

AGENDA

Special Council Meeting City of Joondalup

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

MEETING DATE



ON THURSDAY 29 JUNE 2006
commencing at 7.00 pm

Public Question Time

PUBLIC QUESTION TIME



Members of the public are requested to lodge questions in writing by close of business on Tuesday 27 June 2006. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Special Council meeting.

Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)



GARRY HUNT
Chief Executive Officer

26 June 2006



City of
Joondalup

www.joondalup.wa.gov.au

PUBLIC QUESTION TIME

The following protocols for the conduct of Public Question Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to ask questions, either verbally or in writing, at Council meetings of the City.

The Council encourages members of the public, where possible, to submit their questions at the earliest opportunity.

Public question time will be limited to the legislative minimum of fifteen (15) minutes and may be extended in intervals of up to ten (10) minutes by resolution of the Council, but the total time allocated for public questions to be asked and responses to be given is not to exceed thirty five (35) minutes in total.

PROCEDURE FOR PUBLIC QUESTION TIME

Members of the public are invited to ask questions, either verbally or in writing, at Council Meetings.

Questions asked at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. **Questions asked at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.**

- 1 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Each member of the public wanting to ask questions will be encouraged to provide a written form of their question(s) to the Chief Executive Officer (CEO) or designated City employee.
- 3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Where the number of required questions exceeds the number able to be asked, the member of the public may submit the unasked questions to the Council, where they would be 'taken on notice' and a written response provided.
- 7 Public question time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further questions.

- 8 To enable prompt and detailed responses to questions, members of the public are encouraged to lodge questions in writing to the CEO by close of business two working days prior to the scheduled Council meeting.

Responses to those questions received within the above timeframe will, where practicable, be provided in hard copy at the meeting.

- 9 The Mayor or presiding member shall decide to:
- Accept or reject the question and his/her decision is final;
 - Nominate a member of the Council and/or City employee to respond to the question;
 - Due to the complexity of the question, require that it be taken on notice with a written response provided as soon as possible, and included in the agenda of the next Council meeting.
- 10 Questions are to be directed to the presiding member and should be asked politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 11 Where a response has been provided to a question asked by a member of the public, and where that response, in the opinion of the presiding person, adequately deals with the question, there is no obligation to further justify the response.
- 12 Where an elected member is of the opinion that a member of the public is:
- asking a question at a Council meeting, that is not relevant to the operations of the City of Joondalup;
 - making a statement during public question time;
- they may bring it to the attention of the meeting.
- 13 Questions and any response will be summarised and included in the minutes of the Council meeting.
- 14 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

DISCLAIMER

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

PUBLIC STATEMENT TIME

The following protocols for the conduct of Public Statement Time were adopted at the Council meeting held on 11 October 2005

Members of the public are invited to make statements, either verbally or in writing, at Council meetings of the City.

Public statement time will be limited to a maximum of fifteen (15) minutes. Individual statements are not to exceed two (2) minutes per member of the public.

PROCEDURE FOR PUBLIC STATEMENT TIME

Members of the public are invited to make statements, either verbally or in writing, at Council meetings.

Statements made at an ordinary Council meeting can relate to matters that affect the operations of the City of Joondalup. **Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.**

- 1 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 2 Public statement time will be limited to two (2) minutes per member of the public.
- 3 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 4 Public statement time is declared closed following the expiration of the allocated time period, or earlier than such time where there are no further statements.
- 5 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 6 Where an elected member is of the opinion that a member of the public is making a statement at a Council meeting, that is not relevant to the operations of the City of Joondalup, they may bring it to the attention of the meeting.
- 7 Statements will be summarised and included in the minutes of the Council meeting.
- 8 It is not intended that public statement time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

CODE OF CONDUCT

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

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

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

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

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

CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of the Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **THURSDAY 29 JUNE 2006** commencing at **7.00 pm**.

GARRY HUNT
Chief Executive Officer
26 June 2006

Joondalup
Western Australia

AGENDA

1 DECLARATION OF OPENING AND ANNOUNCEMENT OF VISITORS

2 PUBLIC QUESTION TIME

(Please Note: Section 7(4)(b) of the Local Government (Administration) Regulations 1996 states that a Council at a special meeting is not required to answer a question that does not relate to the purpose of the meeting. It is requested that only questions that relate to items on the agenda be asked.)

3 PUBLIC STATEMENT TIME

Statements made at a Special Meeting of the Council must relate to the purpose for which the meeting has been called.

