



**MINUTES OF COUNCIL MEETING
HELD ON 5 APRIL 2005**

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CITY OF JOONDALUP

**MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY,
5 APRIL 2005**

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON - Chairman
CMR P CLOUGH – Deputy Chairman
CMR M ANDERSON
CMR A FOX

Officers:

Chief Executive Officer	G HUNT
Director, Planning & Community Development:	C HIGHAM
Director, Corporate Services and Resource Management:	P SCHNEIDER
Director, Infrastructure & Operations: Manager, Marketing Communications & Council Support:	D DJULBIC
Manager, Approvals Planning and Environmental Services:	M SMITH
Committee Clerk:	C TERELINCK
Minute Clerk:	J HARRISON
	L TAYLOR

There were 61 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions, submitted by Mr V Cusack, Kingsley, were taken on notice at the Meeting of Council held on 15 March 2005:

Q1 What would be the effect on the construction material used in the basement? Acid ground water, with or without a pyrite - generated sulphuric acid enhancement, would have a corrosive effect on a lime-base building material such as a cement base. How do the engineers responsible for the design of this construction intend to ameliorate the influence of these adverse building conditions?

A1 This is a matter for consideration of the proponent's structural engineers and has been referred on for consideration. The design of the building will need to be accredited by qualified structural engineers before a Building Licence is issued.

Q2 Now that Lot 62 has been subdivided (lots 28 & 29) in order for the development to go around Walluburnup Swamp that is clearly identified as a high acid sulphate soils risk area. Is the proposed development greater or less than 50metres away from the contours of Walluburnup Swamp? Can Council please provide the precise buffer distance that the proposed development is from Walluburnup Swamp?

A2 Further information has been sought from the Department of Environment regarding the extent of Walluburnup Swamp and the 50 metre buffer. A response will be provided in due course.

Q3 Are the CEO and Commissioners aware that Lots 28 and 29 Hocking Road, Kingsley have not been excised from Bush Forever 299 and are the subject of a Water Pollution Control Area?

A3 Report CJ135-06/02 to the Council meeting on 11 June 2002 for the adoption of Amendment No 12 to District Planning Scheme No 2 dealt with rezoning of the subject land. This report included a Bush Forever sub-heading under which it was noted that the land is located in Bush Forever 299 and a Water Pollution Control Area.

The Western Australian Planning Commission (WAPC) considered the sustainability and future residential use of the land through the Metropolitan Region Scheme Amendment to rezone the land to an "Urban" zoning.

The following questions, submitted by Ms M John, Marmion, were taken on notice at the Meeting of Council held on 15 March 2005:

Q1 Re: CSIRO site – public open space calculation shown on Page 70 of the agenda for the Council meeting of 15 March 2005: Can we see the numbers that pertain to that calculation so that we can see easily the breakdown?

A1 POS breakdown is as follows:

Ocean Reef: Local Reserves 'Parks & Recreation' area - 30.3 ha
Total land area (minus MRS Parks and Recreation area) - 402.8 ha
Open Space % = 7.5%

Mullaloo: Local Reserves 'Parks & Recreation' area - 26.6 ha
Total land area (minus MRS Parks and Recreation area) - 290.5 ha
Open Space % = 9.2%

Kallaroo: Local Reserves 'Parks & Recreation' area - 24.6 ha
Total land area (minus MRS Parks and Recreation area) - 262.4 ha
Open Space % = 9.4%

Q2 If these issues have been canvassed before, why are they not in the notations tonight regarding the problems associated with that laneway? This is an issue in relation to that rezoning application.

A2 The report considered at the Council meeting on 15 March 2005 related to the rezoning application for the CSIRO land.

The statement made within the report relating to trips westward of the subject site, through the Right-of-Way (ROW), relates to any anticipated future traffic and pedestrian movements associated with development of the subject land. Given that the land is approximately 200 metres from the ocean, it is considered highly unlikely that future residents of the subject site would use private vehicles to make this journey to the sea via the existing ROW and therefore impact on the traffic conditions of the ROW.

As outlined in the report, traffic generation arising from the proposed amendment is not expected to be substantial, and is within the capacity of the existing road network

The following question, submitted by Mr A Bryant, Craigie, was taken on notice at the Meeting of Council held on 15 March 2005:

Q1 Thank you for the answers to my questions numbers 3 and 4 on 22 February 2005, but there is not any indication of what community consultation is proposed or to occur in regard to the building of a community centre for the citizens and ratepayers of the suburb of Craigie and where it is to be located. Can I have an indication of the progress made to date?

A1 In December 2004, the Department for Community Development (DCD) announced that it had allocated \$390,000 for land purchase and a further \$500,000 for capital works to build a community facility in Craigie.

Any potential involvement by the City of Joondalup in the development of this facility would be in conjunction with the acquisition of a site for the facility and statutory planning approval for any building works.

A meeting between the DCD's District Manager and the City's Director Planning and Community Developed was held in March 2005. The City awaits a proposal from the Department for Community Development regarding further progress on the facility.

The following question, submitted by Mr R de Gruchy, Sorrento, was taken on notice at the Meeting of Council held on 15 March 2005:

Q1 Re: The three leisure centres operated by the City of Joondalup – Would you please advise the number of members, over the age of 60 years, attending the Gym, Aerobics, Body Pump (and similar activities), at the Craigie, Sorrento/Duncraig and Ocean Ridge Leisure Centres on a regular basis. (Do not include those people who support the Growing Old and Living Dangerously (GOLD) excursions/activities.)

A1 The City of Joondalup Leisure Centres have a total membership base of 1243, comprising of 94 members aged 60 years and over. The 94 members aged 60 years and over are comprised of 45 aerobics, 37 gym and 12 combination members. The total of 94 members, equates to 7.56% of the Leisure Centres total membership base aged 60 years and over.

On a monthly basis, attendance from members aged 60 years and over varies between 1100 to 1400 visits. On an average month 65% of members aged 60 years and over use the facilities for aerobics, 28% for the gym and 6.5% for either gym or aerobics as part of a combination membership.

The following questions, submitted by Ms S Hart, Greenwood, were taken on notice at the Meeting of Council held on 15 March 2005:

Q1 Why aren't my questions from the last meeting included in the agenda tonight? My question last meeting was to do with the payback clause in the insurance company. I received a letter dated 1 March yesterday in answer to my questions; it quotes the clause to me, but no information is given at all.

A1 A number of unsuccessful attempts were made to contact Ms Hart.

The City acknowledges the wording drafted by the insurance company uses technical language and that a number of parties have found it difficult to interpret.

Given the technical nature of the wording of the policy, the City at an early stage engaged Mr Neil Douglas from Minter Ellison to develop a clearly articulated set of protocols under which claims could be made. This protocol outlined the two sources of possible funding available for the costs of legal representation and discussed the general coverage of the policy, the definition and establishment of a wrongful act and how to make a claim under the policy. This protocol was forwarded to all suspended elected members during November 2004

It is understood that ACE Insurance has accepted claims made under this insurance policy and has attached various conditions to the granting of the monies.

It is incumbent on the individual claimant to satisfy themselves of the ramifications of any imposed conditions.

Q2 Minutes of the Council Meeting 11 June 2002 it states: "A historical review and soil tests have not been undertaken with respect to the subject portion of Lot 62. It is believed that this should be undertaken prior to the Amendment being finalised due to the possibility of contamination from the adjoining market garden. The applicant believes however that this is unnecessary. The Department of Environmental

Protection's advice is intended to be sought with respect to this matter." Can you please tell me what information was received from the Environmental Protection Department?

- A2 In 2001, the Department of Environmental Protection (DEP) advised (in response to the proposed Metropolitan Region Scheme Amendment 1037/33 to rezone the land), that the impact of rezoning would not warrant assessment under Part IV of the Environmental Protection Act.

With the City's request for assessment of the subsequent proposed rezoning under District Planning Scheme No 2, the DEP initially advised that it required further information in the form of an Environment Site Assessment. The DEP considered the Assessment involved limited sampling and therefore information regarding past and present uses of the land was required in order to assess the potential for contamination to determine whether soil sampling was warranted.

Separately, when the application for subdivision of the land was received, soil testing was undertaken and the contamination investigation report provided to the organization in March 2004. This report indicated levels at or below the recommended guideline levels, including alkaline pH levels.

The following questions, submitted by Mr M Caiacob, Mullaloo, were taken on notice at the Meeting of Council held on 15 March 2005:

Re: CSIRO Site, Marmion

- Q1 There is a lawful order issued by Council in regards to the existing neighbourhoods within the City of Joondalup where the status quo is to be maintained unless there is a clear demonstrable support for any change. Why hasn't this issue been highlighted in the report?*

- A1 Council at its meeting on 12 February 2002 passed several resolutions relating to the City's abandoned precinct action planning project. Resolution number 3 of Report C02-02/02 states:

"NOT consider any changes proposed by any future concept plan or discussion paper to the status quo of any suburb unless there is clear and demonstrable community support following a full, informative and comprehensive community consultation process in any suburb likely to be affected by any such plan"

The Council is by law required to consider any proposal to amend the District Planning Scheme No 2 (DPS2) and to provide a recommendation either of support or non-support for the proposal to the Minister for Planning and Infrastructure for the Minister's determination. In so doing the Town Planning Regulations 1967 require that consultation occurs and that the results are referred to the WAPC as part of any rezoning proposal.

Q2 Re: City correspondence 04048 – If the City now deems the DPS2 a plan, can I have an explanation as to:

(a) Why the City did not advise this in answering previous questions, where the response was that the City did not have any plans for the areas in question?

A2(a) Previous questions asked by Mr Caiacob were specific in nature and were answered accordingly. The reference to DPS2 plans relate to the land use zoning and Residential Density Code plans which supplement the text of DPS2.

(b) The DPS2 governs and guides development generally – it is a scheme, not a plan that is intended to exhibit the relative positions and sizes of the represented things. What plans are the City working to in the two areas highlighted (Mullaloo and Sorrento)?

A2(b) As previously advised DPS2 comprises a land use plan and a set of development controls and criteria for the Local Government area. In regard to Mullaloo and Sorrento, there have been some discrete proposals for upgrading and improvement to beach side reserves in these locations. Works at Sorrento are nearing completion and a proposal for upgrading lighting at Mullaloo has recently been considered. The Capital Works Program foreshadows further enhancements at Mullaloo in 2006-07 however there are no Council endorsed plans for detailed works at this time. Any plans would need to be considered by the Council.

The following questions were submitted in writing prior to the Council Meeting and responses were tabled at the meeting.

Mr R Went, Marmion:

Q1 Why have the City not included the letter from CALM (Mr Greg Keighery) in previous reports to Council and why have they deemed it of such insignificance until now? This letter was presented to the City on the 15/12/2004 along with many other submissions collected by myself and Mrs Christine Ghersinich and all of a sudden it has just surfaced. One must question the integrity and impartiality of the officers and the process when other letters have mysteriously gone missing, including my own 6-page submission and other letters of support from Members of Parliament.

A1 Previous reports to the Council were written before 15 December 2004, and hence before the advice from Mr Keighery was provided to the Council.

Notably, Mr Keighery's advice was attached to a submission from a near neighbour of the site, lodged in December 2004. CALM did not write directly to the Council in December 2004.

The report within the agenda for the Council meeting of 5 April 2005 includes the advice from Mr Keighery of CALM. The advice was not available to the City prior to the Council resolving at its meeting on 20 July 2004 to initiate Amendment No. 24 to the City's District Planning Scheme No. 2 for the purposes of public advertising.

Mr Went's six-page submission is tabled within the schedule of submissions (Attachment 4 to the report).

- Q2 Why have submission numbers 22, 28, 36, 127, 289, 299, 300,309, 316, 344, 350, 351, 352, 444, 445, 446, 737, 743, 745 and 746 been included in the submission total. Who are these people? There is no name and address attached to them and the submissions are therefore unverifiable and should be discounted. All these submissions favour the applicant proposal and once again show the City has not acted in a fair and balanced manner.*
- A2 The City is required under the Town Planning Regulations 1967 to table a schedule of all submissions received during the public advertising period. The regulations do not require submissions to be verified, nor does the regulations allow a local government to discount a submission. Illegible names and addresses have been noted in the table. The report takes into account the requirements of the Regulations.
- Q3 The City is still seeking to promote the view in its report that the City would have to purchase the site from the applicant if rezoning was refused and hence ratepayers would have to pick up the tab. This is false. The applicant purchased the site with full knowledge of the implications of rezoning refusal. It is the applicant, who is the landowner, that will have to reconsider their options if rezoning is refused, not the City. It is misleading to state otherwise.*
- A3 Comments made relating to the purchase of the site are in reference to the issue of vegetation protection.
- Q4 The EPA's advise to the City "recommend consideration be given through its planning process to address community concerns with the public open space value and the retention of the sites remnant vegetation". The City's report on the other hand advocates that no public open space be left, with a cash in lieu payment to the City being a considered option instead.*
- A4 The options relating to the provision of public open space (POS) are addressed in the report. It is recommended that cash in lieu of POS be requested, and that the funds received be used to improve the other POS areas in the locality.
- Q5 The City's report is dismissive of the findings of the EPA and CALM and states that vegetation through the site is weed infested. Irrespective of the role weeds and grasses play in the ecosystem, any site, including this one which has been neglected by its current and previous owners can be rehabilitated back to its natural vegetative state.*
- A5 The vegetation found on the site is not considered to be environmentally significant enough to warrant protection. That conclusion was drawn after considering the advice of the EPA and CALM. If the vegetation were significant enough, the EPA would have required a formal environmental review of the site when it assessed the proposal.
- Q6 The City's report neglects to mention that in special circumstances the applicant can be made to provide up to 30% of public open space (POS). There exists a supportive case from the community for that to happen, but has not been a consideration by the City.*
- A6 It is requested that further information be provided to support this question to allow a full detailed answer to be provided.

- Q7 The City's continual reference to the alleged transfer of POS from the CSIRO to the Percy Doyle Reserve in 1978. The City cannot provide any evidentiary link or proof that a transfer took place, but persists with this theory regardless. If the City does not have the evidence, the matter is just speculation. It can be equally argued that the POS still exists at the CSIRO site along with its "Parks and Recreation" zoning without that proof.*
- A7 The Council report concludes that this issue cannot be proven. The report states that the issue is not relevant for further consideration.
- Q8 In the City's report, how has the City identified that there is no need for additional community facilities in the area? Has there been a questionnaire or phone poll conducted in the Marmion area? On what basis does the City arrive at that conclusion, seeing that Marmion has no community facilities?*
- A8 The conclusion is based on the provision and usage of community facilities in adjoining and nearby locations.
- Q9 In the City's Rationale behind Recommendation section of the report, it asserts the sites current zoning was an administrative oversight, which should have been corrected in the changeover from TPS1 to DPS2. If it was such a simple oversight why do all the City's maps and reports still to this day show its zoning as "Parks and Recreation" and why have the City put its ratepayers and residents through 2 previous rezoning attempts and now a third one. It is an absolute insult to the residents to suggest that this and previous rezoning attempts were not bona fide and the City should be condemned for this.*
- A9 The two previous proposals to rezone the land were genuine and have been reported on, as such. Based upon extensive research with respect to this site, the change in rezoning of the site was never effected, despite two previous attempts. Proper and orderly planning principles and practices require that land be zoned for purposes to which it is intended to be used. Ordinarily, the cancellation of the Reserve status of the land (under the Land Act) should have triggered a review of the zoning of the land so that the most appropriate use was defined.
- Q10 In relation to the City's comparative POS figures for the suburbs of North Beach and Waterman Bay in the City of Stirling of 1.73% and 3.9% POS respectively, anyone who is familiar with these suburbs knows that those suburbs POS also include Star Swamp Reserve, which has not been included. A look on any road map of these areas will show these figures to be a nonsense. The City has conveniently left this out of the equation in an attempt to make the Marmion POS figures superior and hence justify their reasons for reducing it. It is an indication of the City's cynical attempts to manipulate statistical figures to their own advantage.*
- A10 In order to provide both the Council and the community with a fair comparison generally in accordance with the WAPC's POS calculation, the same calculation was used for all suburbs, including Waterman's Bay and North Beach, which excludes foreshore and regional reserves.

- Q11 In relation to other issues of POS for the suburb of Marmion, the City's report suggests there is sufficient POS as it assumes access to the Marmion foreshore reserve and the Marmion Primary School have unhindered access. This is an incorrect assumption as mentioned in my own submission. The public do not have the right to wander freely onto school grounds, especially during school hours and the Marmion foreshore reserve is generally off limits due to it being a rock fall risk area and recreational activity is discouraged, similarly, activity on the beach dunes are discouraged as they are part of a dunes rehabilitation and stabilization programme.*
- A11 The Council report articulates POS provided within Marmion based upon both the WAPC's 10% requirement and the City's POS audit. POS can be used for both passive and active recreational purposes.

Ms M Moon, Greenwood:

Re: Lot 61 No. 14 Leach Street Marmion (CSIRO SITE). As the Shire of Wanneroo, Town Planning Scheme No 1 would have shown the Marmion site as Regional Reserve originally:

- Q1 Could I please be advised on what date (day, month and year) the amendment to the MRS was gazetted approving the unreserving (rezoning) of Lot 61 (No. 14) Leach Road Marmion from Regional Reserve and zoned to the Urban Zone? Could I please have a copy of the gazettal for this amendment?*
- Q2 If at the time of unreserving it was not a regional reserve under the MRS could I please be advised of the classification of Lot 61 Leach Road at the time it was unreserved/rezoned to the Urban and the day, month and year of the amendment? Could I please have a copy of the gazettal for this amendment?*
- Q3 Could I please be advised on what date (day, month and year) the Shire of Wanneroo, town planning scheme no. 1 was amended to reflect the amendment to the MRS of Lot 61 (No. 14) to the Urban Zone (Removal of Regional classification, Parks and Recreation)?*
- Q4 Could I please have a copy of the reports and or the decisions of Council to reserve Lot 61 (no. 14 Leach Street) Marmion Local Reserve for Parks and Recreation?*
- Q5 Please what is the correct information so the Commissioners have all the information for Lot 61 (No. 14) Leach Street Marmion?*
- Q6 Was the TPS1 amended to be consistent with the MRS after the amendment (1974) to the MRS saw the cancellation of this sites regional reserve status and zoned to Urban?*
- Q7 Was the TPS1 amended to formally reserve this site as Local reserve for parks and recreation after the amendment to the MRS, which cancelled its regional reserve status and zoned it to Urban?*
- Q8 On what date (day, month, year) was this site reserved Local Reserve and for what purpose? (Gazettal Date)*

A1-8 Advice was obtained from the DPI who stated that no MRS amendment has ever been approved over the subject land. The subject land was zoned 'Urban' when the MRS was gazetted in 1963 and remains as such. The site was a *Local Reserve* under Town Planning Scheme No 1 (gazetted in 1972) and subsequently remains as such District Planning Scheme No 2.

Q9 *On what date (day, month, year) was the use marine research facility approved by the then Council of Wanneroo and what was the subject lands classification in the TPS1 on this date?*

A9 A definitive answer to this question is unable to be provided, as historical records pertaining to this matter could not be found, however, the facility was initially constructed in 1975. The Shire of Wanneroo TPS1 was in operation at this time, and as such, the land was classified as a reserve for 'Parks and Recreation'.

Ms M John, Marmion:

Q1 *Are the Commissioners aware that the indicative plans provided with any rezoning application are not set in stone and as such often change very substantially between those provided for a rezoning application and those that are then resubmitted in the Structure plan process?*

Therefore a rezoning application could purposefully put forward Indicative plans that are thought to be Council friendly, only to be tossed aside after the application has been approved and replaced with the intended Structure plans - which may not resemble the Indicative plans in any shape or form particularly in relation to block size and density, road layout and vegetation.

Therefore any consideration of a rezoning application must be mindful of the very considerable risks to the local Community of unknown development objectives and hidden motives that are not open for public scrutiny and consideration until the Structure plans are advertised, and are not held accountable for in the critical rezoning application process.

A1 Item number 6 of the recommendation seeks to ensure that the indicative subdivision plan that has been provided will form the basis for preparing any future structure plan application over the site.

Q2 *Are the Commissioners aware that the Community has no final say in the approval of any structure plans following a rezoning application. The usual Community consultation process for Structure plans - is for the Structure plans to be advertised in the local press- end of consultation!*

A2 Item number 5 of the recommendation seeks to ensure that the applicant prepares and submits to the City a community involvement and consultation plan which is to be undertaken at the applicant's cost. This requirement is to supplement the formal consultation process required under the City's District Planning Scheme No 2.

Q3 *Are the Commissioners aware that the Network City Discussion document, also notes the first principles of empowering the local community to protect and conserve local urban bushland and biodiversity.*

A3 Yes. The State Government's Network City proposal has not been finalised by the Western Australian Planning Commission nor endorsed by Parliament. The document is currently in draft form and is subject to further modification/refinement.

Q4 Are the Commissioners aware that The Network City Discussion document also comments on the need for Community Consultation processes to be 'beefed up' in order to protect the local environment.

A4 Refer responses in A3 and A2 above.

Mr T Thorp, Sorrento:

The administration is advising the Commissioners to recommend the rezoning of the CSIRO site in Marmion from "parks & recreation" to "urban".

Q1 Therefore, can you please list the 6 main reasons why the developer wants the rezoning and 6 main reasons why the people of Marmion, Sorrento and Duncraig don't want it rezoned? You can make it brief and in easy to understand English.

A1 The report to Council outlines the applicant's request, and all submissions for and against the proposal from residents of Marmion, Sorrento, and Duncraig.

Q2 Now from these 6 main points from each side on the matter what main points influenced the administration to advise the Commissioners to support the rezoning?

A2 The relevant information is contained within the report to Council.

Mr M Sideris, Mullaloo:

The following questions relate to CJ052-04/05 Proposed Tavern, Boardwalk and Retail Additions on Pt Res 39197 (52) Southside Drive, Hillarys - please advise:

Q1 The size of proposed Liquor Licence area compared to the current Breakwater tavern Licenced area.

A1 The size of the total floor area liquor licence area would likely be for the whole tavern, being 1500sq/m. This information has not been provided at this stage and would need to be provided when applying for a liquor licence for the site. The applicant would be required to apply for a Section 39 and Section 40 from the City of Joondalup as part of the Liquor Licence application process. The applicant has verbally stated that that the existing Breakwater tavern has a total floor area of 1700sq/m.

Q2 The size of the proposed seated and standing areas compared to the current Breakwater tavern.

A2 The proposed seating and standing area of the tavern has been calculated at approximately 1353.28sq/m. The applicant has not specifically designated which areas are for seating and which are for standing. However, the plans provided do illustrate that most of the floor area is for seating. It is likely that the applicant did not

specify these two areas individually as the Hillarys Boat Harbour Structure Plan does not require this to be separated for the purposes of parking calculations. Furthermore, the applicant has not provided any details for the existing floor area of the Breakwater Tavern, but has verbally stated that the existing tavern has a total floor area of approximately 1700sq/m.

Q3 The proposed patron numbers compared to the current Breakwater tavern (if Patron number are not known for the proposed development advise the maximum number capable of being contained within the nominated seated and standing areas.

A3 It would be impossible to ascertain the number of patrons that are proposed to use the tavern facility, if approved. The total number of people that would be permitted to use the facilities is based on many variables, including the number and width of exits, total number of toilets provided, floor area, proposed number of seats and ventilation to name a few. Most of these issues could only be dealt with at building licence stage when an application for a fit-out for the tavern was submitted.

Q4 Advise whether there is a formal reciprocal carparking agreement between the proposer and the maritime users of the facility.

A4 No information has been provided to the City to indicate that there has been a formal reciprocal carparking agreement between the applicant and the maritime users of the facility.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Mr W Cohen, Marmion: *(representing William & Eve Cohen)*

Q1 In a few months the Commissioners will end their assignment and their commitment to Joondalup. We, the community of Marmion, have expressed the strong desire to retain the open space, which has become known as the CSIRO site, by a majority of two thirds. We realise that ignoring the democratic wish of the community and rezoning the land for development will simplify matters for Council, but it will mean that this piece of bus, which can be revived and restored to its former beauty will be lost forever. If the Commissioners vote for rezoning will they be able to live with themselves knowing that they have robbed the Marmion community, and not only this generation, of the bushland and its present amenity standard?

A1 *Response by Chairman Paterson:* This is an issue that the Commissioners will deal with tonight.

Q2 There is much land in the City of Joondalup zoned parks and recreation which would be desirable to purchase. As this has previously occurred in the City of Joondalup it sets a precedent for this to occur. Can Council advise what criteria one would need to meet to purchase such land for private gain?

A2 The criteria Council would apply would be a determination of the current use of the land, the purpose for which it was acquired or vested in the Council, a determination that it is no longer required for the purpose for which it was either vested or purchased by the Council and a full analysis of the benefits achieved from the process of sale.

Mr T Thorp, Sorrento:

Re: Lot 61 Leach Street, Marmion

Q1 In the past 18 months there has been discussion on the rezoning application at 61 Leach Street, Marmion. In that time three deputations, a public meeting and a considerable number of questions have been raised by the Marmion community in Council meetings objecting to the rezoning. Are the Commissioners aware that over this time not one presentation or question to Council by a resident or member of the rate paying public has been put forward in support of the rezoning application?

A1 Response by Chairman Paterson: The Commissioners are aware of all the meetings that have taken place.

Q2 Two previous rezoning applications have obtained overwhelming community objections to the loss of public amenity and public open space, the only change in circumstance since then has been the sale of the land to a private developer. Are the Commissioners aware that there were no guarantees of rezoning given in the terms and conditions of sale of Lot 61 Leach Street, Marmion?

A2 Response by Chairman Paterson: The Commissioners are aware that it is a freehold title unencumbered and that it was sold by CSIRO to a developer.

Mr D Davies, Connolly:

Q1 I refer to my question No 4 submitted to the Council meeting on 14 December 2004. The question relates to the legal expenses incurred by the City and the CEO issue and the McIntyre Inquiry. As provided by Council at the meeting of 22 February 2005 states inter alia: "A response will be provided as soon as is possible."

As 16 weeks have now elapsed since my original question, will Council advise when my question will be answered?

A1 Response by Chairman Paterson: During that 16-week period Council appointed a new CEO. One of the many issues that the CEO has to do is prepare the report in question, which will be tabled as soon as it is ready.

Q2 Will Council please have the following supplementary list of legal services provided to my original question:

- (a) Watts Woodhouse*
- (b) Philips Fox*
- (c) Dixon and Dixon*
- (d) Lloyd and Associates*
- (e) Baker and Associates*
- (f) Mr Bates*
- (g) Mr Davies*
- (h) Mr Hooker*

- (i) Mr Birmingham
- (j) Mr Yates
- (k) Mr Power
- (l) Mr Harding and
- (m) Mr Petite

A2 This question will be taken on notice.

Mr M Caiacob, Mullaloo:

Re: CSIRO Site:

Q1 Prior to the appointment of the new CEO and Commissioner Clough, Commissioners Paterson, Smith, Fox and Anderson dealt with Item CJ304-12/03, the Unreserving of Lot 124 Cook Avenue from Local Reserve and zoning to Urban. The City received advice from the State Government that the wording in the original recommendation was incorrect and required amendment.

Can the Commissioners adequately deal with the printed recommendation tonight, knowing or at least now suspecting that the approval recommendation is incorrect in its wording, when the Department of Local Government requires motions to be clear in their intent, enabling a person to understand the motion without further reference?

A1 The issue referred to by Mr Caiacob related to the use of terminology about de-zoning sites and it was the Department of Planning and Infrastructure that requested that the resolution be reworded.

Q2 Commissioners Clough and Fox were apologies to the Special Electors Meeting regarding Network City and the CEO was not appointed at that date, this informative question is for all Commissioners and yourselves in particular.

The former Council of the City of Joondalup passed by way of a motion, C79-06/02, motion C81-06/02 and motions in Minutes of Meeting of Council of 11 June 2002, Page 158, 159, 161 and 163 lawful decisions that direct the City to the due process, comprehensive not minimal consultation requirements, not considering concept plans unless demonstrably supported, maintaining suburban zoning status quo, substantial community value placed upon reserves, etc. These decisions have not been revoked.

As these relate to planning issues, why doesn't the report to Council highlight these lawful decisions of Council in the interests of unbiasedly fully informing the Commissioners and in respect of the ratepayers' elected representatives previous lawful decisions?

The following questions were tabled by Mr Caiacob:

Q3 What were the reasons for the City's Planning Department and Councillors being invited to the CSIRO site prior to the CSIRO sell off of the land, when there was no planning application proposed or received by the City and no intention of the CSIRO lodging any such application?

- Q4 Who paid for the staff time on this site visit, the CSIRO, the Satterley Group or associate, or the ratepayer?*
- Q5 What was the cost to have two planners attend this site for a minimum of two hours excluding arrangement making and what professional service or advice was given during or after this site visit?*
- Q6 Is it ethical for a City employee to embrace a developer in full view of the public, following discussions relating to that developer's planning application?*
- Q7 Is it ethical for a Commissioner and City employee to wave goodbye to a developer in view of the public following discussions relating to that developer's planning application?*
- Q8 Has the City or its staff provided any written, verbal or implied pre-approval to the applicant either prior to or following a lodgement of an application?*
- Q9 Could I please be specifically directed to those parts of the report to Council that deal with un-reserving a Local Reserve other than public submissions?*
- Q10 Have or did all Commissioners read the public submissions prior to making a decision in the best interest of the Community? Note that as of 8 March 2005 admission was made that there was not enough time to read any submissions and submissions closed on 15 December 2004?*
- Q11 Have all Commissioners read the legal brief and advice in full and did that brief and advice relate to the question that was asked of the City?*
- Q12 What 5AA strategies of the State Government were taken into account by the City in making the recommendation to the Commissioners and where in the report are these addressed?*

A2-12 These questions were taken on notice.

Ms S Hart, Greenwood:

- Q1 Re: Briefing Session – 30 March 2005 – Have Commissioners seen the terms of reference and the legal advice given to the City regarding the CSIRO site?*

A1 *Response by Chairman:* Commissioners do not have to answer questions individually.

Response by the CEO: The question that was originally raised and sent to the Solicitors for advice was raised by one of the Commissioners and the text of that question was submitted to the lawyers. That information was obtained and made available to the Commissioners.

- Q2 Are Commissioners aware that good governance will never be restored to the City of Joondalup until you start answering our questions honestly and openly?*

A2 This question will be taken on notice.

C13-04/05

EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Anderson, SECONDED Cmr Clough that public question time be extended for a period of 10 minutes.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Mr A Bryant, Craigie:

Q1 What progress has been made in regard to providing a Community Centre in the suburb of Craigie? As the City owns a vacant block of land on the corner of Perilya Road and Camberwarra Drive has this site been considered?

A1 A letter was received from the Department of Community Services last Friday. Over the next few days Council will deal with this letter and contact Mr Bryant.

Q2 Re: Fortnightly Recycling and collections of items by the City of Wanneroo – What profit is received from the sale of these recycled items received by the City of Joondalup?

A2 Any revenue generated from the sale of materials is used to reduce the overall operational costs. This question will be taken on notice.

Mr S Kobelke, Sorrento:

Q1 Has any Commissioner or staff member lodged attendance at functions or parties hosted by the Satterley Property Group in the last 9 months and, if so, has the Commissioner or staff member declared an interest prior to voting on Council business that involves the Satterley Property Group?

A1 Response by Chairman Paterson: To the best of my knowledge, there are no Commissioners or staff that have attended any function hosted by the Satterley Group recorded in the register.

Q2 Are Commissioners aware that in 1985, West Australians and in particular residents of the northern suburbs made the major sacrifice of a pristine beach at Sorrento, Hillarys for the construction of a boat harbour? The boat harbour was completed only months before the America's Cup Challenge series and was designed primarily for yachts, powerboats, fishing and aquatic enthusiasts. If so, are the Commissioners aware that the proposed tavern makes a mockery of the sacrifice made by West Australians of their beloved beach? The proposal impacts on the very core of the reasons the boat harbour was built. It impacts on boating, both parking and physically, it impacts on ski paddles and canoeists. It impacts on the future development of yachting and boating; it impacts on the aquatic essence of the boat harbour.

A2 Response by Chairman Paterson: The Commissioners are aware now.

Mr C Marshall, Wembley:

Q1 Re: Business application – Unit 19/6 Davallia Road, Carine. Can the Commissioners please investigate why an application for an art gallery showroom and picture framing service to be located at Unit 19/6 Davallia Road, Carine has been denied approval by the City?

In order to assist the Commissioners in the investigation we have included excerpts from a legal opinion obtained from Philips Fox which confirms under the City of Joondalup's District Planning Scheme No 2 schedule 2, that a showroom and service industry are in fact approved uses for the current zoning of the premises. By way of additional information the Commissioners should also know that the City has previously approved in the same complex, under the same zoning requirements a furniture shop/showroom, a jewellery shop/showroom, bicycle shop/showroom and shoe shop/showroom.

Subsequent to their investigation should the Commissioners conclude that the City has erred in their refusal to approve this application, can they arrange for approval and notification as soon as possible to the applicants?

A1 The site in question is in a Restricted Use zone. Within the Town Planning Scheme there is a definition that is prescribed for art galleries, and an art gallery is not a permitted use in the Restricted Use zone. It is not an issue where there is any discretion, the application does not fit the definition of a showroom and for that reason the application was not approved. This advice has been given to the owners of the site.

Q2 Would a picture framing service be included as part of the use?

A2 The City has been to visit the potential tenant of the centre and has observed the amount of floorspace that is used for gallery activity and for picture framing activity and the City's opinion is that predominately the use is for an art gallery.

Ms M John, Sorrento:

Q1 Re: CSIRO Site – It is notable that this site was originally a nature reserve by the State Government and was probably dedicated as a nature reserve because of its high location along the northern beach coastline, the tall wooded vegetation on the site and the unique geomorphology present. The EPA has also supported the scientific assessment provided by the Department of Conservation and Land Management who has independently and objectively assessed the site with a botanical list that is on record that has been also confirmed by other independent botanists.

