on 9400 4369*

RECORDING OF THE PROCEEDINGS OF THE BRIEFING SESSION

Proceedings of the Briefing Session shall be electronically recorded for administrative purposes only, 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.

TABLE OF CONTENTS

ITEM NO	TITLE	WARD	PAGE NO
1	OPEN AND WELCOME		x
2	DEPUTATIONS		x
3	PUBLIC QUESTION TIME		x
4	PUBLIC STATEMENT TIME		x
5	APOLOGIES AND LEAVE OF ABSENCE		x
6	DECLARATIONS OF FINANCIAL INTEREST /INTEREST THAT MAY AFFECT IMPARTIALITY		x
7	REPORTS		
1	DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - SEPTEMBER 2011 – [07032, 05961]	All	1
2	PROPOSED RESTAURANT, MEDICAL CENTRE AND SHOP DEVELOPMENT AT LOT 2 (10) SUNLANDER DRIVE, CURRAMBINE – [100476]	North	5
3	PROPOSED TELECOMMUNICATION FACILITY AT GREENWOOD TRAIN STATION CAR PARK, GREENWOOD – [39589]	South-East	14
4	PROPOSED TELECOMMUNICATION FACILITY AT CURRAMBINE TRAIN STATION CAR PARK, LOT 11889 (8L) CITADEL WAY, CURRAMBINE – [58093]	North	20
5	REQUEST TO AMEND DISTRICT PLANNING SCHEME NO 2 TO DELETE RESTRICTIONS ON MAXIMUM RETAIL FLOOR AREAS AND INSERTING PROVISIONS FOR DETAILED AREA PLANS – [09011]	All	26

6	PROPOSED RECONFIGURATION AND ADDITION OF CAR PARKING AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE – [03494]	North	33
7	PROPOSED ADDITIONS TO CURRAMBINE MARKETPLACE AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE – [03494]	North	39
8	PROPOSED SHOWROOMS, OFFICES, RESTAURANT, MEDICAL CENTRE, CONVENIENCE STORE AND TAKE AWAY FOOD OUTLETS AT LOT 5002 (74) DELAMERE AVENUE, CURRAMBINE – [87607]	North	49
9	REQUEST TO EXCISE PORTION OF RESERVE 30149 HAKEA PARK (11) HAKEA PLACE, SORRENTO AND AMALGAMATE THE LAND INTO RESERVE 31856 SORRENTO PRIMARY SCHOOL (14) ELFREDA AVENUE, SORRENTO – [47827, 04647]	South-West	61
10	CHANGE OF USE FROM WAREHOUSE TO TRANSPORT DEPOT (RETROSPECTIVE) AND ASSOCIATED ADDITIONS AT LOT 397 (27) CANHAM WAY, GREENWOOD – [19547]	South-East	68
11	PROPOSED MODIFICATIONS TO THE BURNS BEACH STRUCTURE PLAN – [29557]	North	75
12	PROPOSED OFFICE AND SHOWROOM DEVELOPMENT AT LOT 5008 (15) CHESAPEAKE WAY, CURRAMBINE – [80612]	North	80
13	JOONDALUP DESIGN PANEL – CHANGES TO TERMS OF REFERENCE AND APPOINTMENT OF PANEL MEMBERS – [34172]	All	90
14	JOONDALUP MEN'S SHED - PROVISION OF LAND AND FACILITY DEVELOPMENT – [77613]	All	96
15	SETTING OF MEETING DATES FOR 2012 – [08122]	All	103
16	ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2011 – [20560]	All	107
17	SMALL BUSINESS CENTRE NORTH WEST METRO- FUNDING SUPPORT 2011/12 – [35563]	All	111

18	WINTER REVIEW OF KITESURFING IMPLEMENTATION MEASURES – [100932]	All	119
19	EXECUTION OF DOCUMENTS – [15876]	All	128
20	MINUTES OF EXTERNAL COMMITTEES – [60514, 00033, 02416, 03149]	All	130
21	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2011 – [07882]	All	134
22	LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2011 – [09882]	All	137
23	TENDER 022/11 PROVISION OF MARINE AND CIVIL ENGINEERING CONSULTANCY SERVICES – [101782]	All	1402
24	TENDER 028/11 CLEANING OF STORMWATER DRAINAGE PIPES AND STRUCTURES – [101857]	All	150
25	MINUTES OF THE STREETScape WORKING GROUP MEETINGS HELD ON 3 NOVEMBER 2010, 18 APRIL 2011, 10 AUGUST 2011 AND 21 SEPTEMBER 2011 – [79623]	All	156
8	REPORT OF THE CHIEF EXECUTIVE OFFICER		163
9	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN		163
10	REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS		163

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 151111.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday, 15 November 2011** commencing at **6.30 pm**

ORDER OF BUSINESS

- 1 OPEN AND WELCOME**
- 2 DEPUTATIONS**
- 3 PUBLIC QUESTION TIME**
- 4 PUBLIC STATEMENT TIME**
- 5 APOLOGIES AND LEAVE OF ABSENCE**
- 6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**
- 7 REPORTS**

ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - SEPTEMBER 2011

WARD:	All	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	07032, 05961, 101515	
ATTACHMENTS:	Attachment 1	Monthly Development Applications Determined - September 2011
	Attachment 2	Monthly Building Application Code Variations Decision - September 2011
	Attachment 3	Monthly Subdivision Applications Processed - September 2011

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 (DPS2), 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 the following applications determined by the administration with Delegated Authority powers during September 2011 (Attachments 1, 2 and 3 refer):

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

BACKGROUND

The DPS2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. At its meeting held on 28 June 2011, Council considered and adopted the most recent Town Planning Delegation.

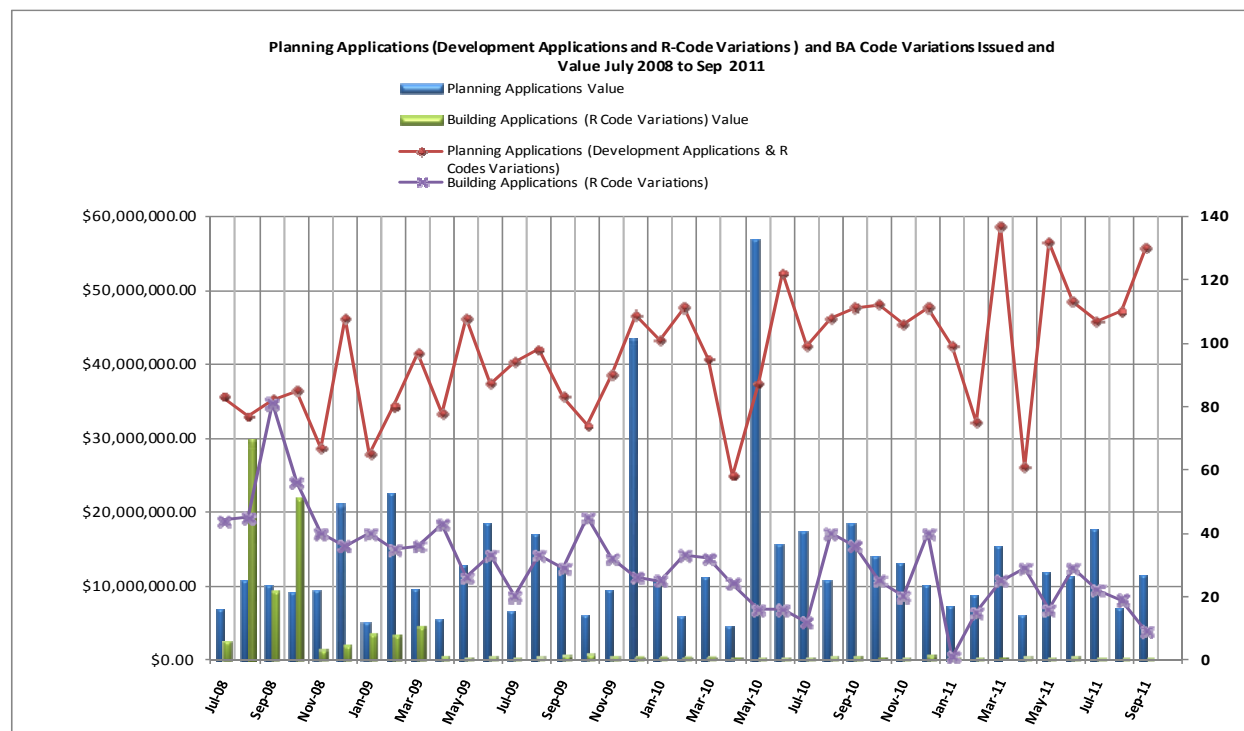
DETAILS

The number of applications determined under delegated authority during September 2011, is shown below:

Approvals determined under delegated authority – September 2011		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	130	\$ 11, 438, 323
Building applications (R-Codes variations)	9	\$ 87, 808
TOTAL	139	\$ 11, 526,131

The number of development applications received during September was 132 (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).

The number of development applications current at the end of September was 175. Of these, 40 were pending additional information from applicants, and 58 were being advertised for public comment.



Subdivision approvals processed under delegated authority From 1 September to 30 September 2011		
Type of approval	Number	Potential additional new lots
Subdivision applications	1	1
Strata subdivision applications	2	3

In addition to the above, 324 building licences were issued during the month of September with an estimated construction value of \$21,543,674.

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:

A total of 139 applications were determined for the month of September with a total amount of \$43,745 received as application fees.

All figures quoted in this report are exclusive of GST.

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 DPS2.

Of the 130 development applications determined during September 2011, consultation was undertaken for 48 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 three subdivision applications processed during September 2011 were not advertised for public comment.

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 on and cross checked 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 September 2011;**
- 2 Subdivision applications described in Attachment 3 to this Report during September 2011.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf151111.pdf](#)

ITEM 2 PROPOSED RESTAURANT, MEDICAL CENTRE AND SHOP DEVELOPMENT AT LOT 2 (10) SUNLANDER DRIVE, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 100476,101515

ATTACHMENTS:

Attachment 1	Location Plan
Attachment 2	Zoning Plan
Attachment 3	Development Plan and Perspective Drawing
Attachment 4	Easement Plan
Attachment 5	Environmentally Sustainable Design Checklist
Attachment 6	Notes from Joondalup Design Reference Panel

PURPOSE

To request Council's determination of an application for a proposed restaurant, medical centre and shop development at Lot 2 (10) Sunlander Drive, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for a single storey restaurant, medical centre and shop development at Lot 2 (10) Sunlander Drive, Currambine.

The proposed development is bound to the north by the Currambine BP service station, to the east by Sunlander Drive and to the south and west by a residential site (approved for a retirement village). The proposal incorporates 70m² net lettable area (NLA) of restaurant, 347m² NLA of medical suites and 191m² NLA of retail floor space.

The site is zoned 'Mixed Use' under the City's District Planning Scheme No 2 (DPS2). A restaurant is a discretionary or 'D' use, a medical centre is a permitted or 'P' use and a shop is an X* use within the 'Mixed Use' zone. X* indicates that a shop is not permitted unless certain criteria are met. The proposal meets all relevant criteria.

The proposal meets the development standards of DPS2 with the exception of car parking, building setback and landscaping.

Car parking for the site is calculated in accordance with the standards prescribed in Table 2 of DPS2. The development results in a parking shortfall of four bays or 8.89% of the requirement.

The proposal was advertised for public comment and three non objections were received.

The proposal was reviewed by the Joondalup Design Reference Panel (JDRP) on 5 October 2011. The panel recommended that the front elevation of the building be further articulated and additional shade trees planted within the landscaping area adjacent to the front boundary of the site. These are suggested conditions of approval.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:	Lot 2 (10) Sunlander Drive, Currambine
Applicant:	M Rodic and Associates
Owner:	Richard Henry Bloomfield, Rodney James Dullard and Jeffery Troy Grubisa
Zoning:	DPS: Mixed Use
	MRS: Urban
Site Area:	2450m ²
Structure Plan:	Not Applicable

The subject site is positioned directly south of an existing BP Service Station in Currambine which is located at the corner of Burns Beach Road and Sunlander Drive (Attachments 1 and 2 refer).

To the north-eastern corner of the lot is an easement which is to benefit the City of Joondalup and the land burdened is the subject site. The easement was established in accordance with Section 195 and 196 of the *Land Administration Act 1997*. The purpose of the easement is to protect access into the adjoining service station site. Within the easement area, no construction is permitted, including a building, fence or any obstruction whatsoever. The current development application shows that kerbing will be constructed immediately outside the easement area and landscaping adjacent to the kerbing, therefore the development is consistent with the easement restrictions. It is the applicant's intent to apply to remove this easement in the future. Attachment 4 shows the location of the easement.

The proposal was referred to the JDRP on 5 October 2011. The panel raised concerns regarding the articulation of the front elevation and the lack of trees to the front of the lot. The feedback from the Panel is discussed further in the comments section of this report and is provided as Attachment 6 to this report.

DETAILS

The proposed development incorporates the following:

- A single storey building which is located 21.5 metres back from the front boundary with a nil setback to the northern boundary (BP site). The point of entry and exit to the site is via a driveway to the southern boundary of the lot;
- Car parking is provided to the front and rear of the building with a total of 41 bays provided. There are two rows of car parking to the front of the building and a row of car parking to the rear of the building;
- The restaurant is located to the southern end of the building and will accommodate a maximum of 24 patrons at any time;
- The medical centre comprises two tenancies and is located in the middle section of the building. There will be a maximum of five practitioners between both medical centre tenancies at any given time;
- The shop tenancy (pharmacy) is located to the northern end of the building (closest to the BP site) and has a NLA of 191m²;
- The bin store is located to the south western corner of the lot; and
- Eleven shade trees will be provided for the site and 6.96% of the site will be landscaped.

The development plans and building perspectives are provided in Attachment 3.

The development does not meet the requirements of DPS2 with respect to:

- Car parking provision of 41 bays in lieu of 45 bays;
- 6.96% landscaping in lieu of 8% across the site; and
- Building Nil setback to the northern boundary in lieu of 3.0 metres.

The applicant has provided the following justification for the variations to DPS2.

Car parking

The applicant had provided comments in support of the car parking shortfall in terms of safety, the easement restrictions and reciprocal parking.

Safety

The car parking design will be safe and practical and meets all of the City's requirements. The car parking shortfall equates to a 8.89% shortfall across the site, which is considered to be minor given the reciprocal nature of the uses and car parking on site.

Easement restriction

The easement restriction reduces the onsite parking capability by at least three car bays. It appears that the purpose of the easement currently is questionable as the adjoining BP service station trailers seem to be parked in the easement area.

Reciprocal parking

The peak operating hours of the restaurant are likely to be between 6.00 pm to 9.30 pm with limited lunch time trade on some days of the week. Given that the peak hours for the restaurant are when the other tenancies are closed for business, there will be sufficient car bays to accommodate the proposed uses.

Landscaping

Overall landscaping for the site

The development includes 6.96% landscaping in lieu of 8%. The applicant has provided the following justification for this deviation from the DPS2 requirement:

- *A three metre wide landscape strip has been provided along the Sunlander Drive which will include seven shade trees for the front row of car parking. The proposed landscape area abutting the street is consistent with the adjoining BP site;*
- *The site has been landscaped where practical, given the constraints;*
- *It is preferable to provide substantial areas of landscaping rather than a number of narrow landscaping strips to meet the 8% landscaping figure. It is likely that this unused area would accumulate rubbish;*
- *The inclusion of brick paved footpaths to offset the bitumised car park can be viewed as hard landscaping to complement and enhance the landscape design of the site;*
- *The applicant is prepared to provide additional street trees within the verge area to offset the slightly reduced landscape provision; and*
- *Given the severe water restrictions in Perth it is considered that the 8% landscaping requirement is obsolete.*

Nil building setback to the northern boundary

The following justification has been provided for the nil setback in lieu of three metres to the northern boundary:

- *The nil setback to the northern boundary will adjoin the BP service station site;*
- *The nil setback will provide privacy and security for the mixed use development without negatively impacting on the amenity of the adjoining service station;*
- *Having a three metre setback area would provide an additional area for people to loiter after hours and for rubbish to accumulate; and*
- *The wall height of 4.8 metres will not pose building bulk or overshadowing issues for the adjoining service station.*

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

4.5.1 *Except for development in respect of which the Residential Design 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.*

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) Interest of proper and orderly 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 and wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by 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: 4.1 To ensure high quality urban development within the City

Policy:

Not Applicable.

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

The applicant has paid fees of \$2,050 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant has completed the City's sustainability checklist for the development, indicating the use of some sustainability measures (Attachment 5 refers).

The applicant has not provided any further sustainability information in addition to the checklist.

Consultation:

The proposal was advertised via letter to 160 nearby landowners and occupiers for a period of 21 days. Three submissions indicating no objection to the proposal were received.

One submission raised whether the issue of traffic had been considered. The City is satisfied that the layout for access to the site is appropriate.

COMMENT

The application is for a new restaurant, medical centre and shop development to the south of an existing BP Service Station in Currambine.

The site is zoned 'Mixed Use' under the City's District Planning Scheme No 2 (DPS2). A restaurant is a discretionary or 'D' use, a medical centre is a permitted or 'P' use and a shop is an X* use within the 'Mixed Use' zone. X* indicates that a shop is permitted provided that the maximum shopping floor space is 200m², the lot is greater than 1000m² and that the street frontage of the property is a minimum of 20 metres in width. In addition, the aggregate shopping NLA on any group or adjoining or adjacent lots in the Business and Mixed Use zone must not exceed 1000m². The abovementioned requirements are met by the development.

The proposed mixed use development will adjoin an approved retirement village to its southern and western boundaries (CJ025-02/08 refers). The design and setbacks of the adjoining retirement village buildings are such that there will be no adverse impact in terms of vehicle noise and headlight glare on these properties. It is likely that patrons attending the restaurant in the evening will park in the car parking provided to the front of the proposed mixed use building, as such it is expected that vehicle movements to the rear of the subject site at night will be limited.

The requirements of DPS2 have been met except where discussed below.

Car parking

The development requires 45 car bays, however, 41 bays have been provided. This represents a car parking shortfall of four bays which is 8.89% less than the requirement. The table below shows a breakdown of the car parking requirements:

Use	Car parking standard	Proposed details	Car bays required
Restaurant	Greater of 1 per 5m ² of dining room or 1 per 4 guests	30m ² dining area and a maximum of 24 patrons at any given time	6
Medical Centre	5 per practitioner	5 practitioners between the two tenancies	25
Shop	7 per 100m ² NLA	191m ² NLA	13.37

Total bays required: 44.37 or 45 bays

The applicant has stated that the restaurant will predominantly be in operation after 6pm, when the other uses are not open for business. In addition, it is noted that the Currambine Train Station is located 300 metres walking distance away from the subject site. This is estimated to be approximately a four minute walk. It is further noted that the subject site is surrounded by residential properties (Attachment 3 refers). As a result, it is likely that some local residents will walk to the site.

Landscaping

The development site will be 6.96% landscaped in lieu of 8%. It is noted that a three metre landscaping area has been provided adjacent to the Sunlander Drive boundary and seven shade trees are provided in this area. A one metre wide landscaped area is provided to the south of the driveway in the driveway offset to the boundary. In addition, lawn will be planted and automatic reticulation installed on the verge abutting the site. As a result, the

development will include substantial areas of landscaping to the front of the site and therefore is considered to meet the intent of the landscaping requirements in DPS2.

Building setback

The proposed building has a nil setback to the northern boundary. The building on the boundary will partly adjoin the car wash on the BP service station site and will act as a barrier to separate the service station from the mixed use development. It is considered that the reduced setback will assist in minimising unkempt and rubbish collection areas. The nil setback is located to the northern side of the site and as such will not result in undue overshadowing to the adjoining property. The building with nil setback has a wall height of 4.8 metres. As a result of the structures located on the service station site, it is considered that the proposed building will not detract from the amenity of Burns Beach Road.

Joondalup Design Reference Panel

The JDRP met on 5 October 2011 to discuss the proposal. The panel recommended that the front elevation of the building be further articulated and additional shade trees planted within the landscaping area adjacent to the front boundary of the site. These are suggested conditions of approval.

The applicant provided the following comments relating to the concerns raised by the Panel:

- *The use of the shaped tilt up panels that will be texture coated together with the cantilevered colorbond canopy and commercial framed windows already provides an articulated streetscape elevation to the building. The applicant believes that the building has nice clinical lines in its form that could look too junky if treated with complex detailing. The two central concrete tilt panels could be highlighted with a different texture coat colour to give a little bit of prominence to the building.*
- *There is scope to provide additional shade trees with the three metre landscaped area.*

Conclusion

As discussed above it is considered that the variations are appropriate in this instance. Furthermore, given the reciprocal nature of the car parking there will be sufficient onsite parking to accommodate the proposed uses. It is considered that the issues raised by the JDRP will be addressed via recommended conditions and that the design of the building will contribute to an improvement of amenity in the locality; and

It is therefore recommended that the application be approved subject to the conditions set out below.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES** discretion in relation to Clauses 4.5.1, 4.7.1 and 4.8.1 of the City's District Planning Scheme No 2 and determines that:
 - 1.1 **Building nil setback to the northern boundary;**
 - 1.2 **6.96% landscaping in lieu of 8% across the site; and**
 - 1.3 **Car parking provision of 41 bays in lieu of 45 bays;**are appropriate in this instance;
- 2 **APPROVES** the application for planning approval dated 16 March 2011, submitted by M Rodic and Associates, on behalf of the owners, Jeffery Troy Grubisa, Richard Henry Bloomfiels and Rodney James Dullard, for proposed restaurant, medical centre and shop at Lot 2 (10) Sunlander Drive, Currambine, subject to the following conditions:
 - 2.1 **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;**
 - 2.2 **A Construction Management Plan being submitted and approved prior to the commencement of construction. The Management Plan shall detail how it is proposed to manage:**
 - 2.2.1 **all forward works for the site;**
 - 2.2.2 **the delivery of materials and equipment to the site;**
 - 2.2.3 **the storage of materials and equipment on the site;**
 - 2.2.4 **the parking arrangements for the contractors and subcontractors;**
 - and**
 - 2.2.5 **other matters likely to impact on the surrounding properties;**
 - 2.3 **A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;**
 - 2.4 **The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site prior to the commencement of the construction work. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the Landscaping Plan;**
 - 2.5 **Landscaping, reticulation and all verge treatments, based on water sensitive urban design principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City;**

- 2.6 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 by the City prior to the commencement of construction;
- 2.7 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 provided to the City and approved prior to the commencement of construction;
- 2.8 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City;
- 2.9 The northern, southern and western facade and bin store shall be treated with non-sacrificial anti-graffiti coating;
- 2.10 The front (eastern) facade of the building shall be further articulated, to the satisfaction of the City. All details relating to the articulation of the front elevation are to be shown on the Building Licence Application plans;
- 2.11 Seven shade trees are to be provided within the three metre landscaping area, adjacent to the front boundary. The additional trees are to be shown on the landscaping plans;
- 2.12 All signage shall be the subject of a separate Development Application;
- 2.13 A lighting plan detailing all external pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for the approval of the City;
- 2.14 Lighting shall be installed along all driveways, pedestrian pathways and in all common service areas in accordance with the approved lighting plan prior to the development first being occupied to the satisfaction of the City;
- 2.15 The car parking shade trees as indicated on the approved plans shall be installed prior to the development first being occupied. The trees shall be located within tree wells and protected from damage by vehicles and maintained to the satisfaction of the City; and
- 2.16 All awnings shall have a minimum clearance of 2.75 metres.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf151111.pdf](#)

ITEM 3 PROPOSED TELECOMMUNICATION FACILITY AT GREENWOOD TRAIN STATION CAR PARK, GREENWOOD

WARD:	South-East	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	39589, 101515	
ATTACHMENTS:	Attachment 1	Location plan
	Attachment 2	Development plans
	Attachment 3	City Policy - Telecommunication Facilities
	Attachment 4	Map of submitters

PURPOSE

The purpose of this report is to request that Council makes a recommendation to the Western Australian Planning Commission (WAPC) regarding a proposed telecommunication facility at the Greenwood Train Station car park, Hepburn Avenue, Greenwood.

EXECUTIVE SUMMARY

The applicant is proposing a 30 metre high monopole telecommunications base station incorporating a ground level equipment shelter, to be located in the south western corner of the Greenwood Train Station southern car park, adjacent to an existing pedestrian footbridge.

The site is located within a Metropolitan Region Scheme (MRS) Primary Regional Road Reserve (Mitchell Freeway) and therefore the proposal is subject to determination by the WAPC. Council is required to make a recommendation to the WAPC.

The City has assessed the application having regard to City Policy – Telecommunications Facilities. District Planning Scheme No 2 (DPS2) does not apply in this instance due to the reservation of the land under the MRS.

In accordance with City Policy –Telecommunications Facilities, the City advertised the proposal for a 30 day period to owners and occupiers of properties within a radius of 500 metres of the proposed location of the facility. The City received 57 responses, being 47 objections and 10 non-objections.

Having regard to submissions received and the nature of the proposed facility it is considered that the general locality will not be negatively impacted. It is recommended that Council advises the WAPC that it supports the proposed development subject to conditions.

BACKGROUND

Suburb/Location:	Greenwood Train Station car park, Greenwood
Applicant:	Aurecon
Owner:	Crown Land C/- Commissioner of Main Roads Western Australia

Zoning: **DPS:** Primary Regional Road Reserve
 MRS: Primary Regional Road Reserve
Site Area: 37.8m² (lease area)
Structure Plan: Not Applicable

The subject site is located in the south west corner of the southern public car park of the Greenwood Train Station. This site is within the MRS Primary Regional Road Reserve (Mitchell Freeway).

The location of the proposed development is bounded by Hepburn Avenue to the north, the Mitchell Freeway south-bound on-ramp to the east, and the Mitchell Freeway to the south and west.

As the site is located on land reserved under the MRS the proposal is subject to determination by the WAPC. Council is required to make a recommendation to the WAPC.

In accordance with DPS2 the City is required to forward to the WAPC its recommendation as to the manner in which the application should be determined within 42 days of receipt of the application. The application was received on 30 August 2011 and therefore a recommendation was due to WAPC on 11 September 2011. The City requested from WAPC an extension to the 42 days to allow for the required 30 day consultation period, and to allow for Council to determine a recommendation at a meeting of Council in accordance with City Policy – Telecommunications Facilities. The City has been advised by the WAPC that this request has been supported and an extension has been granted until 27 December 2011.

DETAILS

The applicant Aurecon, acting on behalf of Telstra, is proposing a 30 metre high monopole telecommunications base station incorporating a ground level equipment shelter. This is proposed to be located in a 5.4 metre wide by 7 metre long area in the south western corner of the Greenwood Train Station southern car park (Attachment 1 refers). The proposed site is 37.8m² in area and is situated in a vacant area between two car bays.

The 30 metre high monopole will have panel mounted antennas flush mounted near the top of the pole (Attachment 2 refers). The monopole has provision for two additional antenna mounts, one below the proposed antenna and one above the proposed antenna which will take the total height of the monopole to 31.5 metres above natural ground level, in the event these mounts are utilised in the future.

The facility will contain a ground based equipment shelter constructed of pale eucalypt coloured Colorbond steel. The facility will be fenced to prevent access by the public.

The proposed site is approximately 140 metres from the nearest residential lot, which is located on the western side of the freeway, and approximately 200 metres from the nearest residential lot to the east. The nearest school is Saint Stephens School located approximately 135 metres to the west with its nearest school building more than 200 metres from the site. There are no hospitals or child care centres in the vicinity of the proposed telecommunication facility.

The applicant states that the purpose of the development is to:

Deliver improved WCDMA850 depth and coverage and service quality to the Greenwood, Kingsley and Duncraig areas and the area immediately around the station.

The applicant has indicated that the proposal will comply with the requirements of the Australian Communication and Media Authority (ACMA) with respect to electromagnetic emission (EME) levels. Anticipated EME exposure levels from the proposed site were calculated and included as part of this application. The applicant has indicated that the EME levels were calculated in accordance with the Australian Government's Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) prediction methodology and report format.

Issues and options considered:

Council has the discretion to:

- Make a recommendation to the Western Australian Planning Commission supporting the proposal; or
- Make a recommendation to the Western Australian Planning Commission requesting that the application be refused.

Legislation/Strategic Plan/Policy Implications

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

The statutory provisions of DPS2 do not apply to land reserved under the Metropolitan Region Scheme (MRS). The WAPC is the decision maker for any development proposals on reserved land. Council is empowered only to make a recommendation on the proposal. A copy of this report will be provided to the WAPC to assist with its decision making.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered as 'low impact' under the Federal Government's 'Low impact determination 1997'.

Strategic Plan

Key Focus Area: Not Applicable

Objective: Not Applicable

Policy:

City Policy – Telecommunication Facilities.

Consideration is given in relation to City Policy- Telecommunication Facilities (Attachment 3 refers), which states in part:

The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.

In making a recommendation to the WAPC or determining the application the Council will have regard to;

- (a) the comments and concerns of the local community;*
- (b) the merits of the particular proposal;*
- (c) compliance with the industry code of practice;*
- (d) compliance with matters required to be considered under the District Planning Scheme; and*
- (e) the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.*

Risk Management Considerations:

The applicant retains a right of review with the State Administrative Tribunal as with other development applications, however the WAPC would need to defend such a decision, not the City.

The City has consulted on, and considered the application in accordance with its policy on such facilities to ensure all correct processes are followed.

Financial/Budget Implications:

The applicant has paid no fees to the City for the application as the City is only required to request fees to make a determination on an application. The City is only required to make a recommendation to the WAPC.

In accordance with City Policy - Telecommunications Facilities, the applicant is required to pay for the costs incurred to the City for public consultation; the applicant will be invoiced for this in due course.

Regional Significance:

The proposed site is located in a MRS Primary Regional Road Reserve - Mitchell Freeway.

Sustainability Implications:

The City recognises the importance of telecommunications facilities in supporting industry development. One of the key objectives of the City's Economic Development Plan 2007 – 2011 is to facilitate the provision of communications infrastructure to support industry development. This proposal will provide improved telecommunications services within the City of Joondalup.

Consultation:

The application was advertised for a period of 30 days beginning on 20 September 2011. 57 responses were received, being 47 objections and 10 non-objections. Concerns raised related to the impact on real estate values, the impact on visual amenity and the proximity of the proposed site to schools, houses, aged care facilities and the train station and the potential for the long term effects of EME to impact on the health of persons living in/ or utilising these facilities.

The issues raised during the advertising period are discussed below.