4 APOLOGIES AND LEAVE OF ABSENCE

5 DECLARATIONS OF INTEREST

6 ITEM OF BUSINESS

ITEM 1 CONSIDERATION OF FINAL ADOPTION OF MARMION STRUCTURE PLAN NO 9 & VEGETATION MANAGEMENT PLAN – LOT 61 LEACH STREET, MARMION (FORMER CSIRO SITE)

As part of the Special Council meeting, and to ensure that the Council is fully informed as part of the decision making process, the applicant/developer and representatives of certain action groups have been invited to make a submission for a period not exceeding ten (10) minutes.

7 CLOSURE

ITEM 1 CONSIDERATION OF FINAL ADOPTION OF MARMION STRUCTURE PLAN NO 9 & VEGETATION MANAGEMENT PLAN – LOT 61 LEACH STREET, MARMION (FORMER CSIRO SITE) – (84563, 85558)

WARD: South-West Ward

RESPONSIBLE Ian Cowie

DIRECTOR: Planning and Community Development (Acting)

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of the draft Marmion Structure Plan No 9, and to consider adopting the structure plan as final.

EXECUTIVE SUMMARY

The proposed structure plan relates to Lot 61 (14) Leach Street, Marmion, which is bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south.

The intent of this structure plan submitted by the applicant is to guide the future subdivision and development of the land to create 35 single residential lots ranging in size from 441m² to 700m² and a 2191m² Public Open Space (POS) lot.

Council considered the draft Marmion Structure Plan No 9 at its meeting on 4 April 2006 (CJ058 – 04/06 refers), where it resolved to adopt the structure plan and to make it available for public comment.

The draft structure plan was advertised for a period of 35 days from 13 April to 18 May 2006. A total of 105 submissions were received (including two late submissions). Five submissions either supported (or supported the proposal in principle subject to certain specific matters and/or concerns being addressed), eight submissions were neutral and 92 objected to the proposal. Of the neutral submissions, five were from service authorities and government departments.

The main issues raised in submissions relate to the provision of additional POS and loss of bush land habitat, traffic and pedestrian safety, density of development (including lot sizes and frontage widths), visual amenity, dwelling design, building height, lot levels and retaining walls.

This report includes a summary of issues raised, and full copies of submissions are available in the Councillors' reading room.

The analysis of the proposal supports a recommendation to modify structure plan provisions relating to land use clauses and the reduction of proposed lot levels and height of retaining walls shown in the earthworks plan that forms part of the structure plan.

It is recommended that Council adopts as final the Marmion Structure Plan No. 9, with modifications, and submits the structure plan to the Western Australian Planning Commission (WAPC) for final adoption and certification.

BACKGROUND

Suburb/Location:	Lot 61 (No. 14) Leach Street, Marmion
Applicant:	Chappell & Lambert
Owner:	Marmion Estates Pty Ltd
Zoning:	DPS: Urban Development (R20)
	MRS: Urban
Site Area:	2.1885 hectares
Structure Plan:	Draft Marmion Structure Plan No 9

Location

The subject site is Lot 61 (14) Leach Street, Marmion, which is bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Refer Attachment 1).

History

The site was formerly owned and used by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) as a marine research facility from 1975 to July 2002 and contained buildings and structures comprising laboratories, sheds, storerooms and an aquarium facility.

The CSIRO disposed of the site in 2003 and it was purchased by Marmion Estates Pty Ltd (Satterley Property Group).

In 2003, the site was reserved as Local Reserves 'Parks and Recreation' under the City's District Planning Scheme No 2 (DPS2) and 'Urban' under the Metropolitan Region Scheme (MRS). A residential density code of R20 applies to the site.

Amendment 24 to DPS2

In 2004, Amendment 24 was lodged by Marmion Estates Pty Ltd. The amendment sought 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.

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:

- Support - 323 submissions, plus one petition containing 178 signatures.
- Objection - 342 submissions, plus one petition containing 683 signatures.

