

agenda

Briefing Session

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

ON **TUESDAY 13 MARCH 2012**
COMMENCING AT **6.30pm**

GARRY HUNT
Chief Executive Officer
9 March 2012

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on **Monday, 12 March 2012**

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 4.00pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed 35 minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
 - accept or reject any question and his/her decision is final;
 - nominate a member of the Council and/or City employee to respond to the question;
 - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
 - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
 - making a statement during public question time.they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of 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 6.30pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00pm on the Monday prior to a Briefing Session.)

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

* *Any queries on the agenda, please contact 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*.

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **Tuesday 13 March 2012** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 14 February 2012

Mr R Repke, Kallaroo:

Re: Item 11, Motion 6: Annual General Meeting.

Q1 The motion (among other points) was not whether or not the date and time for meeting were in line with laws/rules/regulations, the motion was (among other points) to move the time to 7pm. Reason: most people are not available at 5.30pm.

Should we not hold this important meeting at a time which is convenient for a larger number of residents to get maximum participation? Provided we are interested that as many residents as possible attend?

A1 This is a matter for the Council to determine when it sets the meeting date for the Annual General Meeting of Electors.

Re: Item 11, Motion 1: Lot 971 (52) Creaney Drive, Kingsley.

Q2 The paper for item 11 quotes that CJ 171-09/11 refers. That CJ 171 are however the Confidential Minutes of the Strategic Management Committee. Can you give me the correct CJ number?

A2 The number as printed in the agenda is correct, being CJ171-09/11.

Q3 When the land was donated to the City was there any written/verbal/implied request that the land is kept on its original state or only changed into a sculpture park keeping most of the bush?

- A3 Lot 971 was acquired in June 1982 from Portuland Developments Pty Ltd and zoned 'Civic' under the Town Planning Scheme No 1. At the time it was zoned it was anticipated there would be a need for civic facilities to meet future community needs.
- Q4 *If so, should it not be a question of honour to keep such arrangements regardless of whether present laws/rules/regulations allow a different use?*
- A4 This is a matter for the Council to consider.
- Q5 *Should we not keep as much of native vegetation as possible for our benefit, the benefit of the climate and the benefit of countless animals?*
- A5 The WA Planning Commission (WAPC) Development Control Policy 2.3 Public Open Space in Residential Areas specifies a requirement of 10% of the gross subdivisible area should be given up free of cost for Public Open Space (POS). Currently Kingsley has over 10% POS which exceeds the WAPC requirement.

The following questions were submitted verbally at the Briefing Session:

Professor M Hackling, Kallaroo:

Re: Item 5, Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 *Why is a high impact 'dual site' option in Kallaroo being considered instead of a low impact 'fit for purpose' solution in Mullaloo which according to Telstra's website remains the preferred option?*

A1 The Mayor responded that is a question that needs to be asked of Telstra.

Q2 *Has the City of Joondalup had any involvement in considering all the various options for the location of the facility, including Mullaloo Plaza which is Telstra's preferred option rather than leaving it up to Telstra to decide?*

A2 The Mayor Responded that Telstra has been working with the City through their consultants. Ultimately it is the decision of Telstra as to which option is progressed to formal applications.

Mr D McLean, Kallaroo:

Re: Item 5, Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Q1 *How did the Planning Development Department determined that the proposed facility will have limited minimal visual impact on the area when it stands six metres above the existing light tower and well above any other structures in the park?*

A2 The Director Planning and Development responded that comments on the aesthetics of the proposed tower were made on the basis that there is an existing light pole in that vicinity, there are trees in the park surrounding that light pole, there are buildings, it is some distance from the road and it is some distance from the residents nearby. Comparatively, of what could be there it is considered of low impact.

Ms L Haines, Kallaroo:

Q1 *The report concludes that the proposed tower is within 75 metres of residential dwellings, in our opinion residents within 75 metres of the proposed structure are well within the vicinity of the structure. Is the Council able to provide a definition of vicinity as it is referred to in the City of Joondalup's Telecommunications Policy?*

A1 The Director Planning and Development responded that currently there is no definition for vicinity. The City's Policy on Telecommunications Facilities in that sense, accords with State Government Policy. The City is in the process of reviewing all policies.

It may not be appropriate to define vicinity as a distance due to the typography of land, the nature of a site and existing structures on the site that can affect the flow of emissions.

Mr D Haynes, Kallaroo:

Re: *Item 5, Proposed Telecommunication Facility at Dampier Park, Kallaroo.*

Q1 *What is the demand referred to by Telstra on page 32 of the Planning Report?*

A1 The Director Planning and Development responded that Telstra has, through their Planning Consultants, submitted a copy of a plan showing exactly where there is coverage and where there is a lack of coverage and therefore what this proposal will seek to rectify in terms of mobile phone coverage.

Q2 *From your perspective, Telstra has stated that there is demand, but you have not seen anything concrete to support that?*

A2 The Director Planning and Development responded that whenever a development application proposing a facility such as this or any other commercial proposal is received, the statements of demand and other things from the applicant are assessed on planning merits only.

4 PUBLIC STATEMENT TIME

The following public statements were submitted to the Briefing Session held on 14 February 2012

Professor M Hackling, Kallaroo:

Re: Item 5, Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Professor Hackling spoke in relation to the proposed telecommunication facility at Dampier Park, Kallaroo.

Mr D McLean, Kallaroo:

Re: Item 5, Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mr McLean spoke in relation to the proposed telecommunication facility at Dampier Park, Kallaroo.

Mr G McIntosh, Kallaroo:

Re: Item 5, Proposed Telecommunication Facility at Dampier Park, Kallaroo.

Mr McIntosh spoke in relation to the proposed telecommunication facility at Dampier Park, Kallaroo.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved

Cr Russ Fishwick	7 March to 17 March 2012 inclusive.
Cr Brian Corr	20 March to 25 March 2012 inclusive.
Cr Christine Hamilton-Prime	20 March to 30 March 2012 inclusive.

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

7 REPORTS

ITEM 1 DEVELOPMENT, CODE VARIATION AND SUBDIVISION APPLICATIONS - JANUARY 2012

WARD: All

RESPONSIBLE DIRECTOR: Ms Dale Page
Planning and Development

FILE NUMBER: 07032, 101515

ATTACHMENTS:

Attachment 1	Monthly Development Applications Determined - January 2012
Attachment 2	Monthly Building Application Code Variations Decision – January 2012
Attachment 3	Monthly Subdivision Applications Processed - January 2012

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 January 2012 (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.

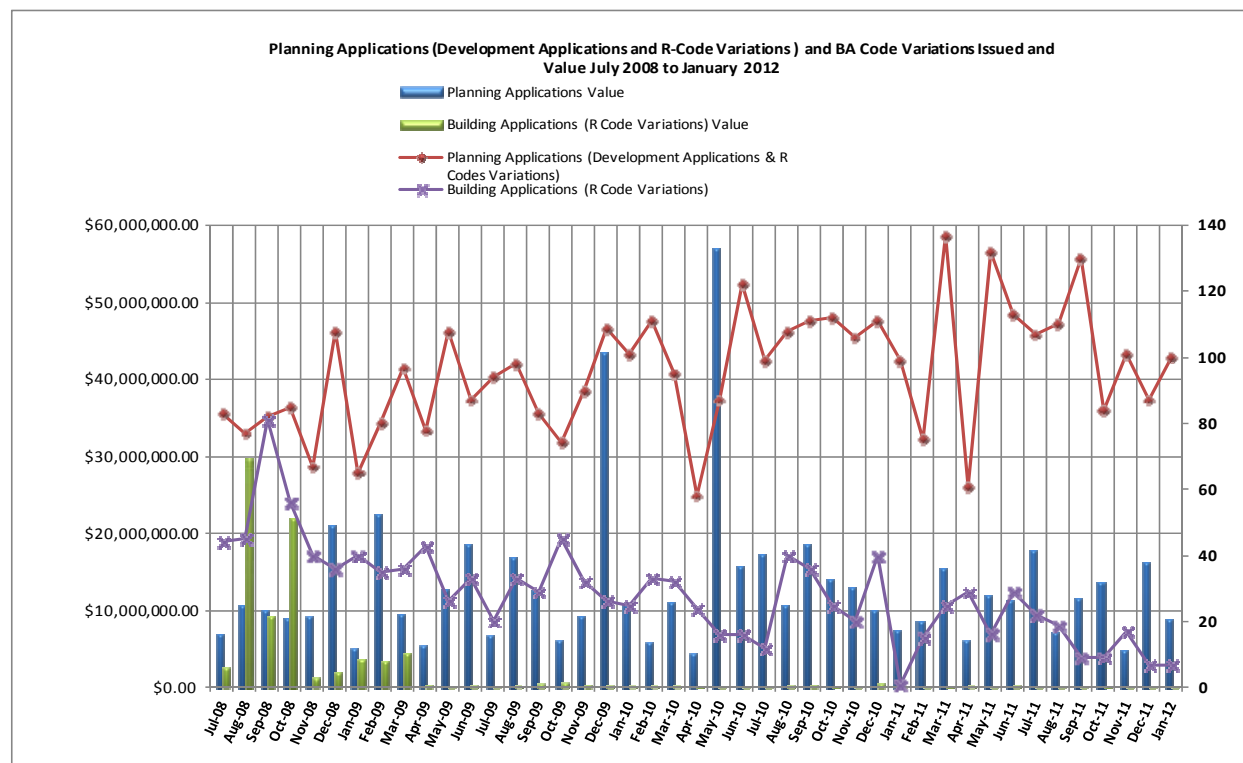
DETAILS

The number of applications determined under delegated authority during January 2012, is shown below:

Approvals determined under delegated authority – January 2012		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	100	\$ 8,818,159
Building applications (R-Codes variations)	7	\$ 91,356
TOTAL	107	\$ 8,909,515

The number of development applications received during January was 96. (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 January was 184. Of these, 51 were pending additional information from applicants, and 50 were being advertised for public comment.



In addition to the above, 248 building licences were issued during the month of January with an estimated construction value of \$21,612,062.

Subdivision approvals processed under delegated authority for January 2012		
Type of approval	Number	Potential additional new lots
Subdivision applications	1	14
Strata subdivision applications	2	2

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:

Relevant Planning Policies.