COMMENT

Visual impact and location

Telstra has investigated other areas surrounding the site and determined that this site was the most beneficial in terms of addressing existing telecommunication coverage issues in Greenwood. This site was chosen as Telstra considered that the telecommunications monopole was in keeping with existing infrastructure of the surrounding site:

This site is a busy metropolitan train station with heavy infrastructure within and surrounding the site. A mobile phone pole is typical of the context of a train station and will not impact further on the amenity of the area

Telstra has selected a site and location that will minimise perceived negative impacts on the visual amenity of the area. The monopole will have some substantial screening from the south west and east by the overpass, freeway and vegetation. The structure is separated from residences by road reserves, train lines and car parking area and open space reserves. Whilst the structure will be visible it is removed from sensitive areas and areas of high scenic value.

Effects on property values

There is no known published data to link property values to telecommunication facilities. The potential impact on property prices from development proposals is not a usual planning consideration, however it is considered that the location of the proposed telecommunication facility is appropriately distanced from the nearest residential areas so as not to impact on property prices.

Health matters relating to proximity to telecommunication facilities

The main community concern is the adverse long term health risk associated with telecommunication facilities as a result of electromagnetic emissions.

It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Communication and Media Authority and the electromagnetic emission limits established by the Australian Radiation Protection and Nuclear Safety Agency.

A report submitted with this application indicates an estimation for the electromagnetic emission levels that will be present at different areas surrounding the proposed communication facility. As an example, the estimated maximum level of electromagnetic emission at ground level at the Saint Stephens School site is 0.011% of the Australian Radiation Protection and Nuclear Safety Agency general public exposure limit of around 4.5 watts per square metre (frequency dependant).

Conclusion

The technical evidence submitted by the applicant clearly demonstrates that the EME levels are well below mandatory standards.

The opposition to the proposal is acknowledged, however, the proposed location is a realistically suitable one given the distance to sensitive areas and the reduced visual impact due to the isolated location of the car park area.

Having considered the proposal in accordance with City Policy – Telecommunications Facilities it is recommended that Council advises the WAPC that it supports the proposed development subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ADVISES the Western Australian Planning Commission that it supports the application for planning approval dated 30 August 2011 submitted by Aurecon on behalf of Telstra, for a proposed telecommunication facility at Greenwood Train Station car park, Greenwood;**
- 2 NOTES that the proposed telecommunication facility is required to be in compliance with the Australian Communications and Media Authority electromagnetic energy (EME) standards; and**
- 3 ADVISES the submitters of the Council's recommendation to the Western Australian Planning Commission.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf151111.pdf](#)

ITEM 4 PROPOSED TELECOMMUNICATION FACILITY AT CURRAMBINE TRAIN STATION CAR PARK, LOT 11889 (8L) CITADEL WAY, CURRAMBINE

WARD: North

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 58093, 101515

ATTACHMENTS: Attachment 1 Location plan
Attachment 2 Development plans
Attachment 3 City Policy – Telecommunication Facilities
Attachment 4 Map of submitters

PURPOSE

The purpose of this report is to request that Council makes a recommendation to the Western Australian Planning Commission (WAPC) regarding a proposed telecommunication facility at the Currambine Train Station car park, Citadel Way, Currambine.

EXECUTIVE SUMMARY

The applicant is proposing a 35 metre high monopole telecommunications base station incorporating a ground level equipment shelter, to be located to the north of the existing Public Transport Authority (PTA) building, in the car parking area for the Currambine Train Station.

The site is located within a Metropolitan Region Scheme Railway Reserve and therefore the proposal is subject to determination by the WAPC. Council is required to make a recommendation to the WAPC.

The City has assessed the application having regard to City Policy – Telecommunications Facilities. District Planning Scheme No 2 (DPS2) does not apply in this instance due to the reservation of the land under the MRS.

In accordance with City Policy –Telecommunications Facilities, the City advertised the proposal for a 30 day period to owners and occupiers of properties within a radius of 500 metres of the proposed location of the facility. The City received 71 responses, being 60 objections and 11 non-objections.

Having regard to submissions received and the nature of the proposed facility it is considered that the general locality will not be negatively impacted. It is recommended that Council advises the WAPC that it supports the proposed development subject to conditions.

BACKGROUND

Suburb/Location: Currambine Train Station (Lot 11889 (8L) Citadel Way, Currambine)
Applicant: Aurecon
Owner: Public Transport Authority of Western Australia
Zoning: **DPS:** Railway Reserve
 MRS: Railway Reserve

Site Area: 1559m²
Structure Plan: Not applicable.

The location of the proposed development is adjacent to the PTA building and is bounded by car parking for the train station to the north, Citadel Way to the west and the Mitchell Freeway offramp to the east (Attachment 1 refers).

As the site is located on land reserved under the MRS the proposal is subject to determination by the WAPC. Council is required to make a recommendation to the WAPC.

In accordance with DPS2 the City is required to forward to the Commission its recommendation as to the manner in which the application should be determined within 42 days of receipt of the application. The application was received on 19 September 2011 and therefore a recommendation was due to WAPC on 31 October 2011. The City requested from the WAPC an extension to the 42 days to allow for the required 30 day consultation period, and to allow for Council to determine a recommendation at a meeting of Council in accordance with City Policy – Telecommunications Facilities. The City has, to date, not received any confirmation from the WAPC as to whether this request has been supported.

DETAILS

The applicant Aurecon, acting on behalf of Telstra, is proposing a 35 metre high monopole telecommunications base station incorporating a ground level equipment shelter. This is proposed to be located in an 8.2 metre wide by 3.06 metre long area. The proposed site is 25.09m² in area and is situated to the north of the existing PTA building, centrally located within the Currambine Train Station car park.

The 35 metre high monopole will have panel mounted antennas flush mounted near the top of the pole. The monopole has provision for additional antenna mounts which will take the total height of the monopole to 39.2 metres above natural ground level, in the event these mounts are utilised in the future.

The facility will contain a ground based equipment shelter and the area will be fenced to prevent access by the public.

The development plans are provided in Attachment 2.

The proposed site is approximately 80 metres from the nearest residential lot, which is located on the western side of Citadel Way. The nearest commercial land use is the BP service station located on the corner of Burn Beach Road and Citadel Way which is approximately 250 metres from the site. A child care centre is located on Connolly Drive being approximately 620 metres from the development site. There are no other educational establishments, hospitals or child care centres within the vicinity of the proposed telecommunication facility.

The applicant states that the purpose of the development is to:

Deliver improved WCDMA850 depth and coverage and service quality to the residential suburbs of Currambine (to the south) and Kinross (to the north) and around the Currambine Train Station and Mitchell Freeway extension.

The proposed facility will offer enhanced service to the motorists travelling along the Freeway, roads and also to the residents and dwellings in the immediate area and provide good in-building coverage to some dwellings currently experiencing poor or no signal reception due to terrain.

The applicant has indicated that the proposal will comply with the requirements of the Australian Communication and Media Authority (ACMA) with respect to electromagnetic emission (EME) levels. Anticipated EME exposure levels from the proposed site were calculated and included as part of this application. The applicant has indicated that the EME levels were calculated in accordance with the Australian Government's Australian Radiation Protection and Nuclear Safety Agency (ARPANSA) prediction methodology and report format.

Issues and options considered:

Council has the discretion to:

- Make a recommendation to the Western Australian Planning Commission supporting the proposal; or
- Make a recommendation to the Western Australian Planning Commission requesting that the application be refused.

Legislation/Strategic Plan/Policy Implications

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

The statutory provisions of DPS2 do not apply to land reserved under the MRS. The WAPC is the decision maker for any development proposals on reserved land. Council is empowered only to make a recommendation on the proposal. A copy of this report will be provided to the WAPC to assist with its decision making.

The proposed facility is not exempt from the need to obtain planning approval as it is not considered as 'low impact' under the Federal Government's 'Low impact determination 1997'.

Strategic Plan

Key Focus Area: Not applicable.

Objective: Not applicable.

Policy City Policy – Telecommunication Facilities.

Consideration is given in relation to City Policy- Telecommunication Facilities (Attachment 3 refers), which states in part:

The City, as a general rule, does not support the installation or location of telecommunication facilities, particularly in the vicinity of schools, childcare establishments, hospitals and general residential areas.

In making a recommendation to the WAPC or determining the application the Council will have regard to;

- (a) the comments and concerns of the local community,*
- (b) the merits of the particular proposal;*

- (c) *compliance with the industry code of practice;*
- (d) *compliance with matters required to be considered under the District Planning Scheme, and*
- (e) *the general concerns of the Council regarding the potential effects of telecommunication facilities referred to in point 2 above.*

Risk Management considerations:

The applicant retains a right of review with the State Administrative Tribunal as with other development applications, however the WAPC would need to defend such a decision, not the City.

The City has consulted on, and considered the application in accordance with its policy on such facilities to ensure all correct processes are followed.

Financial/Budget Implications:

The applicant has paid no fees to the City for the application as the City is only required to request fees to make a determination on an application. The City is only required to make a recommendation to the WAPC.

In accordance with City Policy - Telecommunications Facilities, the applicant is required to pay for the costs incurred to the City for public consultation; the applicant will be invoiced for this in due course.

Regional Significance:

The proposed site is located in a MRS Railway Reserve.

Sustainability implications:

The City recognises the importance of telecommunications facilities in supporting industry development. One of the key objectives of the City's Economic Development Plan 2007 – 2011 is to facilitate the provision of communications infrastructure to support industry development. This proposal will provide improved telecommunications services within the City of Joondalup.

Consultation:

The application was advertised by way of letters to land owners and occupiers within a 500m radius of the location of the proposed development for a period of 30 days beginning on 29 September 2011. Seventy-one responses were received, being 60 objections and 11 non-objections. A map of submitters is provided in Attachment 4.

Concerns raised related to the impact on real estate values, the impact on visual amenity and the proximity of the proposed site to houses and the train station and the potential for the long term effects of EME to impact on the health of persons living in/ or utilising these facilities.

The issues raised during the advertising period are discussed below.

COMMENT

Visual impact and location

Telstra has investigated other areas surrounding the site and determined that this site was the most beneficial in terms of addressing existing telecommunication coverage issues in the area. This site was chosen by Telstra as it presented the least constraints and impact on the locality.

In support of the location, the applicant provided the following information:

- *The site is centrally located to the catchment population and removed from sensitive sites and areas of high landscape or scenic value such as the coast or open space reserves;*
- *Telstra has taken significant steps to select a site and location that will minimise perceived negative impacts on the visual amenity of the area. This site is a busy metropolitan train station with heavy infrastructure within and surrounding the site. A mobile phone pole is typical of the context of a train station and will not impact further on the amenity of the area; and*
- *The monopole will have some screening from the south and west by the PTA offices and tree. There structure is separated from residences by road reserves and car parking areas. While the structure will be visible it is removed from sensitive areas and areas of high scenic value.*

Effects on property values

There is no known published data to link property values to telecommunication facilities. The potential impact on property prices from development proposals is not a usual planning consideration, however it is considered that the location of the proposed telecommunication facility is appropriately distanced from the nearest residential areas so as not to impact on property prices.

Health matters relating to proximity to telecommunication facilities

The main community concern is the adverse long term health risk associated with telecommunication facilities as a result of electromagnetic emissions.

It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Communication and Media Authority and the electromagnetic emission limits established by the Australian Radiation Protection and Nuclear Safety Agency.

A report submitted with this application provides an estimation of the electromagnetic emission levels that will be present at different areas surrounding the proposed telecommunication facility. The maximum exposure limit will be within 200 and 300 metres of the development, in which the level of electromagnetic emission at ground level will be 0.4% of the Australian Radiation Protection and Nuclear Safety Agency general public exposure limit of around 4.5 watts per square metre (frequency dependant).

Conclusion

The technical evidence submitted by the applicant clearly demonstrates that the EME levels are well below mandatory standards.

The opposition to the proposal is acknowledged, however, the proposed location is a realistically suitable one given the distance to sensitive areas and the reduced visual impact due to the location adjacent Mitchell Freeway.

Having considered the proposal in accordance with City Policy – Telecommunications Facilities it is recommended that Council advises the WAPC that it supports the proposed development subject to conditions.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council:

- 1 ADVISES the Western Australian Planning Commission that it supports the application for planning approval dated 19 September 2011 submitted by Aurecon on behalf of Telstra, for a proposed telecommunication facility at Currambine Train Station car park, Currambine;**
- 2 NOTES that the proposed telecommunication facility is required to be in compliance with the Australian Communications and Media Authority electromagnetic energy (EME) standards; and**
- 3 ADVISES the submitters of the Council's recommendation to the Western Australian Planning Commission.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf151111.pdf](#)

ITEM 5 REQUEST TO AMEND DISTRICT PLANNING SCHEME NO 2 TO DELETE RESTRICTIONS ON MAXIMUM RETAIL FLOOR AREAS AND INSERTING PROVISIONS FOR DETAILED AREA PLANS

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 09011, 101515

ATTACHMENTS: Nil.

PURPOSE

The purpose of this report is for Council to consider a request to amend District Planning Scheme No 2 (DPS2) and the City's Centres Strategy to delete clauses relating to maximum retail floor areas and insert provisions for detailed area plans, and to outline the options available to Council in considering the request.

EXECUTIVE SUMMARY

The City has received a request to amend DPS2 to delete clauses 3.7.2, 3.7.3, 3.11.4 and 3.11.5, delete Schedule 3 – Commercial and Centre Zones, insert provisions for detailed area plans, and amend the City's Centres Strategy to delete reference to floor space limits.

The request is based on the premise that DPS2 and the Centres Strategy are now inconsistent with State Planning Policy 4.2 – Activity Centres for Perth and Peel.

As the City is currently undertaking the preparation of a Local Commercial Strategy and has commenced a review of the current local planning scheme, the request is premature. In addition, DPS2 currently provides a mechanism for commercial centres to exceed the maximum retail floor areas outlined in the DPS2 via the preparation of a structure plan.

It is therefore recommended that Council refuse the request to initiate the proposed scheme amendment and changes to the Centres Strategy at this time.

BACKGROUND

Suburb/Location: Various

Applicant: Roberts Day

Owner: Not applicable

Zoning: **DPS:** Various
 MRS: Various

Site Area: Not applicable

Structure Plan: Not applicable

BACKGROUND

State Planning Policy 4.2 'Activity Centres for Perth and Peel'

In August 2010, State Planning Policy 4.2 'Activity Centres for Perth and Peel' (SPP4.2) was released in conjunction with the State Government's framework set out in 'Directions 2031 and Beyond'.

The main purpose of the policy is to specify broad planning requirements for the planning and development of new activity centres and the redevelopment and renewal of existing centres in Perth and Peel. The policy is mainly concerned with the distribution, function, broad land use and urban design criteria of activity centres, and with coordinating their land use and infrastructure planning.

Other purposes of the SPP4.2 include the integration of activity centres with public transport; ensuring they contain a range of activities to promote community benefits through infrastructure efficiency and economic benefits of business clusters; and lower transport energy use and associated carbon emissions.

A key difference between SPP4.2 and the previous Metropolitan Centres Policy it replaces is that limits on retail floorspace within individual commercial centres have been removed.

Local Centres Strategy

The City's existing Centres Strategy was developed in response to the State Government's previous Metropolitan Centres Policy. The Metropolitan Centres Policy which has now been replaced by SPP 4.2, outlined the hierarchy of commercial centres in Perth. The City's Centres Strategy promotes incremental expansions of retail centres by outlining the amount of retail floorspace to be accommodated in various centre types. The City is currently preparing a Local Commercial Strategy to replace the existing Centres Strategy.

Local Commercial Strategy

The future Local Commercial Strategy will apply the State Government's SPP4.2 Activity Centres Policy to the City of Joondalup. The future Local Commercial Strategy will be used as the basis for preparing and amending the local planning scheme, and for preparing and assessing activity centre structure plans and development applications.

In accordance with the requirements of the State Government's Activity Centres Policy, the Local Commercial Strategy will be required to consider how to:

- Optimise housing potential in walkable catchments and meet density targets;
- Support planning decision making by including an assessment of projected retail needs of communities, taking into account proposals in adjacent local government areas;
- Apply the Activity Centre hierarchy; and
- Provide sufficient development opportunities to enable a diverse supply of commercial and residential floor space.

The City has appointed specialist consultants who are currently preparing the City's draft Local Commercial Strategy.

DETAILS

The City has received a request from Roberts Day (planning consultants) on behalf of Westfield Management Ltd to initiate an amendment to District Planning Scheme 2 and the Centres Strategy to:

- Delete the following Scheme clauses:
 - 3.7.2 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified;
 - 3.7.3 Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission;
 - 3.11.4 With the exception of the Centre Zone containing the Joondalup City Centre, all Centre Zones shall specify the proposed maximum retail net lettable area (NLA) which relates to retail floor areas. The Maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified; and
 - 3.11.5 Notwithstanding the provisions of clause 3.11.4, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.
- Delete Schedule 3 - Commercial and Centres Zones.
- Insert provisions into DPS2 which enable the City to adopt Detailed Area Plans.
- Delete reference to floor space limits within the Centres Strategy.

In support of the request, the applicant states:

“Local planning schemes are required to be consistent with, and not contrary to, State planning policies. Section 77 of the Planning and Development Act 2005 states ‘Every local government in preparing or amending a local planning scheme... is to have due regard to any State planning policy which affects its district’. Further, clause 6.8.1 of District Planning Scheme No.2 state that when considering an application for Planning Approval, Council is to have due regard to a policy of the WA Planning Commission. The proposed Amendment would delete scheme provisions that are contrary to Spp 4.2”

The addition of provisions for the preparation and adoption of detailed area plans would allow Detailed Area Plans to be developed where built form and urban design outcomes need to be controlled.

Issues and options considered:

The options available to Council in considering the request are:

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

Legislation/Strategic Plan/Policy Implications**Legislation**District Planning Scheme No 2**3.7 THE COMMERCIAL ZONE**

- 3.7.1 The Commercial Zone is intended to accommodate existing or proposed shopping and business centres where it is impractical to provide an Agreed Structure Plan in accordance with Part 9 of the Scheme.

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.

- 3.7.2 All land contained in the Commercial Zone shall specify a maximum retail net lettable area (NLA) which relates to retail floor area. The maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.

- 3.7.3 Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

3.11 THE CENTRE ZONE

- 3.11.1 The Centre Zone is intended to accommodate existing and proposed business centres varying in size from small neighbourhood centres to large multi-purpose regional centres and provides for the co-ordinated planning and development of these centres or other planning precincts where the Council considers that an Agreed Structure Plan is necessary.

The objectives of the Centre Zone are to:

- (a) provide for a hierarchy of centres from small neighbourhood centres to large regional centres, catering for the diverse needs of the community for goods and services;

- (b) ensure that the City's commercial centres are integrated and complement one another in the range of retail, commercial, entertainment and community services and activities they provide for residents, workers and visitors;
- (c) encourage development within centres to create an attractive urban environment;
- (d) provide the opportunity for the coordinated and comprehensive planning and development of centres through an Agreed Structure Plan process.

3.11.2 No subdivision or other development should be commenced or carried out in a Centre Zone until a Structure Plan has been prepared and adopted under the provisions of Part 9 of the Scheme. No subdivision should be commenced or carried out and no other development shall be commenced or carried out otherwise than in conformity with an Agreed Structure Plan.

3.11.3 The permissibility of uses in the Centre Zone subject to subclauses 9.8.2 and 9.8.3 shall be determined in accordance with the provisions of the relevant Agreed Structure Plan.

3.11.4 With the exception of the Centre Zone containing the Joondalup City Centre, all Centre Zones shall specify the proposed maximum retail net lettable area (NLA) which relates to retail floor areas. The Maximum NLA shall be included in Schedule 3 of this Scheme and shall bind the development of the land to no more than that area specified.

3.11.5 Notwithstanding the provisions of clause 3.11.4, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The built environment

Objective: 4.1 To ensure high quality urban development

Policy:

No local planning policy is applicable.

Risk Management Considerations:

The Minister for Planning is able to issue a Section 76 order in accordance with the Planning and Development Act 2005 to direct a local government to initiate an amendment to a local planning scheme where it is considered that there are proper planning grounds for the amendment such that it 'ought' to be initiated.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

The removal of the maximum retail floor areas specified under DPS2, without the adoption of a Local Commercial Strategy has the potential to result in an oversupply of retail floor space within the City of Joondalup and adjoining local government authorities. It could also result in the undermining of the centres hierarchy as established in SPP4.2.

Sustainability Implications:

Should Council resolve to initiate the amendment to delete Schedule 3 of DPS2 and the associated clauses prior to the scheme review and the adoption of a Local Commercial Strategy, any proposed expansion of retail floor space in the interim may result in a disproportionate allocation of floor space, impacting on the sustainability of the commercial centres.

Consultation:

In the event that the proposed scheme amendment is adopted for the purpose of public advertising, advertising would be undertaken as follows:

- Letters to commercial centre landowners/ management;
- A notice placed in the local and The West Australian newspapers; and
- A notice and documents placed on the City's website.

COMMENT

The City is currently reviewing DPS2 and the City has appointed specialist consultants who are currently preparing the City's draft Local Commercial Strategy. It is anticipated that the draft Local Commercial Strategy and DPS3 will be considered by Council for advertising for public comment in early 2012 and late 2012 respectively.

Through the review of DPS2 and the development of DPS3, the scheme provisions will be aligned so as to comply with SPP4.2, as well as any other relevant Statements of Planning Policy.

Consideration may also be given as to whether the City wants to incorporate provisions for Detailed Area Plans. The Detailed Area Plans are design guidelines prepared for lots smaller than 350m² or any lot where appropriate and adopted by Council in order to vary the acceptable development provisions of the Residential Design Codes. The Detailed Area Plans may be required where the City is of the opinion that greater detail is required in order to achieve a desirable design outcome for a site. Currently this is achieved through the City's adopted structure plans for areas such as Iluka and Burns Beach, and operates satisfactorily.

Whilst it is acknowledged that retail floor space caps are not part of SPP4.2, it is considered premature to consider removing the guidelines for retail expansions within DPS2 and the Centres Strategy without an approved Local Commercial Strategy and scheme provisions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

1 REFUSES to initiate the scheme amendment proposed by Roberts Day to:

- delete clauses 3.7.2, 3.7.3, 3.11.4 and 3.11.5;
- delete Schedule 3 – Commercial & Centre Zones;
- insert provisions for detailed area plans; and
- amend the City's Centres Strategy to delete reference to floor space limits;

for the following reasons:

- 1.1 The proposed amendment to District Planning Scheme No 2 and the Centres Strategy is premature as the City is currently developing a Local Commercial Strategy and undertaking a review of the current District Planning Scheme No 2, Statement of Planning Policy 4.2, as well as any other relevant State Planning Policy, will be considered in the preparation/review of these documents; and
- 1.2 Clause 3.7.3 of District Planning Scheme No 2 already allows the maximum retail floor area to be exceeded with the preparation and endorsement of an agreed structure plan;

2 ADVISES the applicant of Council's decision.

ITEM 6 PROPOSED RECONFIGURATION AND ADDITION OF CAR PARKING AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE

WARD:	North
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	03494, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plans

PURPOSE

To request Council's determination of an application for reconfiguration and addition of car parking at Lot 929 (1244) Marmion Avenue, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for reconfiguration of an existing car parking area and the consequent addition of car parking at the Currambine Marketplace Shopping Centre.

The proposed development will result in an additional 109 bays being provided on-site, giving a total of 786 bays. It is the applicant's intention that the parking will be constructed in conjunction with the shop and showroom development approved by Council at its meeting on 11 October 2011 (CJ175-10/11 refers), and additional modifications to the Currambine Marketplace which are the subject of a separate report on this agenda.

The site is zoned 'Urban' under the Metropolitan Region Scheme, with the proposed development located within the 'Commercial' zone under the City's District Planning Scheme No 2 (DPS2).

The development is subject to the requirements of DPS2 and the Currambine District Centre Structure Plan (CDCSP). The development meets the requirements of the CDCSP, however, does not meet the requirement of DPS2 in relation to the minimum landscaping width between the car park and Shenton Avenue, being 1.6 metres in lieu of three metres.

The proposal has not been advertised as it is considered that there is no adverse impact on surrounding properties and land uses as a result of the development.

The variation to the landscaping width is considered minor and does not have a significant impact on the streetscape of Shenton Avenue. As such, the application is recommended for approval, subject to conditions.

BACKGROUND

Suburb/Location:	Lot 929 (1244) Marmion Avenue, Currambine
Applicant:	TPG Town Planning and Design
Owner:	Davidson Pty Ltd
Zoning:	DPS: Commercial
	MRS: Urban

Site Area: 7.5ha
Structure Plan: Currambine District Centre Structure Plan

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

The Currambine Marketplace shopping centre and cinema complex is located on the southern portion of the subject site, and was approved by Council in two stages in 1995 and 1998. In 2003 a kiosk addition was approved under delegated authority. A total of 562 car bays were considered appropriate to service the shopping centre and cinema complex at that time.

At its meeting held on 10 June 2008, Council refused an application for a Liquor Store on the northern portion of the site (CJ106-06/08 refers). That proposal was approved by the State Administrative Tribunal, subject to a number of conditions in December 2008. Additional car parking was proposed as part of the application to service the liquor store. This development has recently been completed.

A number of development applications have subsequently been approved for the site; however construction is yet to commence on these developments. These include a showroom, retail and take away food outlets to the west of the cinema complex approved by Council on 19 October 2010, and an additional three retail tenancies and relocation of service dock to Currambine Marketplace, approved by Council on 19 April 2011.

More recently, a shop and showroom development to the west of the existing shopping centre was approved by Council on 11 October 2011 (CJ175-10/11 refers). It is noted that this development is proposed to be constructed in conjunction with this development proposal.

An application for further additions and modifications to the Currambine Marketplace is the subject of a separate report on this agenda. This application is also recommended for approval subject to conditions.

DETAILS

The development application is for the reconfiguration of an existing car parking area and the consequent addition of parking to the south west of the site. The reconfiguration of the car park consists primarily of a realignment of car parking bays from a north-south orientation, to an east-west orientation. Additional bays are also being provided to the south west of the site, where no car parking has previously existed. As a result of the development an additional 109 bays will be provided, giving a total of 786 on-site bays.

An improved pedestrian access from Marmion Avenue to the site will also be provided.

The development plans are provided in Attachment 2.

The development does not meet the requirements of DPS2 with respect to the landscaping between the proposed car park and Shenton Avenue boundary line being a minimum width of 1.6 metres in lieu of three metres. This occurs only for a small portion of the overall development, as highlighted in Attachment 2.

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

Clause 4.5 of DPS2 allows for the development standards to be varied:

4.5 *Variations to Site and Development Standards and Requirements*

4.5.1 *Except for development in respect of which the Residential Design 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) *Interest of proper and orderly 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 and wishes of any objectors to or supporters of the application;*
- (j) *Any previous decision made by 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: 4.1 To ensure high quality urban development within the City.

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 Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid fees of \$5,008 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

There is not considered to be any sustainability implications as a result of this development.

Consultation:

The proposal has not been advertised as there is not considered to be any adverse impact on surrounding residents or land uses as a result of the development.

COMMENT

This application is for car park additions and reconfiguration to the south western portion of the site, resulting in an additional 109 on-site car bays. The requirements of DPS2 and the CDCSP have been met with the exception of a portion of landscaping between the car park and Shenton Avenue being reduced to a width of 1.6 metres in lieu of three metres. This area of non compliance is highlighted in Attachment 2.

It is noted that the area of non compliance is a minor portion of the overall site, with the majority of landscaping to both Shenton Avenue and Marmion Avenue frontages exceeding widths of three metres. Furthermore, the overall landscaping for the site is approximately 9.4%, which is 1.4% more than that required under DPS2. It is considered that there will be minimal impact on the streetscape character of Shenton Avenue as a result of the development.

Conclusion

The proposed development forms part of the overall redevelopment of Currambine Marketplace, and has ensured that the car park is better integrated with recently approved development, improving vehicle and pedestrian flow. As discussed above, the variation to DPS2 is considered minor and is not considered to have a detrimental impact on the streetscape of Shenton Avenue

It is recommended that the application be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION**That Council:**

- 1 EXERCISES discretion in relation to Clauses 4.5.1 of the City's District Planning Scheme No 2 and determines that a minimum landscaping width along Shenton Avenue of 1.6 metres in lieu of three metres is appropriate in this instance;**
- 2 APPROVES the application for planning approval dated 11 July 2011, submitted by TPG Town Planning and Design, on behalf of the owners, Davidson Pty Ltd, for proposed reconfiguration and addition of car parking at Lot 929 (1244) Marmion Avenue, Currambine, subject to the following conditions:**

- 2.1 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;
- 2.2 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:
 - 2.2.1 all forward works for the site;
 - 2.2.2 the delivery of materials and equipment to the site;
 - 2.2.3 the storage of materials and equipment on the site;
 - 2.2.4 the parking arrangements for the contractors and subcontractors; and
 - 2.2.5 other matters likely to impact on the surrounding properties;
- 2.3 The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site prior to the commencement of the construction work. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the Landscaping Plan;
- 2.4 Landscaping, reticulation and all verge treatments, based on water sensitive urban design principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City;
- 2.5 The car parking shade trees as indicated on the approved plans shall be installed prior to the development first being occupied. The trees shall be located within tree wells and protected from damage by vehicles and maintained to the satisfaction of the City;
- 2.6 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 provided to the City and approved prior to the commencement of construction;
- 2.7 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City; and
- 2.8 A lighting plan detailing all external pole and fixture positions, lux levels and light spillage shall be provided to the City and approved prior to the commencement of construction.

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf151111.pdf](#)

ITEM 7 PROPOSED ADDITIONS TO CURRAMBINE MARKETPLACE AT LOT 929 (1244) MARMION AVENUE, CURRAMBINE

WARD:	North	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	03494, 101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Development Plans and Building Perspectives
	Attachment 3	Environmentally Sustainable Design Checklist

PURPOSE

To request Council's determination of an application for additions to the Currumbine Marketplace at Lot 929 (1244) Marmion Avenue, Currumbine.

EXECUTIVE SUMMARY

An application for planning approval has been received for additions to the Currumbine Marketplace at Lot 929 (1244) Marmion Avenue, Currumbine.

The proposed development includes the expansion of the existing shopping centre incorporating 376m² retail area and 430m² restaurant dining space. An upgrade to the existing cinema facade, pedestrian mall and courtyard is also proposed.

The site is zoned 'Urban' under the Metropolitan Region Scheme, with the proposed development located within the 'Commercial' zone under the City's District Planning Scheme No 2 (DPS2). Both Shop and Restaurant are permitted 'P' uses within the zone.