Council at its meeting on 5 April 2005 (CJ051-04/05 refers) resolved to grant final approval to the amendment. Subsequently the amendment was approved by the Hon Minister for Planning and Infrastructure and published in the Government Gazette on 5 and 9 December 2005 respectively. The Minister approved the amendment with the following requirements:

- (a) The preparation of a Vegetation Management Plan by the landowner over the Public Open Space and approved by the Council, prior to the approval of a Structure Plan for the entire site is required. The public open space is intended to be located within the treed Northeast section of the lot;
- (b) *The Vegetation Management Plan shall be prepared in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation' and shall aim to protect and enhance the area for bush conservation purposes for the long term enjoyment by the local community;*
- (c) *The rehabilitation of the Public Open Space area shall be undertaken by the landowner following the approval by the Western Australian Planning Commission of the Structure Plan and prior to approval of any subdivision application over the land;*
- (d) *An agreement being entered into between the City of Joondalup and the landowner. The agreement shall detail the landowner's commitment to \$10,000 for the preparation of the Vegetation Management Plan, and a further \$100,000 for the protection and further enhancement of the bushland on the proposed Public Open Space area;*
- (e) *The landowner is advised that sub clause (d) above is additional to the standard statutory requirements that may be placed on the landowner at the time of subdivision and/or development.*

The applicant then began the process of achieving compliance with that resolution.

Proposed Marmion Structure Plan & Vegetation Management Plan (VMP)

At its meeting on 4 April 2006, Council considered the draft Marmion Structure Plan and associated Vegetation Management Plan (VMP) for the purpose of initiation of public advertising, where it was resolved:

1. *Pursuant to Clause 9.4 of the City of Joondalup District Planning Scheme No 2, (Council) ADOPTS the draft Marmion Structure Plan (Structure Plan No 9) as shown on Attachment 2 to Report CJ058-04/06 for the purpose of public advertising and make it available for public comment for 35 days.*
2. *NOTES that the Vegetation Management Plan has been developed in accordance with the City's public participation strategy and forms an appendix to the structure plan document, which will be publicly advertised.*

Existing Development

A demolition license has also been approved and the existing structures upon the land are in the process of being removed.

Subdivision Application

The applicant has submitted a subdivision application to the WAPC (the determining authority for subdivisions), which has been referred to the City for comment. A response has been provided to the WAPC that the subdivision application should not be considered until such time as the Marmion Structure Plan No. 9 prepared for the subject land is determined by both the Council and the Western Australian Planning Commission - as required under Clause 3.12.2 and Part 9 of the City's District Planning Scheme No.2.

DETAILS

Structure Plan Document

The proposed structure plan consists of two parts, Part 1 and Part 2. Part 1 of the structure plan document is the statutory planning section setting out the objectives and development provisions that determine the intended overall form of development on the subject land. Part 2 of the structure plan document is the explanatory report, which provides background to the objective, purpose and intentions of the proposed structure plan. It also includes background information (including traffic, environmental, community consultation and vegetation management plan reports), the processes proposed for implementation and administration of the structure plan.

Due to the size of the document, including accompanying technical reports, only Part 1 of the structure plan document has been attached to this Council report (Refer Attachment 2). Full copies of the structure plan document, including all accompanying technical reports, have been made available in the Councillors' reading room. Full copies of the structure plan document, including all accompanying technical reports, were made available for inspection by the public during the comment period.

The structure plan contains objectives relating to sustainable development outcomes and other specific matters that seek to address Council's requirements.

Detailed design elements relating to verge landscaping, protection of significant vegetation within the road reserve, provision of footpaths and intersection improvements/treatments are the type of aspects that are most appropriately resolved during the future subdivision of the site.

Key elements of this proposal have been advertised and assessed previously through Council's consideration of Amendment No 24 to DPS2, particularly with respect to POS provision on the site.

Structure Plan Layout

The intent of the structure plan is to guide the future subdivision and development of the land to create 35 single residential lots ranging in size from 441m² to 700m² and a 2191m² Public Open Space (POS) lot.

A cul-de-sac road is proposed to enter the site from Cliff Street (directly opposite Braden Park) with a road reserve width of 14 metres. The plan proposes a total of 17 residential lots to obtain vehicular access directly from this cul-de-sac road. The remaining 18 lots would notionally have vehicular access directly from the existing road network, being Leach Street, Cliff Street and Troy Avenue.

Five lots are proposed to have dual frontage to both Cliff Street and the proposed cul-de-sac road, although access is proposed to be from the internal cul-de-sac road only. For the purposes of the structure plan, these lots are noted as Precinct A.

Residential Design Codes (R-Codes) Setback Variation for Precinct A

With the exception of Precinct A, the structure plan requires that future residential development upon all lots be in accordance with the R-Codes.

A setback variation to the R-Codes standards is proposed for the five lots comprising Precinct A, whereby a minimum 3-metre setback from Cliff Street is proposed. The setback variation (a reduction from the standard 6 metre requirement) is to allow future residential dwellings on each of the lots to be sited at similar setbacks to houses and existing garages in the street, and also to facilitate the siting of future dwellings to improve passive surveillance of Braden Park, which is directly opposite these lots.