Are you aware that Mr Martin Bowman who presented his personal thoughts on this site at last week's briefing session left out his most distinctive title in that he is currently Vice-President of the Urban Development Institute of Australia WA chapter? Do the Commissioners think it is reasonable to ignore the advice of disinterested public, professional agencies in favour of a development industry representative with a vested interest in urban development?

A1 *Response by Chairman Paterson:* Mr Bowman made that statement while he was at the Briefing session.

Q2 *The Commissioners have been appointed to return good governance to the City of Joondalup. The rezoning application before you tonight requires a decision based on the merits of the case. The community has yet to hear of any benefits with this rezoning application. Can the Commissioners confirm their understanding of the community's stated dis-benefits to this rezoning application including loss of opportunity to make up the acknowledged lack of open space in Marmion, loss of opportunity to retain the only piece of remnant vegetation left in Marmion including vegetation classified by the Department of CALM scientific appraisal of the vegetation as being significant and of local interest. The loss of an important and much loved and valued community amenity in the suburb of Marmion?*

A2 *Response by Chairman Paterson:* The Commissioners will deal with the issue tonight.

Ms M Westenhaven, Marmion:

Q1 *Re: Zoning Application Lot 61 Leach Street, Marmion – My question is about the subjective and speculative definition of public open space. From the different calculation methods, the different uses of land classified as public open space and the lack of public participation in determining what is public open space. Public open space by its very name is for the public, the average Western Australian suburb has important natural assets that are taken for granted, that of remanent bushland. I do not know of a local suburb that does not contain remnant vegetation as public open space?*

Do the Commissioners think it is reasonable that public open space can be rezoned for private development gain at the behest of both current and future residents and that parks and recreation land can be purchased for the replacement cost of public toilets and metal swings in the event that cash in lieu of POS is allowed in a rezoning application?

A1 *Response by Chairman Paterson:* The Commissioners will deal with these issues tonight.

Q2 *Do the Commissioners feel that it is appropriate for Planning officers to be seen in the Council Chamber foyer hugging the applicant of a rezoning application before a Briefing Session and do the Commissioners agree that such positive body language suggests a very familiar and personal working relationship that may not be appropriate for the public and independent roles of the City's officers?*

A2 *Response by CEO:* All I can say is I'm not into hugging people in my professional capacity and I don't expect any of the staff would either.

C14-04/05

EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Clough, SECONDED Cmr Fox that public question time be extended for a further period of 10 minutes.

The Motion was Put and**CARRIED UNANIMOUSLY (4/0)****Ms T Miller, Marmion:**

Q1 Re: Rezoning Application – Lot 61 Leach Street, Marmion – Do the Commissioners consider that replacing a piece of potentially open space containing scarce remnant vegetation with suburban housing will increase the sustainability and liveability of the City of Joondalup and if so how?

A1 Response by Chairman Paterson: This is a matter the Commissioners will deal with tonight.

Q2 Re: Rezoning Application – Lot 61 Leach Street, Marmion - Regulations provided by the Market Research Society of Australia indicate that any comment provided within basic demographic reference such as name and address should be included in public research and analysis of summations. Why have the submissions with no names, no addresses been included in the summary of submissions in the advertising period?

A2 The Town Planning Regulations require that the submissions be recorded and considered regardless of whether the origin of those submissions is legible.

Mr R Miller, Marmion:

Q1 Re: Rezoning Application – Lot 61 Leach Street, Marmion – Under the Town Planning Scheme an urban development zoning is a regional issue as well as a local issue. Can the Commissioners confirm unequivocally that the urban development zoning being applied for in an R20 residential area will not result in the development in Marmion that contains high rise, commercial units and other building features not present in the residential R20 codes?

A1 The intention of the application is not to allow such development as described.

Q2 Re: Rezoning Application – Lot 61 Leach Street, Marmion – The Briefing report provided by the officers to the Commissioners contains biased and misleading information. The report states that 10% of public open space should be considered in the rezoning application and later in the same report the officers note that the City considered cash in lieu for the required 10% public open space. Given the precedent set by previous rezoning attempts and on going community outrage over this third rezoning attempt, is the City of Joondalup considering reducing the rates of those residents in Marmion to compensate them for the rezoning of parks and recreations, public open space for private gain and urban development in a residential area.

A2 Response by Chairman Paterson: No.

Mr N Gannon, Sorrento:

Q1 Re: CSIRO Site, Marmion – Are the Commissioners aware that:

- (a) three independent botanical surveys on this site have confirmed the presence of six endangered flora species;*
- (b) of previous environmental assessments commissioned by the CSIRO Éclat Pty Ltd which recommended maximum retention of existing landscape qualities including remanent vegetation, given that the scenic value of the site and the fact that it falls into the highest landscape management zone where the visual quality objectives should be compatible in overall scale and form with the existing and surrounding area;*
- (c) an area in which significant mature trees and discernible landscapes faces major homes.*

Importantly the report suggests that the City has significant value in representing the predevelopment and environment of the surrounding area and should be managed to enhance its value as remanent bushland?

A1 There has been advice provided to the Commissioners both for and against the retention of parts of the site at least for environmental significance. The summary view is expressed in Council's report and that is the information put forward for consideration.

Q2 Are the Commissioners aware that it is possible that there are clawback clauses in the terms of sale conditions between the CSIRO, Hawaiian Investments, Satterley Estate Developments, Webb and Brown-Neaves and Dale Alcock Homes and others which comprise Marmion Estates Development and that this may well have been necessary in the CSIRO's bid to sell the land that once was a nature reserve? Gazetted from Marine research and then two failed rezoning attempts later sold to a private developer with a significant relationship with the City of Joondalup.

A2 The application for rezoning is before us, Council must deal with the information it has. What legal arrangements exist between the past owner and the current owner are not matters that Council can use to deal with the zoning.

Mr J McNamara, Sorrento:

Q1 Re: Zoning Proposal for the land formerly owned by CSIRO from Parks and Recreation to Urban Development – If the Commissioners resolve to approve the rezoning this evening, will the Commissioners or the City explain to ratepayers opposed to the rezoning what advantages this rezoning will bring to the suburb of Marmion and the ratepayers of the City of Joondalup?

A1 *Response by Chairman Paterson:* Hopefully that will come through the discussion with the City. The Commissioners are here to represent the City as a whole.

Q2 Traffic in this issue has not been properly resolved or even addressed. I notice in the report of 15 March 2005, the City appears to be satisfied with the increase of traffic and suggests that there may not be problems caused. Has the Engineering Department taken into consideration the concentration of traffic rather than the absolute number? The large number of vehicles seeking to enter Cliff Street and particularly West Coast Drive at work time and the time for delivering children to school?

A2 The traffic analysis undertaken suggested that the additional lots would not impact on the capacity of the road to take that volume. As far as concentration of traffic goes, issues in relation to treatments at intersections would be dealt with in the detailed subdivisional planning process, should the development proceed, and it is premature to look at the detailed design at this stage.

C15-04/05 EXTENSION OF PUBLIC QUESTION TIME – [01122] [02154]

MOVED Cmr Clough, SECONDED Cmr Fox that public question time be extended for a further period of 10 minutes.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Mr J Hollywood, Burns Beach:

Q1 Re: Currambine Community Centre – In 1999 the ratepayers of Burns Beach, Iluka, Ocean Reef, Connolly, Currambine and Kinross were promised a community centre at the Currambine Shopping Centre. In the past six years Satterley Group has given a parcel of land for this development. When will the Community Centre be starting?

A1 It has taken Council several years to finalise the acquisition of the site for the community centre, and the site is now available. The owners of the centre have submitted a structure plan with a number of suggestions in terms of relocating that site to try and improve the future of that centre. The City is currently negotiating with the owners in terms of the structure plan and would expect the structure plan to come back to Council within three to four weeks for consideration. It would then follow a budget process to ensure that Council has funds to construct a centre.

Q2 There was an amount of \$800,000 put aside by Community Services for this Community Centre at Currambine. My understanding is that the money has now been taken away from the Community Centre at Currambine and given to Craigie to build a Community Centre there. Can I have Council's guarantee that the money put aside for Currambine Community Centre will be spent at Currambine and for the Community Centre for the ratepayers of that area?

A2 The Department of Community Services has withdrawn its support for a proposal at the Currambine location, on the basis of survey work it undertook, and the Department is now looking at transferring those funds to a centre in Craigie. The future of any Centre at Currambine will rest with Commissioners at budget time as to whether there is still a need for a Centre, what sort of Centre should be built there and if there are the required funds to build a Centre.

Ms M Zakrevsky, Mullaloo:

Re: CJ052-04/05 – Proposed Tavern Boardwalk and retail additions on Part Reserve 39197 Southside Drive, Hillarys (Marina) and the answer in the Briefing Session Agenda 30 March 2005, Page v to my questions at the Briefing Session on 8 March 2005 that “Plans were available at the Council Offices”.

Q1 Where were the plans and related details available for the public, so they could make informed submissions during the public comment period 6 January 2005 to 3 February 2005 as:

- (a) In the Joondalup Library there was only a large colourful sketch of the proposal but no plans, none on display or available or on request, and*
- (b) In the Administration public precinct i.e., Administration desk and display boards in the public foyer, none on display and none made available when we went to the desk and requested to see them?*

If the planning staff had the plans (and therefore the plans were in the Council Offices, as stated in the answer to me) because they were working on them, why did the answer not state that, instead of inferring that my husband and myself were mistaken?

Commissioners and CEO Mr Hunt, do you believe that it is sufficient for members of the public to have to base their comments or submissions on a colourful media release sketch by the developers in the Community Newspaper and in the Joondalup public library and in the Marina on Tuesday afternoon, 11 January 2005?

A1 The plans were available in the office for inspection. At any given time there are 50 to 100 development applications available for public comment. All of those applications are not on display; the plans are with the Council officers. Advertising is not initiated unless Council has processed an application to the extent that it is satisfied with the detail in the application. Staff previously confirmed that the plans were available but this information will be clarified.

Q2 Could Commissioners and the CEO ensure that plans and related details like proposed patronage, floor area, parking requirements etc., are available to the public for the period advertised as a matter of course and not subject to concocted copyright restrictions by developers and supported by staff?

A2 Plans will be displayed wherever possible, however the City must abide by copyright requirements.

APOLOGIES AND LEAVE OF ABSENCE**Leave of absence previously approved:**

Cmr S Smith - 5 April 2005

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

Nil.

CONFIRMATION OF MINUTES**C16-04/05 MINUTES OF COUNCIL MEETING, 22 FEBRUARY 2005**

MOVED Cmr Anderson, SECONDED Cmr Clough that the Minutes of the Council Meeting held on 22 February 2005 be confirmed as a true and correct record, subject to the following correction:

Page 22 – “Mr Caiacob tabled the following questions” be amended to read “Mr Cusack”

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

C17-04/05 MINUTES OF COUNCIL MEETING, 15 MARCH 2005

MOVED Cmr Anderson, SECONDED Cmr Clough that Council that the Minutes of the Council Meeting held on 15 March 2005 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**THANK YOU TO CMR CLOUGH**

A big thank you to Deputy Chairman, Peter Clough for officiating at Council, the Joondalup Festival and other recent events.

EASTER BREAK

I hope everybody had a safe and enjoyable Easter break. Of course, many people are now also looking forward to the April school holidays.

APRIL SCHOOL HOLIDAYS

There is plenty to do right here in the City of Joondalup to keep the children entertained. The City has once again put together an excellent line-up of fun activities at Joondalup libraries and the Craigie Leisure Centre.

Pick up a program from your local library for free activities, suitable for 4-13 year olds, including interactive juggling, water shows, a mad scientist competition and the chance to experiment with sub-zero temperatures.

The Craigie Leisure Centre also has a host of action-packed activities to beat the boredom these school holidays. Fully supervised fun with an excursion planned daily.

RETURN OF SUNDAY SERENADES

The popular Sunday Serenades returns this Sunday, 10 April 2005 at 2.00 pm in the Joondalup Civic Chambers, with talented guitarists, the Brett Hardwick duo.

Sunday Serenades is held at the new time of 2.00 pm on the second Sunday of each month, from April until November this year.

The concert series is a great use of our fantastic Civic Chamber with its excellent acoustics and offers something for the more discerning music lover. Sunday Serenades is one of the few opportunities to enjoy classical music in the Joondalup region.

LAUNCH OF YOUTH NOTEBOOK

I was proud to launch the 2005 Youth Notebook "My Money, My Life" at West Coast TAFE recently. This fantastic new notebook, an initiative by the City of Joondalup and produced in partnership with West Coast TAFE and the Department of Community Development office for children and youth, is a valuable resource for young people in the Joondalup region and aims to give them a head start on how to manage their finances.

Building on the success of last year's pilot Youth Notebook which covered topics such as buying your first car, moving out of home, mobile phones, credit cards and budgeting, the 2005 edition also looks at issues such as body image, how to party smartly, peer pressure and self-esteem.

Already, over 3,000 copies have been sent to Year 12 students throughout Joondalup, free of charge.

JOONDALUP FESTIVAL

Once again, the Joondalup Festival proved a huge hit with the tens of thousands of people who attended the recent two-day carnival.

The seventh festival showcased 60 artists and featured Cubanismo, a 15-piece Latin band from Cuba, who played over both nights.

Over 2,000 people participated in the colourful annual parade on Saturday night and the Festival finale rounded off the weekend with 200 drummers in the Samba drumming workshop and a fireworks spectacular.

NO ELECTION FOR CITY OF JOONDALUP

I would like to remind everyone that the City of Joondalup will not be involved in the Local Government elections on 7 May this year, and residents will not be required to vote.

The Council currently remains suspended while the McIntyre Inquiry into the City continues.

The Inquiry has been instructed to make a recommendation on whether the Council should be reinstated or dismissed. Hearings are still taking place, with witnesses scheduled until April.

The Commissioners appointed by the State Government will remain at the City until after the report of the Inquiry, when an election day for Joondalup will be set.

PETITIONS

Nil.

CJ044 - 04/05 MINUTES OF CBD ENHANCEMENT PROJECT STEERING COMMITTEE MEETING – 2 MARCH 2005 – [53469]

WARD - Lakeside

CJ050330_BRF.DOC:ITEM 1

PURPOSE

To submit the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 2 March 2005 to Council.

EXECUTIVE SUMMARY

The CBD Enhancement Project Steering Committee met on Wednesday 2 March 2005.

Items of business discussed included:

- Replacement of CBD Enhancement Project Steering Committee Members; and
- CBD Enhancement Project Steering Committee Workshop.

A brief update was provided on the Committee's ongoing business items, which include the Swap Mart in the Joondalup City Centre, public toilets facilities in the Joondalup CBD and the Joondalup CAT service.

This report recommends that Council:

- 1 *NOTES the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 2 March 2005, shown at Attachment 1 to this Report;*
- 2 *BY AN ABSOLUTE MAJORITY, AMENDS the membership of the CBD Enhancement Project Steering Committee to include a Community Representative and amends the Terms of Reference accordingly;*

3 *BY AN ABSOLUTE MAJORITY, APPOINTS the following members to the CBD Enhancement Project Steering Committee:*

- (a) Mr John Willet as the Joondalup CBD Business owner representative;*
- (b) Mr Ben Stewart as Community representative;*
- (c) Ms Clair Hand as the Youth Advisory Committee representative.*

BACKGROUND

A meeting of the CBD Enhancement Project Steering Committee was held on Wednesday 2 March 2005.

DETAILS

The minutes of the CBD Enhancement Project Steering Committee meeting held on Wednesday 2 March 2005 are provided at Attachment 1.

Items discussed at the meeting included:

1 Replacement Of CBD Enhancement Project Steering Committee Members

The City has received two (2) applications in response to the advertisements for new Committee members that were placed in the Joondalup Community Newspaper in January 2005. In addition the Youth Advisory Committee (YAC) has nominated a new YAC member to sit on the CBD Enhancement Project Steering Committee.

2 CBD Enhancement Project Steering Committee Workshop

This item highlights the findings from the CBD Enhancement Project Steering Committee review process and key issues for the Joondalup CBD that will be addressed in the CBD Enhancement Project Steering Committee Workshop. The Committee resolved to hold this workshop at the next meeting on 25 May 2005.

ATTACHMENTS

Attachment 1 Minutes of CBD Enhancement Project Steering Committee meeting held on 2 March 2005.

VOTING REQUIREMENTS

Absolute Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 NOTES the unconfirmed minutes of the CBD Enhancement Project Steering Committee meeting held on 2 March 2005, shown at Attachment 1 to Report CJ044-04/05;**
- 2 AMENDS the membership of the CBD Enhancement Project Steering Committee to include a Community Representative and amends the Terms of Reference accordingly;**

3 APPOINTS the following members to the CBD Enhancement Project Steering Committee:

- (a) Mr John Willet as the Joondalup CBD Business owner representative;**
- (b) Mr Ben Stewart as Community representative;**
- (c) Ms Clair Hand as the Youth Advisory Committee representative.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (4/0)**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf300305.pdf](#)

CJ045 – 04/05 PRINCIPAL ACTIVITIES PLAN – [38432]

WARD - All

CJ050330_BRF.DOC:ITEM 18

PURPOSE

To provide Council with information on proposed amendments to the Local Government Act 1995 in relation to the Principal Activities Plan and to seek Council endorsement, upon proclamation of such amendments, for a 30-day public comment period for the Strategic Financial Plan (formerly Principal Activities Plan) 2005/06 to 2009/10.

EXECUTIVE SUMMARY

The Local Government Amendment Act 2004 (section 42) will remove the need for principal activity planning and replace it with a requirement for a more general “plan for the future”. Sections 5.56, 5.57 and 5.58 of the *Local Government Act 1995* will be repealed and replaced by a new section 5.56. The Local Government Amendment Act is likely to be proclaimed in late March 2005.

The Department of Local Government and Regional Development has provided advice that it is not intended to introduce the associated regulations for the 2005/6 budget process. The only requirement under section 6.2 for the 2005/06 budget will be that councils will need to have regard to such a plan for the future and the process and content of the plan will be subject to determination by individual local governments. The new regulations will apply for the 2006/07 financial year.

The City is still proceeding with the production of the Principal Activities Plan (PAP) for the 2005/06 financial year although the Plan is to be renamed the Strategic Financial Plan to better reflect the function the Plan has in linking the City’s financial capacity with the strategic directions set by Council.

In order to have the 2005/06 budget adopted in July, upon proclamation of the Amendment Act it is recommended that the public comment period for the plan be set at 30 days for the 2005/06 Strategic Financial Plan.

BACKGROUND

Advice received from the Western Australian Local Government Association is that the recent amendments to the Local Government Act are to be proclaimed in late March 2005. These amendments will remove the requirement for the City to adopt and report on a PAP.

In its place will be the requirement for a local government to plan for the future, and in determining its annual budget, to consider this plan when formulating the budget (section 6.2(2)).

Council established the Strategic Financial Management Committee (CJ249-11/04) to promote and advocate sound financial management within the City and provide advice to the Council on strategic financial management issues. The terms of reference for the Committee include the preparation of the PAP, alignment of the PAP to the Strategic Plan, consideration of the submissions to the PAP and final acceptance of the PAP.

Strategic Plan:

Key Focus Area 4 – Organisational Development

4.1 “To manage the business in a responsible and accountable manner”

4.1.1 Ensure financial viability and alignment to plan

DETAILS

The amendments to the Local Government Act 1995 have completed the parliamentary processes and were accented to on 12 November 2004. Regulations have been established to support the changes and they are awaiting proclamation. Upon proclamation they become enforceable for all local governments in Western Australia. The formulation of the regulations has been undertaken by the Department of Local Government and Regional Development and has been the subject of consultation processes with the Western Australian Local Government Association and Local Government Managers Australia.

Advice from the Western Australian Local Government Association is that the proclamation of the Act and the implementation of the Regulations could reasonably be expected by late March 2005 and will come into effect immediately.

The major impact of the legislative changes will be the deletion of all references to the current plan of principal activities (Part 5, Division 5). In its place will be the requirement for a local government to plan for the future, and in determining its annual budget, to consider this plan when formulating the budget (section 6.2(2)). The details are to be included in the Regulations. At this stage the requirements are likely to take the following form:

- A local government is to make a plan for the future of its district in respect of the period specified in the ‘plan for the future’ (being at least 2 financial years).
- A plan for the future of the district is to set out the broad objectives of the local government for the period specified in the plan.
- A local government is to review its current plan for the future of its district every 2 years and may modify the plan, including extending the period the plan is made in respect of.
- Within 30 days after a plan for the future is made, or modified, it is to be submitted to the council.

- A council is to consider a plan, or modifications submitted to it and is to determine whether or not to adopt the plan, or the modifications, as is relevant.
- If a plan, or modified plan, is adopted by the council then the plan or modified plan is to apply to the district for the period of time specified in the plan.
- A local government is to ensure that the electors and ratepayers of its district are consulted as to the development of a plan for the future of the district, and any modifications to the plan.
- A plan for the future is to contain a description of the involvement by the electors and ratepayers in the development of the plan, and any modifications of the plan.
- A local government is to ensure that a plan for the future made in accordance with this regulation applies in respect of each financial year, beginning with the financial year commencing 1 July 2006.

The Department of Local Government and Regional Development has provided advice that for the 2005/6 budget process, it is not intended to introduce the associated regulations specifying, amongst other things, the broad content for such plans.

The only requirement under section 6.2 for the 2005/06 budget will be that councils will need to have regard to such a plan for the future and the process and content of the plan will be subject to determination by individual local governments. The new regulations will apply for the 2006/07 financial year.

Statutory Provision:

Under the Local Government Act (1995) Section 5.56

“Each local government is to prepare a plan for the next 4 or more financial years”

The Amendment Act (Clause 42) will require local governments to ‘plan for the future’ and that plans should be prepared every two years (at least).

Current legislation determines that the PAP is to be advertised for a period of not less than 6 weeks during which time public submissions can be made. At the conclusion of the advertising period Council is required to consider any submissions made and may amend its PAP. Council will then adopt a final PAP as part of its budget adoption procedures.

The Local Government Amendment Act 2004 (Clause 42) does not stipulate a public comment period but does require councils to consult with the electors and ratepayers in the development of the ‘plan for the future’.

Strategic Implications:

The Strategic Financial Plan (formerly Principal Activities Plan) 2005/06 will provide forward financial details for the next five years.

Sustainability Implications:

The development of a Strategic Financial Plan will establish a sustainable financial plan for the future through the provision of sufficient funds to allow capital projects and new initiatives to be implemented, ensure the City’s infrastructure is maintained, and ensure Council has the financial flexibility to respond to community needs now and into the future.

Community Consultation:

The draft Strategic Financial Plan (formerly Principal Activity Plan) 2005/06 will be made available through the City's libraries, at the City's Customer Service Centres, on the City's web site, State and local newspapers, and upon request for a period of 30 days. Members of the public will be invited to make submissions. Once all submissions have been considered, the draft Plan 2005/06 will be adopted with or without modification and will then be made available to the public.

COMMENT

Upon proclamation the new regulations will come into effect immediately however will not apply until the 2006/07 financial year. The 2005/06 financial year is, in effect, a transition period.

The City is still proceeding with the production of the PAP for the 2005/06 financial year although the Plan is to be renamed the Strategic Financial Plan to better reflect the function the Plan has in linking the City's financial capacity with the strategic directions set by Council.

Council is committed to financially plan for the future in an open and accountable manner and the Strategic Financial Plan (formerly the Principal Activities Plan) will provide an overview of the major projects and programmes, and funding options that may be considered by Council over the period of the Plan.

The Plan will provide the community with opportunities to provide comment on the major projects and programmes the City intends to undertake for the period of the Plan, and the performance indicators which will measure the City's success in delivering these services.

In order to adopt the 2005/06 Budget in July it is proposed that, following proclamation of the regulations, a 30 day public comment period for the Plan be instituted for 2005/06. This will still enable significant opportunities for the community to provide comments on the Plan and for such comments to be considered by Council prior to acceptance of the Strategic Financial Plan, and adoption of the 2005/06 Budget.

The City provides a range of other opportunities for public comment on various projects and matters. The following are some of the statutory requirements under the Local Government Act 1995 and provide a basis for comparison for the recommended 30-day comment period for the Strategic Financial Plan, upon proclamation of the Local Government Amendment Act 2004:

- 14 days for Development Applications (Statutory) minor
- 28 days for Development Applications that may have a impact on the surrounding area - major proposed developments (Statutory)
- 42 days for Amendments to the City's District Planning Scheme
- 30 days for Structure Plans
- 42 Days for Major Land Transactions

The introduction of the 30-day public comment period for the Strategic Financial Plan (formerly Principal Activities Plan) is an interim measure to address the transitional nature of the 2005/06 financial year given the imminent changes to the Local Government Act 1995, and to enable Council to adopt the 2005/06 Budget in July.

Council, through the establishment of the Strategic Financial Committee, is progressing a Strategic Financial Plan over a 20-year time horizon in order to encapsulate the whole of life costs and replacement cycles of long-term assets. It is anticipated that this Plan will be prepared by October 2005 and will be the subject of extensive community consultation.

Attachment 1 provides a diagrammatic representation of the City's planning cycle and the link between strategic planning and financial planning.

ATTACHMENTS

Attachment 1 Diagram of the City's Planning Cycle

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council APPROVES a 30-day public comment period for the Strategic Financial Plan 2005/06 – 2009/10 following proclamation of the Local Government Amendment Act 2004.

Cmr Anderson spoke in support of the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 18 refers

To access this attachment on electronic document, click here: [Attach18agn050405.pdf](#)

**CJ046 - 04/05 WARRANT OF PAYMENTS 28 FEBRUARY 2005 –
[09882]**

WARD - All

CJ050330_BRF.DOC:ITEM 2

PURPOSE

The Warrant of Payments for the month ended 28 February 2005 is submitted to Council for approval.

EXECUTIVE SUMMARY

This report details the cheques drawn on the funds during the month of February 2005 and seeks approval by Council for the payments listed.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	69446 - 69675 & EFT 1766 – 1812	\$3,036,335.74
Municipal Account	70001 – 70327, EFT 2000 – 2179, 41A - 42A, and 000739 – 000745	\$9,670,254.58
Trust Account		Nil
		\$12,706,590.32

The Director Corporate Services & Resource Management Advance Account is an imprest account and was reimbursed from the Municipal Account during the month. All future creditor payments will be made through the Municipal Account and the Director Corporate Services and Resource Management Advance account will be closed at the end of April 2005 as approved by Council at its meeting of 14 December 2004 (CJ308-12/04).

Note – During this interim period, creditor payments were made from the Director Corporate Services and Resource Management Advance Account (\$3,036,335.74) and from the Municipal Account (\$3,117,996.73). Total creditor payments of \$6,154,332.47 are detailed on Attachment A.

The difference in total between the Municipal Account and the Director of Corporate Services & Resource Management Advance Account is attributable to the direct debits by the Westpac Bank and the bank charges, credit card charges, investments and dishonoured cheques being processed through the Municipal Fund. The cheque and voucher registers are appended as Attachments A & B.

The total of all other outstanding accounts received but not paid at the close of February 2005 was \$557,036.75.

CERTIFICATE OF THE DIRECTOR OF CORPORATE SERVICES & RESOURCE MANAGEMENT

This warrant of payments to be passed for payment, covering vouchers numbered as indicated and totalling \$12,706,590.32 which is to be submitted to Council on 5 April 2005 has been checked, is fully supported by vouchers and invoices and which have been duly certified as to the receipt of goods and the rendition of services and as to prices, computations and costing and the amounts shown were due for payment.

.....
 PETER SCHNEIDER
 Director Corporate Services & Resource Management

CERTIFICATE OF CHAIRMAN OF COMMISSIONERS

I hereby certify that this warrant of payments covering vouchers numbered as indicated and totalling \$12,706,590.32 was submitted to Council on 5 April 2005.

.....
JOHN PATERSON
Chairman of Commissioners

DETAILS

Statutory Provision:

The Council has delegated to the CEO the exercise of its power to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared. In addition regulation 13 (4) requires that after the list of payments has been prepared for a month, the total of all other outstanding accounts is to be calculated and a statement of that amount is to be presented to the Council.

ATTACHMENTS

Attachment A Warrant of Payments for Month of February 2005
Attachment B Municipal Fund Vouchers for Month of February 2005

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Clough that Council APPROVES for payment the following vouchers, as presented in the Warrant of Payments to 28 February 2005 certified by the Chairman of Commissioners and Director Corporate Services & Resource Management and totalling \$12,706,590.32.

FUNDS	DETAILS	AMOUNT
Director Corporate Services & Resource Management Advance Account	69446 - 69675 & EFT 1766 - 1812	\$3,036,335.74
Municipal Account	70001 - 70327, EFT 2000 - 2179, 41A - 42A, and 000739 - 000745	\$9,670,254.58
Trust Account		Nil
		\$12,706,590.32

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf300305.pdf](#)

CJ047 - 04/05 FINANCIAL REPORT FOR THE PERIOD ENDING 28 FEBRUARY 2005 – [07882]

WARD - All

CJ050330_BRF.DOC:ITEM 3

PURPOSE

The February 2005 financial report is submitted to Council to be noted.

EXECUTIVE SUMMARY

The February 2005 year to date report shows an overall variance (under spend) of \$14.7m when compared to the year to date revised budget approved by Council at its meeting of 15 March 2005 (CJ030-03/05).

This variance can be analysed as follows:

- The **Operating** position (Change in Net Assets Before Reserve Transfers) shows an actual surplus of \$21.3m compared to a budgeted surplus of \$17.7m at the end of February 2005. The \$3.6m variance is primarily due to a favourable variance in income from rates instalment interest and charges, interest income, employee costs, consultancy costs, administration costs and utilities.
- **Capital Expenditure** is \$1.0m against the year to date budget of \$2.6m. The \$1.6m under spend is due to the deferral of heavy and light vehicle purchases and IT related projects.
- **Capital Works and Corporate Projects** expenditure is \$7.2m against the year to date budget of \$16.7m. This is a timing difference of which \$5.1m relates to normal Capital Works while \$4.4m relates to Capital Works classified as Corporate Projects. Total committed funds in relation to all Capital Works are \$11.5m.

DETAILS

The financial report for the period ending 28 February 2005 is appended as Attachment A.

Statutory Provision:

In accordance with Section 6.4 of the Local Government Act 1995 a local government is to prepare an annual financial report for the preceding year and such other financial reports as are prescribed. Regulation 34 of the Local Government (Financial Management) Regulations 1996 details those other financial reports which need to be prepared and states that they are to be presented to Council and recorded in the minutes of the meeting at which they are presented.

ATTACHMENTS

Attachment 1 Financial Report for the period ending 28 February 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that the Financial Report for the period ending 28 February 2005 be NOTED.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf300305.pdf](#)

**CJ048 - 04/05 PETITION: EDDYSTONE AVENUE, BELDON -
SPEEDING AND ANTISOCIAL DRIVER
BEHAVIOUR – [01308]**

WARD - Pinnaroo

CJ050330_BRF.DOC:ITEM 4

PURPOSE

The purpose of this report is to address petitioners' concerns for traffic calming of Eddystone Avenue, Beldon.

EXECUTIVE SUMMARY

The City has received a 10-signature petition from residents of Eddystone Avenue requesting traffic calming on Eddystone Avenue between Gradient Way and Ocean Reef Road.

On the basis of the traffic investigations and preliminary discussions with the petitioners, a traffic calming treatment for this section of road has been supported. This concept proposal will be further developed and listed for consideration on a priority ranking in the Capital Works programme.

This report recommends that Council LISTS for consideration on a priority ranking the installation of parking embayments and island nibs in the kerbside lane of Eddystone Avenue between Gradient Way and Ocean Reef Road in the 2005/06 Five Year Capital Works Program.

BACKGROUND

The section of Eddystone between Gradient Way and Ocean Reef Road, Beldon, is a dual carriageway and unlike the rest of Eddystone Avenue has not had any traffic calming treatment. It is a local distributor, and as such a road of this type may be expected to carry up to 6000 vehicles per day. The speed limit was reduced to 50 km/hr as part of the standard speed limit for built up areas in 2001. There is a shopping centre on the western corner of Ocean Reef Road and Eddystone Avenue, with fast food outlets.

In June 2004, the City received a 10-signature petition from residents of Eddystone Avenue requesting traffic calming along the dual carriageway section of Eddystone Avenue between Gradient Way and Ocean Reef Road.

The petitioners were particularly concerned about the speed and antisocial behaviour of drivers, and the possibility of accidents, particularly for residents entering and exiting their properties.

In view of this, a comprehensive survey and traffic assessment of traffic flow data was carried out along the section of Eddystone Avenue, between Gradient Way and Ocean Reef Road.

DETAILS

A detailed assessment of the survey of traffic data collected in October/November 2004 indicated that the current volume of traffic using that portion of Eddystone Avenue is around 6500 vehicles per day (mid-week).

The survey data indicated that the 85th percentile speed (the speed at which 85% of the traffic on a particular road is travelling at or below) of vehicles recorded on Eddystone Avenue over a 24-hour period is 64km/h. In each hourly slot, the 85th percentile was 60km/h or above.

In the five-year period 1998-2003 there were 27 crashes along that section of Eddystone Avenue. Of these, 17 out of 18 were non-injury crashes that were at driveways where vehicles are exiting properties, and there was one pedestrian fatality.

The recommended treatment for Eddystone Avenue as shown in attachment 1, is to convert the kerbside lanes to residential parking except on the western carriageway adjacent to the shopping centre. The petitioners have supported this concept proposal unanimously and the design concept is being finalised for full community consultation.

Financial Implications:

No funding has been allocated for this proposed treatment and therefore the project will be listed for consideration in the Five-Year Capital Works Program.

Strategic Implications:

This proposed treatment is in line with Strategy 3.1.1, Plan the timely design, development, upgrade and maintenance of the City's infrastructure.