In accordance with Schedule 3 of DPS2, a total of 10,000m² retail net lettable area (NLA) is permissible for the site. The proposed additions will increase the current retail NLA by 636m² to a total of 8990.67m².

In addition to the development standards of DPS2, the development site is also subject to the provisions of the Currumbine District Centre Structure Plan (CDCSP). The proposal meets the standards of DPS2 and CDCSP with the exception of the window sill heights, pedestrian mall width, and amount of on-site car parking.

An application for reconfiguration of the on-site south western car park to add a further 109 bays is the subject of a separate report on this agenda. This application is also recommended for approval subject to conditions.

The application was not advertised as the land uses are permitted and their location within the site will not cause any adverse impact on surrounding land owners.

It is recommended that the application be approved subject to conditions.

BACKGROUND

Suburb/Location:	Lot 929 (1244) Marmion Avenue, Currambine
Applicant:	TPG Town Planning and Design
Owner:	Davidson Pty Ltd
Zoning:	DPS: Commercial
	MRS: Urban
Site Area:	7.5ha
Structure Plan:	Currambine District Centre Structure Plan (CDCSP)

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

The Currambine Marketplace shopping centre and cinema complex is located on the southern portion of the subject site, and was approved by Council in two stages in 1995 and 1998. In 2003 a kiosk addition was approved under delegated authority. A total of 562 car bays was considered appropriate to service the shopping centre and cinema complex at that time.

At its meeting held on 10 June 2008, Council refused an application for a Liquor Store on the northern portion of the site (CJ106-06/08 refers). That proposal was approved by the State Administrative Tribunal, subject to a number of conditions in December 2008. Additional car parking was proposed as part of the application to service the liquor store. This development has recently been completed.

A number of development applications have subsequently been approved for the site, however construction is yet to commence on these developments. These include a showroom, retail and take away food outlets to the west of the cinema complex approved by Council on 19 October 2010, and addition of three retail tenancies and the relocation of a service dock to Currambine Marketplace, approved by Council on 19 April 2011.

More recently, a shop and showroom development to the west of the existing shopping centre was approved by Council on 11 October 2011. It is noted that the development is proposed to be constructed in conjunction with this development proposal.

An application for modifications to the south western car park to add a further 109 bays is the subject of a separate report on this agenda. That application is also recommended for approval subject to conditions.

DETAILS

The development proposal incorporates the following:

- Expansion of the existing retail shopping mall to the north, creating an additional 376m² of retail floor space;
- Expansion of the existing restaurant (Oscars), adding an additional 430m² restaurant dining space, and an alfresco dining area adjacent a garden courtyard providing an additional 110 seats;
- Modification to the cinema facade including a covered arcade, and a new garden courtyard to the west of the cinema entrance; and
- The expansion of the shopping mall including an open air water court, with roof openings and skylights to allow light and air access.

The development plans and building perspectives are provided in Attachment 2.

The development does not meet the requirements of the CDCSP in respect to:

- Window sill heights extending to the ground floor level and 425mm above the floor level in lieu of a minimum of 600mm; and
- The pedestrian mall having a minimum width of four metres in lieu of eight metres.

In support of the variations to the CDCSP, the applicant has provided the following justification:

- *It is considered that the reduction in pedestrian mall width should be supported as the pedestrian street extension is an open air arcade which proposes multiple areas of activity with glazed shop frontage, whilst the pedestrian street is slightly narrower than eight metres and contains two courtyard areas that will open the space up and allow natural light to penetrate the space;*
- *The combination of spaces will produce a more interesting area for pedestrian activity; and*
- *The proposal is considered to be the logical expansion of retail uses for the Centre and is one stage of an overall expansion of the existing shopping mall that will improve the appearance of the mall, the pedestrian environment, activity and vibrancy of the Centre and will strengthen the Main Street focus of the Centre.*

Car parking

No additional car parking is proposed as part of this development application. An application for an additional 109 bays is the subject of a separate report on this agenda. These bays will be constructed in conjunction with this proposal should it be supported. Should this application be supported, the car parking for the site is outlined below:

Development	Car bays required under DPS2	Car bays provided
Existing and approved shopping centre, liquor store and mixed use developments (some yet to be completed)	863	677
Proposed car parking (subject of separate report on this agenda)	N/A	109
Proposed shop (seven bays per 100m ² NLA)	26.32	0
Proposed restaurant extension (greater of one per five seats, or one bay per 5m ² dining room)	86	
TOTAL	976	786 (190 bay shortfall (19.46%))

Future developments

This development forms part of an overall redevelopment of the shopping centre site in line with the CDCSP. In addition to recent applications, future development which the City is yet to receive applications for include:

- Three new commercial buildings (generally consisting of shop, showroom and office);
- Extension to the cinemas;
- Extension of Woolworths;
- New town square; and
- 285 car bays to the north east of the site.

Based on information submitted, once redevelopment of the site in accordance with the master plan has been completed, the bays provided on site will be less than that required under DPS2 by approximately 105 bays (9.04%). It is noted that this is likely to be the worst case scenario in terms of maximum shortfall as the Master Plan calculations have been based on gross lettable area, rather than net lettable area. DPS2 requires that car parking be calculated on net lettable area for retail, showroom and office developments. Net lettable area excludes areas of the building such as service areas, public thoroughfares, lobbies, and other areas not for the exclusive use of the occupiers.

Notwithstanding the shortfall of car parking proposed, the applicant has provided a traffic impact statement which demonstrates that based on current car parking utilisation and likely future trends that the current car parking and 109 bays proposed as part of a separate application will be adequate to service recently approved development and this proposal.

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

Clause 4.5 of DPS2 allows for the development standards to be varied:

4.5 Variations to Site and Development Standards and Requirements

4.5.1 Except for development in respect of which the Residential Design 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) *Interest of proper and orderly 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 and wishes of any objectors to or supporters of the application;*

- (j) *Any previous decision made by 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: 4.1 To ensure high quality urban development within the City.

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 Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid fees of \$5,008 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant has completed the City's sustainability checklist for the development, indicating the use of some sustainability measures (Attachment 3 refers).

The applicant has not provided any further sustainability information in addition to the checklist.

Consultation:

The proposal was not advertised as the land uses are permitted within the Commercial zone, and being located to the west of the subject site there is considered to be no impact on surrounding residents as a result of the development.

COMMENT

The application is for additions to the existing shopping centre, incorporating an extension to the existing restaurant, new retail tenancies, and upgrade of the cinema facade and courtyard. The requirements of DPS2 and the CDCSP have been met except where discussed below.

Glazing

Whilst the total amount of glazing provided along the building facades exceeds 70% as required under the CDCSP, the window sill heights extend to the ground floor level, rather than a height of 600 millimetres.

Notwithstanding this non compliance, it is considered that the objective of the Commercial zone under the Structure Plan is met, as the frontages provide passive surveillance and will promote interaction and interest along pedestrian linkages.

Pedestrian mall width

In accordance with the CDCSP, the pedestrian mall located immediately adjacent the cinema, is to have a minimum width of eight metres. A minimum width of four metres is proposed.

The pedestrian mall located adjacent the cinema is along the edge of a raised garden courtyard forming part of an overall town square, in which multiple areas of activity are proposed. This includes alfresco areas, and multiple glazed shop and restaurant frontages which will provide greater interest for pedestrians. It is noted that the garden courtyard is also accessible for pedestrians.

It is considered that the four metre width is adequate to ensure there is sufficient pedestrian access as required under the CDCSP. Furthermore, as this is adjacent the garden courtyard/town square, other opportunities for pedestrian access are provided.

In regard to the water courtyard area, it is noted that there will be little surveillance offered to the area outside of trading hours, and access to this area is not restricted by the shopping centre entrance. To address this, the applicant has advised that gates will be provided to restrict access to the area outside trading hours. A condition to this affect is recommended.

Car parking

No additional car parking is proposed as part of this application. However, an application for modification to the south western car park to add 109 bays is the subject of a separate report on this agenda.

Should the additional 109 bays be supported the car parking will be 190 bays less than that required under DPS2.

A traffic study submitted as part of the application demonstrates that during peak utilisation (4.00 pm Saturday) the parking usage rate is 4.1 bays per 100m² floor space. The traffic study also highlights that given the development forms part of an overall commercial/retail precinct and the reciprocal nature of land uses, that the car parking requirement is less than what would typically be expected for a singular shopping centre or retail site. As such, the standard prescribed in DPS2 of seven bays per 100m² NLA is considered excessive.

The study suggests that a standard of 4.51 bays per 100m² would be more appropriate, which factors in the use of the site as a whole and is an increase of 10% on the current peak utilisation. It is also suggested that this will allow for uncharacteristic busy periods and account for future residential growth within the surrounding catchment. Based on this standard a total of 586 bays would be required.

Whilst it is accepted that car parking demand for the site will be less than that prescribed under DPS2 for reasons mentioned above, as a number of developments recently approved are yet to be constructed, it is uncertain to what extent. As such it is recommended that the additional 109 bays subject of a separate application be provided prior to the occupation of this development. This will ensure that there will be ample parking to service this development and other developments recently approved for the site. A condition to this affect is recommended.

On the proviso that additional parking will be required prior to the occupation of the tenancies, Council is required to determine whether the 786 bays being provided are sufficient to service the development in lieu of the 976 required under DPS2. It is noted that this shortfall is four more bays than approved by Council at its meeting on 11 October 2011.

The options are available to Council are:

- 1 Determine that the provision of 786 bays is appropriate;
- 2 Determine that the provision of 786 bays is not appropriate;
- 3 Determine that a cash in lieu payment of \$2,929,977 (being \$25,929 per bay) is required for the 113 bays required as a result of the development.

Based on the information provided above, it is considered that the 786 bays will be adequate to service this development and other developments recently approved.

Conclusion

The proposed variations to the CDCSP are considered appropriate. Furthermore, with the addition of 109 on site bays which is subject of a separate application on this agenda, the car parking being provided is considered to be more than adequate to service the existing and proposed development given the development will form part of an overall commercial/retail precinct.

Overall, the design of the development is considered to be of high quality and will be a positive contribution to the Currambine District Centre.

The application is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 **EXERCISES discretion in relation to Clauses 4.5.1 and 4.8.1 of the City's District Planning Scheme No 2 and determines that:**
 - 1.1 **Window sill heights extending between the finished floor level and 450mm from ground level in lieu of 600 millimetres;**

- 1.2 **Minimum pedestrian mall width of four metres in lieu of eight metres; and**
- 1.3 **Car parking provision of 786 bays in lieu of 976 bays,**
are appropriate in this instance;
- 2 **APPROVES the application for planning approval dated 11 July 2011, submitted by TPG Town Planning and Design, on behalf of the owners, Davidson Pty Ltd, for proposed shop and showroom at Lot 929 (1244) Marmion Avenue, Currambine, subject to the following conditions:**
 - 2.1 **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;**
 - 2.2 **A total of 786 car bays shall be provided on-site prior to the occupation of the tenancies that are the subject of this application;**
 - 2.3 **Pedestrian access to the north of the water court shall be restricted outside trading hours to the satisfaction of the City. Details of how this will be achieved shall be submitted to the City for approval prior to the occupation of the tenancies;**
 - 2.4 **A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:**
 - 2.4.1 **all forward works for the site;**
 - 2.4.2 **the delivery of materials and equipment to the site;**
 - 2.4.3 **the storage of materials and equipment on the site;**
 - 2.4.4 **the parking arrangements for the contractors and subcontractors; and**
 - 2.4.5 **other matters likely to impact on the surrounding properties;**
 - 2.5 **A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;**
 - 2.6 **The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site prior to the commencement of the construction work. For the purpose of this condition, a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan;**
 - 2.7 **Landscaping, reticulation and all verge treatments, based on water sensitive urban design principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City;**

- 2.8 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 by the City prior to the commencement of construction;
- 2.9 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 provided to the City and approved prior to the commencement of construction;
- 2.10 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City; and
- 2.11 Obscured or reflective glazing shall not be used on the ground floor building facades.

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf151111.pdf](#)

ITEM 8 PROPOSED SHOWROOMS, OFFICES, RESTAURANT, MEDICAL CENTRE, CONVENIENCE STORE AND TAKE AWAY FOOD OUTLETS AT LOT 5002 (74) DELAMERE AVENUE, CURRAMBINE

WARD: North

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

FILE NUMBER: 87607, 101515

ATTACHMENTS: Attachment 1 Location Plan
 Attachment 2 Development Plans
 Attachment 3 Environmentally Sustainable Design Checklist
 Attachment 4 Notes from Joondalup Design Reference Panel

PURPOSE

To request Council's determination of a development application for showrooms, offices, restaurant, medical centre, convenience store and take away food outlets at Lot 5002 (74) Delamere Avenue, Currambine.

EXECUTIVE SUMMARY

An application has been received for planning approval for a development comprising of showrooms, offices, restaurant, medical centre, convenience store and take away food outlets at Lot 5002 (74) Delamere Avenue, Currambine.

The proposed development is located to the east of the existing Currambine Marketplace and Cinema complex and south of the City's Community Purpose site at Lot 1574 (52) Delamere Avenue, Currambine (Attachment 1 refers).

The site is zoned "Urban" under the Metropolitan Region Scheme, and falls within the "Business" zone under the City's District Planning Scheme No 2. (DPS2). All proposed uses are permitted "P" uses within the Business zone.

The site is also subject to the requirements of the Currambine District Centre Structure Plan (CDCSP). The application proposes variations to the urban edge requirements and facade treatment requirements of the CDCSP. A significant car parking shortfall is also proposed.

Car parking is calculated based on the individual land uses proposed in accordance with Table 2 in DPS2. The applicant proposes 96 car bays however a total of 144 car bays are required. As such, a 48 car bay shortfall is proposed (33.4%).

A total of 16 submissions were received as part of the public consultation process with 10 being objections and six responses stating no objection. The objections received raised concerns about potential traffic impacts and behavioural issues that may arise from the approval of take away food outlets.

It is recommended that the application be refused by the Council due to insufficient car parking being provided to adequately service the development.

BACKGROUND

Suburb/Location:	Lot 5002 (74) Delamere Avenue, Currambine.
Applicant:	Dynamic Planning and Developments
Owner:	Currambine District Centre One Pty Ltd
Zoning:	DPS: Business
	MRS: Urban
Site Area:	4,627m ²
Structure Plan:	Currambine District Centre Structure Plan (CDCSP)

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

A similar development was previously approved by Council on the 17 March 2009 (CJ070-03/09 refers) with that development consisting of showrooms, offices, food hall and convenience store. The previous development application proposed a car parking shortfall of 11 bays (10.3%). That approval has now lapsed and the new application now seeks approval for the inclusion of additional land uses including the restaurant which is largely responsible for the higher car parking requirement.

DETAILS

The proposed one and two storey mixed use development will be comprised of the following:

- A two storey restaurant to the north of the site, incorporating both an inside and outside dining area. This is intended to be used as Dome Cafe;
- A 56 bay undercroft car park on the western boundary;
- A two storey building on the western boundary above the undercroft, comprising of offices, showrooms and a medical centre for two practitioners;
- A single storey building on the street boundary (Delamere Avenue), comprising of take away food outlets and a convenience store;
- 40 at-grade car parking bays with a shade tree provided for every four car bays;
- Six car parking bays within the Delamere Avenue road reserve (verge);
- Landscaping within the site and to the verge; and
- Glazing to 22% of the urban edge frontage.

The proposal does not meet the following requirements of the CDCSP:

- Building setback of 1.4 metres in lieu of nil to the urban edges of Delamere Avenue and Cuba Way;
- Glazing to 22% of the buildings urban edge frontage in lieu of 70%;
- Window sill heights of nil to the southern and eastern frontages in lieu of 600 millimetres;
- Loading bay located on the urban edge; and
- No continuous footpath to the building edge.

Car Parking

The following table sets out the car parking requirements of DPS2:

Proposed Use	Required by DPS2
Restaurant (Greater of 1 per 5m ² of dining room or one per four guests)	312m ² dining area = 62.4 (63) bays
Fast Food Outlet (One per four guests in seated area plus seven per 100m ² NLA for non seating service areas)	213m ² NLA = 14.9 (15) bays (no seated areas proposed)
Showroom/Office (One bay per 30m ² of NLA)	1437m ² NLA = 47.9 (48) bays
Medical Centre (Five bays per practitioner)	2 practitioners = 10 bays
Convenience/Corner Store (Four per 100m ² NLA)	197m ² NLA = 7.8 (8) bays
Total Bays Required	144 bays
Total Bays Provided	96 bays

A car parking shortfall of 33.4% is sought with 96 bays provided in lieu of the required 144 bays.

Given the shortfall, the applicant proposes to include six additional car embayments in the road reserve on Delamere Avenue. It is anticipated that these on street car bays may be beneficial in reducing inappropriate spill over parking in addition to providing a traffic calming solution to Delamere Avenue.

Part of the submission for the development incorporated an evaluation of the parking provision by Donald Veal Consultants. The consultant's report suggests that reciprocal parking relationships with adjacent sites should be taken into consideration in any assessment of car parking shortfalls.

The City has also been asked to consider the proposed parking that will be provided by the City, in association with the development of the proposed Currambine Community Centre to the north of the subject site. The applicant advises that a proposed footpath along the southern portion of the Community Centre site would provide a link between the car parking outside of the existing cinema complex and the proposed restaurant use located on the northern boundary of the subject site.

Currently there is no pedestrian access to the car parking available at Currambine Marketplace and Cinema complex and no immediate intent to develop a portion of the land to east of that building for the purposes of parking. Whilst most are minor, car parking shortfalls exist over the majority of sites located within the CDCSP area.

Furthermore, it should be noted that an objection has been received from the owners of the Currambine Marketplace site, with concerns raised that the shortfall in car bays provided would have a significant impact on the convenience and amenity of the staff and patrons using the shopping centre and cinema complex.

Design

In regards to the design of the development the applicant has provided the following details:

- *The location and orientation of the two storey Dome Cafe maximises surveillance of the public open space;*
- *Promotion of interactive streetscape elevations to all surrounding public roads;*
- *Promotion of architectural elements on key entrance nodes and interactive frontage (i.e. Cuba Way/Delamere Avenue intersection and the abutting public open space);*
- *Promotion of commercial exposure from all abutting public roads;*
- *Promotion of direct lines of sight (for natural surveillance) into the development from abutting roads without compromising main street design principles;*
- *Purposely designed and located loading and waste storage/collection area catered to support showroom related trading and merchandise requirements;*
- *Varying architectural elements and finishes to soften urban streetscape;*
- *Landscape entry areas into the development from Cuba Way and Delamere Avenue;*
- *Appropriate glazing to soften urban appearances and to also promote natural surveillance; and*
- *Strategic signage panels allowing for future coordinated placement of signage associated with future tenancy requirements. It is noted that signage shall be specifically treated as a separate application. The intent of the signage panels as depicted within the development plans is to clearly convey that foresight to this important commercial development requirement has been considered and catered for.*

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.

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.*

4.8 *Car Parking Standards*

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

6.8 *Matters to be considered by Council*

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

- (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: 4.1 To ensure high quality urban development within the City

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 Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid fees of \$13,539 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant has completed the City's sustainability checklist for the development, indicating the use of some sustainability measures (Attachment 3 refers).

In addition the applicant has also provided the following details in respect of the sustainability of the development:

"The proposed development takes into consideration and employs environmentally sustainable design principles through the use of natural landforms and typography, passive shading of glass with large canopies to the east and west elevations of the buildings and by utilising building materials with sufficient thermal mass.

The design of the development has been produced with careful consideration of floor plan zoning in terms of water, heating and cooling requirements and the use of low energy technologies and low life-cycle materials and finishes. The documented finishes, i.e. paints, adhesives, carpets, anti-graffiti coating, etc. are low-VOC, durable and low maintenance products. The design also includes roof and wall insulation and draught sealing to all external doors.

The proposed building design complies with the requirements of Section J of the BCA. The landscaping design is waterwise given that no grass areas are proposed and great majority of the proposed planting is on the Water Corporation's Waterwise Plant List. All irrigation is sub-surface and the priority has been given to Western Australian and Australian native planting."

Consultation:

The proposed development was advertised for a period of 21 days. A total of 128 adjoining and nearby owners were advised in writing, a sign was erected on the road verge adjacent to the site and the proposal was advertised on the City's website. Advertising closed on 31 August 2011.

A total of 16 responses were received, of which 10 were objections, and the remaining six submissions stated no objections.

Key issues arising from public consultation

Objections to the proposed development raised the following concerns:

- Take away food outlets are in close proximity to residential dwellings. These uses would promote after hours noise, odours, littering and anti-social behaviour;
- Take away food outlets would be more appropriate along Marmion Avenue, alongside existing food outlets;

City response: Take away food outlets are a permitted "P" use under DPS2 within the Business zone. The City cannot require that takeaway food outlets not be developed on this site.

- Insufficient car parking on site may lead to parking along Delamere Avenue, impacting on the safety of the area for vehicles and pedestrians;

City response: Please refer to comments section for a detailed response on this issue.

- The development would lead to an increase in traffic along Delamere Avenue and potential hoon behaviour;

City response: At the time of development of the CDCSP, a traffic impact study conducted by Jonathan Riley Consulting Engineers accounted for the increase in traffic that would eventuate as a result of developments throughout the district centre. The existing road network was determined to have sufficient capacity to accommodate increases in traffic.

- The proposed undercroft car park may become an unsafe area promoting anti-social behaviour; and

City response: Visual surveillance to the undercroft car park is only available from Cuba Way; a non-residential street leading to the rear of Currambine Marketplace shopping centre. It is anticipated that Cuba Way would be used infrequently during the evening, providing access only to the proposed loading bay at the subject site, and access to the loading dock at Currambine Marketplace.

No surveillance of the undercroft parking area will be available from the more heavily used Delamere Avenue; or from within the development.

- Property values would be significantly impacted by the proposed development.

City response: Property values are not able to be taken into consideration as part of a planning assessment of a development application.

COMMENT

The application is for a new development bounded by Currambine Marketplace shopping centre to the west, a proposed Community Centre and public open space to the north and Delamere Avenue and existing residential properties to the east.

The site is located within the Business Zone of the CDCSP, which guides development within the area. The objectives of the Business Zone are:

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

The following requirements of DPS2 and the CDCSP have not been achieved by this application:

Setback to urban edges

The CDCSP requires buildings to have a nil setback to the front property boundary where that boundary is designated as an ‘urban edge.’ This is to provide for interaction with the streetscape in order to encourage and frame street activity.

In this case Delamere Avenue and a portion of Cuba Way are dedicated urban edges. The applicant is proposing minimum setbacks of 1.4 metres to these frontages.

In response to this variation the applicant states that *“The proposal in majority adopts the ‘urban edge’ as desired by the CDSP. However, commercial pragmatism must apply to the locality, lot shape and development design. Absolute zero setbacks for all the ‘urban edges’ are not provided, as from construction, fire-rating and maintenance perspectives, this is not practical...To expect a triangular shaped lot with level changes to achieve an urban edge to the majority of Delamere Avenue is only focussing on theoretical design principles but not recognising the practical application of those design principles.”*

It is noted that the urban edge frontages proposed are not consistent with the objectives of the CDCSP, however, the development still generally provides an attractive and mostly interactive frontage, with visual exposure maintained to the rear commercial tenancies from Delamere Avenue. Pedestrian entry points have been incorporated into the urban edge frontage of the convenience store, providing a connection to the proposed street parking embayments whilst enhancing active edge principles.

The variations to the urban edge frontage proposed by this application are consistent with those of the previously approved development which was supported by Council in March 2009 (CJ070-03/09 refers).

Building frontages with less than 70% glazing

The proposal includes glazing to approximately 22% of the building frontages. Whilst this is a large variation to the stipulated 70% under the CDCSP, the glazing does still allow for surveillance onto both Delamere Avenue and Cuba Way as urban edge boundaries, with large ground floor windows.

The structure plan requires all windows to be a minimum of 600 millimetres above ground floor level. This proposal incorporates a number of windows which begin at ground level. Whilst this is a variation to CDCSP requirements, this is consistent with other developments approved in the Currambine District Centre.

Furthermore in granting approval for the previous development (CJ070-03/09 refers) Council supported variations to this requirement with ground level windows and glazing to 26.8% of building frontages in lieu of the required 70% as per the CDCSP.

Loading bay adjacent to the urban edge

The loading bay and service area for the convenience store is located adjacent to the Delamere Avenue frontage and nearby pedestrian footpath. The loading bay is considered acceptable as it is screened from view from the pedestrian foot path by a low wall and landscaping area along Delamere Avenue and is consistent to the approval previously granted by Council (CJ070-03/09 refers).

Footpaths

The CDCSP requires all developments to have footpaths with a minimum width of three metres surrounding the proposed building. Whilst 3 metre footpaths have been provided internal to the site, no footpath has been proposed to the Cuba Way and Delamere Avenue frontages. The building has been designed for all entry ways to be internal to the development, aside from two openings to the proposed convenience store. Large window openings however do provide for some visual interaction and casual surveillance into these tenancies.

An existing footpath is in place along these frontages which was constructed at the time of subdivision. This existing footpath is and was previously considered sufficient in this instance, providing a safe and efficient route for pedestrian traffic.

Traffic and Parking

The proposed development has a car parking shortfall of 48 bays (33.4%) to that required by DPS2, subject to Council supporting a parking standard of four bays per 100m² NLA for the Convenience Store component of the development. No parking standard is provided in DPS2 for this land-use.

It is considered appropriate that the Corner Store car parking standard of four bays per 100m² NLA should apply to the Convenience Store component of the development as:

- The proposed Convenience Store is similar in size and scale to a Corner Store;
- The proposed Convenience Store will offer similar goods and services to a Corner Store; and
- It is considered that the proposed Convenience Store will attract a similar rate of customers as a Corner Store.

This parking standard was previously supported by Council for a similar development on this site.

The development proposes an undercroft car park on the western boundary for the provision of 56 car bays. An at-grade car park will supply an additional 40 car bays as well as the inclusion of six additional car bays on the Delamere Avenue verge. Two access ways are proposed to the at-grade car park, one from Delamere Avenue and the second from Cuba Way. The undercroft car park is accessed via Cuba Way. Bike racks have also been incorporated into the design and are located at the main access point on the Delamere Avenue frontage.

A traffic impact study provided by Donald Veal Consultants suggests that:

“The nature of the land uses and their proximity to surrounding medium density residential areas also means that some of the customers to these businesses will be able to readily walk or cycle to the site, as it will be more practical to do so rather than drive...Additionally, it would also be reasonable to assume that some staff or visitors of the Offices/Showrooms may be patrons of the Dome Cafe, thus reducing its need for parking bays.”

The applicant requested that the City take into account the available car bays at adjoining sites when considering the proposed parking shortfall. However, no pedestrian or vehicular accessibility is currently available between the site and the parking at Currambine Marketplace. The lack of proximity to parking at these adjoining sites reduces the likelihood of those car bays being utilised by patrons, clients and staff from the subject site. In addition the subject site and the shopping centre site are in different ownership and no formal agreements exist to facilitate such an arrangement.

The Currambine Community Centre is proposed to be constructed to the north of the subject site. It is anticipated that the bays provided for this centre would reach capacity during peak periods, and may also be unavailable for use by patrons of this development.

The applicant is also in the process of preparing plans for a similar development at the adjoining Lot 5001 (86) Delamere Avenue. Preliminary discussions indicate there may be a parking surplus on that site. To date a development application has not been received.

An evaluation of the proposed parking provisions undertaken by Donald Veal Consultants uses the UK model (TRICS) “...and trip generation data that it contains, which has been collected from actual surveys of land uses consistent with the proposed development” in the evaluation process. The TRICS database provides parking arrival and departure rates for different land uses and enables various combinations of land uses to be assessed and their parking profiles combined to indicate the size of the likely peak in parking demand.

Given that this method is based on trip generation sources in the United Kingdom, the methodology and assumptions used in the parking provision calculations are difficult to assess, however it is recognised that there is an absence of comparable data available in Australia for assessing the needs of mixed use developments.

Whilst the restaurant data provided by the TRICS database was increased by a factor of 25% in an attempt to mimic the Dome peak periods, it is considered that the original restaurant data provided prior to the increase and taken from United Kingdom statistics does not reflect the reality of a restaurant within the Australian context, given the limited availability to public transport compared to that in the United Kingdom.

Peak period demands for the site are conflicting, with the showroom and medical centre uses likely to experience some similar peak periods to that of Dome. Parking demand profiles provided by Donald Veal Consultants anticipates that parking will be at its greatest demand on a Saturday between the hours of 08:00 – 14:00.

Traffic impact studies provided in relation to the Currambine Marketplace also suggests that the peak parking demand is at its greatest on a Saturday, as such it is not reasonable to suggest that parking at the Marketplace could be utilised as part of an informal reciprocal parking agreement to address the shortfall.

Parking shortfalls for the site have the potential to encourage inappropriate on-street parking along Delamere Avenue and Cuba Way.

Whilst the inclusion of additional car bays along the Delamere Avenue frontage may alleviate some concern and address inappropriate parking, there are issues pertaining to responsibility and maintenance of these bays in future years. The car bays will reduce the current 3.0 metre pedestrian access path to a 2.1 metre wide dual use footpath. Although this would be compliant with Australian Standards, variations are currently sought to the existing footpath requirement of 3.0m minimum width to building frontages. A further variation to this requirement reduces the pedestrian priority objective of the CDCSP.

The intent to strata the development upon completion has also raised concerns, in relation to reducing the availability of car bays for customers. In response to this, the applicant has stated that each tenancy will be allocated a maximum of two parking bays to be used exclusively between the hours of 8:00 am to 5:00 pm weekdays only. Beyond this period, bays will be non-exclusive, with signage on site to further communicate this. This will effectively remove 18 bays from customer use during the hours stated above.

It should also be noted that the proposed vehicle crossover from Cuba Way to the at-grade parking is not in accordance with Australian Standards and is not supported in its current form. Whilst the City has worked with the applicant to bring the crossover into compliance, the applicant has requested that the Australian Standard be varied as the standards are not compulsory but rather a guide.

The applicant has requested the City to take into consideration the constraints they are working within due to the existing grade of Cuba Way and the topography of the site.

Signage

The applicant has provided large panels for the purposes of providing future signage to the proposed development; however signage is not included in this application.

Conclusion

The proposed development complies with the requirements of the CDCSP with the exception of those matters discussed in the comments section of this report. It is considered that the design variations are appropriate in this instance as they generally meet the objectives for the Currambine District Centre and that the variations requested will not have an adverse impact on the amenity of adjoining or nearby properties.