No other R-Code variations are proposed.

Lot Levels & Retaining Walls

A lot level plan is included within the structure plan that proposes finished lot levels and the location and height of proposed retaining walls. The lot levels/contours shown on the plan would be used to calculate building height for the purposes of Policy 3.2 - Height and Scale of Buildings within Residential Areas.

Vegetation Management Plan (VMP)

In approving Amendment 24 to DPS2, the Minister for Planning and Infrastructure required a VMP to be prepared in accordance with the City's Public Participation Policy.

The landowner's consultant prepared a community consultation process which was considered and endorsed by the City to ensure it aligned with its Public Participation Policy. The main components of the community consultation process were as follows:

- Identification of key issues and the role of the community in developing the VMP.
- Identification of key representatives from various community groups to comprise representatives of the Vegetation Management Plan Stakeholder Group (VMPSG).
- Completion of two workshops with the VMPSG.
- Developing a VMP for the CSIRO Site for City of Joondalup endorsement.

The consultation process was used to inform the development of the VMP.

The VMP has been prepared by the Joondalup Community Coast Care Forum (JCCCF) at the land owner's cost for the proposed POS area to the north of the site and also includes the road verges immediately adjacent. Both areas are referred to in the VMP as a 'Park'. The objectives listed in the VMP for the POS are as follows:

- Develop the area to be used for passive recreation only – low impact pathways, seats and fencing.
- Protect remnant native vegetation and established trees (including during earthworks and building phases outside of the POS).
- Retain trees and prune them to maximise landscaping values.

- Retain native understorey where it exists.
- Replant with local native trees and understorey plants (ie. use only local seed and cuttings). Develop a bushland setting.
- Encourage the establishment of a Friends Group to assist with the long-term maintenance of the park.

The VMP provides a total of 28 recommendations with respect to fire and weed control, retention and pruning of trees, rehabilitation plantings, access control and rubbish dumping, signage and handover. These recommendations have been prioritised and an implementation list provided within the VMP.

The VMP forms part of the proposed structure plan document.

Options

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

- Determine that the structure plan, without modification(s), is satisfactory; adopt it as final and forward to the WAPC for endorsement.
- Determine that the structure plan, with minor modification(s), is satisfactory; adopt it as final and forward to the WAPC for endorsement.
- Refuse to adopt the structure plan.

Should Council require modifications to the structure plan (for example, to require an additional amount of open space) or refuse the structure plan, the applicant has a right to request the State Administrative Tribunal review the decision.

Link to Strategic Plan:

The recommendation in this report is supported by the following objective and strategy in the City's Strategic Plan 2003 – 2008:

Objective 3.3	To continue to meet changing demographic needs.
Strategy 3.3.1	Provide residential living choices.

Legislation – Statutory Provisions:

Under Clause 9.6 of DPS2, Council is to consider all submissions received and within 60 days of the close of advertising proceed to either adopt, with or without modifications, or refuse the structure plan, then submit it to the WAPC for final adoption and certification.

Risk Management considerations:

Not applicable

Financial/Budget Implications:

Not applicable

Policy implications:

The proposal does not have any policy implications, other than those noted herein.

Regional Significance:

The proposal is unlikely to have any regional significance.

Sustainability implications:

The structure plan proposes a diversity of lot sizes and residential dwellings promoting both economic and social sustainability, which is in keeping with the Council's Strategic Plan.

The development of the POS area in accordance with the Vegetation Management Plan will assist in providing a habitat for native wildlife and contribute to local environmental sustainability.

Consultation:

Clause 9.5 of DPS2 requires that the structure plan proposal be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Advertising was undertaken for a period of 35 days from 13 April to 18 May 2006.

All adjoining and nearby landowners were notified in writing, two signs were erected on the site and a notice was placed in the local newspaper on 13 April 2006 and on the City's website. All documentation associated with the structure plan was available for public viewing.

A total of 105 submissions were received, including two late submissions. Five submissions either supported (or supported the proposal in principle subject to certain specific matters and/or concerns being addressed), 8 submissions were neutral and 92 objected to the proposal. Of the neutral submissions, five were from service authorities and government departments. A summary of the submissions received is Attachment 4. Full copies of all submissions have been placed in the Councillors' reading room for information.

