

# MINUTES

City of Joondalup

MINUTES OF  
ORDINARY MEETING OF THE COUNCIL  
OF THE CITY OF JOONDALUP  
HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



ON TUESDAY, 6 JUNE 2006



**MINUTES OF COUNCIL MEETING  
HELD ON 6 JUNE 2006**

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# CITY OF JOONDALUP

## MINUTES OF COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP, ON TUESDAY 6 JUNE 2006

### DECLARATION OF OPENING

The Mayor declared the meeting open at 1908 hrs.

### ANNOUNCEMENT OF VISITORS

Mayor Pickard welcomed members of the Mullaloo Surf Lifesaving Club.

### 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 JOHN	South-West Ward
Cr M EVANS	South-West Ward
Cr S HART	South-East Ward
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
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:	L TAYLOR

There were 30 members of the Public and 1 member of the Press in attendance.

**PUBLIC QUESTION TIME****The following questions were taken on notice at the Council meeting held on 26 April 2006:****Mr M Caiacob, Mullaloo:**

Q1 *Shown below is a previous question and response from 4 April 2006, also refer to Briefing questions of 28 March 2006 (19 April agenda).*

*“Re: CSIRO Structure Plan. I refer the Commissioners to Table 1 of the DPS2 and the answer to my question at the Briefing Session. Land use class of Residential as stated in the answer to my question does not exist, so why is it in the structure plan at the officer’s request when it should be labelled Single Residential as listed in Table 1? This is the intended land use in the new Urban Development zone, which is soon to become a residential zone?”*

*“A1 There is a term for “residential” as a zoning, but not “residential” as a use class, as Mr Caiacob correctly raised at the Briefing Session. In response to this particular issue, that structure plan is a draft that is intended to go out for public consultation. An issue like that would come up through the submission period. In the interim as the City has had early advice, the structure plan has been amended, so there is no opportunity for confusion in that regard.”*

*Considering that I am self educated and the public knows very little about structure plans, and the fact that the officers are the highly paid professional planners, who requested Satterley to insert the words “Land use Class of Residential” into this structure plan, how does a professional, paid planner believe that such an issue of land use class would come up via the submission period?*

A1 Mr Caiacob correctly identified a typographical error in the CSIRO structure plan. The ‘Land Use’ class should not have read ‘Residential’, but should have read ‘Single Residential’.

**Dr V Cusack, Kingsley:**

Q1 *Item CJ306-12/03 considered at the Council meeting on 16 December 2003 provided a plan, at Attachment 2, showing a four metre wide easement. The resolution of that meeting, in part, stated that the Joint Commissioners:*

*“2 resolve that the modified Woodlake Retreat Structure Plan shown on Attachment 1 be adopted and submitted to the WA Planning Commission for adoption and certification.*

*3 subject to certification of the modified Woodlake Retreat Structure Plan by the WA Planning Commission adopt the Woodlake Retreat Structure Plan.”*

*Why was the plan showing the four metre wide easement not included in the authorised Woodlake Retreat Structure Plan No 3?*

A1 The modification to the structure plan required by the Western Australian Planning Commission was the insertion of an additional paragraph in the structure plan text. The additional text required the four metre wide access easement to occur at the time of subdivision. There was no requirement to amend any accompanying plans within the structure plan document.

The attachment to the report (Appendix 16) was intended as a graphical representation of the additional text and was not a part of the amended Structure Plan.

*Appendix 16 refers*

*To access this attachment on electronic document click here:* [Attach16agn060606.pdf](#)

- Q2 *Why was the modified structure plan not sent back to the WA Planning Commission as per the resolution of the Commissioners on 16 December 2003?*
- A2 The modified structure plan was sent back to the Western Australian Planning Commission for adoption and certification on 23 December 2003 in accordance with Council's resolution of 16 December 2003.

**Mrs M Zakrevsky, Mullaloo:**

- Q1 *This week is Children's Playground Safety Week and in view of recent concerns regarding burnt feet from hot matting, sharp sheoak cones from inappropriate tree species in or adjacent to sand pits and the death related to falling from a flying fox, could Council use tonight's item relating to the Public Participation Research Programme to undertake a public participation strategy for ensuring that playgrounds are of the highest standards, meeting the safety and activity requirements for small children? What priority will Council give this matter?*

- A1 There are specific Australian Standards for play equipment, which are established by experts and adopted by Standards Australia. These standards are not static but are revised as necessary to maintain high standards. Consequently, it is considered appropriate to comply with these standards rather than to undertake public consultation to develop specific standards for Joondalup. The City allocated funding in 2004/05 for a consultant to assess the current conformance and condition of playgrounds to assist the City to plan, fund, manage, maintain, repair and upgrade its play equipment in accordance with the revised Australian Standards for play equipment.

The Stage 1 Report for 125 playground locations has been reviewed and items identified are being implemented. The Park Play Equipment Program has provision of funds for staged implementation of the recommendations in order of priority. Undersurfacing was identified as a priority and specific funding has been provided to undertake this programme.

**The following questions were submitted in writing prior to the Council meeting on 6 June 2006:**

**Ms C Mackintosh, Kallaroo:**

Preamble Statement to Council

*In April 2006, I submitted a series of questions to the Commissioners in relation to a variety of matters. The responses I received were (in some cases) most unsatisfactory and evasive. Given newly elected member, Councillor Magyar's statement in the Community News (11 May 2006) that his "main focus is to be accountable to the community and to make sure when people ask a question they get a satisfying answer". I have pleasure resubmitting several of the questions for Council's responses:*

*My first questions relate to the following:*

*During the Inquiry, MIBS Insurers met the legal fees of Councillors and staff members who made application to them. The legal fees were met on the proviso that no adverse findings were made against the claimants. Why, one asks, did Mayor Carlos not pursue this avenue, which was available to him?*

*My questions are as follows as questions to Council for the next Council Meeting:*

*Q1 Initial amounts of \$5,000 (and later additional amounts) were paid by the City to Crs Walker, Hart and Caiacob for legal representation during the City of Joondalup Inquiry. Why did these three Councillors not avail themselves of the City of Joondalup Insurers (MIBS) for legal funding rather than using ratepayers' funds?*

*The reply received was that: "It was an individual decision" to use Council funding rather than funding from Insurers."*

*A1 The previous response remains unchanged; it was an individual decision on each person's legal costs during the McIntyre Inquiry.*

*In relation to an article in Community News 15 December 2005 - "MPA to wear bill of \$10,000" where the Commissioners have determined they will reduce the debt to the City from the Mullaloo Progress Association by \$50,000 (more generosity by Commissioners at ratepayers expense!!), I ask the following question:*

*Q2 What method do the Commissioners intend to use to recoup these funds?*

*The response received was: "The CEO is actioning the matter in accordance with the Council decision."*

*Please:*

- (a) clarify and reaffirm Council's decision;*
- (b) show in the accounts, the amounts drawn thus far from this Association in relation to the debt;*
- (c) explain the method by which this debt is being, and will continue to be collected.*

*A2 The Council has carried a resolution on this and the CEO is actioning the matter accordingly.*

*Q3 The question was asked: Will the debt be restricted only to those members (20 active members in the year the court action was taken), or will the City of Joondalup be collecting the debt from long-standing or dormant members or members who have jointed since?*

*The response received was: "The Action was against the Association."*

*Q4 Is the CEO or Director of Finance, therefore, able to shed any light on which members will (and hopefully, are presently) meeting the debt to the Council?*

*A3-4 The debt is against the Association, not individual members.*



Q5 *Finally, can the CEO please advise what security measures have been implemented in ensuring the safety of the staff from unwanted or unlawful entry by elected members or members of the public, which was an issue, highlighted and strongly criticised in the McIntyre Report?*

A5 The City has a security system that has been installed progressively over recent years. This involves the provision of security cards which allow access to appropriate areas for those who hold them.

**Mr A Ruscoe, 9 Coolibah Place, Duncraig:**

*Re: CJ088-06/06 – Proposed Additions to an Existing Mobile Telecommunication Facility (Percy Doyle Reserve) Warwick Road, Duncraig*

Q1 *Under “health risks and matters” it is concluded that a report would be provided on compliance with Australian Standards for EME. Historically, health risks have been underestimated by society on many occasions (e.g., smoking & DDT). Therefore I ask why the Council is content with compliance to Australian Standards when this carries no proven indication of safety in this matter?*

A1 The Council relies on the Australian Standards for expert advice in this field. In regard to this application, the conclusion is that the proposal will emit cumulative EMEs of 1.8% of the standard prescribed as acceptable under ARPANSA guidelines. The Council has historically shown a high degree of sensitivity to proposals such as this and has reacted accordingly by developing its policies seeking co-location of facilities and identifying optimum locations wherever possible

Q2 *It is implied in the draft agenda that residents along Warwick Road have been consulted with regard to the additions. However also at great risk (for similar reasons) are the children in the day care centres at Percy Doyle reserve. I cannot find reference to the families who use these facilities being consulted. Therefore I ask “Have the families that use the daycare centres at Percy Doyle been duly consulted? If not, why not?”*

A2 The proposal was advertised by letter to 440 properties within a 500m radius of the facility, to afford the opportunity for comment. A number of occupiers and land users within the radius are situated on leased land, and there is some doubt as to whether letters may have been passed to tenants or user groups of the facilities. For this reason, it is intended to approach the occupiers of those premises to give an opportunity for comment to be made. If comment cannot be reasonably made before the Council meeting, then this issue will need to be considered when the Council adopts a resolution on this application.

Q3 *The draft agenda for the briefing session concludes “The demand for mobile phone services has increased over recent years and to satisfy this demand, MTF are required in the urban environment.” The major argument supporting the proposed additions to the MTF is flawed. Therefore I ask “What reason has the council got to increase the health-risk faced by children in the vicinity of the MTF by any amount no matter how small when the only argument in favour of the MTF additions is flawed?”*

A3 The quotation referred to above is not an attempt to justify the report recommendation for approval to be granted. The reasons are included in the report’s conclusion. In the event that the conclusion is not agreed by the Council, it has the option to refuse the proposal on planning grounds, and to defend that decision, if contested, in the State Administrative Tribunal.

**Mrs A Hine, 134 Dundobar Road, Wanneroo:**

*Re: Woodlake Village:*

*Q1 Could you tell me if any reports have been requested or given to Council in regards to the removal of the Old Gibbs Dairy?*

A1 The City is unaware of any reports making reference to an old dairy.

*Q2 Has an aboriginal study been done for Council or the developer for the ground below the concrete slab of the Old Dairy which was not included in the O'Connor Report about 1990-94 approx?*

A2 An Aboriginal study of the ground below the concrete slab has not been conducted by the City. The City is unaware of the developer conducting such a study

*Q3 Is CALM being paid for giving up land for the extended road for entry onto Wanneroo Road, if so how much?*

A3 Arrangements for cost sharing between the various government agencies involved have not been finalised. It is noteworthy that the land in question is currently managed by the Department of Planning and Infrastructure and is not owned by the Department of Conservation and Environment. Preliminary discussions have indicated that the road reserve would not need to be paid for, and that it would be given up for the intended purpose if a suitable alignment and funding could be agreed.

**Mr J Bombak, Joondalup:**

*Re: C24-04/06 - Request for Legal Representation - Manager Audit and Executive Services:*

*Q1 Will you publish for the examination of ratepayers the full report of the City in relation to this matter, which report was noted to be confidential and not for publication?*

A1 No. The matter was dealt with confidentially because it relates to the contract of an employee. The minutes for the meeting of 26 April 2006 record the decision made as required by the Local Government (Administration) Regulations.

*Q2 If not, why should secrecy be allowed to cloak this report?*

A2 Not applicable.

*Q3 If not, why should other previous requests for legal funding have been public yet this request is deemed to be secret?*

A3 Not applicable.

*Q4 If not, why won't you tell the ratepayers about the report in the interests of truth, open and transparent local government?*

A4 Not applicable.

*I refer to the indefinite leave allegedly being granted to Mr Kevin Robinson, an employee of the City and I ask-*

- Q5 *What reason was offered by him for his leave?*
- Q6 *Who authorised his indefinite leave?*
- Q7 *When will he return to work?*
- Q8 *Was the Manager of Human Resources involved in any discussions regarding this leave with Mr Robinson?*
- Q9 *If not why not?*
- Q10 *Are you in possession or have you been in possession of Mr Robinson's file or is Mr Loader as the Manager of Human Resources in possession of Mr Robinson's file?*
- Q11 *Is there any threat of legal proceedings on foot involving Mr Robinson and the City?*
- Q12 *Has Mr Robinson threatened the City with legal action?*
- Q13 *Does Mr Robinson's alleged indefinite leave have any relationships with my question concerning agenda item C24-04/06?*

A5-13 These questions relate to an individual employee of the City and are inappropriate for public question time.

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

**Mr A Bryant, Craigie:**

- Q1 *Has Council been briefed on the Department of Community Development building that was supposed to be built on vacant land owned by Council at Craigie?*
- A1 *(Response by Mayor Pickard:)* Council has not yet been briefed on that particular item.
- Q2 *What progress has been made to date to ensure that the Department of Community Development builds the Community Centre on Council owned land at the corner of Perilya Road and Camberwarra Drive, Craigie?*
- A2 Following a Council Meeting a couple of months ago, it was the decision of Council to offer the land to the Department of Community Development on a certain basis. The City has written to the Department and the matter will be followed up in regard to whether the City has received a response.
- Q3 *Was the amount asked \$148,000?*
- A3 The City is confident that Mr Bryant has quoted the correct amount.

**Mr J Chester, Kingsley:**

Q1 *Can Council please give an assurance that once the Yellagonga Integrated Catchment Management Plan is implemented that construction work which is considered necessary to maintain the environment and integrity of those wetlands will be carried out as soon as possible, particularly with respect to dealing with nutrient loaded storm water that currently enters the wetlands untreated and which Council is primarily responsible for?*

A1 The City has already significantly progressed the drainage outlets in that vicinity and the City has a long-term capital works program for that.

In relation to the stormwater outfalls the intention would be to work on those in parallel with the development of the Integrated Catchment Management Plan.

**Mr M Caiacob, Mullaloo:**

Q1 *Can I please have an explanation why the development known as the Mullaloo Tavern is now being labelled as a Land Use of Hotel/Tavern, when its approval is strictly for a tavern?*

A1 From a planning point of view the land use that was approved has not changed and there have not been any applications to change it from tavern that was the component in question.

**Mr S Kobelke, Sorrento:**

Q1 *Is Council aware or been privy to planning by the Department of Planning and Infrastructure Marine Division that will see the closure of the trailer boat launching facilities at Hillarys Boat Harbour, with that land reclaimed for developers to install restaurants, bars and shops, with the subsequent reclaiming of pristine beach and dunes to the north of the boat harbour for a new trailer boat launch facilities?*

A1 The City is not aware of anything in that regard.

Q2 *Is there an update available on progress with the Minister in relation to Council's approval on 4 April 2006 of the amendment to DPS2 to include building height controls in non residential adjacent to the coast?*

A2 This question will be taken on notice.

**Mr J Hollywood, Burns Beach:**

Q1 *What progress has been made regarding the community centre at Currambine?*

Q2 *Re: CJ083-06/06 – Public Open Space. What authority did Peet & Co get from the City of Joondalup to use public open space in Burns Beach for a swale to take all their run off water rather than use their own property and what is the City charging Peet & Co to use public open space for this purpose?*

A1-2 These questions will be taken on notice.

**Mr J McNamara, Sorrento:**

*I received a pamphlet from the Mindarie Regional Council with an update on the regional facilities that are going to be provided over the next couple of years for resource recovery. The end product of this particular progress will consist of two phases, a gaseous phase and a solid phase.*

Q1 *Will the gaseous phase be a source of energy for providing electricity?*

Q2 *The solid phase will be high in the elements of nitrogen, phosphorus and potassium because it will be seen as a fertilizer replacement. How are we going to cost this particular product, mindful of the fact that it will be a product provided by a number of Councils in the region, and I specifically want to know, is it going to be costed with direct costing or fully absorbed costing.*

A1-2 There is a meeting of the Mindarie Regional Council to be held Wednesday, 7 June 2006 which will be attended by two representatives of the Council and a number of executive staff in relation to the resource recovery proposal. Currently there are two options under consideration, but no decision has been made at present as to which option may be progressed. Once that determination has been made, a response will be provided. These questions will be taken on notice.

**Mr M Sideris, Mullaloo:**

Q1 *Is there any indication as to when I may receive a response to a question that I asked on 26 April 2006, as I was advised I would receive a written response some two weeks ago?*

A1 The CEO will follow up with Mr Sideris following the conclusion of this evening's meeting.

**PUBLIC STATEMENT TIME**

Nil.

**APOLOGIES AND LEAVE OF ABSENCE**

Nil.

**CONFIRMATION OF MINUTES****C25-06/06 MINUTES OF COUNCIL MEETING – 26 APRIL 2006**

Due to the election of the new Council on 6 May 2006, and the departure of the Joint Commissioners, it is not possible to confirm the minutes of the Council Meeting held on 26 April 2006. These minutes will therefore remain unconfirmed minutes.

**MOVED Cr Fishwick, SECONDED Cr Hart that Council NOTES the Minutes of the Council Meeting held on 26 April 2006.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**C26-06/06            MINUTES OF SPECIAL MEETING OF COUNCIL, 9 MAY 2006**

**MOVED Cr John, SECONDED Cr Currie that the Minutes of Special Meeting of Council held on 9 May 2006 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**C27-06/06            MINUTES OF SPECIAL MEETING OF COUNCIL, 24 MAY 2006**

**MOVED Cr Magyar, SECONDED Cr Hart that the Minutes of the Special Meeting of Council held on 24 May 2006 be confirmed as a true and correct record.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**ANNOUNCEMENTS BY THE PRESIDING PERSON WITHOUT DISCUSSION****CONGRATULATIONS – KEDY KRISTAL**

Congratulations to Kedy Kristal of Joondalup's Pat Giles Centre.

Kedy has won the Community Service Award in the WA Citizen of the Year Awards.

Kedy has dedicated more than 20 years work to helping women and children subjected to domestic violence.

Kedy received her award from His Excellency, Governor Ken Michael on Foundation Day.

Congratulations Kedy.

**ENVIRONMENTAL MILESTONE**

The City has been awarded Greenhouse Milestone Five for its commitment to reducing greenhouse gas emissions.

Director of Governance and Strategy, Ian Cowie accepted the award on behalf of the City.

The award recognises the City's reduction of greenhouse gas emission through renewable landfill power, green waste recycling, LPG vehicles and energy efficient lighting, airconditioning and computers.

The award was presented by the Cities for Climate Protection Program.

## **MAJOR BOOST FOR BUSINESS**

I am pleased to announce a major boost for business in the City of Joondalup.

Working with the Member for Moore, Dr Mal Washer, the City has been successful in securing a \$193,000 grant to help young business people.

The project is called 'ThinkLearn' and will assist 48 young business people in the region.

The City is the lead agency with the partners WestCoast TAFE, City of Wanneroo, Small Business Centre and the private training organisation 'POWA'.

The \$193,000 grant is one of three coming into the City of Joondalup through AusIndustry.

Edith Cowan University will receive \$297,000 for small business training in the south-east metro corridor and Great Southern Region.

Joondalup's Small Business Centre will receive \$294,000 towards training for business owners.

That's a \$784,000 boost for business training – and special thanks to Dr Washer for his assistance in securing these federal government grants.

## **MULLALOO GUESTS**

May I again officially welcome our guests this evening from the Mullaloo Surf Lifesaving Club.

President, Mark Hills and his partner, Diane Kleinman, Vice President, Jeff Davidson and Director of Coaching, Jeff Vidler.

Congratulations to you all on Mullaloo's success in winning the 2006 Club of the Year at both a national and state level.

This achievement caps a remarkable recent history:

- 2004 and 2005 XXXX Gold WA Club of the Year
- 2005 National Club of the Year

These awards recognise the Club's family focus and developing junior competition for more than 350 children under the age of 14.

Mullaloo has been recognised nationally for its diversity in meeting the needs of its members and initiatives which are setting the standard for other clubs.

I believe it is appropriate to recognise the Mullaloo Surf Lifesaving Club. The Council is proud of both surf clubs within the City's jurisdiction. Indeed surf lifesaving clubs perform a crucial role in the preservation of life along the coastline and it is a service that both Mullaloo and Sorrento Surf Lifesaving Clubs do as a thankless task to ensure that lives are preserved along the coastline. The City is appreciative of not only the members of the Mullaloo Surf Lifesaving Club, its executive for their contribution to the community, but also to the approximately 1500 members of the surf club. The City also extends its appreciation to the Sorrento Surf Lifesaving Club.

## DECLARATIONS OF INTEREST

### 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

Elected members 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 Elected member/employee is also encouraged to disclose the nature of the interest.

Name/Position	<b>Mayor T Pickard</b>
Item No/Subject	CJ086-06/06 - Proposed Amendment to the Joondalup City Centre Development Plan and Manual (ECU Joondalup City Centre Campus Landholding). <i>Note: The agenda for this Council meeting incorrectly showed this declaration to be in relation to CJ085-06/06.</i>
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard was Guild President of Edith Cowan University in 1995.

Name/Position	<b>Cr M John</b>
Item No/Subject	CJ086-06/06 - Proposed Amendment to the Joondalup City Centre Development Plan and Manual (ECU Joondalup City Centre Campus Landholding)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr John is an employee (Research Fellow) of the University of Western Australia.

Name/Position	<b>Mr Garry Hunt, Chief Executive Officer</b>
Item No/Subject	CJ086-06/06 - Proposed Amendment to the Joondalup City Centre Development Plan and Manual (ECU Joondalup City Centre Campus Landholding)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Hunt is a member of the Murdoch University Senate

Name/Position	<b>Cr K Hollywood</b>
Item No/Subject	CJ093-06/06 - 2005/2006 Sport Development Program
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood's son coaches and her grandson plays basketball with a club associated with Wanneroo Basketball Association.



**IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY SIT BEHIND CLOSED DOORS**

Nil.

**PETITIONS****C28-06/06                    PETITIONS SUBMITTED TO THE COUNCIL MEETING – 6 JUNE 2006****1                    PETITION REQUESTING AN INCREASE IN THE LEVEL OF FUNDING – YELLAGONGA REGIONAL PARK - [04381]**

Cr Jacob tabled a 94-signature petition on behalf of residents of the City of Joondalup requesting Council to increase the level of funding in the 2006/07 Budget towards improving the standard of facilities at Yellagonga Regional Park.

**MOVED Cr Jacob, SECONDED Cr Corr that the petition requesting Council to increase the level of funding in the 2006/07 Budget towards improving the standard of facilities at Yellagonga Regional Park be RECEIVED and referred to the appropriate business unit for action.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**2                    PETITION REQUESTING RETICULATION OF RIDGE PARK, EDGEWATER – [28564]**

A 30-signature petition has been received from residents of Edgewater, requesting reticulation of Ridge Park, which is bordered by Ridge Close and Vista Close, to enable greater use by children in the area.

This petition will be referred to Infrastructure Services for action.

**MOVED Cr Jacob, SECONDED Cr Park that the petition requesting the reticulation of Ridge Park, bordering Ridge Close and Vista Close, Edgewater be received and referred to Infrastructure Services for action.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**CJ079 - 06/06 MINUTES OF THE AUDIT COMMITTEE MEETING  
HELD 26 APRIL 2006 [50068]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Garry Hunt  
Office of the CEO

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CJ060530\_BRF.DOC:ITEM 1

**PURPOSE**

To submit the minutes of the Audit Committee to Council for information.

**EXECUTIVE SUMMARY**

A meeting of the Audit Committee was held on 26 April 2006, with the following items being discussed:

- 1 Half-Yearly Report - Contract Extensions
- 2 Quarterly Report - Corporate Credit Card Usage
- 3 Write Off Of Monies
- 4 Review Of Procurement Processes
- 5 Review Of Draft Audit Charter
- 6 Risk Management Framework
- 7 Credit Card Procedures
- 8 Review Of Financial Management System

Reports covering items 5 and 7 above, being the Review Of Draft Audit Charter and Credit Card Procedures were presented to the Council meeting immediately after the Audit Committee meeting on 26 April 2006.

In regard to item 5, Council resolved as follows:

*That Council ADOPTS the Audit Committee Charter as detailed in Attachment 1 to Report C22-04/06, subject to the following amendments:*

*Objectives:*

- 2.1 *Delete – “accept responsibility”  
Replace with the word “oversee”*
- 4.4 *After external persons, insert the words “being natural persons”*
- 4.6 *After the word fee, insert the words “to be set as part of the budget process”*
- 7.1(b) *After the word Officer, insert the words “and report back to Council”*
- 7.1 (t) *After the word “indicators”, the paragraph is deleted and the following is inserted:  
  
“the Audit Committee may seek information or obtain advice on matters of concern using the normal processes of the City.”*

In regard to item 7, Council resolved as follows:

*That Council ENDORSES the changes to the Corporate Credit Card procedures as shown on Attachment 1 to Report C23-04/06, subject to the following changes:*

*That all references to 5.9 in the document be changed to read 5.6 and that in Item 5.6.3 after officer, the following words be inserted*

*“or, in the case of the CEO’s card, the Director of Corporate Services.”*

*Chief Executive Officer advised that the issues in relation to the Review of the Draft Audit Committee Charter and Credit Card Procedures were matters raised in October 2005 and as such, are not matters brought to the Council without prior notification.*

*It is recommended that Council:*

1 *NOTES the minutes of the Audit Committee meeting held on 26 April 2006 forming Attachment 1 to Report CJ079-06/06;*

2 *BY ABSOLUTE MAJORITY APPROVES an amendment to the CEO’s ‘Authority To Write-Off Monies’ as detailed in the Register Of Delegated Authority to read:*

*“Delegation to – Chief Executive Officer –individual items to \$20,000, subject to a report being provided to the Audit Committee on a six (6) monthly basis on the exercise of this delegation for amounts between \$1,000 and \$20,000.”*

## **BACKGROUND**

The Council’s Audit Committee was established in May 2001 to oversee the internal and external Audit, Risk Management and Compliance functions of the City. The City has also employed an internal auditor since May 2002.

The role of the Audit Committee is to provide an independent oversight of the financial systems of the City of Joondalup on behalf of the Council.

## **DETAILS**

A meeting of the Audit Committee was held on 26 April 2006, and the minutes are attached for noting – Attachment 1 refers.

### **Issues and options considered:**

The various issues were considered by the Committee based on the reports presented.

### **Link to Strategic Plan:**

- 4.2.1 Provide efficient and effective service delivery
- 4.3.3 Provide fair and transparent decision-making processes

**Legislation – Statutory Provisions:**

Section 5.8 of the Local Government Act 1995 provides for a local government to establish a committee to assist Council.

Section 7.1A of the Act states:

- “(1) A local government is to establish an audit committee of 3 or more persons to exercise the powers and discharge the duties conferred on it;*
- (2) The members of the audit committee of a local government are to be appointed\* by the local government and at least 3 of the members, and the majority of the members, are to be council members. \* Absolute majority required;*
- (3) A CEO is not to be a member of an audit committee and may not nominate a person to be a member of an audit committee or have a person represent him or her as a member of an audit committee;*
- (4) An employee is not to be a member of an audit committee.*

Section 7.12A of the Act details the *“Duties of a Local Government with regard to audits”*

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The minutes of the Audit Committee meeting held on 26 April 2006 are submitted to Council for information.

**ATTACHMENTS**

Attachment 1 Minutes of the Audit Committee meeting held 26 April 2006

## VOTING REQUIREMENTS

Absolute Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES the minutes of the Audit Committee meeting held on 26 April 2006 forming Attachment 1 to Report CJ079-06/06;
- 2 APPROVES an amendment to the Chief Executive Officer's 'Authority To Write-Off Monies' as detailed in the Register Of Delegated Authority to read:

*'Delegation to – Chief Executive Officer –individual items to \$20,000, subject to a report being provided to the Audit Committee on a six (6) monthly basis on the exercise of this delegation for amounts between \$1,000 and \$20,000.'*

**MOVED Cr Magyar, SECONDED Cr Hart that Council:**

- 1 **NOTES the minutes of the Audit Committee meeting held on 26 April 2006 forming Attachment 1 to Report CJ079-06/06;**
- 2 **APPROVES an amendment to the Chief Executive Officer's 'Authority To Write-Off Monies' as detailed in the Register Of Delegated Authority to read:**  
  
*'Delegation to – Chief Executive Officer –individual items to \$20,000, subject to a report being provided to the Audit Committee on a six (6) monthly basis on the exercise of this delegation for amounts between \$100 and \$20,000';*
- 3 **REQUESTS the Audit Committee to review the level of delegation to the CEO to write-off monies before the end of the year 2006;**
- 4 **REQUESTS the Audit Committee to include the following references in the determination of the appropriate level of delegation to write-off monies:**
  - (a) **The Local Government Act 1995, Section 1.3(2) (c) and (d), that is greater accountability of local governments to their communities and more efficient and effective local government;**
  - (b) **The Local Government Act 1995, Section 2.7(1):**
    - (1) **That the Council directs and controls the local government's affairs and is responsible for the performance of the local government's functions;**
    - (2) **Without limiting subsection (1), the Council is to oversee the allocation of the local government's finances and resources;**
  - (c) **The Local Government Act 1995, Section 5.41 (d) – the CEO's functions to manage the day to day operations of the local government;**

**5 REQUESTS the Audit Committee to refer to the Shire of Busselton and City of Wanneroo delegations for the write-off of monies.**

Discussion ensued.

**The Motion was Put and**

**CARRIED BY AN  
ABSOLUTE MAJORITY (7/6)**

**In favour of the Motion:** Crs Corr, Evans, Hart, Hollywood, John, Magyar and Park **Against the Motion:** Mayor Pickard, Crs Amphlett, Currie, Fishwick, Jacob and McLean

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf300506.pdf](#)*

**CJ080 - 06/06 LIST OF PAYMENTS MADE DURING THE MONTH  
OF APRIL 2006 – [09882]**

**WARD:** All  
**RESPONSIBLE:** Mr Mike Tidy  
**DIRECTOR** Corporate Services

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CJ060530\_BRF.DOC:ITEM 2

**PURPOSE**

To present to Council the list of accounts paid under the CEO's delegated authority during the month of April 2006 to note.

**EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of April 2006, totalling \$6,521,060.18.

*It is recommended that Council NOTES the CEO's list of accounts for April 2006 paid under delegated power in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations forming Attachments A and B to Report CJ080-06/06, totalling \$6,521,060.18.*

**BACKGROUND**

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

## DETAILS

The table below summarises the payments drawn on the funds during the month of April 2006. A list detailing the payments made is appended as Attachment A. The vouchers for the month are appended at Attachment B.

FUNDS	DETAILS	AMOUNT
Municipal Account	<b>Cheques</b> 75022 - 75307 & <b>EFT</b> 5900 – 6233 net of cancelled payments <b>Vouchers</b> 150A & 152A – 154A	4,550,756.38    1,970,303.80
Trust Account		Nil
		<b>\$ 6,521,060.18</b>

### Issues and Options Considered:

Not Applicable

### Link to Strategic Plan:

Strategy 4.1.1 – Ensure financial viability and alignment to plan.

### Legislation – Statutory Provisions:

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

### Risk Management Considerations:

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

### Financial/Budget Implications:

All expenditure from the Municipal Fund was included in the 2005/06 Annual Budget as revised by Council at its meeting of 21 April 2006, or approved in advance by Council.

### Policy Implications:

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

### Sustainability Implications:

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

**Consultation:**

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

**COMMENT**

All expenditure included in the list of payments is in accordance with the 2005/06 Annual Budget as revised by Council at its meeting of 21 April 2006, or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A            CEO's Delegated Payment List for the month of April 2006  
Attachment B            Municipal Fund Vouchers for the month of April 2006

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hart, SECONDED Cr John that Council NOTES the CEO'S List of Accounts for April 2006 paid under delegated power in accordance with Regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A and B to Report CJ080-06/06, totalling \$6,521.060.18.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 2 refers*

*To access this attachment on electronic document, click here: [Attach2brf300506.pdf](#)*

**CJ081 - 06/06    FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 MARCH 2006 – [07882]**

**WARD:**                    All  
**RESPONSIBLE DIRECTOR:**    Mr Mike Tidy  
   Corporate Services

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CJ060530\_BRF.DOC:ITEM 3

**PURPOSE**

The March 2006 financial activity statement is submitted to Council to be noted.



## EXECUTIVE SUMMARY

The March 2006 year to date report shows an overall variance (under spend) of \$14.8m when compared to the year to date revised budget approved by Council at its meeting of 21 February 2006 (CJ029-02/06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$22.1m compared to a budgeted surplus of \$19.2m at the end of March 2006. The \$2.9m variance is primarily due to additional interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from government grants and subsidies.
- **Capital Expenditure** is \$13.9m against the year to date budget of \$25.8m. The \$11.9m under spend is due to delays in purchasing heavy and light vehicles and in the construction of infrastructure assets and Council projects.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 March 2006 forming Attachment 1 to Report CJ081-06/06.*

## BACKGROUND

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

## DETAILS

The financial activity statement for the period ended 31 March 2006 is appended as Attachment A.

### Issues and options considered:

Not Applicable

### Link to Strategic Plan:

Objective 4.1.1 – Ensure financial viability and alignment to plan.

### Legislation – Statutory Provisions:

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

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

### Risk Management considerations:

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

**Financial/Budget Implications:**

Refer attachment A.

**Policy Implications:**

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

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 31 March 2006.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Corr, SECONDED Cr Amphlett that Council NOTES the financial activity statement for the period ended 31 March 2006 forming Attachment 1 to Report CJ081-06/06.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf300506.pdf](#)*

## **CJ082 - 06/06 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 APRIL 2006 – [07882]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Mike Tidy  
Corporate Services

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CJ060530\_BRF.DOC:ITEM 4

### **PURPOSE**

The April 2006 financial activity statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The April 2006 year to date report shows an overall variance (under spend) of \$15.1m when compared to the year to date revised budget approved by Council at its meeting of 21 February 2006 (CJ029-02/06).

This variance can be analysed as follows:

- The **Operating Surplus** is \$16.9m compared to a budgeted surplus of \$14.7m at the end of April 2006. The \$2.2m variance is primarily due to additional interest income and lower than budgeted expenditure in employee costs and materials and contracts. This is partially offset by reduced revenue from government grants and subsidies.
- **Capital Expenditure** is \$15.1m against the year to date budget of \$27.9m. The \$12.8m under spend is due to delays in purchasing heavy and light vehicles and in the construction of infrastructure assets and Council projects.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 April 2006 forming Attachment 1 to Report CJ082-06/06.*

### **BACKGROUND**

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

### **DETAILS**

The financial activity statement for the period ended 30 April 2006 is appended as Attachment A.

### **Issues and options considered:**

Not Applicable

### **Link to Strategic Plan:**

Objective 4.1.1 – Ensure financial viability and alignment to plan.

**Legislation – Statutory Provisions:**

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

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

**Risk Management considerations:**

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

**Financial/Budget Implications:**

Refer attachment A.

**Policy implications:**

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

**Regional Significance:**

Not Applicable

**Sustainability implications:**

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

**Consultation:**

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

**COMMENT**

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

**ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 30 April 2006.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hart, SECONDED Cr McLean that Council NOTES the financial activity statement for the period ended 30 April 2006 forming Attachment 1 to Report CJ082-06/06.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf300506.pdf](#)*

## **CJ083 - 06/06 WESTERN AUSTRALIAN LOCAL GOVERNMENT ASSOCIATION REVIEW OF CURRENT PUBLIC OPEN SPACE POLICY AND PRACTICE – [03011]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 5

### **PURPOSE**

The purpose of this report is for Council to consider a response to the Western Australian Local Government Association (WALGA) Public Open Space Review of Current Policy and Practice.

### **EXECUTIVE SUMMARY**

In June 2005, WALGA conducted a workshop with twenty six (26) metropolitan and rural local governments, State agencies and other interest groups to review and address concerns raised in regard to Public Open Space (POS). The City of Joondalup participated in this workshop.

To date, major concerns have been as follows:

- the allocation of appropriate regional POS areas by the State government;
- the suitability of different types of POS areas in terms of the local communities;
- the costs to local governments of maintaining POS areas; and
- the absence of adequate statutory requirements for the provision of POS.

As a result of the workshop, WALGA is preparing a report with recommendations to the Western Australian Planning Commission (WAPC) and is inviting comments from local governments to feed into that process. Due to the closing date for submissions, a response comprising comments from the City has been forwarded to WALGA (see Attachment 2). A final report will be prepared by WALGA to its State Executive meeting on 8 June. This report will form the basis for future meetings with appropriate State Government agencies to lobby for improvements to POS policy and practice. This report serves to inform Council of the

Review and the City's submission, and to allow an opportunity for additional comments to be forwarded to WALGA.

It is recommended that Council notes and endorses the attached submission to WALGA.

## BACKGROUND

<b>Suburb/Location:</b>	All
<b>Applicant:</b>	Not Applicable
<b>Owner:</b>	Not Applicable
<b>Zoning:</b>	<b>DPS:</b> Parks and Recreation <b>MRS:</b> Parks and Recreation
<b>Site Area:</b>	2640.94 hectares
<b>Structure Plan:</b>	Not Applicable

The City currently manages and maintains 440.4 hectares of reticulated parks in 190 areas and 130.54 hectares of 'dry' parks in 133 locations. In addition, the City manages and maintains 183.1 hectares of bushland in 19 areas and 239 hectares of coastal foreshore. In total, an area of 2640.94 hectares of open space is managed and maintained by the City. The parks have either been created as Crown land as part of the subdivision process as public open space (POS) and are ceded free of cost to the City for its care and management, or are set aside under the Metropolitan Region Scheme (MRS).

The Planning and Development Act 2005 (P&D Act, formerly the Town Planning and Development Act 1928) does not itself require the provision of POS with the subdivision of land. Rather, the Planning & Development Act 2005 enables the imposition of conditions of subdivision approval that are guided by the WAPC's Policy DC 2.3 Public Open Space in Residential Areas. The standard requirement through the subdivision process for more than three (3) lots is 10% of the sub-divisible area. Cash-in-lieu of POS can be accepted in some circumstances for a shortfall in POS.

In addition, the WAPC's Liveable Neighbourhoods (LN) document provides detailed guidance for the provision and design of POS areas at the structure plan and subdivision stages. However, LN is not a statutory document and, therefore, a developer is not obligated to adhere to the principles of sustainability that form the basis of the document. The LN has, however, recently been reviewed by the WAPC and draft Liveable Neighbourhoods 3 (LN3) was compiled to expand on several details within LN. The major change to LN3, however, is that it is intended to be adopted as a development control policy to facilitate the development of sustainable communities through structure plan and subdivision stages.

### WALGA Processes

Due to concerns raised by local governments regarding POS, WALGA conducted a workshop with twenty six (26) metropolitan and rural local governments, State agencies and other interest groups in June 2005. The purpose of the workshop was to review current policy and practice in relation to POS with the aim of addressing concerns raised. The City of Joondalup participated in this workshop.

The City is concerned about a number of issues in relation to POS areas. These are:

- appropriate regional allocation of POS for recreational, environmental and drainage purposes;
- the suitability of different types of POS areas in meeting the needs of the local communities;

- the on-going management and costs associated with maintaining POS and recreational facilities (particularly areas such as foreshores and bush land); and
- the absence of adequate statutory requirements for the provision of POS.

The outcome of the WALGA workshop was that WALGA would prepare a report with recommendations to the WAPC on POS policy and practice. This report has now been completed and forwarded to local governments for comment (see Attachment 1). WALGA will prepare a final report to its State Executive meeting on 8 June which would form the basis for future meetings with appropriate State Government agencies to lobby for improvements to POS policy and practice.

Consultation on the WALGA report commenced in March for a period of 6 weeks. As no Council meeting was held in May to receive a report on this matter and the closing date for submissions has passed, an interim response has been forwarded at this time (see Attachment 2).

## DETAILS

The WALGA report (see Attachment 1) sets out concerns expressed by local governments regarding the adequacy of current policy and practice in relation to POS in the following areas (summary italicised):

- *Identifying the needs of the community for a range of recreational facilities both structured and unstructured;*
- *Balancing the allocation of public open space for different uses and purposes to adequately provide for the range of community needs;*
- *Providing appropriate public open space and recreational facilities at district and regional level as well as local and neighbourhood facilities; and*
- *Funding for the development and on-going management of recreational facilities and environmental resource areas.*

The following issues were identified as a result of the workshop and subsequent follow-up with participants:

- Needs Assessment – including consideration of demographics and consultation
- Open Space Allocation – including the bases for allocation, classification and funding
- Open Spaces Development, Use and Management – including funding for development and maintenance and co-location/sharing arrangements
- Organisational Arrangements – including those responsible for development and management or involved in co-location/sharing arrangements.

These issues are expanded upon in the WALGA report (Attachment 1).

The WALGA review also considers the adequacy of the provisions of LN3 in terms of assessing the various types of POS provision and design issues. Approaches to POS allocation and funding in other States of Australia are also reviewed.

The findings of the WALGA report lead to the conclusion that there are some significant shortcomings relating to current policy and practice in relation to (points outlined in report italicised below):

- *determination of community and environmental needs;*
- *allocation of land for recreational and environmental purposes;*
- *provision of community facilities;*
- *development and on-going management of POS and recreational facilities; and*
- *planning policy and guidelines.*

A number of recommendations are proposed on the basis of the WALGA findings. These recommendations primarily address the following needs:

- a more comprehensive framework for the planning of POS;
- enhanced inter-agency involvement;
- community needs assessment in planning of POS areas;
- review of funding and management arrangements; and
- greater consideration of co-location opportunities when planning school sites.

In addition, the recommendations support new cash-in-lieu of POS arrangements under the Planning and Development Act and the expedient adoption of LN3 as an operational policy.

**Issues and options considered:**

Council, in considering the WALGA report, may choose either of the following options:

- Note and endorse the City's submission.
- Note and endorse the City's submission and provide further comments to the WALGA.
- Note the City's submission and provide alternative comments to the WALGA.

**Link to Strategic Plan:**

The City's submission on the WALGA review is supported by the following objectives and strategies of the City's Strategic Plan 2003-2008:

- |                |  |
|----------------|--|
| Objective 1.3  | To continue to provide services that meet changing demographic needs of a diverse and growing community.                                       |
| Strategy 1.3.1 | Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment. |
| Objective 3.1  | To develop and maintain assets and built environment.  |
| Strategy 3.1.1 | Plan the timely design, development, upgrade and maintenance of infrastructure.  |
| Strategy 3.3.3 | Create and maintain parklands that incorporate nature and cultural activities accessible to residents and visitors.                            |

**Legislation – Statutory Provisions:**

There are no statutory provisions associated with the WALGA report and making a submission.

**Risk Management considerations:**

There are no risks associated with Council's consideration of the WALGA report and making a submission.



**Financial/Budget Implications:**

There are no budgetary implications associated with the WALGA report and making a submission, however it is in the best interests of the City to do so as there may be changes arising from the submission in favour of the City in terms of the allocation and management/maintenance of POS areas.

**Policy Implications:**

There are no policy implications associated with the WALGA report and making a submission.

**Regional Significance:**

The outcome of WALGA's collation of submissions from local governments may have regional significance in terms of the allocation of regional POS under the MRS, which could be favourable for the City.

**Sustainability Implications:**

The review and recommendations seek to achieve more sustainable POS areas in social/cultural, economic and environmental terms. Should the recommendations be adopted by the WAPC, POS areas would be better planned in terms of regional and local locations, better designed and managed in a more equitable manner with respect to the responsibilities of local and State government agencies.

**Consultation:**

At this time, WALGA has confined its consultation to local governments via an invitation to submit comments on the POS report.

**COMMENT**

As no Council meeting was held in May to receive a report on this matter and the closing date for submissions has passed, an interim response has been forwarded at this time.

The WALGA report generally represents the City's position on the issues surrounding POS, as reflected in the submission forwarded to WALGA.

The City is supportive of adopting LN3 as a statutory document for the purposes of sustainable POS provision and design, enhanced co-location/sharing arrangements with schools and across local government boundaries, comprehensive community and environmental needs assessments, and a review of POS allocation and funding arrangements. These issues are noted in the City's submission that has been forwarded to WALGA.

The WALGA review is, however, silent on public participation in assessing the community needs for appropriate planning of POS areas. The City's submission also notes concern that, under the P&D Act, two (2) lots subdivisions are precluded from the imposition of cash-in-lieu payment to the local government for any shortfall in POS provisions, an inequitable situation that favours small-scale subdivisions.

At a local level, it is considered that the issue of the distribution and allocation of POS in the City of Joondalup can be further investigated in the future review of the District Planning Scheme No 2.

The City is currently liaising with neighbouring local governments (Wanneroo and Stirling) who were also involved in the June 2005 workshop on this POS review. Should any additional considerations arise from that discussion, further information can be provided to Council. It is suggested that the City's submission and any further submission from Council also be directed to the next available meeting of the North Zone of WALGA for consideration. It is also suggested that any revised report on this issue be advertised by WALGA for public comment.

## **ATTACHMENTS**

Attachment 1	WALGA Public Open Space Review
Attachment 2	City submission to WALGA Public Open Space review

## **VOTING REQUIREMENTS**

Simple Majority

**OFFICER'S RECOMMENDATION:** That Council:

- 1 NOTES and ENDORSES the submission to the Western Australian Local Government Association on Public Open Space – Review of Current Policy and Practice, as per Attachment 2 to Report CJ083-06/06;
- 2 REFERS the submission in Point 1 to the next available meeting of the North Zone of the Western Australian Local Government Association;
- 3 REQUESTS the Western Australian Local Government Association to make the revised Public Open Space – Review of Current Policy and Practice document available for public comment.

**MOVED Cr John, SECONDED Cr Magyar that Council:**

- 1 **NOTES and ENDORSES the submission to the Western Australian Local Government Association on Public Open Space – Review of Current Policy and Practice, as per Attachment 2 to Report CJ083-06/06 as its interim position;**
- 2 **ADVISES that the matter of public open space is of such a high priority and significant impact for our residential community that more thorough research and analysis of the long-term implication of public open space on community life should be undertaken. Further, the lack of community involvement in the determination of the interim position of the Public Open Space Review to date needs to be addressed;**
- 3 **ACKNOWLEDGES that the issue of public open space will be a major focus for the community of the City in the review of District Planning Scheme No 2 in terms of:**
  - (i) **community value and expectations;**
  - (ii) **environmental impacts of development and bush land preservation;**

- 4 **REFERS** the report and interim submission to the Conservation Advisory Committee and Sustainability Advisory Committee for further consideration having regard to the issues raised in Points (2) and (3) above;
- 5 **REFERS** the interim submission and issues raised to the next available meeting of the North Zone of the Western Australian Local Government Association;
- 6 **REQUESTS** the Western Australian Local Government Association to make the revised Public Open Space – Review of Current Policy and Practice document available for public comment.

Discussion ensued.

**AMENDMENT MOVED** Cr Park, **SECONDED** Cr Corr that the words “and **ENDORSES**” be deleted from Point 1 of the Motion.

Discussion ensued.

Cr Park, with the approval of the meeting advised he wished the Amendment to be

**WITHDRAWN**

**AMENDMENT MOVED** Cr Park, **SECONDED** Cr Corr that a Point 7 be added to the Motion as follows:

“7 **TAKES** issue with the cash-in-lieu of payments for public open space for small subdivisions.”

Discussion ensued.

**The Amendment was Put and**

**CARRIED (10/3)**

**In favour of the Amendment:** Mayor Pickard, Crs Amphlett, Corr, Currie, Evans, Hart, Hollywood, Jacob, McLean and Park **Against the Amendment:** Crs Fishwick, John and Magyar

**The Original Motion as amended, being:**

**That Council:**

- 1 **NOTES** and **ENDORSES** the submission to the Western Australian Local Government Association on Public Open Space – Review of Current Policy and Practice, as per Attachment 2 to Report CJ083-06/06 as its interim position;
- 2 **ADVISES** the Western Australian Local Government Association that the matter of public open space is of such a high priority and significant impact for our residential community that more thorough research and analysis of the long-term implication of public open space on community life should be undertaken. Further, the lack of community involvement in the determination of the interim position of the Public Open Space Review to date needs to be addressed;
- 3 **ACKNOWLEDGES** that the issue of public open space will be a major focus for the community of the City in the review of District Planning Scheme No 2 in terms of:
  - (i) community value and expectations;
  - (ii) environmental impacts of development and bush land preservation;

- 4 **REFERS the report and interim submission to the Conservation Advisory Committee and Sustainability Advisory Committee for further consideration having regard to the issues raised in Points (2) and (3) above;**
- 5 **REFERS the interim submission and issues raised to the next available meeting of the North Zone of the Western Australian Local Government Association;**
- 6 **REQUESTS the Western Australian Local Government Association to make the revised Public Open Space – Review of Current Policy and Practice document available for public comment;**
- 7 **TAKES issue with the cash-in-lieu of payments for public open space for small subdivisions.**

Cr Fishwick referred to Point 2 of the Motion and suggested the addition of the words “*the Western Australian Local Government Association*” be inserted after the word “ADVISES”. With the approval of the Mover and Seconder of the original motion, Point 2 of the original motion was amended as indicated above.

**was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5brf300506.pdf](#)

## **CJ084 - 06/06 DRAFT GUIDELINE FOR THE DETERMINATION OF WETLAND BUFFER REQUIREMENTS – [08570]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 6

### **PURPOSE**

The purpose of this report is for Council to respond to the Western Australian Planning Commission (WAPC) on the draft Guideline for the Determination of Wetland Buffer Requirements.

### **EXECUTIVE SUMMARY**

A Draft Guideline for the Determination of Wetland Buffer Requirements (the Guideline) has been developed by the WAPC. The Guideline seeks to assist landowners, developers, planners, architects and designers to identify an appropriate buffer between wetlands and land uses in or in the vicinity of a wetland in order to enhance or maintain the significant attributes and values of the wetland.

The Guideline recognises that the planning process incorporates consideration of a number of factors, including environmental factors, in decision-making and is therefore based on sustainability principles. It is intended to be used where a future use or development is likely to conflict with the established wetland management objective and may relate to urban, intensive rural, commercial, industrial and some public purpose uses. An extract of the Guideline is provided in Attachment 1.

Lake Joondalup and Lake Goollelal are significant wetlands located within the Yellagonga Regional Park. The City receives development applications on land adjoining or in the vicinity of these lakes. Such proposals would be assessed using the Guideline.

Consultation on the Guideline commenced in February 2006 for a period of six (6) weeks, with close of submissions being 14 April 2006. As no Council meeting was held in May 2006 to receive a report on this matter and the closing date for submissions has now past, an interim response was forwarded to the WAPC during the consultation period. (see Attachment 2).

This report serves to inform Council of the Guideline and the City's submission, and to allow an opportunity for additional comments to be forwarded to the WAPC.

It is recommended that Council notes and endorses the attached submission to WAPC with a request for an extension of time to provide a comment, and the opportunity for representation on the working party dealing with the finalisation of the Guideline. In addition, it is recommended that the submission be referred to the next available meetings of the North Zone of WALGA, the Conservation Advisory Committee and the Sustainability Advisory Committee.

## **BACKGROUND**

The City has a role in assessing the suitability of urban development in terms of impacts on the wetlands with regard to the land use, building setbacks, stormwater runoff, landscaping and maintenance of the health of the wetland. Land adjoining or in the vicinity of wetlands can also be affected by acid sulphate soils which are naturally occurring sulphides which can oxidise to sulphuric acid when disturbed and exposed to air. The Guideline does not, however, single out this issue.

There are two significant wetlands located within the City of Joondalup, being Lake Joondalup and Lake Goollelal, located within the Yellagonga Regional Park. Should the Guideline be adopted by the WAPC, development applications received by the City on land adjoining or in the vicinity of these lakes would be assessed using the Guideline

## **DETAILS**

A draft Guideline has been developed by the WAPC. The Guideline seeks to assist to identify an appropriate buffer between wetlands and land uses in or in the vicinity of a wetland in order to enhance or maintain the significant attributes and values of the wetland. The intention is that the Guideline be used where a future use or development is likely to conflict with the established wetland management objective and may relate to urban, intensive rural, commercial, industrial and some public purpose uses.

Given the size of the Guideline (72 pages), an extract of the Guideline is provided in Attachment 1. A full copy has been provided in the Councillors' reading room.

The Guideline is set out in seven (7) stages, as follows, and is depicted in Figure 2 of Attachment 1:

- |        |  |
|--------|--|
| Step 1 | Acknowledge existence of a wetland – this step includes definitions of wetlands  |
| Step 2 | Identify wetland attributes, wetland management category and establish management objectives – This includes categorisation into three (3) management categories: <ul style="list-style-type: none"> <li>• C category (conservation) – high conservation value (natural or human use)</li> <li>• R category (resource enhancement) – moderate attributes</li> <li>• M category (multiple use) - score poorly</li> </ul> <p>Aboriginal heritage/ethnographic value and social significance are considered in the categorisation of wetlands</p> |
| Step 3 | Define wetland function area – this includes a table of attributes   |
| Step 4 | Identify threatening processes – including altered water regimes, habitat changes, inappropriate recreational use and diminished water quality, and environmental risks of various land uses.  |
| Step 5 | Identify role of separation – including the use of vegetation and other physical barriers  |
| Step 6 | Establish separation requirement – in accordance with C, R and M management categories   |
| Step 7 | Apply separation requirement to proposal and assess its ability to achieve management objective – including establishing an alternative separation requirement   |

Extensive explanations regarding each step are provided in application notes covering the individual stages of the process to assist the user to complete each step. A series of tables is provided to supplement the particular application notes and therefore set out the headings appropriate to that step. For example, for Step 4, aspects of altered water regimes, habitat changes, inappropriate recreational use and diminished water quality are tabulated against the land use to provide a summary of key threatening processes.

The Guideline does not explain how, for instance, groundwater pollution is to be assessed or ground water level changes are to be measured. Its purpose is to recognise the range of factors that influence the health and viability of wetlands and for these to form the basis of the Guideline as a checklist in terms of proposed development in or adjoining wetlands.

Guideline application examples, a list of resource documents and a glossary are included as appendices. An extract of the Guideline is provided as Attachment 1.

#### **Issues and options considered:**

Council, in considering the Guidelines, may choose either of the following options:

- Note the Guideline.
- Note the City's submission and provide further comments to the WAPC.
- Note the City's submission and provide alternative comments to the WAPC.

**Link to Strategic Plan:**

The City's submission on the Guideline is supported by the following objective and strategy of the City's Strategic Plan 2003-2008:

Objective 2.1                To plan and manage our natural resources to ensure environmental sustainability.

Strategy 2.1.1            Maintain and protect natural assets to retain biodiversity.

**Legislation – Statutory Provisions:**

There are no statutory provisions associated with the Guideline. However, if adopted, it would assist as an assessment tool in the decision-making process.

**Risk Management considerations:**

There are no identified risks associated with the Guidelines and making a submission.

**Financial/Budget Implications:**

There may be budgetary implications associated with the Guideline if the task of assessing the adequacy of wetland buffers falls on the City.

**Policy Implications:**

There are no known conflicts with current Council policies.

**Regional Significance:**

The Guideline has regional significance due to the location of established wetlands across the metropolitan area and, as in the City's case, crossing local government boundaries.

**Sustainability Implications:**

The Guideline has environmental sustainability implications and possible economic and cultural sustainability implications in terms of the extent and form of buffers required.

**Consultation:**

The WAPC as author of the document has sought public comment for a period of 6 weeks, prior to finalising the Guideline. The Guideline is available on its website, at [www.wapc.wa.gov.au](http://www.wapc.wa.gov.au). Any public comments would be directed to the WAPC for its consideration.

**COMMENT**

Due to the closing date of submissions and there being no Council meeting in May 2006, an interim response has been forwarded to the WAPC and is attached (see Attachment 2). The WAPC has advised that a working party is to be set up at the end of May 2006 to consider submissions with discussions on the matter likely to continue in June 2006. Therefore, the ability exists for the WAPC to incorporate any further comments from Council.

As outlined in the City's submission, it is unclear who would be required to undertake an assessment of a wetland buffer. Concern is raised that this task will fall on local governments which may not have sufficient resources. Should this be the case, this would place additional resource burdens on local governments, particularly given that the potential length of the assessment process. It is considered that Steps 1 & 2, relating to acknowledgement of the wetland and identification of its attributes, management objective and management category, should be undertaken by officers of the Department of Environment or the Environmental Protection Authority.

It is considered that the Guideline is highly explanatory to the extent that it is a large document that may dissuade users from properly utilising the information provided. In addition, there are considerable cross-references to supporting texts and documents that may not be readily available to the user. It is suggested that these cross references be reviewed and removed where not required.

Concerns are also raised regarding the accessibility and availability of information from West Australian Land Information System (WALIS) of the Department of Land Information that would need to be accessed during the assessment process, including access to the management objectives. Suggestions regarding the provision of supporting information on the website were also noted.

The City is currently liaising with neighbouring local governments (Wanneroo and Stirling) that were also involved in the June 2005 workshop. Should any additional considerations arise from that discussion, further information can be provided to Council. It is suggested that the City's submission and any further submission from Council also be directed to the next available meeting of the North Zone of WALGA for consideration.

## **ATTACHMENTS**

Attachment 1      Extract of Guideline for the Determination of Wetland Buffer Requirements  
Attachment 2      Officer submission on Guideline

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Magyar, SECONDED Cr McLean that Council:**

- 1      NOTES the submission to the Western Australian Planning Commission (WAPC) on the Guideline for the Determination of Wetland Buffer Requirements, as shown in Attachment 2 to Report CJ084-06/06;**
- 2      ENDORSES the submission to the extent that it supports the establishment of a process for determining wetland buffers;**
- 3      ADVISES the WAPC that it has serious concerns in relation to the practicality of the guidelines, the potential for challenges to the buffers determined, and about specialised resourcing implications to undertake assessments using the guidelines;**
- 4      REQUESTS an opportunity for representation on the working party to be established by the WAPC to assess the submissions;**



- 5 **REQUESTS that WAPC undertakes broad community consultation on the revised guidelines before them;**
- 6 **REFERS the Council's comments and the Submission referred to in Point 1 to the next available meetings of the North Zone of the WA Local Government Association, the Conservation Advisory Committee and the Sustainability Advisory Committee.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf300506.pdf](#)*

## **CJ085 - 06/06 PROPOSED AMENDMENT TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL (ARENA JOONDALUP PRECINCT) – [55582] [00152]**

**WARD:** North

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 7

### **PURPOSE**

This purpose of this report is for Council to consider submissions received during advertising of a proposed amendment to the Joondalup City Centre Development Plan and Manual (JCCDPM) (Arena Joondalup Precinct), and to consider adopting the amendment as final.

### **EXECUTIVE SUMMARY**

Lot 101 Kennedy Drive and the Joondalup Baptist College comprise the Northern Recreation District of the City Centre within the JCCDPM. Currently, there are no provisions that specifically guide development within this District.

The proposed amendment includes adding objectives, interpretations, permitted land uses and development provisions for the site, to be known as the Arena Joondalup Precinct. The proposed Permitted Uses are based on the intentions for the land as a major regional sporting complex and are intended to reflect the current land uses on the site, as well provide a broader range of land uses that complement the existing uses.

Council at its meeting held on 14 March 2006 considered the proposed amendment for the purposes of advertising and resolved to commence advertising (CJ040 - 03/06 refers). Advertising closed on 27 April 2006 and fourteen (14) submissions were received, eight (8) being in support of the proposal, and six (6) neutral submissions. Some concerns were raised that generally relate to development issues or suggest changes to wording in the proposed amending documents. Attachment 5 provides a summary of submissions.

The owner of the site currently has an application for review (an appeal) before the State Administrative Tribunal (SAT) in regard to the Western Australian Planning Commission's (WAPC) refusal of an application to establish a stand-alone child care facility on the site.

Following consideration of the submissions, two minor modifications would be appropriate, being the inclusion of an additional objective promoting accessibility, and a more appropriate term to enable greater architectural flexibility for any buildings proposed. Further, in view of the link between the proposed amendment to the JCCDPM and the current appeal before the SAT, Council's determination should be forwarded to the SAT.

It is recommended that Council adopts as final the amendment to the JCCDPM in relation to the Arena Joondalup Precinct, with appropriate modification, and submits the amendment to the WAPC for final adoption and certification.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 101 (25) Kennedy Drive, Joondalup
<b>Applicant:</b>	Planning Applications Consultants
<b>Owner:</b>	Western Australian Sports Centre Trust
<b>Zoning: DPS:</b>	Central City Area
<b>MRS:</b>	Centre
<b>Site Area:</b>	30.12 hectares
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual

At its meeting on 14 March 2006, Council resolved to initiate an amendment to the JCCDPM, in the following terms:

- Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2, ADOPTS the proposed amendments to the Joondalup City Centre Development Plan and Manual to include objectives, interpretations, permitted land uses and development provisions for the Arena Joondalup Precinct within the Northern Recreation District as per Attachment 3 to report CJ040-03/06 and make these available for public comment for a period of 28 days;*
- ADVISES the State Administrative Tribunal of the Council's decision to advertise the draft structure plan, that Council's final determination will have regard to the comments received during public advertising period, and an estimated timeframe for the completion of the structure plan process by Council.*

### Location

Lot 101 and the Joondalup Baptist College comprise the Northern Recreation District within the JCCDPM. Lot 101 is located south of Moore Drive, north of Shenton Avenue and west of Joondalup Drive (see Attachments 1 & 2). Lot 101 is approximately 30 hectares in area and its northern portion is occupied by the Arena Joondalup sports and recreation complex. The site adjoins the existing Lake Joondalup Baptist College located to the south. Kennedy Drive intersects the site and provides vehicular access to the existing open-air car park for Arena Joondalup.

A future special events railway station is notionally proposed adjacent to Arena Joondalup to cater for large sporting and recreational events.

### Proposed Child Care Centre

In July 2004, the City received a development application for a stand-alone child care centre on the Arena Joondalup site. Arena Joondalup operates under the provisions of the Western Australian Sports and Trust Act 1986 (the Trust). The Trust determined that the proposed child care use was a 'public purpose' and, therefore, an application would be determined by the WAPC further to it receiving a recommendation from the Council.

Council did not support the application for the reasons set out below. The WAPC, as the determining authority, similarly did not approve the application for those reasons:

- 1 *The proposed development is contrary to the intent of the Joondalup City Centre Development Plan and Manual, Northern Recreation District;*
- 2 *Permitting such uses within the Northern Recreation District not clearly associated with Sport and Recreation would be contrary to the orderly and proper planning of the locality.*

The proponent has sought a review (appeal) of the decision in the SAT. This action has prompted the applicant to lodge a structure plan over the site in order to establish planning controls in the JCCDPM and, therefore, satisfy one of the reasons for WAPC's refusal relating to "orderly and proper planning of the locality". SAT, at its directions hearing on 27 January 2006, adjourned to a further directions hearing on 31 March 2006 "in order to allow the City of Joondalup to consider and determine the Structure Plan lodged by the applicant".

## **DETAILS**

### **Issues and options considered:**

#### Issues

The JCCDPM currently provides limited direction and support for the further development of the Arena Joondalup Precinct to facilitate it becoming the major sporting and recreational complex in the north-west District of the City Centre. Development to this time, and planning considerations arising, has been focussed solely on the multi-use sports complex.

The issues associated with the proposed amendment to the JCCDPM in relation to Lot 101 include:

- Allowing land uses that might complement the Arena Joondalup complex, not cause adverse impacts on adjoining areas and lead the development of this land in the intended direction.
- Appropriate building and development standards in terms of impacts, particularly on surrounding properties.

### Options

Council may undertake either of the following courses of action:

- Adopt as final the proposed amendments to the JCCDPM.
- Adopt as final the proposed amendments to the JCCDPM, with modifications.
- Not adopt the proposed amendments to the JCCDPM.

### **Link to Strategic Plan:**

The proposed amendment to the JCCDPM is supported by the following objectives and strategies of the City's Strategic Plan 2003-2008:

Objective 1.2 To meet the cultural needs and values of the community

Strategy 1.2.1 Continue to enhance and create new cultural activities and events

Objective 1.3 To continue to provide services that meet changing demographic needs of a diverse and growing community

Strategy 1.3.1 Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

Objective 3.5 To provide and maintain sustainable economic development

Strategy 3.5.2 Assist the facilitation of local employment opportunities

### **Legislation – Statutory Provisions:**

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to the approval of the WAPC. Public consultation is required to occur in accordance with Clause 9.5.

Under Clause 9.6, upon completion of the public advertising period, Council shall consider all submissions received. Council shall then proceed within sixty (60) days to either refuse or adopt the structure plan, with or without modifications, and submit it to the WAPC for final adoption and certification.

### **Risk Management considerations:**

The opportunity to allow the development of a child care facility in future may be considered as inconsistent with Council's non-support of the stand-alone child care facility that is being appealed in the SAT. However, Council's non-support of the child care facility must be viewed in the context of the planning provisions that were applicable at the time. The proposed modification seeks to review those provisions.

### **Financial/Budget Implications:**

There are no known financial or budgetary implications associated with the proposed amendment to the JCCDPM.

**Policy Implications:**

There are no policy implications associated with the proposed amendment to the JCCDPM.

**Regional Significance:**

The proposed amendment to the JCCDPM is regionally significant as it seeks to facilitate further development of the existing sporting facility that supports the overarching intent for the City to be the largest sub-regional centre (satellite CBD) outside of Perth with the major regional sporting complex located in the north-west District of the City Centre.

**Sustainability Implications:**

The proposed amendment to the JCCDPM will facilitate the future social, cultural, environmental and economic sustainability of the City Centre by enabling expanded uses on the existing Arena Joondalup site to better utilise existing services and promote greater use of the public transport system.

**Consultation:**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days.

Advertising occurred for twenty eight (28) days by way of notification in writing of all adjoining landowners/residents, and service authorities, two signs being erected on the site, a notice being placed in the Joondalup Community newspaper on 30 March 2006 and a notice placed on the City's website.

Advertising closed on 27 April 2006 and fourteen (14) submissions were received, eight (8) being in support of the proposal and six (6) neutral submissions. Some concerns were raised in the submissions relating to development issues or suggest changes to wording in the proposed amending documents. The submissions have been summarised in Attachment 4 and copies of all submissions have been placed in the Councillors' reading room for examination.

**COMMENT**Permitted Uses

Development provisions in other Districts within the JCCDPM set out "Preferred Uses" as land uses that can be approved by the City, a term adopted by Landcorp as the authors of the original JCCDPM. This term is not consistent with the City's DPS2 which uses the term "Permitted Uses". The proposal therefore utilises the term "Permitted Uses". It is intended a review be undertaken of all Districts within the JCCDPM to replace the term "Preferred Uses" with "Permitted Uses".

The proposed "Permitted Uses" (see page 7 of Attachment 3) have been based on the land uses permitted under DPS2 in the Private Clubs/Recreation zone. The land uses excluded from the proposal that could be approved in the Private Clubs/Recreation zone are those that were seen to hinder the development of the Arena Joondalup Precinct for its primary uses, namely sport and recreation.

Under Clause 4.2 “Permitted Uses”, three Notes (see page 7 of Attachment 3) are added to some land uses to provide various degrees of linkage to the current and intended future uses at Arena Joondalup. These refer to uses being incidental to the predominant use, floor area restrictions or connections to sport and recreational activities. In relation to Note 3, whilst the intention is for these noted land uses to maintain a relationship with Arena Joondalup, it is possible they may be patronised by the wider community. For example, a medical centre specialising in sports related medicine may be appropriate given its relationship to the predominant sporting activities on the Arena Joondalup site, however, may be utilised by the general public.

### Land Uses

There are some proposed Permitted Uses that Council may consider inappropriate in terms of the intentions within the Northern Recreation District of the JCCDPM. These have no proposed connection to the sporting or recreational uses of the land, or as incidental uses. These uses include child care centre, Restaurant and Reception Centre and the implications of these need to be considered in the broader context of permissible land uses, particularly in the CBD.

With regard to the proposed child care centre use, locating such a use has been problematic in some other areas of the City in terms of the impact on residential amenity. The subject land is separated from residential land by roads and the Joondalup Baptist College, and the proposed setback provisions of the draft structure plan would provide further separation. This use is therefore unlikely to have a detrimental impact on the surrounding area. Furthermore, the provision of a child care centre may complement the existing activities on the site and the area generally. The proposed inclusion of a child care centre as a permitted land use in the draft structure is supported.

Notwithstanding the above, the relationship between the current SAT appeal relating to a proposed child care centre and the structure plan proposal needs to be considered. Council did not support the development application, as the use was considered contrary to the intent of the Northern Recreation District at the time. The options for Council to arrive at an alternative decision were therefore very limited. The intent of the Northern Recreation District is, however, now the subject of review, and the planning controls are proposed to be amended. The SAT will be awaiting the outcome of Council’s decision on the draft structure plan, and whether a child care centre is supported as a permitted use under that structure plan.

The appropriateness of a child care centre use, and the other proposed land uses, has been further considered during the public comment period, having regard to any submissions received. Overall, the proposed “Permitted Uses” are likely to have a low impact on surrounding residential areas. The proposed land uses are unlikely to conflict with land uses located within the CBD and therefore detract from its viability and vibrancy. CBD land uses are generally of a ‘higher order’, primarily directed by the market value of the land and the available lot sizes. This point is particularly relevant to a reception centre (one of the proposed permitted uses) which requires significant floor area and, therefore, land area.

### Traffic Impacts and Car Parking

The City normally requires either a traffic study or traffic report to be submitted at the structure plan stage. The Arena Joondalup complex is already utilised for major events without significant traffic problems, and the uses that may be incorporated as part of the Sporting Academy are largely unknown at this stage. Therefore, it was not considered that a traffic study was required when Council initially considered the proposed modifications for the purposes of advertising, and that this matter would be further assessed during this period. Given that there was minimal concern raised regarding traffic issues as a result of advertising, a traffic study is not considered necessary at this time.

Car parking provisions in the proposal have been aligned with the provisions for respective land uses under DPS2. For example, the provision of car parking for a child care centre would be based on the number of children and staff at the centre. This differs from the provisions for car parking in the CBD where most non-residential /commercial uses are required to provide 1 bay per 30m<sup>2</sup> of Net Lettable Area. The proposed provision is considered to be more appropriate in view of the lack of on-street and public car parking in the area, and also the lack of public parking stations, unlike in the CBD.

### Public Submissions

Those in support of the proposed modifications were largely in support of a possible child care facility being operating at Arena Joondalup, a use that is proposed as a Permitted Use. A restaurant, proposed as a Permitted Use, was also supported.

Concerns were raised about increased noise levels, possible expansion of the road system and car parking, and the extent of clearing of native vegetation. These issues could be assessed at the detailed design stage when a development application is received by the City and are, therefore, not the subject of the structure plan process in this instance.

In addition, concern was raised about the appearance of potential buildings and structures on the site and the potential for lighting towers. Development provisions are proposed in the modifications in terms of building height, setbacks, building form, materials and finishes that enable flexibility for future development of the site. Notwithstanding this, the detailed design of buildings and structures would be provided at the development application stage, when appropriate conditions can be imposed to ensure residential amenity.

An additional objective relating to accessibility to the CBD, surrounding areas and public transport has been suggested. Connection between this site and the CBD and Joondalup railway station is supported and an objective to this effect has been drafted and is recommended to be included in the structure plan. The proposed additional objective is:

*‘To promote opportunities for accessibility to the CBD and public transport.’*

Landcorp has suggested the use of the Australian Height Datum (AHD) instead of natural ground level in Clause 5.2 for ease of reference in view of the size of the site and structures being used. However, it is considered that the use of natural ground level (as proposed) is consistent with the City’s current policies relating to building height and is appropriate.

Clause 5.3 requires building form, materials and finishes to be consistent with existing buildings. Alternative wording or deletion of the word “consistent” has been suggested. It is accepted that “complement” may be a more appropriate term instead of “consistent” to enable flexibility in design.

### Conclusion

It is considered that the draft amendment to the JCCDPM will provide an appropriate framework for the future expansion of the Arena Joondalup Precinct. This is in line with the intentions of the JCCDPM in relation to the site being multifunctional and servicing a range of activities in addition to the existing sports and recreational functions.

Two suggested changes to the amending documents include an additional objective promoting accessibility and a more appropriate term to enable greater architectural flexibility for buildings.

It is recommended that the proposal to amend the JCCDPM to facilitate the development of the Arena Joondalup complex by including the appropriate objectives, interpretations, land uses and associated proposed development provisions be adopted, with the proposed modifications. In addition, the SAT should be advised of the Council decision.

## ATTACHMENTS

Attachment 1	Location Plan
Attachment 2	JCCDPM Districts Plan
Attachment 3	Draft amendments to JCCDPM – Arena Joondalup Precinct, Parts 1 & 2
Attachment 4	Schedule of submissions
Attachment 5	Structure plan process

## VOTING REQUIREMENTS

Simple Majority

### MOVED Cr John, SECONDED Cr Jacob that Council:

- 1** **AGREES** and subsequently **AMENDS** Attachment 3 to Report CJ085-06/06 (amendment to the Joondalup City Centre Development Plan and Manual for the Arena Joondalup Precinct) as follows:
  - (a)** **Include the following additional objective in Clause 2.0:**  
**‘To promote opportunities for accessibility to the CBD and public transport’;**
  - (b)** **Amend Clause 5.3 Building Form, Materials and Finishes to read:**  
**“The building form, materials and finishes of all new buildings shall complement the existing buildings on the site”;**
- 2** **RESOLVES** that the amendment to the Joondalup City Centre Development Plan and Manual for the Arena Joondalup Precinct as shown in Attachment 3 to Report CJ085-06/06 (as amended) be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;
- 3** **Subject to certification by the Western Australian Planning Commission, ADOPTS** the amendment to the Joondalup City Centre Development Plan and Manual for the Arena Joondalup Precinct and proposed modifications listed in resolution 1 above as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document;
- 4** **NOTES** the submissions received and **ADVISES** the submitters and the State Administrative Tribunal of the Council’s decision.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 7 refers*

*To access this attachment on electronic document, click here: [Attach7brf300506.pdf](#)*



**Disclosure of interest affecting impartiality**

Name/Position	<b>Mayor T Pickard</b>
Item No/Subject	CJ086-06/06 - Proposed Amendment to the Joondalup City Centre Development Plan and Manual (ECU Joondalup City Centre Campus Landholding)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mayor Pickard was Guild President of Edith Cowan University in 1995. <i>Note: The agenda for this Council meeting incorrectly showed this declaration to be in relation to CJ085-06/06.</i>

Name/Position	<b>Cr M John</b>
Item No/Subject	CJ086-06/06 - Proposed Amendment to the Joondalup City Centre Development Plan and Manual (ECU Joondalup City Centre Campus Landholding)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr John is an employee (Research Fellow) of the University of Western Australia

Name/Position	<b>Mr Garry Hunt, Chief Executive Officer</b>
Item No/Subject	CJ086-06/06 - Proposed Amendment to the Joondalup City Centre Development Plan and Manual (ECU Joondalup City Centre Campus Landholding)
Nature of interest	Interest that may affect impartiality
Extent of Interest	Mr Hunt is a member of the Murdoch University Senate

**CJ086 - 06/06 PROPOSED AMENDMENT TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL (ECU JOONDALUP CITY CENTRE CAMPUS LANDHOLDING) – [61558] [00152]**

**WARD:** North

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

CJ060530\_BRF.DOC:ITEM 8

**PURPOSE**

This purpose of this report is for Council to consider submissions received during the advertising of a proposed amendment to the Joondalup City Centre Development Plan and Manual (JCCDPM) (Edith Cowan University Joondalup City Campus site), and to consider adopting the amendment as final.

**EXECUTIVE SUMMARY**

The subject site (Lot 9000 Collier Pass, Joondalup) is between Grand Boulevard and the railway line, just south of Collier Pass and is to be developed in the future for the Edith Cowan University (ECU) Joondalup City Campus. The main part of the ECU campus is located opposite on the east side of Grand Boulevard.

The subject site is a part of the Central Business District precinct of the JCCDPM. The proposed amendments to the JCCDPM include adding an 'Education/Mixed Use' precinct and other provisions to provide the framework for the future ECU Joondalup City Campus development with its focus on educational land uses.

At its meeting on 21 February 2006, Council considered the proposed amendment for the purposes of commencing advertising. Council also resolved to require the provision of a traffic study/traffic management plan to be submitted to the City's satisfaction (CJ017-02/06 refers). Advertising closed on 6 April 2006 and two (2) neutral submissions were received from servicing authorities.

The proposed amendment to the JCCDPM shows an underpass joining the southern end of the subject site to the main ECU campus. Sufficient justification for this underpass has not been provided at this stage and, due to the potential safety and maintenance issues, it is recommended that the underpass be noted in the structure plan documents as a possible future facility only.

It is recommended that Council adopts as final the amendment to the JCCDPM in relation to the ECU City Centre Campus site, with appropriate modification, and submits the amendment to the Western Australian Planning Commission (WAPC) for final adoption and certification. In addition, its concerns in relation to the impact of the alignment of buildings along Grand Boulevard should be highlighted.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 9000 (40) Collier Pass, Joondalup
<b>Applicant:</b>	Hames Sharley
<b>Owner:</b>	Edith Cowan University
<b>Zoning:</b>	<b>DPS:</b> City Centre
	<b>MRS:</b> Central City Area
<b>Site Area:</b>	7.89 hectares
<b>Structure Plan:</b>	Joondalup City Centre Development Plan and Manual

At its meeting on 21 February 2006, Council resolved to initiate a proposed amendment to the JCCDPM in the following terms:

- Pursuant to clause 9.6 of the City of Joondalup's District Planning Scheme No 2, ADOPTS the proposed amendments to the Joondalup City Centre Development Plan and Manual to include an additional Land Use of Education/Mixed Use in the Central Business District and associated development provisions as per Attachment 3 to Report CJ017-02/06 and make these available for public comment for a period of 28 days;*
- REQUIRES the submission of a traffic study/traffic management report relating to the future development of Lot 9000 (40) Collier Pass, Joondalup prior to the completion of public advertising and further consideration of the proposed modifications by Council, to the satisfaction of the City of Joondalup.*

### Location

Lot 9000 (40) Collier Pass, Joondalup is located on the west side of Grand Boulevard, bounded by Barron Parade, Joondalup Drive and Collier Pass, and is 7.89 hectares in area (see Attachment 1). The Transperth line runs north-south immediately adjacent to the site and the Joondalup train station is located on the north side of Collier Road approximately 160 metres north of the site. The main part of the ECU is located opposite the subject site on the east side of Grand Boulevard.

The site is at the southern end of Grand Boulevard near the junction of Grand Boulevard and Joondalup Drive. The undulating nature of the site affords it high visibility from Grand Boulevard and the railway line.

### History

After the original preparation of the JCCDPM, the subject site was acquired by ECU following a land swap with Landcorp. In exchange, Landcorp obtained a portion of land on Lakeside Drive, adjoining the main ECU campus. That site has now been developed into residential housing.

A Masterplan to guide future development of ECU's land was developed by ECU, however this Masterplan has not been endorsed by Council.

The applicant states that, in order to ensure the long-term viability of the campus by retaining land tenure flexibility, it is intended that Lot 9000 will remain in the ownership of ECU and not be subdivided at a later stage.

The current provisions of the JCCDPM relating to the subject site are no longer relevant to the intended use of the site. The proposed new provisions would assist in the development of the site for predominantly education purposes and also enhance the site's location as part of the gateway to the CBD.

A car park of 610 bays accessed from Grand Boulevard has recently been constructed on the western portion of Lot 9000, in the area shown within the structure plan amendment for parking purposes. This car park supplements the existing carparking for the main campus and will provide parking for the impending transfer of nursing facilities to the Joondalup campus in the near future. The intersection of the entry to the car park, Grand Boulevard and Kendrew Crescent is controlled by traffic signals as a result of this development.

### **DETAILS**

The JCCDPM is a Structure Plan under the City's District Planning Scheme No 2 (DPS2). The subject site is located within the Central Business District of the JCCDPM (see Attachment 2). There are currently provisions in the JCCDPM that apply to the site, however these do not facilitate the education functions of ECU.

### Proposed Amendment to Joondalup City Centre Development Plan and Manual

The proposed amendment to the JCCDPM (see Attachment 3) is intended to provide the framework for the future ECU Joondalup City Campus development with its focus on educational land uses.

Part 1 of the structure plan sets out the statutory provisions, which will guide the development of the site in the following manner:

- Maximum residential density of R100, with the possibility of up to R160 density.
- Building heights of 3-5 storeys, with the higher buildings located to the north of the site.
- Buildings spaced from each other to provide solar orientation and sustainability opportunities. Open space would be provided between buildings.
- Buildings would be built to the street boundary.
- Internal car parking areas.
- A range of city centre type land uses permitted, including educational uses.

Figure 1 in Part 1 shows the proposed Structure Plan area while Figure 2 shows an Indicative Development Plan for the site. A potential train station is shown on Figures 1 & 2 of the amendment near Joondalup Drive adjacent to the south-west corner of the site, as well as a pedestrian underpass linking Lot 9000 to the main campus. Part 2 Background Report provides background and supporting documentation for Part 1 and includes the ECU Masterplan.

### Applicant's Justification

The applicant has provided the following explanation for the proposal:

*"The City Campus Precinct will contain a range of land uses with Education as the preferred land use throughout the Precinct. It is not intended that the Precinct be further subdivided as it is important for the university's long term viability that land tenure remains as flexible as possible. The Precinct will remain as one lot with one ownership. Building heights will be between 3 and 5 storeys and the street pattern will provide essential linkages to integrate with the Joondalup City Centre.*

*The Structure Plan is consistent with, and adopts the objectives of, the current ECU Masterplan which recognises the City Centre Campus as being different in character to the main campus. The Structure Plan adopts the environmental building design guidelines of the Masterplan and further acknowledges the need for a parking strategy for the whole campus."*

The objectives for the structure plan provisions over this land, as provided by the applicant, are to:

- *"Ensure maximum and "best" use of a significant and prominent land asset;*
- *Increase the profile and physical presence of the University within the City Centre through carefully planned north-westerly growth;*
- *Promote a campus design which is contemplative, interactive and above all stimulating;*
- *Encourage University buildings and open space to positively respond to non-university interfaces, providing integration with the fabric of the city; and*
- *Provide the University and the City of Joondalup with a long-term and yet flexible vision for the development of Lot 9000."*

### **Issues and options considered:**

The current development provisions in the JCCDPM for the Central Business District do not guide the future development of educational uses and, therefore, do not adequately recognise the significant landholdings, to be utilised for this purpose. Subsequently, the importance of educational uses in the context of facilitating the development of a lively City Centre intended to function as a second CBD is not fully appreciated.

The issues associated with the proposed amendment to the JCCDPM in relation to Lot 9000 include:

- The suitability of the proposed Education/Mixed Use precinct and the land uses as part of the future ECU Joondalup City Campus.
- The suitability of the proposed associated development provisions to facilitate the appropriate built form outcomes for the allowable land uses, and in relation to the City Centre location.

Options:

Council may undertake either of the following courses of action:

- Adopt as final the proposed amendments to the JCCDPM.
- Adopt as final the proposed amendments to the JCCDPM, with modification.
- Not adopt the proposed amendments to the JCCDPM.

**Link to Strategic Plan:**

The proposed amendment to the JCCDPM is supported by the following objectives and strategies of the City's Strategic Plan 2003-2008:

## Objective 1.1

To develop, provide and promote a diverse range of lifelong learning opportunities.

## Strategies 1.1.1

Continue the development of the City of Joondalup as a Learning City – plan for student growth

## Strategies 1.1.2

Continue the development of learning precincts and relationships with local stakeholders and service providers

## Strategies 1.1.3

Support whole-of-life learning and creation of knowledge opportunities

## Objective 3.3

To continue to meet changing demographic needs

## Strategies 3.3.1

Provide residential living choices

## Objective 3.5

To provide and maintain sustainable economic development

## Strategies 3.5.2

Assist the facilitation of local employment opportunities

**Legislation – Statutory Provisions:**

Clause 9.7 of DPS2 enables Council to amend an Agreed Structure Plan subject to the approval of the WAPC. Public consultation is required to occur in accordance with Clause 9.5.

Under Clause 9.6, upon completion of the public advertising period, Council shall consider all submissions received. Council shall then proceed within sixty (60) days to either refuse or adopt the structure plan, with or without modifications, and submit it to the WAPC for final adoption and certification.

**Risk Management considerations:**

There are no known risks associated with the proposed amendments to the CBD provisions within the JCCDPM.

**Financial/Budget Implications:**

There are no known financial or budgetary implications associated with the proposed amendment to the CBD provisions within the JCCDPM.

**Policy Implications:**

There are no policy implications associated with the proposed amendment to the CBD provisions within the JCCDPM.

**Regional Significance:**

The proposed amendment to the JCCDPM is regionally significant as it seeks to facilitate further development of the existing sporting facility that supports the overarching intent for the City to be the largest sub-regional centre (satellite CBD) outside of Perth with the major regional sporting complex located in the north-west District of the City Centre.

**Sustainability Implications:**

The proposed amendment to the JCCDPM will facilitate the future economic and social sustainability of the City Centre by enabling an increasing student population to better utilise existing services, and to enhance the vitality of the City Centre out of business hours.

**Consultation:**

Clause 9.5 of DPS2 requires structure plan proposals to be advertised in accordance with the provisions of clause 6.7 prior to further consideration by Council. Clause 6.7 of DPS2 requires a minimum advertising period of 21 days.

Advertising occurred for twenty eight (28) days by way of notification in writing of all adjoining landowners/residents and service authorities, two signs being erected on the site, a notice being placed in the Joondalup Community newspaper on 9 March 2006 and a notice placed on the City's website.

Advertising closed on 6 April 2006 and two (2) neutral submissions were received from servicing authorities (see Attachment 5).

**COMMENT****Built Form and Pedestrian Shelter**

The CBD extends from Shenton Avenue in the north to the southern end of Lot 9000, west to the railway line and the northern section extends to Lake Joondalup and, as such, is the centre of the Joondalup City Centre. The current land uses permitted under the JCCDPM within this District are focused on retail, commercial, civic and cultural/leisure activities. Educational land uses are important in the context of facilitating the development of a lively City Centre, however, such uses are currently not identified in the JCCDPM. The proposed amendment to the JCCDPM include such land uses on the subject site.

Lot 9000 is the southern-most part of the District, separated from the existing City Centre activities by Collier Pass. According to the applicant, the future development of the site is envisaged as *“a lively and visually exciting place where the activities of the University and the City come together”*. This portion of the CBD will be different in character and predominant function from most of the District due to the predominant existing and future educational functions in this locality. Buildings in the main part of the CBD are required to be built up to street frontages (nil setbacks) to create an “urban wall” with a “pedestrian-dominant” environment where street level retail and entertainment activities predominate. To support the pedestrian environment of the main part of the CBD, shelter is required along street frontages.

Since retail uses may not be the predominant land uses associated with the future ECU Joondalup City Centre precinct, and therefore buildings may also be accessed from the rear and sides, shelter along street frontages is not essential for an appropriate development outcome.

Likewise, a continuous “urban wall” along street frontages is not considered essential in the future ECU Joondalup City Centre precinct. Correspondingly, the Indicative Development Plan in the structure plan documents show buildings separated by landscaped and pedestrian spaces that will provide recreational and pedestrian movement opportunities. This element of landscape separation, along with the wide road reserve of Grand Boulevard that would also be landscaped, would also provide visual relief in terms of the streetscape by softening the “urban wall” effect. The built outcome would therefore more likely resemble the streetscape of Kings Park Road rather than that of St George’s Terrace in the Perth CBD.

In view of Grand Boulevard’s north-south orientation, the frontages of buildings will be east-west facing which is not a desirable orientation in terms of solar efficiency. The provision of spaces between buildings provides a range of building options in terms of heights, such as “stepping” the buildings from single storey at ground level to a greater distance for upper levels, which will facilitate sun penetration into buildings located on the south side. In addition, the spaces between the buildings can receive various degrees of sun and be developed in different ways to add variety and purpose as passive recreational areas.

#### Density and Plot Ratio

The proposed amendment includes a maximum density of R100 or up to R160 where Council considers that a development has an appropriate landmark quality. It is noted that the City is currently preparing a policy relating to landmark buildings in the City Centre. These densities are consistent with the allowable densities within the General City precinct of the CBD and are considered appropriate.

Plot ratio in the CBD is graded from the centre to the periphery with the maximum plot ratio at the centre. “Other” plot ratio governs the Lakeside Shopping Centre site. However, as Lot 9000 is intended to be developed as one lot under one ownership, plot ratio calculations would be difficult, as separate lot boundaries would not be created. It is therefore proposed that no plot ratio apply to the Education/Mixed Use precinct on the basis that the maximum density and development criteria will direct the appropriate built form outcome for the site. This approach is considered acceptable in this instance.

#### Building Height

Building heights of 3 – 5 storeys are proposed within the Education/Mixed Use precinct. Given the nature of the proposed land uses and the form of educational buildings, such as lecture theatres and laboratories, sizeable buildings are likely to be constructed. Combined with possible non-educational land uses at ground level to provide active street frontages, the proposed building heights are considered appropriate for intended development on Lot 9000.

### Car Parking and Traffic

Car parking is proposed to be 1 car bay per 30m<sup>2</sup> net lettable area. This provision is consistent with requirements for residential/mixed use and commercial uses in the CBD under DPS2 and is therefore considered acceptable. In addition, Educational uses are to be in accordance with the car parking standards within DPS2 (i.e. 1 car bay for every 3 students).

The ECU's Masterplan that is the basis for its future intentions does not detail the likely traffic impacts of development of the campuses. This Masterplan has not been endorsed by the Council. In view of the existing level of traffic, particularly along Grand Boulevard, and the expected increase in traffic with the expansion of the main campus, a traffic study/management report was sought, and had now been lodged.

The traffic study/ traffic management report provides details regarding traffic flows, internal and external access, intersection treatments, and car parking. However, it does not currently provide information at this stage to justify the underpass proposed across Grand Boulevard. Nevertheless, an underpass, or another suitable alternative, could be favourably considered in this location in the future if the City receives sufficient justification for its construction, and details addressing security and maintenance issues in particular. It is therefore recommended that reference to the underpass be altered to clearly indicate that it is only a possible future initiative. All references to the underpass would need to be amended, including Figures in Parts 1 and 2, to refer to a 'possible future underpass' only. (see Attachment 4).

It is noted that the potential train station shown within the structure plan diagrams is outside of the subject area and, therefore, its development or otherwise is separate to the proposal before Council. The location of a potential station is in line with earlier plans for this area.

### Land Uses

A new Land Use of Education/Mixed Use is proposed within which a number of uses could be permitted. These uses are consistent with the intentions for future ECU Joondalup City Centre Campus for primarily educational and associated uses yet also to complement land uses within the core area of the CBD to provide integration with the "fabric" of the CBD. Retail uses are unlikely to be the predominant land use associated with the site in view of its proximity to the core area of the CBD and therefore limited types and numbers of patrons. As such, these types of uses are unlikely to detract from the viability and vibrancy of the CBD. Rather, the proposed land uses could assist in ensuring ECU's continuing viability as an educational establishment.

### Adjacent Future Development

The main ECU campus is located opposite the subject site on the east side of Grand Boulevard. The portion of the main campus that fronts Grand Boulevard is designated for City Centre uses. The ECU has not advised of any plans for the development of this land at this stage. It will be necessary in time for ECU to consider plans for future development of this land, which may be in a similar manner to the proposed amendment relating to Lot 9000.

### Submissions

No submissions of objection were received during the advertising period and two (2) service authorities provided neutral responses.



## Conclusion

The draft amendment to the JCCDPM will provide an appropriate framework for the future development of a mix of educational and other uses within the precinct. It is recommended that proposal to amend the JCCDPM to facilitate the development of the ECU Joondalup City Centre Campus by including the appropriate land uses and associated proposed development provisions be adopted as final, subject to modifications in regard to the possible future underpass.

## **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	JCCDPM Districts Plan
Attachment 3	Draft amendments to JCCDPM
Attachment 4	Tracked extract of Part 2 (revised)
Attachment 5	Schedule of submissions
Attachment 6	Structure Plan Flowchart

## **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Jacob, SECONDED Cr John that Council:**

- 1 AMENDS Attachment 3 to Report CJ086-06/06 (additional provisions for the Central Business District - ECU Joondalup City Campus) as follows:**
  - (a) Notations on Figures 1 and 2 in Part 1- Statutory Amendments and Figures 7 and 8 in Part 2 - Background Report in relation to the underpass to read:**

**‘Possible future underpass access to main campus’;**
  - (b) references in relation to the underpass in Part 2- Background Report being amended, as shown on Attachment 4 (tracked) to Report CJ086-06/06;**
- 2 RESOLVES that the amendment to the Joondalup City Centre Development Plan and Manual for additional provisions for the Central Business District (ECU Joondalup City Campus) shown in Attachment 3 to Report CJ086-06/06 (as amended) be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;**
- 3 Subject to certification by the Western Australian Planning Commission, ADOPTS the amendment to the Joondalup City Centre Development Plan and Manual for additional provisions for the Central Business District (ECU Joondalup City Campus) and proposed modifications listed in resolution 1 above to this Report as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document;**
- 4 NOTES the submissions received and ADVISES the submitters of the Council’s decision;**

- 5 HIGHLIGHTS its concerns in relation to the potential impact of the alignment of buildings along Grand Boulevard, adjacent to Kendrew Crescent and SEEKS to ensure that the future development in this locality reflects the main entry status of the City’s CBD in relation to streetscape frontage.**

Cr John spoke to the Motion.

**AMENDMENT MOVED Cr Amphlett, SECONDED Cr Park that Point 1 (a) be amended by deleting the words “possible future underpass access to main campus” and replacing with:**

***“possible future access link to main campus”***

Discussion ensued.

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**The Original Motion as amended, being:**

**That Council:**

- 1 AMENDS Attachment 3 to Report CJ086-06/06 (additional provisions for the Central Business District - ECU Joondalup City Campus) as follows:**
  - (a) Notations on Figures 1 and 2 in Part 1- Statutory Amendments and Figures 7 and 8 in Part 2 - Background Report in relation to the underpass to read:**

***‘possible future access link to main campus’***
  - (b) references in relation to the underpass in Part 2- Background Report being amended, as shown on Attachment 4 (tracked) to Report CJ086-06/06;**
- 2 RESOLVES that the amendment to the Joondalup City Centre Development Plan and Manual for additional provisions for the Central Business District (ECU Joondalup City Campus) shown in Attachment 3 to Report CJ086-06/06 (as amended) be adopted and submitted to the Western Australian Planning Commission for final adoption and certification;**
- 3 Subject to certification by the Western Australian Planning Commission, ADOPTS the amendment to the Joondalup City Centre Development Plan and Manual for additional provisions for the Central Business District (ECU Joondalup City Campus) and proposed modifications listed in resolution 1 above to this Report as an Agreed Structure Plan and authorises the affixation of the Common Seal to, and the signing of, the structure plan document;**
- 4 NOTES the submissions received and ADVISES the submitters of the Council’s decision;**

- 5 HIGHLIGHTS its concerns in relation to the potential impact of the alignment of buildings along Grand Boulevard, adjacent to Kendrew Crescent and SEEKS to ensure that the future development in this locality reflects the main entry status of the City's CBD in relation to streetscape frontage.**

Further discussion ensued. To a query raised by Cr Park, it was advised that information would be provided to Elected Members in relation to setback requirements within the City of Joondalup.

**was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8agn060606.pdf](#)*

**CJ087 - 06/06 PROPOSED ADDITION OF SELF STORAGE UNITS TO AN EXISTING SELF STORAGE FACILITY AT LOT 304 (129) WINTON ROAD, JOONDALUP – [03406]**

**WARD:** North

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 9

**PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for the addition of 280 self-storage units, being an extension to the existing self-storage facility at Lot 304 (129) Winton Road, Joondalup.

**EXECUTIVE SUMMARY**

The proposal involves the addition of 280 storage units to the existing self storage facility. The subject site is located at the northern end of Winton Road, immediately south of Shenton Avenue and immediately east of the Mitchell Freeway Reserve, Joondalup.

The proposal represents the final stage of development for the self storage facility. The first two stages of the development occurred in 1997 and 1999 respectively. There are currently 500 units within the self-storage facility, with a Net Lettable Area (NLA) of approximately 5800m<sup>2</sup>. There are 77 car parking bays servicing the existing stages of the development. A further 18 bays are proposed to be added.

The proposed extensions comprise a two-storey building, with 1717m<sup>2</sup> NLA floor space to be provided on both floors (3434m<sup>2</sup> total).

“Self Storage Facility” is a use class not listed under District Planning Scheme No 2 (DPS2), however the existing use of the site is considered to be consistent with the objectives and purposes of the Service Industrial zone. Pursuant to Clause 3.3 of DPS2, it is recommended that Council resolves that the proposed use is consistent with these objectives, and that the proposed “Self Storage Facility” be considered to be a permitted land use in the Service Industrial zone. It is further recommended that the proposal be supported, subject to the acceptance of a car parking standard of 1 car parking space per 100m<sup>2</sup> of NLA for a Self Storage Facility.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 304 Winton Road, Joondalup
<b>Applicant:</b>	Planning Solutions
<b>Owner:</b>	National Storage Operations
<b>Zoning:</b>	<b>DPS:</b> Service Industrial
	<b>MRS:</b> Urban
<b>Site Area:</b>	1.3626 hectares
<b>Structure Plan:</b>	Not Applicable

The subject site is located at Lot 304 (129) Winton Road, Joondalup, at the northern end of Winton Road, immediately south of Shenton Avenue and immediately east of the Mitchell Freeway Reserve. The site, which is partly developed, is currently used as a self storage facility.

This is the third and final stage of development of this site. The previous stages of the development were approved in 1997 and 1999 respectively. The plans for the first two stages showed an outline plan for the total development of the site. The third stage is similar to this plan, apart from the development being two storeys and located along the southern boundary.

The first stage of the development involved the construction of 4 buildings with a total storage floor space of approximately 4000m<sup>2</sup>. There were 60 car parking bays provided to service the storage units.

The second stage of the development involved extensions to the existing buildings and construction of a single stand-alone storage building. The floor space of the second stage additions was approximately 1800m<sup>2</sup>. An additional 17 car parking bays were provided to service this stage of the development.

## DETAILS

The proposed development consists of the addition of 280 self storage units to an existing 500 unit self storage facility within the Winton Road industrial estate. The proposed additions are two storey with a floor space addition of 3424m<sup>2</sup> NLA. Nil setbacks are proposed to the western (approximately 30 metres in length) and southern (approximately 77 metres) boundaries. The depth of the buildings is proposed to be approximately 20 metres.

A goods hoist and stairs are proposed, to provide access to the second storey storage units. It is also proposed that trolleys be provided adjacent to the goods hoist, to assist customers in transferring their goods to the second storey units.

An additional 18 car parking bays are proposed to service the additions, resulting in a total of 95 bays servicing the fully developed self-storage facility.

**Issues and options considered:**

Council is required to determine whether the proposed land use is an unlisted land use class under District Planning Scheme No 2 (DPS2). If Council determines it to be a listed use class, the application must be determined in accordance with the permissibility of that use in the Service Industrial zone under DPS2. However, if it is considered that the proposed use is a use class not listed, Council then needs to determine whether the proposal meets the objectives and purpose of the Service Industrial zone and therefore, if the proposed use:

- (i) is a permitted land use;
- (ii) may be consistent with the objectives and intent of the zone, and advertising of the proposal is required before a decision can be made on the development application;  
or
- (iii) is a prohibited land use.

Secondly, having determined the land use classification, Council is then required to make a determination on the application for Planning Approval. In this instance, the issues to be considered are car parking, design and setbacks.

**Link to Strategic Plan:**

The proposal is not considered to have any strategic plan impacts as the self storage facility is an existing development.

**Legislation – Statutory Provisions:**

The subject site is zoned Service Industrial under the City's DPS2. Clause 3.10 of DPS2 states:

*The Service Industrial Zone is intended to provide for a wide range of business, industrial and recreational developments which the Council may consider would be inappropriate in Commercial and Business Zones and which are capable of being conducted in a manner which will prevent them being obtrusive, or detrimental to the local amenity.*

*The objectives of the Service Industrial Zone are to:*

- (a) *accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;*
- (b) *ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.*

With regard to the self storage facility being a use class not listed, Clause 3.3 of the Scheme states:

*If the use of the land for a particular purpose is not specifically mentioned in the Zoning Table and cannot reasonably be determined as falling within the interpretation of one of the use categories the Council may:*

- (a) *determine that the use is consistent with the objectives and purposes of the particular zone and is therefore permitted; or*
- (b) *determine that the proposed use may be consistent with the objectives and purpose of the zone and thereafter follow the procedures set down for an 'A' use in Clause 6.6.3 in considering an application for planning approval; or*
- (c) *determine that the use is not consistent with the objectives and purposes of the particular zone and is therefore not permitted.*

Clause 4.5.1 of DPS2 allows the City to approve development proposals where standards or requirements of the Scheme have not been complied with:

- 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.*

Clause 4.8 of DPS2 allows the City to consider appropriate car parking standards for all types of development within the City as follows:

#### 4.8 *Car Parking Standards*

- 4.8.1 *The design of off-street parking areas including parking for disabled shall be in accordance with Australian Standards AS 2890.1 or AS 2890.2 as amended from time to time. Car parking areas shall be constructed and maintained to the satisfaction of the Council.*
- 4.8.2 *The number of on-site car parking bays to be provided for specified development shall be in accordance with Table 2. Where development is not specified in Table 2 the Council shall determine the parking standard. The Council may also determine that a general car parking standard shall apply irrespective of the development proposed in cases where it considers this to be appropriate.*

*Clause 6.8.1 of DPS2 requires that 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.*

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

As outlined later in this report, it has been recommended that the land use be considered to be consistent with the objectives of the Service Industrial zone and thereby a permitted use, not requiring public advertising. The need to advertise the proposal is contingent upon Council's acceptance of this recommendation.

**COMMENT**Determination of Land Use and Permissibility

The Town Planning Delegation Notice does not give delegated authority to determine an application for a use class not listed in Table 1 of DPS2 (the Zoning Table).

It is considered that a "Self Storage Facility" is not a listed land use in Table 1 – The Zoning Table of the DPS2. Therefore, Council is required to determine the matter having regard to the provisions of Clause 3.3 of DPS2. Under clause 3.3, it is necessary for Council to determine whether:

- (i) the application meets the objectives of the Service Industrial zone and is therefore permitted;
- (ii) the proposed use may be consistent with the objectives and purpose of the Service Industrial zone and, consequently, should be advertised in accordance with clause 6.7; or
- (iii) the use is not consistent with the objectives and therefore refuse the application.

The objectives of the Service Industrial zone are to:

- (a) accommodate a range of light industries, showrooms and warehouses, entertainment and recreational activities, and complementary business services which, by their nature, would not detrimentally affect the amenity of surrounding areas;
- (b) ensure that development within this zone creates an attractive façade to the street for the visual amenity of surrounding areas.

The proposed self-storage units are a relatively low-key land use which will provide for the storage of goods by individuals and businesses. The proposed use is similar in nature to warehouses and storage depots which have been established throughout the Winton Road industrial area. The existing self-storage facility has operated for a number of years without incident, and in this regard it is considered that the proposed additions will not detrimentally affect the amenity of the surrounding area.

With regard to (b) above, it is considered appropriate that a condition be imposed on the development approval requiring articulation of the front façade of the development, facing Winton Road. The current design depicts a blank concrete façade, however this could be articulated through the continuation of awnings or the recessing of the wall to break up the building bulk.

In light of the above, it is considered that the proposed additions to the self storage units are consistent with the objectives and purposes of the Service Industrial zone, as the use will be similar in nature to existing development on the site and within the surrounding locality, and would not detrimentally affect the amenity of the surrounding area.



The existing and proposed land use is therefore considered to be a use class not listed in Table 1 – The Zoning Table of DPS2, however, the land use is considered to be consistent with the objectives and purposes of the Service Industrial zone. If Council is of a similar position, then it is required to resolve as such in accordance with clause 3.3(a) of the Scheme.

### Setbacks

The design of the development proposes to continue the building line from the existing storage units along the western boundary of the development site for approximately 30 metres, and then for a length of 77 metres along the southern boundary. Nil setbacks are proposed to the western and eastern boundaries. The depth of the building is proposed to be approximately 20 metres with a height of 6.5 metres. Access to the development is proposed to be provided from the existing crossover onto Winton Road.

DPS2 requires development within the Service Industrial zone to have a minimum setback of 6 metres from the front boundary, with side and rear setbacks to meet the requirements of the Building Codes of Australia (BCA). The BCA allow buildings to be constructed to a boundary provided the walls achieve the correct fire rating and openings are either a minimum of 3 metres from the boundary or protected. The proposal complies with these requirements.

Clause 3.10.2(b) of DPS2 requires a 3-metre setback between the proposed buildings and the second street frontage, being the western boundary of the application area, which is the Mitchell Freeway reserve. This requirement is not considered appropriate in this instance, as the proposed nil setback to the western boundary will provide consistency in the built form in this portion of the development. The “stepping in” of the development by 3 metres may also create traffic circulation and vehicle sightline problems within the development.

Accordingly, it is recommended that the requirement for a 3 metre setback to the Mitchell Freeway Reserve be waived in accordance with Clause 4.5.1 of DPS2. This clause allows Council to approve a development where it does not comply with a standard or provision of the Scheme where such a variation will not adversely impact on the locality. In this case, the affected property to the west is a road reserve and the visual impact of any such setback variation will be screened by existing vegetation within the reserve and the topography of the Freeway batter.

### Car Parking

DPS2 does not prescribe a car parking standard for a Self Storage Facility. In terms of the development of the total site, 77 bays have already been provided on the subject site, through the previous planning approvals. An additional 18 car parking bays are proposed to service the additions. With the total floor space of the additions being in the vicinity of 3400m<sup>2</sup>, the proposed parking for the additions is at a rate of approximately 1 bay per 189m<sup>2</sup>.

With a total existing floor space of 5833m<sup>2</sup>, the current car parking provision is at a rate of 1 bay per 75m<sup>2</sup>. The combined car parking, inclusive of the additions and the existing development, represents a total of 95 bays and a total NLA of 9267m<sup>2</sup>. The overall rate for the development (Stages 1, 2 and 3 combined) would therefore be in the order of 1 per 98m<sup>2</sup> NLA.

In this instance, it is considered appropriate that a car parking standard of 1 car parking space per 100m<sup>2</sup> of NLA for the overall development should apply, given that:

- Industrial car parking standards have been established for uses such as factories and warehouses, which have different customer usage patterns than self storage units and generally have greater number of employees;
- A maximum of 2 persons are employed at the self storage facility at any given time, and the City has no record of complaint or issue related to the current parking provision at the facility;
- Persons with materials stored in a self storage facility would not be expected to access these materials on a regular basis;
- Site visits undertaken by the City's Officers have indicated minimal parking usage of the facility during regular work hours.

In light of the above, it is considered that the proposed allocation of 18 additional car parking bays is appropriate, and will be sufficient to accommodate the anticipated demand for the facility.

### **Conclusion**

The proposed use class "Self Storage Facility" is considered to be consistent with the objectives of the Service Industrial zone, and therefore it is recommended that it be determined that it is a permitted use in this zone. The proposed addition of 280 self storage units is supported, as the proposal is generally consistent with the previously approved and constructed stages of the self storage facility.

The car parking provision for the site is supported, given the likely limited demand for use of the site. The proposed setback variations to the western boundary are also supported, given the site's location adjacent to the Mitchell Freeway reserve, and the consistency with the existing stages of development that this will provide.

It is recommended that Council conditionally approves the application for planning approval.

### **ATTACHMENTS**

Attachment 1	Locality Plans
Attachment 2	Development Plans
Attachment 3	Locality Plan – Enlargement (Scale 1:1000)

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Amphlett, SECONDED Cr McLean that Council:**

- 1 DETERMINES under Clause 3.3(a) of District Planning Scheme No 2 that:**
  - (a) Self Storage Facility is deemed to be a use class not listed;**
  - (b) The proposed use meets the objectives and purpose of the Service Industrial zone, and therefore, is a permitted land use;**

- 2** Having regard to Clause 4.8.2 of the City of Joondalup District Planning Scheme No 2, **DETERMINES** that:
- (a)** the car parking standard for the use “Self Storage Facility” shall be one (1) car parking bay per 100m<sup>2</sup> Net Lettable Area;
  - (b)** the number of existing and proposed parking bays meets the standard referred to in 2(b);
- 3** **DETERMINES** under Clause 4.5 of District Planning Scheme No 2 that the proposed nil set back in lieu of three (3) metres to the western boundary is appropriate in this instance;
- 4** Subject to Part 1 above, **APPROVES** the application for planning approval received on 28 March 2006, submitted by Planning Solutions Pty Ltd on behalf of the landowner, National Storage Operations, for the proposed additions and extensions to the existing self storage facility at Lot 304 (129) Winton Road, Joondalup, subject to the following conditions:
- (a)** The provision of 18 additional car parking bays, as depicted on the approved plans;
  - (b)** The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS2890). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the City prior to the development first being occupied. These works are to be done as part of the building program;
  - (c)** An on site 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 City. The proposed stormwater drainage system is required to be shown on the Building Licence submission and be approved by the City prior to the commencement of construction;
  - (d)** Parapet walls abutting the Mitchell Freeway Reserve and on the southern boundary of the development shall be of a clean finish and made good with anti-graffiti coated protection;
  - (e)** Landscaping, reticulation and all verge treatment is to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
  - (f)** The vehicle movement system shall be clearly marked on the pavement of the approval area prior to occupation;
  - (g)** No waste or other goods shall be stored on-site, except within the confines of the storage units;
  - (h)** Revised plans shall be submitted for approval by the Manager Approvals, Planning and Environmental Services, such plans incorporating changes to the front façade of the development (facing Winton Road) in order to satisfy the requirements of Clause 3.10.1(b) of the District Planning Scheme No 2;

- (i) **Any advertising signage shall be subject to a separate application for Planning Approval.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9agn060606.pdf](#)*

**CJ088 - 06/06 PROPOSED ADDITIONS TO AN EXISTING MOBILE TELECOMMUNICATION FACILITY (PERCY DOYLE RESERVE) - WARWICK ROAD, DUNCRAIG – [17817]**

**WARD:** South

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 10

**PURPOSE**

To request Council's determination of an application for Planning Approval for additions to an existing Hutchison Mobile Telecommunication Facility (MTF) on Percy Doyle Reserve, Warwick Road, Duncraig.

**EXECUTIVE SUMMARY**

An application has been received for additions to an existing monopole telecommunication antenna, for use by Vodafone at Percy Doyle Reserve, Duncraig. The proposal is to extend the existing monopole, install 3 new Vodafone panel antennas and 1 radio-communications dish. The equipment cabin will also require the excision of 22.5m<sup>2</sup> of land for lease from the Department of Land Information (DLI).

Under the Commonwealth Telecommunication Act 1997 (as amended) and the Telecommunication (Low Impact Facilities) determination 1997, the proposal is defined as a "High Impact" facility and requires the submission of a development application for determination by the local government.

The site is a Local Reserve for "Parks & Recreation", which is under the management of the City of Joondalup. The reserve is mainly used for active recreation purposes. The existing MTF is located in the northern area of the reserve, adjoining tennis courts.

When the original MTF was approved by Council at its meeting held on 1 April 2003, Council resolved as follows:

- “(c) *the mobile telecommunications facility is structurally designed to accommodate future carriers.*”

The current application was advertised by way of letters to surrounding landowners in accordance with the City of Joondalup Planning Policy 7-11 – Telecommunication Facilities, for a period of 30 days to owners and occupiers within a 500m radius of the site. Letters of objection and neutral submissions were received.

The proposed co-location of the new facilities on an existing monopole is considered to be consistent with the previous decision of Council.

It is recommended that the proposed development be approved, subject to conditions with particular reference to the proposal being in compliance with the requirements of the Electromagnetic Energy Standards.

## BACKGROUND

<b>Suburb/Location:</b>	Percy Doyle Reserve at Warwick Road, Duncraig
<b>Applicant:</b>	Planning Solutions
<b>Owner:</b>	Crown Land - Department of Land Information (DLI) (Management of the City of Joondalup)
<b>Zoning:</b>	<b>DPS:</b> Local – Parks & Recreation
	<b>MRS:</b> Urban

07/02/2006 Application received.

03/03/2006 Application advertised in accordance with City of Joondalup Planning Policy 7-11 – Telecommunication Facilities.

03/04//2006 Advertising Closed.

The original MTF was approved by Council at its meeting held on 1 April 2003 (CJ067 – 04/03).

## DETAILS

The proposed MTF is part of Vodafone's joint venture with Optus to share network infrastructure through the utilisation of existing mobile network sites. The new equipment is required to facilitate the new high-speed generation mobile network, encompassing services such as wireless broadband and picture messaging. The proposal involves the installation of telecommunications infrastructure on an existing monopole at Percy Doyle Reserve. The applicant states that the location has been influenced by the ability to co-locate proposed telecommunication facilities with existing telecommunication facilities.

In utilising the existing site, the applicant states that the following works are proposed:

- (i) *Extend the existing monopole.*

The existing height of the monopole is 20.11m above natural ground level (NGL). The proposed increase in height of the pole-structure is 4.33m. Including the antennas, the overall height above NGL is proposed to be 27.65m.

- (ii) *Relocate 3 existing Hutchison panel antennas to a height of 21.00m above natural ground level;*

Existing equipment.

- (iii) *Locate 3 new panel antennas and 1 new radio-communications dish on the existing monopole. Panel antennas will be turret-mounted at the top of the monopole, and the radio-communications dish shall be band-mounted to the structure; and*

The dimension of each of the proposed panel antennas are 1.302m (h) x 0.155m (w) x 0.069m (d). They are to be located 27.00m above NGL. The proposed dish is to have a diameter of 0.6m being located 12.8m above NGL.

- (iv) *Construction of a retaining wall to match existing and extend the fenced compound area a further 5m south to accommodate 1 equipment cabin, to be located at ground level;*

The length of the proposed limestone retaining wall along the northern side of the compound is to be 5.0m with a height of 0.3m. The proposed fencing is to extend 5.0m south of the existing compound for a width of 6.17m, being of plastic coated chain-wire to match existing. The equipment cabin is proposed to be of Colorbond construction and is to be painted, to match the existing structure on-site.

The applicant has stated the following in relation to the location of the existing monopole and sensitive areas surrounding the site:

*The monopole is approximately 120m from residential uses to the east being the Patricia Teague Retirement Villas; approximately 300m from residential uses to the south, along Chessell Drive; approximately 520m from residential; uses to the west along Keppel Road; and approximately 80m from residential uses to the north, on the opposite side of Warwick Road. The dwellings on the northern side of Warwick Road are substantially lower than the road level and, therefore, the impact of the monopole is significantly mitigated by the topography, the screening function of solid fencing along Warwick Road frontages and substantial mature vegetation within the Warwick Road median. Accordingly, the proposed extension of the monopole and mounting of additional antennas shall not impact upon the residential amenity of the surrounding area.*

The applicant states that:

*"By virtue of the subject sites co-location, the subject proposal achieves network coverage for Vodafone whilst minimising the visual impact of such infrastructure."*

The applicant considers that the co-location of the additions on existing telecommunications infrastructure is a rational use of land. This sharing of infrastructure will assist in reducing the proliferation of telecommunications facilities, minimising the potential detrimental impacts on the amenity of the locality.

The applicant considers that the additions will not significantly alter the existing appearance of the monopole as the proposed panel antennas are long and slim, thereby minimising the protrusion of the antennas and radio-communications dish from the structure.

An alternative means of locating new communication antennas suggested by the applicant could be to install a head frame at the top of the existing monopole. The applicant considers that this option has the potential to increase the volume and bulk of the structure and would detrimentally impact on the visual amenity of the area.

In terms of effect on the recreational use of the Percy Doyle Reserve, the applicant has stated:

*It is submitted that the development shall not detrimentally impact upon the recreational use of the site, and minimal ground area shall be required for the development.*

Further, the proposed development will not require the removal of any vegetation.

In addition to the above, the applicant believes that the proposal is consistent with provision of District Planning Scheme No 2 and the Western Australian Planning Commission's statement of Planning Policy No 5.2 – Telecommunications Infrastructure, and the Guidelines for the Location, Siting and Design of Telecommunications Infrastructure which encourage design and siting to minimise potential adverse visual impact on the character and amenity of the local environment.

The applicant concludes that the proposal is consistent with orderly and proper planning principles and is justified for the following reasons:

- 1 *The proposed development is consistent with the zoning provisions of the Metropolitan Regional Scheme and District Planning Scheme No 2;*
- 2 *The proposal is consistent with the Western Australian Planning Commission's statement of Planning Policy No 5.2 – Telecommunications Infrastructure, and the Guidelines for the Location, Siting and Design of Telecommunications Infrastructure, which encourage design and siting to minimise potential adverse visual impact on the character and amenity of the local environment, and seek co-location opportunities;*
- 3 *The proposal represents orderly and proper planning, as it will remove the need to implement additional monopoles within the locality to service network coverage requirements of Vodafone;*
- 4 *The proposal will ensure co-location objectives are achieved, which is a principal advocated by planning legislation;*
- 5 *The infrastructure associated with the telecommunications facility shall not involve the removal of any vegetation on the site; and*
- 6 *The site's recreational intent shall not be compromised by the proposed development.*

The applicant has requested that Council approves the subject application based on the above principles.

**Issues and options considered:**

Council has the discretion to:

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

**Link to Strategic Plan:**

To continue to provide services that meet changing needs of a diverse growing community.

**Legislation – Statutory Provisions:**

The City of Joondalup District Planning Scheme No 2 (DPS2) is the relevant document for this proposal.

**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.*

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.



**Policy Implications:**

City of Joondalup Planning Policy 7-11 – Telecommunication Facilities (refer Attachment 4)

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The MTF proposal has been advertised for a period of 30 days, in accordance with the requirements of the City of Joondalup Planning Policy 7-11 – Telecommunication Facilities. The advertising was in the form of written notification to landowners within a 500m radius of the MTF location. A total of 440 letters were sent.

A total of 37 responses were received during the submission period, including 22 objections and 15 neutral submissions, which represents a percentage response of 8.4%.

The letters of support had no comments or reasons for support attached except for one resident, who stated:

*"I have no objection to the proposed development subject to the developer giving an unconditional guarantee that there are no detrimental health risks to the local residents that may be caused by the communication antenna."*

The above has subsequently been included as an objection to the proposal, as the response is conditional to specific stipulations.

The main issues and concerns raised within the objections are as follows:

- The serious health risk associated with Electromagnetic Emissions or Energy (EMEs);
- Unknown implications of affects on health;
- The proposal is already unsightly and would be even more visually intrusive if extended;
- The proposal will affect the value of our property. The telecommunications company should seriously consider providing compensation to residents;
- I do not believe that the Council has been forthcoming with information by telling residents that they must go to the Council Administration offices to inspect the plans;
- The area is used for recreation and will pose a health risk to the users of this recreation area. The oval is used by many sporting clubs and school children;
- We originally objected to the original tower and certainly do not want any additions;
- I do not wish this antenna to be located in close proximity to my home;
- The area is used for recreation and does not require an enlargement to an already ugly eyesore.

## COMMENT

The various issues raised during the advertising period are discussed below.

### Health Risks and Matters

Several objections infer that the main community concern is the adverse long-term health risks associated with MTFs as a result of EMEs. The concerns have been raised in relation to the possible affects on nearby residents and users of the recreation areas.

It is a mandatory requirement for all telecommunications carriers to comply with the Australian Safety Standards set by the Australian Community Authority (ACA). The Radiation Frequency (RF) limits are established by the Australian Radiation Protection and Nuclear Safety Agency (ARPANSA).

The current cumulative EME levels of the existing telecommunications facility, is estimated to be 0.11% of the Australian Standards. The estimations for the maximum cumulative EME levels for the proposed development, as provided by the applicant, are 1.83% of the Australian Safety Standards, which is well below that which is allowable.

It is recommended that the applicant should provide a detailed report to the City demonstrating that the operating cumulative EME levels for the development comply with the relevant Australian Standards for EME.

### Visual Impact and Location

Issues raised in regard to the location of the existing structure have previously been addressed in the previous report presented to Council, on 1 April 2003 (CJ067 – 04/03). However, the new additions to the telecommunications antenna must be taken into account when addressing the current concerns of the nearby landowners over the possible visual impact of the development.

It is considered that the proposed additions will be largely screened from view from certain surrounding residential properties or the MTF is of a sufficient distance from the residential properties not to have an impact on the visual amenity from those properties (refer to background section).

Further, the dwellings on the northern side of Warwick Road are notably lower than the road level (see Attachment 3 – Figure 3). Additionally, it is considered that the existing mature vegetation within the Warwick Road median further reduces the visual impact of the monopole to these residential properties.

The monopole is located on one of the lower lying areas of the recreation reserve adjoining existing tennis courts, where numerous tennis court light poles are located. These light poles are approximately 14.5m in height. The existing colours and materials of the existing MTF is considered to blend in with the tennis court light poles. If the proposed monopole additions are constructed of similar material to that of the existing tennis court light poles, it will reduce the visual impact of the monopole.

It is considered that the visual impact of the monopole will be reduced by maintaining a slim-line style. Other means of installing additional communications antennae would either be to install an additional tower in another location or provide an additional head frame to the existing structure. The proposed design and method of co-locating additions with existing MTFs is considered to be the best solution for meeting the needs of mobile telecommunications users and minimising the visual impact on the surrounding properties.

In relation to the equipment cabin, it is considered that this location will not impact on the visual impact of the surrounding area. The cabin will be fenced-off by plastic coated chain-wire fencing to match the existing Hutchison compound. The adjoining tennis courts have similar fencing surrounding the courts, which are higher than the fencing proposed in this instance.

It is recommended that the materials to be used for the monopole extensions shall match that of the existing tennis court light poles and the equipment shelter be painted in green, or similar colour, to blend in with the grassed areas surrounding.

#### Negative Impact on Property Values

Property values are not considered to be a valid planning consideration. Nevertheless, no detailed information was submitted in support of the supposed negative impact on property values.

#### **CONCLUSION**

The demand for mobile phone services has increased over recent years and to satisfy this demand, MTF are required within the urban environment. Notwithstanding this, each application is required to be considered on its merits on planning grounds.

The proposed addition to the existing MTF site at Percy Doyle Reserve is a suitable option, having regard to the:

- (i) distance of the existing MTF from sensitive areas;
- (ii) topography of the land in certain areas;
- (iii) existing landscaping in certain locations; and
- (iv) design of the proposed addition.

The alternative option of providing a head frame to permit co-location of telecommunication equipment would increase the visual impact of the existing structure compared to retention of the slim line monopole, albeit that it is a taller structure. A further option would be to provide a further monopole at another location. This in itself would impact on the visual amenity of this area or would require the identification of a further site for another monopole or the addition of a low impact facility on an existing building.

The technical evidence submitted by the applicant indicates that the RF EME levels for the MTF are well below mandatory standards. The issue of compliance with the health standards is a matter to be monitored and administered by the relevant Federal Health Agencies.

When granting its approval for the existing MTF at its meeting held on 1 April 2003, Council resolved as a condition of approval, that:

*“(c) the mobile telecommunications facility is structurally designed to accommodate future carriers.”*

The co-location of the new facilities on an existing monopole is considered to be consistent with the decision of Council.

Having considered that applicant’s proposal and the comments from nearby residents, it is recommended that the proposal be supported subject to conditions.

**ATTACHMENTS**

Attachment 1	Location Plans
Attachment 2	Site plans, elevations
Attachment 3	Photographs of existing area
Attachment 4	City of Joondalup Planning Policy 7-11 – Telecommunication Facilities

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Currie, SECONDED Cr Fishwick that Council:**

- 1 APPROVES the application for planning approval, dated 7 February 2006, submitted by Planning Solutions for additions to the existing mobile telecommunications facility at Percy Doyle Reserve, Warwick Road, Duncraig subject to the following conditions:**
  - (a) Submission of a detailed report to the satisfaction of the City, confirming that the Electromagnetic Energy (EME) levels being emitted from the modified and operational structure are in accordance with the relevant standards. The report should also identify the EME levels being emitted during the peak usage periods.**
  - (b) The colours of the monopole and antennae to be similar in colour to the tennis courts light poles and that the equipment shed be green or similar colour, to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
  - (c) The area surrounding the perimeter of the mobile telecommunication facility to be reinstated once construction work is completed;**
  - (d) Written undertaking that all obsolete mobile telecommunication facilities at the subject site be removed at the cost of the carrier and that the land be reinstated to the original state should the mobile telecommunication facility not be required;**
- 2 ADVISES the Department of Land Information that it supports the excision of land from the Crown Reserve for the purposes of the mobile telecommunication facility as approved in 1 above.**

Discussion ensued.

Cr Hart queried the appropriateness of the City establishing a database for the recording of any rise in EME levels that may occur in the future.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf300506.pdf](#)*

**CJ089 - 06/06 PADBURY PLAYGROUPOUSE HOUSE – PROPOSED OUTBUILDING - LOT 40 (11) JASON PLACE PADBURY [03317]**

**WARD:** South West

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

CJ060530\_BRF.DOC:ITEM 11

**PURPOSE**

To request Council's determination of an application for Planning Approval for a proposed outbuilding (storage shed) at the Padbury Playgroup Inc child care centre (CDCC) at Lot 40 (11) Jason Place, Padbury.

**EXECUTIVE SUMMARY**

An application for planning approval has been received for a proposed outbuilding (storage shed) addition to an existing child day care centre, Jason Place, Padbury. The structure is proposed to have an area of 4.72m<sup>2</sup>, height of 2.2 metres and a setback of 0.75 metres from the side boundary. An existing car parking area is located near the proposed outbuilding on the adjoining site. The setback required within the District Planning Scheme No 2 (DPS2) for this type of development is 3.0 metres.

Council's determination of the application for the shed is necessary as the proposed structure has a side setback variation that exceeds the maximum that can be approved under delegated authority. As such, Council is required to make a determination on the application.

The proposed setback variation would not adversely affect the adjoining property owners or the amenity of the area generally, therefore it is recommended that the application be supported.

**BACKGROUND**

**Suburb/Location:** Lot 40 (11) Jason Place Padbury  
**Applicant:** Padbury Playgroup House Inc.  
**Owner:** City of Joondalup  
**Zoning:** **DPS:** Residential R 20  
**MRS:** Urban  
**Site Area:** 701m<sup>2</sup>  
**Structure Plan:** NA

1990 - Approval granted for a shed  
1995 - Approval granted for a patio addition  
1996 - Approval granted for a patio addition

The subject site has been leased to the Padbury Playgroup Inc. by the City of Joondalup since 1995.

## DETAILS

The subject property has its frontage to Lot 699, which is occupied by the City of Joondalup's Padbury community hall and a car park (refer to Attachment 1). The subject site abuts Jason Place but has no direct vehicular access to this street, a pedestrian access way connects the centre with the street, while vehicle access and parking is provided from Caley Road through Lot 699.

The proposed shed has an area of 4.72m<sup>2</sup> and a height of 2.2 metres, and is proposed to be located 0.75 metres from the side boundary (refer to Attachment 2). Under DPS2, the side setback requirement for non-residential uses is 3.0 metres.

The proposed structure would adjoin the boundary to Lot 50 (10) Alexander Road, Padbury which is occupied by the Whitfords Dance and Function Centre; a 1.8 metre fibro cement fence separates the two properties. The area within Lot 50 abutting the proposed shed is occupied by a car park.

The subject lot, as well as Lots 699 and 50 are zoned Residential R 20.

### **Applicant Justification:**

The applicant has advised that:

*"The shed we are requesting approval for will be used to store play equipment (foam equipment), as our current one is running out of room. It has become awkward when one of the mums needs to get the foam equipment out. This would make it easier as well as more manageable when packing all the outside toys away."*

### **Link to Strategic Plan:**

Not Applicable

### **Legislation – Statutory Provisions:**

A Child Day Care Centre is a 'D' use in a Residential area. A 'D' use means:

*"A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2"*

In this instance, the land use has already been established and the development application is for a small outbuilding addition on the site.

Council has the discretion under Clause 4.5 of the DPS to vary the development standards for non-residential building (clause 4.7 of the DPS) as follows:

#### **4.5 VARIATIONS TO SITE AND DEVELOPMENT STANDARDS AND REQUIREMENTS**

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

- 4.5.2 *In considering an application for planning approval under this clause, where, in the opinion of Council, the variation is likely to affect any owners or occupiers in the general locality or adjoining the site which is subject of consideration for the variation, the Council shall:*
- (a) *consult the affected parties by following one or more of the provisions for advertising uses pursuant to clause 6.7.1 and*
  - (b) *have regard to any expressed views prior to making its decision to grant the variation.*
- 4.5.3 *The power conferred by this clause may only be exercised if the Council is satisfied that:*
- (a) *approval of the proposed development would be appropriate having regard to the criteria set out in Clause 6.8; and*
  - (b) *the non-compliance will not have any adverse effect upon the occupiers or users of the development or the inhabitants of the locality or upon the likely future development of the locality.*

Unless otherwise provided for in Part 3 of the DPS, Clause 4.7 sets out the setback requirements for non-residential buildings. The site is located within the Residential Zone. Part 3.4 – The Residential Zone of the DPS2, does not establish setbacks for non-residential buildings in this Zone. As such, the setback standards of Clause 4.7 apply, which are shown below:

#### **4.7 BUILDING SETBACKS FOR NON RESIDENTIAL BUILDINGS**

- 4.7.1 *Unless otherwise provided for in Part 3 of the Scheme, buildings shall be set back from property boundaries as follows:*

<i>Setback from street boundary</i>	<i>9.0 metres</i>
<i>Setback from side boundary</i>	<i>3.0 metres</i>
<i>Setback from rear boundary</i>	<i>6.0 metres</i>

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application, shall have regard to the provisions of clause 6.8, as follows:

#### **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.*

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Consent:

*6.8.2 In addition to the matters referred to in the preceding subclause of this clause, the Council, when considering whether or not to approve a “D” or “A” use application, shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

**Risk Management considerations:**

Not Applicable.



**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The application was advertised to the owner of Lot 50 (10) Alexander Road for a period of 14 days in accordance with DPS 2. No response was received during that period, which closed on 11 May 2006.

**COMMENT**

The development proposal is in conflict with the Scheme provisions as set out in clause 4.7 of DPS2. Clause 4.7 requires a side boundary setback of 3.0 metres whereas the development application is for a setback of 0.75 metres.

Although the development application is minor in nature, the delegation notice does not permit the City to deal with the application.

The outbuilding is small in dimensions and is located near an adjoining commercial car parking area. Consequently, it is considered that the proposed development will not adversely affect the adjoining property owner nor will it have an adverse impact on the amenity of the area generally.

In light of the above comments it is recommended that the application for planning approval be granted.

**ATTACHMENTS**

Attachment 1	Locality Plan
Attachment 1	Development Plan

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Hart, SECONDED Cr John that Council APPROVES the application for planning approval dated 30 March 2006 submitted by Padbury Playgroup House Inc., the applicants on behalf of the owners, the City of Joondalup for a proposed outbuilding on Lot 40 (11) Jason Place, Padbury, subject to the following conditions:**

- 1 The colour of the shed to complement the colour of the existing building;**
- 2 All stormwater must be contained on site to the satisfaction of the City.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf300506.pdf](#)*

## **CJ090 - 06/06 CARINE GLADES TAVERN - PROPOSED ADDITION OF A NEW FUNCTION ROOM: LOT 12 (493) BEACH ROAD, DUNCRAIG – [05518]**

**WARD:** South

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 12

### **PURPOSE**

The purpose of this report is to request Council's determination of an application for Planning Approval for proposed additions to the Carine Glades Tavern at Lot 12 (493) Beach Road, Duncraig.

### **EXECUTIVE SUMMARY**

The application is for the addition of certain areas to the existing Carine Glades Tavern, which is located at 493 Beach Road, Duncraig. On the western side of the property there is the Carine Glades Shopping Centre; single residential development (fronting Plumosa Mews) occurs along the eastern boundary; an existing car parking and Child Care Centre to the north and Beach Road runs along the southern boundary.

Approval was granted by Council in December 2005 for a new function room and courtyard area (eastern side of the existing building). A condition of that approval required changes to the design of the development between the proposed additions and the eastern boundary to remove a proposed access way, but retain it as a service road.

In complying with this condition of approval, the applicant altered the proposal to include a store, staff room, toilet blocks, foyer and a breakout area between the proposed addition and the eastern boundary. The changes proposed are substantial, to the extent that a new application for Planning Approval was required.

As part of the application process, a document signed by the adjoining residential neighbours along the eastern boundary supporting the proposal was submitted to the City.

The current proposal will result in the proposed building being located closer to the residential properties along Plumosa Mews, Duncraig. However, it is considered that the design and layout of the new proposal will assist in mitigating the potential for any noise impacts from the proposed function room on the adjoining residential properties.

It is recommended that the application be approved subject to conditions as noted in this report.

## BACKGROUND

<b>Suburb/Location:</b>	Lot 12 (493) Beach Road, Duncraig
<b>Applicant:</b>	Brian Higgins
<b>Owner:</b>	Sistaro Pty Ltd
<b>Zoning:</b>	<b>DPS:</b> Commercial
	<b>MRS:</b> Urban
<b>Site Area:</b>	1.0339 hectares
<b>Structure Plan:</b>	Not applicable

The subject lot borders residential development to the east, a childcare centre to the north, a shopping centre to the west and Beach Road to the south. Residences to the east directly abut the tavern car park and some houses are setback at around 1.0 metre from the common boundary (refer to attachment 1).

Planning Approval was granted by Council for the addition of a new function room with a courtyard to the eastern side of the Carine Glades Tavern at its meeting held on 13 December 2005 (CJ289-12/05) (refer to attachment 2 for a copy of the approved plans). Condition 3 of that approval is reproduced below:

*“The staff parking bays and the access way along the eastern boundary is not supported as shown on the approved plans. The applicant is requested to amend the plans showing no parking bays and a service access in lieu of an access way to the satisfaction of the Manager, Approvals, Planning & Environmental Services”.*

To address this condition, the applicant submitted a revised plan for approval. The revised plan showed further changes than required by the condition, including the:

- removal of the parking bays and vehicular access way;
- extension of the proposed building further eastwards (towards the residential properties) by the addition of new toilets, storage and staff facilities.

Having regard to the proposed changes, the applicant was advised that these changes would be required to be the subject of a new application for Planning Approval for determination by Council, and that application has now been lodged.

As part of the supporting documentation, the applicant submitted a document signed by the owners of the residential properties that abut the site in Plumosa Mews, supporting the revised proposal.

## DETAILS

The proposal is for single storey additions to the existing Tavern (refer to attachment 3). These additions are proposed to be located to the eastern and northern side of the existing building. The proposed additional floor space and uses include:

- (i) a new separate function room (Function Room 2), with a courtyard, which were previously approved in December 2005, with minor changes to respond to the additional floor space proposed to the east of this area;
- (ii) a store room,
- (iii) staff room,
- (iv) toilet blocks,
- (v) foyer and
- (iv) a breakout area on the eastern and northern side of the premises.

The area of proposed Function Room 2 will be 210m<sup>2</sup> (reduced from 230m<sup>2</sup>) and the existing courtyard is proposed to be increased from 40m<sup>2</sup> to 85m<sup>2</sup>. The existing Function Room 1 will be redesigned to incorporate part of the new addition. The proposed central courtyard area will be partly roofed with glass. The roof of proposed Function Room 2 will overlap the courtyard area.

The new store room, staff room, toilet blocks, foyer and breakout area to be located on the eastern and northern side of the existing premises, and the removal of the existing vehicular access way, are the major changes to the plans approved on 13 December 2005.

A revised acoustic report was also submitted in support of the new planning application.

### 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:

Not Applicable.

### Legislation – Statutory Provisions:

A Tavern is a “D” use in a Commercial area. A “D” use means:

*“A use class that is not permitted, but to which the Council may grant its approval after following the procedures laid down by subclause 6.6.2.”*

Clause 6.6.2 requires that Council in exercising discretion to approve or refuse an application shall have regard to the provisions of clause 6.8, which is shown below:

#### 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.*

With the proposed use being a “D” use, the additional matters identified in Clause 6.8.2 also require Council consideration in relation to this application for Planning Approval:

**6.8.2** *In addition to the matters referred to in the preceding subclause of this clause, the Council, when considering whether or not to approve a “D” or “A” use application, shall have due regard to the following (whether or not by implication or otherwise they might have required consideration under the preceding subclauses of this clause):*

- (a) *the nature of the proposed use and its relationship to the use of other land within the locality;*
- (b) *the size, shape and character of the parcel of land to which the application relates and the nature and siting of any proposed building;*
- (c) *the nature of the roads giving access to the subject land;*
- (d) *the parking facilities available or proposed and the likely requirements for parking, arising from the proposed development;*
- (e) *any relevant submissions or objections received by the Council; and*
- (f) *such other matters as the Council considers relevant, whether of the same nature as the foregoing or otherwise.*

### **Development Standards under District Planning Scheme 2 (DPS 2)**

<b>DPS 2 Policy Standard</b>	<b>Required</b>	<b>Provided</b>
Front setback (Beach Road)	9 metres (minimum)	19.3 metres
Rear setback ( northern side)	6 metres (minimum)	35 metres
Eastern side setback	3 metres (minimum)	3 metres
Car parking	Minimum of 161 (approved on 13 December 2005)	166
Landscaping	8%/3 metres width	Complies

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The previous planning application approved by Council at its December 2005 meeting for Function Room 2 and courtyard was advertised extensively for public comments, which were considered at the Council meeting held on 13 December 2005.

As part of the submission containing supporting documents and information, the applicant submitted a document signed by the adjoining residential neighbours along the eastern boundary, supporting the current proposal as submitted to the City. This was considered sufficient for the purposes of consultation for this application as the:

- (i) issues associated with the creation of the proposed Function Room 2 and the courtyard were identified and addressed in the December 2005 deliberations on the original application, and will be in this application;
- (ii) design, location and nature of the proposed uses east of the Function Room 2 would only impact on the property owners in Plumosa Mews that abut the site.

**COMMENT****Setbacks**

The setback and landscaping standards are the only DPS2 development requirements applying to the site, apart from car parking. The single storey additions that form part of this application are proposed to be set back 3 metres from the eastern boundary which adjoins residential properties, as compared to the development approved on 13 December 2005, which proposed a setback of 7.6 metres with the retention of the vehicle access as a service lane linking the two car parking areas.

The revised development will comply with the required side setback as specified in DPS2.

## **Noise Impact**

The plans approved in December 2005 showed staff parking and an access way linking the northern and southern car parking areas. The access way and the staff parking were not supported by the Council due to the potential noise impact on the adjoining residential properties along the eastern boundary.

Council required the access way to become a service lane instead of a proposed vehicular access way and parking area.

However, in the new plans submitted for approval by Council, the new additional building area, which contains service areas, will act as a buffer between the function room and the adjoining residential properties. This will assist in mitigating the potential of any noise impact from Function Room 2. Further, the removal of the existing eastern vehicular access way will reduce any current or potential future impact of noise and anti-social activities on the adjoining residential properties.

With respect to truck deliveries, and the loading/unloading of band equipment to the Function Room 2, specific conditions are proposed to be imposed to address any potential noise disturbance to adjoining residential properties from these activities.

A revised acoustic assessment report responding to the changes in the design proposal was submitted as part of this application. The revised report was considered acceptable by the City.

## **Car Parking and Number of Patrons**

DPS2 standards for the provisions of car parking are based on a combination of standing and seating areas. However in 2002, Council approved an extension to the tavern and based the parking requirement on 1 bay per 4 people to restrict patron numbers. The same parking standard was used for the proposal approved by Council in December 2005.

In the report to Council in December 2005, it was stated that:

*"...given the issues associated with anti-social behaviour and noise impact, it was recommended that the number of patrons be restricted to 630 only and therefore the parking requirement would be 161 bays which was supported.*

For this revised application, there are no changes to the number of patrons and parking spaces which were approved in December 2005. This is primarily due to the additional floor space being service areas only, rather than space that can be floor space that would contribute to parking demand.

## **Conclusion**

It is recommended that the application be approved as:

- (a) proposed additions comply with the requirements of the DPS2, including setbacks and car parking;
- (b) potential for noise impact is likely to be further minimised through the changes to the building layout and loss of the vehicular access way located near the adjoining residential properties; and
- (c) written support for the application from the adjoining neighbours that are most likely to be affected by the changes between the 2005 approved plans and the current plans before Council.

**ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Plans approved on 13 December 2005
Attachment 3	Proposed Development Plan

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Fishwick, SECONDED Cr Currie that Council APPROVES the application for planning approval received on 21 March 2006 and submitted by Brian Higgins, on behalf of the owner, Sistar Pty Ltd, for the proposed additions to the Carine Glades Tavern, on Lot 12 (493) Beach Road, Duncraig, subject to the following conditions:**

- 1 The maximum occupancy of the Tavern premises at any one time shall be retained at the currently approved level of 630 patrons;**
- 2 The provision of not less than 161 parking bays on site;**
- 3 The applicant shall undertake all recommendations specified within the Lloyd Acoustics Report Ref 503342-03 dated 17 March 2006;**
- 4 No music or amplified sound is permitted in the new courtyard;**
- 5 The bi-fold doors leaving the new function room must be closed at all times when a band or other loud act or music is in progress and, at other times if the doors are open, the room must be operated so that it complies with the Environmental Protection (Noise) Regulations 1997;**
- 6 Deliveries to the new function room shall only be between 7:00 am and 7:00 pm;**
- 7 Loading and unloading of band equipment and other equipment after 7:00 pm or before 7:00 am is to occur via the foyer and main entry of the function room and shall not be through the Acoustic Locks or Fire Exit point on the eastern side of the tavern;**
- 8 An on-site sound level assessment is to be undertaken upon completion and prior to the use of the proposed additions. This assessment is to be conducted by a recognised acoustic consultant, and is to demonstrate that the premises will comply with the requirements of the Environmental Protection Act 1986. This report is to be submitted to the City of Joondalup and to be to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- 9 Should the assessment report required in (8) above show that the noise levels are above the requirements of the Environmental Protection Act, the building is to be modified so that it meets the requirements of the Environmental Protection Act. Such changes will require the prior approval of the City;**



- 10 The management of the Tavern shall at all times be conducted in the manner outlined in the Management Policy Statement dated 10 May 2002;
- 11 The materials and finishes of the additions shall complement the existing building on site to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- 12 All stormwater must be contained on site to the satisfaction of the Manager Infrastructure Management Services;
- 13 The parking bay/s 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 Managements prior to the development first being occupied. These works are to be done as part of the building programme;
- 14 The parking layout is to be amended as shown in red on the approved plan to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- 15 All the parking areas are to be sealed to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- 16 Signs do not form part of this approval and are required to be the subject of a separate application for Planning Approval and a Signs Licence;
- 17 The setback area between the proposed building and the eastern boundary shall not be used for public access, as delineated on the approved plans.

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach12agn060606.pdf](#)*

## **CJ091 - 06/06 REQUEST FOR CLOSURE OF PEDESTRIAN ACCESS WAY BETWEEN EUCALYPT COURT AND TELOPIA DRIVE, DUNCRAIG – [68578]**

**WARD:** South

**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

CJ060530\_BRF.DOC:ITEM 13

### **PURPOSE**

The purpose of this report is for Council to consider a request for the closure of the pedestrian access way (PAW) between Eucalypt Court and Telopia Drive, Duncraig.

### **EXECUTIVE SUMMARY**

The applicant has requested the closure of the pedestrian access way (PAW) on the grounds that PAWs attract antisocial behaviour. The request was advertised for public comment and as part of the advertising process, questionnaires were forwarded to local residents seeking their view on closure of the PAW.

The City's Pedestrian Access Way Policy (Policy 7-16) requires evaluation in several parts assessing Urban Design, Nuisance Impact and Community Impact.

Based on the Pedestrian Access Way Policy parameters and public feedback it is recommended that Council:

- 1 *Does NOT SUPPORT the closure of the access way between Telopia Drive and Eucalypt Way, Duncraig;*
- 2 *ADVISES the applicant and submitters accordingly.*

### **BACKGROUND**

<b>Suburb/Location:</b>	Duncraig
<b>Applicant:</b>	Mr C J Velios & Ms Bowman
<b>Owner:</b>	Crown Land
<b>Zoning:</b>	<b>DPS:</b> Residential
	<b>MRS:</b> Urban
<b>Site Area:</b>	Not Applicable
<b>Structure Plan:</b>	Not Applicable

The PAW is located between Eucalypt Court and Telopia Drive and is approximately 4 metres in width and 36 metres in length. The PAW was inspected on 15 February 2006 and was in good condition. Attachment 1 contains a location plan and photos of the PAW.

## DETAILS

### Issues and options considered:

#### Applicant's Justification

In support of the request to close the PAW, the applicant states:

*“PAW’s are beneficial when they feed to a school, shop, bus routes etc because they shorten the distance to travel, but this particular PAW does not do that”. There is another PAW in the street that feeds to Davallia Road, which can be used for these purposes.*

*In addition the applicant argues that PAW’s lead to increased activity in a street, and tend to attract antisocial behaviour, allowing offenders to gain access to peoples’ backyards, they allow offenders to leave an area quickly after committing a crime in the street and are a constant target for graffiti and drug users. The PAW is not necessary and should be closed in this case.*

#### Closure Process

A request can be made to close a PAW from an adjoining landowner/s. The City’s Pedestrian Access Way Policy assists to guide the process of evaluation. From the outset, the City must have an indication that some or all of the adjoining landowners are prepared to acquire the land within the PAW, pay all the associated costs, and meet any necessary conditions or requirements from the service authorities. As part of the process, the service authorities are asked to provide details of any service plant that may be within the PAW that would be affected by the proposed closure and if it can be modified or removed to accommodate the request.

In the event that Council supports the closure, the request is referred to the Department of Planning and Infrastructure (DPI) for determination.

If Council and the DPI support an application to close a PAW, the Department of Land Information will arrange a land valuation and commence formal closure actions, including the carrying out of any requirements of the service authorities, and the purchase and amalgamation of the land into the adjoining properties.

#### Service Authority Requirements

In this instance, should the proposal be supported for closure, the Water Corporation has advised that an existing water main is located within the area. The main can be cut, capped and the system modified at the cost of the applicant. Telstra has advised that equipment is located in the area and an easement may be required at the cost of the applicant. The easement would enable Telstra services to remain where presently located, however would ensure that a right exists to enable access to the services for maintenance purposes. Western Power is currently looking at its services and will undertake a site survey in due course. The applicant will also be required to pay the City’s expenses that include removing bollards and footpaths.

### Options

Council has the following options when considering this request:

- Support the request to close the PAW and forward the request to DPI.
- Not support the request to close the PAW.

### **Link to Strategic Plan:**

The following objective in the City's Strategic Plan 2003 – 2008 is relevant to this proposal:

Objective 3.4 – To provide integrated transport to meet regional and local needs.

### **Legislation – Statutory Provisions:**

PAWs are vested in the Crown under section 20A of the Town Planning and Development Act 1928 (now the Planning and Development Act 2005). They are neither public roads nor private roads. PAWs that have been approved for closure are disposed of under the Land Administration Act 1977.

### **Risk Management considerations:**

Not Applicable.

### **Financial/Budget Implications:**

Not Applicable.

### **Policy Implications:**

The City's Pedestrian Access Way Policy (Policy 7-16) provides guidance on the inclusion and design of PAWs in new subdivisions and as well as assessment criteria for the consideration of the closure of existing PAWs.

As part of the City's Pedestrian Access Way Policy, when the closure of a PAW is requested, a formal evaluation of the application is conducted. This evaluation is composed of three parts, Assessing Urban Design, Nuisance Impact and Community Impact. The assessments are rated and a recommendation made whether to support the closure or not.

The Urban Design Assessment determines the importance of the PAW in the pedestrian movement network by analysing the impact closure would have on homes that are accessible within 400 metres of local community facilities. The Nuisance Impact Assessment assesses any evidence and information to determine the degree of antisocial behaviour being experienced and the community Impact Assessment considers the information provided from the surrounding residents to determine the PAW's level of use.

### **Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The provision of PAWs has the ability to support and enhance the wellbeing of the community by providing access to community facilities, public transport, shops and schools. However PAWs can be the subject of vandalism and attract antisocial behaviour.

**Consultation:**

In accordance with Policy 7-16, a notification sign was placed at each end of the PAW for a period of thirty (30) days, from 9 February 2006 until 11 March 2006. A letter and questionnaire was forwarded to local residents within 400 metres of the PAW (100 letters were sent in total). The letter provided the reasons the adjoining owner is seeking the closure and the questionnaire requested information from residents on various matters relating to the use of the PAW. Attachment 3 summarise the information from the returned questionnaires.

There were 74 completed questionnaires returned during the advertising period. There were 36 objections to the closure, ten supporting the closure, and 28 neutral responses. In addition to the questionnaires, 15 objection letters were received and one letter supporting the proposed closure.

**COMMENT**Urban Design Assessment

The subject PAW is part of a small network of local PAWs. It has been identified as not being a part of the "Safe Routes to School" programme or significant with regard to the City's Bike Plan. As can be seen from Attachment 1, an additional PAW is also located in Eucalypt Way, providing a direct link to a main road (Davallia Road), and nearby primary school and shops.

A walking catchment diagram is used to assess the impact on the level of access should the PAW be closed (Attachment 2). The catchment diagram shows a 400 metre radius from the primary school site and the routes available to the school. The travel distances between the primary school and nearby residential properties would not be significantly impacted by closure of the PAW.

The urban design assessment is rated as 'medium' in accordance with the criteria outlined in the Policy 7-16, as follows:

Medium

- *PAW provides a route to community facilities but not direct*

The PAW route provides a link to Davallia Primary school and shopping centre however is not a direct route.

- *An alternative route exists but some inconvenience*

Nicholli Street and Granadilla Street also link with Davallia Road and would only be considered a minor deviation.

- *PAW is not designed as a 'safe route to school', 'bike plan'*

The route is none of the above.

### Nuisance Impact Assessment

The Nuisance Impact Assessment is carried out by investigating any reported anti-social behaviour, based on evidence from the applicant, police and City records.

There is one property adjoining the PAW and a vacant lot on the other side. The landowner's justification for closure is that PAW's tend to attract antisocial behaviour, allowing offenders to gain access to people's backyards, they allow offenders to leave an area quickly after committing a crime in the street, and are a constant target for graffiti and drug users.

City Watch records indicate that there had been no reported instances of antisocial activity occurring in the PAW. Warwick Police indicate that over the past twelve months there was one report of graffiti in Eucalypt Court, however, they are unable to confirm which PAW the report related to, as there are two PAWs in Eucalypt Court.

Based on the above, the Nuisance Impact Assessment is rated as 'low' as per Policy 7.16 - Pedestrian Access Ways:

#### Low

- *Occurrence of criminal activity or antisocial behaviour is considered similar to elsewhere in the suburb.*

No substantiated evidence that indicates the occurrence of antisocial behaviour associated with the PAW.

- *Types of offences are limited to antisocial behaviour*

One offence - graffiti was reported with the Warwick police station in the past twelve months, however it was not confirmed which PAW in Eucalypt Court.

- *The severity of antisocial activity is similar to elsewhere in the suburb.*

No antisocial behaviour has been reported associated with the PAW.

### Community Impact Assessment

The Community Impact Assessment is undertaken to obtain information about the PAW's level of use. Attachment 3 indicates the reasons for use and frequency of use for the people who use the PAW. From the 74 people who responded to the questionnaire, 40 people indicated that they used the PAW, while 34 people indicated that they did not use the PAW.

It is considered that 40 users of the PAW is a relatively high use. It is used socially and for exercise purposes, access to the local shopping centre, local parks and the school. Based on this, the Community Impact Assessment is rated 'medium' as per Policy 7.16 – Pedestrian Access Ways.

### Medium

- *Medium portion of respondents not in favour of closure (over 30%)*

Almost 50% of respondents are not in favour of closure

- *Moderate level of respondents use the PAW regularly*

15 of the 40 respondents that use the PAW indicated that they use it on a daily basis.

- *Moderate portion of users inconvenienced by the closure*

31 of the 40 respondents who use the PAW indicate that they would be inconvenienced by the closure.

### **Final Assessment**

The results of each assessment is detailed below:

- Urban Design – Medium
- Nuisance Impact – Low
- Community Impact – Medium

The Urban Design Impact Assessment has revealed that although the PAW provides access through to a main road (Davallia Road), alternative routes are available and that the PAW is not part of the 'safe route to school' or 'bike plan' routes. The nuisance impact indicated that there is no substantiated evidence of the occurrence of antisocial behaviour. Finally the community impact results indicate that there were 40 users of the PAW and 34 non users. The PAW is used for exercise and social reasons, to access the shopping centre, parks and school with two respondents using it to access public transport. There were 31 respondents indicated that they would be inconvenienced if the PAW were closed.

The assessment accords with Case 5 of the Pedestrian Access Way Policy where closure is not supported where urban design assessment of the PAW is considered of medium importance, nuisances are considered medium or low and use is medium. Therefore it is recommended that the PAW between Telopia Drive and Eucalypt Way, Duncraig is not supported for closure.

### **ATTACHMENTS**

Attachment 1	Location Plan
Attachment 2	Ped-Shed Diagram
Attachment 3	Summary of questionnaire results

### **VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Fishwick, SECONDED Cr Currie that Council:**

- 1 Does NOT SUPPORT the closure of the access way between Telopia Drive and Eucalypt Way, Duncraig;**
- 2 ADVISES the applicant and submitters accordingly;**
- 3 ADVISES the Western Australian Planning Commission of Council's decision.**

Discussion ensued.

Cr Hart requested that a 'tidy up' of the laneway be undertaken.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 13 refers*

*To access this attachment on electronic document, click here: [Attach13agn060606.pdf](#)*

**CJ092 - 06/06 MONTHLY TOWN PLANNING DELEGATED  
AUTHORITY REPORT, DEVELOPMENT AND  
SUBDIVISION APPLICATIONS – MARCH 2006 –  
[07032] [05961]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

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CJ060530\_BRF.DOC:ITEM 14

**PURPOSE**

To report on the number and nature of applications considered under Delegated Authority.

**EXECUTIVE SUMMARY**

The provisions of clause 8.6 of the text to the District Planning Scheme No 2 allows Council to delegate all or some of its development control powers to those persons or committees identified in Schedule 6 of the Scheme text.

The purpose of delegation of certain powers by Council, in addition to other Town Planning matters, is to facilitate timely processing of development applications and subdivision applications. The framework for the delegation of those powers is set out in resolutions adopted by Council and is reviewed generally on a two yearly basis, or as required. All decisions made by staff, acting under delegated authority as permitted under the delegation notice, are reported to Council on a monthly basis.



The normal monthly report on Town Planning Delegations identifies:

- 1 Major development applications
- 2 Residential Design Codes Variations
- 3 Subdivision applications

This report provides a list of the development and subdivision applications determined by those staff members with delegated authority powers during the month of March 2006 (see Attachment 1 and 2 respectively) for those matters identified in points 1-3 above.

## BACKGROUND

The number of development and subdivision applications determined for March 2006 under delegated authority and those applications dealt with as an “R-code variations for single houses” for the same period are shown below:

<b>Approvals Determined Under Delegated Authority – Month of March 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Value (\$)</b>
Development Applications	130	\$7,230,749
R-Code variations (Single Houses)	45	\$488,855
<b>Total</b>	<b>175</b>	<b>\$7,719,604</b>

In addition, there were 2 development applications determined by Council during this month at a value of \$100,000.

The number of development applications received in March 2006 was 97 (This figure does not include any applications that may become the subject of the R-Code variation process).

<b>Subdivision Approvals Determined Under Delegated Authority – Month of March 2006</b>		
<b>Type of Approval</b>	<b>Number</b>	<b>Potential new Lots</b>
Subdivision Applications	3	3 residential lots
Strata Subdivision Applications	2	4 strata residential lots

**Suburb/Location:** All  
**Applicant:** Various – see attachment  
**Owner:** Various – see attachment  
**Zoning:** **DPS:** Various  
**MRS:** Not applicable

The District Planning Scheme No 2 requires that delegation be reviewed annually, unless a greater or lesser period is specified by Council. The Council, at its meeting of 13 December 2005 considered and adopted the most recent Town Planning Delegation.

**DETAILS****Issues and options considered:**

Not Applicable.

**Link to Strategic Plan:**

The strategic plan includes a strategy to provide quality value-adding services with an outcome to provide efficient and effective service delivery. The use of a delegation notice allows staff to efficiently deal with many simple applications that have been received and allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

**Legislation – Statutory Provisions:**

Clause 8.6 of the District Planning Scheme No 2 permits development control functions to be delegated to persons or Committees. All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

**Risk Management considerations:**

The delegation process includes detailed practices on reporting, checking and cross checking, supported by peer review in an effort to ensure decisions taken are lawful, proper and consistent.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Consultation may be required by the provisions of the Residential Design Codes 2002, any relevant Town Planning Scheme Policy and/or the District Planning Scheme.

Of the 130 development applications determined during March 2006, consultation was undertaken for 39 of those applications. Of the 5 subdivision applications determined during March 2006, no applications were advertised for public comment, as the proposals complied with the relevant requirements.

All applications for an R-codes variation require the written support of the affected adjoining property owner before the application is determined.

### **COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to Town Planning functions. The process allows determination times to be reasonably well accepted and also facilitates consistent decision-making in rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

All proposals determined under delegated authority are assessed, checked, reported and crosschecked in accordance with relevant standards and codes.

### **ATTACHMENTS**

Attachment 1                March 2006 decisions – Development Applications  
Attachment 2                March 2006 decisions – Subdivision Applications

### **VOTING REQUIREMENTS**

Simple Majority

### **MOVED Cr Magyar, SECONDED Cr Jacob that Council NOTES:**

- 1        the determinations made under Delegated Authority in relation to the development applications described in Attachment 1 to Report CJ092-06/06 for the month of March 2006;**
- 2        the determinations made under Delegated Authority in relation to the subdivision applications described in Attachment 2 to Report CJ092-06/06 for the month of March 2006.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 14 refers*

*To access this attachment on electronic document, click here: [Attach14brf300506.pdf](#)*

**Disclosure of interest affecting impartiality**

Name/Position	<b>Cr K Hollywood</b>
Item No/Subject	CJ093-06/06 - 2005/2006 Sport Development Program
Nature of interest	Interest that may affect impartiality
Extent of Interest	Cr Hollywood's son coaches and her grandson plays basketball with a club associated with Wanneroo Basketball Association.

**CJ093 - 06/06 2005/2006 SPORT DEVELOPMENT PROGRAM – [58536]****WARD:** All**RESPONSIBLE DIRECTOR:** Mr Clayton Higham  
Planning and Community Development

CJ060530\_BRF.DOC:ITEM 15

**PURPOSE**

To provide Council with recommendations from the assessment panel's evaluation of the 2005/2006 Sport Development Program.

**EXECUTIVE SUMMARY**

The Sport Development Program aims to assist local not-for-profit and incorporated, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents.

A panel consisting of representatives from the Department of Sport and Recreation and City officers formally assessed a total of five (5) applications as part of the 2005/2006 Sport Development Program. In May 2006, the Chief Executive Officer approved funding recommendations to four (4) of the applicants, totalling \$15,468.50, under delegated authority. The application from the Wanneroo Basketball Association needs to be presented to Council, as the funding recommended exceeds the \$10,000 limit delegated to the Chief Executive Officer.

*It is recommended that Council APPROVES a \$13,960 financial contribution for a basketball development program to the Wanneroo Basketball Association, subject to the signing of a Funding and Sponsorship Agreement between the Wanneroo Basketball Association and the City of Joondalup.*

**BACKGROUND**

The City of Joondalup, throughout the year, receives ongoing requests from numerous sporting groups for financial assistance. In June 2002, Council resolved to establish a sporting club support scheme whereby assistance can, upon application, be made available to clubs located within the City of Joondalup in lieu of individual sponsorship support (item CJ136-06/02). In September 2002, Council endorsed the City of Joondalup's Sport Development Program providing a budget of \$60,000 for the continuation of the program.

The Sport Development Program aims to assist local not-for-profit and incorporated, district level sporting clubs with programs, projects and events that facilitate the development of sport and enhance its delivery to City of Joondalup residents. District sporting clubs are defined as clubs that play at or are aspiring towards the highest level of competition in their chosen sport. Eligible clubs must be located within the City of Joondalup and be represented at both junior and senior levels.

The Sport Development Program offers support to sporting clubs to ensure that they are able to commence or maintain sporting or club development initiatives. This funding program is a supplement to important sponsorship funds, which are hard to source for clubs at this level. The program aims to ensure that the City, like any corporate sponsor, receives appropriate recognition for its investment in a particular sporting entity.

This program encompasses the following priorities:

- 1 To support local district sporting clubs in the creation and implementation of Sport Development Planning;
- 2 To assist local district sporting clubs to enhance the delivery of sport within the City of Joondalup to all local residents;
- 3 To promote community based sport, through the growth of developmental programs initiated and conducted by local district sporting clubs;
- 4 To ensure the success of local district sporting clubs through the establishment of identified pathways for local junior talent development.

The 2005/2006 Sport Development Program was advertised via a formal Expression of Interest, in the Community Newspaper in October 2005. A letter outlining the Sport Development Program and the application process was sent directly to fifteen (15) potential applicants for their consideration. These details were made available electronically on the City of Joondalup's website, and also sent via email to all district level clubs. The district level clubs that were sent the information included:

- Sorrento Football Club
- ECU Joondalup Soccer Club
- West Perth Football Club
- Joondalup & Districts Rugby League Club
- Joondalup Brothers Rugby Union Football Club
- Wanneroo Lacrosse Club
- Wanneroo Basketball Association
- Perth Outlaws Softball Club
- Mullaloo Surf Life Saving Club
- Sorrento Surf Life Saving Club
- Sorrento Tennis Club
- Greenwood Tennis Club
- Ocean Ridge Tennis Club
- Kingsley Tennis Club
- Joondalup Netball Association

Two (2) clubs were ineligible to apply for assistance through this year's program, as they received funding in 2004/2005. Those clubs were:

- Joondalup Districts Cricket Club
- ECU Joondalup Lakers Hockey Club

The Expression of Interest forms are designed to provide the City with details of the applicant's proposed project/program and enable feedback prior to a full submission being lodged. In doing so, the City aims to assist potential applicants, whilst helping to save valuable resources (time and effort) from being spent on proposals that do not meet the program guidelines.

The City of Joondalup received five (5) Expressions of Interest by the 25 November 2005 closing date. City officers assessed the Expressions of Interest and a meeting was held with each applicant to provide feedback on their proposed project. All five applicants were invited to make full applications for financial assistance through the 2005/2006 Sport Development Program.

A matrix outlining the applications made to the City as part of the 2005/2006 Sport Development Fund Program is included as Attachment 1.

## **DETAILS**

### **What projects are available for funding?**

Consideration is given to the following:

- Projects/programs and events that are considered new initiatives and that can be seen to enhance the sports community profile.
- Projects/programs and events that include or aim to develop partnerships within the community.
- Projects/programs and events that directly increase the participation levels in the sport.
- Projects/programs and events that are supported by and clearly fit within the Sport Development Plans of the State Sporting Association.
- Projects/programs and events that develop pathways for local sports people to achieve the highest possible level of competition.
- Projects where alternative sources of State Government Funding are not available.
- Projects that assist clubs, on a short-term basis, to meet potentially restrictive recurrent funding costs.
- New short term coaching appointments (1 year) where evidence of the club's continued commitment to coaching development is provided.
- Projects that provide replacement sponsorship income for a one-year period.

Council will **not** fund the following:

- Projects covered under the Community Sport & Recreation Facilities Fund (CSRFF). Such projects include the construction and extension of sporting facilities.
- Retrospective deficit funding (to repay cash shortfalls).
- For profit organisations
- Individuals
- Tours or travel costs resulting from overseas or interstate competitions.
- Payments for contracted players.
- Clubs that have received funding through the City of Joondalup's Community Funding Program.

### **What are the conditions of funding?**

- All applications must include a full financial history and future budget projections for the next 2 years to highlight how the funds will contribute to the self-sufficiency of the club.
- Clubs are not eligible to apply to the Sport Development Program the following year after a successful application.
- The maximum funding available to an individual club is \$20,000 in any one year.
- For funds received, clubs are required to recognise the support provided by the City of Joondalup, as specified in the Council report and according to the level of funding offered.
- The club is to supply a full report and acquittal of the funds received by the time stipulated in the funding agreement.

### **Issues and options considered:**

A formal assessment panel was established to review the five (5) completed applications. The members of the assessment panel consisted of representatives from the Department for Sport and Recreation and City officers.

The assessment panel recommended funding to all applicants, however the Wanneroo Basketball Association's application could not be approved under delegated authority and a summary of the assessment panel's evaluation of the application is attached for Council's consideration (see Attachment 2).

### **Link to Strategic Plan:**

Outcome      The City of Joondalup provides social opportunities that meet community needs.

Objectives:    1.3      To continue to provide services that meet the changing needs of a diverse and growing community.

Strategies:    1.3.1    Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.

1.3.3    Provide support, information and resources.

### **Legislation – Statutory Provisions:**

Not Applicable.

### **Risk Management considerations:**

Not Applicable.

### **Financial/Budget Implications:**

The extended process for the 2004/2005 Sport Development Program meant that the funds allocated in the 2004/2005 financial budget were not expended and returned to the City's operating budget. As a result, \$23,000 was allocated from the 2005/2006 budget to successful applications submitted as part of the 2004/2005 Program. This left \$37,000 available for the 2005/2006 Program, and a total of \$15,468.50 has already been allocated to the Joondalup & Districts Rugby League Club, Perth Outlaws Club, Sorrento Football Club and Wanneroo Lacrosse Club under the CEO's delegated authority.

<b>Account No:</b>	1.4530.4403.0001.9999
<b>Budget Item:</b>	Sponsorships
<b>Budget Amount:</b>	\$60,000
<b>YTD Amount:</b>	\$38,468.50
<b>Actual Cost:</b>	\$52,428.50

It is noted that there may be GST implications for this sponsorship. The acknowledgement of the City's contribution by way of use of the City's logo may be considered a supply for consideration under the GST legislation and if the recipient is registered for GST they will be required to invoice the City for the services they will provide in exchange for grant funds.

**Policy Implications:**

The program is conducted in line with City Policy: 5.2 Community Funding.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The program provides for a positive affect on the development of a healthy, equitable, active and involved community. The program also provides the opportunity for a positive affect on community access to leisure, recreational and health services.

**Consultation:**

The five (5) applicants that submitted Expressions of Interest met with City officers to discuss their proposals. All applicants were provided with feedback and directions to assist in their final application. In addition, the five (5) applicants were encouraged to contact the City if they had any questions regarding their proposal prior to the closing date.

**COMMENT**

The Sport Development Program offers support to sporting clubs in areas that are operational and often prohibitive to club development under normal circumstances. To this end, the City would be looking at providing vital financial support to local district level sporting clubs to ensure that they are able to continue their development. This funding program may be seen as a supplement to sponsorship funds, which is often hard for clubs to source. The program aims to ensure that the City receives appropriate recognition of its contribution to a particular sporting entity. The extent of the support is up to \$20,000 in any one year and the level of recognition to the City may vary accordingly.

In 2005/2006, the Sport Development Program has provision of \$37,000 to be allocated to successful applicants. The assessment panel considered each funding request against the Sport Development Program guidelines, and the sponsorship exposure offered to the City. The total amount of funding recommended for the five sporting clubs totals \$29,428.50. The Chief Executive Officer, under delegated authority, can approve applications for funding up to and including \$10,000. In May 2006, the Chief Executive Officer approved the panel's recommendations for funding to be allocated to the Joondalup & Districts Rugby League Club, Perth Outlaws Softball Club, Sorrento Football Club and Wanneroo Lacrosse Club. The funding requested from the Wanneroo Basketball Association is greater than \$10,000, and therefore requires the approval of Council.



**ATTACHMENTS**

Attachment 1            Table 1: Application Summary  
Attachment 2            Application Assessment for the Wanneroo Basketball Association

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr McLean, SECONDED Cr Hart that Council APPROVES a \$13,960 financial contribution for a basketball development program to the Wanneroo Basketball Association, subject to the signing of a funding and sponsorship agreement between the Wanneroo Basketball Association and the City of Joondalup.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 15 refers*

*To access this attachment on electronic document, click here: [Attach15brf300506.pdf](#)*

## **CJ094 - 06/06    SPECIAL MEETING OF ELECTORS HELD ON 29 MAY 2006 – [11513]**

**WARD:**                    South-East

**RESPONSIBLE  
DIRECTOR:**            Mr Ian Cowie  
                                 Governance and Strategy

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**PURPOSE**

For the Council to note the Minutes of the Special Meeting of Electors held on 29 May 2006 and to give consideration to the motions moved at that meeting.

**EXECUTIVE SUMMARY**

As requested by electors of the City of Joondalup, a Special Meeting of Electors was held on 29 May 2006 in accordance with the provisions of the Local Government Act 1995 to discuss matters relating to Lot 550 Woodlake Retreat, Kingsley.

Section 5.33(1) of the Act requires that all decisions made at an Electors' Meeting if practicable are to be considered at the next ordinary meeting of Council.

It is recommended that Council:

- 1 *NOTES the Minutes of the Special Meeting of Electors held on 29 May 2006 forming Attachment 1 to this Report;*
- 2 *REQUESTS that a report be submitted to the Council meeting scheduled for 27 June 2006 giving consideration to the motions raised at the Special Meeting of Electors.*

## **BACKGROUND**

A Special Meeting of Electors was convened following receipt of a 203-signature petition from electors of the City of Joondalup.

The purpose of the meeting was 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

The meeting was attended by 51 members of the public with a total of five motions passed at the meeting. The minutes of that meeting form Attachment 1 to this Report.

Decisions made by electors at an Electors' Meeting are the recommendations of those electors present, on the matters discussed and considered at the meeting. As with recommendations made at Council committee meetings, they are not binding on the Council, however the Council must consider them.

**DETAILS**

The Motions passed at the Special Meeting of Electors are set out below:

**Motion No 1 – Extension of Woodlake Retreat**

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 Motion was Put and

CARRIED UNANIMOUSLY

**Motion No 2 – Requested review of parking statistics**

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 Motion was Put and

CARRIED UNANIMOUSLY

**Motion No 3 – Acid Sulphate Soils**

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 Motion was Put and

CARRIED

**Motion No 4 – Structure Planning**

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 Motion was Put and

CARRIED

**Motion No 5 – Review of District Planning Scheme No 2.**

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 Motion was Put and

CARRIED

**Link to Strategic Plan:**

Outcomes:

The City of Joondalup is an interactive community.

Objectives:

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

Strategies:

4.3.3 Provide fair and transparent decision-making processes.

**Legislation – Statutory Provisions:**

Section 5.33 of the Local Government Act 1995 states:

**Decisions made at Electors' Meetings**

- 5.33 (1) All decisions made at an Electors' Meeting are to be considered by the Council at the next ordinary council meeting or, if this is not practicable –
- (a) at the first ordinary council meeting after that meeting; or
  - (b) at a special meeting called for that purpose,
- whichever happens first.

- (2) If at a meeting of the Council a local government makes a decision in response to a decision made at an Electors' Meeting, the reasons for the decision are to be recorded in the minutes of the Council Meeting.

**Risk Management considerations:**

The failure to consider the decisions made at the Special Meeting of Electors will mean that the City has not complied with Section 5.33 of the *Local Government Act 1995*.

**Financial/Budget Implications:**

Not applicable.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

The motions carried at the Special Meeting of Electors held on 29 May 2006 are presented to the Council in accordance with the requirements of the legislation.

To enable adequate research to be undertaken to assist the Council in making informed decisions in response to the motions carried at the Special Meeting of Electors, it is recommended that a further report be presented to the ordinary meeting of the Council to be held on 27 June 2006.

**ATTACHMENTS**

Attachment 1 Minutes of the Special Meeting of Electors held on 29 May 2006.

**VOTING REQUIREMENTS**

Simple Majority

**MOVED Cr Corr, SECONDED Cr Hart that Council:**

- 1 NOTES the Minutes of the Special Meeting of Electors held on 29 May 2006 forming Attachment 1 to Report CJ094-06/06;**
- 2 REQUESTS that a report be submitted to the Council meeting scheduled for 27 June 2006 giving consideration to the motions raised at the Special Meeting of Electors.**

Discussion ensued.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17agn060606.pdf](#)*

#### **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

##### **C29-06/06      NOTICE OF MOTION NO 1 – CR B CORR – [61581, 11513]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr B Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 6 June 2006.

**MOVED Cr Corr, SECONDED Cr Hart that Council:**

- 1 AGREES to take a proactive management role in relation to the road alignment for the extension of Woodlake Retreat to Wanneroo Road (meeting Wanneroo Road at the Kingsway junction). This role will include seeking urgent meetings with relevant Ministers (the Ministers for Planning and Infrastructure and for the Environment) to obtain their support for the extension, and convening urgent meetings with relevant State Government agencies to determine the road alignment and State funding contributions;**
- 2 AGREES to pre-fund that portion of the extension of Woodlake Retreat which abuts private property with these monies being recouped following the subdivision of that land;**
- 3 NOTES that, when Woodlake Retreat is extended, it will be constructed to minimise environmental impacts.**

Discussion ensued. Councillors commended the community for the way in which the Special Meeting of Electors was conducted.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**C30-06/06            NOTICE OF MOTION NO 2 – CR B CORR – [61581, 11513]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr B Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 6 June 2006.

**MOVED Cr Corr, SECONDED Cr Hart that Council AGREES to extensive monitoring by the City of foundation works on Lot 550 Woodlake Retreat, Kingsley in relation to Acid Sulphate soils, and, should the site be found to contain Acid Sulphate soils, all site works will be immediately stopped. If this happens, any further works shall be carried out in accordance with the provisions of an Acid Sulphate soils Management Plan approved by the Department of the Environment, and also approved by the Council of the City of Joondalup.**

**AMENDMENT MOVED Cr Park, SECONDED Cr Magyar that the words “Joondalup of excavation and” be added after the words “City of”.**

**The Amendment was Put and**

**CARRIED (13/0)**

**In favour of the Amendment:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**The Original Motion as amended, being:**

**That Council AGREES to extensive monitoring by the City of Joondalup of excavation and foundation works on Lot 550 Woodlake Retreat, Kingsley in relation to Acid Sulphate soils, and, should the site be found to contain Acid Sulphate soils, all site works will be immediately stopped. If this happens, any further works shall be carried out in accordance with the provisions of an Acid Sulphate soils Management Plan approved by the Department of the Environment, and also approved by the Council of the City of Joondalup.**

**was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

**C31-06/06            NOTICE OF MOTION NO 3 – CR B CORR – [61581, 11513]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr B Corr gave notice of his intention to move the following motion at the Council Meeting to be held on 6 June 2006.

**MOVED Cr Corr, SECONDED Cr Hart that Council:**

- 1        AGREES that, on completion of the building works associated with the development on Lot 550 Woodlake Retreat, Kingsley, the City will proactively monitor street car parking in Woodlake Retreat and Grasslands Loop, Kingsley for a minimum period of twelve (12) months;**
- 2        AGREES that arrangements will be made to the satisfaction of the City to ensure that access to the car park adjacent to Grasslands Loop is restricted to visitors to the ‘high care’ residents in the aged care facility;**

- 3 AGREES that arrangements will be made to the satisfaction of the City to ensure that access to the aged care facility is primarily via the new road from the Kingsway junction on Wanneroo Road.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Pickard, Crs Hollywood, McLean, Jacob, Magyar, Park, Amphlett, John, Evans, Hart, Corr, Fishwick and Currie

## **ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

### **C32-06/06                      NOTICE OF MOTION – CR S HART - [61581, 02089]**

In accordance with Clause 26 of Standing Orders Local Law 2005, Cr S Hart has given notice of her intention to move the following motion at the Council Meeting to be held on 27 June 2006:

“That Council is provided with the following information regarding the current issues involving the Mullaloo Tavern:

- 1        A copy of the Planning Approval.
- 2        All information regarding all SAT appeal cases, including but not limited to:
  - (a)      Details of DR 138 2006 and DR 147 2006,
  - (b)      matters to be Heard at SAT, Rennet V CoJ 210606.
  - (c)      all delegated authority reports.
  - (d)      Details of mediated outcome 'notice to comply' CC33301 2004.
- 3        The Independent report by Chris O'Neill.”

### **VOTE OF THANKS – CR M JOHN**

Cr John acknowledged and thanked the CEO and staff for their tremendous support and guidance given to Elected Members during the current Induction Program.

Acknowledgement was also extended to the community present in the public gallery for their participation in this evening's Council meeting and for continued participation in future Council meetings.



## **CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 2127 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 JOHN  
Cr M EVANS  
Cr S HART  
Cr B CORR  
Cr R FISHWICK  
Cr R CURRIE