

minutes

Ordinary Meeting of Council

MEETING HELD ON **TUESDAY, 25 MAY 2010**

TABLE OF CONTENTS

ITEM NO	TITLE	PAGE NO
	DECLARATION OF OPENING/ANNOUNCEMENT OF VISITORS	1
	PUBLIC QUESTION TIME	2
	PUBLIC STATEMENT TIME	7
	APOLOGIES AND LEAVE OF ABSENCE	8
C18-05/10	REQUEST FOR LEAVE OF ABSENCE – CR JOHN CHESTER AND CR LIAM GOBBERT	9
C19-05/10	CONFIRMATION OF MINUTES	9
	ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION	9
	DECLARATIONS OF INTEREST	10
	IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS	11
C20-05/10	PETITIONS	11
	REPORTS	
CJ068-05/10	MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT DEVELOPMENT, CODE VARIATIONS AND SUBDIVISION APPLICATIONS – MARCH 2010 - [07032, 05961]	13
CJ069-05/10	PROPOSED CHANGE OF USE FROM SHOWROOM TO TAKE AWAY FOOD OUTLET: LOT 5004 (4) HOBSONS GATE, CURRAMBINE - [56612]	17
CJ070-05/10	PROPOSED LAND EXCHANGE – PORTION OF LOTS 236 (59) AND 242 (63 BEACHSIDE DRIVE, BURNS BEACH - [23589]	25
CJ071-05/10	PROPOSED AMENDMENT NO 45 TO DISTRICT PLANNING SCHEME NO 2 – LOT 535 (20) BURRAGAH WAY, DUNCRAIG - [86629]	29
CJ072-05/10	PROPOSED AMENDMENT NO 47 TO DISTRICT PLANNING SCHEME NO. 2 TO MODIFY SCHEDULE 4 – EXEMPTED ADVERTISEMENTS - [100360, 01907]	38

CJ073-05/10	JOONDALUP CITY CENTRE STRUCTURE PLAN AND SCHEME AMENDMENT NO. 42 – FINALISATION/ADOPTION- [33624, 34624]	43
CJ074-05/10	EXECUTION OF DOCUMENTS - [15876]	54
CJ075-05/10	MINUTES OF EXTERNAL COMMITTEES - [03149]	58
CJ076-05/10	ANNUAL PLAN QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 JANUARY TO 31 MARCH 2010 - [20560]	59
CJ077-05/10	LIST OF PAYMENTS MADE DURING THE MONTH OF MARCH 2010 - [09882]	62
CJ078-05/10	FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2010 - [07882]	65
CJ079-05/10	TENDER 002/10 – SUPPLY AND DELIVERY OF CRUSHED LIMESTONE, BITUMEN EMULSION STABILISED LIMESTONE AND LIMESTONE ROCK SPALLS - [100558]	68
CJ080-05/10	TENDER 004/10 - PROVISION OF IRRIGATION PUMP AND BORE MAINTENANCE SERVICES - [100658]	72
CJ081-05/10	ICONIC ARTERIAL ROAD PROJECTS EVALUATION - [53597]	77
CJ082-05/10	APPLICATION TO INSTALL A MEMORIAL PLAQUE IN MEMORY OF MS ETHEL MARGARET GOBLE-GARRATT WITHIN CARNABY RESERVE, CONNOLLY - [06998]	84
C21-05/10	COUNCIL DECISION – EN BLOC RESOLUTION REPORT OF THE CHIEF EXECUTIVE OFFICER	88
CJ083-05/10	JOONDALUP CITY CENTRE COMMERCIAL OFFICE DEVELOPMENT - PROJECT PHILOSOPHY AND PARAMETERS	88
	MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN	
C22-05/10	NOTICE OF MOTION NO 1 – MAYOR TROY PICKARD – PREVENTION OF BREEDING OF RATS AND MICE IN A RESIDENTIAL AREA – [37468]	99
	ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING	100
	CLOSURE	100

CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY, 25 MAY 2010

DECLARATION OF OPENING

The Mayor declared the meeting open at 1900 hrs.

ANNOUNCEMENT OF VISITORS

Mayor:

TROY PICKARD

Councillors

Cr KERRY HOLLYWOOD	North Ward – <i>Deputy Mayor</i>
Cr TOM McLEAN	North Ward
Cr PHILIPPA TAYLOR	North-Central Ward
Cr TRONA YOUNG	North-Central Ward
Cr LIAM GOBBERT	Central Ward
Cr GEOFF AMPHLETT	Central Ward
Cr CHRISTINE HAMILTON-PRIME	South-West Ward
Cr MIKE NORMAN	South-West Ward
Cr JOHN CHESTER	South-East Ward <i>Absent from 2023 hrs to 2025 hrs</i>
Cr BRIAN CORR	South-East Ward
Cr RUSS FISHWICK	South Ward
Cr FIONA DIAZ	South Ward

Officers:

MR GARRY HUNT	Chief Executive Officer
MRS DALE PAGE	Director, Planning and Development
MR JAMIE PARRY	Director, Governance and Strategy
MR MIKE TIDY	Director, Corporate Services
MR MARTYN GLOVER	Director, Infrastructure Services
MR ROBERT FARLEY	Manager, Planning Approvals and Environmental Services
MR MARK McCRORY	Acting Manager, Governance & Marketing/Media Advisor
MRS LESLEY TAYLOR	Acting Administrative Services Coordinator
MRS ROSE GARLICK	Administrative Secretary

There were 23 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 20 April 2010:

Mr P Morley, Bullsbrook:

Re: Draft Beach Management Plan – Horse Beach

Q1 *When the original petition with 1700 signatures called for an extension to the beach south, why is this option not included in the Draft Beach Management Plan?*

A1 The Draft Beach Management Plan Survey offered 4 options for extending the Hillarys Dog Beach for community consideration. Options 3 and 4 included extending the beach south.

Miss S Gibson, Duncraig:

Re: Draft Beach Management Plan – Dog Beach

Q1 *How many parks in the City of Joondalup are dogs permitted to be exercised?*

A1 There are 249 parks and public open spaces in the City of Joondalup (including foreshore reserves); of these, there are 9 parks where dogs are not permitted to be exercised. Dogs are permitted in the remaining 240 parks.

Q2 *How many dog beaches are there in the northern suburbs?*

A2 There is one dog beach in the City of Joondalup, namely Hillarys Dog Beach. For information on dog beaches contained within other local governments located in the 'northern suburbs', Miss Gibson will need to contact the relevant local governments with her query.

Mr F Parrotte, Hillarys:

Re: Removal of trees either side of the coastal path between Pinnaroo Point and Whitfords Avenue.

Q1 *Why were these trees cut down to ground level which are now re-sprouting?*

A1 The trees were cut down because they are woody weeds and the area in question is a high priority bush forever site. The trees are not local to the City of Joondalup or this section of the coast. One of the species of trees removed was the *Tamarisk Aphylla* which is one of the 20 most significant weeds in Australia. Some of the trees removed, such as the *Tamarisk Aphylla*, were from overseas and some from other parts of WA.

The trees that are re-sprouting will be re-poisoned over the next few weeks to ensure they do not re-establish.

Q2 *Are there plans to re-vegetate the area to replace these trees and if these trees are endemic species why haven't the same trees been removed from the grass areas, the entrance of Pinnaroo Point, Whitfords Beach car park and the bushland surrounding the area?*

A2 The site was planted approximately two years ago with *Acacia cyclops* which is a local species of small tree found at this site. Some of these trees are now 1 metre tall. A further 200 *Acacia cyclops* will be planted this winter with other local species. The City will continue to plant at this site for a further 4-5 years until the species are self sustaining.

The trees in the grass areas, the entrance of Pinnaroo Point, Whitfords Beach car park and the bushland surrounding the area have not been removed as the City is concentrating on removal of feral trees in bushland areas.

Mrs M Macdonald, Mullaloo:

Re: Confidential report

Q1 *Can you confirm that the late confidential item in tonight's agenda relates to the purported breach of Contract by Turfmaster Pty Ltd?*

Q2 *On 23 December 2008 Council passed the following resolution:*

“AUTHORISES the Chief Executive Officer to commence legal proceedings in the Supreme Court of Western Australia against Turfmaster Pty Ltd for breach of contract;

In taking the legal action, seek a determination from the Supreme Court of Western Australia that Turfmaster Pty Ltd should replace significant native trees on a 'like for like' basis.

Mayor Pickard provided the following reasons for his departure from the Officer's Recommendation:

It is incumbent on the City to seek restitution from the contractor in a public forum which allows the inappropriate behaviour to be exposed.

The significant damage caused to the City's property and native flora.

The potential damage to the reputation of the City of Joondalup.”

Has the City conducted its legal proceedings against Turfmaster Pty Ltd in the Supreme Court in a public forum?

A1-2 Yes.

The following questions were submitted in writing prior to the Council meeting:**Ms S Mcarthur, Joondalup:**

Re: CJ063-04/10 – Extension of Road Freight Network

Q1 What will be done to protect the Carnaby's Black Cockatoos who regularly fly over Burns Beach Road?

A1 It is not anticipated that the extension of the road freight network will have any impact on the flight path of the Carnaby Black Cockatoos.

Mr B Shah, Duncraig:

Re: CJ071-05/10 – Proposed Amendment No 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig:

Q1 Would Council please explain why the current agenda report states under heading "Parking" in paragraph 3 that:

"The City has not received any complaints regarding parking surrounding 20 Burregah Way, Duncraig" when in fact complaints about parking on the roadside and verges were made by at least some of the immediate neighbours during the initial consultations and this was mentioned in the report at the time?

A1 Prior to the advertising of the scheme amendment proposal, the City had not received any complaints regarding parking surrounding 20 Burregah Way, Duncraig. It is acknowledged that submissions have been made concerning car parking during the two advertising periods for the proposed scheme amendment. These have been clearly recorded in the reports to Council on 17 November 2009 and 18 May 2010. However, the comment in the report of 18 May 2010, relates to any complaints in regard to car parking surrounding 20 Burregah Way, and not to submissions made during the advertising periods.

Q2 Would Council please explain why the agenda report states under "Parking" paragraph 1 that:

"However, it is difficult to determine which premises any illegally parked vehicles are visiting" when in fact photographic evidence of a car Reg No 1 CNN 095 parked on the roadside next to Duncraig Physio has already been provided to council stating that any investigation by council would confirm that the owner/driver is/was a client of Duncraig Physio and was visiting Duncraig Physio at the time?

A2 Vehicles parked on a particular verge may not be visiting the associated property. It is often not possible to determine which premises vehicles parked on a road or verge are visiting. There is no authority from a planning perspective to trace owners' identity's from car registration numbers for the purpose of ascertaining which premises they are visiting, and it is not considered appropriate to do so.

- Q3 *Would Council please explain why the submission summary in Attachment 3 (Schedule of Submissions) of the agenda report states, under my objection details, that:*
- "Four consultants already practice at the premises" when in fact what I had stated in my objection letter was: " More than one health professional may be practising at the premises"?*
- A3 The Schedule of Submissions is a summary of the information provided in a submission. The information provided within the submission refers to four physiotherapists practising at Duncraig Physiotherapy, hence the reference in the summary of submissions.
- Q4 *By approving the Amendment No 45, does this mean that any two health consultants, be it general practitioners, specialists practitioners, dentists, radiologists, or any other medical staff generating their own independent patient load will be able to operate from the medical centre in future (and not just two physiotherapists)?*
- A4 Yes, if the scheme amendment is supported by Council and ultimately approved by the Minister for Planning, the owner of the property can apply for any two health consultants to operate from the premises.
- Q5 *If Council, by majority, votes to adopt as final the amendment No 45, will they not be voting against the wishes of the immediate surrounding neighbours and community who live in the area and will therefore be affected by Council's decision for as long as they live in the area?*
- A5 Council must have regard to the submissions made during the consultation process, and will make a decision it deems appropriate.

Mrs M Macdonald on behalf of the Mullaloo Beach Community Group Inc

- Q1 *Given that the answers received by the Mullaloo Beach Community Group Inc are ambiguous, can the City confirm that the residents of Mullaloo will be given ample opportunity to comment on the Black Spot Concept design for Oceanside Promenade before the design goes before Council for final approval to commence this Capital Work?*
- A1 The City rejects the assertion that the answers were ambiguous. Consultation with affected residents has commenced, specifically in relation to the intersection of Oceanside Promenade and Marjorie Street, Mullaloo.
- Q2 *Council has noted the Strategic Financial Management Committee's minutes which refer to including \$750,000 in Capital Works for an upgrade to Tom Simpson Park. Given that this matter has been brought to Council why can't the ratepayers of Mullaloo be given the opportunity to look at the proposal and comment.*
- A2 The concept design plans for the upgrade of Tom Simpson Park are still being prepared. They will be presented to the Ward Councillors for any comments and feedback. Following this, the level of community consultation required will be ascertained and undertaken.

Mr M Sideris, Mullaloo:

- Q1 *Advise why questions from members of the public taken on notice (and Minuted) do not have answers published in this weeks Agenda.*
- A1 Provision of a written response to the questions was an administrative oversight. The answer to the questions raised at the April Council meeting by Mrs M Macdonald is Yes.
- Q2 *What is the current total of monies in legal fees spent and committed by the City in its current legal proceedings against Turfmaster Pty Ltd.*
- A2 In accordance with Division 7 of Part 5 of the Local Government Act 1995, the right to inspect/obtain information does not extend to that which was discussed behind closed doors, as was this matter at the April Council meeting. The request for this information is therefore declined at this time.
- Q3 *Provide a breakdown of the above (Q2) clearly identifying amount, legal firm and billing item schedule.*
- A3 Refer to the response to Question 2.

The following questions were submitted verbally at the Council meeting:**Mr P Morley, Bullsbrook:**

Re: Draft Beach Management Plan – Dog Beach.

- Q1 *When the original petition with over 1700 signatures called for an extension to the Dog Beach only South, why is this option not included in the Draft Beach Management Plan?*
- A1 The Mayor advised that this question will be taken on notice.

Mr R Repke, Kallaroo:

Re: CJ073-05/10 - Joondalup City Centre Structure Plan And Scheme Amendment No. 42 – Finalisation/Adoption - Attachment 2, Page 6.

- Q1 *Looking at this as an item of “sustainability/community value”, can the City not change that structure plan to allow for a green space? Finally, that area is State property.*
- A1 Mayor Pickard advised that as the area is State property, the Structure Plan can only be changed in cooperation with the land owner. The State Government through Landcorp have started a process to develop that site.

Q2 *Would it not be a good idea to build a bridge over Joondalup Drive to connect the Business Support area (as newly defined) west of Joondalup Drive to the planned public park at Edgewater Quarry? Again, sustainability and community values being the target.*

A2 Mayor Pickard advised that whilst this was a good suggestion; the challenge is it would cost several million dollars and be required to comply with disability standards.

He stated that about 100 metres would be required to build a spiral entry and exit point to provide sufficient gradient to allow disability access. The challenge of this particular location is the availability of land to build the ends of the over pass, however this can be investigated.

Ms S Gibson, Duncraig:

Re: Draft Beach Management Plan – Horse Beach.

Q1 *Has the Council recognised the written petition of 1074 signatures against the closure of the Horse Beach?*

A1 The Mayor advised that this question will be taken on notice.

Mr S Magyar, Heathridge:

Re: Craigie Open Space and the enclosure for wildlife.

Q1 *Will Council be receiving a progress report on any partnerships or how that project is progressing?*

A1 Mayor Pickard advised that in due course a Management Plan will be presented to Council which will articulate the relevant partnerships and stakeholders involved in the sanctuary. The City has engaged the services of an external consultant to commence the preparation of that particular plan.

Mr Russell Poliwka, President of the Joondalup Business Association, Joondalup:

Re: CJ073-05/10 - Joondalup City Centre Structure Plan and Scheme Amendment No. 42 – Finalisation/Adoption.

Q1 *Is it the intension of Council tonight to look at deferring the matter so that further investigation can be taken?*

A1 Mayor Pickard advised that it is a decision for the Council to make when that item comes up for debate.

PUBLIC STATEMENT TIME

Mr K Still, Duncraig:

Mr Still spoke in relation to CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burrarah Way, Duncraig.

Mrs P James, Hillarys:

Mrs James spoke in relation to CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig.

Mrs J Lyon, Marmion:

Mrs Lyon spoke in relation to CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig.

Mrs G Duffy, Duncraig:

Mrs Duffy spoke in relation to CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig and tabled a 263-Signature petition to be presented to the Council Meeting of 22 June 2010.

Mr R Repke, Kallaroo:

Mr Repke spoke in relation to CJ073-05/10 - Joondalup City Centre Structure Plan and Scheme Amendment No. 42 – Finalisation/Adoption.

Ms E Grantham, Wanneroo:

Ms Grantham spoke in relation to the Draft Beach Management Plan concerning the horse beach.

Mr M Travaglione, Duncraig:

Mr Travaglione spoke in relation to CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig.

Mr B Shah, Duncraig:

Mr Shah spoke in relation to CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig.

Ms S Gibson, Duncraig:

Ms Gibson spoke in relation to the Draft Beach Management Plan concerning the horse beach.

Mr Russell Poliwka, President of the Joondalup Business Association, Joondalup:

Mr Poliwka spoke in relation to CJ073-05/10 - Joondalup City Centre Structure Plan and Scheme Amendment No. 42 – Finalisation/Adoption.

APOLOGIES AND LEAVE OF ABSENCE**Leave of Absence previously Approved:**

Cr Russ Fishwick 19 – 24 July 2010 inclusive

C18-05/10 REQUESTS FOR LEAVE OF ABSENCE – CR JOHN CHESTER AND CR LIAM GOBBERT – [78624]

Cr John Chester requested Leave of Absence from Council duties covering the period 29 May 2010 to 8 June 2010 inclusive.

Cr Liam Gobbert requested Leave of Absence from Council duties covering the period 19 June 2010 to 10 July 2010 inclusive.

MOVED Cr Gobbert, SECONDED Cr Amphlett that Council APPROVES the Requests for Leave of Absence from Council duties covering the following dates:

Cr John Chester	29 May 2010 – 8 June 2010 inclusive;
Cr Liam Gobbert	19 June 2010 – 10 July 2010 inclusive.

The Motion was Put and **CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

CONFIRMATION OF MINUTES**C19-05/10 MINUTES OF COUNCIL MEETING, 20 APRIL 2010**

MOVED Cr McLean, SECONDED Cr Gobbert that the Minutes of the Council Meeting held on 20 April 2010 be confirmed as a true and correct record.

The Motion was Put and **CARRIED (13/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION**JOONDALUP SWAP MEET SUCCESS**

Mayor Pickard announced that the inaugural Joondalup Rotary Swap Meet, which was held on Sunday morning in the car park under the library, was a huge success and a credit to all those who have worked hard to get this project up and running.

Mayor Pickard advised that the Swap Meet which was organised by the Joondalup and Hillarys Rotary Clubs, was very successful with a big turnout from the community.

Household and garden goods were on sale with vendors ranging from families selling unwanted household items to commercial businesses with a large variety of used merchandise.

The Rotary Swap Meets will continue weekly throughout the year and are open between 7:30am and 11am every Sunday.

In addition to the City providing the Library undercover car park for the events, the City is also providing financial support through the Community Funding Program.

Mayor Pickard congratulated the Rotary clubs on this great initiative, especially given all monies raised by Swap Meets will be used to assist local community groups.

2010 COMMUNITY ART EXHIBITION

Mayor Pickard announced that the 13th annual City of Joondalup Community Art Exhibition will be open early next month at the Lakeside Joondalup Shopping City between 10-26 June 2010.

Mayor Pickard stated that the City is proud to host this important and popular annual cultural event, which is one of the many highlights of the City's arts calendar of events.

Since 1998, the exhibition has steadily grown into a wonderful showcase of the diversity of artistic talent in our community.

The growing number of entrants each year is testament to the vitality of the local visual arts scene.

They include professional and emerging artists as well as students, with works created in a wide range of traditional and contemporary media. The quality and scope of talent in the exhibition confirms the City's reputation as being home to an active and vibrant arts community.

Mayor Pickard advised that it is anticipated that this year, thousands of people will again see the works during the exhibition and thanked Lakeside for their ongoing support of the City's visual arts program as well as other sponsors Bedshed and the West Coast Institute of Training.

Mayor Pickard encouraged everyone to support local artists by getting along to the exhibition and appreciate the enormous wealth of talent that is within the City.

DECLARATIONS OF INTEREST

Disclosure of Financial Interests

Nil.

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.

Name/Position	Cr Mike Norman
Item No/Subject	CJ076-05/10 - Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is the Chairman of the Joondalup Coast Care Forum.

Name/Position	Cr Christine Hamilton-Prime
Item No/Subject	CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burregah Way, Duncraig.
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hamilton-Prime uses the facilities across the road (Duncraig Medical Centre) Pay for Doctor Services.

Name/Position	Cr Brian Corr
Item No/Subject	CJ073-05/10 - Joondalup City Centre Structure Plan and Scheme Amendment No. 42 – Finalisation/Adoption.
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Corr is a member of the Joondalup Business Association.

IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS

Nil.

C20-05/10 PETITIONS

1 PETITION REQUESTING AN UPGRADE OF VERGE ALONG HARVEST LOOP, EDGEWATER - [29474]

An 8-signature petition has been received from Edgewater residents requesting an upgrade of the verge along Harvest Loop, Edgewater.

The petitioners state there are tree branches overhanging the pathway, as well as fallen trees and dried scrub, creating a potential fire hazard.

2 PETITION REQUESTING COUNCIL RESOLVES NOT TO APPROVE THE PROPOSED AMENDMENT NO.45 TO DISTRICT PLANNING SCHEME NO.2 LOT 535 (20) BURRAGAH WAY, DUNCRAIG – ADDITIONAL USE – MEDICAL CENTRE.- [86629]

A 60-signature petition has been received from Duncraig residents requesting Council resolves not to approve the proposed Amendment No.45 to District Planning Scheme No.2 Lot 535 (20) Burregah Way, Duncraig – Additional Use – Medical Centre.

3 PETITION REQUESTING AN UPGRADE OF ANNATO PARK, GREENWOOD TO INCLUDE SOFT-FALL IN PLACE OF SAND IN THE PLAY-EQUIPMENT AREA, A BBQ, SEATING WITH TABLE AND A DRINKING FOUNTAIN.- [49928]

Cr Corr tabled a 49-signature petition on behalf of Greenwood residents requesting an upgrade of Annato Park, Greenwood to include soft-fall in place of sand in the play-equipment area, a BBQ, seating with table and a drinking fountain and two signatures in support of the soft-fall in place of the sand in the play equipment area.

4 PETITION REQUESTING AN UPGRADE OF BRADEN PARK, MARMION. – [04519]

Cr Diaz tabled a 51-signature petition on behalf of electors of the City of Joondalup requesting the upgrade of Braden Park, Marmion by the provision of:

- A pool fence erected around the play equipment, displaying a sign stating “No Dogs”;
- A BBQ and additional seating in shaded areas;
- More play equipment, some specifically aimed at children aged 10 and over;
- Shade sails and a drinking fountain with a dog facility.

MOVED Cr Young, SECONDED Cr Norman that:

- 1** the following petitions be **RECEIVED**, referred to the CEO and a subsequent report presented to Council for information:
 - Petition requesting an upgrade of the verge along Harvest Loop, Edgewater;
 - Petition requesting an upgrade of Annato Park, Greenwood;
 - Petition requesting an upgrade of Braden Park, Marmion;
- 2** the following petition be **NOTED** as Item CJ071-05/10 on the Council Agenda for 25 May 2010 relates to this matter:
 - Petition requesting Council resolves not to approve the proposed Amendment No.45 to District Planning Scheme No.2 Lot 535 (20) Burregah Way, Duncraig – Additional Use – Medical Centre.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

REPORTS

CJ068-05/10 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

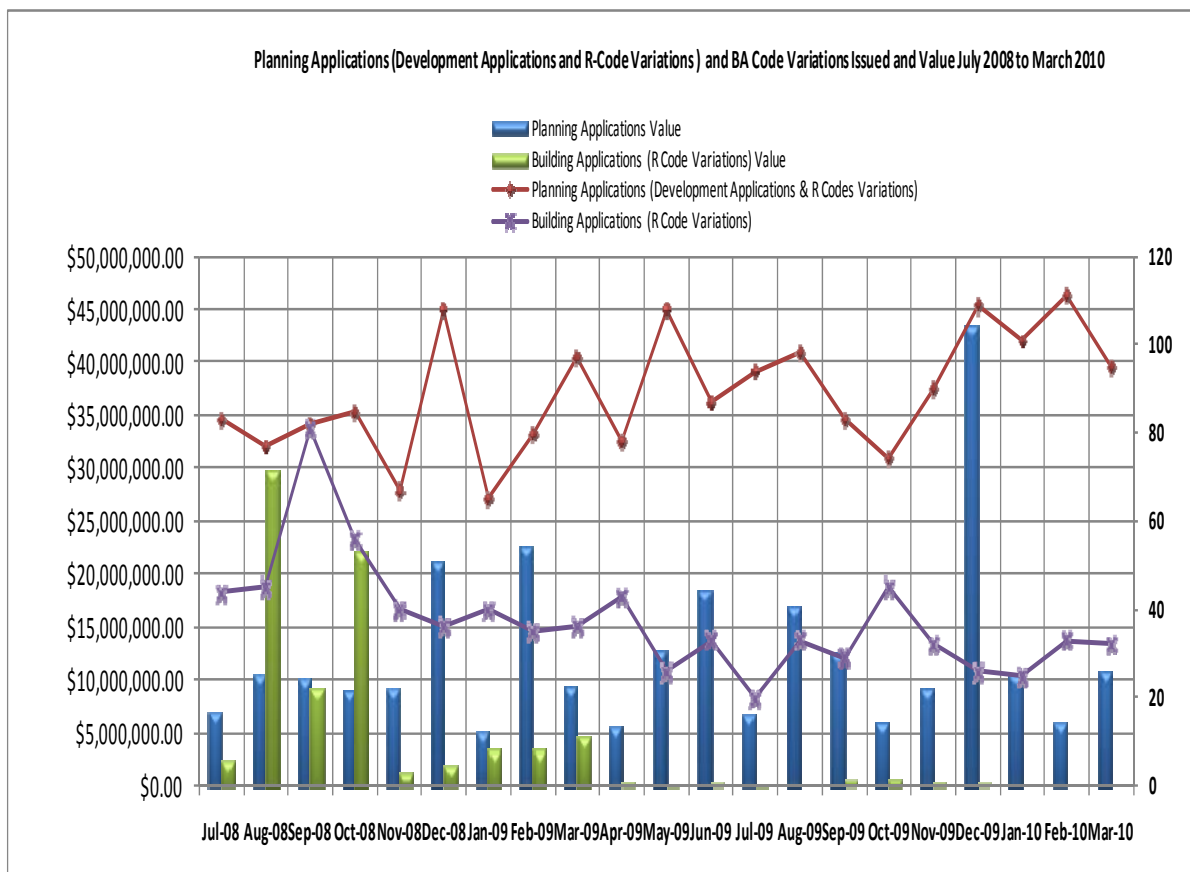
The District Planning Scheme No 2 requires that delegation be reviewed every two years, unless a greater or lesser period is specified by Council. Council, at its meeting held on 13 October 2009 considered and adopted the most recent Town Planning Delegation for the period to 16 June 2011.

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

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council NOTES the determinations made under Delegated Authority in relation to the:

- 1 development applications and R-Codes variations described in Report CJ068-05/10 during March 2010;**
- 2 subdivision applications described in Attachment 3 to Report CJ068-05/10 during March 2010.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 1 refers

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

CJ069-05/10 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 onsite 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:	8,166m ²
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.

COMMENT**Proposed 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.

MOVED Cr Amphlett, SECONDED Cr Hollywood 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.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 2 refers

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

CJ070-05/10 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.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood 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.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 3 refers

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

Name/Position	Cr Christine Hamilton-Prime
Item No/Subject	CJ071-05/10 - Proposed Amendment No. 45 to District Planning Scheme No 2 – Lot 535 (20) Burragah Way, Duncraig.
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hamilton-Prime uses the facilities across the road (Duncraig Medical Centre) Pay for Doctor Services.

CJ071-05/10 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) Burregah 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) Burregah 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. 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 use

Parking

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

MOVED Cr Fishwick, SECONDED Cr Diaz 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) Burrarah 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 Burrarah 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.**

The Motion was Put and

CARRIED (9/4)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, McLean and Norman. **Against the Motion:** Crs Hamilton-Prime, Hollywood, Taylor and Young

Appendix 4 refers

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

CJ072-05/10 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.


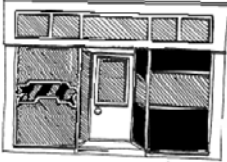
Currently, a range of signs are exempt from the need for planning approval in accordance with Schedule 4 of the DPS2, including window signs. A conflict exists between DPS2 and the adopted Council Policy - Signs which has introduced controls for window signs. In order for the Council Policy - Signs to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

MOVED Cr Amphlett, SECONDED Cr Hollywood 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.**

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 5 refers

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

Name/Position	Cr Brian Corr
Item No/Subject	CJ073-05/10 - Joondalup City Centre Structure Plan and Scheme Amendment No. 42 – Finalisation/Adoption.
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Corr is a member of the Joondalup Business Association.

CJ073-05/10 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.

MOVED Cr Amphlett, SECONDED Cr Gobbert that Council:

- 1 ADOPTS the draft Joondalup City Centre Structure Plan (as amended) shown in Attachment 5 to Report CJ073-05/10 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 Report CJ073-05/10;**
- 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.**

AMENDMENT MOVED Cr Norman, SECONDED Cr Chester that Point 1 of the Motion be AMENDED to read as follows:

- 1 ADOPTS the draft Joondalup City Centre Structure Plan (as amended) shown in Attachment 5 to Report CJ073-05/10 and submits to the Western Australian Planning Commission for final adoption and certification, subject to the following modifications:**
 - (a) replacing clause 2.1 (11)(e) with the following:**
 - (e) *to provide secure bicycle parking in conjunction with end of trip facilities within buildings in accordance with the relevant local planning policy;***

- (b) adding the following immediately after clause 2.1(13)(d)
 - (e) *to require environmentally sustainable development in accordance with the relevant local planning policy;*
- (c) adding the following immediately after clause 2.2(2)(a):
 - (b) *Bicycle parking*
Bicycle parking and access must be designed and constructed in accordance with Australian Standard AS2890.3 as amended from time to time;
- (d) adding the following immediately after 2.2(2)(a): as amended from time to time.

The Amendment was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

MOVED Cr Corr that Council DEFERS determination of the draft Joondalup City Centre Structure Plan and Amendment No 42 to the City of Joondalup District Planning Scheme No. 2, as shown in Attachments 5 and 6 to Report CJ073-05/10, until the ordinary meeting of Council to be held on 22 June 2010.

There being no **SECONDER**, the Procedural Motion

LAPSED

The Original Motion as amended, being:

That Council:

- 1 **ADOPTS** the draft Joondalup City Centre Structure Plan (as amended) shown in Attachment 5 to Report CJ073-05/10 and submits to the Western Australian Planning Commission for final adoption and certification, subject to the following modifications:
 - (a) replacing clause 2.1 (11)(e) with the following:
 - (e) *to provide secure bicycle parking in conjunction with end of trip facilities within buildings in accordance with the relevant local planning policy;*
 - (b) adding the following immediately after clause 2.1(13)(d)
 - (e) *to require environmentally sustainable development in accordance with the relevant local planning policy;*

- (c) adding the following immediately after clause 2.2(2)(a):
- (b) ***Bicycle parking***
- Bicycle parking and access must be designed and constructed in accordance with Australian Standard AS2890.3 as amended from time to time;***
- (d) adding the following immediately after 2.2(2)(a): as amended from time to time;
- 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 Report CJ073-05/10;
- 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.

Was Put and

CARRIED (13/0)

In favour of the Amendment: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 6 refers

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

CJ074-05/10 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.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood 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.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

CJ075-05/10 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.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood that Council **NOTES** the Minutes of the Meeting of the Mindarie Regional Council held on 25 February 2010 forming Attachment 1 to Report CJ075-05/10.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

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

Name/Position	Cr Mike Norman
Item No/Subject	CJ076-05/10 - Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Norman is the Chairman of the Joondalup Coast Care Forum.

CJ076-05/10 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 the:

- 1 *Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010 forming Attachment 1 to Report CJ076-05/10;*
- 2 *Capital Works Overview Report for the period 1 January to 31 March 2010 forming Attachment 2 to Report CJ076-05/10.*

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.

Cr Chester left the Chamber at 2022 hrs.

MOVED Mayor Pickard, SECONDED Cr Hollywood that Council RECEIVES the:

- 1 Annual Plan Quarterly Progress Report for the period 1 January to 31 March 2010 forming Attachment 1 to Report CJ076-05/10;**
- 2 Capital Works Overview Report for the period 1 January to 31 March 2010 forming Attachment 2 to Report CJ076-05/10.**

The Motion was Put and

CARRIED (12/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7agn250510.pdf](#)

CJ077-05/10 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 Report CJ077-05/10, 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.

MOVED Cr Amphlett, **SECONDED** Cr Hollywood 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 Report CJ077-05/10, totalling \$12,299,065.66.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 8 refers

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

CJ078-05/10 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 Report CJ078-05/10.

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.

MOVED Cr Amphlett, SECONDED Cr Hollywood that Council NOTES the Financial Activity Statement for the period ended 31 March 2010 forming Attachment 1 to Report CJ078-05/10.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 9 refers

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

CJ079-05/10 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.

MOVED Cr Amphlett, SECONDED Cr Hollywood 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.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 10 refers

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

CJ080-05/10 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	\$211,022 (Expenditure to date) \$24,351 (Projected to 30-Jun-10)	\$292,215	\$1,000,000

Total actual and projected expenditure to 30 June 2010 is less than budget because since January 2010 only pump maintenance that was absolutely necessary has been undertaken.

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.

MOVED Cr Amphlett, SECONDED Cr Hollywood 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.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 11 refers

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

CJ081-05/10 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 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.*

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.

MOVED Cr Amphlett, SECONDED Cr Hollywood 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.

The Motion was Put and **CARRIED (12/0)** by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 12 refers

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

**CJ082-05/10 APPLICATION TO INSTALL A MEMORAL PLAQUE
IN MEMORY OF MS ETHEL MARGARET GOBLE-
GARRATT WITHIN CARNABY RESERVE,
CONNOLLY**

WARD: North

**RESPONSIBLE
DIRECTOR:** Mr Martyn Glover
 Infrastructure Services

FILE NUMBER: 06998

ATTACHMENTS: Attachment 1 Map showing proposed location for installation of a memorial.

PURPOSE

To seek Council approval to install a memorial plaque in Carnaby Reserve, Connolly, in memory of Ms Ethel Margaret Goble-Garratt as per City - Memorials in Public Reserves.

EXECUTIVE SUMMARY

The City of Joondalup has received an application from Main Roads WA requesting the installation of a memorial within Carnaby Reserve, Connolly. This application is in accordance with the City's Policy - Memorials in Public Reserves under the category *Significant Person* and is in reference to the late Ms Ethel Margaret (Dinky) Goble-Garratt who has been nominated for her significant contribution to the local community of Joondalup, in particular her work in raising community awareness of, and engagement with the community on, environmental issues.

The City's Policy - Memorials in Public Reserves, acknowledges the use of permanent memorials as a means of honouring the contributions of past residents to their local communities.

The Policy also recognises that the installation of memorials within public open spaces needs to be managed so that the local amenity is maintained, the safety of residents is guaranteed, and maintenance requirements are minimised.

It is recommended 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.

DETAILS

Council adopted City Policy 5-7 - Memorials in Public Reserves on 15 December 2009. The Policy provides guidance on the installation of memorials in public reserves within the City of Joondalup and considers applications under two categories, Temporary Memorials for people who have died in tragic circumstances, and Permanent Memorials for Significant Persons.

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 require 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.

MOVED Cr Amphlett, SECONDED Cr Hollywood 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.

The Motion was Put and CARRIED (12/0) by En Bloc Resolution prior to the consideration of Item CJ083-05/10, Page 88 refers.

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young.

Appendix 13 refers

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

C21-05/10 COUNCIL DECISION – EN BLOC RESOLUTION - [02154] [08122]

MOVED Cr Amphlett, SECONDED Cr Hollywood that pursuant to the Standing Orders Local Law 2005 – Clause 48 - Adoption of Recommendations En Bloc, Council ADOPTS Items CJ068-05/10, CJ069-05/10, CJ070-05/10, CJ072-05/10, CJ074-05/10, CJ075-05/10, CJ077-05/10, CJ078-05/10, CJ079-05/10, CJ080-05/10, CJ081-05/10 and CJ082-05/10.

The Motion was Put and **CARRIED (12/0)**

In favour of the Motion: Mayor Pickard, Crs Amphlett, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

REPORT OF THE CHIEF EXECUTIVE OFFICER

CJ083-05/10 JOONDALUP CITY CENTRE COMMERCIAL OFFICE DEVELOPMENT - PROJECT PHILOSOPHY AND PARAMETERS

WARD: All

**RESPONSIBLE
DIRECTOR:** Mr Garry Hunt
Office of the CEO

FILE NUMBER: 70512

ATTACHMENTS: Attachment 1 Joondalup Vision 2020
Attachment 2 Map of City owned land within the Joondalup City
Centre
Attachment 3 Potential sites

PURPOSE/EXECUTIVE SUMMARY

To enable Council and the Strategic Financial Management Committee to affirm the philosophy and parameters on which the project will be based to assist in clarifying and confirming its future direction.

BACKGROUND

At its meeting held on 27 April 2010, the Strategic Financial Management Committee recommended that Council endorse the Joondalup City Centre Commercial Office Development – Project Philosophy and Parameters.

The State Government, through the Western Australian Planning Commission, has released two strategic documents for public comment, being Directions 2031 (Draft Spatial Framework for Perth and Peel), and Activity Centres for Perth and Peel (Draft State Planning Policy).

Directions 2031 is a high level strategic plan that establishes a vision for future growth of the Perth and Peel regions. The plan builds on the themes identified in Network City, although Directions 2031 is not intended to be a replacement of Network City.

The draft Activity Centres policy provides more detail on the development of the activity centre hierarchy identified in Directions 2031 and will replace the existing Metropolitan Centres Policy.

At its meeting of 18 August 2009 Council endorsed the submissions from the City of Joondalup on the draft Directions 2031 and Activity Centres for Perth and Peel documents and agreed to forward the submissions to the Western Australian Planning Commission noting:

- (a) The importance of the designation of the City as the Primary Centre for the North West sub-region;
- (b) That the City should be the only designated Primary Centre in the North West region for the foreseeable future;
- (c) Any change to the status of other centres within the sub-region in the foreseeable future, will only serve to undermine the level of any new investment and the rate of growth of Joondalup City, and the realisation of the full potential of investment to date.

Report CJ171-08/09 refers.

The City of Joondalup is identified as a “primary centre” in Directions 2031 due to its central location, relative to the Perth central area, and access to high-order public transport infrastructure. Directions 2031 further states that to improve employment self-sufficiency, primary centres must build on their existing assets and invest in the attributes that influence the locational decisions of businesses.

The State Government expands on its vision for the City of Joondalup:

“Transitioning Joondalup town centre to a primary activity centre that will be the major employment centre of the northwest sub-region is a significant undertaking and one that is unlikely to be completed by 2031. However, governments, planners, developers and investors must begin making decisions with the end goal in mind if Joondalup is to evolve from a population driven consumer goods and services centre, to a more intense and diverse centre that attracts knowledge based and producer service businesses.

... The expected increase in commercial floor space is likely to come from two sources – redevelopment of brownfield commercial areas and greenfields sites. The existing low density developments within the city centre, which were developed according to the needs at the time, have significant latent potential for higher density mixed use development.

In addition, LandCorp’s southern business district site (The Quadrangle), which is approximately 34 hectares in size, will ultimately deliver high amenity office developments, business parks and other mixed uses. Other significant vacant landholdings are the 8 hectare Edith Cowan University site and 3 hectares of various council-owned sites. In total, it is estimated that an additional 450,000m² of vacant land will become available for development” (Ref: Directions 2031 – Draft Spatial Framework for Perth and Peel, June 2009, pg 42-43).

Joondalup Vision 2020 articulates the City’s own vision for the Centre City; a vibrant and vital City with large numbers of people working in high rise office buildings creating a bustling atmosphere in the City Centre during the day. Vision 2020 also acknowledges Joondalup as Perth’s second CBD with the City Centre providing a large number of jobs that will reduce the journey to work for many local residents and produce social and environmental benefits (refer Attachment 1).

The City has also recognised the potential for its City Centre with the development of a new City Centre Structure Plan that is intended to facilitate the growth of a City with an intense mix of opportunities to live, work, play and learn and with convenient transport links to the surrounding region.

The City Centre covers a total area of 358ha and is bounded to the west by the Mitchell Freeway and to the east by Lake Joondalup. The north of the City is bounded by Moore Drive and the south by Lakeside Drive, Joondalup Drive (South) and Ocean Reef Road.

Key attractions within City Centre include:

- 1 Joondalup Learning Precinct (consisting of Edith Cowan University, West Coast Institute of Training and WA Police Academy);
- 2 Joondalup Health Campus – Joondalup Public and Private Hospital;
- 3 Retail Precinct (Lakeside Joondalup Shopping City);
- 4 Serviced by freeway and rail;
- 5 Service industrial;
- 6 Central Business District (CBD).

In April 2008 the City commenced an Expression of Interest process to engage a private consultancy to investigate the feasibility of constructing a commercial office building on a specific site within the Joondalup City Centre. Following this process the City appointed the research branch of Jones Lang LaSalle Property Consultants (JLL) to undertake this feasibility analysis.

At an Elected Members Strategic Planning Weekend held in May 2008, discussions were held on the Council's position in relation to the development of high rise commercial office space on City owned land in the City Centre. These and other discussions led to the endorsing by the Council of a series of Strategic Positions Statements in July 2008, one of which was that *"Development of a high rise commercial office space within the CBD on Council owned land is supported under the following conditions:*

- 1 *Development should be iconic*
- 2 *Review the adequacy of the administration building; and*
- 3 *Would require a business plan"*

JLL presented their report in December 2008, which took into account significant changes occurring within the Perth commercial property market as a result of the then worsening economic crisis.

Their report identified that the City Centre was seen as a viable alternative for businesses wishing to relocate away from the Perth CBD due to lower rents and good transport links. However the commercial building options modelled in their report for the site in question was not deemed financially viable. The report suggested a review of the development proposal to reconsider specific variables such:

- built form
- car parking requirements
- incentives
- commercial profit
- attraction of tenants
- staging of project
- partnership models
- consideration of non-financial outcomes and their weight in the project

The report from JLL was submitted to the City's Strategic Financial Management Committee in February 2009. The Committee discussed the report, noting its findings regarding the non-viability of the project and requested *"... the Chief Executive Officer to prepare a further report on:*

- (a) Options for development of City-owned landholdings in the Centre City;*
- (b) Parameters for development of designated City Centre commercial sites."*

DETAILS

Following the recommendation of the Strategic Financial Management Committee, this report now seeks to establish the philosophy and parameters for development of identified City-owned landholdings in the Joondalup City Centre.

The purpose of the project philosophy and parameters is to articulate, for historical purposes, the intent of Council progressing the project and to address the objectives of the project and why it is proposed.

1. Philosophy/Project Vision

The City Centre has long been earmarked as the second Perth CBD and a number of City owned sites have the potential for a landmark Commercial Office Tower. The City considers it vital to its economic prosperity and future growth that such a development is undertaken. The Draft City Centre Structure Plan has been developed to facilitate and encourage a greater number of high rise developments within the City Centre and the opportunity now exists for the City to realise the potential that its City Centre landholdings offer.

The Joondalup City Centre Commercial Office Development will be a high quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.

The proposed development will enhance the vitality and vibrancy of the Joondalup City Centre; increasing the number of people attracted to the City Centre for work, retail and commercial purposes in turn providing existing and future businesses with a constant and increasing customer base.

A Joondalup City Centre Office Development will entice businesses, commercial operators and Government agencies to relocate to a fast, growing area surrounded by existing infrastructure with an increasing population base. This is strategically aligned with the Directions 2031 objective of Joondalup being identified as a Primary Centre; one that aims to achieve employment self-sufficiency and reduced travel distances for employees living in outer and middle sectors, while also providing a recognisable business address and opportunities for agglomeration.

2. Key Parameters

Governance

It is clear that the City does not have the financial or resource capacity to bring the development to fruition without a joint venture agreement with a third party. This will require the preparation of a detailed Business Plan that meets with commercial and legislative requirements and addresses all relevant issues.

Any planning for a development on City owned land, as well as any corresponding arrangements should incorporate high ethical standards; probity, legal and legislative compliance and transparency are of vital importance. To ensure this is achieved, the City proposes to undertake:

- Implementation of sound probity to ensure transparency of process and decision making;
- Internal audit review and monitoring;
- Development of a comprehensive Business Case/Plan and Financial Analyses;
- Extensive Risk Management assessment and monitoring;
- Legal and statutory compliance.

Through the appointment of suitably qualified consultants and peer review panels in the areas of planning, environmental, financing and the commercial market, the City will ensure that the proposed development meets community, legislative, sustainability and commerciality expectations.

The City would also ensure that the City Centre Commercial Office Development complies with existing City strategies/plans, for example the draft Joondalup City Centre Structure Plan.

Land use and built form

The City recognises that the location of the proposed City Centre Commercial Office Development is a critical factor underpinning the success of the project. Location criteria such as aspect, site capability, access, car parking, commerciality, complementary businesses and amenity, and service utilities are key components in the identification of a suitable site and the development must maximise land use and built form in order to satisfy the opportunities provided by the identified site.

Whilst the primary consideration is for a City Centre Commercial Office Development, it is recognised that the opportunity also exists to incorporate a range of mixed uses into the proposed development such as, but not limited to, retail, residential and short stay accommodation.

Consideration of the actual height of the development is important to achieving the status of a landmark building. “Landmark” is defined for this purpose as “a prominent structure or geographical feature that identifies a location and serves as a guide to finding it” (ref: Encarta Dictionary: English (UK)).

Fiscal Responsibility and Commerciality

The City owns a number of valuable sites within the City Centre suitable for the siting of such a development (Attachments 2 and 3 refer), and the development of any of these sites needs to take into account present and future benefits for the City, investors/developers, commercial tenants, visitors and residents.

To enable the City to assess the commercial viability of the development prior to any decision on progressing the development through to construction, an Expression of Interest process will need to be undertaken to analyse that viability.

The success of the development to attract commercial tenants and achieve a financial return to the City and/or developer will depend largely on the prevailing economic climate, which will need to be closely monitored to determine progression of the project.

Key principles underpinning the project are the potential for the City to benefit from capital appreciation on any equity investment it may have in the project, additional revenue streams from leasing opportunities, additional rates revenue and the effect of other projects that may commence as a result of the City’s development progressing.

It is important for the City to retain public ownership of strategically located City owned sites with the underlying financial benchmark being the creation of an asset that maintains its capital value in real terms over its economic life cycle investment period. In order to achieve this the City may be required to consider a range of incentives and options to attract investment, development and occupancy.

Sustainability Considerations

Through the use of up-to-date urban design, architectural and construction techniques the City Centre Commercial Office Development is able to be a showcase for innovation in design that aims to achieve world's best practice in environmentally sustainable developments.

The City needs to be committed to the utilisation of up-to-date best practice architectural and construction techniques and innovative environmentally sustainable design principles which provide the opportunity to show leadership in sustainable developments including:

- carbon emission reduction;
- energy reduction, efficiency and supply;
- design efficiency to reduce water consumption, using alternative sources (eg rainwater);
- environmental impact.

Innovation in these areas deliver benefits such as improved environmental conditions for workers, lower development control costs, improved risk mitigation and management, higher tenant retention, lower renovation costs, lower overheads, greater flexibility in internal planning, higher productivity, faster lease-up periods and access to financial incentives and tax credits.

Any development should attempt to balance the social and economic needs of the community with the need to maintain and preserve the existing amenity for residents and tenants surrounding the identified sites.

Liaison Protocol

Of key importance to the project is the identification of, and liaison with, community and City stakeholders. A community participation plan will need to be prepared and implemented, in accordance with the City's Public Participation Policy and Strategy.

The identification of key stakeholders and potential private or Government sector partners is recognised as a key element to the success of the development. Negotiation and liaison with these stakeholders to determine what level of interest exists should be a key consideration within the project.

Summary

It is viewed as appropriate and necessary that Council and the Strategic Financial Management Committee considers and affirms a philosophy for the Joondalup City Centre Commercial Office Development and endorses parameters for the project as outlined above and summarised below:

Project Philosophy and Key Parameters

1. Philosophy/Project Vision

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City.
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail and commercial purposes.
- Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

2. Development Parameters

Governance

- Incorporation of high ethical standards;
- Probity, legal and legislative compliance;
- Appointment of suitably qualified consultants;
- Consistency with existing City strategies and plans including the draft City Centre Structure Plan.

Land use and built form

- To achieve “landmark” status maximisation of land use and built form including the actual height of the development;
- Consideration of a range of mixed uses.

Fiscal Responsibility and Commerciality

- Assessment of commercial viability and the investigation of potential joint venture arrangements;
- Retention of public ownership of land;
- Creation of an asset that maintains its capital value in real terms over its economic life cycle investment period.
- Consideration of incentives for investment, development and occupancy.

Sustainability Considerations

- Achievement of best practice environmentally sustainable design principles and management practices;
- Implementation of development concepts sensitive and compatible with the existing environment and minimising impact on surrounding landowners/occupiers.

Liaison protocol

- Development of a public participation strategy in accordance with the City’s Public Participation Policy and Strategy;
- Stakeholder liaison, in particular private sector and Government agencies.

Issues and options considered:

Not Applicable.

Legislation/Strategic Plan/Policy Implications

Legislation Not Applicable.

Strategic Plan

Key Focus Area: Economic Prosperity and Growth

Objective: 3.1 To encourage the development of the Joondalup CBD
3.2 To increase employment opportunities within the City

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.
5.2 To facilitate healthy lifestyles within the community

Policy The development will be in accordance with the City's policies and procedures.

Risk Management considerations:

A detailed Risk Management Assessment Report outlining the risks apparent to the project will be prepared and updated as the project progresses.

Financial/Budget Implications:

Consideration of the financial/budget implications for the development will be included in the Business Case/Plan financial analysis.

Regional Significance:

A City Centre Commercial Office Development will be a symbol of the City Centre as the second Perth CBD. This will enhance the vitality and vibrancy of the City Centre by increasing the number of people attracted to it for work, retail and commercial purposes, thereby providing existing and future business with a constant and increasing customer base.

Sustainability implications:

Consideration of whole of life cycle costings for the development will be included in the Business Case/Plan financial analysis.

Consultation:

All community consultation will be in accordance with the City's Public Participation Policy and Strategy.

COMMENT

Not Applicable.

VOTING REQUIREMENTS

Simple Majority

MOVED Cr Amphlett, **SECONDED** Cr Gobbert that Council:

1 **ENDORSES** the Joondalup City Centre Commercial Office Development Project Philosophy and Parameters in order to articulate for the record and for historical purposes the intent and purpose of the Council in progressing the project:

(a) Philosophy/Project Vision

- High quality, environmentally sustainable, landmark development that will strengthen the local economic and employment base for the City;
- Enhances the vitality and vibrancy of the Joondalup City Centre increasing the number of people attracted to the City Centre for work, retail, cultural and commercial purposes;
- Provides a fast growing location for business, commercial operators and Government agencies surrounded by existing infrastructure with an increasing population base.

(b) Development Parameters

Governance

- Incorporation of high ethical standards;
- Probity, legal and legislative compliance;
- Appointment of suitably qualified consultants;
- Consistency with adopted Council strategies and plans.

Land use and built form

- To achieve “landmark” status maximisation of land use and built form including the actual height of the development;
- Consideration of a range of mixed uses, including the provision of a public plaza.

Fiscal Responsibility and Commerciality

- **Assessment of long-term commercial viability and the investigation of potential joint venture arrangements;**
- **Retention of public ownership of land;**
- **Creation of an asset that maintains its capital value in real terms over its economic life cycle investment period.**
- **Consideration of incentives for investment, development and occupancy.**

Sustainability Considerations

- **Achievement of best practice environmentally sustainable design principles and management practices;**
- **Implementation of development concepts sensitive and compatible with the existing environment, including integration with existing civic buildings and minimising impact on surrounding landowners/occupiers.**

Liaison protocol

- **Development of a public participation strategy in accordance with the City's Public Participation Policy and Strategy;**
- **Stakeholder liaison, in particular private sector and Government agencies.**

- 2 AGREES that an item be presented to all future Strategic Financial Management Committee meetings reporting on the progress of this project.**

Cr Chester entered the Chamber at 2025 hrs.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

Appendix 14 refers

To access this attachment on electronic document, click here: [Attach14agn250510.pdf](#)

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**C22-05/10 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.

MOVED Mayor Pickard, **SECONDED** Cr Young 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.

The Motion was Put and

CARRIED (13/0)

In favour of the Motion: Mayor Pickard, Crs Amphlett, Chester, Corr, Diaz, Fishwick, Gobbert, Hamilton-Prime, Hollywood, McLean, Norman, Taylor and Young

ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING

In accordance with Clause 26 of the Standing Orders Local Law 2005, Cr Brian Corr has given notice of his intention to move the following Motion at the Council meeting to be held on Tuesday, 22 June 2010:

“That Council AMENDS the following Section of Council Policy - Code of Conduct:

Section 6.0

PERFORMANCE OF DUTIES AND COMPLIANCE WITH LAWFUL ORDERS

Paragraphs 1 to 4 to be unchanged;

Paragraph 5 – replace:

Employees shall obey any lawful order given by any person having authority to make or give such order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and if resolution cannot be achieved, with the Chief Executive Officer.

With:

Elected Members, Committee Members and Employees shall obey any lawful order given by any person having authority to make or give such order, with any doubts as to the propriety of any such order being taken up with the superior of the person who gave the order and, if resolution cannot be achieved, with the Chief Executive Officer in the case of employees, and the Mayor or Chief Executive Officer in the case of Elected Members or Committee Members.

Paragraph 6 – replace:

Employees should give effect to and uphold the lawful policies of the Council, whether or not they agree with or approve of them.

With:

Elected Members, Committee Members and Employees shall give effect to and uphold the lawful policies of the City, whether or not they agree with or approve of them.”

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 2031 hrs; the following Elected Members being present at that time:

MAYOR T PICKARD
Cr K HOLLYWOOD
Cr T McLEAN
Cr P TAYLOR
CR T YOUNG
Cr L GOBBERT
Cr G AMPHLETT
Cr J CHESTER
Cr B CORR
Cr C HAMILTON-PRIME
Cr M NORMAN
Cr R FISHWICK
Cr F DIAZ