Key issues arising from Public Advertising

Those supporting the draft structure plan raised the following major issues;

- Location of the POS and retention of vegetation in the proposed area.
- Proposed POS will minimise the impact of traffic resulting from the proposed development at the intersection of Ozone Road and Cliff Street.
- POS results in an equitable distribution of parkland throughout the locality.
- Proposed development will benefit the amenity of the area.
- Provision of dual use paths, traffic calming devices, retention of verge trees, reduction of lot levels and retaining wall heights.

Those objecting to the draft structure plan raised the following major themes;

- Community consultation process.
- Provision of POS (lack of), loss of bush land, and preference for structure plan B.
- Lot levels, retaining walls & building height .
- Overlooking, overshadowing, privacy and amenity reduction related issues.
- Density, lot size and lot frontages not compatible with the surrounding area.
- Traffic and pedestrian safety.

Structure plan B (attachment 6) is identical in form to the proposed structure plan, however seeks to create 27 lots and provide 30% POS, with the further 20% POS being located on the southern portion of the site fronting Troy Ave.

COMMENT

A range of issues was raised by the community during the public consultation period. The main issues raised, together with responding comments in relation to those issues are as follows;

Community Consultation Process

Submissions raised issues with respect to;

- The community consultation process used to generate the structure plan.
- Why the community preferred 'structure plan B' was not advertised with the proponent's structure plan.
- The perceived lack of transparency with respect to the nomination of representatives to the community stakeholder group.

Comment

On 5 April 2005 (CJ051-04/05 refers) Council resolved that a community consultation process was to be undertaken by the applicant to supplement the formal structure plan advertising process required under DPS2. A community involvement and consultation plan was submitted by the applicant, approved by the City and subsequently undertaken by the applicant. One initial meeting and then three workshops were conducted prior to finalisation and submission of the draft structure plan to the City. With the exception of an initial meeting where two representatives of the City attended as observers, the City was not involved in the three workshops.

The community consultation report prepared by the applicant forms Appendix C to the draft structure plan document. A summary of this report was outlined and commented upon within Council report CJ058-04/06.

The minutes of the community consultation meeting incorrectly make reference to a business representative being the City's nominee. The City did not nominate or select people to the stakeholder reference group or have any representation on that group. All expressions of interest received by the City were forwarded directly to the applicant's consultant for further consideration.

It is reported that the community consultation meetings favoured a 'structure plan B' proposal which sought to reduce the number of lots from 35 to 27 and provide 30% POS in lieu of 10%, with the further 20% POS being located on the southern portion of the site fronting Troy Ave. This plan is included in the applicant's report on the community consultation outcomes within the structure plan document.

Although the community consultation meeting supported structure plan B and associated 30% provision of POS, the structure plan submitted by the applicant includes the provision of 10% POS, and this is the plan that Council is required to consider. Notwithstanding, Council may consider requesting modifications to the submitted plan.

POS Provision

Submissions have sought additional POS be provided on the site, being an additional 20% provision at the southern end of the site.

Comment

The issue of the provision of POS on the site and in the area generally was the subject of comprehensive analysis and debate during the consideration of Amendment No 24 and the provision of POS was resolved by earlier decisions of the Council and the Minister for Planning and Infrastructure of Amendment No. 24.

In considering Amendment No. 24 to DPS2, both the Council and the Minister for Planning and Infrastructure did not require any additional POS above the normal 10% be provided on the site. The landowner has submitted a structure plan application for the Council to consider with the provision of POS based upon these decisions.

WAPC policy requires 10% of the gross subdivisible area to be given up free of cost by the subdivider for POS. This has been the basis of POS provision that has been applied in Perth since 1956.

Density, lot size and lot frontages not compatible with the surrounding area

Issues were raised in submissions with respect to the compatibility of the density, lot size and lot frontage width with of the proposed lots compared to the surrounding area.

Comment

The proposed lot sizes and lot frontages are in excess of the minimum requirements of the R-Codes under the R20 residential density code applicable to the subject land. Whilst existing lots immediately adjacent to the structure plan area are larger in size, many of these lots, particularly those on Leach Street, Cliff Street and Troy Avenue are of sufficient size in order to be further subdivided into two lots in accordance with the R20 density code, particularly as deep sewerage is becoming available. Therefore, as development occurs, lots in the area will be a mix of 450-500 sqm and larger. The resultant lot sizes are therefore compatible with those proposed under the structure plan.