In addition the consultation process meets with all strategies of the objective 4.3, to ensure the City responds to and communicates with the community.

Sustainability Implications:

Traffic calming treatments carried out throughout the City are beneficial to the community wellbeing because they generally reduce overall speeds, improving safety for road users and residents, as well as reducing stress caused by speeds and anti-social driver behaviour.

Most traffic calming treatments incorporate soft landscaping, which improves the aesthetics of the area and assists in neutralising carbon emissions from vehicles on the road.

This proposed treatment is financially viable with respect to benefit costs and aligns with the strategic plan. It provides service delivery that meets the needs of the residents and the community consultation is clear, effective and tailored to the specific nature of the community on Eddystone Avenue.

There are limited environmental considerations as Eddystone Avenue is in an urban built up area.

Community Consultation:

The petitioners in this instance have unanimously accepted the proposal. A fully developed concept plan will be circulated to all residents and stakeholders in this section of Eddystone Avenue.

COMMENT

Eddystone Avenue from Whitfords Avenue to Craigie Drive has been treated with traffic calming measures in 2003/04 and the section from Ocean Reef Road to Joondalup Drive was completed in December 2002.

The section from Craigie Drive to Gradient Way was treated over eight years ago. The last section that has not had any traffic calming measures installed is between Gradient Way and Ocean Reef Road. This section ends in a four way dual carriageway signalised intersection and has a shopping centre and fast food outlets on the corner.

The traffic volumes are significant on this section of road and speeds are much higher than the posted limit. Whilst traffic calming undertaken will not address the antisocial element, the proposed treatment is likely to reduce overall speeds and greatly improve the safety of residents, particularly with respect to driveway crashes and pedestrian safety.

It is therefore proposed to list the treatment for consideration in the Five Year Capital Works Program.

ATTACHMENTS

Attachment 1 Concept Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Anderson that Council LISTS for consideration on a priority ranking the installation of parking embayments and island nibs in the kerbside lane of Eddystone Avenue, Beldon between Gradient Way and Ocean Reef Road in the 2005/06 Five Year Capital Works Program.

Cmr Anderson spoke in support of the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf300305.pdf](#)

**CJ049 - 04/05 TENDER NUMBER 040-04/05 - SUPPLY AND
INSTALLATION OF TOILET BLOCK AT ILUKA
FORESHORE RESERVE – [57569]**

WARD - All

CJ050330_BRF.DOC:ITEM 5

PURPOSE

To seek the approval of Council to not accept any of the tenders received for the supply and installation of a toilet block at Iluka Foreshore Reserve and to recall tenders for this project.

EXECUTIVE SUMMARY

Tenders were advertised on 23 February 2005 through statewide public notice for the Supply and Installation of a Toilet Block at Iluka Foreshore Reserve. Tenders closed on 10 March 2005. Two submissions were received from: N & R Contracting and Lakis Constructions Pty Ltd.

It is recommended, in relation to tender number 040-04/05, that Council:

- 1 DEEMS the tender submitted by N & R Contracting as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because it failed to fully comply with the essential requirements specified in the request for tender;*

- 2 *DECLINES to accept the tender submitted by Lakis Constructions Pty Ltd in accordance with Part 4 Clause 18(5) of the Local Government (Functions and General) Regulations 1996 because it is not considered to be good value for money;*
- 3 *RECALLS tenders for the Supply and Installation of a Toilet Block at Iluka Foreshore Reserve.*

BACKGROUND

Funding has been allocated in the 2004/05 Capital Works Budget for the installation of Public Toilets at Iluka Foreshore Park, which was developed in 1992/93. In 1999 the coastal dual use path was constructed, and in early 2000, a management order over the reserve was issued in favour of the City of Joondalup. Under DPS 2, the land is zoned as Parks & Recreation.

There are small isolated beaches between Ocean Reef Boat Harbour and Burns Beach, only two of which are accessible.

The presence of easy walking paths, irrigated lawns, barbeques, picnic shelters, a large car park and the rugged limestone coastline attracts large numbers of visitors to Foreshore Park annually. Over a number of years, requests have been made by the public for a toilet at Foreshore Park.

DETAILS

Tenders were advertised on 23 February 2005 through statewide public notice for the Supply and Installation of a Toilet Block at Iluka Foreshore Reserve. Tenders closed on 10 March 2005. Two submissions were received from: N & R Contracting and Lakis Constructions Pty Ltd.

The first part of the tender evaluation process is the Conformance Audit Meeting. The purpose of this meeting is to ensure that all essential requirements have been met. Tenders not meeting all the essential requirements are deemed to be non-conforming and are eliminated from further consideration. The tender submitted by N & R Contracting did not meet a significant proportion of the essential requirements, including failing to submit an Offer Form. Accordingly it is recommended that their tender be deemed non-conforming.

The tender submitted by Lakis Constructions Pty Ltd met all the essential requirements and was submitted for further consideration.

The second part of the evaluation process involves an independent assessment of the qualitative and quantitative criteria by each member of the Evaluation Panel. Each member of the Evaluation Panel assessed the tender submission individually against the selection criteria using the weightings determined during the tender planning phase. The Evaluation Panel then convened to submit and discuss their assessments, in order to ensure that the tenderer had the capability and resources to carry out the work.

At this point it was noted by the Evaluation Panel that the Lump Sum Price submitted by Lakis Constructions Pty Ltd was considerably in excess of the budgeted amount for this project and that the tender therefore could not be recommended for acceptance. However, the Evaluation Panel decided to complete the evaluation process in order to ensure compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996* and to ensure that any advantage to the City was fully determined.

Under the City's Contract Management Framework, the tender was assessed by the Evaluation Panel using a weighted multi-criterion assessment system and AS 4120-1994 'Code of Tendering', ensuring compliance with *Regulation 18(4)* of the *Local Government (Functions and General) Regulations 1996*.

The Selection Criteria for Tender Number 040-04/05 are as follows:

Performance and experience of Tenderer in completing similar projects

- Relevant industry experience, including details of similar work undertaken. Details of previous projects should include, but not necessarily be limited to, description, location, construction amounts, date, duration, client etc.
- Past record of performance and achievement with a local government
- Past record of performance and achievement with other clients
- Level of understanding of Tender documents and work required
- Written references from past and present clients (names and contact numbers are not sufficient)

Capability and competence of Tenderer to perform the work required

- Company structure
- Qualifications, skills and experience of key personnel
- Equipment and staff resources available
- Percentage of operational capacity represented by this work
- Financial capacity, e.g. letter from accountant to the effect that the Tenderer
 - (a) Has handled previous contracts of this size satisfactorily and
 - (b) Is currently able to do so
- Risk assessment
- Compliance with Tender requirements – insurances, licences etc
- Quality systems
- Occupational Safety and Health management system and track record

Beneficial effects of Tender / local content

- The potential social and economic effect of the Tender on the City of Joondalup community
- The potential social and economic effect of the Tender on the Regional community
- Value added items offered by Tenderer
- Sustainability / efficiency / environmental

Methodology

- Detail the procedures and process they intend to use to achieve the requirements of the Specification
- Provide an outline of the provisional works programme

Tendered Price/s

- The Price to supply the specified goods or services
- Schedule of Rates for additional goods or services, variations and disbursements
- Discounts, settlement terms

Statutory Provision:

The statewide public tender was advertised, opened and evaluated in accordance with the *Local Government (F & G) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is expected to be or is worth more than \$50,000. The expected consideration for this contract is expected to exceed the Chief Executive Officer's Delegated Authority in relation to the acceptance of tenders to \$100,000.

Policy 2.5.7 Purchasing Goods and Services

The City's Policy on purchasing goods and services encourages local business in the purchasing and tendering process; of the tenders received, none of the tenderers were located in Joondalup.

Financial Implications:

Account No: Project 4194 and Project 4231
Budget Item: Foreshore Park Toilets

Community Consultation:

The proposed installation of the toilet was advertised on site for 28 days. One formal submission relating to the proposal, and in particular the need to address antisocial behaviour, was received. This matter will be addressed through the City Watch programme with regular patrols scheduled for this area.

COMMENT

The tender submitted by N & R Contracting did not meet a significant proportion of the essential requirements, including failing to submit an Offer Form, and is therefore considered to be non-conforming.

The Lump Sum Price submitted by Lakis Constructions Pty Ltd is considerably in excess of the budgeted amount for this project and therefore the tender is not recommended for acceptance. It is therefore recommended that Council not accept either of the two tenders submitted.

Part 4 Clause 11(2) of the Local Government (Functions & General) Regulations 1996 states the circumstances in which tenders do not have to be publicly invited. None of these circumstances apply in this instance, because a conforming tender has been submitted. The City is therefore required to recall tenders in order to proceed with this project.

It is considered that the price submitted by Lakis Constructions Pty Ltd was considerably inflated due to their not fully understanding the standard and method of construction required. Additional information will be provided with the recalled tender documentation on an existing toilet block facility to provide guidance to the tenderers on the type of material and layout that has been specified. In addition to this, the pre-tender briefing will be made compulsory.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that in relation to Tender Number 040-04/05, Council:

- 1 DEEMS the tender submitted by N & R Contracting as non-conforming in accordance with Regulation 18(2) of the Local Government (Functions and General) Regulations 1996 because it failed to fully comply with the essential requirements specified in the request for tender;**
- 2 DECLINES to accept the tender submitted by Lakis Constructions Pty Ltd in accordance with Part 4 Clause 18(5) of the Local Government (Functions and General) Regulations 1996 because it is not considered to be good value for money;**
- 3 RECALLS tenders for the Supply and Installation of a Toilet Block at Iluka Foreshore Reserve.**

Cmr Paterson spoke to the Motion.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

**CJ050 - 04/05 LOT 118 MINDARIE LAND ISSUES AND PROPOSED
REGIONAL (DEVELOPMENT) COUNCIL – [41196]**

WARD - All

CJ050330_BRF.DOC:ITEM 6

PURPOSE

To consider a draft Business Plan for land transactions affecting Lot 118 Mindarie including establishment of a Regional (Development) Council.

EXECUTIVE SUMMARY

Previous reports and presentations to the seven local Government owners of Lot 118 have indicated a potential urban development, which would include more than 2,000 lots and provide the owners with an ongoing positive cash flow.

As the WA Planning Commission (WAPC) will be paying compensation for Bush Forever land taken from Lot 118, there need not be any direct contribution to development funds from any of the owner Councils. The funding requirements for development can be totally contained within sales and compensation revenue derived from the land.

Lot 118 is a critical piece of land in the WAPC projections for urban land releases in the northern corridor. Development of the land will feed into the efficient utilisation of local infrastructure and the viability of local businesses.

Following the development of Burns Beach Lot 2 to the south (approximately 1,100 lots) and Somerly immediately adjacent to the north (approximately 1,400 lots remaining), Lot 118 is the one remaining large land parcel to be developed south of Neerabup Road.

Lot 118 is affected by MRS zoning and the Government's Bush Forever policy. MRS reservations and Bush Forever have effectively quarantined 280 hectares of the 432-hectare Lot 118 from urban development.

The State Government wants to settle land transfers to secure Bush Forever land. To this end it has instigated specific MRS zonings and has also proposed a Negotiated Planning Solution (NPS) with respect to Bush Forever sites 322 and 323, which affect Lot 118 Mindarie.

The Chief Executive Officers from the seven owner Councils of Lot 118 have been involved in ongoing negotiations that will lead to the following outcomes:

- A new proposed lease for the Mindarie Regional Council;
- The finalisation of Bush Forever negotiations with the Western Australian Planning Commission (WAPC);
- The development of the urban zoned land within Lot 118 for eventual sale for residential and mixed use purposes;
- The establishment of a Regional Council as the body to undertake the development of the land; and
- Preparation of a draft Business Plan suitable for advertising which covers the major land transaction issues relating to the development of the land and the establishment of a regional council.

It is recommended that Council:

- 1 *ADOPTS the draft Business Plan covering land issues affecting Lot 118 Mindarie, including the establishment of a Regional (Development) Council for approximately 166 hectares of Lot 118, for the purpose of advertising pursuant to Section 3.59 of the Local Government Act;*
- 2 *APPROVES, subject to completion of Business Plan formalities including resolutions to proceed to implement the Business Plan, the Draft Establishment Agreement for the Tamala Park Regional Council (TPRC);*

- 3 *APPROVES, subject to completion of Business Plan formalities including resolutions to proceed to implement the Business Plan, the proposals for lease adjustment with the Mindarie Regional Council (MRC) and NOTES that the lease document, when available will be submitted to Council for endorsement;*
- 4 *NOTES the proposals for a Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) regarding Bush Forever sites 322 and 323 be resolved into an Agreement for endorsement by owner Councils;*
- 5 *NOTES the valuation components of Lot 118 Mindarie for the purpose of negotiations with the WAPC for compensation payments for land to be transferred under the NPS;*
- 6 *NOMINATES two Council representatives to serve on the Tamala Park Regional Council when it is established.*

BACKGROUND

At the Council meeting held on 23 November 2004 a progress report was presented on various management issues associated with the ownership and development of Lot 118 Marmion Avenue, Mindarie (Report CJ282-11/04 refers). At that meeting the Council resolved to:

- “1 ENDORSE the proposed Bush Forever Negotiated Planning Solution (NPS) outlined in Report CJ282-11/04 with the deletion of any reference to the formation of a Joint Development Group and AUTHORISE the Chief Executive Officer to complete documentation for a Negotiated Planning Solution relating to Bush Forever on Lot 118 Marmion Avenue, Mindarie and submit the documentation to Council for formal agreement in conjunction with recommendations relating to valuations now being obtained and to include advice to Council relating to the need to prepare a Business Plan and consult the community on this matter;
- 2 ENDORSE the key principles set out in the detail section of Report CJ282-11/04 to guide the urban development of Lot 118 Marmion Avenue, Mindarie;
- 3 SUPPORT the proposal to develop Lot 118 Marmion Avenue, Mindarie without involvement of a joint venture partner;
- 4 SUPPORT the proposal of the Chief Executive Officer to prepare a further report to Council setting out how, and under what legal structure, the owner Councils should progress the intended development of Lot 118 Marmion Avenue, Mindarie.”

DETAILS

Mindarie Regional Council Lease

Mindarie Regional Council (MRC) has an existing lease which expires in 2011 and there is an extension option for a further 21 years. MRC has indicated it would like to exercise the option of extending the lease.

It is considered however, that a new lease will be more beneficial to the owners and MRC. The new lease will adjust the lease area by excising portions of land to be transferred to the WAPC as part of Bush Forever settlement with compensation payments to the joint owners, which will provide initial funding for Lot 118 development work.

Staff from MRC have been co-operative in negotiations for lease changes. They are looking for long-term tenure and a co-operative basis for the ongoing lease in order to secure the Tamala Park landfill operation for the longest possible time.

It is proposed that the new lease will provide changes as follows:

- Reduction of lease area (252 hectares to 152 hectares); facilitating Bush Forever transfers.
- Clarification of existing lease term provisions. The existing lease option of 21 years will be factored into the lease term for the new lease agreement.
- Provision of market rent review at 5-year intervals with CPI adjustments annually.
- Incorporation of provisions for Mindarie Regional Council and owners to work together on joint objectives particularly with respect to buffer areas that the Mindarie Regional Council requires (short term). In this respect the proposed lease terms will provide a buffer area, which would be quarantined from development for a term suitable to the owners, and for notice (Mindarie Regional Council has requested four years) to be provided to the Mindarie Regional Council withdrawing the whole or part of an area from buffer utilisation.
- Providing greater autonomy to the Mindarie Regional Council in respect of sub leasing and licensing with retention of lease and license revenue.
- The target completion date for Mindarie Regional Council is no later than 30 June 2005.
- The target date for owners to facilitate land development and the completion of agreements with the WAPC is 14 June 2005.
- The lease must be adjusted in order that the owners can complete transfer agreements with the WAPC for land excised from the lease.

A new draft lease based on these elements has yet to be finalized. When completed it will be forwarded to the MRC and the owner Councils for consideration.

Negotiated Planning Solution

Lot 118 is affected by MRS zoning and the Government's Bush Forever policy. MRS reservations and Bush Forever have effectively quarantined approximately 267 hectares of the 432-hectare Lot 118 from urban development.

The State Government wants to settle land transfers to secure Bush Forever land. To this end it has instigated specific Metropolitan Regional Scheme (MRS) zonings and has also proposed a Negotiated Planning Solution (NPS) with respect to Bush Forever sites 322 and 323, which affect Lot 118 Mindarie.

Negotiations have been proceeding with the WAPC to fix areas that will be subject of:

- Payment of compensation upon transfer to WAPC
- Residual land available for urban development by own Councils

It is hoped that the substantial Bush Forever landholding created by the NPS will be amalgamated into a major regional park facility incorporating the Burns Beach NPS to be managed by the Department of Conservation and Land Management (CALM).

A delineation survey has resolved the critical issue of the dividing line between residual residential zoned land and Bush Forever land west of Marmion Avenue. It is now possible to clarify all of the areas to be incorporated in the NPS.

Formal notice from the WAPC has been received confirming land areas in the NPS.

The WAPC has commissioned valuers to prepare estimates of compensation and lawyers have been instructed to draft an agreement setting out all of the factors in the NPS, including the following:

- The potential for excising areas 5, 16 and 4 from POS reservation for inclusion in a future structure plan for urban development.
- Reacquisition rights for owners in the event that land taken is no longer required by the Government.
- Preparedness to provide areas 19, 11 and 17 to owners as offset to compensation payable for areas 1 and 15.
- Payment of compensation for areas 6 (part), 12 and 9 in 2005.

Land Development and Establishment for a Regional Council

Previous reports and presentations to the seven local Government owners of Lot 118 have indicated a potential urban development, which would include more than 2,000 lots and provide the owners with an ongoing positive cash flow.

Because the WAPC will be paying compensation for Bush Forever land taken from Lot 118, there need not be any direct contribution to development funds from any of the owner Councils. The funding requirements for development can be totally contained within sales and compensation revenue derived from the land.

Lot 118 is a critical piece of land in the WAPC projections for urban land releases in the northern corridor. Development of the land will feed into the efficient utilisation of local infrastructure and the viability of local businesses.

Following the development of Burns Beach Lot 2 to the south (approximately 1,100 lots) and Somerly immediately adjacent to the north (approximately 1,400 lots remaining), Lot 118 is the one remaining large land parcel to be developed south of Neerabup Road.

Following extensive research by the CEO Group and solicitors, it has become apparent that the logical vehicle for decision making and to provide legal status for transactions throughout a prolonged development period is a Regional Council established under the Local Government Act.

A Regional Council will require an Establishment Agreement setting out the way in which the Council operates. The form of the Agreement is set out in Local Government legislation. The Minister administering the Local Government Act must approve the Agreement.

A copy of the proposed Establishment Agreement for the 'Tamala Park Regional Council' (TPRC) is included as (Attachment 1). Key points in the Agreement are:

The regional purpose for the TPRC is:

- (a) To undertake, in accordance with the objectives, the rezoning, subdivision, development, marketing and sale of the Land; and
- (b) To carry out and do all other acts and things which are reasonably necessary for the bringing into effect of the matters referred to in paragraph (a) of this clause.

The objectives of the TPRC are:

- To develop and improve the value of the Land;
- To maximise, within prudent risk parameters, the financial return to the Participants;
- To balance economic, social and environmental issues; and
- To produce a quality development demonstrating the best urban design and development practice.

Representation

It is proposed that there will be 12 members from participant Councils reflecting ownership shares in Lot 118.

Provision would be made to adjust member numbers if the number of ownership shares changes.

Election of the Chairperson would be from members. Generally, a term of 2 years will apply to the offices of member and Chairman.

Provision is made in the Establishment Agreement for the City of Joondalup to have two members on the Council. This allocation is based on this City's 2/12th share of ownership, and it is recommended that Council nominates these members in advance so that they can be fully advised on any matters related to the formation to the authority.

Each member of the Council would have one vote in accordance with the provisions of the Local Government Act relating to the establishment of Councils or Regional Councils. No council will have a veto power, which is considered to be essential to provide for the decision-making needs of a body, which is focused on undertaking an urban development project. It is noted that the City of Wanneroo will retain its planning powers and will have a strong influence through these controls over the nature of the development being undertaken.

Funding and Surplus Distributions

The Agreement provides for seed funding (\$13-15M est.) to be transferred from the compensation payments from the WAPC to Regional Council funds.

Other provisions in the Agreement provide for annual contributions and other capital contributions but it is unlikely that these will be required because of the nature of the development.

It is proposed the Regional Council will hold sufficient revenue from land sales to cover obligations for approved plans and operational costs. The Agreement provides for distribution of any additional funds to the owners in ownership shares.

Land Transfers

There will be many land transfers involved in Lot 118 development. If land is retained by the seven local authority owners, it will be necessary to have extensive delegations to handle land issues and each land transfer will need to be signed on behalf of each of the Councils.

In consequence it is proposed that the TPRC will request transfer of the developable land to the Regional Council at a convenient time. The Establishment Agreement secures the owners interest in land transfer.

Withdrawal (Divestment of Ownership) Options

The Agreement provides that owners may withdraw from the Regional Council upon adequate notice. Prior to withdrawal, an Agreement must be made that secures a payment to the withdrawing Council of its residual value in the development. The mechanism for establishing the value and to ensure costing of any offset of contingent obligations, have been worked into the Agreement.

In the event that the TPRC is wound up, assets and liabilities will be distributed in accordance with ownership shares.

Life of the Regional Council

It is expected that the Regional Council will exist only so long as it is needed to effect development of Lot 118 land. This is anticipated to be a period of 8-12 years including planning phases.

BUSINESS PLAN

Attachment 2 is a business plan for major land transactions relating the Lot 118. Under Section 3.59(2) of the *Local Government Act*, a Local Government is required to prepare a business plan before it:

- (a) commences a major trading undertaking;
- (b) enters into a major land transaction; or
- (c) enters into a land transaction that is preparatory to entry into a major land transaction,

In reference to the proposals now current in respect of Lot 118 a business plan are be required in respect of the following:

- (a) an amendment to the lease of 252 hectares of land to the MRC;
- (b) a Bush Forever NPS involving transfer of land to the WAPC and payment by the Commission of compensation to the owners;
- (c) establishment of a Regional Council to develop about 166 hectares of Lot 118 and potentially receive a transfer of that land from the owners; and
- (d) development of part of Lot 118 with the eventual sale of residential lots to the public.

Minter Ellison, Lawyers, have provided advice that:

- (a) A Business Plan is either specifically or arguably required in respect of the matters listed above.
- (b) It would be prudent to prepare and advertise the Business Plan prior to formalising the Establishment Agreement for the TPRC and for the agreements to complete the other land transactions listed above.
- (c) That one business plan covering all of the matters in (1) would be appropriate.
- (d) That a single business plan advertised to cover the statutory obligations of all Councils would be appropriate.

The Business Plan could be jointly advertised by the seven Local Government owners for a period of six weeks and any submissions received by each Local Government would be considered by that Local Government. Following consideration of any submissions a Council may decide to proceed with the Business Plan (*Absolute majority vote required*).

The Business Plan refers to the New Regional Council; Lease changes; the Negotiated Planning Solution and compensation payments by the Government for Bush Forever/POS land transfer. In following the Local Government Requirement for prior approval of a Business Plan before entering into agreements on these matters each joint owner Council will need to ensure that resolutions to proceed with these matters are all made subject to a condition that the Business Plan requirements of Section 3.59 of the Act are first completed.

The 14 June 2005 is suggested as the date at which all joint Council Owners of Lot 118 would need to have completed all processing of the Business Plan and it would be from that date that any prior conditional approvals for Lease Changes, the NPS and the establishment Agreement would have effect. The first meeting of the TPRC could be held in July 2005.

In order to progress further and specifically to make it possible to establish a new Regional Council, the following measures are required in the order in which they must occur:

- 1 Councils resolve to advertise a Business Plan covering the NPS, change lease arrangements, the establishment of a Regional Council with the attendant land transfer actions.
- 2 Preliminary approval is given to:
 - (a) The draft Establishment Agreement
 - (b) The general terms of a new lease with the MRC
 - (c) The NPS with the WAPC
 - (d) Preliminary approval to the Establishment Agreement for the Regional Council is sought from the Minister for Local Government.

- 3 Councils consider any submissions made in response to advertising the Business Plan.
- 4 Councils adopt the Business Plan.
- 5 Councils provide final approval to the items mentioned in (2) above.
- 6 The Minister for Local Government approves the Establishment Agreement and the new Regional Council.
- 7 A date is set for a first meeting of the Regional Council.

Included in Attachment 3 is a Gantt chart setting out timeframes for actions listed in the previous paragraph to make possible a first meeting of the new TPRC in July 2005.

Consultation

Negotiations relating to Bush Forever outcomes, the establishment of a Regional Council and a new lease with the Mindarie Regional Council are included in a Business Plan which is discussed in the comments section of the report. This Business Plan will be subject to a public comment period of 42 days.

At later stages there will be further consultation processes associated with the preparation of the Structure Plans for the future urban development.

Statutory Provision:

The preparation of a business plan in respect to agreements and land transactions affecting Lot 118 Mindarie. The business plan has been prepared to meet the requirements of Section 3.59 of the Local Government Act.

Strategic Implications:

Development of Lot 118 will be consistent with each of the four key focus areas of the City's Strategic Plan as follows:

Caring for the Environment: Conservation of environmental assets through reservation of portions of the land containing regionally significant bushland; Supporting efficient use of water, energy and other resources through incorporation of best practice urban design principles in the development (e.g. water sensitive design, transit oriented design).

Community Wellbeing: Providing a cohesive system of integrated land use planning through planning that balances built form and land use, community needs and the environment, and through supporting and encouraging the delivery and utilisation of a safe, effective transport network.

City Development: Encourage local employment and economic development through the urban design of the development (e.g. promote mixed use development and a business enterprise precinct).

Organisational Development: Manage the development to provide a maximum return on the investment to benefit the City's ratepayers and community.

Policy Implications:

Nil

Financial Implications:

The planning and development of Lot 118 will involve financial implications for Council, although it should be noted that all costs and returns are shared amongst the seven owner Councils according to their ownership share of the land (this City's share is two-twelfths). It is also emphasised that the compensation payable to the owners under the proposed Bush Forever NPS will provide seeding capital to cover or offset initial stages of subdivisional works. Cash flow analysis based on the owners' earlier structure plan was that the development could achieve positive cash flow returns within two years of commencement.

The following table provides an indication of values of the major land and valuation components:

Land Section	Owner Plan Areas	Compensation payable on Valuation	Immediate Bush Forever Transfer and Compensation (Hectares)	Developable Land (Hectares)	Deferred POS Bush Forever transfer (Hectares)
Urban West - Residual Residential 30.7006				30.7006	
Urban west - Bush Forever	6	\$13,924,800	29.64		
Rural West - Bush Forever	12,9,15	\$1,001,892	61.2367		
Rural East -Bush Forever	1	\$335,000	18.5294		
Deferred urban East	10,7			135.0785	
Mindarie Regional Council Lease	2,14				137.9956
Mindarie RC Lease & Development	4,5				14.0214
Withheld - awaiting Structure plan	16				4.6896
Totals		\$15,261,692	109.4061	165.7791	156.7066
Total Area					431.8918

NB 1: 30% of Western Residential (18.036Ha) Ceded Free of Cost -)

The balance of Western Residential (11.60Ha) Compensated at Residential Values

NB 2: Values are a provided by VG and will be subject to Negotiation with WAPC

ATTACHMENTS

- Attachment 1 Proposed Establishment Agreement
- Attachment 2 Business Plan
- Attachment 3 Gantt Chart

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 ADOPTS the draft Business Plan covering land issues affecting Lot 118 Mindarie, including the establishment of a Regional (Development) Council for approximately 166 hectares of Lot 118, for the purpose of advertising pursuant to Section 3.59 of the Local Government Act;
- 2 APPROVES, subject to completion of Business Plan formalities including resolutions to proceed to implement the Business Plan, the Draft Establishment Agreement for the Tamala Park Regional Council (TPRC);
- 3 APPROVES, subject to completion of Business Plan formalities including resolutions to proceed to implement the Business Plan, the proposals for lease adjustment with the Mindarie Regional Council (MRC) and NOTES that the lease document, when available will be submitted to Council for endorsement;
- 4 NOTES the proposals for a Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) regarding Bush Forever sites 322 and 323 be resolved into an Agreement for endorsement by owner Councils;
- 5 NOTES the valuation components of Lot 118 Mindarie for the purpose of negotiations with the WAPC for compensation payments for land to be transferred under the NPS;
- 6 NOMINATES two Council representatives to serve on the Tamala Park Regional Council when it is established.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 ADOPTS the draft Business Plan covering land issues affecting Lot 118 Mindarie, including the establishment of a Regional (Development) Council for approximately 166 hectares of Lot 118, for the purpose of advertising pursuant to Section 3.59 of the Local Government Act;**
- 2 APPROVES, subject to completion of Business Plan formalities including resolutions to proceed to implement the Business Plan, the Draft Establishment Agreement for the Tamala Park Regional Council (TPRC);**

- 3 **APPROVES, subject to completion of Business Plan formalities including resolutions to proceed to implement the Business Plan, the proposals for lease adjustment with the Mindarie Regional Council (MRC) and NOTES that the lease document, when available will be submitted to Council for endorsement;**
- 4 **NOTES the proposals for a Negotiated Planning Solution (NPS) with the West Australian Planning Commission (WAPC) regarding Bush Forever sites 322 and 323 be resolved into an Agreement for endorsement by owner Councils;**
- 5 **NOTES the valuation components of Lot 118 Mindarie for the purpose of negotiations with the WAPC for compensation payments for land to be transferred under the NPS;**
- 6 **NOMINATES two Council representatives to serve on the Tamala Park Regional Council when it is established;**
- 7 **in the interests of good governance, AGREES that the City of Joondalup nominated representative on the Tamala Park Regional Council shall not be a member of the Mindarie Regional Council.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17brf300305.pdf](#)

CJ051 - 04/05 CLOSE OF ADVERTISING FOR AMENDMENT 24 TO DISTRICT PLANNING SCHEME NO 2 – PROPOSED REZONING FROM LOCAL RESERVES ‘PARKS AND RECREATION’ TO ‘URBAN DEVELOPMENT’ – LOT 61 (NO 14) LEACH STREET, MARMION (FORMER CSIRO SITE) – [85558]

WARD - South Coastal

CJ050330_BRF.DOC:ITEM 7

PURPOSE

The purpose of this report is for the Council to consider the submissions received during the advertising period for proposed Amendment 24 to District Planning Scheme No 2 (DPS2), and to consider final adoption of the Amendment.

EXECUTIVE SUMMARY

Lot 61 (No 14) Leach Street, Marmion is a 2.1885 hectare parcel of land bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Attachment 1 refers). The site was formerly owned in freehold title by the Commonwealth Scientific and Industrial Research Organisation (CSIRO). The CSIRO disposed of the site in 2003 as it was surplus to their requirements and it was subsequently purchased by Marmion Estate Pty Ltd. This has been confirmed by title search.

The site is reserved as Local Reserves "Parks and Recreation" under the City's District Planning Scheme No 2 (DPS2) (Attachment 2 refers) and "Urban" under the Metropolitan Region Scheme (MRS). A residential density code of R20 applies to the site. The proposed amendment seeks to rezone the land to 'Urban Development' to facilitate the preparation of a structure plan to guide future redevelopment of the site for residential purposes.

On 17 August 2004, both the proponent and member of the local community made a presentation to the Commissioners with respect to the proposal. The Council at its meeting on 31 August 2004 (CJ 200 – 08/04 refers) resolved to initiate Amendment 24 to DPS2 for the purpose of public advertising.

The proposed Amendment was advertised for a 42 day period from 3 November 2004 to 15 December 2004. Submissions were received as follows:

- In support - three hundred and twenty three (323) submissions, plus one petition containing 178 signatures
- Objecting - three hundred and forty two (342) submissions, plus one petition containing 683 signatures.

These figures include four (4) submissions received prior to, and eleven (11) submissions received after, the public advertising period. Three (3) submissions were also withdrawn at the submitter's request (two objecting and one in support).

The objections to the proposed amendment relate to:

- public open space (POS) allocation for the site,
- local community requests for the City to retain the site as a park and/or reuse the buildings for community type purposes,
- the suggested deficiency in POS provision throughout the suburb of Marmion caused by the proposed rezoning,
- traffic increases and safety related issues,
- loss of amenity, and issues related to built form (height and bulk) pertaining to the indicative subdivision plan and corresponding future development of the land in accordance with the indicative subdivision plan submitted by the applicant (Attachment 2 refers).
- ecological and environmental values of the site

The supporting submissions for the proposal relates to:

- the compatibility of the land use and density with the surrounding development,
- the removal of an eyesore,
- the sufficient amount of POS in the area, and
- the general upgrading of the area.

If the proposed amendment is ultimately granted final approval by the Minister for Planning and Infrastructure, a structure plan will be required to be considered and approved by the Council in accordance with Part 9 of the City's DPS2, which also requires public consultation. Should the structure plan be ultimately approved, this will be used as a planning assessment tool to determine any future subdivision and development applications over the site.

The advertising period has generated a significant number of submissions, both in opposition and in support of the amendment. Overall, given the proposed residential density of R20, the provision of public open space in the area, and proposed residential land use, it is considered that the amendment will facilitate a development that is compatible with the adjoining residential area.

The Council at its meeting on 15 March 2005 (CJ036 – 03/05 refers) resolved to defer consideration of Amendment 24 to DPS2 pending submission of further information. This information is included within this report.

It is therefore recommended that the Council;

- 1 *Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 61 (No. 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development'.*
- 2 *AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents.*
- 3 *NOTES the submissions received and advise the submitters of the Council decision.*
- 4 *NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council.*
- 5 *ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2.*

- 6 *ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:*
- (a) clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability).*
 - (b) have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible.*
 - (c) ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk.*
 - (d) ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads.*
 - (e) ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths.*
- 7 *NOTES that should Amendment 24 to the City’s District Planning Scheme No. 2 be granted final approval by the Minister for Planning and Infrastructure, the City, in considering any future subdivision application referral over the site, shall seek the Western Australian Planning Commission to support the City’s request for the landowner to provide 10% of the site for public open space purposes. Furthermore, the City is prepared to consider a cash in lieu contribution for the required POS in this instance should the Western Australian Planning Commission resolve to accept a cash in lieu payment for the required POS.*

BACKGROUND

Suburb/Location:	Lot 61 (14) Leach Street, Marmion
Applicant:	Chappell and Lambert Pty Ltd
Owner:	Marmion Estate Pty Ltd
Zoning: DPS:	Local Reserves “Parks and Recreation”
MRS:	Urban
Strategic Plan:	Strategy 3.3.1 – Provide residential living choices.

The proposed amendment applies to land described as Lot 61 (14) Leach Street, Marmion which is a 2.1885 hectare parcel of land bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south. The site lies in an elevated coastal area, approximately 200 metres east of the Indian Ocean (refer Attachment 1).

The central portion of the site was developed as a marine research facility for use by the CSIRO, with the remaining land to the north and south of the marine research buildings remaining vacant. The subject land is surrounded by single residential dwellings (predominantly two storey brick and tile construction) at an R20 residential density. A large area of public open space (Braden Park) is located immediately to the east of the subject land.

The landowner's addressed the Commissioners regarding a proposal to rezone and subsequently subdivide the site at the strategy session on 9 December 2003 and 17 August 2004. The purpose of their presentations was to inform Commissioners of their intentions for development of the site.

The members from the local community also addressed the Commissioners regarding this proposal on the evening of 1 June and 17 August 2004. The purpose of these deputations was to inform Commissioners of the local community's issues with respect to the proposal.

Council at its meeting on 31 August 2004 (CJ 200 – 08/04 refers) resolved to initiate Amendment 24 to DPS2 for the purposes of public advertising.

DETAILS

The subject land is currently zoned Local Reserves 'Parks and Recreation' under the City's DPS2 and has a density coding of R20.

An application has been made requesting that the zoning of the site be changed to 'Urban Development'. The purpose of the proposed amendment is to facilitate the future residential subdivision of the land. An indicative subdivision plan for the site prepared by the applicant demonstrates subdivision of the site into approximately 39 residential lots, with an average lot size of 500m² in accordance with its current residential density code of R20. The indicative subdivision plan is shown in Attachment 2.

The indicative subdivision plan indicates that the majority of future lots proposed front the four existing roads surrounding the site. The plan also shows an internal east/west road that provides vehicular access to lots fronting this new road, whilst providing a pedestrian linkage from Braden Park to the east of the site to an existing Right of Way (ROW) in Leach Street that leads to West Coast Drive and the ocean to the west.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (as amended) together with the Town Planning Regulations 1967 enable local authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3 refers).

Upon closure of the advertising period, the Council must consider all submissions received during the advertising period within 28 days and resolve to either grant final approval to the amendment, with or without modifications, or refuse the amendment.

The decision is then forwarded to the Western Australian Planning Commission (WAPC), who makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without further modifications, or refuse the amendment.

Given the large number of submissions, the WAPC was requested by the City of Joondalup for an extension to the required timeframe for Council to consider the submissions. This extension was granted by the WAPC, and the Council is now required to consider submissions by 11 May 2005, and forward a decision to the Minister for Planning and Infrastructure within 28 days of that decision.

Strategic Implications/Sustainability Implications:

The proposed amendment will facilitate the provision of infill housing in line with the State Government's objective in minimising urban sprawl by facilitating the consolidation in appropriate existing urban areas.

Environmental Protection Authority (EPA) Comments

Prior to the commencement of public advertising, the proposed amendment was referred to the EPA for comment, as required by legislation.

The EPA's advice contained within its response correspondence to the City dated 25 October 2004 states that the EPA has decided that the overall environmental impact of the implementation of this proposal would not warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review or the subsequent setting of formal conditions by the Minister for the Environment. The advice also states that there are no appeal rights on the level of assessment set for scheme amendments and that the proposed amendment is now deemed assessed under the provisions of Section 48(a) of the Environmental Protection Act.

The EPA's advice also states that although there is no formal assessment of the proposal, advice is provided on the key environmental factors, however the advice is not legally binding. The advice received from the EPA relates to remnant vegetation upon the site and is as follows;

"The site is known to contain vegetation that has been evaluated by the Department of Conservation and Land Management as being locally significant with an interesting array of plant species and ecological linkage value. It is also understood that members of the local community appreciate the sites remnant vegetation and Public Open Space value. It is therefore recommended that consideration be given to addressing these concerns through the planning process."

Department for Conservation and Land Management (CALM) Comments

A Senior Principal Research Scientist from CALM (Mr Greg Keighery) has confirmed that a local resident sought an evaluation of the site from him. The comments made by Mr Keighery were subsequently sent to the EPA and were considered by that authority when it determined that the site not be the subject of formal assessment, by letter dated 25 October 2004.

The City of Joondalup received the same CALM advice on 3 March 2005 from an unknown source.

Additional research has revealed that the CALM comments were attached to a submission received during the statutory consultation period (in December 2004) and these were responded to in the schedule of submissions (attachment 4).

The Council has however deferred consideration of the rezoning and in doing so has taken into account the CALM advice. The CALM comments are as follows (in italics);

"I undertook a brief inspection of Lot 61 Leach Street, Marmion to place the botanical values of the site in a regional context. The outcomes are summarized below:

- *Vegetation Complex mapping suggests that the site is part of the Cottesloe Central and South vegetation complex with Tuart and Banksia woodlands and Dryandra thickets not Quindalup system (Coastal heath vegetation) as often noted.*
- *The geomorphology of the site appears to be Cottesloe sands over limestone outcrops and these interface with the Spearwood dunes system, however, like at Bold Park there is every likelihood that the site is also partly overlain by wind blown Quindalup sands. This has affected the placement of this area in the Quindalup system.*
- *The area is a high point in the landscape and one of the few remnant pieces of vegetation left in the suburb of Marmion. It would have value as an ecological linkage between the coast and remnant vegetation to the west (coastal dunes and Sorrento) and to the east (Star Swamp).*
- *The flora list shows that the site has an interesting array of plant species, including many species, (e.g.: Jacksonia calcicola, Grevillia pressie Petrophile serruriae and Macrozamia riedlei) that are not characteristic of the Quindalup soils to the west. The area does however, include a range of species normally found on Quindalup sands (Isolepis nodosa Olearia axillaris and Rhagodia baccata) which again suggests that the area is partially overlain by these sands.*
- *There are a number of very interesting plant records of species rarely recorded in the Perth Metro area, including the only site where Jacksonia calcicola appears to co-occur here with a closely related Jacksonia sericea.*

Conclusion

The site is of value as an area of locally significant bushland because of its geomorphology, landscape position and range of native plant species present.

Greg Keighery, Senior Principal Research Scientist, CALM Science”

Consultation:

The Town Planning Regulations 1967 required the amendment to be advertised for a period of forty-two (42) days. All landowners immediately surrounding to the site were notified in writing, two signs erected on the site, and a notice placed in the Joondalup Community Newspaper on 4 November 2004 and the West Australian Newspaper on 3 November 2004.

The submissions received were comprised as follows;

- In support - three hundred and twenty three (323) submissions, plus one petition containing 178 signatures
- Objecting - three hundred and forty two (342) submissions, plus one petition containing 683 signatures.

These figures include four (4) submissions received prior to, and eleven (11) submissions received after, the public advertising period. Three (3) submissions were also withdrawn at the submitter's request (two objecting and one in support).

Copies of all the submissions were placed in the Commissioners reading room for perusal.

It is noted that the 63 submissions were submitted twice, and these duplicate submissions have been noted in the submission table, however have been removed from the tally. Additional signatures to the two petitions were also added during the comment period, and these have been added to the total number of signatures received for the two petitions, and have not been treated as new petitions.

Although informal consultation by the applicant has occurred previously, it should not be confused with the statutory public consultation process that was undertaken by the City. A summary of the submissions received and the evaluating comments are shown in Attachment 4.

Key Issues arising from Public advertising

Submission of Objection

Objection to the proposed amendment relate to the following major issues:

- public open space (POS) allocation for the site,
- local community requests for the City to retain the site as a park and/or reuse the buildings for community type purposes,
- deficiency in POS provision throughout the suburb of Marmion caused by the proposed rezoning,

- traffic increases and safety related issues (particularly along Cliff Street),
- loss of amenity
- issues related to built form (height and bulk) pertaining to the indicative subdivision plan and corresponding future development of the land in accordance with the indicative subdivision plan.
- ecological and environmental values of the site

Details with respect to all significant town planning related issues raised by objectors are discussed below:

Outstanding POS allocation issue

Council records indicate that the land was previously created as a reserve for recreation (Public Open Space). When the State Government (Minister for Lands) cancelled the reserve status in 1974 and sold the site to the CSIRO in 1975, the local POS provided at this site may have been relocated and provided at Percy Doyle Reserve, however, this cannot be confirmed due to the loss of historical records.

Retain the site as a park and/or reuse the buildings for community type purposes

There is some suggestion that the land be retained and developed as a park and the existing buildings used for community purposes. Whilst the current zoning of the site would allow for this to occur, the current landowner has lodged an application to rezone the site in order to redevelop the land for residential purposes and as such, does not intend to retain the site as a park and reuse the buildings for community purposes.

In order to achieve this outcome, the Council would need to consider acquisition of the site to achieve either of the above uses.

Deficiency and Loss of Public Open Space (POS) in Marmion

There is suggestion that there is a deficiency in public open space provided within the suburb of Marmion. The subdivision that created the subject lot and lots immediately surrounding it on Ozone Road, Leach Street and Troy Avenue occurred in 1939 and predated the 10% POS contribution requirement that was introduced by the State Government in 1956. The remainder of the suburb of Marmion was subdivided after 1956 to which the 10% POS contribution requirement was applied.

Many submissions also believe that bush on the site is significant and should be protected.

Matters contained within the proforma submission (objection)

Attachments 5 & 7 are copies of the standard objection forms that were received by the City during the advertising period by many members of the community who oppose the amendment. The list of matters is comprehensive and those of a town planning nature are addressed within Attachments 6 & 8.

The submission at attachment 5 also refers to the aims and objectives of the DPS2, and refers to specific clauses within DPS2, Council's Strategic Plan, and policies.

In addition to the issues raised in the section, the submission at Attachment 7 states that:

- the proposal will not have any additional employment opportunities,
- there is already a variety of housing choices in the area, and
- the proposal is not compatible with the adjoining area as it is not for a public purpose.

Traffic related issues

A very high percentage of objecting submissions suggest that the proposal will create adverse impacts with respect to traffic and parking generation, manoeuvrability and vehicular safety, particularly along Cliff Street. This comment was included in the proforma objecting submissions. Some submissions suggest that vehicles from the site will use the ROW located opposite to access West Coast Drive.

Amenity related issues

The proforma submission of objection and other individual objections also have a dominant theme of stating that the proposal will detrimentally affect their (the objectors) existing high levels of amenity. These primarily relate to noise, privacy and visual amenity.

Submissions of Non Objection/Support

Details with respect to arguments raised by supporters of the proposal are as follows;

- There is no need for additional POS (enough already) and there is already a large parcel of open space/parkland directly opposite Lot 61 Leach Street, Marmion (Braden Park).
- Local action group is advocating that the land should be used for parks or community purposes. This is inappropriate as there are sufficient parks in the area and the locality is already well serviced by community facilities.
- Urban development will enhance the area and bring in fresh new activity.
- The proposed development will become an asset to the Marmion community.
- Most of the residents have lived in this area 20+ years. If their land hadn't been opened up they would not have had the enjoyment for that time, so why deprive others of an opportunity. For most of us change is inevitable.
- Proposed redevelopment of the site for housing is consistent with the surrounding zoning and housing development.
- Redevelopment of the site will remove a historic eyesore from the Marmion suburb and a land use, which is totally out of character with the surrounding residential properties.
- The proposed density is in keeping with the area.
- Support the rezoning of the site for residential use, which would result in the redevelopment of the site into lots of between 440m² and 700m² for quality single residential housing. This would be in keeping with the housing that is occurring in Marmion and other coastal areas.

Preliminary traffic report provided by the applicant & consideration of traffic related issues arising from submissions received during the advertising period

The applicant has submitted a report that lists the traffic issues arising from the proposal, which have been summarized and appear in italics below. The main results, as listed within the report, are as follows:

- *The proposal will generate approximately 351 trips per day.*
- *The existing roads surrounding the site carry less than 3000 vehicle movements per day, with direct lot access from these streets being acceptable under current road planning guidelines.*
- *60% of vehicle trips are expected to be to the south, with 20% to the North and 20% to the east. It is assumed that any trips west to the beach would be walking/cycling trips given the close proximity of the beach.*
- *In traffic engineering terms, the proposed traffic associated with the development will have no significant impact on local streets.*
- *With respect to the location of the proposed east/west road, sufficient vehicle sight lines and visibility at proposed intersections can be achieved.*

Analysis of the traffic report concludes a general concurrence with its findings as outlined above. In addition, the following comments are provided;

- (a) 9 vehicles trips per day per lot is a reasonable assumption for the traffic generated from the proposal.
- (b) The assumed distribution of traffic from the proposal would appear reasonable.
- (c) From a technical viewpoint, the volume of traffic generated by the proposal would not be expected to adversely impact the surrounding road system, regardless of which internal road layout were provided.
- (d) Based on the information provided it would appear that adequate vehicle sight distances could be achieved at intersections, regardless of which internal road layout were provided.

Many submissions of objection suggest that the proposal will create adverse impacts with respect to traffic and parking generation, manoeuvrability and vehicular safety. Should the rezoning of the site be ultimately supported, traffic related issues arising could be fully addressed at the future structure plan and subdivision stage.

The future use of the site for residential purposes will create marginal traffic generation and movement increases and as such, will have no significant impact upon adjoining properties or the existing road network. Should the site be developed for any other purpose, particularly those relating to community type purposes as suggested by some members of the community, the impact of traffic generated by this type of land use is likely to be significantly greater than that reflected in this proposal.

COMMENT

Environmental Protection Authority (Including CALM) Advice

As outlined within report CJ200 – 08/04 and CJ036 – 03/05, two landscape reports have been prepared for the site. The Landscape and Visual Quality Assessment report was prepared on behalf of the CSIRO and the Environmental report was prepared on behalf of the current landowner. The reports have each been considered and the results reviewed as a component of preparing this advice to the Council.

The majority of recommendations within both Environmental and Landscape and Visual Quality Assessment reports are agreed to. However, there is contention about the merit of protection and rehabilitation of the northern portion of the site.

Most of the site appears to have been cleared in the past and has removed remnant vegetation with the exception of a small area at the northern end of the site.

In addition to the above, a copy of a letter from CALM (apparently to the EPA) has been submitted to the Council and subsequently reviewed. The EPA has conducted, with the assistance of CALM, its own independent landscape assessment of the site. The results of this assessment are outlined within the EPA and CALM advice within the details section of this report. The CALM conclusion is that the site is of value as an area of locally significant bushland because of its geomorphology, landscape position and range of native plant species present.

A further review does however confirm that the existing vegetation throughout the site, including the northern portion of the site, is weed infested and the vegetation found in this area does not possess any characteristics or attributes which would give it conservation significance at any level other than of local significance.

If the state government agencies were of the view that the site has environmental significance, then (through the EPA) a formal level of assessment would have been set under Part IV of the Environmental Protection Act. The EPA did not take up this option.

Some local community members hold the view that the site does contain remnant vegetation and fauna that should be protected at the local level. In order to protect the vegetation on site in its entirety, the site would need to be acquired from the current landowner.

The Council would also need to consider whether the cost of acquisition is justified. This would need to take into account, the merits of retaining the vegetation and possible amenity considerations if the land was alternately maintained or developed, against the capital and ongoing costs associated with it.

The land is not identified by the State Government as a ‘bush forever’ site and is not earmarked for conservation.

It is possible that existing stands of remnant vegetation could be identified and protected through the subsequent structure plan and subdivision application process – even within road reserves and straddling proposed lot boundaries. This option is reflected within part 6(b) of the Council recommendation. The recommended negotiation on this point with the landowner will allow the retention of landscape where possible and justified.

Options relating to Environmental Protection Authority Advice

As the Percy Doyle land exchange issue was not able to be definitively resolved (see comments below) due to the destruction of historical records pertaining to this matter by the State Government, it is considered appropriate that the landowner be requested to provide 10% of the subject lot for POS purposes at the time of subdividing the subject lot. Whilst this may not satisfy the requests by some members of the local community to protect all remnant vegetation on site, this is a compromise that the City is able to pursue.

The POS area created as a result of the 10% requirement would equate to approximately 2188m². It should be acknowledged, however, that a POS parcel of this size is insufficient for it to function as a bonafide conservation reserve, and indeed, small POS parcels containing remnant vegetation are inappropriate from a management and maintenance point of view, particularly with respect to the protection of remnant vegetation from weed infestation.

As a possible alternative, should the proposed amendment and structure plan be ultimately approved, a cash in lieu arrangement could be considered in lieu of providing the POS onsite. It should be noted, however, that this alternative arrangement would need to be ultimately approved by the WAPC at the time of subdivision, as the WAPC are vested with the power to grant subdivision approval and not the City. Only the WAPC, through application of their policy, has the ability to waive the provision of 10% POS and accept a cash in lieu payment for the POS. Some submissions received suggest that this option should be pursued, however others suggest that the POS be provided on the site.

It is expected that should a cash in lieu arrangement be ultimately pursued by the City and supported by the WAPC, that the value of the cash in lieu contribution in this case would be significant as it is based on the value of the land from which the POS is to be taken from. These funds would then be able to be applied to the upgrading of facilities and vegetation within other POS areas within the suburb of Marmion, particularly Braden Park.

Response to Issues arising from Public advertising

The following comments outline the City's town planning approach, justification on planning related grounds and options that the Council may wish to consider with respect to the proposed amendment.

Deficiency and Loss of Public Open Space (POS) in Marmion

Within several submissions objecting to the proposed amendment, it has been suggested that there is a deficiency in public open space (POS) provided within the suburb of Marmion. However, within several submissions supporting the proposed amendment, it was suggested that there is sufficient POS available in Marmion.

The subdivision of Marmion in 1939 that created the subject lot and the residential cells immediately surrounding it predated the 10% POS contribution requirement that was introduced by the State Government in 1956. The remainder of the subdivision of Marmion was undertaken after 1956, and as such, the 10% POS requirement was applied. The 10% POS requirement therefore did not apply to the entire subdivision of Marmion, and as such, should not be used as a benchmark to compare POS provided in other suburbs in which the 10% POS requirement was wholly applied.

Research has identified that, within a previous Council report in 1991, public open space provision in Marmion comprises 9.7% (8.18 hectares) of the gross subdividable area, which equates to a 0.3% shortfall. The report went on to state that this is insignificant considering proximity to the ocean foreshore and Star Swamp.

A POS audit for the suburb of Marmion has been undertaken, with the results shown in Attachment 1. There is a total of 8.007 hectares of POS (excluding the former CSIRO Site, foreshore reserve, and primary school site) provided within Marmion. Based on a total land area of 110.777 hectares, which excludes the foreshore reserve of 4.7443 hectares that is generally excluded in the calculation of the 10% POS provision requirement, POS provided within the suburb of Marmion equates to approximately 7.23%.

Notably the Council, at its meeting held on 15 March 2005, received questions about the amount of open space provided in other suburbs. For suburbs in the City of Joondalup, the information was provided to the Council and read out at the meeting. For suburbs within the City of Stirling, it has been necessary to obtain data from that authority.

The comparative figures are now available and are as follows;

North Beach

Total area - 267.1 ha

MRS Reserve area - 134.5 ha

Local Reserve area - 2.3 ha

POS Calculation - 2.3 divided by 132.6 (Total area plus roads minus MRS reserve) x 100/1 = **1.73%**

Waterman's Bay

Total area - 72.7 ha

MRS Reserve area - 24.3 ha

Local Reserve area - 1.9 ha

POS Calculation - 1.9 divided by 48.4 (Total area plus roads minus MRS reserve) x 100/1 = **3.9%**

All coastal suburbs (including Marmion) contain foreshore recreation reserves that are generally in addition to the normal 10% POS requirement that is given up at the time of subdivision. The size of the foreshore reserve for Marmion is 4.7443 hectares. The Marmion Primary School site also contains an area of 6.0285 hectares that can be accessed by the general public for recreational pursuits.

A total of 18.7798 hectares of land, which excludes the former CSIRO site area of 2.1885 hectares, is available for recreational pursuits within the suburb of Marmion, which has a total land area of 115.5213 hectares (including the foreshore reserve area) and equates to approximately 16% of the suburb being set aside for recreational purposes.

It is therefore considered that the suburb of Marion does have access to sufficient open space, considering that both regional (Percy Doyle Reserve, Star Swap, ocean foreshore) and local (Braden Park, Clifford Coleman Park) POS areas are all easily accessible.

From a town planning perspective and having due regard to both State Government subdivision policy and the POS audit outlined above, the overall amount of land available within Marmion for recreational pursuits is considered sufficient.

Percy Doyle Reserve

As outlined within report CJ 200 – 08/04, the DPI was unable to definitively confirm that the local POS provided at this site was relocated and provided at Percy Doyle Reserve, however it is confirmed that Percy Doyle Reserve was increased in size in approximately 1978. Whether or not this increase is directly linked to the cancellation of the subject land's reserve status and subsequent sale to the CSIRO remains unconfirmed, as both DPI and former City of Wanneroo records are either destroyed (due to prudent DLI record keeping practices) or can not be located.

The comments made by DPI appear to assist in substantiating a link between the two land parcels and gives further credence to statements made with respect to this particular matter in previous Council reports that considered previous applications to rezone the site. Confirmation of this issue is not considered to form an integral component of the Council consideration and subsequent determination of the rezoning proposal, particularly as the overall amount of land available within Marmion for recreational pursuits is considered sufficient.

Percy Doyle Reserve is not within the suburb of Marmion, however this Reserve is located immediately adjacent and has a direct pedestrian linkage through an existing underpass on Marmion Avenue near Freeman Way, Marmion. Percy Doyle Reserve is available for use by the general public and given its considerable size and close proximity to the suburb of Marmion, the Reserve is also utilised by members of the Marmion community for recreational pursuits, thus adding to the total amount of recreational area available to the Marmion community.

Retention of bushland on the Site

As previously noted, only a small portion of the site is remnant bushland, with the majority of the site having been previously cleared. While it is possible to pursue the retention of this area of bush through the 10% public open space requirement should the site be subdivided, it is considered that the area created would be too small to be a genuine conservation area, and would be susceptible to weed infestation. The decision on whether or not to include a 10% POS area on the site does not form part of the decision on the proposed rezoning of the site. However, it is recommended that any 10% POS contribution be accepted as cash in lieu payment and the funds allocated to the upgrading open space areas in the vicinity, including Braden Park.

Reuse of the Buildings for Community Purposes

The City is currently in the process of compiling a Community Development Plan that identifies community needs and actions for the next five years. The planning process identifies the needs of the community; what opportunities currently exist in the community; and what action is necessary to meet the needs identified. The process will enable Council to take into account the range of needs within the community when formulating their plans and be in a position to act, where necessary as advocates for the range of groups within the City of Joondalup.

The Community Development Plan has not been finalised at this stage. However, there is no current identified need for additional community facilities in the area. In addition, the form of the existing buildings on the site is unlikely to meet the needs required of a modern community facility.

Matters contained within proforma submissions (objection)

Two types of proforma submissions were made that objected to the proposal (Attachments 5 and 7)

Attachments 6 and 8 contain comments in regard to the above proforma objection submissions.

Traffic related issues

As outlined in the previous section, traffic generation is not expected to be substantial, and is within the capacity of the existing road network. Although individual submissions state that the development of the site would create safety issues, this is not the conclusion of the traffic assessments.

The purpose of a traffic report at the rezoning stage is to assess the overall capacity of the road network to sustain the likely development of the land following the rezoning. However, as the details for the proposed development are not finalised at this stage, it is not possible for a traffic report to assess the details of the particular on-site development.

Notwithstanding, adequate sightlines and technical engineering standards must be met, and these would be considered in detail during both the structure plan and subdivision stages. To this end, in the event that this rezoning proposal is approved, the City recommends that, at the structure plan and subdivision stages, further traffic reports and engineering plans be submitted addressing all traffic and safety aspects of the proposed subdivision of the land. The traffic report should also assess the impact of the development on the ROW located between West Coast Drive and Leach Street.

Amenity related issues

The submissions received indicate that some members of the community consider that the development for the CSIRO site for residential purposes will have negative impacts, while others consider it will have positive impacts.

It is evident that in terms of land use, the development of the site for residential purposes is compatible with the adjoining residential area. Amenity may be impacted upon by the future structure plan, subdivision and development proposals over the site and as such, these impacts are required to be addressed during the City's consideration of these future applications should the proposed rezoning be ultimately granted approval.

Rationale behind recommendation to grant final approval to the rezoning of the site purposes

The following points are provided in order to provide context for the recommendation that the proposed amendment should be granted final approval on proper and orderly planning related grounds:

- The residential land use ultimately proposed for the site is identical to that prevailing in the immediate locality.
- The 'Urban Development' zoning and resultant residential land use proposed for the site is in conformity with the 'Urban' zoning of the site under the Metropolitan Region Scheme.
- The built form outcome proposed by the applicant is not expected to be significantly different to that prevailing in the locality and within coastal areas generally, and the future structure plan that is required over the site will ensure that this occurs.
- The current R20 residential density code applied to the site is to remain unchanged and is identical to the residential density code that applies to land surrounding the site and throughout the City of Joondalup generally.
- The subject land is not a formal Reserve for Recreation as the State Government cancelled its Reserve status in 1974 and sold it in freehold title to the CSIRO.
- Upon cancellation of the sites Reserve status, the CSIRO's subsequent acquisition and use of the site was not for park/recreational type uses. The zoning of the site under the then Town Planning Scheme No 1 (TPS1) should have reflected the CSIRO's use of the site as a marine research facility. The change in zoning was never undertaken, with the 'Parks and Recreation' zoning remaining in TPS1 and carried over into the City's DPS2.
- The site was never formally developed as a bonafide Recreation Reserve.
- Traffic related issues and concerns can be addressed during the subsequent structure plan and subdivision applications required for the site.
- Environmental related issues and concerns are able to be addressed (in part only due to the EPA's non legally binding advice) during the subsequent structure plan and subdivision application's that are required for the site.
- No significant historical or ethnographic issues have been identified.
- No additional community facility need has currently been identified.

Options

The Council has several options in dealing with this rezoning application. The Council can either resolve to adopt the proposed amendment as final (with or without further modification) and forward it to the Minister for Planning and Infrastructure for final approval, or resolve to not support the amendment.

Furthermore, there is no right of appeal to the State Administrative Tribunal with respect to a decision to refuse to grant final approval to the amendment.

It is noted that Council must consider the submissions by 11 May 2005, and forward a decision to the Minister for Planning and Infrastructure within 28 days of that decision.

Irrespective of the Council's decision, the final decision on the proposed scheme amendment rests with the Minister for Planning and Infrastructure in accordance with the provisions of the Town Planning Regulations, and after taking the advice of the WAPC into account. The Minister may elect to determine the amendment proposal under powers provided by the Regulations, regardless of the Council's position on the amendment.

If the rezoning application ultimately failed, then the Council may also elect to consider the option of acquisition of the land, with the agreement of the land owner and at a significant cost. In so doing, there would be many issues for consideration including but not restricted to;

- Need for acquisition of open space,
- Extent of community benefit that would eventuate
- Costs of acquisition
- Maintenance issues
- Preservation value of the on site flora.

Conclusion

There is an extensive and complex planning history associated with this site, with several applications being previously made to rezone the site. In those cases, the technical recommendation was that rezoning be allowed, however in each case the decision made by the Council of the day was not to proceed with either of the proposals.

Advertising of the proposal indicates that there is community division on the proposal. The City's recommendation to support the proposed amendment for final approval is based on planning related grounds and other considerations outlined within this report.

ATTACHMENTS

Attachment 1	Site Plan/Marmion Public Open Space Schedule
Attachment 2	Scheme Amendment Map & Indicative Subdivision Plan
Attachment 3	Scheme Amendment Process Flowchart
Attachment 4	Schedule of Submissions
Attachment 5	Standard proforma submission 1 (objection)
Attachment 6	Comments in regard to standard proforma submission
Attachment 7	Standard proforma submission 2 (objection)
Attachment 8	Comments in regard to standard 2 proforma submission

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 61 (No. 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development';
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;
- 3 NOTES the submissions received and advise the submitters of the Council decision;
- 4 NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;
- 5 ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;
- 6 ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:
 - (a) clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);
 - (b) have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;
 - (c) ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;
 - (d) ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads.
 - (e) ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;

- 7 NOTES that should Amendment 24 to the City's District Planning Scheme No. 2 be granted final approval by the Minister for Planning and Infrastructure, the City, in considering any future subdivision application referral over the site, shall seek the Western Australian Planning Commission to support the City's request for the landowner to provide 10% of the site for public open space purposes. Furthermore, the City is prepared to consider a cash in lieu contribution for the required POS in this instance should that the Western Australian Planning Commission resolve to accept a cash in lieu payment for the required POS.

MOVED Cmr Clough, SECONDED Cmr Fox that Council:

- 1 Pursuant to Town Planning Regulations 17 (2) **ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 61 (No. 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development'**;
- 2 **AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 **NOTES the submissions received and advise the submitters of the Council decision;**
- 4 **NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;**
- 5 **ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;**
- 6 **ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:**
 - (a) **clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);**
 - (b) **have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;**
 - (c) **ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;**

- (d) ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads.
- (e) ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;
- 7 NOTES that should Amendment 24 to the City's District Planning Scheme No. 2 be granted final approval by the Minister for Planning and Infrastructure, Council seeks the Western Australian Planning Commission's support for the landowner to provide 10% of the site for public open space purposes, to be provided within the subject site;
- 8 DIRECTS the CEO to investigate the implementation of a suitable traffic management treatment within the laneway linking West Coast Highway through to Leach Street in conjunction with the preparation of the draft Structure Plan.

Discussion ensued.

1ST AMENDMENT MOVED Cmr Anderson, SECONDED Cmr Fox that an additional Point 6(f) be added to the Motion as follows:

“6 (f) ensure that the Structure Plan requires buildings to be constructed on the site to be in conformity with sustainable energy and environmental design, including grey water treatment processes on site, if feasible.”

Cmr Anderson spoke to the Amendment.

With the approval of the Mover and Seconder, it was requested that the words “if feasible” be added to the end of Point 6(f).

The 1ST Amendment was Put and CARRIED (4/0)

2ND AMENDMENT MOVED Cmr Anderson, SECONDED Cmr Fox that the following words be added at the end of Point 7 of the Motion:

“7 , to include the remnant bushland.”

The 2ND Amendment was Put and CARRIED (4/0)

The Original Motion as amended, being:

That Council:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No 24 to the City of Joondalup's District Planning Scheme No. 2 without modification for the purposes of rezoning Lot 61 (No. 14) Leach Street, Marmion from Local Reserves 'Parks and Recreation' to 'Urban Development';**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advise the submitters of the Council decision;**
- 4 NOTES that a Structure Plan will need to be prepared in accordance with Part 9 of District Planning Scheme No 2. The Structure Plan process involves a separate detailed application and approvals process, will require further public consultation to be undertaken, and consideration by Council;**
- 5 ADVISES the applicant that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and to this end request a community involvement and consultation plan to be submitted to the City, and undertaken at the applicant's cost, to supplement the formal consultation process required under the City's District Planning Scheme No 2;**
- 6 ADVISES the applicant that the indicative subdivision plan submitted with the Amendment application shall form the basis in preparing a structure plan over the site and should:**
 - (a) clearly demonstrate the application of the principles of sustainability (note Council Policy 2.6.4 – Environmental, Social and Economic Sustainability);**
 - (b) have particular regard to the retention of significant stands of natural vegetation within road reserves and straddling lot boundaries where possible;**
 - (c) ensure that built form outcomes prescribed under the structure plan for the site is generally consistent with the provisions of the Residential Design Codes of Western Australia under the R20 density code, which applies to the site, particularly with respect to building height and bulk;**
 - (d) ensure that the structure plan contains provisions to ensure the finished lot levels proposed under any future subdivision application over the site is sympathetic to the natural topography of the land prior to it being developed as a marine research facility, with such levels being coordinated with adjacent roads and development, particularly for lots that seek to obtain vehicular access from these existing roads.**

- (e) ensure the structure plan contains details relating to the upgrading of all existing streetscapes along the length of the subject lots frontage of Cliff and Leach Streets, Ozone Road and Troy Avenue, which may include, but not limited to, the provision of intersection and traffic calming treatments, on street car parking, street trees, lighting and dual use paths;
 - (f) ensure that the Structure Plan requires buildings to be constructed on the site to be in conformity with sustainable energy and environmental design, including grey water treatment processes on site, if feasible;
- 7 NOTES that should Amendment 24 to the City's District Planning Scheme No. 2 be granted final approval by the Minister for Planning and Infrastructure, Council seeks the Western Australian Planning Commission's support for the landowner to provide 10% of the site for public open space purposes, to be provided within the subject site, to include the remnant bushland.;
- 8 DIRECTS the CEO to investigate the implementation of a suitable traffic management treatment within the laneway linking West Coast Highway through to Leach Street in conjunction with the preparation of the draft Structure Plan.

Discussion ensued.

was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf300305.pdf](#)

**CJ052 - 04/05 PARKS & RECREATION - PROPOSED TAVERN,
BOARDWALK AND RETAIL ADDITIONS ON PT RES
39197 (52) SOUTHSIDE DRIVE, HILLARYS – [01081]**

WARD - Whitfords

CJ050330_BRF.DOC:ITEM 8

PURPOSE

This report is to request Council's consideration of an application for a proposed tavern, pedestrian boardwalk and retail additions to the Hillarys Boat Harbour. Consideration of this application and outcomes will be forwarded to the Western Australian Planning Commission for final determination.

