

agenda

Briefing Session

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

ON **TUESDAY, 18 MAY 2010**
COMMENCING AT **6.30 pm**

PUBLIC QUESTION TIME

Members of the public are requested to lodge questions in writing by close of business on Monday, 17 May 2010

Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.

QUESTIONS TO

council.questions@joondalup.wa.gov.au

PO Box 21 Joondalup WA 6919

www.joondalup.wa.gov.au

BRIEFING SESSIONS

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 17 March 2009:

INTRODUCTION

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established procedures will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

PURPOSE OF BRIEFING SESSIONS

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

PROCEDURES FOR BRIEFING SESSIONS

The following procedures will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
 - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
 - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
 - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

PROCEDURES FOR PUBLIC QUESTION TIME

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

Questions asked verbally

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

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

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

- 1 Only City of Joondalup residents and/or ratepayers may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of 5 written questions per City of Joondalup resident/ratepayer. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

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

DISCLAIMER

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

PROCEDURES FOR PUBLIC STATEMENT TIME

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

DEPUTATION SESSIONS

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

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

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

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LATE ITEMS / ADDITIONAL INFORMATION

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

[Additional Information 180510.pdf](#)

CITY OF JOONDALUP – BRIEFING SESSION

To be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 18 MAY 2010** commencing at **6.30 pm**

ORDER OF BUSINESS

1 OPEN AND WELCOME

2 DEPUTATIONS

3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session held on 13 April 2010:

Mr S Magyar, Heathridge:

Re: Item 11 – Strategic Waste Minimisation Plan 2010:

Q1 *What consideration has been given to holding a Community Sustainability Forum on the draft Strategic Waste Minimisation Plan 2010-2014?*

A1 None. The City considered that advertising through the local newspaper and via the City's website would provide an appropriate level of coverage for residents who are interested in waste associated issues.

Q2 *Is there any time limit on the City of Joondalup finally approving the Strategic Waste Minimisation Plan 2010-2014?*

A2 No. It is anticipated that the report on the consultation for the Strategic Waste Minimisation Plan 2010-14 would be presented to Council in July 2010.

Q3 *What consideration was given to thinking outside the square and using the ideas in William McDonough and Michael Braungart's book "Cradle to cradle, remaking the way we make things"?*

Q4 *What consideration was given to looking at the big picture of sustainability and using the knowledge in Paul Hawken, Amory Lovins and L. Hunter Lovins's book "Natural Capitalism, creating the next industrial revolution"?*

A3-4 The plan is a five year document that considers the contemporary issues with waste management anticipated for the plan's timeframe. These publications were not used in the preparation of the plan.

Q5 *Is the aim of the draft Strategic Waste Minimisation Plan 2010-2014 merely to comply with legislative requirements or for the City of Joondalup to show leadership in sustainability?*

A5 No. While there is a legislative requirement for local governments to produce strategic waste minimisation plans in accordance with the Waste Avoidance and Resource Recovery Act 2007, the City has shown leadership in the area of waste since adoption of the Waste Management Policy in June 1999 and the subsequent Waste Management Strategy in July 2000.

Mr S Magyar, Heathridge:

Re: Item 11 – Strategic Waste Minimisation Plan 2010:

Q1 *Is there any reason why the Waste Minimisation Plan should not be the subject of a Community Sustainability Forum as well as the 28 day public comment period?*

A1 That is a decision for Council to make. The administration has advised that in this instance it is appropriate to advertise the document for a period of 28 days.

Re: Item 10 – Extension of Road Freight Network:

Q2 *What is the expected cost to the City for the extra wear and tear caused by the heavy vehicles using the roads managed by the City of Joondalup?*

A2 The roads are designed for this level of traffic and the extra wear and tear is not considered to be significant.

4 PUBLIC STATEMENT TIME

The following statement was submitted to the Briefing Session held on 13 April 2010:

Mr S Magyar, Heathridge:

Mr Magyar spoke in relation to Item 10 – Extension of Road Freight Network and Item 11 – Strategic Waste Minimisation Plan 2010.

5 APOLOGIES AND LEAVE OF ABSENCE

Leave of Absence previously approved:

Cr Russ Fishwick	17 – 20 May 2010 inclusive
	19 – 24 July 2010 inclusive

6 DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

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.

Disclosure of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the Local Government [Rules of Conduct] Regulations 2007) and employees (in accordance with the Code of Conduct) are required 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.

7 REPORTS

ITEM 1 MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS - MARCH 2010

WARD:	All
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	07032, 05961
ATTACHMENTS:	Attachment 1 March 2010 Decisions planning applications Attachment 2 March 2010 Decisions building applications Attachment 3 March 2010 Subdivision applications processed

PURPOSE

To report on the number and nature of applications considered under Delegated Authority.

EXECUTIVE SUMMARY

The provisions of clause 8.6 of the text to the District Planning Scheme No 2, allow Council to delegate all or some of its development control powers to a committee or an employee of the City.

The purpose of delegation of certain powers by Council, in addition to other town planning matters, is to facilitate timely processing of development applications, R-codes variations and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed on a 2 yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.

This report identifies:

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

determined by those staff members with Delegated Authority powers during March 2010 (see Attachments 1, 2 and 3 respectively).

BACKGROUND

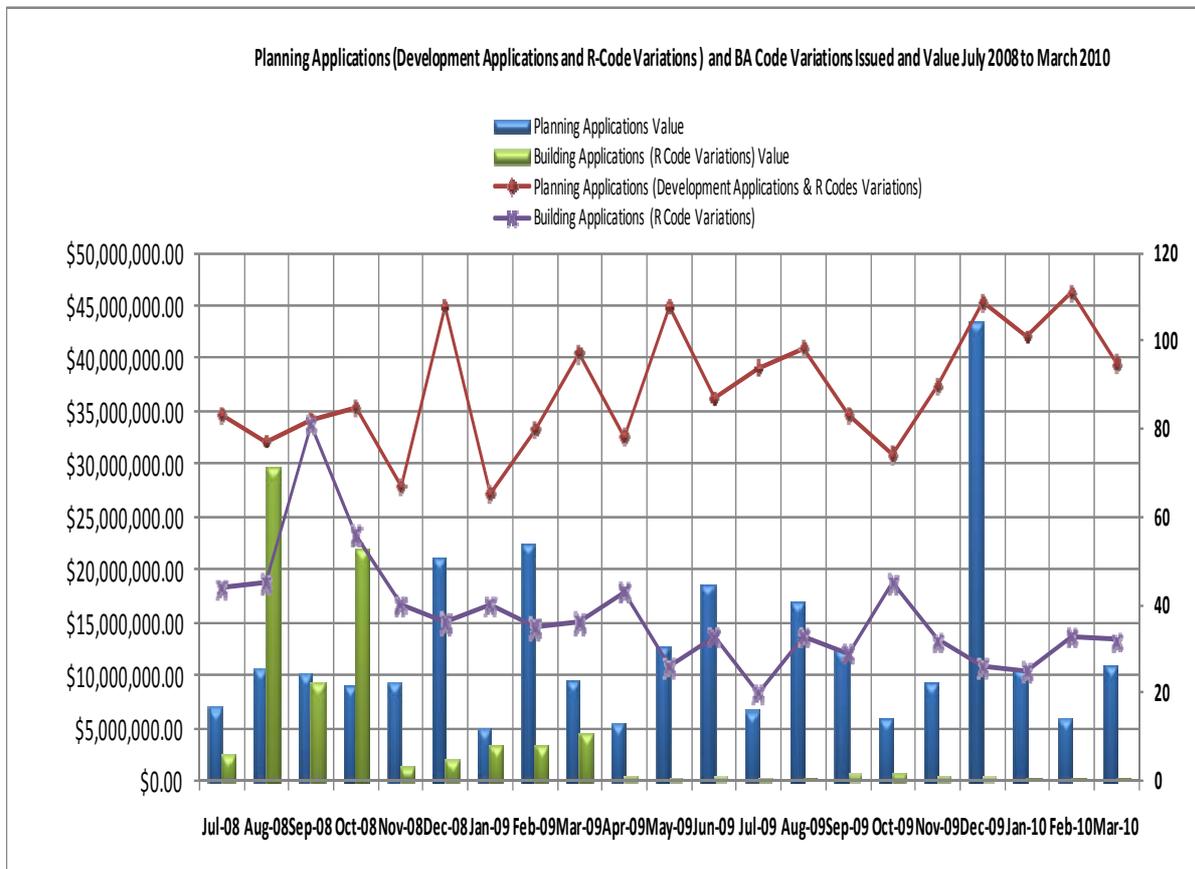
The District Planning Scheme No 2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

DETAILS

The number of applications determined under delegated authority for the period of March 2010, is shown below:

Approvals determined under delegated authority – March 2010		
Type of Approval	Number	Value (\$)
Planning applications (development applications & R-Codes variations)	95	\$ 10,964,021
Building applications (R-Codes variations)	32	\$ 317,369
TOTAL	127	\$ 11,281,390

The number of development applications received during the period for March was 110 (This figure does not include any applications that may become the subject of an R-Code variation as part of the building licence approval process).



Subdivision approvals processed under delegated authority From 1 March to 31 March 2010		
Type of approval	Number	Potential new lots
Subdivision applications	1	1
Strata subdivision applications	0	0

The above subdivision applications may include amalgamation and boundary realignments, which may not result in any additional lots.

Legislation/Strategic Plan/Policy Implications

Legislation

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Strategic Plan

Key Focus Area: The Built Environment

Objective 4.1.3: Give timely and thorough consideration to applications for statutory approval.

The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

Policy

As above.

Risk Management considerations:

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Consultation may be required by the provisions of the Residential Design Codes, any relevant policy and/or the District Planning Scheme.

Of the 95 development applications determined during March 2010, consultation was undertaken for 28 of those applications. Applications for Residential Design Codes variations as part of building applications are required to include comments from adjoining landowners. Where these comments are not provided, the application will become the subject of a planning application (R-Codes variation). The subdivision application determined during March 2010 was not advertised for public comment, as the proposal complied with the relevant requirements.

COMMENT

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations described in this report during March 2010;**
- 2 subdivision applications described in Attachment 3 to this Report during March 2010.**

Appendix 1 refers

To access this attachment on electronic document, click here: [Attach1brf180510.pdf](#)

ITEM 2 PROPOSED CHANGE OF USE FROM SHOWROOM TO TAKE AWAY FOOD OUTLET: LOT 5004 (4) HOBSONS GATE, CURRAMBINE

WARD:	North
RESPONSIBLE DIRECTOR:	Mrs Dale Page Planning and Development
FILE NUMBER:	56612
ATTACHMENTS:	Attachment 1 Site plan Attachment 2 Proposed plans Attachment 3 Car park utilisation chart

PURPOSE

The purpose of this report is to seek Council's determination of an application for a change of use from a Showroom to a Take Away Food Outlet and associated signage.

EXECUTIVE SUMMARY

This application proposes to change the use of an approved Showroom to a Take Away Food Outlet (Eagle Boys Pizza) and associated signage at 4 Hobsons Gate, Currambine.

The subject site is zoned 'Urban' under the Metropolitan Region Scheme, and 'Business' under the District Planning Scheme No.2 (DPS2). The site is also located within the Currambine District Centre Structure Plan (CDCSP) area.

Council approved an application for a Showroom and Shop complex on the subject site at its meeting held on 16 December 2008. The application proposes to change the approved use of one of the tenancies to suit a tenant (Eagle Boys Pizza). The change of use application will result in an on-site car parking provision that is less than the amount required by DPS 2 by more than 10%.

The application was not advertised as the proposed land use is permitted within the Business Zone, and will not adversely impact surrounding landowners.

The car parking provision is considered adequate to cater for the proposed and approved land uses as the peak car parking demand for the Take Away Food Outlet falls outside the normal business hours of other tenancies. As such, it is recommended that Council approves the application.

BACKGROUND

Suburb/Location: Lot 5004 (4) Hobsons Gate, Currambine

Applicant: Tu Projects

Owner: Nodebits Pty Ltd

Zoning: **DPS:** Business

MRS: Urban

Site Area: 8,166m²

Structure Plan: Currambine District Centre Structure Plan (CDCSP)

The subject site is located within the CDCSP area. The Currambine District Centre is bounded by Marmion Avenue to the west, Shenton Avenue to the south, and Delamere Avenue to the north and east. The subject site is located adjacent to Marmion Avenue immediately to the south of Hobsons Gate and to the west of Chesapeake Way (Attachment 1 refers).

The CDCSP guides development within this area. The CDCSP follows main street principles with the aim of creating an integrated retail centre that can serve the local community with its required retail needs, as well as form a liveable town centre.

The surrounding land is vacant; however, there are several applications that have been submitted to the City and are at various stages of determination. Of relevance to this proposal is the development of:

- Lot 5003 (14) Hobsons Gate (located to the east of the subject site). An application for a tavern and shop was approved 21 April 2009;
- Lot 1032 (1) Hobsons Gate (located to the north of the subject site). An application for showrooms and offices was approved 20 April 2010;
- Lot 929 (1244) Marmion Ave (located to the south of the subject site). The State Administrative Tribunal approved an application for a liquor store. The application was originally refused by Council; and
- Lot 5005 (11) Chesapeake Way (located to the north-east of the subject site). An application for a mixed commercial development and grouped dwellings was approved 18 August 2009.

Council previously approved a Showroom and Shop complex on the subject site at its meeting of 16 December 2008 and construction has recently been completed. Council also previously approved an application for a change of use from a Shop to a Restaurant, and from a Showroom to an Office and a Shop at its meeting of 16 March 2010.

The City has approved a number of change of use applications on the site under delegated authority. The relevant applications are summarised below:

Development Application Number	Description
DA09/0519	Change of Use from Showroom to Recreation Centre (Jetts Fitness)
DA09/0781	Change of Use from Showroom to Office (Ray White Real Estate)
DA09/1030	Change of Use from Showroom to Veterinary Hospital (Vet West)
DA09/1338	Change of Use from Recreation Centre to Medical Centre

DETAILS

The application proposes to change the use of one tenancy from Showroom to Take Away Food Outlet (Eagle Boys Pizza) and seeks approval for associated signage. The development plans are provided in Attachment 2.

