

MINUTES

Special Council Meeting City of Joondalup

MINUTES OF
SPECIAL MEETING OF THE COUNCIL
OF THE CITY OF JOONDALUP
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,
BOAS AVENUE, JOONDALUP

MEETING DATE



THURSDAY, 29 JUNE 2006



City of
Joondalup

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**MINUTES OF SPECIAL MEETING OF COUNCIL
HELD ON 29 JUNE 2006**

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CITY OF JOONDALUP

MINUTES OF SPECIAL MEETING OF COUNCIL HELD IN THE COUNCIL CHAMBER,
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON THURSDAY, 29 JUNE
2006

DECLARATION OF OPENING

The Mayor declared the meeting open at 1902 hrs.

ANNOUNCEMENT OF VISITORS

Nil.

ATTENDANCES

Mayor:

T PICKARD

Councillors:

Cr K HOLLYWOOD	North Ward
Cr T McLEAN	North Ward
Cr A JACOB	North-Central Ward
Cr S MAGYAR	North-Central Ward
Cr J PARK	Central Ward
Cr G AMPHLETT	Central Ward
Cr M JOHN	South-West Ward
Cr M EVANS	South-West Ward
Cr S HART	South-East Ward
Cr B CORR	South-East Ward
Cr R FISHWICK	South Ward
Cr R CURRIE	South Ward

Officers:

Chief Executive Officer	G HUNT
Acting Director, Planning and Community Development:	I COWIE
Director, Infrastructure Services:	D DJULBIC
Acting Director, Governance & Strategy:	M SMITH
Manager Approvals, Planning & Environmental Services	C TERELINCK
Coordinator, Urban Design & Policy	G CATCHPOLE
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

There were 21 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

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.

Mr M Sideris, Mullaloo:

Q1 Does the proposed Structure Plan allow for lot amalgamation and would this be dealt with under Delegated Authority or would the matter need to come before Council for approval?

A1 The Council is not the determining authority for amalgamations or subdivisions, the process is administered by the WA Planning Commission with the Council being invited to comment on proposals. Ordinarily for small subdivisions or amalgamations, the comments are provided to the WA Planning Commission at an officer level as is allowable under the current delegation.

Q2 Does the proposed Structure Plan allow for residential buildings/short stay apartments and would this be given approval by delegated authority or would these matters have to come back to Council for approval?

A2 The residential building is a discretionary land use in the Residential zone and any application for such a purpose on that site would come to the Council for consideration.

Ms M Moon, Greenwood:

Q1 If the Structure Plan stated no amalgamation, does that mean there will be no amalgamation? Could this be undertaken in the Structure Plan?

A1 It would not prevent someone from making an application for subdivision or amalgamation of land. When the application is referred to the Council, the Structure Plan would include a provision that would be relevant and the City would have regard to it in providing comments, but it would not provide a prohibition. The decision-making power rests with the WA Planning Scheme.

Q2 A Structure Plan only holds development controls for dwellings or some buildings, but the DPS No 2 and the Structure Plan do not hold development controls for residential buildings. If that was to be an included use, do you not consider this is the time to put development controls in for everything that could occur in the Structure Plan?

- A2 The Scheme does include controls for residential development by virtue of the fact that it is required to take into account the Residential Planning Codes. The Residential Planning Codes are a statement of planning policy issued by the State, and local government is compelled to introduce that into its Town Planning Scheme. The proposal in the Structure Plan is that the land uses that could be approved on the Marmion/CSIRO site would be exactly the same as the ones that could be approved over the road.

Mr S Kobelke, Sorrento:

- Q1 *The Structure Plan mentions 32 blocks. Will the community get 32 blocks, or can there be anything there?*

A1 It is understood that there will be 35 blocks.

- Q2 *Does this Structure Plan ensure that the community gets the number of blocks that is said by the applicant, or can we have something completely different, such as 35 duplexes?*

A2 If the applicant wished to alter the configuration shown in the Structure Plan, there would be a need to come back to the Council and ask again for a Structure Plan that reflects the development intentions.