EXECUTIVE SUMMARY

The proposal is to develop a new two-storey tavern, five (5) retail shops (food & beverage) and a pedestrian boardwalk connecting the proposed additions to the existing northern car park, within Hillarys Boat Harbour (HBH).

The subject extension is proposed to be located to the north of the existing harbour, encompassing part of a relocated “seabed” lease area. The land is zoned “Parks & Recreation” in which the ultimate decision on the proposal will rest with the Western Australian Planning Commission.

The proposed tavern is to encompass 1500sq/m of new floorspace, over two (2) levels, whilst the retail food and beverage area is to have 800sq/m of new floorspace, which includes five (5) separate retail tenancies. Overall the proposed tavern/ retail additions will be approximately 75 metres in length and over 30 metres wide. The height of the proposed additions will be approximately 3.0 metres higher than the existing main roof height of Hillarys Boat Harbour.

These new food & beverage retail outlets and tavern are proposed to include extensive alfresco areas. Much of the new alfresco seating will be incorporated as part of the tavern extension on both the lower floor and upper floor. The upper floor of the tavern is proposed to be a multi purpose room being a tavern, restaurant and function room.

The 6.0 metre wide pedestrian boardwalk proposed to link the new extension to the northern car park and eastern beaches will allow for visitors to walk one complete loop around the whole quay. The boardwalk is proposed to incorporate a drawbridge, which will allow “boats for sale” to be moored at the existing boat pens to the eastern side of the quay. The proposed boardwalk will encroach into the boat exclusion zone (or swimming area) to the northwest of the site.

It is noted the applicant is proposing to relocate the existing tavern (Breakwater Tavern) into the new premises if approved. There have been no plans or details given to the City for the proposed use of the existing tavern, other than that it is envisaged to be used for more retail/ food and beverage outlets.

The proposed additions will reduce the number of “Rottnest Boat Ferry” berths to one (1). The applicant has shown that there is a potential area to the north of the boardwalk for a new ferry terminal. This would mean that the existing ticket office would be relocated to the northern boardwalk area. However, this is not included as part of the subject application.

The applicant has estimated that the proposed development would require the provision of 141 additional car bays to meet the parking standards as specified in the Hillarys Boat Harbour Structure Plan. Furthermore the applicant is of the opinion that the existing on-site parking provision is currently sufficient to cater for the proposed extension.

It is recommended Western Australian Planning Commission be advised that the subject application is not supported.

BACKGROUND

Suburb/Location: Pt Res 39197 (52) Southside Drive, Hillarys
Applicant: Cox Howlett + Bailey Woodland Architects
Owner: Department Of Land Information – Crown Land
Zoning: **DPS:** Parks & Recreation (R20)
MRS: Parks & Recreation

The application was presented to the Council Meeting, dated 15 March 2005, in which it was recommended that the Council defer consideration of the proposal to allow the proponents to present their views by way of a deputation to the Commissioners.

Application History

15 October 2004	Application received.
10 December 2004	Meeting to discuss issues of proposed development - held at Hillarys Boat Harbour - Harbour Management Office. Manager Hillarys Boat Harbour, A/Manager, Regional & Asset Performance (DPI), Manager North (DPI), Manager Approvals, Planning and Environmental Services (COJ), Senior Planning Officer (COJ).
17 December 2004	Meeting with the Lease Holder (Wylie Group), Applicant (Cox Howlett + Bailey Woodland), A/Chief Executive Officer, Manager Approvals, Planning and Environmental Services, Coordinator Planning Approvals, Senior Planning Officer (COJ) – Discussed further issues of the development, advertising & timing for a decision from Council.
6 January 2005	Application advertised for Public Comment (Newspaper).
11 January 2005	Applicant holds information session for public at Breakwater Tavern, Hillarys Boat Harbour. (This session was independent of the City of Joondalup).
03 February 2005	Advertising completed.
15 March 2005	Application was presented to the Council in which it was recommended that the Council defer consideration of the proposal to allow the proponents to present their views by way of a deputation to the Commissioners.

DETAILS

The proposal is to develop a new two-storey tavern, five (5) retail shops (food & beverage) and a pedestrian boardwalk connecting the proposed additions to the existing northern car park, within Hillarys Boat Harbour (HBH). The applicant, Cox Howlett + Bailey Woodland states that this development outlines a vision for enhanced development of the quay, which both at a macro and micro levels will reinforce the significance of the site for the community, offering a greater dynamic hub for recreational activity and tourism whilst enhancing peoples experience of the Harbour.

The applicant has suggested, as part of the development application, and given the cost of the proposed boardwalk at \$1.75 million, the cost contribution should be converted into a cash-in-lieu allowance for car parking. At a cost of \$5,500 per car bay for cash in lieu contribution, the applicant believes that this would afford 350 new car bays for the site. The applicant believes that the boardwalk will redistribute the car parking usage from the southern car park to the northern car park, therefore relieving congestion from the Hepburn Avenue roundabout.

Cox Howlett + Bailey Woodland, have estimated that the proposed development will require an additional 141 car bays to be provided as a result of the proposed development. This is based on parking ratios, which has been provided in the “Hillarys Boat Barbour Structure Plan and Implementation Strategy”, as shown below:

- Tavern (1500sq/m) - 3 car bays per 100sq/m = 45 car bays
 - Retail (800sq/m) – 12 car bays per 100sq/m = 96 car bays
- Total = 141 car bays**

The applicant believes that the existing car parking provision will allow for these car bays without the need to provide any new car bays. This is explained by the applicant as follows:
(Note: 1 trailer bay is equivalent to two car bays)

Total On-Site Parking Provision Figures:

Total Car bays = 1824
Total Boat Trailer Parking = 253

Peak Demand Figures Provided (Sat/Sun):

Total Car bays = 1690
Total Boat Trailer Parking = 200-250

These estimates have been based on a series of surveys conducted by the applicant. (It is noted that these estimates include an allowance of 300 car bays for staff).

The applicant has stated that there are 334 car bays within the northern car park as well as 253 boat trailer bays, including an additional 41 car bays within this area. The total for car bays in the northern section therefore totals 375 bays. (There are an additional 75 bays for the Marine Research facility, which the applicant states that the availability of these bays is unclear).

The applicant states that the peak use of the boat ramp during the “Australia Day” holiday was 243 trailer bays at 1230hrs, whilst a day with an early sea breeze (April 21, 2002) peaked at 81 trailer bays being used at 1000hrs. The conclusion drawn from these figures was that the peak time for usage of the boat trailer bays occurs before midday.

Therefore the applicant believes that the peak usage times of the Hillarys Boat Harbour additions for the proposed retail and tavern would occur in the afternoon and evenings. This would indicate that the two peak periods would not overlap.

The applicant further argues that the existing setup demonstrates that the people who utilize the Rottneet Ferry, currently park in the southern car park area, as this is the closest area to the terminal. The applicant believes that the construction of the boardwalk would make it more attractive for people wishing to catch the ferry, to use the northern car park. The boardwalk will create greater access from the northern car park area for these passengers. The applicant believes that this setup will free up a further 115 car bays in the southern car park area.

The applicant maintains that it is not normal for the design of intersections and parking to accommodate traffic for the busiest day of the year. The applicant believes that parking for other developments, such as shopping centres, are based on the capacity for the 5th or 7th worst day of the year.

Surplus Trailer Parking Spaces (Note: 1 trailer bay is equivalent to two car bays)

Worst Day (Aust Day) = 10 Trailer bays (20 Car bays)
Typical Usage Weekend = 160 trailer Spaces (320 Car bays)

The applicant concludes that on a normal peak day there are in the order of 2144 car bays available based on the spare trailer bays being able to accommodate two cars each.

Based on a maximum peak demand of 80% of the worst day of the year, the applicant states that the allocation level for parking should be based on 200 trailer bays, to meet the expected demand. This would mean that 106 car bays would be available over and above the 134 bays, which are currently in surplus.

Therefore the total number of surplus bays, according to the applicant, is 240 car bays which is well in excess of the 141 car bays the applicant believes is necessary for the proposed new additions.

Additional comments to support the above numbers would be that the proposed parking peak demands of the boat trailer parking and the proposed retail/ tavern additions would not occur at the same time. Therefore the applicant believes that there will be additional co-usage of the boat trailer bays.

The applicant also states that with future modification the parking would be further accommodated. These changes would include:

- The provision of appropriate traffic management procedures to redirect many of the staff to park on the northern side to alleviate congestion in the southern car parking area.
- The provision of a signalled intersection at southern access;
- Incorporate a “3 hour parking” zone for southern car parking;
- “Unlimited Parking” area for northern car park which will make parking in this area more attractive;
- Upgrading of pedestrian network;
- Plan for new car park to southern side with additional exit to West Coast Drive;
- Introduce Parking Fee Strategy;
- Designate 250 car trailer bays with exclusive use for boat launch ramp users up to 12 noon on Saturdays and Sunday’s;
- Develop alternative boat ramps and associated trailer parking along the coastline to accommodate future growth in demand.

The applicant believes that if a reasonable approach to the parking provision is taken (not using the extreme events as a guide) and with the use of high-quality future planning the existing car parking to the northern side of the development should easily accommodate the proposed new additions.

Statutory Provision:

The City of Joondalup District Planning Scheme No 2 and the Hillarys Boat Harbour Structure Plan and Implementation Strategy 2004, are relevant documents.

The subject land is zoned "Parks & Recreation" under the Metropolitan Region Scheme (MRS) in which the development is required to be referred to the Western Australian Planning Commission for its determination. The subject area is "Crown Land" in which ownership of the land is the Department Of Land Information (DOLI).

When considering an application for Planning Approval the following clause of District Planning Scheme No. 2 is specifically relevant to this application:

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.*

Consultation:

It was deemed necessary to advertise the subject proposal due to the significance of the development, and the development site, on a regional scale. The proposal was advertised for a period of twenty-eight (28) days in accordance with the requirements of the Scheme. Two separate advertisements were posted in the Community newspaper inviting comment from the public.

It is noted that the applicant, Cox Howlett & Bailey Woodland, held an on-site public information session at the "Breakwater Tavern" on 11 January 2005, which was conducted from 3:30pm to 7:00pm. This information session was open to the public in which information about the proposed development could be obtained, and any queries or questions could be answered.

This session was overseen by an independent organization, being “Patterson Market Research”, where a Community Feedback Form was handed out to the public. This form provided some questions about the public’s individual views of the proposed development and asked for any comments “for or against” the proposed development. This information session was independent of the City of Joondalup.

At the close of the public advertising period, Council had received eight (8) objections. It is noted that one of the objections received was a late objection. This was received from the Department of Fisheries Western Australia on 21/02/2005.

Submissions Summary

Issue	Officers Comment
The use of the upper floor of the tavern as a function centre, designed with the emphasis for alfresco usage will not contain noise. I have no objection to the upper floor use being for a restaurant, retail or coffee shop that do not have loud music as an integral part.	It is a requirement for a development such as this one to comply with the Department of Environments Noise Regulations 1997. Therefore this development would have to meet these requirements.
Anti-social behaviour from existing tavern/ nightclub patrons has already been a problem. The increased floor area will continue and exacerbate the problem.	It is considered difficult to use the concern that the increased floor area of the proposed tavern will exacerbate anti-social behaviour as being a valid planning reason for refusal. Anti-social behaviour is a Harbour Management issue, which should be assessed regularly with appropriate action taken.
There is a distinct lack of parking in both the northern and southern car parks, which is clearly evident during the school holiday period, public holidays and weekends. I feel that the parking would need to be doubled to cater for both shop-owners, penholders & marina patrons.	The issue of parking is one which is considered to be a very important factor in the decision making process for this application. It is agreed that the parking availability is limited during the school holiday period, public holidays and summer weekends. It is agreed the amount of parking for such a development has to be assessed, taking into account all users of the harbour.
In regards to the drawbridge under no circumstances shall there be jumping, diving or fishing allowed. Will it be fenced?	The plans, which have been submitted, do not show any plans for fencing along the boardwalk or drawbridge area. The patrolling of this area in relation to jumping, diving and fishing should be a matter considered by the Management of the Harbour.
The marina is becoming nothing but a retail outlet, and is losing its charm and visual appeal.	It is important to consider the existing and future impact of any development on a site including its capacity to cater for further commercial development and the amenity of the area.
The proposed boardwalk and jetty extensions intrudes into the swimming/ beach reserve. The swimming / beach reserve is a very popular area and any intrusion has the potential to degrade it.	It considered that this impediment is minor with a small portion of the boardwalk encroaching into the northwest corner of the swimming area. Most of the boardwalk area is located outside of the “boat exclusion zone” or swimming area. It is considered that the boardwalk will provide a clear delineation between the boat area and the swimming area.
Without doubt tavern patrons will dump their rubbish into the water from the boardwalk. If you doubt this then I urge you to survey the present situation where patrons from the tavern and Irish club regularly dump broken empty bottles into the parking facility.	As stated above, patron or clientele behaviour is considered to be Harbour Management issue, which should be dealt with as the need arises.
I have seen documents, which suggest that the proposed development only needs the 141 car bays to be provided. What is being put where the tavern is now? Wylie’s plan is to relocate the existing tavern and build more retail space. Therefore parking for the existing use should be based on 15 bays per 100sq/m and total parking should be 354 bays, not including alfresco.	It is agreed that the development proposal should include detailed plans of the proposed use for the existing tavern (Breakwater Tavern). Furthermore, the application should address possible increase in the parking demand, having regard to the introduction of new users into the existing tavern facility.

<p>I am amazed that Liquor Licensing, the Health Department, the Police and other interested parties would not be totally opposed to such a move. Intoxicated patrons using a tavern surrounding on three (3) sides by deep water. As well as the ferry being located next to the tavern and the potential for intoxicated patrons leaving the tavern and falling into the propellers of the ferry exists.</p>	<p>This issue will need to be researched and addressed by such departments as mentioned, if the proposal was approved. Safety will have to be an issue that is also addressed as part of this application.</p>
<p>No mention is made of the Structure Plan's requirement for real car bays to be built for any new development. They talk about co-usage of trailer bays. This will take further bays away from the boat users, given the large amount of bays grabbed by the Fisheries for their new development.</p>	<p>It is agreed that the applicant is providing an argument that the existing level of parking available, including co-usage of boat trailer bays in the northern car park, will be sufficient to cater for this development. The applicant has argued that the co-usage is based on peak demands for the tavern and retails tenancies being different from the boat usage. It is important that this factor is sufficiently researched based on current and future demands for the site and will be an important determining factor of this report.</p>
<p>The applicant has suggested that the cost of the boardwalk, together with additional jetty structures, will be in the order of \$1.75 million. It has been argued that based on this cost, cash in lieu should be provided for the applicant at a cost of \$5,500 per bay, giving the applicant a further 250 car bays, therefore a surplus of 209 car bays. Is the jetty structure any benefit to anyone other than the Wylie Group and its customers and should the boardwalk not be a safety requirement after the recent fire?</p>	<p>The concept of cash in lieu of parking has been detailed in the applicant's proposal. It is agreed that concession on parking bays should not be given as part of this application. Alternative transport means should be addressed as part of the application rather than giving any further concessions.</p> <p>The applicant has explained that the boardwalk will be able to provide access for small fire or emergency vehicles to drive down. The development application would have to comply with the requirements of FESA before any approval is given.</p>
<p>No cash in lieu should be given. The development should only proceed if the required number of car bays for the addition has been provided. This would be the provision of at least 345 car bays.</p>	<p>As stated above it is agreed that cash in lieu should not be afforded to the applicant in this instance and that car parking bays should be provided, or alternative measures implemented, as part of this proposal.</p>
<p>My wife and I are sick and tired of the rowdiness, vandalism, and general intimidating loutish behaviour that emanates from that area of an evening. We do not believe that an enlarged tavern will improve the situation in any way.</p>	<p>As stated above, it is difficult to use the concern that the proposed tavern will be a cause for anti-social behaviour, as being a valid planning reason for refusal. Anti-social behaviour is considered to be a Harbour Management issue, which should be assessed regularly with appropriate action taken.</p>
<p>I believe that the boat harbour has already gone past what was sold to the community at its commencement. Clearly the infrastructure is having difficulty coping with the demand. The proposal is getting bigger which means it is moving further away from the reason the Boat Harbour went in. I believe that the boat harbour is at capacity now.</p>	<p>It is agreed that the Boat Harbour is currently a sizeable development and any new development will cause addition pressure on the existing infrastructure. The commercial nature of the development also needs to be considered as part of this application and its affect on the amenity of the area and whether the site has reached its capacity for development.</p>
<p>I feel that boating is going to be affected by this development and suggest that its time to move further up the coast to provide the next amenity for the boating public.</p>	<p>It is important to address all aspects of this development in relation to the existing usage for the site, whether it is land based or sea based activities. The effect on the existing boat parking is something that will have to be addressed as part of this application.</p>
<p>The marina is becoming nothing but a retail outlet.</p>	<p>It is agreed that there should be a balance between the amount of retail, recreation and marine facilities provided on the site with the commercial side being monitored.</p>

<p>The plan suggests a tavern of 1500sq/m will only require 45 parking bays (3 bay per 100sq/m). This is not at all consistent with what we could reasonably expect for a tavern and is not at all consistent with the City's District Planning Scheme No. 2. Table 2 requires the Use Class for Tavern/ Club to provide 1 bay per 3sq/m NLA for standing area plus 1 per 5sq/m for seating area. Factoring these requirements there will be either 135sq/m of standing area, or 225sq/m of seating area. This is clearly nonsense.</p>	<p>It is agreed that the parking ratio's, which have been set out by the Hillarys Boat Harbour Structure Plan and Implementation Strategy, clearly differ from that which is required under the City's District Planning Scheme No. 2. The Structure Plan suggests development proposals will be required to provide car parking generally in accordance with the rates stipulated in Section 10.3. These parking ratios must also take into account variables such as operation times, whether the use is incidental to the existing uses and whether it primarily serves people who do not generate a demand for parking. At present the provision of no parking, for the development, is seen to be inadequate for the proposed use proposed.</p>
<p>Approval of our facility (Fisheries) required significant documentation including environmental, traffic and landscaping studies, which do not appear to have been required in this case.</p>	<p>It is agreed that more consideration needs to be given to the impact on traffic and parking within the facility before an addition such as this is approved. A landscaping study would not be considered necessary for this addition over a seabed, but some attention could be drawn to the environmental impact.</p>
<p>The development is clearly in conflict with the intent of the Hillarys Boat Harbour Structure Plan, and is planned to occur over an area of seabed not set aside for development.</p>	<p>First point noted as general. In relation to the seabed lease the applicant is proposing to relocate existing portions of the seabed lease area, which has not been utilised, so as the development would be over an appropriate lease area.</p>
<p>The Department of Fisheries was required to create 150 additional parking bays. We strongly object to these newly created car bays being regarded as part of "excess" parking capacity in the northern area for use by another commercial development.</p>	<p>Agreed. The provision of parking should be based on support that there is surplus parking over and above parking bays provided by the Fisheries Department.</p>
<p>The proposed building and pedestrian walkway will severely restrict and constrict the water area in front of the boat ramps, creating potential safety hazards for the recreational boating public using the ramps.</p>	<p>As has been previously mentioned in the report, only a limited portion of the proposed boardwalk will encroach into the public swimming area zone, of which is designated as a boat exclusion zone. It could be said that the boardwalk offers more safety for the public swimming area, in that it provides a barrier between the boating areas. The normal path of boating is not considered to be significantly affected by the proposed additions.</p>
<p>The proposed walkway will severely restrict access for small boats to the area east of the ramps, which is currently being used extensively by canoeists and rowing clubs.</p>	<p>It is agreed that the pedestrian boardwalk may have the potential to restrict access for small boat users. It would be a preferable option for the boardwalk to be of a sufficient height above the water to continue to allow small boat users such as canoeists and rowing clubs access.</p>
<p>The extensive infill building over the water area of the harbour will significantly reduce the visual amenity of the marina, particularly from the internal swimming beaches and the southern restaurant area.</p>	<p>It is agreed that the building is of a significant size of which will have an impact on the outlook, toward the moored boating area and expanse of ocean, from the southern swimming beach and restaurant area. The height of the structure and subsequent bulk may have an affect on the visual amenity from these southern areas of the Harbour.</p>
<p>The proposed pedestrian boardwalk walkway duplicates the treed walk trail and its only apparent purpose is to directly feed pedestrian from the northern parking area into the new development.</p>	<p>It is considered that the proposed boardwalk area would be beneficial in providing easier pedestrian access from the existing northern car park to the quay area. This boardwalk would provide visitors the opportunity to walk a complete loop of the harbour. The proposed boardwalk would also provide an alternative fire exit from the site. The fact that it leads directly into the proposed new development is not considered to be a valid planning consideration.</p>

The timing of the release of the proposal at the centre of the Christmas festive season has minimised the possibility of adequate public consultation.	The application was open for public comment for a period of 28 days, from 06/01/2005 until 03/02/2005. The comment period was specifically set after the Christmas and New Year period to avoid this conflict. The Council only has 60 days to deal with a specific application and to further extend the application process due to the Christmas period was not seen to be acceptable.
The announcement of the proposal was limited to poster in busy thoroughfares and personal one on one discussion with the project architects.	The posters that were erected around the harbour were additional advertising information provided by the application, which is not a statutory requirement. The provision of the posters in a busy thoroughfare would be seen as a more ideal location than an area not well utilised by the public. One on one discussion with the architect's is seen as a benefit to interested parties to obtain relevant information. It is noted that the applicant held these discussions independently.
No attempt was made to provide an informative presentation to the members of the public and local stakeholders who attended the launch.	As above, the applicant held this presentation independently, which is not a statutory requirement.
The community feedback form and overall process, was as a consequence of the lack of information likely to provide misinformed views of the public response. The survey outcomes should therefore, be disregarded by Council.	The community feedback form provided from, "Patterson Market Research" has been noted within the report but the results have not been incorporated.
The expected presence of a City of Joondalup officer to view the public consultation process did not appear to occur, possibly due to the unfortunate timing of the release.	It is noted that a Planning Officer of the City was present at the public consultation session. As this session was independently run by the applicant it was not necessary for an Officer of the City to participate in proceedings
Overall the consultation process appears to have been designed to minimise the likelihood of the plans receiving full public scrutiny.	It is deemed that the advertising process has met the requirements as has been set out in Clause 6.7 of the City's District Planning Scheme No. 2.

COMMENT

Hillarys Boat Barbour is recognised as one of the State's major regional recreation centres for tourism, which contains multi-faceted uses including, ferry services, residential, food & beverage, public open spaces and entertainment.

The City of Joondalup in conjunction with the Department for Planning and Infrastructure has developed the "Hillarys Boat Harbour Structure Plan and Implementation Strategy", which was endorsed on 5 October 2004. This structure plan has been prepared as a guide for the development of Hillarys Boat Harbour, which addresses many objectives for the site including the opportunities, constraints and options for the future for over the next ten (10) years.

The applicant in this instance is proposing an addition to the existing Hillarys Boat Harbour (HBH) development. The additions proposed are for an additional retail floor space (food & beverage) of 800m² and a tavern of 1500m². In addition to these developments, a boardwalk is also proposed to connect the existing northern car park area directly through to the proposed new retail/ tavern development.

The applicant has envisaged that the proposed additions could be developed without the need to provide for any further parking and has argued there will be benefits, which will arise from the development of a new pedestrian boardwalk to the north of the proposed additions linking the existing northern car park.

In terms of parking demand, with the growth and success of the Harbour development in total over time, the main limiting factor to its functionality and ease of use relates to the availability of parking. Most pressure for parking bays is felt at the Southern car park, with the Northern car park experiencing less pressure and demand in the past. It is however noteworthy that with the recent development of the Marine Research Building in the Northern Carpark, and the patterns of usage that have emerged in recent times, parking bays are at a premium on the Harbour site.

For comparative purposes, the tables below indicate the difference between projected parking demand as proposed by the applicant (in accordance with the HBH Structure Plan), and as it is calculated under the District Planning Scheme No2.

Hillarys Boat Harbour Structure Plan

Tavern	1500sq/m	(3 bays per 100sq/m)	=	45 bays
Retail (Cafe/Restaurant)	800sq/m	(12 bays per 100sq/m)	=	96 bays
	TOTAL		=	141 bays

District Planning Scheme No2

Tavern/Club 1353.28sq/m seated area (1 bay per 3sq/m NLA of Standing Area & 1 bay per 5sq/m for seating area) = 270.65

** Please note that this has been calculated on all areas being seating areas as shown on plans*

Shop/ Take Away Food Outlet 531.41sq/m NLA (7 bays per 100sq/m NLA) = 37 bays
TOTAL = 307.65

Therefore the approximate shortfall between the "Hillarys Boat Harbour Structure Plan and Implementation Strategy" and the City's "District Planning Scheme No.2" in relation to requirements for parking is calculated at **166.65 bays**.

Future Scenarios

In future, there will also be an issue as to the likely reuse of the old tavern building footprint. The applicant advised that the old tavern would most likely be converted into retail having a total floor area of about 1400sq/m. The net parking demand would need to be calculated at the time that a subsequent development application is lodged to determine whether further parking bays are required.

It is agreed that the new boardwalk proposed by the applicant will make the northern car park more attractive for users of the site to park their vehicles, which may free up some parking within the southern car parking area. The northern car park would be more attractive to all levels of users whether it be, short stay or long term parking. However it is considered that this redistribution of parking will not change the level of demand for parking which is a significant issue.

It is agreed that the subject usage of the northern car park is dependant upon the time of year (public/ school holidays and summer) and whether there is an early sea breeze (boat usage).

It is agreed that there is a level of co-usage of car parking within the Hillarys Boat Harbour development. However, due to the mix of uses and variation of opening hours, it is difficult ascertain what the overall parking requirements are for the site.

It is considered that the proposed tavern/ retail additions for the site are a significant increase to the existing use and function of the Harbour. The current size of the commercial section of the Harbour is believed to be at a level, whereby any further additions would put a considerable strain on the existing infrastructure for the site and in particular the parking provisions.

It is considered that there is a limited ability for the site to provide additional parking at present. Therefore to support a new development, incorporating 2,300sq/m of new floor area, without the provision of new parking is not considered to be acceptable.

It is important for Hillarys Boat Harbour to continue to function as a site that provides a safe and comfortable environment for the public. It is considered that the size and nature of the new development will increase the pressure on parking, access/ egress and the surrounding road network for the site, thereby increasing the possibility of the amenity of the locality to be adversely affected.

The existing Harbour is considered to be close to capacity in terms of the existing commercial and marine based activities. Therefore, it is considered that before any new development is approved further investigation should take place in terms of providing for adequate parking, access/ egress and safety for all users. It is necessary to explore other alternatives such as the improvement of public transport services and pedestrian/ cycle access.

It is further noted that the existing tavern (Breakwater Tavern) is foreshadowed for further retail tenancies, which have not been incorporated as part of the applicant's car parking figures, which would increase the number of required car bays, as retail uses under the Structure Plan require the provision of more car bays than a tavern use. The operation of these retail uses, during the peak periods of the boating area, would create future conflict.

Due to the existing parking constraints, it is considered unacceptable that by providing a boardwalk for the development, the applicant is granted a cash in lieu concession without providing any new on-site parking.

In reference to the Hillarys Boat Harbour Structure Plan and Implementation Strategy it is considered the objectives set out within the document must be fully addressed for a development of this size to be considered for a favourable decision. Such objectives would be to protect the role of Hillarys Boat Harbour as a regional attraction by improving and better managing the vehicle access/ egress and parking facilities. Upgrading pedestrian and cycle access and improve public transport access to and from the Harbour.

The Hillarys Boat Harbour Structure Plan and implementation Strategy, states that the current parking and access/ egress situation needs to be addressed as a matter of some urgency. Public transport to the site, especially during large special events, requires significant upgrading. Additionally pedestrian access and safety within the site must also be improved, and pedestrian priority reinstated in many areas.

The site is increasing in popularity every year, which means that the site is experiencing, further pressures on the infrastructure every year. The comfort and safety for all users of the site is imperative, and it is considered that the expansion of the site for commercial activities should not be supported until the existing infrastructure capacity has been satisfactorily assessed in relation to the current and the future demands of the site.

CONCLUSION

Therefore it is recommended that the Western Australian Planning Commission be advised that the proposed additions for a new tavern/ retail and boardwalk not be supported. Additionally, the Western Australian Planning Commission be advised that further investigation is required for the management of existing car parking areas and the improvement of vehicular access and egress from the site which should be identified and incorporated into the development proposal, including detailed plans for the proposed use of the existing tavern site.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that Council ADVISES the Western Australian Planning Commission that proposed Tavern, Boardwalk and Retail Additions on Pt Res 39197 (52) Southside Drive, Hillarys (Hillarys Boat Harbour) is not supported as:

- 1 The amenity of the area will be detrimentally affected by the increase in commercial activity on the site, without the provision of further car parking areas;**

- 2 The existing car parking for the site is considered to be close to capacity in which further development would put considerable pressure on the availability and safety of parking within the northern and southern car parking areas, thereby affecting the safety and amenity within the area;
- 3 Further investigation and research should be undertaken for:
 - (a) the management of existing car parking areas;
 - (b) identification of the future demands for parking;
 - (c) the improvement of vehicular access/ egress for the site;prior to any further additions being approved, to alleviate the pressures on the existing infrastructure.
- 4 The proposed use of the existing tavern should be outlined in detail and considered as part of the development proposal, including the possible increase in parking demand, types of uses and hours of operation;
- 5 Other means of transport to the site including public transport, cycling and pedestrian means should be further investigated and improved prior to any further additions being approved for the site.

AMENDMENT MOVED Cmr Anderson, **SECONDED** Cmr Fox that an additional Point 6 be added to the Motion as follows:

- “6 **REQUESTS** the CEO to advise all relevant sections of the Department of Planning and Infrastructure as to the concerns of the Council pertaining to further development of the Hillarys Boat Harbour site.”

Cmr Anderson spoke to the Amendment.

The Amendment was Put and

CARRIED (4/0)

The Original Motion as amended, being:

That Council ADVISES the Western Australian Planning Commission that proposed Tavern, Boardwalk and Retail Additions on Pt Res 39197 (52) Southside Drive, Hillarys (Hillarys Boat Harbour) is not supported as:

- 1 The amenity of the area will be detrimentally affected by the increase in commercial activity on the site, without the provision of further car parking areas;
- 2 The existing car parking for the site is considered to be close to capacity in which further development would put considerable pressure on the availability and safety of parking within the northern and southern car parking areas, thereby affecting the safety and amenity within the area;

- 3 Further investigation and research should be undertaken for:**
- (a) the management of existing car parking areas;**
 - (b) identification of the future demands for parking;**
 - (c) the improvement of vehicular access/ egress for the site;**
- prior to any further additions being approved, to alleviate the pressures on the existing infrastructure.**
- 4 The proposed use of the existing tavern should be outlined in detail and considered as part of the development proposal, including the possible increase in parking demand, types of uses and hours of operation;**
- 5 Other means of transport to the site including public transport, cycling and pedestrian means should be further investigated and improved prior to any further additions being approved for the site;**
- 6 REQUESTS the CEO to advise all relevant sections of the Department of Planning and Infrastructure as to the concerns of the Council pertaining to further development of the Hillarys Boat Harbour site.**

Discussion ensued.

was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf300305.pdf](#)

**CJ053 - 04/05 PROPOSED MODIFICATIONS TO THE ILUKA
STRUCTURE PLAN NO. 26 – [48934] [29557]**

WARD - North Coastal

CJ050330_BRF.DOC:ITEM 9

PURPOSE

The purpose of this report is for Council to consider minor modifications and to adopt the Iluka Structure Plan No 26.

EXECUTIVE SUMMARY

The Iluka Structure Plan was first considered by the Council in 2000 and was finalised in 2001. Since that time, two (2) separate modifications have been made to the structure plan in 2002 and 2003.

An application has been received requesting further modifications to the structure plan relating to the proposed reconfiguration of a small portion of Public Open Space (POS) located near Burns Beach Road. As a result, slight changes to the surrounding road network and several residential lots are also required.

In addition to the above modifications, it is proposed to provide a series of controlled access places (CAPs) for future lots fronting Burns Beach Road to prevent vehicular access directly from Burns Beach Road. The provision of a series of CAPs will ensure that vehicular manoeuvrability and safety is not compromised along this section of Burns Beach Road.

Clause 9.7 of the City's District Planning Scheme No 2 (DPS2) allows the Council to waive public notification when the modification to the structure plan is considered to be minor.

No existing development is located in close proximity to the structure plan area that is sought to be modified. The modifications relate only to figure 1 of the structure plan and do not alter the provisions of the structure plan and therefore its purpose.

It is recommended that the Council:

- 1 *Pursuant to clauses 9.6 and 9.7 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that the proposed modifications to the Iluka Structure Plan No 26 are considered to be minor in nature and AGREES to waive public notification of the proposed modifications;*
- 2 *Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that Figure 2 of the Iluka Structure Plan No 26 as shown in Attachment 2 to this Report be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;*
- 3 *Subject to certification by the Western Australian Planning Commission, ADOPTS the modified Iluka Structure Plan No 26 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.*

BACKGROUND

Suburb/Location:	Iluka
Applicant:	Roberts Day Group
Owner:	The Roman Catholic Archbishop and Davidson Pty Ltd
Zoning: DPS:	Urban Development
MRS:	Urban
Strategic Plan:	Strategy 3.1.1 – plan the timely design, development, upgrade and maintenance of the City's infrastructure. Strategy 3.1.2 – facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup. Strategy 3.3.1 –provide residential living choices.