The applicant states that the proposed lot widths are approximately 16-17 metres, which is in excess of the minimum required by the R-Codes. This compares with lot widths of approximately 18 metres for the immediately surrounding lots. It is not considered that incompatible development will result, particularly as development within the surrounding area occurs.

The structure plan is aligned to the DPS2 and the R-Codes, and those standards also apply to the surrounding area. If adopted, new development within the structure plan area should therefore be compatible with both existing and future development of the surrounding area.

Overlooking, overshadowing, privacy and amenity reduction related issues
Lot levels, retaining walls & building height

Issues were raised in submissions with respect to the proposed lot level and retaining wall heights, building height and overlooking and overshadowing of neighbouring properties, particularly for proposed lots fronting Troy Avenue.

Comment

A lot level plan is included within the structure plan document. This plan specifies the finished level of all lots within the new development. At the request of the City, the lot level plan has been reviewed by the applicant and lot levels and retaining wall heights have been reduced to improve compatibility with existing road levels and the underlying existing contours of the land.

The revised lot level plan (Attachment 5) and corresponding structure plan provisions provide certainty as to the final lot levels that will be the basis for calculating building height in accordance with Council Policy 3.2 - Height and Scale of Buildings within Residential Areas. This policy also controls height for residential development in the Residential zones of the City generally. This will ensure that the height of future development within the structure plan area is compatible with surrounding development.

The R-Codes contain provisions relating to overlooking and overshadowing and any development is assessed for compliance once detailed house plans are lodged with the City for its approval.

Traffic and Pedestrian Safety related issues

Several issues were raised in submissions with respect to increased traffic generation and reduction of traffic and pedestrian safety.

Comment

A traffic report was submitted, including evaluation of traffic and safety aspects of the structure plan. The report was prepared by the landowner's traffic consultant and reviewed by the City. The proposal is expected to have minimal impact on the existing road network as it is expected to generate 315 vehicular trips per day (35 lots x 9 vehicle movements per lot).

The local road network is capable of accommodating the minor increases in traffic generated by the proposal, whereby the collective increase in traffic generation (measured by the number of vehicle movements per day) on all adjoining roads remains below the maximum total number of vehicle movements per day figure that applies to the surrounding road network as set out in the traffic report forming appendix D to the structure plan.

The proposed cul-de-sac road access point onto Cliff St was raised as an issue of concern, largely from a safety perspective given topography (on the crest of the hill). The location of the proposed intersection provides adequate vehicular sightlines according to Australian Standards. The location also minimises the impact on adjoining landowners, as it is located opposite Braden Park.

In the event that the structure plan is approved, Clause 8.7 i) of the structure plan allows traffic and safety issues raised by the community to be addressed as part of any future land subdivision process when detailed engineering designs and drawings are submitted for approval. Assessment will also include detailed consideration of intersection treatments.

It was also suggested in submissions that the locations of the bus stops on Cliff Street are hazardous and Transperth will be requested to investigate this aspect.

It is noted that dual use paths are to be provided by the applicant on the verge of all surrounding roads as required under Clause 8.7 ii) of the Structure Plan.

Other Issues

Issues were raised in regard to the wording used in the draft structure plan document in regard to permissible land uses on the site, and the appearance of the dwellings in Precinct A.

Comment

Clause 8.1 of the structure plan refers to the predominant land use being 'Residential'. As residential is not a land use class under DPS2, it is proposed to clarify the wording to read that the predominant use is to be 'single house'.

A typographical referencing error exists within the structure plan document which is proposed to be modified by replacing the words 'Provision 8.2' with 'Provision 8.3' under heading "6.0 Finished Ground Level Plan".

It is considered that the visual appearance of the dwellings in Precinct A can be improved by ensuring that the dwellings appear to front both the internal access road and Cliff Street with equal importance. This would ensure that the dwellings do not appear to 'back' onto Cliff Street.

Other proposed modifications to the Structure Plan

In addition to the proposed structure plan modifications outlined above, minor modifications are proposed to the title and legend of the structure plan maps as follows;

- Plan 1 - Delete the word 'Agreed'.
- Plan 2 - Delete the word 'Zoning' and replace with 'Landuse' and in the legend, delete the words 'Zone' and 'Reserve'.
- Plan 3 - Insert the word 'Density' after the word 'Residential' in the title.

Comment

The title of Plan 1 refers to the map being an Agreed Structure Plan. Under Clause 9.8.1 of DPS2, a structure plan comes into operation (and is referred to as an Agreed Structure Plan) on the date it is adopted by the WAPC. As the structure plan has not been adopted by Council or the WAPC, deletion of the word 'Agreed' from the title of Plan 1 is required.