The development also generally complies with the requirements of DPS2, however does not meet the Car Parking standards provided in Table 2 of DPS2, with a proposed car parking shortfall of 48 bays (33.4%). It is considered that the amount of car parking proposed will not be adequate to service the development at peak times. The applicant's justification of informal reciprocal parking on adjoining sites; and roadside embayment's are also not considered adequate to address these concerns.

The development also fails to meet the applicable Australian Standard relating to vehicle access in relation to the proposed vehicle access point from Cuba Way to the at-grade parking.

It is therefore recommended that the application be refused.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 REFUSES the application for planning approval, dated 29 June 2011, submitted by Dynamic Planning and Development on behalf of the owners, Currambine District Centre One Pty Ltd for Showrooms, Offices, Restaurant, Medical Centre, Convenience Store and Take Away Food Outlets at Lot 5002 (74) Delamere Avenue, Currambine for the following reasons:**
 - 1.1 The proposed development does not meet the requirements of the City of Joondalup District Planning Scheme No 2 in relation to the amount of on-site car parking required. It is considered that the proposed amount of car parking will not be sufficient to meet the demands of the land uses proposed on site, and that this will result in adverse impacts on the amenity of the locality; and**
 - 1.2 The proposed vehicle access point from Cuba Way to the at-grade parking is not in accordance with applicable Australian Standard relating to vehicle access.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf151111.pdf](#)

ITEM 9 REQUEST TO EXCISE PORTION OF RESERVE 30149 HAKEA PARK (11) HAKEA PLACE, SORRENTO AND AMALGAMATE THE LAND INTO RESERVE 31856 SORRENTO PRIMARY SCHOOL (14) ELFREDA AVENUE, SORRENTO

WARD: South-West

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 47827, 04647, 101515

ATTACHMENTS: Attachment 1 Location Plan
Attachment 2 Site Photographs
Attachment 3 Fence location Plan

PURPOSE

The purpose of this report is for Council to consider a request to amalgamate the Hakea Park portion of Reserve 31856, located at 11 Hakea Place, Sorrento, into the adjoining Sorrento Primary School.

EXECUTIVE SUMMARY

A request has been received from the Department of Education (DOE) to excise 813.6m² of Reserve 30149 (Hakea Park) and amalgamate the land into Reserve 31856 (Sorrento Primary School).

The excision and subsequent amalgamation has been requested as the school wishes to improve the safety of students by installing a 1.15 metre high fence along the eastern boundary of Hakea Park. The school has indicated that it was unaware that Hakea Park was not part of the school site and, as such, uses the site as part of a play area for students.

It is considered appropriate for the City to maintain control of the public open space to ensure it remains accessible for use by the public rather than exclusively by the school. It is also considered that the fencing of the public open space would give the appearance that the area is not available for public use. As such it is recommended that the request be declined and no further action taken.

BACKGROUND

Suburb/Location: Reserve 30149 (11) Hakea Place, Sorrento
Applicant: Department of Education
Owner: Crown Land
Zoning: **DPS:** Reserve: Parks and Recreation
 MRS: Urban
Site Area: 814m
Structure Plan: Not Applicable

Hakea Park is located on the eastern boundary of Sorrento Primary School (Reserve 31856 (14) Elfreda Avenue, Sorrento) and is accessible from Hakea Place (Attachment 1 refers).

Hakea Park is part of a larger reserve (Reserve 30149) that includes the nearby, but physically separate, Porteous Park. The Hakea Park portion of Reserve 30149 has an area of 813.616m² and is reserved 'Parks and Recreation' under the City's District Planning Scheme No 2.

In the event that the amalgamation of Hakea Park into the Sorrento Primary School site is progressed, Hakea Park must first be excised from Reserve 30149 (Porteous Park).

The City currently has a management order for the care and control of Hakea Park but does not have the power to lease any part of the park. In the event that the excision and amalgamation of the park is progressed, the City will need to request that the management order be cancelled and the boundaries amended.

Hakea Park was created as a reserve under Section 152 of the Planning and Development Act 2005 for the purpose of public recreation and identified as a Class A reserve under the Land Administration Act 1997. As the school is reserved for Public Use – Primary School and not public recreation, the power to lease the land cannot be granted to the City as the lease can only be granted for public recreation purposes.

It is noted that the City does not currently undertake any maintenance of Hakea Park.

Initial Request

In December 2010, the City received a request from the DOE, acting on behalf of Sorrento Primary School, to fence off Hakea Park along its eastern edge abutting the cul-de-sac head of Hakea Place.

The correspondence from DOE indicated that the school had been maintaining the park for a number of years as if it was part of the school site and had constructed a play area with a sand pit over the boundary between the school and Hakea Park.

The school sought to erect the fence to improve the safety of the students, who use the play equipment in this area, from stranger danger and from a road safety perspective.

Whilst the City recognises the safety of students at the school is very important, the installation of fencing around a park would be unusual and would potentially restrict public access to the park.

The DOE was advised accordingly. As an alternative to fencing off the park, the DOE then requested that consideration be given to excising this land from Reserve 30149 and amalgamating it with the school site, Reserve 31856. The DOE also indicated a willingness to install a low fence with a gate that still allowed access to the area by the public.

DETAILS

A request has been received from the DOE to amalgamate Hakea Park into the Sorrento Primary School site. This would involve the excision of Hakea Park from Reserve 30149 and amalgamation with the school site, being Reserve 31856.

The DOE has provided the following information:

- The school was unaware that Hakea Park was not part of the school site and as such uses the site as part of a play area for their students.
- The school wishes to improve the safety of their students by fencing the site.
- As the area adjoins the existing play area, it will be used as a play space for students.
- It is proposed that the area will be enclosed by an approximately 1.15 metre high wire mesh fence with metal uprights and metal rails across the top and bottom of the fence.
- To allow parents and students access to the path that leads from the cul de sac head of Hakea Place to the school, a gate will be provided with a pool latch. The gate will not be locked therefore existing public access will be maintained.

The school has not indicated that there is any intention to use the area to facilitate additional school buildings or ancillary structures.

Issues and options considered:

The options available for responding to the request are provided below:

Option 1: Maintain management of Reserve 30149 and allow the site to be fenced.

The City could allow the installation of a fence along the perimeter of Hakea Park, adjacent to Hakea Place. This would be a public work and is therefore exempt from requiring development approval.

To maintain public access to the site, a gate would need to be installed so students and nearby land owners can continue to access Hakea Place.

This option would provide an immediate solution to the school's concerns. However, it may be perceived by the community that the park is being fenced exclusively for the school's use.

Option 2: Prepare a report to Council requesting the initiation of the amalgamation process.

If the City no longer wants the care and control of Hakea Park, the City could initiate the amalgamation process to allow Reserve 30149 to be amalgamated with the school site (Reserve 31856). To facilitate this process Hakea Park needs to be excised from the current land holding which includes Porteous Park. The excision process would include public consultation.

Should this process be supported and approved by the Western Australian Planning Commission (WAPC) and the Department of Regional Development and Lands, the City would need to request that the management order be cancelled and the boundaries be amended.

The amalgamation of the sites would allow the school to formally take responsibility for the maintenance of the site and potentially develop the area for school facilities. The land would no longer be public open space.

This option is likely to take substantial time to resolve and would not provide an immediate solution to the school's concerns.

Option 3: Decline the request and take no further action.

If the City wishes to maintain management of the land and does not support Hakea Park being amalgamated with the school site, or for the site to be fenced, the option is available to decline the request and take no further action.

The option of leasing Hakea Park to the school has also been investigated. However, as Hakea Park is reserved for the purpose of Parks and Recreation and the school site is reserved as Public Use – Primary School, a conflict exists regarding the purpose of each site. As such, a lease cannot be granted to the school as the land would be used for school related activities rather than parks and recreation. A lease may only be granted where the intended use of the land is consistent with the purpose for which the land is reserved.

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

Section 20A of the former *Town Planning and Development Act 1928* required certain land to be set aside for the purpose of public recreation and vested in the Crown during the subdivision process. This process is now guided by Section 152 of the *Planning and Development Act 2005*. As part of the subdivision of this part of Sorrento, Reserve 30149 was created and vested in the Crown for the purpose of Public Recreation.

State Land Services requires the following process for the cancellation or reduction of a public recreation reserve:

- Local Government is to advertise the proposal to nearby land owners and service authorities.
- Following the advertising period, Council is to consider any submissions received and either supports the amalgamation or does not support the amalgamation.
- The Local Government forwards the request to dispose of the reserve, together with the supporting documentation to the Western Australian Planning Commission (WAPC) for its approval. In this instance, 'disposal' of the reserve would be its amalgamation with the Sorrento Primary School.

Should the WAPC support the proposal, all the information is forwarded to the State Land Services section of the Department of Regional Development and Lands, for its support and finalisation of the process.

Existing Management Order

The City currently has a Management Order for the care and control of Hakea Park. In the event that the excision and amalgamation of the park is progressed, the City will need to request that the management order be cancelled and the boundaries amended.

It is noted that the City does not currently undertake any maintenance of Hakea Park.

Strategic Plan

Key Focus Area: The Natural Environment

- Objective:**
- 2.1 To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.
 - 2.2 To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

Policy:

Council Policy - Requests for the sale of public open space reserves

The above policy provides guidelines for the assessment of requests for the sale of public open space reserves. However, this policy is not entirely relevant to this situation as the policy was principally designed to provide guidance on requests from residential owners adjoining public open space to purchase a portion of that open space for development.

This proposal is for one reserve (public open space) to be amalgamated into another reserve (Sorrento Primary School), and used for a school play area.

Risk Management Considerations:

There is a chance the public may respond negatively to the site being fenced or the reduction in public open space as there may be the perception that the land should be maintained for community use.

Financial/Budget Implications:

The DOE has paid an administration fee of \$1,185 which covers the costs involved in researching the properties and preparing the report to Council. In addition, the DOE will be responsible for a sign on the site in the event that the proposal is advertised for public comment. This cost of the sign is estimated to be \$700.

The DOE will be required to pay all costs associated with any excision/amalgamation process.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

In the event that the proposed excision of Hakea Park is adopted for the purpose of public advertising, advertising would be undertaken for 35 days as follows:

- Sign placed on-site;
- Letters to nearby landowners, as well as service authorities;
- A notice placed in the local newspaper; and
- A notice and documents placed on the City's website.

COMMENT

Public Open Space Provision

The suburb of Sorrento has a total area of 355 hectares, including roads. There is a total of 37.871 hectares of public open space inclusive of the foreshore reserve, representing a provision of 10.4% open space.

Hakea Park is 814m² in area, and is therefore a local ‘pocket’ park that does not contain any City infrastructure such as play equipment. The park ‘flows through’ to the school site (as detailed in Attachment 2).

In addition to Hakea Park, there are several other public open space reserves within Sorrento ranging in area from 20,000m² to 90,000m² including Robin Park and Tom Walker Park. As these sites are much larger than Hakea Park and contain infrastructure such as park benches and play equipment, it is likely that the larger sites are utilised more frequently by the community compared with Hakea Park.

In terms of provision of public open space in Sorrento, the amalgamation of Hakea Park into the school site is unlikely to significantly diminish the overall provision of open space. However, the park may be considered an important open space asset to local residents.

Public Consultation

The loss of any public open space is likely to be a concern to local residents. However, this request is unique in that the public open space, if amalgamated with the school site, is likely to remain as is, albeit with a fence on the Hakea Place boundary to ensure student safety. The school has indicated that public access to the (former) public open space area will continue to be made available for the benefit of the community, via a gate in the fence.

While it is considered that the proposal has some merit, public consultation is important to gauge the community sentiment on the proposal. In the event that Council adopts Option 2, it is recommended that Council initiates the advertising of the proposed excision and amalgamation for a period of 35 days.

Timing

Each option available to Council, aside from maintaining the site as it is, is likely to take some time to finalise. Fencing the site would be the most immediate solution that would meet the needs of the school in regards to maintaining student safety. Should Council opt to initiate the excision process to allow the site to be amalgamated with the school site the processes are expected to take at least 12 months to finalise. This would include an advertising period, subsequent reports to Council and liaison with State Land Services.

CONCLUSION

It is considered appropriate for the City to maintain control of the public open space to ensure it remains accessible for use by the public rather than exclusively by the school. It is also considered that the fencing of the public open space would give the appearance that the area is not available for public use. As such it is recommended that the request be declined and take no further action as outlined in Option 3.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1** **DECLINES** the request from the Department of Education to excise Hakea Park and amalgamate the land with the school site and install fencing along the perimeter, as the Council wishes Hakea Park to be retained as Public Open Space; and
- 2** **ADVISES** the Department Education of Council's decision.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf151111.pdf](#)

ITEM 10 CHANGE OF USE FROM WAREHOUSE TO TRANSPORT DEPOT (RETROSPECTIVE) AND ASSOCIATED ADDITIONS AT LOT 397 (27) CANHAM WAY, GREENWOOD

WARD:	South East	
RESPONSIBLE DIRECTOR:	Ms Dale Page Director Planning and Development	
FILE NUMBER:	19547, 101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Aerial Site Photograph
	Attachment 3	Site Plan
	Attachment 4	Existing Development Photographs

PURPOSE

To request Council's determination of a development application for retrospective approval for a change of use from Warehouse to Transport Depot and for proposed additions to the existing building.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for a change of use from Warehouse to Transport Depot. The determination of this application by Council is necessary because a car parking requirement is not specified within the City's District Planning Scheme No 2 (DPS2) for the land use 'Transport Depot.' DPS2 requires that Council determine a car parking standard for a use where there is not one specified. Additions to the existing building on site are also proposed.

The site is currently being used to park commercial vehicles and associated equipment for Allworks Pty Ltd. The business predominantly works within the rail industry assisting major contractors with the construction and maintenance of railways within the metropolitan and country areas. The development is considered to be consistent with the objectives and purposes of the Service Industrial zone, and meets all the requirements of DPS2, though there is no car parking standard for this land use stipulated under DPS2.

It is recommended that the application be approved, subject to Council's acceptance of a car parking standard for 'Transport Depot' of one bay per employee.

BACKGROUND

Suburb/Location:	Lot 397 (27) Canham Way, Greenwood	
Applicant:	Allworks WA Pty Ltd	
Owner:	Allworks WA Pty Ltd	
Zoning:	DPS:	Service Industrial
	MRS:	Urban
Site Area:	2312.49m ²	
Structure Plan:	Not Applicable.	

The subject site is located in the north eastern part of Canham Way in Greenwood. The rear boundary of the site abuts Hepburn Avenue.

Approval was initially granted in 1975 for an equipment hire service to operate from the site, with the intent to use the site for the storage of hire equipment. Subsequent approval was granted later that year by Council for a large storage shed to the rear of the site; with a condition of approval requiring screening in the form of landscaping.

In 1979 approval was granted for a five unit factory and warehouse development; however plans provided indicated that the construction of units two to five would be the subject of a future application to Council. Development of these units was not proceeded with. A condition was also placed on this approval for all storage yards to be screened from adjoining properties and from street or streets by means of a wall, fence, hedge or shrubs, not less than 1.8 metres in height.

The available history of the site is limited, however, the applicant has advised that at the time of purchase, the site was being used as a paint store and warehouse, consistent with the warehouse use approval granted in 1979. The current business has operated from the subject site since 2003.

DETAILS

The site is currently being used as a transport depot with commercial vehicles, equipment and associated ancillary items stored on a temporary basis. These items include but are not limited to:

- Bobcats;
- Tip trucks;
- Flat bed trucks;
- Water carts;
- Small excavators and loaders; and
- Sea containers.

The site operates with employees arriving in the morning and parking in available car bays on site, then taking equipment for use during the day, returning it in the evening. The business itself works predominately within the rail industry assisting major contractors with the construction and maintenance of railways within the metropolitan and country areas.

The applicant also seeks approval for a 5.2 metre high storage shed addition to be constructed of colourbond steel. With a floor area of 91 square metres and to be attached to the existing building, the addition will provide additional security to lock valuable items away that are easily viewed from Hepburn Avenue and to provide protection to equipment from the elements. The proposed storage addition meets the requirements of both DPS2 and the Building Code of Australia.

The office for the depot is currently operating from an existing sea container to the right (eastern) boundary. However, if the addition is approved, the owner proposes to relocate the offices inside the existing building as additional space becomes available.

Retrospective approval is also sought for the existing signage to the front facade of the current building. The existing signage complies with Council Policy – ‘Signs.’

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

Transport Depot is a permitted “P” use in the Service Industrial Zone.

A “P” use means:

“A use class that is permitted but which may be subject to any conditions that the Council may wish to impose in granting its approval;”

Clause 4.5 of DPS2 gives the Council discretion to consider the variations sought to DPS2 standards.

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.*

4.8 Car Parking Standards

4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

6.8 Matters to be considered by Council

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

- (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 – Signs.

The objectives of the policy are:

- 1 To provide guidance on the design and placement of signs located within the City of Joondalup;
- 2 To protect the quality of the streetscape and the amenity of adjoining and nearby residents by minimising the visual impact of signs;
- 3 To encourage signs that are well designed and positioned, appropriate to their location, which enhance the visual quality, amenity and safety of the City of Joondalup;
- 4 To facilitate a reasonable degree of signage to support business activities within the City of Joondalup; and
- 5 To complement the provisions for signs as specified in the City of Joondalup's Signs Local law (1999).

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 Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid the fees of \$417.00 (excluding GST) to cover all costs with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Clause 6.7.2 of DPS2 enables public consultation to be undertaken prior to the consideration of an application for planning approval where this is considered necessary and/or appropriate. In this instance, it is considered that the proposal is consistent with the objectives of the Service Industrial zone, and in keeping with surrounding land uses. As such, public comment has not been sought.

COMMENT

Land Use and Location

The proposed change of use to 'Transport Depot' is considered to be consistent with the objectives of the Service Industrial zone as set out in DPS2. The proposal is also considered to be consistent with surrounding land uses and will not have an adverse impact on the amenity of adjoining owners or the locality.

Given that previous approvals granted for the site have been conditioned for screening to a height of 1.8 metres, it is appropriate that in this instance a condition of screening again be imposed. Screening to the rear boundary fronting Hepburn Avenue will reduce the visibility, and therefore the visual impact of the materials and equipment kept on site.

It is considered that landscaping to a sufficient height and density to soften the impact of the site as viewed from Hepburn Avenue is appropriate in this instance.

Car Parking

A car parking standard of one car bay per employee has been applied given that other local authorities have adopted this standard within their relevant schemes. It is considered that the proposed parking standard will provide adequate parking for staff and potential visitors to the premises. The business currently employs 15 staff members with a total of 17 bays proposed.

Conclusion

Having regard to the above it is recommended that the application be approved, subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **Having regard to clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, DETERMINES that a parking standard for "Transport Depot" of "one bay per employee" is appropriate in this instance;**
- 2 **APPROVES the application for planning approval, dated 22 September 2011 submitted by Allworks WA Pty Ltd as the applicant and owner, for retrospective change of use from Warehouse to Transport Depot and additions at Lot 397 (27) Canham Way, Greenwood, subject to the following conditions:**
 - 2.1 **All stormwater shall be collected on-site and disposed of in a manner acceptable to the City. Details of all proposed stormwater disposal systems shall be shown on the Building Licence Application;**

- 2.2 The lodging of detailed landscape plans, to the satisfaction of the City, for the site and adjoining road verge(s) for approval with the Building Licence submission. These plans are to depict a 3.0m wide landscaping strip to both the Canham Way and Hepburn Avenue boundaries, with the planting of mature vegetation along the Hepburn Avenue boundary so as to screen the storage area from the street;
- 2.3 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked 60 days from the date of this approval, and thereafter maintained, to the satisfaction of the City; and
- 2.4 The existing sea container shown on the development plans to the right (eastern) boundary shall be removed within 30 days of completing the storage shed addition.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf151111.pdf](#)

ITEM 11 PROPOSED MODIFICATIONS TO THE BURNS BEACH STRUCTURE PLAN

WARD:	North	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	29557,101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Existing and Proposed Plan 1 - Structure Plan
	Attachment 3	Indicative Subdivision Plans
	Attachment 4	Advertising Plan
	Attachment 5	Structure Plan Process Flow Chart

PURPOSE

The purpose of this report is for Council to consider adopting proposed modifications to the Burns Beach Structure Plan, for the purpose of public advertising.

EXECUTIVE SUMMARY

The City has received a request to modify the existing Burns Beach Structure Plan.

The modifications include:

- Increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25;
- Increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40; and
- Text and mapping modifications to reflect the coding change.

The proposed density increase will facilitate additional lots within the structure plan area providing greater choice in lot sizes for purchasers. The proposed increases in densities are considered to be relatively minor and do not materially change the intent of the structure plan.

It is recommended that the modifications to the structure plan be adopted for the purpose of public advertising for a period of 21 days.

BACKGROUND

Suburb/Location:	Burns Beach	
Applicant:	Development Planning Strategies	
Owner:	Burns Beach Property Trust	
Zoning:	DPS:	Urban Development
	MRS:	Urban
Site Area:	147 ha	
Structure Plan:	Burns Beach	

The Burns Beach Structure Plan covers 147 hectares of land located north of Burns Beach Road and west of Marmion Avenue (Attachment 1 refers). The land is zoned 'Urban Development' under District Planning Scheme No 2 (DPS2).

Previous modifications to the Burns Beach Structure Plan were adopted in September 2007. Since this time almost half of the area has been developed for residential purposes and subdivision approval has been granted for the entire area. However, the areas that are the subject of the modification are yet to be subdivided and remain in the ownership of the Burns Beach Property Trust.

DETAILS

The City has received a request from Development Planning Strategies on behalf of Peet Limited to modify the structure plan as follows:

- Increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25, as shown on Plan 1 – Structure Plan (Attachment 2 refers);
- Increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40 as shown on Plan 1 – Structure Plan (Attachment 2 refers);
- Modify *Part 1 Section 9.2 Land Use and General Provisions* of the structure plan to read:

'Development of all lots within the Northern Residential Precinct shall be in accordance with the R25 residential density code except where defined on the approved Structure Plan at R40 and R60, and development shall be assessed in accordance with the Residential Design Codes, District Planning Scheme, Council's policies, relevant Local Laws and the Building Codes of Australia, except where they have been varied in the following instances:

Land use permissibility and general provisions in the Northern Residential Precinct shall be the same as those within the Residential zone under the City's District Planning Scheme No 2. For lots within the Northern Residential Precinct with a R25 residential density code, the provisions of the Residential R20 Precinct apply.'

- Modify *Part 2 Section 10.4 – Northern Residential Precinct – Density* to read:

'The bulk of the development in the Northern Residential Precinct will conform with the R25 code. A number of smaller pockets of R60 and R40 development are proposed surrounding the large park at the high point of the Precinct, and also adjacent to the coastal road. These have been shown on the Structure Plan (Plan 1) and the below extract from the Structure Plan. The increased amenity value of the open space areas and coastal proximity provides the opportunity for increased density in these areas.'

In support of the proposed modifications, the applicant provided the following comments:

- The increase from R20 to R25 in the Northern Residential Precinct is in response to the market trend for smaller lots;
- Similarly there is current demand for lots at the R40 density which is why the proposed increase has been proposed for lots in stage 7;
- The land affected by the proposed density increase to R40 is owned by the Burns Beach Property Trust rather than impacting on lots which are owned by individual landowners and have been purchased on the basis of being coded R20; and

- New subdivision applications will be lodged to create the smaller R40 lots ranging in size from 346m² to 507m². (Attachment 3 refers)

Issues and options considered:

The issues associated with the proposal include:

- Suitability of the proposed modifications.

The options available to Council in considering the modifications to the structure plan are:

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

Legislation/Strategic Plan/Policy Implications

Legislation

Clause 9.7 of District Planning Scheme No 2 (DPS2) enables Council to amend an Agreed Structure Plan subject to the approval of the Western Australian Planning Commission. Should Council determine that the modification to the structure plan is satisfactory, advertising of the proposal is required in accordance with Clause 9.5 of DPS2.

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days.

Under Clause 9.6, upon the completion of the public advertising period, Council is required to consider all submissions within sixty (60) days to either adopt or refuse to adopt the amended structure plan, with or without modifications. Attachment 4 sets out the structure plan process.

Should Council determine that the proposed modification is minor such as not to materially alter the intent or purpose of the Agreed Structure Plan or cause any significant detriment to land within or abutting the structure plan area, it may waive the public advertising of the proposed modifications in accordance with Clause 9.7 of DPS2.

Strategic Plan

Key Focus Area: The Built Environment.

Objective: 4.1 To ensure high quality urban design within the City.

Policy:

Not Applicable.

Risk Management Considerations:

The proponent has the right of review against Council's decision in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

Financial/Budget Implications:

The applicant has paid fees of \$5,969 (incl GST) to cover all costs associated with assessing the structure plan and public consultation.

Regional Significance:

Directions 2031 and draft Outer Metropolitan Perth and Peel Sub-Regional Strategy provide aspirations for the better utilisation of urban land through the establishment of dwelling targets for both green field and infill development sites. The proposed density increase will provide the opportunity for additional dwellings to be developed in the area. Whilst it is not a significant increase in the number of dwellings to be provided in the structure plan area, these additional dwellings will assist in delivering the aspirations of Directions 2031 and draft Outer Metropolitan Perth and Peel Sub-Regional Strategy for the City of Joondalup.

Sustainability Implications:

The proposed density increase has the potential to provide additional dwellings in the area which will allow more efficient use of the proposed and existing infrastructure.

Consultation:

In the event that the proposed modifications are adopted for the purpose of public advertising, advertising would be undertaken as follows:

- Letters sent to nearby landowners (Attachment 4 refers) and four service authorities;
- A notice placed in the local and The West Australian newspapers; and
- A notice and documents placed on the City's website.

COMMENTSuitability of the proposed residential density increase

Although there is a current subdivision approval in place, the land located within the Northern Residential Precinct is yet to be subdivided into individual residential lots. As such, the proposed density increase from R20 to R25 will not have any impact on any existing or surrounding landowners.

While the land proposed to be recoded from R20 to R40 is yet to be subdivided into individual residential lots, some of the adjacent land has been subdivided, with some lots now privately owned. Those lots which have been sold may have been sold on the premise that the surrounding land was coded R20 which would suggest the lot sizes would be approximately 500m².

The indicative plan provided by the applicant shows the R40 lots ranging in size from 346m² to 507m². Any lot larger than 440m² will have the potential to be further subdivided by the future landowners into lots averaging 220m²; otherwise the majority of the lots will only accommodate one dwelling. Based on the indicative plan only two lots will have further subdivision potential at the R40 density.

The proposed modifications to the Burns Beach Structure Plan will result in an increase in the variety of residential densities in the area and the potential to provide a greater range of lot sizes. It is considered that the increases in density and diversity are in line with the objectives of Directions 2031, and it is recommended that the proposals be advertised for public comment.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council, pursuant to clause 9.7 of District Planning Scheme No 2, ADOPTS the following modifications to the Burns Beach Structure Plan for the purpose of public advertising for a period of 21 days:

- 1 Increasing the residential density of undeveloped land currently coded R20 in the Northern Residential Precinct, to R25;**
- 2 Increasing the residential density of part of the undeveloped land coded R20 in 'Stage 7', to R40; and**
- 3 Text and mapping modifications to reflect the coding change,**

as shown at Attachment 2 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf151111.pdf](#)

ITEM 12 PROPOSED OFFICE AND SHOWROOM DEVELOPMENT AT LOT 5008 (15) CHESAPEAKE WAY, CURRAMBINE

WARD: North

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

FILE NUMBER: 80612, 101515

ATTACHMENTS: Attachment 1 Location Plan
 Attachment 2 Development Plans and Building Perspectives
 Attachment 3 Environmentally Sustainable Design – Checklist
 Attachment 4 Notes from Joondalup Design Reference Panel

PURPOSE

To request Council's determination of an application for a proposed office and showroom development at Lot 5008 (15) Chesapeake Way, Currambine.

EXECUTIVE SUMMARY

An application for planning approval has been received for an office and showroom development at Lot 5008 (15) Chesapeake Way, Currambine.

The proposed development is located on the north east corner of the intersection of Hobsons Gate and Chesapeake Way and will incorporate 942.5m² of showrooms and 870.5m² of offices. Twelve R40 residential lots ranging in size from 216.7m² to 239.4m² are also indicated on the plans but do not form part of this application. The applicant is proposing to construct access and associated works to service the residential component but any residential land use will be subject to further approvals at a later stage.

The site is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under the City's District Planning Scheme No 2 (DPS2). Office and Showroom are permitted uses within the Business zone. In addition to the development standards of DPS2, the development site is also subject to the provisions of the Currambine District Centre Structure Plan (CDCSP).

The proposal meets the development standards of DPS2 and the CDCSP with the exception of a five bay car parking shortfall (8%), window sill heights, and depth of landscaping between Chesapeake Way and the proposed car park.

The application was advertised for a period of 21 days. Letters were sent to 124 land owners and occupiers in the general vicinity of the subject site. A sign was also placed on site, and a newspaper advertisement was placed in the Joondalup Weekender for three consecutive weeks. Notice of the development was also placed on the City's website. Three submissions of non-objection were received.

The proposal was discussed by the Joondalup Design Reference Panel at a meeting on 5 October 2011. Apart from a few minor issues raised, the panel was highly supportive of the development.

Overall the design of the development is considered to be of high quality and will be a positive contribution to the Currambine District Centre. The application is recommended for approval subject to conditions.

BACKGROUND

Suburb/Location: Lot 5008 (15) Chesapeake Way, Currambine.
Applicant: Harden Jones Architects
Owner: Currambine Developments
Zoning: **DPS:** Business
MRS: Urban
Site Area: 6862m²
Structure Plan: Currambine District Centre Structure Plan (CDCSP).

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

The subject lot is currently vacant and has not previously been developed. The lot is a result of a recent subdivision of original Lot 5005 resulting in Lots 5007 and 5008 (subject lot). A subdivision application for the creation of 26 residential lots was recently approved on Lot 5007, by the Western Australian Planning Commission (WAPC). The postal address of the subject lot was changed by the City from 11 Chesapeake Way to 15 Chesapeake Way during the assessment of this application.

At its meeting held on 18 August 2009, Council considered a proposal for grouped dwellings, showrooms, offices, takeaway food outlets, convenience stores, restaurants and shop on the original Lot 5005. This was approved subject to conditions (CJ170-08/09 refers). This development was not constructed and the approval has subsequently lapsed.

There are two separate easements on the subject lot, being a sewerage easement and a drainage easement. Both easements run in a north south direction through the south eastern portion of the lot and have been incorporated into the design of the proposed car park.