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 107 applications were determined for the month of January with a total amount of \$37,869 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 100 development applications determined during January 2012 consultation was undertaken for 53 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 January 2012 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 City, 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 January 2012;**
- 2 Subdivision applications described in Attachment 3 to this Report during January 2012.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1BRF130312.pdf](#)

ITEM 2 NEW BUILDING ACT 2011 - NEW DELEGATIONS AND FEE STRUCTURE

WARD:	All	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	07032, 101515	
ATTACHMENTS:	Attachment 1	Instrument of Delegation
	Attachment 2	Fee Structure

PURPOSE

The purpose of this report is to enable Council to make necessary delegations pursuant to the new *Building Act 2011* and adopt a new fee structure for the building approval services provided to the community.

EXECUTIVE SUMMARY

It is anticipated that the new *Building Act 2011* (the Building Act) will formally come into effect on 2 April 2012.

The new Building Act substantially replaces those provisions in the *Local Government (Miscellaneous Provisions) Act 1960* which are concerned with the regulation of building and associated activities. Once the new Building Act comes into effect, those provisions in the Local Government Miscellaneous Provisions Act will cease to have effect.

Accordingly, the delegations and fees currently in place in line with the *Local Government (Miscellaneous Provisions) Act 1960* and *Building Regulations 1989* need to be replaced with new delegations made under the new Building Act and *Building Regulations 2011*.

BACKGROUND

The Building Act is part of the State Government's Building Regulation Reform Package which replaces the existing building approvals process which was established under the *Local Government Act 1960* and the *Building Regulations 1989*.

The Act was passed by Parliament on 23 June 2011 and is expected to commence operation on 2 April 2012.

DETAILS

Historically, Western Australian building control has been administered wholly by local government. The new Building Act will allow this function (in part) to be undertaken by private organisations and practitioners.

The proposed changes to the current building legislation are aimed at bringing WA building control in line with national reforms, to increase efficiency in the WA building system and to improve the standard of construction of buildings within the state.

The key elements of reform include:

- All buildings are to be legislated, including those owned by the Crown;
- A competitive building assessment service will be offered by the private sector;
- Mandatory inspections of all classes of buildings will be required (either by the local government or the certifier);
- Owners will have to take prima facia responsibility for the design, construction and operation of buildings;
- Nominated Licence Issuing Authorities (local authorities, state government or special authorities) are to manage risk, audit processes, and issue building permits and occupancy approvals;
- A risk-based approach will be applied to assessment of applications and inspection requirements;
- Requirements for obtaining compliance certification for all types of buildings prior to occupancy will be introduced;
- Registration requirements for a range of industry practitioners will be introduced;
- A nationally agreed accreditation framework for building surveyors will be introduced; and
- A process for the assessment and approval of building works carried out without approval will be introduced.

Pursuant to section 127 of the new Building Act, a local government may delegate its powers under the Act to employees of the local government who are appropriately qualified to exercise those powers.

As with the existing delegations under the *Local Government (Miscellaneous Provisions) Act 1960*, the extent to which the power may be exercised is limited by position and is set out in a schedule attached to the instrument of delegation. That is, the extent of the power is based on the seniority of the position so that only the Manager Compliance and Regulatory Services and the Coordinator Building Approvals, have unrestricted powers under the Act.

The proposed delegations under the provisions of the *Building Act 2011* are no different to the existing delegations previously confirmed by Council when the same delegations were under the *Local Government (Miscellaneous Provisions) Act 1960*.

The instruments of delegation are at Attachment 1.

Notwithstanding that the operative provisions of the new Building Act to which these delegated powers refer have not commenced, Section 25 of the *Interpretation Act 1984* enables administrative acts, such as the making of instruments of delegation, to be made and to have legal effect upon the commencement of the Act under which they are made.

The Building Act reforms the building approval process and will introduce significant changes for local governments. The major change is to separate the process of certifying compliance with building standards from the administrative process of issuing permits. Private certification will be introduced, removing the sole role of local government as the building licence assessor.

The provisions of the *Building Act 2011* allow local governments to provide a building certification service that is essentially a continuation of the building assessment role that has traditionally be undertaken by local governments. It is proposed that the City establishes a building certification service, in addition to its required role as a permit authority, so that this service can continue to be offered to ratepayers and the community.

Pursuant to Section 3.18 of the *Local Government Act 1995*, a local government may provide services and facilities. In providing those services, a local government is to satisfy itself that services and facilities that it provides integrate and coordinate, so far as practicable, with any provided by the Commonwealth, the State or any public body, do not duplicate, to an extent that the local government considers inappropriate, services or facilities provided by the Commonwealth, the State or any other body or person, whether public or private; and are managed efficiently and effectively.

The provision of a building certification service by the City under the *Building Act 2011* will be a continuation of the current service that the City provides in assessing building applications and issuing approval for construction of, or occupation of buildings.

The statutory fee structure set by the *Building Regulations 2011* outlines what fees the City can charge for certain building approval services. The Act does not set what fees can be charged for additional services, such as determining uncertified commercial applications, being predominantly office, warehouses, retail shops and factories.

New fees and charges are required to be set for the additional services the City can offer the City's ratepayers for applications received after 2 April 2012. As there are few benchmarks at this time, the proposed fees are based on what is considered to be a realistic charge to cover the City's cost to deliver this service.

The proposed building certification service fees are comparable with those of the City of Perth and City of Mandurah. At the time of writing this report only these two local governments have publically made available their fee structures for the additional service.

The statutory fees structure and proposed fees are at Attachment 2.

It is proposed that applicants will be able to engage the City to provide the following additional certification services:

- Certificates of Design Compliance;
- Certificate of Construction Compliance;
- Certificate of Building Compliance;
- BCA Audits;
- Due Diligence Reports;
- Fire Safety Upgrade Reports;
- Access Appraisal Reports;
- Building Code Alternative Solutions; and
- Other specialist technical services.

Legislation/Strategic Plan/Policy Implications:

Legislation: *Local Government Act 1995, Building Act 2011 and Interpretation Act 1984.*

Strategic Plan

Key Focus Area: The Built Environment.

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

Policy:

Not Applicable.

Risk Management Considerations:

In anticipation of the new Building Act becoming operational on 2 April 2012, it is necessary for the City to have appropriate delegations and fees in place to perform the City's role as a permit authority under the Act. If the appropriate delegations and fees are not in place, the City will not be able to issue building permits in a timely and effective manner.

Financial/Budget Implications:

It is anticipated that the new statutory fee structure set by the State Government will have some negative impact on the City's budget. However allowing for the City to undertake additional services will provide additional income for the building approvals budget.

There is uncertainty at this stage in regard to the exact budgetary implications the new Building Act will have on the City. The provision of a building certification service will allow the City to charge a market rate for this service and these additional funds can be applied to support the building control function of the City.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

It is recommended that Council delegates its powers under the Act to ensure the administrative efficacy of the City as a permit authority under the Act and adopts the new fee schedule to allow for the continuation of the City's service to the community.

VOTING REQUIREMENTS

Absolute Majority.

RECOMMENDATION

That Council:

- 1 In accordance with Section 127 of the *Building Act 2011* DELEGATES the local government's functions as a permit authority under the *Building Act 2011* to those employees and to the extent set out in the instruments of delegation as detailed in Attachment 1 to this Report;
- 2 NOTES the delegations detailed in part 1 above will come into effect once the *Building Act 2011* comes into operation;
- 3 SUPPORTS the City providing a building certification service, in addition to its required role as a permit authority in accordance with the *Building Act 2011*;
- 4 In accordance with Section 6.16(3)(a) of the *Local Government Act 1995*, ADOPTS BY AN ABSOLUTE MAJORITY the fee schedule for Uncertified Applications for Building and Occupancy Approval and the statutory fees as set by the *Building Regulations 2011* as detailed in Attachment 2 to this Report; and
- 5 In accordance with Section 6.19 of the *Local Government Act 1995* gives local public notice of the City's intention to impose from 2 April 2012, the fees detailed in part 3 above.

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2BRF130312.pdf](#)

ITEM 3 RETROSPECTIVE PLANNING APPROVAL - UNAUTHORISED ADDITION TO KINGSLEY COMMERCIAL CENTRE AT LOT 3 (66) CREANEY DRIVE, KINGSLEY

WARD:	South-East
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	101760, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plan

PURPOSE

To request Council's determination of an application for retrospective planning approval for an unauthorised coolroom addition to Kingsley Village Commercial Centre, Lot 3 (66) Creaney Drive, Kingsley.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for an addition to an existing shop at the Kingsley Commercial Centre. The unauthorised coolroom addition comprises an additional 9m² of net lettable area.

The development is located at the northern boundary of the subject lot. The subject site is bound by Creaney Drive to the south and east, Kingsley Village Shopping Centre to the west and a medical centre to the north (refer to Attachment 1).

The site is zoned 'Commercial' under the City's District Planning Scheme No 2 (DPS2). The existing shop is consistent with the use class 'Shop' which is a 'permitted' or 'P' use in the Commercial zone.

The application has been assessed against the requirements of DPS2. The development generally complies with DPS2 with the exception of 250mm setback to the northern boundary and a reduced supply of car parking.

It is considered that the development with a 250mm setback to the northern boundary will not detract from the amenity of the adjoining property and that the car parking provided on site is sufficient to accommodate the existing land uses and the proposed addition.

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

BACKGROUND

Suburb/Location: Lot 3 (66) Creaney Drive
Applicant: Jason Bloom
Owner: Veldun Pty Ltd
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 5309m²
Structure Plan: Not Applicable

The subject site is located within the suburb of Kingsley. It is bound by Creaney Drive towards the east and south, a pedestrian footpath to the north, which also abuts Creaney Drive Medical Centre. To the west, the subject site adjoins Lot 4, which forms part of the main shopping complex.

A legal agreement exists over Lot 970 (Service Station), Lot 972 (Tavern), Lot 4, Lot 971 (City owned land) and Lot 3 (subject site) for reciprocal access and parking. At its meeting on 29 May 1985, Council granted approval for a commercial development on Lot 3 Creaney Drive (Commercial Centre) subject to a legal agreement being established to ensure reciprocal access and parking between Lot 3 and Lot 4. However, it has not been established that this agreement has been enacted as the City was not party to it. The properties subject to this legal agreement are shown in Attachment 1.

This unauthorised coolroom addition came to the City's attention during a routine inspection of the premises to ensure that it complies with the Environmental Health Legislation.

At its meeting of 21 February 2012, Council approved an application for a store-room addition in the service yard of Kingsley Village Shopping Centre with a minor shortfall in parking.

DETAILS

The development is a coolroom addition to an existing shop (Fruit Bowl) and has a net lettable area of 9m². It is located in a service area at the rear of the building and abuts a pedestrian access way (PAW) to the north. As it is bound by the PAW and a fence to the east, the service area does not allow vehicles to access it. Therefore, it has no impact upon vehicular manoeuvring for the property. The development plan is provided in Attachment 2.