The title of Plan 2 is incorrect as the zoning of the land under DPS2 is 'Urban Development'. The intention of this plan is to illustrate what portions of the land are allocated for POS and residential development purposes. It is therefore recommended that the word 'Zoning' be deleted and replaced with the word 'Landuse'. The legend in Plan 2 also requires modification, with the words 'Zone' and 'Reserve' being deleted.

The title of Plan 3 is proposed to be reworded in order to increase clarity as the plan reflects the current residential density of R20 applicable to the site under DPS2. It is therefore recommended that the title for Plan 3 read 'Residential Density Code Plan'

Vegetation Management Plan (VMP)

The VMP has been prepared for the applicant by the Joondalup Community Coast Care Forum (JCCCF) and in accordance with the City of Joondalup's Council Policy 1-2 'Public Participation'. The VMP aims to protect and enhance the proposed POS and adjacent road reserve/verge area for bush conservation purposes for the long-term enjoyment by the local community. The VMP content is considered to be satisfactory.

The VMP requires that the developer undertake the required POS development works as set out in the VMP over a three-year period, with the \$100,000 developer commitment being used to fund these works. The City will be responsible for the long term management of the park and formal handover of the park to the city will occur at the end of the three year period subject to the park being developed in accordance with the VMP.

The landowner has, however, advised of its preference to pay \$100,000 to the City up front and for the City to develop/rehabilitate the POS in accordance with the VMP using those funds.

However, the Minister for Planning and Infrastructure requires the landowner to develop/rehabilitate the POS following the WAPC's approval of the structure plan and prior to approval of any subdivision application over the land in approving Amendment 24 to DPS2.

Generally, the landowner/subdivider is responsible for the development of POS created within the subdivision. The City assumes responsibility for the long-term management and maintenance of the POS once formal handover occurs at the end of a three-year period. This is subject to the POS being developed in accordance with plans approved by the City, in this case, the VMP.

It is therefore recommended that, should Council adopt the structure plan and VMP as final, that the landowner be advised that the City is not prepared to depart from accepted practice, and expects the landowner/developer to develop and maintain the POS for a period of three years.

Conclusion

The draft structure plan and VMP have been assessed and are considered to address the requirements of both Council and Minister's requirements relating to the rezoning application over the site (Amendment 24 to DPS2).

The community request for an additional 20% of POS on the site is acknowledged, however, as this is beyond the normal 10% requirement, any additional POS would need to be negotiated with the landowner as this falls outside the normal statutory planning requirements. The Council could require the structure plan to be modified to include the additional public open space, or refuse the structure plan. The issue is one that has previously been resolved in terms of the location and size of POS, which is considered appropriate.

The proposed structure plan design has been formulated on the principles of the traditional neighbourhood design existing in the area. The subdivision layout recognises constraints imposed by topography, vehicular sight line distances along Cliff Street and a commitment to revegetate the designated POS.

The draft structure plan, together with proposed modifications, is considered to be in a form suitable for the purposes of final approval in accordance with the provisions of DPS2.

ATTACHMENTS

Attachment 1 -	Aerial Site/Location Plan
Attachment 2 -	Draft Marmion Structure Plan No 9 - Part 1
Attachment 3 -	Structure Plan Process Flowchart
Attachment 4 -	Schedule of Submissions
Attachment 5 -	Revised Lot Level Plan
Attachment 6 -	Structure Plan B

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 **AMENDS Attachment 2 to this Report (the Marmion Structure Plan No 9) as follows:**
 - (a) **Under heading 6.0 FINISHED GROUND LEVEL PLAN, replace the words 'Provision 8.2' with 'Provision 8.3'**
 - (b) **Delete all sentences under heading 8.1 Land Use and replace as follows;**
 - “(i) The predominant land use in this Land Use Area shall be Single House.**
 - (ii) For the Residential land as shown on Plan 1, uses permitted and the Scheme provisions are the same as those that apply to the Residential zone in the Scheme.**
 - (iii) The provisions of clause 2.3 of the Scheme apply to the public open space land.”**
 - (c) **Under heading 8.5 Building Setbacks, insert point iii) as follows:**
 - “(iii) Dwellings within Precinct A shall address both Cliff Street and the internal access road with equal importance by providing habitable rooms and major openings facing both streets, as well providing visually interesting elevations to both streets.”**
 - (d) **Replaces Plan 4 in the structure plan document with that shown at Attachment 5.**

(e) **Modifies the title and legend of Plans 1, 2 and 3 as follows;**

Plan 1 - Delete the word 'Agreed'.

Plan 2 - Delete the word 'Zoning' and replace with 'Landuse' and in the legend, delete the words 'Zone' and 'Reserve'.

Plan 3 - Insert the word 'Density' after the word 'Residential' in the title.

- 2 RESOLVES that the Marmion Structure Plan No 9 shown in Attachment 2 (as amended) 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 Marmion Structure Plan No 9 and proposed modifications as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document.**
- 4 ADVISES the landowner that it is not prepared to depart from accepted practice, and expects the landowner/developer to develop and maintain the POS in accordance with the Vegetation Management Plan for a period of three (3) years.**
- 5 REQUESTS the Public Transport Authority (Transperth) to investigate bus stop safety issues raised by the community that may result in the relocation of the existing bus stops on Cliff Street adjacent to the structure plan area in consultation with the City.**
- 6 NOTES the submissions received and ADVISES the submitters of the Council's decision.**

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1agn290606.pdf](#)



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

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

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

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

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

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



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

NAME

ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

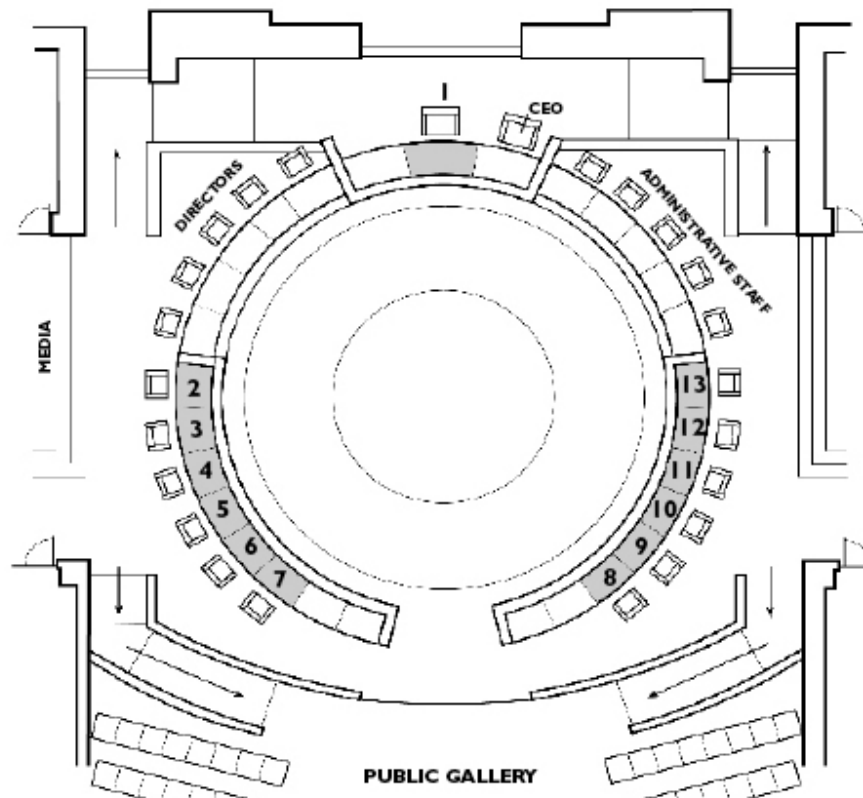
- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to council.questions@joondalup.wa.gov.au

Please note that:

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

SEATING DIAGRAM

Council Chamber Seating Diagram City of Joondalup



Mayor

1 His Worship the Mayor, Troy Pickard (Term expires 2/5/09)

North Ward

2 Cr Kerry Hollywood (Term expires 2/5/09)

3 Cr Tom McLean (Term expires 5/5/07)

North-Central Ward

4 Cr Albert Jacob (Term expires 2/5/09)

5 Cr Steve Magyar (Term expires 5/5/07)

Central Ward

6 Cr John Park (Term expires 2/5/09)

7 Cr Geoff Amphlett (Term expires 5/5/07)

South-West Ward

8 Cr Michele John (Term expires 2/5/09)

9 Cr Marie Evans (Term expires 5/5/07)

South-East Ward

10 Cr Sue Hart (Term expires 2/5/09)

11 Cr Brian Corr (Term expires 5/5/07)

South Ward

12 Cr Russ Fishwick (Term expires 2/5/09)

13 Cr Richard Currie (Term expires 5/5/07)