- Q3 *Down the road from this site there is a retirement village. If the same could be done on this site as in other areas of Marmion are we then saying that there could be a retirement village there, or units? What are the permissible uses of land are in the Marmion residential area?*

A3 The lots are not large enough for those purposes.

PUBLIC STATEMENT TIME

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

Ms M Moon, Greenwood:

Ms Moon spoke in relation to the Structure Plan pertaining to Lot 61 Leach Street, Marmion.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

Nil.

Disclosure of interest affecting impartiality

Elected members and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Elected member/employee is also encouraged to disclose the nature of the interest.

Name/Position	Cr M John
Item No/Subject	JSC23-06/06 – Consideration of Final Adoption of Marmion Structure Plan No 9 and Vegetation Management Plan – Lot 61 Leach Street, Marmion (former CSIRO Site)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr John is a member of both the Marmion Sorrento Duncraig Progress and Ratepayers Association Incorporated and the sub-committee of the Marmion Action Group

Name/Position	Cr R Currie
Item No/Subject	JSC23-06/06 – Consideration of Final Adoption of Marmion Structure Plan No 9 and Vegetation Management Plan – Lot 61 Leach Street, Marmion (former CSIRO Site)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Currie is Vice-President of the Marmion Sorrento Duncraig Progress and Ratepayers Association Incorporated.

Name/Position	Cr R Fishwick
Item No/Subject	JSC23-06/06 – Consideration of Final Adoption of Marmion Structure Plan No 9 and Vegetation Management Plan – Lot 61 Leach Street, Marmion (former CSIRO Site)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Fishwick is a member of the Marmion Sorrento Duncraig Progress and Ratepayers Association Incorporated.

Name/Position	Mr Ian Cowie Acting Director Planning and Community Development
Item No/Subject	JSC23-06/06 – Consideration of Final Adoption of Marmion Structure Plan No 9 and Vegetation Management Plan – Lot 61 Leach Street, Marmion (former CSIRO Site)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Cowie was a member of the Statutory Planning Committee of the Western Australian Planning Commission when this site was proposed for a scheme amendment. Also, Mr Cowie is friends with people who live adjacent to the subject site.

Mayor Pickard stated that given the degree of public interest in this matter and the significance of the decision required, it was appropriate to ensure that elected members were properly informed. Representatives of the Marmion Sorrento Duncraig Progress and Ratepayers Association and Satterley Property Group have each been invited to make a 10-minute oral submission.

ADJOURNMENT OF MEETING – [02154, 08122]

MOVED Cr Magyar, SECONDED Cr Hart that this Special Meeting of Council be now ADJOURNED until 1950 hrs on Thursday 29 June 2006 to allow for oral submissions to be received from the community action group and the applicant/developers regarding the proposed Structure Plan for Lot 61 Leach Street, Marmion (formerly the CSIRO site).

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

The Special Meeting of Council ADJOURNED at 1919 hrs.

During the adjournment, oral submissions were presented to Council. A summary of the submissions is provided below:

ORAL SUBMISSION – SATTERLEY PROPERTY GROUP

Mr Darren Walsh, Director Project Management, Satterley Property Group

Mr Walsh spoke in support of the recommendation before Council this evening, and raised the following points:

- The Satterley Property Group has initiated and taken part in a comprehensive community consultation process in the preparation of the Structure Plan.
- The site has been rezoned for residential purposes.
- The scheme amendment that allowed the rezoning put in place a number of stringent processes and requirements that had to be undertaken in the preparation of the Structure Plan.