DETAILS

The development proposal incorporates the following:

- The construction of a new two storey building fronting both Hobsons Gate and Chesapeake Way;
- The facade to both Hobsons Gate and Chesapeake Way will be predominantly glazed from floor to ceiling. The roof is designed to overhang both street frontages and the car park to the rear and is incorporated in the design as an awning for pedestrian protection. A large flat architectural roof feature adds visual interest to the development. The flat structure sits atop the roof and serves as a roof covering to a pedestrian 'mall' walkway which links the Chesapeake Way frontage to the car park. This feature will have a zinc or bronze finish and will be back-lit at night;
- 942.5m² of showrooms and 870.5m² of offices;
- 56 car bays consisting of 53 regular bays, 2 disabled car bays, and one commercial service/loading bay;
- Extensive landscaping around the building (including 16 shade trees in the car parking area); and
- An access road, associated works and four visitors' car bays, for the future development of 12 R40 residential lots.

The development plans and building perspectives are provided in Attachment 2.

The development does not meet the requirements of the CDCSP in respect to sill heights as the windows on the western and southern facades extend to the ground floor level in lieu of having minimum sill heights of 600 millimetres.

Car parking

The following table sets out the car parking requirement for the development in accordance with DPS2.

Development (standard)	Car bays required	Car bays provided
Proposed showrooms/offices (one bay per 30m ² NLA)	61	56
TOTAL	61	56 (5 bay shortfall)

In support of the five bay car parking shortfall (8%), the applicant has provided 20 onsite bike racks, and end-of-trip facilities (showers and toilets) accessible to each of the 10 commercial tenancies.

The car parking for each of the 12 residential lots which are indicated on the plans will be assessed in the future against the requirements of the Residential Design Codes of Western Australia (R- Codes). Two bays will be required to be contained within each residential lot. In addition to this one visitors bay will be required per four residential lots.

The applicant has indicated four residential visitors' bays as part of this application to service future residential lots, as per the requirements of the R- Codes (three required). These bays will be constructed as part of the current development proposal and can be used for the showrooms and offices until the residential lots are developed. In the event that the residential lots are not developed or are developed in a manner that is different to that currently envisaged, these four parking bays could possibly be used for the showrooms and offices on a permanent basis. If this were to occur, the parking shortfall for this development would be one bay (1.6%).

In regard to the design of the development the applicant has provided the following detail:

Facade Treatments

The CDCSP requires that there be no blank facades to the building other than where the building directly abuts another building or a loading bay. The development proposes to incorporate a range of materials and design elements that contribute to the achievement of activated facades.

In particular, the development proposes a large proportion of glazing (71.4% of street frontages) and visually permeable frontages, ensuring future tenancies open out to and address pedestrian accessways, car parking and the Main Street as required by the CDCSP.

Materials and finishes

The development plans indicate that the building incorporates a variety of materials, although details of the colours and finishes will be confirmed as part of the future Building Licence application. The building facades will comprise materials such as rendered masonry or steel framed cladding, plate glass and other approved materials. The building structure principally comprises glass, rendered masonry, and metal roof sheeting.

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

Clause 4.5 of DPS2 allows for the development standards to be varied:

4.5 Variations to Site and Development Standards and Requirements

4.5.1 Except for development in respect of which the Residential Design 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) Interest of proper and orderly 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;*
- (h) The comments and wishes of any objectors to or supporters of the application;*
- (i) Any previous decision made by 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*
- (j) Any other matter which in the opinion of the Council is relevant.*

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:

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

Financial/Budget Implications:

The applicant has paid fees of \$8,800 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

The applicant has addressed the City's sustainability checklist for the development (Attachment 3 refers), indicating the use of some sustainability measures with further measures to be indicated with the Building Licence application.

The applicant has provided parking for 20 bicycles. In addition to this, end-of-trip facilities have been provided at a rate of 1 bathroom per 2 commercial tenancies. The end-of-trip facilities consist of a shower and toilet and are in addition to the provision of a separate toilet per 2 commercial tenancies.

Consultation:

The application was advertised for a period of 21 days. Advertising commenced on 29 September 2011 and finished on 20 October 2011. Letters were sent to 124 land owners and occupiers in the general vicinity of the subject site. Additionally, a sign was placed on the subject lot at the corner of Chesapeake Way and Hobsons Gate, and a newspaper advertisement was placed in the 'Joondalup Weekender' for a period of three weeks. Notice of the development was also placed on the City's website. Three responses were received, being three letters of no-objection.

COMMENT

The application is for a new office and showroom development at Lot 5008 (15) Chesapeake Way, on the northeast corner of Chesapeake Way and Hobsons Gate Currambine. The requirements of DPS2 and CDCSP are met except where discussed below.

Car parking

The proposed development has a car parking shortfall of five bays to that required by DPS2. The applicant suggests that certain employees of businesses within the development will take advantage of the bicycle racks and end-of-trip facilities available on-site and that some surrounding residents may access the site by foot. The site is well connected to surrounding lots within the area and is adjacent to a pedestrian access way. The applicant has identified public transport as an alternative to car travel.

The applicant has indicated four residential visitors' bays as part of this application to service future residential lots, as per the requirements of the R- Codes (three required). These bays will be constructed as part of the current development proposal and can be used for the showrooms and offices until the residential lots are developed. In the event that the residential lots are not developed or are developed in a manner that is different to that

currently envisaged, these four parking bays could possibly be used for the showrooms and offices on a permanent basis. If this were to occur, the parking shortfall for this development would be one bay (1.6%).

With respect to the proposed car parking shortfall, the Council is required to determine whether the 56 bays being provided are sufficient to service the development in lieu of the 61 required under DPS2.

The options are available to Council are:

- 1 Determine that the provision of 56 bays is appropriate;
- 2 Determine that the provision of 56 bays is not appropriate; and
- 3 Determine that a cash in lieu payment of \$129,645 (being \$25,929 per bay) is required for the 5 bays required as a result of the development.

Based on the information provided above, it is considered that the 56 bays will be adequate to service this development.

Landscaping depth

DPS2 requires that a landscaping area no less than three metres deep be provided where a car park abuts a street. The landscaping between Chesapeake Way and the proposed car park has a minimum depth of 1.5 metres. The depth of the landscaping increases from 1.5 metres up to 1.75 metres due to the skewed nature of the lot boundary. It is noted that the overall landscaping provision for the commercial portion of the development is in excess of the 8% required (10.3%).

Glazing

As outlined in the details section of this report, glazing to the southern and western facades exceeds 70% of the frontage as required by the CDCSP. However, the window sill heights on the southern and western facades extend to the finished floor level, rather than a sill height of 600 millimetres.

Notwithstanding this non-compliance, it is considered that the objective of the commercial and business zone under the structure plan is met, as the frontages provide passive surveillance and will promote an active edge and attractive facade along the 'Main Street' frontage and pedestrian and vehicle linkages.

Future residential use

This application is for the development indicated on the submitted plans. The plans indicate an intention to develop 12 R40 residential lots however the development/subdivision of these lots will be subject to further planning approvals from the City and the Western Australian Planning Commission. The applicant proposes to construct a vehicle access way and four visitors' car bays to service residential lots in anticipation of future approvals. A legal agreement will be required to be prepared to facilitate legal pedestrian and vehicle access over the area identified on the plans as shared access if the developer chooses to proceed with the residential development in the future.

Joondalup Design Reference Panel

The JDRP met on 5 October 2011 to discuss the proposal. The panel was generally in support of the development. The following was discussed;

- Concerns regarding the funnelling of wind due to the east/west orientation of the building. The applicant stated that similar wind tunnelling would occur if the development was orientated north/south due to the prevailing wind being from the south/west. The development was designed to address the longer street frontage, being Chesapeake Way;
- The relationship of this development to the development on the adjoining lots. The applicant thought that the proposed development fit well with the development on the adjoining lots in terms of bulk and scale, and land use;
- Concerns regarding the disabled access/stairs located at the far end of the proposed development, and the entrance and lift/stairs relating well to the car park. The applicant advised that it was convenient to provide a single lift for the development and that an additional lift was not practical due to financial limitations. It was pointed out that the access meets the requirements of the Building Code of Australia and provides sufficient pedestrian and disabled access from all areas of the development; and
- The proposed development being of “elegant design”. The applicant agreed with this comment.

Conclusion

The proposed variations to the CDCSP are considered appropriate. Furthermore, the car parking being provided is considered to be sufficient to service the proposed development given the minor shortfall proposed and the provision of bicycle racks and end of trip facilities for the development.

Overall the design of the development is considered to be of high quality and will be a positive contribution to the Currambine District Centre.

The application is recommended for approval subject to conditions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

1 EXERCISES discretion under clause 4.5.1 of the City of Joondalup District Planning Scheme No 2 and determines that:

1.1 Window sills extending to the ground floor in lieu of 600 millimetres;

1.2 Carparking provision of 56 bays in lieu of 61 bays; and

1.3 Minimum landscaping depth of 1.5 metres between Chesapeake Way and the carpark,

are appropriate in this instance;

- 2 APPROVES the application for planning approval dated 18 July 2011, submitted by Harden Jones Architects, on behalf of the owners, Currambine Developments No 1 Pty Ltd, for proposed showroom and office development at Lot 5008 Chesapeake Way, Currambine, subject to the following conditions:**
- 2.1 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;**
 - 2.2 A Construction Management Plan being submitted and approved prior to the commencement of construction. The management plan shall detail how it is proposed to manage:**
 - 2.2.1 all forward works for the site;**
 - 2.2.2 the delivery of materials and equipment to the site;**
 - 2.2.3 the storage of materials and equipment on the site;**
 - 2.2.4 the parking arrangements for the contractors and subcontractors;**
and
 - 2.2.5 other matters likely to impact on the surrounding properties;**
 - 2.3 A Refuse Management Plan indicating the method of rubbish collection is to be submitted to and approved by the City, prior to the commencement of construction;**
 - 2.4 The lodging of detailed landscaping plans with the Building Licence Application based on water sensitive urban design and Designing Out Crime principles to the satisfaction of the City. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving, treatment of verges and tree planting in the car park, are to be shown on the Landscaping Plan;**
 - 2.5 Landscaping, reticulation and all verge treatments, based on water sensitive urban design principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to a high standard to the satisfaction of the City;**
 - 2.6 The Chesapeake Way and Hobsons Gate verge shall be brick paved and shall rise to the back of the verge at a 2% grade at the owners cost to match the existing paving to the satisfaction of the City;**
 - 2.7 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 by the City prior to the commencement of construction;**
 - 2.8 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 be approved by the City prior to the commencement of construction;**

- 2.9 The parking bays, driveways and access points to be designed in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004) and Off-street Parking for People with Disabilities (AS/NZS2890.6 2009). Such areas are to be constructed, drained and marked prior to the development first being occupied, and thereafter maintained, to the satisfaction of the City;
 - 2.10 The fencing to the pedestrian accessway shall be installed prior to the development first being occupied and shall meet the fencing requirements of City Policy- Pedestrian Accessways;
 - 2.11 The finished floor levels of the proposed commercial units shall match the verge levels adjacent to the tenancies to the satisfaction of the City;
 - 2.12 The retaining walls and bin store shall be treated with non-sacrificial anti-graffiti coating;
 - 2.13 No obscure or reflective glazing is permitted at ground floor level on the facades facing Chesapeake Way and Hobsons Gate;
 - 2.14 All signage shall be the subject of a separate Development Application;
 - 2.15 A lighting plan detailing all external pole and fixture positions, lux levels and light spillage shall be submitted with the Building Licence Application for the approval of the City;
 - 2.16 Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas in accordance with the approved lighting plan prior to the development first being occupied to the satisfaction of the City;
 - 2.17 The car parking shade trees as indicated on the approved plans shall be installed prior to the development first being occupied. The trees shall be located within tree wells and protected from damage by vehicles and maintained to the satisfaction of the City; and
 - 2.18 All awnings shall have a minimum clearance of 2.75 metres above the level of the footpath;
- 3 NOTES that this approval relates only to the proposed development as indicated on the approved plans. It does not relate to the subdivision of the proposed residential lots. Further planning approvals will be required for the development of any dwellings on these lots.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf151111.pdf](#)

ITEM 13 JOONDALUP DESIGN REFERENCE PANEL – CHANGES TO TERMS OF REFERENCE AND APPOINTMENT OF PANEL MEMBERS

WARD:	All
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	34172
ATTACHMENTS:	Attachment 1 Joondalup Design Reference Panel – Terms of Reference

PURPOSE

The purpose of this report is to seek Council approval to:

- Amend the Terms of Reference for the Joondalup Design Reference Panel (JDRP); and
- Appoint external representatives to the JDRP.

EXECUTIVE SUMMARY

The Council endorsed the establishment of a Joondalup Design Advisory Panel at its meeting held on 30 September 2008 (CJ213-09/08 refers). Panel members were appointed for a two year term at the Council meeting held on 16 June 2009.

The Council then requested a report on possible amendments to the Terms of Reference of the panel at its meeting held on 19 October 2010 as the Council wanted all new building development in the Joondalup City Centre to be referred to the Design Advisory Panel.

The subject report was presented to the Council at its meeting held on 16 November 2010 (CJ191-11/10 refers), at which the Council resolved to amend the Design Advisory Panel Terms of Reference, Point 3 to read:

“3. OBJECTIVES

To provide advice to the City on:

- 3.1 All new building development within the City Centre;*
- 3.2 Major extensions to existing buildings in the City Centre that impact on the streetscape;*
- 3.3 Major buildings outside of the City Centre (excluding single and grouped dwellings, and extension to commercial or mixed-use buildings that do not significantly affect the streetscape);*

Assessment and advice will have a particular focus on the impact of the building on the streetscape and the environmentally sustainable design features of the building;”

The Council also resolved to amend the title of the Design Advisory Panel (DAP) to the Joondalup Design Reference Panel (JDRP). This was done in order to avoid confusion between the acronyms for the City's Design Advisory Panel (DAP) and the State's Development Assessment Panels (DAPs), which came into effect on 1 July 2011.

The two year term for panel members has now lapsed and the City needs to re-appoint members to the panel. The panel is essential to the processing of major development applications and the City wants to avoid delays in the processing of these applications. As such, it is considered that the City should not go through the process of calling for nominations from relevant professional institutions but should instead look at re-appointing existing panel members from the professional institutions to the panel positions.

It is also recommended that the Terms of Reference also be changed so that applications which now need to be referred to the State's Development Assessment Panel (DAP) do not also need to be referred to the Joondalup Design Reference Panel.

BACKGROUND

At its meeting held on 30 September 2008 (CJ213-09/08 refers), the Council established the Design Advisory Panel, seeking nominations of members from relevant professional institutions representing:

- Architecture
- Urban Design Planning
- Town Planning
- Landscape Architecture

Nominations were sought from relevant professional associations and institutes and, at its meeting on 16 June 2009, the Council appointed the following panel members for a period of two years:

	Member	Deputy Member
Australian Institute of Architects	Mr Rod Mollet	Ms Nerida Moredoundt
Planning Institute of Australia	Mr Mathew Selby	Ms Jane Bennett
Australian Institute of Landscape Architects	Mr Andy Sharp	Ms Regan Douglas

A single development application (57 Shenton Avenue) was presented to the panel between June 2009 and October 2010.

At its meeting on 19 October 2010 (CJ167-10/10 refers), Council considered a development application for 35 Davidson Terrace, Joondalup, which proposed a five storey commercial development. The Council deferred consideration of the application pending the submission of additional information, and also requested that the proposal be referred to the Design Advisory Panel. The Council also resolved to request a report be presented to the Council that:

“Investigates the possibility of amending the Terms of Reference for the Design Advisory Panel, to enable all development applications for new buildings in the City Centre to be referred to the Design Advisory Panel, irrespective of the expected value of the development.”

A report proposing amendments to the Terms of Reference was presented to and approved by the Council in November 2010. Since then, an additional 12 development proposals have been presented to the panel.

The panel has been instrumental in providing design advice to applicants, support to the City officers in their assessment of applications, support to staff in their negotiation with applicants to make changes to proposals and information to the Council to assist in determining development proposals.

However, the term of membership of panel members has now expired and the City now needs to re-appoint representatives from the Australian Institute of Architects, the Planning Institute of Australia and the Australian Institute of Landscape Architects as members for the panel.

In order to avoid delays in the processing of major development applications for the City, it is recommended that the City not go through the process of calling for nominations from relevant professional institutions but should instead look at re-appointing existing panel members from the professional institutions to the panel positions.

In addition, on 1 July 2011, the State's Development Assessment Panels (DAPs) commenced operation throughout Western Australia. DAPs are responsible for determining development applications where the likely cost of the development exceeds a specified dollar value. For the City of Joondalup, any proposal over \$7 million in value will be determined by the DAP. An applicant may also elect for a development with a value of between \$3 million and \$7 million to be determined by the DAP.

DAP applications need to be assessed, consulted on (where necessary) and reported to the DAP within tight statutory timeframes. These timeframes do not allow for assessment by the JDRP. It is also considered that, because the membership of the DAP includes three independent and specialist members, any referral to the JDRP would simply be a duplication of process.

It is therefore recommended that the Terms of Reference for the JDRP be amended to exclude applications which are required to be considered by the DAP.

DETAILS

The current Terms of Reference for the JDRP are at Attachment 1. It is recommended that the Terms of Reference be amended (as highlighted in Attachment 1) to exclude applications which are required to be considered by the DAP.

Issues and options considered:

Terms of Reference

- Option 1: No change to current Terms of Reference.
- Option 2: Amend Terms of Reference to exclude applications, which are required to be determined by the DAP.

Panel members

- Option 1: Re-appoint existing panel members and deputies to panel positions.
- Option 2: Seek nominations from the relevant professional institutions for new members to sit on the JDRP.

Legislation/Strategic Plan/Policy Implications

Legislation Planning and Development Act 2005 and District Planning Scheme No. 2.

There is no requirement under the Act or DPS 2 to establish a panel.

Strategic Plan

Key Focus Area: The Built Environment

Objective: 4.1 Objective: to ensure high quality urban development within the City.

Policy:

Not Applicable.

Risk Management Considerations:

If the Council elects not to change the Terms of Reference for the JDRP, it is likely that applications will not be assessed and reported by the City to the DAP in a timely manner.

Financial/Budget Implications:

There are no financial implications attached to this report.

Each panel member is paid \$250 for each sitting of the JDRP, including time to review the proposal(s) before the panel meets.

Regional Significance:

Not Applicable.

Sustainability Implications:

Sustainability impacts of individual developments are addressed in reports to both the JDRP and Council.

Consultation:

No consultation has taken place in regard to this report.

COMMENT**Change to Terms of Reference**

Under the *Planning and Development (Development Assessment Panels) Regulations 2011*, planning applications for development proposals with a construction value of over \$7 million can no longer be determined by the City of Joondalup. Instead, these applications need to be determined by a DAP.

The City's obligations in relation to receiving and assessing an application remain unchanged as a result of the introduction of DAPs. However, the City is now required to provide the DAP application to the DAP secretariat, and to prepare a report on the application for consideration by the DAP. The report must be provided to the DAP secretariat within 50 days of receipt of the application where public consultation is not required, and 80 days where consultation is necessary.

The strict deadlines for the provision of a report to the DAP secretariat do not allow sufficient time for a report to be presented to the JDRP. In addition to this, it is important to note that the intent of the JDRP is to provide professional advice to the City to enable a decision to be made. As the membership of the JDRP and the DAP consist of persons with similar qualifications, feedback from the JDRP is considered unnecessary for DAP applications.

Therefore, it is necessary that changes to the Terms of Reference for the JDRP are made to exclude applications that will be determined by the DAP. To this end, it is recommended that another paragraph be added to Point 3 of the Terms of Reference so that it will now read as follows:

3. OBJECTIVES

To provide advice to the City on:

- 3.1 *All new building development within the City Centre;*
- 3.2 *Major extensions to existing buildings in the City Centre that impact on the streetscape; and*
- 3.3 *Major buildings outside of the City Centre (excluding single and grouped dwellings, and extension to commercial or mixed-used buildings that do not significantly affect the streetscape);*

Assessment and advice will have a particular focus on the impact of the building on the streetscape and the environmentally sustainable design features of the building.

Note: Applications that are required to be determined by the State Government's Development Assessment Panel (DAP) are excluded and will not be considered by the Joondalup Design reference Panel.

Re-appointment of panel members

The JDRP is essential to the processing of major development applications for the City and the City wants to avoid delays in the processing of these applications. Therefore, in the pursuit of expediency, it is considered that the City should not go through the process of calling for nominations from relevant professional institutions but should instead look at re-appointing existing panel members from the professional institutions to the panel positions.

These panel members have individually and collectively been instrumental in adding value to application assessment and determination process. The City has been pleased with the performance of all members and sees no need in changing membership.

Existing panel members and deputies have been contacted and have confirmed that they are still willing to perform the role of panel members.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 AMENDS the Joondalup Design Reference Panel Terms of Reference, Point 3 to read:**

“3. OBJECTIVES

To provide advice to the City on:

- 3.1 All new building development within the City Centre;**
- 3.2 Major extensions to existing buildings in the City Centre that impact on the streetscape; and**
- 3.3 Major buildings outside of the City Centre (excluding single and grouped dwellings, and extension to commercial or mixed-used buildings that do not significantly affect the streetscape);**

Assessment and advice will have a particular focus on the impact of the building on the streetscape and the environmentally sustainable design features of the building.

***Note:* Applications that are required to be determined by the State Government’s Development Assessment Panel (DAP) are excluded and will not be considered by the Joondalup Design reference Panel.**

- 2 BY AN ABSOLUTE MAJORITY, APPOINTS the following Panel Members to the Design Advisory Panel for a two-year period:**

	Member	Deputy Member
Australian Institute of Architects	Rod Mollet	Nerida Moredoundt
Planning Institute of Australia	Mathew Selby	Jane Bennett
Australian Institute of Landscape Architects	Andy Sharp	Regan Douglas

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf151111.pdf](#)

ITEM 14 **JOONDALUP MEN’S SHED - PROVISION OF LAND AND FACILITY DEVELOPMENT**

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt, Chief Executive Officer
FILE NUMBER:	77613, 101515
ATTACHMENTS:	Attachment 1 Reserve 34330 1-16 Sail Terrace Heathridge

PURPOSE

To recommend a suitable City-owned site that has the potential to be leased to the Joondalup Men’s Shed Incorporated (JMS) and seek Council’s endorsement for the development of Men’s Shed facility on the proposed site.

EXECUTIVE SUMMARY

The JMS formed in August 2010 and has attracted interest from the local community receiving support from residents, community groups, local businesses and politicians. JMS aims to address men’s social, physical and mental health and wellbeing in the community by engaging men to connect, share and learn new skills and interests.

On 16 November 2010, JMS submitted a proposal to the City that identified seven possible sites for the development of long term accommodation. The nominated sites were investigated by the City and deemed unsuitable by Council at its March 2011 meeting (CJ036-03/11 refers).

Council acknowledged the need for a Men’s Shed in Joondalup and requested the identification of suitable City-owned and other sites with the potential to be leased to the JMS. Three options were initially identified and this report outlines details on the option considered most suitable being Reserve 34330 Lot 9541 (16) Sail Terrace, Heathridge (adjacent to the existing City of Joondalup Leisure Centre, Heathridge).

In January 2011, JMS secured a one-year lease of the Manual Arts facility at Padbury Senior High School with the Department of Education (DOE). The DOE has recently extended the group’s tenure for a period of between three to five years while the group develops a permanent shed.

Should Reserve 34330 Lot 9541 (16) Sail Terrace, Heathridge be approved as the most suitable site, prior to the development of an agreement to lease, the City will inform residents and user groups in close proximity to the preferred site of the proposed development.

In order to ensure that the land is utilised within a specified timeframe, the City would develop an Agreement to Lease that includes a condition that requires the JMS to be in a position to build a Men’s Shed within three years from signing the agreement.

BACKGROUND

The Australian Men's Shed movement has grown in momentum in recent years in response to men's health issues, as well as a gap in low cost meaningful activities. The Men's Shed is a community facility for men and shedders (or members) to benefit from mentoring and skill sharing opportunities and work on personal or community manual arts or craft projects. There are currently over 650 Men's Sheds in Australia with 75,000 members nationally and 22 Men's Sheds in the Western Australia. Western Australian Local Governments' involvement varies from one, a combination or all, of the following:

- Management of facilities and programs;
- Provision of funds;
- Community development support;
- Relationship with group/s;
- Provision of land with lease agreements;
- Role in building development;
- Working party representation;
- Men's Shed promotion.

With over 54,000 males in the northern corridor not in full time employment (Cat. No. 2068-2006 Census Tables and only six Men's Sheds with a combined capacity for 750 shedders, there is a need for the development of additional facilities in the region.

JMS currently has approximately 100 male shedders who are predominantly retirees. The group plans to target membership drives to other groups of men not in full time employment including fly in fly out workers, unemployed, part time workers and those with disabilities. JMS operates three days a week; activities include personal and community based woodwork and metal work projects (for external groups and agencies), cooking classes and regular men's health information sessions.

The JMS's medium term business plan involves securing a suitable site or premises. JMS has requested a land lease arrangement from the City for the development of a purpose-built Men's Shed. Although the predominant use of the facility will be by men, women who have an interest in manual arts and crafts will be able to use the facility at specific times. The JMS facility requirements outlined in the proposal include a centrally located, fully accessible facility close to public transport approximately 900 square metres (m²) in size. The facility would incorporate necessary workshop features, a small shop front, kitchen, lounge area, small meeting room, computer room, toilets and showers, and parking facilities. Space dependent, the JMS proposes the outdoor area may incorporate a community garden (linked to the Shed for benefit of the whole community use), barbecue area, all-weather gazebo and seating.

DETAILS

JMS Current Tenancy

The DOE has agreed to extend the JMS lease for a period of between three and five years while the group develops a permanent shed. As part of the lease agreement the JMS is coordinating the storage, cleaning, maintenance and repair of the Centre for Inclusive Schooling aids for children with disabilities.

Proposed Site/Facility

Site: Reserve 34330 Lot 9541 (16) Sail Terrace, Heathridge
 Land Area: Development footprint approximately 450m² (site: 3,159 m² not including oval)
 Zoning: Parks and Recreation
 Tenure: Crown land with City of Joondalup Management Order for 'Public Recreation/Child Health Centre'.

The proposed site is on Heathridge Park which is in a residential area. Heathridge Park includes an active oval, Leisure Centre, park land, Clubrooms, Pavilion/Child Health Centre, two car parks and vacant land.

There is potential for a standalone Men's Shed to be developed adjacent to the Leisure Centre. The proposal is to build a two storey standalone facility located on the eastern side of the existing City of Joondalup Leisure Centre, Heathridge.

The advantages of locating a Men's Shed on this site are:

- Central positioning within the City;
- Accessible site close to freeway (~2000m) and public transport (~550m);
- Development of a Men's Shed may increase usage at the currently under utilised period between 10am and 2pm; and
- Adjoining an existing facility may reduce the overall cost by linking into existing services, and sharing the car park and some of the existing facilities.

Development of Dedicated Facility

If a lease for City-owned or managed land is approved, 'power to lease' will need to be obtained from the Department of Regional Development and Lands. An excision from Reserve 34330 of the land to be used for the proposed facility may be required and this process will need to be factored into the planning time frame.

It is proposed that the ensuing development be managed by the City and go through the relevant stages of the City's Master Planning Process. Facility design would be undertaken in consultation with JMS.

In order to ensure that the land is utilised within a specified timeframe, the City would develop an Agreement to Lease that includes a condition that requires the JMS to be in a position to build a Men's Shed within three years from signing the agreement.

The City has expertise in the development and project management of community facilities and as such it is proposed that the City project manage the design, tender and construction of the Men's Shed facility. The City also has a vested interest in the process as it is on Crown land managed by the City and will become a City community facility and included in the City's asset management program.

Once the building is complete, it is proposed that the City and the JMS would enter into a lease agreement for a term of ten years with two option periods each of five years.

Where the land is reserved for the purposes of parks and recreation, any development on the site must be consistent with this reservation. The provision of a Men's Shed would be deemed to be for recreational purposes, and therefore consistent.

Issues and options considered:

The Leisure Centre is an ageing building with future redevelopment proposed in 10-15 years (20 Year Strategic Financial Management Plan refers). The proposed Men's Shed development is a standalone facility which would only have minor restrictions for future site redevelopment plans.

Legislation: Relevant development applications will need to be lodged and a lease agreement entered into. If a lease for City-owned or managed land is approved, 'power to lease' will need to be obtained from the Department of Regional Development and Lands.

Key Focus Area: Community Wellbeing

Objective: To ensure the City's facilities and services are of a high quality and accessible to everyone and to facilitate healthy lifestyles within the community.

Policy: Council Policy - Community Development
City Policy - Community Facilities Built
City Policy - Sustainability
Positive Ageing Plan 2009-2012
Access and Inclusion Plan 2008-2011
Master Planning Process
Council Policy - Community Consultation and Engagement

Risk Management Considerations:

The JMS's capacity to raise funds for development and recurrent costs are dependent on third party grant approvals, sponsorship and donations. If the funds are not raised, the Men's Shed will not be able to proceed, regardless of the availability of land.

Building a new facility adjacent to an ageing Leisure Centre on a site that will be redeveloped in the future may impact options for the future redevelopment of the site.

Due to the topography of the site, the lower level of the facility will be built into the banking on the north side. As the major source of possible noise pollution will be from the workshop equipment, the design will locate the workshops at the lower level (oval level). The sound emitting from the equipment producing the most noise will be attenuated by locating this equipment to the north side of the workshop area. Any other noise through the frontage on the south side facing the oval will dissipate across the oval towards Ocean Reef Road and should not cause any offence to residents in the area.

Financial/Budget Implications:

The JMS is confident that it can raise the necessary funds for the facility development if it is able to obtain a land lease from the City. Planned activities include grant applications, sponsorship and community events. Other Men's Sheds have received grant funding from Lotterywest, Department of Health and Department of Veteran's Affairs (for equipment).

The facility costs are estimated at \$2 million based on a 750m² development. Due to the need for retaining walls and a suspended concrete slab at the proposed site, development costs have been estimated at \$2500 per square metre.

Costs associated with the City's project management of the design, tender and construction of the Men's Shed are approximately \$250,000. This will require consideration as part of the 2012/13 Budget. An alternative to this is to pass the project management costs onto the JMS, however, this will increase the cost of the funds they will be required to raise by 12%.

With the development of a two storey facility and the additional site excavation works proposed, development costs will be higher than a standard single storey facility. Locating the Men's Shed adjacent to an existing community facility could reduce the overall cost as this could negate the necessity to construct car park facilities by linking into existing services.