The original Iluka Structure Plan was considered by Council in 2000 and was finalised in 2001 (CJ067-03/01 refers). Since that time, two (2) separate modifications have been made to the structure plan in 2002 (CJ116-05/02 refers) and 2003 (CJ119-05/03 refers) relating to both text for clarity and map (Figure 1) changes, for instance, road networks, public open space and dual use path locations.

DETAILS

Attached to this report are plans showing the existing Iluka Structure Plan Figure 1 and the proposed modifications to the structure plan map (Attachment 1 refers) and the proposed Iluka Structure Figure 2 (Attachment 2 refers).

The modifications proposed to the structure plan seek to improve the design of a small POS area (pocket park) and the surrounding road network. As a result of these modifications, minor modifications have also been made to the configuration of several future residential lots that front these new roads and POS as shown in Attachment 1.

A summary of the applicant's submission relating to the proposed modification to the POS is as follows:

- The existing structure plan shows a regular configuration of the POS with three street interfaces. The fourth boundary of the POS directly interfaces with (backs onto) four single residential lots, two of which are of battle-axe configuration. The proposed amendment will provide the POS with a street interface to all boundaries.
- The size of the POS is to be marginally increased from approximately 2500m² under the existing structure plan to approximately 2980m² under the proposed modifications to the structure plan.

A summary of the applicant's submission relating to proposed modifications to the road network is as follows:

- A 12 metre wide road reserve is proposed along the northern boundary of the POS. This is a short street where vehicle speeds and traffic volumes are low. It is unlikely that this road will be used as an alternative route (shortcut) to adjacent local collector roads. The design of this road shall incorporate the use of various construction materials to signify that this is a low speed road.
- The road adjacent to the southwest boundary of the POS has been extended such that its intersection with Burns Beach Road has shifted slightly to the west. This is to ensure adequate sight lines are met for users at the intersection of this road and the new road outlined above.
- The slight shift of the intersection outlined above has created the need to slightly modify the design of the controlled access place (CAP) to the west along Burns Beach Road.
- The existing approved structure plan map shows a short access road that is east of the road that intersects with Burns Beach Road. It is proposed to delete this road to facilitate the proposed road pattern around the POS.
- The deletion of the above road necessitates design changes with respect to the interface for future lots facing Burns Beach Road between Delgado Parade and the road intersecting with Burns Beach Road outlined above (second dot point). A system of controlled access places (CAP), consistent with other controlled access places for the balance of Burns Beach Road, is proposed.

The applicant has also provided a traffic report that relates to the proposed modifications to the road network outlined above. A summary of the comments made within this traffic report is as follows:

- The roads in the existing structure plan (in the area subject to the proposed street network changes) were classified as access streets with traffic flows less than 1000 vehicles per day. The proposed modifications to the road network does not alter these classifications. Only the road layout will change, not the previously indicated traffic flow forecasts as no specific figures are provided where flows are less than 1000 vehicles per day.
- The proposed four-way intersection adjacent to the northwest corner of the POS shall be priority controlled and designed to current standards to ensure appropriate forward visibility is provided.
- Where local access streets front POS, there is no requirement to provide utilities services on both sides of the road. A 12 metre road reservation is considered an appropriate minimum for access streets adjacent to POS.
- Reference to the existing structure plan indicates that the traffic flows on Burns Beach Road are approximately 6000 vehicles per day and the north/south access street has approximately 640 vehicles per day. This intersection would operate with a very good level of service and minimal delays during peak hours. It is therefore unlikely that the new east/west access street fronting the POS would attract higher levels of traffic than originally shown as a result of the change to the road network, particularly with respect to the proposed deletion of the short access road that intersects with Burns Beach Road.

The applicant has requested that public consultation be waived because they consider that the modifications proposed are minor in nature and do not materially alter the intent of the Agreed Structure Plan. The applicant also states that the proposed modifications to the structure plan do not cause any significant detriment to land within or abutting the structure plan area as the area of the structure plan proposed to be modified is remote to existing development and comprises vacant land that is yet to be further subdivided and developed.

Statutory Provision:

Under clause 9.7 of DPS2, Council may amend an agreed structure plan, however finalisation of any such amendment is subject to the approval of the Western Australian Planning Commission (WAPC). Should Council determine that the proposed modification is minor in nature such as not to materially alter the intent or purpose of the Agreed Structure Plan or cause any significant detriment to land within or abutting the structure plan area, it may waive public advertising of the proposed modifications in accordance with Clause 9.7 of DPS2.

Community Consultation:

Community consultation has been previously undertaken in accordance with Clause 9.5 of the City's DPS2 with respect to the Iluka Structure Plan, including various modifications that have been made to the structure plan over time.

The original Iluka structure plan was advertised for a period of 28 days between December and January 2001 and then extended for a further 2 weeks. A total of five (5) signs were placed in strategic locations and two (2) advertisements placed in the local newspaper.

The first modification to the Iluka Structure plan was advertised for a period of 28 days between March and April 2002. A total of five (5) signs were placed in strategic locations and an advertisement placed in the local newspaper. Letters were also sent to landowners abutting the structure plan area.

The second modification to the Iluka Structure plan was advertised for a period of 30 days between March and April 2003. One (1) sign was placed along Naturaliste Boulevard and an advertisement placed in the local newspaper. Letters were also sent to landowners abutting the structure plan area. At the closure of the advertising period, no submissions were received.

Sustainability Implications:

The proposed modifications to the structure plan will facilitate a more desirable POS configuration, which in turn, will assist patronage of the POS. Changes to the road network will provide increased route choices for both vehicles and pedestrians, thus improving accessibility.

COMMENT

Proposed Modifications to the POS

The existing POS design under the existing structure plan does not conform with the Council's Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Open Space. The Council's policy advocates road interfaces to all POS boundaries to avoid POS interfacing with/backing onto residential lots, however the existing structure plan indicates four (4) future residential lots that directly interface with/back onto the POS. The proposed modification to the POS therefore addresses the requirements of the Council's policy 3.2.6 by providing road interfaces along all POS boundaries.

In addition, the natural topography of the land slopes down towards Burns Beach Road and as such, the four future lots adjoining the POS shown in the existing structure plan would be at a level lower than the POS. This is not desirable as it would reduce opportunities for people residing within future residential dwellings to provide passive surveillance over the POS. The difference in levels between the four lots and the POS may also create future drainage issues for the lower lying residential lots. The new road proposed between the POS and the residential lots will address this drainage issue.

The area of the POS is to be marginally increased from 2500m² under the existing structure plan to approximately 2980m² under the proposed modifications to the structure plan. The POS provision for Iluka under both existing Figure 1 (shown in Attachment 1) and proposed Figure 2 (shown in Attachment 2) exceeds the 10% POS requirement required under WAPC DC policy 2.3 – Public Open Space in Residential Areas.

Proposed modifications to the road network

The City's officers have reviewed the traffic report relating to the proposed modifications to the road network and the City concurs with the comments contained therein.

Moreover, proposed modifications to the road network are supported as the modifications increase legibility through the provision of a wider range of vehicular and pedestrian access options as required under the WAPC's Liveable Neighbourhoods policy.

The provision of controlled access places (CAP's) along Burns Beach Road to provide separate road frontage to future residential lots facing Burns Beach Road is also supported as it will ensure that vehicular manoeuvrability and safety is not compromised, nor the carrying capacity and flow of vehicular traffic travelling along this section of Burns Beach Road.

Finally, the changes to the road network are supported as it will facilitate a lot pattern to achieve efficient and effective civil works and a more desirable outcome with respect to achieving more appropriate land and road levels, particularly in the vicinity of the reconfigured POS.

Proposed lot layout modifications

As a result of modifications to the road network and POS, minor modifications have been made to the configuration of various residential lots, as shown in Attachment 1. It should be noted that lot layout configuration is not shown on Figure 1 or Figure 2 of the structure plan as this detail is shown and assessed at the subsequent subdivision approval stage.

Notwithstanding the above, the revised lot configurations are more regular in shape than those that would be created under the existing structure plan and thus will facilitate a more appropriate built form outcome. In addition to this, the removal of the two future battle axe access leg configured lots that may be created under the existing structure plan is supported as the use of battle axe lot layouts does not facilitate good streetscape outcomes.

CONCLUSION

The modifications sought to the structure plan are considered minor in nature and are supported as the modifications collectively represent further refinement of the structure plan according to more appropriate urban design and road planning principles and policy of both the City of Joondalup (Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Open Space) and the Western Australian Planning Commission (Liveable Neighbourhoods). The resultant outcome improves the design of the POS, surrounding road network and surrounding lots.

The proposed modifications to the structure plan relate only to Figure 1 of the structure plan and no changes to the wording or provisions of the text are necessary.

Given that the proposed modifications to the structure plan are considered minor in nature, do not materially alter the intent or purpose of the structure plan or cause any significant detriment to land within or abutting the structure plan area, it is recommended that public advertising be waived in this instance.

Should the Council support the proposed modifications to the structure plan, Figure 1 of the existing structure plan (Attachment 1 refers) will be replaced with Figure 2 (Attachment 2 refers). The entire structure plan document is then sent to the WAPC for certification.

ATTACHMENTS

- Attachment 1 Existing Iluka Structure Plan No 26 Figure 1 and extract of Figure 1 and 2 relating to the area subject to proposed modifications.
- Attachment 2 Modified Figure 2 of the Iluka Structure Plan No 26.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that Council:

- 1 Pursuant to clauses 9.6 & 9.7 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that the proposed modifications to the Iluka Structure Plan No 26 are considered to be minor in nature and AGREES to waive public notification of the modifications;**
- 2 Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2 RESOLVES that Figure 2 of the Iluka Structure Plan No 26 as shown in Attachment 2 to Report CJ053-04/05 be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;**
- 3 Subject to certification by the Western Australian Planning Commission, ADOPTS the modified Iluka Structure Plan No 26 as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the Structure Plan documents.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf300305.pdf](#)

CJ054 - 04/05 PROPOSED AMENDMENT NO 28 TO DISTRICT PLANNING SCHEME NO 2 TO REZONE SWAN LOCATION 12816 (16) FERNWOOD SQUARE, PADBURY FROM 'RESIDENTIAL' TO 'PRIVATE CLUBS AND RECREATION' – [10564]

WARD - Pinnaroo

CJ050330_BRF.DOC:ITEM 10

PURPOSE

For Council to consider submissions received during the advertising period and to consider the final Amendment No 28 to District Planning Scheme No 2 (DPS2) without modifications.

EXECUTIVE SUMMARY

Swan Location 12816 is currently a vacant lot. The lot is located adjacent to Hepburn Avenue, between Brookmount Ramble and Fernwood Square. The site is zoned 'Residential' under DPS2 and 'Urban' under the Metropolitan Region Scheme (MRS). The proposed Amendment would accommodate a pre school establishment.

Council at its meeting on 14 December 2004 (CJ328-12/04 refers) resolved to initiate Amendment No 28 to DPS2 for public advertising. The 42 day advertising period closed on 2 March 2004 and a total of fourteen (14) submissions were received, eight (8) submissions objected to the proposal and six (6) submissions had no objection, five (5) of which were from government agencies.

The objections raised have been addressed in the Schedule of Submissions (Attachment 1). Several of the points raised in objection to the amendment relate to traffic issues. It is noted that a Traffic Parking and Pedestrian Impact Study was undertaken by the applicant. The study concluded that there would not be any major impacts from the proposed development and it is regarded that the study has satisfactorily addressed traffic and pedestrian issues arising from this proposal.

It is therefore recommended that Council grant final approval to Amendment No.28 to DPS2 as outlined in the following resolution:

That Council:

- 1 *Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No. 28 to the City of Joondalup's District Planning Scheme No 2 without modifications for the purposes of rezoning Swan Location 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation';*
- 2 *AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;*
- 3 *NOTES the submissions received and advises the submitters of the Council's decision;*
- 4 *ADVISES the applicant that prior to the submission of a development application to the City a survey of the existing vegetation on the subject site, including the adjacent verges, is required to be submitted for assessment.*

BACKGROUND

Suburb/Location: Swan Location 12816 (16) Fernwood Square, Padbury
Applicant: St Stephens School
Owner: Crown Land (Department for Planning and Infrastructure)
Zoning: **DPS:** Residential R40
MRS: Urban
Strategic Plan: Strategy 1.1 – to develop, provide and promote a diverse range of lifelong learning opportunities.

DETAILS

The proposed amendment applies to Swan Loc 12816 (16) Fernwood Square, Padbury and is sought to facilitate the proposed use of a pre primary school.

Under the current 'Residential' zone, an 'Educational Establishment' is an 'X' use, and is therefore not permitted under that zone. Accordingly, rezoning the site to 'Private Clubs and Recreation' is required to accommodate the proposed use of a pre primary school. The definition in DPS2 accommodates a pre primary school under the definition of an 'Educational Establishment'.

The land is currently owned by the Crown, and the state government, which has agreed in April 2000 to grant the land to St Stephens School for the purposes of expanding the existing school on Doveridge Drive, Duncraig. The proposed expansion would allow the development of a pre primary school, enabling the school to offer the community a full pre-primary to Year 12 establishment accommodating up to 1200 students. The applicant has indicated that there is a growing need for this type of facility in the area.

Traffic Management

The applicant submitted a Traffic Parking and Pedestrian Impact Study. The objectives of the study were as follows:

- Establish the current traffic situation in the surrounding area;
- Estimate the additional traffic generation resulting from the operations of a junior primary school;
- Determine the impact of the increased traffic on the adjacent road network;
- Determine the functionality and suitability of the access, parking and pedestrian facilities to the proposed pre primary school.

There are two proposed access points to the St Stephens pre primary school ground off Brookmount Ramble and it is noted that the road carries limited traffic during peak times.

The study indicates that there would not be any major impact from the proposal. The report also noted that additional parking bays and adequate paths are required.

Vegetation

The site contains some natural bushland and is located near the Whitfords Avenue bushland and the Pinnaroo Valley Memorial Park. These sites are both Bush Forever sites and contain regionally significant vegetation to be retained and protected. The site is not classified as a Bush Forever site.

Statutory Provision:

Section 7 of the Town Planning and Development Act 1928 (as amended) together with section 25 of the Town Planning Regulations 1967 enables local authorities to amend a Town Planning Schemes and sets out the process to be followed.

Upon provision 17(2) of the Regulations, Council is required to consider all submissions received during the advertising period. After considering all submissions, the Council is required to either resolve to not proceed with the amendment or adopt the amendment, with or without modifications, and to submit three copies of the amendment document to the Western Australian Planning Commission for recommendation to the Minister for Planning and Infrastructure to grant final approval.

Strategic Implications:

The proposed zoning of the subject site would allow for the development of an educational establishment, which is in line with the City's Strategic Plan of providing a diverse range of lifelong learning opportunities.

Sustainability Implications:

The surrounding area is residential and the site is ideally located near major roads and public transport routes, therefore facilitating the proposed use.

Community Consultation:

The proposed amendment was advertised for a period of 42 days from 19 January 2005 to 2 March 2005. Advertising was in the form of a sign erected on site, adjoining landowners being notified in writing and advertisements placed in The West Australian (19 January 2005) and the Joondalup Community Newspaper (20 January 2005).

Upon closure of public advertising, a total of fourteen (14) submissions were received, eight (8) submissions objected to the proposal and six (6) submissions were of no objection, five (5) of which were from government agencies.

A summary of all submissions received during the public advertising period, together with the City's detailed response to these submissions is set out in Attachment 1.

COMMENT

The proposed amendment is sought to facilitate the proposed use of a pre primary school. The West Australian government has agreed to grant the land to St Stephens School for the purposes of expansion of the existing school, enabling it to accommodate a pre school to Year 12 facility.

Traffic Management

A Traffic Parking and Pedestrian Impact Study was submitted by the applicant. The study adequately addressed traffic and pedestrian management issues and it is concluded that there will not be any major impacts on the surrounding locality. In addition the applicant proposes two access points from Brookmount Ramble which currently carries limited traffic during peak hours. No access is proposed via Fernwood Square. The City supports the outcomes of this study. Furthermore the City is unlikely to support any future vehicular access via Fernwood Square.

Vegetation

Given the close proximity of the Bush Forever sites to the subject site, it is considered that the built form and urban design outcomes should be sympathetic to the natural bushland setting and proximity to the bush. Accordingly, a survey of the existing vegetation on the subject site and adjacent verges should be submitted prior to lodgement of a development application for the development of the school.

Submissions

Several of the points raised in the objection submissions included traffic issues and impacts that the proposed school may have on the adjoining residential area. It is noted that the Traffic Parking and Pedestrian Impact Study which was submitted by the applicant is considered to have adequately addressed the issues raised. With access points proposed on Brookmount Ramble it is unlikely that there will be an increase in traffic in the surrounding residential area. Furthermore the City is unlikely to support future vehicular access via Fernwood Square.

Some of the submissions also raised concerns relating to matters that would be assessed in detail at the future development application stage, should the proposed amendment be approved. This report relates only to the amendment phase of the development.

It is considered that the amendment would facilitate the development of a pre primary school that would provide an important community function and satisfy increasing demand for such an establishment. The location of the subject site on the periphery of the Hepburn Heights Estate is unlikely to have any significant impact on the adjoining residential area.

Accordingly it is recommended that the amendment be granted final approval without modification and the documents subsequently endorsed and submitted to the Western Australian Planning Commission (WAPC) for recommendation to the Minister for Planning and Infrastructure to grant final approval.

ATTACHMENTS

Attachment 1	Schedule of submissions.
Attachment 2	Location Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

- 1 Pursuant to Town Planning Regulations 17 (2) ADOPTS Amendment No. 28 to the City of Joondalup's District Planning Scheme No 2 without modifications for the purposes of rezoning Swan Location 12816 (16) Fernwood Square, Padbury from 'Residential' to 'Private Clubs and Recreation';**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**

- 3 NOTES the submissions received and advises the submitters of the Council's decision;**
- 4 ADVISES the applicant that prior to the submission of a development application to the City, a survey of the existing vegetation on the subject site, including the adjacent verges, is required to be submitted for assessment.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf300305.pdf](#)

CJ055 - 04/05 MIXED USE COMMERCIAL & RESIDENTIAL DEVELOPMENT ON LOT 532 (53) DAVIDSON TERRACE, JOONDALUP – [40855]

WARD - Lakeside

CJ050330_BRF.DOC:ITEM 11

PURPOSE

For the Council to consider a mixed-use development on Lot 532 (53) Davidson Terrace, Joondalup in accordance with the Joondalup City Centre Development Plan and Manual (JCCDPM) within the Central Business District (General City Uses).

EXECUTIVE SUMMARY

An application has been received for a proposed mixed-use development within Joondalup City Centre. The site is located on the northeastern corner of Boas Avenue and Davidson Terrace, directly north of the City of Joondalup Council Offices/ Civic Centre.

The proposal is for 25 multiple dwellings consisting of 6 single bedroom dwellings, 16 two-bedroom dwellings and 3 three-bedroom dwellings. There are 4 commercial ground floor tenancies proposed with this development. The development is proposed to include a recreational gym, spa and BBQ facilities for residents.

The proposed structure is to be 4 storeys in height and includes a basement level. There are 42 car bays on-site with 9 bays being at grade levels along the eastern side of the development and 33 bays being provided within the basement level.

The property is contained within the General City Use Precinct of the Central Business District (CBD). The proposed residential and commercial uses are both considered preferred uses within the Central Business District, as stated in the JCCDPM.

The proposal represents a significant development within the City Centre area. The location is considered to be ideal in relation to transport, education and shopping within the City Centre.

The development as proposed creates a residential density of R160 for the multiple dwelling units, which represents a variation to that which is normally permitted under the JCCDPM. The JCCDPM does not prescribe a maximum density coding for the General City Use area.

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

BACKGROUND

Suburb/Location: Lot 532, (53) Davidson Terrace, Joondalup
Applicant: Studio Di Architettura
Owner: Plazaline Pty Ltd
Zoning: **DPS:** JCCDPM - Centre
MRS: Central City Area

DETAILS

The subject site is 1438m² in area and has frontages to both Boas Avenue and Davidson Terrace. A six (6) metre wide sewer, drainage and power easement runs along the eastern boundary of the site.

The development proposal consists of the following elements:

- A 4 storey building with a basement car park;
- 25 multiple dwellings consisting of 6 single bedroom, 16 two bedroom and 3 three bedroom dwellings;
- 4 commercial tenancies comprising of 540sq/m of floor area;
- A total of 42 car bays have been provided with 9 bays being provide at grade (east) with the remaining 33 bays being located in the basement level of the development;
- All vehicular access is provided for along off the easement to the east of the site, from Boas Avenue;
- A residents gym, spa and BBQ area have been provided as well a central courtyard space.

The following variations to the applicable standards are proposed:

- The development to be classified as a landmark site allowing a residential density of R-160 in lieu of R-100B;
- A floor area of up to 89m² for single bedroom dwellings in lieu of 60m², as permitted under the Residential Design Codes 2002;
- A variation to the minimum open space requirement of 21% in lieu of 60% as permitted for lots zoned R-160, under the Residential Design Codes 2002.

The applicant is requesting Council to consider the development as a landmark site and thereby proposing a density coding of R160 in lieu of R100B. Support for the development to be classified as a “landmark site” has been requested for the following reasons:

The corner of Boas Avenue and Davidson Terrace being directly opposite the City of Joondalup Civic Centre represents the Civic heart of the Joondalup City Centre. The applicant states that the intersection of Boas Avenue and Davidson Terrace will become increasingly important to the legibility and form of the City Centre in the future, particularly when the parcel of land adjoining the subject property is developed. This will turn Boas Avenue into a “main street” of the City Centre with the position of the development, on a corner, being of particular importance to the City Centre.

The development presents a modern City Centre mixed-use building with a varied façade of balconies, windows and solid building materials. The frontage of both commercial and residential land uses, address both Boas Avenue and Davidson Terrace equally with significant entry statements for individual tenancies.

The provision of a continuous pedestrian shelter, via the use of awning, will improve the amenity of the area.

The provision of a nil setback to both street frontages will maintain the streetscape and provide maximum surveillance over the public domain, enhancing the safety for pedestrians.

The particular attention that has been given to creating a prominent street corner with the development providing active street frontages.

The height of 4-storeys represents a landmark feature whilst still meeting the requirements of the JCCDPM in relation to height limits.

Other developments in the area, approved by Council, have achieved similar densities. An example of this is a development at Lot 10 (17) Davidson Terrace, Joondalup for 38 multiple dwellings and 6 commercial tenancies, which was approved by Council at a density of R-159, on 11 March 2003.

A variation has been requested by the applicant for the floor area of the proposed single bedroom dwellings (6 units), to be allowed at up to 89sq/m, which is in excess of the 60m² floor area allowable under the Residential Design Codes 2002 (RDC). Support for the variation is requested for the following reasons:

- The larger living spaces proposed improve the residential amenity of each dwelling and contributes to the building façade and visual presentation of the building.
- The increase in the floor area does not increase the ability of the dwelling to accommodate additional occupants beyond that specified by the Performance Criteria of the RDC, as the internal area of the bedrooms would not be able to accommodate additional occupants and each dwelling only contains one room capable of use as a bedroom.

Overall, a provision of 21% for open space, consisting of central courtyard area and vehicular access, has been proposed with this development. The normal requirement for open space under the density coding of R160 of the RDC, is for a minimum of 60%. The applicant is requesting a variation to this requirement based on the following justification:

- The requirement for open space is unclear within the documentation for the Central Business District under the JCCDPM, stating that there are no set specifications for 'landmark' development sites.
- The development within the City Centre area is expected to be of a more urban character requiring nil setbacks, which reinforces the reduced open space around the building.
- The dwellings have been provided with direct outdoor living space connected to a habitable room in the form of balconies, which achieve a 10m² area with a minimum dimension of 2 metres, as required in the RDC for multiple dwellings.
- The development compares to 'mixed-use' development where the RDC specifies a 'nil' open space requirement apart from the provision of a balcony for each dwelling.
- The development compares to that of "Inner City Housing" in which the RDC do not provide a specific percentage of open space and simply relies on the open space meeting the recreational and social needs of the residents.
- The open space should take into account the provisions of other facilities such as the gym, spa and BBQ area that is proposed within the development.
- The applicant believes that the open space provided is of a high quality both for functional and aesthetic purposes and therefore satisfies the open space needs for the occupants and the RDC.

Statutory Provision:

The subject land is within the "Centre" zone of District Planning Scheme No 2 (DPS2). The proposal incorporates the above variations to the provisions of the JCCPM. Provisions of DPS2 enable Council to consider such variations.

The relevant clause in DPS2 is as follows:

4.5 Variations To Site And Development Standards And Requirements

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

4.5.2 In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:

- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7; and*
- (b) *have regard to any expressed views prior to making its decision to grant the variation.*

4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*

- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
- (b) *The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

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

6.8 *Matters To Be Considered By Council*

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

- (a) *interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*
- (b) *any relevant submissions by the applicant;*
- (c) *any Agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*
- (d) *any planning policy of the Council adopted under the provisions of clause 8.11;*
- (e) *any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (f) *any policy of the Commission or its predecessors or successors or any planning policy adopted by the Government of the State of Western Australia;*
- (g) *any relevant proposed new town planning scheme of the Council or amendment or proposed Metropolitan Region Scheme Amendment insofar as they can be regarded as seriously entertained planning proposals;*
- (h) *the comments or wishes of any public or municipal authority received as part of the submission process;*
- (i) *the comments or wishes of any objectors to or supporters of the application;*

- (j) *any previous decision made by the Council in circumstances which are sufficiently similar for the previous decision to be relevant as a precedent, provided that the Council shall not be bound by such precedent; and*
- (k) *any other matter which in the opinion of the Council is relevant.*

Consultation

The proposal was not advertised for public consultation, as it is not required under DPS2 or the JCCDPM, as the subject land uses are preferred land uses.

Sustainability Implications:

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

COMMENT

The proposal is for 25 multiple dwellings consisting of 6 single bedroom dwellings, 16 two bedroom dwellings and 3 three bedroom dwellings. There are 4 commercial ground floor tenancies proposed with this development. The development is proposed to include a recreational gym, spa and BBQ facilities for residents. The proposed structure is to be four storeys in height, and includes a basement level. There is to be 42 car bays provided with 9 bays being at grade levels along the eastern side of the development and 33 bays being provided within the basement level.

The development is located within the General City Precinct of the Central Business District of the JCCPDM, which permits residential development as well as commercial type uses.

Council has been requested to consider the following variations:

- The site to be classified as a landmark site allowing a residential density of R-160 in lieu of R-100B;
- Increase in the floor area of up to 89m² for single bedroom dwellings in lieu of 60m², as permitted under the Residential Design Codes 2002;
- Reduction to the minimum open space requirement of 60% to 21% as permitted for lots zoned R-160, under the Residential Design Codes 2002.

Landmark Sites and density

The location of landmark sites, have been denoted within some parts of the JCCPDM. However with the Central Business District of the JCCPDM there are no specific areas which have been set-aside as landmark sites. A site within the Central Business District can only be classified as landmark site if it can be demonstrated that the development creates an appropriate landmark.

The site is part of the General City Precinct of the Central Business District within the JCCPDM. Within this precinct there is no defined density coding for residential development. However for other precincts, including the Residential/ Mixed Use Precinct, which is also within the Central Business District, the City may permit up to a residential density of R-100B where it has been demonstrated to Council's satisfaction that the development creates an appropriate landmark.

Using the above as a guide, the applicant is proposing a residential density of R-160 based on the proposal being classified as a landmark development. If a site is to be considered suitable for such a building, it would need to be demonstrated that the development would enhance the overall legibility and amenity of the City Centre.

It is considered that the development can be classified as a landmark site, allowing a density bonus of R160 in lieu of R100, for the following reasons:

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

Additionally it is noted that there have been similar approvals given in the Central Business District (General City Use) within close proximity of the development. An example of this was for Lot 10 (17) Davidson Terrace, Joondalup for thirty-eight multiple dwellings and six commercial tenancies, which was approved by Council at a density of R159, on 11 March 2003. In this respect a density coding of R160 is not seen to be a major deviation from that which has already been approved within the precinct.

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

Floor Area for Single Bedroom Dwellings

The second variation proposed is for an increase in the plot ratio of the single bedroom dwellings. Clause 4.1.3 of the RDC states that single bedroom dwellings shall have a maximum floor area of 60m².

The 6 single bedroom dwellings have floor areas that range from 84m² to 89m². These include balcony areas of between 10.2m² and 13.9m². It is noted that if the balconies were excluded from the floor area, the total areas of the single bedroom dwellings would range from approximately 73.8m² to 75.1m².

The performance criteria of the RDC for single bedroom dwellings states, “dwellings that provide limited accommodation, suitable for one or two persons”.

The additional floor area proposed for the 6 single bedroom dwellings meet the relevant performance criteria of the RDC as the dwellings contain a living room and no more than one other habitable room that is capable of use as a bedroom. The only other rooms provided are the kitchen/dining and bathrooms.

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

Open Space

The third variation is to the open space requirement for the development. Under the RDC, the open space requirements for lots, which are zoned R160, is for a minimum total of 60%. (It is noted that the RDC are used as a guide for development within the City Centre District) For the subject site, this would require approximately 863m² of open space. The applicant has provided 300m² of open space, which is a total of 21% of the site.

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

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

The proposed variation to open space variation required by the RDC meets the relevant performance criteria, for the following reasons:

- The open space complements the building providing a landscaped area at ground floor levels, which can be viewed internally from all levels.
- The ground floor courtyard, provides a safe and secure open facility, which suits the needs of the residents of a high density mixed-use development.
- The need for development to provide a nil setback to all street frontages, as per the requirements of the JCCDPM, and having the restriction of a 6.0 metre easement to the east of the site, limits the potential to provide any open space to the street frontages.

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

Balconies have also been provided for each of the dwellings, which open directly from a habitable room. Each balcony has a minimum dimension of 2 metres and a minimum area of 10m². This is in compliance with the Acceptable Development criteria, Open Space Requirements being Part 3.4, A3 of the RDC, for multiple dwellings.

It is therefore considered that a provision of 60% total open space would be inconsistent given the landmark significance of the site. It is considered that the proposal is sufficient in that it provides open space, which complements the building and suits the needs of the residents of a high density development in which a variation to the normal requirement is considered acceptable.

Other Issues

Due to the height of the building, it is considered that there will be a significant amount of overshadowing. However, as the development has a north-south orientation, most of the overshadowing will be towards Boas Avenue and will not significantly affect the amenity of adjoining properties. Therefore the level of overshadowing is considered to be acceptable in this instance.

With respect to overlooking, the subject development primarily has windows and balconies on the western and southern façade, which overlook Davidson Terrace, Boas Avenue and car parking areas. There are some windows and balconies to the eastern elevation, which overlook the Right-of Way (ROW) easement and adjoining development to the east (vacant site). The overlooking from these windows and balconies toward the vacant property to the east, which is separated by a 6.0 metre wide easement, is considered to be normal within an inner city environment.

The applicant has proposed a bin storage area within the central building area. As a result, the applicant has acknowledged that the bins must be collected from the bin store area on collection day and are not to be positioned on the ROW. This will incur an additional service fee.

CONCLUSION

It is considered that the development proposal has satisfied the requirements of the JCCDPM and DSP2 in terms of the objectives for development and preferred uses within the City Centre District.

The corner site is considered important in relation to its proximity to the Civic Centre. The development through its design, materials, prominence, bulk, interaction and proposed concentration of commercial and residential activity is seen to achieve the status of a landmark site.

The variations sought through the proposed residential density for a landmark site, plot ratio for single bedroom dwellings and open space requirements for the development are considered to be acceptable and will not have any adverse impact on the adjoining properties or the proposed residents.

The proposal will make a positive contribution to the Central Business District and is indicative of the continued interest in the provision of mixed residential and commercial developments within the City Centre.

It is therefore recommended that the application be approved.

ATTACHMENTS

Attachment 1	Location plan
Attachment 2	Floor plans & elevations
Attachment 3	Colour Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 EXERCISES discretion in relation to Clause 4.5 of District Planning Scheme No 2, Clauses 3.1.1, 3.4.1 and 4.1.3 of the Residential Design Codes and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) the development is classified as a “landmark site” within the Central Business District and that a residential density of R-160 in lieu of R-100B having regard to its architectural character and scale;**
 - (b) a floor area of up to 89m² for single bedroom dwellings in lieu of 60m² having regard to the configuration of the units and their likely function;**
 - (c) a minimum open space requirement of 21% in lieu of 60% for lots zoned R-160, having regard to the amenities proposed to be included in the communal open space area;**

is appropriate in this instance;
- 2 APPROVES the application for planning consent, dated 24 June 2004, submitted by Studio Di Architettura on behalf of the owners, Plazaline Pty Ltd for 25 Multiple Residential Dwellings and 4 Commercial Units at Lot 532 (53) Davidson Terrace, Joondalup subject to the following conditions:**
 - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) and AS 2890.5 (on street parking). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied;**

- (b) The provision of disabled carparking bays, located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the Manager Approvals, Planning & Environmental Services and in compliance with the Building Code of Australia. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);**
- (c) Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;**
- (d) At least 50% of the area of the ground floor façade shall be glazed and the horizontal dimension of the glazing shall comprise of 75% of the total building frontage;**
- (e) The glazing on the ground floor is not to be obscure to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (f) Ground floor level of the building shall be at finished pedestrian level to allow ease of access and contribute to the animation of the streetscape;**
- (g) All building finishes and materials used on the exterior of the building shall be robust, durable and resistant to vandalism to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (h) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;**
- (i) Each multiple dwelling to be provided with an adequate area for clothes drying that is screened from view from Davidson Terrace and Boas Avenue or alternatively to be provided with clothes drying facilities within the unit;**
- (j) Should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (k) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (l) All fencing to be designed and constructed in accordance with the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;**

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

- (v) **Provision of a minimum of forty-two (42) car bays for the development to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (w) **An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be shown on the building licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;**
- (x) **Any amendments marked in RED on the approved plans being completed to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (y) **The owner/s of Lot 532 (53) Davidson Terrace, Joondalup shall provide necessary notations on the Certificate of Title of the land to state that the proposed single bedroom dwellings as shown on the approved plans are designated as “Single Bedroom Dwellings”, to the satisfaction of the Manager Approvals, Planning & Environmental Services.**

Footnotes:

- 1 Plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover;**
- 2 A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;**
- 3 Signs do not form part of this approval for Planning Consent in which, a sign licence shall be made to the City prior to installation of any advertising signage;**
- 4 Applicant to comply with the relevant requirements of the Sewerage (Lighting, Ventilation and Construction) Regulations 1974, the Health Act (Laundries and Bathroom) Regulations, and the Health Act 1911;**
- 5 All floors to wet areas shall be suitably surfaced and shall grade evenly to a floor waste;**
- 6 All internal laundries, bathrooms and toilets shall be provided with mechanical ventilation flumed to external air.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf300305.pdf](#)

CJ056 - 04/05 MIXED USE COMMERCIAL & RESIDENTIAL DEVELOPMENT: LOTS 300 & 301 (54 & 58) GRAND BOULEVARD, JOONDALUP – [19436]

WARD - Lakeside

CJ050330_BRF.DOC:ITEM 12

PURPOSE

For Council to consider an application for planning consent for a mixed use development in the City North precinct of the City Centre at Lots 300 & 301 (54 & 58) Grand Boulevard, Joondalup.

