

# DRAFT AGENDA

## Briefing Session City of Joondalup

**A BRIEFING SESSION**  
WILL BE HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE,  
BOAS AVENUE, JOONDALUP

MEETING DATE



on  
**TUESDAY, 12 FEBRUARY 2008**

PUBLIC QUESTION TIME



### Public Question Time

Members of the public are requested to lodge questions in writing by close of business on Monday, 11 February 2008. Answers to those questions received within that timeframe will, where practicable, be provided in hard copy form at the Briefing Session.



**GARRY HUNT**  
Chief Executive Officer  
8 February 2008



City of  
Joondalup

[www.joondalup.wa.gov.au](http://www.joondalup.wa.gov.au)

## **BRIEFING SESSIONS**

The following procedures for the conduct of Briefing Sessions were adopted at the Council meeting held on 18 December 2007:

### **INTRODUCTION**

The modern role of the Elected Council is to set policy and strategy, and provide goals and targets for the local government (City of Joondalup). The employees, through the Chief Executive Officer, have the task of implementing the decisions of the Elected Council.

A well-structured decision-making process that has established procedures will provide the elected body with the opportunity to:

- have input into the future strategic direction set by the Council;
- seek points of clarification;
- ask questions;
- be given adequate time to research issues;
- be given maximum time to debate matters before the Council;

and ensure that the elected body is fully informed to make the best possible decision for all the residents of the City of Joondalup.

### **PURPOSE OF BRIEFING SESSIONS**

Briefing Sessions will involve Elected Members, staff, and external advisors (where appropriate) and will be open to the public.

Briefing Sessions will provide the opportunity for Elected Members to be equally informed and seek additional information on matters prior to the presentation of such matters to the next ordinary meeting of Council for formal consideration and decision.

### **PROCEDURES FOR BRIEFING SESSIONS**

The following procedures will apply to Briefing Sessions that are conducted by the City of Joondalup.

- 1 Briefing Sessions will be open to the public except for matters of a confidential nature. The guide in determining those matters of a confidential nature shall be in accordance with the Local Government Act 1995.
- 2 Dates and times for Briefing Sessions will be set well in advance where practicable, and appropriate notice given to the public.
- 3 The Chief Executive Officer will ensure timely written notice and an agenda for each Briefing Session will be provided to all Elected Members, Members of the public and external advisors (where appropriate).

- 4 The Mayor is to be the Presiding Member at Briefing Sessions. If the Mayor is unable or unwilling to assume the role of Presiding Member, then the Deputy Mayor may preside at the Briefing Session. If the Deputy Mayor is unable or unwilling, those Elected Members present may select one from amongst themselves to preside at the Briefing Session.
- 5 There is to be no debate amongst Elected Members on any matters raised during the Briefing Session;
- 6 Relevant employees of the City will be available to make a presentation or respond to questions on matters listed on the agenda for the Briefing Session;
- 7 All Elected Members will be given a fair and equal opportunity to participate in the Briefing Session;
- 8 The Presiding Member will ensure that time is made available to allow for all matters of relevance to be covered;
- 9 Elected Members, employees and relevant consultants shall disclose their interests on any matter listed for the Briefing Sessions. When disclosing an interest the following is suggested:
  - (a) Interests are to be disclosed in accordance with the provisions of the Local Government Act 1995 and the City's Code of Conduct.
  - (b) Elected Members disclosing a financial interest will not participate in that part of the Session relating to the matter to which their interest applies and shall depart the room;
  - (c) Employees with a financial interest in a matter may also consider it appropriate to depart the room when the matter is being considered.
- 10 Elected Members have the opportunity to request matters to be included on the agenda for consideration at a future Briefing Session at Item 10 on the Briefing Session agenda.
- 11 A record shall be kept of all Briefing Sessions. As no decisions are made at a Briefing Session, the record need only be a general record of the items covered but shall record any disclosure of interests as declared by individuals. A copy of the record is to be forwarded to all Elected Members.
- 12 Members of the public may make a deputation to a Briefing Session by making a written request to the Mayor by 4pm on the working day immediately prior to the scheduled Briefing Session. Deputations must relate to matters listed on the agenda of the Briefing Session.
- 13 Other requirements for deputations are to be in accordance with the Standing Orders Local Law where it refers to the management of deputations.

## PROCEDURES FOR PUBLIC QUESTION TIME

The following procedures for the conduct of Public Question Time were adopted at the Council meeting held on 18 December 2007:

### Questions asked verbally

- 1 Members of the public are invited to ask questions at Briefing Sessions. Questions asked at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to ask questions to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public question time will be limited to two minutes per member of the public, with a limit of two verbal questions per member of the public.
- 4 Statements are not to precede the asking of a question during public question time. Statements should be made during public statement time.
- 5 Members of the public are encouraged to keep their questions brief to enable everyone who desires to ask a question to have the opportunity to do so.
- 6 Public question time will be limited to the legislative minimum of 15 minutes. Public question time is declared closed following the expiration of the allocated 15 minute time period, or earlier if there are no further questions. The Presiding Member may extend public question time in intervals of ten minutes, but the total time allocated for public question time is not to exceed thirty five (35) minutes in total.
- 7 Questions are to be directed to the Presiding Member and shall be asked politely, in good faith, and are not to be framed in such a way as to reflect adversely or to be defamatory on a particular Elected Member or City employee. The Presiding Member shall decide to:
  - accept or reject any question and his/her decision is final;
  - nominate a member of the Council and/or City employee to respond to the question;
  - take a question on notice. In this case a written response will be provided as soon as possible, and included in the agenda of the next briefing session.
- 8 Where an Elected Member is of the opinion that a member of the public is:
  - asking a question at a Briefing session that is not relevant to a matter listed on the agenda, or;
  - making a statement during public question time;they may bring it to the attention of the Presiding Member who will make a ruling
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

### **Questions in Writing**

- 1 Members of the public may submit questions to the City in writing.
- 2 Questions must relate to a matter contained on the agenda.
- 3 The City will accept a maximum of 5 written questions per member of the public. To ensure equality and consistency, each part of a multi-part question will be treated as a question in its own right.
- 4 Questions lodged by the close of business on the working day immediately prior to the scheduled Briefing Session will be responded to, where possible, at the Briefing Session. These questions, and their responses, will be distributed to Elected Members and made available to the public in written form at the meeting.
- 5 The Presiding Member shall decide to accept or reject any written question and his/her decision is final. Where there is any concern about a question being offensive, defamatory or the like, the Presiding Member will make a determination in relation to the question. Questions determined as offensive, defamatory or the like will not be published. Where the Presiding Member rules questions to be out of order, an announcement to this effect will be made at the meeting, including the reason(s) for the decision.
- 6 The Presiding Member may rule questions out of order where they are substantially the same as questions previously submitted and responded to.
- 7 Written questions unable to be responded to at the Briefing Session will be taken on notice. In this case, a written response will be provided as soon as possible and included on the agenda of the next Briefing Session.
- 8 A person who submits written questions may also ask questions at a Briefing Session and questions asked verbally may be different to those submitted in writing.
- 9 Questions and any response will be summarised and included in the notes of the Briefing Session.

- 10 It is not intended that question time should be used as a means to obtain information that would not be made available if it was sought from the City's records under Section 5.94 of the Local Government Act 1995 or the Freedom of Information (FOI) Act 1992. Where the response to a question(s) would require a substantial commitment of the City's resources, the Chief Executive Officer (CEO) will determine that it is an unreasonable impost upon the City and refuse to provide it. The CEO will advise the member of the public that the information may be sought in accordance with the FOI Act 1992.

**DISCLAIMER**

Responses to questions not submitted in writing are provided in good faith and as such, should not be relied upon as being either complete or comprehensive.

### **PROCEDURES FOR PUBLIC STATEMENT TIME**

The following procedures for the conduct of Public Statement Time were adopted at the Council meeting held on 18 December 2007:

- 1 Members of the public are invited to make statements at Briefing Sessions. Statements made at a Briefing Session must relate to a matter contained on the agenda.
- 2 A register will be provided for those persons wanting to make a statement to enter their name. Persons will be requested to come forward in the order in which they are registered, and to give their name and address.
- 3 Public statement time will be limited to two minutes per member of the public.
- 4 Members of the public are encouraged to keep their statements brief to enable everyone who desires to make a statement to have the opportunity to do so.
- 5 Public statement time will be limited to a maximum of 15 minutes. Public statement time is declared closed following the 15 minute allocated time period, or earlier if there are no further statements.
- 6 Statements are to be directed to the Presiding Member and are to be made politely in good faith and are not to be framed in such a way as to reflect adversely or be defamatory on a particular Elected Member or City employee.
- 7 Where an Elected Member is of the opinion that a member of the public is making a statement at a Briefing session, that is not relevant to a matter listed on the draft agenda, they may bring it to the attention of the Presiding Member who will make a ruling.
- 8 A member of the public attending a Briefing Session may present a written statement rather than making the Statement verbally if he or she so wishes.
- 9 Statements will be summarised and included in the notes of the Briefing Session.

### **DEPUTATION SESSIONS**

Council will conduct an informal session on the same day as the Briefing Session in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup, commencing at 6.30 pm where members of the public may present deputations by appointment only. (Please note that deputation requests are to be received by no later than 4.00 pm on the Monday prior to a Briefing Session.)

A time period of fifteen (15) minutes is set-aside for each deputation, with five (5) minutes for Elected members' questions. Deputation sessions are open to the public.

\* *Any queries on the agenda, please contact Council Support Services on 9400 4369*

## CITY OF JOONDALUP – BRIEFING SESSION

to be held in Conference Room 1, Joondalup Civic Centre, Boas Avenue, Joondalup on **TUESDAY, 12 FEBRUARY 2008** commencing at **6.30 pm**

### ORDER OF BUSINESS

#### 1 OPEN AND WELCOME

#### 2 DEPUTATIONS

#### 3 PUBLIC QUESTION TIME

The following questions were submitted to the Briefing Session on 11 December 2007:

**Mr S Kobelke, Sorrento:**

**Note:** Mayor Pickard ruled that Question 9 submitted by Mr Kobelke was to be struck from the record.

*Re: Item 4 Updating the procedures for Council meetings*

*Q1 Is the City moving to curtail the number of written questions to 5 to limit questions from a Mr K Robinson of Como?*

A1 No. The responding to public questions asked at Council meetings and Briefing Sessions has a substantial impact on the City's resources. The introduction of public question time was not intended to be used as a means to obtain information that is available through other means.

*Q2 If so isn't this just a little bit of over kill?*

A2 Not applicable.

*Q3 Aside from Mr Robinson can the City advise how many times and different people in the last 6 months have there been more than five written questions from one person at a meeting?*

A3 On three occasions, each from a different person.

*Q4 Does the City acknowledge the fact that with the change to the meeting times structure the items on the agenda have increased dramatically? (36 items at this meeting)*

A4 No. The number of items presented to a Briefing Session or Council meeting can vary depending on the demands at the time.

*Q5 Does the City consider that with items on Updating procedures, smoke free beaches, paid parking, city watch, prostitution, youth engagement, access and inclusion it could be very likely that a person would have more than five written questions at one meeting?*

A5 A person may submit five written questions to a Briefing Session and ask two additional questions verbally, allowing a total of seven questions to be asked. A person can also ask seven questions at the Council meeting, thus there is the opportunity for fourteen questions to be asked directly of Council. In addition, City officers can provide advice on matters before the Council.

The City of Joondalup also introduced a public statement time to afford the opportunity to members of the public to pass comment on various matters that are before the Council at a public forum. There is no legislative requirement for the City of Joondalup to allow for public statement time.

*Q6 Why is the City moving to remove the question time extension at Briefing sessions?*

*Q7 Is this because the agenda has been extended and the briefing session takes on enormous proportions time wise?*

A6-7 This part of the procedure has been deleted as to allow for the extension of public question time contradicts the procedure which allows no decisions to be made at a briefing session.

*Q8 Why is the City moving to exclude ratepayer comment from their deliberations?*

A8 This is not the case.

**Mr K Robinson, Como:**

*Q1 Are members of the public permitted to make public written statements under the current procedures for public statement time?*

A1 Yes, provided the person is in attendance at the meeting as specified in the procedures.

*Q2 Where in the current guidelines does it require the person wishing to make the public statement to be present at the Council meeting?*

*Q3 If a written statement was submitted in advance of the Council meeting how would this breach the current guidelines?*

A2-3 The procedure states “members of the public are invited to make statements, either verbally or in writing, at Council meetings”. The procedure says “at Council meetings” not “before Council meetings”.

*Q4 If the current guidelines do not contain a clause requiring the person who wishes to make the statement to also be in attendance at the Council meeting why was the written statement submitted by myself deemed out of order by the Mayor?*

A4 Not applicable.

*Q5 Given the existing guidelines for asking questions do not require the member to be in attendance on what grounds is the Mayor's decision justifiable?*

A5 See A2-3 above.

*Q6 Was the Mayor's decision influenced by the fact that the public statement submitted by myself quoted offensive comments made in an e-mail sent by the Mayor to myself?*

A6 No.

*Q7 On what basis can the Mayor disregard existing guidelines, adopted by a previous Council following extensive public consultation, to avoid being held accountable for his own offensive comments?*

A7 Not applicable.

*Q8 What are the grounds for requiring people to be in attendance at Council meetings if they wish to make a written statement?*

A8 The procedures require it.

*Q9 Has the administration inserted the requirement for people who want to make written submissions to be in attendance at the relevant Council meeting in an attempt to justify the Mayor's earlier decision to rule the written statement submitted by myself out of order despite it being in compliance with the existing guidelines?*

A9 No.

**Mr G Cowper, Duncraig:**

*Q1 It is acknowledged in the report that the City's District Planning Scheme requires that car parking bays be provided for staff parking, and that there are sufficient bays (a 15 bay surplus). However, the hospital actively promotes that staff park in Culloden Road, as reported in the Joondalup Times and in the City's correspondence to residence. Why is the City not taking action for not complying with the DPS?*

*Q2 Should the Council not fix the parking problem in Culloden Road will it write to the Glengarry Hospital to advise them that they should be using the parking bays allocated to staff under the DPS and that the City will take action under the Scheme if they do not comply?*

A1&2 The Planning Scheme requires that bays be provided for a particular development, but it does not force patrons of the development to use the on site parking. The City's records indicate that the parking provided on the hospital site is not in breach of the Planning Scheme.

**Mr S Magyar, Heathridge:**

*Q1 Stamped Page 323 – There are a number of payments to North Districts Pest Control for services carried out at various locations. What type of pests are being controlled?*

A1 This question will be taken on notice.

*Q2 Stamped Page 327 – Sigma Chemicals. It is normal procedure to record refunds in the Warrant of Payments?*

A2 Where credits or refunds are reflected on invoices, it is normal procedure to record such amounts in the List of Payments.

**Mr G Cowper, Duncraig:**

*Re: Parking Prohibitions – Culloden Road, Duncraig:*

*Q1 It is acknowledged in the report that the City's District Planning Scheme requires that car park bays be supplied for staff parking. There is a 15 bay surplus, however, the hospital actively promotes staff parking in Culloden Road. Why is the City not taking action and complying with the DPS2?*

A1 The DPS2 requires certain provisions for on-site parking. The scheme provides no legal ability for the City to force the owner or staff to park on their own property.

**Mrs A Bryant, Connolly:**

*Q1 Why is the substation being constructed by Western Power in Shenton Avenue raised high above Shenton Avenue and why is it being constructed near the school?*

A1 An initial point of clarification is that the substation is below the level of Shenton Avenue, Joondalup. Stamped page 219 gives an indication of the relative levels of the substation. In terms of the location, it is the City's understanding from Western Power that it has a limited number of opportunities to patch these substations into the grid. From Western Power's point of view, this is the preferred location. The City does not have a role in encouraging the purchase of specific pieces of land. The City is not aware of the reason why the Government acquired that piece of land. In terms of planning stages, it is located in the City's Structure Plan area. It has been considered until recently to be a surplus piece of land.

*Q2 Judging by the photograph, I believe the substation is very high.*

A2 The drawing supplied by Mrs Bryant was one of the aerial photographs that was attached to the original report. The City has endeavoured to show this on the attachment, stamped page 219. It is approximately 4 metres below Shenton Avenue and then the side grades down again. In terms of impact and perception, the substation is a tall series of structures. The starting point is below the Shenton Avenue road level.

**Mr W Waddell, Padbury:**

*Re: Approval of the Child Care Centre, Chadlington Avenue, Pabury:*

*Q1 How will the City control the numbers and days that the Child Care is being operated?*

A1 The Child Care Centre is licenced. The planning approval process requires numbers to be controlled and this can be checked. The main control is by the Department of Community Service.

*Q2 How can I be assured that the City will check numbers regularly?*

A2 If you do not believe that a particular development is in accordance with its approval, you are encouraged to lodge a complaint.

**Mr G Cowper, Duncraig:**

*Q1 Why does the City of Joondalup not enforce limited parking restrictions on the street?*

A1 This is the purpose of the report. The public consultation in relation to parking restrictions went out to the community for comment and the report is now before Council for a decision. The City has explored parking prohibitions and would not introduce parking restrictions in the street without first consulting residents.

*Q2 It is stated in the report that residents believe it is inconvenient to have vehicles parked in Culloden Road. 25-30 vehicles is more of an eyesore than a few signs. The report does not reflect any of the objections in a similar light. Do Councillors make up their own minds, given the details in the report?*

A2 The administration provides Elected Members with a report to enable them to make their own decisions based on the information in the report. The biggest hurdle for residents in the street is visual pollution and the impact from parking restrictions on their lives. At the last Council meeting when the parking prohibitions in Hillarys were dealt with, Council requested a report on the appropriate process to change the local law and the Road Traffic Act to allow the City to use street markings as “No Standing” and “No Parking” limitations rather than signs. Currently the City does not have a legal mechanism to do that. This would then eliminate the need for signs.

## 4 PUBLIC STATEMENT TIME

The following statements were raised at the Briefing Session on 11 December 2007:

**Mr S Magyar, Heathridge:**

Mr Magyar spoke in relation to Item 3 – Order of Business at Ordinary Meetings of the Council, in particular public question time.

**Mr G Cowper, Duncraig:**

Mr Cowper spoke in relation to Item 17 – Request for Parking Prohibitions – Culloden Road, Duncraig.

**Mr J Connolly, Greenwood:**

Mr Connolly spoke in relation to Item 26 – Proposed Alterations and Additions to the Greenwood Tavern on Lot 835 (349) Warwick Road, Greenwood, with particular reference to the problems of noise and anti-social behaviour.

**Mrs C O'Brien, Duncraig:**

Mrs O'Brien spoke in support of Item 23 – Proposed Child Care Centre (Unauthorised) 31 Chadlington Drive, Padbury.

**Mrs A Hill, Padbury:**

Mrs Hill spoke in support of Item 23 – Proposed Child Care Centre (Unauthorised) 31 Chadlington Drive, Padbury.

**Mr A Coates, Connolly:**

Mr Coates raised concerns in relation to Item 24 – Proposed Western Power Zone Substation – Use not Listed: Lot 2 (170) Shenton Avenue, Joondalup.

**Mr T Argus, Connolly:**

Mr Argus spoke in relation to Item 28 – Proposed Renaming of Public Open Space (Reserve 44914), Medinah Mews, Connolly and made reference to the environmental importance of the area and that it be managed as a fragile habitat for the Carnaby cockatoo.

## 5 APOLOGIES AND LEAVE OF ABSENCE

**Leave of Absence previously approved**

|                        |   |
|------------------------|---|
| <b>Mayor T Pickard</b> | <b>10-13 February 2008 inclusive<br/>20 February 2008</b> |
| <b>Cr M Norman</b>     | <b>8 – 14 February 2008 inclusive</b>                     |
| <b>Cr B Corr</b>       | <b>10-13 February 2008 inclusive</b>                      |

**REQUEST FOR LEAVE OF ABSENCE – CR M NORMAN – [65597]**

Cr M Norman has requested Leave of Absence from Council duties covering the period 3 March to 30 March 2008 inclusive.

**RECOMMENDATION**

**That Council APPROVES the request from Cr M Norman for Leave of Absence from Council duties covering the period 3 March to 30 March 2008 inclusive.**

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

A declaration under this section requires that the nature of the interest must be disclosed. Consequently a member who has made a declaration must not preside, participate in, or be present during any discussion or decision-making procedure relating to the matter the subject of the declaration. An employee is required to disclose their financial interest and if required to do so by the Council must disclose the extent of the interest. Employees are required to disclose their financial interests where they are required to present verbal or written reports to the Council. Employees are able to continue to provide advice to the Council in the decision making process if they have disclosed their interest.

**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.

|                           |  |
|---------------------------|--|
| <b>Name/Position</b>      | <b>Mr Ian Cowie, Director Governance and Strategy</b>  |
| <b>Item No/Subject</b>    | Item 7 - Welfare of Animals sold through Pet Shops within the City of Joondalup – Additional Information   |
| <b>Nature of interest</b> | Interest that may affect impartiality  |
| <b>Extent of Interest</b> | Mr Cowie is a member of the Council of the RSPCA. This body is a charity with non-profit making objectives |

## 7 REPORTS

| ITEM NO | TITLE   | WARD | PAGE NO |
|---------|---|------|---------|
| 1       | EXECUTION OF DOCUMENTS - [15876]  | ALL  | 1       |
| 2       | ICLEI – LOCAL ACTION FOR BIODIVERSITY – THE DURBAN COMMITMENT, COUNTDOWN 2010 AND THE INVITATION TO MAYORS CONFERENCE ON LOCAL BIODIVERSITY – BONN – MAY 2008 [24592] | ALL  | 4       |
| 3       | MINUTES OF THE POLICY COMMITTEE MEETING HELD ON 11 DECEMBER 2007 – [18058]  | ALL  | 10      |
| 4       | MINUTES OF OCEAN REEF COMMITTEE MEETINGS - [04171] [07303]  | ALL  | 14      |
| 5       | MINUTES OF EXTERNAL COMMITTEE - [02153] [41196]   | ALL  | 20      |
| 6       | OPPORTUNITIES TO REDUCE THE USE OF PLASTIC BAGS IN THE CITY OF JOONDALUP [12542]  | ALL  | 21      |
| 7       | WELFARE OF ANIMALS SOLD THROUGH PETS SHOPS WITHIN THE CITY OF JOONDALUP - ADDITIONAL INFORMATION [45234]  | ALL  | 27      |
| 8       | ANNUAL GENERAL MEETING OF ELECTORS HELD ON 3 DECEMBER 2007 – [65578]  | ALL  | 32      |
| 9       | FUNDING SUPPORT FOR THE SMALL BUSINESS CENTRE (NORTH WEST METRO) INC. [03082]   | ALL  | 45      |
| 10      | QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER - 31 DECEMBER 2007 [20560]   | ALL  | 52      |
| 11      | PROPOSED YELLAGONGA REGIONAL PARK ENVIRONMENT CENTRE – [60510]  | ALL  | 55      |
| 12      | FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2007 [07882]  | ALL  | 62      |
| 13      | LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2007 [09882]   | ALL  | 65      |
| 14      | FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2007 [07882]  | ALL  | 68      |
| 15      | HYDROTHERMAL WEED CONTROL TRIAL [01575]   | ALL  | 71      |

|    |  |               |     |
|----|--|---------------|-----|
| 17 | MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER & DECEMBER 2007 [07032] [05961]      | ALL           | 79  |
| 18 | PROPOSED RESIDENTIAL ZONING OF PORTION OF EDGEWATER PRIMARY SCHOOL - RESERVE 38322 (NO 76) TREETOP AVENUE, EDGEWATER [71602] [02043]       | NORTH-CENTRAL | 83  |
| 19 | PROPOSED MODIFICATION TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL (ARENA JOONDALUP PRECINCT) [555822] [00152]                 | NORTH         | 89  |
| 20 | PROPOSED TRANSPORTABLE CLASSROOM AND SHED ADDITION – POYNTER PRIMARY SCHOOL – NO 39 POYNTER DRIVE, DUNCRAIG [07584]                        | SOUTH         | 93  |
| 21 | PROPOSED 187 MULTIPLE DWELLINGS AND 5 COMMERCIAL TENANCIES FOR LOTS 1000 TO 1002 (NO 1) WALSH LOOP AND MOLLOY PROMENADE, JOONDALUP [64596] | NORTH         | 98  |
| 22 | USE OF APARTMENTS – MULLALOO TAVERN LOT 100 (1) OCEANSIDE PROMENADE, MULLALOO [02089]  | NORTH-CENTRAL | 114 |
| 23 | PROPOSED ROAD RESERVE CLOSURE - PORTION OF HONEYBUSH DRIVE, JOONDALUP [39981] [20587]  | NORTH         | 120 |
| 24 | PROPOSED 4 SINGLE BEDROOM DWELLINGS AT LOT 595 (11) YATALA CLOSE, CURRAMBINE [08649]   | NORTH         | 124 |
| 25 | PROPOSED RETIREMENT VILLAGE – LOT 9018 (4) SUNLANDER DRIVE & LOT 9019 (8) MISTRAL MEANDER, CURRAMBINE [50510]                              | NORTH         | 132 |
| 26 | PROPOSED ALTERATIONS & ADDITIONS TO THE GREENWOOD TAVERN ON LOT 835 (349) WARWICK ROAD, GREENWOOD [16122]                                  | SOUTH-EAST    | 152 |
| 27 | PROPOSED ALTERATIONS AND ADDITIONS TO JOONDALUP HEALTH CAMPUS, 60 SHENTON AVENUE JOONDALUP – [00109]                                       | NORTH         | 164 |

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**

**LATE ITEMS / ADDITIONAL INFORMATION**

In the event that further documentation becomes available prior to this Briefing Session, the following hyperlink will become active:

[Additional Information 120208.pdf](#)

## ITEM 1 EXECUTION OF DOCUMENTS - [15876]

**WARD:** All

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

### PURPOSE

To provide a listing of those documents recently executed by means of affixing the Common Seal for noting by the Council for the period 29 November 2007 to 25 January 2008.

### EXECUTIVE SUMMARY

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

### BACKGROUND

Not Applicable.

### DETAILS

The following documents have been executed by affixing the Common Seal.

|                       |   |
|-----------------------|---|
| <b>Document:</b>      | Withdrawal of Caveat  |
| <b>Parties:</b>       | City of Joondalup and Drumstar Pty Ltd  |
| <b>Description:</b>   | To allow land transfer, 931 Whitfords Avenue, Woodvale – Woodvale Shopping Centre. The caveat protects rights and interests of City in regards to the Shopping Centre extensions. Lifting caveat provided new owner (Westpac Funds Management Administration Pty Ltd) enters into a new legal Deed of Agreement |
| <b>Date:</b>          | 29.11.07  |
| <b>Signed/Sealed:</b> | Sealed  |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | New Deed of Agreement  |
| <b>Parties:</b>       | City of Joondalup and Westpac Funds Management Administration Pty Ltd  |
| <b>Description:</b>   | New Deed of Agreement – Woodvale shopping Centre to ensure outstanding obligations of DA04/0732 with regard to lighting and car parking are completed to the City's satisfaction. Property relates to Lot 66 on DP49368 (No 931) |
| <b>Date:</b>          | 18.12.07   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Withdrawal of Caveat   |
| <b>Parties:</b>       | City of Joondalup and Spargo and Zancich   |
| <b>Description:</b>   | To withdraw caveat lodged to ensure the proprietors of 4 and 6 Abaco Court, Hillarys build and construct a battleaxe driveway also referred to as common property (Lot 3) on Survey Strata Plan 43739. Terms of Deed have now been satisfied |
| <b>Date:</b>          | 25.01.08   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Restrictive Covenant   |
| <b>Parties:</b>       | City of Joondalup and Peet Ltd   |
| <b>Description:</b>   | Deed of Restrictive Covenant to ensure compliance of two conditions of subdivision approval relating to restrictive vehicular access to and from lots serviced with rear access lanes to prohibit direct access onto road frontages and restrictions to/from Burns Beach Road (Conditions 9 and 10) – Stage 6, Portion of Lot 9002 Burns Beach Road, Burns Beach on Deposited Plan 57155 |
| <b>Date:</b>          | 25.01.08   |
| <b>Signed/Sealed:</b> | Sealed   |

|                       |  |
|-----------------------|--|
| <b>Document:</b>      | Structure Plan Amendment – ECU Joondalup City Campus   |
| <b>Parties:</b>       | City of Joondalup and WA Planning Commission   |
| <b>Description:</b>   | To amend the Joondalup City Centre Development Plan and Manual to include land uses and development provisions for the Edith Cowan University's Joondalup City Centre Campus |
| <b>Date:</b>          | 25.01.08   |
| <b>Signed/Sealed:</b> | Sealed   |

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

Not Applicable.

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

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

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

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

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

#### **Risk Management considerations:**

Not Applicable.

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

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

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

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

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the schedule of documents covering the period 29 November 2007 to 25 January 2008 executed by means of affixing the Common Seal.**

## **ITEM 2                    ICLEI – LOCAL ACTION FOR BIODIVERSITY – THE DURBAN COMMITMENT, COUNTDOWN 2010 AND THE INVITATION TO MAYORS CONFERENCE ON LOCAL BIODIVERSITY – BONN – MAY 2008 - [24592]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE**

This report outlines three matters requiring Council decisions in relation to the ICLEI – Local Action for Biodiversity (LAB) Project. These matters are:

- Consideration and adoption by Council of the draft Durban Commitment: Local Government for Biodiversity statement;
- Consideration and endorsement for the City of Joondalup to join the Countdown 2010 program and sign the Countdown 2010 Declaration;
- Consideration of an invitation from the Mayor of Bonn, Germany for the Mayor of Joondalup to attend the Mayors Conference – Local Action for Biodiversity.

### **EXECUTIVE SUMMARY**

In 2007 the City of Joondalup signed a 3-year agreement enabling the City to participate in the LAB project.

As part of the LAB project the City was required to attend an international LAB workshop, which was hosted by the City of Zagreb, Croatia from 15-17 October 2007. The City of Joondalup sent two officials as its representatives to the workshop.

Subsequent to the Zagreb LAB workshop, three key matters have emerged that require consideration by the Council in progressing the LAB project, namely,

1. Adoption by Council of the draft Durban Commitment: Local Government for Biodiversity statement;
2. Endorsement for the City of Joondalup to join the Countdown 2010 program and sign the Countdown 2010 Declaration;
3. Consider an invitation from the Mayor of Bonn, Germany, for the Mayor of Joondalup to attend the Conference of Mayors – Local Action for Biodiversity dependent on the cost involved and the level of subsidy provided.

This report recommends that Council agrees to progress with the first two matters and give further consideration to the invitation once the costs have been confirmed.

### **BACKGROUND**

In January 2007 the Mayor of Joondalup received an invitation from ICLEI – African Secretariat to participate in the global LAB project. Subsequently, the City of Joondalup signed a 3-year agreement enabling the City to participate in the project.

The LAB project has a 5-step approach, which is summarised as follows:

|         | <b>Activity</b>  | <b>Result</b>   |
|---------|--|---|
| Step 1. | Inventory and assessment   | City Biodiversity Report. Presentation of biodiversity report at an international workshop of participating cities  |
| Step 2. | Declaration of Commitment to Biodiversity  | Formal city commitment to biodiversity. International profile for the participant cities through the communication of their commitment to biodiversity.                 |
| Step 3. | Draft City 10-year Biodiversity Action Plan and Framework  | Local Biodiversity Action Plan and Framework presented for review at international workshop of participating cities.  |
| Step 4. | Formal endorsement/approval/commitment by the relevant authorities to the City 10-year Biodiversity Action Plan and Framework.                               | Decisions by relevant authority(ies) and/or political structures. Communication and profile by the City of the accepted 10-year Biodiversity Action Plan and Framework. |
| Step 5. | Local implementation: Five on-the-ground biodiversity demonstration projects<br>Ongoing implementation of the 10-year Biodiversity Action Plan and Framework | Five new successful and tangible biodiversity interventions<br>Reports and recommendations for the continuation of the process  |

As part of the LAB project the City was required to attend an international LAB workshop, which was hosted by the City of Zagreb, Croatia from 15-17 October 2007. The City of Joondalup sent two officials as its representatives to the workshop. The LAB Workshop provided a forum for the 20 participating cities in the LAB project to come together to share knowledge and develop a global understanding of the issues facing the planet with respect to loss of biodiversity due to urbanisation.

Other more specific outcomes from the workshop included: -

- Development of a unified definition for the concept of Urban Biodiversity. This definition will be refined and published as an outcome of LAB.
- Development of a Declaration of Commitment to Biodiversity that will be signed by all participating Cities following its refinement.
- A clear understanding of the role of Local Government in turning the tide of biodiversity loss.
- A greater understanding of the different management challenges local government face in managing biodiversity.
- The development of a shared vision for the types of tools that will need to be uniformly applied or developed in order to support biodiversity management.
- Presentations on the different tools currently being utilised across the world by the participating cities.
- Presentations on current on-ground projects that are being undertaken around the world by the participating cities.
- Development of a conceptual governance framework or broad organising structure that will contain and support action plans for Biodiversity Management to effectively be implemented.
- Agreement of the development of a long-term biodiversity strategy for each local government and the development of action plans by the end of 2008.

## DETAILS

### Issues and options considered

Subsequent to the Zagreb LAB workshop, three key matters have emerged that required consideration by the Council in progressing the LAB project.

These matters are: -

1. Adoption by Council of the draft Durban Commitment: Local Government for Biodiversity statement;
2. Endorsement for the City of Joondalup to join the Countdown 2010 program and sign the Countdown 2010 Declaration;
3. Consider an invitation from the Mayor of Bonn, Germany, for the Mayor of Joondalup to attend the Conference of Mayors – Local Action for Biodiversity.

#### **1. *The Draft Durban Commitment: Local Government for Biodiversity Statement***

A key element of the LAB project framework is the development and signing of a statement that will commit the 20 LAB cities to the principles, goals and objectives of the LAB project. During the Zagreb Workshop cities participated in developing a draft statement, which has now been finalised by the LAB Project Team and disbursed to all the 20 LAB cities for their final considerations. The statement is to be titled “**The Durban Commitment: Local Government for Biodiversity**”. The LAB Project Team has requested that all cities review and endorse the statement, which will be formally announced at the second LAB Workshop to be held in Durban, South Africa, later in 2008.

The draft Durban Commitment: Local Government for Biodiversity statement is shown as Attachment 1 to this report.

#### **2. *Countdown 2010 Declaration***

The option to join Countdown 2010 arose from the LAB workshop in Zagreb, whereby the City of Joondalup was invited to sign the Countdown 2010 Declaration. The Countdown 2010 Declaration enables an organisation to be a partner in Countdown 2010. Partnership is open to any organisation wishing to demonstrate a strong commitment to the 2010 Biodiversity target.

The 2010 Biodiversity target aims to achieve a significant reduction in the current rate of biodiversity loss. The target will require the City of Joondalup to assess its current state of biodiversity and put in place strategies to reduce any loss wherever possible. The signing of the Declaration would support the strategies that will be developed in the City's future Biodiversity Plan.

Signing of the Declaration would not have any financial or resourcing impost upon the City, however there is an expectation that the City would undertake initiatives to meet the 2010 target to reduce biodiversity loss. Given the City is developing a long-term biodiversity plan and this has been articulated in the City's Environment Plan, and will be achieved through the LAB project, it is inevitable that the City will set initiatives to assess, measure and reduce biodiversity loss.

Signing of the Countdown 2010 Declaration will have no direct resourcing impact upon the City, however it will provide a significant statement that identifies the City's intent with respect to biodiversity protection. Furthermore it will enable the City to sign the Durban Commitment:

Local Government for Biodiversity statement, which is a key step in the overarching LAB project.

The overarching goal, objectives and principles of the Countdown 2010 Declaration are shown in Attachment 2 to this report.

Should the City of Joondalup take up the invitation to sign the Countdown 2010 Declaration it will become the first City in Australia to do so. This will inevitably place Joondalup in a leadership position within the Australian Local Government context.

### 3. Mayors Conference - Local Action for Biodiversity – Bonn, Germany - May 2008

At the initiative of the Mayor of Curitiba, H.E. Carlos Alberto Richa, a meeting on “Cities and Biodiversity: Achieving the 2010 Biodiversity Target” was held on 26-28 March 2007.

Mayors from a range of cities, including mayors of host cities of United Nations headquarters and mayors of cities with specific strategies on biodiversity were invited to share their experiences and express their intention to contribute to the Countdown 2010 target of significantly reducing the rate of loss of biodiversity.

Now that the City of Joondalup has engaged in the LAB project, the Mayor of Joondalup has received an official invitation from the Mayor of Bonn to attend the next Mayors Conference – Local Action for Biodiversity - which is scheduled to be held in Bonn, Germany from 26-28 May 2008.

Should the City of Joondalup determine that it will sign the Countdown 2010 Declaration then it would be appropriate for the Mayor of Joondalup to accept the invitation and represent the City of Joondalup at the forthcoming Mayors Conference.

Further it should be noted that the Mayors Conference is not a funded component of the LAB Project Agreement and therefore the City would need to meet any costs associated with involvement in the Mayors Conference. The conference organisers have advised that some level of subsidy will be available to cover costs.

Details of the Mayors Conference are shown as Attachment 3 to this report.

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

Outcome : The City of Joondalup is environmentally responsible in its activities.

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:**

Not Applicable.

#### **Risk Management Considerations:**

Not Applicable.

**Financial/Budget Implications:**

Attendance to the Mayors Conference in Bonn will require a budget allocation for the Mayor. The Conference organisers advise that the Conference budget can assist in funding accommodation in Bonn for 3-4 days and co-funding travel costs.

Upon indicating interest, the City will receive more information from the Conference Secretariat (ICLEI) on co-funding opportunities.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

The signing of the declarations as mentioned in this report will require the City to be a regional leader in promoting local action for saving biodiversity.

**Sustainability Implications:**

Participation in the ICLEI LAB project, Countdown 2010 and the Mayors Conference for Biodiversity indicate the City's commitment to ensuring environmentally sustainable management of the City's natural assets.

**Consultation:**

Not Applicable.

**COMMENT**

The south west of Western Australia is globally recognised as one of the planet's major biodiversity hotspots. This recognition of global significance is based on high levels of natural diversity, particularly for plants and amphibians, together with high levels of threat to that diversity. It is one of only five Mediterranean-type ecosystems to be listed as globally significant. It is also one of the few hotspots found in a developed country and is the only global hotspot in Australia. The importance of the south west eco-region is also recognised by the Government of Australia. The City of Joondalup lies within the central coastal location of this significant eco-region.

The benefits that can be derived from participation in the LAB project, Countdown 2010 and the Mayors Conference 2008 include:

- Demonstrated responsible governance, locally and internationally
- Demonstrated responsible environmental stewardship
- Recognition as a global leader in local governance with respect to biodiversity and environmental matters
- Protection of biodiversity thus meeting various local, regional, national and international obligations
- Enhanced ecological resilience
- International profiling of the City
- Recognition as a leading city on a global scale
- Potential for partnerships with a number of international cities and organisations
- Potential access to various (including global) funding opportunities
- Public education and awareness
- Access to global information and approaches
- Global networking of staff with participating cities

Developing future strategies to enable the harmonisation of the urban built environment with the natural environment is a key challenge that faces local government. The City of Joondalup is a large local government and recognised leader in the field of environmental management within the local government context. With this position comes the impetus to take a developmental and leadership role, which will provide tools and techniques for other local governments to learn from, adopt and deliver.

## **ATTACHMENTS**

Attachment 1 – Draft – The Durban Commitment: Local Government for Biodiversity

Attachment 2 – Countdown 2010 Declaration

Attachment 3 – Invitation to Mayors Conference and Conference outline

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 ENDORSES the signing of the Durban Commitment: Local Government for Biodiversity statement shown as Attachment 1 to this Report;**
- 2 ENDORSES the signing the Countdown 2010 – Save Biodiversity Declaration shown as Attachment 2 to this Report;**
- 3 NOTES the invitation issued by the Mayor of Bonn, Germany and CONSIDERS attendance by representatives once the costs have been confirmed.**

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf120208.pdf](#)



Council policies are to be developed and reviewed by the Policy Committee and may be subject to community consultation processes in recognition of the community leadership role Council has in guiding the formation and development of the City, and in representing the values and interests of the broader community. Officers may be requested by the Policy Committee to draft specific policies as required for referral to the Policy Committee.

City policies are to be developed and drafted by the Policy Committee and/or officers for Policy Committee consideration and recommendation to the Council. The Policy Committee may determine, if appropriate, to request that a City Policy be subject to public comment prior to recommending it for Council adoption.

## **DETAILS**

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

The Motions carried at the Policy Committee meeting held on 8 October 2007 are shown below, together with officer's comments:

#### **Item 1 Revised Code of Conduct – City of Joondalup.**

The following motion was carried:

*“That the Policy Committee REQUESTS the Chief Executive Officer to undertake a more comprehensive review of Policy 4-1 – Code of Conduct in line with the revised regulations and existing policy, for presentation at the next available opportunity.”*

#### Officer's comment

The Code of Conduct needs to be reviewed in order to meet the City's legislative requirements.

## **REQUESTS FOR REPORTS FOR FUTURE CONSIDERATION**

The following reports were requested:

- A report in relation to the creation of a significant tree register.
- A review of Policy 8-9 – Investment.

#### Officer's comment

Reports can be prepared.

### **Link to Strategic Plan**

This item has a general connection to the Strategic Plan.

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

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

The necessary reports will be prepared to review and/or draft the proposed policies.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Relevant officer's comments have been made regarding the matters considered by the Committee.

**ATTACHMENTS**

Attachment 1            Unconfirmed minutes of the Policy Committee meeting of 11 December 2007

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1        NOTES the unconfirmed minutes of the Policy Committee Meeting dated 11 December 2007 forming Attachment 1 to this Report;**
- 2        REQUESTS the Chief Executive Officer to undertake a more comprehensive review of Policy 4-1 – Code of Conduct in line with the revised regulations and existing policy, for presentation at the next available opportunity;**

- 3 REQUESTS reports to be submitted to the Policy Committee:**
- (a) in relation to the creation of a significant tree register;**
  - (b) reviewing Policy 8-9 – Investment.**

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf120208.pdf](#)*

## **ITEM 4                    OCEAN REEF MARINA COMMITTEE MEETINGS - [04171] [07303]**

**WARD:**                    North-Central

**RESPONSIBLE  
DIRECTOR:**            Mr Ian Cowie  
                                 Governance and Strategy

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### **PURPOSE**

To submit the minutes of the Ocean Reef Marina Committee meetings to Council for noting and recommend appropriate action in relation to the decisions of the Committee.

### **EXECUTIVE SUMMARY**

Meetings of the Ocean Reef Marina Committee were held on:

- 12 December 2007, to consider:
  - Ocean Reef Marina Development Site - Consultation
  - Ocean Reef Marina Steering Committee - Status Update
- 4 February 2008, to consider:
  - Ocean Reef Marina Development Site - Community Reference Group
  - Ocean Reef Marina Steering Committee

*It is recommended that Council notes the minutes of the Ocean Reef Marina Committee and gives consideration to the appointment of members to the Ocean Reef Marina Community Reference Group.*

### **BACKGROUND**

The minutes of the Ocean Reef Marina Committee meeting were submitted to the Council meeting held on 18 December 2007 (C88-12/07 refers). At that meeting, Council gave consideration to the appointment of the Community Reference Group and resolved as follows:

*“that in accordance with clause 58(a) of the Standing Orders Local Law 2005 Council DEFERS the appointment of the Community Reference Group for the Ocean Reef Marina and REFERS the matter back to the Ocean Reef Marina Committee for further consideration.”*

Prior to the deferral of this matter at that Council meeting, motions and amendments were moved and seconded but not voted on. An extract of the minutes of the Council meeting showing the outstanding motions is provided at Attachment 1.

## DETAILS

### Issues and options considered:

Following deferral by Council of the appointment of the Community Reference Group, a meeting of the Ocean Reef Marina Committee was held on 4 February 2008. The motions carried at the Ocean Reef Marina Committee are shown below, together with officer's comments.

#### **Item 1 - Ocean Reef Marina Development Site - Community Reference Group**

*MOVED Cr Jacob, SECONDED Cr Amphlett that the Ocean Reef Marina Committee DETERMINES that it will select members of the Community Reference Group based on each applicant's submission.*

*MOVED Cr Young, SECONDED Cr Amphlett that the Ocean Reef Marina Committee RECOMMENDS to Council that the following persons be appointed as members of the Community Reference Group, under the following categories:*

##### Category A

- Ms E Bamforth
- Ms N Campion
- Mr K Eastwood
- Mr G Foord
- Mr R Green
- Mr P Young
- Mr T Stuart
- Mr R Cameron
- Ms L Dailey
- Ms K Nichols

##### Category B

- Mr A Cass
- Ms C Lyttleton
- Mr C Wanless
- Mr J Holenstein
- Mr S Bray
- Mr C Wright
- Mr M Hay
- Mr N Caldwell
- Mr O Kay
- Mr D Jolly

*MOVED Cr Jacob, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the following industry group representatives be appointed as Category C members of the Community Reference Group:*

- Mr R Lindsay (Ocean Reef Surf Sports Club)
- Mr A Slomp (Sunset Coast Tourism Association)
- Mr K Blackie (Whitfords Volunteer Sea Rescue Group)
- Mr P Brooker (Ocean Reef Progress Association)
- Mr J Weston (Recfishwest)

*MOVED Cr Fishwick, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the following persons be appointed as Category D members of the Community Reference Group:*

- *Mr R Repke*
- *Mr B Buzzard*
- *Mr R Tilbrook*
- *Ms D Ironmonger*
- *Ms M Noble*

*MOVED Cr Amphlett, SECONDED Cr Hollywood that following analysis of the submissions, it was the view of the Committee that the community consultation process would be enhanced by increasing Category C by four (4) persons; the following individual and their associated groups being endorsed:*

- *Ms A Angel* (Ocean Reef Sea Sports Club)
- *Mr M Carruthers* (Whitfords Volunteer Sea Rescue Group)
- *Mr M Norman* (Joondalup Community Coast Care Forum)
- *Mr B Barnett* (Boating WA)

*MOVED Mayor Pickard, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS that SEEKS confirmation from those groups in Category C that the persons selected are representative of those entities.*

*MOVED Cr Jacob, SECONDED Cr Young that the Ocean Reef Marina Committee RECOMMENDS to Council that the Mayor be appointed as Chairperson on the Community Reference Group and that all Elected Members be entitled to attend meetings of the Community Reference Group as observers.*

#### Officer's comment

The recommendations of the Committee are supported.

#### **Item 2 - Ocean Reef Marina Steering Committee**

*MOVED Cr Fishwick, SECONDED Cr Hollywood that the Ocean Reef Marina Committee NOTES the meeting notes of the Ocean Reef Marina Steering Committee held on:*

- *9 August 2007, forming Attachment 1 to this Report;*
- *20 September 2007, forming Attachment 2 to this Report;*
- *25 October 2007, forming Attachment 3 to this Report;*
- *22 November 2007, forming Attachment 4 to this Report.*

#### Officer's Comment

This decision is noted. No further action is required.

**Link to Strategic Plan:**

Key Focus Area: Organisational Development

Objective: To ensure the City responds to and communicates with the community

**Legislation – Statutory Provisions:**

The Committee is established in accordance with the Local Government Act 1995.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Certain Community Reference Group members are likely to represent the broader region.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Clause 62(1) of the City's Standing Orders Local Law 2005 requires that, following deferral, the outstanding motion or amendment be resubmitted for further consideration. The matter was referred to the Ocean Reef Marina Committee for consideration and the revised recommendations of the Committee are now presented for consideration by Council.

**ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment 1 | Extract of Council minutes - 18 December 2007                               |
| Attachment 2 | Minutes of the Ocean Reef Marina Committee meeting held on 12 December 2007 |
| Attachment 3 | Minutes of the Ocean Reef Marina Committee meeting held on 4 February 2008  |

**VOTING REQUIREMENTS**

Simple Majority

## RECOMMENDATION

### That Council:

- 1 **NOTES** the following minutes of the Ocean Reef Marina Committee meetings:
  - (a) confirmed minutes of 12 December 2007, forming Attachment 2 to this Report;
  - (b) unconfirmed minutes of 4 February 2008, forming Attachment 3 to this Report;
- 2 **NOTES** that those groups in Category C have confirmed that the persons selected are representative of those entities;
- 3 **APPOINTS** the following persons to the Ocean Reef Marina Community Reference Group under the categories detailed below:

#### Category A

- Ms E Bamforth
- Ms N Campion
- Mr K Eastwood
- Mr G Foord
- Mr R Green
- Mr P Young
- Mr T Stuart
- Mr R Cameron
- Ms L Dailey
- Ms K Nichols

#### Category B

- Mr A Cass
- Ms C Lyttleton
- Mr C Wanless
- Mr J Holenstein
- Mr S Bray
- Mr C Wright
- Mr M Hay
- Mr N Caldwell
- Mr O Kay
- Mr D Jolly

#### Category C – Industry Group Representatives

- Mr R Lindsay (Ocean Reef Surf Sports Club)
- Ms A Angel (Ocean Reef Sea Sports Club)
- Mr A Slomp (Sunset Coast Tourism Association)
- Mr K Blackie (Whitfords Volunteer Sea Rescue Group)
- Mr M Carruthers (Whitfords Volunteer Sea Rescue Group)
- Mr P Brooker (Ocean Reef Progress Association)
- Mr J Weston (Recfishwest)
- Mr M Norman (Joondalup Community Coast Care Forum)
- Mr B Barnett (Boating WA)

**Category D**

- **Mr R Repke**
  - **Mr B Buzzard**
  - **Mr R Tilbrook**
  - **Ms D Ironmonger**
  - **Ms M Noble**
- 4      SEEKS confirmation from those groups in Category C that the persons selected are representative of those entities;**
- 5      APPOINTS Mayor Pickard as Chairperson on the Community Reference Group;**
- 6      INVITES all Elected Members to attend meetings of the Community Reference Group as observers.**

*Appendix 24 refers*

*To access this attachment on electronic document, click here: [Attach24brf120208.pdf](#)*

**ITEM 5                      MINUTES OF EXTERNAL COMMITTEE - [02153]  
[41196]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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**PURPOSE**

To submit minutes of an external committee to Council for information.

**EXECUTIVE SUMMARY**

The following minutes are provided:

- Meeting of Tamala Park Regional Council held 6 December 2007
- Special Meeting of Tamala Park Regional Council held 23 January 2008

**ATTACHMENTS**

Attachment 1            Minutes of Meeting of Tamala Park Regional Council held 6 December 2007

Attachment 2            Minutes of Special Meeting of Tamala Park Regional Council held 23 January 2008

*(Please Note: These minutes are only available electronically)*

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the Minutes of the:**

- 1            Meeting of Tamala Park Regional Council held on 6 December 2007 forming Attachment 1 to this Report;**
- 2            Special Meeting of Tamala Park Regional Council held on 23 January 2008 forming Attachment 2 to this Report.**

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf120208.pdf](#)*

## **ITEM 6 OPPORTUNITIES TO REDUCE THE USE OF PLASTIC BAGS IN THE CITY OF JOONDALUP - [12542]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE/ EXECUTIVE SUMMARY**

At the Council meeting of Tuesday 18 December 2007, Council resolved to:

*“REQUEST a report on what initiatives are being taken throughout Australia to reduce the use of plastic bags and what actions the City might take to support this outcome.”*

The purpose of this report is to provide a review of current initiatives to reduce (or eradicate) the use of plastic bags and to identify opportunities for the City of Joondalup to encourage local businesses to adopt plastic bag reduction initiatives.

### **BACKGROUND**

The predominant types of plastic bags in Australia are high-density polyethylene (HDPE) singlet style non-branded bags used in supermarkets, take-away food outlets etc and low-density polyethylene (LDPE) boutique style bags which are branded and used by stores selling higher value goods.

The environmental impacts of plastic bags which end up in either landfill or enter the environment as litter is well known. Contributing to the negative environmental impact of plastic bags are the below factors:

- Plastic bags are prevalent in Australian society;
- Plastic bags are designed to be used once and then disposed;
- Plastic bags take many decades to breakdown;
- Plastic bags are easily dispersed and highly visible; and
- Wildlife can ingest or get entangled in plastic bags.

Much action has been taken at a local, State and National level to reduce plastic bag use across Australia in the past ten years with significant effect. Key initiatives include:

- Environment Protection and Heritage Council;
- Australian Retailers Association Code of Practice;
- National marketing campaigns;
- Promotion and initiatives by Local Government;
- Increased availability of plastic bag alternatives;
- Declarations of ‘Plastic Bag Free Zones’; and
- Voluntary action by individual retailers.

In 2002, the consumption of HDPE bags was estimated as 5.95 billion. By 2005 this was reduced to 3.92 billion. This equates to a reduction in plastic bag consumption of 34% from 2002 levels or an average use of 192 bags per capita in 2005 down from 303 per capita in 2002.

## DETAILS

### Commonwealth Government Approaches

The Commonwealth Government has taken a strong lead in the management of plastic bags in Australia. The Environment Protection and Heritage Council (EPHC) consisting of all State and Territory Environment Ministers and the Federal Minister for the Environment, oversees progress on initiatives designed to reduce plastic bag usage on a national level. The EPHC has made a commitment to phase out all plastic bags by January 2009.

Most recently the EPHC commissioned a Consultation Regulatory Impact Statement (RIS) to present options to manage the impact of plastic bag litter on the community and the Australian environment. The *Consultation Regulatory Impact Statement: Investigation of options to reduce the environmental impact of plastic bags, January 2007* (Attachment 1) was released for public comment. A summary of the key findings is provided below:

- A significant reduction in plastic bag use has already occurred through voluntary measures;
- The majority of the change has come from major supermarket retailers who achieved a 44.75% reduction from 2002 levels by 2005;
- Change in small retailers is less prevalent, although some individual retailers and retail chains have made significant reductions. Overall this sector achieved a reduction of 22.9%;
- Further voluntary reductions will be difficult to achieve and will require well resourced and well targeted strategies;
- It is unlikely that the market will find a solution to the eradication of plastic bags without State or Commonwealth Government intervention;
- Behavioural change from shoppers through voluntary measures may also have peaked. A nationwide government survey in 2006 found that 67% of respondents had first taken action over six months to two years ago with only an additional 13% having taken action for the first time in the last six months;
- The most appropriate regulatory action would be a mandatory charge or mandatory ban on plastic bags, implemented at a State level in a nationally consistent manner. These two options are considered to provide a mechanism that can be implemented with minimal administration or constitutional complications and will result in substantial reductions in plastic bag distribution, and hence plastic bag litter.

At the latest meeting of the EPHC (2 June 2007) the following outcomes were achieved in relation to plastic bag management:

- Australian environment ministers reaffirmed their commitment to phasing out plastic bags by January 2009;
- They welcomed the submissions received during the recent public consultation process on regulatory options for dealing with plastic bags and agreed to consider this issue again along with a revised Regulatory Impact Statement at their next meeting; and

- A working group of State and Territory officials was established to explore options for nationally consistent regulatory action, including the options of a ban on plastic bags and a mandatory retail charge. The options from the working group, and the outcomes of the regulatory impact assessment process, would allow Ministers to make a fully informed decision at Council's next meeting.

Recently the Federal Minister for the Environment, Heritage and the Arts, Mr Peter Garrett announced that he would like to see plastic bags phased out by December 2008 and will meet with State Ministers in April 2008 to discuss. The Minister has not identified whether he would prefer a total ban on plastic bags or a per bag levy.

### State Approaches

The Western Australian State Government currently has no initiatives specifically relating to plastic bags rather it incorporates the reduction of plastic bags into its waste education and promotional activities such as Waste Wise.

Similarly the Western Australian Local Government Association has no specific initiatives to reduce plastic bag use but is considered to be a part of its overall goals to facilitate, encourage and promote economically sound, environmentally safe and efficient waste management practices for Western Australia, endorsed and supported by Local Government.

There is ability for State Government to undertake legislative action to ban plastic bags. The Victorian government has amended its *Environment Protection Act 1970* to require retailers who choose to supply plastic bags to charge a minimum fee to consumers using those bags.

### Local Government Action

A number of local governments have undertaken a variety of initiatives to reduce the amount of plastic bags in their community. The majority are one-off events or promotional activities such as:

- Earth Carers (Western Metropolitan Regional Councils) who hold a Plastic Bag Free September where people bring in 10 plastic bags and receive a free Earth Carers Eco Bag; and
- Plastic Bag free days – City of Fremantle, City of South Perth.

Other Local Governments around Australia have undertaken plastic bag free campaigns or declared themselves plastic bag free zones. In April 2003, Coles Bay Tasmania became Australia's first plastic bag free town with all retail outlets in Coles Bay banning plastic shopping bags.

The Shire of Esperance won the State and National 2006 Keep Australia Beautiful Plastic Bag Reduction Awards for its '*Esperance: Too Fantastic for Plastic*' campaign. The campaign was successful in reducing the number of plastic bags in Esperance by 75% in 3.5 years. The campaign involved volunteers, schools, local businesses and retailers. Over 140 retailers in Esperance are now either plastic bag free or charge for the use of plastic bags.

The City of Fremantle formally endorsed its Plastic Bag Free City Strategy in 2004. Initiatives included recognising Fremantle's plastic bag free retailers, creation of a local bag to encourage locals and tourists to become plastic bag free and plastic bag free days. Budget included a part-time officer to implement the Strategy.

The majority of 'plastic bag free zones' across Australia are regional towns or specific shopping precincts due to the difficulty in getting large numbers of retailers to agree to participate.

### Retailer Action

In October 2003, the EPHC endorsed the Australian Retailers Association commitment to reduce plastic bags through the *Code of Practice for the Management of Plastic Bags*. Under the Code of Practice, retailer signatories committed to reducing and recycling lightweight HDPE plastic bags through a range of initiatives in particular the promotion of alternative heavyweight multiuse bags ('green bags') to encourage retailers to change their plastic bag habits. The Code expired on 31 December 2005.

However, as a result of this Code, many retailers now sell alternative shopping bags. For large supermarkets these are usually reusable 'green' bags designed for packing groceries. Other retailers such as Cotton On and Ranger Camping sell reusable bags with their own individual brand design.

Some retailers have gone further than just having alternative bags for sale. Coles donates 10 cents from every 'green' bag sold to the Go Green Environment Fund which supports initiatives of Clean Up Australia, Landcare and Planet Ark. Since September 2003 Bunnings will only provide plastic bags at a charge of 10 cents, which it donates to the Keep Australia Beautiful Council, alternatively customers can purchase a reusable bag. IKEA Perth introduced a "No Plastic Bag" policy in January 2004, removing lightweight plastic shopping bags from the store and offering for purchase brown paper bags and the IKEA Big Blue bags.

### National Marketing Campaigns

A number of high profile national marketing campaigns in recent years have raised awareness of the detrimental effects of plastic bags and the alternatives available. These include:

- Planet Arks '*Just Say No*' campaign;
- Keep Australia Beautiful Plastic Bag Awards; and
- Clean Up Australia's '*Say No to Plastic Bags*' campaign, which includes resources for retailers.

Anecdotal evidence indicates that this has had a large effect on shopper behaviour with the majority of households now 'owning' and using alternative shopping bags for at least some of their shopping. This is substantiated by a nationwide government survey which found that only 16% of people had not done anything to reduce their use of lightweight shopping bags.

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

The City of Joondalup's Environment Plan was adopted in September 2007 and includes the objective:

- To continue to implement strategies and projects that aim to reduce the creation of waste, sustainably dispose of it and efficiently manage its recovery.

The Environment Plan does not include any specific actions relating to plastic bags but addresses waste management issues as a whole.

Also there are no specific actions relating to plastic bags in the City's Waste Management Strategy, which is scheduled to be reviewed by December 2008.

**Link to Strategic Plan:**

- Objective 2.1 To plan and manage our natural resources to ensure environmental sustainability
- Objective 2.2 To manage waste effectively and efficiently in alignment with environmentally sustainable principles.

**Legislation – Statutory Provisions:**

Not Applicable.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

A reduction in the number of plastic bags being produced will lead to a decrease in the energy, water and resources used to manufacture a disposable product and will also reduce the amount ending up in landfill. Secondly it will also lead to a reduction in the amount of plastic bags loose in the environment as litter, which will have significant benefits for the amenity of the environment and will be less of a hazard for wildlife.

**Consultation:**

Not Applicable.

**COMMENT**

Much progress has already been made towards reducing plastic bags, largely through the voluntary action of retailers. Commonwealth and local approaches have been successful in encouraging and supporting retailers to make these voluntary actions.

A national regulatory approach as recommended by the EPHC will be the most effective approach to making further significant reductions to the amount of plastic bags in Australia.

Given the high profile campaigns from organisations such as Planet Ark and Keep Australia Beautiful there is a high level of awareness in the community of the detrimental effects of plastic bags and the alternatives available and many who would change their shopping practices already have.

Many of the large retailers have already taken action to reduce plastic bags and have gained marketing benefits by branding their 'green bags'. Action amongst small retailers has not been as widespread and present better opportunities for achieving reductions.

Any local campaigns will need to target small retailers and have effective local marketing strategies, incentives and resources behind it. Small retailers will need to be provided with incentive and motivation above and beyond what they have already received if they are to change their practices.

## **ATTACHMENTS**

Attachment 1            Consultation Regulatory Impact Statement (RIS) Investigation of Options to Reduce the Environmental Impact of Plastic Bags, January 2007.

(**Please note:** This attachment is only available electronically)

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That:**

- 1        Council NOTES the current commitment by the Environment Protection and Heritage Council to phase out plastic bags by January 2009;**
- 2        if the planned national phase out does not occur, the City of Joondalup CONSIDER its options for a local campaign to reduce plastic bag use.**

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf120208.pdf](#)

|                           |  |
|---------------------------|--|
| <b>Name/Position</b>      | <b>Mr Ian Cowie, Director Governance and Strategy</b>  |
| <b>Item No/Subject</b>    | Item 7 - Welfare of Animals sold through Pet Shops within the City of Joondalup – Additional Information   |
| <b>Nature of interest</b> | Interest that may affect impartiality  |
| <b>Extent of Interest</b> | Mr Cowie is a member of the Council of the RSPCA. This body is a charity with non-profit making objectives |

## **ITEM 7 WELFARE OF ANIMALS SOLD THROUGH PET SHOPS WITHIN THE CITY OF JOONDALUP - ADDITIONAL INFORMATION - [45234]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE/EXECUTIVE SUMMARY**

To provide Council with requested information in relation to the welfare of animals sold through pet shops within the City of Joondalup.

This report recommends that Council requests the Chief Executive Officer to contact the RSPCA to inform the Association of the City's intention to support the development of a National Code of Practice for the Pet Retail Industry.

### **BACKGROUND**

At the Meeting of 18 December 2007, a report was presented to Council which sought to inform Elected Members of the current regulations relating to the welfare of animals sourced and sold through pet retail stores and to assess the City's ability to further enhance animal welfare within the pet retail industry, (provided as Attachment 1).

The report recommended that Council opt against nominating City Officers as General Inspectors under the *Animal Welfare Act* 2002 and requested that the Chief Executive Officer contact the Royal Society for the Prevention of Cruelty to Animals (RSPCA) to suggest a more proactive role from their organisation in relation to pet retail store inspections.

Having considered the recommendations, Council resolved the following (*CJ268-12/07 refers*):

In accordance with Clause 47(4) of the City's Standing Orders Local Law, Council REFERRED the report relating to the welfare of animals sold through pet shops back to the CEO for further consideration. In particular, the further consideration should cover whether:

- *Cats and dogs sold are at least eight weeks old and fully weaned.*
- *The animals are micro chipped.*
- *The Council receives details of the new owners from the pet shop.*
- *Cats and dogs are vaccinated at least 14 days prior to sale.*
- *Cats and dogs have a vaccination certificate.*

This report provides details relating to the abovementioned issues and options for Council to consider in light of the previous report presented to Council (Attachment 1) and the requested additional information.

## DETAILS

### Question 1: Are cats and dogs at least eight weeks old and fully weaned?

There is no State legislation requiring that dogs and cats sold through pet stores be eight weeks old and fully weaned. National Codes of Practice, such as the highly regarded *Pet Industry Association of Australia (PIAA) National Code of Practice* may contain such requirements, however, the Code is only available to Members of the Association, therefore the City is unable to confirm any commitments the document contains. Information released by the PIAA to the public on 18 December 2007 stated that the Association sought to include the following new commitments to its existing National Code of Practice (noting that any such commitments only apply to PIAA Member Stores):

- That there be a total ban on sale of dogs and cats to persons under the age of 18.
- That there be a total ban on the sale of pets from markets.
- That animals be sold with a cooling off period and a seven day health guarantee.
- That agreed information be distributed to new pet owners so they are aware of animal health and welfare needs and the full implications of pet ownership.
- **That any cat or dog advertised must be at least 8 weeks of age and include vaccination and micro chipping details.**
- **That there be mandatory vaccination certificates for all sales of dogs and cats.**
- **That all dogs and cats be permanently identified with the implantation of a micro-chip.**
- That industry be consulted with a view to establishing a national Code of Practice.
- That all cats and dogs sold be either de-sexed or sold with de-sexing information and incentives to de-sex such as a discounted de-sexing voucher from a veterinarian.
- **That compulsory records of commercial sales be kept – including the name and address of all purchasers.**
- That all commercial sellers must keep a record of all cats and dogs bred or purchased – including the name and address of the supplier of the animal.
- That illegal operation of animal sales be enforced by authorities – with full force of the law.

Should these commitments be incorporated into the existing PIAA National Code of Practice, pet retail management within participating PIAA stores will be strengthened; however, given that only three pet stores in Western Australia are Members of PIAA, the impacts on the industry as a whole will be very limited.

Like the Pet Shop Industry, dog and cat breeders also operate under very little regulation. There is no effective legislation, guideline or Code of Practice that would ensure that weaning and age are taken into consideration before retail operators purchase dogs and cats directly from breeders.

The RSPCA Inspectorate is only able to enforce conditions on pet shop operators that are “detailed in a government authorised Code of Practice” (*refer to RSPCA Position Paper A2.1*) or contained within the *Animal Welfare Act 2002*. Given that Western Australia currently has no such Code of Practice and the *Animal Welfare Act 2002* contains no provisions in relation to welfare conditions for animals in pet stores; General Inspectors are unable to regulate the age and weaning requirements of dogs and cats sold through pet shops. However, they are able to provide advice for best practice standards, which pet store operators within the City of Joondalup area generally adhere to.

Question 2: Are dogs and cats microchipped?

There is no legal requirement in Western Australia that dogs and cats have microchips inserted for the purposes of identification. Most local governments and the Australian Veterinary Association encourage the procedure to assist in the effective management of dogs and cats, however, it is not a requirement.

Pet retail stores do not provide the service of microchipping dogs and cats, however, most do supply referrals to respected veterinarians for the procedure to be undertaken if desired by the customer.

In New South Wales the procedure of microchipping dogs and cats is made compulsory under the *Companion Animals Act 1998*. Western Australia does not have legislation of this nature.

Question 3: Does the Council receive details of the new owners from the pet shop?

The City does not receive information directly from pet shop owners upon the purchase of a dog or cat from their store. Under the *Dog Act 1976* it is the owner's responsibility to register any dog over the age of 3 months with their local government.

There is currently no State legislation requiring cats to be registered with local governments, however, some local governments have taken the initiative to introduce local laws that make registering cats compulsory within their jurisdiction. The City of Joondalup is currently in the process of developing a draft local law to achieve this.

Question 4: Are dogs and cats vaccinated at least 14 days prior to sale?

It is not a requirement under any State legislation that dogs or cats be vaccinated, despite the procedure being strongly recommended by local governments and most animal advocacy associations.

Registered breeders generally begin a course of vaccination for cats and dogs prior to sale as it is considered best practice.

Question 5: Do cats and dogs have a vaccination certificate?

Upon receiving a vaccination from a veterinarian, dogs and cats are issued with vaccination certificates. If a vaccinated dog or cat is purchased from a pet shop, then the most current vaccination certificate is provided for the purchaser. Dogs and cats that are not vaccinated are usually sold in a package deal that includes pre-payment for immediate vaccination by a veterinarian. Most pet shops encourage and promote pet vaccination as it is considered best practice.

**Issues and options considered:**

Option 1: Nominate City employees as General Inspectors under the Animal Welfare Act 2002

This option is *not* recommended as General Inspectors are unable to enforce conditions on pet shop operators that are not contained within a government-endorsed Code of Practice or within the *Animal Welfare Act 2002*. Current RSPCA Inspectors provide advice for pet shop owners on best practice methods; however, they are unable to enforce offences unless they are deemed as "acts of cruelty".

In addition, issues such as right of entry, existing staffing pressures and lack of complaints (as detailed in option 1 in Attachment 1) provide further reason for abandoning this option.

Option 2: Amend the City of Joondalup Animals Local Law 1999 to provide minimum standards of animal care by pet store operators

As previously discussed under option 2 in Attachment 1, it may be difficult to police given the limited powers of entry City Officers have on private commercial premises. Therefore, this option is *not* recommended as it would not be enforceable.

Option 3: Lobby the State Government for legislative reform relating to animal welfare in pet retail stores

Should Council strongly support the need for increased animal welfare within the pet retail industry, this option may be an appropriate means of achieving change. However, given that the City of Joondalup has not experienced any major problems with pet shops within its district, it may seem unnecessary and inappropriate to lobby the State Government on behalf of others.

Option 4: Support the RSPCA in its pursuit for a National Code of Practice within the Pet Retail Industry and contact the Association to inform them of the City's support

Approaching the RSPCA will ensure that the organisation is aware of the City's concerns and may assist in any future initiatives it has to lobby the Federal and State Governments for a unified National Code of Practice.

Given the national and state significance of this issue and the implications that animal welfare protection has for local governments, it would seem prudent for the City to promote and support the RSCPA in their pursuit for increased powers under a National Code of Practice for the Pet Retail Industry.

Option 5: Do nothing

This option would mean that City Officers are unable to investigate public complaints in relation to acts of animal welfare abuses by pet store operators. All complaints would need to be referred to the RSPCA for investigation.

**Link to Strategic Plan:**

Key Focus Area: Organisational Development

Outcome: The City of Joondalup provides quality value-adding services  
Objective 4.2: To provide quality services with the best use of resources

**Legislation – Statutory Provisions:**

Relevant primary and subordinate legislations include:

- Dog Act (WA) 1976
- Animal Welfare Act (WA) 2002
- City of Joondalup Animals Local Law 1999

**Risk Management considerations:**

Should the City seek to nominate Officers to undertake inspectorate functions, a situation may arise where RSPCA costs, associated with complaint investigations, are shifted to the City. The level of risk and cost would be determined upon the extent of the issue itself within the City.

Also, obtaining ongoing consent from pet shop retailers to regularly enter their premises for animal welfare standards checks may be difficult if options 1 or 2 are pursued.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Not Applicable.

**ATTACHMENTS**

Attachment 1           Welfare of animals sold through pet shops within the City of Joondalup Report

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council ENDORSES option 4 and requests that the Chief Executive Officer contacts the RSPCA to inform the Association of the City's intention to support the development of a National Code of Practice for the Pet Retail Industry.**

*Appendix 10 refers*

To access this attachment on electronic document, click here: [Attach10brf120208.pdf](#)



**MOTION NO 1 – NATURAL AREAS STAFFING**

*MOVED Mrs M Zakrevsky 49 Korella Street, Mullaloo SECONDED Ms M Moon, 6 Carew Place, Greenwood that the City of Joondalup:*

- 1 increases the number of staff in its natural areas team, which presently consists of a supervisor and two full-time staff (written confirmation dated 14 November 2007). Endorsement of CJ193-09/07 City of Joondalup Environment Plan, objective 2.1 – “Caring for the Environment states: “To plan and manage our natural resources to ensure environmental sustainability”;*
- 2 provides its natural team with equipment to enable management of the natural areas as stated in the City’s Vision, Environmental Report of 25 September 2007 for CJ193-09/07 and the recently released 2007 Annual Report;*
- 3 has a natural areas staff that is able to support the work of Friends Groups as and when required, eg some chemical weed control, obtaining and moving brushing, sand trapping, and watering newly planted seedlings at regular intervals during the first summer for improved survival rates.*

*The Motion was Put and*

*CARRIED WITHOUT DISSENT*

**OFFICER’S COMMENT:**

Two additional field staff for the Operations Natural Areas Management Team will commence work in this current financial year. The natural areas team will then consist of four field staff and a supervisor.

All equipment needed to enable the two additional staff members to under take their duties will be provided. This equipment will include a suitable vehicle, brush cutters, pruning equipment etc.

The addition of two extra staff members will allow the City to undertake more on-ground work, this will include undertaking duties in reserves currently supported by friends’ group volunteers.

**RECOMMENDED RESPONSE:**

It is recommended that Council NOTES that:

- 1 the employment of two additional staff to perform on ground work within the City’s Operational Natural Areas management team;
- 2 suitable plant and equipment is provided to all existing and any additional staff that are employed by the City to undertake operational work within the natural areas managed by the City;
- 3 the City will continue to provide on ground assistance to bushland friends that are supporting the City’s natural area management programmes, and that this level of assistance has been expanded with the additional natural areas operational staff being employed by the City.

**MOTION NO 2 – GERALDTON CARNATION WEED**

*MOVED Dr M Apthorpe, 69 Bacchante Circle, Ocean Reef SECONDED Mr S Magyar, 31 Drummer Way, Heathridge that the City of Joondalup:*

- 1 takes action against the invasion of Geraldton carnation weed into natural areas, particularly along Ocean Reef Road, by trial spraying of the herbicide Logran, otherwise known as triasulfuron as detailed by the Department of Environment and Conservation and that budget money be allocated to deal with this declared weed at this site;*
- 2 seeks cooperation from the State Government and the WA Local Government Association to address this weed issue as it affects many local government authorities, not just the City of Joondalup.*

*The Motion was Put and*

*CARRIED WITHOUT DISSENT*

**OFFICER'S COMMENT:**

The City has been very active over the last ten years in its efforts to control Geraldton Carnation Weed; as an example over the last four years, over 1200 hours have been spent hand weeding and spot spraying weeds in the coastal reserve situated between Ocean Reef Road and Oceanside Promenade, Ocean Reef. This effort has been replicated in all coastal reserves identified in the Joondalup Coastal Foreshore Natural Areas Management Plan as having high conservation value.

Geraldton Carnation Weed has rapidly become a major weed threat to coastal natural biodiversity and a range of herbicides are used to manage the threat. It is the City's understanding that the herbicide Logran is being trialled by the Department of Environment and Conservation (DEC) for use against Geraldton Carnation Weed.

Currently Logran is not registered for use to control Geraldton Carnation Weed and it is strongly recommended that the City does not undertake trials of this chemical until DEC has completed its trials and published its findings. The rationale behind this recommendation is that even though the chemical Logran is not sold as having residual properties (long term effect), the group of chemicals to which Logran belongs does have residual properties when used in association with alkaline soils such as the ones found along the Joondalup coastline. By taking this position the City may negate the possibility of long term damage to the environment by using unsuitable chemicals in the City's natural areas.

The threat Geraldton Carnation Weed poses to natural biodiversity, particularly coastal biodiversity in the Perth metro area is substantial and accounts for a large proportion of the budget that coastal local authorities spend on the management of their natural coastal reserves. Unfortunately the weed is not a Declared Plant so there is no compulsion for all land owners to control the weed. Despite this, most local authorities are attempting to put in place control measures. This control does place a heavy burden on local authority land managers and support from the State Government and the WA Local Government Association would be welcome.

**RECOMMENDED RESPONSE:**

It is recommended that Council actively seeks assistance from the State Government and the WA Local Government Association in its effort to control Geraldton Carnation Weed.

**MOTION NO 3 – DEVELOPMENT OF EDGEWATER QUARRY SITE**

*MOVED Mr M O'Brien, 45 Aberdare Way, Warwick, SECONDED Dr V Cusack, 2 Renegade Way, Kingsley that Council be requested to revive the City of Joondalup Wheeled Sports Committee as soon as possible to oversee the development of the Edgewater Quarry Site.*

*The Motion was Put and*

*CARRIED WITHOUT DISSENT*

**OFFICER'S COMMENT:**

In 2008, the City will be developing master plan strategies for key recreation sites. Leisure master planning is the process for developing recreation infrastructure (parks, ovals, clubrooms, community centres, public open space etc) at a particular site, to best meet current and projected community use requirements.

The quarry site in Edgewater is one of the public open space sites that will be considered for master planning in the City of Joondalup.

A report will be developed for Council to consider the master planning process and principles that the City will implement and the priority order in which each site will be addressed. Once a priority order of sites is established, the required budget recommendations will be presented to Council for approval. However, the City plans to commence public consultation in the near future on what interested parties would like to see, and what they would not like to see, on this site.

**RECOMMENDED RESPONSE:**

It is recommended that Council:

- 1 DOES NOT re-establish the Wheeled Sports Committee;
- 2 NOTES that in the development of a master plan for the Edgewater Quarry site, the City will undertake extensive community consultation, which would include groups previously represented by the Wheeled Sports Committee.

**MOTION NO 4 – COMMUNITY CONSULTATION**

*MOVED Ms M Moon, 6 Carew Place, Greenwood, SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that advertising for the District Planning Scheme No 2 Amendment "Short Stay in the Residential Zone" and the "Short Stay" Policy be extended for at least two (2) weeks to ensure comprehensive community consultation can be achieved with certainty.*

*The Motion was Put and*

*CARRIED WITHOUT DISSENT*

**OFFICER'S COMMENT:**

The advertising period for District Planning Scheme No 2 Amendment 36 and the Draft Short Stay Accommodation Policy was extended for a period of 4 weeks, being from 26 December 2007 to 23 January 2008, with notices appearing in the Joondalup Times, on the City's website, on the notice board in the Council foyer and advice forwarded to Customer Service staff in the City of Joondalup administration building and libraries.

The Western Australian Planning Commission has been advised of the extension to the advertising period.

**RECOMMENDED RESPONSE:**

It is recommended that Council NOTES that the advertising for Amendment 36 and the draft Short Stay Accommodation Policy was extended for a further period of 4 weeks.

**MOTION NO 5 – CODE OF CONDUCT**

*MOVED Mr K Zakrevsky, 49 Korella Street, Mullaloo, SECONDED Mr M Caiacob, 7 Rowan Place, Mullaloo that the ratepayers believe that since 2000 Council's and Administration's apparent repeated failure to uphold the adopted Code of Conduct comprising the three (3) ethical values and professional behaviours that support the principles of Respect for Persons, Justice and Beneficence, especially its ratepayers as evidenced at the 19 June 2007 Council meeting debate on Item CJ116-06/07 - Recovery of Legal Costs in the matter of the Mullaloo Progress Association Inc –v- City of Joondalup and Rennet Pty Ltd – Supreme Court Action CIV 1285 of 2003, as listed (a) to (m) as evidenced and witnessed to be deplorable and inexcusable.*

- 1     *The current City of Joondalup administration did not advise Council on the 12 June 2007 and 19 June 2007:*
  - (a)     *that former CEO, Denis Smith exceeded his \$10,000 statutory expenditure limitation when engaging senior counsel to represent the City of Joondalup in a Court of Law and that no such authority was requested from Council;*
  - (b)     *the former CEO, Denis Smith's contractual actions were illegal;*
  - (c)     *the lawyers and the Supreme Court were not aware that they were dealing with an unauthorised requisition making the City of Joondalup Defence Action null and void before the Court Hearing commenced;*
  - (d)     *that the former CEO, Denis Smith ignored submissions made by the ratepayers;*
  - (e)     *that the former CEO, Denis Smith advised the MPA Inc and their lawyers to take their concerns elsewhere. The City of Joondalup could have and should have referred to its Code of Conduct and withdrawn any challenge, even in the last hour. Absolutely no effort was made to mediate;*
  - (f)     *that non-confirming rights are not transferable where redevelopment is proposed requiring DA and BA approvals and/or when the property/site has been sold to new owners. This is not a discretionary item;*
  - (g)     *failure to provide copy of alleged arrangement with Mr Michele Bellombra to sell the land in Wangara to pay for cash-in-lieu of 34 parking bays not available;*
  - (h)     *that Mr Michele Bellombra, the previous owner of Lot 100 Oceanside laloo did not own land in Wangara to be able to do that transaction;*
  - (i)     *that the evidence of alleged Receipt No 88 has not been provided to the MPA Inc and ratepayers as requested by them;*

- (j) *failure to provide MPA Inc with access to 25 year old documents (refer legislation) when requested under FOI – Freedom of Information in fact is treated as “Fogging of Information” by the City of Joondalup;*
  - (k) *the City of Joondalup made no attempt to request MPA Inc for assurance/indemnity to meet legal costs that could arise. The City of Joondalup did not provide any assistance, only hindrance. The City of Joondalup ignored MPA Inc and ratepayers concerned at every turn. Council made no attempt to mediate as required of it. Specifically, it did not provide “Protection of Disadvantaged” to people protecting the public amenities;*
  - (l) *of the 14 January 2005 written confirmation of telephone conversation between Chairman of Commissioners, John Paterson and myself, V K (Ken) Zakrevsky in which, besides other matters discussed, Ken Zakrevsky replied regarding the Map’s legal cost raised by the Chairman that “the MPA is not asking to have anything hidden. Should this matter require a debate before ratification, it is necessary that both sides of the story be put before the Commissioners in a Report” and that “the City of Joondalup officers and the MPA present their own facts for assessment” has not been enacted to this day. No opportunity has been given to the MPA Inc or ratepayers to be heard and listened to on this subject;*
  - (m) *also evident that the reports and documents accompanying these recommendations to Council did not present all the relevant facts, only very select material and convoluted information that is misleading, misrepresentative, unprofessional, half truths and omissions of factual information is tantamount to lying. Also witnessed at the debate on 19 June 2007 on Items CJ116-06/07, CJ117-06/07 and CJ118-06/07 were the derogatory, threatening, wanton statements and accusations made collectively by the majority of Councillors displaying aggressiveness, bullying, disinterest, ignorance, laziness, self-opinionatedness and weakness, depicting relinquishment of responsibility by permitting delegated authority and discretionary authority to become unchallenged absolute authority with serious heavy financial losses and consequences to the City of Joondalup ratepayers;*
- 2 *That Council revisits Item CJ116-06/07 of 19 June 2007 and rescinds the motion because Council cannot support:*
- (a) *recklessness equals utterly careless behaviour by City of Joondalup senior management and/or Councillors;*
  - (b) *misconduct equals improper and unlawful conduct by an official in regard to the office;*
  - (c) *misrepresentation equals represent incorrectly, improperly or falsely;*
  - (d) *misrepresentation to Solicitors, the Supreme Court, State Administrative Tribunal, the City of Joondalup ratepayers and electors;*

- 3     *The Council must bear in mind that ratepayers also have the right to approach the Ombudsman, Department of Consumer and Employment Protection, CCC of WA and the Insurance Industry to determine whether the City of Joondalup administration, executives, senior management and Councillors, have or have not, carried out their responsibilities, to the best of their ability and truly represented the ratepayers and electors.*

The Motion was Put and

CARRIED

### **OFFICER'S COMMENT**

Part 1 of the motion generally reflects on issues that preceded the Supreme Court decision (i.e. whether the money for the City's action was properly authorised). Such matters are irrelevant in relation to the Mullaloo Progress Association's (MPA) debt to the City as the Supreme Court made a ruling and ordered the MPA to pay costs of \$60,978.12 to the City. The Court's ruling does not become invalid because people do not like, or object to, elements of the process or of the facts that are associated with the ruling. The Court's ruling is the Court's ruling.

The concerns of objections identified through Part 1 of the motion need to be raised with an oversight body such as the ones identified in Part 3 of the motion or the Department of Local Government and Regional Development.

The motion mentions that the Code of Conduct's three ethical values of respect for persons, justice and beneficence were 'not upheld' or breached by Council's resolution in relation to the recovery of costs from the MPA. This is not considered the case for the following reasons.

The **Respect for Persons** ethical standard states:

"This standard requires that we treat other people as individuals with rights to be honoured and defended, and empower people to claim their rights if they are unable to do it for themselves. We encourage honest relationships by being truthful and sincere when dealing with others.

- It is our respect for the rights of others that qualifies us as members of a community, not simply as individuals with rights, but also with duties and responsibilities to others."

The standard makes no specific mention of the recovery of debts. It certainly does not state that debts incurred as a result of a court ruling should be waived. Indeed, the standard talks of 'duties and responsibilities'. From this, it could be inferred that debtors have responsibilities to settle their debts with the City.

The **Justice** ethical standard states:

"This standard requires that we treat people fairly, without discrimination, and with rules that apply equally to all. We ensure that opportunities and social benefits are shared equally among individuals, with equitable outcomes for disadvantaged people. We uphold the laws of the Council of the City of Joondalup and comply with relevant State and Federal legislation."

Here again, there is no reference to the waiving of debts. Indeed, this standard makes no comment about the alleged validity or appropriateness of a debt or any other matter. It merely talks of applying the rules equally and the rule in question is that debts should be repaid.

The standard also talks about upholding relevant State legislation. While not specifically mentioning upholding State Court rulings, upholding such rulings would appear to be a natural extension of upholding legislation.

The **Beneficence** ethical standard states:

“This standard requires that we do for others what we would like done for ourselves – that we do good, and not harm, to others. We must be aware that the strong have a duty of care to the weak, dependent and vulnerable and uphold the rights of those who are unable to do so. We shall contribute to the well-being of individuals and society by exercising due diligence and duty of care to others.”

This standard is of little relevance to the policy or law enforcement arm of the City's operations if taken literally and applied on the individual or group basis. That is, the City would not issue infringement notices to individuals who breach the City's local laws as this would do harm to them or, as another example, the City would not take bonds from groups who use and then damage City property as this will harm the group.

The actions cited in the two examples above are taken to provide for the good of the whole community. Parking infringements are issued to stop an individual occupying a bay for a longer period than is considered appropriate; an action that disadvantages other potential users. Bonds are taken from groups who damage City property on the user pays principle. This prevents the whole community from having to pay for the damage caused by one particular group.

Similar arguments apply in relation to the MPA's debt to the City as imposed by the Supreme Court. Consequently, the decision of Council to recover the costs awarded should not be viewed as conflicting with the beneficence standard.

Here it is noted that Part 1 (m) of the motion concludes with the words “with serious heavy financial losses and consequences to the City of Joondalup ratepayers”. This statement is wrong. Should the MPA's debt to the City be paid, the City's ratepayers (as a whole) will be better off. The City will have more money to undertake works and provide services. However, those ratepayers who are members of the MPA and who pay the debt will be worse off. These people cannot be considered “the City of Joondalup ratepayers” without disenfranchising the vast majority of City residents.

#### **RECOMMENDED RESPONSE:**

It is recommended that:

- 1 Council DOES NOT revoke its resolution of June 2007 in relation to the recovery of costs from the Mullaloo Progress Association as suggested in Part 2 of the motion.
- 2 the mover and/or seconder of the motion approach an appropriate local government oversight body, as indicated in Part 3 of the motion, if it is believed that responsibilities have not been carried out appropriately.

**MOTION NO 6 – PAID PARKING**

*MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that we the ratepayers reject the City of Joondalup Council and the City administration's move to impose a second and metered vehicle parking tax within the boundaries of Joondalup be it in the Central Business District or any other location such as the beach front.*

*The Motion was Put and*

**CARRIED**

**OFFICER'S COMMENT**

At the Council meeting of 18 December 2007, Council resolved to implement paid parking in the Joondalup CBD following consideration of the public feedback on the business plan.

**RECOMMENDED RESPONSE:**

It is recommended that Council retains its current position in relation to paid parking.

**MOTION NO 7 – LEARNING CITY**

*MOVED Dr V Cusack, 2 Renegade Way, Kingsley, SECONDED Ms M Moon, 6 Carew Place, Greenwood that the City do all it possibly can to further advance the City of Joondalup as a learning City by way of fully exploring with the State Government of the day, the option of relocating the Department of Education to the City of Joondalup.*

The Motion was Put and

**CARRIED WITHOUT DISSENT**

**OFFICER'S COMMENT**

The City is highly supportive of the educational institutions operating within the City. This is reflected through the City's membership on the Board of the Joondalup Learning Precinct to name one example.

The City is also proactively seeking the development of the CBD to enable the City to effectively take its place as the Perth metropolitan area's second city centre. As part of this effort, the City is endeavouring to identify suitable businesses or agencies which could move to Joondalup. The suggestion that the Department of Education and Training be targeted in this process is considered a good one.

**RECOMMENDED RESPONSE:**

It is recommended that Council supports contact being made with the Department of Education and Training to explore the option of its relocation to Joondalup.

**MOTION NO 8 – CONTENT OF ANNUAL REPORT**

*MOVED Mr M Sideris, 12 Page Drive, Mullaloo, SECONDED Mr K Zakrevsky, 49 Korella Street, Mullaloo that each and every time that the Council and/or the Planning Department of the City of Joondalup fails to properly impose the total number of required on-site car parking bays in respect of any development application, that this information should be publicly recorded in the Annual Report and be highlighted in each planning decision so as to identify both the shortfall in the number of car parking bays and the total commercial value of this parking shortfall which is then passed on to ratepayers.*

The Motion was Put and

CARRIED

**OFFICERS COMMENT:**

The motion appears to be based on a presumption that parking standards in the District Planning Scheme (DPS2) are fixed and not properly open to discretion. This is not so.

The DPS2 parking standard can be reduced through the exercise of discretion, and that reduction is not the subject of cash-in-lieu. Where discretion is sought and granted, each application is the subject of a report and resolution, which can be viewed publicly on request. In the case of Council's decisions, these can also be viewed in the Council minutes, which are available on the City's website.

**RECOMMENDED RESPONSE:**

It is recommended that Council NOTES that the application of the parking standard and exercise of discretion are appropriately recorded, and that decisions are available for review.

**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 Annual General 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**

Individual comments have been made against each motion within this report. It is advised that the Council considers each motion carried at the AGM in accordance with its legislative requirements.

**ATTACHMENTS**

Nil.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That:**

- 1** in relation to Motion 1 raised at the Annual General Meeting of Electors held on 3 December 2007, Council NOTES that:
  - (a)** the employment of two additional staff to perform on ground work within the City's Operational Natural Areas management team;
  - (b)** suitable plant and equipment is provided to all existing and any additional staff that are employed by the City to undertake operational work within the natural areas managed by the City;
  - (c)** the City will continue to provide on ground assistance to bushland friends that are supporting the City's natural area management programmes, and that this level of assistance has been expanded with the additional natural areas operational staff being employed by the City;
- 2** in relation to Motion 2 raised at the Annual General Meeting of Electors held on 3 December 2007, Council actively seeks assistance from the State Government and the WA Local Government Association in its effort to control Geraldton Carnation Weed;
- 3** in relation to Motion 3 raised at the Annual General Meeting of Electors held on 3 December 2007, Council:
  - (a)** DOES NOT re-establish the Wheeled Sports Committee;
  - (b)** NOTES that in the development of a master plan for the Edgewater Quarry site, the City will undertake extensive community consultation, which would include groups previously represented by the Wheeled Sports Committee;
- 4** in relation to Motion 4 raised at the Annual General Meeting of Electors held on 3 December 2007, Council NOTES that the advertising for Amendment 36 and the draft Short Stay Accommodation Policy was extended for a further period of 4 weeks;
- 5** in relation to Motion 5 raised at the Annual General Meeting of Electors held on 3 December 2007:
  - (a)** Council DOES NOT revoke its resolution of June 2007 in relation to the recovery of costs from the Mullaloo Progress Association as suggested in Part 2 of the motion;
  - (b)** the mover and/or seconder of the motion approach an appropriate local government oversight body, as indicated in Part 3 of the motion, if it is believed that responsibilities have not been carried out appropriately;
- 6** in relation to Motion 6 raised at the Annual General Meeting of Electors held on 3 December 2007, Council RETAINS its current position in relation to paid parking;
- 7** in relation to Motion 7 raised at the Annual General Meeting of Electors held on 3 December 2007, Council SUPPORTS contact being made with the Department of Education and Training to explore the option of its relocation to Joondalup;

- 8** in relation to Motion 8 raised at the Annual General Meeting of Electors held on 3 December 2007, Council NOTES that the application of the parking standard and exercise of discretion are appropriately recorded, and that decisions are available for review.

## **ITEM 9                      FUNDING SUPPORT FOR THE SMALL BUSINESS CENTRE (NORTH WEST METRO) INC. - [03082]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE**

To consider funding support for the Small Business Centre (North West Metro) Inc.

### **EXECUTIVE SUMMARY**

The Small Business Centre (SBC), in line with Council's resolution from its meeting held on 27 February 2007, is seeking funding support from Council for the current financial year (2007/08) and for two subsequent financial years (2008/09 and 2009/10). As required by Council, the SBC has submitted a three-year Business Plan, which outlines the services to be provided by the SBC, a framework for delivery, service targets and a financial plan. Furthermore an annual review of performance over the 2006/07 financial year has also been provided.

The Business Plan outlines the following expected outcomes for the three-year period that demonstrates the value of the Centre to the City and the North West region:

- 3345 small businesses will be supported by the Centre (made up of 1391 new business interviews, 300 existing business interviews and 1654 casual enquiries)
- 394 new businesses will commence operations following input from the SBC
- 523 full-time jobs will be created in the region
- 189 part-time jobs will be created in the region

The Business Plan builds on the previous Business Plan for the 2006/07 financial year. Some additional key themes include:

- Increased emphasis on providing and promoting services to support existing small businesses.
- The development and implementation of a comprehensive marketing campaign to raise awareness of the Centre
- Continued management of stakeholder relationships and collaborative partnerships, particularly with the Cities of Joondalup and Wanneroo.

For the 2007/08 financial year, the SBC is expecting support from the Cities of Joondalup and Wanneroo as well as the Small Business Development Corporation. The total funding is calculated at approximately \$238,000. The funding sought from the City for this financial year is \$56,925. This level of funding is also requested for the following financial years, with an allowance for inflation.

The City of Wanneroo Administration has indicated they have budgeted \$55,000 to support SBC in the 2007/08 financial year. As a result any funding support they recommend to the Wanneroo Council will not exceed this amount. To ensure uniformity in funding support it is appropriate that the City's contribution equals that of the City of Wanneroo.

## BACKGROUND

At its meeting of 27 February 2007, under item CJ005-02/07 Funding Support for the Small Business Centre (North West Metro) Inc, Council resolved as follows:

- “1 *ENDORSES the Small Business Centre Business Plan (Financial Year 2006 – 2007) submitted by the Small Business Centre (North West Metro) Inc forming Attachment 1 to Report CJ005-02/07;*
- 2 *AGREES to contribute \$55,000 to the Small Business Centre (North West Metro) Inc. for Financial Year 2006/2007 to support small business development within the City of Joondalup;*
- 3 *REQUIRES the Small Business Centre (North West Metro) Inc. to undertake a review of its achievements against the Business Plan (Financial Year 2006 – 2007) prior to funding the Financial Year 2007 – 2008 request;*
- 4 *NOTES the funding model included in the Business Plan and the Small Business Centre’s expectation that the Cities of Joondalup and Wanneroo will provide on-going funding support;*
- 5 *REQUESTS the Small Business Centre (North West Metro) Inc. submit a subsequent three-year Business Plan encompassing the 2007-2008, 2008-2009 and 2009-2010 Financial Years before further funding is considered.”*

In light of these resolutions, the SBC is now seeking funding support from Council for the current financial year (2007/08) and for two subsequent financial years (2008/09 and 2009/10). In line with this, an annual review of performance over the 2006/07 financial year (see attachment 1) has been submitted by the SBC, along with a three-year Business Plan, to support the request for funding (see attachment 2). The Business Plan outlines the services to be provided by the SBC, a framework for delivery, service targets and a financial plan.

## DETAILS

### Issues and options considered:

Over the last 18 months, the SBC has continued to grow a quality support service to small businesses in the Cities of Joondalup and Wanneroo. The annual report submitted for the period 2006/07 financial year estimates that the SBC has helped to develop an estimated 190 new business start-ups in the North-West Metro region, which in turn has led to approximately 273 full time jobs and 111 part-time jobs being created<sup>1</sup>. In addition, workshops held by the Centre have supported an estimated 104 participants.

During the year, the SBC has worked in close cooperation with the City’s Administration to exchange information and to promote awareness of each organisation’s support programs. This has helped both parties to maximise the value of their economic development services. The co-location of the Joondalup facilitator with the Joondalup Business Association has also been a significant factor in the positive outcomes achieved for the year and enables easy client referrals.

The SBC Business Plan for 2007 to 2010 builds on the previous Business Plan to outline a basis for the continued delivery of quality support services to the small business community in the North West Metro region. The core services of the SBC will continue to focus upon supporting and facilitating small business development on a free-of-charge basis. As

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<sup>1</sup> Note that the SBC has indicated that these figures are approximate and may include some inaccuracies.

outlined in the Business Plan, this will be achieved by assisting new and existing small businesses in the following ways:

- Practical business assistance;
- Business planning information;
- Commercial sources of finance;
- Marketing information;
- Problem solving;
- Referral to a range of specialist professional advisors, in areas such as accounting, legal, insurance and marketing;
- Technical assistance and product development information and guidance;
- Assistance with Government legislation and acts, regulations and their requirements and information services;
- Research and development; and
- Support after business start-up.

As part of its core services, the SBC will continue to deliver appropriate training, business skills and professional development courses for local business owners to increase their likelihood of success. Some additional themes outlined in the new Business Plan include:

- Increased emphasis on providing and promoting services to support existing small businesses,
- The development and implementation of a comprehensive marketing campaign to raise awareness of the Centre,
- Maintaining existing outreach services in Clarkson and Brighton, as well as increasing outreach services to developing areas of Wanneroo such as Yanchep and Two Rocks,
- Diversification of funding sources, to include land developer contributions, to support the growth of the Centre, and
- Continued management of stakeholder relationships and collaborative partnerships, particularly with the Cities of Joondalup and Wanneroo.

The Business Plan outlines the following expected outcomes for the three-year period that demonstrate the value of the Centre to the City and the North West Metro region:

- 3345 small businesses will be supported by the Centre (made up of 1391 new business interviews, 300 existing business interviews and 1654 casual enquiries),
- 394 new businesses will commence operations following support from the SBC,
- 523 full-time jobs will be created in the region, and
- 189 part-time jobs will be created in the region.

The Business Plan highlights that services will be provided on an equitable basis between the Cities of Joondalup and Wanneroo. The SBC services will continue to be delivered to the North West Metro region through offices in Enterprise House (Wanneroo) and Lakeside Drive (Joondalup). Funding from the City enables Joondalup to have its own dedicated full-time facilitator.

The delay in submitting the Business Plan for this financial year has been caused primarily by a changeover in management of the SBC and the need to implement feedback from the on-going discussions with the City and other stakeholders. Following this feedback the plan is subsequently aligned more closely to the expectations of the City's Administration.

**Link to Strategic Plan:**

The support of the SBC aligns to the City's Strategic Plan. In particular, the City Development Key Focus Area Objective, 3.5 is "To provide and maintain sustainable economic development". The SBC, under the terms of its Business Plan, aligns to the following strategy within this objective:

- Develop partnerships with stakeholders to foster business development opportunities.

The support for the SBC also aligns to the City's recently adopted Economic Development Plan. In particular, Objective 1.2 is "To identify opportunities for industry development within the City's growth and emerging industries".

**Legislation – Statutory Provisions:**

Nil.

**Risk Management considerations:**

The City has representation on the board of management for the SBC and is able to monitor its operation accordingly. Representatives from the City's Administration will also meet regularly with SBC facilitators to provide guidance and assistance where practicable.

**Financial/Budget Implications:**

The City has \$57,750 listed in the approved Council Budget for 2007/08 under:

|                       |   |
|-----------------------|---|
| <b>Account No:</b>    | 1-2220-5399-0001-F402                   |
| <b>Budget Item:</b>   | Small Business Centre Funding Agreement |
| <b>Budget Amount:</b> | \$57,750                                |
| <b>YTD Amount:</b>    | \$0                                     |
| <b>Actual Cost:</b>   | \$0                                     |

For the 2007/08 financial year, the SBC is expecting support from the Cities of Wanneroo and Joondalup as well as the Small Business Development Corporation. The total funding is calculated at approximately \$238,000. In line with the three-year Business Plan, the SBC expects to receive on-going funding support in future years, subject to an annual review of performance. This is also inline with Council's 2007 resolution.

The SBC is seeking funding support of \$56,925 in the 2007/08 financial year with the following two years increased to account for inflation. The Business Plan has forecasted these amounts assuming a 4% rate of inflation. This would make the 2008/09 and 2009/10 contributions \$59,202 and \$61,570 respectively.

The City of Wanneroo Administration has indicated they have budgeted \$55,000 to support SBC in the 2007/08 financial year. As a result any funding support they recommend to the Wanneroo Council will not exceed this amount. To ensure uniformity in funding support it is appropriate that the City's contribution equals that of the City of Wanneroo.

**Policy Implications:**

Nil.

**Regional Significance:**

The service represents a strategic partnership for the delivery of business support services for the North West Metropolitan region. By partnering with the City of Wanneroo and the State Government the City has been able to maximise the services available for small business across the region that will ultimately provide flow-on benefits for the whole community.

**Sustainability Implications:**

The business support service offered by the SBC enhances the economic sustainability of the region.

**Consultation:**

In accordance with the regional focus for the delivery of services from the SBC, the development of the Business Plan has needed to consider requirements of both the City of Joondalup and the City of Wanneroo. The SBC has proactively sought feedback from both Cities in relation to the development of the plan. Furthermore, the City of Joondalup's Administration has closely consulted with the City of Wanneroo to ensure feedback provided to the SBC was aligned.

**COMMENT**

The Business Plan submitted by the SBC represents a sound basis for the delivery of a quality support service for the small business community in the North West Metro Region. By delivering against this Business Plan, the SBC will help to increase the success of small businesses in the region and increase opportunities for local employment.

According to recent business counts released by the Australian Bureau of Statistics<sup>2</sup>, there are an estimated 11,601 actively trading businesses in the City of Joondalup. It is estimated that 90% of these are micro businesses that are either non-employing or employ less than 5 people. With the current low levels of employment self-sufficiency in the region, it is considered critical that the City supports initiatives that can help to increase local employment opportunities. Greater emphasis on supporting existing small businesses was a particular requirement of the City's Administration in order to maximise employment growth from these micro businesses.

Given the financial contribution provided by the Small Business Development Corporation and the expected contribution by the City of Wanneroo, the operation of the Centre is considered good value for the City. The three-year Business Plan also provides a solid framework for the City to ensure the appropriate expenditure of Council funds. This includes a series of performance measures that quantifies the value of the services being delivered.

By having a fulltime facilitator based in Joondalup City Centre, co-located with the Joondalup Business Association, the Centre is ideally positioned to support local small businesses across the whole City. The Centre has also identified the need to target services in the City's southern areas with particular attention to Hillarys Marina along with the Warwick and Whitford District Centres. In addition, the Centre already offers outreach services in Clarkson and Brighton and has committed to extending them to Yanchep and Two Rocks, as the opportunity and resources become available. Inline with this, the SBC has committed to seek further funding from other sources, such as land developers, to support its expansion.

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<sup>2</sup> Covers actively trading businesses based upon ABN

From a strategic perspective, the plan ensures strategic links to the City's own economic development activities. As a 'finger on the pulse' for small business development, the City's Administration considers it important to capture and leverage knowledge from the SBC to inform key plans such as the City's Economic Development Plan. A key commitment made by the SBC in the Business Plan is to continue regular meetings with economic development representatives from both Cities to facilitate knowledge exchange and to review and improve service quality. Part of this will be achieved through the SBC's commitment to providing on-going reporting statistics that will enable the City to measure, both quantitatively and qualitatively, the support the SBC provides to small businesses in the region and the nature and extent of demand for services. These statistics go beyond the traditional reporting statistics required by the Small Business Development Corporation to include metrics relating to industry classifications, business continuity, and client feedback results. The Annual Report provided by the SBC for the 2006/07 financial year shows how this information is starting to be measured more effectively. This will continue to be developed over the coming months.

The Business Plan also provides for a coordinated marketing strategy to ensure the activities and services of the Centre are positioned and promoted in a complementary fashion to the City's own economic development services. The aim is to ensure business services are clearly and efficiently promoted to the local business community. This includes each organisation providing cross-promotional opportunities. This approach was captured by City's Economic Development Plan (Strategy 1.2.9), which states:

*"Investigate (and development if feasible) a 'meta-brand' in partnership with relevant stakeholders used to promote business related services. The 'meta-brand' would attempt to coordinate promotion conducted to reach the business community and thereby reduce duplication and improve the efficiency of marketing efforts of all stakeholders."*

## **ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment 1 | Small Business Centre Annual Report 2006/07.                      |
| Attachment 2 | Small Business Centre Business Plan (1 July 2007 – 30 June 2010). |

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 NOTES the Annual Report submitted by the Small Business Centre (North West Metro) Inc. for the financial year July 2006 to June 2007;**
- 2 ENDORSES the Small Business Centre Business Plan (1 July 2007 – 30 June 2010) submitted by the Small Business Centre (North West Metro) Inc forming Attachment 2 to this Report;**
- 3 AGREES to contribute \$55,000 net GST to the Small Business Centre (North West Metro) Inc. for the 2007/08 financial year to support small business development within the City of Joondalup;**
- 4 REQUIRES the Small Business Centre (North West Metro) Inc. to submit annual reviews of its achievements against the Business Plan for the 2007/08, 2008/09 and 2009/10 financial years;**

- 5** **AGREES to contribute funding to the Small Business Centre (North West Metro) Inc. for the 2008/09 and 2009/10 financial years SUBJECT to an annual review to the Chief Executive Officer's satisfaction. Assuming satisfaction the funding for 2008/09 will be \$55,000 net GST plus CPI (for 2007/08) and for 2009/10 will be the 2008/09 amount plus CPI (for 2008/09).**

*Appendix 17 refers*

*To access this attachment on electronic document, click here: [Attach17brf120208.pdf](#)*

## **ITEM 10                      QUARTERLY PROGRESS REPORT FOR THE PERIOD 1 OCTOBER - 31 DECEMBER 2007 - [20560]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE**

To present the Annual Plan 2007-2008 Quarterly Progress Report for the period 1 October – 31 December 2007.

### **EXECUTIVE SUMMARY**

The Annual Plan details the priorities for the 2007-2008 financial year, and the Quarterly Progress Report provides information on the progress of projects and programs completed within the October to December quarter of the Annual Plan.

It is recommended that Council RECEIVES the Annual Plan 2007-2008 Quarterly Progress Report for the period 1 October – 31 December 2007, shown as Attachment 1 to this report.

### **BACKGROUND**

The City's Corporate Reporting Framework, endorsed by Council at its meeting of 14 December 2004, requires the development of an Annual Plan and the provision of reports against the Annual Plan on a quarterly basis. (Item CJ307-12/04 refers)

### **DETAILS**

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

The Annual Plan contains a brief description of the key projects and programs that the City intends to deliver in the 2007-2008 financial year. Milestones are set for the key projects and programs to be delivered in each quarter.

The Quarterly Progress Report provides information on progress against the milestones and a commentary is provided against each milestone to provide further information on progress, or to provide an explanation where the milestone has not been achieved.

The milestones being reported this quarter are the shaded sections of Attachment 1.

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

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

|                |  |
|----------------|--|
| Outcome:       | The City is a sustainable and accountable business.                      |
| Objective 4.1  | To manage the business in a responsible and accountable manner.          |
| Strategy 4.1.2 | Develop a corporate reporting framework based on sustainable indicators. |

**Legislation – Statutory Provisions:**

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

*This Act is intended to result in:*

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

**Risk Management considerations:**

The quarterly progress reports against the Annual Plan provide a mechanism for tracking progress against milestones for major projects and programs.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

In accordance with Policy 8-6, Communications, the Council recognises and acknowledges the importance of consistent, clear communications and access to information for its stakeholders.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**Consultation:**

Not Applicable.

**COMMENT**

Elected Members receive regular reports against the Capital Works Program which supplement the information contained in the Annual Plan Quarterly Progress Report.

**ATTACHMENTS**

Attachment 1: Annual Plan Quarterly Progress Report for the period 1 October – 31 December 2007.

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council RECEIVES the final Annual Plan Quarterly Progress Report for the period 1 October 2007 – 31 December 2007 forming Attachment 1 to this Report.**

*Appendix 22 refers*

*To access this attachment on electronic document, click here: [Attach22brf120208.pdf](#)*

## **ITEM 11                      PROPOSED YELLAGONA REGIONAL PARK ENVIRONMENT CENTRE – [60510]**

**WARD:** All

**RESPONSIBLE DIRECTOR:** Mr Ian Cowie  
Governance and Strategy

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### **PURPOSE/ EXECUTIVE SUMMARY**

To provide the Council with an overview of the Yellagonga Regional Park Environment Centre Feasibility Study public consultation process and outcomes as well as the responses received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment.

Taking into consideration the comments, issues and concerns arising from the public consultation process and the feedback from the State and Federal Governments, recommendations are made for furthering the development of the proposed Yellagonga Regional Park Environment Centre.

### **BACKGROUND**

The City of Joondalup and the City of Wanneroo have formed a partnership to undertake a feasibility study for an Environment Centre within the Yellagonga Regional Park. A detailed background to this project is provided in Attachment 1.

The feasibility study was concluded in February 2007 and the final draft report was presented to both Councils in March 2007. Each Council resolved inter alia to:

*“APPROVE the draft Yellagonga Environment Centre Feasibility Study to be released for broad public consultation for a period of 6 weeks”.*

On 19 June 2007, a report was presented to Council on the outcomes of the public consultation process with regard to the feasibility study for an Environment Centre within the Yellagonga Regional Park. At that meeting it was resolved:

*“That consideration of Yellagonga Regional Park Environment Centre Feasibility Study – Presentation of Public Submissions be DEFERRED pending feedback from State and Federal Governments on their preferred site location and an indication of funding opportunities”.*

After receiving feedback from the State and Federal Governments a report presenting the public submissions from the public consultation process as well as the responses received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment went to the City of Joondalup and the City of Wanneroo November 2007 Council meetings.

The City of Wanneroo decided to:

*“ADVISE the City of Joondalup that the City is fully committed in its five-year forward budget and to date has made no allowance for this project. Accordingly, it is not prepared to proceed until such time as sufficient alternative funding sources have been identified to contribute towards the capital cost of the project”.*

The City of Joondalup Council decided to defer the report to the February 2008 Council meeting for further discussion.

## **DETAILS**

At its meeting on 27 March 2007, Council resolved that the Feasibility Study report be advertised for public comment for a period of 6 weeks. (CJ041 – 03/07 refers).

Calls for public submissions were advertised in the local community news, an online submission facility was made available on the City of Joondalup website and letters were sent to directly affected residents living in close proximity to the proposed sites. Hard copies of the study were also made available at all library facilities, customer service centres and administration buildings throughout both the Cities of Wanneroo and Joondalup.

Public submissions closed on 9 May 2007 and the report, which provides an analysis of the submissions received, is shown as Attachment 2 to this report. Details of individual submissions are shown in Attachment 3. The submissions were analysed by independent consultants to ensure objectivity in the qualitative analysis of all the public submissions received.

In summary a total of 45 independent submissions were received. In the analysis these were divided between positive and negative comments. Twenty-five respondents were classified as positive while 18 were classified as negative. One submission was classified as a mixture of positive and negative comments. The final submission was not classified as the respondent was referring to the previous steering committee report.

It should be noted that one of the negative submissions provided a petition with 31 names strongly opposing the site at Reserve 43290 (formerly known as Lot 1). Four of the signatories to this petition also submitted individual responses making for 27 unique signatories. Three respondents provided multiple submissions.

Submissions were invited from residents of both the City of Joondalup and the City of Wanneroo with 29 submissions being received from City of Joondalup residents, 13 from City of Wanneroo residents, one respondent reported paying rates to both Cities and one response was from the National Trust. It was not possible to categorise one submission, as an address was not provided.

The key comments and issues raised from the submissions are summarised as follows:

### Summary of Reasons for Support:

- The predominant reasons given for supporting the proposed Environment Centre could be attributed to the perceived educational benefits such a facility would provide including:
  - As an attractor for people visiting the Yellagonga Regional Park to learn about the native flora and fauna.

- As a place where school children (and others) could learn about the cultural and indigenous heritage of the region.
- As a model for addressing environmental issues in a demonstrably unique and fragile environment.
- Positive reference was made to the environmental centres at Herdsman Lake and Piney Lake and the benefit they provided to the local communities.
- The proposed Environment Centre was viewed as an asset that would provide a benefit to the local community by enhancing the existing park.
- Existing facilities would be enhanced by the inclusion of an Environment Centre.
- Proper development of the area would result in a decrease in anti-social behaviour.
- Several submissions indicated their general support for the concept. These respondents provided no concrete reason for providing positive support, although several did provide comments along the lines of “*we are pleased that the Centre is finally being built*” and “*the community has waited a long time for this project and now is the time to move forward.*”

#### Summary of Reasons for Non-Support:

- Increased traffic was one of the most common reasons for not supporting the development at Reserve 43290 (formerly known as Lot 1). Eight submissions mention the issue of traffic conditions and the subsequent increase in noise and disturbance to the wildlife.
- An expectation that traffic would increase due to the hospital expansion was expressed and this would only be compounded by the proposed development.
- There were negative references to Neil Hawkins Park with regards to vandalism, car hooning, graffiti and general anti-social behaviour. Several respondents noted that they expected the same “*drug users and hoons*” to avail themselves of the proposed facilities. Mention was also made of the provision of “*a public use area for mischief making*” by people and the effect the increased litter would have on natural wildlife.
- Some respondents felt the development will interfere with the natural flora and fauna of the A class reserve.
- There was a view that property value would decrease.
- A long term nearby resident felt that “*our beautiful view (which was the main reason for purchasing our block) of the lake, bushland and native flora and fauna would be replaced by concrete, car parks and buildings*”.
- Other respondents noted that it was important to maintain the natural bush setting and landscape and that building an Environment Centre could negatively impact on that amenity.
- The financial viability and sustainability of the proposed Centre was questioned by nine submissions. The feasibility study financial projections were questioned as being too low. Reference to the Herdsman Environment Centre as not being self-sustaining was used as an example of the potential outcome for the proposed development. This was seen as a potential drain on City resources.
- Some expressed concern that the support required from volunteers may not eventuate, causing a cost blow out of the estimates.

#### Response from the State and Federal Governments

In July 2007, letters were sent to both the Federal Minister for the Environment and Water Resources and the State Minister for the Environment requesting feedback on their preferred site location and an indication of funding opportunities.

Responses have now been received from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment (Attachments 4 and 5 refer).

The Federal Minister does not indicate whether he has a preference for Lot 1 or Scenic Drive and indicates some sources for grant money.

Similarly, the State Minister does not indicate a preference but suggests “the final location be supported by the local community”. (Ostensibly this means Lot 1 which did receive community support). The State Minister’s letter also notes that there is no funding currently available for the construction of a centre. However, it also indicates that the Government would work with the City in this regard.

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

Each submission received, as part of the public consultation process, has been summarised in the Table shown as Attachment 3 to this report. Where appropriate, officer’s comments have been provided to expand further on some of the issues raised. Most issues, which concern environmental impact, traffic impact, noise, antisocial behaviour and financial viability, can be addressed during the further development of the concept.

It should be noted that Joondalup Drive is a district distributor A class road and that Lakeside Drive is a district distributor B class road. Both roads were designed to take high traffic volumes given the growth that was predicted would occur within the Joondalup City centre.

Both the Federal Minister for the Environment and Water Resources and the State Minister for the Environment provided general support for the concept of an Environment Centre within Yellagonga Regional Park.

Council has the following options in relation to the proposed Environment Centre: -

- 1 To support the development of a detailed concept design and business plan for an Environment Centre at Reserve 43290 (formerly known as Lot 1).
- 2 To support the development of a detailed concept design and business plan for an Environment Centre at Scenic Drive Wanneroo.
- 3 Not to pursue the development of an Environment Centre within the Yellagonga Regional Park at this stage.
- 4 To undertake further consultation to look at other options that may have not been considered to date.

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

The undertaking of a feasibility study for an Environment Centre links to the City of Joondalup Strategic Plan 2003-2008 under the following areas:

#### *Community Well Being - The City of Joondalup is a cultural centre*

- 1.2 *To meet the cultural needs and values of the community*
  - 1.2.1 *Continue to enhance and create new cultural activities and events*
  - 1.2.2 *Create cultural facilities*

#### *Caring for the Environment - The City of Joondalup is environmentally responsible in its activities*

- 2.1 *To plan and manage our natural resources to ensure environmental sustainability*
  - 2.1.1 *Maintain and protect natural assets to retain biodiversity*

#### *Organisational Development - The City of Joondalup is an interactive community*

- 4.3 *To ensure the City responds to and communicates with the community*
  - 4.3.1 *Provide effective and clear community consultation.*

**Legislation – Statutory Provisions:**

Land Tenure and uses – Either site if selected will need approval from the Western Australian Planning Commission (WAPC) before any development can proceed.

**1. Reserve 43290 (formerly known as Lot 1)**

This site is currently vested in the Conservation Commission of WA. It is zoned recreational use in the Yellagonga Regional Park Management Plan, is a Class A reserve as per Section 5 of the CALM Act.

It is recommended that in order for development of an Environment Centre to occur on this site, the process of vesting the reserve (or part of the reserve) commence to allow for the proposed uses, namely environmental education, research and associated services. The City should also be given the power to lease on this site.

Enacting this vesting will require legislative change through State Parliament. This process may take up to 2 years to enact and will be initiated by the City of Joondalup Council resolving to request the Department of Environment and Conservation (DEC) to commence the legislative change process.

**2. Scenic Drive**

The Scenic Drive site is located on several parcels of land all vested in the City of Wanneroo under a management order. This order is currently waiting to be approved by the Council. The area is currently zoned for Sport and Recreation in the Yellagonga Regional Park Management Plan. The City would need to seek 'power to lease' authority under its management order to accommodate the concept of an Environment Centre facility. In addition the island is currently owned freehold by the WAPC and managed by DEC. DEC would need to agree to locate a boardwalk in the area to give access to the island. The Conservation Commission would also need to be consulted on this aspect.

**Risk Management considerations:**

A number of risks have been identified that may need mitigation should the project be supported to the next stage of development. These include:

- Potential opposition from local residents not wishing any development to be undertaken in the regional park;
- Potential to impact on cultural sensitivities with the Nyoongar people relating to the site that will be selected for development;
- Potential for competition from the National Trust's redevelopment of Luisini's Winery;
- Potential to raise community expectations without secured funding or commitment for the establishment of the Environment Centre;
- Potential conflict over the preferred location of the Centre;
- Potential for future external grant assistance to achieve the next stage of the project is unknown.

**Financial/Budget Implications:**

The feasibility study contains detailed costings for the design and construction stages for an Environment Centre.

It should be noted that with respect to the development of the site at Reserve 43290 (formerly known as Lot 1), the feasibility study suggests that the Centre is projected to run at an operating loss for the first five years of its operation as follows: -

| Year 1    | Year 2    | Year 3     | Year 4    | Year 5    |
|-----------|-----------|------------|-----------|-----------|
| -\$47,250 | -\$73,500 | -\$115,800 | -\$48,600 | -\$43,000 |

Detailed design work and a business plan will be necessary to refine the financial costs associated with this project.

The City has budgeted \$50,000 for progressing the Environment Centre this year.

**Policy Implications:**

Not Applicable

**Regional Significance:**

The Yellagonga Regional Park is by nature a strategic regional natural asset for the two Cities and the State of Western Australia. It is imperative that the Yellagonga Regional Park wetlands are managed effectively and protected. The development of an Environment Centre is in keeping with the Yellagonga Regional Park Management Plan 2003-2013 and to this end the development of an Environment Centre has immense regional significance. The project represents an important demonstration of cross local government cooperation and participation.

**Sustainability Implications:**

An Environment Centre would be designed to enhance sustainability of the wetlands by providing ongoing education, care and monitoring processes.

**Consultation:**

This report explains the outcomes of the recent consultation and feedback received from the State and Federal Governments.

Should Option 4 be chosen, further consultation with stakeholders and interested parties will occur. Given the significant interest and concerns of adjoining land owners to the proposed site, it would be appropriate to engage with the residents should a more detailed concept design be developed to ensure their concerns are taken into account and mitigated where reasonable.

**COMMENT**

In determining the way forward on this project, Council needs to be mindful that, while generally supportive, there has been no actual commitment to make a capital contribution from the other spheres of government. Further, the feasibility study indicates that the Centre is likely to make an operating loss over its first five years. In light of these circumstances, further investigation appears appropriate to determine whether the Centre concept could be made more self-sufficient. This requires further consultation and, consequently, option 4 which reflects this approach is recommended.

**ATTACHMENTS**

|              |  |
|--------------|--|
| Attachment 1 | Background to the Yellagonga Regional Park Environment Centre Feasibility Study  |
| Attachment 2 | Report: A Qualitative Evaluation of Resident Responses to the Proposed Yellagonga Environment Centre Feasibility Study |
| Attachment 3 | Summary Table of Resident Submissions and Officer Comments   |
| Attachment 4 | Letter from Federal Minister for the Environment and Water Resources, Mr Malcolm Turnbull                              |
| Attachment 5 | Letter from State Minister for the Environment, Mr David Templeman MLA   |
| Attachment 6 | Map of Lot 1 (proposed Environment Centre site)  |

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council:**

- 1 NOTES the comments, issues and concerns being raised from the public, shown as Attachments 2 and 3 to Report CJ232-11/07;**
- 2 NOTES the responses from the Federal Minister for the Environment and Water Resources and the State Minister for the Environment, forming Attachments 4 and 5 to Report CJ232-11/07;**
- 3 SUPPORTS option 4 and seeks further consultation with stakeholders on what should be provided at a Centre, whether the suggestions would increase viability and alternative approaches to financing construction;**
- 4 NOTES that further consultation, particularly with residents adjoining the proposed site, be undertaken should a more detailed concept design be developed.**

*Appendix 25 refers*

To access this attachment on electronic document, click here: [Attach25brf120208.pdf](#)

## ITEM 12                      **FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 30 NOVEMBER 2007 - [07882]**

**WARD:**                      All

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

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### **PURPOSE**

The November 2007 Financial Activity Statement is submitted to Council to be noted.

### **EXECUTIVE SUMMARY**

The November 2007 year-to-date report shows an overall increase in budgeted surplus from operations and capital of \$3,183K when compared to the 2007-2008 approved budget (JSC01-07/07).

This variance can be analysed as follows:

- The **Operating** surplus at the end of November 2007 is \$1,496K above budget, comprising lower Revenue of \$(160)K, offset by a saving in operating expenditure of \$1,655K.

Revenue variances arose from a \$(447)K shortfall in the budgeted Profit on Disposal as a result of the delayed sale of land at Kinross and lower \$(197)K Interest Earnings on investments. There were \$355K additional Fees & Charges, plus rebates from the LGIS Self-Insurance Scheme of \$114K and various other reimbursements of rates, legal fees and utility Charges which partly offset the shortfalls.

Expenditure savings arose principally from lower Materials and Contracts expenditure and Utilities which offset higher depreciation cost.

- **Capital Expenditure** is \$1,429K below the year to date budget of \$5,919K. The favourable variance relates mainly to lower than expected expenditure on the Joondalup Works Depot project \$308K, Ocean Reef Development delayed expenditure of \$300K, various Capital Works projects \$237K and delayed vehicle replacement of \$144K.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 30 November 2007.*

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

The Financial Activity Statement for the period ended 30 November 2007 is appended as Attachment A.

**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 29 April to 29 May 2006.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

## **ATTACHMENTS**

Attachment A            Financial Activity Statement for the period ended 30 November 2007.

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 30 November 2007.**

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf120208.pdf](#)*

## ITEM 13 LIST OF PAYMENTS MADE DURING THE MONTH OF DECEMBER 2007 - [09882]

**WARD:** All

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

### PURPOSE

To present to Council the list of accounts paid under the CEO's delegated authority during the month of December 2007 to note.

### EXECUTIVE SUMMARY

This report presents the list of payments made under delegated authority during the month of December 2007, totalling \$10,935,089.60.

It is recommended that Council NOTES the CEO's list of accounts for December 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations in Attachments A, B and C to this Report, totalling \$10,935,089.60

### 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 December 2007. Lists detailing the payments made are appended as Attachments A and B. The vouchers for the month are appended as Attachment C.

| FUNDS             | DETAILS  | AMOUNT          |
|-------------------|--|-----------------|
| Municipal Account | <b>Cheques</b> 80397 - 80601<br>and EFT 14239 - 14628<br>Net of cancelled payments | \$7,430,520.14  |
|                   | <b>Vouchers</b> 347A – 348A &<br>350A – 356A                                       | \$3,478,849.76  |
| Trust Account     | <b>Cheques</b> 201784 - 201853<br>Net of cancelled payments                        | \$25,719.70     |
| <b>Total</b>      |  | \$10,935,089.60 |

**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 authority 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 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 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 2006/07-2009/10 which was available for public comment from 29 April 2006 to 29 June 2006 with an invitation for submissions in relation to the plan.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is in accordance with the 2007/8 Annual Budget as adopted by Council at its meeting of 3 July 2007 or has been authorised in advance by Council where applicable.

**ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment A | CEO's Delegated Municipal Payment List for the month of December 2007 |
| Attachment B | CEO's Delegated Trust Payment List for the month of December 2007     |
| Attachment C | Municipal and Trust Fund Vouchers for the month of December 2007      |

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council NOTES the CEO's list of accounts for December 2007 paid under delegated authority in accordance with regulation 13 (1) of the Local Government (Financial Management) Regulations 1996 forming Attachments A, B and C to this Report, totalling \$10,935,089.60**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf120208.pdf](#)*

## ITEM 14 FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 31 DECEMBER 2007 - [07882]

**WARD:** All

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

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### PURPOSE

The December 2007 Financial Activity Statement is submitted to Council to be noted.

### EXECUTIVE SUMMARY

The December 2007 year to date report shows an overall increase in budgeted surplus from operations and capital of \$6,550K when compared to the 2007-2008 approved budget (JSC01-07/07).

This variance can be summarised as follows:

- The **Operating** surplus at the end of December 2007 is \$2,007K above budget, comprising higher Revenue of \$19K and savings in operating expenditure of \$1,988K.

Revenue variances arose from a \$(561)K shortfall in the budgeted Profit on Disposal mainly as a result of the delayed sale of land at Kinross. There was additional revenue of \$232K for Fees & Charges, \$132K for Rates, \$123K unbudgeted Grant for the Eco Business Program plus other reimbursements as detailed in the attached notes.

Expenditure savings arose principally from lower Materials and Contracts expenditure and Employee Costs partially offset by higher depreciation cost.

- **Capital Expenditure** is \$4,311K below the year to date budget of \$9,629K. The variance relates mainly to lower than expected expenditure on the Fee Paid Car Parking \$1145k, Joondalup Works Depot project \$858K, Ocean Reef Development delayed expenditure of \$600K, other various Capital Works projects \$469K and delayed vehicle replacement of \$620K.

*It is recommended that Council NOTES the Financial Activity Statement for the period ended 31 December 2007.*

### 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

#### Issues and options considered:

The Financial Activity Statement for the period ended 31 December 2007 is appended as Attachment A.

**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 29 April to 29 May 2006.

**COMMENT**

All expenditures included in the Financial Activity Statement are incurred in accordance with the adopted 2007/08 Annual Budget or have been authorised in advance by Council where applicable.

**ATTACHMENTS**

Attachment A                      Financial Activity Statement for the period ended 31 December 2007.

## **VOTING REQUIREMENTS**

Simple Majority

## **RECOMMENDATION**

**That Council NOTES the Financial Activity Statement for the period ended 31 December 2007.**

*Appendix 12 refers*

*To access this attachment on electronic document, click here: [Attach11brf120208.pdf](#)*

## **ITEM 15                    HYDROTHERMAL WEED CONTROL TRIAL - [01575]**

**WARD:** All

**RESPONSIBLE  
DIRECTOR:** Mr Dave Djulbic  
Infrastructure Services

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### **PURPOSE**

To provide Council with a more detailed report on the likely cost implications of a 12-month trial of hydrothermal weed control (hot water/steam).

### **EXECUTIVE SUMMARY**

The trial of the hydrothermal method of weed treatment would provide valuable data for the City of Joondalup and would assist in the ongoing treatment and control of weeds throughout the City. A proposal (see Attachment) for undertaking the trial has been submitted by John Banks and Graeme Sandral. This involves a comparison of hydrothermal treatments and herbicide, a combined hydrothermal and herbicide treatment and an unsprayed control treatment.

*It is recommended that Council LISTS FOR CONSIDERATION as a part of the 2007/08 half year budget review \$25,000 to undertake a 12-month trial of hydrothermal weed treatment as detailed in this Report.*

### **BACKGROUND**

Council at its meeting of 28 August 2007 resolved the following:

*“That Council:*

- 1        NOTES the independent “Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup” prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07;*
- 2        REFERS the report to the Conservation Advisory Committee and the Sustainability Advisory Committee for comment;*
- 3        RELEASES the independent “Report on Weed Control Using Hot Water / Steam and Herbicides in the City of Joondalup” prepared by John Banks and Graeme Sandral forming Attachment 1 to Report CJ170-08/07 for public comment for a period of at least 30 days;*
- 4        REQUESTS a more detailed report on the likely cost implications of a 12-month trial of thermal weed control (hot water/steam);*
- 5        REQUEST a detailed report on the cost of bringing all weed management back in-house for the City of Joondalup to have total control.*

## DETAILS

### Issues and options considered:

In order to undertake a suitable trial of hydrothermal weed control technology consideration has been given as to how to best conduct the trial and what locations may be suitable for both undertaking the trial and possibly for an on-going use of the technology.

The trial consists of a comparison of hydrothermal treatments, herbicide and an unsprayed control treatment and also includes a combined hydrothermal plus glyphosate treatment.

Aim: To compare the effectiveness of various weed control treatments and their costs.

Target area: Roadside curb and footpath

Treatments:

- 1) hydrothermal
- 2) hydrothermal + glyphosate
- 3) glyphosate
- 4) glyphosate + stomp
- 5) unsprayed control

The above treatments would be repeated within a number of streets and in different locations in order to compare the treatments. This would provide an opportunity to ensure that statistically valid data is recorded. This also provides the ability to compare a blend of hydrothermal and glyphosate treatments which may provide an alternative and an ability to consider a reduced herbicide regime.

The structure of the hydrothermal weed trial proposed by Banks and Sandral is designed to provide data that will have a reliability of 95% - 99%.

### Hot Foam Method

Consideration was also given to including the hot foam method of weed control and suppliers of the technology were contacted, unfortunately the City was unable to locate any contractors who undertake this process within Western Australia.

### Link to Strategic Plan:

Key Focus Area

Caring for the environment.

#### Outcomes

The City is environmentally responsible in its activities.

Objectives

To plan and manage the City's natural resources to ensure environmental sustainability.

#### Strategies

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

**Legislation – Statutory Provisions:**

Control of declared noxious weeds – Division 3, Section 42 – Agriculture and Related Resources Protection Act 1976.

The Australian Pesticides & Veterinary Medicines Authority is responsible for assessment, product registration, quality assurance and compliance of agricultural chemicals.

Herbicides are used in accordance with material safety data sheets and manufacturers guidelines.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The following cost estimates include the cost to the City to engage contractors to undertake the various treatment methods and also include the independent monitoring, assessment and reporting by Graeme Sandral, Plant Ecologist from University of Western Australia. Cost estimates are based upon previous assessments undertaken by Graeme Sandral.

Application of various treatments, recording and monitoring of weed control effectiveness and analysis and reporting of results, total estimated cost: \$25,000.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

Information was utilised from research undertaken by various organisations, discussion with other Councils and providers of suitable technologies

As a part of the process of considering an appropriate trial the City contacted Graeme Sandral, Plant Ecologist from the University of Western Australia for advice.

**COMMENT**

The trial of the hydrothermal method of weed treatment would provide valuable data for the City of Joondalup and would assist in the ongoing treatment and control of weeds through out the City.

**ATTACHMENTS**

Attachment 1                      Proposal for Hydrothermal and Chemical Weed Control Trial by John Banks and Graeme Sandral

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council LISTS FOR CONSIDERATION as a part of the 2007/08 half year budget review \$25,000 to undertake a 12-month trial of hydrothermal weed treatment as detailed in this Report.**

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf120208.pdf](#)*

## **ITEM 16 MULLIGAN DRIVE AND REILLY WAY INTERSECTION, GREENWOOD - [14100]**

**WARD:** South-East

**RESPONSIBLE DIRECTOR:** Mr Dave Djulbic  
Infrastructure Services

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### **PURPOSE**

To report on traffic safety issues raised by residents at the intersection of Mulligan Drive and Reilly Way, Greenwood.

### **EXECUTIVE SUMMARY**

At the Ordinary Council Meeting of 20 November 2007, Council requested a report in relation to a traffic issue raised by neighbouring residents of the intersection of Mulligan Drive and Reilly Way in Greenwood. This issue involved traffic driving on the wrong side of a median island on Mulligan Drive.

The City investigated a number of options to address this issue and consulted with the local residents directly affected. The results of this investigation and consultation favoured the installation of raised median islands at the intersection as shown in Attachment 1.

It is recommended that Council:

1. **ADOPTS** the proposed Traffic Management Scheme Concept as shown in Attachment 1;
2. **LISTS** the amount of \$35,000 for the proposed traffic management scheme for consideration as part of the 2007/08 Capital Works Budget half year review.

### **BACKGROUND**

At the Ordinary Meeting of Council held on 20 November 2007, Council resolved as follows:

*“That the City:*

- 1 *TAKES URGENT ACTION at the junction of Mulligan Drive and Reilly Way to make the junction safe;*
- 2 *CONSIDERS the option of making Mulligan Drive a straight-through road with Reilly Way meeting it as a T-junction;*
- 3 *CONSIDERS the option of closing the junction by making the northern section of Mulligan Drive a cul-de-sac;*
- 4 *CONSIDERS any other option that may be seen as appropriate;*
- 5 *CONSULTS with nearby residents regarding the preferred solution(s);*
- 6 *BRINGS the matters raised in clauses 1 to 5 above back to Council for consideration and a final decision.”*

Mulligan Drive and Reilly Way are both local roads forming a T-junction, Reilly Way terminating at this intersection. In 2006/07, the priority of this intersection was changed as part of a Local Area Traffic Management Program (approved as part of the East Greenwood Traffic Management Study in 1998) to deter through-traffic and reduce travel speeds. This priority change was carried out as part of the Mulligan Drive Traffic Management Scheme which included traffic islands, a pedestrian refuge island and a slow point along the length of the street, as shown on Attachment 2.

The location of the site is shown in Attachment 3, however it should be noted that this image shows the intersection prior to the installation of traffic treatments and the priority change.

The City has received correspondence from adjacent neighbouring residents since the completion of the modifications to this intersection. These concerns relate to northbound vehicles driving on the wrong side of the median island in Mulligan Drive when travelling through the intersection, as shown in Attachment 2.

In August 2007, the City installed traffic counters at this intersection in a configuration which allowed monitoring of the traffic movements. The counts indicated that up to 15 vehicle trips a day were made through the intersection onto the wrong side of this median island. It is possible that one or two persons are undertaking this illegal manoeuvre several times per day.

## **DETAILS**

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

Whilst the current roadway arrangement meets Austroads and Australian Standard requirements, a few drivers (up to 15 vehicle trips per day) have been driving illegally along the wrong side of a median island at this intersection, with total disregard for the Road Traffic Code. This has caused safety concerns for the local residents.

In order to address this situation and improve the safety of this intersection, several options were considered.

- 1 Reverting Mulligan Drive to a straight-through road with Reilly Way meeting as a T-junction. This would return the traffic to the same behaviour as before the present intersection treatment was undertaken, that is, high traffic speed and volume.
- 2 Closing the north section of Mulligan Drive to create a cul-de-sac. This may do nothing to stop the dangerous behaviour as these drivers may live within this proposed cul-de-sac. This could also inconvenience many residents using Mulligan Drive.
- 3 To install a round-about at this intersection would significantly affect the amenity of the adjacent residents as it would reduce the verge widths and would involve considerably higher cost, and would not necessarily reduce traffic speed in a local road environment.
- 4 To install median islands on the approaches to the intersection to restrict the opportunity to make the illegal right turn move.

Following from the investigation, it was concluded that Option 4 presented above and shown in Attachment 1, would be the best engineering option to better manage the traffic through this intersection and further deter drivers from the illegal and dangerous behaviour.

**Link to Strategic Plan:**

The consideration of traffic management measures is consistent with the following objectives and strategies from the City of Joondalup's Strategic Plan 2003-2008:

- 1.4.2 Contribute to the protection of human health
- 3.1 To develop and maintain the City of Joondalup's assets and built environment
- 4.1.3 Develop a risk management strategy
- 4.2 To provide quality services with the best use of resources.
- 4.3.3 Provide fair and transparent decision making processes.

**Legislation – Statutory Provisions:**

Nil.

**Risk Management considerations:**

Although there has been no reported crash history the present intersection treatment has only recently been installed and due to the persistent poor driver behaviour, there is potential for future incidences given the illegal and dangerous nature of this behaviour.

**Financial/Budget Implications:**

To be listed in future capital works program for consideration in 2007/08 budget half yearly review or as a priority for the 2008/09 budget. Estimated cost of proposed traffic management treatment is \$35,000 which includes drainage upgrades required due to the widening.

**Policy Implications:**

Nil.

**Regional Significance:**

Nil.

**Sustainability Implications:**

Nil.

**Consultation:**

A letter and plan of the proposed modifications were sent to the five residents adjacent to the intersection on 11 December 2007 to determine their views and opinions. As of 22 December 2007, all five residents had responded to the letter, of which 4 residents supported the proposal and one resident objected to the proposal. A summary of the responses is indicated in the following table:

| Property          | Decision | Comments   |
|-------------------|----------|--|
| 27 Reilly Way     | Object   | Considers a roundabout and speed humps would be a better solution and that drivers still speed and do burn outs at the intersection. |
| 68 Mulligan Drive | Support  | -  |
| 70 Mulligan Drive | Support  | -  |
| 72 Mulligan Drive | Support  | -  |
| 74 Mulligan Drive | Support  | -  |

## COMMENT

Although it is realised that only a few drivers are executing this illegal and dangerous manoeuvre, there are obvious safety concerns and no reason for this behaviour to stop. The proposed treatment will effectively make this manoeuvre difficult, if not impossible, to perform. Given that this treatment is to be retrofitted into an existing road reserve in a built up area, it will give the most effective engineering result for the cost.

The City cannot prevent poor driver behaviour and in particular illegal manoeuvres, however, the proposed treatment will make it extremely difficult to attempt such moves in future.

In response to the request for a roundabout at this location, the construction of a roundabout would require additional land from adjacent residential verges of all properties surrounding this intersection. The proposed treatment does not require the resumption of any additional land from adjacent residential verges, as the widening of the road to construct the two additional traffic islands will be completely within the verge of the East Greenwood Primary School. Therefore, the proposed treatment has the least impact on the amenity of adjacent residential properties.

## ATTACHMENTS

- Attachment 1 Mulligan Drive – Reilly Way intersection Traffic Management Concept Plan.
- Attachment 2 Mulligan Drive – Reilly Way intersection Existing Intersection Configuration.
- Attachment 3 Location Plan.

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 ADOPTS the proposed Traffic Management Scheme Concept as shown in Attachment 1 to this Report;**
- 2 LISTS the amount of \$35,000 for the proposed traffic management scheme for consideration as part of the 2007/08 Capital Works Budget half year review.**

*Appendix 12 refers*

To access this attachment on electronic document, click here: [Attach12brf120208.pdf](#)

## **ITEM 17                    MONTHLY TOWN PLANNING DELEGATED AUTHORITY REPORT, DEVELOPMENT AND SUBDIVISION APPLICATIONS – NOVEMBER & DECEMBER 2007 - [07032] [05961]**

**WARD:**                    All

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

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### **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 a committee or an employee of the City.

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
- 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 months of November and December 2007 (see Attachments 1, 2 and 3 respectively) for those matters identified in points 1-3 above.

### **BACKGROUND**

The number of development and subdivision applications determined for November and December 2007 under delegated authority and those applications dealt with as “R-code variations for single houses” for the same period are shown below:

| <b>Approvals Determined Under Delegated Authority – Month of November 2007</b> |               |                   |
|--|---------------|-------------------|
| <b>Type of Approval</b>  | <b>Number</b> | <b>Value (\$)</b> |
| Development Applications   | 73            | 18,887,574.00     |
| R-Code variations (Single Houses)  | 93            | 31,358,682.00     |
| <b>Total</b>   | 166           | 50,246,256.00     |

| <b>Approvals Determined Under Delegated Authority – Month of December 2007</b> |               |                   |
|--|---------------|-------------------|
| <b>Type of Approval</b>  | <b>Number</b> | <b>Value (\$)</b> |
| Development Applications   | 107           | 14,725,667.05     |
| R-Code variations (Single Houses)  | 40            | 8,108,058.00      |
| <b>Total</b>   | 146           | 22,833,725.05     |

The number of development applications received in November 2007 was 89 and in December 2007 it was 75. (This figure does not include any applications that may become the subject of the R-Code variation process).

| <b>Subdivision Approvals Processed Under Delegated Authority<br/>Months of November and December 2007</b> |               |  |
|---|---------------|--|
| <b>Type of Approval</b>   | <b>Number</b> | <b>Potential new Lots</b>  |
| Subdivision Applications  | 6             | 458 residential<br>2 commercial<br>1 substation<br>3 public open space |
| Strata Subdivision Applications   | 12            | 46 residential<br>1 commercial<br>1 mixed use                          |

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 25 September 2007 considered and adopted the most recent Town Planning Delegation for the period to 17 July 2009.

## **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 73 development applications determined during November 2007, consultation was undertaken for 37 of those applications and of the 107 development applications determined during December 2007, consultation was undertaken for 50. Of the 18 subdivision applications determined during November and December 2007 no applications were advertised for public comment, as the proposals complied with the relevant requirements.

**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 | November 2007 decisions - Development Applications          |
| Attachment 2 | December 2007 decisions – Development Applications          |
| Attachment 3 | November & December 2007 Subdivision Applications processed |

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council NOTES:**

- 1 The determinations made under Delegated Authority in relation to the development applications described in this Report for November and December 2007;**
- 2 The determinations made under Delegated Authority in relation to the subdivision applications described in this Report for November and December 2007.**

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach8brf120208.pdf](#)*

## **ITEM 18                      PROPOSED RESIDENTIAL ZONING OF PORTION OF EDGEWATER PRIMARY SCHOOL - RESERVE 38322 (NO 76) TREETOP AVENUE, EDGEWATER - [71602] [02043]**

**WARD:** North-Central

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

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### **PURPOSE**

The purpose of this report is for Council to consider submissions received during public advertising for a proposed amendment to the City's District Planning Scheme No 2 (DPS2), to zone a portion of the Edgewater Primary School for residential purposes, and whether to adopt the amendment.

### **EXECUTIVE SUMMARY**

The Edgewater Primary School is located on Reserve 38322 (No 76) Treetop Avenue, Edgewater. The land is designated as a Local Reserve – Public Use (Primary School) under the City's District Planning Scheme No 2 (DPS2).

In August 2007, Council resolved to initiate advertising of Amendment No 39 to DPS2 to zone a 4,454m<sup>2</sup> portion of Reserve 38322 to 'Residential' to enable future residential subdivision and development of the land.

Advertising closed on 28 November 2007 and 12 submissions were received, comprising 3 submissions of support, 6 objections (including a 17 signature petition) and 3 neutral submissions. The objections relate to increased traffic, safety, property values, and loss of amenity, privacy and reserve land.

In view of the extent of land involved in the zoning proposal, it is considered that the proposal would have minimal impact on traffic and parking, and the amenity of surrounding properties.

It is recommended that Council adopts Amendment No 39 to the City of Joondalup's District Planning Scheme No. 2, without modification.

### **BACKGROUND**

**Suburb/Location:** Reserve 38322 (No 76) Treetop Avenue, Edgewater  
**Applicant:** Whelans  
**Owner:** Department of Education and Training  
**Zoning:**     **DPS:** Local Reserve – Public Use (Primary School)  
                  **MRS:** Urban  
**Site Area:** 5 hectares (subject portion 4,454m<sup>2</sup>)  
**Structure Plan:** N/A

Reserve 38322 is located on the corner of Treetop Avenue and Regatta Drive, Edgewater and is set aside as a Local Reserve – Public Use (Primary School) (see Attachment 1). The Edgewater Primary School is located on the site. An R20 density code applies to the land.

Residential properties are located north of the subject land. A portion of Reserve 37188, known as Quarry Park, is located adjacent along the western boundary. A child care centre is located along Regatta Drive on Lot 521 adjacent to the subject land.

Amendment No 39 was considered by Council at its meeting on 28 August 2007 (CJ180-08/07 refers) for the purpose of initiating public advertising. It was resolved at the meeting:

*“That Council, pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiation of Amendment No 39 to the City of Joondalup’s District Planning Scheme No. 2 to zone a portion of Reserve 38322 (No 76) Treetop Avenue, Edgewater to ‘Residential’ R20, as shown on Attachment 2 to Report CJ180-07 for the purposes of public advertising for a period of 42 days.”*

## **DETAILS**

Amendment No 39 to DPS2 seeks to zone a 4,454m<sup>2</sup> portion of Reserve 38322 to ‘Residential’ R20 to facilitate the future residential subdivision and development of the land. The Department of Education and Training (DET) has advised that the land is surplus to its requirements. No change to the R20 density code is sought. Indicative subdivision and development plans have been provided by the applicant to inform Council how the subject land may be developed (Attachment 2).

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

The issues associated with the proposed amendment include:

- The suitability of the proposed residential land use;
- The suitability of envisaged residential development to create appropriate built form that integrates with the adjoining and surrounding residential dwellings.
- The loss of land for primary school purposes.

The options available to Council in considering the proposal are:

- Adopt the proposed amendment;
- Adopt the proposed amendment, with modification;
- Not adopt the proposed amendment.

In all the above options, the proposal is forwarded to the Western Australian Planning Committee (WAPC) for the Minister’s determination.

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

The recommendation in this report is supported by the following objective and strategy in the City’s Strategic Plan 2003-2008:

Objective 3.3 – To continue to meet changing demographic needs.

Strategy 3.3.1 – Provide residential living choices.

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

Part 5 of the Planning and Development Act 2005 enables local authorities to amend a Town Planning Scheme and sets out the process to be followed (Attachment 3 refers). Council has supported the initiation of the proposed amendment for the purposes of public advertising at its 28 August 2007 meeting. The proposed amendment was then referred to the

Environmental Protection Agency (EPA) for its comment. The EPA decided that a formal review of the amendment was not required.

Upon closure of the advertising period, Council is to consider all submissions received during the advertising period and resolve to either adopt the amendment, with or without modifications, or refuse to adopt the amendment. The decision will then be forwarded to the WAPC which makes a recommendation to the Minister for Planning and Infrastructure. The Minister can either grant final approval to the amendment, with or without modifications, or refuse to grant approval for the amendment.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

The proposal is to consider utilising surplus and potentially underutilised land for residential purposes. The proposed amendment would enable the City to consider future residential subdivision and development on the site that will provide additional dwellings at a low density.

**Consultation:**

The proposed amendment was advertised in writing to all adjoining landowners, a notice placed in the Joondalup Community Newspaper and Western Australian newspaper and signs placed on the site. The proposed amendment was also displayed on the notice board at the City's administration building and on the City's website.

Public advertising took place between 17 October and 28 November 2007. Twelve submissions were received, 6 of which were objections (including a 17 signature petition) to the proposed amendment, 3 neutral submissions and 3 in support of the proposal. All submissions have been addressed in Attachment 4, and the locations shown at Attachment 5.

**COMMENT**

Submissions

Three submissions were received in support of the proposed amendment, on grounds that the proposal achieves the following:

- provides a means of acquiring funds for school facilities
- avoids the loss of large trees and significant bushland
- would not contribute significantly to additional traffic
- supports residential infill.

No objections were received from servicing authorities (neutral submissions).

Six submissions of objection were received. The main issues raised are:

- Loss of cul-de-sac facility
- Increased traffic and associated safety, noise and amenity impacts
- Loss of street parking
- Loss of privacy
- Potential devaluation of properties
- Loss of reserve land

A summary of the issues and responding comments are provided below. Detailed comments on all issues are provided in the Schedule of Submissions (Attachment 4).

#### Loss of cul-de-sac facility

Submitters object on the basis that they purchased their properties because of the presence of quiet afforded by the cul-de-sac and its use for their children to play there. They consider the extra traffic generated by the proposal would make this practice unsafe.

Whilst it is not uncommon for cul-de-sac heads to be informally used in this manner, their proper purpose is for vehicular traffic movement.

#### Increased traffic and associated safety and amenity impacts

Eleven properties located opposite the school site are currently accessed from Kestrel Mews. The normal level of vehicle (traffic) movements to and from residential properties is approximately 10 trips per day, meaning that 110 movements are currently generated per day on Kestrel Mews. Residential properties would normally be located on either side of a road in residential areas, in which case the traffic count for Kestrel Mews would be doubled at 220 movements per day. An additional 60 movements per day could be expected with the future subdivision of the subject land into 6 lots, a portion of this figure. This amount of additional traffic is unlikely to adversely affect the amenity of existing residents.

Poor visibility due to the current alignment of Kestrel Mews and safe reversing from properties are raised as concerns in submissions. Kestrel Mews follows a winding route and there are level changes along the route and along Outlook Drive and Osprey Grove which lead into Kestrel Mews, levelling out before the cul-de-sac head. No changes are proposed to the alignment of any existing roads as a result of the proposed rezoning.

The applicant proposes vehicular access from Kestrel Mews due to the significant level differences between the subject land and Regatta Drive.

Access at the head of the cul-de-sac maximises visibility and safety in terms of other access to surrounding residential properties.

### Loss of street parking

Informal on-street parking in road reserves supplements parking provided on private properties. Where there are adjacent land uses that generate significant yet temporary parking requirements, designated on-street parking bays with line-marking may be provided.

Eighteen marked on-street parking bays are currently provided along Kestrel Mews to assist peak time drop-offs/pick-ups of children attending the Edgewater Primary School. These bays are usually vacant at other times. Given there are currently 11 residences on Kestrel Mews, it is considered that on-street parking would still be adequate when 6 additional residences are developed through the future subdivision of the subject land.

### Loss of privacy

Four submissions raise concerns about loss of privacy, especially in front yards which they claim will occur as a result of the additional traffic that would be generated. By virtue of front yards addressing public roads, privacy is generally limited in these spaces and it is not considered that additional residences in the locality will significantly compromise the existing residential privacy.

### Potential devaluation of properties

No evidence to support the claim that the development of the school site would affect property values has been submitted and the City is unable to comment on the claim. Notwithstanding, property values are not considered a relevant planning issue.

### Loss of reserve land

The subject land is a reserve designated for public use, however it is for use as a primary school rather than for the preservation of bushland or for recreation use. The current reservation status does not guarantee that the land would remain vacant and not be built upon. The DET has decided that this land is not required for school purposes and seeks an appropriate zoning of the land.

### Conclusion

The proposed zoning of land would enable an unused and degraded portion of the school site to be used for residential purposes. As the proposal involves a small area of the overall school site (4,454m<sup>2</sup>) and it is estimated that only 6 residential lots would be created through the future subdivision of the land, the amenity of adjacent residential properties in terms of the impact of additional traffic, safety and on-street car parking is likely to be minimal.

It is recommended that the proposed amendment be adopted without modification and the amending documents be endorsed and submitted to the WAPC for the Minister's determination.

## **ATTACHMENTS**

|              |   |
|--------------|---|
| Attachment 1 | Location and aerial plan                        |
| Attachment 2 | Indicative plans of subdivision and development |
| Attachment 3 | Scheme Amendment process flowchart              |
| Attachment 4 | Schedule of submissions                         |
| Attachment 5 | Location of submitters                          |

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION****That Council resolves:**

- 1 Pursuant to Town Planning Regulations 17(2) ADOPTS Amendment No 39 to the City of Joondalup's District Planning Scheme No. 2, without modification, for the purpose of zoning a portion of Reserve 38322 (No 76) Treetop Avenue, Edgewater to 'Residential', as shown on Attachment 2 to this Report;**
- 2 AUTHORISES the affixation of the Common Seal and to endorse the signing of the amendment documents;**
- 3 NOTES the submissions received and advises the submitters of Council's decision.**

*Appendix 13 refers*

To access this attachment on electronic document, click here: [Attach13brf120208.pdf](#)

## **ITEM 19                    PROPOSED MODIFICATION TO THE JOONDALUP CITY CENTRE DEVELOPMENT PLAN AND MANUAL (ARENA JOONDALUP PRECINCT) - [555822] [00152]**

**WARD:** North

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

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### **PURPOSE**

The purpose of this report is for Council to consider the Western Australian Planning Commission's request for modification to the Joondalup City Centre Development Plan and Manual (Arena Joondalup Precinct) prior to final adoption.

### **EXECUTIVE SUMMARY**

The draft amendment to the Joondalup City Centre Development Plan and Manual (JCCDPM) relates to Arena Joondalup, located on Lot 101 Kennedy Drive. Currently there are no provisions within the JCCDPM that specifically guide development of Arena Joondalup, and the amendment seeks to include such provisions.

Council adopted the amendment after the close of public advertising, in June 2006. The amendment documents were then forwarded to the Western Australian Planning Commission (WAPC) for final adoption.

The WAPC has advised that it requires a minor modification to the structure plan documents to provide clarity in terms of permitted land uses consistent with Sport and Recreation uses described in the JCCDPM. The requested modification does not affect the intent of the proposed provisions for the Arena Joondalup Precinct and Council is requested to consider the proposed modification.

It is recommended that Council adopts the modification to the structure plan and forwards the modified documents to the WAPC for final adoption.

### **BACKGROUND**

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

Lot 101 Kennedy Drive and the Joondalup Baptist College comprise the Northern Recreation District of the City Centre within the JCCDPM. 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 proposed amendment to the JCCDPM in relation to Lot 101 includes:

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

The proposed amendment to the JCCDPM 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 as provide a broader range of land uses that complement the existing uses.

At its meeting held on 6 June 2006, Council considered submissions received during the public advertising period and resolved to adopt the draft amendments, subject to minor modification (CJ085-06/06 refers). The City forwarded the modified structure plan documents to the WAPC on 23 June 2006 for final adoption.

## DETAILS

The WAPC has advised that it has resolved to adopt the structure plan, subject to a minor modification to the wording with respect to land use principles and permitted land uses as aligned to the Private Clubs/Recreation Zone. As the purpose of the proposed amendments to the JCCDPM for the Arena Joondalup Precinct is to support Arena Joondalup as a major regional sporting and recreation complex, the WAPC considers the current wording may be problematic.

The minor modification is as follows:

### **4.1 Land Use Principles**

*Land use is consistent with ~~both~~:*

*the land use description for Sport and Recreation described in the JCCDPM.  
and*

*~~(ii) The "P" and "D" land use provisions of the Private Clubs/Recreation Zone of DPS 2.~~*

The full context of the proposed modification can be seen on page 7 of Attachment 2.

## Issues and options considered:

### Options

Council may undertake either of the following courses of action:

- Adopt as final the WAPC's requested modification to the JCCDPM.
- Not adopt as final the WAPC's requested modification 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:**

Part 9 of District Planning Scheme No. 2 (DPS2) sets out the processes in relation to structure plans. Under Clause 9.6.3 (c), the WAPC can require modifications to the structure plan and resubmission to Council for consideration under Clause 9.4. This Clause allows Council to determine whether the structure plan is satisfactory or not, and whether advertising is required or waived for minor modifications. Attachment 3 details the structure plan process.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

Not Applicable

**Policy Implications:**

Not Applicable

**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 enables Council to determine whether minor modifications to a structure plan should be advertised or can be waived at its discretion. The modification requested by the WAPC has not been advertised.

**COMMENT**

Currently, clause 4.1 of the structure plan outlines the Principles relating to land use expected in the Arena Precinct, and outlines that the proposed uses are consistent with both the intended uses of the land stated within the JCCDPM, and also align with the Permitted and Discretionary uses of the Private Clubs and Recreation Zone under DPS2.

Clause 4.2 then goes on to specify the land uses that are permitted to be developed within the Arena Precinct.

The WAPC's concern is that the current wording of clause 4.1 could be interpreted to mean that any land use listed as Permitted and Discretionary uses within the Private Clubs and Recreation Zone of DPS2 are considered to be a permitted land use, whether or not they are specifically listed in clause 4.2. This is not the intent of clause 4.1, and it is agreed that the wording of that clause could be improved to remove any possible misinterpretation. Adoption of the WAPC's modification to the draft structure plan is therefore considered appropriate.

**ATTACHMENTS**

|              |  |
|--------------|--|
| Attachment 1 | Location plan and aerial                               |
| Attachment 2 | JCCDPM (Arena Joondalup Precinct) – modified (tracked) |
| Attachment 3 | Structure plan process flowchart                       |

**VOTING REQUIREMENTS**

Simple Majority.

**RECOMMENDATION**

**That Council, pursuant to Clauses 9.6 and 9.7 of the City of Joondalup's District Planning Scheme No 2, ADOPTS the Western Australian Planning Commission's modification to the Joondalup City Centre Plan and Manual (Arena Joondalup Precinct) as shown in Attachment 2 to this Report, and submits it to the Western Australian Planning Commission for final adoption and certification.**

*Appendix 14 refers*

To access this attachment on electronic document, click here: [Attach14brf120208.pdf](#)

## **ITEM 20                      PROPOSED TRANSPORTABLE CLASSROOM AND SHED ADDITION – POYNTER PRIMARY SCHOOL – NO 39 POYNTER DRIVE, DUNCRAIG - [07584]**

**WARD:** South

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

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### **PURPOSE**

To request Council's recommendation of an application for a transportable building addition to Poynter Primary School. The recommendation will be forwarded to the determining body being the West Australian Planning Commission (WAPC).

### **EXECUTIVE SUMMARY**

An application for planning approval has been received for a proposed transportable building addition to Poynter Primary School. The WAPC is the determining authority for this application as it is a public work.

The proposed addition will provide an additional Early Childhood classroom for the primary school.

A recommendation is required of Council as the proposed structure has a setback variations that exceeds the maximum that can be approved under Delegated Authority.

It is recommended that the application be supported because the proposed location for the classroom is the most appropriate for the purpose of making use of shared facilities. The setback variation are not considered to adversely affect the amenity of the area.

### **BACKGROUND**

**Suburb/Location:** Duncraig  
**Applicant:** Department of Housing & Works  
**Owner:** Department of Education  
**Zoning:**       **DPS:** Local Reserve - Public Use  
                      **MRS:** Urban  
**Site Area:**       42887m<sup>2</sup>  
**Structure Plan:** NA

The subject site is zoned 'Local Reserve - Public Use' under the City's District Planning Scheme No 2.

Poynter Primary school is bounded by Lionel Court to the west, Poynter Drive to the east, Griffell Way Duncraig to the north and residential development to the south (refer to Attachment 1). The school site is surrounded by established residential development and is connected to the nearby Trigonometric Park by Lionel Court. The Poynter Primary School currently accommodates 8 classrooms.

## DETAILS

The proposed development incorporates the following:

- Transportable classroom addition to Poynter Primary School
- New concrete path to connect the proposed classroom with existing footpath network on site;
- The provision of a new shed (and fence to surround) adjacent to an existing transportable classroom onsite; and
- Development will require the removal of three mature trees on site

The development plans are provided in attachment 2.

The proposed transportable classroom has the following setbacks:

| REQUIRED                             | PROVIDED   | COMPLIANCE |
|--------------------------------------|--|------------|
| Minimum Street Setback<br>9.0 metres | 4.6 metres   | No         |
| Minimum Side Setback 3.0<br>metres   | NA – existing buildings on<br>site closer than the<br>proposed | Yes        |
| Minimum Rear Setback<br>6.0 metres   | NA – existing buildings on<br>site closer than the<br>proposed | Yes        |

### Issues and options considered:

Council has the discretion to:

- Make a recommendation to the WAPC supporting the proposal;
- Make a recommendation to the WAPC that the application should be refused.

### Link to Strategic Plan:

Not Applicable.

### Legislation – Statutory Provisions:

The subject site is reserved 'Local Reserve' for the purpose of 'Public Use' under DPS2. Clauses 2.3.2 and 2.3.3 of DPS2 state:

#### 2.3.2 Use of Local Reserves

*Any Local Reserve not owned by or vested in the Council may be used:*

- for the purpose for which the land is reserved under the Scheme;*
- where such land is vested in a public authority, for any purpose for which such land may be lawfully used by that authority;*
- for the purpose for which it was used at the Gazettal Date unless the land in the meantime has become vested in a public authority, or unless such use has been changed with the approval of the Council; or*
- for any purpose approved by the Council but in accordance with any conditions imposed by the Council; but shall not be used otherwise or for any other purpose.*

### 2.3.3 Development of Local Reserves

*Unless the proposed development is a public work exempted by the Act, or the written approval of the Council is first obtained, no person shall:*

- (a) demolish or damage any building or works;*
- (b) remove or damage any tree;*
- (c) excavate spoil or waste the land so as to destroy affect or impair its usefulness for the purpose for which it is reserved;*
- (d) construct, extend, or alter any building or structure other than a boundary fence;*
- (e) carry out or commence to carry out any other development on any Local Reserve.*

In considering the application, general development provisions set out in clause 4.7.1 and 4.7.2 of the DPS2 also require consideration:

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

**Setback from street boundary 9.0 metres**

*Setback from side boundary 3.0 metres*

*Setback from rear boundary 6.0 metres*

*4.7.2 Where a lot has a boundary with more than one street the Council shall designate one such street as the frontage and the other street boundaries as side boundaries, if it is satisfied that there will be no adverse effect on traffic safety, and no adverse effect on the amenity of any adjoining properties or the locality generally.*

When considering this application for Planning Approval, Council is required to have regard to clause 6.8 of DPS2. The relevant clauses have been attached 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;*
- (e) any other matter which under the provisions of the Scheme the Council is required to have due regard;*
- (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:**

Three landowners adjacent to the proposed classroom addition were notified in writing of the proposal for a period of two weeks commencing 13 December 2007.

At the conclusion of advertising, no submissions had been received.

**COMMENT**

The proposed development complies with the relevant planning provisions set out in the DPS2, except for the reduced front setback.

The location proposed for the transportable classroom addition to Poynter Primary School has a reduced front setback to Poynter Drive of 4.6m in lieu of 9.0m. The proposed setback variation is considered to be acceptable for the following reasons:

- The proposed location is required so the building can most easily make use of play equipment shared by the adjoining early-childhood classroom. This is the only available site immediately near to the associated facilities without relocating existing buildings.
- The proposed location will require the removal of three mature trees on site. It is suggested that it be recommended to the WAPC that a condition of approval require the replacement of any mature tree lost as a result of this development.
- The development site is surrounded by residential properties. The reduced front setback of 4.6m is not considered dissimilar to that of residential development (Residential Design Codes 2002 Clause 3.2.3 permits garages with a setback of 4.5m). It is therefore considered that landowners in the locality will not be adversely affected by this variation as the 4.6m setback is considered to be similar to development in the immediate vicinity. The setback variation was advertised to dwellings adjacent to the development site, however no submissions were received.
- The building is of a temporary nature (transportable) and is not considered to be a permanent addition to the site. As is the consistent approach of the City to require additions to match existing development on site, it is considered appropriate to condition that additions match the other school buildings on site by way of colour and where practical materials. It is acknowledged that additions may not take the form of brick construction as the building is of a temporary nature however it would be appropriate for any cladding to the walls of the building to be of similar colour to the buildings on site.

In conclusion, it is recommended that the WAPC be advised that the application is recommended for approval based on the factors above.

## **ATTACHMENTS**

Attachment 1      Location Plans  
Attachment 2      Development Plans

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1      EXERCISES discretion under clause 4.7 of the City of Joondalup District Planning Scheme No.2 and determines that:**
  - (a) a front setback of 4.6m in lieu of 9.0m**  
**is appropriate in this instance.**
  
- 2      RECOMMENDS the West Australian Planning Commission grant its approval to commence development pursuant to the Metropolitan Region Scheme for the application dated 20 September 2007 submitted by Department of Housing & Works, the applicant on behalf of the owners, Department of Education and Training for a transportable building addition at Poynter Primary School (No 39) Poynter Drive, Duncraig, subject to the following conditions:**
  - (a)      The colours and materials of the proposed additions shall match the existing school buildings where practicable, to the satisfaction of the Manager Approvals, Planning & Environmental Services.**
  - (b)      All stormwater to be contained on-site and disposed of in a manner acceptable to the Manager Approvals, Planning & Environmental Services.**
  - (c)      Three mature native trees shall be planted on site to replace the vegetation removed to accommodate the proposed additions to the satisfaction of the Manager Approvals, Planning & Environmental Services.**

*Appendix 15 refers*

To access this attachment on electronic document, click here: [Attach15brf120208.pdf](#)

## **ITEM 21                    PROPOSED 187 MULTIPLE DWELLINGS AND 5 COMMERCIAL TENANCIES FOR LOTS 1000 TO 1002 (NO 1) WALSH LOOP AND MOLLOY PROMENADE, JOONDALUP - [64596]**

**WARD:** North

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

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for a development comprising 187 multiple dwellings and 5 commercial tenancies.

### **EXECUTIVE SUMMARY**

The applicant proposes to construct 187 multiple dwellings and 5 commercial tenancies in the form of three distinct buildings over three separate lots, with frontage to Lakeside Drive and Joondalup Drive. The land is contained within the Campus District precinct of the Joondalup City Centre.

The proposed building height ranges from 3 storeys to 6 storeys. The proposal represents a significant development for the City Centre and is considered to be a landmark development that will provide a 'gateway' to the southern entrance of the City centre.

The proposal is compatible with other developments within the City Centre and facilitates a range of housing and commercial options for the City's growing population.

Discretion is sought under the City's District Planning Scheme No 2 (DPS2), the Joondalup City Centre Development Plan and Manual (Structure Plan) and the Residential Design Codes 2002 (R-Codes) with regard to the development standards of storerooms, single bedroom dwellings, density and height. A shared car parking arrangement between each village is also proposed.

The density, height and form of the proposed development is considered to be of landmark quality and is appropriate within the context of a City Centre environment.

The proposal satisfies the objectives of the DPS2, the Structure Plan and the R-Codes. It is recommended that the application be conditionally supported.

### **BACKGROUND**

**Suburb/Location:** Lot 1000 to 1002 (1) Walsh Loop and (1 & 2) Molloy Promenade, Joondalup

**Applicant:** Cameron, Chisholm & Nicol Architects

**Owner:** Proven Joondalup Pty Ltd

**Zoning:** **DPS:** Centre

**MRS:** Central City Area

**Site Area:** Total area of 1.1188 ha, comprising Lot 1000 - 1824m<sup>2</sup>, Lot 1001 - 3337m<sup>2</sup> & Lot 1002 - 6027m<sup>2</sup>.

**Structure Plan:** Joondalup City Centre Development Plan and Manual (Structure Plan)

The three lots are located on the southern corner of the Joondalup City Centre, bounded by Joondalup Drive to the west and Lakeside Drive to the south, which are two major access routes to the hub of the Central Business District (CBD). The land is within a strategic location, as it forms part of the southern gateway to the City Centre. (Refer Attachment 1).

Each lot varies in size and is surrounded by an internal road system as outlined below:

- Lot 1001 (No.2) Molloy Promenade, is bounded by Cornell Parade to the north, Molloy Promenade to the east, Walsh Loop to the south and Joondalup Drive to the west.
- Lot 1002 (No.1) Molloy Promenade, is bounded by Cornell Parade to the north, Walsh Loop to the east and south, and Molloy Promenade to the west.
- Lot 1000 (No 1) Walsh Loop, is bounded by Deakin Gate to the east, Walsh Loop to the west and Lakeside Drive to the south.

Edith Cowan University, TAFE and the Police Academy are located to the north of the land, whilst residential development is located to the east of the sites across Deakin Gate and to the south across Lakeside Drive. The vacant land of the Southern Business District is located across Joondalup Drive to the west.

The topography of the sites is undulating and generally slopes downwards in a northerly direction. The land falls approximately 4 metres from the southern to northern boundary of proposed Village 2. From the road level of Joondalup Drive to the western boundary of Village 1, a fall varying from 3 metres, up to 3.5 metres, is evident. (Refer to attachment 2)

The subject land is zoned 'Centre' under the City's DPS2 and is subject to the development provisions of the Structure Plan. Under the Structure Plan, the subject land is located within the Campus District and the land is designated for 'Residential/Mixed Use'. The preferred uses are residential (mandatory), retail, office, entertainment, restaurant/ café, medical suites, accommodation, community facilities and recreation.

At its meeting held on 29 June 2004, Council approved an application for 137 multiple dwellings and 13 commercial tenancies (comprising 1579m<sup>2</sup> of floor space) on the subject land. The development was approved in accordance with the Structure Plan and R-Codes as follows:

- Building height of 7 storeys in lieu of 2 storeys;
- Density average over 3 sites of R113 in lieu of R60;
- Plot ratio of 2.03 (Village 1) and 1.54 (Village 2) in lieu of a plot ratio of 0.7 for multiple dwellings at a density of R60;
- Minimum dimensions of less than 2 metres in dimension and 10m<sup>2</sup> in area for the balconies of dwellings;
- Single bedroom dwelling exceeding 60m<sup>2</sup> in area; and
- Carparking shortfall of 12 commercial car parking bays.

The above development approval has now lapsed as the owners decided not to progress with the 2004 application.

## DETAILS

The new application incorporates the following:

- Inclusion of architectural features such as building articulation, prominent corner statements, and the variation of heights, colours and textures;
- Three ‘village’ buildings over three separate lots, varying in height from 3 to 6 storeys;
- 187 multiple dwellings comprising one, two & three bedrooms ranging in size from 60m<sup>2</sup> to 154m<sup>2</sup> in area (the average area of 1 bedroom units is 65m<sup>2</sup>, 2 bedroom units is 90m<sup>2</sup> & 3 bedroom units is 120m<sup>2</sup>);
- ground floor commercial tenancies with a total floorspace of 725m<sup>2</sup> Net Lettable Area (NLA) are distributed amongst Village 2 (363.7m<sup>2</sup>) and 3 (361.3m<sup>2</sup>);
- Provision of 227 carparking bays, including 2 disabled bays for use of all 3 villages, together with reciprocal car parking and access arrangements between Villages 2 & 3; and
- A communal area proposed in Village 2, which includes a swimming pool and BBQ area.

The development plans can be viewed in the Councillors reading room, as the plans are large in nature.

Compliance with the Structure Plan requirements is summarised below:

| Standard          | Required                                | Village 1<br>Lot area:<br>3337m <sup>2</sup>  | Village 2<br>Lot area:<br>6027m <sup>2</sup>   | Village 3<br>Lot area:<br>1824m <sup>2</sup>  | Compliance |
|-------------------|---|---|--|---|------------|
| Front setback     | 0m preferred                            | Cornell Pde,north:<br>1.5m-2.5m   | Cornell Pde,<br>north 1.5m-<br>4.0m  | Deakin Gate,<br>east: 1.5m-<br>4.0m   | Yes        |
| Side/rear setback | 0m preferred or in accordance with RDC  | Walsh Loop,south:<br>750mm- 10m<br>Cornell Pde,<br>north: 1.5m –<br>2.5m<br><br>Joondalup Dr,<br>west: 1.5m- 2.5m<br><br>Molloy Prom,<br>east: 0m –<br>2.5m | Molloy Prom,west:<br>1.5m – 2.5m<br>Walsh Loop,<br>south: 1.5m -<br>2.5m<br><br>Walsh Loop,<br>east: 0m-<br>3.5m | Lakeside Dr,<br>south: 2.5m<br><br>Cornell Pde,<br>north: 1.5m-<br>2.7m<br><br>Walsh Loop,<br>west: 2.5m -<br>13.5m | Yes        |
| Plot ratio        | Commercial 0.5 for other preferred uses | N/A   | 0.06   | 0.2   | Yes        |

| Density* code                    | R60 (Multiple dwellings)  | R168  | R159  | R113  | No                            |
|----------------------------------|---|---|---|---|-------------------------------|
| Number of residential dwellings  | N/A   | 1 bed x 24<br>2 bed x 36<br>3 bed x 4<br>= 64 units     | 1 bed x 18<br>2 bed x 72<br>3 bed x 12<br>= 102 units               | 1 bed x 1<br>2 bed x 20<br>= 21units                    | 187 units                     |
| Height *                         | Maximum 2 storeys   | 4 – 5 storeys   | 5 – 6 storeys   | 3 – 4 storeys   | No<br>3 - 6 storeys           |
| Storeroom size                   | Minimum (Min.) 4m <sup>2</sup> storeroom per unit                           | Min. 4m <sup>2</sup>                                    | Min. 4m <sup>2</sup> , except for Store 8 & 11 = 3.68m <sup>2</sup> | Min. 4m <sup>2</sup>                                    | Yes – except for 2 storerooms |
| Open space                       | 50% of site   | 32% of lot (1073m <sup>2</sup> )                        | 38% (2315m <sup>2</sup> )   | 36% (672m <sup>2</sup> )                                | No                            |
| Balconies for multiple dwellings | Minimum dimension of 2m & 10m <sup>2</sup> area                             | Provided a minimum 2m dimension & 10m <sup>2</sup> area | Provided a minimum 2m dimension & 10m <sup>2</sup> area             | Provided a minimum 2m dimension & 10m <sup>2</sup> area | Yes                           |
| Car parking                      | 1 bay per 30m <sup>2</sup> NLA (Commercial) & 1 bay per dwelling = 211 bays | 68 bays   | 139 bays  | 20 bays   | Yes (227 bays proposed)       |

\* Note: Council may approve a building in excess of two storeys, and a higher plot ratio and density for buildings of considerable landmark quality.

The Campus District stipulates that the residential component for Mixed Use developments should as far as practical comply with the Multiple Dwellings R60 provision under the R-Codes. Although, Council may approve of a higher plot ratio and density for buildings considered to possess landmark qualities.

#### Issues and options considered:

Council has the discretion to:

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

#### Link to Strategic Plan:

The proposal will contribute to objective 1.1.1 *To continue development of the City of Joondalup as a Learning City – plan for student growth.*

Edith Cowan University's student population is projected to increase significantly from the current level of 8000 students to 20,000, which is reflected in the 'City of Joondalup Economic Profile 2005' that Council endorsed in December 2007. This will result in an increase in demand for accommodation and other services for students in close proximity to educational establishments.

It is likely that this mixed use development proposal will contribute to meeting the projected demand for housing for both student's and the general population.

Additionally, the proposal will contribute to objective 3.3.1 *Provide residential living choices.*

The development proposes a variety of units from one to three bedrooms, with varying floor sizes to accommodate a range of housing needs.

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

#### District Planning Scheme No 2 (DPS2)

The site is zoned 'Centre' under DPS2 and is subject to the Campus District Structure Plan.

In regard to the force and effect of a structure plan, clause 9.8.2 (a) and Clause 9.8.3 (f) of DPS2 are relevant and state:

9.8.2 *Where an Agreed Structure Plan imposes a classification on the land included in it by reference to reserves, zones (including Special Use Zones) or Residential Density Code 2002, until it is replaced by an amendment to the scheme imposing such classifications:*

(a) *the provision of the Agreed Structure Plan shall apply to the land within it as if its provisions were incorporated in this Scheme and it shall be binding and enforceable in the same way as corresponding provisions incorporated in the Scheme.*

9.8.3 *Without limiting the generality of the preceding subclause, under an Agreed Structure Plan:*

(f) *any other provision, standard, or requirement in the Structure Plan shall be given the same force and effect as if it was a provision standard or requirement of this Scheme, but in the event of there being any inconsistency or conflict between any provision, requirement or standard of the Scheme and any provision requirement or standard of the an Agreed Structure Plan, the provision requirement or standard of the Scheme shall prevail.*

Development within this area is controlled by the provisions of DPS2 and the Structure Plan, however, if there is any inconsistency between the two documents, the provisions in DPS2 prevail.

In considering the proposal, Clause 6.8 of DPS2 states;

#### 6.8 *Matters to be considered by Council*

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

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

(b) *any relevant submissions by the applicant;*

(c) *any agreed Structure Plan prepared under the provisions of Part 9 of the Scheme;*

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

Clause 4.9 of DPS2 is relevant to this proposal and states:

#### **4.9 Pedestrian and Vehicle Reciprocal Access Requirements**

*If the Council approves car parking and pedestrian access on neighbouring premises in a manner which relies on the reciprocal movement of vehicles and pedestrians between or across the premises, the owners concerned shall allow the necessary reciprocal access and parking at all times to the Council's satisfaction.*

#### **Joondalup City Centre Development Plan and Manual – Campus District**

The subject lots are designated for Mixed Use/Residential under the Structure Plan.

The following provisions of the Structure Plan apply to Mixed Use/Residential land uses:

##### ***“1.2 Mixed Use/Residential***

*The scale and operation of the commercial uses should respect the predominantly residential nature of the area, however utilizing the strategic location of the site as a landmark building at the entrance to the City Centre.”*

## *“2.2 Mixed Use/Residential*

*For residential purposes buildings should, as far as practical, comply with the R60 provision for Multiple Dwellings under the Residential Design Codes. For other preferred uses, generally a plot ratio of 0.5 will apply. Council may approve a higher plot ratio and density for buildings of landmark qualities.”*

### Residential Design Codes 2002

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, having regard to the provisions of clause 2.3.4 (2) of the R-Codes as follows:

2.3.4(2) *Discretion shall be exercised having regard to the following considerations:*

- (i) the stated purpose and aims of the Scheme;*
- (ii) the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
- (iii) the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) any Local Planning Strategy incorporated into the Scheme;*
- (vi) the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (vii) orderly and proper planning.*

### **Risk Management considerations:**

The proponent has a right of review against Council’s decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

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

Not Applicable.

### **Policy implications:**

Not Applicable.

### **Regional Significance:**

The proposed development will benefit the City of Joondalup as it has the potential to attract the student population from all areas within Western Australia, nationally and internationally. Ultimately this will reinforce that Joondalup is a ‘learning City’.

### **Sustainability Implications:**

The development will provide additional commercial and high-density residential development in close (walking) proximity to services such as public transport, education and other services offered in the City Centre, which is generally in accordance with sustainable development principles.

**Consultation:**

The proposal was advertised for public comment for a period of 21 days. Nearby owners were advised in writing, three signs were placed on the road verge adjacent to the sites and advertisements were placed in the Joondalup Times Newspaper on 30 August 2007 and on 6 and 13 of September 2007. Advertising closed on 20 September 2007. Two submissions were received, one being a letter of objection and one being a letter of non-objection.

The objector expressed concerns in relation to parking, mainly with regard to the limited car parking bays provided in comparison to the number of dwellings proposed. The objector stated that there is a current car parking problem in close proximity to the educational facilities, and the proposed development will exacerbate the problem in terms of traffic congestion and insufficient carparking. In this instance, the proposed development complies with the car parking standards under the Structure Plan.

**COMMENT**General

The subject land is in a prominent location on the southern side of the Campus District, which is considered to be a part of the southern gateway to the Joondalup City Centre. The subject land has potential to develop a unique character for the locality and is considered an appropriate location for a 'landmark' development.

The subject land is in close proximity to existing educational establishments, including ECU, TAFE and the Police Academy and an opportunity exists for accommodation and facilities to cater for both the general population and student population in particular.

Lakeside Drive and Joondalup Drive road widths are approximately 60 metres, whilst Deakin Gate road width is approximately 23 metres. These distances will assist in providing a buffer between the proposed higher density development and the existing lower density residential development. Consequently, the proposed development is likely to have minimal impact upon nearby residential areas given these buffer distances.

Land use

Residential and commercial land uses are proposed on the subject land. The land is designated for Mixed use/Residential use under the Structure Plan and therefore this proposal complies with the Structure Plan objectives.

Five commercial tenancies are proposed and vary in size and configuration. These commercial units are flexible in design to support a multitude of different land uses/businesses, and therefore can adequately accommodate the preferred uses under the Structure Plan, e.g.: retail, office, entertainment, restaurant/café, medical suites and community facilities.

A diverse mix of residential accommodation ranging from 1 to 3 bedroom dwellings are proposed. These units contribute to the range of different housing stock available within the City Centre.

Urban Design

The proposal is designed in the form of three 'village' buildings (refer to attachment 3). When viewed from Lakeside Drive and Joondalup Drive, the vertical height and scale of the proposed villages will assist in facilitating the landmark qualities of the development. This will create a reference point and improve legibility for people traversing through the City Centre, particularly at its southern end.

Each village is orientated to address main street frontages (Joondalup Drive, Lakeside Drive, Deakin Gate and Cornell Parade). Features such as colours, materials and textures vary throughout the design to create a visually interesting building. Additionally, the different heights ('stepping effect' appearance) and varying setback distances form a well articulated building. The proposed development differs from the existing built form within the City of Joondalup and for this reason it is considered to be unique.

The proposed commercial tenancies on the ground floor have been designed to face Lakeside and Deakin Gate. Active shop fronts are created through the building design with the incorporation of large windows facing the street. Ample space has been provided for walkways and alfresco areas. Existing street furniture, lighting and landscaping have also been placed within the urban environment. With all these features combined, an attractive urban environment will be provided.

The proposed development is considered to be designed in a manner that is visually stimulating and unique. It is recommended that if Council approves the development, a condition of approval should be imposed stating that solid walls facing the street (e.g. power transformer within Village 1) shall utilise varying materials, textures and colours to enhance the urban form.

### Density

In total 187 multiple dwellings are proposed; this includes 43 single bedroom units for which the R-Codes permit a density bonus if the dwellings do not exceed 60m<sup>2</sup> in floor area. Each single bed unit is approximately 65m<sup>2</sup> in area with the exception of unit 102 in Village 2, which is 73.3m<sup>2</sup> and unit 12 in Village 3 which is 82m<sup>2</sup>.

The proposed single bedroom units satisfy the performance criteria of the R-Codes as each accommodation is suitable for one or two persons only, ideally students. If approved, it is recommended that the owner be required to provide notification to prospective purchasers stating that the subject dwellings are designated as single bedroom dwellings only.

The residential density for Villages 1, 2 and 3, equates to R168, R159 and R113 respectively. The density and height differences of each village create a design that has a 'stepping' effect, which adds visual interest, and facilitates landmark quality within the built form.

According to the Structure Plan, a density coding of R60 applies to the land, with the provision that "*Council may approve of higher plot ratio and density for buildings of landmark qualities*". It is considered that the proposed development has landmark qualities in terms of its height, bulk, aesthetics, and uniqueness. Due to these qualities, Council can approve a higher density.

The subject lots form a unique area within the Campus District as the lots are segregated from other land uses to the west and south. The proposed density of this development is higher than the Residential R60 density within the Campus District, however, given the prominent 'Gateway' location at the southern entry of Joondalup City Centre this proposal is considered appropriate.

This type of design is seen as highly desirable, given the location and inclusion of architectural features such as articulated roof/building footprint design, variety of colours, materials and windows, along with its height and scale. Furthermore, the proposed building will form a point of reference to assist pedestrians and commuters to navigate through the City Centre. Taking these points into account, it is recommended that Council determine the proposed density is commensurate with the landmark status of the proposal.

### Plot Ratio

The Structure Plan states that the plot ratio requirements of the R-Codes do not apply to the residential component of any development. The Structure Plan specifies that commercial development requires a 0.5 plot ratio; Village 2 comprises a plot ratio of 0.06 whilst Village 3 is 0.2.

### Balconies/ open space

The R-Codes require each multiple dwelling to be provided with a balcony comprising a minimum dimension of 2 metres and a minimum area of 10m<sup>2</sup>. Each residential unit complies with this standard.

The Structure Plan stipulates that for residential purposes buildings should as far as practical, comply with the R60 provision for Multiple dwellings under the R-Codes. Therefore, a minimum of 50% open space is required for lots coded R60, although a lesser percentage could be approved if the performance criteria are met.

| Village   | Lot area           | Required                   | Provided                 |
|-----------|--------------------|----------------------------|--------------------------|
| Village 1 | 3337m <sup>2</sup> | 50% = 1668.5m <sup>2</sup> | 32% = 1073m <sup>2</sup> |
| Village 2 | 6027m <sup>2</sup> | 50% = 3013.5m <sup>2</sup> | 38% = 2315m <sup>2</sup> |
| Village 3 | 1824m <sup>2</sup> | 50% = 912m <sup>2</sup>    | 36% = 672m <sup>2</sup>  |

Each lot does not comply with the 50% requirement, however, the proposed development satisfies the performance criteria provisions under the R-Codes due to the following reasons:

- the style of development contributes to an attractive streetscape;
- having regard to the type and density of the development, the dwellings will suit the future needs of the residents;
- landscaping is proposed to surround each village which will complement the building;
- the proposed development abuts Walsh Park (corner of Lakeside Drive and Joondalup Drive) and is within close proximity to ECU sports grounds, which will assist in contributing to sufficient open space;
- each dwelling provides a balcony for private open space purposes;
- a communal open space area is provided within Village 2 and proposes a BBQ; gymnasium and pool area, which provides an additional area for active/passive open space; and
- the proposed open space is adequate within a built up CBD environment.

Based on the aforementioned points, it is considered that the provision of open space is adequate within its overall context.

It should be noted that the applicants have indicated that the residents of Village 1 and 3 will have full access to the lifestyle facilities contained within Village 2 and an irrevocable right to use these facilities.

### Height

Under the Structure Plan, a height restriction of a maximum of 2 storeys applies with the provision that *“Council may approve a building in excess of two storeys for buildings of considerable landmark quality”*.

The proposed height of the development varies from 3 to 6 storeys. The west portion of the building is primarily 5 storeys in height with 6 storey corner statements, and then lowers to 4 and 3 storeys toward the east. This is considered to be compatible with the existing two storey town houses to the east (other side) of Deakin Gate.

Height restrictions were included in the Structure Plan to control any potential adverse impact upon the streetscape. Since Lakeside Drive and Joondalup Drive provide a buffer to the adjoining land, and the proposed development toward the east is predominantly 3 storeys in height, the proposal is not considered to have any negative impact on surrounding properties.

The proposed height of the development is unlikely to have any detrimental impact to the amenity of the surrounding area. It is considered that this development will be an important landmark for the City Centre and will act as a 'Gateway' and reference point to the City Centre. On this basis, it is recommended that Council determine that the proposed building height of up to 6 storeys (with a predominant height of 4 storeys), in lieu of two storeys, is appropriate in this instance.

### Setbacks

Under the Structure Plan, a nil front setback is preferred, indicating that the desired outcome of this setback requirement is to ensure a strong street presence is created.

Although the development proposes setbacks varying from 750mm to 13.5 metres, the height of the proposed building and orientation to the street provides a strong urban edge. Additionally, the inclusion of overhanging balconies on the upper level residential units, canopies over the commercial areas and street furniture within the public realm, provides an emphasis at a pedestrian scale.

The design essentially promotes interaction between commercial tenancies, residential and adjoining public areas. In essence, the proposed setbacks to public streets are considered appropriate.

### Car parking

The Structure Plan stipulates that for Residential/Mixed use, 1 bay per 30m<sup>2</sup> Net Lettable Area (Commercial) and 1 bay per dwelling for the residential component are required. In terms of visitor parking, this is to be provided in the form of embayed parking within the road reserves.

### **Carparking bays**

| <b>Villages</b> | <b>Required</b>  | <b>Proposed</b>   | <b>Total</b>                |
|-----------------|--|---|-----------------------------|
| Village 1       | <u>Residential</u><br>64 bays                                | 68 bays provided of which 8 are in tandem and must be allocated to four of the three bedroom units  | 68 bays<br>(surplus of 4)   |
| Village 2       | <u>Residential</u><br>102 dwellings =<br>102 bays            | 114 bays provided of which 20 are in tandem and must be allocated to ten of the twelve three bedroom units<br>9 residential bays provided for Village 3 | 139 bays<br>(surplus of 25) |
|                 | <u>Commercial</u><br>12 bays<br>(NLA – 363.7m <sup>2</sup> ) | 12 bays provided<br>4 commercial bays provided for Village 3  |                             |

| Villages     | Required   | Proposed         | Total  |
|--------------|--|------------------|--|
| Village 3    | <u>Residential</u><br>21 bays                                | 12 bays provided | 20 bays<br>(shortfall of 13<br>– provided in<br>Village 2) |
|              | <u>Commercial</u><br>12 bays<br>(NLA – 361.3m <sup>2</sup> ) | 8 bays provided  |  |
| <b>Total</b> | 211 bays   | 227 bays         | Complies   |

From the above table it is evident that there is a shortfall of 13 car bays within Village 3 (4 commercial bays and 9 residential bays).

Clause 4.9 of DPS2 allows the City to approve reciprocal car parking. Additionally, the Structure Plan recognises that within mixed-use precincts there is potential for reciprocal use of parking. Since commercial and residential car bays within Village 3 have been allocated in Village 2, the car parking is considered to comply with the statutory requirements. It is recommended that a formal reciprocal carparking agreement be entered into to legally facilitate the shared car parking arrangements proposed. Additionally, to ensure that commercial parking is available to the public in Village 2 it is recommended that the security gates remain open during business hours.

Under the Structure Plan only one car bay is required per dwelling. Village 2 has a surplus of 25 bays. These surplus bays are to be distributed as follows:

- 12 additional bays for the three bedroom dwellings in Village 2
- 9 bays for the shortfall in the commercial parking in Village 3
- 4 bays for the shortfall in residential parking in Village 3

There is no visitor parking requirement under the Structure Plan. The Structure Plan stipulates that *visitor parking is provided in the form of embayed parking within the road reserves*. There are currently 28 on-street embayment bays provided within the road reserves of Walsh Loop, Molloy Promenade and Cornell Parade. However, 5 road side bays will be lost to facilitate vehicular access to the proposed buildings to the eastern side of Village 1 boundary and to the south-western side of Village 2 boundary. These bays will need to be reinstated elsewhere near the subject land, at the applicant's cost and to the City's satisfaction, prior to occupation of the development. The applicant has indicated on the plans for 5 new visitor bays to be situated to the northern, eastern & southern boundaries of Village 1.

Given the location of the site within the City Centre, its proximity to the educational establishments, the availability of public transport and facilities and services offered in the City Centre, it is considered that the parking proposed is appropriate.

#### Crime prevention through environmental design

Security and safety measures have been incorporated into the design of the development. Each residential and commercial unit comprises windows and/or balconies that address the street and rear of each Village building. Essentially, passive surveillance is achieved in car parking, parkland, streets and communal areas.

Wide pedestrian paths are proposed to abut commercial tenancies to facilitate safe pedestrian movement.

The type of land uses that could potentially operate within the commercial premises is mixed uses. These uses will promote activity and passive surveillance at street level, thus improving sense of safety and security within the public realm.

Lighting is positioned along Lakeside Drive in order to facilitate safe usage along pedestrian routes at night. All internal and external pedestrian routes associated with the proposed village buildings, together with communal areas (pool and bbq area) will be required to be provided with sufficient lighting to maintain a sense of safety and security for all residents and visitors.

### Storerooms

The R-Codes require each multiple dwelling to be provided with a storeroom with a minimum dimension of 1.5 metres and a minimum area of 4m<sup>2</sup>. Each multiple dwelling complies with this provision with the exception of storerooms 8 and 11 within Village 2, being 3.68m<sup>2</sup> in area each.

The performance criteria of the R-Codes state that storerooms are to be 'adequate for the needs of the residents'. The two storerooms comply with this element, as each undersize storeroom is intended for single bedroom units.

### Conclusion

The subject land is considered unique as it is the southern entrance or 'gateway' to the City Centre. The development is close to educational establishments and City Centre services and facilities. This proposal will assist towards achieving the City's strategic vision in terms of facilitating a variety of housing types and providing suitable accommodation for its growing student population in a sustainable manner.

The proposed development is considered to be of landmark status due to its height, design, colour and uniqueness, which will ultimately encourage legibility within the City. As a landmark development, the proposed density and height are considered appropriate. Therefore, it is recommended that Council conditionally support the proposal.

## **ATTACHMENTS**

Attachment 1 – Location plans

Attachment 2 – Section drawing of topography

Attachment 3 – Perspective drawings

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

**1 EXERCISES discretion under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria of Clause 3.4.1, 3.10.3 and 4.1.3 have been met and that:**

**(a) storerooms 8 & 11 within Village 2 being 3.68m<sup>2</sup> in area in lieu of 4.0m<sup>2</sup>;**

- (b) open space provision of 32% (Village 1), 38% (Village 2) & 36% (Village 3) in lieu of 50%;
- (c) single bedroom dwellings exceeding 60sqm in area;

are appropriate in this instance.

- 2 SUPPORTS the proposed height of a maximum of 6 storeys and a density of 168, 159 & 113 dwellings per hectare under clause 2.2 & clause 4.3 of the Joondalup City Centre Development Plan & Manual and clause 9.8 of the District Planning Scheme No 2 and DETERMINES that the proposed height and density are appropriate in this instance as the development is considered to be of landmark quality;
- 3 SUPPORTS the provision of reciprocal carparking bays and vehicular access under clause 4.9 of the District Planning Scheme No 2 between Lot 1002 (1) Molloy Promenade (Village 2) and Lot 1000 (1) Walsh Loop (Village 3);
- 4 APPROVES the application dated 14 December 2006 and revised plans dated 13 October 2007 submitted by Cameron Chisholm & Nicol Architects for a mixed use development comprising 187 multiple dwellings and 5 commercial tenancies on Lot 1000 (No 1) Walsh Loop (Village 3), Lot 1001 (No 2) Molloy Promenade (Village 1), and Lot 1002 (No 1) Molloy Promenade (Village 2), subject to the following conditions:
  - (a) The landowner, at their cost, shall enter into a legal agreement with the City to facilitate reciprocal vehicle access and carparking between Lot 1002 (1) Molloy Promenade (Village 2) and Lot 1000 (1) Walsh Loop (Village 3) to the satisfaction of the City of Joondalup;
  - (b) The residential and commercial unit carparking bays, including staff car parking shall be marked and defined within all Villages and shown on plans submitted for building license approval and within any future strata title management statement. The Village 3 commercial & residential bays provided for within Village 2 shall also be clearly marked and identified for reciprocal use purposes. Village 3 commercial bays as marked in RED on the approved plans shall be marked as 'staff car parking only' to the satisfaction of the Manager Approvals Planning & Environmental Services;
  - (c) The parking bays, driveways and points of ingress and egress to be designed in accordance with the AS/NZS 2890.1 2004. Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services prior to the development first being occupied;
  - (d) The security gates adjacent to Village 2 eastern boundary as marked in RED on the approved plans shall be accessible during business hours from 8.30am to 5.30pm so that commercial patrons can utilise the designated commercial car parking bays.
  - (e) In the event that any on street embayment visitor bays are lost due to construction of crossovers or the like, or any additional provision of visitor parking embayments are required to service the development, the visitor bays shall be replaced and/or constructed at the applicants cost, to the satisfaction of the Manager Approvals Planning & Environmental Services;

- (f) Any works undertaken within the road reserve is to be designed and constructed to the satisfaction of the Infrastructure Management Services;
- (g) Pedestrian and vehicular access ways shall be aligned to provide clear sightlines and provided with adequate lighting to ensure pedestrian safety in accordance with clause 3.5.5(A5.2) of the Residential Design Codes 2002;
- (h) Any roof mounted or free standing plant or equipment such as air conditioning units, satellite dishes, telecommunication masts are to be located and screened so as not to be visible from beyond the boundaries of the development site;
- (i) Each multiple dwelling is to be provided with an adequate area for clothes drying that is screened from view from the street frontages (Cornell Parade, Deakin Gate, Walsh Loop, Molloy Promenade, Joondalup Drive & Lakeside Drive) or alternatively to be provided with clothes drying facilities within the unit(s);
- (j) The owners of Lot 1000 (No.1) Walsh Loop, Lot 1001 (No.2) Molloy Promenade, and Lot 1002 (No.1) Molloy Promenade shall advise prospective purchasers in writing that the proposed single bedroom dwellings as shown on the approved plans are designated as “Single Bedroom Dwellings” and are defined as such under the Residential Design Codes of Western Australia;
- (k) The applicants be advised that residents of Village 1 (Lot 1001 Molloy Promenade) and Village 3 (Lot 1000 Walsh Loop) shall be able to utilise the communal open space/ BBQ/ pool & gymnasium facilities within Village 2 (Lot 1002 Molloy Promenade) and shall be stated on the future strata management statement as shown on the approved plans to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (l) All building finishes and materials used on the exterior of the building shall be robust, durable and resistant to vandalism to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (m) All boundary walls being of a clean finish and made good to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (n) Any solid front walls, particularly the existing power transformer enclosure within Village 1, shall incorporate texture/colour and patterns to break up the solid appearance when viewed from the street to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (o) A refuse management plan indicating the method of rubbish collection is to be submitted as part of the building licence and approved by the Manager Approvals, Planning and Environmental Services;

- (p) Suitably screened bin storage areas are to be provided prior to the development first being occupied. Such an area must be constructed with a concrete floor, graded to a 100mm industrial floor waste gully connected to sewer and be provided with a hose cock to the satisfaction of the Manager Approvals Planning & Environmental Services;
- (q) Landscaping shall be provided in the communal space area and adjacent to pedestrian access paths, bin stores, carpark perimeters and the like so as to enhance the urban edge and create a good quality public space, and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (r) The lodging of detailed landscaping plans for the development site with the Building Licence Application. For the purpose of this condition a detailed landscaping plan shall be drawn to a scale of 1:100. All details relating to paving and treatment of verges are to be shown on the landscaping plan. All landscaping, reticulation and verge treatments, based on water wise principles, are to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services;
- (s) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services;
- (t) All areas with natural bush within the Reserve (Walsh Park) shall be retained and protected to the City's satisfaction. Degraded areas or bush damaged during construction shall be re-vegetated at the applicant's cost;
- (u) All existing verge landscaping adjoining the subject site shall be retained and protected during construction and maintained thereafter to the satisfaction of the City;
- (v) An onsite stormwater drainage system with the capacity to contain a 1:100 year storm of a 24-hour duration is to be provided prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning & Environmental Services.

*Appendix 23 refers*

To access this attachment on electronic document, click here: [Attach23brf120208.pdf](#)

## **ITEM 22                    USE OF APARTMENTS - MULLALOO TAVERN LOT 100(10) OCEANSIDE PROMENADE MULLALOO – [02089]**

**WARD:**                    North Central

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

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### **PURPOSE**

This report is provided to assist Council with determining an application for the use of all apartments within the development as a Residential Building.

### **EXECUTIVE SUMMARY**

The development has been approved with a number of different activities on its various levels, including:

- Carparking (basement level)
- Commercial uses, restaurant and convenience store bottle shop (ground floor)
- Tavern (1<sup>st</sup> floor)
- 5 apartments intended for permanent accommodation plus a residential building (containing 7 short stay apartments) on 2<sup>nd</sup> and 3<sup>rd</sup> floor.

A parking deck abuts each of the levels at the rear of the building.

The City has been made aware that the owner is advertising all apartments as being available for short stay accommodation.

The owner has also lodged an application for approval of the use of all apartments for short stay purposes.

The Council resolved in October 2006, to amend its Planning Scheme to simply reflect the types of dwellings that have been approved on the site to respect the intent of decisions in various jurisdictions over time. The amendment clarifies that 5 of the apartments may be used for a grouped or multiple dwelling (as a consequence of their physical location beside or above each other) plus the location of the units to be used for residential building (short stay accommodation). The amendment is nearing finalisation and is with the Minister for Planning. The amendment does not impede the ability of the applicant to make this Development Application or for the Council to determine it.

The proposed use does not generate any additional traffic demand, or need for additional infrastructure or services. The changed land use would arguably not be discernible from the previous approved package of land uses within the building.

Consequently, the recommendation is that the proposal be approved.

## BACKGROUND

|                         |                                 |
|-------------------------|---------------------------------|
| <b>Suburb/Location:</b> | 10 Oceanside Promenade Mullaloo |
| <b>Owner:</b>           | Rennet Pty Ltd                  |
| <b>Zoning:</b>          | <b>DPS:</b> Commercial (R20)    |
|                         | <b>MRS:</b> Urban               |
| <b>Site Area:</b>       | 2377m <sup>2</sup>              |
| <b>Structure Plan:</b>  | n/a                             |

The development was approved in 2002. At the time of its approval, the application included the following broad elements:

- Basement car parking
- Commercial floor space at street level
- Replacement of a pre-existing tavern at the first floor level
- Three upper levels of accommodation, comprised of five permanent dwellings (multiple dwellings) and 10 short stay apartments (defined as a residential building)
- Three levels of decked parking behind the building.

Various detailed reports and briefings have been provided over time on particular aspects of the development. This has been necessary as a result of actions by third parties, or compliance issues arising from the owner altering the design (without first getting approval) during construction.

When the development was in its infancy, the owner offered residential units for sale, and options were taken up by various parties. The owner subsequently cancelled those options to purchase.

Issues relating to the 2 uppermost (residential) levels of the development were thought to be resolved (i.e. the description of the grouped and multiple dwellings), however this new application gives rise to the need for Council to deliberate on the development application for a change in land use for the 5 permanent apartments.

The plans of the development are shown on attachment 1.

### Unauthorised use of the apartments

The City has also been made aware that the owner is offering all 12 apartments for short stay accommodation on the internet.

The owner has been advised to stop the unauthorised land use and await the outcome of the Council's determination of the Development Application. This is the normal procedure where unauthorised land uses become known to the City.

In relation to this matter, the Chief Executive Officer has instructed the City's lawyers to correspond with the landowner seeking compliance with the current approval. The alleged land use breach is, however, not relevant to the assessment of the Development Application now before the Council.

### Parking Layout

This application gives rise to the need to assess parking supply and adequacy. By way of background, as the development was built, the City was not satisfied that the parking area was constructed in compliance with the planning approval granted for the development. After various attempts to have this resolved, the City served a notice on the owner seeking that the use of the development cease and the parking area be rectified.

The owner appealed the notice (to the State Administrative Tribunal) and the Tribunal made a decision that required the parking area to be modified and re-marked to its satisfaction. The decision takes the place of the Local Government's decisions on this matter.

The parking area has been re-marked and modified in accordance with the Tribunal decision.

The carpark includes parking on the upper deck levels which is intended to serve the residential units and the residential building (short stay accommodation)

### Scheme Amendment

During 2007 The Council has resolved to finalise amendment to its Planning Scheme to clarify the classification of various apartments that were intended for permanent occupancy. The amendment was designed to respect decisions of the SAT in 2005 (about a different development in Sorrento) and the Supreme Court in 2003 (arising from a writ lodged by the Mullaloo Progress Association) that placed a different interpretation on the classification of grouped dwellings or multiple dwellings than was applied by the Council in 2002. (For reference – report CJ118-06/07 provides a detailed description of these matters).

The proposed amendment was adopted in the following form:

*“That Council:*

- 1 *Pursuant to Part 5 of the Planning and Development Act 2005, CONSENTS to initiate Amendment No 38 to the City of Joondalup District Planning Scheme No. 2, for a period of 42 days, by adding additional use 1-20 to Lot 100 (10 Oceanside Promenade, Mullaloo, in “Schedule 2 – Section 1 (Clause 3.15) – Additional Uses” as follows:*

| NO   | STREET/<br>LOCALITY              | PARTICULARS<br>OF LAND | ADDITIONAL USE   |
|------|----------------------------------|------------------------|--|
| 1-20 | 10 Oceanside Promenade, Mullaloo | Lot 100                | While the building comprised in Strata Plan 47048 remains on this site, Strata Lots 4 and 10 of Strata 47048 may be used as multiple dwellings (permanent residential accommodation), notwithstanding that the R20 density code applies to the land. |

- 2 *Prior to the advertising period commencing, FORWARDS the proposed amendment to the Environmental Protection Authority in order to decide if an environmental review of the site is required;*

- 3 *NOTES that the scheme amendment is proposed as a result of the decision of the State Administrative Tribunal in the Owners of Strata Plan 18449 v the City of Joondalup (2005) WASAT 304, deciding that at density codes of R30 or less multiple dwellings are not permissible;*
- 4 *NOTES for the sake of clarity on this issue that strata lots 3, 8 and 11 are designated as grouped dwellings, and that strata lots 1, 2, 5, 6, 7, 9 and 12 are designated residential building (short stay)."*

### Residential Building

"Residential Building" is a class of land use. The Planning Scheme takes the definition from the Residential Design Codes as follows;

#### *"Residential Building*

*A portion or portion of a building, together with rooms and outbuildings separate from such building but incidental thereto, such building being used or intended, adapted or designed to be used for the purpose of human habitation;*

- *temporarily by two or more persons; or*
- *permanently by seven or more persons,*

*who do not comprise a single family, but does not include a hospital or sanitorium, a prison, a hotel, a motel, or a residential school."*

### **DETAILS**

This application seeks Council's approval for the conversion of units 3, 4, 8, 10, and 11 to "Residential Building". The remaining apartments are currently approved as a "Residential Building". This would allow all the buildings in the development to be used for short stay purposes.

Attachment 1 provides a plan showing the location of those units.

Each of the 12 units are fully self contained - offering kitchen and laundry facilities, and can be used independently of any other facilities on the lower levels of the development.

A reception desk is included in building licence documentation to be placed in the foyer on the tavern level of the development. The desk provides a servicing and inquiry point for users of the short stay units already approved.

#### Parking demand and supply

Parking for Residential Buildings is required at a rate of 1 bay per 2 persons. In the 2002 assessment the practical application of this standard for the apartments approved as residential building was that each short stay apartment provides 1 carbay, resulting in 5 bays.

The permanent dwellings also provided one carbay per dwelling. Therefore, regardless of whether each apartment was part of the Residential Building land use or a dwelling, one bay was provided for each unit.

The current application does not alter that formula, although the total number of units has been reduced from 15 (proposed) to 12 (ultimately built).

**Consultation:**

The proposal does not require any changes to the building, nor would it give rise to a discernable increase in the level of activity at the site. For these reasons the proposal has not been subject to public consultation.

**Policy Implications:**

Nil

**Risk Management considerations:**

The proposal must be considered on its merit - despite the complicated and contentious history of the proposal and the adversarial events that have transpired.

If the proposal is not considered on its merits, then there is a risk of potential action by third parties

**Link to Strategic Plan:**

Nil

**Financial/Budget Implications:**

Nil

**Issues and options:**

The Council may resolve to:

- 1 approve the proposal (with or without conditions)
- 2 refuse the proposal (on grounds to be established)
- 3 defer the proposal (for stated reasons)

In the event of a deferral, the applicant will have a right of appeal if the proposal is not determined within 60 days of lodgement of the application.

In the case of a decision to refuse the proposal, the applicant also has a right of appeal to the SAT. For the unauthorised land use, the City would need to begin processes to support an attempt at enforcement action under the Scheme and the Planning and Development Act.

**COMMENT**

Despite the complicated history of the site, this application is essentially straight forward.

The previous parking analysis and supply of parking indicate that the parking accommodation on site is appropriate for the proposed use of the units.

**Unauthorised land use**

Where an unauthorised land use is apparent, the City routinely advises the land owners to cease operations until a Development Application for the use is lodged and determined.

That request has been made in this instance through the City's lawyers.

### Amenity

The hotel, bottle shop, and commercial activities on the ground and first floor levels have the potential to draw the major component of clientele and activity to the property.

This proposal is of a minor nature and relates to a proposed change of use for arguably the part of the development that draws the least amount of customer and servicing activity, compared to the more busy elements of the building.

Consequently, it is unlikely that the conversion of the permanent accommodation to 5 additional short stay units would be discernible within the context of the total development.

It could also be argued that, having regard to the Commercial zoning of the land, the proposal is very compatible with the other land uses on the site.

On the basis of the above, it is recommended that the application be approved by the Council.

### **ATTACHMENTS**

Attachment 1- floor plans of development

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

#### **That Council:**

- 1 APPROVES the conversion of units 3, 4, 8, 10, and 11 of the Mullaloo Tavern development for use as a Residential Building, on lot 100 (10) Oceanside Promenade Mullaloo, as described in the application received on 4 January 2008 subject to:**
  - (a) The approval relates only to the conversion of the components of the development as described in the application;**
  - (b) The use of apartments 3, 4, 8, 10, and 11 must comply with the definition of Residential Building as described in Planning Scheme 2;**
- 2 NOTES the approval excludes any changes to the building that may have been documented and/or included in the application bundle submitted to the City.**

*Appendix 26 refers*

To access this attachment on electronic document, click here: [Attach26brf120208.pdf](#)

## **ITEM 23                    PROPOSED ROAD RESERVE CLOSURE - PORTION OF HONEYBUSH DRIVE, JOONDALUP - [39981] [20587]**

**WARD:** North

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

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### **PURPOSE**

The purpose of this report is to seek Council's consent to initiate a proposed road reserve closure of a portion of Honeybush Drive, Joondalup, to facilitate subdivision of the land.

### **EXECUTIVE SUMMARY**

A request has been received from JBA Surveys (the applicant) on behalf of Landcorp for the permanent closure of a portion of Honeybush Drive road reserve to enable an approved subdivision to proceed (refer Attachment 1).

The land is within the Southern Business District area, which is in the process of being developed. The proposed road reserve closure will allow Honeybush Drive to be realigned, in accordance with the road layout outlined in the Southern Business District Structure Plan. The proposal is intended so as to permit the realignment of the old road reserve, to accord with the adopted Structure Plan.

The applicant has confirmed acceptance of easements and responsibility for costs associated with the removal of infrastructure assets, if required by each respective service authority.

It is recommended that Council initiates the proposed road reserve closure of a portion of Honeybush Drive, Joondalup, through the commencement of public advertising for a period of 35 days.

### **BACKGROUND**

|                         |  |
|-------------------------|--|
| <b>Suburb/Location:</b> | Joondalup  |
| <b>Applicant:</b>       | JBA Surveys  |
| <b>Owner:</b>           | City of Joondalup                                    |
| <b>Zoning:</b>          | <b>DPS:</b> Centre Zone                              |
|                         | <b>MRS:</b> Central City Area                        |
| <b>Site Area:</b>       | Approximately 1602m <sup>2</sup> (subject to survey) |
| <b>Structure Plan:</b>  | Southern Business District                           |

### **DETAILS**

The northern portion of Honeybush Drive is proposed to be realigned and made consistent with the alignment approved within Plan 1 of the Southern Business District Structure Plan (refer Attachment 2), leaving a portion road reserve (approximately 1602m<sup>2</sup>) to be 'closed'.

Preliminary approval has been given to incorporate the portion of road reserve into a proposed adjoining lot via a subdivision approved on 7 November 2006 by the Western Australian Planning Commission (refer Attachment 2). The subdivision facilitates the re-

subdivision of 8 lots to create 5 super lots in order to progress the proposals contained within the Southern Business District Structure Plan adopted by the Western Australian Planning Commission on 23 February 2006.

The 1602m<sup>2</sup> portion of Honeybush Drive must formally be 'closed' for the approved subdivision to proceed.

Council has the option to:

- (a) Resolve to support the road closure for the purposes of public advertising, or
- (b) Resolve to not support the road closure for the purposes of public advertising.

**Link to Strategic Plan:**

Strategy 3.1.2 – Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

**Legislation – Statutory Provisions:**

A road closure is required to be undertaken by a local authority in accordance with Section 58 of the Land Administration Act (LAA) 1997. A request can be made to close a road reserve and amalgamate that land into an adjoining property. As part of this process, service authorities are requested to provide details of any service plant that is located within the proposed road reserve to be amalgamated. If such infrastructure exists, the cost of relocation or provision of easements to protect and obtain access to that infrastructure, should the need arise in the future, are met by the applicant/landowner.

If Council supports the road closure, the proposal is advertised for public comment for a period of 35 days, as required under Section 58 of the LAA. Upon the closure of public advertising, the proposal is presented to Council for its further consideration, together with details of any submissions received.

If Council resolves to progress the request, all relevant documentation is forwarded to the Department of Planning and Infrastructure with a request to formally close the road for its determination. The Minister for Planning and Infrastructure makes the final decision on whether or not closure takes place.

**Risk Management considerations:**

Not Applicable.

**Financial/Budget Implications:**

The applicant has advised it will provide any necessary easements to protect existing infrastructure within the road reserves. Should it be necessary to relocate any service infrastructure located within the subject land, this would be negotiated between the service agency and the applicant, with all costs borne by the applicant.

**Policy Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The service authorities (Telstra, Western Power, WestNet Energy and Water Corporation) have been consulted to determine if there are services or assets which would be affected by the proposed road reserve closure. All service agencies have no objection to the proposed road closure.

Telstra indicates there are assets in the vicinity. Telstra has no objection “in principle” to the road closure providing access to those assets for augmentation and maintenance purposes is retained.

WestNet advises there is an abandoned gas main in Honeybush Drive within the area of the proposed closure that may affect future development. WestNet has no objection to a third party removing the main.

Western Power advises high voltage cables currently traverse within the road reserve and will require an easement to be registered on the portions of the property that are directly affected by this cable.

In addition to service authorities, the Department for Planning and Infrastructure has been consulted and has no objection to the proposed road closure.

If the proposal is supported by Council, public advertising will occur for 35 days as required under Section 58 of the LAA, as follows:

- Nearby landowners being notified in writing;
- A notice being placed in the local newspaper;
- A sign being erected on site;
- A notice being placed on the City’s website.

Upon closure of advertising, the matter will be presented to Council for its further consideration, together with details of submissions received during the advertising period.

**COMMENT**

The City has not initiated the proposed road reserve closure and is not the determining authority for the proposal. However, the City is required by the LAA to undertake the public consultation on this matter as it relates to land within its jurisdiction.

The proposed road reserve closure will facilitate the subdivision of the land in accordance with the approved subdivision and structure plan. No issues have been identified in regard to the proposed road reserve closure, and therefore the public advertising of the proposed road reserve closure is recommended.

**ATTACHMENTS**

- |              |  |
|--------------|--|
| Attachment 1 | Approved Subdivision Plan (WAPC Ref: 131242) highlighting portion of road reserve subject of closure |
| Attachment 2 | Plan 1, Southern Business District Structure Plan  |

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

**That Council INITIATES the permanent closure of a portion of Honeybush Drive road reserve, Joondalup, as shown in Attachment 1 to this Report, for the purposes of public advertising for a period of 35 days.**

*Appendix 18 refers*

*To access this attachment on electronic document, click here: [Attach18brf120208.pdf](#)*

## **ITEM 24                      PROPOSED 4 SINGLE BEDROOM DWELLINGS AT LOT 595 (11) YATALA CLOSE, CURRAMBINE - [08649]**

**WARD:** North

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

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### **PURPOSE**

To request that Council formalise a recommendation to the Western Australian Planning Commission for an application for planning approval for four single bedroom dwellings at Lot 595 (11) Yatala Close, Currambine.

### **EXECUTIVE SUMMARY**

The subject site is located at Lot 595 (11) Yatala Close, Currambine, and is surrounded by existing residential dwellings.

The applicant proposes to construct four single bedroom grouped dwellings on the development site. The Acceptable Development Standards of the Residential Design Codes (R-Codes) allow for the minimum site area required for grouped dwellings to be reduced by up to one third where the proposal is for single bedroom dwellings.

The R-Codes require development of each grouped dwelling to comply with a number of development standards. This development proposes variations to the setback, building on the boundary and front fencing provisions of the R-Codes and as such these variations must be determined based on the Performance Criteria.

Nine submissions were received during the public consultation period, with eight of these being objections to the proposal. Submissions raised concerns that the development is inconsistent with pre-existing building covenants, traffic, parking, property values, privacy, potential anti-social behaviour and noise.

The proposed development is a Public Work and as such the application is required to be determined by the Western Australian Planning Commission (WAPC).

The proposed variations to development standards are not in themselves related to the reasons for objection. The variations are considered minor and are similar to those often approved for single residences. It is recommended that the Council advises the WAPC that it supports the proposed development.

### **BACKGROUND**

**Suburb/Location:** Lot 595 (11) Yatala Close, Currambine  
**Applicant:** Colin G. Cockram  
**Owner:** Department of Housing & Works  
**Zoning:** **DPS:** Residential R40  
**MRS:** Urban  
**Site Area:** 686m<sup>2</sup>  
**Structure Plan:** Not Applicable

The subject site is located at 11 Yatala Close Currambine. This site is within the Residential Zone and has a density coding of R40.

The subject site has an area of 686m<sup>2</sup>. Based on the minimum site requirements of the Residential Design Codes (R-Codes), the site is capable of being developed as:

- three single houses;
- three grouped dwellings;
- two multiple dwellings;
- four single persons dwellings; or
- four aged and dependent persons dwellings.

The subject site is adjoined by existing single houses on all sides and there are existing single houses opposite the proposed dwelling on Yatala Close. These also have a density coding of Residential R40. Approval has been granted for a similar development of four single bedroom dwellings to be constructed on a site approximately 60 metres from the subject site on the corner of Yatala Close and Tryal Place.

The immediate area was subject to building covenants when the land was first developed. The purpose of the covenants was to limit each lot so that only one house could be built. The covenants have now expired.

## DETAILS

The applicant proposes to construct four single bedroom grouped dwellings. The proposed development includes the following:

- single storey, single bedroom grouped dwellings of approximately 57m<sup>2</sup> in area each;
- A single carport for each dwelling;
- One additional visitor car parking bay; and
- Store rooms for each dwelling.

The development plans are provided in attachment 2.

## Variations

The proposed development has variations to the front fence, setback and building on the boundary provisions of the R-Codes as set out in the table below. All other requirements of the R-Codes are satisfied by the proposal.

| REQUIRED  | PROVIDED                                   | COMPLIANCE |
|---|--|------------|
| Front fence – maximum 1.2m solid with up to 1.8m 'visually permeable' | 1.8m solid                                 | No         |
| Minimum Setback of 1.5m to the western boundary for unit 3            | 1.2m                                       | No         |
| Minimum Setback of 1.5m to the western boundary for unit 4            | 1.3m                                       | No         |
| Buildings on the boundary to one boundary only                        | Building on the boundary to two boundaries | No         |

The application is required to be determined by the WAPC as the proposed dwellings are public housing and as such are considered to be a Public Work under the Public Works Act 1902.

#### Applicant's Justification

The applicant has provided written justification for the proposed development and the variations sought. This justification is summarised as:

- The building covenants ceased to have effect in 1999.
- The proposal complies with the R-Codes density.
- The scale and bulk of four single bedroom units is less than the three townhouses that could otherwise be developed on the site.
- The traffic impact of four single bedroom units is also less than three townhouses would likely generate.
- The proposed dwellings have been architecturally designed and as such should not impact on the amenity of the locality.
- The location of the proposed dwellings is close to the future train station, as well as being close to shops, chemists, service stations, delis, restaurants and a university.
- There is a large demand for this type of accommodation in the Currambine area with over 100 persons on the Department's waiting list. The Department of Housing and Works has an obligation to fill this demand.

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

Council has the discretion to:

- Make a recommendation to the Western Australian Planning Commission supporting the proposal;
- Make a recommendation to the Western Australian Planning Commission that the application should be refused.

#### **Consultation:**

The proposal was advertised for 14 days, by way of letter to four adjoining affected owners. The R-Codes stipulate that abutting neighbours should be invited to comment on certain R-Code Variations as are proposed here. In this case, the interest in the proposal was widespread, and at the conclusion of advertising, nine submissions had been received, with eight of these submissions being objections to the proposal. The objections raised concerns regarding building covenants, traffic, parking problems, property values, privacy, anti-social behaviour and noise.

The origin of submissions is shown on the Residential Coding Plan in attachment 1, and the submissions are outlined further in attachment 3.

#### **Policy Implications:**

Not Applicable.

#### **Risk Management considerations:**

Not Applicable.

## Legislation – Statutory Provisions:

In considering the subject application, the following clauses of the R-Codes and DPS2 require consideration.

### Residential Design Codes 2002

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, having regard to the provisions of sub-clause 2 of this clause as follows:

- 2.3.4(2) *Discretion shall be exercised having regard to the following considerations:*
- (i) *the stated purpose and aims of the Scheme;*
  - (ii) *the provisions of Parts 2, 3 and 4 of the Codes as appropriate;*
  - (iii) *the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
  - (iv) *the explanatory text of the Codes that corresponds to the relevant provision;*
  - (v) *any Local Planning Strategy incorporated into the Scheme;*
  - (vi) *the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
  - (vii) *orderly and proper planning.*

### District Planning Scheme No 2 (DPS2)

Grouped Dwelling is a 'D' use in the Residential Zone. 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 sub clause 6.6.2"*

## 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.*

**Link to Strategic Plan:**

The proposal is considered to be consistent with objective 3.3 of the City's Strategic Plan 2003-08: *To continue to meet changing demographic needs.*

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**COMMENT**

Importantly, clause 6.8 (1) overleaf suggests that Council shall have regard to the wishes expressed in objections or submissions. In this case the submissions lodged are largely pre-emptive in nature, being worried about traffic, behaviour and the like. Although these comments do not materially relate to the variations that are sought, it could be argued that if the variations are not allowed then the density of development could be reduced. Notwithstanding, individual issues are examined below.

**Land Use**

The proposed single bedroom dwellings are classified as Grouped Dwellings under DPS2. Grouped Dwellings are a discretionary use in the Residential Zone and as such are not permitted, but approval may be granted after procedures set out by DPS2 are followed.

One of the objectives of the Residential Zone under DPS2 is to provide the opportunity for grouped dwellings in selected locations so that there is a choice in the type of housing available within the City. The proposal addresses this objective and it is also consistent with the objectives of the City's Strategic Plan.

The nature of the proposed use and its relationship to the use of other land within the locality is considered to meet the objectives of the Residential R40 provisions of the R-Codes. The proposed dwellings are all single storey and will not appear imposing due to their minimal building bulk, with only part of the development being visible from the streetscape.

**R-Codes Variations**

The proposed solid front fence of 1.8 metres in height would provide privacy to a private outdoor living area for one of the dwellings. The normal maximum height for a solid fence is 1.2 metres. The Performance Criteria with regard to street walls and fences take account of 'the need to provide screening where there is no alternative outdoor living area to the front setback' and, in this instance, the Performance Criteria is satisfied.

The setback variations from units three and four to the western (rear) boundary of the site are minor and unlikely to adversely impact on the adjoining owners to the rear of the site. As per the relevant Performance Criteria, the light and ventilation to the subject site and the adjoining property will not be restricted, and there will not be any overshadowing of the neighbouring property.

The Acceptable Development Standards of the R-Codes allow for a building on the boundary on one boundary, for up to 2/3 of the length of the boundary behind the street setback line in an area coded R-40. The proposed unit four has boundary walls to two boundaries in order to incorporate the store-room required by the R-Codes into the design. The boundary walls are 2.0 metres and 2.1 metres in length and comply with the height requirements of the R-Codes. As such, the proposed boundary walls, though classed as a variation to the R-Codes, will have less impact than a compliant proposal. The proposal is effectively the same as many similar proposals approved for single residences.

The proposed R-Codes variations satisfy the relevant Performance Criteria and as such it is recommended that the variations are supported.

### **Public Consultation**

The submissions received regarding the proposed development raised concerns including building covenants, traffic, parking, property values, privacy, anti social behaviour and noise.

#### Building Covenants

A Restrictive Covenant allowing only a single dwelling to be developed previously existed for the subject site and other surrounding properties. However, this Covenant expired in 1999 and as such its provisions are no longer required to be satisfied.

#### Traffic & Parking

The proposed development provides one car parking bay per unit as required by the R-Codes, and an additional visitor car parking bay has also been provided, although not required by the Codes. As such the proposed development more than adequately caters for the parking needs of its occupants and should not result in parking or traffic concerns in the locality.

The applicant has advised as part of the justification provided that the site also has the potential to be developed for three grouped dwellings, each requiring two car parking bays. If the site were to be developed in this manner, it would likely generate a greater amount of traffic and a higher parking demand. As such the single bedroom dwellings should result in a better outcome for the locality, particularly by way of traffic and car parking.

#### Privacy

The proposed dwellings are single storey and will be built at or close to natural ground level on the site and as such there are no visual privacy variations being sought. The dividing fences between the subject property and all adjoining properties should provide adequate privacy between the subject dwellings and the neighbouring properties. Existing retaining walls at the rear separate this site from adjoining land which is between 1.0 and 2.9 metres higher than the proposed development.

#### Noise

Concerns were also raised about noise potentially being generated from the proposed development. The development must be designed and constructed in compliance with the requirements of the Environmental Protection Act 1986 and the Environmental Protection

(Noise) Regulations 1997. The provisions of the Environmental Protection Act 1986 also apply to noise generated from within the site that may affect surrounding properties.

The potential for anti-social behaviour by tenants and possible impacts on property values are beyond the proper planning considerations and cannot be evaluated in this application.

### Conclusion

The Council is required to assess the proposed development against the provisions of DPS2 and the R-Codes as well as any other relevant Council Policies. The proposed R-Code variations are minor in nature and satisfy the relevant Performance Criteria.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the Strategic Plan and DPS2 with regard to diversity of housing choice.

Having regard to the:

- details of the application;
- justification submitted by the application for the variations to the Acceptable Development Standards of the R-Codes;
- Performance Criteria of the R-Codes;
- submissions received; and
- provisions of the District Planning Scheme No 2,

it is recommended that Council advises the WAPC that it supports the proposed development subject to conditions.

### **ATTACHMENTS**

Attachment 1 Location Plans  
Attachment 2 Development Plans  
Attachment 3 Table of Submissions

### **VOTING REQUIREMENTS**

Simple Majority.

### **RECOMMENDATION**

**That Council ADVISES the Western Australian Planning Commission that the Council supports the application for Planning Approval dated 02 January 2007, submitted by Colin G. Cockram, the applicant on behalf of the owner(s), Department of Housing and Works, for four (4) Single Bedroom Dwellings on Lot 595 (11) Yatala Close, Currambine, subject to the following conditions:**

- 1 All stormwater shall be collected on site and disposed of in a manner acceptable the City of Joondalup.**
- 2 The driveway and crossover shall be designed and constructed to the satisfaction of the City of Joondalup.**
- 3 Fencing shall be installed in accordance with the City of Joondalup Local Laws prior to the proposed new grouped dwellings being occupied, to the satisfaction of the City of Joondalup.**

- 4**      **Boundary walls being of a clean finish and made good to the satisfaction of the City of Joondalup.**
  
- 5**      **Landscaping of the site shall be established prior to the development first being occupied, and thereafter maintained to the satisfaction of the City of Joondalup.**

*Appendix 19 refers*

*To access this attachment on electronic document, click here: [Attach19brf120208.pdf](#)*

## **ITEM 25                      PROPOSED RETIREMENT VILLAGE – LOT 9018 (4) SUNLANDER DRIVE & LOT 9019 (8) MISTRAL MEANDER, CURRAMBINE - [50510]**

**WARD:**                      North

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

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### **PURPOSE**

The purpose of this report is to request Council's determination of an application for planning approval for a large Retirement Village containing 231 dwellings at Lots 9018 (4) Sunlander Drive and 9019 (8) Mistral Meander, Currambine.

### **EXECUTIVE SUMMARY**

The subject site is located at Lots 9018 (4) Sunlander Drive and 9019 (8) Mistral Meander, Currambine. The land is bound by Burns Beach Road to the north, Connolly Drive to the west, Currambine Boulevard/ Mistral Meander to the south and Sunlander Drive to the east.

The applicant proposes a retirement village on the subject site comprising 231 aged persons dwellings, a community facility, respite day-care centre, maintenance building and electricity substation.

The aged persons dwellings are in the form of 78 independent living units, 28 terraced villas and 125 apartment units. The community facility provides recreation and services facilities and is intended for exclusive use by the residents of the retirement village. The respite day-care facility provides day care primarily for dementia clients to allow carers respite from full time care.

Thirteen submissions were received during the public consultation period, eleven submissions in support, one submission in objection and one submission neutral to the proposal.

The aged persons dwellings are classified as grouped and multiple dwellings and are required to comply with the 'Acceptable Development' provisions or meet the Performance Criteria, including special provisions relating to Aged Persons dwellings, contained in the Residential Design Codes of Western Australia (R-Codes). The remaining non-residential buildings are ancillary to the retirement village classification under DPS2.

The applicant seeks Council's support to exercise discretion in relation to R-Codes setbacks, streetscape elements and car parking. Where a proposal varies from the acceptable development provisions of the R-Codes, assessment based on the 'Performance Criteria' is required. The proposal also exceeds the building threshold envelope expressed in the Building Height Policy.

The majority of the proposed variations to the R-Codes are internal to the development and will not affect surrounding owners. It is recommended that the application be approved subject to conditions.

## BACKGROUND

|                         |   |
|-------------------------|---|
| <b>Suburb/Location:</b> | Lot 9018 (4) Sunlander Drive and Lot 9019 (8) Mistral Meander, Currambine         |
| <b>Applicant:</b>       | Masterplan Consultants (WA) Pty Ltd   |
| <b>Owner:</b>           | Southern Cross Care (WA) Inc  |
| <b>Zoning:</b>          | <b>DPS:</b> Residential R80 Zone, Mixed-Use Zone and Other Regional Roads Reserve |
|                         | <b>MRS:</b> Urban and Other Regional Roads Reserve                                |
| <b>Site Area:</b>       | Total 66,524m <sup>2</sup> (63,984m <sup>2</sup> excluding mixed-use land).       |
| <b>Structure Plan:</b>  | Not Applicable.   |

The subject site comprises Lots 9018 (4) Sunlander Drive and 9019 (8) Mistral Meander, Currambine. The land is bound by Burns Beach Road to the north, Connolly Drive to the west, Currambine Boulevard and Mistral Meander to the south and Sunlander Drive to the east. The main features of the adjoining area are referenced at Attachment 1.

As the largest parcel of undeveloped land in Currambine, the site has significant exposure to major roads. The site is within 400m of the Currambine Railway Station. Although not part of this proposal, a mixed use site abuts the site, and would be suited to provide complementary services.

The site has a crossfall of approximately 21 to 25 metres from north to south. A natural ridgeline exists towards the centre of the site in an east-west direction. The land is vacant and contains scattered pockets of vegetation.

An underpass crossing of Burns Beach Road has been constructed at the north-eastern end of Lot 9018. Associated earthworks and access paths lie within the northern portion of Lot 9018. Several mature trees exist in the vicinity of this underpass.

The site was subject to the Currambine Village Structure Plan (CVSP) for the purpose of guiding residential development on the site (refer to item CJ337-12/04). The Western Australian Planning Commission adopted and certified the structure plan on 18 May 2005. Two subdivision applications (WAPC Ref: 122800 & 127019) consistent with the CVSP were approved and have lapsed.

The subject site has subsequently been sold and the current landowner requested that the CVSP be revoked in order to facilitate a retirement village on the site. The revocation was supported by Council and approved by the Western Australian Planning Commission on 29 June 2007.

The Western Australian Planning Commission has approved the amalgamation of Lots 9018 and 9019 to create a single lot, which will facilitate development of the retirement village. The application also proposes the subdivision of a portion of land (approximately 2540m<sup>2</sup>) as a separate lot to facilitate future mixed-use development on the part of the site that is zoned for that purpose.

## DETAILS

The proposed retirement village is to be developed by Aspen Group and owned and operated by Southern Cross Care.

The proposed retirement village comprises of Independent Living Units, Terraced Villas, Apartment Units, Community Facility, Respite Day-Care Centre, Maintenance Building and Electricity Substation. A Site Plan of the proposal is included in Attachment 2.

The main access into the village is proposed from the existing roundabout on Sunlander Boulevard, with a secondary entrance from Currambine Boulevard. All dwellings and facilities are accessed from the internal road system.

A portion of the subject land is set aside (under the Metropolitan Region Town Planning Scheme) for road widening on Burns Beach Road and Connolly Drive. The Department for Planning and Infrastructure advised by letter dated 17 July 2007 that these road widening reserves were no longer required, with the exception of a portion of land adjacent to the underpass under Burns Beach Road. The applicant is required to progress an amendment to the Metropolitan Region Scheme to remove the redundant road widening reservations and to incorporate that land into the development site.

Below is a detailed description of each component of the proposal. A copy of a full set of plans, applicant's submission, Drainage Management Strategy and Traffic Impact Statement are available for viewing in the Councillor's Reading Room.

#### Independent Living Units (ILUs)

A total of 78 ILUs are located throughout the subject site, generally towards the west of the retirement village (refer Attachment 3). The ILUs have the following features:

- Single storey
- Two or three bedrooms and two bathrooms
- Single or double garage with 132 car bays in total
- Floor spaces ranging in area from 129m<sup>2</sup> to 160m<sup>2</sup> (plot ratio area 108.9m<sup>2</sup> to 123.3m<sup>2</sup>)
- 16m<sup>2</sup> courtyards with a minimum dimension of 4m
- 4m<sup>2</sup> store rooms
- Five different floor plan layouts
- Bin storage areas

#### Terraced Villas

A total of 28 terraced villas are located along the natural ridgeline through the subject site (refer Attachment 4). Features are as follows:

- Single storey villas located along a natural ridgeline, allowing development over two levels
- Upper and lower level villas
- Direct vehicular access to each level
- Three bedrooms and two bathrooms
- Single or double garage with 42 car bays in total
- Outdoor living areas
- Minimum 4m<sup>2</sup> store rooms
- Floor spaces ranging in area from 125m<sup>2</sup> to 154m<sup>2</sup> (plot ratio area 100.8m<sup>2</sup>-112.5m<sup>2</sup>)
- Bin storage areas
- 

#### Apartment Units

A total of 125 apartment units are located within five separate apartment blocks. The applicant refers to these as Buildings A, B, C, D and E. Features of the apartment units are listed in the following table (refer Attachments 5-11):

|                          | <b>Building A &amp; B</b>             | <b>Building C</b>                       | <b>Building D</b>                     | <b>Building E</b>                     |
|--------------------------|---------------------------------------|---|---------------------------------------|---------------------------------------|
| <b>No. of Units</b>      | 48                                    | 22                                      | 34                                    | 21                                    |
| <b>Levels</b>            | 3                                     | 2                                       | 4                                     | 3                                     |
| <b>Basement</b>          | Yes                                   | Yes                                     | Yes                                   | Yes                                   |
| <b>Floor plan layout</b> | Four different floor plans            | Seven different floor plans             | Six different floor plans             | Six different floor plans             |
| <b>Bedrooms</b>          | 2 or 3                                | 2 or 3                                  | 2 or 3                                | 2 or 3                                |
| <b>Bathrooms</b>         | 2                                     | 2                                       | 2                                     | 2                                     |
| <b>Plot ratio area</b>   | 91m <sup>2</sup> to 116m <sup>2</sup> | 91m <sup>2</sup> to 140.6m <sup>2</sup> | 91m <sup>2</sup> to 116m <sup>2</sup> | 91m <sup>2</sup> to 116m <sup>2</sup> |
| <b>Balcony/unit</b>      | Yes                                   | Yes                                     | Yes                                   | Yes                                   |
| <b>Car bays</b>          | 64                                    | 112                                     |                                       |                                       |
| <b>Store rooms</b>       | 48                                    | 77                                      |                                       |                                       |
| <b>Bin store</b>         | Yes                                   | Yes                                     | Yes                                   | Yes                                   |
| <b>Lifts</b>             | Yes                                   | Yes                                     | Yes                                   | Yes                                   |

### Community Facility

The proposed community facility is a single-storey building located towards the middle of the site at the intersection of the two entrance roads (refer Attachment 12). Features are as follows:

- Total floor space of 1657m<sup>2</sup>
- Contains an indoor swimming pool and gym, a large hall, dining/lounge room, toilets and change room facilities and area for library, mobile doctor and hairdresser
- A total of 24 car bays located within its immediate vicinity
- Two staff including a Village Manager and Part-Time Assistant

### Respite Day-Care Centre

- The proposed respite day-care centre is a single-storey building located at the junction of the main village entrance from Sunlander Drive. Features are as follows:
- Total floor space of 359m<sup>2</sup>
- Provides a daily care service for elderly persons including day and overnight care for dementia patients and respite for their carers
- Available for internal community use
- bedrooms, activity area & bathrooms
- Office and ancillary facilities
- Garage parking for two vehicles and three additional uncovered bays adjacent to the centre
- Three staff members being Day-Care Personnel

### Maintenance Building

The proposed maintenance building is a single-storey building located towards the south-eastern corner of the site adjacent to Mistral Meander. Features are as follows:

- Total area of 78m<sup>2</sup>
- Maintenance and community workshop

### Electricity Substation

The proposed electricity substation is located next to the proposed respite day-care centre immediately south of the mixed-use portion of land. The substation has an area of approximately 36m<sup>2</sup>.

### Boundary Walls

A solid brick wall exists along the boundary of Connolly Drive and Currambine Boulevard (refer Attachment 1). This wall was constructed as part of a previous subdivision application and is to be retained.

The development proposes the continuation of this 2m high solid wall along the entire length of both Connolly Drive and Burns Beach Road (refer Attachment 13). Two gaps of approximately 3.6m to 4m are proposed along Connolly Drive and a gap of 6.5m along Burns Beach Road. These gaps are designed with picket infill to take advantage of vistas down internal streets and provide access points for residents. Visually permeable fencing is proposed along Currambine Boulevard, Mistral Meander and Sunlander Drive as detailed in Attachment 9.

### Servicing

#### *Bins*

A Refuse Management Plan has been prepared for the proposed retirement village. Bins for the ILUs and terraced villas are picked up from the front of each dwelling. Bins for the apartment buildings are stored in the basement and picked up by a refuse contractor. The village has been designed to provide access and circulation to rubbish vehicles.

#### *Stormwater*

Stormwater is proposed to be managed in accordance with the City's Drainage Management Strategy for the Currambine Railway Precinct. The land west of the Currambine Railway Station drains into a sump on Connolly Drive and it is proposed to include the subject site in the drainage system feeding into the existing sump. The Connolly Drive sump is proposed to be deepened by a further 1300mm to provide the required additional storage capacity.

### Landscaping

A landscape architect has been appointed to provide landscape architect services for communal areas, internal and external road verges and setback areas, and entrances to the site. The applicant states that the landscaping of communal areas and road verges will be a high quality appearance and consist of grassed areas for recreation and native plantation. The landscaping will be provided in accordance with the R-Codes where required.

### **Comments made by applicant**

The landowner has identified *"a service gap of high quality traditional retirement villages in the Joondalup area"* and the proposed development intends to address the service gap.

The landowner further states that *"an increasing proportion of residents within the Joondalup region are approaching retirement age. The percentage of population in the City of Joondalup aged over 55 has increased from 11.9% in 2000 to 18.9% in 2006 (Australian Bureau of Statistics). The need to supply quality aged persons accommodation in the City of Joondalup is evident and will continue to grow."*

*“The site offers excellent advantages for aged persons accommodation, being close to the Currumbine Train Station and the Mitchell Freeway extension, making the Joondalup and Perth City Centres extremely accessible. The site is sufficiently large to accommodate enough residents to provide aged persons services such as a community centre and respite day-care centre, and to provide these services on-site.”*

*“An opportunity to create a high-quality retirement facility with an appropriate level of services for residents in a highly accessible and appropriate location exists. The proposed development provides aged persons accommodation that capitalise on the site opportunities available to create a quality product Joondalup Community.”*

## Variations

The development proposal has been assessed in accordance with the R-Codes and Policy 3.2 Height and Scale of Buildings within Residential Areas.

### Residential Design Codes

The development proposal has been assessed under Part 3 Design Elements & Part 4 Special Provisions of the R-Codes.

The applicant is seeking approval for various variations to the “Acceptable Development” provisions of the R-Codes that may have an impact on surrounding development or within the development itself. These variations are required to be assessed against the Performance Criteria set out in the R-Codes.

The applicant has requested that Council exercises discretion and allows variations to the setbacks, streetscape, car parking and incidental development requirements of the R-Codes as outlined in the following table. The table lists only areas of non-compliance. Attachment 14 depicts the location of each variation. All other standards and requirements comply with the “Acceptable Development” provisions of the R-Codes. To abbreviate, Independent Living Units are noted as ILUs and terraced villas as TVs.

| <b>Areas of Non-Compliance with Acceptable Development Standards</b> |   |  |
|--|---|--|
| <b>CRITERIA</b>  | <b>R-CODE REQUIREMENT</b>   | <b>PROVIDED</b>  |
| Element 2 – Streetscape  | <b>Setback to Communal Street</b><br>2.5m to house  | ILUs – 2m<br>TVs - 1.5m                                |
|  | <b>Minor Incursions into Street Setback Area</b><br>A balcony may project no more than 1m into the building setback area provided that the total of the projection does not exceed 20% of the frontage at any level | 1.75m into building setback                            |
|  | <b>Street Walls and Fence</b><br>Front walls and fences within the primary street setback area that are visually permeable 1.2m above natural ground level  | Partially visually permeable walls with a height of 2m |

|   |   |   |
|---|---|---|
| Element 3 –<br>Boundary<br>Setbacks       | <b>Buildings Set Back from Boundary</b><br>Wall height less than 3.5m with no major openings and wall length less than 9m requires 1m setback   | ILU Type B - 0.9m<br>ILU Type E - 0.9-0.96m<br>ILU Type F - 0.9m  |
|   | Wall height less than 3.5m with major openings requires 1.5m setback  | ILU Type A - 1.25m<br>ILU Type B - 1.2m<br>ILU Type E - 1.19-1.26m<br>ILU Type F - 1.19-1.32m   |
|   | Wall height greater than 3.5m with major openings requires various setbacks depending on wall height, length, minor or major openings   | Apartment block A<br>East – 6m<br>West – 6.5m<br>Apartment block B<br>South – 5.5m<br>Apartment block C<br>West – 5m<br>Apartment block D<br>South – 8m |
|   | <b>Boundary Walls</b><br>Walls not higher than 3.5m<br><br>Walls with average of 3m for 2/3 length of balance of boundary behind the setback, to one side boundary  | ILU Type E - 4.9m<br><br>ILU Type A – wall greater than 2/3 length behind the setback   |
| Element 5 –<br>Access and Car<br>Parking  | <b>On-Site Parking Provision</b><br>Aged Persons Dwellings (Grouped Dwellings) of not more than 100 sqm of plot ratio area – 1 space/dwelling (78 bays required)<br>NB: all dwellings exceed 100 sqm – see report | 132 bays  |
|   | Aged Persons Dwellings (Multiple Dwellings) of not more than 80sqm of plot ratio area – 0.75 spaces/dwelling (115 bays required)<br>NB: all dwellings exceed 80 sqm – see report                                  | 218 bays  |
|   | <b>Design of Parking Spaces</b><br>Disabled 3.8m x 6m<br>No closer than 6m to intersection  | 3.2m x 5.5m<br>ILU No. 6: less than 6m<br>ILU No. 42: less than 6m  |
| Element 7 –<br>Building Height            | <b>Building Height</b><br>As per Building Threshold Envelope Policy   | Refer below   |
| Element 9 –<br>Design for<br>Climate      | <b>Stormwater Disposal</b><br>On-site   | To drainage sump across Connolly Drive  |
| Element 10 –<br>Incidental<br>Development | <b>Outbuildings</b><br>Maximum 60sqm or 10% of site area (whichever lesser)   | 78m <sup>2</sup>  |
|   | 2.4m height<br>4.2m ridge height  | 2.8m height<br>4.7m ridge height  |
| Part 4<br>Special Purpose<br>Dwellings    | Aged or Dependent Persons' Dwellings<br>Maximum plot ratio area of:<br>100sqm for Grouped Dwellings;<br>80sqm for Multiple Dwellings  | 108.9m <sup>2</sup> -123.3m <sup>2</sup><br>91m <sup>2</sup> -140.6m <sup>2</sup>   |

### Policy 3.2 Height and Scale of Buildings within Residential Areas

The five apartment blocks protrude through the Building Threshold Envelope by the following heights:

| Apartment block |                              | A                 | B                   | C         | D            | E            |
|-----------------|------------------------------|-------------------|---------------------|-----------|--------------|--------------|
| North           | Wall exceeds<br>Roof exceeds | 0.7m-2.2m<br>5.7m | 1.22m-2.7m<br>5.5m  | -<br>0.7m | 3.3m<br>6.7m | 0.8m<br>4.3m |
| South           | Wall exceeds<br>Roof exceeds | 0.5-1m<br>4.5     | 1.22m-1.42m<br>4.5m | -<br>0.7m | 3.3m<br>6.7m | 0.8m<br>4.3m |
| East            | Wall exceeds<br>Roof exceeds | 0.5m-2.5m<br>5.5m | 1.22m-2.7m<br>5.9m  | -<br>0.7m | 3.3m<br>6.7m | 0.8m<br>4.3m |
| West            | Wall exceeds<br>Roof exceeds | 0.5-0.7m<br>5.7m  | 1.22m-1.42m<br>4.1m | -<br>0.7m | 3.3m<br>6.7m | 0.8m<br>4.3m |

The applicant has requested that Council exercises discretion and allows the apartment blocks to exceed the Building Threshold Envelope.

#### **Justification from Applicant**

The applicant has provided extensive written justification for the proposed variations. Some of these justifications have been summarised where possible and other points quoted by the applicant are conveyed in italics.

A full copy of the applicant's submission is available for viewing in the Councillors meeting room.

#### **Element 3.2.1 – Setbacks of Buildings Generally**

The ILUs maintain a minimum 2m setback to a garage or wall with major openings and the terraced villas a minimum 1.5m setback to a garage. A 6m manoeuvring area has been provided. *The 2m setbacks are generally provided on the streets heading east-west and create an intimate streetscape reflecting the feel of the village. The roads are relatively quiet and are pedestrian-oriented with low vehicle speeds. A 2m setback reflects the pedestrian feel of the village and assists in creating an intimate community experience. The 2m setback has no impact on privacy and open space and there is sufficient space for services.*

*The apartment buildings each have a setback of at least 3m which complies with the Building Threshold Envelope as per the City's Policy. The two-storey building C achieves a setback of 3m and 4m from the nearest street, which is considered acceptable as it has no impact on privacy or open space for each dwelling and contributes to the intimate atmosphere of the village. The three-storey buildings (A, B, E) have increased setbacks of at least 5m to the nearest street, which also contributes to the intimate feel of the village whilst recognising they are taller than Building C. The setback is considered to be appropriate as it provides the desired streetscape and has no impact on privacy and open space of any dwelling.*

#### **Element 3.2.2 – Minor Incursions into Street Setback Area**

*The balconies to Building A form an integral part of the relief of this building and are considered to contribute to the streetscape. The setback has no impact on privacy and open space and there is sufficient space for services.*

### Element 3.2.5 – Street Walls and Fences

*The wall surrounding the development is designed to minimise the impacts of noise from Burns Beach Road and Connolly Drive and headlight glare where roads are designated as Primary or District Distributor or Integrator Arterials, whilst maintaining an appropriate streetscape. The wall surrounding the development has been designed with a high quality finish, with brick piers and brick infill to a height of 2m. Gaps in the wall are provided in appropriate locations to take advantage of vistas down internal streets and to provide access points for residents. This is an acceptable compromise between protecting residents from vehicle noise, providing appropriate views between the development and surrounding streets and breaking up the bulk of the wall.*

### Element 3.3.1 – Buildings Setback from the Boundary

#### ILUs

Windows are offset for each dwelling and do not face outdoor living areas. The reduced setbacks have no impact on solar access, ventilation, privacy or building bulk and are considered to be acceptable.

AS 4299 (Adaptable Housing - to allow for future incorporation of features that are required to serve the needs of aged or dependent persons) contains no requirement to provide full circulation with a width of 1m around buildings. A minimum of 0.9m has been maintained which facilitates sufficient wheelchair access.

#### Apartment Buildings

*Building D does not significantly overshadow any adjacent building, except for the small portion of Building C where it adjoins Building D. The setbacks between the two buildings are considered large enough to reduce any building bulk implications and protects the privacy of the residents within each building. Buildings C and D are the main residential buildings within the complex and provides a focal point for development, the courtyard between the two buildings is designed to be large enough to act as an outdoor area for the use of the residents, whilst maintaining the intimate feel of the development.*

#### Internal Setbacks

*The setback between the community facility and Building C is acceptable as neither building creates an overshadowing or ventilation issue. Building C presents no building bulk issues to the community centre and their reduced setback does not create any privacy issues. This reduced setback is therefore considered acceptable.*

### Element 3.3.2 – Buildings on Boundary

*The parapet walls make effective use of space by building blank walls up to each other thereby maximising the amount of open space available for the use of the dwelling. The design of the buildings allows the open space to be screened by the building from the other dwelling thereby enhancing privacy. There is no impact on solar access to either of the dwellings and the amenity of each is enhanced by the proposed design.*

### Element 3.5.1 – On-Site Parking Provision

The R-Codes contain special requirements for aged persons dwellings in accordance with section 4.1.2 and allows particular variations where those requirements are met. As a total of 231 dwellings are proposed, a total of 443 car parking bays have been provided which more than satisfies this requirement. The site is within walking distance of the Currumbine Train Station and nearby convenience shopping. The site is generally flat and there is a

significant demand for this form of accommodation in the area. It is considered that the performance criteria has been satisfied as the dwellings have been designed to meet the R-Code requirements (AS4299). Car parking requirements can therefore be reduced to one bay per dwelling, plus visitor bays.

#### Element 3.7.1 – Building Height

*The proposed buildings are designed not to impact on the provision of solar access to adjacent buildings, major openings and access to views of significance. The height of the buildings generally increases towards the east of the site, reflecting the taller buildings and higher densities across the road towards the train station. The four-storey building has been located towards the centre of the site to provide a focus of density within the site and so as not to impact on the surrounding dwellings.*

*The design of each building has been developed to minimise any impact of the building height. Each building has been designed so that the shadows will generally affect roads and parking areas and will not overshadow another at midday on 21 June. The highest points of each building are generally along the north wall which also minimises any overshadowing. The buildings also meet the privacy requirements of the R-Codes.*

*The height of the buildings is generally consistent with those east of the site towards the Currambine Railway Station. The buildings on the eastern side of Sunlander Drive are three stories in height and exceed the Building Threshold Envelope.*

*It is also worth noting that Building D, although the tallest building on the site, has a similar ceiling and ridge height to buildings A and B. Building D is located on the lowest part of the site and the finished height will be consistent with the height of smaller buildings located at higher ground level.*

#### Policy 3.2 - Building Threshold Envelope setbacks

*Aside from the walls being over 8.5m, the majority of the walls have a setback of at least 5m, and therefore are within the setback area of the Building Threshold Envelope. The exception being the western wall of building E, which has a setback of 4m and therefore a maximum height of 7.5m at that point in accordance with the Building Threshold Envelope. This building is three stories in height and is within the central areas of the development and therefore not out of place in terms of building height. The west wall does not overshadow any buildings and is considered to be acceptable with a 4m setback.*

#### Element 3.9.2 – Stormwater Disposal

*In accordance with the Drainage Management Plan, it is proposed to provide a connection to the City's Stormwater Drainage System and feed stormwater into the drainage sump across Connolly Drive. A certain amount of stormwater will be able to be disposed of on site through open spaces. However, the development will include construction of a section of the City's drainage system, from Sunlander Drive to the Connolly Drive sump. The drain will carry stormwater from the Currambine Station precinct towards the sump. Currently, this stormwater follows an intermittent course across the development site. The development is proposed to connect to this drainage system and dispose of excess stormwater into the Connolly Drive Sump. Please refer to the Stormwater Management Plan for further details.*

### Element 3.10.1 – Outbuildings

*The outbuilding is required to be slightly larger than 60m<sup>2</sup> as it is a maintenance building for the entire development. The outbuilding complies with all setback requirements and faces a rear laneway so will not have an impact on neighbouring properties. The building will complement the colours and appearance of the retirement village buildings to further ensure that there is no negative impact on the village or surrounding residents.*

### 4.1.2 – Aged or Dependent Persons' Dwellings

*The dwellings have been designed to be slightly larger than the size limits as per the aged/dependent persons requirements, as they provide a product that differs from 'traditional' retirement villas. They allow for family members and/or carers to stay overnight with the residents, which is considered to be an important aspect of this particular development.*

### Conclusion

*The proposed development represents an opportunity for the City of Joondalup to secure high quality aged-persons accommodation, in an excellent location for such a use. The development design provides an exceptional choice of accommodation types that blend well with surrounding development. The larger buildings on the site are proposed to be constructed towards the centre and east of the site, where they pose no bulk issues to surrounding residents, and contribute to the increases in building height towards the Currambine Train Station precinct.*

*The majority of the development standards are met outright, and where variations have been requested, the scope of development is within the performance standards of the R-Codes. Important aspects such as density, open space and individual lot areas are satisfied entirely.*

*The larger buildings slightly exceed the height limits as per the City's Building Threshold Envelope Policy, however the design and location of these buildings results in the building heights being considered acceptable under a performance assessment.*

### Issues and options considered:

Council has the discretion to:

- approve the application without conditions;
- approve the application with conditions; or
- refuse the application.

### Consultation:

The proposal was advertised for public comment for a period of 28 days from 29 November 2007 as follows:

- Four signs were erected along Burns Beach Road, Connolly Drive, Currambine Boulevard and Sunlander Drive.
- An advertisement was placed in the Joondalup Times for four consecutive weeks on 8, 15, 22 and 29 November 2007.
- A total of 137 letters were sent to surrounding landowners.
- The proposal was advertised on the City's website.

During the advertising period, thirteen submissions were received as follows:

- Eleven submissions had no objection to the proposal with no comments.
- One submission objected to the proposal only if the proposed development changed from being a retirement village to conventional residential units.
- One submission was neutral to the proposal and made the comment that the developer should plant long living plants and trees throughout the retirement village.

There were no concerns or objections raised by landowners in regards to building height during the public consultation period.

Schedule of Submissions is included as Attachment 15.

### **Policy implications:**

The proposed development will result in certain parts of the development projecting through the Building Height Threshold Envelope. Council is required to consider the extent of those projections against the objectives of Policy 3.2 – Height and Scale of Buildings within Residential Areas.

### **Risk Management considerations:**

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act and the Planning and Development Act 2005.

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

In considering the subject application, the following clauses of the R-Codes and DPS2 require consideration:

#### Residential Design Codes 2002

Clause 2.3.4 of the R-Codes allows for the exercise of discretion, having regard to the provisions of Clause 2.3.4 (2) of the R-Codes as follows:

*2.3.4 (2) Discretion shall be exercised having regard to the following considerations:*

- (i) the stated purpose and aims of the Scheme;*
- (ii) the provisions of Parts 2, 3 and 4 of the Codes, as appropriate;*
- (iii) the Performance Criterion or Criteria in the context of the R-Coding for the locality that correspond to the relevant provision;*
- (iv) the explanatory text of the Codes that corresponds to the relevant provision;*
- (v) any Local Planning Strategy incorporated into the Scheme;*
- (vi) the provision of a Local Planning Policy pursuant the Codes and complying with sub-clause (5) below; and*
- (vii) orderly and proper planning.*

#### District Planning Scheme No 2 (DPS2)

A Retirement Village is a 'D' use in the Residential Zone. 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, as outlined 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.*

As the proposed use is 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 sub clause 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 subclasses 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.*

**Link to Strategic Plan:**

The proposal is considered to be consistent with objective 3.3 of the City’s Strategic Plan 2003-2008 - *To continue to meet changing demographic needs.*

**Financial/Budget Implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability implications:**

Not Applicable.

**COMMENT****Land Use**

A retirement village is a discretionary use within the Residential Zone. As such, it is a use that is not permitted but Council may grant its approval after following the procedures set out in subclause 6.6.2.

The proposal addresses objective (c) of part 3.4 of the City of Joondalup District Planning Scheme No. 2 by providing the opportunity for aged persons housing in most residential areas in recognition of an increasing percentage for aged residents within the City.

The nature of the proposed use and its relationship to the use of other land within the locality is considered to meet the objectives of the Residential R80 provisions of the R-Codes.

**Density**

The subject site has a density coding of R80. Under this coding, the site could accommodate a maximum of 511 multiple dwellings or 355 grouped dwellings. The proposal is for a total of 231 dwellings which complies with this density coding.

**Setback of Buildings Generally**

A total of 37 ILUs have a minimum setback of 2m from the house to a street and eight terraced villas a minimum setback of 1.5m to a street in lieu of the 2.5m requirement.

The internal streets are classified as communal streets within the proposed retirement village. These streets differ in function to conventional public roads. They are not part of the public realm and are common to a number of dwellings. They share some of the characteristics and roles of public streetscapes. The communal streets within the proposed development facilitate a reduced speed limit and less traffic generation than conventional residential streets.

The reduced scale, communal nature and informality of layout of these communal streets calls for a less rigid approach to setbacks for dwellings. It is considered this variation can be supported in this instance.

**Minor Incursions into Street Setback Area**

The balconies on the eastern side of apartment block A encroach 1.75m into the building setback area which exceeds the maximum projection of 1m under the R-Codes. The apartment building's location close to the intersection of the main village entrance is appropriately located in close proximity to the three-storey buildings located on the eastern side of Sunlander Drive. The edge of the balcony maintains a minimum setback of 2m from the boundary.

In addition to the above, a small portion of the southern entrance wall at the main village entrance from Sunlander Drive extends into the road reserve. This portion of wall must be realigned and removed from the road reserve.

### **Street Walls and Fences**

A solid brick wall exists along portions of Connolly Drive and Currambine Boulevard. This wall was constructed as part of a previous subdivision approval and is to be retained. The development proposes continuation of this solid wall along the remaining portion of Connolly Drive and the full length of Burns Beach Road with three gaps ranging in width from 3.6m to 4m along Connolly Drive and 6.5m along Burns Beach Road. These gaps are designed with picket infill to take advantage of vistas down internal streets and provide access points for residents.

It is considered that there is merit for the protection of noise and headlight glare to units backing onto Connolly Drive and Burns Beach Road as these roads generate large amounts of traffic. It is considered that a solid wall along both streets as proposed is acceptable in this instance.

As a compromise, the application proposes open style fencing along Currambine Boulevard, Mistral Meander and Sunlander Drive to maintain visual permeability through the site.

### **Buildings Setback from the Boundary**

Rear and side setbacks have a minimum of 0.9m to a proposed boundary. This setback complies with AS4299 and is sufficient to allow wheelchair access past the dwellings.

It is considered that the reduced setback of 0.9m in lieu of 1m along walls with no major openings and 1.19m in lieu of 1.5m along walls with major openings is acceptable. The setbacks make efficient use of space and privacy is not compromised. The setbacks ensure access to daylight and direct sun for adjoining properties. The reduced setback will not have any significant effect on the amenity of adjoining property.

### **Buildings on Boundary**

The parapet walls make effective use of space by building blank walls up to each other and therefore maximising the amount of open space available for the use of each dwelling. The walls enhance privacy and have no impact on solar access to the dwellings. The boundary walls with a height of 4.9m in lieu of 3.5m and lengths exceeding two thirds the balance of the boundary behind the setback are supported on this basis.

### **Plot ratio size of the Aged Persons' Dwellings**

The standard R-Codes requirement for the size of an aged persons' dwelling is 100m<sup>2</sup> for grouped dwellings and 80m<sup>2</sup> for multiple dwellings. The intention of the provision is to encourage the development of small-scale specialised housing within local communities as an alternative to large scale, relatively segregated complexes. The proposed sizes of the dwellings range in plot ratio areas from 91m<sup>2</sup> to 140.6m<sup>2</sup>.

The applicant has designed the proposed dwellings with two or three bedrooms to provide a built product that is slightly larger than a standard single bedroom retirement villa, allowing family members and carers to stay with the permanent residents.

The performance criteria of the R-Codes require dwellings that accommodate the special needs of the elderly or physically dependent persons and are designed to allow for "ageing in place", taking into account the proportion of dwellings designed to meet the Australian Standards, the location of the site in relation to public transport and convenience shopping, the topography of the site and the demand for aged persons' accommodation if the maximum plot ratio is to be exceeded.

The applicant has provided explanatory documentation in regard to the above criteria and it is considered that the proposed aged persons' dwellings are a key element of the ageing in place philosophy and genuine over 55's accommodation. Therefore, it is considered that the proposed size of the dwellings will not compromise the provision of appropriate aged persons' accommodation.

### **On-Site Parking Provision**

The R-Codes make special provisions to allow reduced car parking standards in relation to aged persons' dwellings as the dwellings are generally smaller than conventional dwellings, and the occupants do not usually have a high car ownership ratio. One car bay is required for grouped dwellings up to 100sqm in area, and multiple dwellings up to 80sqm in area. This equates to a requirement for 193 car bays.

Notwithstanding that the plot ratio floor areas exceed those specified for aged persons accommodation (as outlined above), it is not expected that the additional floor area will increase car ownership. Many dwellings are provided with 2 car bays, which, on average over all dwellings, provides 1.5 car bays per dwelling. Therefore, the provision of 350 car bays is considered to satisfy, and exceed, the requirement for aged persons dwellings.

In addition, 65 visitor bays are provided on the site, which is 6 bays in excess of the minimum requirement of 59 visitor bays.

### **Building Height**

Policy 3.2 (Height and Scale of Buildings within Residential Areas) applies a building threshold envelope to the site. The site is located within a pocket of high density (R80) in close proximity to the Currambine Train Station and major transport networks. Council has previously approved three-storey residential dwellings immediately east of the subject site which exceed the building threshold envelope. The proposal is consistent with this form of development. The three and four-storey buildings are proposed to be constructed towards the centre and east of the subject site, where they pose no bulk issues to surrounding residents, and are consistent with the increased building height and density adjacent to the Currambine Train Station precinct.

In most situations, the building height envelope is intended to ensure that standard residential housing does not adversely impact on adjoining housing. In this instance, there is no adjoining residential housing that will be directly impacted upon by the three and four-storey buildings as the buildings are located within a retirement village complex proposal.

It is considered that the proposed scale of the building will be consistent with the character and general height of development within the surrounding locality.

### **Stormwater**

The Drainage Management Strategy submitted by the applicant has been assessed and advice provided to the applicant's consultant engineer. The engineer has been advised that it will be necessary to reduce the size of the catchment area proposed to be discharged into the Connolly Drive drainage sump to what was allocated in the original subdivision design. It is understood that the detailed drainage design for the development is currently being undertaken.

## Outbuilding

The R-Codes require that an outbuilding not exceed 60m<sup>2</sup> in area. The proposed outbuilding is 78m<sup>2</sup>.

The outbuilding is ancillary to the retirement village and is proposed to be used by both management and the residents of the retirement village. It is therefore considered that the proposed variation to the outbuilding size is appropriate and this variation is supported.

## Submissions

One objection was received during the public consultation period. The submission objected to the proposal only if the proposed development changed from being a retirement village to conventional residential units. The proposal is for a retirement village and any future change to this use will require further Council approval.

## Conclusion

The Council is required to assess the proposed development against the City of Joondalup District Planning Scheme No 2, R-Codes and the Council's other relevant policies. Due to the siting and design of the proposed dwellings within the development, most of the variations requested are internal to the development, meet all the relevant performance criteria of the R-Codes and are considered not to have a major impact on the future occupiers of those dwellings. Variations that affect the external areas of the development also meet the relevant performance criteria.

The proposed development will be a positive addition to the area and will assist in meeting key objectives of the Strategic Plan with regard to meeting changing demographic needs.

Having regard to the:

- details of the application;
- justification submitted by the application for the variations to the Acceptable Development Standards of the Residential Design Codes;
- Performance Criteria of the R-Codes;
- submissions received; and
- provisions of the District Planning Scheme No 2,

it is recommended that Council approves the application with conditions.

## ATTACHMENTS

|               |   |
|---------------|---|
| Attachment 1  | Location Plan                               |
| Attachment 2  | Site Plan                                   |
| Attachment 3  | Independent Living Units                    |
| Attachment 4  | Terraced Villas                             |
| Attachment 5  | Apartment Buildings A & B                   |
| Attachment 6  | Apartment Buildings C, D & E (Basement)     |
| Attachment 7  | Apartment Buildings C, D & E (Ground Floor) |
| Attachment 8  | Apartment Buildings C, D & E (First Floor)  |
| Attachment 9  | Apartment Buildings C, D & E (Second Floor) |
| Attachment 10 | Apartment Buildings C, D & E (Third Floor)  |
| Attachment 11 | Apartment Buildings C, D & E (Elevations)   |

|               |                         |
|---------------|-------------------------|
| Attachment 12 | Community Facility      |
| Attachment 13 | Boundary Walls          |
| Attachment 14 | Location of variations  |
| Attachment 15 | Schedule of Submissions |

## VOTING REQUIREMENTS

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **EXERCISES** discretion under Clause 6.6.2 of District Planning Scheme No 2 and under clause 2.3.4 of the Residential Design Codes 2002 and determines that the performance criteria under clause(s) 3.2.1, 3.2.2, 3.2.5, 3.3.1, 3.3.2, 3.5.1, 3.7.1, 3.9.2, 3.10.1 and 4.1.2 have been met and determines that Policy 3.2 has been addressed, and that the variations are acceptable in this instance.
- 2 **APPROVES** the application for Planning Approval dated 14 August 2007 submitted by Masterplan Consultants (WA) Pty Ltd, the applicant on behalf of the owner, Southern Cross Care (WA) Inc for a Retirement Village at Lot 9018 (4) Sunlander Drive and Lot 9019 (8) Mistral Meander, Currambine, subject to the following conditions:
  - (a) The parking bays, driveways and points of ingress and egress to be designed in accordance with the Australian Standard for Offstreet Car Parking (AS/NZS 2890.01 2004). Such areas are to be constructed, drained, marked and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied. These works are to be done as part of the building program;
  - (b) Removal of the portion of 'Entry Statement' wall encroaching into the Sunlander Drive road reserve as marked in red on the approved plan;
  - (c) The lodging of detailed landscaping plans, to the satisfaction of the City, for the development site and adjoining road verge(s) for approval with the Building Licence application. For the purpose of this condition a detailed landscape plan shall be drawn to a scale of 1:100 and show the following:
    - (i) The location and type of existing vegetation to be retained,
    - (ii) The location of proposed trees and shrubs,
    - (iii) Any lawns to be established,
    - (iv) Areas to be reticulated or irrigated.

- (d) Landscaping and reticulation to be established in accordance with the approved plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager, Approvals Planning and Environmental Services.
- (e) All existing trees on the subject site and adjoining verges marked in red ink on the approved plan are to be retained and protected during and after construction and maintained thereafter to the satisfaction of the City.
- (f) The Drainage Management Strategy being approved by the Manager Infrastructure Management prior to the issue of a Building Licence;
- (g) Boundary walls being of a clean finish and made good to the satisfaction Approvals Planning and Environmental Services;
- (h) All dwellings shall incorporate design features set out in AS 4299 (Adaptable Housing) to allow for future incorporation of features that are required to serve the needs of aged or dependent persons;
- (i) All visitor bays shall be marked and permanently set aside as such;
- (j) Disabled car bays to have a minimum dimension of 3.8m x 6m in accordance with the R-Codes;
- (k) Lighting shall be installed along all driveways and pedestrian pathways and in all common service areas prior to the development first being occupied;
- (l) A Metropolitan Region Scheme (MRS) Amendment to remove the portion of land affected by the Burns Beach Road and Connolly Drive 'Other Regional Roads' reservation classification under the Metropolitan Region Scheme (MRS) surplus to Department for Planning and Infrastructure requirements being progressed by the landowner;
- (m) Amalgamation/subdivision of Lot 9018 Sunlander Drive and Lot 9019 Mistral Meander in accordance with WAPC Ref: 135313.

## FOOTNOTES

- (i) The detailed landscape plan should incorporate measures creating sustainable landscapes extensively using local plants for nutrient, reduction, water conservation and creation of a "sense of place." This includes dry planting of local plants on verge.

**(ii) The City encourages the following Water Sensitive Urban Design principles:**

- The use of permeable surfaces in car parking areas;
- Installation of flash kerbs around tree wells;
- Laying hard surfaces with a slight gradient (1%-2%) towards vegetated garden beds and tree wells;
- Introducing a variety of measures to slow down storm water run-off;
- Introducing nutrient-stripping planting to swales/drainage sumps;
- Reduction of lawn in the proposed drainage swales if any;
- Harvesting storm water run-off from roofs and hard surfaces to underground storage for reuse (capacity building);
- Extensive use of local, grown to provenance plants;
- The use of reticulation systems suitable for native plants where applicable.

*Appendix 20 refers*

To access this attachment on electronic document, click here: [Attach20brf120208.pdf](#)



The subject site is located on the corner of Warwick Road and Coolibah Drive (Attachment 1 refers). An existing shopping centre, offices and service station are located to the north of the site. The existing tavern is setback 30.5 metres from the nearest residential properties to the east. Residential properties are also located opposite the development site on the southern side of Warwick Road and the western side of Coolibah Drive.

Approval was granted to the Greenwood Hotel in 1974. Since then, numerous works have been undertaken, including the construction of a TAB, a drive-through bottleshop and various fitouts and additions.

Planning Approval was granted in 2001 for a new function room with a shortfall of 99 car parking bays. This approval was not acted upon, and subsequently lapsed. During 2004, a similar proposal for a function room was submitted and approved with a short fall of 130 car parking spaces. This approval also lapsed.

A reciprocal car parking and access agreement is in place between the Tavern and adjoining Greenwood Shopping Centre owners. Under this agreement, the Tavern patrons are able to utilise the shopping centre car bays (total of 622 bays) and vice versa. There are 114 car bays currently provided on the Tavern site.

At its meeting of 18 December 2007, Council deferred this report, requesting further information and consultation with adjoining landowners.

## DETAILS

The proposed development incorporates the following:

- A new function room is proposed to be built in the south-eastern corner of the building, which will replace the existing offices;
- New offices are proposed to be located in the south-western corner of the existing building, which will replace the existing manager's unit;
- The maximum number of patrons that will be occupying the function room at any given time is proposed to be 119;
- Terrace addition to the southern side of the building toward the east, comprising an area of 56m<sup>2</sup>, which is to provide an external area for patrons that use the function room;
- Terrace extension to the western side of the building that is 10.5m<sup>2</sup> in area, which is an external area for office staff to utilise; and
- Outdoor deck extension with an area of 122m<sup>2</sup> proposed to the northern side of the building adjacent to the existing restaurant/café area, above the existing drive-through bottle shop, to provide additional outdoor area for the existing restaurant.

The development plans are provided in Attachment 2.

Compliance with the relevant requirements of the DPS2 is summarised below:

| Standard              | Required | Provided | Compliance |
|-----------------------|----------|----------|------------|
| Front setback – south | 9.0m     | 25m      | Yes        |
| Front setback – west  | 9.0m     | 26.5m    | Yes        |
| Side setback          | 6.0m     | 30.5m    | Yes        |
| Rear setback          | 3.0m     | 17.5m    | Yes        |
| Car parking           | 272 bays | 114 bays | No         |

**Issues and options considered:**

Council has the discretion to:

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

**Link to Strategic Plan:**

The proposal will contribute to objective 1.3.1 *Provide leisure and recreational activities aligned to community expectations, incorporating innovative opportunities for today's environment.*

**Legislation – Statutory Provisions:**

The proposal incorporates a variation to the car parking provisions of the DPS2. The relevant provisions of DPS2 which enable Council to consider such variations are shown below:

**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; 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.*

**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.*

#### 4.8 Car Parking Standards

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

#### 4.9 Pedestrian and Vehicle Reciprocal Access Requirements

*If the Council approves car parking and pedestrian access on neighbouring premises in a manner which relies on the reciprocal movement of vehicles and pedestrians between or across the premises, the owners concerned shall allow the necessary reciprocal access and parking at all times to the Council's satisfaction.*

#### **Risk Management considerations:**

The proponent has a right of review against Council's decision, or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Policy implications:**

Not Applicable.

**Regional Significance:**

Not Applicable.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal was advertised for a period of 21 days via letter to landowners (15) that live in close proximity to the subject site. Five submissions were received, being a letter of no objection and four objections to the proposed development.

The main issues raised in the objections were:

- Parking (shortfall) issues;
- Noise concerns; and
- Antisocial behaviour.

**COMMENT**Parking

A reciprocal car parking and access agreement exists between the Greenwood Tavern and Greenwood Village Shopping complex for patrons to use car bays within each property as a result of a previous condition of planning approval. The Tavern has provided 114 carbays on-site, whilst the shopping centre has provided 622 carbays on-site, a total of 736 car parking spaces.

The shopping centre is required to provide 546 car parking bays under DPS2, therefore a surplus of 76 carbays exists on the shopping centre site. Changes to the Greenwood Tavern bottleshop approved in 2002 required the provision of 186 carbays, 114 bays currently exist on-site, which is a shortfall of 72 car parking spaces. However, with the reciprocal parking agreement in place, there is a surplus of four car parking bays over both sites.

| <b>Use</b>      | <b>Required</b> | <b>Provided</b> | <b>Difference</b> |
|-----------------|-----------------|-----------------|-------------------|
| Tavern          | 186             | 114             | -72               |
| Shopping Centre | 546             | 622             | +76               |
| <b>TOTAL</b>    | 732             | 736             | +4                |

Provision of car parking bays for this proposal

The required car parking for the proposed development is shown below:

| <b>Proposed development</b>  | <b>Car parking Standard</b>                | <b>Required</b> |
|--|--|-----------------|
| Function room addition including use of the terrace area (catering for 119 guests) | 1 bay/ 4 guests                            | 30 bays         |
| Outdoor deck extension to existing restaurant (area = 122m <sup>2</sup> )          | 1 car bay / 5m <sup>2</sup> of dining room | 25 bays         |
| <b>Total additional car parking required for proposed development</b>              |  | <b>55 bays</b>  |

Based on the car parking required for the proposed works, the following table shows the anticipated car parking shortfall:

| <b>Use</b>                      | <b>Required</b> | <b>Provided</b> | <b>Difference</b> |
|---------------------------------|-----------------|-----------------|-------------------|
| Tavern:<br>Existing<br>Proposed | 186<br>55       | 114             | -127              |
| Shopping Centre                 | 546             | 622             | +76               |
| <b>TOTAL</b>                    | <b>787</b>      | <b>736</b>      | <b>-51</b>        |

Two objectors raised comments stating that there appears to be a car parking problem on busy nights. The City has no record of any parking problems at the Greenwood Tavern and Shopping centre.

The above table shows that if both land uses were operating to full capacity and at the same time, there would be a shortfall of 6.5% or 51 car parking spaces on the combined sites. However, it is noted that the hours of operation of the shopping centre are primarily between the business hours of 8.30 until 5.30 with the exception of Thursday nights till 9.00pm. The tavern experiences peak demand periods mostly in the evenings and on weekends.

With the reciprocal agreement in place, a surplus of 76 bays at the shopping centre site and different peak demands between the shopping centre and Tavern, it is considered that the proposed car parking shortfall will not adversely impact the surrounding locality.

#### Noise and Antisocial Behaviour

Two objectors raised concerns in their submissions that noise levels and antisocial behaviour will increase if the proposed extensions are approved.

An acoustic report has been prepared by Herring Storer Acoustics which has indicated that noise emissions from the proposed additions will comply with the noise regulations up until 10pm. However, after 10pm the development will only meet the noise regulations if adequate barriers are implemented within the function room terrace design. Therefore, in order to meet the noise regulations and to address any nuisance factor associated with noise, e.g., by people talking, it is recommended that conditions of Planning Approval be imposed requiring:

- that all doors between the function room and terrace area appurtenant to the proposed function room be closed at 10.00pm to block out any music/ live entertainment/ noise; and

- patrons not be allowed to use the new terrace area appurtenant to the function room after 10.00pm.

In relation to antisocial behaviour, City Watch has indicated that limited antisocial behaviour has been experienced at the Greenwood Tavern and most issues arise from underage loitering at the shopping complex. It should be noted that management of antisocial behaviour is the responsibility the owner and Tavern staff.

### Conclusion

In summary the proposal is supported for the following reasons:

- The proposed extension does not represent a significant addition in the overall context of the existing building footprint;
- An existing reciprocal agreement is in place between the shopping centre and Tavern for car parking and access;
- The differing peak hours of operation between the shopping centre and the Tavern; and
- The acoustic consultants report indicates that noise levels can be contained within the acceptable levels.

### **ATTACHMENTS**

|              |                   |
|--------------|-------------------|
| Attachment 1 | Location Plans    |
| Attachment 2 | Development Plans |

### **VOTING REQUIREMENTS**

Simple Majority.

### **OFFICER'S RECOMMENDATION SUBMITTED TO THE COUNCIL MEETING ON 18 DECEMBER 2007:**

That Council:

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No. 2 and determines that a car parking shortfall of 127 bays is appropriate in this instance.
- 2 APPROVES the application submitted on 7 May 2007 by Oldfield Knott Architects Pty Ltd for a function centre/ office relocation with terraces, including an outdoor deck extension to the existing restaurant area at the Greenwood Hotel on Lot 835 (349) Warwick Road subject to the following conditions:
  - (a) the reciprocal vehicular access and car parking agreement shall remain in place between Lot 2(18) Calectasia Street and Lot 835 (349) Warwick Road;
  - (b) the maximum number of patrons permitted to occupy the function room at any given time shall be 119;
  - (c) all doors between the New Function Room and the New Terrace Area are to be closed between the hours of 10.00pm to 6.00am the following day;

- (d) patrons shall not be allowed within the New Terrace Area appurtenant to the New Function Area between the hours of 10.00pm to 6:00am the following day;
- (e) materials, colours and finishes of the proposed addition shall match the existing development;
- (f) the parking bays, driveways 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 as part of the building programme;
- (g) all stormwater must be contained on site to the satisfaction of the City;
- (h) the existing vegetation shall be maintained to the satisfaction of Manager Approvals Planning & Environmental Service; and
- (i) Bin Storage Area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.

### **COUNCIL DECISION TO DEFER**

At its meeting of 18 December 2007, Council resolved that this Report (CJ287-12/07) be deferred to the ordinary meeting of Council scheduled to be held on 19 February 2008 subject to:

- 1 *consultation with the adjoining business owners and their views/concerns being taken into account;*
- 2 *agreement between the tavern, the shopping centre, the BP service station and the commercial centre of the reciprocal rights regarding car parking and accessways;*
- 3 *allowing time for the four (4) entities mentioned above to get legal advice if they so wish;*
- 4 *allowing time for the members of the Strata company in the commercial centre to review and agree the outcome, possibly requiring a resolution of the Strata company;*
- 5 *attempt to resolve the differing views regarding condition (d).*

### **ADDITIONAL INFORMATION**

The following additional information and comments are made in relation to each of the points in the Council's resolution of deferral.

#### 1.Consultation with adjoining business owners and their views/concerns being taken into account

A 14 day consultation period was undertaken from 8 to 22 of January 2008, inviting eight neighbouring business owners to comment on the proposed development and the formalisation of a shared parking arrangement. A telephone call was also made on 11 January 2008 to confirm receipt of the letter, and if needed, provide clarification of the issues.

Three submissions were received in response to this consultation, each being a letter of no objection subject to formalising the reciprocal parking arrangements between the tavern,

shopping centre, the BP service station and the commercial centre. Two of the submissions further stated that an 'easement in gross' should be imposed as a condition of approval and placed on the landowners titles.

2. Agreement between the tavern, the shopping centre, the BP service station and the commercial centre of the reciprocal rights regarding car parking and accessways.

A map showing existing easements and shared car parking arrangements is provided in attachment 3.

An easement in gross was suggested by McLeod & Co Barristers & Solicitors in their letter dated 20 May 1994, as it was *found to be the simplest solution to the requirements of planning authorities wishing to entrench reciprocal access and parking arrangements.*

An easement in gross is a deed registered on the title between the land owner and the City to give general rights to park on and gain access through a parking area. Adjoining lot owners are not parties to an easement in gross.

To date, Council has approved several planning applications for additions to the tavern, with an understanding that car parking shortfalls would be compensated for by a reciprocal access and parking arrangement. Conditions have been imposed on previous approvals seeking that an adequate agreement was entered into, as outlined in the following table:

| <b>Development Applications</b>   | <b>Date/Decision</b>  | <b>Building Licence Applications</b>                      | <b>Date/Decision</b> | <b>Comments</b>        |
|---|-----------------------|---|----------------------|------------------------|
| DA06/0851 Tavern (Installation of 2 New Light Poles & Extension to Loading Dock)                                    | 06/06/07<br>Cancelled |   |                      | Not built              |
| DA06/0626 Tavern (Upgrade of Signage)   | 24/07/06<br>Approved  | SI06/0011 Tavern (Pylon Sign)                             | 25/07/06<br>Approved | Built                  |
| DA03/0277.02 Tavern (amended plans for Terraced Area, Loading Dock & Internal Layout)                               | 10/01/07<br>Cancelled | BA04/3413 (Alfresco & Renovations)                        | No decision          | Not finalised          |
| DA03/0277 Tavern (Addition of Function Room & Terrace to Greenwood Tavern)<br><b>Granting of Easement condition</b> | 12/02/04<br>Approved  | BA04/3414 (Renovations to Existing Hotel & Function Room) | 22/07/05<br>Approved | Additions partly built |
| DA02/0245 (Pylon Sign for Tavern)   | 20/06/03<br>Approved  | SI03/0023 (Pylon Sign)                                    | 13/08/03<br>Approved | Built                  |

|  |                      |  |  |           |
|--|----------------------|--|--|-----------|
| DA02/0341 Tavern<br>(Alterations to<br>existing Bottle Shop)   | 13/08/02<br>Approved | BA03/1065<br>(Commercial<br>Extensions Bottle<br>Shop & Tavern)<br>BA03/1065.02<br>(amended plans) | 12/06/03<br>Approved<br><br>24/05/04<br>Approved | Built     |
| DA00/0540 Tavern<br>(Function Room<br>Additions to Existing<br>Hotel)<br><b>Granting of<br/>Easement<br/>condition</b> | 12/06/01<br>Approved | No Corresponding<br>Building<br>Application  |  | Not built |
| DA99/0527 Tavern<br>(Alterations To Drive<br>Through Bottle<br>Shop)   | 21/06/99<br>Approved | No Corresponding<br>Building<br>Application  |  | Not built |
| DA4796 (Hotel<br>Refurbishment)  | 18/05/95<br>Approved | BA96/4741 (Hotel<br>Fitout)  | 27/09/96<br>Approved                             | Built     |
| DA2673<br>(Hotel<br>Refurbishment)<br><b>Reciprocal<br/>vehicular access &amp;<br/>car parking<br/>condition</b>       | 10/08/92<br>Approved | BA95/4035<br>(Alterations to<br>Existing Hotel)  | 09/08/95<br>Approved                             | Built     |
| DA30/260<br><b>Reciprocal<br/>vehicular access &amp;<br/>car parking<br/>condition</b>                                 | 25/02/88             | BA88/6596<br>(Additions)   | 11/01/88<br>Approved                             | Built     |

Although conditions regarding reciprocal car parking and access were imposed on previous planning approvals issued in 1988 and 2004, the required easements have not been put in place to facilitate shared parking and access arrangements.

It is recommended that a condition be imposed on the current application requiring an easement in gross (between the owner and the City) prior to the issuing of a building licence.

As the matter before Council relates to Lot 835, the Council is unable to impose a condition of approval that would require the other lot owners to enter into an agreement. This can only occur at the time when other applications are made for development of the other lots.

3. Allowing time for the four (4) entities mentioned above to get legal advice if they so wish.

The proposed easement in gross would be between the City and Greenwood Tavern owners. The agreement is standard in nature and ample time would be allowed for it to be reviewed by each party.

4. Allowing time for the members of the Strata company in the commercial centre to review and agree the outcome, possibly requiring a resolution of the Strata company

The response received from adjoining owners is that they are supportive of the easement in gross.

It is proposed that the City would write to the adjoining owners advising of the Council's resolution and they will be invited to contact the City if they have any further enquiries.

5. Attempt to resolve the differing views regarding condition (d).

It was recommended as part of the 18 December 2007 Council report that the following conditions be imposed:

- (c) all doors between the New Function Room and the New Terrace Area are to be closed between the hours of 10.00pm to 6.00am the following day;
- (d) patrons shall not be allowed within the New Terrace Area appurtenant to the New Function Area between the hours of 10.00pm to 6:00am the following day;

These conditions were imposed on the planning approval in order to prevent noise emanating from the outside terrace area associated with the function room.

The applicant subsequently amended the plans to incorporate an air/sound lock as previously requested by the City. The applicant also provided additional confirmation from Herring Storer Acoustic consultants that the terrace area will comply with permitted noise levels. They have also advised that noise from the terrace area will not be audible given the ambient noise levels in the area created by vehicle movements on Warwick Road if air/sound locks were installed. Consequently, it is recommended a condition be imposed on the planning approval ensuring that the air/sound lock is installed to the satisfaction of the City. Additionally, that if entertainment is provided within the function room the bi-fold doors opening onto the terrace are to remain closed after 10.00pm.

Conclusion

It is recommended that Council support the proposal, subject to an easement in gross being put in place prior to building licence and ensuring that the applicants incorporate an air/sound lock within the function room terrace to the satisfaction of the City.

The proposed shortfall of car parking bays is considered appropriate in this instance as the shopping centre car park is able to accommodate additional vehicles, when the capacity of the tavern's car park is exceeded. This shared parking arrangement is acceptable as peak usage hours differ between the shopping centre and the tavern, and the arrangement will be formalised and protected by an easement in gross, as per condition (a).

**ATTACHMENTS**

|              |                                       |
|--------------|---------------------------------------|
| Attachment 1 | Location Plans                        |
| Attachment 2 | Development Plans                     |
| Attachment 3 | Easement Plan (additional attachment) |

**VOTING REQUIREMENTS**

Simple Majority.

## RECOMMENDATION

### That Council:

- 1 **EXERCISES** discretion under clause 4.5 of the City of Joondalup District Planning Scheme No 2 and determines that a car parking shortfall of 127 bays out of a total of 241 is appropriate in this instance.
- 2 **APPROVES** the application submitted on 7 May 2007 and the revised plans dated 1 February 2008 by Oldfield Knott Architects Pty Ltd for a function centre/ office relocation with terraces, including an outdoor deck extension to the existing restaurant area at the Greenwood Hotel on Lot 835 (349) Warwick Road subject to the following conditions:
  - (a) The granting of an easement in gross (at the cost of the owner) in favour of the City of Joondalup over the proposed parking bays and vehicular access ways in order to facilitate reciprocal vehicle access and car parking. Such easement shall be executed prior to the issue of a Certificate of Classification for the building works related to this approval;
  - (b) the maximum number of patrons permitted to occupy the function room at any given time shall be 119;
  - (c) The orientation of the speakers within the Function Room, and air/sound lock to be installed/designed in accordance with the recommendations in the Herring Storer Acoustics report dated 14 December 2007;
  - (d) That the bi-fold doors to the function room terrace area to be closed after 10pm if live entertainment or music occurs;
  - (e) materials, colours and finishes of the proposed addition shall match the existing development;
  - (f) the parking bays, driveways 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 as part of the building programme;
  - (g) all stormwater must be contained on site to the satisfaction of the City;
  - (h) the existing vegetation shall be maintained to the satisfaction of Manager Approvals Planning & Environmental Service; and
  - (i) bin storage area shall be provided with a concrete floor graded to a 100mm industrial floor waste gully connected to sewer. Provide hose cock to bin store area.

*Appendix 21 refers*

To access this attachment on electronic document, click here: [Attach21brf120208.pdf](#)

## **ITEM 27                    PROPOSED ALTERATIONS AND ADDITIONS TO JOONDALUP HEALTH CAMPUS, 60 SHENTON AVENUE JOONDALUP – [00109]**

**WARD:** North

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

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### **PURPOSE**

This report deals with the proposed expansion of the Joondalup Health Campus (JHC).

### **EXECUTIVE SUMMARY**

The applicant proposes significant alterations and additions to the JHC (refer Attachment 2). The proposal includes various new buildings and parking areas within the campus site amounting to approximately \$320 million in value.

Development is proposed to proceed in stages, this being an application for most of stage 1 of the expansion.

The proposal was advertised for public comment for a period of 21 days and 61 submissions were received. The submissions comprised 53 neutral/support submissions and eight objections to the proposal.

Comments received in support of the proposal generally related to the need for increased health facilities. Comments received in objection to the proposal generally related to traffic, parking, noise, pedestrian/cyclist/public transport and vegetation retention issues.

Car parking is a key issue for the development. The proposal has been subject to detailed modelling and analysis to estimate demand. The resulting design, if approved, would require the exercise of discretion under Council's Planning Scheme. There are also a number of design issues that need special consideration when compared to the Structure Plan for the area.

The extent of discretion is minor in scale, and it is recommended that the application be conditionally supported.

### **BACKGROUND**

**Suburb/Location:** No. 60 (Reserve 36696) Shenton Avenue, Joondalup  
**Applicant:** Project Directors Australia Pty Ltd  
**Owner:** Minister for Health  
**Zoning:**            **DPS:** Centre  
                         **MRS:** Central City Area  
**Site Area:** 13.93 hectares  
**Structure Plan:** Joondalup City Centre Development Plan and Manual (JCCDPM)

The development site is located at 60 Shenton Avenue, Joondalup and is known as the Joondalup Health Campus (JHC). The lot has an area of 13.93 hectares and is zoned 'Centre' under the City of Joondalup District Planning Scheme No 2 (DPS2). The JHC is located within the "City North Area" of the Joondalup City Centre and is designated for

“Medical Use” under the Joondalup City Centre Development Plan and Manual (Structure Plan).

The site is located adjacent to residential/mixed use development along Regents Park Road to the West, City centre development to the south along Shenton Avenue, Yellagonga Regional Park to the east along Lakeside Drive and residential development along Upney Mews to the north (refer Attachment 1).

Since its inception in the mid 1990’s, the plan for the Joondalup City Centre has contemplated the development of the hospital campus.

#### JHC Development History

Wanneroo District Hospital was constructed on the site in 1977, with 84 beds provided. In 1996, the hospital increased in size to accommodate 290 beds. A total of 390 parking bays were proposed for the development. The hospital became known as the Joondalup Health Campus (JHC).

Planning approval was issued in 1997 for alterations and additions to the hospital to provide a medical centre, psychiatric ward and community centre. The extension increased the capacity of the hospital to 311 beds.

In 2001, the City received a number of complaints regarding car parking at the JHC site, as an informal overflow parking area adjacent to Grand Boulevard had been subdivided and developed. An application for the construction of a new car park to provide 247 bays was consequently approved in 2001. The approved car park was not constructed due to some issues with manoeuvrability and access and an amended application was submitted in 2003 for 207 bays. Approval was granted and the car park has since been constructed thus resulting in a total of 844 bays provided for the JHC.

The Western Australian Planning Commission (WAPC) was the determining authority for the following development of the JHC:

In 2005 a single storey public dental clinic was approved. The clinic comprised of 10 surgeries, with an additional 69 parking bays provided for the development.

In February 2007 the redevelopment of the public mental health facility was approved to provide 14 additional beds with 3 additional staff. An additional 9 parking bays were required for the proposal, however the applicant advised the parking bays would be provided as part of the major works proposed for the current application. This development is currently under construction.

Further approval was issued in the same month for internal renovations and a new transportable structure to be used as a staff room. No parking was required for the proposal as the number of staff members or patients did not increase.

The bed/car parking by year data is as follows:

| Year      | Number of Beds | Number of car bays         | Car Bay to Bed Ratio |
|-----------|----------------|----------------------------|----------------------|
| 1977      | 84 beds        | Unknown                    | Unknown              |
| 1996      | 290 beds       | 390 bays                   | 1.34                 |
| 1997      | 311 beds       | 390 bays                   | 1.25                 |
| 2003      | 311 beds       | 844 bays                   | 2.71                 |
| 2005      | 311 beds       | 913 bays                   | 2.94                 |
| 2007      | 325 beds       | 1026 bays (current number) | 3.16                 |
| 2010/2011 | 555 beds       | 1753 bays (proposed)       | 3.16                 |
| 2011/2012 | 616 beds       | 1753 bays (proposed)       | 2.85                 |

It should be noted that in order to address car parking demand, the JHC constructed additional car parking bays over time. This was primarily due to the progressive development of vacant lots in close proximity to the JHC that were previously being used for informal car parking purposes.

**Following the receipt of the current application, legal advice was sought as to whether this application needed to be referred to the WAPC for determination.**

The legal advice confirmed that the applicant required an approval from the City and on the basis of the nature of the entity undertaking the development (i.e. Ramsey's running both the private and public hospital through a private board) there is no need for the WAPC to determine it.

## DETAILS

The proposed development incorporates the following:

- Refurbishing the existing public hospital building which includes the existing medical centre, emergency department, staff dining/catering area, rehab and palliative care, medical records, day procedures and oncology sections.
- Extending the public hospital building by creating a new two storey inpatient ward building, together with a ground floor expansion of the existing acute psychiatric building to the north (behind) the existing public hospital building.
- Increasing the size of the public hospital by creating a two storey building extension to the east.
- Constructing a new three storey private hospital building, with undercroft car parking, towards the south east corner of the site.
- Constructing a new two storey medical centre building between the existing public hospital building and new private hospital building, thus linking both hospital buildings.
- Constructing a new central plant building which incorporates screened cooling towers to the north of the proposed extension to the public hospital building.
- Several new and reconfigured parking areas providing a total of 1753 bays.
- Reconfiguration of patient set down/pick up, ambulance and internal vehicular access routes associated with both public and private hospital buildings.
- Two new vehicular access points to the JHC from Lakeside Drive.

The development plans are provided in Attachment 2.

### Floor Space Comparisons & Development Component Locations

A comparison between the existing and proposed floor space allocation for the Health Campus, together with references to the location of each component of the development referred to in this report and illustrated in Attachment 2, page 2, is contained in the following table:

| <b>Floor space</b>                                 | <b>Location shown on map - Attachment 2, page 2</b> | <b>Existing</b>            | <b>Proposed</b>             | <b>Total</b>               |
|--|---|----------------------------|-----------------------------|----------------------------|
| Main Hospital Block                                | 1.  | 20 125m <sup>2</sup>       | 32 490m <sup>2</sup>        | 52 615m <sup>2</sup>       |
| Mental Health                                      | 2.  | 1 650m <sup>2</sup>        | 0m <sup>2</sup> (No Change) | 1 650m <sup>2</sup>        |
| Central Plant                                      | 3.  | 725m <sup>2</sup>          | 1 910m <sup>2</sup>         | 2 635m <sup>2</sup>        |
| Central Plant (roof top)                           | 4.  | 875m <sup>2</sup>          | 2 300m <sup>2</sup>         | 3 175m <sup>2</sup>        |
| Medical Centre                                     | 5.  | 5 215m <sup>2</sup>        | 12 800m <sup>2</sup>        | 18 015m <sup>2</sup>       |
| Community Health Centre                            | 6.  | 2 600m <sup>2</sup>        | 0m <sup>2</sup> (No Change) | 2 600m <sup>2</sup>        |
| Dental Clinic                                      | 7.  | 535m <sup>2</sup>          | 0m <sup>2</sup> (No Change) | 535m <sup>2</sup>          |
| Visitor car parking area                           | 8.  | N/A                        | N/A                         |                            |
| Staff car parking area                             | 9.  | N/A                        | N/A                         | N/A                        |
| Patient/Ambulance set down/pick up area            | 10.   | N/A                        | N/A                         | N/A                        |
| Internal access road modifications off Shenton Ave | 11.   | N/A                        | N/A                         | N/A                        |
| New Northern pedestrian Path                       | 12.   | N/A                        | N/A                         | N/A                        |
| Stormwater Drainage Sumps                          | 13.   | N/A                        | N/A                         | N/A                        |
| <b>TOTAL</b>                                       |   | <b>31 725m<sup>2</sup></b> | <b>49 500m<sup>2</sup></b>  | <b>81 225m<sup>2</sup></b> |

### Applicant's Parking Proposal

The applicant proposes separate visitor and staff parking areas on the campus.

Visitor parking is provided at the entrance to the facility, which is accessible from Shenton Avenue to the south of the site and comprises 317 bays (refer to location number 8 on Attachment 2, page 2). This includes 13 short term patient set down/pick up bays next to the public hospital emergency department entrance. In addition to this, 5 taxi rank bays are proposed, together with 5 ambulance bays next to the public hospital emergency department entrance (refer to location number 10 on Attachment 2, page 2).

Several patient drop off/pick up embayment bays are proposed at the entrances to both hospitals for short term parking purposes.

The applicant states that sufficient parking is being provided to ensure all visitors can park at the JHC.

Staff parking is provided in proposed car parking areas to the north and east of the site and within a parking area under the proposed private hospital building and comprises a total of 1436 bays (refer to location number 9 on Attachment 2, page 2). The applicant states that insufficient parking is being provided for all future staff requirements.

In order to address longer term parking demand, it is proposed to develop a travel plan, to encourage alternate means of travel to work for staff. This aspect is considered later.

### Car Parking Assessment

The applicant commissioned a traffic and parking consultant to prepare a Transport and Traffic Assessment in October 2006. The assessment in relation to compliance with DPS2 parking standards is based on information provided in this document and from information provided by JHC management with respect to staffing numbers in its correspondence dated 13 December 2007 (refer Attachment 5).

The assessment relates to the proposed development and does not include existing buildings on site. The assessment excludes the St John Ambulance, child care centre and private mental health unit buildings, as these do not form part of this development proposal (they are proposed as stage 1A of the development, to be separately considered). The assessment includes 9 additional bays that were required for the previous redevelopment of the public mental health facility in February 2007, where it was agreed that additional car parking required for that proposal would be provided as part of this development proposal.

The proposed café and commercial tenancies (for example a florist, gift store, pharmacy etc) have not been considered as generators of additional demand for parking. These services are provided for use by visitors, patients and staff at JHC, as opposed to the general public.

Two parking standards apply to this development proposal under DPS2, being the "hospital" (both public and private) and "medical centre" land use classes. The following table summarises the relevant DPS2 parking requirements for the proposed development.

| <b>Land Use Class</b>  | <b>Parking standard</b>  | <b>Nett Increase</b>            | <b>Required</b> |
|--|--|---------------------------------|-----------------|
| Hospital   | 1 per 3 patients accommodated plus 1 space for each staff member on duty | 684 staff plus 270 beds         | 774 bays        |
| Medical centre   | 5 per practitioner   | 20 practitioners                | 100 bays        |
| Previous redevelopment of public mental health facility (Feb 2007) | 1 per 3 patients accommodated plus 1 space for each staff member on duty | 3 additional staff plus 14 beds | 9 bays          |
| <b>Total</b>   |  |                                 | <b>883 bays</b> |

### Overall Car Parking Assessment

A total of 1026 bays are currently on the site. An additional 883 bays are required in order to satisfy DPS2 car parking standards for this proposal, thus requiring a total of 1909 bays.

The applicant is proposing to construct an additional 727 bays, making a total number of bays proposed to be provided of 1753 bays (including existing, reconfigured and proposed car parking areas).

The above proposal would result in a parking shortfall of 156 bays or approximately 8.2% (out of 1909 required in total) for the development.

Critically, this assessment is based upon the ultimate full occupancy of both hospitals comprising 616 beds and an additional medical centre with a total of 20 practitioners. However, the applicant has advised that upon completion of construction, 61 beds will not be used until additional government funding is provided for these beds in 2011/2012. On this basis (i.e. 555 beds) the proposal would be 142 bays short of the number required.

### Travel Smart

The proponent has submitted a draft travel plan to manage travel generated by JHC staff and to justify the car parking shortfall. The four objectives of the plan are:

- Reduction in single occupant car trips
- Increase in public transport usage
- Increase in cycling and walking
- Sustainable transport management as part of the culture of the organisation.

Targets to measure success and a timeframe are identified in the plan, with a series of actions outlined to achieve each target.

The travel plan aims to reduce the percentage of employees arriving as a car driver from 92% in 2007 to 48% by 2016/2017. The plan also aims to reduce the percentage of patients and visitors arriving in private cars from 90% in 2007 to 82% in 2016/2017. To achieve this reduction the number of employees, patients/visitors arriving by public transport needs to increase to 22% and 10% respectively, by 2016/2017.

The draft travel plan states the actions in the travel plan have not been fully costed, with funding to be confirmed. JHC will fund and appoint a Travel Plan Coordinator to oversee the implementation of the plan.

#### Traffic and Pedestrian Access

The proposal includes a new internal access road from Lakeside Drive. This new road will provide an east/west linkage to the existing internal road from Regents Park Road and facilitates access to various car parking areas and developments under this proposal.

Large scale commercial vehicles servicing the JHC intend to use the new proposed internal access road from Lakeside Drive. The issue of large service/commercial vehicles using this road and exiting on Regents Park Road was raised. The applicant has suggested a service vehicle management plan be put in place to ensure all commercial vehicles access and leave the site via the proposed Lakeside Drive access points and not the existing access point onto Regents Park Road. This would be administered and controlled by the JHC. A barrier card reader is suggested to be provided, as a condition of development approval, in order to control through movement along this internal road.

Notwithstanding the above, the new car parks in a revised location have the potential to alter the flow of traffic into the development from the surrounding road network. The traffic modelling provided with the application does not reflect the likely changed direction lines for traffic entering the campus, and some refined work needs to be undertaken by the applicant to ensure that the surrounding road hierarchy will support any changed movement patterns. A condition is proposed on the development approval to ensure an internal road link is provided between the public/visitor car parking area to the south of the site and the proposed staff car parking areas to the east and north of the site, to address this issue.

Modifications to the existing internal access roads from Shenton Avenue are also proposed in the application. Reconfiguration of patient set down/pick up, ambulance and internal vehicular access roads associated with the entrances to both public and private hospital buildings are proposed (refer to location number 11 and 10 on Attachment 2, page 2).

A new pedestrian path is proposed, providing access to the hospital from the car parking areas to the north of the site. The proposed path will extend along the eastern side of the central plant building and will provide access to both the private and public hospital buildings (refer to location number 12 on Attachment 2, page 2). It should be noted that the existing pedestrian path (continuation of Central Walk) from Shenton Avenue to the public hospital building will remain.

#### Storm Water Drainage

Two storm water drainage sites are proposed in the north east and south east corners of the site and are designed to accommodate up to a 1 in 100 year storm event (refer to location number 13 on Attachment 2, page 2). The applicant has requested consideration of storm water discharge overflow from the proposed development into the City's sump within Yellagonga Regional Park in the event of a storm of a magnitude greater than the statistical 1 in 100 year standard.

JHC will act as one of three emergency hospitals in the event of a major disaster affecting the greater Perth metropolitan area. Storm water in excess of a 1 in 100 year storm event is sought to be discharged into the City's sump in Yellagonga Regional Park, which overflows into Lake Joondalup, to ensure the JHC remains operational in the event of a significant flood.

The assessment is that the on site sumps are able to accommodate a 1 in 100 year storm and any overflow from a storm event greater than 1 in 100 years would ordinarily flow to the lowest level within the catchment, which, in this case, is Yellagonga Regional Park and Lake Joondalup.

#### Built Form/Building Height

Buildings proposed are predominantly two to three storeys in height; however the private hospital is 4 storeys in height, including the basement car parking area, which is partially to be constructed below natural ground level.

The existing public hospital and medical centre building are both 4 storeys in height. The Joondalup City Centre Development Plan and Manual (JCCDPM) stipulates a maximum height of 3 storeys for this site.

The JCCDPM also requires buildings to be constructed along Shenton Avenue and be “active” at street level with openings (windows) and surveillance opportunities between the spaces.

The sumps also have the potential to impact on the streetscape along Lakeside drive (refer to location number 13 on Attachment 2, page 2). Due to the potential impact, special attention is drawn to the need to landscape and treat the sumps so as to contribute to the area in a positive manner. Thoughtful design and consideration of landscaping and proposed screening could negate this issue.

No buildings are proposed under this development application to front/address Shenton Avenue, however indicative future development plans lodged with this development application identify two separate buildings with direct frontage to Shenton Avenue at the south east and south west corners of the JHC site (refer Attachment 4).

Proposed extensions to the existing public hospital building are of an architectural style to match the existing building. Other proposed new buildings, primarily the private hospital building, shall have a different architectural design in order to differentiate between the public and private hospitals.

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

Council has the discretion to:

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

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

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

It will address Strategy 3.1.2, which seeks to facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.

It will also address Strategy 3.5.1 and 3.5.2, which seek to develop partnerships with stakeholders to foster business development opportunities and assist the facilitation of local employment opportunities.

**Legislation – Statutory Provisions:**

The proposed land uses are classified as 'medical' under the JCCDPM and are permitted land uses. Except as otherwise stated in this report, the proposal complies with the development provisions under DPS2 and the JCCDPM.

The following clauses are also relevant under DPS2:

**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:**

The proponent has a right of review against the Council's decision, and/or any conditions included therein, in accordance with the State Administrative Tribunal Act 2004 and the Planning and Development Act 2005.

**Financial/Budget Implications:**

Not Applicable.

**Policy Implications:**

Not Applicable

**Regional Significance:**

The proposal is considered to be regionally significant as it relates to health services offered to all northern suburbs residents.

**Sustainability Implications:**

Not Applicable.

**Consultation:**

The proposal was advertised for public comment for a period of 21 days, from 11 October 2007 to 1 November 2007. A sign was placed on-site and an advertisement inviting public comment was placed in the local newspaper. Letters advising of the proposal were also sent to properties in the immediate locality.

During this consultation period 61 submissions were received. The submissions comprised of 53 neutral/support submissions and eight objections to the proposal.

**Key issues arising from Public Advertising**

Comments received in support of the application are summarised as follows:

- Need for increased health facilities.

Objection/concerns to the development application included the following issues:

- Traffic management both internally and externally,
- Car parking provision and impact upon adjoining road network, particularly on surrounding residential streets and verges.
- Public transport and TravelSmart opportunities and initiatives.
- Noise issues, particularly with respect to the child care centre and ambulance depot buildings (which have since been deleted from this development proposal) and impacts on adjoining residential dwellings in Upney Mews.
- Need for a master plan for the site to control its ultimate future development.
- Pedestrian, cyclist and public transport accessibility and permeability issues.
- Landscaping and vegetation retention and relocation related concerns/issues.

A schedule of submissions, together with a plan identifying support/objection with the corresponding submitter's location, is shown in Attachment 3. Copies of all submissions have been placed in the Councillors reading room.

**COMMENT****Land Use**

The hospital and medical centre land uses proposed under this application are in accordance with the 'medical' land use allocation applied to the site under the JCCDPM.

Other incidental or secondary land uses proposed under the development application, such as the proposed café and retail tenancies, are also supported as these are provided for the benefit of patients, staff and visitors.

## Parking

An independent review of the applicant's parking, traffic and travel smart information was undertaken by the City's traffic and parking consultant. The review confirmed that the information within the applicant's reports was satisfactory and that the car parking calculations used by the City to determine a deficit of 156 bays under DPS2 for this proposal are appropriate.

The applicant has advised that although a total of 616 beds are being applied for under this proposal, 555 beds are to be utilised upon completion of construction in 2010/2011. Irrespective of this, a car parking deficit for the proposal still exists.

It should be noted that the City's parking calculations are based upon 100% occupancy of all 616 beds sought under this application (i.e. worst case scenario). JHC management have stated in its correspondence that full capacity will not occur until after 2017.

The above figures were provided by JHC management in its letter to the City dated 13 December 2007. This letter is to be referenced within Council's resolution to ensure the City's approval is linked to the data contained within this correspondence, which was used to assess the parking component of the proposal.

In addition to the above, should the travel smart plan not achieve agreed car parking reduction targets, the JHC has advised the City in writing that it will then provide additional car parking.

### Additional Onsite Car Parking Opportunities

Assessment of the proposal has revealed the potential for an additional 29 bays being provided onsite through the extension and reconfiguration of both existing and proposed parking areas.

Therefore, the net shortfall of car parking bays could be reduced from 156 to 127 car parking bays (or 6.6% of the total).

If approved, it is recommended that a condition be imposed to require the provision of additional onsite bays (approximately 29 bays) through the extension and reconfiguration of both existing and proposed car parking areas.

### Traffic Generation, Movement and Pedestrian Access

Various concerns have been raised in submissions with respect to traffic and vehicular movement both internally and externally of the JHC.

An independent review of the applicant's parking, traffic and TravelSmart information prepared by Sinclair Knight Merz (SKM) was undertaken by the City's traffic and parking consultant. Both consultants refer to 'constrained' traffic generation (ie: traffic is limited by the use of timed/paid car parking or by restricting staff parking availability through a travel plan) and unconstrained traffic generation (ie: no limitations or barriers for traffic/parking at the site). The key findings of the City's consultant, with respect to the traffic component of the proposal, are summarised as follows:

### *Traffic Generation*

*Existing traffic on the main access road of 5,940 vehicles per day (vpd) in May 2007. Since additional traffic also accesses the hospital site via Hampton Court and Regents Park Road, SKM's estimated traffic generation of 5,500 vpd is slightly understated.*

*The proposed future figure of 10,350 vpd is also understated. However, if the Travel Plan outcomes are achieved then traffic generation will decrease. The proposed 'unconstrained' figure of 10,350 vpd is a reasonable estimate for the 'constrained' traffic generation with the proposed 'Travel Plan' outcomes.*

### *Traffic Allocation to Driveways*

*Concern with the way the future traffic is allocated to the various driveways. Given the amount of parking to be provided along Lakeside Drive, it appears that too much traffic is allocated to the existing main access off Shenton Avenue, and not enough is allocated to the new driveways off Lakeside Drive.*

*The allocation used by SKM should be reviewed and justified.*

*With more traffic allocated to the Lakeside Drive access driveways, the intersection analysis may show that improvements along Lakeside Drive are required.*

*The Stage 1 plan shown on page 49 of the SKM report also suggests that a connection may be provided to the eastern car parks from Regents Park Road. This could attract significant traffic flows onto Regents Park Road (particularly those trips to/from the north-west).*

### *Future Traffic on External Roads*

*SKM refer to Main Roads WA forecasts for traffic on external roads, with Lakeside Drive only carrying 6,000 vpd in 2021.*

*Lakeside Drive already carried 5,030 vpd in July 2006 (compared to the figure of 4,000 vpd in 2005/06 quoted by SKM).*

*The latest traffic forecasts we have produced (documented for the City in 2004) show long term traffic flows of 15,000 vpd on Lakeside Drive north of Shenton Avenue.*

### *Operational Analysis at Access Driveways*

*It is not expected that the proposed development will cause any problems along Shenton Avenue.*

*However, with more traffic estimated to access the site via Lakeside Drive, and higher volumes forecasts for Lakeside Drive itself, it is expected that some upgrading of the proposed Lakeside Drive access driveways will be required.*

*Increased traffic accessing the site via Regents Park Road would also put pressure on the Grand Boulevard - Regents Park Road 4-way intersection, and may bring forward the need for traffic signals at this location.*

*The traffic allocations and intersection analyses should therefore be further reviewed.*

As a result of the above independent review, the proposal is considered to generate a need for some minor additional works in order to address various concerns raised, including:

- 1 Channelisation being provided for the southern access to the site onto Lakeside Drive, including a right turn slip lane.
- 2 A barrier access card reader being installed on the internal access road to Lakeside Drive to prevent shortcuts along the internal east/west road between Lakeside Drive and Regents Park Road.
- 3 The addition of a connecting vehicle access road from existing car parking areas to the south of the site to connect with proposed car parking areas to the east and north of the site in order to improve internal traffic flow.
- 4 Additional footpaths are required in various locations in order to provide safe and legible pedestrian access.

The above works are sought to be imposed as conditions on the development approval.

#### Travel Smart

An independent review of the applicant's travel smart information was undertaken by the City's traffic and parking consultant, where the following comments were made:

*The proposed travel plan suggests a number of general activities for which funding will be allocated with a view to encouraging alternative forms of transport and car parking. However, no specific details are provided to explain the role of the 'Travel Plan coordinator' or the 'incentives' that will be offered to achieve the desired outcomes.*

*It is suggested that more detail should be provided, and some form of real accountability needs to be locked away to ensure that the desired outcomes are actually achieved.*

*This may include some conditions relating to future travel surveys to identify the effectiveness of the Travel Plan, and a provision for the developer to 'step-up' the incentives and ideas in the future if desired outcomes are not being achieved.*

A condition is recommended on the development approval for the JHC to prepare and implement a travel plan in consultation with the City's TravelSmart officer. The travel plan shall provide yearly targets, budget allocations, and provide annual reporting on achievements of targets and programs implemented to the City of Joondalup for its information. JHC management have stated in writing that should targets in the travel plan not be achieved within the first two years, then they will provide additional parking to satisfy DPS2 car parking standards for this proposal. A condition is to be imposed on the development approval to address this issue.

The City notes with concern that the level of travel behaviour change suggested in the Draft Travel Plan that SKM have prepared for JHC, is significantly in excess of any documented travel behaviour change in Western Australia.

In order to ensure that the Travel Smart plan is successful, and to guarantee a commitment from the JHC, it is proposed that the JHC contributes to the Central Area Transit (CAT) bus resource in the following ways:

- 1 Upgrade of the Hospital CAT stops on Shenton Avenue in accordance with PTA guidelines and City of Joondalup standards with City of Joondalup approved bus shelters.
- 2 A covered and protected walkway from the CAT stop to the hospital Main Entrance be provided
- 3 The JHC becomes a one quarter (1/4 or 25%) contributor to the annual running cost of the CAT system.

A further proposed condition is to require the developer to provide a pedestrian crossing facility for the traffic control signals at the intersection of Grand Boulevard and Shenton Avenue in accordance with MRWA standards and guidelines and approved by Main Roads WA. This will facilitate safe access by people walking to the JHC from the Joondalup CBD and train station.

#### Drainage

All storm water created by the development is ordinarily wholly contained within its lot boundaries and designed to accommodate a 1 in 100 year storm event. This is the maximum standard which applies to all developments within the City. The current development application proposal satisfies this criteria.

The proposal to discharge storm water from a storm event greater than 1 in 100 years into the City's drainage sump, which overflows into Yellagonga Regional Park, is not in accordance with the City's current policy, as Policy 6-3 - Stormwater Drainage, prohibits any further discharge of storm water into natural areas such as Yellagonga Regional Park.

It is acknowledged that the JHC is to be one of three major hospitals within the greater Perth metropolitan region that will be used as an emergency hospital. In order to achieve this role, particularly in the event of a flood, the City supports storm water overflow from a storm event greater than 1 in 100 years into its nearby sump within Yellagonga Regional Park, as water would ordinarily flow to the lowest level within the catchment, which, in this case, is Lake Joondalup. It should be noted that should a storm even greater than the 1 in 100 years occur, storm water will overflow from most buildings constructed in the City Centre as these are built to the 1 in 100 years standard.

#### Building Form & Building Height

The maximum three storey height limit under JCCDPM is exceeded for a portion of the proposed private hospital building, however the visual impact of the additional height would be minimal given it is located well back from Lakeside Drive and Shenton Avenue.

The development must comply with the provisions of the Building Code of Australia which outlines energy efficiency standards for proposed buildings which need to be met. This aspect of the proposal will be further considered at the future building licence stage.

Further detail with respect to the building's elevation along Shenton Avenue is required. A mixture of colours and textures is required to break up the massing of the wall, together with possible recessing of sections of walls to achieve this aim. It is also recommended that an awning be provided along the building's Shenton Avenue elevation between the public and private hospital entrances to provide covered shelter for pedestrians moving externally from the public hospital entrance to the medical centre entrance and through to the private hospital entrance. Conditions are recommended to be imposed upon the development approval to address these development aspects.

## Landscaping

Several comments received during the public consultation period raised concerns with respect to landscaping and vegetation. The main issues related to vegetation loss, retention and relocation of grass trees into the landscaping design for the JHC.

A proposed development condition is to require a detailed landscape plan to be submitted to the City as part of the building licence approval process. The landscape plan shall include, but is not limited to, the provision of public art, entry statements, seating, pathways and other non vegetation related landscaping elements. The landscaping plans shall also include a vegetation survey of the site to determine the location of significant vegetation, the extent of vegetation clearing/removal and the extent of vegetation retention and incorporation into the landscape design.

Existing verge vegetation, particularly along Lakeside Drive, should be retained and protected during construction to complement the future landscaping of the site.

## Urban Design

The location of expansive areas of car parking bays within the front setback areas adjacent to Lakeside Drive is considered undesirable in providing a legible urban form where buildings are preferred in this location.

The development standards in the JCCDPM in relation to setbacks are generally met, however street setbacks do not fully '*contribute to strong urban spaces and reflect the character of adjoining precincts*'. There is an absence of building form along Shenton Avenue and at the corner of Shenton Avenue and Lakeside Drive to articulate and emphasise this point which is a desirable urban design element.

Entries to buildings should be apparent and direct to pedestrian pathways. Entry to the private hospital building from the eastern and northern car park areas is not clear and needs to be improved.

It is recommended that an artist create public artwork which forms a new entry statement at the roundabout to the Shenton Avenue entrance to the JHC. This should be considered as part of the overall landscaping plan for the development.

## Future JHC Master Plan

This proposal represents the first of several future large scale development stages intended for the JHC as it will ultimately grow to become one of the largest hospitals in the Perth metropolitan area and the largest hospital in the northern suburbs.

In order to ensure all future development of the JHC is undertaken in a holistic and integrated manner, it is recommended that a condition be imposed to require the preparation of a master plan for the entire landholding, to cover the issues mentioned in the report, and to provide a basis for understanding about the Council's future desires for the Campus site planning.

The master plan should be finalised before the Council considers any further large scale development/expansion of the Campus.

## Other Issues

Comments were made in submissions received with respect to extending the private mental health facility, new ambulance depot and new child care centre buildings, primarily relating to safety, noise and traffic impacts. These developments have since been removed from this

development proposal and will be subject to a separate future development application and approval process under Stage 1A. Their impact, particularly for existing residents in Upney Mews, will be further considered at that time once detailed plans are lodged for the City's further consideration.

The developer, as a condition of development approval, shall also ensure that the Western Australian Planning Commission's 'Designing Out Crime Planning Guidelines' are taken into consideration in the preparation of all detailed plans (including landscaping plans) for building licence approval. A report shall be submitted with the future building licence application that outlines compliance with the performance criteria of this document.

## **ATTACHMENTS**

Attachment 1 Locality Plan

Attachment 2 Development Plans

Attachment 3 Schedule of Submissions & map of submitter's location

Attachment 4 Indicative Future Development Plans

Attachment 5 Joondalup Health Campus letter to City of Joondalup 13 December 2007

## **VOTING REQUIREMENTS**

Simple Majority.

## **RECOMMENDATION**

### **That Council:**

- 1 EXERCISES discretion under clause 4.5 of the City of Joondalup District Planning Scheme No. 2 and determines that; Parking provided at 1753 bays in lieu of 1900 bays is appropriate in this instance.**
- 2 APPROVES the application for Planning Approval dated 14 September 2007 submitted by Project Directors Australia Pty Ltd and the letter dated 13 December 2007 by Joondalup Hospital Pty Ltd, the applicants on behalf of the owner, the Minister for Health Western Australia (forming Attachment 5 of this report), for additions and alterations to the Joondalup Health Campus at 60 Shenton Avenue, Joondalup, subject to the following conditions:**
  - (a) An onsite storm water 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 drainage sumps shall be treated with a combination of landscaping, screening and contouring in a manner that complements the surrounding landscape, to be detailed and submitted to the City for approval prior to their installation. The proposed storm water drainage system is required to be shown on the Building Licence submission and be approved by the Manager Infrastructure Management prior to the commencement of construction.**
  - (b) Retaining walls being of a clean finish and made good to the satisfaction of the Manager, Approvals, Planning and Environmental Services.**
  - (c) Pedestrian and vehicular access ways shall be aligned to provide clear sightlines, together with the provision of adequate lighting, to ensure vehicular and pedestrian safety.**

- (d) **Submission of a construction management plan detailing phasing of construction, access, storage of materials, protection of pedestrians, footpaths and other infrastructure to the satisfaction of the Manager Approvals, Planning & Environmental Services;**
- (e) **All building finishes and materials used on the exterior of the building shall be robust, durable and resistant to vandalism to the satisfaction of the Manager Approvals, Planning & Environmental Services and shown on plans submitted for building licence approval;**
- (f) **Disabled car parking bays to be in compliance with the Building Code of Australia. Provision must also be made for disabled access and facilities in accordance with the Australian Standard for Design for Access and Mobility (AS 1428.1);**
- (g) **The parking bay/s, driveway/s and points of ingress and egress to be designed in accordance with the Australian Standard for off street car parking (AS/NZS2890.1-2004) unless otherwise specified by this approval. Such areas are to be constructed, drained, sealed and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services prior to the development first being occupied.**
- (h) **The lodging of detailed landscaping plans, to the satisfaction of the Manager Approvals, Planning and Environmental Services, for the development site with the building licence application. All details relating to paving and treatment of verges, including the provision of public seating, public art, roundabout entry statement, pathways and other non vegetation related landscaping elements, shall be shown on the landscaping plan. A vegetation survey of the site is also required and shall form part of the landscaping plans.**
- (i) **Landscaping, reticulation and all verge treatment is to be established in accordance with the approved landscaping plans prior to the development first being occupied and thereafter maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services.**
- (j) **All external car parking areas shall be provided with one shade tree for every four 4 bays prior to the development first being occupied. The trees shall be located within tree wells protected from damage by vehicles and maintained to the satisfaction of the Manager Approvals, Planning and Environmental Services.**
- (k) **Any signage associated with the proposed development (excluding internal directional signage) shall be the subject of a separate development application.**
- (l) **The developer shall ensure that all entries to buildings for both visitors and staff are visually prominent and are directly linked to all proposed pedestrian pathways. Specifically, entry to the private hospital building from the eastern and northern car park areas is not clear and this aspect needs to be improved and shown on plans submitted for building licence approval.**

- (m) The developer shall provide a pedestrian crossing facility for the traffic control signals at the intersection of Grand Boulevard and Shenton Avenue in accordance with MRWA Standards and Guidelines and approved by Main Roads WA.
- (n) The developer shall contribute to/fund the following to the satisfaction of the City;
  - (i) fund the upgrade of the Hospital CAT stops and resultant modifications to the median island on Shenton Avenue, in accordance with PTA guidelines and City of Joondalup standards, with City of Joondalup approved shelters.
  - (ii) The provision of a covered and protected walkway from the CAT stop to the public hospital's main entrance
  - (iii) Contribute to one quarter (25%) of the annual running cost of the CAT system.
- (o) The developer shall provide a covered walkway/awning (or similar treatment) along the buildings' Shenton Avenue frontage from the public hospital entrance to the private hospital entrance, to the satisfaction of the Manager Approvals, Planning and Environmental Services.
- (p) The developer to provide a vehicular linkage from the southern car the proposed eastern car parking area to the satisfaction of the City of Joondalup.
- (q) The developer shall provide additional footpaths, in locations shown in red ink on the attached approved plans, to the specification and satisfaction of the City of Joondalup.
- (r) The developer shall provide channelisation for the southern access to the site on Lakeside Drive, including a right turn slip lane, to the specification and satisfaction of the City of Joondalup.
- (s) A barrier access card reader is to be installed on the proposed southern Lakeside Drive Access road at an appropriate location to the satisfaction of the City of Joondalup.
- (t) The Joondalup Health Campus shall prepare and implement a travel plan in consultation with City of Joondalup's Travel Smart Officer, to the specification and satisfaction of the City of Joondalup. The travel plan shall provide yearly targets, budget allocations, and must provide for annual reporting on achievements of targets and programs implemented to City of Joondalup for information. In the event that travel plan targets aren't achieved as set out within the endorsed travel plan within two years, additional car parking is to be provided on site in order to satisfy District Planning Scheme No. 2 car parking standards for the development.
- (u) The developer shall provide additional onsite bays (approximately 29 bays) through the extension and reconfiguration of both the existing and proposed car parking areas as shown in red ink on the attached plans. Such details are to be shown on plans lodged with the City of Joondalup for building licence approval.

- (v) All existing verge vegetation, particularly vegetation along Lakeside Drive, shall be retained and protected during construction of the development.
- (w) The developer shall liaise with the City of Joondalup to develop and implement a master plan for the JHC site in order to coordinate its ultimate future development, prior to any further large scale development stages being considered by the City of Joondalup. The master plan shall be to the satisfaction of the City of Joondalup.
- (x) The developer shall ensure that the Western Australian Planning Commission's 'Designing Out Crime Planning Guidelines' dated June 2006 are taken into consideration in the preparation of all detailed plans (including landscaping plans) for building licence approval. A report shall be submitted with the future building licence application which outlines compliance with the performance criteria of this document, to the satisfaction of the City of Joondalup.
- (y) On completion of the installation of any Mechanical Services, the applicant /builder shall provide a Mechanical Services Plan signed by a suitably qualified Mechanical Services Engineering or Air Conditioning Contractor.

**Footnotes:**

- 1 In reference to condition (h), the use of Western Australian indigenous and water-wise shrubs and groundcovers is encouraged. Existing trees and verge treatments are to be acknowledged and incorporated into the landscape design. The developer's landscaping consultant shall first liaise with the City's Landscape Architect to ensure all landscaping concepts and elements are addressed and shown on the landscaping plans prior to it being lodged with the City for its approval.
- 2 In reference to condition (y), the Mechanical Services Engineering or Air Conditioning Contractor shall certify that the mechanical ventilation complies with and is installed in accordance with Australian Standard 1668.2-1991, Australian Standard 3666-2002 and the Health (Air Handling and Water Systems) Regulations 1994.

*Appendix 27 refers*

To access this attachment on electronic document, click here: [Attach27brf120208.pdf](#)

- 8 REPORT OF THE CHIEF EXECUTIVE OFFICER**
- 9 MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**
- 10 REPORTS/PRESENTATIONS REQUESTED BY ELECTED MEMBERS**



**DECLARATION OF  
FINANCIAL INTEREST/INTEREST THAT MAY AFFECT  
IMPARTIALITY**

**To: CHIEF EXECUTIVE OFFICER  
CITY OF JOONDALUP**

|                               |   |
|-------------------------------|---|
| <b>Name/<br/>Position</b>     |   |
| <b>Meeting<br/>Date</b>       |   |
| <b>Item No/<br/>Subject</b>   |   |
| <b>Nature of<br/>Interest</b> | Financial Interest *<br>Interest that may affect impartiality*<br><span style="float: right;"><i>* Delete where<br/>not applicable</i></span> |
| <b>Extent of<br/>Interest</b> |   |
| <b>Signature</b>              |   |
| <b>Date</b>                   |   |

Section 5.65(1) of the Local Government Act 1995 states that:

“A member who has an interest in any matter to be discussed at a Council or Committee meeting that will be attended by that member must disclose the nature of the interest:

- (a) *in a written notice given to the CEO before the meeting; or*
- (b) *at the meeting immediately before the matter is discussed.*



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**QUESTION TO BE ASKED AT  
BRIEFING SESSION/COUNCIL MEETING**

| <b>TITLE</b><br><i>(Mr/Mrs/Ms/Dr)</i> | <b>FIRST NAME</b> | <b>SURNAME</b> | <b>ADDRESS</b> |
|---------------------------------------|-------------------|----------------|----------------|
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**QUESTIONS**

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Please submit this form at the meeting or:

- **post** to The Chief Executive Officer, City of Joondalup, P O Box 21, Joondalup WA 6919
- **email** to [council.questions@joondalup.wa.gov.au](mailto:council.questions@joondalup.wa.gov.au)

**Please note that:**

- Questions asked at a **Briefing Session** must relate to matters contained on the draft agenda.
- Questions asked at a **Council meeting** can relate to matters that affect the operations of the City of Joondalup.
- Questions asked at a **Special Meeting of the Council** must relate to the purpose for which the meeting has been called



**STATEMENT TO BE MADE AT  
BRIEFING SESSION/COUNCIL MEETING**

| <b>TITLE</b><br><i>(Mr/Mrs/Ms/Dr)</i> | <b>FIRST NAME</b> | <b>SURNAME</b> | <b>ADDRESS</b> |
|---------------------------------------|-------------------|----------------|----------------|
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**STATEMENT**

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