The car parking requirements for the development site are set out in the table below:

Proposed Use	Required by DPS2
Showroom (1/30m ² NLA)	Unit 1 (579.1m ²) = 19.3 bays Unit 5 (1074m ²) = 35.8 bays
Medical Centre (5 per practitioner)	Unit 2 (4 practitioners) = 20 bays
Recreation Centre (1/2.5 persons accommodated)	Unit 3 (28 persons) = 11.2 bays
Restaurant (greater of 1 per 5m ² of dining room or 1 per 4 guests)	Unit 4 (94 guests) = 23.5 bays
Take Away Food Outlet (1 per 4 guests in seated areas plus 7 per 100m ² NLA for non-seated serving areas)	Unit 6 (21.7m ² + 4 seats) = 2.5 bays
Veterinary Hospital (5 bays per practitioner)	Unit 7 (2 practitioners) = 10 bays
Office (1/30m ² NLA)	Unit 8 (123.435m ²) = 4.11 bays Unit 9 (104.8m ²) = 3.49 bays
Shop (7/100m ² NLA)	Unit 10 (200m ²) = 14 bays
Total Required	144
Provided	124

There are 20 car parking bays, or 13.8% less on-site car parking bays, than required under DPS 2.

However, the take away food outlet has a lesser car parking requirement (2.5 bays) than the current approved showroom use (4.2 bays) and approval of this application will therefore reduce the parking shortfall across the site by 2 bays, which is a positive outcome.

Issues and options considered:

Council has the discretion to:

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

Legislation/Strategic Plan/Policy Implications

Legislation District Planning Scheme No.2

Clause 4.5 of DPS 2 allows for the development standards of the Scheme to be varied:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1; and*
- (b) *have regard to any expressed views prior to making its decision to grant the variation.*

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

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

4.8 CAR PARKING STANDARDS

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

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

The matters listed under Clause 6.8 require consideration:

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

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

Strategic Plan

Key Focus Area: The Built Environment

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

Policy Council Policy - Signs

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

Risk Management considerations:

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

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The application was not advertised for public comment as the proposed use is permitted within the Business zone, and the parking shortfall across the site is not considered to have a detrimental impact on any adjoining or nearby properties.

COMMENTProposed Use and Location

The site is located within the Business Zone of the Currambine District Centre. The CDCSP guides development within this area and sets out objectives whereby the Currambine District Centre is to be developed to the diversity and robustness of a small town centre.

The objectives of the CDCSP for development within the Business Zone are to:

- Encourage high standards of 'Main Street' built form and an active edge to create an attractive façade to vehicle and pedestrian routes providing visual amenity and interaction; and
- Allow appropriate businesses to locate and develop in close proximity to residential areas for the convenience of the community.

It is considered that the proposed Take Away Food Outlet (Eagle Boys Pizza) will contribute to the desired land use diversity of the District Centre and contribute to the convenience shopping available to surrounding residential areas. The evening/night trading periods of the proposed land use, will also provide passive surveillance opportunities for users of the complex outside of normal trading hours.

Signage

It is considered that the proposed signage is compliant in all regards with the objectives and development standards of Council Policy-Signs. Development plans of the proposed signage are provided in Attachment 3.

Car Parking

Council has previously determined that the supply of 124 car parking bays is adequate for the existing development on site. The proposed change of use from Showroom to Take Away Food Outlet (Eagle Boys Pizza) will reduce the present shortfall across the site by two bays. Although this application is for a lesser reduction in the provision of car parking, the variety of uses within the complex will change, which requires Council to determine whether the reduction in car parking is still appropriate.

DPS 2 allows Council to determine whether the existing 124 bays across the site are sufficient to service the existing development, and the proposed Take Away Food Outlet (Eagle Boys Pizza). The options available to Council are:

- 1 Determine that the provision of 124 car parking bays is appropriate; or
- 2 Determine that the provision of 124 car parking bays is not appropriate; or
- 3 Determine that a cash-in-lieu payment is required for the shortfall in car parking.

In support of the application, the landowner has provided the table below which indicates the trading data for existing approved tenants:

Tenant	Peak Trading Period
Showroom (City Farmers)	Weekends
Veterinary Hospital (Vetwest)	Mon - Fri Morning 9am to 10.30am. Mon - Fri Afternoon 3pm to 6pm
Office (Ray White)	Mon – Fri 9am to 5pm
Medical Centre	Mon – Fri 8am to 6pm
Recreation Centre (Jetts Fitness)	Mon – Fri 5 am to 7am and 5pm to 7pm
Restaurant (Glasgow Curry House)	Thursday, Friday and Saturday Nights
Shop (Video Ezy)	6.30pm – 8.30pm
Office (Video Ezy)	Mon to Fri between 9am to 5 pm

The applicant has advised that the proposed Take Away Food Outlet (Eagle Boys Pizza) will operate between 11am and 11pm on Friday and Saturday, and 11am to 10pm on all other days. The peak trading period is anticipated to be between 5pm and 8pm.

The majority of tenancies within the development operate within regular Monday to Friday business hours. The proposed Take Away Food Outlet will experience its peak demand period after business hours.

It is therefore considered that there is sufficient car parking capacity to accommodate the proposed Take Away Food Outlet without the need for cash-in-lieu of car parking payment for the following reasons:

- The peak trading periods fall outside of the peak trading periods of the majority of existing tenancies; and
- The proposed change of use does not result in an increase in the aggregate peak demand for car parking at any one time.

Conclusion

The proposed land use of a Take Away Food Outlet is considered to contribute to the desired land use diversity of the Currambine District Centre. The evening/night trading periods of the Take Away Food Outlet will also provide passive surveillance for users of the complex outside of normal trading hours.

The proposed car parking supply of 124 bays is considered appropriate as the peak trading periods of existing and the proposed land use on site are of a reciprocal nature, and the car parking bays on site will not be fully utilised at any one time.

The proposed change of use application for a Take Away Food Outlet (Eagle Boys Pizza) is recommended for approval.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 EXERCISES discretion under clauses 4.5 and 4.8.2 of the City of Joondalup District Planning Scheme No.2 and determines that a car parking provision of 124 bays in lieu of 144 bays on site is appropriate in this instance;**
- 2 NOTES that the proposed Take Away Food Outlet reduces the car parking shortfall for the site by two bays;**
- 3 APPROVES the application for Planning Approval dated 4 November 2009 and the amended plans received 9 February 2010 submitted by Tu Projects Pty Ltd, the applicant, on behalf of the owner, Nodebits Pty Ltd, for Take Away Food Outlet (change of use from Showroom) on Lot 5004 (4) Hobsons Gate, Currambine, subject to the following conditions:**
 - (a) This approval is for a Take Away Food Outlet as defined by the City of Joondalup District Planning Scheme No.2 and pertains to unit 6 only;**
 - (b) A low level of signage illumination is to be used and the illumination must not flash, pulsate or chase. The illumination shall be limited to the hours of operation of the associated Take Away Food Outlet;**
 - (c) Signage involving fluorescent, reflective or retro reflective colours is not permitted;**
 - (d) Signage to be kept in a good condition to the satisfaction of the City;**
 - (e) Additional obscure or reflective glazing is not permitted.**

Appendix 2 refers

To access this attachment on electronic document, click here: [Attach2brf180510.pdf](#)

ITEM 3 PROPOSED LAND EXCHANGE - PORTION OF LOTS 236 (59) AND 242 (63) BEACHSIDE DRIVE, BURNS BEACH

WARD: North

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 23589

ATTACHMENTS: Attachment 1 Location plan
Attachment 2 Aerial photograph
Attachment 3 Photographs of subject site
Attachment 4 Proposed land exchange
Attachment 5 Schedule of submissions

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of the proposed land exchange between portions of Lots 236 (59) and 242 (63) Beachside Drive, Burns Beach, and to decide whether to support the proposal.

EXECUTIVE SUMMARY

A request has been received from the developers of Burns Beach Estate for a land exchange of 135m² between Lot 236 (future café site) and Lot 242 Beachside Drive (Public Open Space), Burns Beach. The land exchange has been requested as the developers have inadvertently constructed a portion of the open space facilities on Lot 236.

In accordance with Council's resolution of 15 December 2009, the proposal was advertised for a period of 21 days. Two submissions were received; one supporting the proposal and the other neutral, but providing comments. Both submissions provided additional comments not related to the subject proposal, including car parking issues and the provision of toilets in the area.

The proposed land exchange is considered to be acceptable as it is of equal area and will therefore not reduce the size of the public open space site. It will also ensure that the future café site remains large enough for its intended purpose. It is recommended that Council supports the proposed land swap, and advises the Western Australian Planning Commission accordingly.

BACKGROUND

Suburb/Location: Lot 236 (59) and Lot 242 (63) Beachside Drive, Burns Beach

Applicant: Whelans

Owner: Lot 236 (59) – Burns Beach Property Trust
Lot 242 (63) – Crown Land

Zoning: **DPS:** Urban Development

MRS: Urban

Site Area: Lot 236 (59) – 500m²
 Lot 242 (63) – 6447m²

Structure Plan: Burns Beach Structure Plan

The subject site is located north of Burns Beach Road at the western end of Grand Ocean Entrance adjacent to the coast (Attachment 1 refers). Lot 236 has been identified in the Structure Plan as a future lunch bar/restaurant/café site and Lot 242 is identified as Public Open Space.

At its meeting held on 15 December 2009, Council resolved as follows:

- 1 *CONSENTS to initiating the proposed land exchange of 135 m² between portions of Lots 236 (59) and 242 (63) Beachside Drive, Burns Beach for the purposes of public advertising for a period of 21 days.*
- 2 *ADVISES the developer they will be required to pay all costs associated with the land exchange including any works required, such as the relocation or modification of the existing paths and soft fall area.*

DETAILS

A request has been received for a land exchange of 135m² between Lot 236 and Lot 242 Beachside Drive, Burns Beach

The land exchange has been requested as the developer has inadvertently built a portion of the open space facilities (playground equipment and retaining wall) on a portion of the proposed café site (Attachments 2, 3 and 4 refer). In order to avoid the relocation of these facilities, the developers have requested a land exchange of equal area.

However, the land cannot simply be exchanged, as the portion of public open space (Crown land) must be formally closed. This process requires the support of Council, prior to the matter being referred to the Western Australian Planning Commission.

Issues and options considered:

Council has the option to:

- Support the proposed land exchange; and advise the Western Australian Planning Commission accordingly;
- Not support the proposed land exchange, and advise the Western Australian Planning Commission accordingly.

Legislation/Strategic Plan/Policy Implications

Legislation

Section 152 of the *Planning and Development Act 2005* requires certain land to be vested in the Crown during the subdivision process. As part of the subdivision of this part of Burns Beach Lot 242 was created and vested in the Crown for the purpose of Public Recreation.

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

- Local Government is to advertise the proposal;
- Following the advertising period, Council is to consider any submissions received and either support the closure or not;
- Forward the request to dispose of the reserve together with the supporting documentation to the Western Australian Planning Commission (WAPC) for its approval.

Should the WAPC support the proposal, all the information is forwarded to State Land Services for support and finalisation of the process.

Strategic Plan

Key Focus Area: The natural environment.

Objective: 2.1 To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

2.2 To engage proactively with the community and other relevant organisations in the preservation of the City's natural environmental assets.

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

The above policy provides guidelines for the assessment of requests for the sale of public open space reserves. However, this policy is not pertinent to this situation as the policy was principally designed to provide guidance on requests from residential owners adjoining public open space to purchase a portion of that open space. This proposal is a land exchange, whereby the size of the public open space will not be reduced, only the location will be changed.

Risk Management considerations:

Should Council not support the proposed land exchange, there is the risk that the playground equipment and soft fall area could be removed by the future owner of the café site.

Financial/Budget Implications:

The owner is required to pay all costs associated with the land exchange.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The proposed land exchange was advertised for public comment by way of a sign on the site, a notice placed on the City's website, and nearby landowners were advised by mail.

Two submissions were received, one supporting the proposal and the other being neutral but providing comments. Both submissions raised other issues not related to the land exchange proposal, including the provision of toilets, car parking for the future café, and the relocation of the playground for safety reasons. The schedule of submissions is provided in Attachment 5.

COMMENTSubmissions

One submission raises concerns that, as a result of the land exchange, eight trees will be required to be removed when the café is built.

As no application for the development of a café has been received, it is not possible at this point to anticipate whether any or all of the existing trees would be affected. However, it is considered appropriate that any trees removed by the development of the café be required to be transplanted (if possible) or new trees established in the immediate area. This would be addressed through the development approval process.

Both submissions raise a number of other issues that are not related to the land exchange proposal, and these are noted in the schedule of submissions (Attachment 5 refers).

Land exchange proposal

The proposed land exchange is of equal area and will therefore not reduce the size of the public open space site or the café site. It is considered that the proposal will not adversely affect the functioning of either site.

The proposal is not considered to impact the long term operation or management of the park. In addition, it is considered that the land exchange will not require an amendment to the Burns Beach Structure Plan. The park is still under the management of the developer, and is yet to be handed over to the City.

The land exchange is not considered to impact any of the paths within the park (Attachment 4 refers). However, the applicant has advised that if any of the paths are affected by the land exchange these would be reinstated to their current standard.

Advertising of the proposal has not raised any issues that would prevent the continuation of the process. The land exchange is supported as it will ensure that the playground equipment and soft fall area are contained wholly within the public open space and thus ensure the continued use of this equipment by the general public.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 SUPPORTS the proposed land exchange of 135 m² between portions of Lots 236 (59) and 242 (63) Beachside Drive, Burns Beach, and advises the Western Australian Planning Commission accordingly;**
- 2 ADVISES the developer that:**
 - (a) they will be required to pay all costs associated with the land exchange including any works required, such as the relocation or modification of the existing paths and soft fall area;**
 - (b) in the event that any trees are required to be removed as a result of the development of the future café, they shall be appropriately transplanted (if possible) or new trees established in the immediate area at the developers cost;**
- 3 ADVISES the submitters of its decision.**

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf180510.pdf](#)

**ITEM 4 PROPOSED AMENDMENT NO. 45 TO DISTRICT
PLANNING SCHEME NO 2 – LOT 535 (20)
BURRAGAH WAY, DUNCRAIG****WARD:** South**RESPONSIBLE
DIRECTOR:** Mrs Dale Page
Planning and Development**FILE NUMBER:** 86629**ATTACHMENTS:** Attachment 1 Location and aerial plans
Attachment 2 Scheme Amendment Process Flowchart
Attachment 3 Schedule of submissions
Attachment 4 Map of submissions

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No. 45 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment.