A facility on City-owned or managed land will become a City asset and depending on the lease conditions, there could be financial implications for the City in relation to maintenance and outgoings. Notwithstanding this, any potential lease rental paid to the City will not cover

the overall asset management costs for the life of the building. Expected annual recurrent costs for maintenance and utilities will be approximately \$25,000.

Regional Significance:

The JMS has attracted members outside the City boundaries due to a limited number of Men's Sheds in the region.

Sustainability Implications:

Environmental

Facility design, development and management practices will minimise environmental impacts. JMS planned projects foster environmentally friendly community practices (for example restoring and recycling furniture).

Social

Men's Sheds build community capacity linking community group and agency members or clients to Sheds. JMS currently has linkages with over 15 organisations. Examples include:

- The Mental Illness Fellowship of WA;
- Joondalup Lotteries House;
- Spiers Centre;
- June O'Connor Centre;
- West Coast Institute of Technology; and
- Men's E-Health Network).

The proposed facility will be physically and socially accessible to all men in the northern corridor. There will also be a weekly session for women.

Economic

New facilities require designated funds within the City's budget for the ongoing maintenance and upkeep to ensure best practice asset management processes are implemented.

JMS plans to build lasting partnerships with community, commercial and Government organisations and coordinate a range of fundraising activities to assist with ongoing operational costs.

Consultation:

The City supported the promotion of the JMS launch held in August 2010 which was attended by 100 participants. During the consultation process 150 expressions of interest were received where respondents could select their preferred activities. Wood work and metal work were the most popular activities.

The City will inform the residents within 500 metres of the proposed site of the potential development of a Men's Shed.

COMMENT

The City is currently experiencing unprecedented demand for tenancy and facility development from a broad range of agencies and community groups. The identified community need, service gap and business planning undertaken by the JMS has led to the

City considering the approach by the JMS for the development of a Men's Shed facility within the City.

The size of the male population not in full time employment in the northern corridor highlights the need for low cost meaningful activities for men to engage in. The Men's Shed is a well established initiative which provides the opportunity for men to meet, share skills and experience in a supportive environment. The health, social and skills development benefits are invaluable to strengthening the community. Several Local Governments have provided support to Men's Sheds through the provision of land and other forms of support and assistance.

The establishment and growth of the JMS in a short time frame of just over a year demonstrates professionalism and capability to manage the operations of a permanent facility.

The demonstration of the City's support of this initiative through the provision of a land lease and project management of the facility development will be integral to JMS's capital fundraising capacity. Reserve 34330 Lot 9541 (16) Sail Terrace, Heathridge has many benefits for the development of a Men's Shed facility within the City.

To ensure that the land is utilised, it is important that City enters into an Agreement to Lease with the JMS and includes a condition that requires the JMS to be in a position to build a Men's Shed within three years. A lease agreement for the facility can then be negotiated with the JMS for the ongoing use as a Men's Shed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 ENDORSES a portion of Reserve 34330 Lot 9541 (16) Sail Terrace, Heathridge as the preferred site for the construction of a building for the Joondalup Men's Shed (JMS) facility;**
- 2 REQUESTS that the Chief Executive Officer develops an 'Agreement to Lease' with the Joondalup Men's Shed Incorporated for the use of a portion of Reserve 34330 Lot 9541 (16) Sail Terrace, Heathridge to enable the JMS to construct a Men's Shed;**
- 3 REQUESTS that the Chief Executive Officer include in the 'Agreement to Lease' a provision that allows the City to project manage the design, tender and construction of the Men's Shed;**
- 4 REQUESTS that in the 2012/13 budget considerations, the provision of \$250,000 be listed to enable the City to project manage the design, tender and construction of the Men's Shed;**

- 5 REQUESTS that the Chief Executive Officer prepare a Lease Agreement between the City of Joondalup and the Joondalup Men’s Shed Incorporated for approval by Council, once construction of the facility is nearing completion; and**
- 6 NOTES the City will inform the residents within 500 metres of the proposed site of the potential development of a Men’s Shed.**

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf151111.pdf](#)

ITEM 15 SETTING OF MEETING DATES FOR 2012

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	08122, 101515
ATTACHMENTS:	Nil.

PURPOSE

To set Council's meeting dates for the 2012 calendar year.

EXECUTIVE SUMMARY

In accordance with the *Local Government Act 1995*, it is necessary for a local government to give local public notice of its ordinary meeting dates for the next 12 months.

It is recommended that the current monthly timeframe for meetings be maintained, and that deputation sessions continue to be held at the commencement of Briefing Sessions.

BACKGROUND

At its meeting held on 12 December 2006, Council introduced a rolling four-weekly cycle, which enabled the fourth week to be used to hold additional information sessions, or for scheduling various committee meetings.

At its meeting held on 30 September 2008, Council adopted a revised cycle based on a monthly timeframe; that is each Tuesday was set aside for either a Strategy Session (first Tuesday), Briefing Session (second Tuesday) or Council meeting (third Tuesday). This allowed the fourth and fifth Tuesdays (when they occur) of the month to be available for various other non-standard meetings to be scheduled where required.

DETAILS

Issues and options considered:

The proposed meeting schedule is based on the monthly timeframe that commenced in 2009. Maintaining the monthly meeting cycle will provide a level of continuity for members of the public.

The meeting scheduled for August 2012 has a proposed commencement time of 12 noon, to enable attendance and participation by high school students.

In order to accommodate the Christmas holiday period, the December meetings have been scheduled one week earlier, as is current practice.

Legislation/Strategic Plan/Policy Implications

Legislation Section 5.3 of the Local Government Act 1995

Ordinary and Special Council meetings:

- (1) *A Council is to hold ordinary meetings and may hold special meetings;*
- (2) *Ordinary meetings are to be held not more than three months apart;*
- (3) *If a Council fails to meet as required by subsection (2) the CEO is to notify the Minister of that failure.*

Regulation 12 of the Local Government (Administration) Regulations 1996 states:

Public Notice of Council or Committee meetings

12(1) *At least once each year a local government is to give local public notice of the dates on which and the time and place at which –*

- (a) *the ordinary Council meetings; and*
- (b) *the Committee meetings that are required under the Act to be open to members of the public or that are proposed to be open to members of the public;*

are to be held in the next 12 months;

(2) *A local government is to give local public notice of any change to the date, time or place of a meeting referred to in subregulation (1).*

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:

Not Applicable.

Risk Management Considerations:

Failure to set and advertise Council's meeting dates will contravene the requirements of the *Local Government Act 1995*.

Financial/Budget Implications:

Account No:	1-522-A5202-3277-0000
Budget Item:	Advertising – Public Statutory
Budget Amount:	\$7,000
Amount Spent To Date:	\$ 217
Proposed Cost:	\$2,170
Balance:	\$4,613

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

It is recommended that the current monthly timeframe for meetings be maintained for 2012, subject to the:

- August Council meeting commencing at 12 noon, to enable attendance and participation by high school students; and
- December meetings being scheduled one week earlier in order to accommodate the Christmas holiday period.

It is also recommended that deputation sessions continue to be held at the commencement of Briefing Sessions; that where possible, no meetings are to be scheduled in the fourth week of every month; and that designated Council Committee Meetings be scheduled to occur on Mondays or Wednesdays of weeks 1, 2 or 3 of any month in order to minimise potential conflicts with other Council activities.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 SETS the following meeting dates and times for the City of Joondalup to be held at the Joondalup Civic Centre, Boas Avenue, Joondalup:**

Briefing Sessions To be held at 6.30 pm in Conference Room 1	Council meetings To be held in the Council Chamber
Tuesday, 14 February 2012	7.00 pm on Tuesday, 21 February 2012
Tuesday, 13 March 2012	7.00 pm on Tuesday, 20 March 2012
Tuesday, 10 April 2012	7.00 pm on Tuesday, 17 April 2012
Tuesday, 8 May 2012	7.00 pm on Tuesday, 15 May 2012
Tuesday, 12 June 2012	7.00 pm on Tuesday, 19 June 2012
Tuesday, 10 July 2012	7.00 pm on Tuesday, 17 July 2012
Tuesday, 14 August 2012	12 noon on Tuesday, 21 August 2012
Tuesday, 11 September 2012	7.00 pm on Tuesday, 18 September 2012
Tuesday, 9 October 2012	7.00 pm on Tuesday, 16 October 2012
Tuesday, 13 November 2012	7.00 pm on Tuesday, 20 November 2012
Tuesday, 4 December 2012	7.00 pm on Tuesday, 11 December 2012
January 2013 - Recess	

- 2 AGREES to hold deputation sessions in conjunction with the Briefing Sessions;**
- 3 in accordance with Regulation 12 of the *Local Government (Administration) Regulations*, GIVES local public notice of the meeting dates detailed in Part 1 above;**
- 4 INVITES a maximum of 10 students from each of the high schools within the district of the City of Joondalup to attend the Council meeting to commence at 12 noon on Tuesday, 21 August 2012;**
- 5 NOTES that the Mindarie Regional Council, Tamala Park Regional Council and the Western Australian Local Government Association North Zone meetings are generally scheduled to be held on Thursdays;**
- 6 AGREES that, where possible, no meetings are to be scheduled in the fourth week of every month; and**
- 7 AGREES that meetings for designated Council Committees be scheduled to occur on Mondays or Wednesdays of weeks 1, 2 or 3 of any month to minimise potential conflicts with other Council activities.**

ITEM 16 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JULY - 30 SEPTEMBER 2011

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy	
FILE NUMBER:	20560,101515	
ATTACHMENTS:	Attachment 1	Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2011
	Attachment 2	Capital Works Overview Report for the period 1 July – 30 September 2011

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2011.

EXECUTIVE SUMMARY

The Annual Plan contains the major projects and priorities which the City proposes to deliver in the 2011/12 financial year.

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2011/12. The Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2011 is shown as Attachment 1 to this report.

A Capital Works Overview Report, which details all projects within the Capital Works Program, is provided as Attachment 2 to this report.

It is recommended that Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2011, shown as Attachment 1 to this Report; and*
- 2 Capital Works Overview Report for the period 1 July – 30 September 2011, 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, and the provision of reports against the Annual Plan to be presented to Council on a quarterly basis.

The City's Annual Plan and quarterly reports are in line with the new Integrated Planning Framework introduced by the Department of Local Government in October 2010 which requires planning and reporting on local government activities.

DETAILS

Issues and options considered:

The 2011-2012 Annual Plan and the Quarter 1 Progress Report have been developed in accordance with the Key Focus Areas of the 2008-2011 Strategic Plan.

- Leadership and Governance;
- The Natural Environment;
- Economic Prosperity and Growth;
- The Built Environment; and
- Community Wellbeing.

The new Strategic Plan is currently in development. Once endorsed by Council, it is proposed that the approved projects and programs within the Annual Plan 2011-2012 will be realigned with the Key Focus Areas of the new Strategic Plan.

The Annual Plan contains a brief description of the key projects and programs that the City proposes to deliver in the 2011/12 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported this quarter are the shaded sections of Attachment 1.

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 to their communities; and*
- (d) *More efficient and effective government.*

Strategic Plan

Key Focus Area: Leadership and Governance

Objective 1.1: To ensure that the processes of local governance are carried out in a manner that is ethical, transparent and accountable.

Policy:

In accordance with City Policy – Communications, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Risk Management Considerations:

The Quarterly Progress Reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/Budget Implications:

All projects and programs in the Annual Plan 2011-2012 have been included in the 2011-12 Budget.

Sustainability Implications:

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

Regional Significance:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The Annual Plan 2011-2012 was received by Council at its meeting on 16 August 2011 (*CJ146-08/11 refers*).

A detailed report on progress of the Capital Works Program has been included with the Annual Plan Quarterly Progress Report. This Report provides an overview of progress against all of the projects and programs in the 2011-12 Capital Works Program.

The Capital Works Overview Report includes a column which prescribes the *percent completed on site* and comments regarding the progress of projects. The majority of projects are in the planning stage, and consequently, the *Percent Complete* may be zero. This is however typical at the first quarter in the Capital Works Program Cycle.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 July – 30 September 2011, shown as Attachment 1 to this Report; and**
- 2 The Capital Works Overview Report for the period 1 July – 30 September 2011, shown as Attachment 2 to this Report.**

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf151111.pdf](#)

ITEM 17 SMALL BUSINESS CENTRE NORTH WEST METRO – FUNDING SUPPORT 2011/12

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance & Strategy	
FILE NUMBER:	35563, 101515	
ATTACHMENTS:	Attachment 1	Small Business Centre North West Metro Annual Report 2010/11
	Attachment 2	Auditors Report 2010/11
	Attachment 3	Small Business Centre North West Metro Service Delivery Plan 2011/12
	Attachment 4	Budget and Cashflow Forecast 2011/12

PURPOSE

To consider the performance of the Small Business Centre (North West Metro) Inc (SBCNWM) against agreed measures, and funding support for the 2011/12 financial year.

EXECUTIVE SUMMARY

The 2011/12 financial year is the second year of a three year Agreement for the City of Joondalup to provide funding to the Small Business Centre North West Metro Inc. The three year Agreement also includes the City of Wanneroo and the Small Business Development Corporation. This Agreement provides for \$60,000 (excluding GST) each from the Cities of Joondalup and Wanneroo and \$140,381 (excluding GST) from the Small Business Development Corporation. The SBCNWM forecasted budget allows for other income, including running seminars, training and earned interest of \$11,700. SBCNWM has provided the City with an Annual Report for the period to 30 June 2011, a Service Delivery Plan for the current financial year and audited financial statements for the year ended 30 June 2011 as required in the Funding Agreement.

The Funding Agreement required the SBCNWM to undertake an economic analysis of relocating to the ECU Business and Innovation Centre from 1 July 2011. This economic analysis, which found relocation to be unviable at this point in time, was submitted to Council on 28 June 2011. At this meeting Council resolved that the SBCNWM should remain at its current location pending a review of accommodation options in April 2012. An updated report will be presented to Council April/May 2012.

The Funding Agreement stipulated that all payments are dependant on the performance of the SBCNWM in line with the following key outcomes:

- Delivery of an Annual Report reviewing the SBCNWM achievements against the Annual Service Delivery Plan;
- Audited whole of organisation financial statements;
- Quarterly Activity Reports;
- Provision of an Annual Service Delivery Plan;
- Recognition of the support of the City of Joondalup in all ongoing marketing material; and
- Commitment to ensuring the presence of SBCNWM at the Joondalup office.

These documents have been provided to the City of Joondalup and satisfy the performance criteria.

The SBCNWM financial statements indicate cash assets of \$164,052.05 as at 30 June 2011, however the SBC notes that it is necessary to hold a reserve fund to cover costs whilst waiting for funding from the Small Business Development Corporation (usually received in September, three months into the financial year), and funding from the Cities of Wanneroo and Joondalup.

BACKGROUND

The City of Joondalup first entered into a Funding Agreement in 2004 to fund the SBCNWM from 2004 to 2007. At its meeting held on 27 February 2007, (*Item CJ005-02/07 – Funding Support for the Small Business Centre (North West Metro) Inc refers*), Council's support was dependent on a number of conditions all of which were met.

The City of Joondalup entered into a further three year Funding Agreement with the Small Business Centre (North West Metro) Inc, on 27 March 2008 outlining the terms for the three year period 2007 – 2010. Council's support was dependent on a number of conditions all of which were met.

At its meeting held on 15 December 2009, (*Item CJ271-12/09 Funding Support for the Small Business Centre (North West Metro) Inc refers*), Council resolved that as this was the last year of the three year Agreement with the Small Business Centre the City would initiate in the first quarter of 2010, in partnership with the City of Wanneroo and the Small Business Development Corporation, a review of funding options for the provision of small business services to the North West Corridor for beyond 30 June 2010.

At its meeting held on 14 December 2010 (*Item CJ218-12/10 – Small Business Centre North West Metro request for funding 2010/11 refers*) Council requested that the SBCNWM undertake an economic analysis of relocating to the ECU Business and Innovation Centre from 1 July 2011, and submit a report to the City of Joondalup on its findings by 31 March 2011. The Council also agreed in principle to contribute \$60,000 (excluding GST) for the period 2010 – 2013. The City of Joondalup signed a letter of Agreement with the SBCNWM on 5 January 2011 outlining the terms and conditions for the provision of grant funding for the period 2010 – 2013.

At its meeting held on 28 June 2011 (*Item CJ100-06/11 – Small Business Centre North West Metro Economic Analysis of Relocation refers*) Council considered the report on the *Economic Analysis of Relocation to the ECU Business and Innovation Centre Report (BIC) from 1 July 2011*. The report stated that it was not financially viable for the SBCNWM to relocate at that time. Council requested that an updated relocation report be prepared in April 2012 and presented to Council.

DETAILS

The SBCNWM has provided the City, as per the Agreement 2010 – 2013, with its Annual Report 2010/11 shown as Attachment 1, and Audited Accounts for 2010/11, shown as Attachment 2, along with a request for funding and an invoice for \$60,000 (excluding GST) for 2011/12. A request for the same amount was provided to the City of Wanneroo.

The table below summaries the projected income from the budget forecast submitted by SBCNWM for 2011 – 2012.

Organisation/Income source	Funding Requested	%
Small Business Development Corporation	\$130,381	45%
City of Joondalup	\$59,800	21%
City of Wanneroo	\$59,800	21%
Training/retail/interest/sponsorship	\$39,200	13%
Total	\$289,181	100%

It should be noted that the Funding Agreement between the City of Joondalup and the SBCNWM is to provide \$60,000.

The SBCNWM continues to recognise the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation on all of its marketing materials e.g. the SBCNWM website and newsletter.

Annual report 2010/11

The SBCNWM Annual Report 1 July 2010 to 30 June 2011 provides an overview of the organisation's performance against the previous year's Service Delivery Plan. The Organisation provides free advice to new and established businesses in the North West metropolitan corridor encompassing the local government areas of Joondalup and Wanneroo.

The Organisation has a Management Committee consisting of ten members with one representative from each of the Cities of Joondalup and Wanneroo. There are three full time staff employed being the Manager, the Business Development Facilitator and the Administration Officer.

The table below summarises the statistics relating to the users of the services

Type of Statistic	Forecast for 2010/11	Actual 2010/11	% Achieved against Annual Target
New Business Client Sessions 30 Mins +	381	392	103%
Existing Business Client Sessions 30 Mins +	217	217	100%
Short Duration Sessions < 30 Mins	1368	1370	100%
Start-ups	122	146	120%
Jobs Created	244	295	121%
Workshop Participants	195	332	170%

Source: Annual Report Small Business Centre North West Metro 2010/11

In addition to the core business start up and business counselling service the organisation has delivered additional activities over the past year. These activities have included:

- Introduction to operating a small business;
- BizFit Pulse Checks (business health checks);
- Developing closer working relationships with key stakeholders;
- Business related training workshops and facilitation; and
- Staff professional development.

When considered against the Service Delivery Plan the SBCNWM has met or exceeded its contracted targets.

Service Delivery Plan 2011/12

The Service Delivery Plan for the current financial year has been submitted as per the 2010 - 13 agreement and is shown as Attachment 3. The Plan sets out the aims of the organisation for the current financial year. The Service Delivery Plan notes that the organisation contributes to the ongoing economic development and health of the region by supporting:

- the establishment of new Small Business;
- the growth of existing Small Business; and
- the growth of local employment opportunities within the context of Small Business.

The following objectives have been set by the SBCNWM Management Committee as priority areas for 2010 – 2013. These six objectives are designed to assist the organisation achieve its mission.

Objective 1: To be known as the provider of choice for small business assistance, information and training services in the northwest metropolitan region.

Objective 2: To maintain and continuously improve the quality and capacity of services to existing businesses and new business start-ups.

Objective 3: To improve coverage of core and fee for service activities in ways that are equitable across the region.

Objective 4: To enhance the Centre's strategic processes and to ensure effectual management of its human resources

Objective 5: To maintain financial viability and achieve funds in reserve

Objective 6: To enhance the profile and credibility of the Centre within the local business community and with current and potential stakeholders.

The SBCNWM will continue to offer a range of services including:

- Business start-up advisory services;
- Existing business advisory services;
- Free or low cost business seminars;
- Low cost training; and
- Business planning.

Emphasis in 2011/12 will be on working with stakeholders and building community awareness of the SBCNWM.

The following table gives the forecast achievable outcomes.

Targets	New Business Client Session 30 Min +	Existing Business Client Sessions	Short Duration Client sessions	New Business Start-ups	Jobs	Workshop Participants
2010/11	381	217	1368	122	244	195
2011/12	385	220	1370	144	294	200

The SBCNWM Service Delivery Plan 2011/12 highlights that the services will continue to be provided on an equitable basis between the Cities of Wanneroo and Joondalup. The Centre has two leased offices. The main office is in Joondalup at 4/189 Lakeside Drive and is shared with the Joondalup Business Association. A second office is located in Wanneroo at Enterprise House, 935 Wanneroo Road, which is shared with the City of Wanneroo's Economic Development Team and the Wanneroo Business Association. The Centre undertook an economic analysis of relocating to the ECU Business and innovation centre in April 2011 but found that this was not a viable option. A further review of office requirements will be undertaken at the beginning of April 2012 with a view to possible relocation in July 2012.

During the 2011/12 financial year the Centre will offer the following additional services and embark on the following additional projects:

Partnership Projects:

- The Centre will continue to partner with the ATO to deliver Small Business sessions in conjunction with ATO seminars;
- Small Business Smart Business;
- Working with Yanchep Beach Joint Venture to deliver courses and workshops to the North Wanneroo region;
- Working in conjunction with local schools to develop business skills in year 10 students;
- Working with the City of Wanneroo to scope the possibility of establishing a business incubator in the Wanneroo region; and
- Working with ECU to develop a 'business partnership program' to match students with business with the emphasis on business planning and marketing.

Practical Hands-On Business Training

The Centre will continue to develop additional 'hands-on' training for business and continue to provide the sessions developed last financial year including:

- Build your own website in a day;
- How to join the social media revolution;
- How to Facebook effectively; and
- Practical bookkeeping with Excel.

Existing Business

- Recommence Twin Cities FM Small Business Radio Show;
- Promote business benchmarking facilities available to the Centre and the benefits of benchmarking; and
- Continue to attend open days.

Legislation/Strategic Plan/Policy Implications

Legislation Nil

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

Objective: This item has a connection to the objectives of the Strategic Plan related to Economic Prosperity and Growth and in particular that of objective 3.2 increasing employment opportunities within the City

Policy:

Economic Development – To support local and regional economic development.

Risk Management considerations:

The City of Joondalup is represented on the board of management of the SBCNWM and is able to monitor its operations accordingly. The SBCNWM provides quarterly reports and annual reports to the City of Joondalup on achievement of Key Performance Indicator targets.

Financial/Budget Implications:

Account No:	532 A5302 3291 0000
Budget Item:	Request for funding for Small Business Centre North West Metro
Budget Amount:	\$60,000
Amount Spent To Date:	\$0
Proposed Cost:	\$60,000
Balance:	\$0

All figures quoted in this report are exclusive of GST

Regional Significance:

The SBCNWM represents a strategic partnership for the delivery of business support services for the North West Metropolitan region. By partnering with the City of Wanneroo and the State Government, the City has been able to maximise the services available for small business development across the region that will ultimately provide flow on benefits for the whole community.

The Cities of Joondalup and Wanneroo acknowledge the importance of a regional approach to economic development through working together to progress a Regional Governance Framework for the North West Corridor and have agreed to cooperate in the areas of economic development and tourism related matters (CJ136 – 08/10 refers from the Council meeting held on 17 August 2010).

Sustainability implications:

The City of Joondalup places emphasis on economic growth for the benefit of the local community and the region. A strong and diverse small business sector underpins a robust economy, job creation and employment self sufficiency of the region.

Consultation:

The City has consulted with the City of Wanneroo, Small Business Development Corporation and SBCNWM.

COMMENT

The SBCNWM has complied with its funding conditions for 2010/11 in that it has supplied the following information:

- Annual Report 2010/2011;
- Service Delivery Plan 2011/12; and
- Audited Financial statements for 2010/11.

The documents indicate that SBCNWM has reached targets set in its 2010/11 Service Delivery Plan in terms of number of clients seen and assisted.

The Centre's performance is commendable given that, according to the Small Business Development Corporation, most Small Business Centres have reported a drop in numbers due to the current economic situation. Other Small Business Centres are experiencing less start-ups and enquiries which are being replaced by more complex issues from existing business, taking more time to resolve.

The SBCNWM has had a high turnover of managers in recent years with the latest manager commencing in September 2010. It does not seem that this high turnover of managers has had a detrimental impact on the organisation achieving its targets in terms of clients.

The audited financial statements for the 2010/11 financial year have been provided together with a cash flow statement for the 2011/12 financial year shown as Attachment 4. The Balance Sheet shows that there is a total of \$164,180 in cash reserves as opposed to \$134,371 in the previous year, an increase of \$29,809. The reason given for requiring these amounts of cash reserves has been that funding from the main funding sources (SBDC, City of Joondalup and City of Wanneroo) is not received until at least November each year and therefore cash is required to pay salaries etc until these funds are received.

SBCNWM are aiming to raise \$30,000 in sponsorship in the current financial year however any sponsorship is unlikely to be cash and therefore this figure has been left out of the projected cash flow statement.

In order to function efficiently, an organisation such as SBCNWM must have a degree of financial stability which means holding funds in reserve for unexpected cash flow issues.

The City of Wanneroo approved payment of \$60,000 (excluding GST) at its October meeting to the Small Business Centre (North West Metro) Inc. for 2011/12, subject to funding commitments from the City of Joondalup;

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **NOTES** the Annual Report submitted by the Small Business Centre (North West Metro) Inc for 2010/11;
- 2 **ENDORSES** the 2011/12 Small Business Centre (North West Metro) Inc, Service Delivery Plan;
- 3 **AGREES** to contribute \$60,000 (excluding GST) to the Small Business Centre (North West Metro) Inc for 2011/12 to support small business growth and development within the City of Joondalup;
- 4 **AGREES** in principle to contribute \$60,000 (excluding GST) to the Small Business Centre (North West Metro) Inc for 2012/13, subject to:
 - 4.1 a satisfactory review of the 2011/12 Service delivery Plan by the Chief Executive Officer;
 - 4.2 the provision of audited financial statements for 2011/12; and
 - 4.3 the Small Business Centre (North West Metro) Inc recognising the sponsorship of the City of Joondalup, City of Wanneroo and Small Business Development Corporation on all of its marketing documentation;
- 5 **REQUESTS** that the Small Business Centre (North West Metro) Inc commit to ensuring that the presence at its Joondalup Office be maintained, at a minimum to its current level, for the funding period;
- 6 **ADVISES** the Small Business Development Corporation and the City of Wanneroo of the Council's decision in parts 1 to 5 above; and
- 7 **NOTES** that the Small Business Centre (North West Metro) Inc has been requested to submit a revised report on the viability of relocation to the ECU Business and Innovation Centre in April/May 2012.

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf151111.pdf](#)

ITEM 18 WINTER REVIEW OF KITESURFING IMPLEMENTATION MEASURES

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	100932,101515
ATTACHMENTS:	Attachment 1 Kitesurfing Restrictions - Diagram

PURPOSE

To inform Council of the outcomes of a winter review process for kitesurfing implementation measures under the *Beach Management Plan*.

EXECUTIVE SUMMARY

At its meeting held on 28 June 2011 (CJ108-06/11 refers), Council noted the outcomes of the implementation measures used to restrict kitesurfing activities over the 2010/11 summer period, in accordance with the City's *Beach Management Plan*.

After considering the outcomes noted within the report, Council resolved to reiterate its current position in relation to the restriction of kitesurfing activities and requested a further report addressing the effectiveness of the implementation measures over the winter months.

Having monitored kitesurfing activities from July-September 2011 and undertaken further consultation with relevant stakeholders, it is recommended that Council:

- 1 *NOTES the report on the outcomes of the 2011 winter review process for kitesurfing implementation measures; and*
- 2 *REITERATES its current position with regard to the management of kitesurfing activities under the Beach Management Plan, as resolved by Council at its meeting held on 21 September 2010 (CJ158-09/10 refers).*

BACKGROUND

At its meeting held on 21 September 2010 (CJ158-09/10 refers), Council endorsed the City's *Beach Management Plan*; agreed to an alternative approach to managing kitesurfing activities under the Plan; and requested a further report in the second quarter of 2011 advising of the implementation outcomes over the 2010/11 summer period.

The City subsequently developed and delivered an interim implementation program for kitesurfing activities from 1 December 2010 – 31 March 2011 and reported back to Council on its effectiveness at its meeting held on 28 June 2011 (CJ108-06/11 refers), where the following was resolved:

That Council:

- 1 *NOTES the report on the outcomes of the implementation measures used to restrict kitesurfing and animal exercising activities over the 2010/11 summer period, in accordance with the City's Beach Management Plan;*
- 2 *REITERATES its current position with regard to the management of kitesurfing and animal exercising activities under the Beach Management Plan, as resolved by Council at its meeting held on 21 September 2010 (CJ158-09/10 refers);*
- 3 *REQUESTS a further report be provided to Council at the conclusion of the winter months addressing the implementation methods used to restrict kitesurfing.*

Part 3 of the above resolution sought to consider whether the current restrictions and/or implementation methods for kitesurfing activities should be amended over the winter period, to reflect reduced activity interactions.

This report seeks to address the matter outlined in Part 3 above.

DETAILS

Current Kitesurfing Restrictions

In accordance with Council's decision on 21 September 2010, the *Beach Management Plan* currently restricts kitesurfing activities within the City's district in the following manner (also provided diagrammatically in Attachment 1):

- | | |
|-------------------|--|
| Exclusion Zone 1: | No kitesurfing within North Mullaloo Beach, 300 metres north and 400 metres south of the Key West Mullaloo Car Park beach access path and 200 metres seawards from the low water mark. |
| Exclusion Zone 2: | No kitesurfing within Mullaloo Beach, 611 metres north and 889 metres south of the Mullaloo Surf Life Saving Club and 200 metres seawards from the low water mark. |
| Exclusion Zone 3: | No kitesurfing within Sorrento Beach, 470 metres north and 300 metres south of the Sorrento Surf Life Saving Club and 200 metres seawards from the low water mark. |
| Designated Area: | Within Mullaloo, launching and landing activities associated with kitesurfing are only permitted between Exclusion Zone 1 and Exclusion Zone 2 for a distance of 345 metres along the beach. |
| All other areas: | Kitesurfing activities are unrestricted outside of the Exclusion Zone and Designated Areas listed above. |

Implementation Measures

The table below lists the measures used to implement the new kitesurfing restrictions under the *Beach Management Plan* over the 2010-11 summer period and highlights any points of difference in approach applied over the winter months in 2011.