The proposal complies with DPS2 with the exception of the rear building setback and car parking provision which is discussed further below.

Building setback

DPS2 requires the addition to be setback 6 metres from the northern boundary, however, the coolroom is setback 250mm from the rear boundary.

Car parking

Car parking for the site is required to be provided in accordance with Table 2 of DPS2. The first table below summarises the car parking requirement for the subject site. The second table provides a summary of car parking for the other adjoining sites, where reciprocal car parking exists.

	Parking standard for addition	Current car parking requirement for the site (excluding the proposed addition)	Additional bays required for addition	Car parking required for the site (including proposed addition)	Car parking provided for the site
Lot 3 (66) Creaney Drive	Shop – 7 bays per 100m ² NLA	179	0.6	179.6 (180)	69

The development increases the required carparking for the site by 0.6 (one) bay. A car parking deficiency of 110 bays currently exists across the subject site and should this coolroom addition be approved, the deficiency would increase to 111 bays.

	Parking required for the site	Car parking provided for the site	Car parking required across all sites including additional bays	Car parking provided across all sites
Lot 3 (66) Creaney Drive (subject site)	179.6	69	537.6 (538)	355
Lot 4 (100) Kingsley Drive	233	149		
Lot 972 (90) Kingsley Drive (Tavern)	125	120		
Lot 971 (52) Creaney Drive (City owned land)		17		
Lot 970 (86) Kingsley Drive (Service Station)	9	9		

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 (DPS2)

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.*

Clause 6.12 of DPS2 allows Council to give approval for developments already carried out:

6.12 Approval of existing developments

6.12.1 *The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.*

6.12.2 *An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.*

6.12.3 *A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.*

6.12.4 *The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval*

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

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

Financial/Budget Implications:

The applicant has paid fees of \$417 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability implications:

Not applicable. As the development is a minor addition, the City's Environmentally Sustainable Design Checklist has not been completed by the applicant.

Consultation:

The proposal was not advertised to the adjoining property owners to the north. The adjoining medical centre to the north is orientated towards Creaney Drive as demonstrated by the significant amount of window and door glazing at this frontage. The centre is not orientated towards the coolroom addition and it is therefore considered that there is no significant impact on the adjoining property to the north.

COMMENT

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

Building setback

The unauthorised addition is 2.4 metres high, 2.4 metres long at the northern boundary and setback 0.25 metres from the rear boundary. DPS2 requires a setback of 6 metres to the rear boundary. The northern boundary adjoins a Pedestrian Access Way (PAW) under the control of Department of Regional Development and Lands. Beyond this PAW to the north is a property that contains a medical centre.

The medical centre building and the unauthorised addition have a separation distance of approximately 6 metres. The facade of the medical centre that is opposite the coolroom addition contains two windows. However, the centre has a substantial amount of door and window glazing towards Creaney Drive and is visually orientated toward this road. Since the coolroom addition does not negatively impact upon this side of the adjoining building, it is considered that the setback variation sought will not adversely impact upon the amenity of the medical centre.

Further, the addition is set back more than 30 metres from the street which is behind the building lines of the existing nearby commercial centre building and medical centre. It therefore does not have a negative impact upon the streetscape.

Given the above, it is considered that the addition will not result in any adverse impact upon the amenity of the adjoining property or the streetscape and is therefore supported.

Car parking

The unauthorised coolroom addition would result in an increase in the existing car parking deficiency for the site if it were approved. The site currently has 69 bays and the required amount of carparking to be provided for the site would increase from 179 bays to 180 bays. Subsequently, the increase in the car parking deficiency would increase from 110 to 111 bays.

It is considered that the addition, being a storage area, will not generate additional customers, and therefore will not increase the number of vehicles attending the site. The storage area is used in addition to the storage area inside the shop, not to create additional shopping floorspace. The City is not aware of there being a history of car parking problems on site, nor has the City received any complaints regarding a lack of car parking. Site visits to the property have indicated that there is generally an availability of parking at the centre. Given the above, it is considered that the car parking on site is sufficient to serve the proposed addition.

Conclusion

It is considered that the car parking provided is sufficient to accommodate the development and that the 250mm setback of the wall does not detract from the amenity of the adjoining site. It is therefore considered that the variations are appropriate in this instance. It is 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, 4.8.2 and 6.12 of the City's District Planning Scheme No. 2 and determines that:
 - 1.1 **Building setback of 250mm to the northern boundary in lieu of 6.0 metres;**
 - 1.2 **Car parking provision of 69 bays in lieu of 180 bays,**
are appropriate in this instance.
- 2 **APPROVES** the application for planning approval dated 19 December 2011, submitted by Jason Bloom, on behalf of the owners Veldun Pty Ltd, for an unauthorised addition at Lot 3 (66) Creaney Drive, Kingsley, subject to the following conditions:
 - 2.1 **All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;**
 - 2.2 **All structures shall be contained within the property boundaries.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3BRF130312.pdf](#)

**ITEM 4 RETROSPECTIVE PLANNING APPROVAL -
UNAUTHORISED ADDITION TO KINGSLEY
VILLAGE SHOPPING CENTRE AT LOT 4 (100)
KINGSLEY DRIVE, KINGSLEY**

WARD:	South-East
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	23125, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plan

PURPOSE

To request Council's determination of an application for retrospective planning approval for an unauthorised coolroom addition to Kingsley Village Shopping Centre, Lot 4 (100) Kingsley Drive, Kingsley.

EXECUTIVE SUMMARY

An application for retrospective planning approval has been received for a coolroom addition to an existing shop at the Kingsley Village Shopping Centre. The unauthorised addition comprises an additional 2.9m² of net lettable area.

The development is located towards the northern portion of the lot. The subject site is bound by Kingsley Drive to the west, Kingsley Medical Centre to the east and Kingsley Commercial Centre to both the east and south. To the north, the subject site is bound by the Kingsley Tavern and the Kingsley Professional Centre.

The site is zoned 'Commercial' under the City's District Planning Scheme No 2 (DPS2). The existing shop is consistent with the use class 'Shop' which is a 'permitted' or 'P' use in the Commercial zone.

The application has been assessed against the requirements of DPS2. The development generally complies with DPS2 with the exception of a reduced supply of car parking.

It is considered that the car parking provided on site is sufficient to accommodate the existing land uses as well as the proposed addition, and will not generate significant additional customer demand.

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

BACKGROUND

Suburb/Location: Lot 4 (100) Kingsley Drive
Applicant: Peter Stickells
Owner: Anna Vlahov, Dennis Vlahov and John Vlahov
Zoning: **DPS:** Commercial
MRS: Urban
Site Area: 8174.13m²
Structure Plan: Not Applicable.

The subject site is located within the suburb of Kingsley. It is bound by Kingsley Drive to the west, Kingsley Medical Centre to the east and Kingsley Commercial Centre to both the east and south. To the north, the subject site is bound by the Kingsley Tavern and the Kingsley Professional Centre.

A legal agreement exists over Lot 970 (Service Station), Lot 972 (Tavern). Lot 4, Lot 971 (City owned land) and Lot 3 (subject site) for reciprocal access and parking. At its meeting on 29 May 1985, Council granted approval for a commercial development on Lot 3 (Commercial Centre) Creaney Drive subject to a legal agreement being established to ensure reciprocal access and parking between Lot 3 and Lot 4. However, it has not been established that this agreement has been enacted as the City was not required to be party to it. The properties subject to the legal agreements are shown in Attachment 1.

This unauthorised coolroom addition came to the City's attention during a routine inspection of the premises to ensure that it complies with the Environmental Health Legislation.

At its meeting of 21 February 2012, Council considered an application for a store-room addition in the service yard adjacent to this coolroom, (CJ002-02/12 refers).

DETAILS

The unauthorised development is a coolroom addition to an existing shop (Kingsley Meats) and has a net lettable area of 2.9m². It is located in a service area at the rear of the building and abuts a car parking area pertinent to the Tavern site. The development plan is provided in Attachment 2.

The development complies with DPS2 with the exception of car parking provision which is discussed further below.

Car parking

Car parking for the site is required to be provided in accordance with Table 2 of DPS2. The first table below summarises the car parking requirement for the subject site and the second table provides a summary of car parking for the adjoining sites, where reciprocal car parking exists.

	Parking standard for addition	Current car parking requirement for the site (excluding the proposed addition)	Additional bays required for addition	Car parking required for the site (including proposed addition)	Car parking provided for the site
Lot 4 (100) Kingsley Drive	Shop – seven bays per 100m ² NLA	233	0.2	233.2 (234)	149

The development increases the required car parking for the site by 0.2 (one) bay. A car parking deficiency of 84 bays currently exists across the subject site and should this coolroom addition be approved, the deficiency would increase to 85 bays.

	Parking required for the site(s)	Car parking provided for the site(s)	Car parking required across all sites including additional bays	Car parking provided across all sites
Lot 3 (66) Creaney Drive (subject site)	179	69	537.2 (538)	355
Lot 4 (100) Kingsley Drive	233.2	149		
Lot 972 (90) Kingsley Drive (Tavern)	125	120		
Lot 971 (52) Creaney Drive (City owned land)		17		
Lot 970 (86) Kingsley Drive (Service Station)	9	9		

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 (DPS2)

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.*

Clause 6.12 of DPS2 allows Council to give approval for developments already carried out:

6.12 *Approval of existing developments*

6.12.1 *The Council may give planning approval to a development already commenced or carried out regardless of when it was commenced or carried out. Such approval shall have the same effect for all purposes as if it had been given prior to the commencement or carrying out of the development, but provided that the development complies with the provisions of the Scheme as to all matters other than the provisions requiring Council's approval prior to the commencement of development.*

6.12.2 *An application to the Council for planning approval under subclause 6.12.1 shall be made on such form as the Council provides from time to time.*

6.12.3 *A development which was not permissible under the Scheme at the time it was commenced or carried out may be approved if at the time of approval under this subclause it is permissible.*

6.12.4 *The approval by the Council of an existing development shall not affect the power of the Council to take appropriate action for a breach of the Scheme or the Act in respect of the commencement of the development without approval*

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

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

Financial/Budget Implications:

The applicant has paid fees of \$417 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not applicable. As the proposal is a minor addition the City's Environmentally Sustainable Design Checklist has not been completed by the applicant.

Consultation:

The development was not advertised as it is considered there is no impact on adjoining properties as a result of the development.