- Conditions placed on the Satterley Property Group (SPG) as a result of the amendment included requirements for additional community consultation and the preparation of a Vegetation Management Plan.
- A requirement of the Minister for Planning and Infrastructure placed on the SPG was that the organisation had to spend at least \$100,000 on the enhancement of the public open space area proposed to be set aside in the northern part of the site.
- Both the Structure Plan and the Vegetation Management Plan (prepared by the Joondalup Community Coast Care Forum) represent appropriate and quality outcomes, meet all planning requirements and have been responsive to the community consultation process.
- No concessions are being sought by the applicant/developer, merely seeking Council approval for the Plan.
- SPG is committed to a quality development on-site and believes the development will be consistent with and complement the surrounding areas.
- The development will add value to the area, in particular in terms of the values of the northern-most area of public open space.
- SPG was keen to develop the site as soon as possible and has no intention of on-selling the site or doing anything different than what is proposed in the Structure Plan.
- Substantial interest has already been shown by prospective purchasers.
- It is considered by SPG that public open space is adequately provided for.
- SPG supports the officer's recommendation and believes the plan meets all the statutory planning and policy requirements and urged elected members to adopt the recommendation.

Mr Matthew Whyte, Project Manager, Satterley Property Group

Mr Whyte spoke in respect of the Structure Plan before Council this evening, and raised the following points:

- The Structure Plan being considered at this meeting has been prepared in recognition of the requirements of the Council, along with additional requirements imposed by the Minister for Planning and Infrastructure as part of the approval of the rezoning.
- At the time of approval of the rezoning of site, Council advised the indicative subdivision plan submitted with the amendment application would form the basis of preparing a Structure Plan over the site. The proposed Structure Plan is consistent with the Plan submitted, save for the following points that were in general agreement with the principles agreed through the Stakeholder Reference Group, which was formed for the public participation process being:
 - Provision of 10% public open space at the northern end of the site;
 - Removal of the connection of the internal road to Leach Street;
 - Relocation of the intersection of the internal road with Cliff Street to ensure traffic safety;
 - Reduction of the number of lots facing Troy Avenue;
 - Reorientation of the corner lots to Troy Avenue to minimise the number of crossovers to that street.
- At the time the Council also advised that the City would anticipate a high level of community and other stakeholder involvement during the preparation of the Structure Plan and requested 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.

- The SPG engaged the services of Creating Communities to prepare the community consultation strategy which was approved by the City.
- The formal commencement of the consultation process coincided with the approval of Amendment No 24 by the Minister for Planning and Infrastructure in November 2005.
- Expressions of interest were sought from community representatives to participate in a stakeholder reference group in order to identify issues to be taken into account during the preparation of the structure plan.
- The process proved very successful with the following agreed to by both the stakeholder reference group and the SPG, being:
 - Allocation of the 10% public open space to the northern end;
 - A mix of lot sizes, with the smaller lots located in the middle of the site;
 - No-through road access from Cliff Street to Leach Street;
 - An internal cul-de-sac providing rear loading to most houses fronting Cliff Street;
 - Extensive landscaping to Troy Avenue;
 - Modification of intersections to act as traffic calming mechanisms;
 - Reduction of the visual impact of retaining walls;
 - boundary fencing erected at the northern end of the site be placed to separate the public open space from housing fronting the park.
- Whilst there was general agreement between the Stakeholder Reference Group and the SPG on most of the issues to be addressed as part of the Structure Plan, there were some points raised that were not supported by SPG. These included that the Stakeholder Reference Group put forward that the City of Joondalup purchase 20% of the land to the southern end of the site to be retained as public open space. It has previously been determined by the City and the Planning Commission through the rezoning process that there is an appropriate provision of public open space within the locality. Also that there be average lot sizes of 600 square metres, that all housing fronting Cliff Street on Troy Avenue to have rear loading and that lots fronting Leach Street to be the same width as housing on the opposite side, being approximately 18 metres in width.
- A number of other requirements were put in place by the Council and the Minister that provided direction for the preparation of the Structure Plan. Some of the key matters required to be addressed included:
 - a requirement for natural vegetation within road reserves and straddling lot boundaries where possible;
 - the positioning of the boundary of the 10% public open space to ensure the retention of priority remnant native vegetation in that location.
- There is also a number of mature casuarina trees along the eastern side of Leach Street within the road reserve. SPG has undertaken to work with the City through the design and approval of the engineering drawings to retain as many of these trees as possible and are prepared to employ legal means through the purchase contracts to protect these trees where appropriate. SPG also understands that the City has some powers in this regard.
- It is also proposed to offer, as an incentive to purchasers of the lots, a Waterwise Landscaping package approved by the Water Corporation.
- It was noted that SPG was to ensure that built format prescribed under the Structure Plan for the site are 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. There are no variations to the R-Codes for the 35 lots proposed under this plan, save for the reduction in front setback to the five rear loaded lots facing Cliff Street and five lots facing north, south of the public open space.

