



*City of*  
**Joondalup**

**NOTICE IS HEREBY GIVEN that the next Ordinary Meeting of the Council of the City of Joondalup will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on Tuesday, 10 July 2001 at 7.00 pm.**

**LINDSAY DELAHAUNTY**  
**Chief Executive Officer**  
**4 July 2001**

## ***PUBLIC QUESTION TIME***

*Council allows a 15 minute public question time at each Council meeting which is open to the public.*

*To enable prompt and detailed responses to questions, members of the public are requested to lodge questions in writing to the Committee Clerk at least two days prior to the Council meeting at which the answer is required.*

*The Mayor is responsible for the conduct of public question time and ensuring that each member of the public has an equal opportunity to ask a question. The Mayor shall also decide whether a question will be taken on notice or alternatively who should answer the question.*

*The following general rules apply to question time:*

- *question time is not to be used by a member of the public to make a statement or express a personal opinion.*
- *questions should properly relate to Council business.*
- *question time shall not be used to require an Elected Member or an officer to make a personal explanation.*
- *questions are not to be framed in such a way as to reflect adversely on a particular Elected Member or officer.*

## ***DEPUTATION***

*Elected Members will conduct an informal session on the same day as the meeting of the Council in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 5.00 pm where members of the public may present deputations by appointment only.*

*A time period of fifteen (15) minutes is set aside for each deputation, with five (5) minutes for Elected Members' questions. Deputations shall not exceed five (5) persons in number and only three (3) of those persons shall be at liberty to address the Elected Members and to respond to questions raised. Deputation sessions are, however, open to the public and other persons may attend as observers.*

## ***MOBILE TELEPHONES***

*PERSONS ATTENDING MEETINGS are reminded that the use of Mobile Telephones during meetings is not permitted.*

*PLEASE ENSURE that mobiles are switched off before entering the Council Chamber.*

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

# CITY OF JOONDALUP

Notice is hereby given that an Ordinary Meeting of Council will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 10 JULY 2001** commencing at **7.00 pm**.

LINDSAY DELAHAUNTY  
Chief Executive Officer  
4 July 2001

Joondalup  
Western Australia

## AGENDA

### OPEN AND WELCOME

Invited Guest - Mr Kevin Larkins, President, Mullaloo Surf Life Saving Club

### APOLOGIES AND LEAVE OF ABSENCE

#### LEAVE OF ABSENCE – CR T BARNETT

Cr Barnett has requested Leave of Absence from Council duties for the period 23 July 2001 to 25 July 2001 inclusive.

### RECOMMENDATION

**That Council APPROVES the Leave of Absence requested by Cr T Barnett for the period 23 July 2001 to 25 July 2001 inclusive.**

### PUBLIC QUESTION TIME

**The following question, submitted by Mr Steve Magyar, Heathridge was taken on notice at the Council meeting held on 26 June 2001:**

*Q1 CJ198-06/01 - Warrant of Payments.*

*Could I be provided with details of the following cheques:*

*Cheque No 32058 drawn on 24 May to Tan and Tan Solicitors for \$499.00. (as this company is not one of Council's preferred legal advisors)*

*Cheque No 31475 for \$1760 to Sunny Brushware.*

A1 Cheque No. 32058 Tan and Tan Solicitors \$499.26  
Tan & Tan acted for purchaser of property - cheque was for rates refund from overpayment of rates at settlement.

Cheque No. 31475 Sunny Brushware \$1,760.00  
Purchase of traffic cones, sand bags and temporary road delineators used for road works.

**The following question, submitted by Mr M Sideris, Mullaloo was taken on notice at the Council meeting held on 26 June 2001:**

*Q1 In relation to a question I asked at the last meeting regarding 8.8% contract variation granted to Chubb Security for the provision of security services. I understood that the 8.8% was granted on the minimum wage increase, and that \$20.40 per hour is not the minimum wage. Council has granted 8.8% increase to the contracted hourly rate. Why wasn't this only granted to the minimum wage?*

A1 An increase of 8.8% in the minimum wage affecting patrol and administration staff, will also increase superannuation costs, annual leave, sick leave, training time costs, payroll tax, workers compensation relating to the service provided to the City. This accounts for the increase from \$20.52 per hour plus vehicle costs to \$22.33 per hour plus vehicle costs. Nonetheless, prior to the variation being granted, Chubb has been requested to provide further substantiation, and action will be taken accordingly.

## **DECLARATIONS OF FINANCIAL/NON FINANCIAL INTEREST**

## **CONFIRMATION OF MINUTES**

### MINUTES OF COUNCIL MEETING, 26 JUNE 2001

## **RECOMMENDATION**

**That the Minutes of the Council Meeting held on 26 June 2001 be confirmed as a true and correct record.**

## **ANNOUNCEMENTS BY THE MAYOR WITHOUT DISCUSSION**

## PETITIONS

### PETITION OPPOSING CONSTRUCTION OF SKATEBOARD FACILITIES AT MIRROR PARK, OCEAN REEF - [22103]

A 46-signature petition has been received from residents of the City of Joondalup opposing the planned construction of skateboard facilities at Mirror Park, Ocean Reef.

The petitioners state anti-social behaviour, lack of supervision and parking as reasons for opposition to this project.

The petition will be referred to Community Development for action.

## REPORTS

### FINANCE AND COMMUNITY DEVELOPMENT

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**DATE OF NEXT MEETING**

**CLOSURE**

**CJ219 - 07/01 AUSTRALIAN CENTRE FOR REGIONAL AND LOCAL GOVERNMENT STUDIES ELECTED MEMBERS COURSES NO 57 & 58, 6-10 AUGUST 2001 & 12-16 NOVEMBER 2001 - [00427]**

**WARD - All**

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CJ010703\_BRF.DOC:ITEM 1

**SUMMARY**

The Australian Centre for Regional and Local Government Studies is a faculty of the University of Canberra which conducts professional development courses for Elected Members.

It is recommended that consideration be given to sending up to two Councillors to both the August and November courses.

**BACKGROUND**

The Australian Centre for Regional and Local Government Studies has been providing training for Elected Members in Australia and New Zealand for over twenty years.

The goal of the elected members course is to provide, refresh and refine skills Elected Members require to be effective policy makers and politicians and to arm Elected Members with the ability to understand and address new issues in the dynamic and evolving local government environment.

**DETAILS**

Council's Policy 2.2.2 - Elected Member Training is as follows:

***“OBJECTIVE***

*To ensure Elected Members are provided with the appropriate training to enable them to fulfil their duties of office.*

***STATEMENT***

*The Council recognises that Elected Members have a responsibility to undertake the training necessary to enable them to fulfil their duties of public office. Therefore it is committed to the on-going development of its Elected Members in the interests of effective representation. An annual allocation is provided in each year's budget to cover the cost of elected member training and development.*

*All Elected Members are encouraged to participate in:*

- *the Municipal Training Service's Councillor Induction Program;*
- *the City of Joondalup's Councillor Induction Program;*
- *University of Canberra – Elected Members' Course;*
- *training Courses relevant to their portfolio or committee responsibilities; and*
- *other local government specific training courses, workshops and forums, relating to such things as understanding roles/responsibilities of the position, meeting procedures, etc.*

*Elected Members may be registered at training courses as itemised in this policy through Council Support Services. The Council shall determine the appropriateness of any other course or conference, interstate and overseas conferences and study tours on an individual basis in line with budget provisions."*

The Australian Centre for Regional and Local Government Studies (ACRLGS), located at the University of Canberra has been renowned for more than 25 years for providing an elite training program for both newly elected and more experienced local government representatives. ACRLGS provides Councillor training in an intensive five-day program which brings together Councillors from all states, the Northern Territory and New Zealand. With a national and international focus, these courses provide participants with an invaluable opportunity to network with colleagues. A major strength of these courses comes from the wealth of experience and expertise of the University's staff and associates, most of whom have substantial background in dealing with local government matters.

Dates for 2001:

Elected Members Course No 57	6 – 10 August 2001
Elected Members Course No 58	12 – 16 November 2001

The goal of the elected members courses is to provide, refresh and refine skills elected members require to be effective policy makers and politicians and to arm elected members with the ability to understand and address new issues in the dynamic and evolving local government environment.

Important and topical issues can be explored in greater depth and participants have the opportunity to engage in stimulating and enlightening exchanges of ideas and experience.

The courses are all scheduled to run parallel with parliamentary sitting sessions and provide participants with an opportunity to meet senior politicians with responsibility for local government matters.

A sample of topics to be covered include:

- |   |                               |
|---|-------------------------------|
| ▪ Roles and responsibilities of elected members | ▪ Economic development        |
| ▪ Competitive tendering                         | ▪ Communication skills        |
| ▪ Financing new infrastructure development      | ▪ Tax Reform                  |
| ▪ Local Government reform                       | ▪ Intergovernmental relations |
| ▪ Financial management                          | ▪ Dealing with the media      |



The course focuses on Local Government as a national industry and is of great benefit to both newly elected and more experienced representatives.

## COMMENT/FUNDING

Whilst it would be ideal to send all Elected Members to development courses such as this, it is essential that Elected Members are available for the conduct of urgent Council business.

Accordingly, it is recommended that up to two Elected Members attend both courses, 57 & 58 to be held between 6-10 August and 12-16 November respectively.

Account No:	11-05-05-052-3523-0001
Proposed Budget Item:	Elected Members Training
Proposed Budget Amount:	\$40,000
<b>Actual Cost:</b>	
Estimated Airfares:	4 @ \$1,000
Registration (includes all meals and accommodation)	4 @ \$2,695
Daily Allowance	4 @ \$90 per day (5 days)
<b>Total Cost</b>	<b>\$16,580</b>

*Crs Walker and Kimber have expressed an interest in attending Elected Members Course No 58 to be held 12 – 16 November 2001.*

## RECOMMENDATION

**That:**

- 1 Council AUTHORISES the attendance of up to two Elected Members at:**
  - (a) Elected Members Course No 57, University of Canberra from 6 -10 August 2001 at an estimated cost of \$8290;**
  - (b) Elected Members Course No 58, University of Canberra from 12 -16 November 2001 at an estimated cost of \$8290;**
- 2 the total estimated expenditure in 1 above of \$16,580 be charged to Budget Item Elected Members Training – Account No 11-05-05-052-3523-0001.**

## **CJ220 - 07/01      VOTING DELEGATES - 2001 AGM OF THE LOCAL GOVERNMENT ASSOCIATION - [18879]**

**WARD - All**

CJ010703\_BRF.DOC:ITEM 2

### **SUMMARY**

The Local Government Week 2001 Convention will be held at the Burswood Convention Centre from 5 to 7 August 2001. The Annual General Meeting of the Local Government Association (LGA) is to be held on Sunday 5 August 2001 and it is necessary for member Councils to nominate their voting delegates. In accordance with the Constitution, voting entitlements at the AGM are on the same basis as exists in respect to the City's representation on the North Zone.

### **BACKGROUND**

The Local Government Week 2001 Convention, incorporating the Annual General Meeting of the Country Urban Councils Association (CUCA), the Local Government Association (LGA) and the Country Shire Councils' Association (CSCA), and the Local Government Week Conference will be held at the Burswood Convention Centre from 5 to 7 August 2001.

The conference schedule is as follows:

#### Sunday 5 August

CUCA Annual General Meeting:	1.30 pm – 5.00 pm – Kestrel Room
<b>LGA Annual General Meeting:</b>	<b>1.30 pm – 5.00 pm – Ballroom East</b>
Local Government Week Conference (Day 1):	5.30 pm – 7.30 pm – Showroom
Cocktail Reception:	7.30 pm – 8.30 pm – Ballroom Foyers

#### Monday 6 August

Local Government Week Conference (Day 2):	9.00 am – 5.00 pm – Showroom
Local Government Week Gala Dinner:	7.00 pm – 11.00 pm – Showroom

#### Tuesday 7 August

CSCA Annual General Meeting:	9.00 am – 12.30 pm – Showroom
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## DETAILS

Member Councils of the LGA are invited to nominate their voting representatives to ensure accuracy. Each member local government of the LGA is entitled to be represented at the AGM on the same basis as exists in respect of the LGA Zones. The City is currently a member of the LGA through the North Zone, with the Cities of Wanneroo and Stirling is the other members of the zone.

The current representation for the City on the North Zone are:

<b>Member</b>	<b>Deputy</b>
Mayor J Bombak	Cr J Hurst
Cr P Kadak	Cr P Kimber
Cr D Carlos	Cr C Baker
Cr G Kenworthy	Cr A Patterson

The information provided by the member local governments will be applied to determine the entitlement of delegates to participate in business sessions during the Annual General Meeting. This information will also form the basis of the production of rolls which are to be used during the course of any electoral processes conducted during the Annual General Meeting.

WAMA has advised that the LGA constitution states that the speaker to a motion must be a nominated voting delegate.

## COMMENT

The Council at its meeting held on 12 June 2001, considered a number of motions to be submitted for consideration at the AGM of the LGA. Those members attending the LGA on behalf of the City will be required to vote on any motion(s) put forward by other member local governments. The LGA has an obligation to provide the completed Agenda papers to all its members at least thirty days before the date of the Annual General Meeting. All motions will be contained within those papers.

The following guidelines are generally followed for motions that are drafted for consideration at the AGM: -

- Motions should focus on policy matters, rather than issues, which could be dealt with by the Executive within policy, and with minimal delay.
- Due regard should be given to the relevance of the motion to total membership. Some motions of a sectional interest nature might be better handled through other forums or through specific industry associations.
- Due regard should be given to the timeliness of the motion – will it still be relevant come Local Government Week or would it be better handled immediately by the Association through the Executive?

- The likely political impact of the motion should be carefully considered.
- Due regard should be given to the educational value to members – i.e. does awareness need to be raised on the particular matter?
- The potential media interest of the subject matter should be considered.
- Annual General Meeting motions submitted by members Councils must be accompanied by fully researched and documented supporting comment.

Proxies are permissible under the LGA Constitution, but these must be advised in writing/signed by CEO of Council and delivered to the WAMA Secretariat prior to the commencement at the conference.

## **RECOMMENDATION**

**That Council NOMINATES the following members as its voting delegates to attend the Annual General Meeting of the Local Government Association to be held on 5 August 2001 at the Burswood Convention Centre:**

### **Member**

**Mayor Bombak  
Cr P Kadak  
Cr D Carlos  
Cr G Kenworthy**

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**CJ221 - 07/01 THE 2<sup>ND</sup> CITIES FOR CLIMATE PROTECTION NATIONAL CONFERENCE 2001 IN ADELAIDE, 1 - 3 AUGUST 2001 – [59091]**

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CJ010703\_BRF.DOC:ITEM 3

**SUMMARY**

The 2<sup>nd</sup> Cities for Climate Protection National Conference 2001 entitled “*Greenhouse Partnerships, Local Leaders Local Solutions*” will be hosted by the City of Charles Sturt in Adelaide (1-3 August 2001) and is presented by the Australian Greenhouse Office (AGO) and the International Council for Environmental Initiatives (ICLEI). The City participates in the Cities for Climate Protection programme and has achieved Milestone 2.

It is recommended that one Councillor and the Local Agenda 21 Officer attend the conference.

**BACKGROUND**

To date, 132 local governments representing 56% of Australia’s population, have committed to achieving sustainable, long term reductions in their Greenhouse gas emissions through their participation in the Cities for Climate Protection (CCP) programme.

The City of Joondalup is participating in the Cities for Climate Protection programme.

Milestone 1 of the CCP programme achieved the City’s first inventory and forecast of corporate and community Greenhouse gas emissions. Council received the Milestone 1 report at its meeting held on 19 December 2000 (CJ362-12/00 refers). Council noted the benefits to the City arising from the CCP programme and the commencement of investigations for Milestones 2 and 3 of the CCP programme.

Council at its meeting on 26 June 2001 (CJ195-06/01) noted proposed Corporate and Community Greenhouse Gas emission reduction targets. Council resolved to implement a significant period of public consultation to seek further feedback on this issue. A report from Council staff was sought on the proposed programme of public consultation.

**DETAILS**

The CCP conference is entitled “*Greenhouse Partnerships, Local Leaders Local Solutions, 2<sup>nd</sup> Cities for Climate Protection National Conference 2001*”. The conference will be hosted by the City of Charles Sturt, Adelaide, between 1-3 August 2001.

The aim of the conference is to examine existing and emerging opportunities for local government action in greenhouse matters.

The conference provides a forum for Cities for Climate Protection stakeholders to exchange, canvas and explore options that assist local government to reduce Greenhouse gas emissions, whilst increasing sustainable development opportunities.

## COMMENT/FUNDING

This conference is particularly relevant to the work occurring through the Cities for Climate Protection programme, and the CCP Working Group which reports to the City's Environmental Advisory Committee. Attendance at the conference will provide an opportunity to exchange information and identify innovative practices occurring elsewhere in Australia.

Estimated costs for an Elected Member and the LA 21 Officer to attend would be \$4,134 as follows.

Cost Items	Elected Member	Local Agenda 21 Officer
Registration Fees	\$Nil	\$Nil
Airfare:	(Business Class) \$1,277	(Business Class) \$1,277
Accommodation: (4 nights @ \$130.00 per night)	\$520	\$520
Incidentals: (3 days @ \$90 per day)	\$270	\$270
Totals	\$2,067	\$2,067

The Commonwealth Government will cover the registration costs for one elected Local Government Member and one nominated Council officer to attend the conference.

Funding is available under Budget Items 'Elected Members Conference Expenses - Governance' and 'Organisation & Strategic Development – Conferences'.

Funding for the Conference is available subject to budget considerations as follows:

Account No: 11.20.22.221.3302.0001  
 Budget Item: Conferences  
 Budget Amount: 24,000  
 Estimated Cost: \$2,067

Account No: 11-05-05-052-3521-0001  
 Budget Item: Elected Members Conference Expenses - Governance  
 Budget Amount: \$50,000  
 Estimated Cost: \$2,067

*Cr O'Brien has expressed an interest in attending this Conference.*

## **RECOMMENDATION**

**That Council AUTHORISES the:**

- 1 attendance of an Elected Member and the Local Agenda 21 Officer at the 2<sup>nd</sup> Cities for Climate Protection National Conference to be held in Adelaide from 1-3 August 2001.**
- 2 estimated expenditure of \$2,067 to be charged to Budget Item 11.20.22.221.3302.0001 - Conference Expenses and \$2,067 to be charged to 11-05-05-052-3521-0001 Elected Members Conference Expenses – Governance.**

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## **CJ222 - 07/01 INVITATION TO ATTEND THE AUSTRALIAN SISTER CITY ASSOCIATION NATIONAL CONFERENCE 2001 - [49504]**

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CJ010703\_BRF.DOC:ITEM 4

### **SUMMARY**

The 21<sup>st</sup> National Australian Sister City Association (ASCA) Conference is to be hosted by the City of Bunbury and the Shire of Busselton, Western Australia (30 September 2001 to 3 October 2001).

The benefits of attending the 21<sup>st</sup> ASCA National Conference are noted and a review of costs is provided.

It is recommended that elected members and Administration representatives of the City of Joondalup attend the conference.

### **BACKGROUND**

On 26 June 2001 (Item CJ188-06/01 refers), Council considered a report on the issues around developing a Sister City relationship. It endorsed:

*“the sending of representatives to attend the WA Sister City Association Conference planned for the end of September 2001 with a view to developing further recommendations as to the appropriate progressing of the Sister-City relationship.”*

The WA Sister City Association has recently forwarded details of the conference.

### **DETAILS**

The aim of the conference is to build a strategic plan for Sister City relationships and to discuss the economic impact and benefits of maintaining Sister City relationships.

The theme of the ASCA conference is “Make a Difference” and it will focus on the direction to be taken in the next millennium and the role of ASCA in making it a better world to live in.

This conference is an opportunity for City of Joondalup representatives to:

- exchange views on how other Sister Cities operate;
- develop a strategy for strengthening Sister City relationships;
- gain ideas on how Joondalup’s relationship with Jinan can be progressed.



**COMMENT/FUNDING**

The cost for one delegate is estimated to be \$1,841, made up as follows:

Registration:	\$720.00/person
Accommodation:	\$536.00/person
Daily allowance:	\$360.00/person (\$90 per day)
Travel:	\$225.00 based on 63.3 cents/km travel allowance.

Subject to the budget deliberations, funds are available as follows:

Account No:	11-05-05-052-3521-0001
Budget Item:	Elected Members Conference Expenses
Budget Amount:	\$50,000
Actual Cost:	\$1,841/person

It is proposed that the Executive Manager Strategic Planning or his nominee also attends the Sister City Conference. However further funds will need to be budgeted as this conference would exhaust the Conference budget for 2001/02.

Account No:	11.20.21.211.3302.0001
Budget Item:	Conference Expenses
Budget Amount:	\$1,600
Actual Cost:	\$1,616/person

*Crs Walker, Hollywood and Kenworthy have expressed an interest in attending this Conference.*

**RECOMMENDATION**

**That Council, subject to budget deliberation:**

- 1 ENDORSES the sending of elected members and the Executive Manager Strategic Planning or his nominee to attend the 21<sup>st</sup> National Australian Sister City Association Conference to be hosted by the City of Bunbury and the Shire of Busselton, Western Australia on 30 September 2001 to 3 October 2001;**
- 2 REQUESTS a report from the City's representatives on the outcomes of the Australian Sister City Association 21<sup>st</sup> National Australian Sister City Association Conference.**

PM

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## **CJ223 - 07/01      NEED FOR A COMMUNITY BANK IN THE CITY OF JOONDALUP - [76002]**

**WARD - All**

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CJ010703\_BRF.DOC:ITEM 5

### **SUMMARY**

This report provides an examination of community banking in response to a request that the subject be examined for Council's consideration.