EXECUTIVE SUMMARY

An application has been received from Overman & Zuideveld Architects for the development of a building for two office/commercial units and 24 multiple dwellings. The proposal comprises 103m² of office space and 952m² for residential purposes. The building is 3 storeys in height and includes a loft in the second storey corner residential unit. Parking is accessed via the rear laneway. The density, height and urban form of the development are compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) in regard to plot ratio. Given that the development will contribute to the desired character of the City Centre area and is compatible with existing developments in the area, the proposed development is supported.

BACKGROUND

Suburb/Location: Joondalup
Applicant: Overman & Zuideveld Architects
Owner: Peer No 63 Syndicate Ltd
Zoning: **DPS:** Centre
MRS: Urban
Strategic Plan: Joondalup City Centre Development Plan and Manual

To facilitate the proposed development it is proposed to amalgamate Lots 300 & 301 (54 & 58) Grand Boulevard, Joondalup. The lots are currently vacant and located within the City North area of the Joondalup City Centre, where they are both designated for General City Use. The preferred uses are residential, retail, office, accommodation, residential, leisure and entertainment, cultural facilities, community facilities and medical suites. It is recommended this planning approval be subject to approval from the Western Australian Planning Commission to amalgamate the subject lots.

Outlined below is the history of the application:

02/11/2004 Application received
14/01/2005 revised plans in accordance with Australian Standards for car park requested
09/02/2005 revised plans received
14/02/2005 further revised plans in accordance with Australian Standards for car park requested
15/02/2005 revised plans received

DETAILS

The proposed development includes the following features:

- A mixed use development is proposed consisting of 24 multiple dwellings and 2 office or commercial units;
- The height of the building is three storeys;
- The total number of car parking bays provided is 35;
- The upper level residential units are accessed via stairs located in the parking areas and the front entrance lobby;
- The residential units include a centrally located communal courtyard that includes a pool spa, sauna and barbeque facilities;
- The residential and office units address the street frontage with zero setback; and
- Balconies have been provided for the residential units.

Statutory Provision:

The provisions of District Planning Scheme No 2 (DPS2), the Joondalup City Centre Development Plan and Manual (JCCDPM) and the R-Codes control development within this area.

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the Joondalup City Centre Development Plan and Manual.

When determining this application Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 apply and are relevant:

- 4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map, the R-20 density code applies unless the Council determines that a higher code should apply.*

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

- 4.5.1 *Except for development in respect of which the Residential Planning Codes apply and the requirements set out in Clauses 3.7.3 and 3.11.5, if a development is the subject of an application for planning approval and does not comply with a standard or requirement prescribed under the Scheme, the Council may, notwithstanding that non-compliance, approve the application unconditionally or subject to such conditions as the Council thinks fit.*
- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (c) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
 - (d) 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.*

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.*

Development Standards Table

The following table summarises the development details:

Standard	Required	Provided
Front Setback	0m	0m
Side Setback	As per BCA*	0m
Plot Ratio	1.0 2013m ² maximum	1.05 (2116m ²) Total {1.0 (2013m ²) Residential and 0.05 (103m ²) Commercial}
Height	3 storeys maximum	3 storeys
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ²

*Under the BCA a nil side setback can be permitted for buildings.

Consultation:

The proposed development was not advertised, as the form of development is expected under the JCCDPM.

Strategic Implications:

It is likely that this mixed-use development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City Centre area.

It is considered that the proposal is in line with many objectives of the City's Strategic Plan and City Development.

COMMENT

Urban Design

The proposed zero setback to Grand Boulevard will contribute to creating an urban wall along the streetscape edge, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be minimal. The upper floor residential balconies overlook the public streets and therefore provide surveillance of public areas. The building can be accessed internally from the car

parking area at the rear to both the residential and office units. The front and rear (western and eastern) facing windows on the upper storey are less than 50% of the face of the building and therefore comply with solar access requirements of the JCCDPM.

Land Use

As the proposal provides for both residential dwellings and office space, the proposed uses comply with the General City land use requirements for which the lot has been earmarked under the JCCDPM. The proposal provides up to two (2) office or commercial tenancies. In this form, the space is flexible enough in the future to accommodate the permitted uses under the JCCDPM, including retail, entertainment and restaurant/café. The residential accommodation includes one (1) and two (2) bedroom units and therefore, also contributes to the range of housing stock available in the City

Residential Density

There are no specific residential density requirements in the General City precinct of City North. Clause 4.2.4 of DPS2 specifies that, unless otherwise specified on the map, the R-20 density applies unless Council determines that a higher code should apply. The proposal has an equivalent density of R-119. This density is consistent with other approved developments within the City Centre.

The organisation will be reviewing the JCCDPM and this is scheduled to occur in the current financial year.

It is recommended that the Council determines that the proposed density at R-119 is considered to be appropriate, given that the site is in a prominent location within the City, where higher densities are appropriate and encouraged.

Plot Ratio

For General City Use, the JCCDPM requires that the development have a maximum plot ratio of 1.0 or 2013m². The plot ratio for the residential component is 1.0 being a floor area of 2013m² and plot ratio for the commercial component is 0.05 or 103m². The overall plot ratio for the development is 1.05.

It is considered that the required plot ratio of 1.0 is counter-productive to the development of an appropriate style and bulk of building that achieves the form expected and desirable (for example, a 3 storey building) within the City Centre. There is no provision under the JCCDPM to vary the plot ratio requirement for the residential units, but the overall plot ratio where there is a commercial unit can be altered where the total plot ratio for residential does not exceed 1.0.

The plot ratio of the commercial floor area is considered to be appropriate as it will integrate with other existing developments in the area and will generally add value to the City Centre by having quality commercial space and creating employment opportunities. The commercial premises may in the future accommodate other permitted uses under the JCCDPM including office, entertainment, and/or café. The commercial units are designed in such a way that they can be leased separately or combined into one larger unit, therefore the design of the commercial component of the proposed development provides flexibility for a range of permitted uses over time.

It is therefore recommended that, in accordance with clause 4.5 of DPS2 and having regard to the criteria of clause 6.8, the Council determines that the proposed plot ratio for the office space is appropriate as the built form integrates with the surrounding areas and will not have an adverse affect upon the occupiers of the development or on the locality.

Car Parking

The JCCDPM specifies the following car parking standards:

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial / Office	1 Bay per 30m ²	4	3
Residential	1 bay per residential unit	24	35
Total		28	38 bays are provided

The proposed development requires twenty eight (28) car parking bays, whereas thirty eight (38) bays are provided, resulting in a surplus of 10 bays. Access for the parking is via the rear lane, thus minimising disruption to vehicle and pedestrian movement within the City Centre.

It is recommended that 4 parking bays be marked for the exclusive use of the commercial / officer units.

Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street. The office and residential units comply with the required nil front setback. Essentially the design promotes the interaction between the office tenancies and the adjoining public streets creating animated spaces at a human scale. The corner location of the office/commercial units also provides a strong focus and landmark for the development.

All upper floor balconies have a nil setback, which promotes surveillance of the street. At ground level along Queensbury Street where parking is provided, the Architect has included steel screenings, which integrates with the overall design of the building, but provides surveillance of the street from the parking area.

Conclusion

The proposed development will be a positive addition to the City Centre. It will provide accommodation and office facilities to meet the future demands of the growing City Centre. The overall development is compatible with the objectives for the City Centre Locality, and as such the proposed residential density and plot ratio are considered appropriate in this instance. It is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Colour Elevations

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 EXERCISES discretion under clauses 4.2.4, 4.5, 4.8.1 of District Planning Scheme No 2 and determines that:**
 - (a) The proposed plot ratio for the development of 1.05 in lieu of 1.0;**
 - (b) The equivalent development density of R-119 in lieu of R-20;**

are acceptable in this instance;
- 2 APPROVES the application for Planning Consent dated 02 November 2004 submitted by Overman & Zuideveld Architects for a mixed use development comprising 2 office and 24 multiple dwellings on Lot 100 (54) Grand Boulevard, Joondalup subject to the following conditions:**
 - (a) Lots 300 & 301 Grand Boulevard being amalgamated and a copy of the Certificate of Title being provided to the City of Joondalup prior to practical completion;**
 - (b) The gradient between the disabled parking bay and the building entrance at rear of the site to be a maximum of 5%;**
 - (c) A minimum of 4 parking bays to be marked and made available for the exclusive use of the commercial / office units;**
 - (d) The rear parking area to be open to the public at all times and four parking bays, which includes one disabled parking bay, to be marked and permanently available for the use of the commercial units;**
 - (e) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied. These works to be done as part of the building programme;**
 - (f) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Approvals, Planning & Environmental Services prior to the commencement of construction;**

- (g) Signs do not form part of this approval and a separate application for planning consent and a sign licence being made to the City for Approval to Commence Development and sign licence prior to the installation of any advertising signage;
- (h) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (i) The ground floor level of the building shall be at the finished pedestrian paving level;
- (j) The glazed area of the east west facades shall not exceed 50% with the exception of the ground floor;
- (k) Ground floor glazing for the commercial unit shall be maximized. At least 50% of the area of the commercial unit shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the frontage;
- (l) Obscured or reflective glazing shall not be used at the ground level.

Footnote:

- 1 With reference to condition (b) design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- 3 Provision must be made for disabled access, parking and facilities in accordance with the Australian Standards for Design for Access and Mobility (AS 1428.1);
- 4 Any advertising signage shall be subject to an application for Planning Approval.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf300305.pdf](#)

CJ057 - 04/05 MIXED USE DEVELOPMENT (ONE COMMERCIAL AND FIFTEEN RESIDENTIAL UNITS) – LOT 347 (16) HAMMERSMITH COURT CNR MCLARTY AVENUE, JOONDALUP – [15567]

WARD - Lakeside

CJ050330_BRF.DOC:ITEM 13

PURPOSE

To request the Council's determination of an application for Planning Consent for a mixed use development in the City North precinct of the City Centre at Lot 347 (16) Hammersmith Court Cnr McLarty Avenue, Joondalup.

EXECUTIVE SUMMARY

An application has been received from Overman and Zuideveld Architects for the development of a building for one office/commercial unit and 15 multiple dwellings. The proposal comprises 89m² of office space and 1168m² for residential purposes. The building is 3 storeys in height, including a loft. Vehicular access to the property is from the rear laneway. The density, height and urban form of the development are compatible with the overall City Centre environment.

Discretion is sought under the City's District Planning Scheme 2 (DPS2) in regard to plot ratio, the density for residential units, extent of glazing, the internal area of a storeroom and the outdoor living area. Given that the development will contribute to the desired character of the City Centre area and that it is compatible with existing developments in the area, the proposed development is supported.

BACKGROUND

Suburb/Location: Joondalup
Applicant: Overman & Zuideveld Architects
Owner: Peet & Co. Ltd
Zoning: **DPS:** Centre
MRS: Central City Area
Strategic Plan: Joondalup City Centre Development Plan and Manual (JCCDPM)

Lot 347 (16) Hammersmith Court, Joondalup is currently vacant and is located within the City North area of the Joondalup City Centre, where it is designated for General City Use. The preferred uses are residential, retail, office, accommodation, residential, leisure and entertainment, cultural facilities, community facilities and medical suites.

History:

11/2/2004	Application received.
14/1/2005	Letter sent to applicant explaining all the issues associated with the development.
14/2/2005	Amended plans submitted which did not comply with the engineering requirements.
17/2/2005	Amended plans submitted.

DETAILS

The proposed development includes the following features:

- A mixed use development is proposed consisting of 15 multiple dwellings and 1 commercial unit;
- The height of the building is three storeys including a loft;
- The total number of car parking bays provided is 23 including a disabled bay;
- The upper level residential units are accessed via stairs located in the parking areas and the front entrance foyer;
- The development includes communal facilities which include a swimming pool, spa, sauna & BBQ;
- The residential and commercial units address the street frontage with zero setback except for a very small portion along McLarty Avenue where there is an easement; and
- Balconies and a terrace have been provided for the residential units.

Statutory Provision:

The provisions of District Planning Scheme No 2 (DPS2), the Joondalup City Centre Development Plan and Manual (JCCDPM) and the R-Codes control development within this area.

District Planning Scheme No 2

The site is zoned Centre under DPS2 and is subject to the Joondalup City Centre Development Plan and Manual.

When determining this application, Clauses 4.2.4, 4.5, 4.8 and 6.8 of the DPS2 apply and are relevant:

- 4.2.4 Subject to clause 4.2.5, the Residential Planning Code density applicable to land within the Scheme Area shall be determined by reference to the legend shown on the Residential Density Codes maps which form part of this Scheme. Unless otherwise specified on the map, the R-20 density code applies unless the Council determines that a higher code should apply.*

4.6 *Variations to Site and Development Standards and Requirements.*

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

4.5.3 *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:*

- (d) consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (d) 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.*

6.8 *Matters to be considered by Council*

6.8.2 *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.*

Development Standards Table

The following table summarises the development details:

Standard	Required	Provided
Front Setback	0m	0m except the north-west corner where there is an easement
Rear and Side Setbacks	As per BCA*	0m
Plot Ratio	1.0 (1234 m ² maximum)	1.06 (1322.4 m ²)
Height	3 storeys maximum	3 storeys with a loft within the roof space
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ² except store 2

* Under the BCA a nil side setback can be permitted for buildings.

Consultation:

The proposed development was not advertised, as the form of development is expected under the JCCDPM.

Strategic Implications:

It is believed that this mixed use development proposal will contribute to meeting the projected demand for housing and commercial space for the increasing population of the City Centre area.

COMMENT

Urban Design

The proposed zero setback to Hammersmith Court and McLarty Avenue will contribute to creating an urban wall along the streetscape edge, which is expected to contribute to the civic design goals for the City. The impact of this development on any of the adjacent residential/commercial areas is likely to be positive. The upper floor residential balconies

overlook the public streets and therefore provide surveillance of public areas. The building can be accessed internally from the car parking area at the rear to both the residential and office units. The glazed commercial front will ensure that active frontages will face the street.

Land Use

As the proposal provides for both residential dwellings and commercial space, the proposed uses comply with the General City land use for which the lot has been earmarked under the JCCDPM. The proposal provides one commercial tenancy. In this form, the space is flexible enough in the future to accommodate the permitted uses under the JCCDPM, including retail, entertainment and restaurant/café. The residential accommodation ranges from one (1) to three (3) bedroom units and therefore, also contributes to the range of housing stock available in the City

Residential Density

There are no specific residential density requirements in the 'general city' precinct of City North. Clause 4.2.4 of the DPS2 specifies that unless otherwise specified on the map the R-20 density applies, unless Council determines that a higher code should apply. The proposal has an equivalent density of R-121. This density is consistent with other approved developments within the City Centre.

The JCCDPM is scheduled to be reviewed in the current financial year.

It is recommended that the Council determines that the proposed density at R-121 is considered appropriate given that the site is in a prominent location within the City, where higher densities are appropriate and encouraged.

Plot Ratio

For General City Use, the JCCDPM restricts development on this site to a maximum plot ratio of 1.0 or 1248m². The plot ratio for the residential component is 0.99 being a floor area of 1233.4 m² and plot ratio for the commercial component is 0.07 or 89m². The overall plot ratio for the development is 1.06.

It is considered that the required plot ratio of 1.0 is counter-productive to the development of an appropriate style and bulk of building that achieves the form expected and desirable (eg a 3 storey building) within the City Centre. There is no provision under the JCCDPM to vary the plot ratio requirement for the residential units, but the overall plot ratio where there is a commercial unit can be altered where the total plot ratio for residential does not exceed 1.0.

The plot ratio of the commercial development is considered to be appropriate as it will integrate with other existing developments in the area and will generally add value to the City Centre by having quality commercial space and creating employment opportunities. The commercial premises may in the future accommodate other permitted uses under the JCCDPM including office, entertainment, and/or café.

It is therefore recommended that, in accordance with clause 4.5 of DPS2 and having regard to the criteria of clause 6.8, the Council determine that:

- The proposed plot ratio for the commercial space is appropriate as the built form integrates with the surrounding areas and will not have an adverse effect upon the occupiers of the development or on the locality.
- A total plot ratio of 1.06 for the mixed-use residential and commercial development for Lot 347 Hammersmith Court is considered appropriate in this instance.

It is recommended that the Council resolve to support the development with a plot ratio of 1.06.

Car Parking

The JCCDPM specifies the following car parking standards:

Use	Parking Provision	No of Bays Required	No of Bays Provided
Commercial	1 Bay per 30m ²	3	3
Residential	1 bay per residential unit	15	20
Total		18	23 bays are provided including one disabled

From the above table it is noted that the development complies with the parking requirements.

Setbacks

Under the JCCDPM, a nil front setback is required, indicating that the desired outcome is the creation of strong urban spaces, with urban walls creating a strong presence to the street. The commercial and residential units comply with the required nil front setback, except for a small portion along McLarty Avenue. However, this is due to an easement and therefore the setback is acceptable. Essentially the building contributes to the city centre scale development.

Outdoor Living Area

Clause 3.4.2 of the Residential Design Codes requires that an outdoor living area is to have at least two-thirds of the required area without permanent roof and with a minimum length and width dimension of 4.0 metres.

Unit 1 has to provide an outdoor living area of 16m² and an area of 10.6m² without permanent roof. Although an outdoor living area of 16m² has been provided, the area without permanent roof is 4m². However, this variation is to be expected for a multiple dwelling development and will not be incompatible with other developments in the area. It is considered that it will comply with the Performance Criteria of Clause 3.4.2 of the Residential Design Codes as the terrace is opened on the northern side to the winter sun.

Glazing/Awnings

JCCDPM requires that at least 50% of the area on ground level façade shall be glazed and the horizontal dimension of the glazing shall comprise 75% of the total building frontage for uses other than residential. The building complies with this requirement along Hammersmith Court, however, along McLarty Avenue, the area and horizontal dimensions are 52% and 63% respectively. This is due to the fact that the commercial component does not extend much along McLarty Avenue. It is considered that the variation to the horizontal dimension will not have an adverse impact on the streetscape, particularly as this portion of the building is on the secondary street. However, if this proposal is approved, it is recommended that the windowsill height for the commercial component along McLarty Avenue shall be at or close to floor level as per the requirements of JCCDPM.

The awnings within the road reserve provide shelter for the pedestrian path along the full frontage of the commercial tenancy including the corner. JCCDPM requires that the awnings shall be a minimum width of 2.0 metres, however, the awning proposed has a width of 1.0 metre. The applicant has confirmed that he has no objection to changing the awning to the required dimension. Therefore, it is appropriate that a condition be applied to any planning approval issued to extend the awning to a minimum width of 2.0 metres.

Storerooms

Clause 3.10.3 of the Residential Design Codes requires an enclosed, lockable storage area, constructed in a design and material matching the dwelling, with a minimum dimension of 1.5 metres with an internal area of at least 4m² for each Multiple Dwelling.

The majority of storerooms comply with the requirements, however, storeroom No 2 will have an internal area of 3.84m². This is considered a minor variation and it is considered that it will comply with the Performance Criteria of Clause 3.10.3 of the Residential Design Codes as the storeroom is adequate to the needs of the residents and is without detriment to the amenity of the locality.

Conclusion

The proposed development will be a positive addition to the City Centre. It will provide accommodation and commercial facilities to meet the future demands of the growing City Centre. There will be the creation of an urban area that is compatible with the overall City Centre environment. Therefore the proposed variations to the residential density, plot ratio, glazing, storeroom and outdoor living area are considered appropriate in this instance.

It is therefore recommended that the development be approved, subject to appropriate conditions.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

1 EXERCISES discretion under clauses 4.2.4, 4.5 and 6.8 of District Planning Scheme No 2 and determine that:

- (a) The proposed plot ratio for the development of 1.06 in lieu of 1.0;**
- (b) The equivalent development density of R-121 in lieu of R-20;**
- (c) The horizontal dimension of the glazing along McLarty Avenue is 63% in lieu of 75%;**

are appropriate in this instance;

2 EXERCISES discretion under clause 2.3.4 of the R-Codes and determine that the performance criteria of Clauses 3.4.2 and 3.10.3 have been met and it is determined that:

- (a) the internal area of store 2 is 3.84m² in lieu of 4m²;**
- (b) the outdoor living area without permanent roof for unit 1 is 4m² in lieu 10.6m²;**

are appropriate in this instance;

3 APPROVES the application for Planning Consent dated 2 November 2005 submitted by Overman & Zuideveld Architects for a mixed use development comprising 1 commercial and 15 multiple dwellings on Lot 347 (16) Hammersmith Court, Joondalup subject to the following conditions:

- (a) The width of the awning shall have a minimum dimension of 2.0 metres;**
- (b) The windowsill height for the commercial component along McLarty Avenue shall be at or close to floor level to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (c) Three parking bays, which includes one disabled parking bay, to be marked and permanently available for the use of the commercial unit. The location of the parking bays is to be located to the satisfaction of the Manager Approvals, Planning and Environmental Services;**
- (d) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Infrastructure Management Services prior to the development first being occupied. These works to be done as part of the building programme;**

- (e) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24 hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Infrastructure Management Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management Services prior to the commencement of construction;
- (f) Any roof mounted or freestanding plant or equipment such as air conditioning units to be located and/or screened so as not to be visible from or beyond the boundaries of the development site;
- (g) Obscured or reflective glazing shall not be used at the ground level;
- (h) All fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (i) Approval is subject to a separate handwash basin and separate laundry trough being provided in each unit;
- (j) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the Manager Approvals, Planning & Environmental Services.

Footnote:

- 1 A separate application is to be made to the City for Approval to Commence Development and Sign Licence prior to the installation of any advertising signage;
- 2 It is advised that the City will not support the erection of telecommunications infrastructure on any part of the proposed building;
- 3 The owner will be liable to pay all costs associated with collecting the bins directly from the bin store, as bins will not be permitted on the right of way;
- 4 The design levels of the proposed development must ensure a smooth transition between the development and the adjoining pavement within the road reserve to the satisfaction of the Manager Approvals, Planning and Environmental Services.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf300305.pdf](#)

CJ058 - 04/05 JOONDALUP CITY CENTRE: 45 MULTIPLE DWELLINGS AND ONE UNIT FOR ASSOCIATED USES (DELICATESSEN) – LOT 201 (88) LAKESIDE DRIVE, JOONDALUP – [86007]

WARD Lakeside

CJ050330_BRF.DOC:ITEM 14

PURPOSE

To request the Council's determination of an application for 45 multiple dwellings and a delicatessen, within the Lakeside District of the Joondalup City Centre at Lot 201 (88) Lakeside Drive, Joondalup. Discretion is sought to vary the standard requirements for residential density, open space, side setbacks, the plot ratio of one bedroom units and a commercial unit as an associated use.

EXECUTIVE SUMMARY

An application has been received for 45 multiple dwellings and one commercial unit. The proposal is a maximum of four storeys in height and incorporates a basement parking facility that is partially below the existing ground level. In some areas, the basement carpark will appear as an undercroft to the main building. The units will be located in two separate buildings, however, the development will present as a continuous built form.

The site is located within the Lakeside District of the Joondalup City Centre and has a residential zoning of R60. The Joondalup City Centre Development Plan and Manual (JCCDPM) designates the lot as a landmark site within the Lakeside District. Consequently, Council has discretion to approve a density bonus of up to R100.

The applicant is seeking approval for variations to the residential density, open space requirement, side setbacks, the plot ratio for one bedroom units and the inclusion of commercial unit as an associated use to the residential development.

It is recommended that the Council exercises discretion under District Planning Scheme No.2 and the JCCDPM to approve the development for 45 multiple dwellings and one commercial unit.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	Greg Rowe & Associates
Owner:	Webborton Holdings Pty Ltd
Zoning:	DPS: Centre
	MRS: Urban
Strategic Plan:	Joondalup City Centre Development Plan and Manual

Lot 201 Lakeside Drive is currently vacant and is located within the Lakeside District area of the Joondalup City Centre, where it is designated as a “Landmark Apartments” site.

The site is 3705m² and directly adjoins Greenshank Park to the south and east, and a vehicular access lane to the north (which provides the vehicular link between the site and Sittella Turn).
Details of Proposal

The proposal consists of 43 residential units comprising of:

Unit Type	Average Area per Unit (m ²)	Number of Units
1 Bedroom	70m ²	24
2 Bedroom	134.3m ²	11
3 Bedroom	144m ²	10

In addition to the 45 residential units, the proposal also includes a basement carpark for 71 bays and a swimming pool and gymnasium for the exclusive use of the residents of this proposed development.

DETAILS

Statutory Provision:

The subject land is located within the Lakeside District of DPS2. District Planning Scheme No 2 (DPS2) requires development to be in accordance with an approved Structure Plan. The relevant approved Structure Plan is the Joondalup City Centre Development Plan and Manual. Variations to the standard requirements are sought for residential density, open space, side setbacks and the plot ratio of one-bedroom units. Council is also required to exercise discretion for a proposed delicatessen as an associated use of the development and the number of parking bays required for the delicatessen/corner store.

The various provisions of the DPS2 which enable Council to consider such variations to the standard requirements of the JCCDPM are identified below:

4.5 Variations to Site and Development Standards and Requirements.

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

4.8 Car Parking Standards

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

6.8 Matters to be considered by Council

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

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

Residential Design Codes (R-Codes)

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, having regard to the provision of clause 2.3.4 (2) of the R-Codes as follows:

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

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

Consultation:

The proposed development was not advertised, as advertising was not required by the DPS2. Landmark Apartment sites are designated within the JCCDPM as having the potential to utilise building height and residential density to R100 as a point of orientation within the Lakeside District. The proposed development fronts Lakeside Drive, is bordered by public open space to the south and east, and a vehicle access lane on the northern side. These features provide a buffer between existing two storey residential development in the area and the proposed higher density residential development.

COMMENT**Joondalup City Centre Development Plan and Manual (JCCDPM)**

The subject land is located within the Lakeside District of the JCCDPM. The JCCDPM outlines all the relevant built form and land use requirements for the subject land. Within the district, the site is designated "Landmark Apartment Developments". In planning and urban design terms, the site is identified as having landmark qualities that can in part be attributed to its Central City location.

Development Standards Table

The following table summarises the development details:

Standard	Required	Provided
Front Setback	0m	0m
Side Setback	maximum 2.0m	maximum 4.0m
Height	2 storeys minimum	4 storeys maximum (13.0m maximum high)
Open Space	60% 2223m ²	35% 1298m ²
Storerooms	1 per dwelling, 4m ² area	1 per dwelling, 4m ²

Site planningLand use and character

Residential development is identified as the preferred use on the site. The JCCDPM states that Landmark Apartment sites may be developed to include associated uses that are for the benefit of the predominant use, being residential. The applicant proposes to include a commercial unit to be used as a convenience store or delicatessen. It is generally considered that a convenience store is an associated use within the residential development and will provide a useful service within the Lakeside District. The proposed location of the delicatessen (corner store), being at the corner of Lakeside Drive and the access lane via Sittella Turn, will be highly visible to vehicle and pedestrian traffic and also has the potential to attract trade from the TAFE College and Police Academy.

Residential density

The standard density permitted on the site is R60. The proposal is equivalent to R100. The JCCDPM gives Council the discretion to consider a density bonus to R100 where Council is satisfied that the proposed development would achieve the following:

- (a) “creates an appropriate landmark”;
- (b) enhances the overall legibility and amenity of the Lakeside District and the City Centre.

Section A4.3 of the JCCDPM indicates that building height is a key determinant of the landmark quality of a building. The section states that buildings on the subject site should be at least 2 storeys in height. To the Lakeside Drive frontage, the proposal will be four storeys facing Lakeside Drive with the elevation to Greenshank Park being two storeys with a partial undercroft parking. Compared to surrounding buildings, the proposal will be a prominent landmark building (the surrounding buildings are two storey) and therefore act as a key reference point within the greater Joondalup City Centre. This site is also located near the entrance to the TAFE College and Police Academy and therefore represents an important landmark and reference point for those key regional facilities. There is also the opportunity for the multiple dwellings to provide student accommodation to service those training facilities and the ECU Campus.

The residential density standard for R100 prescribes a minimum site area of 100m² per unit. Given that the lot has an area of 3705m² the site would permit 37 units. The acceptable development standards of the Residential Design Codes allow a density bonus of one third in area for the provision of single bedroom units no greater than 60m². In this instance, all single bedrooms units have an area greater than 60m², averaging 70.0m² for the internal area, not including balconies or storerooms. The performance criteria of the Residential Design Codes state that single bedroom dwellings are “*Dwellings that provide limited accommodation, suitable for one or two persons*”. Although larger than 60m², all units have only one bedroom and one open plan living area. It is conceded that the 24 one bedroom units are generally only suitable for one or two persons, and therefore, meet the performance criteria of the R-Codes.

If it is concluded that all 24 one bedroom units meet the performance criteria of the Residential Design Codes it is therefore calculated that the 24 units attract the density bonus of one third in area. The proposed residential density of R100 for a site area of 3705m² is calculated as follows:

Minimum land area per Unit	Area Calculation
2 and 3 bedroom units (100m ² per unit)	21 units @ 100m ² = 2,100m ²
Single bedroom dwellings (66.67m ² per unit) given a one third (33.33m ²) density bonus per unit	24 units @ 66.67m ² = 1600m ²
Total area	3700m²

Car Parking

The plan requires “car parking to be provided out of sight of primary frontages”. The parking areas are provided internally to the development and are accessed from the laneway via Sitella Turn. The parking areas will not be visible from the primary frontages of Lakeside Drive or Sitella Turn. The number of car parking bays required is determined as per the JCCDPM. A total of 66 bays is required for the residential units (including 7 parking bays for visitors).

The JCCDPM does not specify a parking requirement for associated uses (delicatessen) within the Lakeside District. DPS2 specifies a parking requirement for a corner shop land use of 4 bays. It is considered that most of the custom for the shop will be from patrons within walking distance, generally residents within the proposed development, other residential dwellings within walking distance and potential custom from the nearby TAFE College and Policy Academy. There is also street parking available along this portion of Lakeside Drive. It is considered that the 4 bays is sufficient to provide parking for employees and some limited customer parking. The rate for carparking for multiple dwellings as per the requirements under the JCCDPM is 2 bays per multiple bedroom dwelling and 1 bay per dwelling per single bedroom dwelling. The parking calculation for the proposed development is as follows:

Parking allocation	Required Bays	Bays Provided
2 bays @ 21 multiple bedroom units	42 parking bays	43 parking bays
1 Bay @ 24 Single bedroom dwellings = 24 bays	24 parking bays	24 parking bays
4 bays corner store	4 parking bays	4 parking bays
Total	70 parking bays	71 parking bays

Open Space

The JCCDPM does not specifically include an open space requirement for landmark apartments within the Lakeside District but the Residential Design Codes 2002 allocate a 60 % open space requirement for sites zoned R100. The proposed development has an open space provision of 35%. The performance criteria of the Residential Design Codes 2002 in relation to open space require that there is sufficient open space around buildings:

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

The development being located within the Lakeside District of the Joondalup City Centre, is intended to have a character and urban design consistent with a city centre where interaction between public and private spaces is encouraged. This is consistent with the nil setback requirements for Lakeside Drive. Therefore, open space around buildings is considered inappropriate for this development. The open space and communal facilities provided are intended to compliment the development and provide high amenity to the residents of the

apartment complex. The units all have balconies larger than the required 10m² and this adds to the open space amenity of the development. The development is bounded on two sides by Public Open Space and there is an active frontage to the east with units overlooking the POS improving surveillance and increasing security.

It is recommended that in this instance the Council determines that an open space allocation of 35% complements the building, adds to a streetscape that is consistent with the provisions of the JCCDPM and provides for the future needs of residents and is therefore acceptable in this instance.

Setbacks

The applicant is seeking variations to the standard setback requirements. The variations sought are outlined in the following table:

Street	Required (min/max)	Proposed (min/max)
Greenshank Park Frontage south	0 – 2	4.0 metres to undercroft east
		2.0 metres undercroft parking west

The objective of the 0-2 metre setback is to encourage development that “interacts with the street”. This requirement is a key element in the emerging built form character of the Lakeside District and Joondalup City Centre. The setback variation of 4.0 metres to the south eastern corner of the building is a small triangle that adjoins Greenshank Park. The area functions as a pedestrian link to the park and it is considered that this minor setback variation can be landscaped by the applicant to compliment the use of the public open space and therefore does not significantly affect interaction with the public domain or street as is the setback intention of the JCCDPM.

It is recommended that the proposed setback variation to the south eastern corner of the building be supported on the grounds that it will not have an adverse impact upon the amenity of the area and is consistent with the matters outlined in clause 4.5 and 6.8 of the Scheme.