EXECUTIVE SUMMARY

Lot 535 (No.20) Burragah Way, Duncraig, is approved as 'Consulting Rooms' (one health consultant) under DPS2 ("consulting rooms" is a "D" discretionary land use in a residential zone). A proposal has been received to amend DPS 2 to allow the site to be used by two health consultants (physiotherapists), by including 'Medical Centre' as an Additional Use under DPS2.

At its meeting held on 17 November 2009, Council resolved to initiate advertising of Amendment No 45 for a period of 42 days. Advertising closed on 17 March 2010. A total of 39 submissions were received (including 3 late submissions), comprising 25 objections, 10 submissions of support, 2 no objections and 2 no objections from service authorities.

The objections were mainly concerned with increased traffic and noise, parking problems, the encroachment of commercial land uses into a residential area and the detrimental effect on residential amenity.

It is considered that the proposed amendment to allow a medical centre may have a negative impact on the residential amenity of the area, and it is therefore recommended that Council not support the finalisation of the scheme amendment.

BACKGROUND**Suburb/Location:** Lot 535 (20) Burragah Way, Duncraig**Applicant:** Burgess Design Group**Owner:** New Street Enterprises Pty Ltd

Zoning: **DPS:** Residential

MRS: Urban

Site Area: 703 m²

Structure Plan: Not Applicable

The subject site is located on the corner of Burregah Way and Kariong Circuit, Duncraig (Attachment 1 refers). It is opposite the Duncraig Medical Centre, which is adjacent to Duncraig Village. The remaining land surrounding the subject site contains existing residential development.

Lot 535 (20) Burregah Way, Duncraig was approved for Consulting Rooms in January 1998 and has been used by a physiotherapist since that time. Consulting Rooms is a “D” discretionary land use in a residential zone. One of the conditions of approval was that a maximum of one practitioner may operate from the premises at any one time.

In January 2009, planning approval was granted for the expansion of the car park to incorporate 10 parking bays.

At its meeting held on 18 August 2009, Council initially considered the proposed scheme amendment, and resolved to refer the matter back to the CEO to enable community consultation with the residents within the immediate locality (Report CJ169-08/09 refers).

Subsequently, at its meeting held on 17 November 2009, Council resolved to initiate advertising of Amendment 45 for a period of 42 days (Report CJ241-11/09 refers).

DETAILS

Amendment No 45 seeks to include an Additional Use of ‘Medical Centre’ in Schedule 2 of DPS2 for Lot 535 (20) Burregah Way, Duncraig.

The owner would like to employ two physiotherapists to operate from the practice at any one time, which is not permitted under the current Consulting Rooms land use approval. This would require a change of use to a Medical Centre which is defined under DPS2 as:

“... premises, other than a hospital, used by one or more health consultant(s) for the investigation or treatment of human injuries or ailments and for general outpatient care (including preventative care, diagnosis, medical and surgical treatment, and counselling).”

A Medical Centre is an ‘X’ land use, that is a land use which not permitted within the Residential Zone. Therefore a scheme amendment application has been received to include an Additional Use of ‘Medical Centre’ on Lot 535 (20) Burregah Way, Duncraig. Amending DPS2 in this way would provide the Council with the ability to approve a Medical Centre on the site.

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment as final,
- Adopt the proposed amendment as final, with modification, or
- Not adopt the proposed amendment as final.

In all the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister's determination.

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

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed (Attachment 2 refers). Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 17 November 2009. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

The scheme amendment process is a separate process to the development application process. If the scheme amendment is ultimately approved by the Minister for Planning, the applicant would be required to submit a development application for the Medical Centre, which could be subject to a further public comment period.

The proposal presently before Council is to consider the scheme amendment only.

Strategic Plan

Key Focus Area: The built environment.

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

Policy Not Applicable.

Risk Management considerations:

The Minister may not agree with Council's decision, and could decide to approve the scheme amendment. If this occurs, the applicant will be required to submit a Development Application for the proposed 'Medical Centre'.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 17 March 2010. One sign was placed on the site, a notice placed in the local newspaper, 32 letters were sent to nearby landowners and 4 letters to service authorities, advising of the proposed amendment. The proposal was also placed on the City's website.

A total of 39 submissions were received (including 3 late submissions), comprising 25 objections, 10 submissions of support, 2 no objections and 2 no objections from service authorities. Copies of the submissions have been placed in the Councillors Reading Room. The schedule of submissions is provided in Attachment 3 and a map of the location of submitters in Attachment 4.

The following provides a summary of the submissions and their location from the 2 consultation periods:

	September consultation	March consultation*
No. of letters sent to nearby landowners	32	32
No of letters to service authorities	0	4
No. of submissions received	5	39
No. of objections received	5	25*
Location of objections	5 in immediate area	20 in immediate area
No. of support	0	10**
Location of Support	0 in immediate area	0 in immediate area
No. of no objections	0	2
Location of no objections	0	1 in immediate area
No. of no objections from service authorities	N/A	2

* 4 letters of objection did not provide their address

** 3 letters of support did not provide their address

Summary of Submissions

Twenty five submissions of objection were received. The main issues raised were:

- The proposal will increase traffic in the area.
- The proposal will increase noise to the surrounding residential properties.
- There is insufficient parking and the existing car park has a poor design.
- The access to the car park is poor as vehicles reverse out onto Burregah Way and Kariong Circuit into a roundabout.
- The proposal will cause increased parking on the street verge which has a detrimental impact on the streetscape, and damages lawn and reticulation.
- There will be a detrimental effect on the residential amenity of the area.
- A commercial land use is creeping into a residential area.
- There is a medical centre opposite, the physiotherapist should lease space there.
- The business should be located in a commercial area, not a residential area.
- The business offers 20 Pilates classes a week.
- There is already more than one physiotherapist working at the premises.

Ten submissions were received in support of the proposed amendment. The following reasons of support were provided:

- The second practitioner would have little impact on parking and traffic flow.
- This is a well established business providing specialist health services.
- The Pilates class sizes are limited to the number of parking bays.
- Clients have not experienced any parking problems.

No proforma submissions were received, although there were similarities in the issues raised.

It is noted that the reasons of objection received during this consultation period are similar to those received during the preliminary consultation conducted in September 2009. However, five submissions were received during the preliminary consultation as opposed to 39 submissions received during the advertising period. In addition, 25 submissions of objection were received (as opposed to five), of which 20 were from residents within the immediate surrounding area (Attachment 4 refers). Of the 10 submissions of support received, seven of those live outside the immediate area (Attachment 4 refers) and the other three did not provide their address.

COMMENT

The Scheme Amendment proposal and the submissions have raised a number of issues which are listed below. Some of these issues relate specifically to the Scheme Amendment, while others relate more to the current operation of the consulting room.

- Intrusion of commercial activities into a residential area.
- The ability of the site to accommodate the increased intensity of use.
- Issues of traffic generation.
- Current limitations on consultant numbers.
- Appropriateness of Pilates classes within both a consulting room (existing situation) and medical centre (proposed).

Intrusion of commercial activities into a residential area

The property currently has approval to operate as a consulting room, and is therefore already used for non-residential purposes. However, the proposal does represent an intensification of the existing land use on this site. The question is whether the intensification is to a point where it impacts on the amenity of the residential area due to issues of traffic, parking and access, which will be described in more detail below.

Ability of the site to accommodate increased intensity of useParking

Many of the submissions of objection raised concerns regarding inadequate parking provision and layout, parking on the road, surrounding verges and at the adjacent medical centre. It is apparent these submitters consider that the current consulting rooms cannot contain its existing clients on site, notwithstanding an increase to a second practitioner. However, it is difficult to determine which premises any illegally parked vehicles are visiting. It is also noted that although parking on the street is permitted, where there are no signs to prevent this occurring, approval for the consulting rooms requires that all client parking must be contained on site.

The existing car parking configuration for 10 bays was approved based on the current use of the site by one health consultant only. The approval of the current design of the car park did not consider the use of the site by two health consultants. In the event that an application is made for an additional health consultant, the provision of car parking and access would need to be reassessed. However, it is considered that three tandem bays is not an ideal parking arrangement for a medical centre as it effectively leaves only seven bays easily accessible. In addition, the layout of the car park restricts the ability of all customer cars to exit the site in forward gear, and with an increased intensity of use of the site (by two health consultants), this is likely to become more problematic.

The City has not received any complaints regarding parking surrounding 20 Burragah Way, Duncraig. As there should only be one health consultant currently operating at the premises, and given the site has adequate parking for one health consultant, there should not be any current parking issues.

The use of the site by two health consultants and the conducting of Pilates classes may cause parking problems, particularly at change over time when people are arriving for classes before the people from the previous class have left. The applicant has advised the City that a 15 minute separation between classes and general appointment exists to assist traffic movement and parking.

Due to the constrained nature of the on-site car park, it is considered that the use of the premises by two consultants may cause parking issues in the area. This will depend on how the centre is managed in terms of appointment frequency and numbers.

Noise

An increase in noise associated with the proposed medical centre was cited as another reason for objection. More vehicles entering and exiting the site will increase the frequency of traffic noise to the adjacent properties. In addition, more clients entering and exiting the premises will increase the frequency of noise. Whether the increased number of customers and frequency of traffic movements is harmful to the amenity of the residential area is subjective. It is fair to suggest that residents purchased their properties on the understanding of the zoning of the area and therefore permitted uses. It is clear from the objections received that the residents believe that the medical centre may have a detrimental impact.

The hours of operation of the current consulting room is until 9pm on Mondays and Wednesday and 8pm on Tuesdays which is outside the normal business hours of operation (5.30pm on weekdays). These extended hours of operation could cause issues with noise to adjacent residential properties. The original approval for the consulting room did not specify hours of operation.

Residential Amenity

Many submissions of objection cited detrimental impact on residential amenity as one of the reasons for objection. It is considered that the cumulative effect of an increase in traffic, noise, potential parking issues and intensification of a non-residential land use in the Residential Zone may have a detrimental impact on the residential amenity of the area. The residents have expressed their concerns that the proposed amendment will have a negative affect on the area and their enjoyment of their residential properties.

Issues of traffic generation

The increase in traffic to and from the site was raised as a major issue in the submissions of objection. The proposal to increase the number of practitioners operating from the premises from one to two will increase traffic to and from the site. However, the question is, at what point does it become detrimental to the surrounding residential community.

Burragah Way, Duncraig is classified by Main Roads WA as a local distributor road and is designed to carry up to 6,000 vehicles per day. The most recent vehicle counts were conducted in October 2006. These counts identified:

- Immediately east of Marmion Avenue the count was 4,656 vpd; and
- Immediately west of Chessell Drive the count was 2,359vpd.

The difference in counts is likely attributed to traffic generated by the Duncraig Village which is located immediately east of Marmion Avenue.

The increase in health consultants from one to two would not increase traffic on Burragah Way above the levels that the road is designed to carry. However, there will be more cars entering and exiting the site which will increase the frequency of traffic and associated noise as mentioned above, and may have a perceived negative impact on residential amenity.

Current limitations on consultant numbers

Several of the submissions stated that there is already more than one physiotherapist operating from the premises. Under the current approval, no more than one physiotherapist can operate from the premises at any one time. A visit to Duncraig Physiotherapy's website indicates that there are currently four Physiotherapists, one Office Manager and two Receptionists working on the site. The current approval is for one health consultant only.

Further information received from the applicant stated that one of these consultants has resigned, and there are two senior consultants who do not overlap during the operation of the practice. However, there is also a junior consultant employed part time at the practice who overlaps with one of the senior consultants. This overlap accounts for 17% of the number of hours the practice is open. The three administrative staff share the position and there is no overlap between these staff.

The overlap of the junior and senior physiotherapist is not permitted under the existing approval, however would be permitted if approval for a Medical Centre was granted. It is not considered appropriate to have any overlap between health consultants as the practice does not have approval for this, and is therefore operating outside of its existing approval.

Appropriateness of Pilates classes

Several of the submissions stated that up to 20 Pilates classes are conducted each week. The applicant advised that there are currently 15 Pilates classes operating each week with a maximum of seven participants in each class. Therefore a total of 105 participants are accessing the site each week for the purpose of Pilates classes. It is questionable whether this intensity of use should be contemplated or appropriate within a one practitioner consulting room. For example, on Monday evenings, there are classes at 5.50pm, 7pm and 8pm. Therefore during this time there are up to 21 clients arriving and leaving the premises in this one evening.

The premises currently has approval for consulting rooms. Consulting rooms is defined under DPS2 as:

“means a building used by no more than one health consultant for the investigation or treatment of human injuries or ailments and for general patient care.”

This definition is taken to mean a one on one consultation between the patient and the health consultant, not the carrying out of group classes. Pilates classes are therefore not considered to fit within the definition of consulting rooms. This issue will be addressed with the landowner separate to this process.

In addition, Pilates classes (and the like) are also not considered to be appropriate under the definition of a medical centre, therefore, should Council decide to support the Scheme Amendment, the issue of the group classes will need to be addressed.

Conclusion

From the submissions received, it is apparent that the immediate surrounding community is not supportive of the proposal. It is considered that the existing site is constrained in that it has not been able to provide 10 easily accessible bays on the site.

In light of the extent of the issues raised by the residents in the immediate locality, it is considered that the proposed amendment to allow the medical centre may have a negative impact on the residential amenity of the area, and therefore it is recommended that Council does not support the finalisation of the proposed scheme amendment.

VOTING REQUIREMENTS

Simple Majority

RECOMMENDATION

That Council:

- 1 Pursuant to Town Planning Regulations 17 (2) DOES NOT ADOPT AS FINAL Amendment No 45 to the City of Joondalup District Planning Scheme No. 2, to include Lot 535 (20) Burragah Way, Duncraig in Schedule 2 – Section 1 (Clause 3.15) – Additional Use – Medical Centre as follows:

NO	STREET/LOCALITY	PARTICULARS OF LAND	ADDITIONAL USE
1-21	20 Burragah Way, Duncraig	Lot 535	Medical Centre with a maximum of 2 health consultants, being general practitioners, specialist practitioners, dentist, radiologist, physiotherapist and any other medical staff generating their own independent patient load.

- 2 NOTES the submissions received and advises the submitters of Council's decision;
- 3 ADVISES the Western Australian Planning Commission of Council's decision.