- The vegetation management plan and consultation process was also endorsed and approved by the City.
- SPG urged Council to support the officer's recommendation, which confirm that the Structure Plan meets all appropriate requirements.

The following questions were raised:

Cr Park: Concerning the public open space and what the plans are with Coast Care, will you retain the existing vegetation or put grass in?

Response by Satterley Property Group:

The vegetation management plan has been prepared for the open space and makes a range of specific requirements. Essentially the approach is to retain the existing native vegetation, to enhance it, remove weeds, put in basic infrastructure in terms of pathways and fencing. Essentially it is a bush restoration approach, not about putting in grass and reticulation.

Mayor Pickard: Does the Satterley Group intend to develop the 35 lots as is or do you plan to amalgamate some or all of the lots?

Response by Satterley Property Group:

We have no intention whatsoever of amalgamating any of the lots. We intend to subdivide and develop the site as per the Structure Plan. The Structure Plan provides those controls.

Cr John: Over what period of time will this development occur?

Response by Satterley Property Group:

From our point of view we are keen to develop the site. As soon as we have all the statutory approvals and have met with the necessary requirements we intend to undertake subdivisional works on the site. Subdivisional construction period would be in the order of six months, with sale and development of lots very soon thereafter.

Cr John: How many years before houses are fully built on the site?

Response by Satterley Property Group:

Subject to commencement, which will be dictated to some extent by statutory approvals, we anticipate a construction phase of about six months and would anticipate purchasers commencing construction fairly soon. The timing of individual home construction will vary and could be over a period of 12-18 months; some blocks could lay vacant for some time.

Cr John: What safeguards will be put in place to protect local residents from the inconvenience associated with the development?

Response by Satterley Property Group:

We can put a range of controls in place during the construction phase. We will have requirements in terms of dust management and in particular noise management. We are happy to work with the Council to develop management plans for all aspects of the site, and to work with the community. We have limited control over development on individual lots however local by-laws are in place to deal with amenity issues that may arise.

Mayor Pickard: Is there a requirement for purchasers of blocks to construct in a limited timeframe?

Response by Satterley Property Group:

Not at this stage.

Cr Evans: Given that the Satterley Property Group bought this site for a very reasonable figure because it was zoned Parks and Recreation under DPS2 as a local reserve, I would like to appeal to Satterley to give back to the residents more than the required minimum of 10% public open space.

Response by Satterley Property Group:

The public open space that we are providing is in accordance with the normal development requirements and on that basis we believe it is appropriate. We are not prepared to look at further open space on the site.

Cr Hart: Did Satterley reject the proposal of the City purchasing lots for additional public open space?

Response by Satterley Property Group:

No, we have not rejected that. Our position would be if the City wished to do that, we would expect lots would be purchased at market rate.

Cr Park: What would be the average market cost for lots on the south side?

Response by Satterley Property Group:

It is difficult to say at this stage as we have not priced them in the market.

