

CITY OF JOONDALUP

MINUTES OF SPECIAL MEETING OF COUNCIL MEETING HELD IN COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY, 6 DECEMBER 2005

OPEN AND WELCOME

The Chairman declared the meeting open at 1930 hrs.

ATTENDANCES

CMR J PATERSON - Chairman
CMR P CLOUGH - Deputy Chairman
CMR M ANDERSON
CMR S SMITH
CMR A FOX

Officers:

Chief Executive Officer	G HUNT
Director, Planning and Community Development:	C HIGHAM
Acting Director, Corporate Services:	S HAFEZ
Acting Director, Infrastructure Services:	P SCHNEIDER
Manager, Marketing Communications and Council Support:	M SMITH
Manager, Approvals Planning and Environmental Services:	C TERELINCK
Media Advisor:	L BRENNAN
Committee Clerk:	J HARRISON
Minute Clerk:	L TAYLOR

There were 14 members of the Public and 1 member of the Press in attendance.

PUBLIC QUESTION TIME**The following questions were submitted in writing prior to the Special Council meeting on 6 December 2005****Dr V Cusack, Kingsley:**

In light of the information recently provided by the City about the nearest development being just 15 metres from the Conservation Category Wetland (CCW) and that the excavation to construct the basements is a mere 30 metres from the CCW. Can Council please provide answers to the following questions at the special meeting (when called) for the aged care nursing home on Hocking Road Kingsley.

Q1 *What is the current water table height just 15 Metres from Walluburnup Swamp? What is the current depth from surface to the water table just 15 Metres from the CCW?*

Note

The following answers have been formulated using information taken from the Perth Groundwater Atlas available on the Department of Environment website at <http://apostle.environment.wa.gov.au/idelve/gwa>

The information contained in the response to these questions is approximate only. Further investigations to these results should be sought through the Department of Environment.

A1 The current water table level 15 metres from the CCW is approximately 27 AHD. The current depth from the surface is approximately 2 metres.

Q2 *What is the current water table height at the closest point (being just 30 metres) to the CCW where the deep excavation for the basements will occur? What is the current depth from surface to the water table at that location being just 30 metres from the CCW?*

A2 The current water table level 30 metres from the CCW is approximately 27 AHD. The current depth from the surface is approximately 4 metres.

Q3 *In light of the fact that the water table is at its highest for many decades, when was the most recent tests conducted on site to determine the height of the water table?*

A3 This question should be directed to the Department of Environment.

Note: The proposed basement level is 29.4 AHD.

The following questions were submitted verbally at the meeting; a summary of each question and the response given is shown below:

Ms M Moon, Greenwood:

Q1 Are dwellings on the site considered single or grouped dwellings. What is the site area calculated on?

A1 The use class classification is named in the report. There are a number of different types of building on the site that perform as dwellings. For development of aged persons dwellings there are discounts that apply to the R Codes in terms of the calculation of density. The other aspects of the development do not have a density applicable to them.

Q2 Has the City used grouped dwellings or multiple dwellings?

A2 A single dwelling exists on its own lot in isolation. This development has a number of dwellings on the lot.

Q3 As you have just stated that the dwellings are all for permanent use, are these considered multiple dwellings under the R Codes, as this has not occurred in the calculations?

A3 It has not been stated that the whole development is comprised of dwellings. A portion of the site is developed for aged persons dwellings with independent living units. The other portion of the site is a hostel-type part of the development. The use classes are described in the title of the report.

PUBLIC STATEMENT TIME

Nil

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. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

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 Peter Clough
Item No/Subject	JSC6-12/05 - 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
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cmr Clough provides advice to another aged care provider in relation to Government issues. Cmr Clough advised of his oversight in not making this declaration at the Council meeting on 22 November 2005

JSC6-12/05 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 DIRECTOR: Mr Clayton Higham
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

At its meeting held on 22 November 2005, Council resolved 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.*

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 – 26421m²
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
<p>Consisted of:</p> <p>39 Aged or Dependant 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 Dependant 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>Deleted in this proposal.</p>

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	Consisted of: 39 Aged or Dependent Persons' Dwellings and a clubhouse; A 30 unit 60 bed nursing home for assisted living; A 110 bed nursing home for dependant living; and An administration building for the site and general Meath Care Inc. business.	Proposes: 38 Aged or Dependent Persons' Dwellings and a clubhouse; A 30 unit 60 bed nursing home for assisted living; and A 118-bed nursing home for dependant living.

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
Aged or Dependent Persons' Dwelling Unit size (Residential Design Codes Acceptable Development plot ratio area is 100sqm)	Ranged from approximately 108-139m ²	Now range from approximately 110-139 m ²
Aged or Dependent Persons' Dwelling Lot size minimum 293.3m ² , and average 333.3m ²	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 .
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 conditioned 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

Issue	Development Application approved 30/12/2004 DA04/0060	Current Proposal DA05/0548
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
Advertising	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. 8 submissions were received. 2 were non-objections. 1 was a petition including 76 signatures.	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. 5 submissions were received, being three objections, one non-objection and one expression of concern (not marked as an objection by the respondent).
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
Aged or Dependent Persons' Dwellings Residential Design Codes Acceptable Development plot ratio area is 100sqm	Plot Ratio ranges from approximately 110-139 m ²

Issue	Current Proposal DA05/0548
Stores Residential Design Codes Acceptable Development is 4 m ²	Range from 3.5-4.0m ² .
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 north-western 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

MOVED Cmr Anderson SECONDED Cmr Paterson 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 plan should be developed and submitted to the Department of Environment for review and approval prior to commencement of the proposed disturbance.

Discussion ensued.

Reference was made to advice received from the EPA dated 6 December 2005 – Appendix 2 refers.

AMENDMENT MOVED Cmr Fox **SECONDED** Cmr Anderson that the Motion be amended as follows:

- 1 A new Footnote 9 be added, to read:

“That the applicant be informed that the land is located within the Whitfords Sub-area of the Perth Groundwater Area where there is a requirement to obtain a Groundwater Licence before a bore or well can be constructed, and for the use of groundwater including dewatering, in accordance with the Rights in Water and Irrigation Act 1914. The issue of a Licence is not guaranteed but if issued will contain a number of conditions.”

2 Footnote 2 to be amended to read:

“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 not be used, to avoid the introduction of foreign elements detrimental to the surrounding environment.”

Cmr Fox spoke to the Amendment.

The Amendment was Put and

CARRIED UNANIMOUSLY (5/0)

Discussion continued on the original motion.

The Original Motion, as amended, being:

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 not be used, to avoid the introduction of foreign elements detrimental to the surrounding environment.
- 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.

- 9 That the applicant be informed that the land is located within the Whitfords Sub-area of the Perth Groundwater Area where there is a requirement to obtain a Groundwater Licence before a bore or well can be constructed, and for the use of groundwater including dewatering, in accordance with the Rights in Water and Irrigation Act 1914. The issue of a Licence is not guaranteed but if issued will contain a number of conditions.

Was Put and

CARRIED (3/2)

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

Appendices 1 and 2 refer

*To access this attachment on electronic document, click here: [Attach1agn061205.pdf](#)
[Attach2agn061205.pdf](#)*

CLOSURE

There being no further business, the Chairman declared the Meeting closed at 1952 hrs; the following Commissioners being present at that time:

CMR J PATERSON
CMR P CLOUGH
CMR M ANDERSON
CMR S SMITH
CMR A FOX