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf180510.pdf](#)

ITEM 5 PROPOSED AMENDMENT NO. 47 TO DISTRICT PLANNING SCHEME NO. 2 TO MODIFY SCHEDULE 4 – EXEMPTED ADVERTISEMENTS

WARD: All

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 100360, 01907

ATTACHMENTS: Attachment 1 Council Policy - Signs
Attachment 2 Scheme amendment text
Attachment 3 Scheme amendment flow chart
Attachment 4 Schedule of submissions

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of proposed Amendment No 47 to District Planning Scheme No 2 (DPS2), and to decide whether to adopt the amendment as final.

EXECUTIVE SUMMARY

At its meeting held on 13 October 2009, Council resolved to adopt the Council Policy - Signs and initiate Scheme Amendment No.47.

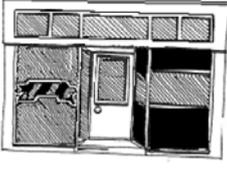
Currently, a range of signs are exempt from the need for planning approval in accordance with Schedule 4 of the DPS2, including window signs. A conflict exists between DPS2 and the adopted Council Policy - Signs which has introduced controls for window signs. In order for the Council Policy - Signs to operate as intended, DPS2 is required to be amended to remove window signs from the list of exempt advertisements.

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 17 March 2010. One submission of objection was received during the advertising period. The objection noted that the scheme amendment would burden businesses with the need to obtain approvals for all window signs.

The proposed scheme amendment has been reviewed, and it is recommended that it be modified so to exempt window signs from the need to obtain planning approval where they comply with the standards of Council Policy - Signs.

BACKGROUND

At its meeting held on 13 October 2009, Council resolved to adopt a new Council Policy – Signs. The Council Policy - Signs forms Attachment 1 to this Report. Table 1 of the Policy introduces the following controls for window signs based on the District Planning Scheme No.2 (DPS2) zone in which it is located.

TABLE 1	Residential Zone Special Residential Zone Rural Zone Lakeside (JCCDPM) City North (JCCDPM Residential Use)	Mixed Use Zone Business Zone Commercial Zone Civic & Cultural Zone Private Clubs & Recreation Zone Northern Recreation (JCCDPM) City North (Excl. Residential Use)	Central Business District (JCCDPM)	Service Industrial Western Business District (JCCDPM) Southern Business District (JCCDPM)
<p>Window Sign</p>  <p>A window sign is a sign painted or affixed to either the interior or exterior surface of the glazed area of a window.</p>	Not permitted	<p>Area: Maximum 25% of the glazing or 10m² per tenancy, whichever is lesser.</p> <p>Must: be visually permeable ("see through").</p>  <p>Examples may include the use of cut-out block lettering or transparent materials.</p>		<p>Area: Maximum 50% of the glazing or 20m² per tenancy, whichever is lesser.</p>

Currently window signs are exempt from the need for planning approval in accordance with Schedule 4 of the DPS2. The proposed amendment to DPS2 therefore is required to achieve the following:

- resolve a conflict between DPS2 and the recently adopted Council Policy - Signs;
- facilitate the regulation of window signs in accordance with the provisions set out in the Council Policy - Signs .

Scheme Amendment 47 was initiated in conjunction with the adoption of Council's Policy - Signs at Council's meeting held on 13 October 2009. Council adopted the minutes of the Policy Committee which read as follows:

- 3 (a) *in accordance with Clause 8.11 of the City of Joondalup District Planning Scheme No. 2, ADOPTS Council Policy 3-7 – Signs, as shown in Attachment 1 to this Report, as final, subject to the removal of the following words:*
- “Must not be fixed over or under a verandah” from Table 1 in reference to Semaphore Signs;*
- (b) *subject to deleting Clause (f) of Schedule 4 (City of Joondalup District Planning Scheme No 2), CONSENTS to initiating an amendment to the City of Joondalup District Planning Scheme No 2 pursuant to Part 5 of the Planning and Development Act 2005;*
- (c) *NOTES that policies are subject to an annual review and that issues identified as requiring modification can be dealt with in that timeframe.*

DETAILS

The Scheme Amendment text forms Attachment 2 to this Report.

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the proposed amendment;
- Adopt the proposed amendment, with modification; or
- Not adopt the proposed amendment.

In all the above options, the proposal is forwarded to the Western Australian Planning Commission (WAPC) for the Minister for Planning's determination.

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

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. Council supported the initiation of the proposed amendment for the purpose of public advertising at its meeting held on 13 October 2009. The proposed amendment was then referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or resolve not to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

Strategic Plan

Key Focus Area: The built environment.

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

Policy Council Policy - Signs

Risk Management considerations:

If the Council resolved not to adopt the proposed Scheme Amendment, a conflict between Council's Signs Policy and District Planning Scheme No.2 will remain. Where there is a conflict between a Policy and District Planning Scheme No. 2, the provisions of the Scheme prevail. Therefore, Schedule 4 of the Scheme will prevent the regulation of window signs as intended by the Council's Signs Policy.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The proposed scheme amendment was advertised for public comment for a period of 42 days, closing on 17 March 2010. A notice was placed in the local newspaper in addition to the City's website.

One submission of objection was received during the advertising period.

COMMENTSubmission

During the advertising period, one submission of objection was received. The objection raised the following concerns:

- The amendment would burden businesses with the need to obtain planning approval for all window signs.
- The amendment would burden the City of Joondalup with a high rate of compliance matters.

As DPS2 currently exempts window signs from the need to obtain planning approval, Scheme Amendment No. 47 was initiated to remove window signs from the list of exempted advertisements so the standards for window signs (as contained in Council Policy - Signs) can be implemented.

As highlighted in the submission, it is an unintended consequence that removing the exemption for window signs under DPS2 would result in all window signs requiring planning approval. Given the temporary and changing nature of window signs, this is considered to be unduly onerous.

Proposed Modification

It is therefore proposed that the Amendment 47 be modified to allow window signs that meet the standards within the Council Policy - Signs to be exempt from requiring planning approval. Proposed window signs larger than that prescribed within Council Policy - Signs would require planning approval.

Scheme Amendment No. 47 currently proposes to delete clause (f) of Schedule 4 – Exempted Advertisements of DPS2 as follows:

- (f) *an advertisement affixed to or painted on a shop window by the occupier thereof and relating to the business carried on therein;*

It is proposed that this be modified to read as follows:

- (f) *a window sign which complies with the applicable standards of a relevant local planning policy.*

Re-advertising of the modified amendment is not considered necessary as the change is less onerous than the advertised amendment. It is recommended that Scheme Amendment No.47 be adopted with the modification indicated above.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 Pursuant to Regulation 17(2) of the Town Planning Regulations 1967 ADOPTS Amendment No 47 to the City of Joondalup District Planning Scheme No. 2, with modification, by amending part (f) of Schedule 4 Exempted Advertisements to state:

 ‘a window sign which complies with the applicable standards of a relevant local planning policy;’**
- 2 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;**
- 3 NOTES the submission received and advises the submitter of Council’s decision;**
- 4 REFERS Scheme Amendment No 47 and Council’s decision to the Western Australian Planning Commission for determination.**

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf180510.pdf](#)

ITEM 6 JOONDALUP CITY CENTRE STRUCTURE PLAN AND SCHEME AMENDMENT NO. 42 – FINALISATION/ADOPTION

WARD: All

RESPONSIBLE DIRECTOR: Mrs Dale Page
Planning and Development

FILE NUMBER: 33624, 34624

ATTACHMENTS:

- Attachment 1 Schedule of modifications
- Attachment 2 Schedule of submissions
- Attachment 3 Zoning Plan (as advertised and as modified)
- Attachment 4 Building Height requirements (as advertised and as modified)
- Attachment 5 Draft Joondalup City Centre Structure Plan (as modified with changes highlighted)
- Attachment 6 Scheme Amendment No.42 (as modified with changes highlighted)
- Attachment 7 Draft Joondalup City Centre Structure Plan Report (as modified with changes highlighted)

PURPOSE

The purpose of this report is for Council to consider submissions received during the public advertising of the draft Joondalup City Centre Structure Plan (JCCSP) and associated Scheme Amendment, and to decide whether to adopt these documents as final.

EXECUTIVE SUMMARY

At its meeting held on 17 February 2009, Council resolved to advertise the draft JCCSP and Scheme Amendment for a period of 60 days. Advertising closed on 6 July 2009. A total of 48 responses were received (including late submissions). Submissions indicated general support for the draft Structure Plan and the direction proposed for development of the City Centre.

This report presents an analysis of submissions and outlines options for addressing the issues identified.

It is recommended that the draft JCCSP and Scheme Amendment No. 42 be adopted with modification.

BACKGROUND

The current Joondalup City Centre Development Plan and Manual (JCCDPM) was last updated in 1995. Since then, significant development has occurred within the City Centre. A review of the 1995 JCCDPM was initiated to create a planning framework that reflects the current needs and aspirations for the City Centre regarding land use and built form. Council at its meeting held on 15 July 2008 adopted key principles that would guide the review of the JCCDPM.

The principles addressed (summarised):

- encouraging commercial development and employment;
- encouraging off site provision of car parking;
- incorporating the Joondalup Business Park and land south of Hodges Drive into the structure plan;
- ensuring quality commercial and mixed use development;
- activating street frontages;
- balancing commercial and residential development;
- building on the existing public transport and accessibility network in the City Centre;
- ensuring good built form and sustainable outcomes.

These key principles guided the development of the draft JCCSP. In addition, a Scheme Amendment was prepared to supplement and implement the provisions and objectives of the draft JCCSP.

At its meeting held on 17 February 2009, Council resolved to advertise the draft JCCSP and associated Scheme Amendment for a period of 60 days.

DETAILS

The purpose of the Structure Plan is to provide a guiding framework for the growth and evolution of the Joondalup City Centre in a form that enables it to perform and sustain its role as the Primary Centre of the northern corridor of the Perth Metropolitan region.

Issues and options considered:

The options available to Council in considering the proposal are:

- Adopt the draft JCCSP and scheme amendment;
- Adopt the draft JCCSP and scheme amendment, with modification; or
- Not adopt the draft JCCSP and scheme amendment.

Legislation/Strategic Plan/Policy Implications

Legislation

Structure Plan

Clause 9.7 of the City of Joondalup District Planning Scheme No 2 enables Council to amend and revoke any agreed structure plan within the Scheme area.

Scheme Amendment

Part 5 of the *Planning and Development Act 2005* enables local government to amend a Local Planning Scheme and sets out the process to be followed. The proposed amendment was referred to the Environmental Protection Authority (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision is then forwarded to the WAPC which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

Objective: 3.1 – To encourage the development of the Joondalup CBD.

Key Focus Area: The Built Environment

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

Policy

Not Applicable.

Risk Management considerations:

If the Minister decides not to adopt the scheme amendment and the Structure Plan, the existing Development Plan and Manual will prevail which does not reflect the City's current aspirations for the City Centre.

Financial/Budget Implications:

The Structure Plan has been prepared with in-house resources, with the exception of legal advice which was funded in the 2009/10 financial year.

A commercial review of the draft JCCSP was undertaken by a consultant in late 2009. The commercial review has been funded through savings identified in the 2009/10 budget.

Costs for printing of the final Structure Plan have been identified in the proposed 2010/11 budget.

Regional Significance:

The review and adoption of the Joondalup City Centre Structure Plan will foster future economic and social development that will reinforce Joondalup City Centre as the Primary Centre of the North West corridor.

Sustainability implications:

The Structure Plan proposes to encourage the intensification of development in close proximity to the train station by removing plot ratio, not restricting building height in the Central Core and reducing parking requirements. These factors will contribute to more environmentally sustainable development by promoting a more efficient use of City Centre land, working to encourage a reduction in private vehicle usage, encouraging Joondalup as an employment hub to assist in reducing the journey to work, and increasing employment self sufficiency in the North West corridor. In addition, specific development standards within the Structure Plan such as the protection of north, east and west facing windows from direct summer sun will also contribute to the development of more environmentally sustainable buildings.

Consultation:

The draft JCCSP and associated Scheme Amendment were advertised for a period of 60 days closing on the 6 July 2009. A brochure summarising the Structure Plan was sent to all City Centre landowners outlining the background and key priorities of the draft Structure Plan. At the close of advertising 41 submissions had been received and seven late submissions were also received. Refer to comment section for further discussion.

A wide variety of submissions were received, namely from residents, business owners, land owners, developers and a range of government agencies. Some common themes were identified throughout the submissions including a variety of matters not controlled by the Structure Plan or Scheme Amendment, such as a desire for more street trees and additional on-street parking. The majority of submissions however were difficult to summarise as they related to comments for a range of specific development standards. A schedule of submissions forms Attachment 2 of this Report.

The following have been identified as key issues from the submissions:

- Confusion regarding the purpose and intent of the Business Boulevard Zone including some desire to remove the zoning from landholdings south of Hodges Drive.
- Desire to retain the Southern Business District Structure Plan or modify proposed zonings.
- Request to apply a unique zone or provisions over Lakeside Shopping Centre that would be more conducive to a shopping centre development site. Furthermore, limit retail/shop activity to the Central Core Zone and restrict in City Fringe.
- Desire to remove the residential cap within a building to allow for predominantly residential developments as the market demands.
- Desire to permit shops within the Transit Development Zone that benefit from a transit location in order to facilitate the future development desires of the landowner.
- Support for transit orientated development surrounding Edgewater Train Station, where such development does not have adverse impact on adjoining Edgewater residential area.
- Desire to lower minimum building heights.
- Desire for a lesser parking standard to make multi-storey development on smaller lots more viable.
- Request for more landscaping, street trees, public open space and car parking.

COMMENT

To assist the City in considering the submissions and reviewing the Structure Plan and Scheme Amendment an independent commercial review of the Structure Plan and Scheme Amendment was undertaken.

Set out below is the outcome of the commercial review and also the main themes for consideration in terms of recommended changes to the Structure Plan and Scheme Amendment. These recommended changes address, in part, the issues raised in the submissions and the outcomes of the commercial review. A detailed schedule of proposed changes and justification is provided in Attachment 1.

Key outcomes from the Commercial Review

A number of submissions raised concerns regarding the development requirements of the draft JCCSP such as the maximum residential floor space cap, minimum building heights and car parking requirements. Submitters noted that it may be economically unviable to develop to these requirements. The commercial review was undertaken in order to better understand the commercial implications of the draft Structure Plan. The City engaged consultants Syme Marmion to undertake the commercial review.

The intent of the review was to:

1. Review the impact of the Structure Plan on future commercial development.
2. Identify specific provisions that may compromise significant commercial development.
3. Understand the commercial drivers for growth.
4. Identify provisions that inhibit growth and commercial viability.
5. Advise on how to achieve long term objectives without inhibiting commercial growth and advise on interim measures to allay commercial concerns.

The key findings and recommendations of this Report are:

- Joondalup's relative proximity to the Perth CBD and inner suburb employment areas may restrict externally generated commercial demand.
- Demand for commercial floor space is limited in the short to medium term due to competition from other centres, with commercial growth more likely to arise from local demand.
- Car parking standards are high for commercial floor space, despite Joondalup being a transit orientated precinct. The parking requirements reduce the economic viability of commercial development.
- Minimum building height will result in construction costs that are greater than the commercial value of the building, essentially rendering development unviable.
- Buildings above four storeys with a high commercial component are not viable (due to land values, rentals and development requirements).
- The objectives of the Business Boulevard Zone are unlikely to be achieved due to the nature and use of Joondalup Drive, which is a major through road.
- Restrictions on residential development (50% floor space cap) will detrimentally impact the economic viability of development.

The recommendations of the commercial review are as follows:

- Parking standards should be lower for commercial uses.
- Increasing the residential component of a building may assist development in excess of four storeys being more viable.
- Encourage buildings that are able to adapt in use over time.
- Concentrate on the strengths of the City as an education and health primary centre.
- Treat Joondalup Drive as a transport corridor, not an activity corridor, and provide pedestrian crossing locations between the Central Core and the Business Support Zone.

Recommended Changes

The main recommended changes to the Structure Plan and Scheme Amendment centre on modifications to:

- 1 Zoning of land
- 2 Building height requirements
- 3 Development standards
- 4 Land Use

Zoning of land

The zoning plan, as advertised, includes specific zonings of Business Boulevard and Mixed Use Corridor for Lakeside and Joondalup Drives and Grand Boulevard.

The aim of these zones has been to promote diversity of land uses and built form that reinforces the importance of Joondalup as the Primary Centre of the North West corridor.

Further consideration has been given to the areas covered by these zones, in light of the submissions, and the commercial review. This review process has also acknowledged that the maturation of Joondalup and its development needs is evolving and that the current plan will be reviewed in the future.

The outcome of this review is that it is proposed to remove portions of the corridor zones and incorporate the land into adjoining zones. This is reflected in a simplified zoning plan, without losing the intent of the Structure Plan.

Consideration has also been given to the area along Joondalup Drive between Eddystone Avenue and Ocean Reef Road. This area is currently zoned Business in DPS2, with development of the area predominated by bulky goods/showrooms. The draft Structure Plan proposed the area to be zoned Transit Development Zone given its proximity to the Edgewater Train Station. The aspirations of developing this area into a residential and business hub is based on sound principles, however, it is considered that for the 'life' of this current Structure Plan that it would be appropriate to maintain the current Business Zone. Maintaining this zone provides development certainty, while not impeding the City's ability to review the area in the future.

Building height requirements

Two areas of change are proposed with regard to building height. Firstly, the Structure Plan, as advertised, incorporated height requirements textually into the development standards for each of the zones. What is proposed is to remove these requirements where practicable, from the text of the Structure Plan, and incorporate into a new Building Height Plan.

This is considered to have the benefit of improving the readability of the Structure Plan, but also separating the issue of height from the zoning of land. This has the outcome of allowing a more site responsive approach to the delivery of desired built form outcomes across the City Centre.

A number of submissions raised concerns regarding minimum building height requirements and the potential impact on the viability of development. This concern was reinforced by the commercial review.

It is considered that identifying minimum and maximum building heights in the Structure Plan is sound and should be maintained. What has been reviewed are the minimum and maximum height standards, with a view to 'fine tune' these to ensure appropriate transitions in height occur from 'low rise' areas towards the Central Core. In this regard the most substantial modification proposed is a reduction in maximum height from 16 storeys to eight storeys for the areas zoned City Fringe.

The advertised Structure Plan incorporated two different building heights in the Central Core Zone. The demarcation line between the two areas being the north/south train line. For the Central Core it is proposed:

1. Maintain the minimum building height of five storeys for the land east of McLarty Avenue and Grand Boulevard.

Recognising the concerns raised in the submissions and the recommendations of the commercial review, the retention of the five storey minimum is proposed to be offset by a relaxation of certain development standards. These are explored in detail later in this report.

2. The area between Joondalup Drive, McLarty Avenue, portion of Grand Boulevard and Collier Pass is predominated by, for the most part, Lakeside Shopping Centre.

As it is noted in the Schedule of Submissions, the former owner of Lakeside Shopping Centre sought a separate zone and different building height standards.

No change to the zoning is proposed, as it is considered that Lakeside Shopping Centre is part of the Central Core, not separate from it. However, the minimum height requirements have been reviewed given the unique circumstances that are presented by shopping centres.

It is recommended that the minimum height requirements be removed, in part. It is recognised that the most important built form element of the area is the interface between the private development and the public realm. In particular the key areas are along Grand Boulevard, Boas Avenue, McLarty Avenue and Collier Pass. In these areas it is proposed that a minimum two storey building height be maintained.

Development standards

Three key changes are proposed with regard to development standards. These changes address the area predominantly developed by Lakeside Shopping Centre, the residential floor space cap and car parking.

Submissions received from the former owner of Lakeside Shopping Centre raised concerns that the provisions for the Central Core Zone are too onerous for a shopping centre site. Whilst it has been resolved that the site should not form a separate or unique zone, it is proposed that performance-based development standards be applied to the site. These development standards, while ensuring high quality development, provide a more flexible framework to which development on this site will need to respond.

As advertised, the Structure Plan limited the residential floor space within a building to no more than 50% of the total building floor space (NLA). The intent of this provision was to ensure the development of an appropriate mix of residential and commercial activity. Concerns were raised in submissions that the limit on residential floor space will result in the inability for developers to respond to market demands, potentially resulting in an inability to sell or let commercial tenancies. The commercial review reaffirmed this position and acknowledged that there is limited short to medium term demand for commercial floor space within the City Centre. The application of the 'residential floor space cap' may therefore act as a disincentive to development in the Central Core. It is therefore proposed that the 'residential floor space cap' be removed and further incentives for commercial development included. Reduced car parking requirements are proposed to form this incentive as discussed below.

The advertised Structure Plan continues, to a large extent, the car parking standards contained in the existing Structure Plan. It is considered that the narrow and small nature of many lots in the Central Core Zone present difficulties to accommodating both the building height and car parking requirements of the Structure Plan. It is proposed that, for the Central Core Zone, no car parking be required for commercial floor space above the ground floor. The Council Policy – Joondalup City Centre Car Parking for Commercial Development will need to be reviewed to reflect this change. In addition, no car parking will be required for residential development above the fifth storey. The proposed actions are considered to provide sufficient incentives for commercial development and desired building height in the Central Core Zone. Whilst no minimum car parking requirement will be imposed for a portion of the development in the Central Core Zone, this does not stop a developer choosing to provide additional car parking, but provides greater flexibility to the delivery of development

It is important to note this will result in fewer cash-in-lieu payments to fund public car parking. However, this change to car parking standards is considered to be a strong incentive for development in the City Centre. How this is implemented by the development industry will be monitored to assist in future reviews of the Structure Plan.

Land use

There are several proposed modifications to the land use table from the advertised Scheme Amendment. Some of these are minor and are simply changes to reflect the current permissibility of land uses under DPS2 or the existing Structure Plan. Other changes have resulted from the submissions and further consideration by the City.

One of the key changes to land use is that of the permissibility of 'Shop' in the City Fringe Zone. In the advertised Scheme Amendment a 'Shop' is permitted in the City Fringe Zone. Further consideration of this suggests this may not be appropriate and could undermine/dilute the retail function of the Central Core.

Given the size of the City Fringe zone and its proximity to the Central Core, it is considered that large scale shopping in this zone is not appropriate. Therefore, 'Shops' within the City Fringe Zone will be restricted to one 200m² tenancy per 1000m² green title lot to ensure that only local shopping needs are catered for.

Restricting residential uses on the ground floor restricts the development of grouped dwellings or single houses. Whilst single houses are not considered to make adequate use of land in a City Centre, grouped dwellings provide an alternative housing choice to multiple dwellings in addition to providing surveillance at the ground floor after business hours. There are existing grouped dwellings in the proposed Mixed Use Corridor Zone (as permitted in these locations under the existing Structure Plan) and it is considered that landowners yet to develop in these certain locations be provided with the ability to develop grouped dwellings. As such the structure plan has been modified to permit grouped dwellings in parts of the Mixed Use Corridor Zone.

Other minor changes

A range of minor changes is also recommended. These changes do not change the intent of the Structure Plan or Scheme Amendment, but rather provide more clarity. These minor changes are:

- General reformatting of the Structure Plan text for ease of use.
- Inclusion of general development provisions that apply to all zones, rather than repeating these provisions in each zone.
- Minor text changes to improve clarity and issues identified in submissions.
- Inclusion of a building height map which brings together the requirements for the Central Core, City Fringe, Business Boulevard, Mixed Use Corridor and the Business Support Zones.
- Modification to land use permissibility to reflect the range of land uses currently permitted by the existing Structure Plan or DPS2 zoning, where appropriate.
- Updating the vision statements for the Joondalup City Centre (contained in the Structure Plan Report) to reflect those in the Local Planning Strategy recently adopted by Council.
- Updating the Structure Plan Report to reflect the changes to the Structure Plan and Scheme Amendment.

Conclusion

The submissions and commercial review both raised a number of issues with the Structure Plan and Scheme Amendment. The proposed actions and modifications as discussed above and in Attachment 1 seek to resolve these issues. It is considered that the modifications to the documents address the issues raised in the submissions and the commercial review. The modified Draft Joondalup City Centre Structure Plan, Scheme Amendment and Structure Plan Report form Attachments 5, 6 and 7 of this Report. It is recommended that Council support the proposed modifications to the Structure Plan and Scheme Amendment and adopts both documents.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council:**

- 1 ADOPTS the draft Joondalup City Centre Structure Plan (as amended) shown in Attachment 5 to this Report and submit to the Western Australian Planning Commission for final adoption and certification;**
- 2 Subject to certification by the Western Australian Planning Commission, ADOPTS the Joondalup City Centre Structure Plan 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;**
- 3 Pursuant to Town Planning Regulations 17 (2), ADOPTS Amendment No 42 to the City of Joondalup District Planning Scheme No. 2, with modification, as outlined in Attachment 6 to this Report;**
- 4 AUTHORISES the affixation of the Common Seal and ENDORSES the signing of the amendment documents;**
- 5 ADVISES the Western Australian Planning Commission and submitters of Council's decision.**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf180510.pdf](#)

ITEM 7 EXECUTION OF DOCUMENTS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Garry Hunt Office of the CEO
FILE NUMBER:	15876
ATTACHMENTS:	Nil.

PURPOSE

For Council to note the documents executed by means of affixing the Common Seal for the period 29 January 2010 to 22 April 2010.

EXECUTIVE SUMMARY

The City of Joondalup enters various agreements by affixing its Common Seal. The Local Government Act 1995 states that the City is a body corporate with perpetual succession and a common seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the CEO are reported to the Council for information on a regular basis.

BACKGROUND

Nil.

DETAILS

The following documents have been executed by affixing the Common Seal.

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and Clayton John Sanders
Description:	Withdrawal of City's Caveat from Lots 183 and 184 Regents Park Road, Joondalup on Plan 21379. Recent application to Strata Title Lots 183 and 184 reflect the car parking easements as required by the Deed, and requirements of Caveat and Deed will be fulfilled upon the issue of these new Strata Titles reflecting the easement.
Date:	29.01.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and IL and AJ Williams
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 186 (3) Bell Court, Heathridge WA. This document was required to be re-signed and sealed. – Refer 16.03.10 entry.
Date:	10 .02.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and A and G Kotlyar
Description:	Section 70A Notification to restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 371(8) Cowrie Place, Mullaloo.
Date:	09.03.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and IL and AJ Williams
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 186 (3) Bell Court, Heathridge WA. Document of 10.02.10 resubmitted for signing and sealing.
Date:	16.03.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and PM and ME Kuriata
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 421 (5) Ensign Way, Beldon.
Date:	23.03.10
Signed/Sealed:	Sealed

Document:	Agreement
Parties:	City of Joondalup and JBT Corporation Pty Ltd.
Description:	Agreement to defer creation of reciprocal easements at properties Lot 311, 321 and 313 McLarty Avenue, Joondalup as the Lots are in the same ownership and not possible to create the required reciprocal easements at this point in time.
Date:	23.03.10
Signed/Sealed:	Sealed

Document:	Withdrawal of Caveat
Parties:	City of Joondalup and C Castersen
Description:	Withdrawal of Caveat to enable transfer of land to occur at properties Lot 668 (No.15) Ash Grove, Duncraig and Lot 669 (No.17) Ash Grove, Duncraig. The City's Caveat is supported by the terms of a Deed dated 15 March 2009 and a replacement Deed has been prepared and is to follow for execution.
Date:	13.04.10
Signed/Sealed:	Sealed

Document:	Deed
Parties:	City of Joondalup and C Gorgolis
Description:	To ensure the new Landowner of Lot 668 (No.15) Ash Grove, Duncraig and Lot 669(No.17) Ash Grove, Duncraig enters into the same Deed Agreement as the previous owner relating to structures straddling Lot boundaries.
Date:	13.04.10
Signed/Sealed:	Sealed

Document:	Section 70 A Notification
Parties:	City of Joondalup and Hazel Baker
Description:	To restrict the occupation of the ancillary accommodation to dependent member(s) of the family of the occupier(s) of the main dwelling on the land at Lot 188(65) Balanus Way, Heathridge.
Date:	20.04.10
Signed/Sealed:	Sealed

Document:	Agreement
Parties:	City of Joondalup and Griffiths Group (WA) Pty Ltd, National Australian Bank Ltd, Electricity Networks Corporation, Water Corporation and WA Land Authority.
Description:	Agreement for variation to Easement F788686 (Form A5) to extinguish a portion of the Easement depicted as "portion to be extinguished" on Deposited Plan 57488 and limiting that portion of the easement depicted as "portion of easement to be restricted to 51.1m AHD" on Deposited Plan 57488 to 51.1m AHD in height at Lot 517 (No.91) Reid Promenade Joondalup.
Date:	22.04.10
Signed/Sealed:	Sealed

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Sub-sections (2) and (3) of section 2.5 of the Local Government Act 1995 states:

(2) The local government is a body corporate with perpetual succession and a common seal.

(3) The local government has the legal capacity of a natural person.

Strategic Plan Some of the documents executed by affixing the common seal may have a link to the Strategic Plan on an individual basis.

Policy

Nil.

Risk Management considerations:

Nil.

Financial/Budget Implications:

Some of the documents executed by the City may have financial and budget implications.

Regional Significance:

Nil.

Sustainability Implications:

Nil.

Consultation:

Nil.

COMMENT

The various documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to the Council for information.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the schedule of documents covering the period 29 January 2010 to 22 April 2010 executed by means of affixing the common seal.

ITEM 8 MINUTES OF EXTERNAL COMMITTEES**WARD:** All**RESPONSIBLE DIRECTOR:** Mr Jamie Parry
Governance and Strategy**FILE NUMBER:** 03149**ATTACHMENTS:** Attachment 1 Minutes of the Meeting of the Mindarie Regional Council held on 25 February 2010.

(Please Note: These minutes are only available electronically)

PURPOSE

To submit minutes of external committees to Council for information.

EXECUTIVE SUMMARY

The following minutes are provided:

- Meeting of the Mindarie Regional Council held on 25 February 2010.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the minutes of the meeting of the Mindarie Regional Council held on 25 February 2010 forming Attachment 1 to this Report.

To access this attachment on electronic document, click here: [externalminutes180510.pdf](#)

ITEM 9 ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2010

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Jamie Parry
Governance and Strategy

FILE NUMBER: 20560

ATTACHMENTS: Attachment 1 Annual Plan Quarterly Progress Report for the period 1
January to 31 March 2010
Attachment 2 Capital Works Overview Report for the period 1
January to 31 March 2010

PURPOSE

To present the Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010.

EXECUTIVE SUMMARY

The Annual Plan Quarterly Progress Report provides information on the progress of projects and programs documented in the Annual Plan 2009-2010. The Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010 is shown as Attachment 1 to this report.

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

It is recommended that Council RECEIVES:

- 1 *The Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010 forming Attachment 1 to this Report;*
- 2 *The Capital Works Overview Report for the period 1 January to 31 March 2010 forming Attachment 2 to this Report.*

BACKGROUND

The City's Corporate Reporting Framework, endorsed by Council, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis.

DETAILS

Issues and options considered:

The 2009-2010 Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

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

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

Legislation/Strategic Plan/Policy Implications

Legislation The Local Government Act 1995 provides a framework for the operations of Local Governments in Western Australia. Section 1.3 (2) states:

This Act is intended to result in:

- (a) Better decision making by local governments;*
- (b) Greater community participation in the decisions and affairs of local governments;*
- (c) Greater accountability of local governments to their communities; and*
- (d) More efficient and effective government.*

Strategic Plan

Key Focus Area: Leadership and Governance

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

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

Risk Management considerations:

The quarterly progress reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

Financial/Budget Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

Not applicable

COMMENT

The Annual Plan 2009-2010 was received by Council at its meeting on 21 July 2009.

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

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION**That Council RECEIVES:**

- 1 The Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010 forming Attachment 1 to this Report;**
- 2 The Capital Works Overview Report for the period 1 January to 31 March 2010 forming Attachment 2 to this Report.**

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf180510.pdf](#)

ITEM 10 LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 09882

ATTACHMENTS: Attachment 1 CEO's Delegated Municipal Payment List for the month of March 2010
Attachment 2 CEO's Delegated Trust Payment List for the month of March 2010
Attachment 3 Municipal and Trust Fund Vouchers for the month of March 2010

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of March 2010 for noting.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of March 2010 totalling \$12,299,065.66

It is recommended that Council NOTES the CEO's list of accounts for March 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments 1, 2 and 3 to this Report, totalling \$12,299,065.66.

BACKGROUND

Council has delegated to the Chief Executive Officer the exercise of its power to make payments from the City's Municipal and Trust funds. In accordance with Regulation 13 of the Local Government (Financial Management) Regulations 1996 a list of accounts paid by the Chief Executive Officer is to be provided to Council, where such delegation is made.

DETAILS

The table below summarises the payments drawn on the funds during the month of March 2010. Lists detailing the payments made are appended as Attachments 1 and 2. The vouchers for the month are appended as Attachment 3.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 86349 - 86584 and EF 11119 - 11654 Net of cancelled payments	\$9,170,298.42
	Vouchers 663A,- 664A, 666A – 669A, & 671A	\$3,094,450.94
Trust Account	Cheques 203337 – 203403 Net of cancelled payments	\$34,316.30
Total		\$12,299,065.66

Issues and options considered:

Not Applicable.

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

The Council has delegated to the CEO the exercise of its authority to make payments from the Municipal and Trust Funds, therefore in accordance with Regulation 13(1) of the Local Government (Financial Management) Regulations 1996, a list of accounts paid by the CEO is prepared each month showing each account paid since the last list was prepared.

Strategic Plan

Key Focus Area: Leadership and Governance

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

Policy

All expenditure included in the list of payments is drawn from the City's accounting records.

Risk Management considerations:

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 09 or approved in advance by Council.

Regional Significance:

Not Applicable.

Sustainability implications:

Expenditure has been incurred in accordance with budget parameters, which have been structured on financial viability and sustainability principles.

Consultation:

Not Applicable.

COMMENT

All Municipal Fund expenditure included in the list of payments is in accordance with the 2009/10 Annual Budget as adopted by Council at its meeting of 17 June 2009 or has been authorised in advance by Council where applicable.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the CEO's list of accounts for March 2010 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to this Report, totalling \$12,299,065.66.

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf180510.pdf](#)

ITEM 11 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2010

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 07882

ATTACHMENTS: Attachment 1 Financial Activity Statement for the period ended 31 March 2010

PURPOSE

The March 2010 Financial Activity Statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

Council adopted the Annual Budget for the 2009/10 Financial Year at its Meeting held on 17th June - JSC10-06/09. The figures in this report are compared to the Adopted Budget figures.

The March 2010 Financial Activity Statement report shows an overall favourable variance from operations and capital of \$9,450k when compared to the 2009-2010 Adopted Budget.

This variance can be summarised as follows:

- The **Operating** surplus is \$854k above budget made up of higher revenue of \$670k and lower operating expenditure of \$184k.

Operating revenue is above budget for Rates \$408k, Investment Earnings \$1,182k which resulted from a combination of higher market interest rates and level of funds invested and Fees and Charges \$69k. A shortfall in revenue occurred for Grants and Subsidies (\$619k) and Contributions Reimbursements and Donations (\$329k), mainly due to timing differences for the State General Purpose Grant and Legal Fees Recoverable.

The operating expenditure was above budget for Depreciation (\$2,989k) based on the revaluation of the City's buildings in 2008/09. Operating expenditure is below budget in Employee Costs \$348k, Materials and Contracts \$2,284k, Utilities \$419k and Interest Expenses \$133k.

- The **Capital Revenue and Expenditure** deficit is \$5,633k below budget made up of a shortfall of revenue of (\$6,253k) and under expenditure of \$11,886k.

The revenue deficit to budget results predominantly from having received 50% of the grant funding for the Seacrest Community Sporting Facility in the previous financial year (\$2,609k) and the delay in receiving the Road Construction Grants that are subject to progress of works, including the Burns Beach Road Landscaping project (\$1,060k), Connolly Drive duplication (\$750k) and Moore Drive / Connolly Drive (\$635k) which is due to commence in June 2010.

Capital Expenditure is below budget on Capital Projects \$698k, Capital Works \$10,290k and Motor Vehicle Replacements \$811k.

The main variances occurred on Major Road Construction \$3,750k. This includes the Connolly Drive project, between Burns Beach Road and McNaughton Crescent, where footpath and landscaping work estimated at \$875k is due for completion December 2010, in addition to Moore Drive / Connolly Drive Dual Carriageway project budgeted at \$2,118k that is currently in the design stage. Streetscape Enhancements \$952k and Traffic Management Projects \$2,146k are also below budget as work is currently behind schedule.

Further details of the material variances are contained in the notes attached to this report.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2010 forming Attachment 1 to this Report.

BACKGROUND

The Local Government (Financial Management) Regulations 1996 requires the production of financial activity statements. Council approved at the 11 October 2005 meeting to accept the monthly Financial Activity Statement according to nature and type classification.

DETAILS

Issues and options considered:

The Financial Activity Statement for the period ended 31 March 2010 is appended as Attachment 1.

Legislation/Strategic Plan/Policy Implications

Legislation Section 6.4 of the Local Government Act 1995 requires a local government to prepare an annual financial report for the preceding year and such other financial reports as are prescribed.

Regulation 34(1) of the Local Government (Financial Management) Regulations 1996 as amended requires the local government to prepare each month a statement of financial activity reporting on the source and application of funds as set out in the annual budget.

Strategic Plan

Key Focus Area: Leadership and Governance

Objective: Objective 1.3 – To lead and manage the City effectively.

Risk Management considerations:

In accordance with section 6.8 of the Local Government Act 1995, a local government is not to incur expenditure from its municipal fund for an additional purpose except where the expenditure is authorised in advance by an absolute majority of Council.

Financial/Budget Implications:

Not Applicable

Regional Significance:

Not Applicable.

Sustainability implications:

Expenditure has been incurred in accordance with approved budget parameters, which have been structured on financial viability and sustainability principles.

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the provisions of 2009/10 Annual Budget or have been authorised in advance by Council where applicable.

While the surplus to the end of March 2010 appears to be significant, the majority of the surplus is due to capital works and is driven by timing differences, not savings. Employee costs are tightly controlled and the review of the Annual Budget 2009/10 identified that materials and contracts expenditures are under pressure, particularly in the area of building maintenance.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council NOTES the Financial Activity Statement for the period ended 31 March 2010 forming Attachment 1 to this Report.

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf180510.pdf](#)

ITEM 12 TENDER 002/10 SUPPLY AND DELIVERY OF CRUSHED LIMESTONE, BITUMEN EMULSION STABILISED LIMESTONE AND LIMESTONE ROCK SPALLS

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Mike Tidy Corporate Services
FILE NUMBER:	100558
ATTACHMENTS:	Attachment 1 Summary of Tender Submissions Attachment 2 Schedule of Items

PURPOSE

This report is to seek the approval of Council to accept the Tender submitted by WA Limestone for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls (Tender 002/10), used mainly for pavement construction.

EXECUTIVE SUMMARY

Tenders were advertised on 6 February 2010 through state-wide public notice for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls. Tenders closed on 23 February 2010. Two (2) submissions were received from:

- Italia Stone Group; and
- WA Limestone.

The submission from WA Limestone represents best value to the City. WA Limestone is a well established supplier that has been supplying limestone materials in Western Australia for over 30 years. The company has successfully supplied similar materials in the recent past for various local governments including the City.

It is recommended that Council ACCEPTS the Tender submitted by WA Limestone for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls for a three (3) year period in accordance with the statement of requirements as specified in Tender 002/10 at the submitted schedule of rates.

BACKGROUND

The City has a requirement for the supply and delivery of crushed limestone, pre-mixed bitumen emulsion stabilised limestone and limestone rock spalls to different areas within the City on an 'as and when' required basis. The supply and delivery of goods will be in accordance with the scope of requirements specified in the Request for Tender (RFT).

The City previously had a contract for the supply and delivery of crushed limestone and bitumen emulsion stabilised limestone with WA Limestone which expired on 11 January 2008. The expenditure for limestone materials at that time was below the tender threshold of \$100,000, so a new tender was not called and the materials were obtained through quotation. Expenditure has increased recently and a tender is now warranted.

DETAILS

Tenders were advertised on 6 February 2010 through state-wide public notice for the supply and delivery of crushed limestone, bitumen emulsion, stabilised limestone and limestone rock spalls. Tenders closed on 23 February 2010.

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria	Weighting
Capacity	50%
Demonstrated experience in completing similar projects	25%
Demonstrated understanding of the required tasks	20%
Social and economic effects on the local community	5%

Evaluation Panel

The evaluation panel comprised of three members. One with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process.

Tender Submissions

Two (2) submissions were received from:

- Italia Stone Group; and
- WA Limestone.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period, the fifteen (15) most commonly used items and their expected usage have been used. For the second and third twelve (12) month periods of the Contract, a price escalation based on an average CPI increase of 3.5% compounded has been applied. The table below provides the estimated cost for these items over the Contract period.

Respondent	Year 1	Year 2	Year 3	Total
WA Limestone	\$82,249	\$85,128	\$88,108	\$255,485
Italia Stone Group	Non compliant tender – not assessed			

* The schedule of items as listed in the RFT is provided in Attachment 2.

Evaluation Summary

Tenderer	Evaluation Score	Estimated Cost for all Items (Over 3 Years)	Qualitative Rank
WA Limestone	80%	\$255,485	N/A
Italia Stone Group	N/A	Non compliant tender – not assessed	N/A

Italia Stone Group's Submission did not meet the City's specified requirements in clause 3.4.3 of the RFT. Italia Stone Group was considered non compliant as it only tendered for 12 of the 21 items listed in the price schedule.

WA Limestone is a well established company with extensive industry experience and has the capacity to supply the required goods and services for the City. The company has been providing similar limestone products for various local governments including the City for many years. Both its head office in Bibra Lake and quarry in Neerabup have accredited quality management systems to ISO9001 and the company has an Occupational Health and Safety Policy in place.

WA Limestone tendered for all items listed. Its supply of 2% Bitumen Stabilised Limestone (items 1c, 2c and 3c) is subject to rise and fall with adjustment based on the prevailing price of Bitumen Emulsion ex BP Australia in Perth. The Panel noted that the rise and fall proposed is in accordance with industry practice and the proposed formula for contract rate variation was accepted by the City in its previous contract.

As referred to previously the City has been making purchases of these materials on a quotation basis for the last couple of years. The tendered prices are with a few exceptions less than or equal to recent purchase prices. The price for the most common type, 75 mm Limestone is the same as recent prices. In the three cases of increases the highest is 2.5%.

Issues and options considered:

The City has a requirement for the supply and delivery of crushed limestone, pre-mixed bitumen emulsion, stabilised limestone and limestone rock spalls. The City does not have the internal resources to provide the required goods and services and requires an appropriate external supplier to supply the requirements.

Legislation/Strategic Plan/Policy Implications

Legislation

A state-wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996*, where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan**Key Focus Area:** The Built Environment**Objective:** To progress a range of innovative and high quality urban development projects within the City.**Policy** Not Applicable.**Risk Management considerations:**

Should the Contract not proceed, the risk to the City will be high as the City will not have the supply of the materials as and when required to complete its various capital works projects.

It is considered that the Contract will represent a low risk to the City as the recommended Respondent is a well established supplier with significant industry experience and has the capacity to provide the goods and services for the City.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract	Projected Expenditure on these Goods and Services to 30 June 2010	Projected Expenditure on these Goods and Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Goods and Services over the Life of the Contract if Accepted
\$90,000 (Estimate of limestone material component of Capital Works Projects)	\$48,952 (Current Contract) \$33,298 (New Contract)	\$82,249	\$255,485

The projected expenditure under the Contract is dependent on the quantity and type of requirements throughout the Contract period and may change accordingly.

Regional Significance:

Not Applicable.

Sustainability implications:

It is noted that the recommended supplier is sourcing the material from Neerabup which therefore represents a very close delivery point to sites within the City of Joondalup, minimising transportation requirements.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the submissions in accordance with the Qualitative Criteria and concluded that the Offer representing best value to the City is that as submitted by WA Limestone.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tender submitted by WA Limestone for the supply and delivery of crushed limestone, bitumen emulsion stabilised limestone and limestone rock spalls for a three (3) year period in accordance with the statement of requirements as specified in Tender 002/10 at the submitted schedule of rates.

Appendix 10 refers

To access this attachment on electronic document, click here: [Attach10brf180510.pdf](#)

ITEM 13 TENDER 004/10 PROVISION OF IRRIGATION PUMP AND BORE MAINTENANCE SERVICES

WARD: All

RESPONSIBLE DIRECTOR: Mr Mike Tidy
Corporate Services

FILE NUMBER: 100658

ATTACHMENTS: Attachment 1 Summary of Tender Submissions
Attachment 2 Schedule of Items

PURPOSE

This Report is to seek the approval of Council to accept the Tender submitted by Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services (Tender 004/10).

EXECUTIVE SUMMARY

Tenders were advertised on 13 March 2010 through state-wide public notice for the provision of irrigation pump and bore maintenance services. Tenders closed on 30 March 2010. Four (4) Submissions were received from:

- Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps;
- Allpumps and Waterboring;
- K. S. Black (WA) Pty Limited; and
- Waterbore Redevelopers WA.

The submission from Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps represents best value to the City with the lowest labour rates and parts percentage mark-up. They demonstrated their capacity, have a good understanding of the City's requirements and have the required experience in providing similar services to other local governments.

It is recommended that Council ACCEPTS the Tender submitted by Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services for a three (3) year period in accordance with the statement of requirements as specified in Tender 004/10 at the submitted schedule of rates

BACKGROUND

The scope of this requirement is for the removal, maintenance and installation of irrigation pumps and the redevelopment of existing bores. The services shall be inclusive of emergency repairs and scheduled maintenance.

The location of the works will be at various parks and streetscapes within the City. There are approximately 215 irrigation pumps and bores which may require repair work or modification over the Contract period. The types of pumps to be serviced range from turbine, centrifugal, submersible, vertical multi-stage and aerators.

The City had a single Contract for the provision of irrigation pump and bore maintenance services which expired on 28 January 2010. The services are being obtained on a quotation basis until a new Contract is in place.

DETAILS

Tenders were advertised on 13 March 2010 through state-wide public notice for the provision of irrigation pump and bore maintenance services.

Evaluation Criteria

The qualitative criteria and weighting used in evaluating the submissions received were as follows:

Qualitative Criteria		Weighting
1	Demonstrated experience in providing similar services	40%
2	Capacity	30%
3	Demonstrated understanding of the required tasks	25%
4	Social and economic effects on the local community	5%

Evaluation Panel

The Evaluation Panel comprised of three members. One with tender and contract preparation skills and two with the appropriate technical expertise and involvement in supervising the Contract. The panel carried out the assessment of submissions in accordance with the City's evaluation process in a fair and equitable manner.

Tender Submissions

Four (4) Submissions were received from:

- Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps;
- Allpumps and Waterboring;
- K. S. Black (WA) Pty Limited; and
- Waterbore Redevelopers WA.

A summary of the Tender submissions including the location of each Tenderer is provided in Attachment 1.

To provide an estimated expenditure over a twelve (12) month period, thirty-five (35) bores representing the most common sizes and configuration were identified and used in the calculation. The table below provides a comparison of the calculations for evaluation purposes. Any future requirements will be based on demand and subject to change in accordance with the operational needs of the City. The calculation does not take into consideration emergency repairs and breakdowns.

The rates are fixed for the first year of the Contract, but are subject to a price variation in years two and three of the Contract to a maximum of the CPI for the preceding year. For estimation purposes, a compounded 3.5% CPI increase was applied to the rates in years two and three.

The cost comparisons for evaluation purposes of each Tenderer is as follows:

Estimated Cost	Hydroquip Pumps	Allpumps and Waterboring	K.S. Black (WA) Pty Limited	Water Bore Redevelopers WA
Year 1	\$292,215	\$426,060	\$329,320	\$385,980
Year 2	\$302,443	\$440,972	\$340,846	\$399,489
Year 3	\$313,028	\$456,406	\$352,776	\$413,471
Total Estimated Cost	\$907,686	\$1,323,438	\$1,022,942	\$1,198,940

During the last financial year 2008/09, the City incurred \$356,660 for the provision of irrigation pump and bore maintenance services and is expected to incur in the order of \$1,000,000 over the three (3) year Contract period.

Evaluation Summary

Tenderer	Evaluation Score	Cost Calculations for Evaluation Purposes	Qualitative Rank
Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps	89.1%	\$907,686	1
Allpumps and Waterboring	79.8%	\$1,323,438	2
K.S. Black (WA) Pty Limited	74%	\$1,022,942	3
Water Bore Redevelopers WA	50.3%	\$1,198,940	4

Water Bore Redevelopers were ranked last in the qualitative assessment and third in price. They did not provide sufficient information demonstrating their capacity or understanding of the requirements. They also did not demonstrate adequate experience in undertaking pump servicing and their Offer was 32% more expensive than Hydroquip Pumps.

Both K.S. Black (WA) Pty Limited and Allpumps and Waterboring are well-resourced companies that demonstrated a good understanding of the City's requirements and experience in undertaking similar services for other local governments. While they can meet all the City's requirements, their Offers were 12.7% and 45.8% respectively more expensive than Hydroquip Pumps.

Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps was ranked first in both qualitative assessment and price. They demonstrated their experience, capacity and have a good understanding of the requirements. They also submitted the lowest priced Offer with a low materials mark-up percentage and competitive labour rates.

Issues and options considered:

The City does not have the internal resources to supply the required goods and services and as such requires an appropriate external service provider.

Legislation/Strategic Plan/Policy Implications

Legislation A state-wide public tender was advertised, opened and evaluated in accordance with Clause 11(1) of Part 4 of the *Local Government (Functions & General) Regulations 1996* (WA), where tenders are required to be publicly invited if the consideration under a contract is, or is estimated to be, more, or worth more, than \$100,000.

Strategic Plan

Key Focus Area: The natural environment.

Objective: To ensure that the City's natural environmental assets are preserved, rehabilitated and maintained.

Policy Not Applicable.

Risk Management considerations:

Should the contract not proceed, the risk to the City will be high as the City would not be able to properly maintain its irrigation pumps and breakdowns may affect the distribution of water to parks and street landscapes.

It is considered that the Contract will represent a low risk to the City as the recommended Tenderer has personnel with significant industry experience, a good understanding of the requirements and the capacity to provide the services to the City in a timely manner.

Financial/Budget Implications:

Current Year Budget Allocation for this Contract 2009/2010	Projected Expenditure on these Services to 30 June 2010	Projected Expenditure on these Services in first 12 Months of Contract if Accepted	Projected Expenditure on these Services over the Life of the Contract if Accepted
\$300,000	\$157,774 (previous Contract to date) \$24,351 (new Contract)	\$292,215	\$1,000,000

The projected expenditure above does not take into consideration emergency repairs and breakdowns.

Regional Significance:

Not Applicable.

Sustainability implications:

Irrigation pumps and their associated bores are an integral component in the efficient management of the City's water resources. The City has approximately 215 irrigation pumps and bores in its parks and streetscapes which may require repair work or modification over the Contract period. The efficient supply of water from bores enhances the quality of these areas used by the community.

Consultation:

Not Applicable.

COMMENT

The Evaluation Panel carried out the evaluation of the Submissions in accordance with the Qualitative Criteria in a fair and equitable manner and concluded that the Offer representing best value to the City is that as submitted by Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council ACCEPTS the Tender submitted by Acemark Investments ATF The McFadden Trust T/as Hydroquip Pumps for the provision of irrigation pump and bore maintenance services for a three (3) year period in accordance with the statement of requirements as specified in Tender 004/10 at the submitted schedule of rates.

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf180510.pdf](#)

ITEM 14 ICONIC ARTERIAL ROAD PROJECTS EVALUATION

WARD:	All
RESPONSIBLE DIRECTOR:	Mr Martyn Glover Infrastructure Services
FILE NUMBER:	53597
ATTACHMENTS:	Attachment 1 Shenton Avenue Concept Plan

PURPOSE

This report is in response to a Council request (CJ176-09/08 refers) for an evaluation of the Burns Beach Road Landscape Project and a further request (CJ245-11/08 refers) for the potential to construct key intersection treatments using the Landscape Master Planning principles. Burns Beach Road is the first Iconic Arterial Road Project to be implemented, from which a program of works and a schedule of costs can be derived for the implementation of future Iconic Arterial Road Projects.

EXECUTIVE SUMMARY

In March 2008 Council endorsed seven major roadways as the Iconic Arterial Road Projects. Burns Beach Road Landscaping Stage 1 (Tender 021/09) is the first Iconic Arterial Road Project undertaken and Stage 1 commenced in March 2010. Costs for this evaluation are based on known and associated predicted costs for this tender.

The future success of the Iconic Arterial Road Projects and underpinning biodiversity preservation is the effective management of the growing program and production of local provenance plants and maintenance regimes put in place after installation.

The demonstrated costs and other identified priorities have been listed for each road and from this information the following has been recommended.

It is recommended that Council:

- 1 AGREES to Shenton Avenue and Whitfords Avenue (in that order) to be scheduled for the next two Iconic Arterial Road Projects;*
- 2 NOTES that further evaluation and costing on completion of Stage 1 of the Burns Beach Road Project in 2011 will be required before detailed budgeting and scheduling of future works is undertaken;*
- 3 AGREES that the chosen Iconic Arterial Road Projects be the focus of specific intersection treatments and the western side of the intersection of Mitchell Freeway and Shenton Avenue be landscaped in the 2010/11 Capital Works Program.*

BACKGROUND

The City of Joondalup has developed a Landscape Master Plan (LMP) in response to predicted environmental changes that may impact on the City's ability to provide and maintain a level of service expected by the community and in response to the Water Corporation's call for major reductions in irrigation water use across Perth.

The focus of the LMP is on created landscapes being public open space (POS), verges, medians and community buildings while recognising and enhancing linkages to conservation and bush land areas. A key criterion is the use of local provenance plant species and the City is embarking on a Growing Program (Tender 029/09 in progress) to further develop local provenance plant species available for use in landscapes and to ensure continual supply into the future.

The seven Iconic Arterial Road Projects selected and agreed to by Council (CJ034-03/08 refers) are identified as follows:

- Burns Beach Road
- Shenton Avenue
- Hodges Drive
- Ocean Reef Road
- Whitfords Avenue
- Hepburn Avenue
- Warwick Road

Burns Beach Road Landscaping Stage 1 (Tender 021/09) is the first Iconic Arterial Road Project undertaken and installation of Stage 1 commenced in February 2010.

A small section of Hodges Drive from the Freeway to Joondalup Drive, having been funded in the 2008/09 budget, was included in Tender 021/09 for cost effective delivery.

DETAILS

The known costs of the Burns Beach Road Stage 1 Contract (Tender 021/09), associated predicted costs for the Iconic Native Species Plant Growing Program (Tender 029/09 in progress) and mature transplanted trees supply and installation costs have been combined to give an indicative cost per square metre for landscaping the median.

The following table demonstrates these figures applied to broad scale landscaping, reflecting the approved design on Burns Beach Road (CJ176-09/08 refers) and referring to medians only, on each specific Iconic Arterial Road Project. A maintenance component for a 12 month period has been shown separately.

ICONIC ROAD PROJECT	CONSTRUCTION	ANNUAL MAINTENANCE
Burns Beach Road (average 10 metre wide median) Delgado Parade to Joondalup Drive 3.75 km	\$1,642,500	\$112,500
Shenton Avenue (average 12 metre wide median) Marmion Avenue to Pontiac Way, 2.2 km	\$1,156,320	\$79,000
Hodges Drive (average 9.2 metre wide median) Marmion Avenue to the Freeway 3.13 km	\$1,261,265	\$86,388
Ocean Reef Road (average 9 metre wide median) Rig Court to Wanneroo Road, 6.3 km	\$2,483,460	\$170,100
Whitfords Avenue (average 9 metre wide median) Belrose Entrance to Wanneroo Road, 7.07 km	\$2,786,994	\$190,890
Hepburn Avenue (average 8 metre wide median) West Coast Drive to Wanneroo Rd, 7.97 km	\$2,792,688	\$191,280
Warwick Road (average 18.5 metre wide median) Marmion Avenue to Wanneroo Rd, 5.64 km	\$4,570,092	\$313,020

Further detailed examination of each individual road median, identifying possible retention of existing vegetation, may reduce the overall length and in turn affect the estimates as shown. Establishment costs of the growing program are reflected in the plant supply component of the rate per square metre and it could be feasible to expect those costs to also be reduced in the future.

The prioritisation of the Iconic Arterial Road Projects can be considered arbitrary; however the following aspects have been taken into account and rated High, Medium, Low or ranked in order of importance to facilitate scheduling a works program:

- Predicted Construction costs
- Predicted Maintenance costs
- Existing vegetation
- Biodiversity linkages -each road is ranked on the importance of its proximity to wetland and Bushland conservation areas.
- Priority ranking - derived from rating the above four aspects.

ICONIC ROAD PROJECT	PREDICTED CONSTRUCTION COSTS	PREDICTED MAINTENANCE COSTS	EXISTING VEGETATION	BIODIVERSITY LINKS RANKING	PRIORITY RANKING
Shenton Avenue	LOW	LOW	LOW	2	1
Hodges Drive	LOW	LOW	LOW	6	5
Ocean Reef Rd	MED	MED	LOW-MED	4	4
Whitfords Avenue	MED	MED	LOW	1	2
Hepburn Avenue	MED	MED	LOW-MED	3	3
Warwick Road	HIGH	HIGH	MED-HIGH	5	6

Issues and options considered:

Each of these arterial roads has sections where the condition of existing vegetation is better than others. Whilst the information contained in this report refers to the arterial roads in their entirety there are many options for staging the works, selecting specific intersections or sections of road and building on existing vegetation.

The effectiveness of biodiversity preservation is dependant on connectivity to the surrounding pockets of bushland/wetland areas. While staging projects has a practical advantage for budgeting and scheduling projects, the best outcomes for biodiversity will not be realised until the linkages are continuous and complete.

Shenton Avenue rates highly to follow on as the next Iconic Arterial Road Project because it has low construction costs, low maintenance costs, low existing vegetation and it is the second highest ranking for biodiversity linkages. The balance of the projects would then be completed in the priority order, that is, Whitfords Avenue is the next project after Shenton Avenue.

Furthermore, there has been work done recently which complements Shenton Avenue as the next project. In 2009/10 the City installed landscaping to the Fairway Circle entrances off Shenton Avenue in cooperation with the Connolly Residents Association. The landscaping was designed to complement the Iconic Road concepts.

The design for Shenton Avenue landscaping is complete (Attachment 1 refers) as this project was initially considered as the most likely to be supported by Council before Burns Beach Road was selected due to the availability of grant funding. There is already main line reticulation along the length of Shenton Avenue between Carnaby Reserve to the east of Delamere Avenue to the west.

In November 2008 Council requested that key intersection treatments be considered to promote the Landscape Master Plan principles where whole projects could not be completed due to financial constraints.

On the basis that Council supports Shenton Avenue as the next Iconic Road Project, the intersections for potential treatment are:

- Mitchell Freeway / Shenton Avenue (west side)
- Connolly Drive / Shenton Avenue
- Marmion Avenue / Shenton Avenue

In terms of high visibility the Marmion Avenue and Mitchell Freeway intersections would provide the highest level of passing traffic with 39,000 vpd and 28,000 vpd respectively.

The City has committed funds in the 2010/11 budget for landscaping works in Shenton Avenue to the east of the Mitchell Freeway to complement the landscaping works associated with the Western Power substation.

The intersection of Connolly Drive may receive funding for landscaping subject to the outcome of the tender for the construction of this project, that is, if there are surplus funds these can be re-directed towards landscaping similar to the experience with Burns Beach Road and Connolly Drive.

The roundabout at the intersection of Marmion Avenue and Shenton Avenue is already landscaped, however both it and the surrounding verges, specifically to the east of the intersection, would benefit from re-landscaping in accordance with the Iconic Road design.

Work is already being carried out on the east side of the Mitchell Freeway, and as this intersection is an entry into the City Centre, it would be appropriate to complete it as the first Iconic intersection on Shenton Avenue.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan Landscape Master Plan 2009 – 2019

Key Focus Area: 5: Verge and Medians

Objective: To showcase the natural floral diversity of the City of Joondalup in major verges and medians and provide habitat corridors between coastal and lake zones
To improve water use efficiency in the City's irrigated verges and medians

Policy Not Applicable.

Risk Management considerations:

The greatest initial risk to the City with the Iconic Arterial Road Projects is the failure to provide the most suitable plant material for specific locations (local provenance species). The ongoing risks are associated with maintenance regimes and horticultural practices put in place after completion of installation and hand over to Council.

Financial/Budget Implications:

This report is the subject of future scheduling of works and predicted costs for the remaining six Iconic Arterial Road Projects.

The Five Year Capital Works Program adopted by the Council in June 2009 was prior to the tender being accepted by the Council on the Supply and Delivery of Iconic Plant Species (Item CJ022-02/10 refers), and as such, a review of the costs associated with the Iconic Roads Program is necessary. A revised Five Year Capital Works Program will require Council consideration during the 2010 budget process.

The draft 2010/11 Capital Works Program provides for an increase in funding from \$250,000 (2009 Five Year Capital Works Program) to \$760,000.

The square metre rate applied to the calculation of each individual Iconic Road Project was arrived at from a cost attributed to each element of the Burns Beach Road Landscaping Stage 1 installation over the area of median receiving the treatment.

The breakdown of those costs is as follows:

Site works	\$ 18,690.33
Hardscape installation	\$202,365.29
Garden bed prep & tree planting	\$ 21,003.60
Reticulation installation	\$203,535.85
Traffic management	\$ 50,000.00
Transplants	\$ 93,300.00
Tube stock	\$ 69,738.25
Tree supply	\$ 6,154.00
Mulch cartage	\$ 10,000.00
Species development (mother stock)	\$ 4,290.00
Monitoring	\$ 10,000.00
Consultancy	\$ 15,000.00
Total	\$689,787.00 for 9444 square metres = \$73 per square metre

It is noted that the cost to provide iconic landscaping to all iconic arterial roads over a short time frame will be cost prohibitive. Consequently, it will be necessary to consider shorter lengths of road and key intersections as a staged development of the arterial landscape or increase the budget allocations to these projects.

In consideration of the draft Five Year Capital Works Program, there is provision to complete Burns Beach Road, Shenton Avenue and approximately half the length of Whitfords Avenue. If this level of funding is maintained, the completion of the balance of the arterial roads will take a further 12 years.

It is also noted that the additional annual maintenance costs for Burns Beach Road and Shenton Avenue will be \$112,500 and \$79,000 respectively or accumulatively the equivalent of approximately 0.3% of a rate increase in 2010/11.

Regional Significance:

Not Applicable.

Sustainability implications:

The Iconic Arterial Road Projects of the City's Landscape Master Plan will contribute to the preservation of local biodiversity through the installation of local provenance plants (Iconic Native Species Plant Growing Program Tender 029/09 in progress). Showcasing the City's unique native plants through the Iconic Arterial Road Projects will educate and encourage the community to include local provenance plants in their home gardens.

Consultation:

Not Applicable.

COMMENT

This evaluation is based on Stage 1 of the Burns Beach Road Landscaping Project (Tender 021/09) which commenced in February 2010. There are still many predictive elements to the costs assessment. The Burns Beach Road Landscaping Project is a pilot project for monitoring and reviewing as each stage is completed.

To provide good connectivity to the biodiversity linkages it is most desirable to complete each Iconic Arterial Road Project installations before progressing to the next project. In assisting the progress of local provenance planting and to provide cost effective management, there are considerable advantages in tying the proposed 'Key Intersection Treatments' into the next scheduled Iconic Arterial Road Projects.

The Iconic Native Species Plant Growing Program (Tender 029/09) has been awarded and the best results for all the Iconic Arterial Road Projects undertaken is directly linked to the success of this growing program.

The maintenance implications have not been clearly identified with regard to the new maintenance regimes and horticulture practices required for care of these landscapes. Management plans will be written for this aspect of the Iconic Arterial Road Projects as Burns Beach Road Landscape Project progresses and assessments are undertaken.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council:

- 1 AGREES that the next two Iconic Arterial Road projects will be Shenton Avenue followed by Whitfords Avenue, scheduled to commence in 2011/12 and 2013/14 respectively;**
- 2 NOTES that further evaluation and costing on completion of Stage 1 of the Burns Beach Road Project in 2011 will be required before detailed budgeting and scheduling of future works is undertaken;**
- 3 AGREES that the chosen Iconic Arterial Road Projects be the focus of specific intersection treatments and the western side of the intersection of Mitchell Freeway and Shenton Avenue be landscaped in the 2010/11 Capital Works Program.**

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf180510.pdf](#)

The application from Main Roads WA has been submitted under the Conditions for a *Significant Person Memorial*. The application is also supported by two Committees comprising local community representatives which were involved in the community consultation process associated with the Mitchell Freeway extension, and the Friends Group, Friends of Carnaby Reserve.

City Policy - Memorial in Public Reserves requires that all applications for Significant Person Memorials are supported by family members. The application from Main Roads WA is fully supported by Ms Goble-Garratt's family.

The application details the rationale for the application and the following provides a summary:

- Ms Ethel Margaret (Dinky) Goble-Garratt was born on 20 April 1952 in Pretoria, South Africa. She relocated to Australia in the 1970s and completed her Masters of Science at the University of Western Australia as a botanist. Ms Goble-Garratt died on 3 January 2008, in Perth, Western Australia.
- Ms Goble-Garratt worked as a consultant for Main Roads from 1987 and during that time provided advice and assistance with the environmental aspects of major projects such as Roe Highway, Graham Farmer Freeway and more recently the Mitchell Freeway Extension. She was a Life Member and Founding Member of the Environmental Consultant's Association and a member of the Royal Society of Western Australia.
- Ms Goble-Garratt was passionate about her work and the environment and was instrumental in raising awareness at Main Roads WA of environmental issues and the need for community engagement in environmental issues.
- Ms Goble-Garratt's involvement with the Mitchell Freeway Extension project resulted in a reduction of the impact on natural vegetation. Whilst Ms Goble-Garratt represented Main Roads, she also worked very closely with the City of Joondalup and its community, through the Mitchell Freeway Extension Community Consultation Process to improve and protect Carnaby Reserve, Connolly.
- Ms Goble-Garratt also worked with the students from Connolly Primary School, educating them on the natural environment, flora and fauna and how to nurture native plants from seed collection to re-vegetation. She provided locally collected native plant seeds to the students who then grew the seedlings in the schools green house. The students then planted the seedlings in Carnaby Reserve.

This application is in accordance with City Policy - Memorials in Public Reserves and meets the required conditions for a *Significant Person Memorial* and it is therefore proposed that a memorial bench be installed adjacent to the path in the north-east corner of Carnaby Reserve (Attachment 1 refers).

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

Not Applicable.

Strategic Plan**Key Focus Area:**

Community Wellbeing.

Objective: 5.1

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

Policy

City Policy - Memorials in Public Reserves

Risk Management considerations:

City Policy - Memorials in Public Reserves, *Conditions for Significant Person Memorials*, details a set of conditions to minimise risk associated with installation of memorials including:

- Installation on Crown Land vested in the management of the City, and reserved for the purposes of recreation, public open space, or road reserves;
- Installation where there is minimal impact on the local amenity and surrounding residents;
- Applicants are responsible for the ongoing maintenance of their memorial;
- If the memorial is disturbed through works either by the City or external contractors working for another Government Department, the memorial is to be removed at the expense of the party undertaking the works and returned to the family. Reinstallation is subject to approval by the City's Chief Executive Officer.
- If the ongoing maintenance of a memorial is neglected, the City reserves the right to remove the memorial and return it to the family, and reinstallation will required a recommencement of the application process.

Financial/Budget Implications:

The Policy requires that all capital and maintenance associated with the memorial are borne by the applicant. It is noted that in this instance the City will maintain the memorial bench due to the maintenance agreement between the City and Main Roads WA for Carnaby Reserve.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

The City has consulted with Ms Goble-Garratt's family and Connolly resident groups to confirm the proposal is supported.

COMMENT

The application from Main Roads WA, in partnership with the two Committees comprising local community representatives involved in the community consultation process associated with the Mitchell Freeway extension, and the Friends Group, Friends of Carnaby Reserve meets the conditions for a *Significant Person Memorial* detailed in City Policy - Memorial in Public Places. The application demonstrates that Ms Goble-Garratt made a significant contribution to a number of initiatives within the City of Joondalup, and, therefore, a permanent memorial comprising a memorial bench with a plaque would be a fitting way to recognise that contribution.

VOTING REQUIREMENTS

Simple Majority.

RECOMMENDATION

That Council APPROVES the application received by Main Roads WA to install a memorial bench with a plaque within Carnaby Reserve, Connolly in honour of Ms Ethel Margaret (Dinky) Goble-Garratt's significant community contributions within the City of Joondalup.

Appendix 13 refers

To access this attachment on electronic document, click here: [Attach13brf180510.pdf](#)

8 REPORT OF THE CHIEF EXECUTIVE OFFICER

9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

NOTICE OF MOTION NO 1 – MAYOR TROY PICKARD – PREVENTION OF BREEDING OF RATS AND MICE IN A RESIDENTIAL AREA – [37468]

In accordance with Clause 26 of the Standing Orders Local Law 2005, Mayor Troy Pickard gave notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 25 May 2010:

“That Council REQUESTS a report on possible changes to the City of Joondalup’s relevant planning instruments and/or local laws to prevent large scale breeding of animals in residential areas for commercial sale and/or consumption”.

REASON FOR MOTION:

Mayor Pickard has submitted the following comments in support of his motion:

“The City was recently made aware of the intent of an owner of a property in Ocean Reef to breed rats and mice and to kill them within the dwelling at the premises for the purposes of commercial sale (food for reptiles). The owner proposed to operate this business within the parameters of Clause 4.4.1.1 of the District Planning Scheme No. 2 (DPS2) and the interpretation of “home business - category 1” as defined in Schedule 1 of DPS2.

The proposed business is considered to be an unacceptable land use in a residential area but the City is not aware of any provision under the current provisions of the City’s District Planning Scheme or Local Laws that can be used to prevent this proposed activity from occurring.

This has caused much distress in the local community and, although the owners of the dwelling have now indicated they will not proceed with the proposed business at the premises, possible changes to relevant planning instruments and/or local laws need to be investigated to prevent this situation from occurring elsewhere in the residential areas of the City.

It is proposed that the Council requests a report recommending changes to the City of Joondalup’s relevant planning instruments and/or local laws to prevent large scale breeding of animals in residential areas for commercial sale and/or consumption”.

OFFICER’S COMMENT

A report will be prepared.

10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS



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

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

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

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

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

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



DECLARATION OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY

**To: CHIEF EXECUTIVE OFFICER
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**

TITLE <i>(Mr/Mrs/Ms/Dr)</i>	FIRST NAME	SURNAME	ADDRESS

QUESTIONS

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Please submit this form at the meeting or:

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

Please note that:

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