Action	Summer Approach	Winter Approach
Enforcement	Creation of new “Beach Ranger” positions to provide a dedicated, daily coastal enforcement regime over the summer period	Reduced patrols undertaken within existing Ranger resources
	Commitment to establish renewed and effective relationships between Beach Rangers and coastal stakeholders	Continued through existing Ranger resources
	Creation of a “Coastal Incident Reporting Hotline”, available 24/7 to request Ranger assistance and/or report incidences onto the City’s database	Continued
	Weekly incident reports circulated to the Kitesurfing Stakeholder Group to adjust implementation measures and address issues and as they became apparent	Reduced to fortnightly reports
Demarcation of kitesurfing zones	New and existing meridian buoys installed or relocated within the water, with assistance from the Department of Transport, to demarcate the 200 metres western boundary of the kitesurfing exclusion zones within Mullaloo and Sorrento	Navigational markers and compliance signage remained in place
	Compliance signage and navigational markers designed and installed on the beach to inform beach users whether they are entering a designated kitesurfing area or an exclusion zone	
	Information signs designed, in consultation with the Kitesurfing Stakeholder Group (KSG)*, and installed at the beginning of all beach access paths within affected locations, displaying diagrammatically, the coastal areas affected by kitesurfing and animal exercising activities	Information signage remained in place
	Additional signage installed at the beginning of all beach access paths within Mullaloo, clearly articulating the presence of exclusion zones within the area	Exclusion zone signage remained in place
Delivery of communication plan	Local advertisements in Joondalup Weekender published once a month on three occasions, depicting beach areas subject to new restrictions	Discontinued over winter
	New beach activity restrictions contained within City News	Discontinued over winter
	Electronic promotion on display screens at all City administration centres, libraries and leisure centres.	Discontinued over winter
	Dedicated website established with supporting materials and maps to outline new beach activity restrictions	Continued

Action	Summer Approach	Winter Approach
	Beach activity flyers and posters designed, printed and distributed to all coastal residents, stakeholders and local coastal businesses	Flyers remained available at all City Administration Buildings, Libraries and Leisure Centres
	Advertisements on beach activities contained within Joondalup Voice on three occasions	Discontinued over winter

*Membership of the KSG consists of representatives from: Mullaloo Surf Life Saving Club, Sorrento Surf Life Saving Club, Surf Life Saving WA, Western Australian Kitesurfing Association (WAKSA), Mullaloo Kitesurfing Users Group (MUG), Kiteboarding Perth School Operator and Australian Kitesurfing School Operator.

Summer Implementation Outcomes

As previously reported to Council (CJ108-06/11 refers), the summer implementation measures above resulted in high levels of compliance by kitesurfers (with only 8 reported breaches received and one caution and one infringement issued) and limited incidents (only one reported collision between two kitesurfers past the 200 metres exclusion zone area).

Communications with the KSG were regularly conducted throughout the trial implementation period to ensure that any management issues were addressed promptly and the incident reporting system was effective.

Members of the KSG were also surveyed at the end of the implementation period to determine the effectiveness of the implementation measures based on the categories of: signage, enforcement, incident reporting hotline, safety, conflicts, compliance and the co-location of kitesurfing schools.

The table below reiterates the comments received from KSG members following the end of the trial implementation period over summer, with the Officer Comments provided against each.

Implementation Measure/Issue	Comments	Officer Comment
Signage	Most stakeholders considered the compliance and warning signage to be clear and appropriate, however, there were concerns for kitesurfers that launch outside of affected areas and land at Mullaloo, who do not have sufficient warning or knowledge of how the local restrictions apply.	A lack of awareness from kitesurfers outside of the local area is acknowledged, however, it is believed that awareness will increase over time as more people are exposed to the restrictions. Information on the restrictions is currently available on the City's and WAKSA's websites for the broader kitesurfing community in addition to distributed beach activity flyers at kitesurfing shops and schools.

Implementation Measure/Issue	Comments	Officer Comment
	A request was also made for additional buoys to be installed between the beach and western boundary was made, to more clearly define the exclusion zone areas.	The request for additional buoys is acknowledged, however, the City is unable to install meridian buoys that are not situated along the western boundary of the eight knot zone demarcated by the Department of Transport (Marine Safety), as ownership of the infrastructure has now passed to the Department. Also, there is a concern that installing additional infrastructure in-between the beach and western boundary is likely to confuse other beach users following the eight knot zone boundary.
Enforcement	A large majority of stakeholders acknowledged an increase in Ranger presence over the summer period, with all citing positive experiences when interacting with Rangers. Rangers were also considered to have been practical in their application of the new restrictions and integral to educating kitesurfers about the City's expectations with regard to high levels of compliance.	The City acknowledges the positive feedback received by stakeholders with regard to Ranger resources and approaches.
	Some comments suggested that weekday Ranger patrols be increased to reflect the level of service provided on weekends.	The request for additional patrols during weekdays is acknowledged. A review of Ranger Services will be provided prior to the 2011/12 summer period.
Incident Reporting Hotline	Most stakeholders considered the Incident Reporting Hotline to be an effective means of contacting the City to report acts of non-compliance.	The City acknowledges the general perception by stakeholders that the Incident Reporting Hotline is an effective reporting tool.
	Concerns were raised by the Surf Clubs, around the difficulty of Patrol Captains utilising the service, due to their limited phone access while on duty. Also, the hotline was not considered efficient in dispatching Rangers to a location within the few minutes that an offence was taking place, as most kitesurfing breaches reported were fleeting.	The City agrees that dispatching Rangers outside of scheduled patrol hours to attend minor acts of non-compliance can be impractical in some circumstances. However, the City has encouraged residents and Surf Clubs to utilise the service to ensure that a database of complaints can be established in order to build an understanding of the extent of issues associated with the sport. Also, if Rangers are within the area, the centralised service enables staff to be contacted to attend on site more expediently.

Implementation Measure/Issue	Comments	Officer Comment
Safety	<p>Most agreed that the introduction of exclusion zones provided sufficient safety for other beach users, however, the designated kitesurfing area at North Mullaloo was considered too small to accommodate kitesurfers to safely launch and land during popular periods, due to increased congestion. It has been suggested that some local kitesurfers have chosen to kite in locations outside of the City of Joondalup to avoid the restrictions and congestion issues.</p> <p>There have been several recommendations made by the kitesurfing fraternity to increase kitesurfer safety caused by congestion:</p> <ul style="list-style-type: none"> • Relax the kitesurfing restrictions over winter to open up more beach space for kitesurfers to safely launch and land when high winds are present. • Remove the northern exclusion zone at Mullaloo based on the limited use of this area over the 2010/11 summer period when kitesurfers were present on the beach. • Increase the designated launch and land area at Mullaloo. <p>Comments from one of the Surf Clubs highlight that any increases in the size of the designated kitesurfing area will impede on safe swimming areas.</p>	<p>In light of the ability for kitesurfers to comply with the new restrictions and that the exclusion zones assist in managing risk and enhancing safety for other beach users, it is considered appropriate that the restrictions remain in their current format.</p> <p>The application of seasonal restrictions was considered by Elected Members in the development of the <i>Beach Management Plan</i>. This option was deemed difficult to effectively manage and articulate to beach users. As such, the option was not given further consideration.</p> <p>Further, whilst a reduction in the potential growth of the sport is acknowledged, it is the City's position that risk aversion is the preferred management approach, of which the current exclusion zones provide. Should congestion within the designated launching and landing area at Mullaloo be a concern to kitesurfers, the decision to kitesurf elsewhere to avoid this issue is a matter for kitesurfers to determine based on their own individual perceptions of ability and safety.</p>
Conflicts	<p>Most stakeholders agreed that conflicts between kitesurfers and other beach users were rare prior to the introduction of the restrictions and the restrictions did little to reduce an already limited issue.</p> <p>One of the Surf Clubs, however, suggested that user conflicts had reduced as a result of the restrictions, in particular, at North Mullaloo.</p> <p>A request to undertake an external risk assessment was also made to determine the level of risk associated with undertaking kitesurfing activities within the City of Joondalup.</p>	<p>The City acknowledges that reported beach user conflicts during the 2010/11 summer period were negligible. However, given that limited data on user conflicts was available prior to the introduction of the restrictions; it is difficult to determine the cause of any perceived reductions in conflicts.</p> <p>Management of risk, however, is of primary concern to the City and as such, the Council decision of 21 September 2010 acknowledges this responsibility.</p>

Implementation Measure/Issue	Comments	Officer Comment
Compliance	A majority of stakeholders agreed that high levels of compliance by kitesurfers were experienced throughout the trial implementation period. It was also highlighted that any minor breaches that did take place, occurred due to unintended gear failure (that did not disturb other beach users) or a lack of knowledge from kitesurfers who were not from the local area.	The City agrees that considerable efforts were applied by the kitesurfing fraternity to ensure that high levels of compliance were achieved. It is considered that the approach of combining a scheduled enforcement regime with self-regulation has worked effectively.
Co-location of Kitesurfing Schools	Co-location of the Kitesurfing Schools within popular kitesurfing locations is considered by all stakeholders as an effective means of providing additional support and education to recreational kitesurfers on how to safely participate in the sport.	The City agrees that considerable benefits are provided from co-locating Kitesurfing Schools within popular kitesurfing locations, particularly with regard to educating kitesurfers on appropriate safety methods. Support for the continued operation of Kitesurfing Schools in the locations of Pinnaroo Point and North Mullaloo should be provided by the City.

Winter Implementation Outcomes

Implementation measures for kitesurfing activities over winter (defined as being from July-September) were mostly unchanged, other than a reduction in Ranger patrols and public advertising to reflect reduced usage of the beach over this period.

Dedicated Ranger Patrols continued throughout the winter period, although, they were reduced in terms of their frequency and length of time conducted. They were also undertaken using existing Ranger resources, as Beach Rangers are only active over the summer period. Over the months of August and September, 21 dedicated patrols were undertaken in which significantly reduced kitesurfing activity was noted by Officers. Only one report of non-compliance was received via the Incident Reporting Hotline, which upon investigation, was found to be a permitted activity.

Following the end of the winter period, members of the KSG were requested to provide any additional comments in relation to the winter implementation measures for kitesurfing activities. Only one response was provided by the Sorrento Surf Life Saving Club, in which its previous comments from the summer survey were reiterated.

Issues and options considered:

Based on the implementation outcomes and stakeholder comments summarised above, the following options with regard to the future implementation of kitesurfing activities are identified:

Option 1: Continue implementing the City's current approach to managing kitesurfing activities in the manner currently articulated within the *Beach Management Plan*.

This option is recommended based on the implementation outcomes discussed in the details section of the report.

Option 2: Recommend that Council amends the *Beach Management Plan* to apply the current kitesurfing restrictions on a seasonal basis only (most likely from 1 December – 30 April).

This option is not recommended based on the difficulty of articulating and enforcing seasonal restrictions to beach users. There are concerns that the high levels of compliance currently experienced will dissipate if confusion surrounding the application of the restrictions arises, due to the City's shifting approaches to managing the activity.

Also, additional costs would apply in re-designing, manufacturing and printing current signage and activity publications, estimated to be in excess of \$10,000.

Option 3: Recommend that Council amends the *Beach Management Plan* to provide access to the North Mullaloo Exclusion Zone by kitesurfers throughout the winter period (most likely from 1 May – 30 November).

Again, concerns surround the potential confusion of beach users as to the appropriate application of the restrictions. In reiteration of Elected Members previous advice on similar matters; simplicity is preferred to complexity when determining appropriate implementation measures.

Legislation/Strategic Plan/Policy Implications

Legislation Local Government and Public Property Local Law 1999
Local Government Act 1995

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: 1.2 To engage proactively with the community
 1.3 To lead and manage the City effectively

Policy:

Not Applicable.

Risk Management Considerations:

It should be acknowledged that in pursuing any measures for implementing kitesurfing restrictions, there are risks involved in balancing the needs and interests of a variety of coastal users. It is the City's responsibility to ensure that any adverse affects are as limited as possible and balanced against all considerations.

Financial/Budget Implications:

The estimated costs of maintaining the current implementation measures for kitesurfing activities are limited, given that all infrastructure and communication methods are now in place.

With regard to enforcement costs, these are not specific to the activities of kitesurfing, as the *Beach Management Plan* seeks to address the more holistic issue of raising overall service levels for coastal patrols. As such, the \$90,000 budgeted in the 2011/12 Budget for Beach Ranger services will be spread across all coastal-related enforcement initiatives, including the purchase of a new quad bike, at an estimated cost of \$26,000.

Should Council choose to amend its current approach to managing kitesurfing activities, expenditure in excess of \$10,000 will be required to redesign, manufacture and install new signage, as well advertise the changes to the broader public.

Regional Significance:

Any decisions made in relation to the undertaking of kitesurfing activities will impact on regional users of the City's beaches.

Sustainability Implications:

The purpose of the *Beach Management Plan* is to provide for the sustainable use and management of the City's coastline. The implementation of management strategies for kitesurfing activities is cognisant of this objective.

Consultation:

Consultation with the KSG was undertaken throughout the winter implementation period.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 NOTES the Report on the outcomes of the 2011 winter review process for kitesurfing implementation measures; and**
- 2 REITERATES its current position with regard to the management of kitesurfing activities under the Beach Management Plan, as resolved by Council at its meeting held on 21 September 2010 (CJ158-09/10 refers).**

Appendix 16 refers

To access this attachment on electronic document, click here: [Attach16brf151111.pdf](#)

ITEM 19 EXECUTION OF DOCUMENTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	15876, 101515
ATTACHMENTS:	Attachment 1 Documents executed by affixing the Common Seal

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 27 September 2011 to 27 October 2011 (Attachment 1 refers).

EXECUTIVE SUMMARY

The City of Joondalup enters into 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.

DETAILS

During the period 27 September 2011 to 27 October 2011, 12 documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Amendment to District Planning Scheme No. 2	3
Lease Agreement	3
Power of Attorney	1
Section 70A Notifications	2
Withdrawal of Caveat	3

Details of these documents are provided in Attachment 1 to this Report.

Issues and options considered:

Not Applicable.

COMMENT

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information (Attachment 1 refers).

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 27 September 2011 to 27 October 2011 executed by means of affixing the Common Seal as detailed in Attachment 1 to this Report.

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf151111.pdf](#)

ITEM 20 MINUTES OF EXTERNAL COMMITTEES

WARD: All

RESPONSIBLE DIRECTOR: Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 60514, 00033, 02416, 03149, 101515

ATTACHMENTS:

Attachment 1	Minutes of the WA Local Government Association (North Metropolitan Zone) meeting held on 29 September 2011.
Attachment 2	Minutes of the North Western Metropolitan Regional Road Sub-Group (NWRRSG) meeting held on 5 October 2011.
Attachment 3	Minutes of the WA Local Government Association State Council meeting held on 5 October 2011
Attachment 4	Minutes of the Mindarie Regional Council – Ordinary Council Meeting held on 13 October 2011

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

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Ordinary Meeting of the WA Local Government Association (North Metropolitan Zone) held on 29 September 2011.
- North Western Metropolitan Regional Road Sub-Group (NWRRSG) held on 5 October 2011.
- WA Local Government Association State Council meeting held on 5 October 2011.
- Ordinary Meeting of the Mindarie Regional Council held on 13 October 2011.

DETAILS

WA Local Government Association (North Metropolitan Zone) Meeting – 29 September 2011

Comments related to the WALGA North Metropolitan Zone meetings are contained within the commentary on the WALGA State Council minutes below.

North Western Metropolitan Regional Road Sub-Group (NWRRSG) Meeting – 5 October 2011

An ordinary meeting of the NWRRSG was held on 5 October 2011, where the following Items were discussed:

- 2012/13 Road Improvement Projects.
- 2012/13 Rehabilitation Projects Audit.
- 2012/13 Black Spot Audit.
- 2011/12 Local Roads Payment Summary.

WA Local Government Association State Council Meeting – 5 October 2011

A meeting of the WA Local Government Association (WALGA) State Council was held on 5 October 2011.

At the time, the WALGA (North Metropolitan) Zone representative on the WALGA State Council was Cr Amphlett. Mayor Troy Pickard is the President of WALGA and is, therefore, also in attendance at the meetings.

At this meeting a number of items were of interest to the City of Joondalup as the City had either previously resolved or provided comment to WALGA for its consideration, or items had an impact on the City generally.

For the information of Council, the following matters of interest to the City of Joondalup were agreed to by the WALGA State Council:

5.1 Metropolitan Redevelopment Authority Bill 2011

It was resolved by the WALGA State Council as follows:

“That:

- 1 *The submission to the Minister for Planning on the Metropolitan Redevelopment Authority Bill 2011, be endorsed; and*
- 2 *WALGA reiterate its disappointment with the Minister for Planning that significant legislation has been considered and endorsed by the State Government without formal consultation being undertaken with Local Government.”*

5.4 Prostitution Bill 2011 – Draft Green Bill

It was resolved by the WALGA State Council as follows:

“That:

- 1 *The interim submission made to the Department of the Attorney General on the Prostitution Bill 2011 be endorsed;*
- 2 *Further consultation with the Local Government sector be undertaken by the State Government in regard to the land use and zoning provisions of the Bill, as the current terminology is ambiguous and may result in poor implementation of the Bill’s objectives through Local Government planning schemes; and*

- 3 *The Local Government sector is engaged during the drafting of the proposed Regulations, to ensure that the proposed provisions provide clarity in the role and responsibility of Local Government.”*

At the City of Joondalup Council meeting held on 19 July 2011 (CJ121-07/11 refers), Council considered the Draft Prostitution Bill and advised the Department of the Attorney General of Council’s recommendations.

5.12 Rates and Charges (Rebates and Deferments) Act 1992 – Pensioner Discount on Waste Charges

It was resolved by the WALGA State Council as follows:

“That State Council reiterate its support for the extension of the Pensioner/Senior Concession discount under the Rates and Charges (Rebates and Deferments) Act 1992 to apply to residential waste collection charges.”

At the City of Joondalup Council meeting held on 28 June 2011 (CJ115-06/11 refers) resolved to raise this matter with the State Government and the WALGA North Zone. In essence this resolution reflects the proposal considered by the WALGA North Zone.

6.2 Reform of the Australian Federation

It was resolved by the WALGA State Council as follows:

“That the report on Reform of the Australian Federation be noted.”

At the City of Joondalup Council meeting held on 15 March 2011 (CJ043-03/11 refers) Council considered Constitutional Recognition of Local Government.

Mindarie Regional Council Ordinary Council Meeting – 13 October 2011

An ordinary meeting of the Mindarie Regional Council (MRC) was held on 13 October 2011.

The Council’s representatives on the MRC are Cr Fishwick (Chair) and Cr Hollywood.

For the information of Council, the following matters of interest to the City of Joondalup were resolved at the MRC Ordinary Council meeting:

9.1 Resource Recovery Facility Update Report

It was resolved by the MRC as follows:

“The information on the RRF project for the period 28 July 2011 to 12 August 2011 be received.”

10.1 Business Information Report

It was resolved by the MRC as follows:

“The Business Information Report be received.”

11.1 Minutes – Strategic Projects Committee – 29 August 2011

It was resolved by the MRC as follows:

“1.1 *The unconfirmed minutes of the Strategic Projects Committee meeting held on 29 August 2011 be received;*

2.1 *WMRC Request from SPC Meeting*

The Western Metropolitan Regional Council (WMRC) be advised that MRC is not in a position to provide waste to the WMRC facility at present.”

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Minutes of the:

- 1 WA Local Government Association (North Metropolitan Zone) meeting held on 29 September 2011 forming Attachment 1 to this Report;**
- 2 North Western Metropolitan Regional Road Sub-Group (NWRRSG) meeting held on 5 October 2011 forming Attachment 2 to this Report;**
- 3 WA Local Government Association State Council meeting held on 5 October 2011 forming Attachment 3 to this Report; and**
- 4 Mindarie Regional Council – Ordinary Council meeting held on 13 October 2011 forming Attachment 4 to this Report.**

To access this attachment on electronic document, click here: [externalminutes151111.pdf](#)

ITEM 21 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 SEPTEMBER 2011

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07882,101515
ATTACHMENTS:	Attachment 1 Financial Activity Statement for the Period Ended 30 September 2011

PURPOSE

The September 2011 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2011/12 Financial Year at its meeting held on 28 June 2011, (CJ115-06/11 refers). The figures in this Report are compared to the Adopted Budget figures.

The September 2011, Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$3,256,670 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The **Operating** surplus is \$2,122,265 above budget, made up of higher revenue of \$206,634 and lower operating expenditure of \$1,915,631.

Operating revenue is above budget in Contributions, Reimbursements and Donations \$270,473, Investment Earnings \$272,585 and Other Revenue \$47,512. Revenue is below budget in Fees and Charges \$232,950, Rates \$92,488 and Grants and Subsidies \$92,163. The additional revenue mainly arose from the sale of recyclable materials and from investments due to a higher volume of funds being invested.

Operating expenditure is below budget in Materials and Contracts \$1,749,411, Employee Costs \$78,726, Utilities \$59,312 and Loss on Asset Disposal \$46,982. This is partly offset by an adverse variance on Depreciation \$25,627.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including External Services Expenses \$564,651, Professional Fees & Costs \$276,346, Furniture & Equipment \$357,850, Public Relations, Advertising and Promotions \$131,866 and Administration costs \$121,905.

The **Capital Revenue and Expenditure** deficit is \$1,189,425 below budget and is made up of lower revenue of \$87,050 and under expenditure of \$1,276,475.

Capital Expenditure is below budget on Capital Projects \$557,852, Capital Works \$466,712 and Vehicle and Plant replacements \$251,911.

Further details of the material variances are contained in appendix 3 of Attachment 1 to this Report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 September 2011 forming Attachment 1 to this Report.

BACKGROUND

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. Council approved at its meeting held on 11 October 2005 to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 30 September 2011 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications

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

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

Strategic Plan

Key Focus Area: Leadership and Governance

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

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:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

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

Consultation:

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

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2011/12 Adopted Budget or have been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 30 September 2011 forming Attachment 1 to this Report.

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18brf151111.pdf](#)

ITEM 22 LIST OF PAYMENTS MADE DURING THE MONTH OF SEPTEMBER 2011

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	09882, 101515	
ATTACHMENTS:	Attachment 1	CEO's Delegated Municipal Payment List for the month of September 2011
	Attachment 2	CEO's Delegated Trust Payment List for the month of September 2011
	Attachment 3	Municipal and Trust Fund Vouchers for the month of September 2011

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of September 2011 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of September 2011 totalling \$13,516,029.69.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for September 2011, 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 \$13,516,029.69.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of September 2011. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

	DETAILS	AMOUNT
Municipal Account	Cheques 90782 – 91020 & EF020392 – EF020880 Net of cancelled payments	\$9,725,835.63
	Vouchers 876A – 883A	\$3,755,609.06
Trust Account	Trust Cheques 204414 – 204479 Net of cancelled payments	\$34,585.00
	Total	\$13,516,029.69

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: 1.1 – 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 City's Annual Budget as adopted or revised 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 incurred in accordance with the Annual Budget as adopted and revised by Council or has been authorised in advance by the Mayor or by resolution of Council as applicable.

VOTING REQUIREMENTS

Simple majority.

RECOMMENDATION

That Council NOTES the Chief Executive Officer's list of accounts for September 2011, 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 \$13,516,029.69.

Appendix 19 refers

To access this attachment on electronic document, click here: [Attach19brf151111.pdf](#)

ITEM 23 TENDER 022/11 PROVISION OF MARINE AND CIVIL ENGINEERING CONSULTANCY SERVICES

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 101782, 101515

ATTACHMENTS: Attachment 1 Schedule of Items
Attachment 2 Summary of Tender Submissions
Attachment 3 Summary of Schedule of Rates

(Please Note: Attachment 3 is confidential and will appear in the official minute book only)

PURPOSE

To seek the approval of Council to accept the Tenders submitted by BG&E Pty Ltd (Conforming Offer), ARUP Pty Ltd, MP Rogers and Associates Pty Ltd and DHI Water and Environment Pty Ltd for the provision of marine and civil engineering consultancy services (Tender 022/11).

EXECUTIVE SUMMARY

Tenders were advertised on 23 July 2011, through state wide public notice for the provision of marine and civil engineering consultancy services for a period of three years with an option for a further two 12 month periods. Tenders closed on 9 August 2011. 17 Submissions were received from:

- BG&E Pty Ltd (Conforming Offer);
- BG&E Pty Ltd (Alternate Offer);
- Worley Parsons Services Pty Ltd (Conforming Offer);
- Worley Parsons Services Pty Ltd (Alternate Offer);
- ARUP Pty Ltd;
- MP Rogers and Associates Pty Ltd;
- AECOM;
- GHD Pty Ltd;
- BMT JFA Consultants Pty Ltd;
- URS Australia Pty Ltd;
- DHI Water and Environment Pty Ltd;
- TABEC Pty Ltd;
- Cardno (WA) Pty Ltd;
- Wave Solutions – A Division of Danisman Pty Ltd;
- Kleyweg Consulting Engineers Pty Ltd;
- Woolacotts Consulting Engineers Pty Ltd; and
- CID Consultants Pty Ltd.

The submissions from BG&E Pty Ltd (Conforming Offer), ARUP Pty Ltd, MP Rogers and Associates Pty Ltd and DHI Water and Environment Pty Ltd represent best value to the City. The evaluation panel has confidence in each company's ability to provide the services to the required standards and each demonstrated a comprehensive understanding of the requirements. All companies have the appropriate resources and demonstrated significant experience providing similar services to several local governments including the Cities of Perth, Joondalup, Mandurah, Newcastle and Gold Coast City Council, state government departments and private organisations.

It is recommended that Council ACCEPTS the Tenders submitted by BG&E Pty Ltd (Conforming Offer) and ARUP Pty Ltd for the provision of civil and structural engineering consultancy services and MP Rogers and Associates Pty Ltd and DHI Water and Environment Pty Ltd for the provision of marine engineering consultancy services for a period of three years with an option for a further two 12 month periods for requirements as specified in Tender 022/11 at the submitted schedule of rates with annual price variations subject to the Perth CPI (All Groups) Index.

BACKGROUND

The City engages coastal/marine and structural and civil engineering consultants on major projects such as development of the Ocean Reef Marina site and other high quality community facilities. In particular the Ocean Reef Marina development requires significant involvement from experienced coastal and civil engineering consultants.

In accordance with Council resolutions, the City is progressing the Ocean Reef Marina project from concept through to the preparation of a business case and structure plan for approval. The engineering requirements for this stage of the project have previously been identified and the engagement of suitably qualified engineering Consultants with considerable expertise in similar projects is vital to the progress of the project.

In accordance with approved project plans, the City Projects business unit will also require the services of experienced engineers through the planning phases of the Joondalup Performing Arts and Cultural Facility, cafés/kiosks/restaurants and CBD office development projects.

In addition to these projects, the City undertakes a structured Capital Works Program with an indicative expenditure of \$12,000,000 per annum. To assist in the application and delivery of the Capital Works Program a range of consultancy services are required.

DETAILS

Tenders were advertised on 23 July 2011 through state wide public notice for the provision of marine and civil engineering consultancy services for a period of three years with an option for a further two 12 month periods. The Tender period was for two weeks and Tenders closed on 9 August 2011.

Tender Submissions

17 Submissions were received from:

- BG&E Pty Ltd (Conforming Offer);
- BG&E Pty Ltd (Alternate Offer);
- Worley Parsons Services Pty Ltd (Conforming Offer);

- Worley Parsons Services Pty Ltd (Alternate Offer);
- ARUP Pty Ltd;
- MP Rogers and Associates Pty Ltd;
- AECOM;
- GHD Pty Ltd;
- BMT JFA Consultants Pty Ltd;
- URS Australia Pty Ltd;
- DHI Water and Environment Pty Ltd;
- TABEC Pty Ltd;
- Cardno (WA) Pty Ltd;
- Wave Solutions – A Division of Danisman Pty Ltd;
- Kleyweg Consulting Engineers Pty Ltd;
- Woolacotts Consulting Engineers Pty Ltd; and
- CID Consultants Pty Ltd.

The schedule of items as listed in the RFT is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 2.

Evaluation Panel

The Evaluation Panel comprised of four members:

- One with tender and contract preparation skills; and
- Three 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.

Compliance Assessment

The following Offers were assessed as fully compliant:

- BG&E Pty Ltd (Conforming Offer);
- MP Rogers and Associates Pty Ltd;
- BMT JFA Consultants Pty Ltd;
- URS Australia Pty Ltd;
- DHI Water and Environment Pty Ltd;
- TABEC Pty Ltd;
- Cardno (WA) Pty Ltd;
- Wave Solutions – A Division of Danisman Pty Ltd;
- Kleyweg Consulting Engineers Pty Ltd;
- CID Consultants Pty Ltd.

The following Offers were assessed as partially compliant:

- BG&E Pty Ltd (Alternate Offer);
- Worley Parsons Services Pty Ltd (Conforming Offer);
- Worley Parsons Services Pty Ltd (Alternate Offer);

- ARUP Pty Ltd;
- AECOM;
- GHD Pty Ltd; and
- Woolacotts Consulting Engineers Pty Ltd.

BG & E Pty Ltd (Alternate Offer) – Was offered with an alternative schedule of rates should the City agree to various amendments to the Specification, conditions of tendering and nine conditions of Contract. These variations have the potential to increase contractual risk and cost to the City. As the company also submitted a fully compliant Offer accepting all the City's conditions, the number of variations involved in the Alternate Offer and the potential risk to the City was considered by the evaluation panel to be too high and accordingly the Offer was not included for further assessment.

Worley Parsons Services Pty Ltd (Alternate Offer) – Was offered on the basis that an alternative price escalation formula incorporating the CPI and a reputable industry report such as the Mercer report would be considered by the City and additional rates were offered for traffic and transport services. As the additional services are not required for this Contract and the company's Conforming Offer contains all services required, the Alternate Offer was not considered further.

Worley Parsons Services Pty Ltd (Conforming Offer) – Was offered on the basis that an alternative price escalation formula incorporating the CPI and a reputable industry report such as the Mercer report would be considered by the City. The alternate price escalation could be considered by the City if Worley Parsons Services Pty Ltd offered significantly higher quality of services or no other Respondent was considered suitable. On this basis it was included for further assessment.

Woolacotts Consulting Engineers Pty Ltd – Did not submit responses to the compliance criteria. The Submission was included for further assessment on the basis that the responses would be requested from the company prior to final consideration.

GHD Pty Ltd – The Offer from GHD Pty Ltd was subject to several qualifications to the conditions of contract and tendering. It was included for further assessment on the basis that if GHD Pty Ltd offered a significantly higher quality of services or no other Tenderer was considered suitable the amendments could be considered. On this basis it was included for further assessment.

ARUP Pty Ltd – Was offered subject to two qualifications to the conditions of contract. These items were not deemed to increase Contractual risk to the City and the Offer was included for further assessment.

AECOM – The Offer from AECOM was subject to amendments to two conditions of contract and proposed four new clauses. The proposed amendments and new clauses do not increase the risk to the City; therefore the Offer was included for further assessment.

Qualitative Assessment

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

Qualitative Criteria		Weighting
1	Capacity	35%
2	Demonstrated understanding of the required tasks	35%
3	Demonstrated experience in providing similar services	25%
4	Social and economic effects on the local community	5%

The submissions from CID Consultants Pty Ltd, Woolacotts Consulting Engineers Pty Ltd, Kleyweg Consulting Pty Ltd, Wave Solutions – A Division of Danisman Pty Ltd and Cardno (WA) Pty Ltd were ranked from fifteenth to eleventh in the qualitative assessment respectively. These companies did not adequately address responses to the qualitative criteria or did not meet the City's requirements in terms of experience, capacity or understanding of the tasks.

TABEC Pty Ltd scored 63.9% and was ranked tenth in the qualitative assessment. It demonstrated its capacity and considerable experience in completing civil engineering projects. It demonstrated a good understanding of the City's requirements.

DHI Water and Environment Pty Ltd scored 65.2% and was ranked ninth in the qualitative assessment. It demonstrated substantial experience providing specialised services in coastal and marine engineering. It has the capacity to provide marine engineering services and demonstrated a comprehensive understanding of the requirements for coastal projects.

URS Australia Pty Ltd scored 69.3% and was ranked eighth in the qualitative assessment. The company demonstrated experience completing marine, civil and structural engineering projects. It demonstrated a sufficient understanding of the City's requirements and has the capacity to provide the required services.

BMT JFA Consultants Pty Ltd scored 71.2% and was ranked seventh in the qualitative assessment. It demonstrated experience being part of similar panel contracts for civil engineering services and completing coastal related projects. It demonstrated a very good understanding of the requirements and has the capacity to meet the City's work requirements.

GHD Pty Ltd scored 72.7% and was ranked sixth in the qualitative assessment. It is a large organisation that demonstrated its capacity and experience in completing marine, civil and structural engineering services. It also demonstrated a good understanding of the requirements.

AECOM scored 73.5% and was ranked fifth in the qualitative assessment. The company demonstrated significant experience in civil, coastal and structural engineering projects. It has the capacity to meet the City's requirements and demonstrated a comprehensive understanding of the required tasks.

M P Rogers and Associates Pty Ltd scored 75% and was ranked fourth in the qualitative assessment. It is a small company that specialises in coastal and marine engineering services and is the City's current provider for these services in the Ocean Reef Marina Project. It demonstrated a comprehensive understanding of the requirements and extensive experience providing its services to various coastal projects in WA.

ARUP Pty Ltd scored 75.4% and was ranked third in the qualitative assessment. It demonstrated substantial experience providing civil, structural and marine engineering services. It has the capacity to provide all engineering disciplines, however its marine engineering team is based in Queensland. The company demonstrated a comprehensive understanding of the requirements.

BG&E Pty Ltd (Conforming Offer) scored 76.7% and was ranked second in the qualitative assessment. The company demonstrated considerable experience completing marine, civil and structural engineering projects. It thoroughly demonstrated its capacity and understanding of the requirements.

Worley Parsons Services Pty Ltd (Conforming Offer) scored 78.7% and was ranked first in the qualitative assessment. It demonstrated extensive experience providing marine, civil and structural engineering services. It demonstrated a comprehensive understanding of the required tasks and has the capacity to meet the City's required services.

Price Assessment

Following the qualitative assessment, the Panel carried out a comparison of the rates offered by each Tenderer in order to assess value for money to the City.

To provide a comparison of the rates offered by each Tenderer, the rates for a principal engineer and engineer for each offered discipline were averaged, compared and assigned a ranking. These are provided in the evaluation summary table below. A calculation of the cost of the Contract using these rates is not able to be accurately assessed, due to the unknown quantum and project nature of the work during the Term of the Contract.

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 and for any extension option exercised to a maximum of the CPI for the preceding year

During the last financial year 2010/11, the City incurred \$138,891 for the provision of marine and civil engineering consultancy services and is expected to incur in the order of \$700,000 over the three year Contract period. An estimate of expenditure over a five year period if the extension option is exercised is not able to be accurately calculated, as it is dependent upon the progress of the Ocean Reef Marina project and future capital works projects.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the evaluation panel.

Tenderer	Price Rank			Evaluation Score	Qualitative Rank
	Civil	Structural	Marine		
Worley Parsons Services Pty Ltd (Conforming Offer)	2	4	7	78.7%	1
BG&E Pty Ltd (Conforming Offer)	8	6	1	76.7%	2
ARUP Pty Ltd	11	9	9	75.4%	3
M P Rogers and Associates Pty Ltd	-	-	9	75%	4
AECOM	4	8	5	73.5%	5

Tenderer	Price Rank			Evaluation Score	Qualitative Rank
	Civil	Structural	Marine		
GHD Pty Ltd	4	3	8	72.7%	6
BMT JFA Consultants Pty Ltd	-	-	3	71.2%	7
URS Australia Pty Ltd	3	2	2	69.3%	8
DHI Water and Environment Pty Ltd	*	-	6	65.2%	9
TABEC Pty Ltd	10		10	63.9%	10
Cardno (WA) Pty Ltd	7	7	4	50.1%	11
Wave Solutions – A Division of Danisman Pty Ltd	5	7	11	47.3%	12
Kleyweg Consulting Pty Ltd	9	-	-	45.8%	13
Woolacotts Consulting Engineers Pty Ltd	6	5	-	42.9%	14
CID Consultants Pty Ltd	1	1	-	41.8%	15

*DHI Water and Environment Pty Ltd did not provide a rate for a principal engineer for civil engineering, so an average price and ranking was not able to be assessed; however its rates for an engineer were below average in comparison to the other submitted rates for marine engineering.

The price ranking in the table above is a ranking assigned to the average of the rates for a principal engineer and engineer. This ranking has not been weighted to reflect the actual use of engineering services. The majority of the City's usage of these services is the engineer rate.

A summary of the rates submitted for a principal engineer and engineer is provided in confidential Attachment 3.

While DHI Water and Environment Pty Ltd did not rank as highly as other companies in the qualitative assessment, it offers the City the opportunity to utilise personnel with specialised qualifications and experience in areas of marine and coastal engineering that would add value to the Ocean Reef Marina project in hydrodynamic, wave, ecological and littoral processes modelling. It is proposed to include the company on the panel for these services only.

GHD Pty Ltd's Offer was subject to amendments to the contractual conditions in relation to limit of liability and warranties. The Offers from BG&E Pty and ARUP Pty Ltd better demonstrated their experience and understanding of the requirements and were not subject to amendments to conditions that have the potential to increase contractual risk to the City. On this basis GHD Pty Ltd is not recommended.

While MP Rogers and Associates Pty Ltd was ranked ninth in the price assessment, the City's previous experience with the company has demonstrated their knowledge and experience in the services provided and their understanding and ability to deliver on the project requirements. On this basis it is recommended to the panel for marine engineering services.

The marine engineering team nominated by ARUP Pty Ltd is based in Queensland. It is not practicable for the Ocean Reef Marina project for consultants to be located in another state. On this basis the company is recommended to the panel for civil and structural engineering services only.

Although the Offer from BG&E Pty Ltd (Conforming Offer) included marine engineering services, the evaluation panel considered that the experience of MP Rogers and Associates Pty Ltd more comprehensive in this discipline and better suited to the City's requirements of the Ocean Reef Marina Project. On this basis it is recommended to the panel for civil and structural engineering services only.

Although Worley Parsons Services Pty Ltd (Conforming Offer) scored the highest in the qualitative assessment, the Offer was subject to agreement of an alternative price escalation basis incorporating the CPI and an industry report such as the Mercer report. This has the potential to increase rates substantially over the life of the Contract. Worley Parsons Services Pty Ltd also did not offer any additional services than those offered by BG&E Pty Ltd or ARUP Pty Ltd and on this basis is not recommended.

Based on the evaluation result the panel concluded that the Tenders that provide best value to the City are that of BG&E Pty Ltd (Conforming Offer) and ARUP Pty Ltd for civil and structural engineering consultancy services and MP Rogers and Associates Pty Ltd and DHI Water and Environment Pty Ltd for marine engineering consultancy services. While these Tenderers offered some of the more expensive rates, their demonstrated experience, understanding of the requirements and capacity provide the best quality outcome for the City and are therefore recommended.

Issues and options considered:

Marine, civil and structural engineering consultancy services are required to progress the Ocean Reef Marina project and other capital works projects. The City does not have the internal resources to supply the required consultancy services and as such requires an appropriate external service provider.

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 & 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 does not have the internal resources to provide the required engineering consultancy services for progression of the Ocean Reef Marina project and other capital works projects.

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

Financial/Budget Implications:

Account No:	Various account numbers
Budget Item:	Ocean Reef Marina Consultancy Services Various Capital Project Consultancy Services
Budget Amount 2011/12:	\$444,940
Expenditure 1 July 2011 to 30 September 2011:	\$137,203
Proposed Cost 1 October 2011 to 30 June 2012:	\$307,737
Balance:	\$0

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The consultancy services provided under the terms of this Contract will assist the City in the progress of the Ocean Reef Marina project and planning phases of the Joondalup Performing Arts and Cultural Facility, cafés/kiosks/restaurants and CBD office development projects. These projects will significantly enhance the recreation and cultural facilities provided to residents and visitors to the City.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offers representing best value to the City are that as submitted by BG&E Pty Ltd (Conforming Offer), ARUP Pty Ltd, MP Rogers and Associates Pty Ltd and DHI Water and Environment Pty Ltd.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council **ACCEPTS** the Tenders submitted by **BG&E Pty Ltd (Conforming Offer)** and **ARUP Pty Ltd** for the provision of civil and structural engineering consultancy services and **MP Rogers and Associates Pty Ltd** and **DHI Water and Environment Pty Ltd** for the provision of marine engineering consultancy services for a period of three years with an option for a further two 12 month periods for requirements as specified in Tender 022/11 at the submitted schedule of rates with annual price variations subject to the Perth CPI (All Groups) Index.

Appendix 20 refers

To access this attachment on electronic document, click here: [Attach20brf151111.pdf](#)

ITEM 24 TENDER 028/11 - CLEANING OF STORMWATER DRAINAGE PIPES AND STRUCTURES

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	101857, 101515	
ATTACHMENTS:	Attachment 1	Schedule of Items
	Attachment 2	Summary of Tender Submissions

PURPOSE

To seek the approval of Council to accept the Tender submitted by Riverjet Pipeline Solutions Pty Ltd for the cleaning of stormwater drainage pipes and structures (Tender 028/11).

EXECUTIVE SUMMARY

Tenders were advertised on 10 September 2011 through state wide public notice for the cleaning of stormwater drainage pipes and structures for a period of three years. Tenders closed on 27 September 2011. Four submissions were received from:

- Redbrook Holdings Pty Ltd as trustee for the Lyons & Pierce Unit Trust T/as Lyons & Pierce Industrial Services;
- Riverjet Pipeline Solutions;
- Drainflow Services Pty Ltd; and
- KIS Environmental Services.

The submission from Riverjet Pipeline Solutions represents best value to the City. It has sufficient resources to meet the City's requirements. It is currently providing similar services to the Cities of Stirling, Cockburn and Belmont. The Evaluation Panel has confidence in the company's ability to meet the City's program of works.

It is recommended that Council **ACCEPTS** the Tender submitted by Riverjet Pipeline Solutions for the cleaning of stormwater drainage pipes and structures for a three year period for requirements as specified in Tender 028/11 at the submitted schedule of rates with annual price variations subject to the Perth CPI (All Groups) Index.

BACKGROUND

This requirement is for the cleaning of stormwater drainage pipes and structures including stormwater pollutant traps and pits of sand, silt and other deleterious materials as and when required.

The City currently has a single Contract for the cleaning of stormwater drainage pipes and structures with Envirostream Catchment Management Pty Ltd which expires on 9 November 2011.

DETAILS

Tenders were advertised on 10 September 2011 through state wide public notice for the cleaning of stormwater drainage pipes and structures for a period of three years. The Tender period was for two weeks and Tenders closed on 27 September 2011.

Tender Submissions

Four Submissions were received from:

- Redbrook Holdings Pty Ltd as trustee for the Lyons & Pierce Unit Trust T/as Lyons & Pierce Industrial Services;
- Riverjet Pipeline Solutions;
- Drainflow Services Pty Ltd; and
- KIS Environmental Services.

The schedule of items as listed in the Request for Tender is provided in Attachment 1.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 2.

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.

Compliance Assessment

The following Offers were assessed as fully compliant:

- Riverjet Pipeline Solutions;
- Drainflow Services Pty Ltd; and
- KIS Environmental Services.

The Offer from Lyons & Pierce Industrial Services was assessed as partially compliant. It was submitted on the basis that the additional costs associated with increases to waste disposal charges from the waste disposal site and extra disposals at the end of a working day would be passed on to the City. This is a variation to the intended price structure but it was determined that the Tender could be included for further assessment on the basis that this variation could be assessed against the type and level of service proposed.

Qualitative Assessment

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

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

Drainflow Services Pty Ltd scored 54.8% and was ranked last in the qualitative assessment. It demonstrated experience providing similar services to local government including the Cities of Subiaco, Gosnells, Perth and the Shire of Kalamunda. It demonstrated some understanding of the requirements. The submission however did not provide sufficient information demonstrating its capacity in terms of personnel, equipment and its ability to provide additional resources.

KIS Environmental Services scored 55.1% and was ranked third in the qualitative assessment. The company has been in operation since 2008. It has limited local government experience, providing services only to the Shire of Kalgoorlie-Boulder. The submission indicated it has sufficient resources to meet the City's requirements. The company, however, did not demonstrate sufficient understanding of the City's requirements when clarification of its rates revealed it did not allow for water jetting in the rates for pollutant traps and the different size and configuration of pollutant traps.

Riverjet Pipeline Solutions scored 64.8% and was ranked second in the qualitative assessment. It demonstrated a good understanding of the City's requirements. The company has the capacity to meet the City's volume of work. It has current experience providing similar services to other local governments including the Cities of Stirling, Belmont and Cockburn.

Lyons & Pierce Industrial Services scored 69.2% and was ranked first in the qualitative assessment. It best demonstrated its understanding of the requirements. The company has the capacity to meet the City's volume of work. It has current experience providing services to local government including the Cities of Wanneroo, Fremantle, South Perth and Rockingham.

Price Assessment

Following the qualitative assessment, the panel carried out a comparison of the submitted rates offered by each Tenderer to assess value for money to the City.

Tendered rates are fixed for the first year of the Contract, but are subject to a price variation on each anniversary date thereafter limited to the percentage change in the Perth CPI (All Groups) Index from the corresponding quarter of the previous year.

To provide an estimated expenditure over a 12 month period the 50 most commonly used items and their typical usage based on historical data have been used. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City.

The following table provides comparative estimated expenditure during the term of the contract, based on the tendered rates of each Tenderer. For estimation purposes, a 3% annual CPI increase was applied to the tendered rates after the first year of the contract.

Tenderer	Year 1	Year 2	Year 3	Total
Drainflow Services Pty Ltd	\$81,760	\$84,213	\$86,739	\$252,712
Riverjet Pipeline Solutions	\$123,680	\$127,390	\$131,212	\$382,282
KIS Environmental Services	\$126,717	\$130,519	\$134,434	\$391,670
Lyons & Pierce Industrial Services	\$153,294	\$157,893	\$162,630	\$473,817

Drainflow Services Pty Ltd offered the lowest tendered price; however the evaluation panel has concerns that the rates have not taken into consideration all the costs associated with providing the services. After requesting clarification of the rates, the company subsequently confirmed that the rates offered will cover all costs associated with providing the services. The Evaluation Panel, however, has reservations that the services can be provided at the level expected by the City at these rates.

Riverjet Pipeline Solutions ranked second in price. The Evaluation Panel has confidence that the rates submitted have taken all costs associated with providing the services into consideration and represent the lowest risk to the City.

KIS Environmental Services submitted very low rates for cleaning of pollutant traps and a high hourly rate for manholes, gullies and soakwells. A clarification issued to the company revealed that it did not allow for the cost of water jetting in its rates for pollutant traps. The company submitted revised rates upon clarification and ranked third in price. However, the Evaluation Panel still has reservations regarding the rates offered.

The price submitted by Lyons & Pierce was the highest price offered and does not provide any value adding services that justify the additional expense to the City. As previously referred they also proposed a variation to pricing that included passing on increases in waste disposal costs. No allowance for these has been included in the cost estimates above.

Evaluation Summary

The following table summarises the result of the qualitative and price evaluation as assessed by the Evaluation Panel.

Tenderer	Estimated Contract Price Year 1	Estimated Total Contract Price	Price Rank	Evaluation Score	Qualitative Rank
Lyons & Pierce Industrial Services	\$153,294	\$473,817	4	69.2%	1
Riverjet Pipeline Solutions	\$123,680	\$382,282	2	64.8%	2
KIS Environmental Services	\$126,717	\$391,670	3	55.1%	3
Drainflow Services Pty Ltd	\$81,760	\$252,712	1	54.8%	4

Based on the evaluation result the panel concluded that the Tender that provides best value to the City is that of Riverjet Pipeline Solutions and is therefore recommended.

Issues and options considered:

The cleaning of stormwater drainage pipes and structures is required to maintain the City's stormwater drainage systems. The City does not have the internal resources to maintain all the City's pipes and structures and as such requires an appropriate external service provider.

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 & 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 Natural Environment

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

Policy:

City Policy - Stormwater Drainage

Risk Management Considerations:

Should the contract not proceed, the risk to the City will be high as the City will not be able to maintain the drainage pipes and structures cleaning program.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer is a well-established company with prior local government experience and the capacity to provide the services to the City.

Financial/Budget Implications:

Account No:	632-A6302-R3003-3359-6024/25 and various capital works projects
Budget Item:	Cleaning of stormwater drainage pipes and structures
Budget Amount:	\$180,000 (Maintenance) \$20,0000 (Capital Works)
Actual Expenditure 1 July 2011 to 31 October 2011 (Current Contract):	\$17,385
Proposed Cost 28 November 2011 to 30 June 2012 (New Contract):	\$72,147
Balance:	\$110,468

All figures quoted in this report are exclusive of GST.

Regional Significance:

Not Applicable.

Sustainability Implications:

The services are an integral component in maintaining the City's storm water drainage systems and reducing the risk of flooding.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Riverjet Pipeline Solutions.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Riverjet Pipeline Solutions for the cleaning of stormwater drainage pipes and structures for a three year period for requirements as specified in Tender 028/11 at the submitted schedule of rates with annual price variations subject to the Perth CPI (All Groups) Index.

Appendix 21 refers

To access this attachment on electronic document, click here: [Attach21brf151111.pdf](#)

ITEM 25 MINUTES OF THE STREETScape WORKING GROUP MEETINGS HELD ON 3 NOVEMBER 2010, 18 APRIL 2011, 10 AUGUST 2011 AND 21 SEPTEMBER 2011

WARD: All

RESPONSIBLE DIRECTOR: Mr Martyn Glover
Infrastructure Services

FILE NUMBER: 79623, 101515

ATTACHMENTS:

Attachment 1	Unconfirmed Minutes of the Streetscape Working Group held on 3 November 2010.
Attachment 2	Unconfirmed Minutes of the Streetscape Working Group held on 18 April 2011.
Attachment 3	Minutes of the Streetscape Working Group held on 10 August 2011 – Absence of Quorum.
Attachment 4	Minutes of the Streetscape Working Group held on 21 September 2011 – Absence of Quorum, and attached Informal Discussion Notes.

PURPOSE

To submit the Minutes of the Streetscape Working Group (SWG) meetings to Council for noting and endorsement of the recommendations contained therein.

EXECUTIVE SUMMARY

Minutes of the Streetscape Working Group Meeting held 3 November 2010

A Meeting of the SWG was held on 3 November 2010 to consider the following Item:

Item 1 Street Tree Marketing and Promotion

Minutes of the Streetscape Working Group Meeting held 18 April 2011

A Meeting of the SWG was held on 18 April 2011 to consider the following Item:

Item 1 Suburban Entry Statements Discussion Paper

Minutes of the Streetscape Working Group Meeting held 10 August 2011

A Meeting of the SWG was held on 10 August 2011 to consider the following Item:

Item 1 Requests Concerning Maintenance, Graffiti and Incidents of Anti-Social Behaviour in Pedestrian Access Ways (Paws)

Minutes of the Streetscape Working Group Meeting held 21 September 2011

A Meeting of the SWG was held on 21 September 2011 to consider the following Items:

- Item 1 Requests Concerning Maintenance, Graffiti and Incidents of Anti-Social Behaviour in Pedestrian Access Ways (PAWS); and
- Item 2 Street Tree Strategy.

BACKGROUND

At its meeting held on 16 March 2010 (CJ038-03/10 refers), Council resolved to appoint a Streetscape Working Group with the objective of providing advice to the Council on local streetscape amenity and assisting the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods.

At its meeting held on 20 July 2010 (CJ119-07/10 refers), Council adopted the Working Plans and Terms of Reference for the Streetscape Working Group. A subsequent meeting of Council held on 21 September 2010 (CJ154-09/10 refers), appointed community representatives and qualified professionals who nominated for the Streetscape Working Group.

The Terms of Reference, as adopted by Council (CJ119-07/10 refers), detail the purpose of the Working Group as follows:

- 2.1 Provide advice to the Council on local streetscape amenity such as street trees, verges, public access ways and medians; and
- 2.2 Assist the Council with the establishment of themed planting on road reserves to bolster the identity of the City's neighbourhoods.

DETAILS

Issues and options considered:

Streetscape Working Group Meeting held 3 November 2010

The suggestions made by the SWG at the Meeting held on 3 November 2010 are shown below, together with officer's comments.

- Item 1 Street Tree Marketing and Promotion

Working Group Suggestions

- Tree Appreciation Flyer

Preparation of flyers about the value/appreciation of trees. These could be distributed with the City's Rates Notice and also available at the City's Libraries and Customer Service Centres.

- Free Mulch for Residents

Vouchers provided by the City allowing residents one free trailer load of mulch. These vouchers could go out with the Rates Notice.

- Street Tree Voucher

Vouchers provided by the City allowing residents one free street tree. This voucher could go out with the Rates Notice or redeemable via the City's website.

- Web Site Information on Trees

A tree species list could be created for Residents/Ratepayers' websites within Joondalup which would enable the public to click on each species to obtain information.

- Create a slogan regarding greening the City using more street trees.
- Target areas where there are not many trees.
- Utilise the 14 Residents Associations within the City to promote the greening of the City with more trees.

Officer's Comment:

The Working Group's comments have been included in the progression of the City's marketing and promotion of street trees.

Streetscape Working Group Meeting held 18 April 2011

The suggestions made by the SWG at the Meeting held on 18 April 2011 are shown below, together with officer's comments.

Item 1 Suburban Entry Statements Discussion Paper

The following comments/feedback/questions were provided by the Working Group:

The Working Group discussed existing suburban entry statements throughout the City focusing on what species of plants have performed well and in what type of soil conditions these were established.

The Presiding Member requested the Working Group discuss its vision for entry statements. The following suggestions were tabled:

- The development of a City of Joondalup branding such as "Green City";
- A standard signage to be incorporated into the entry statement design. The Working Group discussed the use of the current City of Joondalup motif within the signage. A commonality in shape and design should be used between existing entry statements and suburban entry statements, therefore creating a visual link;
- The inclusion of artwork into the entry statements;
- The inclusion of an iconic tree species to be used throughout each entry statement that would signify entry into the City of Joondalup;
- Plantings incorporated into the entry statement need to be of a distinctive height and diversity, such as different species of trees, shrubs, in order to set it apart from any surrounding plantings and give the entry statement structure; and
- A mix of hard and soft landscaping.

The Working Group agreed that suburban entry statements need to reflect future water restrictions and therefore eliminate such elements as turf and annual plantings.

The Working Group reached a consensus that entry statements consist of the following elements:

- 1 Softscape landscaping;
- 2 Hardscape landscaping;
- 3 Signage to be consistent and linked to the existing iconic Joondalup signage; and
- 4 Plantings to be of varying size and species.

The Working Group agreed that the hierarchy in which entry statements be installed be determined by such factors as class of road and traffic count.

Officer's Comment:

The City's landscape team has noted the comments from the Working Group and will include the elements in future landscape designs for Suburban Entry Statements.

Streetscape Working Group Meeting held 10 August 2011

There being no quorum, in accordance with Regulation 8(e) of the Local Government (Administration) Regulations 1996, the meeting was adjourned by the Presiding Person at 7.32 pm.

Streetscape Working Group Meeting held 21 September 2011

The Streetscape Working Group meeting scheduled for the 21 September 2011 did not achieve a quorum.

The following members were in attendance and agreed to discuss the Items on the Working Group Agenda:

- | | | |
|----------------------|--------------------------|-----------------|
| • Cr Mike Norman | Presiding Member | South West Ward |
| • Cr Kerry Hollywood | Deputy Presiding Member | North Ward |
| • Mr Rob Bodenstaff | Qualified Professional | South East Ward |
| • Ms Penny Gilpin | Community Representative | North Ward |
| • Mr Brad Schrader | Community Representative | South West Ward |

Notes from discussions are provided below, together with the Officer's comments:

ITEM 1 REQUESTS CONCERNING MAINTENANCE, GRAFFITI AND INCIDENTS OF ANTI-SOCIAL BEHAVIOUR IN PEDESTRIAN ACCESS WAYS (PAWS)

Discussion was held in relation to the following:

- Weeds, including maintenance of summer weeds, follow up visits to weed spraying areas;
- Graffiti, including delays in reporting graffiti and City Watch involvement in reporting of hotspots;
- Public Access Ways (PAWs), including 'Adopt a Spot' – community input into the maintenance of PAWs, planting shrubs along fencing, the possibility of closing infrequently used PAWs and alternative treatments such as paving, consistently coloured fencing, mulching, widening PAWs and improving lighting.

The general improvement in the standard of PAWs throughout the City was noted.

Officer's Comment:

The City will consider the comments from the informal discussions when reviewing service levels for the maintenance of PAWs.

ITEM 2 STREET TREE STRATEGY

Discussion was held in relation to the following:

- Benefits of street trees to mental and social health;
- Road surface life is extended by the shade provided from trees;
- Tree themes, with consideration of the scale and orientation of trees, in particular, trees suited to the urban environment and those that adapt to the drying climate, and identifying the Tuart tree as the City of Joondalup iconic tree;
- Establishing wildlife corridors, giving consideration to creating appropriate fauna habitats, and groupings of trees in large open space areas, and location of street trees; and
- Tree stock and consideration of pre-preparatory treatment.

After informal discussion, the following objectives for the draft Street Tree Strategy was considered:

- 1 To establish planting theme's utilising: local native, Australian native and exotic trees;
- 2 To develop a streetscape with nominated trees or tree themes for individual suburbs and/or streets;
- 3 To establish wildlife corridors through the selection of appropriate local native trees;
- 4 To ensure that the choice of street tree is appropriate to the location in terms of the scale of the tree relative to the verge both above and below the ground and the adjoining properties;
- 5 To ensure that tree selection and installation limits the potential for interference with, and damage to, public and private infrastructure;
- 6 To ensure that the City maximises its opportunity to plant a street tree on every verge and increase the urban forest;
- 7 To provide a streetscape for the long term benefit of the community;
- 8 To maintain a streetscape that recognises a preference for Perth's drying climate;
- 9 To ensure that street trees are maintained to resist attack by pests and disease;
- 10 To ensure that street trees are selected with consideration given to the orientation of the street with respect to the sun (east-west streets – evergreen, north-south streets – deciduous); and
- 11 To ensure the quality of the tree stock is optimised.

Officer's Comment:

The City proposes to include the above mentioned objectives in the draft Street Tree Strategy which is anticipated to be available for Council consideration in 2013/14.

Legislation/Strategic Plan/Policy Implications

Legislation Local Government Act 1995 – 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 government;
- (c) Greater accountability of local governments to their communities; and
- (d) More efficient and effective local government.

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.

To engage proactively with the community.

Policy:

Council Policy - Public Participation

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Working Groups are mechanisms for actual involvement by the community on matters of social, economic and environmental interest to them and, therefore, for better informing the Council on the needs of current and future generations.

Consultation:

Working Groups are a mechanism for community engagement.

COMMENT

Effective engagement with the community through Working Groups has many benefits for the Council including:

- better relationships with the community;
- increased understanding of community issues; and
- better partnerships and networks.

Working Groups, provide mechanisms for direct involvement by the community in the affairs of the City. They provide an opportunity for community representatives to provide alternative viewpoints for consideration by the Council in determining policy and strategic direction in a less formal and more flexible environment.

VOTING REQUIREMENTS

Simply Majority

RECOMMENDATION**That Council NOTES:**

- 1 unconfirmed Minutes of the Streetscape Working Group Meeting held on 3 November 2010, forming Attachment 1 to this Report;**
- 2 unconfirmed Minutes of the Streetscape Working Group Meeting held on 18 April 2011, forming Attachment 2 to this Report;**
- 3 Minutes of the Streetscape Working Group Meeting held on 10 August 2011 - Absence of Quorum, forming Attachment 3 to this Report;**
- 4 Minutes of the Streetscape Working Group Meeting held on 21 September 2011 Absence of Quorum, and attached Informal Discussion Notes, forming Attachment 4 to this Report; and**
- 5 the City has taken into consideration the comments of the Streetscape Working Group in relation to:**
 - 5.1 City's marketing and promotion programs for street trees;**
 - 5.2 City's landscape designs for Suburban Entry Statements;**
 - 5.3 City's review of service levels, as part of the Council's budget process, related to the maintenance of Public Access Ways;**
 - 5.4 Objectives of the draft Street Tree Strategy, to be presented to Council for consideration in 2013/14.**

Appendix 22 refers

To access this attachment on electronic document, click here: [Attach22brf151111.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**

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

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

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

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



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
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**QUESTION TO BE ASKED AT
BRIEFING SESSION/COUNCIL MEETING**

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

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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



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

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

STATEMENT

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
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Please note that:

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