

CITY OF JOONDALUP

MINUTES OF SPECIAL COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON FRIDAY 25 OCTOBER 2002 AND TUESDAY 29 OCTOBER 2002

ATTENDANCES

Elected Members:

Cr D CARLOS	Marina Ward
Cr A NIXON	North Coastal Ward
Cr J F HOLLYWOOD, JP	North Coastal Ward
Cr A WALKER	Pinnaroo Ward
Cr M O'BRIEN, JP	South Ward

Officers:

Chief Executive Officer:	D SMITH
Manager, Audit & Executive Services:	K ROBINSON

APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr Hurst 24 October 2002 to 30 October 2002 inclusive

Apologies for absence:

Mayor Bombak
Cr T Barnett
Cr C Baker
Cr P Kadak
Cr P Kimber
Cr G Kenworthy
Cr C Mackintosh
Cr A Patterson
Cr P Rowlands

There were 2 members of the Public in attendance.

ADJOURNMENT OF MEETING

There being a lack of quorum, the meeting was counted out at 1930 hrs.

In accordance with Clause 5.25(c) of the Local Government Act 1995, the elected members present agreed that the meeting be **ADJOURNED** to 6.00 pm on Tuesday 29 October 2002.

RESUMPTION OF MEETING

In accordance with Clause 3.1.1 of the City's Standing Orders, the Mayor **RESUMED** the meeting at 1803 hrs on **TUESDAY 29 OCTOBER 2002**, the following persons being present:

ATTENDANCES**Mayor**

J BOMBAK, JP

Elected Members:

Cr P KADAK	Lakeside Ward	
Cr P KIMBER	Lakeside Ward	
Cr D CARLOS	Marina Ward	
Cr A NIXON	North Coastal Ward	<i>from 1805 hrs</i>
Cr J F HOLLYWOOD, JP	North Coastal Ward	
Cr A WALKER	Pinnaroo Ward	
Cr P ROWLANDS	Pinnaroo Ward	
Cr M O'BRIEN, JP	South Ward	
Cr G KENWORTHY	South Coastal Ward	<i>from 1804 hrs</i>
Cr C MACKINTOSH	Whitfords Ward	

Officers:

Chief Executive Officer:	D SMITH
Director, Planning & Community Development:	C HIGHAM
Director, Infrastructure & Operations:	D DJULBIC
Director, Corporate Services and Resource Management:	P SCHNEIDER
Manager Marketing Communications & Council Support Services:	M SMITH
Manager, Audit & Executive Services:	K ROBINSON
Manager Financial Services:	A SCOTT
Manager Approval Planning & Environmental Services:	C TERELINCK
Publicity Officer:	L BRENNAN
Committee Clerk:	J AUSTIN

There was 1 member of the Public and 1 member of the Press in attendance.

APOLOGIES AND LEAVE OF ABSENCE

Leave of absence previously approved:

Cr Hurst 24 October 2002 to 30 October 2002 inclusive

Apologies for absence:

Cr T Barnett

Cr C Baker

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).

The following questions were submitted by Ms M Macdonald, Mullaloo:

Q1 Please quote the text of Council's Minute, which (allegedly) granted Council's Administration the (alleged) power to make decisions when major planning applications are submitted (such as the application by Kyme Pty Ltd which is the subject of the Special Council Meeting) to the City of Joondalup and the text of the policy document, page and paragraph which reflects this decision of Council?

A1 The Local Government Act 1995 requires the Council to review all its delegations once each financial year. This review last occurred at the ordinary meeting of the Council held on 11 June 2002, where it was carried unanimously (14/0) to adopt the amended Delegated Authority Manual.

The authority to deal with applications for development approval is detailed on pages 136 and 137 of the Council's Delegated Authority Manual.

Q2 Has such a delegation of planning power always been in place for the Municipal District that is now known as the City of Joondalup or did the Councillors previously require such applications to come before the Councillors either as Planning Committees or Full Council?

A2 Yes to the first part of the question.

Q3 At the last Council Meeting, Council took a responsible approach to refuse an increase in the amount that could be spent without reference to Councillors. Councillors, to their credit, have required that the application from Kyme Holdings Pty Ltd come before Full Council for Councillors to make a decision as to whether or not the use of discretionary powers are appropriate in this instance. Can it now be assumed that Councillors will in future be taking the appropriate steps to guard ratepayers interests and rescind any (alleged) delegated planning power, as described in 1 above, and return that power to Councillors.

A3 This is a decision of the Council.

Q4 Will Councillors now properly review delegated authority matters given that the Administration has sought to increase its ability to control the tendering process and now it is alleged that they have secured the power to approve major planning applications? Will Councillors ensure that they retain the power given to them by law to provide open and accountable government on behalf of ratepayers?

A4 This is a decision of the Council.

Q5 Will Council review its procedures and consider the election of a Planning Committee of Councillors for next year?

A5 The Council has established its decision making process until 22 April 2003. Following the May 2003 election, the newly comprised Council will set its preferred decision making process for the forthcoming 12 months.

Q6 Will Council review its procedures and consider the election of a Finance Committee of Councillors for next year?

A6 See response to Q5 above.

The following questions were submitted by Mr S Magyar, Heathridge:

Q1 Are there any legal reasons why Council is rushing this development application through at this meeting?

A1 No.

Q2 If there are no statutory reasons to rush this application, then what are the reasons for not dealing with this matter in the normal cycle of Council meetings?

A2 The applicant has requested that the proposal be expedited, for commercial reasons. Given that the proposal is a revision of a substantial development approved in late 1999 and that the planning intentions for the area have not altered since that time, it was proposed that the application be determined under delegated authority.

Q3 Will a copy of the plans for the building be made available to the Councillors at this meeting so that they may make an informed decision regarding this development?

A3 Yes.

Q4 Clause 4.3.1 of the Planning Scheme states that:

“Before exercising its powers of discretion Council may require that a proposal be advertised and plans made available for public inspection in accordance with the procedures laid down in Clause 6.7.”

Will Council advertise this plan as provided for in its Planning Scheme and what would be valid grounds for deciding not to advertise this development?

A4 Advertising of the proposal is not proposed.

The City centre is a special area, where planning intentions have been the subject of a substantial program of pre-planning and public advertising. The mix and scale of development in the City Centre is the reason why many choose to develop in this area. The hotel development proposal has been mooted for at least 3 years, and plans similar to those now put forward for determination have also been available for viewing during that time. For those reasons, advertising is not proposed to be undertaken.

Q5 *Clause 4.5.2 of the Planning Scheme states that:*

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

(a) consult the affected parties by following one or more of the provisions for advertising uses pursuant to Clause 6.7.1 and

(b) the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.”

Therefore how can Council decide to grant approval if it has not afforded possible affected parties to be informed of this development, and those parties have not been given an opportunity to comment?

A5 While the proposal may be of interest to the wider community, the only possibly affected party is the adjoining landowner. The development intention has been known for considerable time. Adjoining neighbours have acquired property with knowledge being available that the hotel development is proposed.

Q6 *What legal provisions exist to allow this development to be assessed under the old “R” Codes and not the “R” Codes, as they now exist?*

A6 The new R Codes do not include any transition provisions. The City of Joondalup and other local governments lobbied for this to be part of the new codes, without success. Local governments in terms of managing the introduction of the new codes have adopted various approaches. The City Of Joondalup has endeavoured to adopt a common sense approach where applicants who applied before the new gazettal date could have applications determined under the old codes. This allows natural justice and reduces stresses on the 400 or more applicants who have proposals in the system at this time.

Q7 *The recommendation to Council is to exercise discretion, however the recommendation to Council does not recommend reasons to be recorded for exercising the discretion. Therefore does Council consider that recording the words “is appropriate in this instance” as being open and accountable to the local community who may wish to more fully understand Council’s reason for approving this development?*

A7 Yes, the reasons are contained within the report.

Cr Kenworthy entered the Chamber at 1804 hrs.

DECLARATION OF FINANCIAL INTEREST/INTEREST WHICH MAY AFFECT IMPARTIALITY

Cr Baker declared a financial interest in Item JSC9-10/02 Proposed Hotel, Commercial Units and Multiple Residential Units (Apartments): Lot 495 (165) Grand Boulevard, Cnr Boas Avenue, Joondalup as he is a Director/Shareholder of Debt Enemy Com Pty Ltd, the registered proprietor of Unit C2, Maddison Building, 167 Grand Boulevard, Joondalup; this building and Cr Baker's company's unit within the same are located in close proximity to the hotel development site.

Cr Nixon entered the Chamber at 1805 hrs.

JSC9-10/02 PROPOSED HOTEL, COMMERCIAL UNITS AND MULTIPLE RESIDENTIAL UNITS (APARTMENTS): LOT 495 (165) GRAND BOULEVARD/CNR BOAS AVENUE, JOONDALUP – [37738]

WARD - Lakeside

PURPOSE

The development proposal is referred to Council for determination as it is a significant development within the Joondalup City Centre. Discretion is also sought in relation to the residential density and in respect to the height of the buildings.

EXECUTIVE SUMMARY

An application has been received for a 6 storey building (6 levels and one basement) comprising a hotel, commercial units and residential units. This proposal contains similar elements to a proposal approved by the Joint Commissioners at a meeting on 7 December 1999 (CJ435-12/19) although the height of the building has been increased by 2 levels.

Council discretion is sought in this instance in respect of residential density and height of the buildings.

The development represents a significant investment for the City Centre. The site is ideally located in terms of its close proximity to public transport, education and training establishments and is compatible with the City Centre environment. The proposal represents a significant landmark, which will create an urban wall with active interfaces on all three frontages.

Traffic, pedestrian movements, car parking and landscaping aspects have been adequately addressed.

The variations requested in regard to residential density and the height of the building are considered to be acceptable. It is therefore recommended that Council exercises its discretion under District Planning Scheme No 2 (DPS2) and approves the proposal.

BACKGROUND

Suburb/Location: Lot 495 (165) Grand Boulevard/Cnr Boas Avenue, Joondalup
Applicant: Sandover Pinder Architects
Owner: Kyme Holdings Pty Ltd
Zoning: DPS: Centre
MRS: Central City Area

The Joint Commissioners approved a smaller scale version of this proposal at a meeting on 7 December 1999 (CJ435-12/19) as part of the Maddison Apartment complex. The differences between the Hotel proposals are summarized as follows:

	Current Proposal	Proposal approved in 1999
Site Area	Northern portion of Lot 495 (165) Grand Boulevard (3014m ²)	Total extent of Lot 495 (165) Grand Boulevard (9363m ²)
Additional development proposal with hotel complex	nil	Maddison Apartments
Height	6 storeys and 1 basement	4 storeys and 1 basement
Location of Car Parking	Basement, Ground Level and half of Level 1	Basement and Ground Level
Number of Hotel rooms	108 rooms	53 rooms
Number of Apartments	40 multiple dwellings	20 multiple dwellings
Number of Commercial Units on Ground Floor	10	5
Hotel facilities	Lounge, Reception, Lobby, Breakfast Room, 1 Meeting room and swimming pool	Lounge, Reception, Lobby, Breakfast Room, Meeting room, Exercise room, Pool, Restaurant
Porte Cochere	Along Boas Avenue	Along Boas Avenue in the same location as the current proposal
Car parking	All parking provided on site	Car parking calculated over Maddison Apartment site and hotel site. Included a shortfall of 26 bays for which cash in lieu was to be paid
Discretions Sought	- Residential density of R129 - Height variation	- Residential density of R136 - Height variation

The subject lot is 3014m² and has been subdivided from the original lot to the south (previously 9363m²). It was a requirement of the subdivision that an easement for vehicle access along Grand Boulevard be created that straddles both properties. The easement has subsequently been created. With this easement in place vehicle access to the subject site is protected.

The proposal has been referred to the Department of Land Administration (DOLA) and the Department of Local Government and Regional Development as permanent structures are proposed on the street verge facing Boas Avenue. These structures include a porte cochere and a covered residential entry. DOLA has indicated that a lease of the verge area is required and that arrangements are currently being progressed with the owner of the site.

At its meeting on 25 August 1998 (CJ86 –08/98) the Joint Commissioners approved an addition to the JCCDPM that allows Council “to permit development up to a residential density of R100B where the City considers that this has been demonstrated to create an appropriate landmark which enhance the overall legibility and amenity of the City Centre”.

The site falls within the Central Business District (CBD) precinct within the Joondalup City Centre, where the preferred uses include provision of accommodation and commercial development. Any development within the above precinct is subject to the provisions of DPS2 and JCCDPM. As the proposal was received prior to 4 October 2002, the residential components have been assessed under the previous Residential Planning Codes (R-Codes).

The proposal consists of the following elements:

- A basement for car parking, swimming pool and gymnasium;
- A ground floor consisting of 10 commercial units, lounge, breakfast & meeting rooms and a porte cochere, associated with the hotel. The total area of the commercial units is 114.5m²;
- A first floor consisting of 8 multiple residential units and car bays;
- The 2nd to 5th floors consisting of 8 multiple residential units and 27 hotel rooms on each floor;
- The proposed density is R129 under the R-Codes;
- A total of 132 car bays are provided;
- Vehicular access is provided from Grand Boulevard via a break in the median strip that was constructed as part of the Maddison Apartment development. Pedestrian access is from Boas Avenue via a Porte Cochere within the verge area for the Hotel and a covered entrance for the multiple dwellings. Uninterrupted pedestrian access on the footpath along Boas Avenue is provided. A continuous pedestrian shelter is provided along the Grand Boulevard and Boas Avenue frontages.

The proposal includes 40 multiple dwellings and 108 hotel rooms in total.

Discretion is sought in relation to building height and density (as prescribed by the Manual)

Statutory Provisions

Clause 4.5 of DPS2 allows discretion to be exercised to allow a residential density of R129 and a variation in regard to the restrictions applicable to the height of the proposal along Grand Boulevard, Boas Avenue and Central Walk.

The relevant clause is as follows:

4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS

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

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

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

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

- (a) approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*

The non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality

The requirements under clause 3.7.3 and 3.11.5 and criteria under Clause 6.8 are as follows:

Notwithstanding the provisions of clause 3.7.2, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

Notwithstanding the provisions of clause 3.11.4, the floorspace figures contained within Schedule 3 shall be adhered to except as otherwise varied by an Agreed Structure Plan for the centre locality as adopted by the Council and the Western Australian Planning Commission.

6.8 MATTERS TO BE CONSIDERED BY COUNCIL

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

- (a) interests of orderly and proper planning and the preservation of the amenity of the relevant locality;*

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

Clause 4.8 allows the City to consider appropriate car parking standards for all types of developments within the City as follows:

4.8 CAR PARKING STANDARDS

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

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

COMMENT

Residential Density

The proposed residential density, although exceeding the stated permitted maximum of R100, is consistent with other apartment developments approved by Council in the City Centre. Densities of up to R152 have been approved, with others in the R100 – R130 vicinity.

The proposed R129 density is considered acceptable for the above site given its landmark status. The provision of additional residential accommodation is likely to have a contribution to a positive multiplying effect for other related businesses in the area.

The proposed residential density is not considered to have any negative impacts on the surrounding area and therefore discretion under DPS2 can be exercised in this instance.

Setbacks and Heights

The proposed ‘nil’ setbacks to Boas Avenue, Grand Boulevard and Central Walk are in accordance with the development requirements for the CBD.

Council’s discretion is required in respect to height of the building facing Grand Boulevard, Boas Avenue and Central Walk. The JCCPM specifies a maximum height of 13.5m along Grand Boulevard and Boas Avenue and a maximum permitted height along Central Walk of 10m. Beyond this limit it is a requirement that the building be recessed along a 60-degree recession plan.

The proposed height of the elevations varies from 17.8m (to eaves height) and 22.7m (to top of gables and tower elements) along Central Walk and Boas Avenue, and 18.1m (to eaves height) and 24.4m (to the top of the tower element) along Grand Boulevard.

The height restrictions outlined above are provisions of the JCCDPM and were included in the Manual in order to control potential adverse environmental impact upon street spaces from building form.

However the subject site is a landmark site in the City Centre, and the additional height of the building is considered to contribute to providing a City Centre feel and identity for the CBD. It is not considered that the height of the building will have any negative impact on the surrounding area. Therefore a variation of the provisions of the Manual under Clause 4.5 of DPS2 can be exercised, and in this instance, is considered appropriate.

Car Parking

The JCCDPM does not provide carparking standards.

Clause 4.8 of DPS2 provides that Council can determine car parking standards deemed to be appropriate to the use and area of a proposed development. The car parking ratios below are considered to be appropriate for the following reasons:

- The standards have been consistently applied throughout the city, and
- The standards were approved as part of the initial development proposal on the subject site approved at a meeting on 7 December 1999 (CJ435 –12/19).

Car Parking Table

Use	Parking Standard	No of Bays	No of Bays Provided
Hotel Rooms	1 bay per 2 rooms (108 x 0.5)	54	
Commercial	1 bay per 30 m ² CFA 1,104.5 ÷ 30	36.81	
Multiple Residential Units	1 bay per unit (40 x 1)	40	
Total		131	132

It is recommended that Council exercises discretion under clause 4.8 of DPS in regard to this development.

A total of 6 disabled car bays is to be provided for the development as required by the provisions of the Building Code of Australia.

The proposal includes one surplus carbay. As a result of access requirements from Grand Boulevard for the subject site, it is necessary to delete a disabled carbay located in the easement area on the adjoining block (Madisson Apartments – Lot 200). As it was possible to convert another bay into a disabled carbay on Lot 200, a shortfall of 1 bay has occurred on Lot 200. The applicant has advised that the surplus bay on the subject site will meet the shortfall of one bay on Lot 200 by means of a private agreement.

Health & Building Requirements

All Health and Building related issues have been assessed and it is considered that these issues can be appropriately addressed at the building licence stage.

Signage

No detail regarding signs has been provided as part of the application and it will be a condition that planning approval is obtained for any future signs.

Development on Verge and Pedestrian Access

With the proposed addition of the porte cochere, 3 car parking embayments currently provided will be lost. However the porte cochere will allow for a drop off/pick up area, which is considered adequate to replace the lost car bays.

The existing verge level is to be retained. A formal agreement between the applicant/owner and DOLA in the form of a lease would be required for any permanent works undertaken within the road reserve.

Uninterrupted pedestrian access along Boas Avenue is provided. A condition of any planning approval issued will ensure that the agreement between DOLA and the applicant in regard to the Porte Cochere within the verge area guarantees this uninterrupted pedestrian access.

Traffic Circulation

Due to the width of Boas Avenue, traffic travelling east along Boas Avenue will not easily be able to turn right into the Porte Cochere driveway of the hotel. It is therefore not intended that turning facilities such as a new roundabout will be made available at this point in Boas Avenue. However, there is an existing roundabout further along Boas Avenue at the intersection of Boas Avenue and Lakeside Drive, which can provide for safe access for vehicles to return west along Boas Avenue to access the hotel. At this stage there are no plans to replace this roundabout with traffic lights.

Urban Design

The proposal has been designed to interface with Grand Boulevard, Boas Avenue and Central Walk. The subject lot is located in a prominent location, being the entry to the City Centre from the south. Commercial activity is located on the street level. The façade will be brick and include balconies to the street. The building is tall and functional and meets the design requirements of the JCCDPM.

For the protection of pedestrians and cyclists suitable treatment of the verge along Boas Avenue and Grand Boulevard is required.

Conclusion

The proposed development is deemed to comply and satisfy the objectives, urban design criteria, car parking, setbacks and preferred uses within the DPS2 and JCCDPM.

The development is considered a landmark development by virtue of its height and significance. It interacts at street level and provides a continuous façade to the surrounding streets with active commercial frontages.

In terms of compatibility, the proposed mix of commercial, hotel and residential multiple uses is considered ideal.

The proposed height and density variations are considered to be in interests of orderly and proper planning, as they will serve to strengthen the identity of the area as a city centre where intense development is the expected. Both variations will serve to promote a city centre character, which is appropriate for the area, and will not adversely impact upon the surrounding areas. Approval is therefore recommended.

VOTING REQUIREMENTS

Simple majority

MOVED Cr Kadak, SECONDED Cr Kimber that Council:

- 1 EXERCISES discretion in relation to clause 4.5 and 4.8 of District Planning Scheme No 2 and the Joondalup City Centre Development Plan and Manual and determines that:**

- (a) a residential density of R 129, and
- (b) a relaxation of the height requirements for buildings facing Grand Boulevard, Boas and Central Walk in recognition of the significance of the site, the height and visibility of buildings facing the streets thereby creating a visually attractive and interesting streetscape,

is appropriate in this instance.

2 APPROVES the application dated 5 April 2002 and revised plans received on 9 October 2002 submitted by Sandover and Pinder Architects Pty Ltd on behalf of the owners, Kyme Holdings for a hotel with 108 bedrooms, 10 commercial units and 40 Multiple residential units at Lot 495 (165) Grand Boulevard/Cnr Boas Avenue, Joondalup, subject to the following conditions:

- (a) All costs associated with the relocation of the existing verge and roadworks to accommodate the porte cochere to be at the cost of the applicant/owners and to be completed to the satisfaction of the City. Details of the proposed works to be provided as part of the Building Licence application;
- (b) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Carparking (AS2890) and AS 2890.5 (on street parking). 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;
- (c) Provision of disabled carparking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the City and in compliance with the Building Code of Australia. 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);
- (d) The provision of access for people with disabilities in accordance with relevant regulations;
- (e) All stormwater to be discharged 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;
- (f) The driveways and crossovers to be designed and constructed to the satisfaction of the City before occupation of development;
- (g) Car bay grades are generally not to exceed 6% and disabled car bay/s are to have a maximum grade of 2.5%;
- (h) The footpath treatment in the adjoining road reserve to be continued to the property boundary to match the existing paving and at a grade of 2% rising from the kerbline, prior to the development first being occupied;

- (i) The continuous pedestrian shelter, excluding the ‘porte cochere’ and ‘covered entry’ for the multiple dwellings, along Grand Boulevard, Boas Avenue and Central Walk to be 2m in width and a minimum ceiling height of 2.75m;**
- (j) 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;**
- (k) Each multiple dwelling to be provided with an adequate area for clothes drying that is screened from view from Grand Boulevard, Boas Avenue and Central Walk or alternatively to be provided with clothes drying facilities within the unit;**
- (l) Should the development be staged, temporary landscaping and fencing must be installed prior to the development being occupied to the satisfaction of the City;**
- (m) Submission of a Construction Management Plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure;**
- (n) 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;**
- (o) Suitably screened bin storage areas are to be provided prior to the development first being occupied, in the location as shown 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;**
- (p) No obscure or reflective glazing being used in the ground level commercial units facing Grand Boulevard, Boas Avenue and Central Walk;**
- (q) All boundary walls and parapet walls being of a clean finish and made good to the satisfaction of the City;**
- (r) Future residents being notified in writing by the proponent that the this lot is located in the City Centre Area which 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;**
- (s) 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;**
- (t) Compliance with the details marked in red on the approved plans;**

- (u) The lodging of detailed landscape plans, to the satisfaction of the City, for the development site and the adjoining road verges with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges, including tactile paving, to be shown on the landscaping plans; and**
- (v) Landscaping, reticulation and all verge treatment is 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) Access Bay H39 is to be relocated to be on the first floor plan together with the other Access Bays for the Hotel (H41, 42,43 & 54).**
- (x) Suitable capping is to be provided to the satisfaction of the City along the western and eastern elevation so that any gap between the existing wall on the adjoining development common property boundary and the proposed southern wall of this development is closed. The capping is to be painted to match the development.**
- (y) Any agreement between the applicant and DOLA in regards to the Porte Cochere be such that uninterrupted pedestrian movement along Boas Avenue is protected.**

Footnotes:

- (i) With regard to condition (a) please be advised that you are required to enter into a lease agreement with the Department of Land Affairs for all proposed works undertaken on crown land, and the use of that land;**
- (ii) 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, crossovers on the opposite side of the road, the existing site levels, design levels of all proposed development and including levels on top of the kerb at the crossover;**
- (iii) A Mechanical Services Plan, signed by a suitably qualified Mechanical Services Engineer to certify that any mechanical ventilation particularly for the undercroft car parking complies with AS1668.2;**
- (iv) A separate application being made to the City for approval to commence development and sign licence prior to the installation of any advertising signage;**

- (v) **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;**
- (vi) **Applicant is advised that plans and specification for public swimming pool to be submitted to the Executive Director Public Health for approval;**
- (vii) **Compliance with BCA requirements;**
- (viii) **The proposal requires a total of 131 carbays. The one (1) additional carbay is required to meet car parking shortfall on Lot 200, which has occurred as a result of the disabled carbay within the easement area having to be deleted;**
- (ix) **With reference to condition (u) please note that all paving is required to match existing pavers and paving patterns.**

Discussion ensued.

The Motion was Put and

CARRIED (11/0)

In favour of the Motion: Mayor Bombak, Crs Carlos, Hollywood, Kadak, Kenworthy, Kimber, Mackintosh, Nixon, O'Brien, Rowlands, Walker.

Appendix 1 refers.

To access this attachment on electronic document, click here: [Attach1agn021025.pdf](#)

CLOSURE

There being no further business, the Mayor declared the Meeting closed at 1810 hrs; the following elected members being present at that time:

J BOMBAK
P KADAK
P KIMBER
D CARLOS
A NIXON
J F HOLLYWOOD, JP
A WALKER
P ROWLANDS
M O'BRIEN, JP
G KENWORTHY
C MACKINTOSH