Pedestrian Shelter

The development provides pedestrian shelter at the individual unit entrance and the main building entrance as required for a landmark site.

Other Issues

Health & Building Requirements

All Health and Building related issues have been assessed and it is considered that these issues can be appropriately addressed at the building licence stage.

Signage

No detail regarding signs has been provided as part of the application and it will be a condition that planning approval is obtained for any future signs.

Landscaping

It is recommended that the approval include a condition that the a landscape plan for the setback areas adjoining the park on the southern side be provided and approved by the Manager of Approvals, Planning and Environmental Services prior to occupation of the building.

CONCLUSION

The proposed development complies with the majority of the requirements as outlined in the JCCDPM.

The development is considered a landmark development by virtue of its height and overall mass. In terms of the primary frontages to Lakeside Drive, the development provides a continuous façade to the surrounding streets with some active frontages that provide surveillance to Greenshank Park.

The proposed density bonus and variations to car parking, setbacks and the provision of a convenience store are considered minor in the context of the overall development and will not have an adverse impact on the adjoining areas. The development will serve to strengthen the identity of the area as a city centre where intense development is expected.

The variations will serve to promote a city centre character, which is appropriate for the area, and will not adversely impact upon the surrounding areas. Approval is therefore recommended.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Development Plans
Attachment 3	Colour Elevations

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

- 1 EXERCISES discretion in relation to clause 4.5 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**
 - (a) A residential density bonus up to a maximum of R-100 in recognition that the building will create a suitable landmark that will be legible in terms of the surrounding Joondalup City Centre area;**

- (b) A relaxation of the setback requirements for buildings facing the public open space on the southern side of Greenshank Park in recognition of the significance of the site, the height and visibility of buildings facing the streets thereby creating a visually attractive and interesting streetscape is appropriate in this instance;
 - (c) An open space provision of 35% is acceptable in this instance;
 - (d) A commercial unit for the proposed use as convenience store is an associated use and therefore permitted as part of a landmark apartment development;
 - (e) An allocation of 4 parking bays for the commercial unit is acceptable in this instance;
 - (f) A plot ratio bonus for one bedroom units with a plot ratio greater than 60m²;
- 2 APPROVES the application for Planning Consent dated 05 January 2005 submitted by Greg Rowe & Associates on behalf of the owners Webberton Holdings Pty Ltd, for 45 multiple dwellings and delicatessen unit at Lot 201 Lakeside Drive, Joondalup, subject to the following conditions:
- (a) The pathway between the western entrance to the car park and the corner of the convenience store as shown in red on the approved plans to be landscaped such that pedestrians can not use the path and create a conflict with vehicles existing the parking area;
 - (b) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890.1) and AS 2890.5 (on street parking). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;
 - (c) All stormwater to be discharged to the satisfaction of the Manager Approvals Planning and Environmental Services. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
 - (d) The driveways and crossovers to be designed and constructed to the satisfaction of the Manager Approvals Planning and Environmental Services before occupation of development;
 - (e) The footpath treatment in the adjoining road reserve to match the existing paving and at a grade of 2% rising from the kerblines, prior to the development first being occupied;

- (f) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (g) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;
- (h) A refuse management plan indicating the method of rubbish collection to be submitted at part of the building licence and approved by the Manager Approval, Planning and Environmental Services;
- (i) All boundary walls and parapet walls being of a face brick or equivalent finish and made good to the satisfaction of the Manager Approvals Planning and Environmental Services;
- (j) The submission of an acoustic consultant's report demonstrating to the satisfaction of the Manager Approvals Planning and Environmental Services that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act;
- (k) The lodging of detailed landscape plans, to the satisfaction of the Manager Approvals Planning and Environmental Services, for the southern setback areas adjoining Greenshank Park and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans;
- (l) Landscaping, reticulation and all verge treatment is to be established at the applicant's expense in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals Planning and Environmental Services.

Footnotes:

The applicant is advised of the following:

- 1 Plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover;
- 2 A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;

- 3 A separate application being made to the City of Joondalup for approval to commence development and sign licence prior to the installation of any advertising signage;**
- 4 Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval;**
- 5 Compliance with BCA requirements;**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf300305.pdf](#)

CJ059 - 04/05 EXTENSION OF THE ESTATE WALL AT DIRK HARTOG COVE, ADJOINING OCEAN REEF ROAD, HEATHRIDGE – [46835]

WARD - Marina

PURPOSE

For Council to consider a petition that requests the extension of the estate wall adjacent to Ocean Reef Road and Dirk Hartog Cove, Heathridge.

EXECUTIVE SUMMARY

A 10 signature petition was received from Heathridge residents requesting extension of the estate wall adjacent to Ocean Reef Road at Dirk Hartog Cove (Attachment 1 refers). The petition presented several arguments in support of the extension of the uniform fence, primarily that it would greatly reduce the level of anti social behaviour and traffic issues

Policy 3.1.6 Uniform Fencing – Subdivision advocates the extension of cul-de-sac heads where they abut major roads to reduce the extent of uniform fencing along these roads. The purpose of providing such breaks in uniform fencing around estates is to assist in minimising the establishment of “walled estates”, which is considered an inappropriate urban design outcome. The existing opening provides unrestricted pedestrian and cyclist access to Ocean Reef Road and enables passive surveillance of the area.

A questionnaire was sent to further gauge community response in relation to this matter. A total of 84 responses (21%) were returned resulting in 43 submissions in support, 6 submissions objecting to the closure and 35 submissions were neutral. A summary of submissions and a table of key results from the questionnaire are shown in Attachment 2.

A similar request to extend an estate wall along a cul-de-sac head (Bute Court, Kinross) was approved by Council in 2002.

Although alternative pedestrian access is available through an estate wall opening along Marmion Avenue, it is recommended that Policy 3.1.6 Uniform Fencing – Subdivision be adhered to and the estate wall not be extended. The Landscaping option, Option 2 as outlined in the report, is the preferred option and would provide a suitable alternative to the extension of the wall.

It is recommended that Council:

- 1 *SUPPORTS Policy 3.1.6 Uniform Fencing – Subdivision and the existing opening in the estate wall at Dirk Hartog Cove, adjoining Ocean Reef Road, Heathridge, be retained in its current configuration;*
- 2 *ADVISES all petitioners and questionnaire respondents accordingly*

BACKGROUND

Suburb/Location: Heathridge
Zoning: **DPS:** Other Regional Road/Urban
MRS: Other Regional Road/ Urban

A 10 signature petition was received from Heathridge residents requesting the extension of the estate wall for a 50m section along Ocean Reef Road. This would effectively create a solid wall for 200 metres along Ocean Reef Road from the corner of Marion Avenue and block pedestrian access at this point. A similar break in the estate wall occurs on Dirk Hartog Cove, adjoining Marmion Avenue, where alternative pedestrian access is available.

DETAILS

A questionnaire has been undertaken by the City of Joondalup in response to the petition. The questionnaire requested information with regards to residents' use of the access way and whether they would support an alternative to a solid wall, such as tall landscaping or permeable fencing.

The petition received has several arguments in support of the extension of the uniform fence, primarily that it would eliminate antisocial behaviour and minimise traffic issues. The petition also makes reference to a similar situation in Kinross (Bute Court), whereby a 42 signature petition requested extension of an estate wall to 'close' the end of the cul-de-sac that had access to Marmion Avenue. The length of the wall extension was approximately 25m

The extension of the estate wall was not supported at officer level as it was noted that approval did not provide a desirable urban design outcome, was not in accordance with the City's Policy 3.1.6, and may have ramifications for other localities through out the municipality (CJ254-10/02 refers). It was also suggested that alternative options such as fencing and gate options may have a similar effect. Council considered the matter and approval for the extension of the wall was given.

Consultation:

The City forwarded questionnaires to 404 households. A total of 84 responses were returned resulting in 43 submissions in support, 6 objections and 35 neutral responses.

Strategic Implications:

Nil

Policy Implications:

Policy 3.1.6 – Uniform Fencing – Subdivision encourages a reduction in the extent of uniform fencing along major roads. To achieve this outcome, the policy encourages the provision of alternative design measures such as controlled access places, service roads and extension of cul de sac heads abutting major roads.

The policy states that where cul-de-sac heads and service roads are located immediately adjacent to regional roads or other roads of district importance, Council shall require the provision of barrier fencing along the common boundaries of these road reserves. Such fencing shall consist of bollards posts and rails or other low, open designs as approved by the Chief Executive Officer. In assessing applications for alternative designs of barrier fencing, the Chief Executive Officer shall have regard to the provisions of visual breaks to continuous sections of fencing, compatibility with adjacent uniform fencing, pedestrian/cycle access and relative land levels between the cul de sac/ service road and the major road, ongoing maintenance requirements and durability of the barrier fencing.

COMMENT

The petition argues that the existing openings in the uniform fencing pose a serious danger to the safety and security of the local residents. It is noted that the existing uniform fencing has been provided to present a uniform appearance along rear boundaries of properties abutting major road reserves, which is a standard subdivision requirement. Whilst it is acknowledged that the uniform fence provides noise attenuation, this is not its main function.

Policy 3.1.6 Uniform Fencing – Subdivision advocates the extension of cul-de-sac heads to reduce the extent of uniform fencing along major roads.

The purpose for providing such breaks around estates is to assist in minimising the establishment of ‘walled estates’, which is considered an inappropriate urban design outcome. It should be noted that the current arrangement is in accordance with the Policy 3.1.6 Uniform Fencing – Subdivision including the existing barrier fencing. The breaks also provide for pedestrian and cycling access.

It is noted that alternative access exists on Dirk Hartog Cove and Marmion Avenue as there is a break in the estate wall of approximately 80metres. The extension of the estate wall along Ocean Reef Road is therefore unlikely to have a significant impact on pedestrian and cyclist movements. Notwithstanding, approval of this request to extend the estate wall may set a precedent for the extension of the estate wall on the Marmion Avenue side of Dirk Hartog Cove.

The questionnaires sent out on behalf of the City to further gauge community response requested a response to alternatives to the extension of the wall. Owners were asked to indicate if they supported permeable fencing or tall landscaping (Q 7). Out of the 35 neutral responses, 13 responses indicated yes to landscaping and 11 to permeable fencing. Out of the 43 supporting responses, 3 indicated yes for landscaping and 6 for permeable fencing and out of the 6 objections, 4 responses indicated yes to landscaping. In total there were 20 responses for landscaping and 17 for permeable fencing.

Whilst the extension of the estate wall is not supported (at an approximate cost of \$40,000), alternative fencing and gate design and landscape design could be considered as follows:

Option 1

Option 1 is for low permeable fencing (tubular pool type fencing) with a self-closing gate system similar to a pool gate. This would be in accordance with the objectives of Policy 3.1.6 Uniform Fencing – Subdivision, allow for pedestrian access to be maintained and would restrict children accessing Marmion Avenue. The cost would be approximately \$3250 - \$6000 with an additional cost of \$3000 to remove and dispose of existing bollards and path connection. It is noted that this option may restrict cyclist movements.

Option 2

A landscaping option could be considered including planting medium dense plants with some tall trees. This would act to provide a barrier whilst still providing visual permeability and access. The approximate cost associated with providing landscaping would be in the vicinity of \$4200 – \$5600 plus ongoing maintenance costs. It is noted that there is dense planting along the perimeter of the existing estate wall. Any proposed landscaping could be designed to complement this existing theme.

Option 3

An estimate of the cost to design, document, tender and construct an extension of approximately 50 metres to the existing brick wall adjacent to Ocean Reef Road is approximately \$40,000.

CONCLUSION

It is noted that although an approval was given in 2002, for the extension of an estate wall in Kinross (Bute Court), it was only for a small portion of wall at an approximate cost of \$10,000. Walled estates are not considered appropriate and act to exclude communities and pedestrian and cycle networks.

In conclusion, approval for the extension of the estate wall would be to the detriment of sound urban design principles and passive surveillance outcomes and its approval would create an undesirable precedence. Therefore the request to extend the wall is not supported. However Option 2 as outlined above is the preferred option and would provide a suitable alternative, and should be further pursued by the City.

ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	Summary of Questionnaires received

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Clough that Council:

- 1 SUPPORTS Policy 3.1.6 Uniform Fencing – Subdivision and the existing opening in the estate wall at Dirk Hartog Cove, adjoining Ocean Reef Road, Heathridge, be retained in its current configuration;**
- 2 ADVISES all petitioners and questionnaire respondents accordingly, and that the City will pursue suitable landscaping options (Option 2 to Report CJ059-04/05) as an alternative to extension of the estate wall.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf300305.pdf](#)

CJ060 - 04/05 DELEGATED AUTHORITY REPORT FOR THE MONTH OF FEBRUARY 2005 – [07032]

WARD - All

CJ050330_BRF.DOC:ITEM 16

PURPOSE

To submit items of Delegated Authority to Council for noting.

EXECUTIVE SUMMARY

This report provides a resumé of the Development Applications processed by Delegated Authority during February 2005 (see attachment 1).

The total number of Development Applications **determined** (including Council and delegated decisions) is as follows:

Month	No	Value (\$)
February 2005	91	29,806,398

The number of DAs received in February 2005 was 58.

ATTACHMENTS

Attachment 1 February 2005 Approvals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that Council NOTES the determinations made under Delegated Authority in relation to the applications described in Report CJ060-04/05 for the month of February 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14brf300305.pdf](#)

**CJ061 - 04/05 SUBDIVISION REFERRALS PROCESSED 1
JANUARY – 28 FEBRUARY 2005 – [05961]**

WARD - North Coastal, South, Lakeside, Marina, South Coastal, Whitfords

CJ050330_BRF.DOC:ITEM 17

PURPOSE

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1 January – 28 February 2005.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed from 1 January – 28 February 2005. Applications were dealt with in terms of the delegation adopted by the Council in October 2004.

DETAILS

Eleven subdivision referrals were processed within the period. The average processing time taken was 22 days which compares favourably with the statutory timeframe of 42 days. The subdivision applications processed enabled the potential creation of seven (7) residential lots and four (4) strata residential lots. Three applications were not supported and one application was deferred. These applications are as follows:

Ref: SU127019 – 4 Sunlander Drive, Currambine

This application was not supported as approval of the subdivision would be premature in the absence of an Agreed Structure Plan and therefore prejudice the overall planning of the area.

Ref: SU1863-04 – 123 Marine Terrace, Sorrento

This application was not supported for the following reasons:

- 1 Approval to the strata title application would set an undesirable precedent for the further subdivision of surrounding lots in an ad hoc manner.
- 2 The proposed lot sizes do not conform to the requirements of the Residential Design Codes with respect to minimum and average lot sizes.

Ref: SU127551 –10 Tyrrell Court, Edgewater

This application was not supported as the proposal does not conform to the requirements of the Residential Design Codes with respect to the provision of minimum width of frontage.

Ref: SU1918-04 –2 Portwood Cross, Joondalup

The City requested that this application be deferred as the proposal does not conform to the minimum setback for garages and carports from the right of way.

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, SECONDED Cmr Clough that Council NOTES the action taken by the subdivision control unit in relation to the applications described in Report CJ061-04/05 for the months of January and February 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

Appendix 15 refers

To access this attachment on electronic document, click here: [Attach15brf300305.pdf](#)

CJ062 –04/05 ACID SULPHATE SOILS - INTERIM REPORT 2 - [21105]

WARD - All

PURPOSE

To provide Council with interim advice and recommendations regarding investigations into Acid Sulphate Soils (ASS), as a response to concerns raised by the Sustainability Advisory Committee at the Council Meeting of 22 February 2005.

EXECUTIVE SUMMARY

In light of growing community concern and at the directive of the Chief Executive Officer, the City's administration has been requested to research appropriate and best practice processes for assessment of Acid Sulphate Soils for developments in the City of Joondalup.

Acid Sulphate Soils are naturally occurring soils that contain iron sulphide minerals, predominantly as the mineral pyrite. ASS are generally found in a layer of water logged soil or sediment and are benign in their natural state below the surface.

ASS do not pose a significant risk to human health or the environment when undisturbed. However, disturbance of these soils and oxidation of pyrite by drainage, dewatering or soil excavation can cause:

- significant environmental and economic impacts including fish kills,
- damage to estuarine fisheries and loss of biodiversity in wetlands and waterways,
- contamination of surface water and groundwater resources by acids, arsenic, heavy metals and other contaminants,
- loss of agricultural productivity; and
- corrosion of concrete and steel infrastructure by acidic soil and water.

Investigation into the issue of Acid Sulphate Soils has revealed bigger challenges faced not only by the City of Joondalup but other Western Australian Local Government Authorities in relation to Acid Sulphate Soils, further to the applicant self assessment process which was the original focus of the required investigation.

Acid Sulphate Soils (ASS) is a multi-dimensional issue involving many stakeholders. It crosses traditional State government departmental boundaries and a number of technical disciplines. The management of ASS here in WA is currently made even more complicated by the lack of an endorsed state management framework.

This report serves to advise on the preliminary recommendations identified as a result of this investigation with the various stakeholders (Department of Planning & Infrastructure, Department of Environment (DoE), Western Australian Local Government Association, other Local Government Authorities and the Swan Catchment Council) consulted as a result of the council resolution. These preliminary recommendations are identified as follows:

- (i) That the City raise the issue with WALGA to lobby for the endorsement of a state-wide, whole-of-government approach to the responsible use and management of acid sulphate soils and to encourage coordination and collaboration between State and local government authorities, industry and the community.
- (ii) That, given the ASS risk maps do not provide with certainty the location of ASS, until detailed soil mapping has been undertaken the DoE and a comprehensive policy response to acid sulphate soils is prepared and released by the WAPC, the City of Joondalup work with the DoE to develop a local planning policy. This policy will ensure that development on land suspected to contain ASS is planned and managed to avoid potential adverse effects on the natural and built environment. This policy will include a more rigorous self assessment tool, and will include the need for development involving excavation in areas deemed at risk by the City to undertake a soil assessment process.
- (iii) That the City engage partners City of Wanneroo, Department of Conservation and Land Management, Yellagonga Catchment Group, and Friends of Yellagonga Regional Park to lobby the DoE to determine the extent to which wetlands on Gngangara mound are underlain by ASS and the depth at which pyrite occurs as a matter of urgency and the Environmental Water Provisions for the wetlands adjusted to protect the environmental values of the wetlands within the region.
- (iv) That the City lobby the State government to develop guidelines for managing the location and use of domestic garden bores in areas potentially underlain by ASS to prevent groundwater acidification and contamination.
- (v) That the City of Joondalup work in conjunction with the DoE in developing education material for the public about the risks of using untreated groundwater and to promote the regular testing of privately owned bores for acidity, arsenic and heavy metals.
- (vi) That the City engage the DoE to provide ongoing professional development training to officers of the City of Joondalup in the identification, assessment and best practice management of ASS.

It needs to be noted that any outcome formed as a result of the investigations undertaken needs to add value to the process and not create an expectation that the City of Joondalup can solve the issue.

As a result of the shared concerns with the community, the issue has been raised with the Western Australian Local Government Association, who have confirmed that the issue of ASS, and the self assessment process, has ramifications for other local government authorities. The City of Joondalup is seeking support from the WALGA State Council to confirm Acid Sulphate Soils as a priority for its Environment Portfolio.

Although development pressure across the State is increasing in low-lying swampy areas due to increasing land values, the City of Joondalup has a significantly smaller problem than other local government authorities on the Swan Coastal Plain. The only areas identified in the preliminary Acid Sulphate Soil risk mapping as having high risk of Actual Acid Sulphate and less than 3 metres from the surface, are within the boundaries of the Yellagonga Regional Park. Further, development potential within this area is low as the majority of the land is already developed or not suitable for further development.

Of greater concern however is the possible acidification of the groundwater dependent wetlands within the Yellagonga Regional Park due to water table decline in the Gngangara mound following a long period of below average rainfall and increasing groundwater abstraction. Groundwater abstraction near wetlands needs to be carefully managed so the watertable remains above pyrite layers in the soil. This will involve significant collaboration with the DoE to ensure the protection and sustainability of the wetlands within the region.

BACKGROUND

The Council recently considered an application for development on a site which is adjacent to the Yellagonga Regional Park. The site originally contained land depicted in the map attached to Planning Bulletin No 64 as having high risk Acid Sulphate Soils. Land near the North West Corner of the site is mapped as having high risk of Actual Acid Sulphate and Potential acid sulphate soil less than 3 m from the surface. This low lying portion of the site was subsequently excised from the original parent lot and no longer forms part of the site.

Planning Bulletin 64–Acid Sulphate Soils, which provide planning guidelines for local governments in relation to the assessment of applications for planning approval where there is evidence of a ‘significant’ risk of disturbing acid sulphate soils, provide a four-step test for determining whether an acid sulphate soil investigation is required in any particular instance. This four step test is called ‘The Acid Test’ and is an applicant self assessment form. The onus is on the applicant to provide this information with any application on land where there is evidence of a significant risk of disturbing acid sulphate soils. Step 1 of this test is in determining if there is evidence of a significant risk of disturbing ASS in the proposed development location.

The applicant, carried out site investigations into the groundwater levels below the site which enabled them to address the requirements of the Planning Bulletin. Based on the self-assessment form, the proposal was deemed not to require any further investigation in regard to ASS, nor referral to the Department of Environment for assessment as the development lot was outside the area mapped as having risk in relation to Acid Sulphate Soils and therefore deemed as having no evidence of a significant risk of disturbing ASS.

It is this process in relation to the self assessment form, contained within Step One of the Acid Test, that has raised community concern as to the perceived rigor and appropriateness in this process. The City’s Sustainability Advisory Committee at its meeting of the 10 February 2005 discussed this issue and deemed that a transparent and independent process was necessary.

The minutes of this meeting were considered by Council at its meeting of the 22 February 2005. It was resolved at this meeting that Council:

- 1 *REQUESTS the CEO to submit a further report to the ordinary meeting of the Council held on the 15 March 2005 addressing the concerns raised by the Sustainability Advisory Committee pertaining to acid sulphate soils; and*
- 2 *INITIATES appropriate research into the matter of Acid Sulphate Soils considering the issues raised by the SAC and seeks input from the Western Australian Local Government Association, Department of Planning and Infrastructure and other relevant state government agencies*

In light of community concern and in response to this Council resolution, the CEO commenced investigation into the matter. A project team has been responsible for seeking advice from the relevant State government agencies on the management of Acid Sulphate Soils, taking issue on the appropriateness of the self assessment process with the relevant agencies, clarifying roles and responsibilities in relation to Acid Sulphate Soils and benchmark best practice service provision in relation to assessment of developments in potential or high risk Acid Sulphate Soils areas.

DETAILS

Investigation into the issue of Acid Sulphate Soils has revealed bigger challenges faced not only by the City of Joondalup but other Western Australian Local Government Authorities in relation to Acid Sulphate Soils, further to the applicant self assessment process which was the focus of the required investigation.

This report serves to advise on the preliminary recommendations formed as a result of investigation into ASS with the various stakeholders consulted as a result of the council resolution. These preliminary recommendations are detailed to follow.

1 Institutional Arrangements

Currently there is no whole of government approach to management of ASS.

The potential impacts of disturbance of ASS on the State's environment, health care system and economy are significant. A state-wide coordinated approach between the State government and its various agencies, local government, industries and the community is imperative to ensure a responsible, cost effective and shared response to this emerging problem.

A Proposed Framework for Managing Acid Sulphate Soils was released for comment in 2004. The Framework proposes five key objectives and 15 recommendations to mitigate potential impacts on the State's environment and economy and provide a coordinated framework to manage the issue in a consistent manner. This document is yet to be endorsed by the State Government, and makes Western Australia the only state without a state management strategy for managing ASS.

Due to the broad threat ASS and acidic drainage represent, there is currently over 15 stakeholders (State and Local government) with which are affected by these threats. A lead agency is required to ensure there is a coordinated approach by state government agencies. The DoE have recommended in the Proposed Framework that it has a lead role in coordinating the management of ASS in WA. Further to this, the establishment of a steering committee (Western Australian Acid Sulphate Soil Advisory Committee) is recommended to advise on the implementation of a state framework, reporting directly to the Minister of the Environment. This is needed as a matter of priority.

Local Government is considerably exposed without the support of this State framework. It is imperative that this Committee is established and that the proposed Framework be adopted by the relevant agencies so as to ensure effective management of the ASS issue in WA. This issue has been raised with WALGA to lobby relevant agencies to expedite the adoption of framework and subsequent establishment of the Committee.

Preliminary Recommendation 1:

Elevate issue to WALGA to lobby for the endorsement of a state-wide, whole-of-government approach to the responsible use and management of acid sulphate soils and to encourage coordination and collaboration between State and local government authorities, industry and the community.

2 Identifying the distribution of ASS in WA

At this point in time, there is no mapping that provides advice on **actual** distribution of ASS in WA.

The DoE has compiled preliminary ASS risk maps for the Swan Coastal Plain. These maps has been compiled using existing geological information and is only provides some preliminary guidance for identifying areas where there is likely to be ASS. There is little or no soil chemistry data to test the validity of the map or the map boundaries. The DoE general guidance note for ASS state that the ASS risk maps will not replace the need to undertake a detailed soil identification and on-ground soil assessment process in areas considered high risk.

The State Government as allocated \$650,000 over the 2003/04 and 2004/05 financial years for the DoE to undertake soil sampling to ensure more accurate mapping of ASS areas. The DoE advise that soil mapping of the Perth metropolitan area should be completed by December 2005.

Preliminary Recommendation 2:

The City of Joondalup to work with the DoE to develop a local planning policy that includes the requirement for developments involving excavation in areas considered at risk by the City, to undertake a rigorous soil assessment process.

3 Avoiding the disturbance of ASS

There is currently very little known about the extent to which wetlands on the Jandakot and Gnangara mounds are underlain by ASS and the depth at which pyrite occurs.

Pyrite-rich peaty sediments often underlie groundwater-dependent wetlands on the Swan Coastal Plain. These wetlands are susceptible to acidification if the watertable falls below the pyretic material, and this can cause major changes in the ecology of the wetlands, particularly for macro-invertebrate communities. (Sommer and Horwitz, 2001). The DoE advise that the water table on both the Gnangara and Jandakot mounds has been progressively declining due to a long period of below average rainfall and groundwater abstraction, and there is a risk of our groundwater dependent wetlands (e.g. Lake Joondalup, Walluburnup swamps & Lake Goollalal) becoming acidic. Groundwater abstraction near wetlands needs to be managed so the watertable remains above pyrite layers in the soil.

Preliminary Recommendation 3:

Engage partners City of Wanneroo, CALM, Yellagonga Catchment Group, Friends of Yellagonga Regional Park to lobby DoE to determine the extent to which wetlands on Gnangara mound are underlain by ASS and the depth at which pyrite occurs as a matter of urgency and the Environmental Water Provisions for the wetlands adjusted to protect the environmental values of the wetlands within the region.

4 Public Health Implications

- High concentrations of arsenic in groundwater pose a health risk for garden bore users.
- No mechanism to manage garden bore users in areas underlain by ASS.
- Acidification of surface water bodies commonly increases mosquito breeding, leading to possible outbreaks of mosquito borne disease.

If ASS are disturbed either through drainage or excavation, it will become extremely acidic due to exposure of pyrite to air. A number of oxidation products are formed, including sulphuric acid. Sulphuric acid not only acidifies soil and groundwater, but also mobilises metals e.g. aluminium, iron and manganese as well as heavy metals (arsenic, lead) from the soil into groundwater.

High concentrations of arsenic in groundwater pose a health risk for garden bore users. The Department of Health advise not to drink water from garden bores however there are other routes of exposure including ingesting home grown fruits and vegetables irrigated with contaminated groundwater, filling swimming pools, and children playing under sprinklers. (DoE, 2004)

The current use and installation of garden bores in the Perth Metropolitan region is largely unregulated. DoE regulates groundwater abstraction from large irrigation bores and dewatering operations, however there is no mechanism to manage garden bore users in areas underlain by ASS. These areas are susceptible to groundwater acidification and arsenic contamination from excessive groundwater abstraction, particularly during periods of below average rainfall.

Further, the acidification of surface water bodies commonly increases mosquito breeding, as mosquito larvae are generally more resistant to acidic conditions than their predators. This in turn could lead to increases in mosquito borne diseases such as Ross River Virus. (DoE, 2004)

Preliminary Recommendation 4:

Lobby State government to develop guidelines for managing the location and use of domestic garden bores in areas underlain by ASS to prevent groundwater acidification and contamination.

Preliminary Recommendation 5:

Work in conjunction with the DoE to develop education material for the public about the risks of using untreated groundwater and to promote the regular testing of privately owned bores for acidity, arsenic and heavy metals.

5 Training, Management & Environmental Advice

In most cases Local Government Authorities have limited funds and expertise dealing with ASS issues however they play a critical role in planning and managing the disturbance of ASS, as well as managing local wetland areas, and in ensuring the protection of human health from heavy metal contaminated groundwater.

There is currently a need to increase the competency of local government authorities to identify triggers or indicators of ASS, and in the assessment and management of problems caused by the disturbance of ASS. Local Government needs access to appropriate information which will provide the ability to make objective decisions regarding ASS, and to enable competent management of ASS in a manner consistent with principles of Ecologically Sustainable Development and Best Practice Environmental Management.

Preliminary Recommendation 6:

Engage DoE to provide ongoing professional development training to Officers of the City of Joondalup in the identification, assessment and best practice management of ASS.

Local Governments access to appropriate information providing the ability to make objective decisions is somewhat limited until such a time as detailed soil mapping as been undertaken by the DoE. Advice obtained from DoE stated that soil mapping of the Perth metropolitan area should be completed by December 2005.

The planning guidelines contained within Bulletin 64 have been adopted by WAPC until such a time as this detailed mapping of ASS areas is available and a comprehensive policy response of acid sulphate soils is prepared.

Concerns raised by the Council's SAC in relation to the ASS self-assessment form, specifically step one, have been raised with the Department of Planning & Infrastructure (DPI). Advice from DPI states that the planning bulletin and self assessment form is currently under review and noted that the City's concerns will be taken into consideration as part of the review. These concerns will be formally submitted to the DPI in writing shortly.

The DPI advised that the current planning bulletin allows the decision maker to override the results of the self assessment form if site characteristics and local knowledge lead to decision maker to form the view that there is a significant risk of disturbing ASS at that location. However this is not made clear in the planning bulletin. A further issue that arises as a result of this advice is that many Local Government Officers do not have the knowledge to override the contents of the form without appropriate training for identifying ASS.

DPI further advised that the Planning Bulletin is a guideline document only. The 'Statement of Planning Policy No 2: Environment and Natural Resources Policy', provides the head of power to justify environmental conditions placed in planning applications, and can be used as the legislative base for developing Local Planning Policies in relation to Environment and Natural Resources provided that a local policy aligns with the objectives of the State Planning Policy.

In regard to planning processes within the City of Joondalup it is recommended that where there is the possibility for ASS to be disturbed that the project/development be subject to an appropriately rigorous risk assessment. Identifying the location of ASS is crucial to planning and managing development.

Preliminary recommendation 7:

Given the ASS risk maps do not provide with certainty the location of ASS, until detailed soil mapping as been undertaken the DoE and a comprehensive policy response of acid sulphate soils is prepared and released by the WAPC, the City of Joondalup will work with the DoE to develop a local planning policy to ensure that development on land containing ASS is planned and managed to avoid potential adverse effects on the natural and built environment. This policy will include a more rigorous self assessment tool.

Statutory Provision:

Western Australian Planning Commission – Planning Bulletin 64 – Acid Sulphate Soils
Town Planning & Development Act 1928
Environmental Protection Act 1986
Health Act 1911

Policy Implications:

Nil

Financial Implications:

The resource implications of the issue are as yet unknown.

Strategic Implications:

Aligns with the City's Key Focus Areas of Community Well-being and Caring for the Environment

Sustainability Implications:

Ensures that the development of land containing acid sulphate soils is planned and managed to avoid potential adverse effects on the natural and built environment.

Community Consultation:

A proposed method of community engagement for new local government policy on Acid Sulphate Soils needs to be developed and will be the subject of a subsequent report to SAC.

COMMENT

It is intended for this report to be forwarded to appropriate stakeholders within the City, including the Sustainability Advisory Committee, for comment.

Relevant comments will be incorporated into a final report to Council at the earliest available meeting date after comments have been received, containing the final recommendations of the City in regard to Acid Sulphate Soils as a result of the issues raised by SAC, and of the broader ramifications in regard to management of Acid Sulphate Soils within the City of Joondalup.

ATTACHMENTS

Nil

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 NOTES the contents of this interim Report CJ062-04/05;**
- 2 NOTES a final report will be presented to Council following comment from the appropriate stakeholders within the City of Joondalup, including the Sustainability Advisory Committee, concluding the final recommendations and findings of the City's investigation into Acid Sulphate Soils.**

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

CJ063 - 04/05 STATE ADMINISTRATIVE TRIBUNAL – PLANNING APPEAL NO RD40 OF 2005 – JOONDALUP GATE PTY LTD V CITY OF JOONDALUP – PROPOSED BUSINESS AND SHOWROOM/WAREHOUSE DEVELOPMENT AT JOONDALUP GATE, 57 JOONDALUP DRIVE, EDGEWATER – [38480]

WARD - Lakeside

This Item Is Confidential - Not For Publication

A full report was provided to Joint Commissioners under separate cover.

MOVED Cmr Clough, SECONDED Cmr Fox that Council AGREES to the recommendation contained within Report CJ063-04/05 as marked 'confidential' and provided hereto in the Minute Book.

The Motion was Put and

CARRIED UNANIMOUSLY (4/0)

REPORT OF THE CHIEF EXECUTIVE OFFICERAcid Sulphate Soils – Item CJ062-04/05 Refers

Chief Executive Officer advised a request was made at the Council meeting held on 15 March 2005 to provide a further report on acid sulphate soils. As identified by Cmr Clough, this report was completed late this afternoon and presented to Council this evening as a result of that undertaking being given.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

Nil.

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 26 APRIL 2005** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup.

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2031 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR A FOX