

# CITY OF JOONDALUP

Notice is hereby given that a Special Meeting of **COUNCIL** will be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup on **MONDAY 24 JUNE 2002**, commencing at **6.00 pm**.

DENIS SMITH  
Chief Executive Officer  
21 June 2002

Joondalup  
Western Australia

## AGENDA

### 1 ATTENDANCES AND APOLOGIES

#### Leave of absence previously approved:

Cr G Kenworthy 17 June 2002 to 7 July 2002 inclusive

### 2 PUBLIC QUESTION TIME

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

### 3 DECLARATION OF FINANCIAL INTEREST/INTEREST WHICH MAY AFFECT IMPARTIALITY

### 4 ITEMS OF BUSINESS

The purpose of the meeting is to discuss the following:

**JSC2-06/02 STATUS REPORT COMMUNITY FEEDBACK ON ADOPTED CENTRES STRATEGY, ADOPTED CENTRES POLICY, AND DRAFT SCHEME AMENDMENT 10**

**JSC3-06/02 CONFIDENTIAL REPORT - VOLUNTARY ADMINISTRATION OF THE RANS MANAGEMENT GROUP - [46492]**

This Special Meeting of Council has been advertised in The West Australian on Monday 24 June 2002.

## **JSC2-06/02 STATUS REPORT COMMUNITY FEEDBACK ON ADOPTED CENTRES STRATEGY, ADOPTED CENTRES POLICY, AND DRAFT SCHEME AMENDMENT 10**

### **WARD – All**

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#### **PURPOSE**

To report on the background to the above guidelines and the District Planning Scheme amendment and to consider the input received from the community over the past week and provide a way of moving forward.

#### **EXECUTIVE SUMMARY**

In order to alleviate uncertainty over possible interpretation of the content of the Centres Strategy it is suggested that the policy be reviewed and parts of Amendment 10 relating to the centres strategy be deleted. The City is mindful of fostering good working relationships with the community and the importance of consulting with the community. It is highlighted that the review should concentrate only on those parts of the policy causing the ambiguities. Parts to be reviewed are as follows:

Net Lettable Area (NLA) - Issues have been raised in regards to nominated NLA's for centres.

In fact the nominated areas are in line with the values provided for by government policy, however, the City is prepared to review this part.

“Main Street” - These provisions also reflect the intentions of the government's policy. However due to the situation earlier this year with Precinct Planning and significant community opposition it is recommended that this part of the Centres Strategy also be reviewed.

Centre - It is acknowledged that the lack of a definition for the word ‘Centre’ is causing some concern and provides for a degree of (unintentional) interpretation, including the size of a centre. It is suggested this issue be reviewed accordingly.

It is also recommended that parts of Amendment 10 relating to the Centres Strategy be deleted.

#### **BACKGROUND**

##### **Previous Council Decisions**

At the meeting of 28 September 1999 the Commissioners resolved (in accordance with Clause 5.11 of Town Planning Scheme No 1) to adopt the Draft Centres Strategy prepared by Planwest-Belwigwe as a draft planning policy, and make it available for public submissions for a period of 42 days.

At the Council meeting of 28 November 2000 it was resolved subject to minor modifications to adopt the Centres Strategy as a Planning Policy and refer the Centres Strategy together with supporting documentation to the Western Australian Planning Commission (WAPC) with a request for consideration and endorsement as a Local Commercial Strategy pursuant to the Metropolitan Centres Policy.

At the Council meeting of 23 October 2001 Amendment 10 was adopted for the purpose of advertising. At the Council meeting of 26 March 2002 it was resolved subject to the exclusion of lot 199 Kinross Drive to endorse the documents. The documents are currently with the WAPC awaiting consideration for final approval.

Attachment 1 provides a timeline of the milestones in regard to the evolution and consultation associated with the Centres Strategy, Amendment 10, and the review of the District Planning Scheme. In addition it highlights the parts of the respective processes undertaken by the Commissioners versus the Council.

### **Metropolitan Centres Policy (MCP)**

The MCP has been formulated by the state government as a Statement of Planning Policy to ensure that it is given due regard in the preparation and amendment of town planning schemes. The principal purpose of the policy is to provide a broad regional planning framework to coordinate the location and development of retail and commercial activities in the metropolitan region. It is mainly concerned with the location, distribution and broad design criteria for the development of commercial activities at the regional and district level. Local Planning Strategies prepared by local governments will provide more detailed guidance for planning and development control at the local level.

The MCP sets the following guidelines for floor space: Strategic Regional Centres (up to 80,000m<sup>2</sup> nla), Regional Centres (up to 50,000m<sup>2</sup> nla), District Centres (up to 15,000m<sup>2</sup> nla) and Neighbourhood Centres (up to 4,500m<sup>2</sup> nla). This now better reflects the sizes of established centres in the hierarchy. The MCP also promotes the development of centres in accordance with Main Street design principles.

The key implementation element of the MCP (2000) is to oblige the local government to prepare Local Planning Strategies (LPS) for endorsement by the WAPC. Once adopted and endorsed the LPS will enable delegation of development control in accordance with the MCP in relation to the development of centres. The Centres Strategy has been prepared in accordance with the guidelines for the preparation of LPS's and is proposed to function as a LPS for the City.

### **Centres Strategy**

A Centres Strategy is an LPS, and required to comply with the MCP and to provide a basis for provisions to be incorporated into DPS2. The major implementation focus of the strategy is the preparation of structure plans, which require the endorsement of the WAPC to enable delegation of development control to the City. The strategy ensures that changes to the shopping and commercial centres occur in an orderly manner and benefit the community as a whole.

The preparation of a Centres Strategy to determine the location, size, land use mix and related matters of all existing and planned future commercial centres within the City was commenced in August 1998. It was intended to complete the strategy in 1998/99 for incorporation into the new scheme, DPS2, prior to final approval. Unfortunately the set timeframe was not met and the detail in the strategy was unable to be incorporated in the new scheme. The Scheme was adopted without the Centres Strategy being in place.

The Strategy examines the planning context, population, employment and commercial activity including the retail requirements as background to develop the strategy. The objective of the strategy is to interpret, apply and implement the Metropolitan Centres Policy in the context of the City and set out objectives and principles for centres in the City identifying a hierarchy and lists functions and shopping floor areas appropriate to each level of the hierarchy.

The draft Centres Strategy was advertised for 42 days from 7 October 2000 to 18 November 2000. Advertisements were placed in the Wanneroo Times and the West Australian newspaper. All owners and managers of shopping centres and adjoining business (156) were advised by letter, and copies of the draft strategy were made available in the City's libraries and the two customer service centres. Eleven (11) submissions were received.

Council determined that section 5 of the Draft Centres Strategy report be modified and adopted as policy. The Western Australian Planning Commission subsequently endorsed the strategy. It was recognised at the time that following endorsement of the Strategy the major implementation item would be an amendment to DPS2.

### **Amendment 10**

Amendment 10 proposes to incorporate only the following recommendations of the Centres Strategy:

- Permit 'Shop' as a discretionary use subject to special conditions in the Business and Mixed-Use zones;
- Include provisions relating to the 'Development of Centres';
- Modify the limits of net leasable area (NLA) in accordance with Schedule 3 of the 'Centres Strategy', which will delete reference to specific lots;
- Include a definition for Centres Strategy;
- Modify clauses 3.5, 3.6, 3.7 and 3.11 to enable shopping net lettable area to be distributed to all lots within the 'Commercial', 'Centre', 'Business' and 'Mixed Use' zones;
- Include a new clause 4.16 'Development of Centres' that establishes new development standards.

### **Scheme Review, State Government Policy, Centres Strategy Policy, Amendment 10 – Relationship**

In preparing DPS2, the state government (through long standing policy) requires that all Local Governments prepare a number of strategies to provide a context for the development of draft Planning Schemes. In the case of the (then) City of Wanneroo, the draft Scheme was under development for a period exceeding 10 years. Related to that process, a draft centres strategy was prepared (to cover the issue of retail centres).

A brief was prepared and tenders were invited in 1999. The Centres Strategy Policy interprets, applies and implements the WAPC's MCP in the context of the City. The City's Centres Strategy Policy provides for the incremental expansion of existing low order centres with shopping and related development throughout the City as part of a consolidation strategy until 2006 and encourages 'Main Street' principles which reflects the MCP (State Government Policy). The Centres Strategy was adopted as policy in November 2000 and has had little impact to date.

DPS2 was adopted in November 2000. At this time, the retail centres strategy was well advanced, but not finalised. Hence, specific provisions had not been introduced to the review of the scheme to reflect retail planning in the City. Amendment 10 seeks to introduce those provisions to the scheme.

## **DETAILS**

### **Current Situation**

An anonymous flyer has been circulated to residents within the suburbs of Kingsley, Greenwood and Duncraig as far as can be ascertained. This is a clear and purposeful attempt to link Amendment 10 to Precinct Action Planning. Contrary to the anonymous flyer being circulated, Amendment 10 is not an attempt to re-ignite the Precinct Action Planning process but endeavours to implement the City's Centres Strategy, which reflects the principles of the WAPC's MCP.

The City has forwarded correspondence to the Hon Minister for Planning requesting an urgent deputation to discuss the content of Amendment 10 and its alignment with the Government's current planning policies. In addition a press release has been prepared and released to the Community Newspaper Group.

Amendment 10 was advertised for a period of 42 days and in accordance with the Town Planning Regulations 1967.

### **Request for Rescission**

The City has implemented Council's resolutions in relation to Amendment 10. The City's recommendation relating to the Minister adopting the Scheme Amendment is currently under consideration by the WAPC, prior to it making a recommendation to the Hon Minister. In view of the fact that these decisions of the Council have been implemented, any resolution revoking those decision would be of no practical effect. This is in accordance with legal advice received by the City.

### **Issues**

The objectives of Amendment 10 are:

- To provide for an improved way of distributing appropriate land uses within centers:
- promote revitalization and re-modeling of existing centres, where practical along 'main street' principles;
- promote centres that include mixed uses, and foster safe, attractive and vibrant centres that provide for a community focus.

### Definition for ‘Centre’

The issues being raised relate to the lack of a definition for the word ‘Centre’ in DPS2 and the Centres Strategy and the extent of the Centre. It is acknowledged that this raises some ambiguity and it is recognized that this should be reviewed. In an attempt to understand what is meant by the term ‘Centre’ the community has made reference to the statement in the conclusion part of the Centres Strategy as follows:

“Centre zones should be created around all existing centers encompassing peripheral areas relative to the size of the center. For example a village center might encompass a 100 metre wide peripheral area...a large town center 400 metre radius...”.

It needs to be stated that this is not the intention of Amendment 10. In fact the provisions proposed to be incorporated in DPS2 refer only to the Mixed Use, Business, Commercial and Center **zones**, which are the zones that contain the existing commercial activity.

### ‘Main Street’ Principles

Proposed new clause 4.16.2 provides for no new centre to be developed or an existing centre redeveloped until a structure plan has been approved which promotes built form in ‘main street’ style. The structure plan is intended to guide decision-making. Proposed clause 4.16.3 provides for expansion or partial redevelopment of an existing centre where it is of such a small scale to be approved in the absence of a structure plan, however ‘Main Street’ style built form will be encouraged.

There is concern regarding the parameters of the structure plan. It is intended that the structure plan only relate to that land containing the commercial development and in no way to land that is zoned Residential.

### Net Lettable Area (NLA)

Another area of concern is the modification of Schedule 3 to reflect the recommendations for NLA as per the Centres Strategy. Based on a 1997 WAPC survey nine (9) of the centres currently exceed the NLA nominated in Schedule 3 (Attachment 2). It is important to note that the MCP provides for a hierarchy of centres and associated maximum NLA. The Centres Strategy reflects the NLA nominated in the MCP and in some cases prevents further expansion of centres and in other cases recognises the hierarchy of the centre and provides for expansion.

### **COMMENT**

The policy, strategy and draft amendment 10 have been subject to various reports and periods of public consultation, the resulting rate of response, and Council endorsement has given a high degree of confidence in progressing these matters. Notwithstanding the above, the recent interest in the issue needs to be addressed.

## Context

It is important to note that during the 1990's planners and Local Governments recognized fundamental shortfalls in the way retail centres (particularly those established between the late 1960's, and late 1980's) had been developed. The form of development was often determined by the Local Government planning controls which applied during those times. Typically such developments feature:

1. A large amount of parking, which is often excessive even on the busiest trading days;
2. Buildings centrally located on large sites, surrounded by vast expanses of car parks;
3. Little opportunity to provide substantial pedestrian friendly environments outside the building shell;
4. Little opportunity to link development between adjoining commercial sites;
5. Vast separation between private land and the streetscape or footpath areas, and no encouragement for pedestrians to travel from the passing footpath to the retail center;
6. Lack of emphasis on character of development and providing an environment which is attractive to anyone other than car-based visitors.

Government policy and experience has resulted in planners attempting to rethink the way retail centres should be planned. This is to facilitate success for the visitors to those places. In doing so, planners and government have learnt from emerging trends and successes, including;

1. al fresco environments which combine to attract high levels of activity (usually provided in pedestrian malls and plazas), often in old City Centres
2. contemporary developments incorporating opportunities to shop outside and inside, and providing for the agglomeration of activities (not just shopping) that extend the life of the centre into evenings, usually for entertainment purposes.
3. More reasonable parking requirements, that reflect attitudes of contemporary visitors rather than those stemming from the 1960's.

For these reasons, there may be some parallels and consistency between the different planning initiatives and policies that the Council produces and releases for debate from time to time. The principles that focus on al fresco mixed activity, with buildings close to the street, having an emphasis on human scale and offering pedestrian friendly areas are termed 'main street' principles.

## Centres Strategy

It is reiterated that the Centres Strategy has been previously advertised for public comment and only eleven (11) submissions were lodged at that time. The Centres Strategy was adopted as a guiding policy in November 2000 and has been in operation since that time. It is interesting that issues are now being raised in regards to the content of the Centres Strategy. It should be noted that it was not intended the community interpret the content as being demonstrated presently.

The Centres Strategy and Amendment 10 are not an attempt to re-ignite Precinct Action Planning. Unfortunately the contents have raised a degree of ambiguity in the community and concern Precinct Action Planning is being re-ignited. As a course of action it is suggested that the policy be reviewed and clarified to address the concerns being raised.

## Option

In order to alleviate the ambiguities being raised by the community in their interpretation of the content of the Centres Strategy it is suggested that the policy be reviewed and parts of Amendment 10 relating to the centres strategy be deleted. The City is mindful of fostering good working relationships with the community and consulting the community. It is highlighted that the review should concentrate only on those parts of the policy causing the ambiguities. Parts to be reviewed are as follows:

Net Lettable Area - Issues have been raised in regards to the nominated NLA's. It should be noted that this is in fact in line with the values provided for by the governments policy, however the City is prepared to review this part.

“Main Street” principles – It should be noted that these provisions are also sound and reflect the intentions of the governments policy. However due to the situation earlier this year with Precinct Planning and the significant community opposition it is recommended that this part of the Centres Strategy also be reviewed.

Centre - It is acknowledged that the lack of a definition for the word ‘Centre’ is causing some concern and provides for a degree of interpretation, including the extent of the centre. It is suggested this aspect be reviewed accordingly.

It is anticipated that the likely cost of such an exercise would be in the order of \$45 000. \$25 000 of this sum would be allocated to a substantial desktop study and the other \$20 000 would be allocated to an appropriate community consultation exercise which may include a random sampling exercise. It is advised that the review process could occur within the next 12 months.

## Financial Implications:

Account No:

Budget Item:

Budget Amount:                 \$45 000

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

- 1       REVIEWS the City of Joondalup Centres Strategy and Policy 3.2.8 – Centres Strategy having particular regard to the concerns raised by the community such as:**
  - (i)       The maximum net lettable area allocated to commercial centres;**
  - (ii)      The lack of a definition for ‘Centre’ and clarification of the extent of the Centre; and**
  - (iii)     The appropriateness of ‘Main Street’ principles as a development guide for all centres within the City.**



- 2 RECOMMENDS to the Hon Minister for Planning that she require District Planning Scheme No 2 Amendment No 10 to be modified in order to delete reference to the Centres Strategy by:**
- (iv) deleting the proposed definition for ‘Centres Strategy’;**
  - (v) deleting proposed schedule 3;**
  - (vi) deleting proposed clauses 3.5.2, 3.6.3 and 4.16;**
  - (vii) deleting replacement of clauses 3.6.2, 3.7.2 and 3.11.4; but**
  - (viii) including the floor space adjustments for the 9 Centres as per Attachment 2;**
- 3 WRITES to the Western Australian Planning Commission with details of the above recommendations and an explanation of the City’s reasons for it;**
- 4 ALLOCATES an amount in the 2002/2003 budget of \$45 000 for review and appropriate public consultation.**

*Appendices 3 and 4 refers.*

*To access this attachment on electronic document, click here: [Attach3agn240602.pdf](#)*

[Attach4agn240602.pdf](#)

**JSC3-06/02      CONFIDENTIAL      REPORT      -      VOLUNTARY  
ADMINISTRATION OF THE RANS MANAGEMENT  
GROUP – [46492]**

**WARD – All**

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**This Item Is Confidential - Not For Publication**

A full report has been provided to Elected Members under separate cover and will be considered at the Special Meeting of Council to be held on 24 June 2002.

## **5 CLOSURE**