There are three Community Banks in Perth – in Bayswater, Forrestfield and North Perth. In these suburbs, the local area lacked representation by bank branches and automatic teller machines (ATMs). In both cases, the local community has cohesively organised around the idea and has taken the initiative of establishing a community bank with the local Council as a participant in the process.

The Bendigo Bank has been a leading institution in the facilitating of such community banks. In this partnership, Bendigo Bank supplies the expertise and financial networking. In return the local community undertaking to raise funds that will supply the infrastructure for a local branch.

To establish a Community Bank, an amount between \$300,000 and \$500,000 is required to cover franchise fee, training, legal costs, working capital and other physical infrastructure, including the physical building in which the bank would be located.

A survey of banking facilities of Joondalup has found that most of the suburbs comprising the City are well serviced by either bank branches or automatic teller machines (ATMs). The exceptions to these overall levels of servicing were those suburbs to the North West of the City. It is highly likely that the relative lack of banking facilities in these areas is due to its recently developed character area rather than a regional area or inner city suburb that may have been subject to the withdrawal of banking services.

One possible course of action to progress the issue includes that the residents of the Marina and North Coastal Wards be canvassed to determine community interest in the need for community banking.

### **BACKGROUND**

At the Elected Members Briefing meeting held on Tuesday 5 June 2001, it was requested that a report be submitted to Council on the need for a Community Bank in the City of Joondalup. This report outlines the issues as requested.

## **DETAILS**

Widespread closures of the major banks have impacted on communities throughout Australia. Since 1993, 1706 banks have closed, 615 of them in rural and remote areas. Restricted access to high technology services in rural areas and fewer banking options have raised access and equity issues especially for those with reduced mobility.

The 'grass roots' and local community interest in development of community banking has been particularly strong in areas of (Western) Australia where banking facilities have been withdrawn from:

- Rural towns subject to declining populations and an eroding agricultural base or;
- Inner city suburban areas where rationalised (offline) banking facilities have gravitated to the metropolitan CBD, on the one hand, and to the still growing middle and outer suburban shopping centres (like Joondalup), on the other.

### **Community Bank Model**

The Victorian-based Bendigo Bank has led the development of this rapidly growing niche for community-based banking. Each Community Bank branch operates as a franchise of Bendigo Bank, using the name, logo and system of operations of Bendigo Bank. The bank and the community share all the revenue from the bank on a 50:50 basis. The community manages the branch of Bendigo Bank, paying operating costs while the bank provides banking services and infrastructure.

The establishment costs are estimated to be approximately \$300,000 to \$500,000 for the franchise fee, legal costs, training, working capital and start up costs. The presence of a strong local community interest in the concept and the capacity to raise funds required to establish a branch is essential to the progressing of a community bank.

Typically 200 to 900 people or businesses from a suburb, district or town become shareholders in the community based, public liability company and contribute \$100 to a maximum of \$5,000 towards working capital. The broader the shareholding base, the greater the chance of the branch succeeding. Shares are listed on the Australian Stock Exchange and purchase may be arranged through any stockbroker. Dividends are fully franked and are normally paid on a six-monthly basis, in April and October. The staff are trained by Bendigo, employed by the community and contracted back to the bank.

### **Benefits to the Community**

The benefits flowing from a Community Bank into the community can best be described by looking at the Victorian Wimmera Region where Australia's first Community Bank was established in 1998. After the closure of major banks, communities in Rupanyup and Minip, decided to open community banks. Start up contributions came from families representing more than 700 of the district's combined population of around 1,100 people. The support continued from the community once the bank opened, with branches meeting their 12-month business target within seven months. By May 2000, a growing number of sites were returning monthly operating surpluses to their community. There was an overall positive feedback from all sites.

An increase in community morale was reflected by an increase in trading volumes for local businesses. The greatest benefit to the community was that a share of the revenue was retained locally, with the prospects of generating significant local profits.

### **Risk Factors**

Particular investment risks may arise due to the specific purpose of the company, which is to manage a community bank branch of Bendigo Bank. Some of the possible risks are:

- Competition from other banks in nearby communities, particularly if that region continues to be perceived as a growth market for the established banks;
- Timing and payment of dividends are dependent on factors such as actual results, financial position, capital requirements, operating costs and economic conditions;
- Continued operation of the community bank is subject to further negotiation with Bendigo Bank after 15 years;
- Changes in economic conditions due to market growth, inflation, movements in interest rates and the level of loan defaults;
- Changes in government policies, particularly with regard to banking regulation;
- New technology uptake for banking and financial services consumers, such as Internet banking that may undermine the viability of a 'bricks 'n mortar' community banking institution.

### **Local Government Support for Community Banking**

The Australian Local Government Association's declaration on the Role of Australian Local Governments, states that councils should respond to community aspirations and concerns and represent community interests. The Victorian Local Government Association's Sally Isaacs says, "Councils can play a facilitating role, be it in leadership or through financial support".

Most, if not all community banking initiatives have received some form of financial support from their local city/shire council. This support has varied and in many cases includes:

- Payment of funds for a feasibility study – approximately \$11,000.
- Payment of legal costs for establishment of the Community Bank.
- Purchase of the proposed bank freehold.
- Providing council owned buildings for the purpose of the bank branch at a subsidised rent.
- Providing equipment, photocopiers and fax machines to the bank branch.
- Transferring part/all of the council's banking business to the Community Bank when it opens its doors.

### **Profile of the Community in Joondalup**

Joondalup's population is currently 148,047 people with over 50,000 dwellings spread across 22 suburbs.

A diverse range of businesses, from major international retail names to small, home-based ventures, has provided the momentum for continued growth and expansion in Joondalup City. Joondalup City's economic development is diverse with representation across most industries. Services, retailing and the construction industry are the leading businesses.

The three major shopping centres - Lakeside Shopping Centre, Whitford City Shopping Centre and Warwick Grove Shopping Centre - together draw an estimated 380,000 visitors a week with an estimated combined turnover of \$580 million a year. Joondalup's businesses and residential communities are serviced by over 20 bank branches and 40 ATMs.

## CONCLUSION

The four major banks – ANZ Bank, Challenge Bank, National Australia Bank, Commonwealth Bank as well as BankWest, account for the largest share of banking business in Joondalup. The current assessment is that Joondalup is well serviced by financial institutions and the viability of another bank would have to be assessed.

The exceptions to this general availability of banking services are North Coastal Ward – 2 ATMs in Currambine and Marina Ward – 1 ATM in Ocean Reef. (Attachment A refers). However, it is doubtful these areas satisfy the criteria to support the establishment of a Community Bank.

## RECOMMENDATION

**That Council, in the absence of demonstrated need or significant demand TAKES NO further action to establish a Community Bank in the City of Joondalup.**

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1ag100701.pdf](#)*

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## **CJ224 - 07/01 BONNEVILLE WAY - PEDESTRIAN ACCESS TO CURRAMBINE RAILWAY STATION - [00131]**

**WARD** - North Coastal

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CJ010703\_BRF.DOC:ITEM 6

### **SUMMARY**

The extension of the Northern Suburbs Transit system from Currambine to Clarkson is currently in progress with contracts awarded for the earthworks and a railway bridge over Burns Beach Road. These works require relocation of the existing pedestrian pathway across the Freeway between Bonneville Way and the Currambine Railway Station.

The Department of Transport has advised that at a meeting held on 6 June, 2001 residents of Bonneville Way voted to close the pedestrian access from Bonneville Way to Currambine Railway Station and redirect pedestrian access to Yellowstone Way and Burns Beach Road.

It is considered that pedestrian access should be maintained from Bonneville Way to Currambine Station and an additional pedestrian path be provided along Burns Beach Road and from Yellowstone Way.

### **BACKGROUND**

The extension of the North Suburbs Transit System from Currambine to Clarkson is in progress with contracts awarded for the earthworks and a railway bridge over Burns Beach Road.

The bulk earthworks require the closure of the pedestrian pathway across the Freeway Reserve linking Bonneville Way and Currambine Station. To maintain pedestrian access, a temporary relocation of the pathway along the Freeway Reserve to Burns Beach Road will be in use from 2 July 2001. This will be at the cost of the Department of Transport. The existing and temporary relocated pathway is shown on Attachment 1. The Department of Transport has also advised that at a meeting held by the Member for Joondalup on 6 June 2001 with mainly street residents from Bonneville Way, it was voted to close the existing pedestrian access from this street to Currambine Railway Station. The majority of residents in attendance also voted for the replacement of the existing pedestrian pathway with a relocated link along Yellowstone Way and along Burns Beach Road. This alternative proposed route is shown on Attachment 2.

### **DETAILS**

The pedestrian access from Bonneville Way provides a "desire line" to the Currambine Railway Station for the surrounding eastern catchment. This access was established as part of the initial Railway Station development. It is to be noted that the footpath at the end of Bonneville Way linking to the Freeway is through a private lot owned by Landcorp. It is

considered that for the long term planning of pedestrian access, the future usage of this land should be addressed with the Department of Transport.

It appears that the main issues raised by the street residents relate to anti social behaviour problems and traffic/parking concerns.

At this stage, the wider community has not been consulted on the requested closure of the Bonneville Way pedestrian access.

The closure of the Bonneville Way access will effect the commuter's current route to the station. To encourage use of public transport it is desirable to provide ready access and minimise the need for walking long distances. A method for assessing walkable catchments (Pedsheds) is set out in the WA Government's Liveable Neighbourhoods. These take the form of maps showing the area within 10 minutes actual walking distance of a railway station and are an assessment of convenience and energy efficiency for comparative purposes.

Pedsheds were mapped for a number of alternative pedestrian linkages in response to the concerns expressed by local residents at the meeting. These included the existing linkage to Bonneville Way (Attachment 3), a linkage to Curran Court (Attachment 4), a linkage north along the freeway reserve to Burns Beach Road (Attachment 5), and a linkage south along the freeway reserve to Nanika Park (Attachment 6). In addition a pedshed was mapped for all four linkages (Attachment 7).

The following table lists the number of lots on the eastern side of the freeway that would be within 1000 metres walking distance of the railway station in each of the linkage scenarios.

<b>LINKAGE</b>	<b>LOTS WITHIN 1,000 METRES</b>
Bonneville Way	348
Curran Court	263
North to Burns Beach Road	72
South to Nanika Park	160
All four linkages	395

It is clear from the pedshed analysis that Bonneville Way and Curran Court are of major importance to the walkability of the residential area to the east of the freeway. It is also clear that the best coverage is achieved by keeping all linkages open. This would provide an additional benefit of spreading the pedestrian traffic between the different linkages rather than concentrating the traffic in one or two.

## **COMMENT/FUNDING**

The future planning of the Currambine Railway Station provides for pedestrian access from linking paths on the eastern side of the Freeway Reserve. Whilst the concerns of the local street residents are appreciated, the closure of access from Bonneville Way will affect the wider community and impact on ready access to public transport. However, there is merit to provide distribution of pedestrian access to the Railway Station and the construction of a dual use path along Burns Beach road to the Freeway Reserve is supported. The estimated cost of this work is \$25,000. The construction of a dual use path along Burns Beach Road from Yellowstone Way to the existing western path connection to Currambine Station (near

Sunlander Drive) is listed for consideration in the 2002/2003 financial year of the 5 year Draft Capital Works Program. It is considered that the section of this path from Yellowstone Way to the eastern side of the Freeway which will not be affected by the railway works can be advanced and funded from projects deferred in the current program such as the Bernedale Way footpath project which has been deferred till 2002/03 pending a pedestrian usage survey.

## **RECOMMENDATION**

### **That Council:**

- 1 SUPPORTS pedestrian access from Bonneville Way to Currambine Railway Station;**
- 2 ADVISES the Department of Transport that it will construct a dual use path along Burns Beach Road from Yellowstone Way to the Freeway Reserve.**
- 3 AUTHORISES the funding for the construction of a dual use path along Burns Beach Road from Yellowstone Way to the Freeway Reserve from the Carry Forward funds in the 2001/2002 Paths program.**

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf030701.pdf](#)*

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**CJ225 - 07/01 PROPOSED TWO GROUP DWELLINGS  
(INCLUDING HEIGHT IN EXCESS OF BUILDING  
HEIGHT AND BULK POLICY 3.1.9): PT 599 (22)  
BREARLEY MEWS, HILLARYS – [05248]**

**WARD** - Whitfords

CJ010703\_BRF.DOC:ITEM 7

**SUMMARY**

The City has received an application to construct two grouped dwellings on the subject property. Both dwellings are two storeys in height and have direct frontage to the street.

A portion of the master bedroom for the upper floor of unit one exceeds the building threshold envelope permitted under the City's "Policy 3.1.9 Height and Scale of Buildings within a Residential Area". A parapet wall for the garage is also proposed along the northern boundary at a height of 3 metres and length of 6.35 metres, beginning 4.3 metres from the north western corner of the lot. The adjoining owner has objected to the proposed parapet wall.

The proposal was advertised in accordance with the provisions of Policy 3.1.9. Eleven objections to the proposal were lodged from nearby owners and many concerns were raised in relation to the proposal, which are discussed in this report.

Covenants, which restricted development on lots within this area to single dwellings, have recently expired. Although the covenants were for a limited period (10 years), community expectations of the single residential nature of the area still exist and it is a somewhat sensitive matter.

The proposal complies with the provisions of the Residential Planning Codes and the protrusion of the dwelling outside the building threshold envelope is considered minor. The merits of the objections have been considered, however, on balance, the application is recommended for approval.

**BACKGROUND**

Lot No	Lot 599
Street Address	22 Brearley Mews, Hillarys
Land Owner	Dung K Nguyen, Giao H Nguyen
MRS Zoning	Urban
DPS Zoning	Residential
Land Use	Two Grouped Dwellings
Permissibility of Use	D
Lot Area	976m <sup>2</sup>

The subject lot is vacant and located at the end of the cul-de-sac. A two storey dwelling abuts the lot to the north and a single storey dwelling abuts the lot to the south. The street is characterised by a mix of large, single and double storey dwellings.

## **DETAILS**

### Proposal & Discretion Sought

The applicant seeks approval for two grouped dwellings on the subject lot. Council's discretion is sort in the following areas:

- General discretion under the District Planning Scheme to allow the proposed grouped dwellings;
- Protrusion of Unit 1 outside the Building Threshold Envelope;
- A garage parapet wall where the adjoining owner has objected.

### Advertising

Written comments on the proposal were sought from affected landowners within 15 metres of the boundaries of the subject site and on the opposite side of the street. The comment period of 14 days ended on 27 March 2001. A total of 11 objections were received during the advertising period. The proposal was considered at the Delegated Authority Meeting on 24 May 2001 where it was deferred for referral to the Ward Councillors for comment. The proposal was reconsidered at the Delegated Authority Meeting on 31 May 2001 where the proposal was referred to Council for determination.

### Submission Comments & Issues

The objections raise a wide range of issues and are summarised as follows:

- Increase in traffic within the cul-de-sac;
- safety issues that will be created, as children play in the street;
- lack of open space, reduced privacy;
- devaluation of adjoining properties;
- The frontage should be in keeping with the street;
- Plans do not conform to Council requirements in regard to the height of one of the proposed dwellings;
- Objection to the parapet wall as it will enclose the yard and cause excessive overshadowing on the adjoining house;
- Development will look out of character in the cul-de-sac as this will be the only grouped dwelling;
- Considers that no relaxation of the regulations should apply; and
- It is a reasonable expectation that any future development will be in keeping with the general feel of the street.

### Legislative Requirements

Under District Planning Scheme No. 2 (DPS2), 'Grouped Dwelling' is a Discretionary ('D') use in a residential zone. Council has the ability to approve or refuse the application, given the merits of the proposal.

## COMMENT

The issues raised by the objectors are discussed below.

### Increase in Traffic, Safety

The proposed grouped dwelling development will result in one additional dwelling being built in the street. While this will increase vehicle movements in the street, it is considered that this will be a minor increase, and will not have any impact on safety within the cul-de-sac.

### Lack of Open Space, Setbacks, Privacy

The proposal complies with the provision of the R-Codes. On this basis, the provision of open space, setbacks, and privacy are deemed to comply with requirements. Specifically, the balcony for Unit 2 is screened to the south and there are no major openings on the upper floor of both dwellings facing north or south. The upper floor windows to Bedrooms 3 & 4 overlook the subject developments' private open space. Overall, it is considered that the development has been designed well to avoid overlooking adjoining properties.

While it is acknowledged that additional area within the front setback is required for the driveway for the second dwelling, there is still sufficient area, including the verge, for quality landscaping.

### Devaluation of Adjoining Properties

Property values are generally not a land use planning issue.

### Frontage Should Be In Keeping with the Rest of the Street

The proposal has a 6 metre front average setback with a minimum front setback of 4.3 metres for Unit 1 while the minimum front setback for Unit 2 is 17 metres. The location of the block with the cul-de-sac head gives the lot an 'angled' frontage. Due to the shape of the lots, the Unit 1 will be setback further than the adjoining northern dwelling. On this basis, it is not considered that the proposed dwellings will be out of context with adjoining properties.

### Policy 3.1.9 Protrusion

Policy 3.1.9 is not a statute, but is a mechanism to guide Council in the determination of applications. Council has discretion to vary the Policy where the variation is unlikely to affect adjoining owners.

A small protrusion outside the building envelope occurs on the northern side of the building. The protrusion occurs where the building envelope slopes from the boundary line to the top of the envelope, and is basically the portion of the dwelling where the roof meets the wall. The overall height of the dwellings complies with the Policy. The applicant has justified the protrusion on the basis at the window to the bedroom is located such that increasing the setback to the wall (thereby complying with Policy 3.1.9) would reduce the optimal size of the window to the bedroom. The bedroom window has been located so it does not overlook the adjoining property.

The protrusion is minor and even though the City received 11 submissions against the proposal, it is not considered the minor protrusion will have a negative impact on the surrounding properties.

#### Parapet Wall along Northern Boundary

The adjoining owner has objected to the proposed garage parapet wall. This owner identifies that overshadowing will occur as a result of the parapet wall being constructed along a portion of the northern boundary. However, assessment has indicated that overshadowing will not occur. The parapet wall also complies with the R-Codes (Clause 1.5.8(f)) in relation to the height of the wall at 3 metres and length of 6.35 metres along a boundary length of 41.94 metres.

The objection also identified that the parapet wall will enclose the front garden at 24 Brearley Mews (adjoining property). The impact of the parapet wall could be reduced to incorporate a box gutter, thereby reducing the overall height of the parapet wall from 3 metres to approximately 2.6 metres.

#### Two Grouped Dwellings Not In Keeping with Surrounding Area

Currently only single houses are constructed within the street, some with two storeys. The subject lot size is 976m<sup>2</sup> which permits two grouped dwellings in accordance with R-Code requirements. While the street is not characterised by grouped dwellings, it is noted that both dwellings will face the street, have double garages and are two-storeys in height, which will not be out of character with the street. The location of the subject site is to the right of the cul-de-sac head. The site has a relatively narrow frontage, and therefore the development will not be prominent within the street.

#### Internal Garage Width

The minimum internal garage width must be a minimum of 5.6 metres. As the plans do not clearly demonstrate the internal width, this aspect can be included as a condition of any approval issued.

### **CONCLUSION**

The advertising of the proposal has raised a wide range of objections to the proposal, with the emphasis on the grouped dwellings not being in character with the area. While these are genuine concerns of the adjoining owners, these concerns must be balanced by the development potential of the site as provided for under DPS2. It is noted that the covenants restricting development in the area to single dwellings have expired.

Considering the proposal complies with the R-Codes, the application is recommended for approval with discretion being exercised to allow the dwelling to exceed the building threshold envelope for a portion of the north facing wall of the main bedroom. In this instance it is considered that the projection is minor and will not adversely impact on the surrounding area.

The proposed parapet wall can be reduced in height thereby minimising any potential impact on the adjoining owner.

## **ADDITIONAL INFORMATION**

This item was presented at the Council meeting of 26 June 2001, however, no resolution was made as the item failed to obtain a mover and a seconder.

The item is resubmitted for the Council to make a determination. Under the District Planning Scheme No.2 (DPS2), Section 6.9 "power to determine applications for planning approval", the Council may either refuse to grant its approval, grant approval without conditions, grant approval subject to such conditions and requirements as it deems fit, or defer consideration or determination of the application to a later meeting, if in the Council's view, additional information for, or more detailed investigation of, the proposal is required.

In the event that Council fails to determine the application within 60 days, then it may be deemed by the applicant or proponent to have been refused. This would then enable the applicant to lodge an appeal. The 60 day period can be extended by agreement in writing between the applicant and the Council. The current 60 day period on the proposal expired on 2 May 2001. If the applicant does appeal on this basis, it would be very difficult for Council to defend the appeal as there would be no stated planning grounds for the refusal. Verbal advice is that the applicant is happy for the item to be presented at the next Council meeting.

The Council has an obligation and responsibility to carry out its statutory duties in accordance with its Planning Scheme and related legislation. Failure to carry out those duties could be questioned by the community, and the State Government, which could ultimately result in the Council losing its powers to determine land use and planning matters.

The Council has often been critical of the State Government for eroding its planning powers. It is important that the Council make full use of the planning powers that it currently has.

The recommendation is the professional advice of the administration, and is based on an evaluation of the proposal against the Council's adopted Scheme and policies, having regard to the comments from the nearby neighbours. It is only proper to take into account their comments where they are valid on planning grounds.

## **RECOMMENDATION**

### **That Council:**

#### **1 EXERCISES DISCRETION under clause 4.5.1 of District Planning Scheme No 2 and Clause 1.5.8(f) of the Residential Planning Codes and determines that:**

- (a) a wall on the boundary for a length of 6.35 metres and height of 2.6 metres,**
- (b) a small protrusion of the building threshold envelope for the north facing wall of the upper floor master bedroom**

**is permitted in this instance;**

- 2 APPROVES the application dated 2 March 2001 submitted by Ian Xuyen Lu and Associates, the applicant, on behalf of the owner(s), Giao Huu and Kim Dung Nguyen, for two grouped dwellings on Lot 599 (22) Brearley Mews, Hillarys subject to the following conditions:**
- (a) the wall on the boundary being of a clean finish and made good to the satisfaction of the City;**
  - (b) all stormwater must be contained on-site to the satisfaction of the City;**
  - (c) the minimum internal width for each of the garages is to be 5.6 metres;**
  - (d) reduce the height of the wall on the boundary to 2.6m by the incorporation of a box gutter.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf030701.pdf](#)*

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**CJ226 - 07/01      CLOSE      OF      ADVERTISING      -      PROPOSED  
AMENDMENT NO 2 TO DISTRICT PLANNING  
SCHEME NO 2 - HIRE OF EQUIPMENT FROM  
SERVICE STATIONS - [50036]**

**WARD - All**

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CJ010703\_BRF.DOC:ITEM 8

**SUMMARY**

The City has proposed an amendment to District Planning Scheme No 2 (DPS2) to include a definition for 'equipment hire' and to add to Table 1, Council's discretion to approve 'equipment hire' in the Commercial zone (Attachment 3). The amendment is in response to ongoing concerns regarding the unauthorized hire of equipment from service stations throughout the City.

The amendment was adopted by Council at its meeting on 27 March 2001 (CJ083 - 03/01) and was advertised for public comment for a 42-day period which closed on 6 June 2001.

Fifteen submissions were received, all in favor of the proposed amendment. Each submission consisted of a standard submission form and attached letter of support written by consultants Greg Rowe and Associates.

The amendment will enable Council to properly assess applications for 'equipment hire' in particular where they are proposed to operate from service stations. Both representatives of the Hire Industry and the MTA have been consulted prior to the amendment being initiated, and have agreed to the changes proposed to DPS2.

It is recommended that Council adopts Amendment No 2 to DPS2.

**BACKGROUND**

**History**

An amendment to DPS2 to include a definition for 'equipment hire' and to provide discretion to approve 'equipment hire' in the Commercial zone is in response to ongoing concerns regarding the unauthorized hire of equipment from service stations throughout the City.

The situation dates back to early 1999 when specialist equipment hire business operators sought action concerning the hire of domestic equipment from service station sites. Under the then operative Town Planning Scheme No 1 (TPS1), the hire of equipment was not permissible upon land zoned 'Service Station'. At the time site inspections indicated that 18 service stations had been operating hire equipment without having sought or obtained approval from the City.

Following a number of failed attempts at requesting landowners to bring their site operations into conformity with TPS1 the hire industry insisted that Council take action and threatened legal action to compel the Council to act. In response, the MTA representing service station owners and operators, requested that Council refrain from prosecuting service stations operators which did not comply and as an alternative amend its Town Planning Scheme to allow equipment hire in service stations. The MTA argued that the small-scale hire of equipment from service stations offered an additional service to the community and in general has been well received over the years.

Discussions were held with the Western Australian Municipal Association (WAMA) and the Ministry for Planning to see if the matter could be resolved on an industry-wide basis. After careful consideration of all the issues raised by the parties involved it was considered that an amendment to the Town Planning Scheme would be warranted.

### **Previous Council Decision**

At its meeting on 27 March 2001, Council resolved (CJ083-03/01) to define the use class 'Equipment Hire' and to permit 'Equipment Hire' as a discretionary use in the Commercial zone. The Council also resolved to advise service station owners that the amendment is being initiated and the landowner of Lot 1 (2) Warburton Avenue, Padbury that a separate scheme amendment is required for 'equipment hire' to be permitted in addition to a service station use on that site (CJ083-03/01) (Attachment 3).

## **DETAILS**

### **Advertising and Summary**

The proposed DPS2 Amendment No 2 was advertised for public comment for a 42-day period, which closed on 6 June 2001. Letters were sent to all service station owners in the City, the MTA and Hire Association. An advertisement was also placed in the local newspaper on 26 April 2001. A total of 15 submissions were received, and are listed in the Schedule in Attachment 2. The submissions consisted of a standard submission form and attached letter of support written by consultants Greg Rowe and Associates. One submission provided additional site information for the service station at Lot 1 (2) Warburton Avenue.

All submissions supported the proposed amendment and in addition requested that Schedule 2 of DPS2 be amended to include "equipment hire" and "vehicle sale and hire premises" as additional uses on Lot 1 (2) Warburton Avenue, Padbury and Lot 100 (6) Marina Boulevard, Ocean Reef. The issue of permissibility of 'equipment hire' versus 'vehicle sale and hire premises' was raised in that both uses are similar but the latter is permitted in the 'Service Industrial zone', whilst 'equipment hire' requires Council's discretion for approval.

### **Relevant Legislation**

Under the provision of section 17 (2) of the Town Planning Regulations 1967, Council shall consider all submissions received during the advertising period (see attachment 1). After considering all submissions the Council shall either resolve to not proceed or adopt the amendment with or without modification and submit three copies to the WAPC for recommendation to the Minister for Planning.



## COMMENT

### Issues and Assessment

The unauthorized hire of equipment from service stations has brought to the City's attention the issue concerning the nature of 'equipment hire' (other than vehicles) and their suitability in service stations and in other areas throughout the City.

There is a history of service stations in the City operating hire of equipment services, some dating back for considerable time. TPS1 did not contemplate the hire of equipment or other commercial activities in service stations, however the service station industry has evolved significantly over the years with the advent of fuel outlets shared with other commercial activity and the demise of the typical motor repair workshop at many service stations. Whilst an amendment to TPS1 was considered, the proposal was not finalised due to the gazettal of DPS2, which resulted in TPS1 being revoked along with all amendments.

Under DPS2 'equipment hire' appears as a separate use class in the zoning table but is not defined and it is not permitted in the commercial zone. The amendment will address both these issues and will enable all service stations the opportunity to apply for the use of 'hire of equipment'.

All submissions received are noted. The request to include the uses of 'equipment hire' and 'vehicle sale and hire premises' as additional uses on Lot 1 (2) Warburton Avenue, Padbury and Lot 100 (6) Marina Boulevard, Ocean Reef is considered inappropriate at this stage and should be considered as part of a separate amendment. This amendment addresses the mechanism for providing for the use but does not examine the needs of any particular site. Also there has been no opportunity for local community comment.

Both service stations are located in predominantly residential surroundings and require special consideration before being approved as an additional use under DPS2. The inclusion of 'equipment hire' and 'vehicle sale and hire premises' for both properties may be considered through a separate amendment supported by additional information.

The issues regarding the difference in permissibility between 'equipment hire' and 'vehicle sale and hire premises' in the Service Industrial zone are considered unsubstantiated. The difference between the permissibility of these use classes reflects the nature of the two classes. The 'vehicles sale and hire premises' is clearly defined in DPS2 and by nature is considered to be 'bulky' in comparison to other hire items. For this reason 'vehicle sale and hire premises' is considered better suited in Service Industrial zone where larger land parcels are available and where more compatible land uses are found. Additionally, the definition of 'equipment hire' is broader and includes a variety of service items that may require more careful consideration to determine the suitability of their location.

### Recommendation

The amendment will enable Council through provisions in DPS2, to properly assess applications for 'equipment hire' in particular where they are proposed to operate from service stations as a stand-alone use. Representatives of both the Hire Industry and the MTA have been consulted prior to the amendment being initiated, and have agreed to the changes proposed to DPS2. The amendment can be seen as satisfying the interests of both parties and the community, which generally supports the small-scale hire of equipment from service stations.

Accordingly, it is recommended that the amendment be adopted without modification.

## **RECOMMENDATION**

### **That Council :**

- 1** pursuant to Town Planning Regulations 17 (2) **ADOPTS Amendment No 2 to the City of Joondalup District Planning Scheme No 2 without modification;**
- 2** **NOTES the submissions received;**
- 3** **AUTHORISES the affixation of the common seal to, and endorses the signing of the amendment documents;**
- 4** **ADVISES the owners of Lot 1 (2) Warburton Avenue, Padbury and Lot 100 (6) Marina Boulevard, Ocean Reef that a separate scheme amendment is required for 'equipment hire' to be permitted as an additional use in addition to a service station use on these sites.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf030701.pdf](#)*

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**CJ227 - 07/01      PROPOSED BED & BREAKFAST (ADDITIONAL USE TO SINGLE HOUSE): LOT 11 (31) HALLIDAY GROVE, HILLARYS - [24834]**

**WARD** - Whitfords

CJ010703\_BRF.DOC:ITEM 9

**SUMMARY**

An application has been received for a Bed & Breakfast (additional use to a single house) at Lot 11 (31) Halliday Grove, Hillarys.

The owners are applying for the maximum of one couple and one single guest for stay at any one time. There are no alterations proposed to the house as part of this application. The proposal was previously considered and refused under delegation on 24 May 2001. The applicants have, however, submitted a fresh application for the same use without any additional changes to the originally refused application and have requested that Council consider the matter.

The above site is situated in a cul-de-sac (Halliday Grove) which is a quiet and narrow residential street, when compared with some of the nearby streets in the area. The above proposal is not supported due to the narrow cul-de-sac location, likely increase in traffic and associated noise, small lot size and the likely additional demand for visitor car parking which cannot be accommodated entirely on site. The above adverse impacts are likely to affect the amenity of residents in the street.

**BACKGROUND**

Lot	11
Street Address	31 Halliday Grove, Hillarys
Applicant	Desmond and Patricia Olver
MRS Zoning	Urban
DPS Zoning	Residential (R-40)
Land Use	Bed & Breakfast
Permissibility of Use	D
Lot Area	285m <sup>2</sup>

**DETAILS**

Proposal

The subject lot is 285m<sup>2</sup> in area. The application is for the maximum of one couple and one single guest for stay at any one time. The house is a double storey single house. A total of 17.5% of the floor area of the house would be used for the bed and breakfast use. One space in the double garage will be made available for guest carparking.

### Consideration at Delegated Authority Meeting

The subject lot is 285m<sup>2</sup> in area. The previous application for Bed & Breakfast was considered under delegation on 17 May 2001 but was deferred pending referral to Ward Elected Members for comment. The proposal was subsequently reconsidered on 24 May 2001 where it was refused for the following reasons:

- (a) The proposal would be contrary to the proper and orderly planning of the locality.
- (b) The use has the potential to reduce the residential amenity of the immediate area, due to the increase in traffic and associated noise and inability to provide adequate visitor car parking within the site.

### Advertising

Prior to the above matter being considered under delegation, the proposal was advertised for a period of 14 days to 11 adjoining and nearby landowners. A total of six (6) submissions were received during the consultation period being one (1) objection and five (5) non-objections.

### Submission Comments & Issues

The comments received in the submissions of non-objection is summarised as follows: There was sufficient on-site car parking and that the maximum numbers of guest were only one couple and an additional guest at any period of time. The comments also stated that the residential character of the area would not be affected as a result of the Bed & Breakfast.

The issues raised in the objection are summarised as follows:

Halliday Grove is a narrow street with no exit (Cul-de-sac). Presently there is only enough car parking off-road for the owners. The street is also clogged with vehicles parked on verges. This proposal will only exacerbate the problem. All houses are close together and do not lend themselves to be used for Bed & Breakfast. The street should remain as intended when the developers originally designed this subdivision. Public transport after hours is limited other than taxis.

### Applicants' Comments

The applicants have provided the following details summarised in support of their proposal:

- When the applicants made initial enquiries with the City, they were advised that no planning approval was required. Since that enquiry, the requirements have changed whereby development approval is now required. The applicants have spent \$4000 on new furniture and advertising so far. The residential character of the neighbourhood in their opinion will be retained. The proposal would be an asset to the area. The greatest number of guests would be one couple and one single guest at any one time.

- Adequate off-road car parking is provided. At the moment the applicants have two cars which would be reduced to one car when one of the applicant/landowners stops working. Guests are able to park one car on one side of the double garage. There would be a restriction that only one guest's car will be allowed at any one time. It is the view that most guests do not have cars and that the nearest bus stop, which connects to the railway station, is 100 metres away. It is the applicants' view that most of the guests do not like to drive in unfamiliar cities and look for Bed & Breakfast near public transport systems. The applicant also has grown-up children who have since moved and consequently there are two spare rooms for guests. The guests are expected to stay for 5-7 days per month in the first year.
- The Halliday Grove development has been designed with setbacks of 3.3 metres. The concrete flowerbeds demarcate the road verge. This enables residents to park behind garage doors without protruding into the roadway. Most residents in the area park in this manner. As such, any guest parking is not seen as an inconvenience.

The applicant would also like to request directional signs be placed at the corner of Flinders Avenue and Halliday Grove.

### Legislative Requirements

Under District Planning Scheme No 2 (DPS2), 'Bed & Breakfast' is a Discretionary ('D') use in the Residential zone. Council has the ability to approve or refuse the application, given the merits of the proposal. The definition of Bed and Breakfast under DPS2 is:

*“any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of breakfast.”*

A 'D' use is a use that is not permitted, but to which the Council may grant its approval after following the procedures laid down by sub-clause 6.6.2 which may include advertising. As the proposal has been previously advertised, it is considered that no further advertising is necessary.

## **COMMENT**

### Lot Size

The above subject lot is located in a cul-de-sac which had been specifically designed by the previous developer as a narrow residential street with houses built close to the lot boundary. Due to the closeness of the buildings and garages to the lot boundary, any motor vehicles parked behind the garage would straddle the lot boundary and the road verge. The above lot is only 285m<sup>2</sup> in comparison to other lots of approximately 700–1000m<sup>2</sup> in the surrounding suburbs where similar Bed & Breakfast proposals have been approved.

### Amenity Issues

With Bed & Breakfast, it has to be acknowledged that there is a possibility that guests may arrive/depart from Perth at various times of the day. This may include early hours in the morning or late at night. Noise from car engines, doors opening and shutting may be a relevant factor to be considered in this proposal as adjoining houses are in close proximity to each other. While arrival and departure hours could be restricted, due to the proximity of adjoining dwellings, arrivals and departures during normal hours may also be a cause nuisance to adjoining owners. It is to be noted that this subdivision was designed and created to provide for small lots as well as a small number of grouped dwelling lots to cater for various lifestyles. These lots and dwelling types are not conducive to commercial home based businesses involving visitors or additional traffic and parking demand as proposed.

### Carparking

The setback of the above house to the garage is 3.24 metres. When the roller door is shut, any car being parked behind the garage will protrude into the road verge. All development in the City is required to provide required carparking within the lot. The above carparking, if accepted, may be a precedent for carparking on the street verge to be acceptable in future developments within the City.

The applicant has indicated that one side of the garage would be available for guest parking. However, this parking arrangement is considered impractical and inconvenient for guests, and is not supported.

While it is noted that 5 letters of non-objection were received to the proposal, the application is not supported due to the narrowness of the street, which is also a cul-de-sac, the likely increase in traffic and associated noise, additional demand for visitor car parking located on the crossover rather than on the site. The above adverse impacts are likely to affect the amenity of residents living in the street.

## **RECOMMENDATION**

**That Council REFUSES the application and plans received on 31 May 2001 submitted by Desmond and Patricia Olver for a Bed & Breakfast use within a Single House on Lot 11 (31) Halliday Grove, Hillarys for the following reasons:**

- 1 the proposal would be contrary to the proper and orderly planning of the locality;**
- 2 the use has the potential to reduce the residential amenity of the immediate area, due to the increase in traffic and associated noise and the inability to provide adequate visitor car parking within the site.**

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf030701.pdf](#)

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**CJ228 - 07/01 PROPOSED BED AND BREAKFAST (ADDITIONAL USE TO SINGLE HOUSE): LOT 151 (88) CLIFF STREET, SORRENTO - [28358]**

**WARD** - South Coastal

CJ010703\_BRF.DOC:ITEM 10

**SUMMARY**

An application has been received for a Bed and Breakfast at Lot 151 (88) Cliff Street, Sorrento.

The proposed activity would cater for up to four (4) guests, utilising 2 bedrooms of the dwelling. There are no alterations proposed to the existing dwelling.

The proposal has been advertised to adjoining properties and two objections have been received.

The subject site is situated in a relatively low density area and given separation between dwellings, it is considered that the proposed activity will not have a significant negative impact on the adjoining properties. The proposal is low key in nature and approval is recommended.

**BACKGROUND**

Lot No	Lot 151
Street Address	88 Cliff Street, Sorrento
Land Owner	G & S Ash
MRS Zoning	Urban
DPS Zoning	Residential (R20)
Land Use	Bed and Breakfast
Permissibility of Use	D
Lot Area	711m <sup>2</sup>

The subject dwelling is situated on a corner lot. The substantial dwelling consists of a two storey portion, and a single storey portion. The single storey portion, which fronts Cliff Street, consists of a lounge room, kitchen/dining room, laundry, bathroom, and two bedrooms. This portion of the dwelling is proposed to accommodate the Bed and Breakfast activity.

## DETAILS

### Proposal

A maximum of 4 guests are proposed to be accommodated, and the applicant states two car bays are available on the site for visitor parking. Guest arrival and departure times would be between 7am and 11pm, while the applicant indicates guests may stay between 1 night and 1 month, although it would be expected that most guests would stay up to a week.

### Advertising

Written comments on the proposal were sought from seven (7) landowners adjoining and adjacent to the subject site. The comment period of 14 days ended on 22 May 2001. A total of three (3) submissions were received during the comment period, being two (2) objections, and one (1) non-objection.

### Submission Comments & Issues

The two objections are summarised as follows:

- The adjoining property is significantly lower than the subject property. There is resulting overlooking into the adjoining properties private yard area, affording no privacy whatsoever. The proposal will exacerbate this situation by introducing additional persons of a transitory nature who will be able to observe the details of our daily lives.
- Applicant has not advised number of persons likely to be accommodated, and therefore any parking impacts. Also no information on the length of stay of visitors.
- Portion of the dwelling to be used for the accommodation is effectively a self contained unit and constitutes ancillary accommodation under the R-Codes, and therefore should be restricted to members of the family occupying the main dwelling.
- The definition of a Bed and Breakfast under the scheme “means any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis...”. As the applicant does not reside in the ‘unit’, it does not appear to comply with the definition under the Scheme.
- The stated purpose is not in keeping with the amenity of the area. Bed and Breakfast is not compatible with the \$500,000 plus homes for residential use. If Council does use its discretion to grant approval, we suggest a twelve month trial, limit of 4 people, limit of 2 cars to be parked in driveway – not on verge, arrival/departure hours limited 9am to 8pm.

### Legislative Requirements

Under District Planning Scheme No 2 (DPS2), ‘Bed & Breakfast’ is a Discretionary (‘D’) use in a residential zone. Council has the ability to approve or refuse the application, given the merits of the proposal. The definition of Bed and Breakfast under DPS2 is:

*“any dwelling in which the resident of the dwelling provides accommodation on an overnight or short-term basis, usually to the travelling public, and may include the provision of breakfast.”*



## COMMENT

The issues raised by the objectors are discussed below:

### Privacy

An inspection of the subject site has been conducted and has revealed that the adjoining lot to the east is substantially lower than the subject lot. The private open space area that would be utilised by guests is located on the Cliff Street frontage, to take advantage of the ocean views. A clothesline area is located at the rear of the dwelling. It is acknowledged that a person utilising a clothesline can, if standing at the fence, gain views into the adjoining property. However, as this area will not be used as recreation area, the impact on the adjoining owners privacy is minimised.

### Unit/Ancillary Accommodation

The portion of the dwelling to be used as the Bed and Breakfast formed part of the original dwelling, prior to extensions being made to the northern part of the house, including a second storey. New kitchen and living facilities were also provided in the new extensions. The extensions are appropriately approved as additions to an existing single residential dwelling, and there is no evidence to suggest that the portion of the dwelling proposed to be used as the Bed and Breakfast accommodation is currently being used as anything other than a single residential dwelling.

The owners, who are resident at the dwelling, will operate the Bed and Breakfast activity, which is in accordance with the definition of the activity under DPS2.

### Provision of Car Parking

The applicant has verbally indicated that it is likely that families with one vehicle would stay at the bed and breakfast accommodation. One car bay for the proposal is located wholly within the lot and a second car bay can be readily accommodated in tandem, however, portion of the vehicle may overhang onto the verge area. It is generally considered that car parking for these types of activities in a residential area be provided wholly on the site. It is therefore considered appropriate to apply a condition to any approval issued to ensure that only one vehicle associated with the bed and breakfast is parked at the site at any one time.

### Amenity Issues

A Bed and Breakfast, by its definition, is considered compatible with a residential area, as it is an activity conducted from a dwelling. The important issues to consider are the scale of the proposal, and the impact that a particular proposal has on adjoining properties.

The subject locality consists of single residential dwellings on what may be considered by today's standard as relatively large blocks (711sqm). The dwellings are setback from boundaries and incorporate traditional backyards. The impact on adjoining properties created by the proposed activity is therefore somewhat diminished by the low density nature of the area, given that there is greater separation between dwellings, and therefore less disturbance from cars arriving, and associated noise.

The applicant has stated in writing that guests will be permitted to arrive and depart between the hours of 7am and 11pm. These hours are similar to other Bed and Breakfast activities that have been approved within the City, which are operating without complaint. On this basis,

the hours are considered appropriate, and can be included as a condition of any approval issued.

DPS2 does not indicate any restriction on the number of guests that can be accommodated within Bed and Breakfast accommodation. However, the intent of the activity is for the dwelling to remain the predominant use, with the Bed and Breakfast as an ancillary use. The proposed activity will occupy 100m<sup>2</sup> of the dwelling which represents approximately 25% of the total floor area. A maximum of 4 people are proposed to be accommodated in 2 bedrooms. It is therefore considered that the proposed activity is low key, ancillary use.

In summary, it is considered that the matters raised in the objections can be adequately addressed by conditions on any approval granted, to ensure that the Bed and Breakfast activity remains low key as proposed. Given the location of the subject property on a corner, and being a relatively large lot, it is considered that the proposed activity will not have a negative impact on the adjoining owners. However, this aspect can be monitored by limiting the approval period to 12 months, after which a fresh application is required.

## **RECOMMENDATION**

### **That Council:**

**1 APPROVES the application dated 11 April 2001 submitted by Gary and Sandra Ash, the applicant and owners, for a Bed and Breakfast at Lot 151 (88) Cliff Street, Sorrento, subject to the following conditions:**

- (a) the premises shall not be used to accommodate more than 4 guests excluding family members of the owners of the land;**
- (b) arrival/departure times for guests to be limited to between 7am and 11pm daily;**
- (c) all visitor parking associated with the bed and breakfast to be accommodated on-site at all times;**
- (d) only one (1) vehicle associated with the Bed and Breakfast activity is permitted at the site at any one time;**
- (e) this approval is valid for a period of 12 months only;**
- (f) signage for the development is limited to one sign on the porch façade, as indicated on the approved plan;**

### **Footnotes:**

- (i) Applicant shall comply with the Health (Food Hygiene) Regulations 1993.**
- (ii) Applicant shall submit a Form 2 Application for Approval of Certain Foods Handling Activities in Residential Premises and obtain the City's approval prior to the commencement of operation as a bed and breakfast.**

- (iii) A new application must be lodged with the City for a determination before this approval expires if you wish to continue operating the Bed and Breakfast activity.**

**2 ADVISES the people who made submissions of Item 1 above.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf030701.pdf](#)*

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**CJ229 - 07/01 PROPOSED THIRTY-EIGHT (38) MULTIPLE DWELLINGS AT LOT 323 (18) KINGSBURY ROAD, CORNER QUEENSBURY ROAD AND GRAND BOULEVARD, JOONDALUP - [27498]**

**WARD** - Lakeside

CJ010703\_BRF.DOC:ITEM 11

**SUMMARY**

An application has been received for 38 multiple dwellings at Lot 323 (18) Kingsbury Road, Joondalup.

The subject site is within walking distance of major transport, retail, entertainment and educational facilities and regional recreation areas within the City Centre. The proposal generally conforms to District Planning Scheme No 2 (DPS2) and the Joondalup City Centre Development Plan and Manual (JCCDPM).

The proposed development consists of three storey walk-up dwellings, which address the street by way of window location and balconies, thereby providing natural surveillance to the surrounding areas. The proposal provides for communal recreation space, services and car parking for the proposed residential use. The three-storey building creates a continuous urban façade along Grand Boulevard and is considered appropriate for the location. The development will provide additional residential accommodation and would be compatible with the surrounding land uses. Traffic and pedestrian issues associated with the proposal have been adequately addressed.

It is recommended that development approval be granted.

**BACKGROUND**

Lot	323
Street Address	18 Kingsbury Road, Joondalup
Applicant	Australand Holdings Ltd
MRS Zoning	Central City Area
Preferred Land Use	Residential (Multiple Dwellings)
Lot Area	3567 m <sup>2</sup>

The subject site is located on the western side of Kingsbury Road and bounded by Queensbury Road and Grand Boulevard. The site falls within the City North precinct within the Joondalup City Centre zone where one of the preferred uses is residential and mixed uses. Development within the above area is subject to the provisions of the City of Joondalup DPS2 and the JCCDPM.

## DETAILS

### Description of the Proposed Development

The development proposal consists of the following elements:

- 38 multiple dwellings within a three storey building consisting of a combination of 1, 2 and 3 bedroom units.
- The proposed ground floor dwellings have been designed in such a manner that they can be converted at a later stage to commercial units if the need arises.
- The proposed density is R107 under the R-Codes.
- A total of 75 car parking bays have been provided on site for the multiple dwellings.
- Pedestrian access is of Grand Boulevard and Queensbury Road. All vehicle access to the site is off Kingsbury Road.
- Communal open space in the form of a swimming pool and a gymnasium.
- Balconies for all the top floor units have been designed up to the lot boundary line.

### Setbacks, Site Coverage, Plot Ratio, Density and Car Parking,

The proposed setbacks are in accordance with the residential development requirements for City North, which include “nil” front, side and rear setbacks. A maximum plot ratio of 1.0 applies to commercial land uses. The provisions in the Residential Planning Codes (R-Codes) do not apply to the City North area. Hence there is no minimum or maximum density applicable to the above site. The maximum height of buildings in this particular area is three storeys, however, under exceptional circumstances, higher developments may be considered.

### Car Parking Table based on DPS Requirements

<b>Current Use</b>	<b>Car Parking Provisions</b>	<b>No of Bays Required</b>	<b>No of Bays Provided</b>
38 multiple units	1 bay per multiple unit	38	75
<b>Surplus</b>			37

It is evident from the above table that there is sufficient off-street car parking provided for the proposal. The applicant has provided some multiple units with 2 car bays.

However, should the 11 ground floor units be converted to commercial units, there would be a shortfall in car parking which is based on 1 car bay per 30m<sup>2</sup>. To satisfy future commercial carparking needs, the owners would either have to reallocate some of the surplus residential unit car bays or provide other alternatives such as verge parking or other acceptable methods of carparking to the satisfaction of the City. The applicants have also provided one disabled bay for future car parking in relation to commercial uses.

### Health Requirements

Adequate bin storage areas have been provided in accordance with the Council’s Health Local Laws. The applicant is requested to provide adequate fencing and toilet facilities for the public swimming pool, in accordance with the relevant state legislation. The applicant has also stated that an Acoustic Consultant’s Report in relation to noise from the gymnasium and swimming pool would be submitted at Building Licence stage.

### Relevant Legislation

The proposed use is in accordance with the preferred uses as stated for the City North precinct in the JCCDPM.

### **COMMENT**

The above proposal creates an active frontage and continuous façade along Grand Boulevard and complies in general with the design objectives and requirements of the JCCDPM. The proposal does not, however, include commercial activity at this stage, but has been structurally designed should the need arise. At the ground floor, the units will have a minimum of load-bearing walls so as to provide for clear floor trading areas for commercial uses. Should the ground floor units be converted at a later stage to commercial units, a subsequent development application will be required.

The site is located within the City North precinct where one of the preferred uses is residential and residential/mixed use. The proposal fits into the above use category and is considered a compatible land use with adjacent residential lots in the immediate vicinity.

### Residential Density

The proposed 38 multiple dwellings at the above site is equivalent to a R-Code density of R107. The above density is similar to some of the recent residential developments in City North as well as the Central Business Districts where developments around the R100 density mark have been approved. The proposal density of R107 is considered appropriate for the above site in its current form in terms of number of units, size, design and height of buildings.

### Urban Design

The current proposal is entirely for residential development. The applicants are of the view that demand for commercial uses is unlikely in the short term. The ground floor units along Grand Boulevard, however, have been designed structurally to be converted for commercial use when the need arises. The above lot fronts onto Grand Boulevard and is directly opposite the Joondalup Regional Hospital and should, in time, provide good opportunity for conversion to commercial use.

The verge along Grand boulevard and Kingsbury Road is currently unpaved. The verge provides an important pedestrian link within the City's footpath network. For previous developments within the City centre, applicants have been required, and have agreed, to pave the 1.5 metre strip between the lot boundary and the footpath. The remaining portion to be paved is generally undertaken at that the City's cost. No funds have been identified for the above works in the 2001/2002 Draft Budget. It is recommended that the City considers setting aside funds for the 2002/2003 Budget year for the footpath and verge works. The applicants have advised that should approval be granted, the development is anticipated to be completed in July/August 2002.

### Carparking

The current requirement for car parking for residential units is 1 car bay per unit. The applicant has, however, provided 75 car bays on site. Four undersized carbays are proposed, which comply with the Australian Standards. These undersized carbays are allocated to units which have already been allocated a standard carbay. In terms of the current proposal there is a surplus of carparking bays provided. Should the need arise for the ground floor units to be converted to commercial units, the owners would have to make appropriate arrangements at that stage to allocate car bays within the site for the commercial requirements or other

methods acceptable to the satisfaction of the City. For safer manoeuvring within the site, a mirror is recommended for carbays 74 and 75 to which the applicants have agreed and sight truncation of 1.5 at the east entrance.

### Conclusion

The above proposal is considered to have satisfied DPS2 and the JCCDPM in terms of façades, urban design and preferred uses within this precinct. The proposal achieves the continuous urban wall effect along Grand Boulevard with future potential for commercial units at ground floor level. The proposal is indicative of the continued interest and confidence in the provision of inner city housing within the Joondalup City Centre. The proposal will raise the residential population within the City Centre and also maintains the flexibility for future ground floor commercial opportunities. The development is compatible with the surrounding land uses, including the provision of safe vehicular and pedestrian movements.

It is recommended that the proposal be approved for the reasons stated in the above report.

## **RECOMMENDATION**

### **That Council:**

- 1 APPROVES the application and plans received on 8 May 2001 submitted by Cameron Chisholm and Nichol (WA) Pty on behalf of the owner Australand Holdings Ltd for 38 Multiple Dwellings at Lot 323 (18) Kingsbury Road, Cnr Queensbury Road and Grand Boulevard, Joondalup, subject to the following conditions and footnotes:**
  - (a) the parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building programme.**
  - (b) one (1) disabled carparking bay located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1).**
  - (c) an onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction.**
  - (d) the driveway/s and crossover/s to be designed and constructed to the satisfaction of the City before occupation of dwellings.**

- (e) car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%.
- (f) no obstructions such as walls or fences shall occur within the 1.5 metre truncation and/or easement, as depicted on the approved plan. Suitable alternative options to the satisfaction of the City would be considered.
- (g) the footpath treatment in the adjoining road reserve to be continued to the front of the building in a design with a finished floor level that matches the existing paving and at a grade of 2% rising from the kerblines, prior to the development first being occupied. Refer to footnote.
- (h) any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes or radio masts to be located and screened so as not to be visible from beyond the boundaries of the development site.
- (i) the roof pitch to be a minimum of 25 degrees.
- (j) should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City.
- (k) submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure.
- (l) all fencing to be designed and constructed in accordance with the attached extract from the Joondalup City Centre Plan and Manual and thereafter be maintained to the satisfaction of the City.
- (m) the submission of an acoustic consultant's report demonstrating to the satisfaction of the City that the proposed development is capable of containing all noise emissions in accordance with the Environmental Protection Act.
- (n) a suitably screened bin storage area is to be provided prior to the development first being occupied, in the location on the approved plans. Such an area must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock.
- (o) no obscure or reflective glazing being used in the dwellings facing onto Grand Boulevard.
- (p) the boundary wall(s) and/or parapet wall(s) being of a clean finish and made good to the satisfaction of the City.



- (q) all verge areas to be reinstated to their original condition at the cost of the owners or other alternative arrangements to the satisfaction of the City.
- (r) the ground floor units with commercial potential being constructed with minimum load bearing walls, internally and the facade to maintain the potential to convert the units to commercial use in the future;
- (s) future residents being notified in writing by the proponent that the City North Precinct is planned to become a vibrant and bustling city centre comprising a mix of land uses where street level activity may occur of an intensity not normally associated with a traditional suburban residential environment.
- (t) provision of a mirror for carbays nos 74 and 75 as indicated on the approved plans.
- (u) the existing site levels and design levels of all proposed development, including levels on top of the kerb at the crossover, are to be shown on the Building Licence submission.
- (v) landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City.
- (w) the lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verge(s) with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100 and show the following:
  - (i) the location and type of existing and proposed trees and shrubs within the carpark area
  - (ii) any lawns to be established
  - (iii) any natural landscape areas to be retained; and
  - (iv) those areas to be reticulated or irrigated

such improvements to be in keeping with the standard set for verge treatments in Grand Boulevard.

**Footnotes:**

- (i) You are advised that plans submitted for a Building Licence must show the full width of the verge and any street furniture, traffic islands, statutory services, road gullies and crossovers on the opposite side of the road.
- (ii) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage.

- (iii) For the purposes of this approval the car parking ratio was calculated based upon one carbay per multiple dwelling.
- (iv) Compliance with the Building Code of Australia provisions for access and facilities for people with disabilities may not discharge an owner's or developer's liability under the Commonwealth Disability Discrimination Act (DDA). The Human Rights and Equal Opportunities Commission has developed guidelines to assist owners and developers in designing developments which may satisfy the requirements of the DDA. Copies of the guidelines may be obtained from the Disabilities Services Commission, 53 Ord Street, West Perth, telephone 9426 9200.
- (v) Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval.
- (vi) Floors to all wet areas are too suitable surfaced and graded to a floor waste.
- (vii) Sundeck area to be adequately screened should the area be used for cloth drying purposes.

2 as a matter of priority, CONSIDERS for the 2001/2002 City's Budget, an item for funds for verge treatments for the above site.

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf030701.pdf](#)*

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## **REPORT OF THE CHIEF EXECUTIVE OFFICER**

### **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

#### **NOTICE OF MOTION – CR C BAKER – [23184, 10860, 07963, 05080, 17849, 41676, 08473, 09088]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 10 July 2001:

“That the dry tree branches, shrubbery and other vegetation positioned on the northern and southern perimeters of the new pathway connecting Mullaloo Beach North with Ocean Reef Road (adjacent to the intersection of Swanson Way, Ocean Reef) be removed because they constitute a dangerous fire hazard and serve no significant purpose whatsoever.”

#### **ADDITIONAL INFORMATION**

This additional information is provided in response to Councillor Baker’s intention to move the following motion at the Council meeting to be held on Tuesday 10 July 2001:

“That the dry tree branches, shrubbery and other vegetation positioned on the northern and southern perimeters of the new pathway connecting Mullaloo Beach North with Ocean Reef Road (adjacent to the intersection of Swanson Way, Ocean Reef) be removed because they constitute a dangerous fire hazard and serve no significant purpose whatsoever.”

In various sections of the dual use pathway, unauthorised public access has continued and a control measure was required to assist the fence in deterring access into the designated pathways and cliff face. With respect to cliff hazards, Council is in the process of developing a policy for the management of its cliff hazards in the wake of the Gracetown disaster. The policy is based on a risk management approach and identifies the various levels of care required for the cliff hazards within Council’s control and management. One of the fundamental elements of the policy is to restrict access to the cliffs and the recent vandalism of cutting the fence to gain access to protected areas needs attention. Closing the access to the informal tracks will allow vegetation to regenerate naturally over time.

Damage to the dual access pathway fence has been excessive and additional action was required to deter public access. The use of brush for stabilisation and access barrier is accepted throughout Australia as a management practice in bushland and coastal vegetation regeneration.

A fire risk assessment has been undertaken which raised concerns in relation to proximity and extent of branching near the coastal path. Remedial actions are in progress to remove this immediate concern.

## DETAILS

The coastal path in question is located within an undeveloped coastal heath land that is situated south of the Ocean Reef Marina, and is bounded by Ocean Reef Road to the east and the coastal limestone cliffs to the west.

In early 2001, the dual use path linking the northern end of Mullaloo Beach with Ocean Reef Marina was completed. The project also included a pathway to link Ocean Reef Road (opposite Swanson Way) with the north/south section.

As part of the Dual Use Path project, a fence was constructed on both sides of the pathway. The purpose of this fence was twofold:

- The fence on the western side (ocean side) was constructed to restrict pedestrians accessing the limestone cliffs, which have been identified as a hazard (Review of Coastal Limestone Hazards 1998 by Gordon Geological Consultants). This study was undertaken in the wake of the Gracetown tragedy. Subsequent to the tragedy, Council developed a risk management policy to address these identified hazards and to address the issues and the directions of the Coroner's report on the Gracetown disaster. The policy sets out Council's responsibility to cliff hazards and at the same time provides a reasonable balance between the hazards issue and giving residents and visitors reasonable access to the coastal areas, at the same time providing for the natural beauty and amenity of the area. One of the key elements of the policy is to restrict access to the cliff hazards by incorporating in the design of the use of the Dual Use Path fencing, fulfilling one of the elements of Council's duty of care. Although Council has not formally adopted the policy, Officers are working with Western Australian Municipal Association to adopt it as a policy for local government's in WA with a similar issue. Notwithstanding this, importantly, Council is acting on the issues surrounding the cliff hazards but still providing a reasonable balance between conflicting issues of access and Council's duty of care.
- The second purpose for the fencing is to protect the delicate limestone heath vegetation that occurs in Reserve 20561 and adjacent reserves (reserve 20561 is part of Bush Forever site 325). The vegetation in this part of the coastal strip has been subject to almost unrestricted access for many years. As a result of activities by motor vehicles, motorbikes and pedestrians, the vegetation is now traversed by numerous pathways and tracks. Closing access to these tracks and informal pathways will allow the vegetation to regenerate naturally over time.

Since the dual use pathway and adjacent fencing was completed, the fence has been cut on at least twenty occasions and this has allowed pedestrians access to both the limestone cliffs and the heath land vegetation.

The City has repaired the fencing each time it has been cut, and has recently begun to place branches (brushing) at the places where the fencing has been breached in an endeavour to restrict pedestrians accessing environmentally sensitive vegetation or potentially hazardous cliffs.

The use of brushing to close off informal pathways is an Australia-wide accepted management procedure and under these circumstances where fencing is vandalised, a necessary management tool. This is an important initial step in the stabilisation and subsequent regeneration of the dunal system, to reduce the impact of wind erosion and pedestrian movement.

**Fire Risk Assessment:**

An assessment of the fire risk was made by Council Officers and it was revealed that certain sections are a fire risk and require remedial action.

The main concern was with proximity and extent of branching near the coastal dual use path and the suggested remedial action is to remove the branching approximately 5 to 10 metres from the pathway, replace with mulch, and redistribute the remaining branches resulting in a more moderate coverage of brushings. Works are currently in progress to address these concerns.

**COMMENT/FUNDING**

The brush installation is undertaken by Council's Corrective Services team, utilising material from tree pruning and other areas where vegetation has required removing.

The remedial actions undertaken recently by Council would appear to have addressed the fire risk concerns and include removal of branching away from the pathways, and a reduction in the height of the branching.

In order to address any outstanding concerns that may exist, it is suggested that Council seeks an independent evaluation of the fire risk by Fire and Emergency Services Authority (FESA).

FESA do provide upon request fire management assessments for natural areas. The findings of this independent assessment can be reported back to Council in due course.

**SUGGESTED ALTERNATIVE RECOMMENDATION:**

**That Council:**

- 1        SEEKS an independent fire risk assessment from FESA in relation to the nature and extent of works associated with the recent pathway construction in Ocean Reef; and**
- 2        RECEIVES a further report outlining the findings of the independent fire risk assessment.**

**NOTICE OF MOTION – CR C BAKER – ENHANCED PARKING – TRAIN STATION COMMUTERS/RETAILERS – COLLIER PASS, JOONDALUP – [10277, 23184]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Chris Baker has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 10 July 2001:

“That the City of Joondalup fully examine the merits of and if appropriate construct angular parking bays on the southern verge of Collier Pass, Joondalup with financial assistance from the Department of Transport of Western Australia, via Westrail.”

**NOTICE OF MOTION – CR G KENWORTHY – PARKS, MEDIAN STRIPS, VERGES AND OTHER COMMUNITY FACILITIES ENHANCEMENT PROGRAM – [05080, 27189, 10860]**

In accordance with Clause 3.12 of the Standing Orders Local Law, Cr Gerry Kenworthy has given notice of his intention to move the following motion at the Council meeting to be held on Tuesday 10 July 2001:

“That the funds currently held in the City of Joondalup’s Performing Arts Centre Reserve Account and those proposed to be included in this account in the draft budget for the 2001/02 Financial Year be redirected to expenditure on a Parks, Median Strips and Verges and Community Enhancement Program throughout the City of Joondalup which program will include:

- 1 bringing forward the grassing and/or reticulation of needy dry parks;
- 2 continuing the ongoing beautification of major distributor Median Strips and Verges;
- 3 ensuring all appropriate parks have children’s play equipment and that this equipment is upgraded where required;
- 4 providing or enhancing cricket practice nets or basketball hardstand courts in appropriate parks;
- 5 upgrading needy footpaths where appropriate;
- 6 providing funds for precinct enhancement;
- 7 providing funds for new or enhanced existing sporting facilities; and
- 8 any other appropriate expenditure of a similar kind.”

## **DATE OF NEXT MEETING**

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 24 JULY 2001** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

## **CLOSURE**

**DECLARATION OF INTEREST FORM, CLICK HERE:** [declaration of interest.pdf](#)





City of  
Joondalup

**QUESTION TO MEETING OF COUNCIL**

**NAME** .....

**ADDRESS** .....

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**QUESTION** .....

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Please place this form in the tray provided at the meeting or post to:

The Chief Executive Officer  
City of Joondalup  
P O Box 21  
Joondalup WA 6919

**NOTE** Council is not obliged to respond to a question that does not relate to a matter affecting the municipality.

Questions at a Special Meeting of Council must relate to the stated purpose of the meeting.

**FOR SEATING PLAN OF THE COUNCIL CHAMBER, CLICK HERE:** [Seatplan.pdf](#)