

# CITY OF JOONDALUP

MINUTES OF SPECIAL ELECTORS MEETING HELD IN COUNCIL CHAMBER,  
JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON MONDAY 29 MAY  
2006.

## ATTENDANCES

### Mayor:

T PICKARD

### Councillors:

Cr K HOLLYWOOD	North Ward	
Cr T McLEAN	North Ward	
Cr A JACOB	North-Central Ward	
Cr S MAGYAR	North-Central Ward	
Cr J PARK	Central Ward	
Cr G AMPHLETT	Central Ward	
Cr M EVANS	South-West Ward	
Cr S HART	South-East Ward	<i>Absent from 1921 hrs to 1922 hrs</i>
Cr B CORR	South-East Ward	
Cr R FISHWICK	South Ward	
Cr R CURRIE	South Ward	

### Officers:

Chief Executive Officer:	G HUNT	
Director, Planning and Community Development:	C HIGHAM	
Director, Corporate Services:	M TIDY	<i>To 2024 hrs; absent from 2020 to 2022 hrs</i>
Director, Infrastructure Services:	D DJULBIC	
Director, Governance & Strategy:	I COWIE	
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:	G KELLY	

## APOLOGIES

Apology for absence: Cr M John

There were 51 members of the public in attendance.

For Attendance lists, click here: [Special Electors Register 290506.pdf](#)

The Mayor opened the meeting at 1900 hrs and welcomed members of the public.

### **PURPOSE OF MEETING**

This meeting was called in accordance with the provisions of Section 5.28 of the Local Government Act 1995.

The purpose of the meeting is to discuss issues in relation to the proposed aged care facility – Lot 550 Woodlake Retreat, Kingsley, to include:

- 1 Woodlake Retreat Structure Plan
- 2 Section 6.8 of the City of Joondalup's District Planning Scheme No 2 (DPS2)
- 3 Exercising discretion under section 4.5.3 of the DPS2 and particularly the adverse effects upon the inhabitants of the locality
- 4 Size and scale of the proposed "aged care facility" adjacent to a medium density residential area, and residential amenity
- 5 Restricted vehicular access (including emergency vehicles) and associated issues of public safety
- 6 Traffic volume, parking and noise
- 7 Environmental impacts on one of the City's Crown Jewel Wetlands being Lake Goollelal
- 8 Acid Sulphate Soils and possible contamination of Lake Goollelal
- 9 Any other matters raised from the floor of the meeting

This meeting was advertised in the Joondalup Times on Thursday 4 May 2006, Thursday 18 May 2006 and Thursday 25 May 2006.

The Mayor outlined the requirements for speaking and voting at this special meeting of electors, and the definition of an elector.

### **MEETING OPEN TO THE FLOOR - PUBLIC QUESTION TIME/MOTIONS**

#### **Dr V Cusack, 2 Renegade Way, Kingsley:**

I am president of the South Ward Ratepayers and Electors Association, representing the suburbs of Kingsley and Greenwood.

We, the residents, are looking forward to working with the newly elected Council and agree with the City's slogan 'focusing on the future'. We recommend that this Council learns from the past and resolves the present issues, one of which is the construction of the road extension to Woodlake Retreat, Kingsley.

Our ratepayer group has never been against the proposed aged care facility at Lot 550 Woodlake Retreat. This electors meeting was called to address some outstanding issues associated with the proposed development of Lot 550 Woodlake Retreat, Kingsley, mainly to give the residents a chance to have their say on the road access.

As the road is considered vital by all the residents in Waterview Estate, I suggest that we deal with that agenda item first.

**Mr Ed Burton, 16 Woodlake Retreat, Kingsley:**

I take this opportunity to congratulate the Mayor and Councillors on their election to the City of Joondalup.

I would like to remind Councillors that Waterview Estate was to be low density, individual residences with associated amenities. People purchased these lots on that basis. Residents do not object to the development of the aged care facility, however we have objected to the size of the development and the impact on residential amenity. Further pressure would be placed on Woodlake Retreat ingress and egress, which is already unsafe and does not comply with the Main Roads standards. It is only 50 metres from the entrance of Waldeck's Nursery. Woodlake Retreat was built for residential traffic and cannot cope with the construction vehicles. They will damage the road, verges and houses, which are only 4.5 metres from the road. This will be a future issue. Given the circumstances, the extension of Woodlake Retreat is paramount to the development.

**MOVED Mr Ed Burton, 16 Woodlake Retreat, Kingsley SECONDED Ms M Moon, 6 Carew Place, Greenwood that the Council be proactive and give drive to the recommended extension of Woodlake Retreat to the proposed four-way intersection at Kingsway and Wanneroo Road, as supported by the Commissioners on 26 April 2006; further that it be commenced as soon as possible to support the construction of the developments.**

The following persons spoke to the Motion:

Mr Ed Burton, 16 Woodlake Retreat, Kingsley  
Ms M Moon, 6 Carew Place, Greenwood  
Mr K Zakrevsky, 49 Korella Street, Mullaloo  
Cr S Hart  
Mrs M Macdonald, 5 Mair Place, Mullaloo  
Mr M O'Brien, 45 Aberdare Way, Warwick  
Mr B Richins, 2 Grasslands Loop, Kingsley

*During discussion, Cr Hart left the Chamber at 1921 hrs and returned at 1922 hrs.*

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

**Mr Ed Burton, 16 Woodlake Retreat, Kingsley**

In relation to agenda item 6 - Traffic volume, parking and noise.

Residents' submissions have constantly argued that the statistical indicators used by the City are underestimated. It is necessary to consider the impact of the 102-bed project, being the extension of the current retirement village by 45 units, to a total of 90 units.

I estimate the volume of traffic will be conservatively 530 trips, one in and one out per vehicle per day, on the dead-end of Woodlake Retreat. This takes into account operational services, visitors and special services. In the document, underground parking consists of 24 bays and 16 visitors bays, making a total of 40 bays in the underground parking area off Woodlake Retreat. It is also documented that there will be three shifts per day for the maximum of 24 staff per shift. Each shift will have a minimum of 30 minutes for changeover. Given that the

24 staff bays would be occupied by on-duty staff, where do the changeover staff park? Will changeover staff relocate their cars when their co-workers finish their shift? I think not.

**MOVED Mr Ed Burton, 16 Woodlake Retreat, Kingsley SECONDED Ms Lesley McDougall, 32 Woodlake Retreat, Kingsley that the Councillors and Mayor review the parking statistics and in particular the functional operations of the establishment and, if proven to be inadequate, request that additional bays be provided; further if the City's figures are then deemed to be correct, the Councillors and Mayor are asked to ensure that action is taken to enshrine that residential parking is solely for the residents of Grasslands Loop and Woodlake Retreat. This action will ensure that no further degradation of the current residential amenity. Overflow parking from the aged care facility should be restricted to in front of or opposite the boundaries of Lot 550.**

The following persons spoke to the Motion:

Mr Ed Burton, 16 Woodlake Retreat, Kingsley  
Mr M Sideris, 12 Page Drive, Mullaloo  
Mr K Zakrevsky, 49 Korella Street, Mullaloo

**The Motion was Put and**

**CARRIED UNANIMOUSLY**

**Mr John Chester, 27 Wandearah Way, Kingsley:**

I am concerned about one aspect of the environmental impact of the Aegis development, particularly because it seems to set a precedent for future development around the wetlands. Buffer zones around wetlands such as Lake Joondalup are essentially designed to reduce the input to the wetlands of nutrients, sediments and chemical pollutants such as pesticides and hydrocarbons.

According to the Waters and Rivers Commission 2001, the recommended buffer between residential housing and a lake such as Lake Joondalup, which is a significant bird feeding and breeding site, is 200 to 800 metres, such as one might find at Lake Thompson, which is south of Rockingham, and what you certainly will not find around a degraded lake such as Lake Monger.

We know we do not live in a perfect world and unfortunately around the south eastern margin of Lake Goollelal the buffer zone is the absolute minimum recommended by the Waters and Rivers Commission, which is 50 metres. If we use the data that the developers have provided, the outer edge of the buffer zone is said to lie along the western boundary of the road reserve, which is on the opposite side of the road to the development. However, if the buffer zone is correctly measured as recommended by the Waters and Rivers Commission, that is if we start from the water dependant vegetation such as the sedges and rushes, the outer boundary actually occurs right on the front property line.

If the developers proceed according to their plans, they will start excavations at the front boundary and proceed horizontally back into the block along the level of the Australian height datum 29.87 metres. By the time they dig in the required 55 metres to accommodate the underground carpark, and the laundry and kitchen, they will then be at least three metres below the current surface. The Perth Groundwater Atlas of 2004 indicates that the water table depth is only five metres below ground level at that location, so we are talking about a margin of error of only two metres, but I need to emphasise that the data in the Atlas was collected at the end of the summer of 2003, which means that in winter the water table will be a lot higher and the margin is going to be a lot less.

Because of the potential risk of acid sulphate soils so close to the wetlands, the development was approved as most Councillors will already know, on the understanding that if acid sulphate soils are encountered, an acid sulphate management plan will be developed, but I must add it does seem a little bit like shutting the stable door after the horse has bolted.

Several weeks ago I was in a meeting with two of the City's engineers, who expressed their reluctance to disturb buried stormwater pipes at the western edge of Yellagonga Regional Park because of their perceived concern at acid sulphate risk. Now these pipes were located 200 metres from the lake's edge and according to the Groundwater Atlas, the water table at this site is 14 metres below the surface. If their concerns on that matter are legitimate, surely we must be thinking that excavations that start at the edge of a 50 metre buffer and very close to the groundwater table are a bit more risky. Considering the dire consequences that the City of Stirling is dealing with in relation to acid sulphate soils, I think the question we should be asking is can the City continue to approve excavations near wetlands as they have in this particular case.

**MOVED Dr V Cusack, 2 Renegade Way, Kingsley SECONDED Mrs M Zakrevsky, 49 Korella Street, Mullaloo that this elected Council satisfy itself that there will be no risk of generating acid sulphate soils from any excavation or other site-specific works on Lot 550 Woodlake Retreat.**

The following persons spoke to the Motion:

Dr V Cusack, 2 Renegade Way, Kingsley  
Mr A Savory, 4/50 Woodlake Retreat, Kingsley  
Mr J Chester, 27 Wandearah Way, Kingsley

**The Motion was Put and**

**CARRIED**

**Mr M Caiacob, 7 Rowan Place, Mullaloo:**

Regarding agenda item 1, dealing with the Woodlake Retreat Structure Plan. In regards to this particular development, and we all appreciate that this particular development has been approved, I was part of the Council that approved the Structure Plan that governs this site. I was aware of the concerns and the issues confronting the adjoining residents. In casting an approving vote, a maximum plot ratio of .65 was acceptable to myself as one of the methods of containing the bulk, size, scale and adverse effects on the adjoining high standards of residential amenity. However, the Commissioners in exercising their discretion did not consider the reasons the former Council and the Planning Commission wisely accepted a maximum plot ratio of .65 in this Structure Plan. The maximum permissible approved plot ratio was no longer a maximum; it was in fact a nothing, as now an additional burden of 1,179 square metres of development will impact on the adjoining residents. The report even states that the privacy will be lost for these adjoining residents and privacy screens are required.

The administration sought legal advice to facilitate increasing the plot ratio and discretion was recommended over the agreed Structure Plan. As a former Councillor I believe that there was no right to apply discretion over the plot ratio as a maximum had already been approved by the Council and the agreed Structure Plan had not been amended. Legal advice should not have been sought by the administration until the Council had requested it. Until Council decides that it may consider to grant a discretionary decision, legal advice on the discretion's lawfulness does not or should not come in question. Adherence to the legislation, Council policies and guidelines by the administration is essential to good governance and good corporate governance and the good decision making of the Council, ie as we saw within the Structure Plan.

The issue of the road funding should have been finalised prior to the Council approving the development application and the word 'may' should never have been included in that Structure Plan in regard to the road, it should have been 'will' and then everybody would have been bound prior to this approval. The discretionary increase in plot ratio has only been applied to the development application and not the Structure Plan. I believe that the discretion should have been applied over the Structure Plan that governs the site and then the development would have complied.

**MOVED Ms M Moon, 6 Carew Place, Greenwood SECONDED Ms Morag Davies, 7 Charlton Court, Kingsley that Council looks at the role of 4.5 – Discretion, in regard to the agreed structure plan, so ground rules cannot be changed; that the intent of structure planning as a planning tool is upheld and if an applicant's aspirations exceed the structure plan, an amendment to the structure plan is initiated.**

The following persons spoke to the Motion:

Ms M Moon, 6 Carew Place, Greenwood  
Mr A Savory, 4/50 Woodlake Retreat, Kingsley

**The Motion was Put and**

**CARRIED**

**Dr V Cusack, 2 Renegade Way, Kingsley:**

Q1 *In relation to the affixing of the common seal to structure plans, I notice there is no date on it. Can I have an explanation as to why there is no date?*

A1 *Response by Chief Executive Officer:*

It is normal to put the date of the decision of the Council. The seal is affixed and an entry made in the seal register, and the date that the seal is affixed should be in that register. The date will be ascertained for Dr Cusack. The normal process is that the signing of the resolution is in recognition of the resolution of the Council. The seal register is kept and that in return is reported to Council. It is not unusual for planning documents to record the formal decision of the Council. The seal register will show the date it was affixed.

Q2 *Can I suggest that perhaps in the future, when the common seal is affixed to structure plans, that they be dated?*

A2 *Response by Mayor Pickard:*

That is a fair comment.

Q3 *When the Commissioners approved the structure plan on 16 December 2003, point 2 of the resolution stated "pursuant to Clause 9.6 of the City of Joondalup District Planning Scheme No 2, resolved that the modified Woodlake Retreat Structure Plan shown on attachment 1 to Report CJ306-12/03 be adopted and submitted to the Western Australian Planning Commission for adoption and certification." As I understand it, that did not go back to the Planning Commission as that decision was made on 16 December 2003, and the stamp on the document from the Planning Commission is 11 November 2003. Was that decision of Council ever implemented?*

A3 *Response by Chief Executive Officer:*

On the inside page of the structure plan, it is certified that the Woodlake Retreat Structure Plan was adopted by resolution of the Western Australian Planning Commission on 11 November 2003. They made an adjustment, which then came back to the Council on 16 December 2003, and it was that minor change that was then dealt with by the Council.

*Response by Director Planning and Community Development:*

Following the decision of the Council on 16 December 2003, the structure plan was sent to the Western Australian Planning Commission on 23 December 2003, with the request that it be certified. A response was received from the Western Australian Planning Commission with that certification, and the date of 11 November 2003 is the date that it went to the Commission when it asked the Council to make that modification.

Q4 *Why was that amendment not included in the table on page 2 of the structure plan, because Commissioners did make an amendment to the original structure plan that was approved on 11 November 2003? There is no reference to the amendment in the authorised structure plan.*

A4 *Response by Chief Executive Officer:*

That would be for amendments that follow the initial structure plan. That would not be considered an amendment to the initial structure plan, it was an amendment that occurred at the request of the Western Australian Planning Commission before they finally certified it.

**MOVED Mr M Caiacob, 7 Rowan Place, Mullaloo SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that Council, during and forming part of the current review of the District Planning Scheme No 2:**

- 1 causes legislation, policies and guidelines to be developed and adopted into the District Planning Scheme to:**
  - (a) apply development standards to developments not currently controlled by standards;**
  - (b) restrict and control the use of discretion over applicable development standards;**
  - (c) assist the administration in reducing the number of conditions of approval, by ensuring compliance prior to reporting to Council or a delegated authority approval;**
  - (d) assist designers, developers and builders in achieving compliance prior to submission of a planning application;**
- 2 develops policies and guidelines to assist Council in making discretionary determinations under Clause 4.5 and 6.8 of the District Planning Scheme.**

The following persons spoke to the Motion:

Mr M Caiacob, 7 Rowan Place, Mullaloo  
Mr K Zakrevsky, 49 Korella Street, Mullaloo  
Mr M O'Brien, 45 Aberdare Way, Kingsley  
Mr E Burton, 16 Woodlake Retreat, Kingsley

**The Motion was Put and**

**CARRIED**

**Dr V Cusack, 2 Renegade Way, Kingsley:**

A request was raised through our ratepayer group to replace cricket nets at Kingsley. I wish to publicly thank the Director of Infrastructure Services, Mayor Pickard, and the two Ward Councillors for the quick response to this request.

**Mr K Zakrevsky, 49 Korella Street, Mullaloo**

I have attended meetings for over 32 years and this has been the best meeting in 15 years that I have attended. Everyone has been addressed politely from the Chair, there has been patience and clarity, and that I attribute to good Chairmanship and teamwork of the Councillors. I hope this continues at all times.

## **CLOSURE**

Mayor Pickard thanked all persons present for their attendance and contribution to this special meeting of electors and advised that a report on the motions carried will be presented to Council.

There being no further business, the Mayor declared the Meeting closed at 2044 hrs; the following elected members being present at that time:

MAYOR T PICKARD  
Cr K HOLLYWOOD  
Cr T McLEAN  
Cr A JACOB  
Cr S MAGYAR  
Cr J PARK  
Cr G AMPHLETT  
Cr M EVANS  
Cr S HART  
Cr B CORR  
Cr R FISHWICK  
Cr R CURRIE