ORAL PRESENTATION – MARMION, SORRENTO, DUNCRAIG PROGRESS AND RATEPAYERS ASSOCIATION**Mr S Kobelke, Sorrento:**

Mr Kobelke raised the following comments:

- Marmion, Sorrento, Duncraig Progress and Ratepayers Association is the oldest ratepayers group in the City of Joondalup.
- Twice before, duly elected Councils had rejected the rezoning application for this site.
- The community is devastated at the loss of public open space.
- CSIRO knew they would not get approval for rezoning, so they sold the site. The Satterley Property Group bid with no conditions.
- The Commissioners considered and approved the matter, even after Cmr Anderson said that the officer's report was heavily biased in favour of the applicant.
- The whole process was against the community. Officers were seen embracing the applicant. Commissioners barred the community from public meetings with the applicant, although the Commissioners later apologised.
- The largest number of submissions since the turn of the century were in relation to this site.
- The community became involved in the Structure Plan process.
- In the submissions that Council received over this issue, the balance were against the proposal.
- The overwhelming issue is the scope of the site and the lack of public open space.
- This site was a reserve, owned by the community and should never have been lost by the community. In other locations, such as the Hollywood School, the developer put 22% to public open space.
- The community is also concerned at the potential for high-rise buildings. There seems to be a lot of holes in the Structure Plan.
- The community needs to be given some certainty of what is to go onto the site.
- We want Council to encompass some of the special fauna on the site.
- Many residents are devastated with what has happened and the limited amount of public open space.
- This development would not have been approved by an elected Council.

The following questions were raised:

Cr Magyar: A local resident, Mr W M Cohen, in his submission (Submission number 84) makes the comment "Acquired copy of title with conditions set out in it, stating that if the site were not required for a marine facility within 21 years (1996) it should be returned to the State."

Has Mr Cohen shown you the document that he refers to in this submission?

Response by Mr Kobelke:

The document is available, but the CSIRO held the site for a couple more years, and then they decided to sell it. They had to return it to the State if it was not being used.

Cr Magyar: Did your ratepayer group get legal advice to say what the interpretation of the clause was?

Response by Mr Kobelke:

Yes. The community group worked extremely hard.

Cr Corr: You said earlier that the Structure Plan was deficient and did not 'button things down' for the residents. Can you explain why you think that.

Response by Mr Kobelke:

We want it clear that the development is just to be single residential homes, and the amalgamation question is an important question. We want some guarantee that the community is not going to have something else on the site.

Cr Corr: Are you saying that it is possible for the Satterley Property Group to totally change the development and stay within the Structure Plan?

Response by Mr Kobelke:

I think they may have to reapply to Council but throughout the process the officers' involvement has not given us a lot of confidence and we would like it tied down tonight. At the moment where it says 'predominant' we could have other things on the site, not single homes.

The Special Meeting of Council RESUMED at 1952 hrs.

JSC23-06/06 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

RESPONSIBLE Mr 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

OFFICER'S 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.

MOVED Cr John SECONDED Cr Currie 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 only permissible land uses in the Structure Plan area will be the same as those allowable in the surrounding Marmion residential area;**
 - (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) Buildings 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 highlights that:
 - (a) full copies of submissions received will be provided to the WAPC for its consideration;
 - (b) all submitters will be advised of the Council's resolution;
- 7 **REMOVES** the word "dwelling/dwellings" where it appears in the Structure Plan and replaces it with the word "building/buildings";
- 8 **CHANGES** the heading "Residential Dwelling Height Limit" to "Building Height Limit" in Structure Plan provision 8.3;
- 9 **STRONGLY RECOMMENDS** that the Joondalup Community Coast Care Forum Incorporated be involved in the project to assist with revegetation and ongoing maintenance of the public open space (Reserve);
- 10 **AMENDS** the Structure Plan at Clause 8.2 of the Structure Plan to specifically require the retention of the Dryandra trees in the road reserve on Troy Avenue;
- 11 **NOTES** that following subdivision the Council will be seeking to establish a proposal for the Troy Avenue verge, which is designed to screen the Structure Plan development from those on the southern side of Troy Avenue and to enhance the amenity of the existing residents on Troy Avenue;
- 12 **AGREES** that following the subdivision of the subject land, Council will seek to rezone the area set aside as public open space reserve so that it is reserved as "Local Reserve – Parks and Recreation" under District Planning Scheme No 2;
- 13 **NOTES** that at the subdivision stage, the Council will be seeking road treatments to enhance road safety surrounding the site with an emphasis on traffic treatments on Cliff Street.

Discussion ensued.

AMENDMENT MOVED Cr Park SECONDED Cr Evans that an additional point be added to the Motion, to read as follows:

"INSTRUCTS the officers to enter into negotiations with the developer to purchase the area of the proposed six lots on the south of the structure plan on Troy Avenue for use as public open space."

The Chief Executive Officer advised that this amendment would be required to be moved by an absolute majority as no funds had been set aside in the budget for the purchase of these six lots.

Discussion ensued.

The Chief Executive Officer raised concern at the process suggested in the amendment. As the acquisition of land would require a business plan, he considered it more appropriate that a separate motion be moved, calling for a report on the matter.

PROCEDURAL MOTION – THAT THE AMENDMENT BE DEFERRED

MOVED Cr Hart SECONDED Cr John that the Amendment as Moved by Cr Park and Seconded by Cr Evans be DEFERRED pending an urgent report.

The Procedural Motion was Put and

CARRIED (12/1)

In favour of the Procedural Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hart, Hollywood, Jacob, John, McLean and Park **Against the Procedural Motion:** Cr Magyar.

A further report will be presented to a future meeting of the Council, regarding the possible options for the Council on the purchase of six lots on the south of the Structure Plan on Troy Avenue.

Discussion ensued.

AMENDMENT MOVED Cr Magyar SECONDED Cr John that an additional Point be added to the Motion, as follows:

“14 an additional clause be inserted in the Structure Plan under clause 8.2 "Vegetation and Trees", the new clause being:

“(iv) the public open space area shall be fenced to the satisfaction of the City prior to the commencement of any works on the site.”

Discussion ensued.

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hart, Hollywood, Jacob, John, Magyar, McLean and Park.

Discussion continued.

The Original Motion as amended, being:

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 only permissible land uses in the Structure Plan area will be the same as those allowable in the surrounding Marmion residential area;
 - (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) Buildings 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 highlights that:
- (a) full copies of submissions received will be provided to the WAPC for its consideration;
 - (b) all submitters will be advised of the Council’s resolution;
- 7 **REMOVES** the word “dwelling/dwellings” where it appears in the Structure Plan and replaces it with the word “building/buildings”;
- 8 **CHANGES** the heading “Residential Dwelling Height Limit” to “Building Height Limit” in Structure Plan provision 8.3;
- 9 **STRONGLY RECOMMENDS** that the Joondalup Community Coast Care Forum Incorporated be involved in the project to assist with revegetation and ongoing maintenance of the public open space (Reserve);
- 10 **AMENDS** the Structure Plan at Clause 8.2 of the Structure Plan to specifically require the retention of the Dryandra trees in the road reserve on Troy Avenue;
- 11 **NOTES** that following subdivision the Council will be seeking to establish a proposal for the Troy Avenue verge, which is designed to screen the Structure Plan development from those on the southern side of Troy Avenue and to enhance the amenity of the existing residents on Troy Avenue;
- 12 **AGREES** that following the subdivision of the subject land, Council will seek to rezone the area set aside as public open space reserve so that it is reserved as “Local Reserve – Parks and Recreation” under District Planning Scheme No 2;
- 13 **NOTES** that at the subdivision stage, the Council will be seeking road treatments to enhance road safety surrounding the site with an emphasis on traffic treatments on Cliff Street;
- 14 an additional clause be inserted in the Structure Plan under clause 8.2 “Vegetation and Trees”, the new clause being:
- “(iv) the public open space area shall be fenced to the satisfaction of the City prior to the commencement of any works on the site.”

was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Fishwick, Hart, Hollywood, Jacob, John, Magyar, McLean and Park.

Appendix 1 refers

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

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2054 hrs; the following Elected members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr A JACOB
Cr S MAGYAR
Cr J PARK
Cr G AMPHLETT
Cr M JOHN
Cr M EVANS
Cr S HART
Cr B CORR
Cr R FISHWICK
Cr R CURRIE