COMMENT

The requirements of DPS2 have been met with the exception of car parking.

Car parking

As outlined above, the car parking proposed is less than required by DPS2. It is considered that the addition, being a storage area, does not generate additional customers. The storage area is used in addition to the storage area inside the shop, not to create additional shopping floorspace and therefore does not increase the number of vehicles attending the site. The City is not aware of there being a history of car parking problems on site, nor has the City received any complaints regarding a lack of car parking. Site visits to the property have indicated that there is generally an availability of parking at the centre. Given the above, it is considered that the car parking on site is sufficient to serve the proposed addition.

Conclusion

It is considered that the unauthorised addition meets the requirements of DPS2 and the car parking provided is sufficient to accommodate the development.

It is 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, 4.8.2 and 6.12 of the City's District Planning Scheme No. 2 and determines that:**
 - 1.1 Car parking provision of 149 bays in lieu of 234 bays, is appropriate in this instance.**
- 2 APPROVES the application for planning approval dated 19 December 2012, submitted by Peter Strickells, on behalf of the owners Anna Vlahov, Dennis Vlahov and John Vlahov, for an unauthorised addition at Lot 4 (100) Kingsley Drive, Kingsley, subject to the following condition:**
 - 2.1 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City.**

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4BRF130312.pdf](#)

ITEM 5 PROPOSED CHANGE OF USE FROM OFFICE TO MEDICAL CENTRE AT UNIT 8, LOT 1 (9) COOLIBAH DRIVE, GREENWOOD

WARD:	South-East
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development
FILE NUMBER:	21820, 101515
ATTACHMENTS:	Attachment 1 Location Plan Attachment 2 Development Plan

PURPOSE

To seek Council's determination of an application for a change of use from an 'Office' to a 'Medical Centre' at Unit 8, Lot 1 (9) Coolibah Drive, Greenwood.

EXECUTIVE SUMMARY

An application has been received for a change of use from an 'Office' to a 'Medical Centre' for two practitioners at the above property.

The subject tenancy is located within a property that is commonly known as Greenwood Commercial Centre. The property is bound by a service station to the northwest, a tavern to the south and Greenwood Village shopping centre to the eastern and northern boundaries.

The subject site is zoned 'Business' under the City's District Planning Scheme No 2 (DPS2) and since a medical centre is a permitted use, it is deemed to comply with the objectives of the 'Business' zone.

The application has been assessed against the requirements of DPS2 and complies with all aspects with the exception of a reduced supply of car parking on the subject site.

The car parking provided on both the subject site and the adjoining commercial properties, which are the subject of reciprocal access and parking agreements, is deemed to meet the demand generated by the various land uses. The City is not aware of any issues relating to car parking on the site(s) and site inspections have confirmed that the current car parking provision is considered to be adequate.

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

BACKGROUND

Suburb/Location:	Unit 8, Lot 1 (9) Coolibah Drive, Greenwood.
Applicant:	Nitin Gautum.
Owner:	Gerda Holdings Pty Ltd.
Zoning:	DPS: Business.
	MRS: Urban.
Site Area:	2498m ² .
Structure Plan:	Not Applicable.

Lot 1 (9) Coolibah Drive, is located close to the intersection of Warwick Road and Coolibah Drive (Attachment 1 refers). The subject site, also known as Greenwood Commercial Centre, is bound by a service station to the northwest, a tavern to the south and Greenwood Village shopping centre to the eastern and northern boundaries. On the opposite side of Coolibah Drive, to the southwest, there are several residential properties. The site does not have its own direct access to Coolibah Drive or Warwick Road and instead vehicles are required to gain access to the site via one of two access points. The access point to the north connects the subject site to the service station whilst the access point to the south connects the site to the tavern.

The subject tenancy is one of nine tenancies within the site. This tenancy does not form part of the original development and is part of subsequent additions that were approved by the City of Wanneroo in 1993. This approval included Units 8 and 9, the former being the subject tenancy. Approved in accordance with Town Planning Scheme No 1 (TPS1), the additions resulted in a car parking deficiency of seven bays across the site. Since then, there have been several change of use applications for some of the tenancies. Those proposals have not altered the car parking requirements for the site.

In 2008, an application for additions at the neighbouring tavern site was submitted to the City and during assessment of this application it was revealed that conditions relating to prior approvals had not been satisfied. These unsatisfied conditions related to a reciprocal car parking and access easement, imposed on previous planning approvals.

As a result, Council conditionally approved the 2008 additions to the tavern and imposed a condition requiring that an easement in gross be put in place prior to the issue of a building licence (CJ026-02/08 refers). This is intended to provide reciprocal access and parking for the service station, tavern, Greenwood Village shopping centre and the Greenwood Commercial centre. This condition has not yet been satisfied and the City is pursuing this issue separately. Notwithstanding, it is still appropriate for this application to be considered in the context of the easement being in place given that the City is in the process of ensuring that this condition is met.

DETAILS

The applicant proposes to operate a medical centre that accommodates two practitioners at the subject tenancy and the operating details are summarised below:

Number of practitioners	2
Number of customers at any given time	6-8
Hours of operation	Monday to Friday 7am – 8pm Saturday 7am – 1pm
Nature of Medical Practice	Physiotherapy

Car parking

Car parking is required to be provided in accordance with Table 2 of DPS2. The table below summarises both the existing car parking requirement for the site and the car parking requirement as a result of the proposed medical centre. It is noted that the approval for the 1993 additions, which included the development of the subject tenancy, calculated the car parking requirement based on one car bay per 30m² of gross floor area (GFA) in accordance with Town Planning Scheme 1 (TPS1) provisions.

Commercial Centre

	Floor Area	Bays required	Bays Provided	Shortfall
Existing	815m ² (GFA)	28	21	7
Proposed (Medical Centre)	732m ² (NLA)	34.4 (including 10 bays for the medical centre)	21	14

The proposed medical centre will therefore result in an increase in the car parking deficiency from 7 bays (33%) to 14 bays (40%) on the subject site.

When considered within the context of the adjoining sites that are subject to reciprocal parking and access agreements, the car parking is as follows:

		Required	Provided	Shortfall
Existing	Tavern and Shopping Centre	787	736	51
	Commercial Centre (9 Coolibah Drive)	28 (27.2)	21	7
TOTAL		815	757	58
Proposed (Medical Centre)	Tavern and Shopping Centre	787	736	51
	Commercial Centre (9 Coolibah Drive)	35 (34.4)	21	14
TOTAL		822	757	65

As outlined above, the proposed medical centre will result in an increase in the car parking deficiency from 58 bays (7.1%) to 65 bays (7.9%) across the sites.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications:

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

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.*

4.8 Car parking standards

4.8.1 The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.

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

In exercising discretion under Clauses 4.5 and 4.8, the matters listed under Clause 6.8 require consideration;

6.8 *Matters to be considered by Council*

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) any relevant submissions by the applicant;*
- (c) any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) the comments or wishes of any objectors to or supporters of the application;*
- (j) any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and;*
- (k) any other matter which in the opinion of the Council is relevant.*

Strategic Plan

Key Focus Area: Not Applicable.

Objective: Not Applicable.

Policy:

Not Applicable.

Risk Management Considerations:

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

Financial/Budget Implications:

The applicant paid fees of \$278 (excluding GST) to cover all costs associated with assessing the application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not applicable. As the development is for a change of use only that involves no external additions, the City's Environmentally Sustainable Design Checklist was not required to be completed by the applicant.

Consultation:

The proposal was not advertised as the application is for a change of use to a medical centre, which, according to DPS2, is a permitted 'P' use for this site. It is considered that there will be no impact upon the amenity of the surrounding area.

COMMENT

The proposed change of use is from an 'Office' to a 'Medical Centre'. As the proposed land use is a permitted use it is deemed to meet the objectives of the Business Zone. The proposal complies with the provisions of DPS2 except for car parking as discussed below.

A total of 21 bays are provided on-site with the existing uses requiring 28 bays, resulting in a current deficiency of seven bays (33%). By changing the use of the subject tenancy from an office to a medical centre that employs two practitioners, the car parking requirement increases to 35 bays, resulting in a deficiency of 14 bays (40%).

There are existing easements in place that allow reciprocal access and car parking for the shopping centre and tavern, as well as between the shopping centre and commercial centre. In 2008 an application for additions to the tavern was approved subject to a conditions including the requirement for an easement in favour of the City to facilitate reciprocal access and car parking with the commercial centre. It is still appropriate for this application to be considered in the context of the easement being in place given that the City is in the process of ensuring that this condition is met. Taking this into account, the proposed medical centre will result in an increase in the car parking deficiency from 58 bays (7.1%) to 65 bays (7.9%) across the sites.

When considered within the context of the adjoining sites that are subject to the abovementioned easements, the impact of the car parking deficiency for the site would be alleviated. Given its close proximity it is expected that the tavern would be the most likely site to accommodate any parking overflow from the subject site. The tavern can be reasonably expected to generate its peak car parking demand at different times to the majority of the tenancies within the commercial centre. Specifically, the tavern can be expected to operate later in the evenings and the weekends. Since the applicant has proposed to operate until 8pm weekdays and only on Saturday mornings, it is anticipated there will be little conflict between the existing uses and proposed use of the subject site and the tavern. The City has not received any complaints in relation to there being insufficient car parking across the sites, and site inspections undertaken during the assessment of this proposal have also indicated that the existing car parking is underutilised.

As discussed above, it is considered that the car parking provided is sufficient to accommodate the proposed medical centre and it is recommended that the application be approved subject to the conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to Clauses 4.5.1 and 4.8.2 of the City's District Planning Scheme No. 2 and determines that:**
 - 1.1 Car parking provision of 21 bays in lieu of 35 bays, is appropriate in this instance.**
- 2 APPROVES the application for planning approval dated 21 December 2011, submitted by Nitin Gautum on behalf of the owners Gerda Holdings Pty Ltd, for a medical centre at Lot 1 (8/9) Coolibah Drive, Greenwood, subject to the following conditions:**
 - 2.1 This decision constitutes planning approval only and is valid for two years from the date of this 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; and**
 - 2.2 A maximum of two practitioners shall operate from the tenancy at any given time. For the purposes of this condition, the City considers a practitioner to be any person who generates their own independent patient load.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5BRF130312.pdf](#)

ITEM 6 PROPOSED ADDITIONS TO PRENDIVILLE CATHOLIC COLLEGE AT LOT 3 (11) PRENDIVILLE AVENUE, OCEAN REEF

WARD:	South-East	
RESPONSIBLE DIRECTOR:	Ms Dale Page Planning and Development	
FILE NUMBER:	00508, 101515	
ATTACHMENTS:	Attachment 1	Location Plan
	Attachment 2	Development Plans
	Attachment 3	Capital development Plan

PURPOSE

The purpose of this report is to request Council's determination of an application for planning approval for additions to Prendiville Catholic College at Lot 3 (11) Prendiville Avenue, Ocean Reef.

EXECUTIVE SUMMARY

An application has been received for the construction of four new classrooms, an extension to the existing Performing Arts Centre and the addition of a new mezzanine floor to an existing Arts room at Prendiville Catholic College.

The application has been assessed against the requirements of the City's District Planning Scheme No 2 (DPS2). The proposal generally complies with DPS2 with the exception of a reduced supply of car parking. DPS2 requires 195 bays to be provided on site. There are currently 166 existing car parking bays on site. Additional car parking is not proposed as part of this application, with the proposal therefore resulting in a shortfall of 29 bays (15%).

It is considered that the development will not detract from the amenity of the adjoining properties or surrounding area, and that the car parking provided on site is sufficient to accommodate the existing buildings and proposed additions.

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

BACKGROUND

Suburb/Location:	Lot 3 (11) Prendiville Avenue, Ocean Reef	
Applicant:	Franco Carozzi Architects Pty. Ltd.	
Owner:	Roman Catholic Archbishop	
Zoning:	DPS:	Private Clubs/ Recreation
	MRS:	Urban
Site Area:	10.44ha	
Structure Plan:	Not Applicable.	

Prendiville Catholic College is an existing secondary school located on the north west corner of the intersection between Marmion Avenue and Hodges Drive in Ocean Reef. The land surrounding the development site is mostly zoned residential and coded R20, with a primary school, medical centre and service station located north of the subject site on the northern side of Prendiville Avenue.

The College was first established in 1988. A number of development applications have been subsequently considered by the City.

In 2006 approval was granted for a Performing Arts Centre, including a theatre arts section, music rooms, and a 300 seat auditorium. The development resulted in a parking shortfall of seven bays for the site (0.04%). It was considered that the parking available on site would be sufficient to cater for an after hours event, based on a parking ratio of one bay per four seats, requiring a total of 75 car bays. Further to this, the existing tennis courts were considered sufficient in coping with any overflow parking giving an additional 90 parking bays.

Subsequent applications for minor additions to the school have increased the shortfall to 17 car bays or 9% of the total requirement.

The development that is the subject of this application was not referred to the Joondalup Design Reference Panel. The Design Reference Panel is required to consider applications for 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. In this instance, the additions to the college are not considered to significantly impact on the streetscape. The new classrooms and additions to the performing arts building will predominantly be screened from the streetscape by existing vegetation.

DETAILS

The development proposal incorporates the following:

- An extension to the existing Performing Arts Centre containing practice rooms, offices etc;
- Three new general purpose classrooms;
- A new science classroom; and
- The addition of a new mezzanine floor to an existing arts room.

The application is compliant in all regards with DPS2, with the exception of car parking requirements.

Parking

The College currently has 166 car parking bays on site and no additional bays are proposed as part of this application. The parking standard under DPS2 for a Secondary School is two bays per classroom but not less than 10. The proposal includes the addition of four new classrooms and an extension to the existing Performing Arts centre which has been assessed as the equivalent of two new classrooms due to the classroom and practice type spaces proposed. The addition of a mezzanine floor will not affect the required number of onsite parking bays. As a result, the proposal requires the addition of 12 extra car parking bays.

Taking the above into account, the following table sets out the car parking requirement in accordance with DPS2.

	Number	Car parking standard (per DPS2)	Number of Bays Required	Provided
Existing Classrooms	54	2 per Classroom	108	166 marked bays (plus 90 unmarked bays on existing tennis courts)
Performing Arts Centre (approved 2006)	300 seat auditorium	1 per four seats*	75	
Proposed classrooms	6	2 per Classroom	12	
			195	

* Based on Place of Assembly standards and in line with previous assessment.

Council is required to determine whether the 166 parking bays provided on site are sufficient to service the development.

In support of the deficit of car parking being provided, the applicant has provided a development plan detailing the extension to the south western car park which is planned for 2015 with the advent of year seven students being part of the High School. This will allow the car park to accommodate a further 21 bays in the future. No additional classrooms are proposed at that time.

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: 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 paid fees of \$6,600 (excluding GST) to cover all costs associated with assessing this application.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not applicable. As the development is considered minor, the City's Environmentally Sustainable Design Checklist has not been completed by the applicant.

Consultation:

The application was not advertised as the proposed development is sufficiently distanced from surrounding residential properties such that no adverse effect will result.

COMMENT

Car Parking

An assessment in accordance with DPS2 car parking standards indicates that there is a 29 bay deficit in the provision of car parking, representing an approximate 15% undersupply of on-site bays. Noting the current utilisation of the car park, the proposed shortfall is considered appropriate for a number of reasons as outlined below.

This recommendation is based on confirmation that student numbers will not be increasing as a result of this approval. The additional classrooms will simply allow for more services or options to be offered to existing students. It is anticipated that the existing parking requirements will not alter.

In 2015 the College will be increasing its student numbers to take in year seven students. During this stage, there is a planned extension of the southern car park near the athletic track (Attachment 2 refers). This will provide a further 21 bays, significantly reducing the car parking shortage to eight bays (4%). The Capital Development Plan of the College, which was provided with the application, outlines the proposed future developments at the College till 2020. The Plan indicates that no further classroom additions are intended, with further developments concentrating on service and access improvements.

The existing Performing Arts Centre was approved by the City in May 2006. The required car parking standard of the Centre was based on a Place of Assembly land use and entailed a provision of 75 bays. However, the Performing Arts Centre will be in highest demand outside school hours, with performance almost always conducted in the evenings. This results in an under-utilisation of car parking bays during the day.

An overflow car parking area is available on the existing tennis courts and on the sports grounds for special events. This area can accommodate a further 90 unmarked bays. This area is not included in the DPS2 calculations as the bays are not marked and sealed. However, consideration of these bays provides justification of any potential parking shortfall. In the event that the existing car park is fully utilised, the proposed overflow car park is considered to be an appropriate alternative.

Design and Location

The proposed additions are considered to be appropriately located on site. The applicant has endeavoured to blend the existing and proposed buildings together through the use of similar materials and colour schemes. All colours and materials have been selected to match the existing buildings which comprise cream coloured face brickwork, powder coated aluminium windows and natural clay tiled roofs.

Furthermore the applicant has confirmed that any vegetation that needs to be removed on the east side of the existing Performing Arts Building for the new extension will be replaced and additional trees planted to maintain the existing screening of the building from Marmion Avenue.

Use of the Building

The applicant has stated that the classroom additions will accommodate classes which at the present are being conducted in facilities unsuitable for their required use. The new classrooms will not result in an increase in student or staff numbers. Similarly, the extension to the Performing Arts Centre will not result in a greater number of students. The extension is intended to accommodate a shifting interest towards the Arts by the current students, especially in regards to dance and music. Correspondingly, the addition of a mezzanine floor to an existing Arts room will further achieve this.

CONCLUSION

The proposed development and car parking shortfall are considered appropriate in this instance and will not have an adverse impact on the surrounding area. It is recommended that the proposal be approved subject to conditions.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion in relation to Clauses 4.5.1 and 4.8.2 of the City's District Planning Scheme No.2 and determines that:**
 - 1.1 Car parking provision of 166 bays in lieu of 195 bays, is appropriate in this instance.**
- 2 APPROVES the application for planning approval dated 19 December 2011, submitted by Franco Carozzi Architects Pty Ltd, on behalf of the owner(s), Roman Catholic Archbishop, for proposed additions at Lot 3 (11) Prendiville Avenue, Ocean Reef, 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 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; and**
 - 2.3 A full schedule of colours and materials for all exterior parts to the building shall be provided as part of the Building Licence Application, to the satisfaction of the City.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6BRF130312.pdf](#)

ITEM 7 STATUS OF PETITIONS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	05386, 101515
ATTACHMENTS:	Attachment 1 Status of Petitions – 28 June 2011 to 28 February 2012

PURPOSE

To advise Council of the status of outstanding petitions.

BACKGROUND

Quarterly reports on outstanding petitions are to be presented to Council.

DETAILS

Attachment 1 provides a list of all outstanding petitions, which were received during the period 28 June 2011 to 28 February 2012, with a comment on the status of each petition.

Legislation/Strategic Plan/Policy Implications:

Legislation:

Clause 22 of the City's Standing Orders Local Law 2005 states:

22. Petitions

- (1) A petition received by a member or the Chief Executive Officer is to be presented to the next ordinary Council meeting;
- (2) Any petition to the Council is:
 - (a) as far as practicable to be prepared in the form prescribed in the Schedule;
 - (b) to be addressed to the Council and forwarded to a member or the Chief Executive Officer;
 - (c) to state the name and address of the person to whom correspondence in respect of the petition may be served;
- (3) Once a petition is presented to the Council, a motion may be moved to receive the petition and refer it to the Chief Executive Officer for action.

Strategic Plan

Key Focus Area: Leadership and Governance.

Objective: 1.2 To engage proactively with the community.

Strategy: 1.2.4 The City maintains its commitment to public engagement, allowing Deputations and Public Statement Times, in addition to the Legislative requirements to public participation.

Policy Implications:

Individual petitions may impact on the policy position of the City.

Risk Management Considerations:

Failure to give consideration to the request of the petitioners and take the appropriate actions may impact on the level of satisfaction by the community.

Financial/Budget Implications:

Individual requests made by the way of petitions may have financial implications.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

The petitions are presented to Council for information on the actions taken, along with those outstanding.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES:

- 1 The status of outstanding petitions submitted to Council during the period 28 June 2011 to 28 February 2012, forming Attachment 1 to this Report;
- 2 That a report in relation to the petition regarding the impact of increased traffic flow within the vicinity of the Craigie Senior High School site was considered at the Council Meeting held on 13 December 2011 (CJ245-12/11 refers);
- 3 That a report is proposed to be presented to Council at its meeting to be held on 17 April 2012 addressing the following petitions:
 - 3.1 Vehicular movement within Hepburn Heights and the request to prepare a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns;
 - 3.2 Vehicular movement within Hepburn Heights and a request for a pedestrian overpass over Hepburn Avenue, the request to prepare a Business case to divest 12 Blackwattle Parade, Padbury to provide funds to address residents' concerns;
- 4 That a report in relation to the petition requesting immediate steps to reduce both the volume and speed of vehicles on Delgado Parade, Iluka was considered at the Council meeting held on 21 February 2012 (CJ024-02/12 refers);
- 5 That a report in relation to the petition regarding the acquisition of a portion of Timberlane Park, Woodvale, the rezoning of Reserve 40169 to allow for aged care accommodation, and allocation of sale proceeds to enhance facilities at Timberlane Park, Woodvale is proposed to be presented to Council at its meeting to be held on 17 April 2012;
- 6 That a report in relation to the petition requesting an upgrade to the public park on the corner of Moolanda Boulevard and Harness Street, Kingsley is proposed to be presented to Council at its meeting to be held on 17 April 2012;
- 7 That a report in relation to the petitions regarding that Council considers changing all day parking in Piccadilly Circle and Aldgate Street to two hour parking with exemption permits issued to the residents of those streets was considered at the Council Meeting held on 13 December 2011 (CJ244-12/11 refers);
- 8 That a report in relation to the petition requesting the change of Parking By-Laws to enable residents and non-residents to have improved access to parking throughout the day on the East side of Lakeside Drive, between Shenton Avenue and Moorhen Court, Joondalup, was considered at the Council meeting held on 13 December 2011 (CJ243-12/11 refers);
- 9 That a report in relation to the petition requesting that Council investigates, with appropriate remedial action, the traffic safety concerns in and around Tuart Road, Greenwood is proposed to be presented to Council at its meeting to be held on 17 April 2012;

- 10 That a report in relation to the petition requesting that Council considers retaining the natural state of Lot 971 (52) Creaney Drive, Kingsley and installing a sculpture park will be presented to Council at its meeting to be held on 20 March 2012;
- 11 That a report in relation to the petition requesting that Council resurface the vacant school site and Burns Beach Road, Burns Beach with grass, and the removal of a sign is proposed to be presented to Council at its meeting to be held on 17 April 2012;
- 12 That a report in relation to the petition requesting that Council design and install traffic treatment along Cook Avenue between Cumberland Drive and Flinders Avenue is proposed to be presented to Council at its meeting to be held on 17 April 2012;
- 13 That a report in relation to the petition regarding the construction of 15.9m, three antenna and ground based equipment shelter telecommunication tower in at Dampier Park, Kallaroo was considered as part of the report to the Council meeting held on 21 February 2012 regarding the proposed telecommunications facility at Dampier Park, Kallaroo (CJ005-02/12 refers); and
- 14 That a report in relation to the establishment of a community garden was considered at the Council meeting held on 21 February 2012 (CJ007-02/12 refers) and any decision with respect to Regents Park or Charing Cross Park, will be considered as part of any future report regarding the establishment of a community garden.

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7BRF130312.pdf](#)

ITEM 8 EXECUTION OF DOCUMENTS

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy	
FILE NUMBER:	15876, 101515	
ATTACHMENTS:	Attachment 1	Documents executed by affixing Common Seal for the period 15 November 2011 to 28 February 2012

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 15 November 2011 to 28 February 2012 (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 15 November 2011 to 28 February 2012, eight documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Structure Plan	1
Amendment to District Planning Scheme No 2	2
Power of Attorney	1
Memorandum of Understanding	1
Lease Agreement	1
Grant of Easement	1
Section 70A Notification	1

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 15 November 2011 to 28 February 2012, executed by means of affixing the Common Seal, as detailed in Attachment 1 to this Report.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8BRF130312.pdf](#)

ITEM 9 MINUTES OF EXTERNAL COMMITTEES

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy	
FILE NUMBER:	09151, 48543, 101515	
ATTACHMENTS:	Attachment 1	Minutes of the Wanneroo/Joondalup Local Emergency Management Committee meeting held on 2 February 2012
	Attachment 2	Revised Terms of Reference as at 2 February 2012

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Minutes of the Wanneroo/Joondalup Local Emergency Management Committee meeting held on 2 February 2012.

DETAILS

Local Emergency Management Committee Meeting – 2 February 2012

A meeting of the Wanneroo/Joondalup Local Emergency Management Committee (LEMC) was held on 2 February 2012.

The Council's representative on the LEMC is Cr John Chester. On this occasion, Cr Christine Hamilton-Prime deputised for Cr Chester as he was unable to attend this meeting.

For the information of Council, the following matters of interest to the City of Joondalup were discussed:

- **Revised Terms of Reference in relation to the Wanneroo/Joondalup Local Emergency Management Committee**

The revised Terms of Reference were adopted at the meeting held on 2 February 2012 – (Attachment 2 refers).

- **Cities of Wanneroo and Joondalup Risk Management Projects**

Mr John Lane, Coordinator of Emergency Management Services, Western Australian Local Government Association (WALGA) provided a presentation on the Risk Management projects for both Cities.

The current status of risk projects for each local government is on schedule, with a final report to be completed by May 2012.

- **Local Government Emergency Management Forum 2012**

The WALGA Emergency Management Forum is to be held on Friday, 16 March 2012 at the Burswood Entertainment Complex.

- **National Guide for Managing Donated Goods**

The Australian Government has funded the development of guidelines with respect to the National Guide for the Management of Donated Goods.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Minutes of the Wanneroo/Joondalup Local Emergency Management Committee meeting held on 2 February 2012 (including Revised Terms of Reference) forming Attachment 1 to this Report.

To access this attachment on electronic document, click here: [ExternalMinutes13032012.pdf](#)

ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF JANUARY 2012

WARD:	All	
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services	
FILE NUMBER:	09882	
ATTACHMENTS:	Attachment 1	Chief Executive Officer's Delegated Municipal Payment List for the month of January 2012
	Attachment 2	Chief Executive Officer's Delegated Trust Payment List for the month of January 2012
	Attachment 3	Municipal and Trust Fund Vouchers for the month of January 2012

PURPOSE

To present to Council the list of accounts paid under the Chief Executive Officer's delegated authority during the month of January 2012 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of January 2012 totalling \$9,355,828.51.

It is recommended that Council NOTES the Chief Executive Officer's list of accounts for January 2012 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 \$9,355,828.51.

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 January 2012. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques 91782 – 91931 & EF22379 – EF22820. Net of cancelled payments	\$5,896,448.85
	Vouchers 931A-938A	\$3,427,759.66
Trust Account	Trust Cheques 204719 – 204777. Net of cancelled payments	\$31,620
Total		\$9,355,828.51

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications:

Legislation: The Council has delegated to the Chief Executive Officer 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 Chief Executive Officer 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 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 2011/2012 Annual Budget as adopted and revised by Council at its meeting of 28 June 2011 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 October 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 \$9,355,828.51.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9BRF130312.pdf](#)

ITEM 11 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 JANUARY 2012

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	07882, 101515
ATTACHMENTS:	Attachment 1 Financial Activity Statement for the Period Ended 31 January 2012

PURPOSE

The January 2012 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 January 2012, Financial Activity Statement Report shows an overall favourable variance from operations and capital for the period of \$10,114,217 when compared to the 2011/12 Adopted Budget.

This variance can be summarised as follows:

The Operating surplus is \$4,992,480 above budget, made up of higher revenue of \$1,931,068 and lower operating expenditure of \$3,061,412.

Operating revenue is above budget in Contributions, Reimbursements and Donations \$792,970, Investment Earnings \$792,620, Rates \$145,804, Other Revenue \$152,791, Fees and Charges \$76,782, and Grants and Subsidies \$6,231. Revenue is below budget in Profit on Asset Disposals \$36,130. 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 \$2,105,299, Employee Costs \$842,977, Utilities \$93,193, Loss on Asset Disposal \$32,287, Insurance \$19,238 and Interest Expenses \$1,384. This is partly offset by an adverse variance in depreciation \$32,966.

The Materials and Contracts favourable variance is predominantly attributable to timing differences and is spread across a number of areas including Professional Fees and Costs \$602,090, Furniture & Equipment Maintenance and Minor Purchases \$278,799, Public Relations, Advertising and Promotions \$266,827, Contribution and Donations \$304,392 and Computing \$179,179.

The Capital Revenue and Expenditure deficit is \$5,084,928 below budget and is made up of higher revenue of \$514,719 and under expenditure of \$4,570,209.

Capital Expenditure is below budget on Capital Projects \$1,511,201, Capital Works \$2,091,703 and Vehicle and Plant replacements \$967,305.

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 31 January 2012 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 31 January 2012 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 the 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 31 January 2012 forming Attachment 1 to this Report.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10BRF130312.pdf](#)

ITEM 12 PETITION OF ELECTORS REQUESTING THE RETENTION OF LOT 971 (52) CREANEY DRIVE KINGSLEY FOR THE PURPOSES OF A SCULPTURE PARK

WARD:	South-East
RESPONSIBLE A/DIRECTOR:	Mr Charlie Reynolds Infrastructure Services
FILE NUMBER:	11367, 101515
ATTACHMENTS:	Attachment 1 Map of Lot 971 (52) Creaney Drive, Kingsley

PURPOSE

To consider a petition received by Council requesting the retention of Lot 971 (52) Creaney Drive, Kingsley (Attachment 1 refers) for the purposes of a sculpture park.

EXECUTIVE SUMMARY

Council supported the rezoning of Lot 971 from 'Civic and Cultural' to 'Commercial and Residential/R40; (Restricted Use - Aged Persons Housing)' at its meeting held on 20 September 2011 (CJ171-09/11 refers) and the generated funds to be used for the proposed development of the Joondalup Performing Arts and Cultural Facility (JPA&CF).

On 10 October 2011, Council received a 602 signature petition requesting the City retain Lot 971 in its natural state with only minor modifications taking place to develop it into a sculpture park rather than dispose of it.

This matter was also raised at the Annual General Meeting of Electors (AGM) held on 6 December 2011.

It is recommended that Council:

- 1 *TAKES NO FURTHER ACTION in relation to the petition received on 10 October 2011 requesting the City to retain Lot 971 (52) Creaney Drive, Kingsley in its natural forest state with only minor modifications taking place to develop it into a sculpture park rather than dispose of it; and*
- 2 *ADVISES the lead petitioner of the Council's decision.*

BACKGROUND

Suburb/Location:	Lot 971 (52) Creaney Drive, Kingsley
Owner:	City of Joondalup
Zoning:	DPS: Civic and Cultural
	MRS: Urban
Site Area:	9999.81m ²
Structure Plan:	Not Applicable.

The majority of the City's parks are reserves for 'Public Recreation' which the City manages on behalf of the Crown. Lot 971 is owned by the City in freehold and this tenure provides the City with development opportunities that it does not have with Crown land.

Lot 971 was acquired in June 1982 from Portuland Developments Pty Ltd and zoned 'Civic and Cultural' as it was anticipated there would be a need for Civic and Cultural facilities to meet community needs. The City has since determined that the land is no longer required for 'Civic and Cultural' purposes due to the progressive development of community facilities within Kingsley since 1982. However, the need for aged persons housing to allow the ageing population to continue to reside in their local area has been identified for Kingsley.

The WA Planning Commission (WAPC) Development Control Policy 2.3 Public Open Space in Residential Areas specifies a requirement of 10% of the gross subdivisible area should be given up free of cost for Public Open Space (POS). Currently Kingsley has over 10% POS which exceeds the WAPC requirement.

Lot 971 is a portion of freehold community purpose land that has remained vacant for a number of years and may present to the community as POS. Notwithstanding this perception, it needs to be considered as a valuable freehold asset.

Lot 971 currently has a reciprocal access and car parking agreement with three other adjoining lots. The agreement relates to the development, in 1992, of a car park by the owners of Kingsley Tavern in lieu of a shortfall of 23 bays. This car park reduces the one hectare site (10,000 m²) to 9,400m². The lot is unimproved except for the car park and is located to the western side of Creaney Drive, immediately north-east of the Kingsley Tavern.

The Kingsley Village Neighbourhood Shopping Centre and Kingsley Professional Centre are positioned to the immediate south, with a service station to the west. Land to the east is dominated by low density residential development.

Council has determined that the most appropriate future use for Lot 971 is for the development of aged persons housing, in addition to a commercially zoned area and that the revenue raised by the disposal is to be included in the JPA&CF reserve fund.

A number of reports regarding this site have been submitted to the Strategic Financial Management Committee (SFMC) on 27 April 2010, 8 June 2010, 14 September 2010, 20 April 2011, 13 June 2011, 8 August 2011 and 20 February 2012. Recommendations from the above SFMC meetings were adopted by Council on 22 June 2010 (CJ103-06/10 refers), 21 September 2010 (CJ163-09/10 refers), 17 May 2011 (CJ091 05/11 refers), 19 July 2011 (CJ127-07/11 refers) and 20 September 2011 (CJ171-09/11 refers).

Council's resolution of 20 September 2011 (CJ171-09/11 refers) supported the initiation of an amendment to District Planning Scheme No 2 (DPS2) to rezone the land from 'Civic and Cultural' to 'Commercial and Residential/R40; (Restricted Use - Aged Persons Housing)' and where possible existing grass trees be relocated and trees planted to alternate locations throughout the City to offset those removed. The resolution was based on Council being provided information which considered the configuration of the land and it was deemed it would not accommodate additional recreational uses. The usable area of the northern portion of Lot 971 is such that it would not allow realignment of that area with the existing oval. The land contours are such that any extension would require considerable cut, fill and retaining works.

Based on the foregoing, the proximity of the service station and the existing commercial uses, it would appear that the best use of Lot 971 would be for the southern and western portions of the site to be designated for commercial use. The balance area of the site could then be restricted to aged persons housing. These options were presented to Council 20 September 2011 where a further detailed report was requested. A report was provided to the SFMC on 20 February 2012.

DETAILS

At Council's meeting held on 11 October 2011, a petition containing 602 signatures that was signed predominantly by Kingsley residents was tabled, requesting that Lot 971 be retained practically in its natural state with only minor changes taking place to enable it to be utilised as a sculpture park.

The petition organiser provided a description of her vision for the sculpture park which she saw *"consisting of a number of small native sculpture gardens within the park using the existing landscape. There would be grassed walkways as already exist today and a number of memorial benches placed around the park. The sculptures would be acquired progressively and be located in the gardens within the Park."*

In addition, the lead petitioner states that *"Lot 971 has been a natural remnant bushland complement to Kingsley Park for 29 years; it offsets the activity of the busy sporting oval and provides a bushland area for residents with a range of bird life to observe."*

At the City's AGM held on 6 December 2011, the lead petitioner spoke in relation to the retention of Lot 971 (52) Creaney Drive, Kingsley in its natural state. The resolution is shown below:

MOVED Ms D Squires, 19 Newington Place, Kingsley, SECONDED Ms S Neal of 23 Shepherds Bush Drive, Kingsley that Lot 971 (52) Creaney Drive, Kingsley not be sold but to be retained practically in its natural forest state and with only minor changes, becomes a sculpture park to become complimentary to Kingsley Park therefore retaining its current zoning of cultural and civic.

The Motion was Put and CARRIED (8/0).

At its ordinary meeting held on 21 February 2012, Council resolved as follows (CJ011-02/12 refers):

- 1 *NOTES the Minutes of the Annual General Meeting of Electors held on 6 December 2011 forming Attachment 1 to Report CJ011-02/12;*
- 2 *in relation to Motion No 1 carried at the Annual General Meeting of Electors:*
 - 2.1 *NOTES its resolution of 20 September 2011 (Item CJ171-09/11 refers) supporting the recommendation from the Strategic Financial Management Committee to amend District Planning Scheme No 2 to rezone the land at Lot 971 (52) Creaney Drive, Kingsley from 'Civic and Cultural' to 'Commercial and Residential/R40; (Restricted Use – Aged Persons Housing)'; and*
 - 2.2 *NOTES a further report will be presented to the Council addressing the matters raised in the petition tabled at the Council meeting held on 11 October 2011 to retain Lot 971 (52) Creaney Drive, Kingsley for the purposes of a sculpture park;*

The Strategic Financial Management Committee at its meeting held on 20 February 2012 has recommended to Council that it:

- 1 *TAKES NO FURTHER ACTION in relation to the petition received on 11 October 2011 requesting the City to retain Lot 971 (52) Creaney Drive, Kingsley in its natural forest state with only minor modifications taking place to develop it into a sculpture park rather than dispose of it;*

Council's consideration of this recommendation will be determined when the minutes of the Strategic Financial Management Committee are presented to Council.

Issues and options considered:

When making its decision on 20 September 2011 to initiate an amendment to DPS2 to rezone Lot 971 to 'Commercial and Residential/R40; (Restricted Use - Aged Persons Housing),' Council had by that meeting date received a number of reports on the subject and various alternative land uses for Lot 971 including the issue of retaining part of the land for recreational purposes.

Retain the Land as Public Open Space (POS) including Public Art Areas

For the City to consider retaining Lot 971 for a sculpture park, it would need to complete a business case to determine its viability. The City would need to investigate a number of issues including; establishment and maintenance costs, cleanup costs, potential for vandalism and any infrastructure costs. Management issues such as determining what forms of art work will be incorporated, who determines what art works are received would also need to be deliberated. Usually for a sculpture park to be viable it needs to be of a size to allow for permanent and non permanent art features that can be rotated.

For Council to rescind its decision of 20 September 2011, an absolute majority would be required. Council would need to reassess if retaining Lot 971 as a park is the best use of the land and therefore in the best overall interests of the City.

Disposal of the land

The potential disposal value of Lot 971 based on the proposed amended zonings is in excess of \$3 million; the commercial component of the site would provide a future rates revenue stream. The land made available for aged persons housing may be considered important by older Kingsley residents, as it provides them with the option of remaining in the suburb when examining their future housing needs.

Legislation:

Sections 3.58 and 3.59 of the *Local Government Act 1995*, together with the *Local Government (Functions and General) Regulations 1996*, determine how a local government may dispose of property.

Strategic Plan

Key Focus Area: Community Wellbeing.

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

Key Focus Area: Leadership and Governance.

Objective: To lead and manage the City effectively.

Policy:

- Asset Management
- Sustainability

Risk Management Considerations:

Not Applicable.

Financial/Budget Implications:

Should Council not dispose of the land and retain it as a sculpture park, it would not realise the \$3,760,000 disposal revenue based on its current value. This could impact on the proposed development of the JPA&CF.

For the City to maintain a sculpture park it would need to allow for irrigation, mowing, vandalism prevention, footpaths and other maintenance services which could amount to \$20,000 per annum. Additional Capital costs to establish a sculpture park have currently not been determined.

Regional Significance:

Not Applicable.

Sustainability Implications:

Disposal of City freehold land that was acquired for community use should not be undertaken without there being a nominated purpose. Council considered that due to the ageing demographics of the community, it is purposeful to make available aged persons housing so that people can continue to reside in their local area.

Consultation:

As from 27 September 2011, the *Local Government (Functions and General) Regulations 1996* were amended to increase the minimum value defining a major land transaction. The minimum value at which local governments are required to prepare and advertise a business plan has been increased to \$10 million. Therefore the City is no longer required to prepare and formally advertise a business case on the potential disposal of Lot 971. However, the City will prepare and advertise a business plan, letter drop, and notices in newspapers to ensure the community are consulted.

COMMENT

Both the City and Council recognise the importance of public art to the community and how it helps shape cultural identity. The City's public art collection is continually updated and can be seen throughout the City in various forms. The City also has the benefit of numerous parks, both active and passive, that allow for either sporting activities, or quiet enjoyment. Lot 971 is owned by the City in freehold and this tenure provides options with regard to using the land for development and/or disposal.

City freehold community purpose land sites that have remained vacant for a number of years may present to the community as POS, however the land remains a valuable freehold asset.

Other benefits besides the potential revenue from the sale of the land include further aged persons housing being available locally, the trees, where possible being relocated or other trees planted throughout the City to offset those removed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 TAKES NO FURTHER ACTION in relation to the petition received on 10 October 2011 requesting the City to retain Lot 971 (52) Creaney Drive, Kingsley in its natural forest state with only minor modifications taking place to develop it into a sculpture park rather than dispose of it; and**
- 2 ADVISES the lead petitioner of the Council's decision.**

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11BRF130312.pdf](#)

ITEM 13 CURRAMBINE PRIMARY SCHOOL – SCHOOL TRAFFIC MANAGEMENT AND PARKING

WARD:	North
RESPONSIBLE A/DIRECTOR:	Mr Charlie Reynolds Infrastructure Services
FILE NUMBER:	07384, 101515
ATTACHMENTS:	Attachment 1 Locality Plan Attachment 2 Proposed traffic management and parking improvements

PURPOSE

To consider school traffic management and parking improvements for Currambine Primary School, Currambine.

EXECUTIVE SUMMARY

The construction of the second carriageway of Moore Drive in 2012 is expected to displace approximately 75 vehicles from parking along the verged area in Moore Drive adjacent Currambine Primary School. The proposed school traffic management and parking works as shown on Attachment 2 will assist in addressing the expected parking shortfall. The widening of the school's existing set-down/pick-up area on Ambassador Drive would improve vehicle traffic flows and limit congestion. To complement this, a new car park of approximately 25 to 30 bays is proposed on the northern side of the school sports field.

It is recommended that Council:

- 1 NOTES the school parking short fall for Currambine Primary School once Moore Drive second carriageway construction commences in 2012;*
- 2 NOTES traffic management and parking improvements for Currambine Primary School as shown on Attachment 2 to this Report is listed in the 2012/2013 Capital Works Program subject to and conditional on 50/50 shared funding with the Department of Education and;*
- 3 ADVISES the Department of Education of Council's decision.*

BACKGROUND

In preparation for Moore Drive's second carriageway construction in 2012, the City is currently working with Currambine Primary School to limit the negative impact on school traffic management and parking once construction activity begins. A number of meetings with the Department of Education (DOE), the school Principal and representatives of the school Road Safety Committee occurred in 2011 with the aim to develop strategies and make recommendations relating to improving traffic management and school parking.

A detailed review of the school traffic management and parking undertaken in late 2011 confirmed a significant short fall of parking spaces and extensive traffic congestion within the car parking areas during school peak periods. The congestion was also found to have a significant negative impact on the local road network in particular Ambassador Drive and access to adjoining side roads. The school's Road Safety Committee has been active to date in dealing with the traffic congestion, however significant traffic issues remain.

In addition to the formal school parking areas and on-street parking, a significant number of parents are utilising the verge areas of Moore Drive for school parking. The verge areas will no longer be available for parking once Moore Drive dual carriageway is completed later this year.

DETAILS

Currambine Primary School is located on the northern side of Moore Drive with the main administration area fronting Ambassador Drive as shown on Attachment 1. The school opened in 1997 with approximately 300 children and the student population has since grown to approximately 800 children.

Moore Drive's second carriageway is scheduled for construction in 2012 as part of the City's Capital Works Program. The proposed works will result in significant construction activity from Connolly Drive in the west to Joondalup Drive in the east (as shown on Attachment 1) and involves modification to the existing carriageway and verge areas in the vicinity of Currambine Primary School.

School traffic management and school parking

Internal school parking areas have been provided for staff and parents on the northern side of the school plus on-street parking is also available along Ambassador Drive and Carlton Turn. Site investigations in 2011 confirmed significant congestion and parking issues exist with the school traffic management in its current form. The major concerns relate to an overall parking short fall plus congestion leading to poor vehicle circulation within internal parking areas.

The school Road Safety Committee has been proactive to date in dealing with school traffic management and parking by promoting and acting on traffic management strategies to improve the situation where possible. As part of these strategies, school staff and representatives of the committee assist on a daily basis with traffic control during peak periods and raise awareness with parents regarding road safety initiatives. The school's news letter is also used for regular updates regarding school traffic management and road safety awareness.

On-street parking

On-street parking has been provided on Ambassador Drive with 20 bays being available on the south side of the road carriageway. There are also 25 on-street parking bays along the western side of Carlton Turn adjacent Carlton Park which are used for school parking, residents and visitors to Carlton Park.

School set down/pickup facility

The existing school set down/pickup facility requires vehicle access via a roundabout at the intersection of Ambassador Drive and Paddington Avenue. The set down/pickup area incorporates 39 angled parking bays on the south side of the facility with the 20 most eastern bays being dedicated for early childhood students where parents are required to escort their children to and from the classroom. The remaining 19 bays on the western side of the facility are used for general drop off and pick up purposes.

Site investigations during school peak periods confirmed that the internal operation of the set down/pickup facility is poor due to parents waiting within the access aisle of the facility for car parking spaces to become available. The slow movement of vehicles result in significant congestion within the facility plus on Ambassador Drive thereby restricting circulation within the roundabout with Paddington Avenue. Due to the extensive vehicle congestion there is a negative impact on residents, with access along Ambassador Drive and surrounding road network being restricted; this is expected to get worse once construction on Moore Drive commences.

Moore Drive informal parking

Extensive informal parking occurs on Moore Drive within the school precinct with parents utilising the verge areas either side of the road carriageway for parking during morning and afternoon school peak periods. Approximately 75 vehicles utilise the verge areas along Moore Drive for parking purposes which will no longer be available once construction activity commences.

Proposed changes to schools sports ground and Carlton Park

Carlton Park reserve and the school playing field are located within the same recreational area and are managed separately by DOE and the City. The City is currently in discussion with DOE to combine the playing areas to form a central playing facility as shown on Attachment 2. The benefits of the realigned oval and shared arrangement includes a multipurpose playing field facility for school and weekend City club sport activities plus a coordinated approach to reserve maintenance with the City undertaking the maintenance responsibility with funding support by DOE.

Issues and options considered:

Alternative ways to improve school traffic management and school parking once Moore Drive construction commences have been investigated by the school Road Safety Committee and City officers. Extensive investigations into the operation of school traffic and parking identified two areas of improvement within the school grounds which include:

Modification to the existing school set down/pickup facility

This would require the widening of a portion of the existing set down/pickup facility within the school grounds adjacent to Ambassador Drive as shown on Attachment 2.

Access to the facility is via the roundabout at the intersection with Paddington Avenue and Ambassador Drive. Significant congestion occurs during peak periods within the facility and on the approaches to the roundabout on Ambassador Drive. The proposed widening would enable a through lane to be created on the north side of the facility which would improve vehicle circulation during drop off and pickup periods and therefore encourage higher usage by parents. The improved vehicle circulation would also result in less congestion within the vicinity of the roundabout on Ambassador Drive.

The provision of 25 to 30 bay car park and temporary parking

To address the significant parking short fall once Moore Drive's second carriageway construction commences, temporary parking will be provided on the northern side of the school playing field. As a permanent solution once Moore Drive's works is completed, a 25 to 30 bay car park is proposed as shown on Attachment 2. Access to the proposed car park would be via the roundabout at the intersection of Paddington Avenue and Ambassador Drive.

The proposed car park would complement the planned changes to the playing areas and provide additional parking opportunities for parents once Moore Drive second carriageway is completed. After hours parking will also be allowed for weekend sporting activities on Carlton Park.

The proposed works including improvements to the existing school set down/pickup facility and the proposed 25 to 30 bay car park are the preferred treatments to improve school traffic management and school parking and have the support of DOE and Principal of Currambine Primary School.

On the basis of the school traffic investigation and findings, Council has the option to:

- Resolve to list the proposed works (as shown in Attachment 2) for funding consideration in 2012/2013 financial year subject to approval of equal funding by DOE.
- Take no further action in relation to school traffic management and parking improvements for Currambine Primary School. This is not the preferred option.

Legislation/Strategic Plan/Policy Implications:

Legislation: Australian Standard Parking Facilities Part 1: Off-street parking AS 2890.1:2004.

Strategic Plan

Key Focus Area: Community wellbeing.

Objective: 5.4 To work collaboratively with stakeholders to increase community safety and respond to emergencies effectively.

Policy:

Not Applicable.

Risk Management Considerations:

If no action is taken regarding school traffic management and school parking once Moore Drive construction work commences, there will be a increased congestion on Ambassador Drive and surrounding road network. The potential spill over parking and increase in congestion during school peak periods will have a negative impact on school road safety and use of surrounding roads.

Financial/Budget Implications:

On the basis of previous practices regarding parking developments involving schools, funding for the proposed parking improvements would be based on a 50/50 shared funding arrangement. An example of this practice was 50/50 funding by the City for the construction of a minor parking facility at St Luke's Catholic Primary School in 2004.

It is anticipated that the total cost of the works is approximately \$200,000 with 50/50 funding by the City and DOE being \$100,000. Should Council wish to progress the new car park and improvements to the set down/pickup facility in time for the completion of Moore Drive second carriageway, the funding would need to be allocated in the 2012/2013 Infrastructure Capital Works Program.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

A number of meetings have been held in 2011 with the DOE, the Principal of Currambine Primary School and representatives of the school Road Safety Committee. The aim of the meetings was to develop strategies and recommend traffic management and school parking improvements in preparation for the commencement of works on Moore Drive.

To further develop strategies and implement school road safety initiatives, it is intended that traffic management meetings be held on a regular basis between City officers and the school in the lead up to works commencing and then on an ongoing basis as part of the Moore Drive second carriageway construction phase.

COMMENT

While various solutions have been investigated, the proposed works are considered to provide a suitable technical solution while maintaining the general accessibility of the area.

Alternative options included a multi bay car park adjacent Ambassador Drive on the northern side of Carlton Reserve (central to the reserve) and additional parking spaces at the northern end of Carlton Turn. Although both car parking options are within land which is controlled by the City, it is considered that the options would adversely impact on the reserve grounds and on residents if car park crossovers were constructed adjacent to residential properties.

Options for additional on-street parking along Ambassador Drive and Carlton Turn have also been investigated however opportunities for additional parking embayments are limited. On-street parking within the school precinct has also been investigated as part of the Moore Drive second carriageway design however this option was not supported due to poor design outcomes and road safety implications.

The proposed works including improvements to the existing school set down/pickup facility and the proposed 25 to 30 bay car park are considered the appropriate treatments to address the parking short fall once Moore Drive second carriageway is completed.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 NOTES the school parking short fall for Currambine Primary School once Moore Drive second carriageway construction commences in 2012;**
- 2 NOTES traffic management and parking improvements for Currambine Primary School as shown on Attachment 2 to this Report is listed in the 2012/2013 Capital Works Program subject to and conditional on 50/50 shared funding with the Department of Education and;**
- 3 ADVISES the Department of Education of Council's decision.**

Appendix 12 refers

To access this Attachment on electronic document, click here: [Attach12BRF130312.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

ITEM 14 CONFIDENTIAL – STATUS OF UNDERTAKINGS TO THE DELEGATED LEGISLATION COMMITTEE

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Jamie Parry Governance and Strategy
FILE NUMBER:	22513, 101515
ATTACHMENTS:	Attachment 1 Correspondence from the Joint Standing Committee on Delegated Legislation

(Please Note: The attachment is confidential and will appear in the official Minute Book only)

This report is confidential in accordance with Section 5.23 (2)(f) of the *Local Government Act 1995*, which permits the meeting to be closed to the public for business relating to the following:

A matter that if disclosed could be reasonably expected to impair the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law.

A full report was provided to Elected Members under separate cover. The report is not for publication.

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS