



**MINUTES OF COUNCIL MEETING
HELD ON 22 NOVEMBER 2005**

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CITY OF JOONDALUP

MINUTES OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 22 NOVEMBER 2005

OPEN AND WELCOME

The Chairman declared the meeting open at 1900 hrs.

ATTENDANCES

CMR J PATERSON - Chairman
CMR P CLOUGH - Deputy Chairman *Absent from 2023 hrs to 2025 hrs.*
CMR M ANDERSON
CMR S SMITH
CMR A FOX

Officers:

Chief Executive Officer	G HUNT
Director, Planning and Community Development:	C HIGHAM
Director, Infrastructure Services:	D DJULBIC
Director, Corporate Services:	P SCHNEIDER
Manager, Marketing Communications & Council Support:	M SMITH
Manager Approvals, Planning Environmental Services	C TERELINCK
Manager Infrastructure Management & Ranger Services	P PIKOR
Conservation Co-ordinator	K ARMSTRONG
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

There were 22 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME

The following questions were taken on notice at the Council meeting held on 11 October 2005:

Mr J Bombak, Joondalup:

These questions are directed to the CEO, Garry Hunt.

Q1 *Has the CEO previously received any complaints from a Council officer and/or heard of an allegation that he/she was threatened and/or intimidated during the course of the City of Joondalup Inquiry?*

A1 Yes.

Q2 *If the answer is yes:*

- (a) *when was the complaint received?*
- (b) *who was the person who allegedly made the threat?*
- (c) *have you as CEO thoroughly investigated the complaint?*
- (d) *what was the outcome of the investigation?*
- (e) *have you referred the matter or complaint to the presiding member?*
- (f) *If not, why not?*

A2 (a) – (f) The complaint was received during the course of the Inquiry and was referred by the individual concerned to their legal advisor and representatives of the Inquiry, who are the appropriate authorities to deal with the matter.

Q2 (g) *in the interests of open and accountable government, will you release to the ratepayers copies of all documentation relating to the complaint for their information?*

A2 (g) It is not appropriate for the City to release information on this matter to third parties as:

- (i) the information is not covered by Section 5.94 of the *Local Government Act 1995* – “Public can inspect certain local government information”;
- (ii) under the *Freedom of Information Act 1992* there is an exemption to providing information where “the matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).

Q3 *If the answer is no:*

- (a) *what action will you be undertaking to investigate this allegation to ensure that utmost probity is maintained?*

A3 Not Applicable – see answers to Q1 and 2.

Mr M Baird, Duncraig:

Q1 *The 5 Year Capital Works Program released as part of the City’s 2005/2006 Budget process continues to be an unprofessional document in its omissions and errors, and failed to meet the level of accuracy promised in correspondence to myself by the Chairman of Commissioners 24 August and 14 December 2004. This document is the only detailed indication to the ratepayers of what is proposed in the coming Budget year, and the listing of Culwalla, Alder, Oleaster and Paveta parks as reticulation prospects for 2005/2006 and nothing for the next four years is responsible for the document and why does it continue to regurgitate redundant selections without regard to reviewed policy?*

Q2 *The Joondalup City's 5 Year Capital Works Program, the only detailed listing of expenditure that the public has ready access to, has a history on inaccurate costings and expenditure. For example:*

- *Rogers Park in Greenwood has play equipment expenditure listed at \$14,800.00 for Budget 1999/2000 but the items resplendent in this park wouldn't come anywhere near half that costing.*
- *Cinq Ports Park reticulation was costed at \$46,920.00 but was later revealed to have been paid for by Main Roads, not be the City of Joondalup.*
- *The adjoining Sycamore and Killen Parks were costed at over \$84,000 when the real costing was less than half that amount.*
- *Portree Park in Duncraig was costed to include extra funding for reticulation of Glengarry Drive median at a budgeted \$68,340 up from \$47,353, but this median expense was later revealed to have been 'funded by the Parks and Local Road Enhancement program'*

Apart from throwing doubt on the credibility of the people responsible for producing this document, such errors have the effect of reducing the actual development work provided for with the budgeted funds. Many of these errors have been pointed out at, or prior to, the conclusion of the budget process, yet were never rectified.

Again, why does the City of Joondalup take such a relaxed attitude to accuracy in the 5 Year Capital Works Program and is the department responsible going to lift its game?

A1&2 The detailed matters raised have been previously addressed by the City and copies of the correspondence will be re-sent to Mr Baird.

Q3 *If the City is going to have relevant Budget input from the ratepayers then it would seem essential to have accurate Budget proposals/costings produced and timely accessibility for Public perusal – particularly of the 5 Year Capital Works Program. In December 2000 the Minister for Local Government recommended that the City of Joondalup provide copies of the draft Five Year Capital Works Program **"in conjunction with"** the Principal Activity Plan to **"provide valuable information to the community of individual projects which may impact on them in future."** Can the Commissioners have this recommendation given official status rather than rely on the Administration's qualified statement 16 July 2003 that: **"Whilst there is no legislative requirement not Council decision to make the Five Year Capital Works documentation available as part of the Principal Activity Planning public comment process, administration are supportive of making this document available"**. And can this Five Year Capital Works Program be made available **"in conjunction with"** the Principal Activity Plan rather than be inhibited by the further qualification of 16 July 2003 that such availability would be **"following due consideration by Council"**. It would be absurd to limit public access to the draft Five Year Capital Works Program until after Council's consideration. Public input should be at or prior to Council consideration. It is, after all, a draft document, and public input should not just be an afterthought to Council's consideration.*

A3 The draft Five Year Capital Works Program is made available with the Strategic Financial Plan which is advertised to the community prior to adoption of the annual Budget.

- Q4 *When ratepayers provide input into the Budget process it would not seem too much to ask that the City at least provide an individual written response to that input. This has been the practice prior to this year's budget. This year there was no opportunity given for any discussion on matters raised, and the best we got were some selective and abbreviated answers, buried in attachments to the meeting minutes.*
- A4 A review of correspondence received by the City from Mr Baird indicates that all letters were responded to.
- Q5 *Is there any reason why MacAulay Park cannot have the same standard and quantity of Play equipment as the similarly sized/located Geddes Park, Annato Park, Brazier Park, Filbert Park or Oleaster Park? Can we have at least a flying fox attachment to the very basic slide/platform which was installed post-haste a couple of months ago.*
- A5 Inspection of MacAulay Park indicates that the combination units are similar to the other parks. Provision of additional items will be listed for consideration in the draft 2006/2007 budget.

Ms S Hart, Greenwood:

- Q1 *What was the purpose and cost of the advertisement in the West Australian informing readers to watch this space as there will be an advertisement in there next week?*
- A1 The purpose of the advertisement was to alert prospective employees that the City had a number of vacancies scheduled to be advertised. The current labour market is extremely tight, and innovative and new ways of attracting the attention of prospective employees are deemed appropriate. The cost of the advertisement was approximately \$2,500.00.
- Q2 *What was the purpose and cost of the full-page advertisement, and do ratepayers need to expend money like this?*
- A2 The City has not advertised positions for a number of months and due to the publicity around the Inquiry, needed to make a bold statement in relation to the recruiting of staff. The cost of the full page advertisement was \$17,831.00, which is less than the cost of advertising eight positions independently and using the banner, logo and standard text in each case.

Ms M Moon, Greenwood:

Re: Mixed use developments, dwellings above office/shops, multiple dwellings, dwellings over dwellings, group dwellings not stating dwellings over office/shops which is the definition and the residential design codes of mixed use development.

- Q1 *Why when amendments were made to the DPS2 by the City to keep it in line with the new Residential Design Codes were the development standards for dwellings above shops/offices not included or addressed as it is causing great problems?*
- A1 As the new 2002 Residential Design Codes (R-Codes) were automatically legally incorporated into the DPS2, no amendments were required to implement the new R-Codes. The development standards for mixed use developments (eg. dwellings above shops) are provided for within the R-Codes (Section 4.2 – Mixed Use Developments). Since the DPS2 was drafted before the new R-Codes were introduced, it could not be expected to include complementary provisions.

It is anticipated that when the DPS2 is reviewed this issue will be considered and dealt with by Scheme provisions if the Council considers that appropriate.

Mrs M Zakrevsky, Mullaloo:

Two years ago visitors to our Open Garden Charity Days who parked within the median strip or partly on the footpath in our street were warned by the City Rangers to move their vehicles immediately, otherwise they would be fined for illegal parking.

Q1 *How many vehicle owners were warned and how many fined for being illegally parked on the pavement near the steps into the Mullaloo Beach Tavern, Oceanside Promenade, Iluka Street and Warren Way on the weekends of 22/23 October 2005 and 29/30 October 2005?*

A1 Two infringements were issued on the above weekends.

Ten infringements have been issued on weekdays since the weekend of 22-23 October 2005.

Mr S Magyar, Heathridge:

Q1 *When will spraying for the natural areas adjoining the dual use paths going through the foreshore areas be carried out? Spraying has been done inside the fence line which I believe is under the control of one section of our Works Department, but there is no evidence of any weed management control in the natural area part inside the fences?*

A1 Spraying with Roundup has been undertaken along the entire fenceline of the Dual Use Path (DUP) as it is a major source of weeds to the nearby bush.

The areas adjoining the DUP are generally only sprayed when revegetating or helping natural revegetation.

This reduces wind and rain erosion along the edges of the paths in areas not planted. The weeds are a useful erosion stopper, until full rehabilitation.

A schedule has been developed for spraying these natural areas for the May/September period of 2006.

Mr S Kobelke, Sorrento:

Q1 *I have been approached by a number of residents regarding the Sorrento Traffic Plan. Can Council advise (a) the progress and timeframe for these works, (b) what is the progress of traffic modification for the Raleigh Rd/Frobisher Avenue intersection and Raleigh Rd from Frobisher to West Coast Drive?*

A1 The Sorrento Traffic Management Plan is being funded over the two financial years of 2005/06 and 2006/07.

The works for 2005/06 are currently in the design phase, which includes consultation with residents directly adjacent to the proposed traffic treatments on Raleigh Road and Robin Avenue.

The construction of:

- The roundabout at Raleigh Road/Frobisher Avenue;
- Traffic treatments on Robin Avenue between West Coast Drive and Frobisher Avenue;
- Traffic treatments on Raleigh Road between West Coast Drive and Frobisher Avenue is programmed for April – June 2006.

All centre line marking for the Sorrento Traffic Management Plan is being undertaken by Main Roads WA and will be completed by 30 June 2006.

The following questions were submitted in writing prior to the Council meeting on 22 November 2005

Mr Stephen Kobelke, Sorrento:

Q1 With regard to 4 Drakes Walk Sorrento:

(a) Can the Council advise if a subdivision of this block has been approved?

A1(a) A strata subdivision application was approved by WAPC on 29 April 2004 to create 2 strata residential lots.

A green title subdivision application was received by the City on 28 October 2005 for the amalgamation and re-subdivision of Nos 4, 6 and 8 Drakes Walk, Sorrento to create 2 residential lots. This application has not yet been determined.

A strata title subdivision application was received by the City on 8 November 2005 to create 4 strata residential lots on Nos 4 and 6 Drakes Walk, Sorrento. This application has not yet been determined.

Q1(b) If so has any building application been submitted. If so has there been any Officer discretion used relative to the height and scale?

A1(b) The City's records indicate that there has been no building licence application made to construct dwellings on the proposed new lots.

Q1(c) How does the Council determine height levels on this sort of block when earthworks may precede building applications by many months?

A1(c) In the case of development on existing lots, natural ground level is determined as that which existed before (and if) ground levels are disturbed. Where land is subdivided, then any change in ground levels approved during the subdivision process will be deemed to be natural ground levels. In the case of the subdivision applications mentioned above, no change in current ground levels are noted on the applications.

Q2 With regard to 6 Drakes Walk Sorrento:

(a) Can the Council advise if a subdivision of this block has been approved?

A2(a) A green title subdivision application was received by the City on 28 October 2005 for the amalgamation and re-subdivision of Nos 4, 6 and 8 Drakes Walk, Sorrento to create 2 residential lots. This application has not yet been determined.

A strata title subdivision application was received by the City on 8 November 2005 to create 4 strata residential lots on No's 4 & 6 Drakes Walk, Sorrento. This application has not yet been determined

Q2(b) *If so has any building application been submitted? If so has there been any Officer discretion used relative to the height and scale?*

A2(b) See answer 1(b) above.

Q2(c) *How does the Council determine height levels on this sort of block when earthworks may precede building applications by many months?*

A2(c) See answer 1(c) above

Q3 *With regard to the proposed Sorrento Shopping Centre redevelopment. In discussions the City of Joondalup has had with Urban Plan (consultants) have Urban Plan identified who is employing them and who has the major interest in the redevelopment?*

A3 The City is not aware of who is employing Urban Plan, or who has the major interest in the proposed redevelopment.

Q4 *Report of the Inquiry into the City of Joondalup*

At the Special meeting of Council held on 14 November 2005 when Declarations of Interest were asked for, Cmr Smith made a statement about seeking legal advice and giving Declarations of Interest. Can the Council expand on what Cmr Smith was talking about with regard to the requirement to make declarations at this special meeting? What was different to this meeting that it required legal advice?

Q5 *I refer to Disclosure of Interest affecting impartiality.*

This code states that Commissioners and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. The declaration does not restrict any right to participate on or to be present during the decision-making process. The Commissioner/Employee is also encouraged to disclose the nature of the interest.

At the Special Meeting of the Council on Monday 14 November held to Respond to the Minister concerning the Report of the Inquiry into the City of Joondalup (JCS5-11/05), Commissioner Smith did not make any declarations of interest either financial or impartiality.

On the Minutes of Council 22.02.2005, Page 24 in relation to Item CJ002-02/05 in a minor matter to do with local government Commissioner Smith declared "she is a local government consultant and a member of the LGMA".

How is it then on the on the major issue of the City of Joondalup Inquiry response, when both local government and the LGMA are mentioned in the documents in front of Commissioners, and when she is moving a raft of amendments against the advice of one of Australia's foremost Local Government practitioners (CEO Garry Hunt) she does not declare any interest?

- A4-5 The decision to declare an interest (either financial, proximity or impartiality) is a decision made by the individual. Prior to debate on the matter relating to the submission to the Minister on the Inquiry Report, the CEO advised the meeting that legal advice had been sought in relation to the issue of financial Interest of Commissioners. The minutes of the Special Council meeting of 14 November 2005 do reflect that Cmr Smith declared an interest that may affect her impartiality. At the time of declaring the interest, Cmr Smith also referred to the receipt of legal advice that confirmed that the Commissioners did not have to declare a financial interest in the matter.

The following question, submitted by Mr M Sideris, Mullaloo, was taken on notice at the Special Council meeting held on 14 November 2005:

- Q1 *In relation to the calling of this evening's meeting, why was the meeting not advertised in the local community newspaper, bearing in mind the administration would have known that the report was prepared and ready to be submitted to Council for consideration?*

- A1 The notice was placed in the local newspaper on 10 November 2005. In addition to the local advertising, the agenda was also placed on the City's website on 11 November 2005.

The following question, submitted by Mrs M Macdonald, Mullaloo, was taken on notice at the Briefing Session held on 15 November 2005:

- Q1 *Re: List of Payments made during the month of October 2005:*

What is the payment to Westpac Banking Corporation for \$24,211.46, that is described as Fees and Charges?

- A1 The specific fees and charges included in this transaction are as follows:

Activity Fees
Transaction Fees
EFTPOS/Debit Card Transaction Fees
Service Fees
Credit/Charge Card Transaction Fees (for amounts received by the City)
Dishonoured Cheque Fees

Dr V Cusack, Kingsley:

- Q1 *Which specific section of the District Planning Scheme Number 2 (DPS2) is Council using to "Exercise Discretion" to approve the nursing home component of the proposed development for Lots 63 and 28 Hocking Road Kingsley?*

- A1 Refer to Clause 3.2 and Table 1 – Zoning Table of the DPS2.

- Q2 *Section 3.4 of the DPS2 states:*

The Residential Zone is intended primarily for residential development in an environment where high standards of amenity and safety predominate to ensure the health and welfare of the population.....

It continues by stating, the objectives of the Residential Zone are to:

- (c) *provide the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage of aged residents within the City.*

Q2(a) *Where in the DPS2 is “Nursing Home” referred to?*

A2(a) Table 1 – Zoning Table and in Schedule 1 – Interpretations of the DPS2.

Q2(b) *If “Nursing Home” is not mentioned, can Council explain how it can “Exercise Discretion” to approve such a large-scale building on a residential Lot?*

A2(b) See answer to Q2(a). When Council grants its planning approval, it gives approval to the land use and the development proposed for that site. The land use matters are identified in Table 1 - Zoning Table and Clause 3.2. The development standards are identified in Clause 4.1 of the DPS2 for a development, other than development controlled by the Residential Design Codes 2002.

Q3 *Considering that the City’s officers have clearly stated that:*

the “aged care development does not concur with that proposed in the Scheme amendment to rezone the site to residential R20” and As the dwellings exceed the plot ratio requirement of the Codes, there is no specific measurement for parking in this case” and while the major land uses have remained the same in the two proposals, it is the proposed built form and design layout that are different between the two development proposals and the proposed 2 and 3 story buildings of the Nursing Home exceed the building height envelope (still 14.7 metres)

how can Council claim that this proposed development complies with the DPS2 and the Residential Design Codes when it has to exercise discretion to get around the non-compliance?

A3 The text of the question above contains four partial quotes from reports on two different development applications and these quotes are identified in their proper context below:

First quote - Conclusion section of the report on original application - December 2004 Council report (CJ329 – 12/04):

The application received for the subject development contains an assisted and dependant living building, which is out of character with the surrounding residential area in terms of its height and scale. The proposed development does not concur with that proposed in the Scheme amendment to rezone the site to residential R20.

There is no technical planning merit in supporting the development, which exhibits such an exceedance of the BHE. Whilst the development is considered to be one that has merit, as it will provide a needed service to the community, the form of the development in relation to building height and scale is not compatible with the surrounding locality and on this basis it should be recommended for refusal.

Second quote - Comments section of the report - November 2005 Council report (CJ257 – 11/05):

As the dwellings exceed the plot ratio requirement of the Codes, there is no specific measurement for parking in this case. However, if parking is calculated at a rate of 1 bay per 100m² of plot ratio area plot ratio per dwelling, then the

parking requirement for the aged or dependant persons' dwellings based on dwelling size will equate to 1.39 bays per dwelling, or 53 (52.82) bays. Additionally, the requirement for 1 visitor bay per four dwellings equates to 10 (9.5) bays for a total of 63 parking spaces required.

Third quote - Executive Summary - November 2005 Council report (CJ257 – 11/05):

The applicant is seeking approval for revised plans for the development of a Nursing Home and 38 Aged or Dependant Persons' Dwellings. Whilst the major land uses have remained the same in the two proposals, it is the proposed built form and design layout that are different between the two development proposals.

Fourth quote – Comments section of the report - November 2005 Council report (CJ257 – 11/05):

As the site is zoned residential, Council Policy 3.2 (Height and Scale of Buildings within Residential Areas) applies to the site. The proposed 2 and 3 storey buildings of the Nursing Home exceed the building height envelope (BHE) established under the Policy to a large extent at the northwest corner of the site. The dependant living component of the Nursing Home is considered to be the building of most concern, being three storeys in height plus a basement level.

The first quote is from the report on the original development application. The conceptual plans for the site were lodged with the Amendment No. 12 documentation. However, the amendment proposals did not require the site to be developed in accordance with those supporting documents. Council subsequently granted approval to the development at its December 2004 meeting.

In response to the question 3 above, the executive summary identified a variation to the Building Height Envelope threshold, which was discussed in detail in the Comments section of the report. The third paragraph of the Comments section of the 2005 November report states the following:

The proposal complies with the provisions of the District Planning Scheme No 2, related policies and the Residential Design Codes 2002 except where stated below:

The report then goes on to identify and discuss the discretion or variations that the applicant was seeking in relation to the proposed development, including the car parking and building height envelope variations.

Q4 *Now that Council is aware of its obligations pertaining to section 48I (3) of the Environmental Protection Act 1986 which states:*

1 *If the responsible authority determines under subsection (1) that*

- (a) one or more of the environmental issues raised by the proposal was or were not assessed in any assessment of the assessed scheme under this Division; or*
- (b) the proposal does not comply with the assessed scheme or one or more of the conditions to which the assessed scheme is subject,*

the responsible authority shall -

- (c) *in its capacity as a decision-making authority refer the proposal to the Authority under section 38; or*
- (d) *refuse to approve the implementation of the proposal.*

Q4(a) *Will Council meet its legislative requirement and refer the current aged care development proposal to the EPA under Section 38 of the EP Act?*

A4(a) Section 48I (sub-section 1, 2 and 3) of the Environmental Protection Act 1986 (EP Act) states the following:

(1) *Despite section 38, when a proposal under an assessed scheme that appears likely if implemented to have a significant effect on the environment comes to the notice of the responsible authority in respect of the assessed scheme, that responsible authority shall determine whether or not –*

- (a) *the environmental issues raised by that proposal were assessed in any assessment of the assessed scheme under this Division; and*
- (b) *that proposal complies with the assessed scheme and any conditions to which the assessed scheme is subject.*

(2) *If the responsible authority determines under subsection (1) that –*

- (a) *the environmental issues raised by the proposal were assessed in any assessment of the assessed scheme under this Division; and*
- (b) *the proposal complies with the assessed scheme and any conditions to which the assessed scheme is subject,*

the responsible authority need not refer the proposal to the Authority under section 38.

(3) *If the responsible authority determines under subsection (1) that*

- (a) *one or more of the environmental issues raised by the proposal was or were not assessed in any assessment of the assessed scheme under this Division; or*
- (b) *the proposal does not comply with the assessed scheme or one or more of the conditions to which the assessed scheme is subject,*

the responsible authority shall -

- (c) *in its capacity as a decision-making authority refer the proposal to the Authority under section 38; or*
- (d) *refuse to approve the implementation of the proposal.*

The City has taken into account advice received from relevant agencies and has considered that a referral to the EPA is not required under Section 48I of the EP Act. Therefore, the City has met its legislative requirement under the Act.

Q4(b) *If not can Council as per section 4.5.3 of the DPS2, demonstrate that it is absolutely satisfied that 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?*

A4(b) Having taken into account technical and expert advice received from all relevant authorities, the City considers that the discretionary aspects of the proposal will not have an 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 following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Mr M Caiacob, Mullaloo:

Q1 *Re: CJ261-11/05 – PAW Closure in Camm Place, Hillarys – What information have the Commissioners sought and/or been provided with, in regards to former Council's lawful order to approve the closure of this PAW in Camm Place, Hillarys?*

A1 The process is determined by the Western Australian Planning Commission. The Commission was advised of the last resolution of Council in order for it to finalise its determination of the matter and the Commission resolved not to support the closure.

Q2 *I did ask what information the Commissioners had been provided with in regards to Council's previous decision, because there was a whole raft of decisions or thoughts that went into that decision making process that led Council to believe that this PAW should be closed. Can I have this on notice?*

A2 This question will be taken on notice.

Q3 *Re: CJ258-11/05 - Proposed extensions to Lakeside Shopping Centre fronting Grand Boulevard and Boas Avenue on part of Lot 504 Joondalup Drive. At the Briefing Session, I asked about truck loading bays in Boas Avenue, the response was that this would be addressed later in the meeting, this was not done. Could the Commissioners advise me what they intend to do in regards to the truck and pedestrian conflict and traffic problems that will have the ability to affect the CBD in an adverse manner in the vicinity of Boas Avenue and McLarty Avenue?*

A3 At the Briefing Session, the City's concerns were raised about the matters Mr Caiacob raised at that time. The City stated it would look at changing the condition in relation to the times at which the loading bay could be used. Condition (e) (viii) has been added that requires the applicant to negotiate with the City in terms of the delivery times for articulated vehicles.

Mr M Sideris, Mullaloo:

Q1 *Does this Council support the views of Bill Mitchell, President of WALGA as published in today's West Australian, where he states that the \$1 million plus spent by individual Councils on security patrols is a responsibility of the police and the State Government?*

A1 Council of the day made a decision in relation to the security patrols and has continued to fund them. A review is to be conducted in 2006 when the current contract expires. A statement has been made by providing the services, that this Council does support the security patrols.

Response by Cmr Paterson: The Commissioners have not discussed security patrols; it is something we have inherited.

Q2 *Re: Late Amendment to Item CJ249-11/05 - Standing Orders Local Law 2005 – Can you please advise me why the potential reintroduction of these draconian laws for \$1000 penalties seems to have come back onto the Agenda at this late stage without any consultation with the public?*

A2 The intent of this penalty provision was in the original documentation, which was circulated and put out for public comment. The Commissioners asked for a review in relation to the timing of when the penalty ought to be provided. Research shows that most other local governments that have reviewed their Standing Orders in recent years have a penalty provision and the City does not think it is draconian. The City has included this penalty as a position of last resort.

Ms M Moon, Greenwood:

Q1 *Why does the planning framework of the Town Planning Scheme and the policies of the City only apply to developments which meets the status quo and not kept abreast with current development and the City moving ahead such as including short stay with no definition or development criteria, medium and high density development control in R20 and mixed use not implemented after three years of being implemented through the R Codes?*

A1 Planning scheme are required under legislation to be reviewed on a five yearly basis, but practicalities of implementing schemes and taking them through participation processes often mean that schemes do fall behind in terms of contemporary issues that come to pass. In those circumstances, they are often dealt with by scheme amendments and reviews of particularly aspects of the scheme when the opportunity arises and that is the approach that is taken by the City.

Q2 *After four years of the community asking for the Scheme to be amended is it possible for the community itself to finally put forward an amendment of height, scale and R Codes and would this be a cost to the community or the City?*

A2 In terms of height, this is a matter that is currently being drafted and ready for submission to Council for initial comment at the Council Meeting on 13 December 2005.

PUBLIC STATEMENT TIME

The following statements were submitted verbally at the meeting; a summary of each statement is shown below:

Mr J McNamara, Sorrento:

Mr McNamara spoke about the strong support by ratepayers in the South Coastal Ward for a total height limit of 10 metres for all commercial and mixed-use buildings in residential areas within 300 metres of the coastal high water mark.

Mr S Kobelke, Sorrento:

Mr Kobelke spoke about the height and scale policy for the coastline of Joondalup that Council will be considering shortly and urged Council to decide on a 10 metre height limit.

Dr V Cusack, Kingsley:

Dr Cusack spoke about issues with the Meath Care Site Concept Plan and quoted Section 48 (i) of the Environmental Protection Authority Act.

Mr M Sideris, Mullaloo:

Mr Sideris raised concerns about Cmr Anderson's Notice of Motion To Revoke - Review of Ward Boundaries and Elected Member Representation as it is not a governance issue and nor was it identified by Mr McIntyre as urgent.

Ms M Moon, Greenwood:

Ms Moon spoke about the Sorrento Village Development and her concerns that the components are moving ahead with the plans while disregarding the Ratepayers Group and community concerns on height, bulk and use.

APOLOGIES AND LEAVE OF ABSENCE

Nil.

DECLARATIONS OF FINANCIAL INTEREST/INTEREST THAT MAY AFFECT IMPARTIALITY**Disclosure of Financial Interests**

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration.

Nil.

Disclosure of interest affecting impartiality

Commissioners and staff are required under the Code of Conduct, in addition to declaring any financial interest, to declare any interest that may affect their impartiality in considering a matter. This declaration does not restrict any right to participate in or be present during the decision-making process. The Commissioner/employee is also encouraged to disclose the nature of the interest.

Name/Position	Cmr S Smith
Item No/Subject	Item CJ248-11/05 – Minutes of the North Metropolitan Zone of the Western Australian Local Government Association Meeting held on 29 September 2005
Nature and extent of interest	Cmr Smith is a delegate to the North Metropolitan Zone of the Western Australian Local Government Association on behalf of the Council.

Name/Position	Cmr M Anderson
Item No/Subject	Item CJ250-11/05 – Status of Operations at the Joondalup Business Centre, formerly known as the Joondalup Business Incubator
Nature and extent of interest	Cmr Anderson stated he is a member of the Joondalup Business Centre, however he will act impartially in relation to this matter.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ251-11/05 - Australian Business Excellence Framework
Nature and extent of interest	Mr Hunt formerly had a contract to provide services to SAI Global. Mr Hunt did not receive an income. Mr Hunt has also previously worked in organisations that use this framework.

Name/Position	Cmr A Fox
Item No/Subject	Item CJ255-11/05 – Brookmount Ramble, Padbury – (Western Section) Proposed Closure to Vehicular Traffic
Nature and extent of interest	Cmr Fox lives close to this road, however she will act impartially in relation to this matter.

Name/Position	Cmr S Smith
Item No/Subject	Item CJ255-11/05 – Brookmount Ramble, Padbury – (Western Section) Proposed Closure to Vehicular Traffic
Nature and extent of interest	Cmr Smith's son lives in Padbury and Cmr Smith owns an investment property in Padbury.

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ260-11/05 - West Perth Football Club - Sponsorship Proposal
Nature and extent of interest	A relative of Mr Hunt plays for West Perth.

In relation to Item CJ260-11/05 - West Perth Football Club - Sponsorship Proposal, Cmr Clough advised he no longer provides consultancy services to the WA Football Commission. Therefore a declaration of interest was not required.

Name/Position	Mr Mike Smith - Manager, Marketing Communications and Council Support
Item No/Subject	Item CJ261-11/05 - Request to reconsider decision not to close Pedestrian Access Way between Camm Place and Cohn Place, Hillarys
Nature and extent of interest	One of the applicants is a relative of Mr Smith.

CONFIRMATION OF MINUTES

C62-11/05

MINUTES OF COUNCIL MEETING, 1 NOVEMBER 2005

MOVED Cmr Clough, **SECONDED** Cmr Anderson that the Minutes of the Council Meeting held on 1 November 2005 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

C63-11/05**MINUTES OF SPECIAL COUNCIL MEETING, 14 NOVEMBER 2005**

MOVED Cmr Clough, **SECONDED** Cmr Fox that the Minutes of the Special Council Meeting held on 14 November 2005 be confirmed as a true and correct record.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

ANNOUNCEMENTS BY THE CHAIRMAN WITHOUT DISCUSSION**“WHITE RIBBONS” FOR ROAD SAFETY**

The City is asking as many people as possible to wear white ribbons for road safety over the coming holiday break.

“White Ribbons for Road Safety” is the major local government campaign for Christmas road safety.

It was developed from the suggestion of a community member whose girlfriend was killed in a car crash.

The white ribbons can be worn or attached to your car antenna and are available from the City’s administration, Customer Service Centre at Whitfords Shopping Centre and all libraries.

REMEMBRANCE DAY

This is the first Council meeting since Remembrance Day on 11 November 2005 when we gathered at the eleventh hour, of the eleventh day, of the eleventh month to remember the fallen in all the wars.

A great tradition has begun at the War memorial in Central Park and congratulations to the Joondalup/Wanneroo RSL who worked with the City to host Remembrance Day and VP Day in August.

CITY WINS ANOTHER ENVIRONMENT AWARD

The City has won another major Environmental Award in the WA Coastal Awards for Excellence.

Congratulations to all community members, schools and staff involved in caring for our 17 kilometres of fantastic coastline from Burns Beach to Marmion. This is a great effort and the City can add this award to the growing number of awards recently presented to the City in recognition of our environmental efforts.

The City won the award in the category of Outstanding Planning Coastal Projects and were finalists in three other categories at the presentations in Busselton.

The City’s winning entry was titled Coastal Foreshore Management ‘A new Approach’.

The City was recognised for its work in many areas of coastal management including:

- “Adopt a Coast Program” for schools;
- Work with the Joondalup Community Coast Care Forum;
- The Sorrento Beach Renewal Project; and
- Foreshore Natural Areas Management Plan.

In recent years, the City has won two WA Environment Awards and was a national finalist in both the Banksia Awards and the United Nations Association Environment Awards.

I would now like to call forward Acting Director, Infrastructure Services, Peter Pikor and Conservation Co-ordinator, Keith Armstrong to receive the award on behalf of staff and community involved.

PETITIONS

C64-11/05 PETITIONS SUBMITTED TO THE COUNCIL MEETING – 22 NOVEMBER 2005

PETITION OPPOSING PROPOSAL FOR CHILDCARE FACILITY AT 15 AND 17 KARUAH WAY, GREENWOOD - [30146] [41343]

A 251-signature petition has been received requesting that Council give serious consideration to rejecting the proposal for a permit to erect a childcare facility at 15 and 17 Karuah Way, Greenwood.

This petition will be referred to Planning and Community Development for action.

It was resolved that the petition requested that Council give serious consideration to rejecting the proposal for a permit to erect a childcare facility at 15 and 17 Karuah Way, Greenwood be received and referred to Planning and Community Development for action.

CJ247 - 11/05 SCHEDULE OF DOCUMENTS EXECUTED BY MEANS OF AFFIXING THE COMMON SEAL - [15876]

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of the CEO

CJ051115_BRF.DOC:ITEM 1

PURPOSE

To provide a listing of those documents executed by means of affixing the Common Seal for noting by the Council for the period 11 October 2005 to 1 November 2005.

EXECUTIVE SUMMARY

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

BACKGROUND

Not Applicable.

DETAILS

Document: Caveat
Parties: City of Joondalup and Cornel John Crews
Description: Withdrawal (temporary) of Caveat to enable mortgage registration,
17 Parker Avenue, Sorrento
Date: 11.10.05

Document: Copyright
Parties: City of Joondalup and Tony Sharpnel
Description: Recording of historical importance
Date: 11.10.05

Document: Management Statement
Parties: City of Joondalup and Australand Holdings
Description: Deed of Easement enabling reciprocal rights of access/carparking,
165 Grand Boulevard, Joondalup
Date: 11.10.05

Document: DPS Amendment
Parties: City of Joondalup and Western Australian Planning Commission
(WAPC)
Description: Final Approval of Amendment No 29 – rezoning of 107 Eddystone
Avenue, Craigie
Date: 11.10.05

Document: Deed of Agreement
Parties: City of Joondalup and Robert Winter
Description: Execution of legal agreement, Lot 174 Raleigh Road, Sorrento
Date: 11.10.05

Document: Covenant
Parties: City of Joondalup and Excel Education
Description: Restrictive Covenant to prohibit vehicular access from Shenton
Avenue to future Lots 1001 and 9000 Shenton Avenue
Date: 11.10.05

Document: Agreement
Parties: City of Joondalup and Onboas Pty Ltd
Description: Legal Agreement for Battle of the Bands event
Date: 18.10.05

Document: Covenant
Parties: City of Joondalup and Investa Residential Development P/L
Description: Restrictive Covenant to restrict vehicular access – Lot 124 (92)
Cook Avenue, Hillarys
Date: 1.11.05

Document: Covenant in Gross
Parties: City of Joondalup and Corinne Kemsley, John Kemsley, Andrzej Stopzynski and Eva Poray-Wilczynski
Description: Restrictive Covenant in Gross to restrict land use to residential – Lot 5 (58) Constellation Drive, Ocean Reef
Date: 1.11.05

Document: Easement
Parties: City of Joondalup and Owners of Heathridge Medical Centre Strata Plan 12085 and Isodor P/L
Description: Public Access Easement to facilitate public access over private land, 83 Caridean Street, Heathridge
Date: 1.11.05

Document: Caveat
Parties: City of Joondalup
Description: Withdrawal of Caveat to allow transfer of land – Lot 6 (931) Whitfords Avenue, Woodvale
Date: 1.11.05

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

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

Legislation – Statutory Provisions:

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

- (2) The local government is a body corporate with perpetual succession and a common seal.
- (3) The local government has the legal capacity of a natural person.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

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

Policy implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

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

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Fox, **SECONDED** Cmr Anderson that the schedule of documents executed by means of affixing the Common Seal for the period 11 October 2005 to 1 November 2005 be **NOTED**.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Disclosure of interest affecting impartiality

Name/Position	Cmr S Smith
Item No/Subject	Item CJ248-11/05 – Minutes of the North Metropolitan Zone of the Western Australian Local Government Association Meeting held on 29 September 2005
Nature and extent of interest	Cmr Smith is a delegate to the North Metropolitan Zone of the Western Australian Local Government Association on behalf of the Council.

**CJ248 - 11/05 MINUTES OF THE NORTH METROPOLITAN ZONE
OF THE WESTERN AUSTRALIAN LOCAL
GOVERNMENT ASSOCIATION MEETING HELD ON
29 SEPTEMBER 2005 - [02089]**

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of CEO

PURPOSE

This report deals with the adoption of the Minutes of the North Metropolitan Zone of the Western Australian Local Government Association meeting held on 29 September 2005 and the recommendations made at that meeting.

EXECUTIVE SUMMARY

This report considers a series of recommendations made by the member Councils of the North Metropolitan Zone that have regional significance for the City of Joondalup and which are deemed appropriate to be tabled before Council.

BACKGROUND

The North Metropolitan Zone is comprised of the three north metropolitan local governments, these being the Cities of Joondalup, Stirling and Wanneroo. The Zone is a WALGA endorsed forum that deals with issues that affect the Zone members both regionally and operationally as local governments. Matters of concern that affect the Zone are forwarded to WALGA for consideration. Currently, Commissioner Smith, Chief Executive Officer, Director, Corporate Services and Manager, Audit and Executive Services represent the City at the North Metropolitan Zone meetings.

It is considered that the matters recommended for consideration by WALGA at the Zone meeting should go before the Council formally as these matters affect the operation of the City both in a regional context and at a general local government context.

DETAILS

There are a number of recommendations made at the North Metropolitan Zone meeting held on 29 September 2005 that should be noted by Council. These are:

1 Mayoral Vehicle Amendment to Regulations

Request that the Western Australian Local Government Association pursue on behalf of Local Government an amendment to the Local Government (Administration) Regulations to allow Council to provide a vehicle for official Council business and private use to the position of Mayor in recognition of the substantial after hours commitments provided by Mayors.

2 Resource Recovery Rebate Scheme - RRRS

That WALGA write to the Waste Management Board expressing concern regarding the Waste Board promoting an excessively high Landfill Levy and supporting the need for credible research to support any increase in the Landfill Levy.

3 Local Government Rating Exemption

That WALGA be requested to initiate a study of:

- The rate of increase of ILUs operated by organisations currently enjoying charitable exemption status under local government rating legislation;
- The change in proportion of ILU properties to other residential properties in local authorities;

- Projected shifts in rate burdens if current trends continue;
- Experience and practice in other Australian states; and
- Possible changes to legislation to ensure no continuing inequities between life tenants in ILUs operated by 'charitable' organisations and fee simple owners of similar resources who are only distinguished from life tenants in ILUs by the requirement to pay municipal rates.

and to report back to North Metropolitan Zone by March 2006.

4 Underground Power – Financing Local Government Contributions

- 1 That WALGA be requested to canvas local governments for statements of experience, problems and recommend that improvements to obviate existing difficulties in applying rates and/or service charges to provide revenue to fund underground power schemes.
- 2 That WALGA be requested to liaise with the Department of Local Government and Regional Development to secure appropriate changes to the LGA to facilitate improvements for rating and service fee application for underground power projects sponsored by local governments.

5 Biodiesel

- 1 That a study group from the North Zone examine the possibilities of creating a partnership with one or more fuel generating companies to examine the possibility of conversion of waste plastics and waste oil collected by local authorities to low sulphur biodiesel fuel.
- 2 That the study include an examination of potential cost benefits that may be available from a lower fuel excise regime and from grants available for new initiatives in producing alternative energy.

6 Regional Approach to the Community Safety and Crime Prevention Partnership Agreement

- 1 That the North Zone Committee in principle SUPPORTS the continuation of discussions working towards a joint regional approach to the community safety and crime prevention partnership agreement.
- 2 That the North Zone INVITE the Office of Crime Prevention to provide a presentation to the Committee on the Community Safety and Crime Prevention Partnership and City of Bayswater be invited to attend.
- 3 That each Local Authority ADVISES their Council of the activities to date or seeks support for a regional approach to a partnership agreement.
- 4 That the appropriate officers for each authority MEET with the Office of Crime Prevention to discuss the regional partnership approach.

Issues and options considered:

As discussed above.

Link to Strategic Plan:

The North Metropolitan Zone provides a regional forum for the discussion of collective and strategic issues affecting the operation of local government.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy implications:

Not Applicable.

Regional Significance:

The recommendations of the report deal with regional strategies to concerns affecting the North Metropolitan Zone councils.

Sustainability Implications:

Not Applicable.

Consultation:

Not Applicable.

COMMENT

Copies of the reports submitted to the Western Australian Local Government Association North Zone meeting on each of the subject matters detailed in the recommendation are included (Attachment 2 refers).

ATTACHMENTS

- | | |
|--------------|---|
| Attachment 1 | Minutes of the Meeting of the North Metropolitan Zone held on 29 September 2005 |
| Attachment 2 | North Zone Agenda Reports |

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, **SECONDED** Cmr Fox that the minutes of the meeting of the North Metropolitan Zone held on 29 September 2005 forming Attachment 1 to Report CJ248-11/05 be **RECEIVED** and the following recommendations contained therein be **NOTED**:

1 Mayoral Vehicle Amendment to Regulations

Request that the Western Australian Local Government Association pursue on behalf of Local Government an amendment to the Local Government (Administration) Regulations to allow Council to provide a vehicle for official Council business and private use to the position of Mayor in recognition of the substantial after hours commitments provided by Mayors.

2 Resource Recovery Rebate Scheme - RRRS

That WALGA write to the Waste Management Board expressing concern regarding the Waste Board promoting an excessively high Landfill Levy and supporting the need for credible research to support any increase in the Landfill Levy.

3 Local Government Rating Exemption

That WALGA be requested to initiate a study of:

- The rate of increase of ILUs operated by organisations currently enjoying charitable exemption status under local government rating legislation;
- The change in proportion of ILU properties to other residential properties in local authorities;
- Projected shifts in rate burdens if current trends continue;
- Experience and practice in other Australian states; and
- Possible changes to legislation to ensure no continuing inequities between life tenants in ILUs operated by 'charitable' organisations and fee simple owners of similar resources who are only distinguished from life tenants in ILUs by the requirement to pay municipal rates.

and to report back to North Metropolitan Zone by March 2006.

4 Underground Power – Financing Local Government Contributions

- 1** That WALGA be requested to canvas local governments for statements of experience, problems and recommend that improvements to obviate existing difficulties in applying rates and/or service charges to provide revenue to fund underground power schemes.
- 2** That WALGA be requested to liaise with the Department of Local Government and Regional Development to secure appropriate changes to the LGA to facilitate improvements for rating and service fee application for underground power projects sponsored by local governments.

5 Biodiesel

- 1 That a study group from the North Zone examine the possibilities of creating a partnership with one or more fuel generating companies to examine the possibility of conversion of waste plastics and waste oil collected by local authorities to low sulphur biodiesel fuel.
- 2 That the study include an examination of potential cost benefits that may be available from a lower fuel excise regime and from grants available for new initiatives in producing alternative energy.

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- 3 That each Local Authority ADVISES their Council of the activities to date or seeks support for a regional approach to a partnership agreement.
- 4 That the appropriate officers for each authority MEET with the Office of Crime Prevention to discuss the regional partnership approach.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendices 1 and 15 refer

To access this attachment on electronic document, click here: [Attach1brf151105.pdf](#)
[Attach15brf151105.pdf](#)

**CJ249 - 11/05 STANDING ORDERS LOCAL LAW 2005 - [01369]
[08122] [05885]**

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of CEO

CJ051115_BRf.DOC:ITEM 3

PURPOSE

For the Council to consider adopting the Standing Orders Local Law 2005 following consideration of the submissions received during the legislated public submission period.

EXECUTIVE SUMMARY

This report considers the review of the Standing Orders Local Law that currently governs the operations of Council, Committee and electors meetings that was adopted by the former City of Wanneroo in 1997.

In an effort to ensure that the City of Joondalup had a set of current and enforceable local laws that applied to its operations, a comprehensive review of all local laws was undertaken. The Standing Orders Local Law is the final local law to be reviewed that pertained to the former City of Wanneroo.

The revised Standing Orders have been drafted with the assistance of the City's solicitors are based on the following principles:

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

A number of recommendations contained within the 'Governance Review – Final Report', presented to the Council on 23 November 2004 (Item CJ276-11/04 refers), highlighted the need for the Council to adopt a revised set of Standing Orders to overcome the shortcomings of the existing set of meeting procedures.

The revised local law addresses all the identified shortcomings of the current set of Standing Orders, paying particular attention to the clauses relevant to Notices of Motion and Revocation Motions.

Section 3.12 of the *Local Government Act 1995* details the procedure to be followed when adopting a new local law.

The legislative public submission period closed on 21 October 2005 with the three (3) submissions being received, two (2) from members of the public and one (1) from the Department of Local Government and Regional Development.

This report provides comments relating to the submissions received and suggests further changes to the proposed Standing Orders Local Law 2005 as a result of the submissions received.

It is therefore recommended that the Council adopts the proposed Standing Orders Local Law 2005.

BACKGROUND

With the split of the former City of Wanneroo on 1 July 1998, all the local laws of the former City of Wanneroo became the local laws of the City of Joondalup.

Since that time there has been a concerted effort to review those former local laws and revise them to better reflect the operations of the City of Joondalup. This also allowed the City to have a complete and updated set of enforceable local laws. The comprehensive review of the Standing Orders Local Law is scheduled to be the final local law reviewed from the former City of Wanneroo. This review initially commenced in late 1999 and has continued to progress to-date.

The proposed Standing Orders Local Law was based on the intent and reference to well-structured Council meetings as described in the publication 'The Preparation of Agendas and Minutes – A guide for Western Australian Local Governments', as produced by the then Department of Local Government.

The guide makes the following statement:

'With well-structured agendas a Council can have meetings that are efficient and effective in that they produce good decisions that are made following analysis of sound advice and constructive debate. At the end of such meetings those involved should be satisfied that the local government and the community have gained maximum benefit from the valuable time that has been contributed. A well-structured agenda will provide the elected body with the maximum time to debate and set policy and strategy and to plan for the future. It is generally agreed that short, sharp meetings directed towards decisions are the ones most likely to achieve good results.'

As part of the recommendations from the Governance Review – Final Report that was presented to the Council on 23 November 2004 included the following:

Recommendation 3:

Council take urgent action to adopt contemporary standing orders.

Recommendation 4:

Upon adoption of the new Standing Orders Local Law all Elected Members, CEO and relevant staff undertake appropriate training.

Recommendation 7:

In the review of the Standing Orders Local Law strong consideration be given to limiting the potential abuse of meeting outcomes by inappropriate use of procedural motions. Training in meeting procedures for Elected Members to include content on the appropriate use of procedural motions.

Recommendation 8:

The role of the presiding person in controlling abuse of personal explanations be strengthened in the review of the Standing Orders Local Law.

Recommendation 10:

The treatment of notices of motion should be an essential element of the review of the Standing Orders Local Law. It is essential the Standing Orders should stipulate that where a notice of motion, including a rescission motion, is placed on the agenda it should be moved at the first available meeting or else lapse. If the mover is not present then another member should be authorised to move it, failure to do so would render the matter as lapsed. There should be a position that a similar notice of motion cannot be moved for at least three months unless it is approved by an absolute majority of the Council.

Recommendation 11:

Confidential items should be listed in the agenda to be handled at the end of the meeting or if such an item requires attendance by a specialist advisor then the item should be subject to a special meeting.

The Council at its meeting held on 9 August 2005 resolved:

“That Council in accordance with section 3.12 of the Local Government Act 1995, APPROVES the advertising of the proposed local law, “City of Joondalup Standing Orders Local Law 2005”, forming Attachment 2 to Report CJ153-08/05, in order to seek public comment.”

The Standing Orders Local Law was advertised for public comment in accordance with section 3.13(3) of the *Local Government Act 1995 (the Act)*, with public submissions closing on Friday 21 October 2005. Copies of the proposed local law were also forwarded to the Minister for Local Government & Regional Development as required by *the Act*.

DETAILS

When drafting the revised set of Standing Orders, the following general principles applied:

- Shorter sentences;
- Plain English;
- Adoption of a gender neutral approach; and
- Following the State legislative style.

The revised Standing Orders Local Law has included relevant sections of the *Local Government Act 1995* in the form of footnotes. These footnotes do not form part of the local law, and therefore if there is a change to the legislation the footnote can be easily amended without the need to amend the entire local law. The addition of these footnotes also allows for direct reference to *the Act* without the need to refer to other documents. This will enable a quicker and easier level of interpretation of the Standing Orders.

As a result of the recommendations from the ‘Governance Review – Final Report’ and the shortcomings of the existing Standing Orders, the review has paid close attention to the drafting of Part 6, which relates to revocation motions.

At the close of public submissions, a total of three (3) submissions were received which included one (1) from the Department of Local Government & Regional Development. A copy of the submissions, along with comments in response to the suggestions in the submissions is attached to this report.

Issues and options considered:

The comprehensive review of the Standing Orders Local Law has been progressing for some time and throughout the review a number of issues and options were considered when dealing with the overall intent and purpose of the local law and also when drafting individual clauses.

The submissions that have been made are required to be considered by the Council prior to final adoption of the Local Law.

Following the public submissions period, the following changes are suggested to the proposed local law which are different to what was adopted by the Council on 11 October 2005 and as advertised for public submissions:

Clause 3.2(2)(c) - insert the word ‘greater’ at the commencement of the sub-clause.

Clause 3.2(2)(d) – insert the word ‘more’ at the commencement of the sub-clause.

Clause – Heading – on the first line of the heading the words ‘Local Government Act 1995’ have been inserted.

- Clause 5 – (i) in the definition of the word ‘Act’ in the words ‘Local Government Act 1995’ have been amended to be in italics.
(ii) in the definition of the word ‘Regulations’ the words ‘Local Government Act 1995’ have been amended to be in italics.

Clause 7(2) – the words ‘Interpretation Act 1984’ have been amended to be in italics.

Clauses 14(1) and (2) – the sub-clauses have been amended to be listed in alphabetical order (a) – (m).

Clauses 14(1) – a new sub-clause (item of business) has been included to allow for either an elected member or the CEO to announce proposed motions of which previous notice has been given to be considered at the next meeting. The procedure of this new sub-clause is detailed in sub-clause 26(10) of the local law.

Clause 45 – sub-clause (2) (3) and (4) have been deleted and the penalty provisions only relate to sub-clause (5), which has subsequently been renumbered to cater for the deleted sub-clause.

Clause 46(2) – this clause has been amended to make it clearer that the presiding person has the authority to adjourn the meeting after serious disorder.

Clause 75 – this clause has been amended to better reflect the requirements for members to disclose interests at meetings at which they are observers.

Clause 73 – has been amended to clarify that the clause relates to elected member Committees only.

Clause 25(2) – the word ‘come’ has been deleted and the word ‘cause’ has been inserted.

Clause 26(4)(b) – the word ‘that’ has been deleted.

Clause 26(8) – the word ‘is’ has been deleted.

Clause 48 – in the last paragraph the letter (d) has been inserted.

Clause 64 (2) – after the word ‘motion’, the words ‘that the debate be adjourned’ be inserted.

Clause 65(2) – after the word ‘motion’ the words ‘that the motion be now put’ be inserted.

Clause 66(2) – after the word ‘motion’ the words ‘that the meeting be now closed’ be inserted.

Link to Strategic Plan:

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

- 4.3 *To ensure the City responds to and communicates with the community.*

Strategies

- 4.3.3 *Provide fair and transparent decision-making processes.*

Legislation – Statutory Provisions:

Section 3.1 of the *Local Government Act 1995* states:

- (1) The general function of a local government is to provide for the good government of the persons of the district.
- (2) The scope of the general function of a local government is to be construed in the context of its other functions under this Act or any other written law and any constraints imposed by this Act or any other written law on the performance of its functions.
- (3) A liberal approach is to be taken to the construction of the scope of the general function of a local government.

Section 3.4 of *the Act* states:

The general function of a local government includes legislative and executive functions.

Section 3.5(1) of *the Act* states:

A local government may make local laws under this Act prescribing all matters that are required or permitted to be prescribed by a local law, or are necessary or convenient to be so prescribed, for it to perform any of its functions under this Act.

Sections 3.12 and 3.13 of *the Act* detail the procedures for the making a local law:

Section 3.12 of *the Act* states:

- (1) In making a local law a local government is to follow the procedure described in this section, in the sequence in which it is described.
- (2) At a Council meeting the person presiding is to give notice to the meeting of the purpose and effect of the proposed local law in the prescribed manner.
- (3) The local government is to —
 - (a) give Statewide public notice stating that —
 - (i) the local government proposes to make a local law the purpose and effect of which is summarized in the notice;
 - (ii) a copy of the proposed local law may be inspected or obtained at any place specified in the notice; and
 - (iii) submissions about the proposed local law may be made to the local government before a day to be specified in the notice, being a day that is not less than 6 weeks after the notice is given;
 - (b) as soon as the notice is given, give a copy of the proposed local law and a copy of the notice to the Minister and, if another Minister administers *the Act* under which the local law is proposed to be made, to that other Minister; and

- (c) provide a copy of the proposed local law, in accordance with the notice, to any person requesting it.
- (3a) A notice under subsection (3) is also to be published and exhibited as if it were a local public notice.
- (4) After the last day for submissions, the local government is to consider any submissions made and may make the local law* as proposed or make a local law* that is not significantly different from what was proposed.

** Absolute majority required.*

- (5) After making the local law, the local government is to publish it in the *Gazette* and give a copy of it to the Minister and, if another Minister administers *the Act* under which the local law is proposed to be made, to that other Minister.
- (6) After the local law has been published in the *Gazette* the local government is to give local public notice —
 - (a) stating the title of the local law;
 - (b) summarising the purpose and effect of the local law (specifying the day on which it comes into operation); and
 - (c) advising that copies of the local law may be inspected or obtained from the local government's office.
- (7) The Minister may give directions to local governments requiring them to provide to the Parliament copies of local laws they have made and any explanatory or other material relating to them.
- (8) In this section —

“making” in relation to a local law, includes making a local law to amend the text of, or repeal, a local law.

Section 3.13 of *the Act* states:

If during the procedure for making a proposed local law the local government decides to make a local law that would be significantly different from what it first proposed, the local government is to recommence the procedure.

Section 3.16 of *the Act* requires a local government to undertake periodic reviews of its local laws, which states:

- (1) Within a period of 8 years from the day when a local law commenced or a report of a review of the local law was accepted under this section, as the case requires, a local government is to carry out a review of the local law to determine whether or not it considers that it should be repealed or amended.

The City is currently at the stage as detailed in section 3.12(4) of *the Act*. Section 3.13 states that if, following consideration of the submissions, the local law to be made is significantly different to that which was publicly advertised, the City is to recommence the procedure as detailed under Section 3.12 of *the Act*.

Role of the Joint Standing Committee on Delegated Legislation

The Joint Standing Committee on Delegated Legislation is a joint committee of the Parliament of Western Australia comprising 8 members with equal representation from the Legislative Council and Legislative Assembly.

The Committee has been delegated by Parliament the task of scrutinising subsidiary legislation in accordance with its terms of reference. These terms of reference were set in June 2001.

Local laws are subsidiary legislation, which are capable of disallowance by either House of Parliament under section 42 of the *Interpretation Act 1984*. Disallowance is the device by which the Parliament maintains control of the power to make subsidiary legislation that it has delegated, by primary legislation (Acts of Parliament), to local governments, State Departments and other agencies of Government. In the case of local governments, this power is granted by the *Local Government Act 1995* and other particular Acts such as the *Health Act 1911* and the *Dog Act 1976*, etc.

Scrutiny by the Committee and disallowance are accountability mechanisms to guard against the making of local laws that are either unlawful by going beyond the power that is delegated or offending one of the Committee's terms of reference.

The other accountability mechanisms impacting on local laws are:

- the local community, who under the Act are required to be consulted on proposed local laws;
- the Minister for Local Government and Regional Development, who is charged with administering the Department of Local Government and Regional Development which monitors local law making;
- the Government, which can request the Governor to make regulations or local laws under the Act that repeal or amend local laws or prevent certain local laws being made; and
- the courts, which can pronounce on the validity of local laws.

Because it is Parliament that delegates the power to make local laws, the Parliament can, by disallowance, ensure that the power is not abused or exercised inappropriately. The Committee, through being empowered by Parliament to scrutinise local laws on its behalf, can recommend to Parliament that a local law be disallowed if it offends one of its terms of reference.

The Committee recommends disallowance as a last resort. Such action will usually only occur in circumstances where the local government does not satisfy the concerns of the Committee. In the majority of cases to date, local governments have been willing to provide the Committee with a suitable written undertaking to amend or repeal parts of local laws so as to deal with the particular concerns.

Copies of the local law and an explanatory memorandum are to be sent directly to the Committee as soon as a local government has gazetted a local law. This material needs to be provided to the Committee so it can carry out its duty of looking at the gazetted local laws.

National Competition Policy (NCP)

The National Competition Policy (NCP) requires a local government when making or amending a local law to see if any clauses restrict competition and if so, that the restrictions can be justified in terms of overall public benefit outweighing the disadvantages. It should also be established that the objectives of the local law can only be achieved by the restrictions.

In accordance with the National Competition Policy Local Law Review Guidelines, local governments are not required to review:

- local laws relating to council proceedings;
- local laws relating to staff entitlements; and
- adopted model local laws gazetted under the *Local Government Act 1995* or produced by WALGA (and reviewed in accordance with National Competition Policy principles) to the extent that the model is adopted by the council without substantial change.

As the proposed Standing Orders Local Law 2005 relates to Council proceedings, the Council is exempt from conducting a review in accordance with NCP. These exemptions allow councils to minimise review costs in circumstances where there would be little public benefit in conducting a full review.

Risk Management considerations:

The risk associated with not progressing with the adoption of a revised set of Standing Orders is that the proceedings of Council and Committee meetings will continue to be governed by a local law that has numerous shortcomings in its operations.

The failure to complete the review will mean that the City has not complied with section 3.16 of the *Local Government Act 1995*.

Financial/Budget Implications:

There will be costs associated with the final advertising of the local law, including its gazettal.

Policy implications:

The Standing Orders Local Law governs the meeting procedures. As the order of business in the proposed local law includes provision for a public statement time, necessary guidelines/policies will need to be developed in due course.

Regional Significance:

Not Applicable.

Sustainability implications:

A revised set of Standing Orders that offers a contemporary approach to governing the proceedings of Council and Committee meetings will greatly assist the decision-making process.

Consultation:

As required by *the Act*, the six (6) week public submission period commenced with a notice being placed in the statewide newspaper on 24 August 2005 and concluded on Friday 21 October 2005 with three (3) submissions being received.

Advertisements were also placed in the local newspaper on 25 August 2005, 1 September 2005, 15 September 2005 and 13 October 2005, with the draft local law being available at the City's libraries and customer service centres and available electronically on the website.

COMMENT

The proposed Standing Orders Local law has been based on the best practice principles of well-structured agendas that are short and sharp, which allows sufficient time to debate, and set policy and strategy to achieve the best results for the community.

The proposed local law includes the repeal of the current Standing Orders Local Law carried over from the former City of Wanneroo, being:

City of Wanneroo Standing Orders Local Law 1997, as published in the Government Gazette - 30 October 1997.

The repeal of the current local law coincides with the commencement of the proposed local law. The City's solicitor has reviewed the proposed local law to ensure that the content is within the bounds of operation of the *Local Government Act 1995*.

The intent of each of the submissions received during the public submission period has been attached to this report and contains relevant comments to each suggested submission. The recommended changes to the local law following the submissions have been made and detailed on the draft local law. The proposed changes do not make the local law significantly different to what was originally submitted for public submissions, therefore Section 3.13 of *the Act* does impact on the procedure.

It is recommended that the proposed local law be adopted by an absolute majority decision of the Council.

The revised set of Standing Orders will assist in better decision making by Council, the orderly and efficient conduct of meetings dealing with Council business and greater community understanding of the business of the Council by providing open and accountable local government.

ATTACHMENTS

Attachment 1	Summary of the public submissions and relevant comments made.
Attachment 2	Proposed Standing Orders Local Law 2005.

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the submissions received in response to the Standing Orders Local Law 2005;
- 2 in accordance with Section 3.12(4) of the Local Government Act 1995 ADOPTS the Standing Orders Local Law 2005 forming Attachment 1 to Report CJ249-11/05;
- 3 REQUESTS the Chief Executive Officer to progress the remaining actions in order to finalise the local law as detailed in (2) above, in accordance with sections 3.12(5), (6) and (7) and 3.15 of the Local Government Act 1995.

ADDITIONAL INFORMATION

At the Briefing Session held on 15 November 2005 additional information was sought in relation to the proposed Standing Orders Local Law 2005. Additional information is now provided as follows:

Clause 45 – Preservation of order – members of the public

During the final review of the Local Law, clause 45 was amended to delete the penalty provisions relating to a breach of sub clauses (2) and (4). With the deletion of these sub clauses it was requested that the only penalty provision relate to where a member of the public fails to comply with a direction of the presiding person, when the amendments were made the penalty provision was omitted.

The revised sub clause refers that an offence would be committed where a person fails to comply with a direction given under sub clauses (1) or (3). The result would be where a person fails to comply with a direction given under sub clauses (1) or (3) that person may be removed by the Police by order of the presiding person, under sub clause (4) and, in addition, that person would have committed an offence.

It is recommended that the following sub clause be included:

“(5) A person who fails to comply with a direction given under subclause (1) or (3) commits an offence.

Maximum penalty: \$1,000”

Clause 82 – Enforcement

That the last paragraph contained with the Officer's Comment in response to public submissions 1 and 2 be deleted and replaced with the following: -

In relation to enforcement, the footnote to clause 82 sets out the appropriate position under the Act. That is, section 9.24 of the Act provides that a prosecution for an offence against the local law may be commenced by:

- “(a) a person who is acting in the course of his or her duties as an employee of the local government... that made the local law; or***
- (b) a person who is authorised to do so by the local government... that made the local law”.***

Section 9.24(2) was amended in 2004. It previously provided that any person could bring a prosecution for an offence. That right has now been removed.

An employee of the City who is acting in the course of his or her duties may bring a prosecution for an offence under the Standing Orders Local Law. In addition, the council may authorise some other person to do so as and when required.

Clause 14(1) & (2) – Order of business

The current drafting of the clauses allows the council to not only arrange the order in which the specific items of business referred to in paragraphs (a) to (m) are to be dealt with but also to delete or change those items or add new items.

Interpretation issues might well arise if the council were to change one or more of the items or were to add new items and did not amend the standing orders to include provisions dealing with what is to occur when those items of business arise. It follows that careful consideration would need to be given, at the time, if the council proposed to change or delete existing items or to add new items.

In light of these possible difficulties it is suggested that clauses 14(1) & (2) be worded as follows which only allows the order of business at an ordinary Council or Committee meeting to be altered within those items of business detailed within the clause, subject to any requirements the legislation places (eg public question time):

14(1) The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (m) inclusive of this subclause. The order in which those items are to be dealt with, is as resolved by the Council from time to time. In the absence of a resolution of the Council, the order is as follows:

- (a) Declaration of opening /announcement of Visitors*
- (b) Public question time*
- (c) Public statement time*
- (d) Apologies/leave of absence*
- (e) Confirmation of minutes*
- (f) Announcements by the presiding person without discussion*
- (g) Declarations of interests*
- (h) Identification of matters for which the meeting may sit behind closed doors*
- (i) Petitions*
- (j) Reports*
- (k) Motions of which previous notice has been given; and*
- (l) Announcements of notices of motion for the next meeting*
- (m) Closure*

14(2) The items of business to be dealt with at an ordinary meeting of the committee are set out in paragraphs (a) to (m) inclusive of this sub clause. The order in which those items are to be dealt with, is as resolved by the committee, from time to time. In the absence of a resolution of the committee, the order is as follows:

- (a) Declaration of opening*
- (b) Public question time*
- (c) Public statement time*
- (d) Apologies/leave of absence*
- (e) Confirmation of minutes*
- (f) Announcements by the presiding person without discussion*
- (g) Declarations of interests*
- (h) Identification of matters for which the meeting may sit behind closed doors*
- (i) Petitions and deputations*
- (j) Reports*
- (k) Motions of which previous notice has been given*
- (l) Requests for reports for future consideration; and*
- (m) Closure*

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

- 1 NOTES the submissions received in response to the Standing Orders Local Law 2005;**
- 2 in accordance with Section 3.12(4) of the Local Government Act 1995 ADOPTS the Standing Orders Local Law 2005 forming Appendix 2 to Report CJ249-11/05, subject to the following amendments:**
 - **Clause 14(1) and (2) being deleted and replaced with the following:**

“14(1) The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (m) inclusive of this subclause. The order in which those items are to be dealt with, is as resolved by the Council from time to time. In the absence of a resolution of the Council, the order is as follows:

 - (a) Declaration of opening /announcement of Visitors***
 - (b) Public question time***
 - (c) Public statement time***
 - (d) Apologies/leave of absence***
 - (e) Confirmation of minutes***
 - (f) Announcements by the presiding person without discussion***
 - (g) Declarations of interests***
 - (h) Identification of matters for which the meeting may sit behind closed doors***
 - (i) Petitions***
 - (j) Reports***
 - (k) Motions of which previous notice has been given;***
 - (l) Announcements of notices of motion for the next meeting; and***
 - (m) Closure***

14(2) *The items of business to be dealt with at an ordinary meeting of the committee are set out in paragraphs (a) to (m) inclusive of this sub clause. The order in which those items are to be dealt with, is as resolved by the committee, from time to time. In the absence of a resolution of the committee, the order is as follows:*

- (a) Declaration of opening;*
- (b) Public question time;*
- (c) Public statement time;*
- (d) Apologies/leave of absence;*
- (e) Confirmation of minutes;*
- (f) Announcements by the presiding person without discussion;*
- (g) Declarations of interests;*
- (h) Identification of matters for which the meeting may sit behind closed doors;*
- (i) Petitions and deputations;*
- (j) Reports;*
- (k) Motions of which previous notice has been given;*
- (l) Requests for reports for future consideration; and*
- (m) Closure*

- Clause 45 being amended to include a sub clause (5) that reads as follows:

“(5) A person who fails to comply with a direction given under subclause 3 commits an offence.

Maximum penalty: \$1,000”

3 REQUESTS the Chief Executive Officer to progress the remaining actions in order to finalise the local law as detailed in (2) above, in accordance with sections 3.12(5), (6) and (7) and 3.15 of the Local Government Act 1995.

Discussion ensued in relation to Order of Business and public question time with respect to Committees.

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Anderson that Amendments be made to the Standing Orders Local Law 2005 as follows:

- Clause 13 – to add an additional Point (3)

“(3) for each motion and amendment, the minutes of the meeting are to record the names of members voting in the affirmative and the names of members voting in the negative.”

- Clause 75 – Disclosure by members who are observers at committee meetings

Clause to be deleted and replaced with:

The requirements for disclosure of interests are dealt with by the Code of Conduct prepared under the Regulations.

- **Clause 75 – 1st Footnote to be amended to read:**

“Footnote: Where disclosure is required under this clause, the Act is to be used to inform the process. Sections 5.59 to 5.70 of the Act dealing with disclosure of interest are set out in the footnote to clause 20.”

Cmr Smith spoke to the Amendment. To a query raised by Cmr Smith, Chief Executive Officer advised that with the agreement of Cmr Smith the words could be included in Clause 75 either as an additional item or within the footnote. Legal advice would be sought to ensure the words fall within the correct structure.

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion as amended, being:

That Council:

- 1 NOTES the submissions received in response to the Standing Orders Local Law 2005;**
- 2 in accordance with Section 3.12(4) of the Local Government Act 1995 ADOPTS the Standing Orders Local Law 2005 forming Appendix 2 to Report CJ249-11/05, subject to the following amendments:**

- **Clause 13 – to add an additional Point (3)**

“(3) for each motion and amendment, the minutes of the meeting are to record the names of members voting in the affirmative and the names of members voting in the negative.”

- **Clause 14(1) and (2) being deleted and replaced with the following:**

“14(1) The items of business to be dealt with at an ordinary meeting of the Council are set out in paragraphs (a) to (m) inclusive of this subclause. The order in which those items are to be dealt with, is as resolved by the Council from time to time. In the absence of a resolution of the Council, the order is as follows:

- (a) Declaration of opening /announcement of Visitors***
- (b) Public question time***
- (c) Public statement time***
- (d) Apologies/leave of absence***
- (e) Confirmation of minutes***
- (f) Announcements by the presiding person without discussion***
- (g) Declarations of interests***
- (h) Identification of matters for which the meeting may sit behind closed doors***
- (i) Petitions***
- (j) Reports***
- (k) Motions of which previous notice has been given;***
- (l) Announcements of notices of motion for the next meeting; and***
- (m) Closure***

14(2) The items of business to be dealt with at an ordinary meeting of the committee are set out in paragraphs (a) to (m) inclusive of this sub clause. The order in which those items are to be dealt with, is as resolved by the committee, from time to time. In the absence of a resolution of the committee, the order is as follows:

- (a) Declaration of opening;**
- (b) Public question time;**
- (c) Public statement time;**
- (d) Apologies/leave of absence;**
- (e) Confirmation of minutes;**
- (f) Announcements by the presiding person without discussion;**
- (g) Declarations of interests;**
- (h) Identification of matters for which the meeting may sit behind closed doors;**
- (i) Petitions and deputations;**
- (j) Reports;**
- (k) Motions of which previous notice has been given;**
- (l) Requests for reports for future consideration; and**
- (m) Closure**

- **Clause 45 being amended to include a sub clause (5) that reads as follows:**

“(5) A person who fails to comply with a direction given under subclause 3 commits an offence.

Maximum penalty: \$1,000”

- **Clause 75 – Disclosure by members who are observers at committee meetings**

Clause to be deleted and replaced with:

The requirements for disclosure of interests are dealt with by the Code of Conduct prepared under the Regulations.

- **Clause 75 – 1st Footnote to be amended to read:**

“Footnote: Where disclosure is required under this clause, the Act is to be used to inform the process. Sections 5.59 to 5.70 of the Act dealing with disclosure of interest are set out in the footnote to clause 20.”

- 3 REQUESTS the Chief Executive Officer to progress the remaining actions in order to finalise the local law as detailed in (2) above, in accordance with sections 3.12(5), (6) and (7) and 3.15 of the Local Government Act 1995.**

was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

Appendices 2 & 16 refer

*To access this attachment on electronic document, click here: [Attach16agn221105.pdf](#)
[Attach2brf151105.pdf](#)*

Disclosure of interest affecting impartiality

Name/Position	Cmr M Anderson
Item No/Subject	Item CJ250-11/05 – Status of Operations at the Joondalup Business Centre, formerly known as the Joondalup Business Incubator
Nature and extent of interest	Cmr Anderson stated he is a member of the Joondalup Business Centre, however he will act impartially in relation to this matter.

**CJ250 - 11/05 STATUS OF OPERATIONS AT THE JOONDALUP
BUSINESS CENTRE (JBC) FORMERLY KNOWN AS
THE JOONDALUP BUSINESS INCUBATOR -
[03082] [51024]**

WARD: Lakeside

RESPONSIBLE Garry Hunt
DIRECTOR: Office of CEO

CJ051115_BRF.DOC:ITEM 4

PURPOSE

To provide Council with an overview of the progress of the Joondalup Business Centre (JBC) (formerly known as the Joondalup Business Incubator) since it became operational in April 2003.

EXECUTIVE SUMMARY

In April 2000, Council endorsed the proposal to construct a business incubator in Joondalup in partnership with Edith Cowan University and the Joondalup Business Association (*CJ074-04/00 refers*)

In total, the project received \$801,800 startup funding from the Lotteries Commission, Federal Government and also through contributions from:

- The City of Joondalup - cash contribution of \$51,800 (the City subsequently provided an additional \$35,000)
- Edith Cowan University - cash contribution of \$200,000 plus land

A Board of Management (formed under the Associations Incorporation Act) managed the project and the Joondalup Business Incubator (JBI) was formally opened on 15 Barron Parade, Joondalup in April 2003. The Board appointed a manager to oversee operations but by early 2004 the Board had concerns with respect to the sustainability of the JBI as it had a fluctuating tenancy (between 7 to 11 tenants out of 27 offices).

In 2004, the trading name (JBI) was changed to *Joondalup Business Centre (JBC)*. The Board also decided to tender the entire management of the JBC following a review of its operations.

The contract was awarded to Artisan Developments Pty Ltd, who put in place a number of strategies to attract tenants.

In the three months of operation, from April to June 2005, the Management Team has turned around the JBC's financial viability. At the monthly general meeting in October, the management team reported to the Board that the JBC was fully occupied and now the Board could focus efforts on new longer-term strategies.

A recent benchmarking survey with other Incubators in Western Australia showed that the JBC is now operating as one of the top three most effective incubators in Western Australia.

It is recommended that Council:

That Council:

- 1 *NOTES the overview of the progress on the status of the Joondalup Business Centre as outlined in Report CJ250-11/05;*
- 2 *REQUESTS the Chief Executive Officer to forward a letter of congratulations and thanks to the Board of Management of the Joondalup Business Centre for its role in making the Joondalup Business Centre a leading and best practice incubator in Western Australia.*

BACKGROUND

In April 2000 Council received a report in which it was suggested that the City of Joondalup construct a business incubator in Joondalup in partnership with Edith Cowan University (ECU) and the Joondalup Business Association (JBA). It was proposed that the project partners would contribute in cash and in kind towards the project and that grant funding would be sought from the Commonwealth Government. It was resolved that Council:

- 1 *ENDORSES the action to apply for the Commonwealth Funding Grant of \$500,000 for the construction of the Business Incubator;*
- 2 *AGREES to commit \$51,800 in the 2001/02 Financial Year as its contribution to the project should the grant application be successful.”*
(Item CJ074-04/00 refers)

The project partners agreed that the incubator would be managed by a 'not for profit' incorporated association formed under the Associations Incorporation Act, and was to be run by a Board of Management comprising of a Chairperson, Vice-Chairperson, Secretary, Treasurer and up to seven ordinary Committee members.

Each of the foundation members, being the City of Joondalup, Edith Cowan University (ECU) and the Joondalup Business Association (JBA), were entitled to appoint two representatives from their organisations onto the Board of Management (the Board) to oversee the development of the incubator project, and administer the grant funds.

A constitution was drafted and the Board was incorporated as the “*Business Development Association (North West Metropolitan) Inc.*” and registered the “*Joondalup Business Incubator*” (the Incubator) as its trading name.

In 2000 the City of Joondalup, ECU and JBA successfully made a joint application for capital funding to the Commonwealth Government, under the Department of Employment, Workplace Relations and Small Business (DEWRSB) program for the development and accommodation of business incubators. In total, the project received \$801,800 startup funding from:

- City of Joondalup - cash contribution of \$51,800
- Lotteries Commission - \$ 50,000
- Edith Cowan University - cash contribution of \$200,000 plus land
- DEWRSB funding - \$500,000

In April 2002 Council received a development application from Edith Cowan University and approval was granted for the construction program to commence at 15 Barron Parade, Joondalup (*CJ54-04/04 refers*).

During the construction phase a number of unforeseeable building issues arose and by July 2002 the Board of Management had ascertained that the start up funding would not be sufficient to employ a Manager for the Incubator. Accordingly, the Board made a submission to the City in October 2002 and Council granted funding of \$35,000 to assist with the operational aspects of the project (*CJ 250-10/02 refers*)

Tenancy Issues

In February 2003 a manager was appointed, and the Incubator was operating for trade by April 2003. During 2003 the Incubator experienced difficulty in attracting tenants and during the course of 2003 and by early 2004, the Board was having concerns with respect to ongoing sustainability of the Incubator given that it had a fluctuating tenancy of between 7-11 tenants which was well under its full capacity of 27 tenants. The situation became critical by June 2004 and the Board of Management determined to review its operational management strategy.

In order to ensure the Incubator maintained a solvent trading position whilst new strategies were being developed, the Board again approached the City of Joondalup for support. The Council supported their requests and provided two additional funding grants of \$9,900 in July 2003 (*C125-07/03 refers*) and \$3000 in June 2004 (*CJ138-06/04 refers*).

Review of Joondalup Business Incubator operations

In 2004 the trading name *Joondalup Business Incubator* was changed to *Joondalup Business Centre* (JBC) through a resolution of the Board. Membership on the Board was also expanded to include community representatives.

Currently, there are three community representatives on the JBC Board – with one of those positions being held by a representative of the Westpac Bank. The Westpac Bank is the major ‘naming rights’ sponsor for the JBC.

The JBC also has a second major sponsor who holds the naming rights for the JBC Training Room – being Scope Vision. This sponsor does not hold a board position.

In June 2004, the Board resolved to review management of the Incubator and decided to tender out a contract for the entire management of the Centre. Two tenderers expressed interest and after nine months of deliberations and negotiations the contract was awarded to Artisan Developments Pty Ltd.

Complete details of the Joondalup Business Centre project can be found in the following reports to Council:

- CJ074-04/00 North West Metro Business Association for establishment of a Business Incubator
- CJ232-09/00 Business Incubator – establishment of an Incorporated Body
- C54-04/02 Proposed Business Incubator – Lot 502 Collier Pass, Joondalup for the North west Metro Business association

- CJ250-/02 Joondalup Business Incubator Project
- C161-08/03 Joondalup Business Incubator – Contribution toward rates levied
- C125-07/03 Joondalup Business Incubator – Contribution towards rates levied
- CJ117-06/04 Appointment of Representatives to External Committees
- CJ138-06/04 Joondalup Business Incubator – Request for Financial Assistance

DETAILS

Issues and options considered:

Contract of management of JBC

In April 2005 the JBC Board of Management signed a contract with Mr Glynn Jones and Mrs June Thom-Allan principals of Artisan Developments Pty Ltd to manage the JBC and they commenced the day-to-day management of the JBC in accordance with the provisions of their contract.

At the time of signing their contract, the Management Team were aware that the Joondalup Business Centre (JBC) was operating below optimal level of capacity and that the Board had reduced spending on all variable operational costs in order to ensure that the revenues being earned were not exceeding expenditure outgoings.

The JBC was in a position of no growth and was not able to make any transfers to capital and maintenance replacement reserves since the centre became operational. Its annual operating budget for 2003/04 was \$110,000. It had a total of twelve tenants with an approximate tenancy of \$7000 per month.

Turnaround in JBC operations

The key focus for the new Management Team was to undertake a strong marketing campaign to attract tenants. They did this by initially reviewing the pricing structure and operating policies and procedures of the JBC, and then by introducing a range of support services to assist tenants.

The impact of these strategies and the skill of the Management Team have resulted in a turnaround within 3 months of operation. By June 2005, the financial situation of the JBC had improved, the occupancy rate had increased to 89% and the 3 vacant offices were “under offer” from prospective tenants to take up occupancy during the July to September 2005 quarter. Revenue had also steadily increased with new tenants taking up occupancy and the ongoing review and monitoring of expenses by the Management Team.

2004/05 Annual General Meeting

At the JBC's Annual General Meeting held on 18 October 2005, the Board accepted the end of year accounts (audited by Bain and Associates). The financial statement showed a total actual income of approximately \$104,000 and a total actual expenditure of \$108,500. This represented an operating loss of \$4,500 for the 2004/05 financial year.

During the AGM, the Board was advised that feedback from tenants with respect to the new Management Team was very positive. It was also advised that JBC was in a strong financial position and that there would likely be a surplus of funds at the end of the 2005/06 financial year to be placed into reserves for the future.

At that meeting, a new Board for 2005/06 was appointed and the retiring Chairperson, Mr Tony Thompson praised the Management Team for the work they had done and the outstanding achievements to bring the JBC up to full occupancy. The new Board comprises of the following:

Chairperson	Mr Louis Prospero (Community member)
Deputy Chairperson	Mr David Curry (JBA)
Treasurer	Mr Russell Poliwka (JBA)
Secretary	Mrs Donna McFetridge (ECU)

Members:

Mr Tony Thompson	(Community member)
Mr Michael Kruise	(Westpac Bank)
Prof. Robert Harvey	(ECU)
Commissioner Michael Anderson	(City of Joondalup)

Current JBC status

At its monthly general meeting in October 2005 the Management Team reported to the Board that the Centre was now fully occupied. They recommended that the Board could now focus its effort on new longer-term strategies and the management team can continue to focus on assisting tenants in growing and developing their business.

Link to Strategic Plan:

Key Focus Area 3 – City Development

The City of Joondalup is recognised for investment and business development opportunities.

Objective 3.5: To provide and maintain sustainable economic development

Strategy 3.5.1 Develop partnerships with stakeholders to foster business development opportunities

Strategy 3.5.2 Assist the facilitation of local employment opportunities

Legislation – Statutory Provisions:

The Joondalup Business Centre is an Incorporated Association under the Associations Incorporations Act.

Risk Management considerations:

ECU has recently undertaken a full risk assessment analysis with the risk assessment team of ECU and confirms the JBC risk profile is considered low, however the Board will now focus on supporting the new management team in order to maintain the outstanding record to date.

Financial/Budget Implications:

Nil.

Policy Implications:

The Joondalup Business Centre has a general connection to Policy 2.1: - Environmental, Social and Economic Policy.

Regional Significance:

The Joondalup Business Centre has significant regional status. The centre represents the only small business incubator in the Northwest Metro Region and services both the cities of Joondalup and Wanneroo.

Sustainability Implications:

The JBC is now in a strong position to provide sustainable economic growth to the City through development of new fledgling businesses. The mentoring, advisory and support services that it offers provide a competitive edge for new business start ups in the north west metro region.

A recent benchmarking survey with other Incubators in Western Australia showed that the JBC is now operating as one of the top three most effective incubators in Western Australia.

Incubator Name	Comment	Support	Capacity	Occupancy	Operational
Joondalup Business Centre	Full-time Manager	Full-time Admin Officer	27	27 (100%)	Since 2003
Coastal Business Centre (Fremantle)	BEC* Management	Full-time Admin Officer	70	35 (50%)	Since 1997
Rockingham Business Development Centre	BEC Management	Full-time Admin Officer	33	31 (94%)	Since 1996
Welshpool Business Enterprise Centre	Full-time Manager	Admin officer	40	40 (100%)	Since Oct 1993
Midland Enterprise Centre	Full-time Manager BEC is a 5 minute walk away from the Incubator	Nil	40	32 (80%)	Since 1989
Stirling Regional Business Centre	Co-Managed by BEC and a Manager	Admin Officer	25	10 (40%)	By end of 2003
The Commercial Centre (Albany)	BEC Management	Admin Officer is a tenant business	20	Not available	Since 1998
Kalgoorlie-Boulder Small Business Incubator	BEC is located in the Incubator	Admin to BEC	14	Not in operation	Mid Dec 2003

Kwinana Technology Business Incubator	BEC Management	Full-time Admin Officer	20	Not available	Mid 2003
Gosnells Centre for Business Development	BEC is co-located with incubator	Admin Officer	37	17 (46%)	2004
Ellenbrook	Co-Manager	Nil	16	14 (88%)	1999
Perth City	Co-Manager	Nil	11	11 (100%)	1997

** Business Enterprise Centre*

Source: Data collected in September/October 2005 by contacting each Incubator Manager who provided details above

Consultation:

Not Applicable.

COMMENT

The City of Joondalup has played an integral role in the set-up and development of the JBC. The City has provided significant levels of funding, advice and support in different ways to ensure the JBC becomes a viable and vibrant option for small business growth and development. By taking a leadership role in the project the City has shown that it is capable of producing effective outcomes for the benefit of the business environment of Joondalup. The commitment of the people who served on the Board of Management should be recognised within the community as it is through their tenacity, time and effort that has enabled the JBC to survive through hard times and then flourish through a concerted effort by the Board in thinking creatively to find solutions to manage the JBC in an effective manner.

The City of Joondalup should be recognised particularly for the partnership research project that was funded by the City and undertaken by the Small and Medium Enterprise Research Centre at ECU. The partnership project undertook an extensive research project into incubator developments and sustainability. The Research identified the best practice aspects that made successful incubators.

The City and the Joondalup community can be proud of this achievement as it means that many new businesses will emerge and hopefully take up their future business from within the boundaries of the City of Joondalup. The multiplier effects that will result over time will ensure the City is recognised for investment and business development opportunities.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 NOTES the overview of the progress on the status of the Joondalup Business Centre as outlined in Report CJ250-11/05;**
- 2 REQUESTS the Chief Executive Officer to forward a letter of congratulations and thanks to the Board of Management of the Joondalup Business Centre for its role in making the Joondalup Business Centre a leading and best practice incubator in Western Australia.**

Discussion ensued relating to the need for the Incubator to have policies in place so that persons wishing to become part of the Incubator are fully aware of what is expected, and for Board members and staff to be aware of what services and facilities are being guaranteed.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ251-11/05 - Australian Business Excellence Framework
Nature and extent of interest	Mr Hunt formerly had a contract to provide services to SAI Global. Mr Hunt did not receive an income.

CJ251 - 11/05 AUSTRALIAN BUSINESS EXCELLENCE FRAMEWORK - [89549]

WARD: All

RESPONSIBLE DIRECTOR: Garry Hunt
Office of CEO

CJ051115_BRF.DOC:ITEM 5

PURPOSE

For Council to adopt Australian Business Excellence Framework as its leadership and management framework.

EXECUTIVE SUMMARY

The Australian Business Excellence Framework has been adopted by a number of Australian organisations including many Australian and Western Australian Local Governments. The Framework provides a systematic process for the continuous review and improvement of all aspects of the leadership and management aspects of the City, and provides a basis for measuring adherence to business excellence principles.

Adoption of the Framework will provide the City with an opportunity to:

- Improve leadership and management practices
- Assess the performance of the leadership and management systems
- Build the results into the strategic planning processes, and
- Benchmark where the organisation stands in terms of the marketplace.

This report recommends that the Council adopt the Australian Business Excellent Framework as the City's leadership and management framework.

BACKGROUND

The Business Excellence Framework is an integrated leadership and management system that describes the essential features, characteristics and approaches of leadership and management systems in order to promote sustainable and excellent performance.

The Framework was developed in 1987 and was one of the first four global excellence frameworks. It was initially developed in response to Commonwealth Government and general industry calls for Australian enterprises to be more efficient and competitive. The Framework is reviewed and updated annually by a committee formed of management and leadership experts to reflect current and proven management thinking and practices.

A number of leading Australian organisations use the Framework to assess themselves and inform their strategic planning processes. The list of organisations utilising the Framework includes Local Governments in Australia namely, City of Wollongong, Hobart City Council, Brisbane City Council, Caloundra City Council, City of Perth, City of Melville, City of Swan, City of Nedlands, City of Stirling, City of Belmont, City of Fremantle, and City of South Perth.

The Framework was developed with the objective of describing the principles and practices that create high performing organisations. The categories and items are used by organisations to assess their performance and drive continuous and sustainable improvement in their leadership and management systems.

The Framework is also used as the assessment criteria for the Australian Business Excellence Awards that recognise organisations for their achievements in excellence and improvement.

DETAILS

The Australian Business Excellence Framework translates the principles of Business Excellence into a set of criteria that can be used for assessment and improvement planning. The assessment can be either internal (self-assessment) or external (evaluation towards an Australian Business Excellence Award).

The Framework identifies:

- Twelve Principles of Business Excellence.
- Seven interrelated Categories that emphasise the holistic nature of the model.
- Seven Categories, and
- Twenty-Two items (spread across the seven categories).

Success, according to the framework, can only be maximised if organisations have sound systems and processes for all seven categories in place. The categories create a specific structure in which organisations can review, question and analyse their leadership and management system. The seven categories of the framework are:

- 1 Leadership
- 2 Strategy and Planning
- 3 Knowledge and Information
- 4 People
- 5 Customer and Market Focus
- 6 Innovation, Quality and Improvement
- 7 Success and Sustainability

Each of the categories includes a statement of intent and consists of a number of subcategories called Items. There are twenty-two Items spread across 7 Categories.

The Framework provides descriptions for each of the items and these descriptions have been designed specifically to provide guidance to organisations as to what they must address in order to achieve sustained improvement.

The table below details each of the categories and the corresponding items:

Category	Item
1 Leadership	1.1 Strategic direction 1.2 Organisational culture 1.3 Leadership throughout the organisation 1.4 Environmental and community contribution
2 Strategy and Planning	2.1 Understanding the business Environment 2.2 The planning process 2.3 Development and application of resources
3 Knowledge and Information	3.1 Collection and interpretation of data and information 3.2 Integration and use of knowledge in decision making 3.3 Creation and management of knowledge
4 People	4.1 Involvement and commitment 4.2 Effectiveness and development 4.3 Health, safety and well being
5 Customer and Market Focus	5.1 Knowledge of customers and markets 5.2 Customer relationship management 5.3 Customer perception of value
6 Innovation, Quality and Improvement	6.1 Innovation process 6.2 Supplier and partner processes 6.3 Management and improvement of processes 6.4 Quality of products and services
7 Success and Sustainability	7.1 Indicators of success 7.2 Indicators of sustainability

An organisation's performance against each Item of the Framework can be assessed on four dimensions. The Items are evaluated by exploring how the organisation:

- 1 Puts plans and structures into place;
- 2 Deploys those plans and structures;
- 3 Measures and analyses the outcomes; and
- 4 Learns from its experience.

These are known as the 'Assessment Dimensions' of Approach, Deployment, Results and Improvement (ADRI).

The Framework can also be used to conduct a guided assessment and/or self-assessment process that involves an external consultant (guided assessment) or representative group from the organisation who have been received training on the Framework (self-assessment) gathering data and information on organisational performance using the business excellence framework template. The aims of the guided assessment and self-assessment are to identify:

- Current strengths – those approaches, policies and processes that the organisation has in place that can be built on in the future; and
- Opportunities for improvement – additions and/or enhancements to approaches, policies and processes that will enable improved performance.

The outcome of a self-assessment process is a set of prioritised action plans that take the most important opportunities for improvement through to implementation.

Issues and options considered:

The Australian Business Excellence Framework has been adopted by a number of Australian organisations including Australian and Western Australian Local Governments. The framework is being used by these organisations to:

- Improve management and leadership practices;
- Assess the performance of their leadership and management systems;
- Build the results into the strategic planning processes, and
- Benchmark where their organisation stands in terms of the marketplace.

Key Benefits of adoption of the Business Excellence Framework are considered to be:

- A consistent set of benchmarks against which the City can evaluate itself.
- Opportunity to do a self-assessment or guided assessment against the criteria - one of the outcomes of the guided assessment is a 'gap analysis' that provides the basis for developing improvement strategies.
- It is a logical way for the City to recognise, integrate and build on past improvement initiatives.
- It provides a mechanism for improvements in service provision and community relations.

A number of staff have previously received training on the framework and have attained either Certificate III in Business Excellence and/or Certificate IV in Organisational Assessment.

Link to Strategic Plan:

Key Focus Area 4 Organisational Development

Outcome The City of Joondalup is a sustainable and accountable business

Objective 4.1 To manage the business in a responsible and accountable manner.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The Australian Business Excellence Framework provides an opportunity to assess the current state of the whole organisation against the criteria, to identify strengths and opportunities for improvement, and to prioritise opportunities for improvement.

The principles and categories characterise the essential features, characteristics and approaches of leadership and management systems to achieve sustainable and excellent performance and includes an assessment of governance whereby organisations are required to assess how responsibilities to all stakeholders are identified and effective systems of leaderships, authority, accountability and relationships are implemented to fulfil them.

The framework also requires organisations to assess their environmental and community contribution and the impact on the community in terms of the extent to which the organisation minimises harm and maximises community well-being, how the organisation assesses the risks its business activities and practices pose to the community, how it reduces those risks through its policies and practices, its impact on the natural environment, and contribution to the community in terms of processes for community involvement.

Financial/Budget Implications:

The following costs may be applicable:

Training (Certificate 111 in Business Excellence and Certificate 1V in Organisational Assessment)	\$1,300 per participant.
Organisational Assessment	Cost of consultant to conduct external organisational assessment and prepare report.
Application for Awards Application for Awards can be at two levels: Award level – requires an evaluation against all categories in the Framework Category level – an evaluation against a category nominated in the application form.	Award level: <ul style="list-style-type: none"> • Evaluation Fee - \$2,050 • Site Visit Fee - \$3,750 per day <i>(includes travel and accommodation expenses)</i> Category level: <ul style="list-style-type: none"> • Evaluation Fee - \$1,050 • Site Visit Fee - \$2,750 per day <i>(includes travel and accommodation expenses)</i>

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The Australian Business Excellence Framework provides a vehicle and process for sustainable business improvement. The Framework provides the methodology for a planned, systematic approach to assessing and identifying improvements to the City's leadership and management systems, and, therefore, sustainable business improvement.

The Business Excellence Framework will assist the City to progress and assess organisational sustainability that will result in improved services to the community, greater efficiencies in operations, and improved community and stakeholder relations.

Adoption of the Framework will assist the City to focus on business excellence and long-term sustainability.

Consultation:

Not Applicable.

COMMENT

The Australian Business Excellence Framework is a powerful tool, which will assist the City to achieve long-term improvement by introducing best practice methodologies across all aspects of the organisation, and to integrate and deploy quality management into its total leadership and management systems.

The framework has been specifically designed to assist organisations to measure current performance and to continually improve performance in order to provide:

- Improved service delivery/provision to the community.
- Improved community satisfaction.
- Improved operational efficiency.
- Improved organisational performance.
- Improved employee morale.
- Improved council member, community, government and key stakeholder relations.

Utilisation of the Australian Business Excellence Framework will provide the City with a practical methodology and process for driving continuous improvement throughout the organisation, and will provide a solid basis for continual improvement and better practice in the provision of services to the community.

The Australian Business Excellence Framework is a model that can facilitate the implementation of the Governance Framework recently adopted by the Council. The Australian Business Excellence Framework will enable the assessment, progression and implementation the Governance Framework by providing a template against which to assess the key features of a local government authority of excellence.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council ADOPTS the Australian Business Excellence Framework as the City's leadership and management framework as outlined in Report CJ251-11/05.

MOVED Cmr Fox, SECONDED Cmr Anderson that Council ADOPTS the Australian Business Excellence Framework as the City's leadership and management framework as outlined in Report CJ251-11/05 for a period of five (5) years.

Discussion ensued relating to the length of time that the organisation should commit to the framework.

AMENDMENT MOVED Cmr Smith, SECONDED Cmr Anderson that the words "as a City policy the use of" being inserted after the word "ADOPTS".

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion as amended, being:

That Council ADOPTS as a City policy the use of the Australian Business Excellence Framework as the City's leadership and management framework as outlined in Report CJ251-11/05 for a period of five (5) years.

was Put and

CARRIED UNANIMOUSLY (5/0)

CJ252-11/05 ANNUAL PLAN PROGRESS REPORT – JULY TO SEPTEMBER 2005 QUARTER - [20560]

WARD: All

RESPONSIBLE Mr Garry Hunt
DIRECTOR: Office of the CEO

CJ051115_BRF.DOC:ITEM 15

PURPOSE

To present the Annual Plan 2005/06 – Progress Report for the period 1 July to 30 September 2005 to Council.

EXECUTIVE SUMMARY

At the meeting of 14 December 2004, Council endorsed the new 'Corporate Reporting Framework' and also the recommendation that regular progress reports against the Annual Plan be provided to Council and the community. (*Item CJ307-12/04 refers*). Accordingly, regular progress reports have been provided to Council (*Refer Items CJ029 - 03/05, CJ085-03/05 and CJ171 - 08/05*).

The Annual Plan for 2005/06 is shown as Attachment 1 to this Report. It is structured around the four Key Focus Areas of the Strategic Plan and details the annual priorities for the 2005/06 financial year. The first Progress Report for the period 1 July 2005 to 30 September 2005 is shown as Attachment 2 and contains information on progress against the milestones set for the quarter.

The progress report is a valuable tool for Council to measure the performance of the City particularly in relation to its achievement of pre-determined outcomes and objectives as set out in the Annual Plan. It is also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

It is recommended that Council:

- 1 *NOTES the Annual Plan 2005/06 shown as Attachment 1 to Report CJ252-11/05;*
- 2 *ACCEPTS the Annual Plan 2005/06 – Progress Report for the period 1 July 2005 to 30 September 2005 shown as Attachment 2 to Report CJ252-11/05.*

BACKGROUND

On 14 December 2004, following a review of the City's Corporate Planning and Reporting System, Council endorsed the recommendations contained within Report *CJ307-12/04* proposing a new *Corporate Reporting Framework*. It was proposed that the new '*Corporate Reporting Framework*' would include:

- The development of key performance indicators for the Strategic Plan 2003-2008 and that these indicators would be reported to both Council and the community on an annual basis; and
- The development of an Annual Plan which would document the Organisation's annual priorities for the achievement of the Strategic Plan and that quarterly progress reports, against the milestones included within the Corporate Plan would be provided to both Council and the community;

Accordingly the Annual Plan for 2004/05 was developed and regular progress reports provided to Council during the 2004/05 financial year (*Refer Items CJ029-03/05, CJ085-03/05 and CJ171-08/05*).

DETAILS

Issues and options considered:

The Strategic Plan 2003 to 2008 provides direction to the organisation. It is Council's key strategic document containing strategies and objectives for achievement of the City's Vision:

"To be a sustainable City and community that are recognised as innovative, unique and diverse"

The Annual Plan 2005/06 highlights the annual priorities for the organisation to achieve the Strategic Plan 2003 - 2008 and is structured around the four Key Focus Areas of:

- Community Wellbeing
- Caring for the Environment
- City Development
- Organisational Development

The Annual Plan 2005/06 contains a brief description of the key project/ programs and services that the City will deliver in the 2005/06 financial year and also includes pre-determined quarterly milestones.

The Annual Plan 2005/06 forms Attachment 1 to this report. Regular quarterly reports will be provided to Council and the community at the end of September, December, March and June of each financial year.

The key project/programs and services contained within the Annual Plan have been transferred into the “*Quarterly Progress Report Template*”. The template has been designed to briefly provide:

- Updates against some of the key projects
- Update against milestones due to be completed in each quarter
- Revised milestones for the next quarter where a target has not been achieved

The Quarterly Progress Report Template has been reviewed and redesigned for the 2005/06 reports. The template now displays information on progress against the milestones for all four quarters whereas the 2004/05 template only presented information on the milestones for the current quarter.

The 2005/06 template provides a clear and full evaluation of projects and programmes for the entire year as each quarter is added to the template. For ease of reading, the current quarter has been shaded grey.

The ‘*Quarterly Progress Report - July to September 2005 quarter*’ forms Attachment 2 to this Report.

Link to Strategic Plan:

This item links to the Strategic Plan through Key Focus Area 4- Organisational Development.

<i>Outcome</i>	<i>The City of Joondalup is a sustainable and accountable business</i>
<i>Objective 4.1</i>	<i>To manage the business in a responsible and accountable manner</i>
<i>Strategy 4.1.2</i>	<i>Develop a corporate reporting framework based on sustainable indicators</i>

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

The City has an obligation to be open and accountable whilst providing services efficiently and effectively. The provision of regular reports to the Council and the community ensures that the Council is informed on progress against major projects and programs and the community receives regular progress reports on the City’s activities.

Regular reporting ensures that the City is measuring and analysing current performance and feeding the results of that measurement into planning processes and using this to inform future planning in order to improve service delivery.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Through Council's Policy 8-6, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

Regional Significance:

Not Applicable.

Sustainability implications:

The Annual Plan 2005/06 aligns with the strategic directions established by Council and outlined in the Strategic Plan 2003 – 2008. Council's vision is to be '*A sustainable City and community that are recognised as innovative, unique and diverse*'. The Strategic Plan was designed to reflect the themes of economic, social and environmental sustainability as well as good governance. Reports against the Annual Plan provide regular assessments against the progress of the City's key projects, programs and services and, therefore, the City's achievement of the Strategic Plan.

Consultation:

Not Applicable.

COMMENT

The Annual Plan 2005/06 highlights the annual priorities for the organisation to achieve the Strategic Plan. It includes milestones against Council Projects and other annual priorities (project, programs and services).

Council received regular progress reports on the Annual Plan for the 2004/05 financial year and will continue to receive ongoing progress reports on the performance of the 2005/06 Annual Plan.

The progress reports are a valuable tool for Council to:

- Measure the performance of the City– particularly in relation to its achievement of pre-determined outcomes and objectives, and
- Capture the results of performance measurement and feed them back into the planning processes that then guide the organisation to make the necessary changes to its activities and operations and (if necessary) make changes to its strategic outcomes and objectives.

The reports are also a mechanism to provide information to the community thus meeting the City's commitment to be open and transparent in its activities.

All project milestones set for the July to September 2005 quarter have been met with the exception of the Craigie Leisure Centre project. Stage 1 of the project has been completed on target. Problems have been encountered with the geo-thermal bore that has resulted in works and cost and time variations and delays. It is expected the issues will be resolved within the October – December 2005 quarter.

ATTACHMENTS

Attachment 1 Annual Plan 2005/06

Attachment 2 Annual Plan Progress Report – July to September 2005 quarter

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 NOTES the Annual Plan 2005/06 shown as Attachment 1 to Report CJ252-11/05;**
- 2 ACCEPTS the Annual Plan 2005/06 – Progress Report for the period 1 July 2005 to 30 September 2005 shown as Attachment 2 to Report CJ252-11/05.**

Cmr Anderson spoke to the Motion and commended the Chief Executive Officer and staff for the timeliness of the report being presented to Council and the degree of data and information contained within the report.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendices 13 and 14 refer

*To access this attachment on electronic document, click here: [Attach13brf151105.pdf](#)
[Attach14brf151105.pdf](#)*

CJ253 - 11/05 LIST OF PAYMENTS MADE DURING THE MONTH OF OCTOBER 2005 - [09882]

WARD: All

RESPONSIBLE Mr Peter Schneider
DIRECTOR: Corporate Services

CJ051115_BRF.DOC:ITEM 6

PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of October 2005 to note.

EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of October 2005, totalling \$5,849,529.66.

It is recommended that Council NOTES the CEO's List of accounts for October 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations at Attachments A and B to Report CJ253-11/05, totalling \$5,849,529.66.

BACKGROUND

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

DETAILS

The table below summarises the payments drawn on the funds during the month of October 2005. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

FUNDS	DETAILS	AMOUNT
Municipal Account	Cheques 73068 - 73385 EFT 4121 - 4408 Vouchers 100A –102A & 104A – 106A	\$5,849,529.66
Trust Account		Nil
		\$5,849,529.66

Issues and Options Considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

Risk Management Considerations:

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

Financial/Budget Implications:

All expenditure from the municipal fund was included in the 2005/06 Annual Budget, or approved in advance by Council.

Policy Implications:

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

Sustainability Implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan 2005/06-2008/09 which was advertised for a 30 day period with an invitation for submissions in relation to the plan.

COMMENT

All expenditure included in the list of payments is in accordance with the 2005/06 Annual Budget, or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A CEO's Delegated Payment List for the month of October 2005
Attachment B Municipal Fund Vouchers for the month of October 2005

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council NOTES the CEO's list of accounts for October 2005 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 at Attachments A and B to Report CJ253-11/05, totalling \$5,849,529.66.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 3 refers

To access this attachment on electronic document, click here: [Attach3brf151105.pdf](#)

CJ254 - 11/05 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 OCTOBER 2005 - [07882]

WARD: All

RESPONSIBLE Mr Peter Schneider
DIRECTOR: Corporate Services

CJ051115_BRf.DOC:ITEM 7

PURPOSE

The October 2005 financial activity statement is submitted to Council to be noted.

EXECUTIVE SUMMARY

The October 2005 year to date report shows an overall variance (under spend) of \$7.5m when compared to the year to date budget approved by Council at its special meeting of 28 July 2005 (JSC4-07-05 refers).

This variance can be analysed as follows:

- The **Operating** Surplus From Operations is \$42.2m compared to a budgeted surplus of \$39.9m at the end of October 2005. The \$2.3m variance is primarily due to the early receipt of grant funding, greater than budgeted interest income and lower than budgeted expenditure in employee costs and materials and contracts.
- **Capital Expenditure** is \$7.9m against the year to date budget of \$13.2m. The \$5.3m under spend is due to delays in purchasing heavy and light vehicles, delays in Capital Works and delays on the geo-thermal bore for Craigie Leisure Centre.

It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 October 2005.

BACKGROUND

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

DETAILS

The financial activity statement for the period ended 31 October 2005 is appended as Attachment A.

Issues and options considered:

Not Applicable.

Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

Legislation – Statutory Provisions:

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

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

Risk Management considerations:

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

Financial/Budget Implications:

Refer attachment A.

Policy Implications:

All expenditure included in the Financial Activity Statement is drawn from the City's accounting records.

Regional Significance:

Not Applicable.

Sustainability implications:

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

Consultation:

In accordance with Section 6.2 of the Local Government Act 1995, the annual budget was prepared having regard to the Strategic Financial Plan, prepared under Section 5.56 of the Local Government Act 1995, which was made available for public comment from 21 May to 20 June 2005.

COMMENT

All expenditures included in the Financial Activity Statement are incurred in accordance with the 2005/06 Annual Budget or has been authorised in advance by Council where applicable.

ATTACHMENTS

Attachment A Financial Activity Statement for the period ended 31 October 2005.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council NOTES the Financial Activity Statement for the period ended 31 October 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 4 refers

To access this attachment on electronic document, click here: [Attach4brf151105.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Cmr A Fox
Item No/Subject	Item CJ255-11/05 – Brookmount Ramble, Padbury – (Western Section) Proposed Closure to Vehicular Traffic
Nature and extent of interest	Cmr Fox lives close to this road, however she will act impartially in relation to this matter.

Name/Position	Cmr S Smith
Item No/Subject	Item CJ255-11/05 – Brookmount Ramble, Padbury – (Western Section) Proposed Closure to Vehicular Traffic
Nature and extent of interest	Cmr Smith's son lives in Padbury and Cmr Smith also owns an investment property in Padbury.

CJ255 - 11/05 BROOKMOUNT RAMBLE, PADBURY - (WESTERN SECTION) PROPOSED CLOSURE TO VEHICULAR TRAFFIC - [76556]

WARD: Pinnaroo

RESPONSIBLE Mr Peter Pikor (Acting Director)
DIRECTOR: Infrastructure Services

CJ051115_BRF.DOC:ITEM 8

PURPOSE

The purpose of this report is to seek Council approval to initiate closure to vehicular traffic on the western section of Brookmount Ramble, Padbury, near the North City Christian Centre.

EXECUTIVE SUMMARY

The City has received complaints from residents who have properties which back onto the western end of Brookmount Ramble in Padbury. There is currently a cul-de-sac at the western end of Brookmount Ramble, which is consistently targeted with antisocial driver behaviour. In addition, vandalism to the gate and padlock, which provides car park access from the cul-de-sac to the Al Hidaya Mosque access, is a recurring problem.

Although City Watch patrols and the Police have been active in this area, due to the remote location of Brookmount Ramble the nearby residents continue to experience ongoing anti social issues.

Following a consultation process with local residents and representatives from the Al Hidaya Mosque, a closure to vehicular traffic is considered the most appropriate treatment.

As Brookmount Ramble is a public road a closure to vehicular traffic is required to be advertised and undertaken in accordance with the Local Government Act 1995 Section 3.50.

It is recommended that Council:

- 1 *INITIATES the closure of the western section of Brookmount Ramble, Padbury to vehicular traffic, as shown at Attachment 1 to Report CJ255-11/05, in accordance with the requirements of the Local Government Act 1995 Section 3.50;*
- 2 *LISTS for consideration the amount of \$5,000 in the 2005-2006 Half Year Budget Review for the installation of lockable bollards and associated traffic calming treatment in Brookmount Ramble.*

BACKGROUND

Brookmount Ramble was initially constructed to alleviate traffic and parking issues, which were being experienced by residents in Walter Padbury Boulevard and Chadlington Drive, Padbury. These traffic issues were due to the traffic generated by a number of organisations such as the Anglo Indian Association, North City Christian Centre and Al Hidayah Mosque, which are located in this area.

Brookmount Ramble is however located in a remote location and as a consequence is now experiencing antisocial driver behaviour along the entire length of the road. The cul-de-sac located at the western end of the road is being subjected to vehicles carrying out 'donuts' and vandalism to infrastructure in this general area. The situation has reached a level of frustration from residents where nails and wooden logs have been illegally placed on the cul-de-sac to deter this behaviour.

Following consultation with residents backing onto this cul-de-sac and representatives from the Al Hidayah Mosque, it was agreed that the installation of lockable bollards approximately 150 metres east of the cul-de-sac, along with an associated traffic calming treatment, would assist to curtail the current antisocial behaviour occurring. The location of the proposed treatment is shown on Attachment 1. The Mosque would be supplied with keys for the bollards to allow access to its rear driveway and car park.

DETAILS

Issues and options considered:

A number of options including the installation of additional traffic management treatments and increased patrols by City Watch were explored, however closure to vehicular traffic at the western section of Brookmount Ramble, Padbury is deemed the most appropriate course of action.

Link to Strategic Plan:

This recommended proposal is in line with Strategies:

- 1.4 To work with the community to enhance safety and security in a healthy environment.
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.2 To provide quality services with the best resources.

Legislation – Statutory Provisions:

As a public road, under the Local Government Act 1995 Section 3.50 the Local Government may, by public notice, order that a thoroughfare that it manages is closed to the passage of vehicles for a period exceeding 4 weeks.

Risk Management considerations:

As a risk management strategy, the partial closure will exclude vehicles from a location, which due to its remote location, is experiencing antisocial driver behaviour and property damage.

Financial/Budget Implications:

The installation of lockable bollards and associated traffic calming treatment is estimated at \$5,000. There is currently no funding allocated in the Budget for this treatment. It is considered that funds can be listed in the Half Year Budget Review.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The City has been consulting with adjacent residents, representatives of the Al Hidaya Mosque and the North City Christian Centre regarding the problems being experienced on Brookmount Ramble.

The provision of lockable bollards with an associated traffic calming treatment will prevent vehicles from reaching the western end of Brookmount Ramble to carry out antisocial driver behaviour in the cul-de-sac.

The statutory requirement is to advertise the proposed road closure for public comment for a period of 35 days. The adjacent landowners will be notified in writing and signs will be placed at the entrance to the road. In addition, an advertisement will be placed in local newspapers.

COMMENT

Due to the remote location of Brookmount Ramble and the limited impact on the general public using this road, a closure to vehicular traffic at the western section is considered the most appropriate treatment to alleviate the problems being encountered by the adjacent residents and organisations. There is general support for this proposed treatment as it is recognised there are benefits to local residents and this can also minimise property damage that is currently being experienced. The funding for the proposed treatment can be listed for consideration in the Half Year Budget Review.

ATTACHMENTS

Attachment 1 Locality Plan

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

- 1 INITIATES the closure of the western section of Brookmount Ramble, Padbury to vehicular traffic, as shown at Attachment 1 to Report CJ255-11/05, in accordance with the requirements of the Local Government Act 1995 Section 3.50;**
- 2 LISTS for consideration the amount of \$5,000 in the 2005-2006 Half Year Budget Review for the installation of lockable bollards and associated traffic calming treatment in Brookmount Ramble.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 5 refers

To access this attachment on electronic document, click here: [Attach5brf151105.pdf](#)

CJ256 - 11/05 MINUTES OF THE CONSERVATION ADVISORY COMMITTEE MEETING HELD 26 OCTOBER 2005 - [12168]

WARD: All

RESPONSIBLE Mr Peter Pikor (Acting Director)
DIRECTOR: Infrastructure Services

CJ051115_BRF.DOC:ITEM 9

PURPOSE

To submit the unconfirmed minutes of the Conservation Advisory Committee Meeting held on 26 October 2005 for endorsement by Council.

EXECUTIVE SUMMARY

The intention of this report is to inform Council of the proceedings of the meeting of the Conservation Advisory Committee held on 26 October 2005.

There were three items of business on the October Conservation Advisory Committee Agenda, being a draft manual for Bushland Friends Groups, a proposed listing of reserves in the District Planning Scheme No 2 and a deputy member nomination for Friends of Maritana Bushland.

For the past ten years community members working within the Bushland Friends Groups framework have been assisting the City to manage and maintain the City's Natural Areas. There are currently eleven groups engaged in these activities.

It has been recognised that there is a need for the City to produce a handbook to establish the guidelines for a mutually beneficial working relationship between volunteers undertaking bush care activities and Council.

A draft of the Friends Group manual was circulated at the meeting to allow Committee members to comment.

At the August 2005 meeting, the Committee requested to be provided with a list of reserves, which have been identified using the Perth Biodiversity Templates, as having environmental significance. The list comprises of reserves that have been assessed as being the best ecologically in the City, it does not include reserves that form part of the Bush Forever Directory.

Committee members endorsed the list, with the addition of Alfreton Park Duncraig, bringing the total number of reserves be placed on Schedule 5 of the District Planning Scheme No 2 to thirty-one. The list of reserves is shown on Attachment 2.

The Friends of Maritana Park, Kallaroo are represented on the Conservation Advisory Committee. Ms Nicole Mattingley was nominated as a deputy to represent this Friends group.

The Committee resolved the following recommendations:

- 1 *That the Conservation Advisory Committee recommends that the list of reserves, as shown on Attachment 2 of the October 2005 Conservation Advisory Committee Minutes, be included under Schedule 5 of the District Planning Scheme No 2.*
- 2 *That Council endorses Ms Nicole Mattingley as Deputy Representative of the Friends of Maritana Park, Kallaroo on the Conservation Advisory Committee.*

The Conservation Advisory Committee's Terms of Reference allows for a representative and deputy for each bushland group.

It is recommended that Council:

- 1 *NOTES the unconfirmed Minutes of the Conservation Advisory Committee held on 26 October 2005 forming Attachment 1 to Report CJ256-11/05;*
- 2 *NOTES the list of reserves, as shown on Attachment 2 to Report CJ256-11/05, as recommended by the Conservation Advisory Committee for inclusion in Schedule 5 of the City's District Planning Scheme No 2;*
- 3 *NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;*
- 4 *APPOINTS the Friends of Maritana bushland Deputy Representative, Ms Nicole Mattingley, to the Conservation Advisory Committee.*

BACKGROUND

The Conservation Advisory Committee is a Council Committee that advises on issues relating to biodiversity and the management of natural areas within the City of Joondalup. The Committee meets on a monthly basis.

Committee membership comprises of a representative from each of the City's Bushland Friends Groups and community members with specialist knowledge of biodiversity issues.

DETAILS

Issues and Options

At the Council Meeting of 20 September 2005 Council resolved the following:

NOTES that a list of bushland reserves managed by the City in order of management priority has been prepared and that the Chief Executive Officer will provide a future report on the Conservation Advisory Committee's review of these reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of District Planning Scheme No. 2.

The Committee has reviewed the bushland list prepared and is requesting that this list of thirty reserves be included under Schedule 5 of the District Planning Scheme No 2.

At the October Conservation Advisory Committee meeting the following motion was put and carried:

- That the Conservation Advisory Committee recommends that the list of reserves, as shown on Attachment 2, of the October 2005 Conservation Advisory Committee Minutes be included under Schedule 5 of the District Planning Scheme No 2.

Friends of Maritana Bushland

The Friends of Maritana bushland are a recently formed community bush care group. Council has appointed a representative from this group and it is proposed that a deputy also be appointed. The Conservation Advisory Committee recommends:

- That Council endorses Ms Nicole Mattingley as Deputy Representative of the Friends of Maritana Park, Kallaroo on the Conservation Advisory Committee.

Link to Strategic Plan:

Key Focus Area

Caring for the Environment.

Outcomes

The City of Joondalup is environmentally responsible in its activities.

Objectives

To plan and manage our natural resources to ensure environmental sustainability.

Strategies

- 2.1.1 Maintain and protect natural assets to retain biodiversity.
- 2.1.2 Further develop environmentally effective and energy-efficient programs.
- 2.1.3 Develop a coordinated environmental framework, including community education.

Legislation – Statutory Provisions:

The Local Government Act 1995 allows a council to establish committees to assist a Council to exercise the powers and discharge duties that can be delegated to a committee.

District Planning Scheme No. 2

Details of the Scheme and the implications to Council, if the reserves as identified are included under Schedule 5 of the District Planning Scheme No 2, are as follows.

The City of Joondalup's District Planning Scheme No 2 lists among its aims and objectives as:

- *To provide the Council and residents with appropriate mechanisms to protect identified places of landscape or environmental value within the City.*
- *To ensure that adequate regard is given to the protection of the natural environment in the determination of land use and development proposals in accordance with sustainable development principles.*

To achieve the above aims and objectives, Part 5 Special Controls Landscape/Environment Protection, forms part of the document, the details of which follow:

Schedule 5 contains details of those places and objects within the City that the Council has classified as having significance for the purpose of protection of the landscape or environment.

If the Council at any time considers that a place or object has significance from the point of view of protection of the environment or landscape, the Council may classify the place or object accordingly and shall add details thereof to Schedule 5 by amendment to the Scheme.

If Council at any time considers that any Schedule 5 place or object should no longer be subject to the provisions of this clause the Council may initiate an amendment to the Scheme for the deletion of the place or object from Schedule 5.

Notwithstanding any other provisions of the Scheme to the contrary, the approval of the Council is required for the following development on or in relation to any place of landscape value or environmental value listed in Schedule 5:

- (a) *the clearing, excavation or filling of any land;*
- (b) *the felling, removal, killing or causing of irreparable damage to any tree;*
- (c) *the erection of any fence;*
- (d) *the commencement or carrying out of any renovation, modification, refitting, decoration or demolition of any building; or*
- (e) *the alteration or removal of any building or object or part thereof.*

The Council may enter into agreements with any State or Commonwealth government authority or other body in Western Australia for the preservation or conservation of any place or object listed in Schedule 5.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:Environmental

Conservation Advisory Committee objective “ To make recommendations to Council for the Conservation of the City of Joondalup’s natural biodiversity”.

Social

To promote partnerships between Council and the Community to protect the City of Joondalup’s natural biodiversity as contained within its various natural areas (bushland, wetlands and the coastal environment).

Consultation:

The Conservation Advisory Committee provides a forum for community consultation and engagement on natural areas.

COMMENT

The Conservation Advisory Committee has been working with Council to produce a local biodiversity strategy for the City. Natural areas of high ecological value have been identified by utilising structured processes made available to Council by the Western Australian Local Government Association, through the Perth Biodiversity Project (PBP). The Local biodiversity Guidelines produced by the PBP, advise that natural areas identified through this process be protected by the use of town planning schemes.

The Conservation Advisory Committee is seeking support from Council to protect the significant natural areas it manages, and identified by the PBP process by placing them in Schedule 5 of the District Planning Scheme 2. This course of action is supported, and would form part of the progression required to produce a local biodiversity strategy at the City of Joondalup. City officers have assessed the hundred reserves that contain bushland and are managed by the City. These reserves have been placed in order of management priority. The Committee has reviewed the list of reserves and has requested Council to place thirty reserves under Schedule 5 of the District Planning Scheme No 2. A further report will be provided on the Committee’s recommended list of reserves and the process impact of this proposal to protect natural areas under the District Planning Scheme No 2.

ATTACHMENTS

- Attachment 1 Minutes of Conservation Advisory Committee meeting held on 26 October 2005
- Attachment 2 List of Bushland Reserves

VOTING REQUIREMENTS

Absolute Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 NOTES the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 26 October 2005 forming Attachment 1 to Report CJ256-11/05;
- 2 NOTES the list of reserves, as shown on Attachment 2 to Report CJ256-11/05, as recommended by the Conservation Advisory Committee for inclusion in Schedule 5 of the City's District Planning Scheme No 2;
- 3 NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;
- 4 APPOINTS the Friends of Maritana bushland Deputy Representative, Ms Nicole Mattingley, to the Conservation Advisory Committee.

MOVED Cmr Anderson, SECONDED Cmr Fox that Council:

- 1 **NOTES the unconfirmed Minutes of the Conservation Advisory Committee meeting held on 26 October 2005 forming Attachment 1 to Report CJ256-11/05;**
- 2 **NOTES the list of reserves, as shown on Attachment 2 to Report CJ256-11/05, as recommended by the Conservation Advisory Committee for inclusion in Schedule 5 of the City's District Planning Scheme No 2;**
- 3 **NOTES that a further report will be provided on the Conservation Advisory Committee's recommended list of reserves and the process impact of the proposal to protect natural areas of significance under Schedule 5 of the District Planning Scheme No 2;**
- 4 **APPOINTS the Friends of Maritana bushland Deputy Representative, Ms Nicole Mattingley, to the Conservation Advisory Committee;**
- 5 **THANKS the members of the Conservation Advisory Committee for their contribution over the past year.**

The Motion was Put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

Appendix 6 refers

To access this attachment on electronic document, click here: [Attach6brf151105.pdf](#)

**CJ257 - 11/05 PROPOSED NURSING HOME AND AGED OR
DEPENDANT PERSONS' DWELLINGS: LOT 28
(FORMERLY PORTION LOT 62) AND LOT 63
HOCKING ROAD KINGSLEY – REVISED
APPLICATION FOR PLANNING APPROVAL –
[12306] [13201]**

WARD: South

RESPONSIBLE Mr David Djulbic (Acting Director)
DIRECTOR: Planning and Community Development

CJ051115_BRF.DOC:ITEM 10

PURPOSE

To request Council's determination of a new application for planning approval for the development of a Nursing Home and Aged or Dependant Persons' Dwellings in Kingsley.

EXECUTIVE SUMMARY

The development site is located between Hocking Road and Whitfords Avenue, Kingsley and is commonly referred to as the Meath site. To the east of the site is the Cherokee Caravan Park and to the west of the site is the Yellagonga Regional Park (Attachment 1 refers).

The Council originally approved development of the land on 14 December 2004.

The applicant is seeking approval for revised plans for the development of a Nursing Home and 38 Aged or Dependant Persons' Dwellings. Whilst the major land uses have remained the same in the two proposals, it is the proposed built form and design layout that are different between the two development proposals.

The proposed 38 Aged or Dependant Persons' Dwellings (single storey) are located to the front of the site, adjoining Hocking Road. The Nursing Home dependent living facility (3 storeys plus basement) is located to the rear of the site, adjacent to the Whitfords Avenue frontage, while the Nursing Home assisted living facility (two storeys plus basement) is located on the central part of the lot (Attachment 2 refers)

All vehicular access to the development site will be obtained from Hocking Road and a traffic report for the expected traffic flow and parking requirement of the site has been submitted with the application. Additionally, acid sulphate soil testing has been undertaken on the site and a report on the testing has also been submitted with the application.

The Council is required to consider the following under the Residential Design Codes 2002 (the Codes):

- 1 Plot ratio;
- 2 Aggregate driveway width;
- 3 Parapet wall lengths; and
- 4 Retaining and fill.

Additionally, Council is required to consider the following:

- (i) Building height threshold projection; and
- (ii) Parking provided at 78 parking bays for the proposed Nursing Home.

Submissions were received during the advertising period and comments were also received from external bodies that were consulted during this process.

The new proposal represents a development of reduced bulk and height. Technically, it conforms to standards.

Having regard to the provisions of the City of Joondalup District Planning Scheme No 2 (DPS2), the Codes and the submissions received, it is recommended that the application for Aged or Dependant Persons' Dwellings and Nursing Home be approved.

BACKGROUND

Suburb/Location:	Kingsley
Applicant:	Design Inc Perth P/L
Owner:	Meathcare Inc
Zoning:	DPS: Residential
	MRS: Urban
Site Area:	Lot 28 and Lot 63 combined – 26421m ²
Structure Plan:	Not Applicable

Lot 63 Hocking Road, Kingsley was previously zoned 'Rural' and Lot 62 Hocking Road, Kingsley (now known as Lot 28) was a 'Park and Recreation Reserve' under DPS2 (Attachment 1 refers). The Minister for Planning approved the rezoning of Lot 63 from 'Rural' to 'Residential' and a portion of Lot 62 (considered surplus to the needs of the adjacent Yellagonga Regional Park) from 'Park and Recreation Reserve' to 'Residential', with a density code of R20 as part of Metropolitan Region Scheme (MRS) Amendment No 1037/33 (North West Districts Omnibus No 5).

There was no special development requirements applied to the site as a consequence of the MRS amendment process. The rezoning of the land as Residential with a density of R20 was gazetted on 25 May 2004 as Amendment 12 to the DPS2.

Following the rezoning, the owners proposed an aged care development on the subject site. The original application was referred to the Council in December 2004. The overall height of the dependant component of the Nursing Home was a concern and the recommendation pertaining to the proposal was for the application to be refused. The Council did, however, approve the proposed development for the following reasons, as stated in the minutes of that meeting:

- *The site is zoned Residential under DPS2 and a nursing home and aged persons' dwellings are discretionary uses;*
- *It is questionable as to whether the building height affects the amenity to such an extent that this development should not go ahead;*
- *There are several cogent arguments that suggest that the development and its context near the lake might be appropriate;*
- *The officer's conclusion within the report states that the use of the site for nursing home and aged persons' dwellings is supported;*

- *The amenity of the site would provide a suitable barrier to the development in terms of height.*

In order to comply with the conditions of the previous approval, to address some of the concerns of the City and to improve service provision within the development, the owners are proposing a modified version of the original plans.

A comparison of the approved and proposed uses for the site is shown below:

Development Application approved 30/12/2004 – DA04/0060	Current Proposal – DA05/0548
Consisted of:	Proposes:
39 Aged or Dependant Persons' Dwellings and a Clubhouse;	38 Aged or Dependant Persons' Dwellings and a Clubhouse;
A 30 unit, 60 bed Nursing Home for assisted living;	A 30 unit, 60 bed Nursing Home for assisted living; and
A 110 bed Nursing Home for dependant living; and	A 118 bed Nursing Home for dependant living.
An administration building for the site and general Meath Care Inc. business.	Deleted in this proposal.

The applicant proposes, through the revised plans, to address some of the conditions and concerns of the previous planning approval.

Application timeline

03/08/2005: Application received by the City.
 03/08/2005: Application referred to the Western Australian Planning Commission (WAPC) and the Department for Planning and Infrastructure (DPI).
 03/08/2005: Application referred to the Department of Environment (DoE) and by extension the DoE Land and Water Quality Branch (LWQB).
 03/08/2005: Application referred to the Department of Conservation and Land Management (CALM).
 11/08/2005: Amended plans requested.
 15/08/2005: Comments received from WAPC/DPI.
 24/08/2005: Comments received from DoE and LWQB.
 26/08/2005: Amended plans received.
 15/09/2005: Advertising commenced.
 17/10/2005: Advertising concluded.

DETAILS

The proposal comprises the following aspects (See Attachment 3 for details):

- 38 Aged or Dependant Persons' Dwellings each with a double garage and store area and ranging from 2 to 3 bedrooms in each dwelling.
- A 30 unit, 60 bed, nursing home component for assisted living.
- A 118 bed nursing home component for dependant living.

- Connected basement parking for the nursing home components.
- Recreation facilities.
- Vehicular access to the majority of the development is provided via two main entrances, and nine Aged or Dependant Persons' Dwellings are accessed directly from Hocking Road via six driveways.
- The Aged or Dependant Persons' Dwellings front Hocking Road and also orientate towards the adjoining Yellagonga Regional Park.
- The Nursing Home component is orientated predominantly towards the Whitford Avenue frontage and the eastern boundary of the site adjacent to Cherokee Village Caravan Park.

The following is a summary and comparison between the variations approved 30/12/2004 and proposed development:

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Proposal Summary	<p>Consisted of:</p> <p>39 Aged or Dependent Persons' Dwellings and a clubhouse;</p> <p>A 30 unit 60 bed nursing home for assisted living;</p> <p>A 110 bed nursing home for dependant living; and</p> <p>An administration building for the site and general Meath Care Inc. business.</p>	<p>Proposes:</p> <p>38 Aged or Dependent Persons' Dwellings and a clubhouse;</p> <p>A 30 unit 60 bed nursing home for assisted living; and</p> <p>A 118-bed nursing home for dependant living.</p>
<p>Aged or Dependent Persons' Dwelling</p> <p>Unit size (Residential Design Codes Acceptable Development plot ratio area is 100sqm)</p>	Ranged from approximately 108-139m ²	Now range from approximately 110-139 m ²
<p>Aged or Dependent Persons' Dwelling</p> <p>Lot size minimum 293.3m², and average 333.3m²</p>	Minimum 260sqm and average complied	Minimum 294.3sqm and average complies
Aged or Dependent Persons' Dwelling	39 units as part of original DA approval – conditioned to comply with adaptable housing	38 units as part of current proposal – all now comply with the requirements of adaptable housing
Stores	Stores ranged from 3.7- 4m ² original DA approval.	Now range from 3.5-4.0m ² .

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Parking	81 bays for Aged or Dependent Persons' Dwelling including 39 double garages and 3 visitors bays; and 114 bays for nursing home component and administration building	80 bays for Aged or Dependent Persons' Dwellings including 38 double garages 1 for each unit and 4 visitors bays 78 bays for nursing home component
Administration Building	Was included in the original DA	Is no longer proposed on site
Setbacks	Compliant	Compliant
Fencing	Was required to meet Residential Design Codes (Condition u. of the approval) and Council Policy 3.2.6 – Subdivision and Development Adjoining Areas of Public Space although this was not specifically stated in the conditions or footnotes.	Has been submitted in accordance with the Codes and the City's policy. Additionally, the City, as part of an application to amalgamate the lot, has detailed plans of the proposed fencing and is expecting a bond to be paid for the development of such.
Dual Use path	Requested by CALM	A dual use path as per Attachment 7 shall be a condition should the development be granted approval.
Driveway width Acceptable development maximum aggregate driveway width 9 m.	Approved 51 metres in lieu of 9 metres aggregate.	Proposed 55 metres in lieu of 9 metres aggregate
Building Height Envelope Policy 3.2 – Height and Scale of Building Within Residential Areas	Exceeded BHE to northwest of site adjacent Whitfords Ave and the Yellagonga Regional Park. The approved height worst-case scenario is 16 metres.	Proposed to exceed BHE to northwest of the site adjacent Whitfords Ave and the Yellagonga Regional Park. The proposed height is 14.4 metres adjacent to Whitfords Ave and 14.7 metres adjacent to Yellagonga Regional Park. Proposes less of a projection than previous proposal

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Advertising	<p>The proposal was advertised for 30 days with nearby and adjoining owners being notified in writing, two signs placed on site and a newspaper advertisement for three consecutive weeks.</p> <p>8 submissions were received. 2 were non-objections. 1 was a petition including 76 signatures.</p>	<p>The proposal was advertised for 30 days. A sign was placed on site on both the Hocking Road and Whitfords Avenue frontage, the proposal was advertised in the Joondalup Community Times on three occasions, the proposal was available electronically via the City's website and letters were sent directly to nearby and adjoining owners and respondents to the previous application.</p> <p>5 submissions were received, being three objections, one non-objection and one expression of concern (not marked as an objection by the respondent).</p>
Acid Sulphate Soils (ASS)	The applicant provided the required information as set out in Planning Bulletin No. 64 – Acid Sulphate Soils	An ASS report was submitted as part of this application, and has been reviewed by the DoE's Land and Water Quality Branch.
Retaining walls	The original application did not specifically propose retaining, although it was clear that retaining would be required to develop the site in accordance with the approved plans.	This application includes retaining walls to a maximum height of 2.1 metres at one point on the northern elevation immediately adjacent to Whitfords Ave. The majority of the retaining does not exceed 1.2 metres in height, and much of the retaining proposed retains excavation.
Open Space Provision	The aged or dependant person's dwellings did not comply with the open space provisions of the Residential Design Codes 2002.	The proposed aged or dependant person's dwellings comply with the open space provisions of the Residential Design Codes 2002.

The table below summarises the variations proposed by the current application:

Issue	Current Proposal DA05/0548
<p>Aged or Dependent Persons' Dwellings</p> <p>Residential Design Codes Acceptable Development plot ratio area is 100sqm</p>	Plot Ratio ranges from approximately 110-139 m ²
<p>Stores</p> <p>Residential Design Codes Acceptable Development is 4 m²</p>	Range from 3.5-4.0m ² .

Issue	Current Proposal DA05/0548
Parking	80 bays for Aged or Dependent Persons' Dwellings including 38 double garages 1 for each unit and 4 visitors bays 78 bays for nursing home component – subject to the discretion of Council.
Setbacks	Compliant except where variations exist to Clause 3.3.2 of the Codes – Buildings on Boundary – as discussed further in this report.
Driveway width Acceptable development maximum aggregate driveway width 9 m.	Proposed 55 metres in lieu of 9 metres aggregate
Building Height Envelope Policy 3.2 – Height and Scale of Building Within Residential Areas	Proposed to exceed BHE to northwest of the site adjacent Whitfords Ave and the Yellagonga Regional Park. The proposed height is 14.4 metres adjacent to Whitfords Ave and 14.7 metres adjacent to Yellagonga Regional Park.
Retaining walls	This application includes retaining walls to a maximum height of 2.1 metres at one point on the northern elevation immediately adjacent to Whitfords Ave. The majority of the retaining does not exceed 1.2 metres in height, and much of the retaining proposed retains excavation.

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

The proposal will address Strategy 1.3 in its entirety, which seeks to continue to provide services that meet changing needs of a diverse and growing community.

It will also address Strategy 3.1, which seeks to develop and maintain the City of Joondalup's assets and built environment.

The proposal will address Strategies 3.3.1 and 3.3.2, which seek to provide residential living choices and integrate plans to support community and business development.

It will also address Strategy 3.5.2, which seeks to assist the facilitation of local employment opportunities by providing an increased population to frequent nearby commercial land uses.

Legislation – Statutory Provisions:**DPS2**

The site is zoned 'Residential' under DPS2 and has a density coding of R20. A 'Nursing Home' and 'Aged or Dependant Persons Dwelling' are 'D' (discretionary) uses within the Residential zone. A 'D' use is, 'a use that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 6.7.'

When determining this application, clauses 4.5, 4.8 and 6.8 of the DPS2 are particularly relevant:

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:

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.

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.

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.*

The Codes

The Codes apply to the aged or dependant persons' dwellings proposal on the subject lot. Clause 2.3.4 of the Codes allows the consideration of variations to the 'Acceptable Development' standards set out in the Codes.

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

The application exceeds the City of Joondalup Policy 3.2 – Height and Scale of Buildings Within a Residential Area threshold limit and as such, Council is required to consider this policy in relation to the proposed development.

Regional Significance:

The adjacent Yellagonga Regional Park is of significant environmental importance to the region. Development of the subject land must be sympathetic to possible environmental impacts and should aid in facilitating the better enjoyment of the Regional Park for the public.

Sustainability Implications:

The proposed development seeks to achieve sustainability by providing diversity of housing choice and ageing in place for the senior members of our community. This will be achieved through the utilisation of existing infrastructure. The proposed development will further provide employment within the City.

Additionally, the proposal includes appropriate landscaping within the adjacent Regional Park and environmental fail-safes that will maintain and protect the sensitive environmental setting.

Consultation:Advertising

The application was advertised for a period of 30 days. A sign was placed on site on both the Hocking Road and Whitfords Avenue frontage, the proposal was advertised in the Joondalup Community Times on three occasions, the proposal was available electronically via the City's website and letters were sent directly to nearby and adjoining owners and respondents to the previous application.

Five (5) submissions were received, being three objections, one non-objection and one expression of concern (not marked as an objection by the respondent).

A summary of the submissions and responses to those submissions is shown below:

Objection/Comment	Technical Comment
No Objection	Noted
Objection to the proposed development as it would see the existing market garden and fruit and vegetable shop shut down.	The market garden is a non-conforming use on the subject site. The zoning for the site and the Land Use Table within the DPS2 allows the property owners to consider various land use options for the development of their land.
Concern regarding the speed of traffic along Hocking Road and suggests a roundabout on the corner of Lakeway Drive and Hocking Road to slow traffic down. Objects to any proposed closure of Hocking Road at the Wanneroo Road end.	The applicant has provided a traffic study that suggests that the traffic generated by this proposal will be less than if the site was developed as single housing only. No closure of Hocking Road is proposed in this application.

<p>Objection. The proposal fails to meet the criteria for land use specified by the Metropolitan Region Scheme (MRS) Amendment.</p> <p>The test for the Meath Care proposal set by the MRS amendment is 'does it have a high visual amenity and will it be a low traffic generator'.</p> <p>It will not have high visual amenity. It will not be a low traffic generator.</p> <p>The traffic report is not accurate.</p>	<p>The MRS amendment did not specify criteria for land use. The MRS amendment recommended rezoning of the land to Residential R20. Various options for development are available to the owner.</p> <p>The proposal is adjacent to a caravan park, Hocking Road and a residential estate, Whitfords Avenue and a reserve, and Yellagonga Regional Park. It is considered that the proposed development will be constructed in material and design of a high standard, and will appropriately interface with the existing uses. The applicant has provided a traffic study that suggests that the traffic generated by this proposal will be less than if the site was developed as single housing only.</p> <p>Qualified traffic consultants' have presented the traffic report. The City has assessed the report and its conclusions, and found the analysis to be satisfactory.</p>
<p>Objection. The development proposal will have a significant impact on the environment and is radically different from the typical 'residential' development that would have been envisaged in assessing the original rezoning proposal or scheme amendment.</p> <p>Expert advice given by its own officers to the Joondalup Commissioners opposed the proposal on environmental grounds.</p> <p>The effect of increased traffic flow on the Yellagonga Park needs re-appraisal in the light of significant changes to the proposal as first assessed by the Environmental Protection Authority (EPA).</p> <p>The effect of the proposal on the adjacent wetlands needs re-appraisal in the light of significant environmental impacts and changes to the proposal as first assessed by the EPA.</p>	<p>The environmental assessment of the site was conducted prior to the rezoning of the site. The MRS amendment rezoned the site to Residential without special development conditions and therefore, development of the site is to be expected in accordance with the framework set out in the DPS2. Furthermore, there is no statutory link between the rezoning process and the development approval process. The current application will be assessed on its merits.</p> <p>The original proposal was opposed by the City on the grounds of height and scale, although this position was not supported by Council. The revised application seeks to reduce the impact of the height and scale of the development, and the applicant has undertaken significant environmental testing submitted as part of this proposal.</p> <p>The environmental assessment of the site was conducted prior to the rezoning of the site. The MRS amendment rezoned the site to Residential and therefore development of the site is to be expected. The applicant has provided a traffic study that suggests that the traffic generated by this proposal will be less than if the site was developed as single housing only. The City has assessed the report and concurs with the findings of the report.</p> <p>The environmental assessment of the site was conducted prior to the rezoning of the site and was based on the proposed zoning of residential. The MRS amendment rezoned the site to Residential and therefore development of the site is to be expected. The City has consulted extensively with external government departments on the matter of this development.</p>

Referrals

Comments were also sought in accordance with the requirements of the DPS2 from external parties, being the WAPC (DPI), DoE, DoE Land and Water Quality Branch, and CALM.

Comments received from these authorities are as follows:

WAPC (DPI):

'The development is proposed to back onto Whitfords Avenue, which is reserved as an Other Regional Road (ORR) in the Metropolitan Region Scheme (MRS).

There are no land requirements for the ORR, which affect the proposal, and no proposed access onto the ORR.

Pursuant to clause 3 under the Notice of Delegation there is no requirement to refer the application to the Department for Planning and Infrastructure.'

DoE:

'The Department of Environment (DoE) has assessed the proposal and has no objections to the proposed development.'

DoE Land and Water Quality Branch (LWQB):

'Based on the information provided, the LWQB concurs with the report's conclusions that no specific ASS management is required for the proposed site works. However, given the potential presence of some ASS within the local area, the DoE recommends that the quality of any dewatering effluent generated during site works be monitored for total acidity and pH and the monitoring contingency matrix attached () be adopted to ensure that any potential risks to the environment are minimized.*

Should the earthworks program for the site change such that ASS may be disturbed in any way, a comprehensive Acid Sulphate Soil Management Plan (ASSMP) should be developed and submitted to DoE for review and approval prior to commencement of the proposed disturbance.

If any soil strata are encountered during development works which were not previously identified during investigations at the site, these soil strata should be assessed for their acid generating potential and the management plan for the site amended as required.'

* Note - the matrix referred to in this letter has not been included in this report and is addressed as a footnote to the recommendation.

CALM:

'Given it is difficult to determine if the new plans have addressed all issues previously raised by CALM I have attached CALM's submission to the original development application for further consideration by the City of Joondalup.'

The comments received from CALM are summarized below:

(i) Consultation with the local community

CALM suggests consultation with local community, specifically community interest groups dedicated to the adjoining Regional Park.

(ii) Midge Plagues

CALM notes that midge plagues can be problematic around Lake Goollelal. CALM suggests that information advising prospective tenants be supplied.

(iii) Drainage Management and nutrient enrichment of the Yellagonga Wetlands

CALM requests that the proponent construct appropriate drainage management infrastructure within the development site to contain storm water. There is to be no discharge of water into the adjoining Yellagonga Regional Park. The Department of Environment should be consulted in relation to the need for a drainage and nutrient management plan.

(iv) Connection to Sewer

The development should be subject to connection to sewer.

(v) Dewatering during construction

Monitoring of dewatering effluent should be undertaken regularly to ensure ASS are not exposed.

(vi) Pre-construction Boundary Definition

No vegetation, earth spoil or any other debris shall be deposited within Yellagonga Regional Park. CALM has requested that the common boundary between the site and CALM land be surveyed before commencement of construction and a temporary fence be erected to define the lot boundary.

(vii) Removal of Rubbish

CALM requests that the proponent removes any rubbish from CALM land that emanates from the subject site.

(viii) Boundary Interface

CALM requests that final boundary fencing be to their satisfaction.

(ix) Landscape Amenity

CALM raises concern regarding the scale of the development in close proximity to Yellagonga Regional Park. CALM recommends that the proponent should plant and maintain a screen of vegetation within Lot 29 Hocking Road to help improve the landscape amenity of the area.

(x) Recreation Facility

CALM suggests construction of a dual use path and a contribution to recreation facilities within the Regional Park.

COMMENT

At its December 2004 meeting, Council granted planning approval for the proposed use and development of the site as a Nursing Home and Aged or Dependant Persons' Dwellings. The revised application before Council retains the previously approved land uses, but seeks variations to the proposed built form and minor changes to the design layout.

The applicant has provided justification (Attachment 6 refers) for the revised plans and the proposed variations as established by this report.

The proposal complies with the provisions of the District Planning Scheme No 2, related policies and the Residential Design Codes 2002 except where stated below:

DPS2 Standards:

Use Class Proposed:

The proposed assisted living facility and the dependant care facility are subject to the provisions of DPS2. The proposal complies with those provisions. With regard to use class, the development can be classified as follows:

Applicants Description	DPS2 Use Class
Independent Living Villas:	Aged or Dependant Persons' Dwellings
Assisted Living Facility:	Nursing Home
Dependant Living Facility:	Nursing Home

A 'Nursing Home' and 'Aged or Dependant Persons' Dwellings' are 'D' uses within the Residential Zone. A 'D' use is, 'a use that is not permitted unless the Council has exercised its discretion and has granted planning approval after giving special notice in accordance with clause 6.7.'

Height of the Proposed Buildings

As the site is zoned residential, Council Policy 3.2 (Height and Scale of Buildings within Residential Areas) applies to the site. The proposed 2 and 3 storey buildings of the Nursing Home exceed the building height envelope (BHE) established under the Policy to a large extent at the northwest corner of the site. The dependant living component of the Nursing Home is considered to be the building of most concern, being three storeys in height plus a basement level.

The BHE is not a statutory instrument that restricts the height of buildings, however, it does provide for an approval process that ensures that the impact of the development is appropriately considered.

In most situations, the BHE is intended to ensure that standard residential housing does not adversely impact on adjoining or surrounding properties by way of bulk or scale. In this instance, there is no adjoining housing that will be directly impacted upon by the 2 and 3-storey proposal. As such the City must consider the impact of the height and scale of the proposed buildings on the amenity of the area, particularly given that there are no other similar height developments in the vicinity

The development site is also located next to the Yellagonga Regional Park and the effect of the building on the amenity of the Regional Park should be carefully assessed.

The revised plans include a reduction in the overall height of the nursing home component of the development from the previously approved application, as it addresses Whitfords Avenue and the Yellagonga Regional Park, by a maximum of 1.3 metres. The maximum height of the proposal is now 14.7 metres above natural ground level (relative level). The proposed development takes advantage of the significant contour of the site, with the basement at the north-eastern corner of the site being completely underground and then emerging along Whitfords Avenue until fully exposed as a storey of the development at the north-western corner of the site.

The applicants seek to address the issue of height and scale by proposing significant landscaping and advanced species planting at this point on the site. The applicant has liaised with the City and CALM to develop an appropriate landscaping plan for both the subject site and the adjacent Regional Park. The effect of this landscaping will significantly ameliorate the impact of the height of the development, especially in the northwest corner adjacent to Whitfords Avenue and Yellagonga Regional Park.

The landscaping plan as developed with the City and CALM will provide an attractive interface between the subject site and the Regional Park. The plan includes significant planting in the Regional Park, the construction of a dual use path and areas designed for seating along the path for the public enjoyment of the area.

The provision of housing for a large number of people adjacent to the Regional Park will significantly increase the number of community members that have access to the enjoyment of the Park.

In addition, the applicant proposes an elevation design to create a facade of ordinary terrace style residential housing to 'deinstitutionalize' the development. The overall development addresses the respective boundaries and streetscape in such a way as to create an active outlook in all directions and large windows to the external boundaries promote passive surveillance of the adjoining streets and the Yellagonga Regional Park.

Car parking and Traffic

DPS2 does not have specific standards that apply to the car parking provision for a nursing home and as such the City is required to determine an acceptable standard in this case. The applicant has submitted a traffic report prepared by Shawmac Consulting Engineers, which concludes that traffic generated from the site would have less of an impact than if the site was developed for single residences. The City concurs with the general conclusions of the report and do not consider that the proposed development will impact on the existing road network.

The report includes a detailed car-parking matrix for the anticipated demand for car parking for the Nursing Home component. The matrix takes account of all staff and visitors at the site at any one time and also assumes that the residents of the assisted living facility will require 30 car bays (one per apartment). Experience shows that the standard demonstrated appears to be a generous allocation, ie is generally more than expected to be required.

The report indicates that the peak parking requirement will be approximately 70 bays, while the nursing home facility proposes 78. Whilst the nursing home component of the development has 178 beds in total, the expectation that residents of the nursing home are not generally likely to be in possession of and/or driving a vehicle, specifically in the dependant living facility, is reasonable.

It is considered that parking provided for the nursing home component of the proposal is adequate for the needs of the development.

Parking for the aged or dependant persons' dwellings has been provided for with two parking bays per dwelling and four visitors' bays. The Codes require one space per dwelling where the dwelling has a plot ratio of 100m² or less plus one visitors bay per 4 dwellings.

As the dwellings exceed the plot ratio requirement of the Codes, there is no specific measurement for parking in this case. However, if parking is calculated at a rate of 1 bay per 100m² of plot ratio area plot ratio per dwelling, then the parking requirement for the aged or dependant persons' dwellings based on dwelling size will equate to 1.39 bays per dwelling, or 53 (52.82) bays. Additionally, the requirement for 1 visitor bay per four dwellings equates to 10 (9.5) bays for a total of 63 parking spaces required.

The proposal includes 76 bays for the dwellings plus four visitors' parking bays for a total of 80 parking spaces. Furthermore, 16 of the proposed dwellings have additional parking for two vehicles in the dwelling driveway with a minimum depth dimension of 5.4 metres as required by the Codes.

It is considered that the parking provided for the aged or dependent persons' dwellings is in excess of that which would be required by the Codes, and is adequate for the needs of the development.

Environmental Impacts:

The proposal has the potential for significant implications on the environment, specifically, that it is located adjacent to the Yellagonga Regional Park and that parts of the Park are at risk regarding the possibility of acid sulphate soils (ASS).

The rezoning of the site required that the site be assessed for its suitability for residential development. The matter of soil contamination and the presence of acid sulphate soils on the site and the general environmental impact of the development were referred to the Environmental Protection Authority (EPA) during the amendment to the MRS.

A summary of the EPA comments as an extract from the DPS2 - Amendment No 12 is reproduced below:

'The EPA advise that it has decided that the overall environmental impact of the amendment's implementation would not be severe enough to warrant assessment under Part IV of the Environmental Protection Act, the preparation of an Environmental Review and the subsequent setting of formal conditions by the Minister for the Environment and Heritage.'

The EPA did, however, provide some advice for the development, primarily that the site be used for low traffic generating uses, that the site be connected to sewer, that site contamination be assessed and that a road acts as an interface between the subject lot and the adjacent Regional Park.

The DEP was also invited to comment on the amendment, which included the concept plans for an aged care facility on the site, during the advertising process. The DEP's response included the following conditions:

'the Commission [Water and Rivers Commission of the DEP] has no objection to proposal 15 subject to the following conditions:

- 1 The small portion of wetland abutting Whitfords Avenue on Pt Lot 62 [now Lot 28] (to remain zoned as Parks and Recreation) should be fenced and revegetated with native species to enhance its conservation value.*
- 2 The Western Australian Planning Commission uses the funds from the sale of the southern portion of Pt Lot 62 to acquire privately owned land within the Yellagonga Regional Park boundary.*

Furthermore, the Water and Rivers Commission indicated that they considered the Conservation Category Wetland to the northwestern corner of Lot 62 Hocking Road, Kingsley [now Lot 28] to be degraded and that they were prepared to waive the 50 metre buffer requirement in order to allow for the rezoning of the southern portion of Lot 62 Hocking Road, Kingsley to be rezoned Urban.

After considering all the submissions, the validity of the proposed amendment and the possible impacts on the environment, the WAPC and the City supported the rezoning of the land for residential purposes.

The rezoning of the land subsequent to the gazettal of the amendment forms part of an 'assessed scheme' under the provisions of the Environmental Protection Act 1986 (the Act), and as such it is considered that the proposal does not need further referrals to the EPA in relation to any proposal on the land which complies with the provisions of the DPS2. The EPA has confirmed that if the proposal is consistent with the DPS2 no referral is required under section 38 of the Act.

Furthermore, officers of the EPA do not consider that the development as proposed will have a significant effect, if implemented, on the environment, and as such have indicated that no referral to the EPA will be required under section 48I of the Act, and that the EPA does not intend to call in the proposal for assessment.

The applicant has undertaken significant ASS testing for the site based on DoE guidelines, which has been reviewed by the DoE LWQB. The LWQB, who are the guiding authority on acid sulphate soils, have concurred with the conclusions of the report as presented to the City.

It should be noted that the basement finished floor level of 29.4RL is higher than corresponding road levels of Whitfords Avenue, which required excavation of the surrounding land for the construction of Whitfords Avenue.

Relationship with adjoining reserve:

Council Policy 3.2.6 (Subdivision and Development Adjoining Areas of Public Open Space) encourages development that adjoins public areas to orientate toward the open space, with large blank walls to be avoided. The proposed development of the nursing home and aged or dependant persons' dwellings that adjoin the open space are appropriately orientated to overlook the space and provide the appropriate passive surveillance of the area.

The boundary fencing proposed as part of this revised application is considered to comply with Policy 3.2.6. In addition, the City, as part of the proposed amalgamation of the two lots, has required a bond to be paid to the City as a guarantee that the works will be undertaken as proposed.

Dual use path:

During the WAPC consideration of the MRS rezoning of the subject site, a dual use path alongside the development site between Hocking Road and Whitfords Avenue was highlighted as a desired outcome.

It has subsequently been determined that the land immediately adjacent to the western boundary of Lot 28 Hocking Road is in private ownership and that a dual use path connecting Hocking Road and Whitfords Avenue cannot be achieved at this time. However, the landscaping plans proposed for the development include a dual use path within the Regional Park adjacent to the western boundary of Lot 63 Hocking Road, with provision made for a future link to Hocking Road.

If the proposed development is approved, a condition is proposed to be included on the approval requiring the applicant to construct the dual use path as proposed.

Plot ratio size of the aged or dependant persons' dwellings:

The standard Codes requirement for the size of an aged or dependant persons' dwelling is 100m². The proposed sizes of the dwellings range from approximately 110m² to 139m². The larger units contain 3 bedrooms and one dwelling type includes a study.

The performance criteria of the Codes require dwellings that accommodate the special needs of the elderly or physically dependent persons and are designed to allow for "ageing in place", taking into account the:

- proportion of dwellings designed to meet the Australian Standards;
- location of the site in relation to public transport and convenience shopping,
- topography of the site; and
- demand for aged persons' accommodation,

if the maximum plot ratio is to be exceeded.

All of the proposed aged or dependant persons' dwellings have been designed to incorporate the standards set out in AS 4299 (Adaptable Housing), allowing for appropriate future modifications to be made to the dwelling at a low cost. Additionally, the design of the proposal is such that all aged or dependant persons' dwellings are wheelchair accessible, further promoting the principles of ageing in place.

It is considered that the proposed aged or dependant persons' dwellings are a key element of the ageing in place philosophy and genuine over 55's accommodation. Therefore, it is considered that the proposed size of the dwellings will not compromise the provision of bona fide aged or dependant persons' accommodation.

Internal boundary setbacks:

The proposal includes parapet walls to the boundaries of the aged or dependant persons' dwellings in excess of the acceptable development provisions of the Codes. The Codes allow parapet walls to be a maximum length of 9 metres up to one side boundary without the need for an exercise of discretion. It is considered that the proposed setback variations make effective use of space, enhance privacy, enhance the amenity of the development, do not have significant adverse effect on adjoining properties, and will not restrict access to sunlight and ventilation to habitable rooms and outdoor living spaces of adjoining properties.

The proposed design is in keeping with development of this type, and promotes safety and security for the development. It is considered that the proposed development meets the performance criteria of the Codes and that there will be no negative impact as a result of the variation.

Aggregate Driveway Width:

The total width of the Hocking Road frontage is approximately 161.5 metres, whilst the proposal includes driveways and access roads to the Hocking Road frontage to a maximum width of 55 metres. The Codes acceptable development criteria allow for a maximum driveway width of 9 metres per lot.

However, this also represents a driveway width of approximately 34% of the total frontage, complying with the acceptable development criteria of the Codes of a maximum driveway width of 40% of the frontage.

It is considered that if the subject site had been divided into single residential lots, it is likely that the total driveway width on the developed lots would be equal to or more than the proposed driveway width in this proposal. Further, that the proposed driveways and access roads do not represent an excess of driveway width at the street frontage, and as such, it is considered that the proposed driveway width meets the performance criteria of the Codes.

Retaining walls:

The applicant proposes retaining and fill to a maximum height of 2.1 metres to facilitate the construction of the undercroft on the northern boundary adjacent to Whitfords Avenue. Elsewhere the retaining has a maximum height of 1.2 metres and comprises both excavation and fill.

The retaining is essential to the development of the site, which is significantly contoured, particularly to the northernmost portion. The retaining allows for development of the site to be sympathetic to the needs of aged and dependant persons, whilst still maintaining the visual impression of the natural level of the site.

The retaining complies with the performance criteria of the Codes where relevant and will contribute to the desired built outcome of the development.

Storeroom provision:

The applicant proposes storerooms for each aged or dependant persons' dwelling, with internal measurements varying from 3.5sqm to 4sqm in area. The standard requirement for internal area of storerooms is 4sqm as a minimum. The applicant has submitted that the overall size of each dwelling, in addition to a double lock up garage for each dwelling and extra internal storage space in each dwelling will provide more than adequate storage space for each dwelling. It is considered that the variation meets the performance criteria of the Codes.

Outdoor living areas:

The revised proposal complies with the Codes requirements for outdoor living areas.

EPA advice:

The EPA advised that low traffic generating uses would be appropriate on the site. The applicant has provided a traffic study report that suggests the traffic generated by the proposal will be:

- (i) less than the traffic that would be generated by the development of the site with single houses; and
- (ii) more than the current traffic generation based on existing uses.

The City generally concurs with the conclusions of this report.

The EPA generally concluded that 'Residential' was an appropriate zoning for the site and advised that a low traffic generating use for the site was appropriate. Having regard to the traffic study report and that a "permitted" use of the site for single houses would result in a greater volume of traffic numbers than the proposed development, it is considered that this aspect of the development satisfies the EPA advice on this issue.

Comments received from CALM:

The City has noted the comments from CALM and as a result, points (ii) – (iv) and (vi) – (x) form conditions should the development be granted approval and point (v) a footnote. With regard to point (i) of CALM's comments, the application has been advertised in accordance with the requirements of the DPS2.

Conclusion:

Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, Residential Design Codes 2002 and the Council's other relevant policies. It has been established generally that Council supports the use of the site as proposed, however, some concerns based on height and scale of the development have been raised.

Predominantly, the development complies with the acceptable development provisions of the Codes. The variations proposed are immediately adjacent to non-residential properties, meet all the relevant performance criteria of the Codes and are considered to have a minimal impact on adjacent residential properties.

The building height projection is considered significant, however, is proposed to be adequately screened by landscaping, is designed so as to provide for improved amenity and is also considered to be a key element in the provision of the proposed service. Further, it is considered that the building height projection does not have a significant negative impact on the surrounding area or adjacent properties.

The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the DPS2. It will contribute to the provision of residential living choices, provide services for changing needs of the population, help create employment opportunities and support the local economy.

Having regard to the:

- submissions and advice received;
- details of the application; and
- provisions of the District Planning Scheme No 2,

It is recommended that Council approve the application with conditions.

ATTACHMENTS

Attachment 1	Locality Plans
Attachment 2	Development Plans
Attachment 3	Aerial Photograph
Attachment 4	Applicant's submission/justification

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under the City of Joondalup District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.5.4 and 4.1.2 have been met and that:
 - (a) Maximum plot ratio for Aged or Dependants Persons' Dwellings of 139 m² in lieu of 100m²;
 - (b) Aggregate driveway width of 55 metres in lieu of 9 metres;
 - (c) Parapet walls exceeding 9 metres in length up to more than one side boundary;
 - (d) Retaining walls and fill exceeding 500mm within 1 metre of a common boundary and within the setback area;
- 2 ACKNOWLEDGES that due regard has been given to Policy 3.2 and that the building height threshold projection beyond 8.5 metres to the north boundary (proposed 14.7 metres) is appropriate in this instance;
- 3 DETERMINES that 78 parking bays provided for the Nursing Home is acceptable in this instance;
- 4 APPROVES the application for Planning Approval dated 3 August 2005 submitted by Design Inc Perth P/L, the applicant, on behalf of the owner, Meath Care Inc, for a Nursing Home and Aged and Dependant Persons' Dwellings on Lot 28 and Lot 63 Hocking Road, Kingsley, subject to the following conditions:
 - (a) A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the Manager, Approvals, Planning & Environmental Services;
 - (b) Bin storage and wash down facilities shall be provided in each area of this development, within a suitable distance of service areas and to the satisfaction of the city. Bin areas shall consist of a concrete floor that grade evenly to an industrial floor waste gully connected to sewer and a hose cock installed to the satisfaction of the Manager, Approvals Planning and Environmental Services;
 - (c) The 240 litre refuse carts shall be serviced by one of two methods. They can be collected from the side of the driveway by a "one-man robotic arm vehicle", which requires a driveway width of 6500 mm. The bins must be spaced a minimum 400 mm apart in order to allow the arm space between them. Alternatively, the bins could be serviced by a small refuse vehicle manned by two operatives who will remove the bins from the bin store area and return them after they have been emptied. This vehicle would require a minimum driveway width of 6200mm. The method chosen is required to be indicated in the Refuse Management Plan required as per Condition (a) of this approval;
 - (d) The parking bays, driveways 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 Manager, Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;

- (e) Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the Manager, Approvals, Planning & Environmental Services. 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);
- (f) 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 Manager, Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be Manager, Approvals, Planning & Environmental Services prior to the commencement of construction;
- (g) The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup Health Local Laws 1999 and the Sewerage (Lighting, Ventilation and Construction) Regulations 1974;
- (h) The Strata Management Plan shall specify that residents use off-site commercial car wash facilities;
- (i) A Memorial shall be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems;
- (j) The development shall be connected to the sewer;
- (k) Aged or Dependant Persons' Dwellings shall be constructed in accordance with Clause 4.1.2 of the Residential Design Codes 2002;
- (l) The portion of the development approved for Aged or Dependant Persons' Dwellings shall be occupied by at least one Aged or Dependant Persons, or the surviving spouse of such a person;
- (m) Aged or Dependant Persons' are defined as disabled, physically dependant or aged over 55;
- (n) Visitors' car parking bays number 1 – 14 as indicated in RED on the approved plans shall be signposted;
- (o) Pedestrian access shall be provided in accordance with Clause 3.5.5 of the Residential Design Codes 2002;
- (p) The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans 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 car park area;
 - (ii) any lawns to be established;
 - (iii) areas to be reticulated or irrigated.

The plan is to be drawn according to the landscape master plan (No 1912-MEA-LS-01 Rev A) submitted to the City on 11 August 2005;

- (q) 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 Manager, Approvals, Planning & Environmental Services;
- (r) All natural areas to be clearly marked and any re-vegetation treatment described;
- (s) A Dual Use Path is to be constructed in a location as per extract from Landscape Master Plan (Dwg No 1912-MEA-LS-01A) received by the City on 1 September 2005;
- (t) All the proposed planting outside of the western boundary, immediately adjacent to Lot 28, shall to be deleted;
- (u) The final plant selection is to be to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (v) A Nutrients and Irrigation Management Plan is to be provided as part of the detailed landscape plan;
- (w) An additional exit shall be provided within the basement carpark of the dependant living component of the Nursing Home. Alternatively, the applicant shall establish to the satisfaction of the Principal Building Surveyor that the building can comply with a classification of 'Class 2' building under the Building Codes of Australia;
- (x) With regard to nutrient loading, the stormwater system must be installed in accordance with Department of Environment recommendations and requirements as sought by the applicant and in accordance with the response from the Department of Environment dated 30 August 2005.;
- (y) Lot 28 and Lot 63 Hocking Road, Kingsley shall be amalgamated prior to the issue of a building licence.

Footnotes:

- 1 Planting to provenance should be used wherever possible. This will enrich biodiversity, provide habitats for fauna, contribute to the amenity and heritage of the location, create sense of identity and minimize the use of water and fertilizers.
- 2 The use of plants regarded as environmental weeds in close proximity to Yellagonga Regional Park should be avoided and is not supported. Exotic plant species should be used sparingly with regards to the visual qualities of the natural landscape, avoiding creation of foreign elements clashing with the surrounding areas.
- 3 Development shall comply with the natural light and ventilation provisions of the Building Code of Australia.
- 4 Development shall comply with all relevant provisions of the Health Act 1911, Hairdressing Establishment Regulations 1972, Health (Public Building) Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Public Swimming Pool) Regulations 1964, Sewerage (Lighting, Ventilation and Construction) Regulations 1971.

- 5 The undercroft carpark is required to be provided with ventilation in accordance with AS1668.2.
- 6 Development shall comply with the Environmental Protection Act and the Environmental Protection (Noise) Regulations 1997.
- 7 The development is adjacent to the Yellagonga Regional Park and as such, may experience midge and mosquito swarms during the warmer months of the year. Pesticide treatment of Lake Goollelal, Lake Joondalup, Beenyup Swamp and Walluburnup Swamp is conducted for times when trapped mosquito species and numbers warrant treatment but no treatment of these wetlands is conducted or is likely to be conducted for midges.
- 8 The Department of Environment Land and Water Quality Branch recommends that the quality of any dewatering effluent generated during site works be monitored for total acidity and pH. Should the earthworks program from the site change in any way such that acid sulphate soils could be disturbed, a comprehensive acid sulphate soil management plans should be developed and submitted to the Department of Environment for review and approval prior to commencement of the proposed disturbance.

MOVED Cmr Smith, SECONDED Cmr Fox that Council DEFERS consideration of the application for proposed aged or dependant persons' dwellings on Lot 28 and Lot 63 Hocking Road, Kingsley as proposed in the application dated 3 August 2005 to a Special Council meeting at a future date and refers the application to the Environmental Protection Authority under section 38(1) of the Environmental Protection Act 1986.

Cmr Smith believed there was grounds for this issue to be referred to the EPA under Section 38 and sought clarification from officers in relation to the length of time taken by the EPA should it progress this and the impact of the Council deferring this Item.

To a query raised by Cmr Clough as to whether the EPA has the ability to call this proposal in for assessment if the Council approves the proposal, it was advised this question would be taken on notice.

Discussion ensued.

The Motion was Put and

LOST (2/3)

In favour of the Motion: Cmr Clough and Smith **Against the Motion:** Cmr Paterson, Anderson and Fox

MOVED Cmr Fox, SECONDED Cmr Anderson that Council:

- 1 **EXERCISES discretion under the City of Joondalup District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clauses 3.5.4 and 4.1.2 have been met and that:**
 - (a) **Maximum plot ratio for Aged or Dependents Persons' Dwellings of 139 m² in lieu of 100m²;**

- (b) **Aggregate driveway width of 55 metres in lieu of 9 metres;**
 - (c) **Parapet walls exceeding 9 metres in length up to more than one side boundary;**
 - (d) **Retaining walls and fill exceeding 500mm within 1 metre of a common boundary and within the setback area;**
- 2 ACKNOWLEDGES that due regard has been given to Policy 3.2 and that the building height threshold projection beyond 8.5 metres to the north boundary (proposed 14.7 metres) is appropriate in this instance;**
- 3 DETERMINES that 78 parking bays provided for the Nursing Home is acceptable in this instance;**
- 4 APPROVES the application for Planning Approval dated 3 August 2005 submitted by Design Inc Perth P/L, the applicant, on behalf of the owner, Meath Care Inc, for a Nursing Home and Aged and Dependant Persons' Dwellings on Lot 28 and Lot 63 Hocking Road, Kingsley, subject to the following conditions:**
 - (a) **A refuse management plan is required to be submitted for approval indicating number of bins, frequency of servicing and on site management to the satisfaction of the Manager, Approvals, Planning & Environmental Services;**
 - (b) **Bin storage and wash down facilities shall be provided in each area of this development, within a suitable distance of service areas and to the satisfaction of the city. Bin areas shall consist of a concrete floor that grade evenly to an industrial floor waste gully connected to sewer and a hose cock installed to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
 - (c) **The 240 litre refuse carts shall be serviced by one of two methods. They can be collected from the side of the driveway by a "one-man robotic arm vehicle", which requires a driveway width of 6500 mm. The bins must be spaced a minimum 400 mm apart in order to allow the arm space between them. Alternatively, the bins could be serviced by a small refuse vehicle manned by two operatives who will remove the bins from the bin store area and return them after they have been emptied. This vehicle would require a minimum driveway width of 6200mm. The method chosen is required to be indicated in the Refuse Management Plan required as per Condition (a) of this approval;**
 - (d) **The parking bays, driveways 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 Manager, Approvals, Planning & Environmental Services prior to the development first being occupied. These works are to be done as part of the building programme;**
 - (e) **Disabled car parking bays located convenient to the building entrance and with a minimum width of 3.2 metres, to be provided to the satisfaction of the Manager, Approvals, Planning & Environmental Services. 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);**

- (f) **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 Manager, Approvals, Planning & Environmental Services. The proposed stormwater drainage system is required to be Manager, Approvals, Planning & Environmental Services prior to the commencement of construction;**
- (g) **The development shall comply with the Health Act 1911 and relevant regulations made thereunder, the City of Joondalup Health Local Laws 1999 and the Sewerage (Lighting, Ventilation and Construction) Regulations 1974;**
- (h) **The Strata Management Plan shall specify that residents use off-site commercial car wash facilities;**
- (i) **A Memorial shall be placed on the Certificate of Title to provide a warning regarding midge plague problems that may exist on the site. Prospective tenants shall also be warned of potential midge problems;**
- (j) **The development shall be connected to the sewer;**
- (k) **Aged or Dependant Persons' Dwellings shall be constructed in accordance with Clause 4.1.2 of the Residential Design Codes 2002;**
- (l) **The portion of the development approved for Aged or Dependant Persons' Dwellings shall be occupied by at least one Aged or Dependant Persons, or the surviving spouse of such a person;**
- (m) **Aged or Dependant Persons' are defined as disabled, physically dependant or aged over 55;**
- (n) **Visitors' car parking bays number 1 – 14 as indicated in RED on the approved plans shall be signposted;**
- (o) **Pedestrian access shall be provided in accordance with Clause 3.5.5 of the Residential Design Codes 2002;**
- (p) **The lodging of detailed landscaping plans to the satisfaction of the City for the development site with the Building Licence application. For the purpose of this condition a detailed landscaping plans 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 car park area;**
 - (ii) **any lawns to be established;**
 - (iii) **areas to be reticulated or irrigated.**

The plan is to be drawn according to the landscape master plan (No 1912-MEA-LS-01 Rev A) submitted to the City on 11 August 2005;

- (q) **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 Manager, Approvals, Planning & Environmental Services;**

- (r) All natural areas to be clearly marked and any re-vegetation treatment described;
- (s) A Dual Use Path is to be constructed in a location as per extract from Landscape Master Plan (Dwg No 1912-MEA-LS-01A) received by the City on 1 September 2005;
- (t) All the proposed planting outside of the western boundary, immediately adjacent to Lot 28, shall to be deleted;
- (u) The final plant selection is to be to the satisfaction of the Manager, Approvals Planning and Environmental Services;
- (v) A Nutrients and Irrigation Management Plan is to be provided as part of the detailed landscape plan;
- (w) An additional exit shall be provided within the basement carpark of the dependant living component of the Nursing Home. Alternatively, the applicant shall establish to the satisfaction of the Principal Building Surveyor that the building can comply with a classification of 'Class 2' building under the Building Codes of Australia;
- (x) With regard to nutrient loading, the stormwater system must be installed in accordance with Department of Environment recommendations and requirements as sought by the applicant and in accordance with the response from the Department of Environment dated 30 August 2005.;
- (y) Lot 28 and Lot 63 Hocking Road, Kingsley shall be amalgamated prior to the issue of a building licence.

Footnotes:

- 1 Planting to provenance should be used wherever possible. This will enrich biodiversity, provide habitats for fauna, contribute to the amenity and heritage of the location, create sense of identity and minimize the use of water and fertilizers.
- 2 The use of plants regarded as environmental weeds in close proximity to Yellagonga Regional Park should be avoided and is not supported. Use of Exotic plant species is not supported to avoid the introduction of foreign elements detrimental to the surrounding areas.
- 3 Development shall comply with the natural light and ventilation provisions of the Building Code of Australia.
- 4 Development shall comply with all relevant provisions of the Health Act 1911, Hairdressing Establishment Regulations 1972, Health (Public Building) Regulations 1992, Health (Food Hygiene) Regulations 1993, Health (Public Swimming Pool) Regulations 1964, Sewerage (Lighting, Ventilation and Construction) Regulations 1971.
- 5 The undercroft carpark is required to be provided with ventilation in accordance with AS1668.2.

- 6 Development shall comply with the Environmental Protection Act and the Environmental Protection (Noise) Regulations 1997.
- 7 The development is adjacent to the Yellagonga Regional Park and as such, may experience midge and mosquito swarms during the warmer months of the year. Pesticide treatment of Lake Goollelal, Lake Joondalup, Beenyup Swamp and Walluburnup Swamp is conducted for times when trapped mosquito species and numbers warrant treatment but no treatment of these wetlands is conducted or is likely to be conducted for midges.
- 8 The Department of Environment Land and Water Quality Branch recommends that the quality of any dewatering effluent generated during site works be monitored for total acidity and pH. Should the earthworks program from the site change in any way such that acid sulphate soils could be disturbed, a comprehensive acid sulphate soil management plans should be developed and submitted to the Department of Environment for review and approval prior to commencement of the proposed disturbance.

Discussion ensued in relation to the timeframes involved with respect to the EPA's ability to call this application in and the calling of a Special Meeting of Council.

Cmr Fox referred to issues raised by Cmr Anderson and advised if permissible, she was prepared to withdraw the Motion until such time as the issues in question were clarified.

Cmr Fox, with the approval of the meeting advised she wished the Motion to be

WITHDRAWN

Chief Executive Officer suggested that in order to expedite the remainder of this evening's meeting, that further consideration of this matter be deferred at this time and be reconsidered as the last Item on the agenda.

MOVED Cmr Smith, SECONDED Cmr Fox that further consideration of Item CJ257-11/05 – Proposed Nursing Home and Aged or Dependant Persons' Dwellings: Lot 28 (formerly Portion Lot 62) and Lot 63 Hocking Road Kingsley – Revised Application for Planning Approval be DEFERRED at this time and be reconsidered as the last Item on the agenda.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 7 refers

To access this attachment on electronic document, click here: [Attach7brf151105.pdf](#)

**CJ258 - 11/05 PROPOSED EXTENSIONS TO LAKESIDE
SHOPPING CENTRE FRONTING GRAND
BOULEVARD AND BOAS AVENUE ON PART OF
LOT 504 JOONDALUP DRIVE - [08431]**

WARD: All

RESPONSIBLE Mr David Djulbic (Acting Director)
DIRECTOR: Planning and Community Development

CJ051115_BRF.DOC:ITEM 16

PURPOSE

To request Council's determination of an Application for Planning Approval for extensions to the Lakeside Shopping Centre in the Joondalup Central Business District (CBD).

EXECUTIVE SUMMARY

The application is for extensions to the Lakeside Shopping Centre located in the area bounded on the western side by the existing shopping centre, Boas Avenue on the south, Grand Boulevard on the west Collier Pass on the north. The proposal envisages a two storey extension of the centre, comprising approximately 29,000 square metres of additional retail and office floorspace, with the ground floor at the level of the existing centre and upper level shops at the Grand Boulevard level. The corner of Grand Boulevard and Boas Avenue would feature a prominent two storey building above ground with shops at street level and offices above. Most shops, including a new major supermarket and discount department store, would be focused on internal malls with additional street front shopping on Grand Boulevard and Boas Avenue. Three levels of car parking with 1710 car bays are proposed, attached to the southern side of the building with access off Grand Boulevard and Collier Pass. The total number of car bays on-site would increase to 3929 bays. Servicing would be via internal service yards accessed off Boas Avenue. The estimated value of works is \$115 million.

A department store is not part of the application but provision has been made in the current design for one in the future.

Part of the eastern end of the existing centre, where it interfaces with the new extensions, would be modified by converting the existing food hall to shops and moving the food hall into the new extensions.

The original Application For Approval To Commence Development submitted in April 2005 did not meet a number of criteria in the Joondalup City Centre Development Plan and Manual (which is the Western Australian Planning Commission endorsed structure plan for the Joondalup Strategic Regional Centre). Following discussions between the City of Joondalup and the applicants an amended application was resubmitted in August 2005. The August version, comprising five parts, substantially accords with the requirements of the Development Manual and the City of Joondalup District Planning Scheme No 2 (DPS2).

The traffic report (Part 3 of the application) proposes a number of improvements to surrounding roads which, while not part of the development application per se, would be required over time to meet the increased traffic in the city centre generated by the new development (if approved). If approval was granted, it is proposed that the costs of some of these, where directly related to access into the site, would be paid for by the applicant.

Where improvements result in a loss of on-road car parking, particularly all-day parking in Collier Pass, the applicants propose to provide on-site replacement parking in addition to, and separate from, the 1710 parking bays which form part of the extension to the shopping centre.

The application was advertised for public comment from 12 September 2005 to close of business 3 October 2005. Letters were also sent to adjoining landowners. Eight submissions were received, three in support, two in support but raising concerns over traffic congestion and a request for greater diversity of shops. Three submissions objected for various reasons.

The application meets the criteria in the WAPC Statement of Planning Policy 4.2 (Metropolitan Centres Policy) and is therefore within the Council's authority to determine without reference to the Department of Planning and Infrastructure (DPI).

A prominent two storey building with shops on the ground floor and offices above proposed on the corner of Grand Boulevard and Boas Avenue would be different to the characteristic theme of most buildings in the CBD in style and materials used. The proposals contained in the application comply (with minor exceptions) with the design policies in the Joondalup City Centre Development Plan and Manual (JCCDPM) and DPS2.

By 2008 when the extensions to Lakeside Shopping Centre open, there would be sufficient trade potential (based on the Metropolitan Centres Policy floor space guidelines for Regional Centres and DPI population projections for the north-west corridor) to sustain the proposed extensions to Lakeside Shopping Centre.

It is recommended that the subject development application (August 2005 version in five parts) be approved subject to conditions.

BACKGROUND

Suburb/Location:	Lots 504 and 454 Joondalup Drive, Joondalup.
Applicant:	Cameron Chisholm & Nicol, Architects for ING Retail Property Fund Australia
Owner:	ING Retail Property Fund Australia
Zoning:	Centre Zone
DPS:	City Centre
MRS:	JCCDPM
Structure Plan:	Lot 504 (East and West) CT/Folio 2202/798, Diagram 27661, Area 23.0540 ha.
Site Particulars:	Lot 454 (Air Rights) CT/Folio 1852/437, Diagram 17248, Area 1.0552 ha

The site comprises one lot dissected north to south by a Western Australian Government owned railway reserve but linked by an Air Rights Lease which allows development to occur over the sunken rail line. This Air Rights Lease is currently in the process of being converted into a freehold title. The site area of 23.0540 hectares, plus the Air Rights Lease over 1.0552 hectares of rail reserve combine to give a total development site area of 24.1092 hectares.

The existing shopping centre and car park occupies 17.903 hectares of the total available development site area. The extensions are proposed to be over and to the east of the railway extending to Boas Avenue and Grand Boulevard.

Figure 1. The Site.

The existing Lakeside Shopping Centre is on Lot 504 (West). The proposed development would be on Lot 504 (East), fronting Boas Avenue and Grand Boulevard and over the Air Rights. The Air Rights area (Lot 454) over the railway lines shown cross hatched is owned by the Centre Owners.

Format for the Submission for Development Approval

The original Submission for Development Approval was submitted in April 2005. Through the process of evaluation by the City over the following months a number of changes were made to the design which reflected the City's design objectives for the Central Business District. A revised submission in five parts which incorporated the outcomes of the evaluation process was submitted in August 2005.

Rather than have the original Submission comprehensively altered with each improvement resulting from the evaluation process, the City agreed that the new ideas could be partly reflected in a revised submission and partly as Appendices to the original submission which make up the five parts. This is considered beneficial because it allows comparisons to be made between the changes and the original design.

The amended August 2005 version in five parts is therefore the subject of this application for planning approval, which are identified below:

- Parts 1 & 2 are bound together. Part 1 comprises the main explanatory report to the submission by CCN Architects – August 2005.
- Part 2 (Appendix 1) comprises plans and elevations of the new extensions in the context of the existing centre by CCN Architects – August 2005
- Part 3 (Appendix ii) is bound separately. It comprises Traffic and Parking Report by Uloth and Associates Traffic Engineers - August 2005.
- Part 4 & 5 (Appendices iii & iv) by CCN Architects are bound together.

- Part 4 comprises additional plans, elevations, sketches and documentation required as part of the evaluation process.
- Part 5 comprises artist's perspectives of various views of the centre to clarify various issues raised during the evaluation process.

History

In 1970, Joondalup was nominated as the most northerly of the four sub-regional centres. *Metroplan*, the Strategic plan for Perth adopted by the Government in 1990 confirmed Joondalup as one of the Perth metropolitan region's eight strategic regional centres, with the State Government recognising the significance of its function and location as critically important to the future growth of the region. Joondalup will be one of the major business and employment centres of the metropolitan region with a substantial range of employment, social, education and urban living opportunities.

The existing Lakeside Shopping Centre opened in 1992. It is located on the western side of the railway on the part of Lot 504 bounded on the south by Collier Pass, the west by Joondalup Drive, the north by Daglish Way and the east by the railway line. The centre currently contains two discount department stores, two supermarkets, a restaurant court, a cinema complex, and a large range of specialty shops. The centre itself comprises 40,075m² NLA with a further 1,782m² NLA in freestanding developments along Joondalup Drive. There are 2,493 on-site car parking spaces of which 261 are located east of the railway line.

In 1995, the Joondalup City Centre Development Plan and Manual (JCCDPM) was produced and endorsed by the WAPC. This document combines the 1990 Development Plan and the Development Manual for the Joondalup City Centre (previously adopted by the City of Wanneroo and approved by the then Minister of Planning) and constitutes the manual as prescribed by the City of Wanneroo Town Planning Scheme No 1 (this scheme has been superseded by the City of Joondalup DPS2). It describes the physical framework within which development should take place to accommodate the diverse functions of an economically viable city. The current proposal has been assessed against the criteria in the JCCDPM and DPS2.

DETAILS

The design concept for the extensions to Lakeside Shopping Centre is generally based on the existing centre - the dominating feature is proposed to be the translucent tensile fabric roof. The proposed additions will replicate those on the existing centre, located over specific features such as the 'great space' in Station Square (see below) which are junctions of malls and pedestrian routes.

The extension proposal comprises (mostly) a two storey extension to the existing Lakeside Shopping Centre. It is proposed to be located on the east side of the existing shopping centre on land bordered by Boas Avenue on the north and Grand Boulevard on the east.

Schedule of Areas

The extension would increase the existing NLA of Lakeside shopping centre from 42,074.5m² to 71,128.7m². The breakdown of the areas is as follows:

EXISTING TENANCY AREAS SCHEDULE - NLA	
Existing Tenancies NLA (This includes 660.17 sq.m of the existing food court area to be redeveloped)	42,074.5 sq.m
TOTAL	42,074.5 sq.m

NEW TENANCY AREAS SCHEDULE - NLA							
GROUND LEVEL - RL 42.50							
Discount Dept Store (DDS)	Mini Majors (MM)	Spec Shops	Kiosks	Amenities	Storage	Food Court	Offices
DDS 7,417.0	MM-1 1,244.3 MM-2 977.1	71.0 81.7 318.8 114.2 1,047.1 140.2 138.2 157.2 749.1 619.6	18.0 18.0 18.0 18.0 18.0 22.0 28.0 30.0	267.5	176.4 102.4 157.9	44.2 43.2 43.1 43.1 42.8 42.1 43.2 43.2 43.0 51.3	N/A
ADD:- (i) Mezzanine Floor (ii) Dock Area at RL 48.00							
TOTAL:- 7,931.4		NB: 1,827.9					
TOTAL	7,931.4	2,221.4	5,265.0	170.0	267.5	436.7	482.4
							N/A

NB: NET SPEC SHOPS RESULTING FROM EXISTING FOOD COURT INTERNAL REDEVELOPMENT (Proposed - 2,499m² deduct existing 671.1m² = 1,827.9m²)

TOTAL GROUND LEVEL RL 42.50: **WITH AMENITIES & STORAGE** **16,774.4 sq.m**
 WITHOUT AMENITIES & WITH STORAGE **16,506.9 sq.m**

UPPER LEVEL - RL 48.00							
Discount Dept Store (DDS)	Mini Majors (MM)	Spec Shops	Kiosks	Amenities	Storage	Food Court	Offices
Supermarket 3889.3	MM-3 749.5 MM-4 1162.5	130.3 166.3 178.4 234.7 239.2 200.9 591.1 638.9 367.8 295.5 378.3 93.0 534.6 402.9 354.8 603.5 334.2 177.4	18.0 18.0 16.0 18.0	70.0	NIL	N/A	671.9 (Upper Floor RL 54.00) Corner Boas Avenue
ADD:- (i) Dock Area at RL 48.00 82.3							
TOTAL	3971.6	1912.0	5921.8	70.0	70.0	NIL	671.9
							N/A

TOTAL UPPER LEVEL RL 48.00: **WITH AMENITIES & STORAGE** **12,617.3 sq.m**
 WITHOUT AMENITIES & WITH STORAGE **12,547.3 sq.m**

TOTAL BOTH LEVELS:	WITH AMENITIES & STORAGE	29,391.7 sq.m
	WITHOUT AMENITIES & WITH STORAGE	29,054.2 sq.m

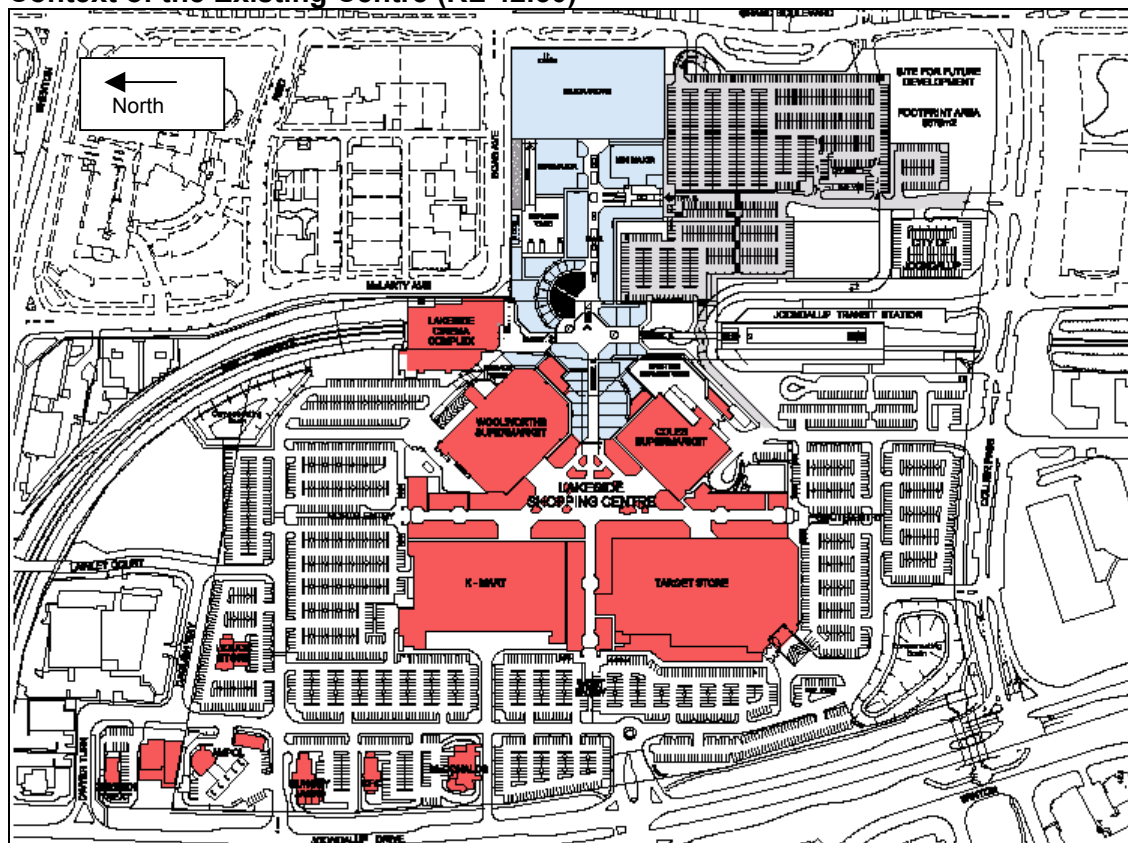
Not all of the floorspace in the above schedule is classified as retail floorspace for the purposes of calculating shopping centre size in the Metropolitan Centres Policy. For example, the 671.9m² of offices included in the schedule is not counted towards the upper limit for retail floorspace of 80,000m² NLA set in the Centres Policy.

The lower level would be at the existing shopping centre arcade level, with the upper floor shops at approximately the Grand Boulevard level. A feature two storey building is proposed (attached to the shopping centre, but without direct access into it) to be wrapped around the Boas Avenue/Grand Boulevard intersection. Shops would be located at street level with offices above.

Car parking for the extensions is proposed to be accommodated in a three level parking structure (ground, mezzanine and upper levels) attached to the southern side of the building. The parking at the lowest level is proposed to be accessed off Collier Pass. The upper level is proposed to be accessed from Grand Boulevard with the deck being built at approximately that level (RL 48.0). The mezzanine level is proposed to be accessed via internal ramps from the ground level and upper decks. Parking for 1710 cars is proposed to be provided for the extension.

Lower Level

Figure 2. Proposed Extensions to Lakeside Shopping Centre Lower Level in the Context of the Existing Centre (RL 42.50)



The existing centre is shown dark grey. The extension and redeveloped food hall and new parking areas are shown grey. Note the new food hall is the semicircular arrangement shown east of Station Square.

At RL 42.50 (the existing centre arcade level) the existing East Mall is proposed to be extended across the railway air space. It would:

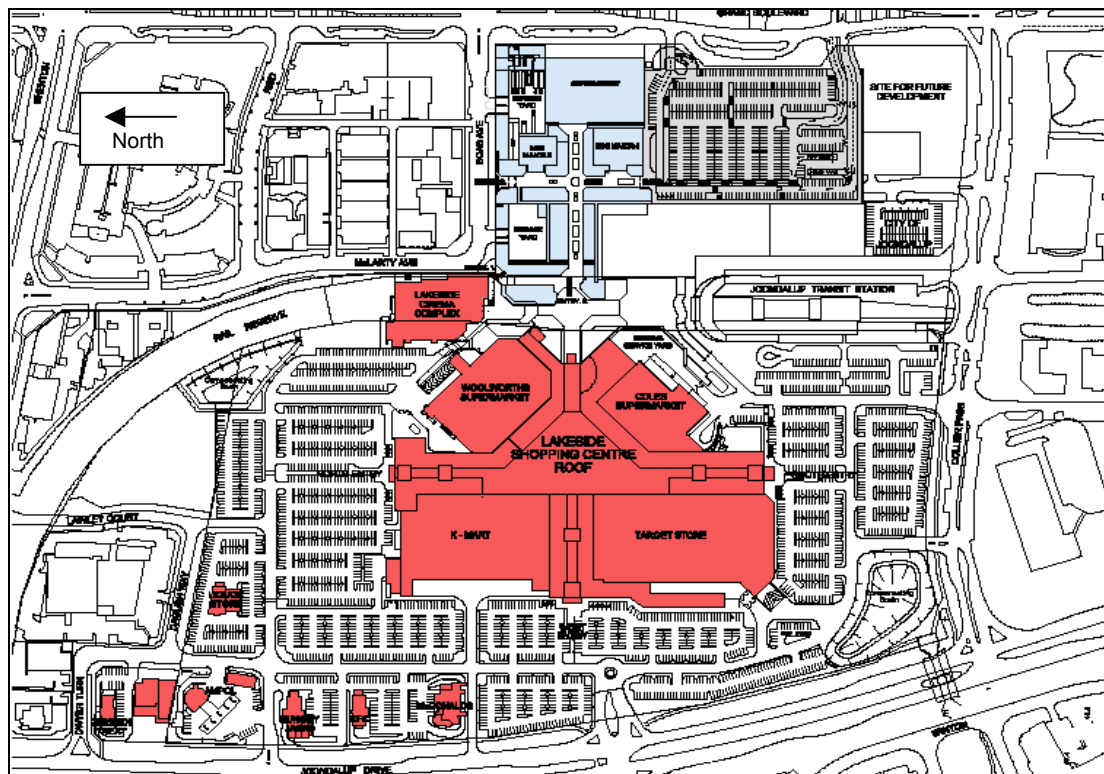
- Be anchored¹ by the discount department store of 7,900m² NLA, linking the existing centre with the extension forming a strong east-west axis.
- Have two mini-majors² with 1,900m² NLA.
- Have specialty shops with 3,400m² plus.
- Have eight kiosks and a food hall (the food hall relocated from the existing centre).

The current link between the Joondalup Transit Station and the cinemas through the lower level is proposed to be maintained as the north-south axis. The junction of both axes is known as 'Station Square' and is discussed in more detail below. The food hall in the existing centre is proposed to be redeveloped for shops and a new food hall would be included in the new part of the extensions just east of Station Square.

Entrances into the extended ground floor level would be via the existing centre and via entrances directly from the ground floor parking areas.

Upper Level

Figure 3. Proposed Extensions to Lakeside Shopping Centre Upper Floor in the Context of the Existing Centre at RL 48.00



The existing centre roofs are shown dark grey. New work and new parking areas are shown light grey. Note that access to the upper deck parking is off Grand Boulevard.

¹ 'Anchored' in the shopping centre sense means being the main attraction on which the smaller shops depend to draw customers past them.

² Mini majors are essentially large specialty stores of 300m² and upwards.

The upper level mall shown above is proposed at RL 48.00 which is approximately the level of Grand Boulevard. The anchor tenant on this level is proposed to be a large chain supermarket at the far (east end) of the upper mall. Two mini majors of 1,900m² NLA and 5,900m² of speciality shops are proposed. Most specialty shops are internally focused on the mall but there are also externally focused street front shops on Boas Avenue and Grand Boulevard. The upper mall is accessed from the lower level at 'Station Square' by lift, steps and escalator. Other accesses to the malls would be by travelator and lift adjacent to the southern car park area entries (RL 42.50, 45.25 and 48.00). These are in addition to the pedestrian access points from Boas Avenue.

Street entrance into the upper level of the centre is proposed to be off Boas Avenue with a lesser entry to upper floor offices off Grand Boulevard. Entry statements at these points would have feature roofs and canopies using low maintenance materials such as natural aluminium metallic cladding on walls, roofs and soffits with a high level of lighting using combinations of down and up-lighters. The same design and materials theme has been carried throughout all entries with some of these features being carried through to the building on the corner of Boas Avenue and Grand Boulevard. All street front shops would have awnings which meet the requirements of the JCCDPM. Where the street slopes from east to west in Boas Avenue the shop floor levels would be stepped down accordingly to comply with the JCCDPM. See Figure 4 below

Figure 4. An Artist's Perspective of the Main Boas Avenue Entrance Showing Stepped Down Street Front Shops with Awnings



View looking west from the northern side of Boas Avenue. Note the architectural entrance statement to Station Square entrance at the corner of Boas Avenue and McLarty Avenue. Note too that shop floors have been stepped down to match the slope down Boas Avenue. The graphics shown above - the awnings are indicative and would be subject of a separate Development Application.

Materials selected have not been specified however, the applicants state that they would be appropriate for use in a city centre and suitable for street front retail and would be designed where practical to inhibit anti-social behaviour. They state that options for street front design are limited, but where practical and economical, locally produced materials would be promoted. Details of materials to be used should be to the Council's satisfaction and should be a condition of Development Approval.

Figure 5. The Building Proposed for the Corner of Grand Boulevard and Boas Avenue at day.



Indicative view looking westwards along Boas Avenue to McLarty Avenue junction. The tower to articulate the corner is a light tower illuminated at night. The entry statement to Station Square (lower right corner) would be visible from Grand Boulevard.

Figure 6. The Building Proposed for the Corner of Grand Boulevard and Boas Avenue at night.



The same indicative view at night showing the effect of the light tower. The searchlights are not part of the Development Application. The types of shop and detail design of the shops fronts are indicative only.

The corner of Boas Avenue and Grand Boulevard shown on the Figures above is considered to be an important nodal corner in the City. The JCCDPM requires that the buildings on such corners '*should be designed to articulate the corner*'. The two storey building would be enhanced by a vertical light box tower illuminated at night extending about 3 metres above the building at the corner. The upper floor office would comprise 672m² of floor space.

Without being specific, the applicants state that the colours and materials would take cognisance of the local landscape where the selection is practical. Generally the colours would complement the existing centre but a palette of colours satisfactory to the City could be developed based on existing developments in Joondalup. Some stronger colours based on the theme in the existing centre could be used to highlight entrances.

Station Square

The JCCDPM requires that Station Square, the approximately rectangular space above the covered railway line between the railway station and Boas Avenue be given architectural prominence as a bona fide public space and focal point for the city centre. At present it is an open landscaped area above the covered railway line between the northern end of the Station and the cinema complex. It is at the level of the existing mall which opens out on to it. Being private property Station Square could not be a public space in the sense of say, Forrest Place in the City of Perth, which is public domain. Nevertheless, in the context of private property and the expansion of Lakeside Shopping Centre, Station Square has been recognised as an important public space for the City and has been treated accordingly. The proposal is that Station Square should comprise three different spaces:

1. The Station Forecourt

Figure 7 Station Forecourt Looking North from the Station Exit



Indicative view looking northwards from the exit of the station towards the 'Station Square Great Space'.

The proposed Station Forecourt is an open landscaped forecourt park linking the station and the southern entrance to the 'Station Square Great Space' – part of the internal mall. The paved area with landscaped islands indicated on Figure 7 is a link road in front of the station between the new car parking to the east of the railway and the existing car parking on the west of the railway line (See Figure 2). The Public Transport Authority has agreed in

principle to support such a link road at this location, but detailed design for traffic calming and pedestrian priority at the Building License stage should be subject to PTA approval.

2 The Station Square “Great Space”

Figure 8. Station Square “Great Space” Looking North from the Entrance off the Station Forecourt



Indicative view through the 'Great Space' looking north. This space would link the existing centre on the left with the expanded two storey centre on the right. Pedestrians from the station could proceed to Boas Avenue via the stairs or escalators on the right, then turn left to a direct exit. Alternative access to Boas Avenue would be straight through the Space to the Cinema Forecourt Piazza to a lift or steps providing direct access to Boas Avenue.

Figure 8 shows the proposed translucent covered 'Great Space' between the East Mall of the existing centre and the new eastern mall. It is also the link between the cinemas to the north of the 'Great Space' and the Transit Station to the south. The area would be used for promotions, social interaction and a transit space between the Transit Station and cinemas.

3 The Cinema Forecourt Piazza

Figure 9 on the next page shows the proposed open cinema forecourt piazza. This area between the existing cinemas and the proposed 'Great Space' would be a paved open cinema forecourt piazza primarily used as an entertainment precinct with access off Boas Avenue (RL 48.00) by lift, stairs and escalators, and from the existing centre north-east car park. It should be noted that the alfresco dining area shown on the artist's perspective is indicative and not part of the current development application. (No allocation of retail floor space for such activities has been included in the Schedule of Floor Areas on Page 5).

Figure 9. The Cinema Forecourt Piazza Looking South to the 'Great Space'



Indicative view from the bottom of the existing stairs to the existing cinema complex looking south towards the 'Great Space'. Note that graphics and advertising indicated would be subject to a separate Development Application.

Figure 10. The Feature Sign for Station Square



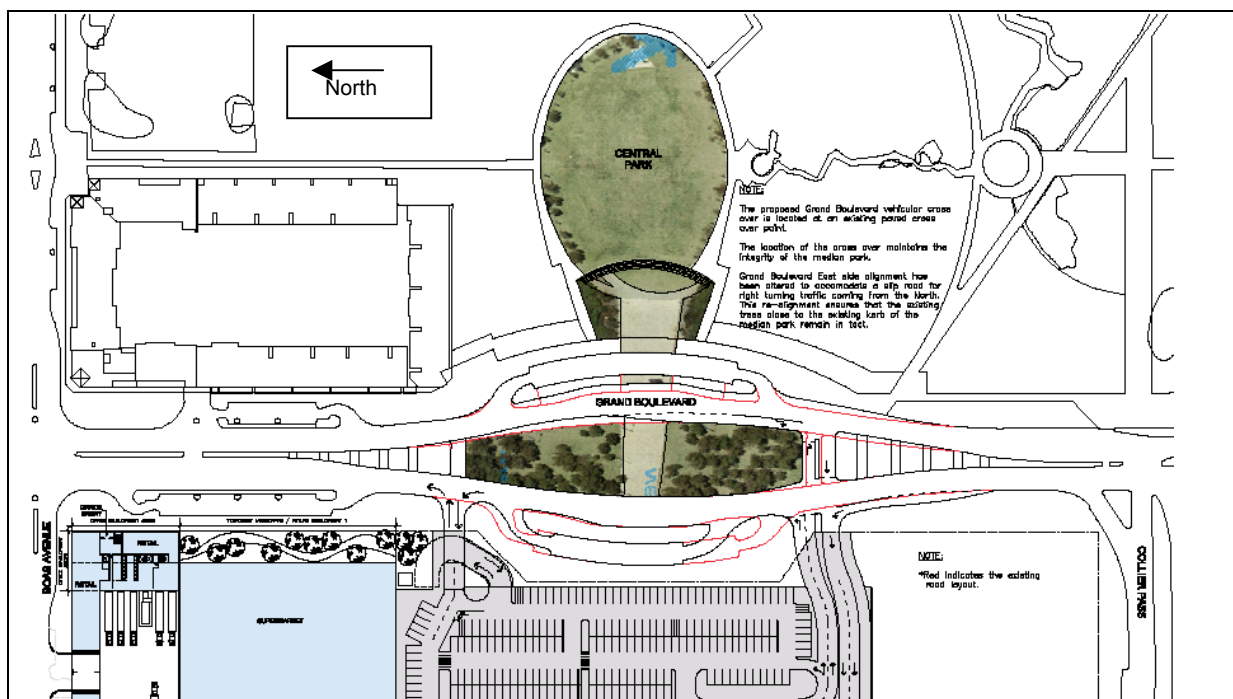
Indicative view showing the proposed Station Square entry statement. Note the lift to the lower level Cinema Forecourt Piazza below as part of the same structure. The entry to the left of the entry statement also provides after hours access to the railway station via the Great Space. Graphics are indicative and subject to a separate DA.

To identify Station Square as the main after hours access to the station from Boas Avenue and the residential areas to the north and north east, a prominent architectural entry statement is proposed to be constructed adjacent to the existing cinemas and Hogs Breath Café as part of the lift well structure. It would be visible from the intersection of Boas Avenue and Grand Boulevard (see Figure 10 above).

Vehicular Access to Parking Areas

Three levels of car parking attached to the southern side of the building are proposed. Access/egress to/from the upper level car park at RL 48.0 would be at two places on Grand Boulevard. The main two way entrance is proposed to be located 130 metres north of Collier Pass. The location of this access has been placed to minimise the impact on the landscaped area and existing established trees in the median park strip in Grand Boulevard. It would provide for movements into and out of the site from both north and south along Grand Boulevard across the existing median island. A secondary left in-left out access is proposed off Grand Boulevard approximately 140 metres south of the intersection of Grand Boulevard and Boas Avenue. Access to the mezzanine parking floor at RL 45.25 would be via internal ramps. The Grand Boulevard car park entrances would serve primarily the upper car deck (RL 48.00) but with ramp connections to the other levels (RL 45.25 and RL 42.50). In the long term these entries could also provide upper deck access to any future development on the unused part of the site, south of the car park.

Figure 11 Access Arrangements to the Upper Deck Car Park off Grand Boulevard



Note. Where the existing carriageways are proposed to be changed the existing are shown as red with the resulting configuration melded into the existing in grey.

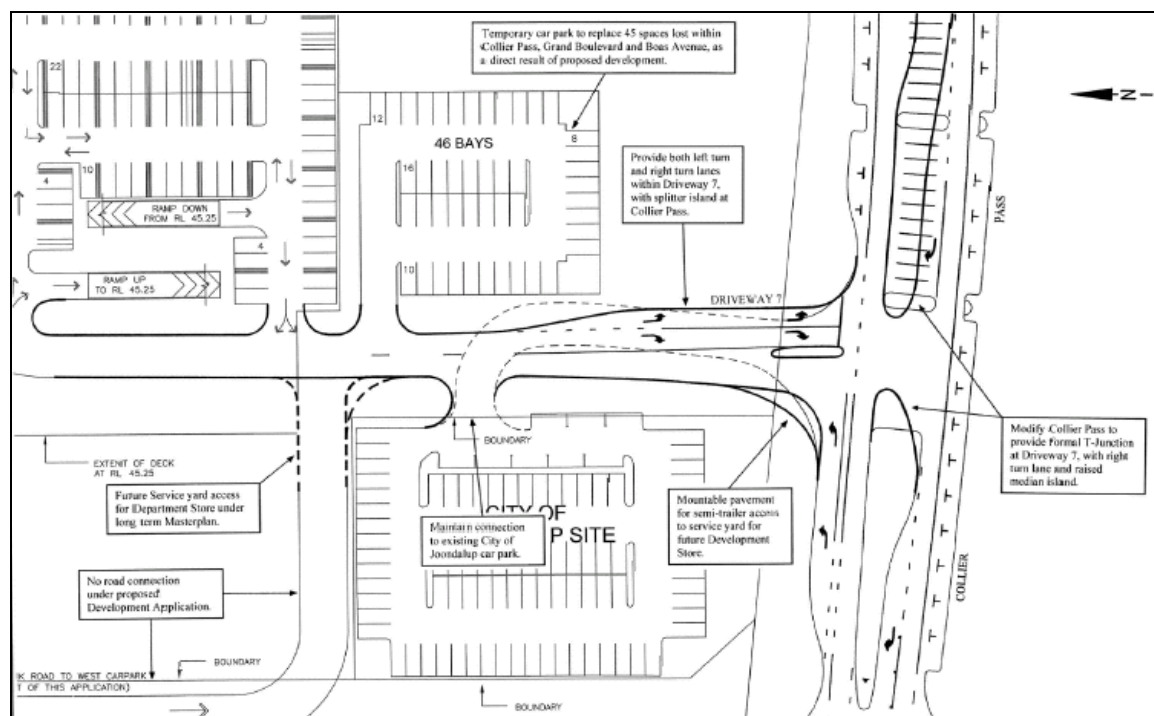
Figure 11 indicates that the access points off Grand Boulevard would require modifications to Grand Boulevard. The proposed changes would involve:

- A reduction in the width of the crescent island on the eastern side of the south-bound carriageway to allow the southbound (eastern) carriageway to be shifted east to permit a right turn slip lane into the parking area.
- A minor reduction to the median island on the west side of the south bound carriageway for a right-turn lane into the parking area.

- A reduction in and alteration to the crescent parking area and its entry/exit on the western side of the north bound carriageway to accommodate access points into and out of the parking area. (Replacement parking would be provided).
- The widening of an existing paved crossing point across the median island (140 metres north of Collier Pass) to create the main two way entrance on to the upper deck parking.
- Widening of the western side of the north bound carriageway to permit a left hand turn land into the main entrance.

The proposed access to the ground level car parking at RL 42.50 would be via the existing access off Collier Pass upgraded as shown on Figure 12. This access would also serve the existing Council car park just east of the station and a new car park on the other side of the driveway for replacement parking. (The Council is under contract with the Public Transport Authority to provide commuter parking bays in Collier Pass, 35 of which may be removed to make way for improvements to Collier Pass required because of the expansion). The access off Collier Pass would also provide service access in the longer term to the service dock for the future department store and also future development on the undeveloped part of the site just north of Collier Pass.

Figure 12. Access Arrangements off Collier Pass



The existing driveway off Collier Pass into the existing Council parking area is shown dashed. The proposed improvements are in black. Note the separate car park for 46 long-term parking to replace parking which may be lost in Collier Pass (35), Grand Boulevard (7) and Boas Avenue (4).

In order to accommodate traffic flows expected to be generated from the expanded shopping centre certain improvements to the configuration of the road carriageways in Collier Park are proposed. If implemented 35 commuter parking bays serving the station would be lost. Access to the car park and service areas would also cause the loss of additional bays in Grand Boulevard and Boas Avenue.

The 35 car bays that would be lost due to the road amendments proposed to Collier Pass and the other 10 bays lost due to proposed access works on Grand Boulevard (7) and Boas Avenue (4) would be replaced at RL 42.50 on the south side of the shopping centre car park, as indicated on Figure 12 above. This area of parking would be designated for commuters

using the Transit Station and is capable of operating independently of the shopping centre car park.

An internal road link is proposed passed the northern end of the station to link the new car parking areas to the east with the existing car park on the west of the railway line. Traffic calming design would be used to ensure pedestrian priority and safety exiting the station. Also, there would be weight restrictions for vehicles using this link to ensure the structural integrity of the railway cut and cover tunnel underneath.

Parking Provision

Parking requirements for the shop and office uses are determined under DPS2 subclause 4.9.2 – Table 2. They are summarised in the following table.

Parking Schedule

Use	Required	Provided	Over/Under Supply
Shopping Centre retail floorspace with extensions = 69,963m ² NLA (for parking purposes) comprising 42,075m ² existing plus 28,382m ² proposed retail space minus 494m ² for the existing service station which has its own parking.	3,958	2219 (existing) ^(a) 1710 (proposed) 3929 total	(-)29
Proposed office floorspace (672 m ²)	23	0	(-)23
Total	3,981	3,929	(-)52
Disabled bays included in above total. 1% - 2% of total bays provided (AS 2890.1). See below.	40-80	59	0
Replacement parking. (Referred to above)	46	46	0
Temporary Construction Workers Parking. See below	To be determined	To be determined	Not applicable

(a) The figure of 2219 existing bays excludes 261 existing bays east of the railway, which would be removed as part of the proposed extension.

The proposed extension would have 1710 car parking spaces (excluding 46 bays to replace those lost on Collier Pass, Grand Boulevard and Boas Avenue) provided at 3 different levels, of which 1047 would be fully under cover and 235 would be under tensile fabric shade structure at RL 48.00. The additional 1710 car bays would increase the overall shopping centre car parking numbers from 2219 to 3929 (this figure excludes the existing 261 car bays currently located on site to be redeveloped).

In designing the shopping centre car park, parking aisles are proposed to be aligned in either a north-south or east-west orientation in a way that maximises the accessibility of all parking aisles, while minimising pedestrian/vehicle conflicts, particularly in the vicinity of the shopping centre entrances.

The design of the proposed car park is based on a square column grid within the multi-level car park with square (or round) columns that provide exactly the same parking module dimensions in either direction. The proposed parking module dimensions are consistent with the dimensions specified in Australian Standard AS/NZS 2890.1 (Class 3) for city centre short term parking spaces (discussed further below).

Where suitable, parking aisles are proposed to be oriented in a way that permits pedestrians to walk within the parking aisles towards the major entrances. However, in areas of high circulating traffic, separate pedestrian facilities would be provided by removing parking bays and marking zebra crossings within the circulation roads and parking aisles.

A pedestrian pathway with stairs and a lift linking Grand Boulevard to the northern end of the Railway Station through the parking decks is also accommodated within the proposed plans.

Disabled Parking

There are 35 existing disabled parking bays at Lakeside Shopping Centre. Twenty four more parking bays for the disabled are proposed adjacent to entrances into the mall of the extended centre from the parking areas – making a total of 59. Of the 24 new disabled bays, four are proposed on the upper (Grand Boulevard) deck, eight on the mezzanine parking deck and twelve on the ground floor providing easy access to Station Square and the new ground level mall.

Australian Parking Standards AS 2890.1 requires that between 1% and 2% of the total number of bays provided be for disabled drivers. There would be 3,929 bays on the site including the proposed parking. The 59 disabled bays represent 1.5% of the total bays provided.

Provision for Taxis

A taxi rank for four taxis would be provided on the upper (Grand Boulevard) deck near the entrance to the mall.

Parking for Temporary Construction Workers

While not part of the application *per se*, temporary on-site or alternative parking for construction workers is required to ensure that street parking and other parking areas serving the existing business community around the site is not monopolised by workers. Resolution of these matters through negotiation between the applicants and the City should be made a condition of approval.

Pedestrian Access - During Trading Hours

The Joondalup station and bus interchange is the major pedestrian generator in the City and is likely to become increasingly so in the future. There are currently three major pedestrian movements to and from the station/bus interchange.

- Between the station and Edith Cowan Campus via Collier Pass. This would not be affected by the proposed extensions to Lakeside.
- Between the station and Boas Avenue through the three space elements comprising Station Square described above.

- A diagonal movement from the northern end of the station to Edith Cowan campus along a path referred to as 'Campus Walk' which is over an as yet undeveloped part of the shopping centre site. Provisions proposed to retain this pedestrian movement are described below.

During normal business hours all the entrances into the proposed extended centre and the internal malls, escalators and lifts would become public thoroughfares which would cater for access into the centre as well as the through pedestrian movements described above.

During normal business hours access into the extended centre would be as follows:

- From within the existing centre (East Mall)
- From Boas Avenue to upper level (RL 48.00) two entries:
 - One adjacent to the existing cinema building giving access to RL 48.00 and 42.50 (by lift and stairs)
 - One to the mall linking the south car park to Boas Avenue.
- From parking levels RL 42.50, 45.25 and 48.00.
- From 'Station Square' (RL 42.50) as described on Pages 10-12 above.
- From Grand Boulevard two walkways (at RL 48.00) adjacent to the north and south car park access/egress. These access points would cater for pedestrians (including students) from the south-east side of Grand Boulevard and with a vertical link to RL 42.50 would connect with the Transit Station, 'Station Square Great Space' and cinemas. There would also be an escalator and lift connection to Boas Avenue within the 'Station Square Great Space'.

Pedestrian Access - After Trading Hours

After business hours access through the Centre would be retained for as long as is required to provide access to and from the station/bus interchange. Exact hours for maintaining after hours access through the Centre would be negotiated with the City and the Public Transport Authority.

- Between the station and Boas Avenue the entrances and mall through the proposed 'Great Space' (see page 12 above) would remain open to provide after hours connection from the station through Station Square at the lower level. At this level, access would either be via a lift and stairs by the Cinema complex at the northern end of Station Square, or via internal steps (or escalator if agreed with the PTA) from the lower mall to the upper mall then to an entrance at Boas Avenue. Security to the closed parts of the centre would be by roller shutters across the closed malls.
- Between Station Square and Grand Boulevard (and Edith Cowan Campus) the proposed lifts and steps providing access from the ground level car park to the upper deck car park would remain open and operational as required to meet station access needs.

Disabled Access

All access points would be designed to cater for disabled persons. At all changes of floor level there would be lifts or ramps. After hours service would apply to the lift serving access between the Station and Grand Boulevard via the parking levels and the lift between the station and Boas Avenue near the cinemas.

Treatment of Pedestrian Paths

Within the shopping centre site, where provision is proposed to be made for pedestrian movement into and through the shopping centre through the car parks and Station Square, the pedestrian paths would be constructed to continue the theme of pedestrian paths in the CBD (as shown in Appendix 2 of the JCCDPM).

Provision for Bicycles

Proposed facilities for cyclists would include:

- Customer bicycle parking is proposed to be provided at or near entrances into the shopping centre from the car parks and Station Square. These would be as two racks of six bicycle holders each – twelve at each location.
- Secure staff bicycle parking and associated change rooms and amenities. The bicycle parking would be located in the north east corner of the west service yard with the change rooms located nearby with access via a service passage off the service yard.

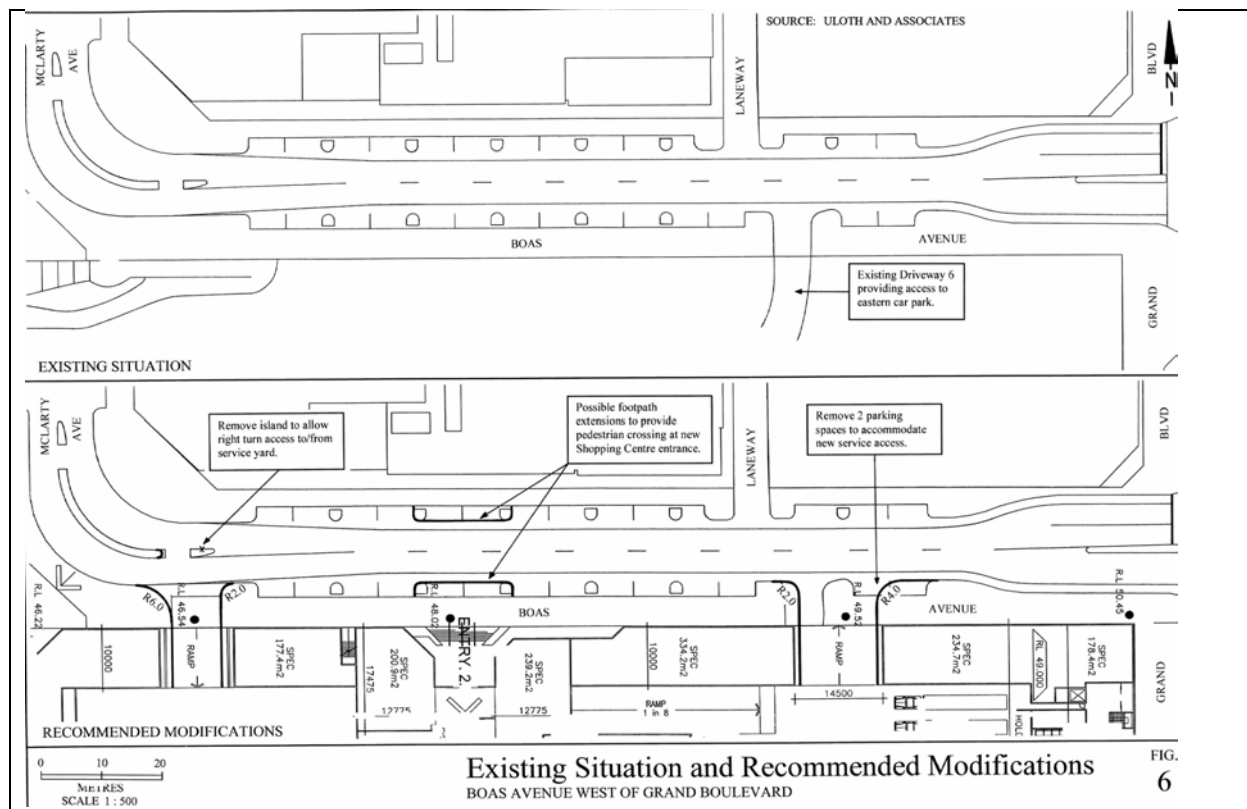
Servicing and Service Access

Two service yards are proposed with access directly off Boas Avenue, with a third proposed at ground level accessed from within the proposed upper eastern service yard:

- Boas Avenue (east) service yard from RL 48.00 would serve the following:
 - Supermarket, mini-majors and specialty shops
 - The discount department store (at RL 42.50) by lift
 - It would also provide a ramp access down to a service yard at RL 42.50 to service the food court, restaurants, mini majors and other specialty shops.
- Boas Avenue (west) service yard from RL 48.00 would serve the specialty shops at RL 48.00.
- The third service yard is proposed to be at ground level (RL 42.5) beneath Boas Avenue (west) service yard above. It is to service the food court and would be accessed via a ramp from within the Boas Avenue (east) service yard.

Access into the service yards would require modifications to Boas Avenue which would include the loss of four parking bays on the southern side of Boas Avenue and a modification to the kerb. It is also proposed that two parallel bays on the northern side of Boas Avenue opposite the main entrance into the mall be converted into a pedestrian pavement to facilitate pedestrian crossing at this point.

Figure 13 Diagram Showing the Existing Configuration of Boas Avenue with Changes Required to Accommodate Entries into the Service Yards



It should be noted that the applicants have demonstrated that with a minor variation to the configuration above, the access to the service yards could still be satisfactorily accommodated if angled parking were to be provided in Boas Avenue as postulated by the City.

Part of the pedestrian traffic island in Boas Avenue near McLarty Avenue indicated on Figure 13 would need to be removed to allow access into and out of the western service yard. This proposal is not acceptable to the City and should be modified at the cost of the applicants.

As part of the application, an analysis of the service vehicle circulation and turning manoeuvres prepared by civil engineers, Connell Mott MacDonald's traffic department, demonstrates that access and egress to and from all service areas could be made in a forward gear.

In order to facilitate traffic movement on Boas Avenue the owners are prepared to negotiate a clause within the major retailers' lease to the effect that large articulated trucks using the eastern service yard should (wherever possible) operate outside normal trading hours.

Roads and Traffic Issues

According to Uloth³, the proposed expansion of Lakeside Shopping Centre by 29,392m² (including storage and amenities) could increase the traffic generation of the existing centre from 29,280 vehicles per day (VPD) to 48,870 VPD. The overall increase in external traffic around Lakeside Shopping Centre taking account of adjacent developments could increase from 34,820 VPD to 53,520 VPD.

To accommodate these increases and also facilitate movements in and out of the new car parking areas Uloth recommends a number of improvements to roads. Collier Pass, between the railway line and Grand Boulevard, has recommended improvements which would require the removal of the existing median all day parking (35 bays) in favour of a median traffic island. Uloth suggests that provision for replacement parking could be on the shopping centre site, as has been shown on Figure 12 above.

Uloth also recommends improvements for turning movements at the Grand Boulevard - Collier Pass intersection. The improvements would include the provision of a median island in Collier Pass over the existing median parking bays (35 bays) to allow for right turning movements from Collier Pass into Grand Boulevard and a left turn slip lane from Grand Boulevard into Collier Pass. With these improvements Uloth believes the signalised intersection at Grand Boulevard and Collier Pass would operate at a Level of Service C, which Uloth considers acceptable.

At the Joondalup Drive - Collier Pass junction, Uloth recommends traffic signals in the future to facilitate movements into and out of Collier Pass from Joondalup Drive. Uloth believes that the City has programmed to have traffic signals installed at this intersection as part of its road improvement program. A left hand turn lane from Collier Pass into Joondalup Drive - headed south - is also recommended.

In support of the proposed access points into and out of the proposed extensions off Grand Boulevard, Uloth identified future traffic flows and carried out detailed intersection operational analyses for the Grand Boulevard - Boas Avenue signalised intersection under the alternative scenarios. The analysis showed that the Grand Boulevard - Boas Avenue signalised intersection would (in Uloth's opinion) operate at a Level of Service D, indicating poor but manageable operating conditions, with manageable queue lengths within Boas Avenue.

In Uloth's opinion, the analysis also showed that the junctions of the proposed parking access driveways in both Grand Boulevard and Collier Pass would operate, unsignalised, at Levels of Service B and C, indicating (in Uloth's opinion) good and satisfactory operating conditions, respectively.

Longer Term Traffic Assessment

Uloth also carried out an analysis to assess the longer term effects of further (hypothetical) expansion at Lakeside (to include a department store and other extensions envisaged in the long term - see Figure 14 below) to 110,00m² of retail floor space plus a nominal 11,000m² expansion of the city to the north of Boas Avenue. This long-term scenario reflects what Uloth believes is the full retail development scenario envisaged in the existing Masterplan for Joondalup.

This analysis, Uloth believes, shows that all of the intersections and junctions adjacent to Lakeside Joondalup Shopping City (with the various improvements discussed above), would continue to operate at acceptable Levels of Service. However, Uloth also believes the

³ *Parking and Traffic Study, Uloth and Associates. Amended August 2005. (Uloth). (Part 3 of the Development Application as described above)*

analysis shows that the Grand Boulevard - Boas Avenue intersection would need to revert back to its original layout at some time in the future, with two through lanes in each direction.

Landscaping

Owing to the extent of the footprint of the current extension there would be limited scope for detailed permanent landscaping within the site. The areas available for varying degrees of landscaping opportunities would be as follows:

- The ten metre wide strip adjacent to Grand Boulevard and adjoining the supermarket. This area of landscaping would be temporary as it is envisaged that future main street retail development could occur when it is financially viable/leaseable. This area would ultimately be developed as street front retail/commercial units/residential.

The type of planting would be limited due to restrictions in planting depth resulting from the discount department store at the lower level RL 42.50 being built up to the boundary.

- A one metre wide strip along the eastern boundary of the car park would be available for some low level planting. There would also be some landscaping in movable, individual planters adjacent to the car deck balustrade on both south and west edges.
- The areas adjacent to the access road from Collier Pass would require rehabilitation of the existing remnant landscaping due to the construction works required to form the access road. Similarly, due to the construction of the car park at RL 42.50 the southern edges would require to be re-grassed to match the existing oval area.
- The site south of the car park nominated for future development would remain landscaped as existing but would be tidied up around the edges where construction works would have taken place.
- The areas of ground west of the car park (between the car park and the Transit Station) would be temporarily landscaped. These areas and the temporary car park are planned to be developed in the future to include the department store, service docks and additional parking.
- The area south of the extension between the 'Station Square' entry and the Transit Station above the tunnel would be a mixture of hard and soft landscaping. The soft landscaping would be restricted to grass and/or small shrub planting and ground cover due to minimal soil coverage over the tunnel. Beyond the tunnel confines where the soil depth is unrestricted the landscaping would be more varied.

Sequence of Development

The construction works are proposed to be implemented within a planned 30 month programme staged to ensure minimal inconvenience to both traders and shoppers alike. The staging is intended to allow the existing centre to continue to trade with acceptable access. The current eastern car park would be removed and reconfigured as part of the expansion.

The Forward Works stage of the contract would cover excavation and earth works, relocation of any existing services, installation of basic new services, construction of boundary retaining walls, temporary site access roads, cordoning off of existing areas for builders yard, various demolitions, erection of hoardings for temporary access to the East Mall, etc. Access would be maintained for disabled persons to and from Boas Avenue.

The main construction contract, Stage 1, would follow the completion of Forward Works contract. This would include the open area bounded by Boas Avenue, Grand Boulevard, Collier Pass, the Transit Station and the existing shopping centre. Demolition of the existing entry to the East Mall would be programmed to occur on the partial completion of the main construction contract (Stage 1). A temporary entrance to the East Mall would be provided for the duration of the demolition. Construction work at Station Square is proposed to commence once the demolition work is complete.

Alterations to the existing centre, Stage 2, would be programmed to commence once the main construction works (Stage 1) and existing East Mall entry were completed. This would allow the new food court to be commissioned before the existing food court was decommissioned. During the renovations to the East Mall, access would be restricted from the existing centre to the extension.

Future Concepts

To help conceptualise the possible configuration of Lakeside at full development, the applicants agreed with the City that conceptual plans and elevations would be included in the application documentation for illustrative purposes.

Figure 14 Indicative Concepts for Future Development Extending the Current Proposals along the Western Side of Grand Boulevard between Boas Avenue and Collier Pass



The five storey building with shops at street level and offices above indicated on the left hand side would be located at the corner of Collier Pass and Grand Boulevard is hypothetical. The darker blue area fronting Grand Boulevard behind the proposed supermarket represents the first stage for extending shops southwards from the proposed corner building in this application to act as a foil to the back of the supermarket. At the entrances to the upper deck car park off Grand Boulevard portals would be created with an upper floor carried over the portal to give the continuous urban wall effect sought by the JCCDPM. A special feature building would become the focus of the western axis of central park complementing the war memorial which would provide the east axis focus.

The conceptual plans and elevations illustrate how the 'urban wall' effect, which is an important design objective in the JCCDPM, could in future be carried southwards with two storey buildings along the Grand Boulevard frontage to the shopping centre site. This would achieve the Policy objective of screening the upper car park deck from Grand Boulevard.

The applicants maintain that professional advice received indicates that a department store would not be viable for about ten years. However the design makes provision for a future department store of two or three floors and its own service yard. The store would be located alongside the landscaped station forecourt at the north end of the station and would be accessed from the internal malls.

The future concepts do not form part of the current Development Application and there is no commitment implied or given by the owners on when or if such plans would be implemented.

Issues and Options Considered:

Council has the discretion to:

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

Link to the City of Joondalup Strategic Plan:

Objectives taken from the City of Joondalup Strategic Plan (2003-2008) are given in italics below, with responses below each.

Work with stakeholders to create a vibrant city centre and community

The City has worked with the applicants to ensure that, if approved, the proposed expansion of Lakeside Shopping Centre into the CBD with streetfront shopping, Station Square and many other facilities would enhance the vibrancy of the city centre and provide more opportunities for the city centre community.

Work towards a safe and secure environment

If the proposed extension were to be approved, the city would work with the owners of Lakeside Shopping Centre to ensure safety and security of the public using or traversing the centre was paramount.

3.1.2 Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

The city has been working with the applicants for the proposed extensions to Lakeside Shopping Centre to achieve this objective.

3.5.1 Develop partnerships with stakeholders to foster business development opportunities.

If developed, the proposed expansion of Lakeside Shopping Centre would open up many new business opportunities in the City.

3.5.2 Assist the facilitation of local employment opportunities.

The proposed extension of Lakeside Shopping Centre would create between 1,000 -1,100 permanent and part time jobs⁴ in the city centre. During the construction phase between 200 -300 jobs would be created.

Legislation – Statutory Provisions:

Council is required to have regard to the Statement of Planning Policy 4.2 – Metropolitan Centres Policy (2000) when assessing the application. The provisions of the JCCDPM and the following clauses are relevant in relation to the current application:

- Clause 3.11 The Centre Zone
- Clause 4.5 Variations to Site and Development Standards and Requirements
- Clause 4.8 Parking Standards
- Clause 4.10 Traffic Entrances
- Clause 4.12 Landscaping Requirements for Non-Residential Buildings.

⁴ Based on Australian average employment ratios per 1,000 m2 by shop type. Source: Urbis JHD July 2005.

- Clause 4.14 Storage and Rubbish Accumulation
- Clause 4.15 Commercial Vehicle Parking
- Clause 5.1 Control of Advertisements
- Subclause 6.8.1 of Matters to be Considered by Council

Risk Management Considerations:

- (a) There may be ongoing risk management considerations associated with increased vehicular traffic in the city centre.
- (b) The City may need to become involved with security arrangements for after hours through-centre movement of pedestrians to and from the station.

Financial/Budget Implications:

Improvements to the City's street infrastructure as a result of increased vehicular traffic generated from the proposed development may require a re-evaluation of budgetary priorities and the identification of new city infrastructure items to be financed.

Policy Implications:

Not applicable.

Regional Significance:

The proposal has major regional significance. It would enhance the role of Joondalup as the principal centre for the north-west corridor comprising the Cities of Joondalup and Wanneroo.

Sustainability Implications:

The sustainability of businesses in the city centre would be enhanced by the increased drawing power the proposed extensions to the Lakeside Shopping Centre. The proposed extension itself would be sustainable.

COMMENT**Consultation:**

The following consultation and advertising was undertaken:

- With the applicants, their architects and traffic engineers (frequent).
- Consultation with the Department of Planning and Infrastructure at officer level.
- Referral of the application to the Public Transport Authority (separately to Transperth and the Urban Rail Section within PTA) – Written responses were received.

The application was advertised in accordance with DPS2 for the period 12th September 2005 to close of business 3rd October 2005. It was advertised by:

- An advertisement in the local Community newspaper Thursday 8th September 2005
- Three signs to the correct dimensions of the site from 12th September to 4th October 2005
- On the City's website released 8th September to 4th October 2005.

Eight submissions were received in response to the advertising listed above. An analysis of the submissions with recommendations is attached to this report.

The original submission for Development Approval was submitted in April 2005. Through the process of evaluation by the City over the following months a number of changes were made to the design which better reflected the City's design objectives for the Central Business District (CBD). A revised submission in five parts which incorporated the outcomes of the evaluation process was re-submitted in August 2005. The issues and options canvassed during this evaluation period are discussed below.

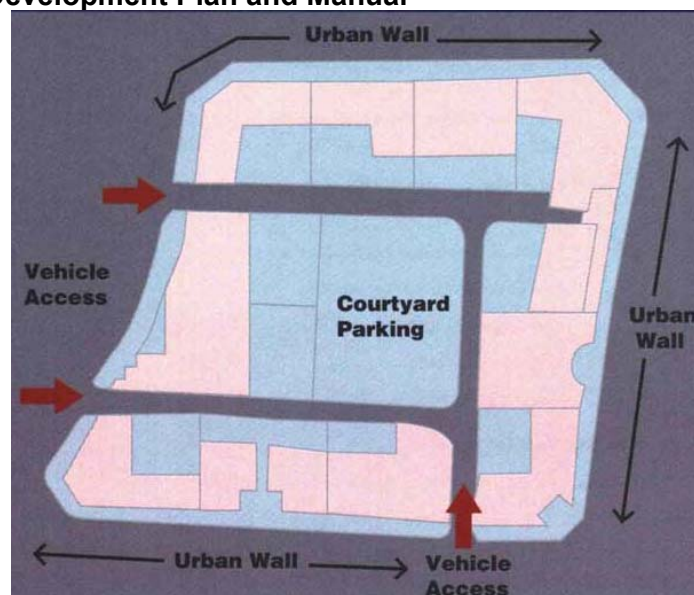
The original design the longer term development of the Lakeside Shopping Centre was based too much on being an extension of the existing 'box' style centre located in the Western Business District (WBD) rather than being part of the CBD of the City Centre.

The JCCDPM policy for the part of the CBD in which the proposed extension is located is that the retail component should focus on "city centre retailing" in contrast to the convenience retailing in the Western Business District (WBD). While "city centre retailing" is not defined the implication is that it is different to that of the WBD, on which the existing shopping centre is situated. The policy for the WBD supports a regional (box type) shopping centre.

The reference in the JCCDPM to "city centre retailing" is intended to convey that whereas an internally orientated shopping centre was appropriate in the WBD, within the CBD buildings, including shops, should be integrated into the fabric of the District. This requires that shops should be outwardly facing on the street front, providing as continuous an 'urban wall' as possible.

The difference in design philosophy between the WBD and CBD has been a major issue in this application. Big box centres focus activity internally to the site with service and parking areas peripherally placed between the centrally placed shopping and surrounding streets. Conversely, the JCCDPM for the CBD envisages that activity should be outwardly focused on the streets with servicing and parking internal – essentially screened from the streets - as shown in Figure 15.

Figure 15 Showing the Street Front Urban Wall Concepts for the CBD in the Joondalup City Centre Development Plan and Manual



Source: JCCDPM

Inevitably reconciling two fundamentally different design objectives has involved compromises. The following issues were raised (as dot points below). The applicant's responses and outcomes follow each issue (in italics):

- The curtain walling system comprising glazing and opaque panels with horizontal louvres on the upper floor of the feature corner building at Grand Boulevard and Boas Avenue which emphasises the horizontal (See Figure 5) was considered by the City to be inconsistent with the JCCDPM and the general character of other buildings in the CBD. Policy B4.2 requires that the building facades above street level be designed with a solid to void ratio so that glazing appears to be set into a solid composition. In achieving this, most existing buildings in the CBD have glazing and lines which emphasise the verticality rather than the horizontality of the building.

The applicants contended that while the style of the proposed corner building was different, it had architectural merit, and was appropriate for a large retail/office development in a city centre. The design was said by the applicants to:

- *Reflect contemporary architecture for large shopping centre developments.*
- *Complement the style of the existing Lakeside Shopping Centre of which it is an extension.*
- *Use materials and colours appropriate to a city centre.*

The outcome was that the applicants were not prepared to significantly alter the design of the corner building although a number of design improvements were made.

- The Grand Boulevard setback for the supermarket should facilitate future shops with rear service access. It should also facilitate future two storey developments with offices to match the eastern side of Grand Boulevard. If development of this strip was not viable at the current time landscaping should be used to buffer the street from the back of the supermarket.

The outcome of this suggestion was that long term plans were drawn to show that shops could be developed on the strip between Grand Boulevard and the back of the supermarket and serviced from the rear. The drawing is included in Part 4 of the Application. In the short term this strip would be landscaped.

- The entrances for service yards off Boas Avenue, particularly the larger eastern service yard with a 20 metre wide entrance would break the continuity of the shop frontage along the southern side of Boas Avenue. A suggestion was made to move the supermarket and DDS service yard to the upper parking area south of the supermarket, to be accessed by the second left in left out entrance currently proposed for the top deck parking. In this way it would be behind future shops which could also be serviced. The pedestrian access through the car park can be taken outside the service yard.

This was a major issue canvassed with the applicants. The outcome was that after a thorough investigation of alternatives it was demonstrated that the current location was the best solution in the overall context of the centre and the CBD. It was agreed that the entrance of the eastern service yard would be reduced from 20 metres wide to 14 metres.

- The original application did not have shops fronting Grand Boulevard. The rear of the service areas formed a blank wall fronting Grand Boulevard at street level. This was unacceptable in terms of its design merit. The applicants were requested to reduce the size of eastern service yard in Boas Avenue to create street level shops fronting Grand Boulevard (below the offices)

The outcome of this was that the service yard was reduced and replaced by street-front shops along Grand Boulevard. This change is shown on Figure 5.

- The main entrance to the upper deck car park on Grand Boulevard was located to cut through the southern stand of trees in the landscaped median at a position that does not align with the axis of Central Park to Grand Boulevard (as can be envisaged with reference to Figure 14). The impact to the aesthetics of Grand Boulevard would have been severe. The City requested that alternatives be investigated.

The outcome was that the entrance was moved about 30 metres south to widen an existing paved area thereby avoiding established trees. While not ideal this was a considered an acceptable compromise.

- The original application did not sufficiently address the JCCDPM policy for Station Square as an important public place and pedestrian route from the station. The applicants were requested to revise the design of the elements making up Station Square in keeping with the Policy. They were also requested to modify security arrangements to the internal malls bounding Station Square such that after hours access for pedestrian and cyclists is retained between the station and Boas Avenue. The City also suggested that the route between the station and Boas Avenue should be made as obvious and direct as possible.

The outcome of this was considerable improvements to the design of Station Square described on Pages 11-13 above. After-hours open times are to be negotiated with the Council and the PTA. This should be made a condition of approval.

- Concerns were raised about the safety of pedestrians exiting the northern end of the station if a link road joining the new parking areas on the east of the station to the existing parking areas on the west was located directly in front of the station. The proposal was referred by the City to the Public Transport Authority (PTA) for comment.

The outcome was that the applicants redesigned the link road to give pedestrians absolute priority over cars. Speed was to be controlled by traffic calming measures at the crossing. The revised design is reflected on Figure 7. The PTA has indicated support in principle for the link road but final design should be to its satisfaction.

- The original application contained numerous inconsistencies between the parking and road layouts in the Architect's drawings to those of Uloth. In addition other changes were requested.

The outcome was that the documentation in the Amended Version (August 2005) was made consistent and requested changes were included.

- Replacement parking for lost street parking could be accommodated on-site in a separate car park on the southern side of the shopping centre car park.

The outcome was that this has now been included in the Amended Application.

Whilst the traffic signals are proposed in the future, it will be recommended to Council, that the applicant fund the early installation of the proposed traffic lights. This would seek to address any potential traffic issues that would arise due to the increase generation of traffic once the shopping centre additions become operational.

A number of other minor issues raised by the City were also substantially resolved.

District Planning Scheme No 2

The following comments are made in relation to the proposed development and the DPS2:

DPS2 Clause 3.11 - The Centre Zone

The application, read in conjunction with Clause 9.8 of the DPS2 accords with the intentions of this clause.

DPS2 Clause 4.5 - Variations to Site and Development Standards and Requirements

This clause gives the Council the power to vary or waiver conditions in DPS2 and the JCCDPM.

DPS2 Clause 4.8 - Parking Standards

With respect to car park layouts, the applicants contended that the parking layout dimensions adopted by them are a correct interpretation of the Australian Standards. However the issue is not clear cut. It requires interpretation of the Standards.

DPS2 Subclause 4.8.1 - Parking Layout Dimensions

DPS2 subclause 4.8.1 requires that the dimensions of car parking bays and aisles be in accordance with Australian Standard AS/NZS 2890.1. No discretion is provided for in the Scheme.

The issue for the current application is whether the car parks in the new extension which fall into the CBD, should be considered under the standards applicable to 'city centre' car parking or under those for 'shopping centre' car parking. The standards are marginally different. The application complies with the 'city centre' standards, but not the 'shopping centre' standards.

Subclause 2.4.1 of AS/NZS 2890.1 states that parking spaces "shall be as shown in Figure 2.2." Figure 2.2 (in the AS/NZS 2890.1) shows a series of dimensions applicable to different User Classes, which are defined in Table 1.1 of AS/NZS 2890.1. Table 1.1 identifies six different User Classes, which are defined according to dual requirements of 'Required Door Opening' and 'Required Aisle Width'. Examples of uses within each User Class are also provided, with an explanatory note.

In Table 1.1 of AS/NZS 2890.1, User Class 3 is applicable to town and city centres parking as well as parking stations. The standard allows for "full opening, all doors" and provides an aisle width that is "minimum for single manoeuvre entry and exit". The Standard specifies a parking bay as 2.6 metres by 5.4 metres with an aisle width of 5.8 metres.

User Class 3A in Table 1.1 applies to shopping centres. It also allows for full opening of all doors, but provides an aisle width with "additional allowance above minimum single manoeuvre width to facilitate entry and exit". Examples of uses include "Short-term, high turnover parking at shopping centres". The Standard specifies a parking bay as 2.7 metres by 5.4 metres with an aisle width of 6.2 metres.

It is of note (although over-ridden by DPS2) that the JCCDPM standards for the CBD parking layouts are lower than both of the above. The bay dimensions specified are 2.5 metres by 5.5 metres with an aisle of 6 metres.

While there is no discretion to vary the standards in DPS2, there is flexibility provided within the Standards themselves. Note 1 to Table 1.1 of AS/NZS 2890.1 states that “the examples of uses are intended to be flexible and allow for progressive improvement both in the ease of manoeuvring into and out of the parking spaces, and in leaving and re-entering the vehicle as one progresses up the user class scale from 1 to 3A”.

Taking this intended flexibility from AS/NZS 2890.1 into account, the following comments are made in relation to the proposed car parking layouts:

- The extension is within the City Centre precinct in the City of Joondalup Design manual. This makes it a city centre development.
- The construction of the proposed multi-level car park within the Joondalup CBD is more characteristic of a city centre short term parking station than a typical open air suburban shopping centre car park.
- The new parking in the CBD would be multifunctional to the city insofar as there is nothing to stop people parked at the new car park visiting other parts of the City Centre at the same time as it would be within easy walking distance. This attribute is not characteristic of suburban shopping centres.
- The standard in AS/NZS 2890.1 applicable to shopping centres has not been applied consistently to other existing retail development in the CBD.

It is therefore considered appropriate to classify the proposed multi-level car park as ‘short-term City or Town Centre parking’ or as a ‘parking station’, under User Class 3 of AS2890.1, with which the application complies.

DPS2 Subclause 4.8.2 - Parking Provision

DPS2 subclause 4.8.2 (read in conjunction with DPS2 Table 2) specifies a parking requirement of 1950 spaces for 30,000m² NLA, plus 5.25 spaces per 100m² above 30,000m² up to 50,000m², plus 4.8 spaces per 100m² above 50,000m² for shopping centres.

The calculation in the Parking Schedule on Page 15 of the report shows a shortfall of 52 bays. In support of a parking waiver, Uloth argues that based on current usage patterns at Lakeside, other similar shopping centres and parking standards adopted elsewhere that the proposed provision of 3929 car bays for the combined centre after extensions would be sufficient.

The JCCDPM requires only 3.5 car bays per 100m² of commercial floor space in the CBD. On this basis the existing centre (42,075 m² retail) in the Western Business District would require 2584 bays (DPS2) and the new expansion in the Central Business District (29,054m² retail) would require 1017 bays (JCCDPM) making a total of 3601 bays which is 328 bays less than is proposed.

The two car parking standards in these documents are inconsistent. However, as the car parking standard in the DPS2 relates specifically to shopping centres, and having regard to the provisions of Clause 9.8.3(f) of the JCCDPM, the car parking standard from the DPS2 will be used.

Under Clause 9.8.3(f) of the JCCDPM, where an inconsistency exists, the provisions of the Scheme prevail. Consequently, there is a shortfall of car parking of 52 bays. It is recommended that the development be self-sufficient in relation to parking and the concession is not supported.

It should be noted there is sufficient space on the southern part of the eastern site to accommodate the shortfall of 52 bays on site just south of the parking garage and outside the additional replacement parking area. Should it be proved that the parking is in excess of

that required, the matter can be re-visited in the future following a review of the actual supply/demand for car parking from the new development.

In terms of cash-in-lieu, on 9 October 2001 the Council adopted (by resolution) an amount of \$8,100 as the amount payable for cash-in-lieu of parking where such proposals are considered. With the passage of time, due to escalation in land values and construction costs, that figure has been reviewed during 2005, and a detailed report is scheduled to be presented to Council in December 2005. Valuations and background research has been completed and supports a cash-in-lieu valuation for decked parking of up to \$35,000 per car bay.

DPS2 Clause 4.10 - Traffic Entrances

Clause 4.10 gives the Council discretion to require more or less ingress and egress points to a site.

The proposed traffic entrances are generally acceptable but further consideration is required with respect to:

- (a) The access into the western service yard off Boas Avenue. Figure 13 above indicates the removal of an existing section of pedestrian island at the corner of Boas Avenue and McLarty Avenue to provide access to proposed (western) service yard. This would be undesirable as this island forms part of an important pedestrian link to the lower area of shopping centre and cinema complex. The applicant should be required to demonstrate alternative channelisation arrangements for this corner to ensure equivalent or better pedestrian safety.
- (b) The proposed two-way access off Grand Boulevard to the upper deck car park indicated on Fig 9 of Part 3 of the Application (Driveway 9). In principle this layout is acceptable to the City. However, if the application is approved consideration needs to be given to the following items at detailed design stage:
 - (i) Sight lines when undertaking right turn manoeuvre from median onto Grand Boulevard (Southbound) would be restricted. The right turn pocket and median trees could obscure visibility.
 - (ii) Visibility/geometry when entering onto Grand Boulevard (Southbound) from eastern 'CAP' road needs further consideration.
 - (iii) The intersection of Grand Boulevard (Southbound) and median parking entry break may require some form of traffic channelisation to reduce possible traffic conflict at this interface.
 - (iv) A 'road safety audit' should be required to form part of the detailed design process at building approval stage.
- (c) Should it be required, the replacement 46 bay car park indicated on Figure 12 should be subject to a legal agreement, at the applicant's cost, to protect the City rights in regard to the provision and operation of replacement parking.
- (d) Changes to external roads required as a direct result of the traffic ingress and egress to the proposed parking and service areas should be to the cost of the applicant.

Appropriate conditions of approval should be included to cover the above issues.

DPS2 Clause 4.12 - Landscaping Requirements for Non-Residential Buildings.

DPS2 subclause 4.12.1 requires that *a minimum of 8% of the site be designed, developed and maintained as landscaping to the satisfaction of the Council. In addition the road verge adjacent to the lot shall be landscaped and maintained in a clean and tidy condition to the satisfaction of the Council.*

The existing Lakeside Shopping Centre was developed on the western side of the railway with virtually no landscaping. However this was offset by the mostly undeveloped eastern side of the site and Station Square over the railway both of which were landscaped or the natural bush retained. This amounted to 5.6470 hectares (approximately) which easily satisfied the 8% requirement. However, now it is proposed that most of the eastern side of the site will be developed.

With the proposed expansion onto the eastern side of the site and over most of the air rights over the railway the undeveloped area and existing landscaping would be considerably reduced. The areas formally designed as landscaped area in the current application (described in dot point form on Page 20) including the landscaped part of Station Square would amount to approximately 1.3280 hectares including a vegetated wetland swale in the south west corner of the site of the existing centre. The 6,790m² of the undeveloped remainder of the site would retain its landscaping and natural bush making a total of 2.000 hectares (approximately). This would satisfy the 8% requirement.

The landscaping requirements and provision associated with the proposed landscaping extensions are summarised in the following schedule:

Landscape Schedule

Item	Area (ha.)
Required	
Overall site area including Air Rights area of the railway	24.1092
Landscaping area required 8%	1.9287
Provided	
Vegetated swale in south-west corner of site (existing)	0.5300
Landscape strip behind supermarket (proposed)	0.0900
Station Square and associated landscaping	0.3280
North of Station	0.3500
Other smaller areas of landscaping	0.0300
Undeveloped south east part of site (landscaping retained)	0.6790
Total of landscaped areas	2.0070

DPS2 subclause 4.12.2 requires that *'when a proposed development includes a car parking area abutting a street, a landscaped strip no less than 3 metres wide within the lot along all street boundaries shall be designed, developed and maintained as landscaping to a standard satisfactory to the Council. This landscaping area shall be included in the minimum 8% of the area of the total development site referred to in the previous subclause'.*

No peripheral landscaping has been provided along the roads bounding the existing Lakeside Shopping Centre. It would not be possible to provide landscaping for the proposed parking areas fronting Grand Boulevard because the parking is proposed to be in structures. Also, in the longer term, this frontage would be developed to continue the urban wall effect on Grand Boulevard envisaged in Figure 14 above, which would effectively screen the parking areas from the street.

It is considered therefore that a waiver from the requirements of subclause 4.12.2 should be granted in this instance.

DPS2 subclause 4.12.3 requires inter alia that *shade trees shall be planted and maintained by the owners in car parking areas at a rate of one tree for every four (4) car parking bays, to the Council's satisfaction.*

Most of the car parking in the proposal would be in structures under cover. On the upper deck parking fronting Grand Boulevard it is proposed to provide shade by a tensile fabric shade structures. Also shade trees are not a feature of the existing Lakeside Shopping Centre parking areas.

It is therefore considered that a waiver from the requirements of subclause 4.12.3 should be granted.

Clause 4.14 Storage and Rubbish Accumulation

Clause 4.14 requires that rubbish areas be effectively screened and be accessible to rubbish collection vehicles.

The application complies with the requirements of this clause.

Clause 4.15 Commercial Vehicle Parking

This Clause sets out requirements for the parking of commercial vehicles in various zones including the Centre Zone. However in terms of subclause 4.15 (e) vehicles stopped for less than one hour in 24 are not considered parked.

Commercial vehicles servicing the expanded shopping centre from Boas Avenue would stop only for unloading purposes and rubbish collection. There would be no parking likely to exceed the one hour in 24 stipulated in subclause 4.15 (e).

Clause 5.1 Control of Advertisements

Clause 5.1 and its subclauses set out controls for advertising.

The applicants note in their application that signage including advertising and external graphics would be subject to a separate Development Application.

Subclause 6.8.1 of Matters to be Considered by Council

Subclause 6.8.1 requires that the Council, when considering an application for Planning Approval have due regard to a checklist of planning, policy and consultative factors.

This report and attached summary of submissions received in response to the advertising of the application addresses the requirements of this subclause.

Joondalup City Centre Development Plan and Manual (JCCDPM)

The application falls within the CBD policy precinct of the JCCDPM. Rather than canvass all the policies with which the application complies, the more important policies and the exceptions will be canvassed. The policy being considered is given in italics below.

General Policy for the CBD

The retail component of the (Central Business) District will focus on "city centre retailing" in contrast to the convenience retailing in the Western Business District.

"City centre retailing" is not defined other than it should contrast with that of the existing Lakeside Shopping Centre in the Western Business District. While there would be considerable duplication or even triplication of shop types in the expanded centre to those

found in the existing Lakeside Shopping Centre and other centres, it is probable that the added strength of the centre offered by greater comparison shopping opportunities would increase the number of customers to the centre and thereby attract more specialist shops such as boutiques, gift shops and healthy food outlets. It is likely that the expansion would also add vitality to the rest of the CBD along Grand Boulevard and Boas Avenue which would then attract a greater diversity of restaurants, cafes and coffee shops.

Station Square, above the railway, will be a major node of the City, supporting retail and entertainment activities as well as being an interfacing element between transport modes. Its location at the junction of the major pedestrian axes will reinforce its prominent position in the structure of the City

The proposals for Station Square as three distinct spaces each with its own character as described on Pages 10 -13 address this objective.

CBD Policy A3.1 - Car Parking

The Policy Specifies 3 bays per 100m² NLA for all commercial development. The actual amount provided is 5.51 per 100m² NLA – well in excess.

The dimension for the layout of right angle car parking bays specifies bays of 2.5 metre wide by 5.5 metre long with a 6 metre wide aisle. The dimensions of the car parking in the application exceed this. (However, with respect to parking provision, the provisions of DPS2 for parking discussed on Pages 26-28 prevail over the JCCDPM).

CBD Policy A4.1 - Building on Street Fronts

Buildings shall be built to the street property line creating an “urban wall”, excepting entries and forecourts, where approved.

The application mostly complies in Boas Avenue and Grand Boulevard. However, the supermarket is proposed to be set back 10 metres which would be landscaped until street front shops fronting Grand Boulevard were developed as the next stage of development. The applicants have demonstrated how an extended ‘urban wall’ along Grand Boulevard could be achieved in the longer term – see Figure 14.

CBD Policy B1.2 & 1.3 - Facades and Corners

Facades should address street frontages and in the case of corner properties, both street frontages.

The corners of buildings should be designed to articulate the corner, especially at landmark or nodal locations as designated in P2 and P3.

The intersection of Grand Boulevard and Boas Avenue is a nodal location. Both of these policies have been addressed – see Figures 4 & 5.

CBD Policy B2.3 On-Grade Parking

Where a car parking area abuts a street frontage between buildings there shall be a strong landscaped or built edge at the property line to reinforce the continuity of the built edge to the street in accordance with B1.6.

The upper deck car parking on the southern side of the proposed extension abuts Grand Boulevard. However, the Grand Boulevard road reserve is recessed 18 metres so that from the approaches the parking area would not be visible. In the longer term the frontage would

be developed with two storey buildings that would shield the parking area behind – see Figure 14.

CBD Policy B4 - Floor Levels at Streetfront.

This policy requires that floor levels of buildings fronting the street be at street level. On sloping sites such as Boas Avenue the Policy specifies allowable average heights above street level.

The proposed floor levels of shops fronting Grand Boulevard and Boas Avenue in the application satisfy this policy.

CBD Policy B5 – Roofscape

This policy requires that the roofscape be treated as an integral part of the building design, in which the view from above as well as below must be considered. Also, mechanical plant and equipment should be screened from street front and upper floors of surrounding building so far as possible.

Roofscape is not addressed in the application and details of how the proposed roofscape complies with this Policy should be made a condition of approval.

Development Plan Policy P4.2 & CBD Policies B6 - Solid-Void Ratios for North-South and East-West facing Facades

These policies address the amount of glazing on the side of buildings as it affects the appearance of buildings and in the interests of energy efficiency.

P4.2 The building facades above street level be designed with a solid to void ratio so that glazing appears to be set into a solid composition.

The proposed building on the corner of Grand Boulevard and Boas Avenue would not conform to this policy. The applicants argue that while the curtain wall glazing and panelling style was different, it had architectural merit, and was appropriate for a large retail/office development in a city centre. Also, it was argued that as an extension of the existing Lakeside Shopping Centre the architectural style had to be compatible.

B6.1 The design of glazing area of north facing facades to optimise winter solar gain is encouraged. The glazed area of the north and south faces of a building shall not exceed 75% of the total wall area, except at the ground floor level where the provisions of B2 shall apply.

B6.2 The glazed area of building facades on the east and west faces shall generally not exceed 50% except on ground floors where B2 shall apply. Glazed areas of east and west facades must be protected from the sun.

CBD Policies B6.1 & 6.2 apply to the building at the corner of Grand Boulevard and Boas Avenue. Both the northern and eastern facades are proposed to be given the same treatment. The percentage of glazing proposed for both facades is 48.1% which technically complies with both policies although it is not in the spirit of B6.1 for the benefits of solar gain for the north facing façade.

Continuity of design for the two sides of the building (north and east) was considered aesthetically and functionally more important to the integrity of the building which would be viewed as an entity than different glazing ratios.

The style proposed for the landmark building at the corner of Grand Boulevard and Boas Avenue would be different to most other buildings in the CBD. Most existing buildings in the CBD have glazing and lines, which emphasise the verticality rather than the horizontality of the building.

The matter of design of the corner building has been taken through a number of variations on the same theme with the applicants as can be seen from sketches contained in Part 4 of the Application. The City considers the current proposal the best that can be achieved with this style of building.

CBD Policy B7 – Pedestrian Shelter

B7.1 & B7.4 Developments abutting streets and public thoroughfares should provide means of shelter for pedestrians in the form of either awnings or colonnades designed to maintain the continuous urban wall. Awnings should be a minimum of two metres wide.

Continuous awnings a minimum of two metres wide (required in Policy B7.4) have been provided as indicated on Figures Nos 4 & 5.

CBD Policy B8 – Signage

Signage, including advertising and external graphics is to be the subject of a separate Development Application.

CBD Policy C3 – Services and Servicing

Services and Servicing arrangement have not been addressed in the Development Application and should be subject to conditions of Development Approval.

CBD Policy C4 – Lighting of Buildings and Open Space

Lighting of the exterior of buildings and on-site open spaces and pedestrian ways is to be the subject of a separate Development Application.

CBD Policy C5 – Public Safety and Security

In order to encourage activity throughout the public space network of the City, the maintenance of Public Safety through the following design considerations is a high priority

C5.1 Avoid obscured corners and dead end alleys

The proposal generally complies with this condition in public spaces.

C5.2 Public spaces must create a network with a high level of visual exposure.

Lakeside Shopping Centre, if extended, would be a large building with a number of public open spaces which are not visible from adjoining streets or occupied buildings. Station Square and the lower and mezzanine floors would be obscured and visually isolated after hours. Similarly the below-street level parking decks should have satisfactory security arrangements. Arrangements for monitoring these spaces and maintaining security and safety should be a condition of approval.

C5.3 Do not create spaces with blank walls which are not overlooked from occupied space.

In some cases this would be unavoidable if the proposed extensions proceed. For example, the landscaped forecourt, part of Station Square, just north of the station would not be visible from any bounding street or occupied space. Arrangements for monitoring these spaces and maintaining security and safety should be a condition of approval.

C5.4 Security and safety lighting must be provided throughout.

Details of security and safety lighting should be provided to the satisfaction of the City of Joondalup and should be included as a condition of approval.

C5.5 Security grilles and grates shall be designed as an integral part of the architecture.

No details of such grilles or grates have been provided. If these are to be used for any external part of the buildings they should be designed to the satisfaction of the City.

CBD Policy 7 – Landscaping and Open Space

The Policy requires that:

C7.1 Where natural vegetation remains on a site, clearing should not occur until immediately prior to development.

This would be done on the site and would be the case for the remaining part of the site not to be developed (towards Collier Pass).

C7.2 Existing vegetation and local species should be integrated with the development so far as possible

It is recommended that this included as a condition of approval.

C7.3 In staged developments any undeveloped areas of the site should be landscaped to the satisfaction of the authorities.

See C7.1. Other undeveloped parts of the site would be landscaped to the satisfaction of the City of Joondalup. This should be a condition of approval.

C7.4 Where landscaped public plazas and courts are provided these should be accessible from public thoroughfares.

The proposal complies with this requirement.

C7.5 Access provision for those with disabilities and limited mobility shall be provided in accordance with the relevant Australian Standards(AS 1428.1)

The proposal complies with this requirement.

C7.6 Where Public Accessways, Plazas and courts are provided within the site, they will not be measured as part of GLA. The design of the public space should meet the following criteria:

- *Public accessibility will be maintained at all hours*

The proposal complies with the requirement.

- *The design of the public accessways on private property which link with the City pedestrian network, should be in keeping with the landscape detail of the public space.*

The proposal complies with this requirement.

- *The space will be illuminated after hours to a level adequate for visibility and public safety*

Lighting of on-site external public spaces and pedestrian ways has not been addressed in the Development Application. Lighting to the satisfaction of the City of Joondalup should be a condition of approval.

CBD Policy C8 – Materials

C8.1 Materials used on the exterior of the building and in the public realm shall be of a robust nature, durable and resistant to vandalism.

C8.2 Materials shall be appropriate for use in a city centre.

The materials to be used for the exteriors of the main part of the centre behind the streetfront foil of shops and offices are proposed to be similar to the existing centre. The upper level of the corner building would have a curtain walling system of glazing and opaque coloured panels (metal or some other synthetic material) with structural silicone vertical joints where allowed by Australian Standards. The glazing and panelling would be divided at 730 mm intervals by horizon louvres for shading. There would be an awning above the streetfront shops. (See Figures 4 & 5).

The applicant states that these materials and curtain wall style of construction are appropriate to a major retail/office development in a city centre and are compatible with the style of the existing Lakeside Shopping Centre.

In the context of being a major extension to an existing shopping centre the City considers that, while different to other buildings in the CBD, the style of proposed extensions would be acceptable.

C8.3 Materials and colours are encouraged to recognise those of the local environment.

The applicants state that the colours and materials would take cognisance of the local landscape where the selection was practical and that the colours would complement the existing shopping centre. However they noted that there are sufficient examples of other buildings within the CBD to establish a colour palette acceptable to the City of Joondalup. The colours indicated on the artists perspectives (examples are Figures 4-10 above) are basically neutral off-white and light beige for walls, natural metallic finishes for shop front frames, entry claddings louvres etc. Some strong colours may be used in small areas to highlight major features such as entries. These colours would generally be taken from the colours used on the existing centre.

The City considers that there is insufficient detail on colour and material provided to have an accurate idea of the final appearance of the building. A schedule of materials with a corresponding colour palette to the satisfaction of the City should be made a condition of approval.

C8.4 Materials selection should be made with consideration to the policies in section P8.

The policies in P8 relate to the energy efficiency of buildings. Shopping centres based on internal malls are climate controlled and are high users of energy. The insulation properties

of the materials proposed to be used in construction, especially the tensile dome roofs used in the existing centre and proposed for the extension, have not been not addressed in the application. It should be made a condition of approval.

Statement of Planning Policy 4.2 – Metropolitan Centres Policy (2000)

Subclause 4.2.2 - Strategic Regional Centres

Strategic Regional Centres will be promoted and maintained as the main metropolitan centres outside the Perth Central Area as major multipurpose and employment centres containing a full range of regional shopping, office administrative, social entertainment, recreation and community services.

Joondalup is classified as a “main street” Strategic Regional Centre.

Subclause 4.2.2 - Strategic Regional Centres

Shopping floorspace should generally be confined to 80,000 m² (NLA) unless consistent with a Commission endorsed Local Planning Strategy or centres plan.

In the case of the Joondalup Strategic Regional Centre, a Local Commercial Strategy has been endorsed by the WAPC and the upper floor space limit for the entire CBD area is 100,000m² NLA.

Appendix 1 – Development Approval Requirements

Referral to the Western Australian Planning Commission is required If the shopping floorspace exceeds 80,000 m² nla unless consistent with a Commission endorsed centre plan or local commercial strategy, the shopping centre floorspace exceeds any endorsed structure plan or subsequent town planning scheme.

Based on the latest Department of Planning and Infrastructure data available⁵ the shopping floorspace (as defined by uses listed in Appendix 4 of the Centres Policy) for the whole Strategic Regional Centre would be 78,162m² NLA after the expansion occurs (Note that not all business types in Lakeside Shopping Centre or the remainder of the city centre are listed in Appendix 4).

The Council can therefore determine the application without referral to the WAPC.

Clause 5.4 Shopping Floorspace Guide.

This Clause states inter alia:

Notwithstanding the indicative centre sizes specified in the Shopping Floorspace Guide or any endorsed Local Planning Strategy or centre plan, additional retail developments in “main street” centres in Strategic Regional, Regional and District Centres of up to 1,000 m² do not need to be referred to the Commission for determination, provided the net total of retail floorspace resulting from such developments in any one centre does not increase by more than 2,500 m² in any one calendar year.

Should the floorspace in the Strategic Regional Centre exceed the 80,000 m² NLA limit some time in the future, this clause provides some leeway for smaller retail development

⁵ Department of Planning and Infrastructure Statistical Branch PLUS Survey 2002 Version dated 5th April 2005.

CONCLUSION

The proposed development will result in an almost doubling of the size of the existing centre. The size of the centre is in keeping with WAPC guidelines and accords with the objectives set out in the JCCDPM. The strengthening of this centre will further reinforce its role in relation to the CBD and the CBD as a regional centre.

The development generally accords with the planning framework. A variation to car parking is not supported and the applicant has been requested to provide the required amount of parking, which can be provided on-site.

With the increase in the size of the centre, there will be an impact on the existing road system. Changes to the existing network should be provided at the cost of the developer, including a contribution to the cost of the installation of new traffic lights at the intersection of Joondalup Drive and Collier Pass.

The relationship between the shopping centre/CBD/train station is a key element to supporting the further development of the CBD. However, the need to ensure that proper public access through the shopping centre is a critical element. To ensure that this linkage is maintained and reinforced a condition of approval is proposed.

Submissions have been received on the application during the submission period. These have been identified in the attachment and addressed within the report.

Other specific conditions are proposed to address certain issues, including the effect of the construction phase of the proposed development on the locality.

Having regard to the content of the report, it is recommended that the application be approved with appropriate conditions.

ATTACHMENTS

Attachment 1 Analysis of Submissions in response to the advertising of the application with recommendations

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 EXERCISES discretion under clause 4.5.1 of the City's District Planning Scheme No. 2 and, recognising future development possibilities, determines that the three metre wide landscape strip along Grand Boulevard required in terms of DPS2 subclause 4.12.2 is not required to be provided in this instance.
- 2 APPROVES the application for Planning Approval, Amended Version in Five Parts, dated August 2005, submitted by Cameron, Chisholm and Nichol (WA) Pty Ltd on behalf of the owners, ING Retail Property Fund Australia for extensions to the Lakeside Shopping Centre subject to the following conditions:
 - (a) The submission of revised or additional information for approval by the City, to address the following issues:
 - (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;

- (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
 - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7 (refer to footnote (a));
 - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
 - (v) a lighting plan that addresses the JCCDPM;
 - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b));
 - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
 - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
- (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.
- (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.
- (d) All new car parking bays are to comply to standards for car bay dimensions for short term parking in a city centre (User Class 3) in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2.
- (e) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters:
- (i) The applicant shall:
 - (A) provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and
 - (B) require any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);
 - (ii) the provision of off street at grade and multi deck parking is to be staged so that there is no net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;

- (iii) any loss of on-street parking in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
- (iv) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
- (v) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1710 bays, excluding any on-site parking provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;
- (vi) overall, the development shall have a minimum of 3981 car parking spaces to satisfy the overall car parking requirements of District Planning Scheme No 2;
- (vii) any loss of car parking in Boas Avenue or Grand Boulevard is required to be provided on-site, but separate from the shopping centre car parking requirement;
- (viii) The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;
- (ix) The provision of bicycle parking facilities at appropriate locations, including signage, storage and access;
- (f) Any changes to the approved car parking management plan required in condition (e) will require the further approval of the City;
- (g) Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant;
- (h) Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City;
- (i) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners;
- (j) The owners arranging at its cost for the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection to the satisfaction of the City and MRWA prior to the opening of the Shopping Centre Development;
- (k) All channelisation treatments including modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost;

- (l) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost;
- (m) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002). These areas are to be constructed as part of the building program;
- (n) Prior to the commencement of earth works on the site, a traffic management plan for heavy vehicles shall be submitted and approved by the City;
- (o) Details of dust suppression measures shall be submitted for approval by the City;
- (p) All existing vegetation on the site which is not considered worthy of retention or transplanting, as determined by the City, shall be mulched, stored and used on site. Excess mulch, if any, shall be disposed of in a manner satisfactory to the City;
- (q) Prior to any construction or earth works commencing, a drainage plan shall be produced and submitted for approval by the City;
- (r) Prior to works commencing on the approved development, a construction plan and program shall be developed and approved by the City of Joondalup (refer to footnote (c)). The agreement will incorporate measures that require the City's approval for any changes to the agreed works plan and program;
- (s) Should streets adjoining the site become dirty or littered through earthworks and construction activities, the owner shall, following the directions of the City, be responsible for clearing such dirt or rubbish to the satisfaction of the City;
- (t) Where any works will impact on adjoining streets, a program for such works including rehabilitation works shall be submitted for approval by the City, prior to the commencement of works;
- (u) Prior to works commencing on the site, the owners shall:
 - (i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;
 - (ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part (q)(i) above, for the City's approval;
 - (iii) any proposals to change the approved details referred to in part (q)(i) will require the City's approval, including consultation with the Public Transport Authority;
- (v) Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval before such changes can occur;

- (w) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application;
- (x) A safety and security plan for all public spaces on the site and including after hours, is to be submitted to the satisfaction of the City. Such plan to be developed following consultation with the Joondalup Police and/or Office of Crime Prevention;
- (y) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded;
- (z) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence;
- (aa) Any proposed class 1 food tenancies shall be provided with a rear service entry;
- (bb) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997;
- (cc) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application;
- (dd) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City.

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;
- (d) Where parking is to be provided in structures in the CBD, the parking so provided shall comply with Australian Standards for parking AS2890.1 Table 1.1 (User Class 3) for purposes of the 'Classification of Off-Street Parking Facilities';
- (e) Development shall comply with the Environmental Protection (Noise) Regulations 1997;
- (f) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock;

- (g) Development shall comply with the relevant provisions of the Health (Food Hygiene) Regulations 1993, the Health (Public Building) Regulations 1992 and the Health Act 1911;
- (h) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- (i) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall;
- (j) With regards to condition (m) above, the applicant should note the following points which have been noted as giving possible cause for concern:
- Parking bay dimensions are to comply with User Class 3 as determined in AS/NZS 2890.1 table 1.1 and figure 2.2;
 - Parking bay dimensions are to be taken from the face of any adjacent post or structure;
 - Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;
 - Sight distance requirements. AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;
 - Driveway grades. AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;
 - Ramp widths. AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 3 This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 4 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of up to \$35,000 per bay.

MOVED Cmr Anderson, SECONDED Cmr Smith that Council:

- 1 EXERCISES discretion under clause 4.5.1 of the City's District Planning Scheme No. 2 and, recognising future development possibilities, determines that the three metre wide landscape strip along Grand Boulevard required in terms of DPS2 subclause 4.12.2 is not required to be provided in this instance.**
- 2 APPROVES the application for Planning Approval, Amended Version in Five Parts, dated August 2005, submitted by Cameron, Chisholm and Nichol (WA) Pty Ltd on behalf of the owners, ING Retail Property Fund Australia for extensions to the Lakeside Shopping Centre subject to the following conditions:**

- (a) The submission of revised or additional information for approval by the City, to address the following issues:
 - (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;
 - (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
 - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7 (refer to footnote (a));
 - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
 - (v) a lighting plan that addresses the JCCDPM;
 - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b));
 - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
 - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
- (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.
- (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.
- (d) All new car parking bays are to comply to standards for car bay dimensions for short term parking in a city centre (User Class 3) in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2.
- (e) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters:
 - (i) The applicant shall:
 - (A) provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and

- (B) require any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);
 - (ii) the provision of off street at grade and multi deck parking is to be staged so that there is no net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;
 - (iii) any loss of on-street parking in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
 - (iv) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
 - (v) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1710 bays, excluding any on-site parking provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;
 - (vi) overall, the development shall have a minimum of 3981 car parking spaces to satisfy the overall car parking requirements of District Planning Scheme No 2;
 - (vii) any loss of car parking in Boas Avenue or Grand Boulevard is required to be provided on-site, but separate from the shopping centre car parking requirement;
 - (viii) The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;
 - (ix) The provision of at least 48 public and 14 staff bicycle parking facilities at appropriate locations in close proximity to all entry points to the shopping centre on the subject site, including signage, storage and access;
- (f) Any changes to the approved car parking management plan required in condition (e) will require the further approval of the City;
 - (g) Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant;
 - (h) Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City;

- (i) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners;
- (j) The owners arranging at its cost for the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection to the satisfaction of the City and MRWA prior to the opening of the Shopping Centre Development;
- (k) All channelisation treatments including modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost;
- (l) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost;
- (m) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002). These areas are to be constructed as part of the building program;
- (n) Prior to the commencement of earth works on the site, a traffic management plan for heavy vehicles shall be submitted and approved by the City;
- (o) Details of dust suppression measures shall be submitted for approval by the City;
- (p) All existing vegetation on the site which is not considered worthy of retention or transplanting, as determined by the City, shall be mulched, stored and used on site. Excess mulch, if any, shall be disposed of in a manner satisfactory to the City;
- (q) Prior to any construction or earth works commencing, a drainage plan shall be produced and submitted for approval by the City;
- (r) Prior to works commencing on the approved development, a construction plan and program shall be developed and approved by the City of Joondalup (refer to footnote (c)). The agreement will incorporate measures that require the City's approval for any changes to the agreed works plan and program;
- (s) Should streets adjoining the site become dirty or littered through earthworks and construction activities, the owner shall, following the directions of the City, be responsible for clearing such dirt or rubbish to the satisfaction of the City;
- (t) Where any works will impact on adjoining streets, a program for such works including rehabilitation works shall be submitted for approval by the City, prior to the commencement of works;

- (u) Prior to works commencing on the site, the owners shall:
 - (i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;
 - (ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part (q)(i) above, for the City's approval;
 - (iii) any proposals to change the approved details referred to in part (q)(i) will require the City's approval, including consultation with the Public Transport Authority;
- (v) Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval before such changes can occur;
- (w) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application;
- (x) A safety and security plan for all public spaces on the site and including after hours, is to be submitted to the satisfaction of the City. Such plan to be developed following consultation with the Joondalup Police and/or Office of Crime Prevention;
- (y) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded;
- (z) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence;
- (aa) Any proposed class 1 food tenancies shall be provided with a rear service entry;
- (bb) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997;
- (cc) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application;
- (dd) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City.

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;
- (d) Where parking is to be provided in structures in the CBD, the parking so provided shall comply with Australian Standards for parking AS2890.1 Table 1.1 (User Class 3) for purposes of the 'Classification of Off-Street Parking Facilities';
- (e) Development shall comply with the Environmental Protection (Noise) Regulations 1997;
- (f) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock;
- (g) Development shall comply with the relevant provisions of the Health (Food Hygiene) Regulations 1993, the Health (Public Building) Regulations 1992 and the Health Act 1911;
- (h) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- (i) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall;
- (j) With regards to condition (m) above, the applicant should note the following points which have been noted as giving possible cause for concern:
 - Parking bay dimensions are to comply with User Class 3 as determined in AS/NZS 2890.1 table 1.1 and figure 2.2;
 - Parking bay dimensions are to be taken from the face of any adjacent post or structure;
 - Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;
 - Sight distance requirements. AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;

- Driveway grades. AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;
 - Ramp widths. AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 3 This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 4 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of up to \$35,000 per bay.

1ST AMENDMENT MOVED Cmr Smith, SECONDED Cmr Fox that the following words be added at the end of Point 2 (dd):

“.....and/or screening of public art quality that is suitable to complement the Central Park and War Memorial.”

Discussion ensued.

During discussion, Cmr Clough left the Chamber at 2023 hrs and returned at 2025 hrs.

The 1st Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

2ND AMENDMENT MOVED Cmr Clough, SECONDED Cmr Smith that Point 4 of the Motion be amended to read as follows:

“4 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of \$25,440 per bay.”

Cmr Clough queried the actual cash-in-lieu amount in relation to each bay.

The 2nd Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion as amended, being:

That Council:

- 1 **EXERCISES** discretion under clause 4.5.1 of the City's District Planning Scheme No. 2 and, recognising future development possibilities, determines that the three metre wide landscape strip along Grand Boulevard required in terms of DPS2 subclause 4.12.2 is not required to be provided in this instance.
- 2 **APPROVES** the application for Planning Approval, Amended Version in Five Parts, dated August 2005, submitted by Cameron, Chisholm and Nichol (WA) Pty Ltd on behalf of the owners, ING Retail Property Fund Australia for extensions to the Lakeside Shopping Centre subject to the following conditions:
 - (a) The submission of revised or additional information for approval by the City, to address the following issues:

- (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;
 - (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
 - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7 (refer to footnote (a));
 - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
 - (v) a lighting plan that addresses the JCCDPM;
 - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b));
 - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
 - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
- (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.
- (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.
- (d) All new car parking bays are to comply to standards for car bay dimensions for short term parking in a city centre (User Class 3) in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2.
- (e) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters:
 - (i) The applicant shall:
 - (A) provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and
 - (B) require any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);

- (ii) the provision of off street at grade and multi deck parking is to be staged so that there is no net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;
 - (iii) any loss of on-street parking in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
 - (iv) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
 - (v) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1710 bays, excluding any on-site parking provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;
 - (vi) overall, the development shall have a minimum of 3981 car parking spaces to satisfy the overall car parking requirements of District Planning Scheme No 2;
 - (vii) any loss of car parking in Boas Avenue or Grand Boulevard is required to be provided on-site, but separate from the shopping centre car parking requirement;
 - (viii) The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;
 - (ix) The provision of at least 48 public and 14 staff bicycle parking facilities at appropriate locations in close proximity to all entry points to the shopping centre on the subject site, including signage, storage and access;
- (f) Any changes to the approved car parking management plan required in condition (e) will require the further approval of the City;
- (g) Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant;
- (h) Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City;

- (i) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners;
- (j) The owners arranging at its cost for the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection to the satisfaction of the City and MRWA prior to the opening of the Shopping Centre Development;
- (k) All channelisation treatments including modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost;
- (l) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost;
- (m) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002). These areas are to be constructed as part of the building program;
- (n) Prior to the commencement of earth works on the site, a traffic management plan for heavy vehicles shall be submitted and approved by the City;
- (o) Details of dust suppression measures shall be submitted for approval by the City;
- (p) All existing vegetation on the site which is not considered worthy of retention or transplanting, as determined by the City, shall be mulched, stored and used on site. Excess mulch, if any, shall be disposed of in a manner satisfactory to the City;
- (q) Prior to any construction or earth works commencing, a drainage plan shall be produced and submitted for approval by the City;
- (r) Prior to works commencing on the approved development, a construction plan and program shall be developed and approved by the City of Joondalup (refer to footnote (c)). The agreement will incorporate measures that require the City's approval for any changes to the agreed works plan and program;
- (s) Should streets adjoining the site become dirty or littered through earthworks and construction activities, the owner shall, following the directions of the City, be responsible for clearing such dirt or rubbish to the satisfaction of the City;
- (t) Where any works will impact on adjoining streets, a program for such works including rehabilitation works shall be submitted for approval by the City, prior to the commencement of works;

- (u) Prior to works commencing on the site, the owners shall:**

 - (i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;**
 - (ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part (q)(i) above, for the City's approval;**
 - (iii) any proposals to change the approved details referred to in part (q)(i) will require the City's approval, including consultation with the Public Transport Authority;**
- (v) Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval before such changes can occur;**
- (w) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application;**
- (x) A safety and security plan for all public spaces on the site and including after hours, is to be submitted to the satisfaction of the City. Such plan to be developed following consultation with the Joondalup Police and/or Office of Crime Prevention;**
- (y) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded;**
- (z) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence;**
- (aa) Any proposed class 1 food tenancies shall be provided with a rear service entry;**
- (bb) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997;**
- (cc) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application;**
- (dd) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City and/or screening of public art quality that is suitable to complement the Central Park and War Memorial.**

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;
- (d) Where parking is to be provided in structures in the CBD, the parking so provided shall comply with Australian Standards for parking AS2890.1 Table 1.1 (User Class 3) for purposes of the 'Classification of Off-Street Parking Facilities';
- (e) Development shall comply with the Environmental Protection (Noise) Regulations 1997;
- (f) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock;
- (g) Development shall comply with the relevant provisions of the Health (Food Hygiene) Regulations 1993, the Health (Public Building) Regulations 1992 and the Health Act 1911;
- (h) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- (i) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall;
- (j) With regards to condition (m) above, the applicant should note the following points which have been noted as giving possible cause for concern:
 - Parking bay dimensions are to comply with User Class 3 as determined in AS/NZS 2890.1 table 1.1 and figure 2.2;
 - Parking bay dimensions are to be taken from the face of any adjacent post or structure;
 - Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;

- **Sight distance requirements.** AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;
 - **Driveway grades.** AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;
 - **Ramp widths.** AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 3** This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 4** For the purpose of this application, deems that the cash-in-lieu for parking be an amount of \$25,440 per bay.

was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 17 refers

To access this attachment on electronic document, click here: [Attach17agn221105.pdf](#)

**CJ259 - 11/05 PROPOSED CHANGE OF USE
(SHOWROOM/WAREHOUSE TO VEHICLE
SALES/HIRE PREMISES): LOT 1 S/P 46944 (1/10)
FRANKLIN LANE, JOONDALUP - [51180]**

WARD: Lakeside

RESPONSIBLE David Djulbic (Acting Director)
DIRECTOR: Planning and Community Development

CJ051115_BRF.DOC:ITEM 11

PURPOSE

To request the Council's determination of an application for planning approval for a change of use from Showroom/Warehouse to Vehicle Sales/Hire Premises, including the determination of a car-parking standard for Vehicle Sales/Hire Premises, at Lot 1 S/P46944 (1/10) Franklin Lane, Joondalup.

EXECUTIVE SUMMARY

The development site is located at 10 Franklin Lane in Joondalup (Attachments 1 and 2 refer). The lot has a land area of 4109m² and is zoned Service Industrial under the City of Joondalup District Planning Scheme No 2 (DPS2). The existing building on the subject site was approved as a Showroom/Warehouse development in 2004. The lot has Service Industrial zoned sites to all side and rear boundaries and across the road.

The applicant proposes a Vehicle Sales/Hire Premises in one unit of the existing development (Attachment No.3 refers), which is 288m² in area. Vehicle Sales/Hire Premises is a permitted ('P') use under Table 1 (Zoning Table) of the DPS2 in the Service Industrial Zone. It is proposed to have three staff involved in the operation of this business on this site.

The application is placed before Council, as the DPS2 does not specify a parking requirement for the Use Class - Vehicle Sales/Hire Premises. Under Clause 4.8.2 of the DPS2, where there is no requirement specified, Council is required to determine the parking standard.

In this case, it is requested that Council determine the following car parking standard:

"1 car parking bay per 200m² of display area plus 1 car parking bay per employee for a Vehicle Sales/Hire Premises."

The proposed parking standard was developed having regard to certain parking standards within the current DPS2 and other planning Schemes. The application of this proposed standard would mean that the car parking currently provided for the existing commercial unit would meet the parking demand required for the proposed use.

The proposed development complies with the intentions of the Service Industrial Zone in the DPS2 and will assist in meeting key objectives of the Strategic Plan.

It will contribute to investment and business development opportunities, help create employment and support the local economy.

Having regard to the provisions of the DPS2, it is recommended that Council determine the parking standard as proposed and that the application for planning approval be granted.

BACKGROUND

Suburb/Location:	Joondalup
Applicant:	Angela Briffa
Owner:	JJN (WA) Pty Ltd
Zoning:	DPS: Service Industrial
	MRS: Urban
Site Area:	4109m ²
Structure Plan:	Not Applicable

An approval for a Showroom/Warehouse development of eight units on the subject site was granted on 30 September 2004 subject to conditions. A building licence was sought and granted for the development on 24 November 2004 and a practical completion inspection was conducted on 22 July 2005. The City recommended approval for the Strata Title application on 02 August 2005.

The approved development complied with the DPS2. The subject unit has been approved with 140m² of Warehouse and 148m² of Showroom. It is one of two units in the development that face directly onto Franklin Lane.

The proposal is for a scooter sales and hire premises and sales of associated products. The proposed use of this unit falls under the Use Class of Vehicle Sales/Hire Premises in Schedule 1 of the DPS2.

The DPS2 does not provide a parking standard for this Use Class.

DETAILS

The applicant proposes a scooter sales and hire premises with incidental sales of associated products. All scooter vehicles and associated product shall be displayed and stored within the unit and there will be no servicing of vehicles on site. The unit is strata titled with the provision of 6 parking bays and an equal one-eighth share of 6 common property bays.

Proposed Carparking Standard

The parking standard for this Use Class is not set out in the District Planning Scheme No. 2 and therefore, Council is required to determine the parking standard. It is recommended that the following parking standard be applied:

1 car parking bay per 200m² of display area plus 1 car parking bay per employee for a Vehicle Sales/Hire Premises

Issues and options considered:

Council has the discretion to:

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

Link to Strategic Plan:

The proposal will contribute to certain Key Focus Area Outcomes of City Development.

It will address Strategy 3.5.1 and 3.5.2, which seek to develop partnerships with stakeholders to foster business development opportunities and assist the facilitation of local employment opportunities.

Legislation – Statutory Provisions:

Clause 3.2.2 describes a 'P' land use as a use that is permitted, but which may be subject to any conditions that the Council may wish to impose in granting its approval. The following clauses are also relevant under the existing District Planning Scheme No 2:

4.8 Car Parking Standards

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.

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.*

Schedule 1 (Clause 1.9) – Interpretations

Showroom: *means premises providing large floor space used for the displaying of goods and which may involve the sale by wholesale or retail, or hire of such goods, being goods generally of a bulky nature and without limiting the generality of the forgoing including automotive parts and accessories, camping equipment, electrical light fittings, equestrian supplies, floor coverings, furnishings, furniture, household appliances, party supplies and second hand goods. The term does not include the sale of foodstuff, liquor or beverages, items of personal adornment, magazines, books, newspapers, paper products and medicinal or pharmaceutical products.*

Vehicle Sales and Hire Premises: *means any land or buildings used for the display, sale or hire of new or second-hand vehicles, and may include the servicing of such goods sold from the site.*

Warehouse: *means premises used for storage of goods and the carrying out of commercial transactions involving the sale of such goods by wholesale.*

Risk Management considerations:

Not Applicable.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

The proposed use will provide a service within the City that does not otherwise exist, contributing to the long-term sustainability of the City centre and the City in general.

Consultation:

Comments were not sought, as it was considered that the proposal would cause no significant impact or loss of amenity to any adjoining property. Additionally, the immediate area is zoned Service Industrial and the use is considered to be consistent with the intentions of the DPS2.

COMMENT

Council is required to assess the proposed development against the City of Joondalup DPS2. In this case, there is no parking standard established in the DPS2 for a Vehicle Sales/Hire Premises, requiring the Council to establish a parking standard in this case. There is, however, a standard for Car Sales Premises, which is not listed as a Use Class in the City's zoning table. The standard for Car Sales Premises is 1 bay per 200m² of display area plus 1 per employee.

The approved use of the subject unit is 140m² of warehouse and 148m² of showroom, measured at 1 bay per 50m² and 1 bay per 30m² respectively, equating to a total parking requirement of 7.73 bays.

Measuring the subject unit under the 'Car Sales Premises' standard would require 1.44 bays plus 1 bay per employee. To enable a neutral parking requirement from the approved use to the proposed use for the subject unit, this standard would then limit the business to 6 employees. The applicant proposes no more than 3 employees at this time.

There will be no servicing of vehicles on site and as such, the staff will be predominantly in sales, with bookkeeping for the business a possible ancillary use of the site.

It is considered that the proposed use is unlikely to generate a parking requirement in excess of the approved use. Additionally, it is also unlikely, given the physical limitations of the subject unit, that the business will require more than 6 staff at any one time.

Further support for this parking standard exists in researching the parking standards of other local authorities. Below is a table indicating the parking standard for a similar use in two other local government authorities:

Local Government	Comparable Use Class	Parking Standard	Required parking for this application
City of Wanneroo	Vehicle Sales/Hire Premises	1/200sqm vehicle display area plus 1/30sqm NLA	9.6 bays for entire unit NLA or 1.44 bays for entire unit as vehicle display area. 5.52 average.
Town of Vincent	Vehicle Sales and Hire Premises	3 spaces for the first 200qsm of display and sales area and thereafter 1 space/100sqm of display and sales area or part thereof.	4 bays

The parking standard for 'Car Sales Premises' in the DPS2 requires a similar number of parking bays as that of similar uses in other Schemes, and as such it is considered that the parking standard in the DPS2 for 'Car Sales Premises' is appropriate for the use class 'Vehicle Sales/Hire Premises'.

It is considered that the proposed use:

- complies with the intentions of the Service Industrial Zone; and
- will not negatively affect the amenity of the area and the carparking provided is adequate for the use being proposed for the site.

The proposed development will assist in meeting key objectives of the Strategic Plan and the objectives of the DPS2. It will contribute to developing partnerships with stakeholders to foster business development opportunities, creation of employment opportunities and support the local economy.

Having regard to the:

- details of the application; and
- provisions of the District Planning Scheme No 2,

it is recommended that Council determines a parking standard of 1 bay per 200m² plus 1 bay per employee and approves the application with conditions.

ATTACHMENTS

Attachment 1 Locality Plan
Attachment 2 Aerial Photo
Attachment 3 Development Plans

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Anderson, SECONDED Cmr Clough that Council:

- 1 DETERMINES a parking standard of 1 bay per 200sqm of display area plus 1 bay per employee for the use class 'Vehicle Sales/Hire Premises' under clause 4.8.2 of the City of Joondalup District Planning Scheme No 2;**
- 2 APPROVES the application for Planning Approval dated 3 June 2005 submitted by Angela Briffa, the applicant, on behalf of the owner, JJN (WA) Pty Ltd, for a Change of Use from Showroom/Warehouse to Vehicle Sales/Hire Premises at 1/10 Franklin Lane, Joondalup, subject to:**
 - (a) The parking bays, driveways and points of ingress and egress are required to be designed and constructed in accordance with AS 2890.1. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services prior to the development first being occupied;**
 - (b) All stormwater shall be contained onsite or diverted into the City's stormwater system to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
 - (c) The driveway to be designed and constructed to the satisfaction of the Manager, Approvals Planning and Environmental Services before occupation of the grouped dwellings;**
 - (d) The crossover shall be constructed in concrete to the satisfaction of the Manager, Approvals Planning and Environmental Services;**
 - (e) A separate application shall be lodged with the City for Approval to Commence Development and Sign Licence prior to the installation of any signage on the subject unit;**
 - (f) The approved use at unit 1/10 Franklin Lane Joondalup shall be limited to a maximum number of 6 employees at any one time;**
 - (g) No display of goods or services associated with the approved use class of unit 1/10 Franklin Lane Joondalup shall occur except for within the permanent walls of unit 1/10 Franklin Lane Joondalup.**

Footnotes:

- 1 The applicant is advised that they are obligated to comply with the Environmental Protection Act 1986.**

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 8 refers

To access this attachment on electronic document, click here: [Attach8brf151105.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Garry Hunt – Chief Executive Officer
Item No/Subject	Item CJ260-11/05 - West Perth Football Club - Sponsorship Proposal
Nature and extent of interest	A relative of Mr Hunt plays for West Perth.

In relation to Item CJ260-11/05 - West Perth Football Club - Sponsorship Proposal, Cmr Clough advised he no longer provides consultancy services to the WA Football Commission. Therefore a declaration of interest was not required.

CJ260 - 11/05 WEST PERTH FOOTBALL CLUB - SPONSORSHIP PROPOSAL - [05005]

WARD: Lakeside

RESPONSIBLE Mr David Djulbic (Acting Director)
DIRECTOR: Planning & Community Development

CJ051115_BRF.DOC:ITEM 12

PURPOSE

For the Council to consider endorsing a five (5) year sponsorship agreement with the West Perth Football Club for the support and development of Australian Rules Football within the Joondalup region.

EXECUTIVE SUMMARY

The West Perth Football Club relocated to Arena Joondalup in 1994 and pays a licence fee to the West Australian Sports Centre Trust as a tenant of the facility. Since 2001, the City has been in negotiations with the Club regarding its tenure arrangements and opportunities for ongoing support. During this time, the City has provided the West Perth Football Club with financial assistance to aid its development within the region, with a total of \$43,202.50 being allocated to the Club through the City's Community Funding and Sports Development Programs.

In September 2005, the West Perth Football Club presented the City with a five (5) year sponsorship proposal (2005 - 2009) for the support and development of Australian Rules Football within the region and the upkeep and maintenance of the Club's playing facilities. In return for \$22,000 (inclusive of GST) per annum, the proposal offers a number of promotional benefits to the City.

With the 2005 football season now complete, it is recommended that the City considers sponsorship support to the club for the 2006 - 2010 seasons inclusive. In addition, for the level of sponsorship being requested, the West Perth Football Club needs to provide the City with enhanced sponsor benefits. In establishing a five (5) year partnership agreement commencing in 2006, the City will provide assistance to the West Perth Football Club to meet their responsibility of supporting football development within the Joondalup region.

It is recommended that Council:

- 1 *AGREES to enter into a five (5) year sponsorship agreement with the West Perth Football Club, for the support and regional development of Australian Rules Football within the City of Joondalup subject to annual reviews and further negotiations for enhanced community development opportunities and promotional benefits to the City;*
- 2 *AGREES to allocate \$22,000 (inclusive of GST) per annum from the City's Corporate Sponsorship budget, to the West Perth Football Club for a five (5) year period for the 2006 to 2010 seasons inclusive, subject to the finalisation of the sponsorship agreement outlined in recommendation 1;*
- 3 *NOTES that any funding to the West Perth Football Club is conditional upon the club remaining within the City of Joondalup.*

BACKGROUND

In 1994, the West Perth Football Club relocated from its home at Leederville Oval to Arena Joondalup. The Club is a tenant of the facility and pays a licence fee of \$45,000 per annum to the West Australian Sports Centre Trust (WASCT) for their use of the main arena, changerooms, function facilities and administrative offices. In addition, the West Perth Football Club receives the following support from the WASCT;

- Rebate of 15% gross revenue from all home match day food and beverage takings and their two major functions "Players Auctions" and "Breckler Medal" dinner,
- WPFC to receive 100% of net profit on additional functions staged at Arena over and above the two current functions - the Players Auction and Breckler Medal,
- WPFC have the opportunity to operate a "Swan Brewery Beer Tent" at each home game with all revenue going to the Club,
- Discounted venue usage, gym membership, pool entry and use of the meeting room and function room at Arena.

The West Perth Football Club's tenure at Arena Joondalup is a unique situation compared with all eight (8) other West Australian Football League (WAFL) clubs. All other clubs in the WAFL competition have exclusive use arrangements (mostly facility leases) with their Local Government Authorities. Since October 2001, the City has been involved in ongoing negotiations between the West Perth Football Club and the WASCT regarding tenure arrangements at Arena Joondalup and opportunities for the City to provide ongoing support.

The West Perth football Club believe that the licence fee charged for their tenure at the Arena is limiting to their financial development. In 2001 the City engaged a consultant, to address this apparent inconsistency and to facilitate a working group to look at possible partnerships that would assist the Club. The working group included the City of Joondalup, Western Australian Football League, the Club and the Western Australian Sports Centre Trust and despite the licence fee being reduced from \$64,000 to \$45,000, the process fell short of achieving its primary objective of sourcing and developing partnership opportunities.

The City has provided the West Perth Football Club with financial assistance to aid its development within the region, with a total of \$43,202.50 being allocated to the Club since 2001. These grants have been allocated through two (2) of the City's sport and recreation funding programs,

- **Sport Development Program**

The Sport Development Program aims to assist not for profit and incorporated, local district sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents. Eligible clubs must be located within the City of Joondalup, represented at both junior and senior levels and establish identified pathways for local junior talent development.

- **Community Funding Program**

The Sport and Recreation Fund of the Community Funding Program provides not for profit and incorporated sporting clubs with assistance to conduct programs, projects and events that aim to increase participation in physical activity. Eligible projects must increase opportunities for people to participate in a wide range of sport and recreation activities, enhance the skills and knowledge of volunteers and be sustainable in the future.

Details of the funding provided to the West Perth Football Club through these two (2) programs has been listed below:

Year	Amount	Program	Funding Source
2001	\$ 2,365.00	School Holiday Clinics	Community Funding Program
2003	\$22,000.00	Rent Relief and School Holiday Clinics	Sports Development Program
2004	\$18,837.50	Rent Relief and School Holiday Clinics	Sports Development Program
TOTAL	\$43,202.50		

In September 2005, the City received a sponsorship proposal from the West Perth Football Club, requesting that the City enter into a five (5) year sponsorship agreement. The request is seeking \$22,000 (inclusive of GST) per annum in sponsorship, with the City's contribution to be invested into the regional development of Australian Rules Football within the City of Joondalup. The structure of the WAFL means that clubs have a responsibility to support football development within the region and the City's sponsorship will assist the West Perth Football Club to meet their obligations.

DETAILS

The sponsorship proposal submitted by the West Perth Football Club included the following details:

Term

five (5) year agreement (2005 - 2009) with an annual review.

Value

\$22,000.00 (inclusive of GST)

Benefits to the City of Joondalup

- Signage
 - ~ One Lollipop Sign behind the goals (5m x 3m).
 - ~ One Perimeter sign (6m x 1m).
- Club Playing Attire
 - ~ City of Joondalup Logo on the front of all senior squad jumpers and playing shorts.
- Player's Uniform
 - ~ City of Joondalup Logo on the club uniform of all senior squad players.
- Website
 - ~ City of Joondalup link on Club website.
- Promotions
 - ~ City of Joondalup Logo on all promotional correspondence; and
 - ~ Opportunities to distribute promotional information to members (1,400), sponsors and supporters.
- Corporate Box
- - ~ One corporate box for all home games with City of Joondalup Logo affixed to the box.

In addition to the benefits listed above, the proposal provides the City with an opportunity to use the West Perth Football Club's media partnerships and exposure to promote its programs and services to the local community and potential tourists planning to visit the region.

Additional Costs

All signage costs are the City's responsibility.

The West Perth Football Club's sponsorship proposal has been included as Attachment 1.

Issues and options considered:

In assessing the proposal, three (3) options were considered as reasonable for the City to pursue:

- 1 Not to support the sponsorship proposal from the West Perth Football Club;
- 2 Support the sponsorship proposal from the West Perth Football Club as presented, with an annual review of the partnership arrangements; or
- 3 Provide support for the sponsorship proposal from the West Perth Football Club, subject negotiations for enhanced community development opportunities and promotional benefits to the City and the agreement commencing in 2006 for a five (5) year period.

It is recommended that the City pursue option 3 and agree to support the club. With the 2005 football season now complete, it is recommended that the City provide sponsorship support for the 2006 - 2010 seasons inclusively. As part of the recommendation to the club and the level of sponsorship being requested, it is felt that the West Perth Football Club needs to provide the City with an enhanced list of benefits. Through negotiation with the Club for enhanced sponsor benefits, the City can establish a five (5) year partnership agreement with the West Perth Football Club, which will assist in the development of the sport and its delivery to City of Joondalup residents, whilst promoting Council services and programs.

The enhanced sponsorship benefits that would represent value for money to the City include;

- Confirmation and acknowledgement of the Club's change of name to the "Joondalup Falcons" from the 2006 season.
- Public Address announcements at all the games to state that the club is sponsored by the City of Joondalup.
- The City of Joondalup is acknowledged in all promotional and advertising material (in all Media Coverage stated in the Partnership Proposal) including programs, website, fliers, posters, mail-outs, radio, press, TV and video.
- Signage on the West Perth Football Club Internet site, relating to all games – home and away.
- Acknowledgement of the City of Joondalup's support in all media releases and at major media events associated with the West Perth Football Club.
- All press conference signage to incorporate the "City of Joondalup" logo.
- Acknowledgement of the City of Joondalup's support at all public events associated with West Perth Football Club.
- Acknowledgement of the City of Joondalup's support as a sponsor in West Perth Football Club newsletters and other methods used to keep in contact with the Club's members, sponsors and supporters as listed in the proposal.
- Exposure and acknowledgement of the City of Joondalup with all programs run through the West Perth Football Club at schools, Carnivals, Holiday Clinics and Talent Programs.
- The opportunity for the City to provide direct promotion at games on programs, projects and events run by the City of Joondalup to players, members and supporters.
- 10 Complimentary tickets to each home game to be used by the City for community prizes and give-aways.
- Signage situated in key positions on the ground in full broadcast view to maximise the City's exposure at all home games.
- An autographed West Perth football, football jumper and team photo to be presented to the City of Joondalup each season.
- All club apparel to include the City of Joondalup logo (Officials & Players).
- Players to attend two (2) identified City functions throughout the year, with priority given to AFL listed players as the club representatives.
- Invitations for the City of Joondalup to all sponsor recognition events.
- City of Joondalup branding on a Corporate Box and exclusive use during all the home games.
- City of Joondalup Leisure Centre Activities to be held at half time at home games i.e Body Jam sessions.
- The opportunity for the City to set up promotional stalls at all WAFL and AFL games played at Arena Joondalup.
- The benefits offered to be retained for the full five (5)s of the contract.
- The benefits of the sponsorship are returned to the City for all pre-season, home and away and finals matches (WAFL and AFL), which the West Perth Football Club is associated with.

It is also recommended that the sponsorship be paid at the start of the 2006 season with the agreement to include an annual review process, which will assess the Club's compliance with the terms and conditions. It is important that the agreement has clear performance indicators to measure the sponsor benefits and community opportunities provided to the City.

Link to Strategic Plan:

Outcome The City of Joondalup provides social opportunities that meet community needs.

Objectives: 1.3 To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3 Provide support, information and resources.

These strategies are aligned to the sponsorship proposal's goal of providing assistance and support for the regional development of football within the City of Joondalup.

Outcome: The City of Joondalup is recognised as a great place to visit.

Objectives: 3.2 To develop and promote the City of Joondalup as a tourist attraction.

Strategies: 3.2.3 Develop marketing strategies to support the promotion of the City of Joondalup as a tourist attraction.

The sponsorship proposal is supportive of this strategy as the benefits provided to the City in return for its financial contribution will offer increased exposure to the City's programs and services and assist in promoting Joondalup as a tourist destination.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

There are a number of potential risks that need to be considered with regards to the recommendations made in this report.

The City of Joondalup has a range of district level clubs that play a management role in the development of sport within the region. Whilst the West Perth Football Club has the potential to offer more to a prospective sponsor than all other clubs through its ability to provide television, radio and print media exposure, this recommendation may set a precedent and the City could receive an increased number of sponsorship proposals from sporting clubs in the future. However, it is important to note that a majority of these district level sporting clubs currently receive a significant level of support from City through annual ground maintenance and the subsidised use of parks and community facilities.

The West Perth Football Club is an important organisation within the structure sport and recreation in the Joondalup region. If the club's membership decided that it would be in their best interest to relocate, the City could be faced with a number of issues.

- The club may choose to approach the City seeking an alternative Council owned facility;
- If the Club made a decision to relocate to a facility outside of the City of Joondalup, this would place a negative image on the City. This would also impact negatively on the regional development of the sport within the City of Joondalup.

Financial/Budget Implications:

The annual Corporate Sponsorship budget for 2005/06 is \$55,000 ex GST. This sponsorship allocation would greatly reduce the funds available for any future sponsorship requests that the City may receive in this financial year.

Account No:	1.1360.4403.0001.9999
Budget Item:	Corporate Sponsorship
Budget Amount:	\$55,000.00
YTD Amount:	\$9,210.00
Actual Cost:	\$20,000.00

In the 2006/07 financial year, the City would need to consider increasing the Corporate Sponsorship budget to accommodate the costs of the West Perth Football Club agreement from \$55,000 to \$75,000.

Policy Implications:

The City's Sponsorship approach is designed to ensure a coordinated approach towards sponsorship opportunities, with the development of agreements that aim to maximise benefits and create effective partnerships. Sponsorship is a mutually beneficial commercial partnership involving financial or in-kind investments made in return for marketing and promotional benefits. The proposal submitted by the West Perth Football Club meets these requirements, in that the City will receive a range of benefits in return for its financial contribution.

Regional Significance:

The West Perth Football Club is arguably the highest profile community sporting organisation based within the City of Joondalup. It has considerable regional significance and has been vested with the responsibility to facilitate the development of Australian Rules Football within the area. It is important for the Club to demonstrate its involvement within the community and its conduct of promotional days presenting the visions and future directions of the club would be invaluable.

Sustainability implications:

By entering into a five (5) year sponsorship agreement with the West Perth Football Club, the City is looking to provide the Club with longevity within the region. The financial assistance proposed will ensure that the Club strengthens its community and business partnerships within Joondalup confirming its home at the Arena.

Consultation:

In recent years, the City of Joondalup has met with representatives from the West Perth Football Club, the West Australian Sport Centre Trust and the West Australian Football Commission to discuss issues regarding the Club and opportunities for ongoing support to be provided. The City's goal has been to develop strategies to ensure the club's ongoing sustainability at Arena Joondalup. The options being considered within this report are as a result of the formal proposal submitted to the City and the consultation conducted with the club.

COMMENT

The City of Joondalup is responsible for the maintenance and upkeep of Council parks, reserves and facilities utilised by community sporting clubs and associations. Whilst those organisations that are based at Arena Joondalup are eligible to apply for assistance through the City's numerous funding programs, they do not receive the benefits of the ongoing maintenance spent to upkeep these facilities.

The West Perth Football Club has a strong membership base and advanced junior development programs. The sponsorship proposal submitted is an opportunity for the City to provide much needed financial support to the Club, in return for a range of marketing and promotional benefits. In negotiating the five (5) year sponsorship agreement with the West Perth Football Club, the City will discuss and explore a range of potential benefits and new innovative opportunities that may be available. The City can foresee events such as junior development days and Club promotional days as exciting vehicles to advertise its community services, programs and future events.

The five (5) year sponsorship agreement will provide the club with a degree of financial stability and assist them in their role as the organisation responsible for the regional development of football in the City of Joondalup. The City will receive a range of benefits that enhance the development of the sport within the region, provide a positive image on the City and its ability to provide assistance to regionally significant sporting organisations and help to promote Joondalup as a regional tourist destination.

ATTACHMENTS

Attachment 1 West Perth Football Club Sponsorship Proposal.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 AGREES to enter into a five (5) year sponsorship agreement with the West Perth Football Club, for the support and regional development of Australian Rules Football within the City of Joondalup subject to annual reviews and further negotiations for enhanced community development opportunities and promotional benefits to the City;
- 2 AGREES to allocate \$22,000 (inclusive of GST) per annum from the City's Corporate Sponsorship budget, to the West Perth Football Club for a five (5) year period for the 2006 to 2010 seasons inclusive, subject to the finalisation of the sponsorship agreement outlined in Recommendation 1 above;
- 3 NOTES that any funding to the West Perth Football Club is conditional upon the club remaining within the City of Joondalup.

MOVED Cmr Clough, SECONDED Cmr Anderson that Council:

- 1 AGREES to enter into a five (5) year sponsorship agreement with the West Perth Football Club, for the support and regional development of Australian Rules Football within the City of Joondalup subject to annual reviews and further negotiations for enhanced community development opportunities and promotional benefits to the City;**
- 2 AGREES to allocate \$22,000 (inclusive of GST) per annum from the City's Corporate Sponsorship budget, to the West Perth Football Club for a five (5) year period for the 2006 to 2010 seasons inclusive, subject to the finalisation of the sponsorship agreement outlined in Recommendation 1 above;**
- 3 NOTES that any funding to the West Perth Football Club is conditional upon the club remaining within the City of Joondalup;**
- 4 AGREES that the Chief Executive be responsible for the negotiations and management of the terms and conditions outlined in the Sponsorship Agreement, which includes maximising access to the corporate box by community groups from around the City of Joondalup.**

Discussion ensued.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 9 refers

To access this attachment on electronic document, click here: [Attach9brf151105.pdf](#)

Disclosure of interest affecting impartiality

Name/Position	Mr Mike Smith - Manager, Marketing Communications and Council Support
Item No/Subject	Item CJ261-11/05 - Request to reconsider decision not to close Pedestrian Access Way between Camm Place and Cohn Place, Hillarys
Nature and extent of interest	One of the applicants is a relative of Mr Smith.

CJ261 - 11/05 REQUEST TO RECONSIDER DECISION NOT TO CLOSE PEDESTRIAN ACCESS WAY BETWEEN CAMM PLACE AND COHN PLACE, HILLARYS - [58535]

WARD: Whitfords

RESPONSIBLE DIRECTOR: Mr David Djulbic (Acting Director)
Planning and Community Development

PURPOSE

For Council to consider a request by landowners to close a Pedestrian Access way (PAW) between Camm and Cohn Places, Hillarys.

EXECUTIVE SUMMARY

A request has been received from three adjoining landowners abutting the PAW between Camm Place and Cohn Place, Hillarys, to reconsider closure of the subject PAW and to seek the consent of the Department of Planning and Infrastructure (DPI) for the closure.

In October and November 2003, the Council first resolved to allow the matter to lie on the table, then determined that it supported the closure of the PAW.

The DPI subsequently determined (in its capacity as the final decision maker) that the closure not be allowed.

Under the City's Policy 7.16 – Pedestrian Accessways, Section 3.2 (f) states that in circumstances where Council supports PAW closure, however the DPI does not support closure, Council may request that the DPI reconsider its decision. For a request for reconsideration to be initiated, all landowners abutting the PAW are required to make a joint request to Council, with the request being supported by new information that addresses the matters raised by the DPI in its decision. Council will then consider the request and forward the decision to the DPI for consideration.

All four (4) adjoining landowners have made such a request, which is accompanied by information which, although addresses the matters raised by the DPI in its decision, is not considered to be new information as the issues have been raised and considered previously.

It is recommended that the Council:

- 1 *DOES NOT SUPPORT the applicants' request for reconsideration of the closure of the Pedestrian Access Way between Camm Place and Cohn Place, Hillarys for the following reason:*
 - *The information outlined within the request has been raised and considered previously.*
- 2 *ADVISES the applicants and the Department of Planning and Infrastructure of Council's decision accordingly.*

BACKGROUND

Suburb/Location:	Hillarys/Camm Place & Cohn Place
Applicant:	R&K Benstead, JD & GA Maddison & Mr & Mrs Healy and Mr Pope
Owner:	Crown
Zoning:	DPS: Residential
	MRS: Urban

Council at its meeting on 21 October 2003 (CJ244–10/03 refers) considered a recommendation that the application to close the subject PAW not be supported. Council moved a motion that it 'lie on the table', pending further consideration by Ward Councillors.

Council at its meeting on 11 November 2003 (C245-11/03 refers) reconsidered the application to close the subject PAW by taking the motion from the table. The report recommendation to not close the PAW was lost. An alternative recommendation to support PAW closure was subsequently put and carried by the Council as follows:

- 1 *SUPPORTS the application to close the pedestrian accessway between Camm Place and Cohn Place, Hillarys for the following reasons:*
 - (a) *due to the completion of the additional Hillarys Harbour Rise residential precinct adjacent to Ewing Drive ,access to local facilities is not inconvenienced by the closure of this pedestrian accessway;*
 - (b) *access to the Flinders Street shopping centre and Medical Centre will not be inconvenienced;*
 - (c) *access to public transport is not inconvenienced;*
 - (d) *alternative access routes provide suitable access;*
 - (e) *Angove Drive is furnished with a footpath for safe pedestrian movement where as Ewing Street is not;*
 - (f) *it is not a designated safe route;*
 - (g) *nuisance elements , antisocial behavior and antisocial activities will be reduced;*
- 2 *ADVISES the Western Australian Planning Commission accordingly and seeks its consideration of the application to close the pedestrian accessway between Camm Place and Cohn Place, Hillarys.*

The Council's decision was then forwarded to the DPI for final determination on 20 November 2003. The DPI, in a decision dated 6 January 2004, did not approve the closure for the following reasons:

- It is considered that this PAW forms part of the strategic pedestrian network for the area.
- Closure would have an adverse impact on the level of access to neighbourhood facilities, Hillarys Boat Harbour and local recreation reserves.
- Alternative routes do not appear to provide suitable alternative access.
- The instances of nuisance and anti-social behaviour presented as justification for the closure does not appear to be directly linked to the PAW.

Summary of the PAW Closure Process

Policy 7.16 – Pedestrian Accessways

The City's Pedestrian Accessway Policy has been prepared in accordance with clause 8.11 of the City of Joondalup's District Planning Scheme No 2, which allows Council to prepare policies relating to planning or development within the scheme area.

The Policy provides guidance on the inclusion and design of PAWs in new subdivisions and assessment criteria for the closure of PAWs. As part of the City's Pedestrian Accessway Policy, when closure of a PAW is requested, formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on accessibility to local community facilities from nearby homes. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of anti-social behaviour being experienced and the Community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use. The assessments are rated and a recommendation made whether to support closure or not.

Closure Process

A request can be made to close a PAW from an adjoining landowner and the City's Pedestrian Accessways Policy guides the process of evaluation. From the outset, the City must have some indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs and meet any necessary conditions. As part of the process, the service authorities are requested to provide details of any services that may be within the PAW that would be affected by the proposed closure and whether those services can be modified or removed to accommodate the request.

Prior to the Department of Land Information (DLI) effecting the closure of a PAW, it is necessary for the DPI to support the closure. As per the City's Pedestrian Accessway Policy, the City seeks the DPI's view, however, this is done only if Council supports closure of the PAW. If the DPI does support closure then the DLI is requested to formally close the PAW. The final decision on a request for closure of a PAW rests with the Minister for Planning and Infrastructure.

DETAILS

Issues and options considered:

The City's Policy 7.16 – Pedestrian Accessways, Section 3.2 (f) states in circumstances where Council supports PAW closure, however the DPI does not support closure, Council may request that the DPI reconsider its decision.

For a request for reconsideration to be initiated, all landowners abutting the PAW are required to make a joint request, with the request being supported by new information that addresses the matters raised by the DPI in its decision. Council will then consider the request and forward the decision to the DPI for consideration.

All four (4) adjoining landowners have made such a request which was accompanied by additional information which has subsequently been reviewed.

The additional (new) information presented by the applicants to justify the reconsideration of the PAW closure is summarised as follows:

- A recent robbery occurred at one of the properties adjoining the subject PAW where a fish pond pump and fish were stolen.
- The PAW is being sprayed with herbicide on a regular basis, with resultant exposure and adverse health effect related issues.
- Footpath in the PAW is poorly maintained and a potential risk (public liability/duty of care related issues).

The applicants also provided responses to the four reasons why the DPI did not support PAW closure and these are summarised below:

- 1 *It is considered that this PAW forms part of the strategic pedestrian network for the area.*

The applicants state that PAW is not part of a strategic pedestrian network and suggests that a road with no footpaths (Ewing Drive) does not form part of a 'strategic pedestrian network'. The applicant considers that if the PAW formed part of a 'strategic pedestrian network', it should have provided a path for pedestrians along Ewing Drive when Harbour Rise was planned and approved.

- 2 *Its closure would have an adverse impact on the level of access to neighbourhood facilities, Hillarys Boat Harbour and local recreation reserves;*
- 3 *Alternative routes do not appear to provide suitable alternative access.*

The applicants state that the PAW does not improve access to Hillary's Marina as there is no advantage walking from Angove Street to the marina through the PAW, as you would need to rejoin Angove Street. The applicants suggest that Angove Street is a more direct and appropriate pedestrian path (with footpaths).

The applicants state that the PAW does not significantly improve access to neighbourhood facilities or reserves, as only a few houses in Camm Place, Cohn Place and along Ewing Drive immediately adjacent to Camm Place gain minimal advantage by using the PAW. The applicants suggest that for all other residents going either west to Angove Street or east to Waterford Street provides similar access to any reserve.

- 4 *The instances of nuisance and anti-social behaviour presented as justification for the closure does not appear to be directly linked to the PAW.*

The applicants suggest that it was highly likely that the PAW was used in the recent robbery (as outlined above).

Council's Previous Decision

Council supported the closure of the PAW in November 2003. However, the policy evaluation of the initial PAW closure request did support a technical recommendation at the time that the PAW closure not be supported.

Options

In considering this request, Council can:

- Support the request for reconsideration and request that the DPI reconsider their decision, or,
- Not support the request for reconsideration.

Link to Strategic Plan:

Not Applicable.

Legislation – Statutory Provisions:

Not Applicable.

Risk Management considerations:

The existing footpath within the PAW has been inspected and is considered to be in good condition.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Regional Significance:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

The proposal was previously advertised for thirty days from 16 June 2003 to 16 July 2003 by way of a notification sign at each end of the PAW and questionnaires forwarded to residents living within a 400-metre radius of the PAW.

A total of 48 questionnaires were returned and one (1) separate letter that strongly objected to the closure, stating that the PAW was an appealing factor in purchasing the property as it gives better access to Hillarys Marina and the nearby 'Harbour Rise' residential subdivision.

COMMENT

In accordance with Policy 7.16, Council is required to consider 'new' information that supports the PAW closure, then forward their reconsideration decision to the DPI.

From a review of the information received from the applicants, it is not considered that any new information is provided as the issues have largely been raised and considered previously by the Council.

The submission raised by the adjoining landowners does not relate to the reasons why the DPI did not support PAW closure.

Whilst there is no reason to suggest that the recent robbery at one of the adjoining properties did occur, the use of the PAW to facilitate the robbery is unable to be substantiated.

The existing footpath within the PAW has been inspected and is considered to be in good condition, and thus, is not considered to be a public liability risk.

It is therefore recommended that Council not support the reconsideration request.

ATTACHMENTS

Nil.

VOTING REQUIREMENTS

Simple Majority

OFFICER'S RECOMMENDATION: That Council:

- 1 DOES NOT SUPPORT the applicants request for reconsideration of the closure of the Pedestrian Access Way between Camm Place and Cohn Place, Hillarys for the following reason:
 - The information outlined within the request for reconsideration is not considered to be new information as the issues have been raised and considered previously;
- 2 ADVISES the applicants and the Department for Planning and Infrastructure of Council's decision accordingly.

MOVED Cmr Smith, SECONDED Cmr Anderson that Council:

- 1 **SUPPORTS the applicant's request for reconsideration of the closure of the pedestrian accessway between Camm Place and Cohn Place, Hillarys;**
- 2 **REQUESTS the Department of Planning and Infrastructure to reconsider the decision of 6 January 2004 to not support the closure of the pedestrian accessway between Camm Place and Cohn Place, Hillarys on the basis of the additional information provided by the applicants' in their correspondence received on 22 August 2005.**

Cmr Smith stated the reason for her departure from the Officer's recommendation was the additional information provided by the four applicants in their correspondence received on 22 August 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 11 refers

To access this attachment on electronic document, click here: [Attach11brf151105.pdf](#)

**CJ262 - 11/05 SUBDIVISION REFERRALS PROCESSED
BETWEEN 1 - 31 OCTOBER 2005 - [05961]**

WARD: South Coastal, Whitfords, Lakeside

RESPONSIBLE Mr David Djulbic (Acting Director)
DIRECTOR: Planning and Community Development

CJ051115_BRF.DOC:ITEM 14

PURPOSE

This report is to advise the Council of subdivision referrals received by the City for processing in the period 1-31 October 2005.

EXECUTIVE SUMMARY

Attachment 1 is a schedule of the Subdivision Referrals processed from 1–31 October 2005. Applications were dealt with in terms of the delegation adopted by the Council in October 2005.

BACKGROUND

Suburb/Location: Refer Attachment 1
Applicant: Refer Attachment 1
Owner: Refer Attachment 1
Zoning: **DPS:** Various
MRS: Various

DETAILS**Issues and options considered:**

Four subdivision referrals were processed within the period. The average time taken to provide a response to the Western Australian Planning Commission was 19 days, which compares with the statutory timeframe of 30 working days. The subdivision applications processed enabled the potential creation of one (1) residential lot and two (6) strata residential lots. Two applications were not supported as follows:

Ref: SU1183-05 – 19 Ranger Trail, Edgewater

This application was not supported for the following reasons:

- 1 The proposal does not conform to the requirements of the Residential Design Codes with respect to minimum lot sizes for a survey-strata without the provision of a Common Property lot.
- 2 The frontage of the proposed lots would not allow for sufficient vehicular access, spacing and separation of building development.
- 3 Approval to the subdivision would result in the creation of a lot of a smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality.

- 4 The proposal does not conform to the requirements of the Residential Design Codes with respect to the provision of car parking for the existing dwelling.

Ref: SU1237-05 – 18 Millimumul Way, Mullaloo

This application was not supported for the following reasons:

- 1 The proposed lots do not comply with the minimum lot area of 700m² south of Hepburn Avenue for subdivision as required under the Government Sewerage Policy for the Perth Metropolitan Region 1995.
- 2 Approval to the subdivision would result in the creation of lots of a much smaller size than those prevailing in the locality and therefore set an undesirable precedent for further subdivision of a similar type in this locality.
- 3 The proposal does not conform to the requirements of the Residential Design Codes with respect to:
 - (i) Clause 3.5.4 which requires that driveways are to be designed for vehicles to enter/exit the property in a forward direction where the distance from a car parking space to the street alignment is 15 metres or more;
 - (ii) Clause 2.3.3 which requires Development Approval to be issued by the City of Joondalup for a single dwelling on a lot less than 350m² in area.

Link to Strategic Plan:

City Development is a key focus area of the City's Strategic Plan. The proposals considered during the month relate closely to the objectives of providing for a growing and dynamic community.

Legislation – Statutory Provisions:

All proposals were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

Risk Management considerations:

The delegation process includes details practices on reporting, assessment, and checking to ensure recommendations are appropriate and consistent.

Financial/Budget Implications:

Not Applicable.

Policy Implications:

Not Applicable.

Sustainability Implications:

Not Applicable.

Consultation:

No applications were advertised for public comment for this month, as either the proposals complied with the relevant requirements, or were recommended for refusal due to non-compliance.

COMMENT

Not Applicable.

ATTACHMENTS

Attachment 1 Schedule of Subdivision Referrals

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Clough, SECONDED Cmr Fox that Council NOTES the action taken by the Subdivision Control Unit in relation to the applications described in Report CJ262-11/05 for the month of October 2005.

The Motion was Put and

CARRIED UNANIMOUSLY (5/0)

Appendix 12 refers

To access this attachment on electronic document, click here: [Attach12brf151105.pdf](#)

**CJ257 - 11/05 PROPOSED NURSING HOME AND AGED OR
DEPENDANT PERSONS' DWELLINGS: LOT 28
(FORMERLY PORTION LOT 62) AND LOT 63
HOCKING ROAD KINGSLEY – REVISED
APPLICATION FOR PLANNING APPROVAL –
[12306] [13201]**

This Item was deferred earlier in the meeting to be considered at this Point.

Chief Executive Officer suggested that Cmr Clough restate his earlier question in relation to the EPA.

Cmr Clough queried whether the EPA has the ability to call this proposal in for assessment if the Council approves the proposal.

Manager Approval Planning and Environmental Services advised Section 38 (4) of the Environmental Protection Act states:

“If it appears to the Minister that there is public concern about the likely affect of a proposal if implemented on the environment, the Minister may refer the proposal to the Authority.”

Further discussion ensued in relation to the ramifications of dealing with both the EPA and this application.

MOVED Cmr Anderson, SECONDED Cmr Smith that the:

- 1 matter relating to the proposed nursing home and aged or dependant persons' dwellings: Lot 28 (formerly portion Lot 62) and Lot 63 Hocking Road, Kingsley – Revised application for planning approval be DEFERRED to a Special Meeting of the Council to be held within 14 days from 22 November 2005;**
- 2 purpose of the deferral is to enable information regarding the ability of the Environmental Protection Authority to require the revised application to be referred to it for consideration.**

The Motion was Put and

CARRIED (4/1)

In favour of the Motion: Cmr Clough, Anderson, Smith and Fox

Against the Motion: Cmr Paterson

REPORT OF THE CHIEF EXECUTIVE OFFICER

Nil.

MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN

C65-11/05 NOTICE OF MOTION NO 1

CMR M ANDERSON - TO REVOKE - REVIEW OF WARD BOUNDARIES AND ELECTED MEMBER REPRESENTATION

At the Council meeting held on 1 November 2005, Cmr Michael Anderson in accordance with clause 4.4 of the Standing Orders Local Law gave notice of his intention to move the following Notice of Motion at the Council meeting to be held on Tuesday 22 November 2005.

"That BY AN ABSOLUTE MAJORITY, the resolution of Council in respect of CJ084-05/05, be REVOKED, being:

"3 STATES that the intention of this resolution is to progress the process and that it is also the intention that an elected Council will decide Ward boundaries at the appropriate time."

AND REPLACES it with:

"3 That the Council considers any public submissions following the statutory six (6) week public consultation period relating to the review of the City of Joondalup's ward names, boundaries and elected member representation at the earliest opportunity; and

4 following the review of public submissions as detailed in (3) above makes a recommendation to the Local Government Advisory Board for its consideration."

Reason for motion:

Cmr Anderson provided the following comments in support of his Notice of Motion:

When the original motion was passed, the Commissioners' expectation was that their term would be completed by October 2005.

The Minister has, since the release of the Inquirer's Report, indicated elections are unlikely before April or May 2006.

Accordingly, to allow the review process to continue, it is proposed to remove the limitation previously place on the Commissioners dealing with this matter once the community consultation period has been completed.

Officer's Comment

The Council resolved at its meeting held on 17 May 2005 (CJ084-05/05 refers) as follows:

"That Council:

- 1 AGREES to undertake a review of the City of Joondalup ward boundaries and representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2 REQUESTS the Chief Executive Officer to prepare a discussion paper regarding the review of ward boundaries and elected member representation to be presented to the Council for further consideration;*
- 3 STATES that the intention of this resolution is to progress the process and that it is also the intention that an elected Council will decide Ward boundaries at the appropriate time."*

Subsequent to that decision, a discussion paper on the review of Ward names, boundaries and elected member representation was presented to the Council at its meeting held on 11 October 2005 (CJ205-10/05 refers), where it was resolved as follows:

"That Council AGREES to:

- 1 CONDUCT a review of its Ward names, boundaries and elected member representation in accordance with Schedule 2.2 of the Local Government Act 1995;*
- 2 SEEK public submissions on the discussion paper forming Attachment 1 to Report CJ205-10/05;*
- 3 CONDUCT two (2) independently facilitated workshops as part of the public submission period relating to the review of ward boundaries, names and elected member representation as detailed in 1 above, in order to explain the review process and engage the community;*

- 4 *HOLD the two (2) workshops as detailed in 3 above no later than three (3) weeks prior to the scheduled close of public submissions for the discussion paper on the review of ward boundaries, names and elected member representation;*
- 5 *REQUEST a further report be presented to Council following the completion of the statutory public consultation as required by Schedule 2.2 of the Local Government Act 1995;*
- 6 *MAKES the following changes to the discussion paper:*
 - *On Page 10:*
 - *Heading "Options to consider" to be amended to read "Matters to be considered"*
 - *The word "Option" as it relates to Options 1 to 6 inclusive to be removed;*
 - *Within "1", remove the word "Maintain".*
 - *Amend "2" to read "Creation of new wards ..."*
 - *Amend "3" to read "Changes to the boundaries ..."*
 - *Amend "4" to read "Abolition of all the wards ..."*
 - *Amend "5" to read "Changes to the names of"*
 - *Amend "6" to read "Changes to the number of ..."*
 - *On the attached ward maps shown on stamped pages 69 to 73 inclusive, the word "Option" to be amended to read "Example"*
 - *On the attached ward map shown on stamped page 73, the internal dark lines and the colours to be removed;*
- 7 *the CEO making modifications to the discussion paper, as a result of the review of the document by Edith Cowan University, that do not change the substance of the discussion paper or the examples."*

The Local Government Act 1995 requires a local government to undertake such a review at least every eight (8) years. The City of Joondalup is required to complete its next review by 26 August 2007.

In accordance with the decision of 11 October 2005, a discussion paper was advertised for public submissions, with submissions due to close on 2 December 2005. In addition to the statutory public comment period, two (2) public workshops were held on the matter on 7 and 9 November 2005.

At the completion of the public submission period, a report will be presented to the Council for consideration prior to a recommendation being submitted to the Local Government Advisory Board.

VOTING REQUIREMENTS

Absolute Majority

Call for One-Third Support

The Local Government Act 1995, under regulations prescribed to deal with Section 5.25(e), lays down the following procedure for dealing with revoking or changing decisions made at Council or Committee meetings:

If a decision has been made at a Council meeting, then any motion to revoke or change the decision must be supported by at least one-third of the number of officers (whether vacant or not) of members of the Council.

If supported by one-third of the members, then any decision to revoke a resolution of the Council is required to be passed by an Absolute Majority.

Prior to giving consideration to the following recommendation, Commissioners are required to give the support of one-third of their members, and such support is to be recorded in the Minutes of this meeting.

Commissioners indicated their support in relation to this Revocation.

MOVED Cmr Anderson, SECONDED Cmr Clough that the resolution of Council in respect of CJ084-05/05, be REVOKED, being:

“3 *STATES that the intention of this resolution is to progress the process and that it is also the intention that an elected Council will decide Ward boundaries at the appropriate time.*”

AND REPLACES it with:

“3 *That the Council considers any public submissions following the statutory six (6) week public consultation period relating to the review of the City of Joondalup’s ward names, boundaries and elected member representation at the earliest opportunity; and*

4 *following the review of public submissions as detailed in (3) above makes a recommendation to the Local Government Advisory Board for its consideration.*”

AMENDMENT MOVED Cmr Smith that Point 4 be amended to read as follows:

“4 *following the review of public submissions as detailed in (3) above decides whether to make a recommendation to the Local Government Advisory Board for its consideration at that time.*”

There being no SECONDER, the Amendment

LAPSED

Cmr Smith wished it recorded that her preference would have been to attempt to amend this Motion so that it would not fetter the Council and that the Council would not say at this time it would make a recommendation to the Local Government Advisory Board. Cmr Smith’s wish would have been for this process to be undertaken incrementally.

The Motion as Moved Cmr Anderson, Seconded Cmr Clough was put and

**CARRIED BY AN
ABSOLUTE MAJORITY (5/0)**

C66-11/05**NOTICE OF MOTION NO 2****CMR S SMITH – PROCEDURE IN RELATION TO PUBLIC QUESTION TIME**

At the Council meeting held on 1 November 2005, Cmr S Smith in accordance with clause 3.12 of the Standing Orders Local Law, gave notice of her intention to move the following Notice of Motion at the Council meeting to be held on Tuesday 22 November 2005.

“That Clause 3 of the procedure for public question time be reviewed, such that the interpretation of this clause does not preclude a member of the public from asking one question and waiting for the response before asking a second question.”

Reason for motion:

Cmr Smith provided the following comment in support of her Notice of Motion:

The clause is ambiguous and its current interpretation has not produced good outcomes.

Officer’s Comment

The Council at its meeting held on 11 October 2005 adopted a revised set of protocols for public question time and also agreed to introduce a public statement time based on agreed protocols.

The development of the protocols was a result of a detailed public consultation process which involved public workshops and a general public comment period via local public advertising. The matter was presented to a number of Strategy Sessions in order to generate discussion and feedback from Council members.

Clause 3 of protocols relating to public question time reads as follows:

“3 Public question time will be limited to two (2) minutes per member of the public, with a limit of two (2) questions per member of the public. Both questions are to be read in total.”

The intent of the clause was based on:

- The ability to account for the period of time per member of the public; and
- Allowing both the questions to be asked and understood by the relevant person who is required to respond.

During the wider public consultation period a similar concern was raised through a public submission. As part of the response to that concern, the following comment was included as part of the report presented to the Council at its meeting held on 11 October 2005, at the time the Council adopted the protocols:

“The opportunity always exists for a member of the public to ask questions in writing prior to the Council meeting, and where practicable, for responses to be available at the meeting. Members of the public can then use their two (2) questions at the Council meeting to ask follow-up questions to the response already provided.”

The agenda for the Council meeting is available to the public on the Wednesday evening immediately prior to the Tuesday Council meeting. Those questions requesting a response by the Council meeting are required to be submitted in writing by 5 pm the Friday prior to the Council meeting which allows members of the public two (2) working days to submit questions.

VOTING REQUIREMENTS

Simple Majority

MOVED Cmr Smith SECONDED Cmr Clough that Clause 3 of the procedure for public question time be reviewed, such that the interpretation of this clause does not preclude a member of the public from asking one question and waiting for the response before asking a second question.

Cmr Smith spoke in support of the motion.

AMENDMENT MOVED Cmr Anderson SECONDED Cmr Fox that the motion be amended to read:

“That Clause 3 of the procedure for public question time be changed”

Discussion ensued on the amendment. The CEO advised that the current wording of the amendment would not negate the need for a report to be presented to the Council to review Clause 3 of the procedure.

Cmr Anderson, with the approval of the meeting advised he wished the Amendment to be
WITHDRAWN

AMENDMENT MOVED Cmr Clough SECONDED Cmr Anderson that the Motion be amended to read:

“That Clause 3 of the procedure for public question time be AMENDED to read:

“3 Public question time will be limited to two (2) minutes per member of the public with a limit of two (2) questions per member of the public.”

Discussion ensued.

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

The Original Motion, as amended, being:

That Clause 3 of the procedure for public question time be AMENDED to read:

“3 Public question time will be limited to two (2) minutes per member of the public with a limit of two (2) questions per member of the public.”

Was Put and

CARRIED UNANIMOUSLY (5/0)

DATE OF NEXT MEETING

The next meeting of the Council has been scheduled for **7.00 pm** on **TUESDAY, 13 DECEMBER 2005** to be held in the Council Chamber, Joondalup Civic Centre, Boas Avenue, Joondalup

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 2106 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX