

**THE FOLLOWING LATE REPORT IS NOW AVAILABLE**

**LATE ITEM NO 1 – 2005 COMPLIANCE AUDIT RETURN**

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**LATE ITEM NO 3 - OUTCOME OF MEDIATION – PROPOSED EXTENSIONS TO  
LAKESIDE SHOPPING CENTRE FRONTING GRAND BOULEVARD AND BOAS  
AVENUE ON PART OF LOT 504 JOONDALUP DRIVE**

**SEE BELOW**

## **LATE ITEM NO 3 – COUNCIL MEETING 14 MARCH 2006**

### **OUTCOME OF MEDIATION - PROPOSED EXTENSIONS TO LAKESIDE SHOPPING CENTRE FRONTING GRAND BOULEVARD AND BOAS AVENUE ON PART OF LOT 504 JOONDALUP DRIVE – 08431]**

**WARD:** North Ward

**RESPONSIBLE** Mr Clayton Higham

**DIRECTOR:** Planning and Community Development

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#### **PURPOSE**

To consider the outcome of a State Administrative Tribunal (SAT) mediation hearing. The mediation followed the lodgement of an appeal by the applicant in response to Council's conditional approval to an Application for Planning Approval for extensions to the Lakeside Shopping Centre in the Joondalup Central Business District (CBD).

#### **EXECUTIVE SUMMARY**

At its November 2005 meeting, Council conditionally approved an application for extensions to the Lakeside Shopping Centre located in the area bounded on the western side by the existing shopping centre, Boas Avenue on the north, Grand Boulevard on the east and Collier Pass on the south. A copy of the original report considered by Council when determining the development application at its November 2005 meeting will be provided in the Councillors' reading room.

The applicant appealed to the State Administrative Tribunal (SAT) against 14 conditions and all the footnotes contained within Council's approval notice dated 13 January 2006.

A mediation conference was held at the SAT on 9 February 2006 to discuss the conditions under appeal.

The outcome of that mediation has resulted in prospective changes to the present notice of approval by way of either deletion or modification to the stated conditions and footnotes, as recommended in this report. Attachment 1 is an extract from the minutes of the November 2005 meeting, containing the conditions of planning approval. Attachment 2 has been provided by the applicant, which shows a marked up copy of the proposed changes they wish to make to Council's planning approval. Attachment 3 is a clean copy of the applicant's recommended approval, incorporating changes to Council's conditions and a restructuring of the approval. Attachment 4 is the City's recommended position based on changes made to the document in Attachment 3.

The final position of the Council on the modified approval will then be presented to the next mediation hearing, which is to be held on Thursday 16 March, 2006.

## **BACKGROUND**

Council approved the development application to carry out major extensions to the existing shopping centre at its meeting held on the 22 November 2005. The approval was issued with 30 conditions and 12 footnotes.

The applicants appealed to the SAT on 21 December 2005. A directions hearing was held on 27 January 2006. At that hearing, the applicants requested that one or more Commissioners with delegated powers and senior staff attend any mediation hearings.

As part of the directions from the directions hearing, the SAT invited the Chief Executive Officer and one or more Commissioners to attend the mediation hearing(s).

On 9 February 2006, the Chief Executive Officer, Director of Planning and Community Development, Director of Infrastructure Services, Coordinator Planning Approvals and Mr Steve Allerding (Allerding Burgess) attended the mediation hearing.

During that meeting, the various conditions of approval under review were discussed. At the end of the meeting, both parties were required to provide information to the other party on certain matters. Following receipt of that information, a draft set of conditions was to be prepared by the applicant. These conditions were to be reviewed by the City and referred through to Council for consideration.

Following consideration of these conditions at the meeting of Council on 14 March 2006, the next mediation hearing set for 16 March 2006. At that meeting, the applicant would consider Council's position on the draft conditions and either:

- (i) accept Council's position;
- (ii) enter into further dialogue; or
- (iii) seek to take the matter to a hearing of the SAT.

## **DETAILS**

The conditions of approval that are being challenged are identified and discussed in the Comment section of this report.

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

Council has the discretion to:

- Accept the modifications as recommended;
- Reject the modifications as recommended in whole or in part; or,
- Require further modifications.

At the mediation hearing, further discussion on Council's position will occur. It will be recommended that the Chief Executive Officer be granted delegated authority to negotiate on the Council's behalf at the mediation hearing to be held on 16 March 2006, on any challenges to the adopted position of Council.

**Link to Strategic Plan:**

Objectives taken from the City of Joondalup Strategic Plan (2003-2008):

*Work with stakeholders to create a vibrant city centre and community*

*Work towards a safe and secure environment*

3.1.2 *Facilitate the safe design, construction and approval of all buildings and facilities within the City of Joondalup.*

3.5.1 *Develop partnerships with stakeholders to foster business development opportunities.*

3.5.2 *Assist the facilitation of local employment opportunities.*

**Legislation – Statutory Provisions:**State Administrative Tribunal Act 2004

The applicants have requested the SAT to review Council's decision under the State Administrative Tribunal Act 2005 (SAT Act), which has a different decision making process to the DPS2. Council is required to determine and convey its position on the proposed changes to its approval to SAT and the applicant. Council does not make a formal planning decision as such. The process under the SAT Act will result in a "Minute of Consent" if both parties agree to a mediated outcome or if no agreement, the matter is then taken to a hearing and the SAT will then make its decision on the request for a review.

**Risk Management considerations:**

The form of the development will have a substantial impact on the streetscape around the site, and also upon the commercial hub of the City Centre. The decisions taken and mediated proceedings need to fully consider the best manner in which to achieve the best outcome for the City.

**Financial/Budget Implications:**

This matter is before the State Administrative Tribunal following the lodging of a request for review of Council's decision. It is a Class 2 hearing, which allows for legal representation by each party. The City has engaged the services of Allering Burgess (Planning Consultants) to represent the Council at the hearings. Currently, the matter is being dealt with through the mediation process. However, this may escalate to a full hearing in which case, the City may need to engage the services of solicitors to represent Council at the hearing.

If Council accepts the modified approval as presented in attachment 4, in terms of accepting a one third cost for the construction of traffic lights at the intersection of Joondalup Drive and Collier Pass, there would be an estimated cost of \$50,000 to the City.

If the proposal is not agreed at mediation, the escalation of the appeal to a hearing could result in expenditure of approximately \$20-50 000 to facilitate the Council's position being reaffirmed in proceedings brought by the landowner.

**Policy implications:**

Not applicable

**Regional Significance:**

Joondalup is identified in regional planning terms as Perth's second CBD. The success of the City depends in part upon its commercial viability and attractiveness. The development scale (\$130 million approx) means that the proposal will have a substantial impact on the Joondalup City Centre.

**Sustainability implications:**

Not applicable

**Consultation:**

No further consultation has occurred as part of the SAT review process.

**COMMENT**

The applicants have appealed against 14 of the 30 conditions of planning approval and all of the 12 footnotes. Of the 14 conditions appealed, three Council conditions were considered to be core conditions of significance during the mediation process and these are discussed below:

**Core Conditions Under Appeal****1. Condition (e) i, ii and vi**Summary

1. Condition (e) i, ii and vi requiring the preparation of a Car Parking Management Plan that addressed:
  - (a) Provision of sufficient parking for workers during the construction period to avoid disruption to the CBD;
  - (b) The provision of sufficient bays during construction so that there is no net loss in parking numbers for the existing shopping centre development to avoid disruption to the CBD;
  - (c) The provision of a minimum of 3981 bays to meet the requirements of DPS2;

To address workers parking and no net loss of parking (e i & ii above) the applicants are proposing a modified condition requiring the preparation of a construction management plan which seeks to address the Council's desire to ensure adequate parking control is provided during the construction period to "minimise" any impact on the CBD.

In relation to (e)(vi) above, the applicants argued that the car parking requirements should only be applied to the new development and not the existing development. This is considered to be an acceptable argument by the City. In response to this matter, a recalculation by City has determined that the total number of bays required based on the change in methodology of calculating car parking numbers, results in a lesser number of parking spaces than originally calculated or required. The amended car parking numbers have been provided in the revised approval (refer to attachment 4).

Detailed discussion on Condition (e) Car Parking Management Plan

Condition e (i) (ii) and (vi) read as follows:

- (e) *The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters:*
  - (i) *The applicant shall:*
    - (A) *provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and*
    - (B) *require any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);*
  - (ii) *the provision of off street at grade and multi deck parking is to be staged so that there is no net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;*
  - (vi) *overall, the development shall have a minimum of 3981 car parking spaces to satisfy the overall car parking requirements of District Planning Scheme No 2;*

The applicants are seeking to amend Council's condition (e)(i) and (ii) by:

- incorporating this matter as part of the building licence; and
- showing the location but not identifying the number of parking spaces that would be required and provided in the designated area;

Refer to Attachment 3 – condition (m)(i) and (ii) for details of the proposed condition.

It is believed that this matter relates to the amenity of the area through the impact of the car parking expected to be generated by the construction of the proposed development, which is a planning matter rather than a building licence matter. Consequently, it is a matter that should be dealt with in the planning approval.

It is considered reasonable that the conditions be modified to the extent that the car parking management plan demonstrate that any loss to the overall number of parking bays is minimised and that workers and contractors are encouraged to use the dedicated area(s).

In relation to (e) iv, the applicants have requested Council to reconsider the car parking demand. This request is based on:

- (a) the existing development having satisfied the relevant parking standards at that time, including any car parking concessions having been granted by Council for the various stages in the development of the site; and
- (b) the current car parking standard should only be applied to the new stage of development.

The car parking standard, as set out in Table 2 – Car Parking Standards of the DPS2, was applied as required by the provisions of the Scheme. Having regard to the history of the development of the site and the car parking concession granted in the earlier stages of development, it is considered that this request as presented by the applicant in the review process is a reasonable request and warrants support.

If this position is considered acceptable, the application of the current car parking standard is difficult due to the structure of the standard. The standard relies on the development providing a set number of car parking spaces at the threshold level, with a specific rate of car parking spaces to be provided once the threshold level is passed (Refer to the following table which is an extract from Table 2 – Car Parking Standards of DPS2). For instance, a new development with over 50,000m<sup>2</sup> would require 3000 car parking spaces to be provided, plus the additional car parking spaces required at a rate of 4.8 spaces per 100m<sup>2</sup> of NLA. However, an existing development approved under previous Planning Schemes will not have the required number of parking spaces due to the different parking standards that were applied at that time, irrespective of any car parking concessions that may have been granted.

USE CLASS	NUMBER OF ON-SITE PARKING BAYS (NLA = NET LETTABLE AREA)
Shopping Centres under 10,000m <sup>2</sup>	7 per 100m <sup>2</sup> NLA
Shopping Centres from 10,000 to 30,000m <sup>2</sup>	700 bays for the first 10,000m <sup>2</sup> NLA plus 6.25 per 100m <sup>2</sup> NLA thereafter
Shopping Centres from 30,000 to 50,000m <sup>2</sup>	1950 bays for the first 30,000m <sup>2</sup> NLA plus 5.25 per 100m <sup>2</sup> NLA thereafter
Shopping Centres greater than 50,000m <sup>2</sup>	3000 bays for the first 50,000m <sup>2</sup> NLA plus 4.8 per 100m <sup>2</sup> NLA thereafter

In this situation, the centre has an existing floor area of 40,595 m<sup>2</sup>. It is recommended that the car parking assessment be carried out as follows:

- accept the current floor space and parking numbers as they exist;
- calculate the parking required for the difference in the retail floor areas between the existing centre (40,595 m<sup>2</sup>) and the 50,000 m<sup>2</sup> limit at a rate of 5.25 spaces per 100 m<sup>2</sup> NLA; and
- calculate the remaining proposed retail floor space above 50,000 m<sup>2</sup> at a rate of 4.8 spaces per 100 m<sup>2</sup> thereafter, without requiring the 3000 car parking bays; and
- calculate the proposed office floor space at a rate of 1 space per 30 m<sup>2</sup>.

Based on this methodology, the revised parking calculations are shown below:

Existing Retail Space	Floor	Use	Floor Area	CP Required
		Shopping centre	40,595.00	2,436.00
		Kiosks	334.00	20.00
		McDonalds	412.00	25.00
		Liquor Store	240.00	15.00
		<b>Sub-Total</b>	<b>41,581.00</b>	<b>2,496.00</b>

Proposed additional retail floorspace	Area	Proposed car parking ratio for new development	Floor Area	CP Required
	30-50,000. m <sup>2</sup>	5.25/100 m <sup>2</sup> NLA	8,419.00	442.00
	>50,000 m <sup>2</sup>	4.8/100 m <sup>2</sup> NLA	19,963.00	958.22
	<b>Sub-total</b>		<b>28,382.00</b>	<b>1,400.22</b>

Proposed Additional Office Floorspace	Car parking space for 1 space for every 30 m <sup>2</sup> .	672.00	23.00
<b>TOTAL</b>		<b>70,635.00</b>	<b>3,919.22</b>

This results in a reduced car parking requirement of 3,920 (rounded up) compared with the original calculation of 3981, which is a reduced demand of 61 car parking spaces. It is recommended that this revised figure be accepted and the relevant conditions be amended accordingly. The proposal would now satisfy the required number of parking spaces for the proposed development as it is proposed to provide 3,929 on-site parking spaces, compared to the required number of car parking spaces of 3,920.

The applicant would still need to make arrangements for the location on-site for the loss of any street car parking spaces that would be lost as a consequence of the proposed development.

## 2. Condition (j) Signalisation at Joondalup Drive and Collier Pass Intersection

### Summary

- Condition (j) required the applicant to provide for the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection at its own cost. The applicant considered that such cost was unreasonable as the development does not generate the need for the installation of traffic signals at this location.



Contrary to the applicant's assertions, it is considered that the traffic generated by the shopping centre does give rise to the need for the installation for traffic signals at this intersection. However, it is also acknowledged that the intersection is also utilised by non shopping centre traffic and the provision of signals will likely be required in the future in order to improve access and egress in the area generally. A mediated outcome is recommended requiring the applicant to provide a two thirds contribution toward the design and construction of the traffic signals with Council contributing one third. This will be effected by way of a condition requiring the preparation of a legal agreement between the City and the applicant. The applicant has agreed in writing to this contribution breakdown.

The funding contribution is in keeping with the provision of traffic signals under the States Black Spot program whereby the City contributes one third and the State contributes two thirds. In view of the broader benefits to the community, the provision of a contribution of up to one third by the City is considered reasonable.

#### Detailed Discussion on Condition (j)

Condition (j) reads as follows:

*The owners arranging at its cost for the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection to the satisfaction of the City and MRWA, prior to the opening of the Shopping Centre Development;*

It was noted in the previous report to Council that the proposed expansion of Lakeside Shopping Centre by 29,392m<sup>2</sup> (including storage and amenities) could increase the traffic generation of the existing centre from 29,280 vehicles per day (VPD) to 48,870 VPD. The overall increase in external traffic around Lakeside Shopping Centre taking account of adjacent developments could increase from 34,820 VPD to 53,520 VPD.

At the Joondalup Drive - Collier Pass junction, the applicant's traffic consultant, Uloth and Associates (Uloth), recommends traffic signals in the future to facilitate movements into and out of Collier Pass from Joondalup Drive. Uloth believes that the City has programmed to have traffic signals installed at this intersection as part of its road improvement program. A left hand turn lane from Collier Pass into Joondalup Drive - headed south - is also recommended.

In support of the proposed access points into and out of the proposed extensions off Grand Boulevard, Uloth identified future traffic flows and carried out detailed intersection operational analyses for the Grand Boulevard - Boas Avenue signalised intersection under the alternative scenarios. The analysis showed that the Grand Boulevard - Boas Avenue signalised intersection would (in Uloth's opinion) operate at a Level of Service D, indicating poor but manageable operating conditions, with manageable queue lengths within Boas Avenue.

In Uloth's opinion, the analysis also showed that the junctions of the proposed parking access driveways in both Grand Boulevard and Collier Pass would operate, unsignalised, at Levels of Service B and C, indicating (in Uloth's opinion) good and satisfactory operating conditions, respectively.

### Longer Term Traffic Assessment

Uloth also carried out an analysis to assess the longer term effects of further (hypothetical) expansion at Lakeside (to include a department store and other extensions envisaged in the long term - see Figure 14 below) to 110,00m<sup>2</sup> of retail floor space plus a nominal 11,000m<sup>2</sup> expansion of the city to the north of Boas Avenue. This long-term scenario reflects what Uloth believes is the full retail development scenario envisaged in the existing Masterplan for Joondalup.

This analysis, Uloth believes, shows that all of the intersections and junctions adjacent to Lakeside Joondalup Shopping City (with the various improvements discussed above), would continue to operate at acceptable Levels of Service. However, Uloth also believes the analysis shows that the Grand Boulevard - Boas Avenue intersection would need to revert back to its original layout at some time in the future, with two through lanes in each direction.

The issue with respect to condition (j) was that the applicant considered that Council's requirement that the full cost of providing signalisation at this location be met by the applicant was unreasonable as the development does not of itself generate the need for the installation of traffic signals at the intersection of Joondalup Drive and Collier Pass.

Contrary to the applicant's assertions, it is considered that the traffic generated by the shopping centre does give rise to the need for the installation of traffic signals at this intersection. However, it is also acknowledged that the intersection is utilised by non shopping centre traffic and the provision of signals will likely to be required in the future to improve access and egress in the area generally. An equitable contribution arrangement has been further discussed and a mediated outcome is recommended requiring the applicant to provide a two thirds contribution toward the full design and construction cost of the traffic signals with Council contributing one third. This will be effected by way of an amended condition (j) on the approval requiring the preparation of a legal agreement between the City and the applicant, stating the nature of the applicant's contribution.

The funding contribution split is in keeping with the provision of traffic signals under the State's Black Spot program whereby the City contributes one third and the State two thirds. In view of the broader benefits to the community and the likely requirement that signals will be necessary, the provision of a contribution of up to one third by the City is considered reasonable in this circumstance.

### **3. Condition (k) Modifications to channelisation and surrounding road systems**

#### Summary

3. Condition (k) required the applicant to undertake all road channelisation treatments and modifications to the traffic signals at Collier Pass Road and Grand Boulevard intersection to Council's satisfaction and at the applicants cost. The applicant considered that such cost was unreasonable.

The applicant has now agreed to undertake all channelisation works and intersection modifications at its own cost.

#### 4. Other Appealed Conditions

For the remaining conditions appealed, some conditions are deleted and incorporated into other existing or new conditions on the approval. These include conditions relating to:

- vegetation mulching (included as part of the required landscaping plan);
- requiring the City's approval for changes to the "car parking management plan";
- car parking to meet Australian Standards (to apply to new parking areas and not existing parking areas);
- dust suppression (to be incorporated into a "construction management plan and program");
- heavy vehicle movement management (to be incorporated into a "construction management plan and program");
- drainage plan (to be incorporated into a "construction management plan and program");

The changes identified in the second dot point referred to above, is being challenged by the City and it is considered that this condition should remain unchanged.

Other conditions are proposed to be deleted on the basis that they were adequately covered under other legislation. These included conditions relating to:

- Littering and general rubbish arising from earthworks; and
- Rehabilitation works

The changes recommended by the applicant are included in Attachment 3 and are not considered to materially affect the basis of the original approval granted by Council.

#### 5. Footnotes

A number of footnotes included on the original approval have been deleted as they are already adequately covered under other legislation. These include footnotes relating to compliance with the Environmental Protection Act and the Health Act.

Other footnotes have been included within the body of the conditions. These footnotes relate to car parking construction standards. The inclusion of footnotes within the body of the conditions is preferred in any event as footnotes are not enforceable and incorporation within the body of the conditions gives them greater status.

Other footnotes, not deleted and not able to be incorporated into conditions, have been retained in the current modified approval for the applicant's guidance as to the City's expectations. It is possible that they will not be accepted for inclusion in any Minute of Consent by the Tribunal based on its previous decision in *Empire Securities and Ors and Western Australian Planning Commission* [2005] WASAT 98. If that is the case, it is recommended that the City detail its expectations, as provided in those footnotes, in separate correspondence to the applicant.

## CONCLUSION

The modified and re-structured approval as prepared by the applicant in Attachment 3 is considered as an acceptable mediated outcome and Council's approval to a Minute of Consent effecting these changes is sought, subject to the following changes (as shown in Attachment 4), which includes the following change:

- modifications to proposed condition (d)(ii)(B) and (C) to reflect the change in the methodology for the calculation of the required car parking numbers; and

## ATTACHMENTS

Attachment 1	Extract from the minutes of the November 2005 meeting, containing the conditions of approval.
Attachment 2	Marked up copy of Council's original approval showing proposed changes.
Attachment 3	Applicants copy of proposed approval containing modified conditions and amended structure.
Attachment 4	Proposed amended approval based on changes to the applicants document in Attachment 3.

## VOTING REQUIREMENTS

Simple Majority

## RECOMMENDATION

### That Council:

1. **APPROVES** the modified conditions of approval for the proposed extensions to the Lakeside Shopping Centre, in accordance with Attachment 4 to this report and forwards these conditions to the State Administrative Tribunal.
2. **AUTHORISES** the Chief Executive Officer under Clause 9.29 of the Local Government Act 1995 to agree to changes to the above conditions contained in Attachment 4 under delegation for the purpose of finalising a Minute of Consent Order, where such changes do not materially affect the intent of the conditions referred to 1 above.

**EXTRACT FROM MINUTES OF COUNCIL MEETING HELD ON 22 NOVEMBER 2005  
– CONDITIONS OF PLANNING APPROVAL FOR LAKESIDE SHOPPING CENTRE  
ADDITIONS**

That Council:

- 1 EXERCISES discretion under clause 4.5.1 of the City's District Planning Scheme No. 2 and, recognising future development possibilities, determines that the three metre wide landscape strip along Grand Boulevard required in terms of DPS2 subclause 4.12.2 is not required to be provided in this instance.
- 2 APPROVES the application for Planning Approval, Amended Version in Five Parts, dated August 2005, submitted by Cameron, Chisholm and Nichol (WA) Pty Ltd on behalf of the owners, ING Retail Property Fund Australia for extensions to the Lakeside Shopping Centre subject to the following conditions:
  - (a) The submission of revised or additional information for approval by the City, to address the following issues:
    - (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;
    - (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
    - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7 (refer to footnote (a));
    - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
    - (v) a lighting plan that addresses the JCCDPM;
    - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b));
    - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
    - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
  - (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.

- (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.
- (d) All new car parking bays are to comply to standards for car bay dimensions for short term parking in a city centre (User Class 3) in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2.
- (e) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters:
  - (i) The applicant shall:
    - (A) provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and
    - (B) require any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);
  - (ii) the provision of off street at grade and multi deck parking is to be staged so that there is no net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;
  - (iii) any loss of on-street parking in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
  - (iv) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
  - (v) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1710 bays, excluding any on-site parking provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;
  - (vi) overall, the development shall have a minimum of 3981 car parking spaces to satisfy the overall car parking requirements of District Planning Scheme No 2;

- (vii) any loss of car parking in Boas Avenue or Grand Boulevard is required to be provided on-site, but separate from the shopping centre car parking requirement;
  - (viii) The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;
  - (ix) The provision of at least 48 public and 14 staff bicycle parking facilities at appropriate locations in close proximity to all entry points to the shopping centre on the subject site, including signage, storage and access;
- (f) Any changes to the approved car parking management plan required in condition (e) will require the further approval of the City;
- (g) Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant;
- (h) Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City;
- (i) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners;
- (j) The owners arranging at its cost for the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection to the satisfaction of the City and MRWA prior to the opening of the Shopping Centre Development;
- (k) All channelisation treatments including modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost;
- (l) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost;
- (m) The parking bays, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002). These areas are to be constructed as part of the building program;

- (n) Prior to the commencement of earth works on the site, a traffic management plan for heavy vehicles shall be submitted and approved by the City;
- (o) Details of dust suppression measures shall be submitted for approval by the City;
- (p) All existing vegetation on the site which is not considered worthy of retention or transplanting, as determined by the City, shall be mulched, stored and used on site. Excess mulch, if any, shall be disposed of in a manner satisfactory to the City;
- (q) Prior to any construction or earth works commencing, a drainage plan shall be produced and submitted for approval by the City;
- (r) Prior to works commencing on the approved development, a construction plan and program shall be developed and approved by the City of Joondalup (refer to footnote (c)). The agreement will incorporate measures that require the City's approval for any changes to the agreed works plan and program;
- (s) Should streets adjoining the site become dirty or littered through earthworks and construction activities, the owner shall, following the directions of the City, be responsible for clearing such dirt or rubbish to the satisfaction of the City;
- (t) Where any works will impact on adjoining streets, a program for such works including rehabilitation works shall be submitted for approval by the City, prior to the commencement of works;
- (u) Prior to works commencing on the site, the owners shall:
  - (i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;
  - (ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part (q)(i) above, for the City's approval;
  - (iii) any proposals to change the approved details referred to in part (q)(i) will require the City's approval, including consultation with the Public Transport Authority;
- (v) Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval before such changes can occur;



- (w) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application;
- (x) A safety and security plan for all public spaces on the site and including after hours, is to be submitted to the satisfaction of the City. Such plan to be developed following consultation with the Joondalup Police and/or Office of Crime Prevention;
- (y) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded;
- (z) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence;
- (aa) Any proposed class 1 food tenancies shall be provided with a rear service entry;
- (bb) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997;
- (cc) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application;
- (dd) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City and/or screening of public art quality that is suitable to complement the Central Park and War Memorial.

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;
- (d) Where parking is to be provided in structures in the CBD, the parking so provided shall comply with Australian Standards for parking AS2890.1 Table 1.1 (User Class 3) for purposes of the 'Classification of Off-Street Parking Facilities';

- (e) Development shall comply with the Environmental Protection (Noise) Regulations 1997;
- (f) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock;
- (g) Development shall comply with the relevant provisions of the Health (Food Hygiene) Regulations 1993, the Health (Public Building) Regulations 1992 and the Health Act 1911;
- (h) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- (i) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall;
- (j) With regards to condition (m) above, the applicant should note the following points which have been noted as giving possible cause for concern:
  - Parking bay dimensions are to comply with User Class 3 as determined in AS/NZS 2890.1 table 1.1 and figure 2.2;
  - Parking bay dimensions are to be taken from the face of any adjacent post or structure;
  - Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;

- Sight distance requirements. AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;
  - Driveway grades. AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;
  - Ramp widths. AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 3 This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 4 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of \$25,440 per bay.

**MARKED UP COPY OF ORIGINAL PLANNING APPROVAL SHOWING CHANGES AS PROPOSED BY THE APPLICANT**

This Approval to Commence Development requires the development to be undertaken in accordance with the submitted application, the enclosed approved plans and is subject to compliance with the following conditions:

- (a) The submission of revised or additional information for approval by the City, to address the following issues:
  - (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;
  - (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
  - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7, including the way in which existing vegetation not intended to be retained will be dealt with (the City encourages the Applicant to investigate whether this vegetation can be mulched and re-used on site). [previously condition (p)] (refer to footnote (a);
  - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
  - (v) a lighting plan that addresses the JCCDPM;
  - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b));
  - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
  - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
- (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.
- (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.

- ~~(d)~~ All new car parking bays are to comply to standards for car bay dimensions for short term parking in a city centre (User Class 3) in Australian Standard AS2890.1 – Table 1.1 and Figure 2.2.
- (de) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters listed in this condition. Any subsequent changes to the approved car parking management plan will require the further approval by the City [previously condition f].
- ~~(i)~~ The applicant shall:
  - ~~(A)~~ provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and
  - ~~(B)~~ require any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);
- ~~(ii)~~ the provision of off street at grade and multi-deck parking is to be staged so that there is no net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;
- (iii) Provision of car parking bays lost from on-street parking
  - (A) The any-loss of 35 on-street parking bays in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
  - (B) The loss of 11 car parking bays in Boas Avenue or Grand Boulevard is to be provided on-site, but separate from the shopping centre car parking requirement;
- (ii) Minimum car parking bay numbers
- ~~(iv)~~
  - (A) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
- ~~(v)~~
  - (B) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1710 bays, excluding any on-site parking

provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;

~~(vi)~~ —

~~(C)~~ overall, the existing shopping centre, including the development shall have a minimum of 3984–3925 car parking spaces, being:

- 2493 bays approved in relation to previous stages of the shopping centre; and

- 1432 bays approved in relation to this development, calculated at 5.25 bays/100m<sup>2</sup> for the first 8,419m<sup>2</sup> and 4.8 bays/100m<sup>2</sup> for the remainder 20,635m<sup>2</sup>.

~~to satisfy the overall car parking requirements of District Planning Scheme No 2;~~

~~(vii) any loss of car parking in Boas Avenue or Grand Boulevard is required to be provided on-site, but separate from the shopping centre car parking requirement;~~

~~(viii)~~ Service vehicles

The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;

~~(ixv)~~ Bicycle parking

The provision of at least 48 public and 14 staff bicycle parking facilities at appropriate locations in close proximity to all entry points to the shopping centre on the subject site, including signage, storage and access;

~~(f) Any changes to the approved car parking management plan required in condition (e) will require the further approval of the City;~~

~~(ge)~~ Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant;

~~(hf)~~ Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City;

- (ig) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners;
- (jh) The owners will enter into an agreement with the City to arranging at its cost for the design and installation pre-fund the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection. The agreement will set out the timing of the installation of the signals, the referral process with to the satisfaction of the City and MRWA, the amount of contribution of the owners (set at [insert amount of contribution]), and the timing of repayment of the remainder of the costs of design and installation to the owners. prior to the opening of the Shopping Centre Development;
- (ik) All channelisation treatments including and modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost;
- (jl) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost;
- (mk) The New off-street parking bays areas, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002). These areas are to be constructed as part of the building program;
- (l) The new car parking bay dimensions shall be in accordance with User Class 3 in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2. [previously condition (d)]
- (n) Prior to the commencement of earth works on the site, a traffic management plan for heavy vehicles shall be submitted and approved by the City;
- (o) Details of dust suppression measures shall be submitted for approval by the City;
- (p) All existing vegetation on the site which is not considered worthy of retention or transplanting, as determined by the City, shall be mulched, stored and used on site. Excess mulch, if any, shall be disposed of in a manner satisfactory to the City;
- (q) Prior to any construction or earth works commencing, a drainage plan shall be produced and submitted for approval by the City;
- (rm) Prior to works commencing on the approved development, a construction plan and program shall be developed and approved by the City of Joondalup (refer to footnote (c)). The agreement will incorporate measures

~~that require the City's approval for any changes to the agreed works plan and program~~

A construction management plan and program is to be lodged as part of the Building Licence documentation once a builder has been appointed, showing the following information:

(i) the location of workforce parking [previously condition (e)(i)];

(ii) the way in which the Applicant proposes to stage the development to minimise the loss of overall parking bays during the course of construction [previously condition (e)(i)];

(iii) ;A plan showing how heavy vehicle movement will be managed [previously condition (n)];

(iv) The way in which dust will be suppressed [previously condition (o)]; and

(v) A drainage plan [previously condition (q)].

~~(s) Should streets adjoining the site become dirty or littered through earthworks and construction activities, the owner shall, following the directions of the City, be responsible for clearing such dirt or rubbish to the satisfaction of the City;~~

~~(t) Where any works will impact on adjoining streets, a program for such works including rehabilitation works shall be submitted for approval by the City, prior to the commencement of works;~~

~~(un)~~ Prior to works commencing on the site, the owners shall:

(i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;

(ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part ~~(en)~~(i) above, for the City's approval;

(iii) any proposals to change the approved details referred to in part ~~(en)~~(i) will require the City's approval, including consultation with the Public Transport Authority; [City to provide response on necessity of this condition once existing access agreements have been considered]

~~(vo)~~ Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval



before such changes can occur; [City to provide response on necessity of this condition once existing access agreements have been considered]

- (wp) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application;
- (xq) The Applicants are to ensure that a representative of the shopping centre management attend and provide input into any A-safety and security meetings convened with the local police, the Public Transit Authority and the City to discuss safety and security in the city centre. plan for all public spaces on the site and including after hours, is to be submitted to the satisfaction of the City. Such plan to be developed following consultation with the Joondalup Police and/or Office of Crime Prevention;
- (yr) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded;
- (zs) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence; [City to provide further information]
- (aat) Any proposed class 1 food tenancies shall be provided with a rear service entry;
- (bbu) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997;
- (eev) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application;
- (ddw) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City and/or screening of public art quality that is suitable to complement the Central Park and War Memorial.

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway

tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;

~~(d) Where parking is to be provided in structures in the CBD, the parking so provided shall comply with Australian Standards for parking AS2890.1 Table 1.1 (User Class 3) for purposes of the 'Classification of Off Street Parking Facilities'; [deleted because covered in conditions]~~

~~(e) Development shall comply with the Environmental Protection (Noise) Regulations 1997;~~

(fd) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock;

~~(g) Development shall comply with the relevant provisions of the Health (Food Hygiene) Regulations 1993, the Health (Public Building) Regulations 1992 and the Health Act 1911;~~

(he) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);

(if) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall;

(jg) With regards to condition (mk) above, the applicant should note the following points which have been noted as giving possible cause for concern:

- ~~Parking bay dimensions are to comply with User Class 3 as determined in AS/NZS 2890.1 table 1.1 and figure 2.2; [deleted because covered in conditions]~~
- ~~Parking bay dimensions are to be taken from the face of any adjacent post or structure; [this has been removed because it does not fully reflect the methodology in AS 2890, and in any case is covered by condition (m)].~~
- Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;
- Sight distance requirements. AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;
- Driveway grades. AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;

- Ramp widths. AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 3 This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 4 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of up to \$25,440 per bay.

**CLEAN COPY OF PROPOSED APPROVAL BY APPLICANT INCLUDING  
MODIFIED CONDITION AND RESTRUCTURING AS A RESULT OF  
MEDIATION 16 FEBRUARY 2006**

This Approval to Commence Development requires the development to be undertaken in accordance with the submitted application, the enclosed approved plans and is subject to compliance with the following conditions:

- (a) The submission of revised or additional information for approval by the City, to address the following issues:
  - (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;
  - (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
  - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7, including the way in which existing vegetation not intended to be retained will be dealt with (the City encourages the Applicant to investigate whether this vegetation can be mulched and re-used on site). **previously condition (p)** (refer to footnote (a));
  - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
  - (v) a lighting plan that addresses the JCCDPM;
  - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b));
  - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
  - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
- (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.
- (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.

- (d) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the matters listed in this condition. **[previously condition (e)]** Any subsequent changes to the approved car parking management plan will require the further approval by the City **[previously condition f]**.
- (i) Provision of car parking bays lost from on-street parking
- (A) The loss of 35 on-street parking bays in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
- (B) The loss of 11 car parking bays in Boas Avenue or Grand Boulevard is to be provided on-site, but separate from the shopping centre car parking requirement;
- (ii) Minimum car parking bay numbers
- (A) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
- (B) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1710 bays, excluding any on-site parking provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;
- (C) overall, the existing shopping centre, including the development shall have a minimum of 3925 car parking spaces, being:
- 2493 bays approved in relation to previous stages of the shopping centre; and
  - 1432 bays approved in relation to this development, calculated at 5.25 bays/100m<sup>2</sup> for the first 8,419m<sup>2</sup> and 4.8 bays/100m<sup>2</sup> for the remainder 20,635m<sup>2</sup>.
- (iii) Service vehicles
- The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;
- (iv) Bicycle parking

The provision of at least 48 public and 14 staff bicycle parking facilities at appropriate locations in close proximity to all entry points to the shopping centre on the subject site, including signage, storage and access;

- (e) Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant; **[previously condition (g)]**
- (f) Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City; **[previously condition (h)]**
- (g) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners; **[previously condition (i)]**
- (h) The owners will enter into an agreement with the City to pre-fund the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection. The agreement will set out the timing of the installation of the signals, the referral process with the City and MRWA, the amount of contribution of the owners (set at [insert amount of contribution]), and the timing of repayment of the remainder of the costs of design and installation to the owners. **[previously condition (j)]**
- (i) All channelisation treatments and modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost; **[previously condition (k)]**
- (j) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost; **[previously condition (l)]**
- (k) New off-street parking areas, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002). **[previously condition (m)]**
- (l) The new car parking bay dimensions shall be in accordance with User Class 3 in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2. **[previously condition (d)]**
- (m) A construction management plan and program is to be lodged as part of the Building Licence documentation once a builder has been appointed, showing the following information: **[previously condition (r)]**

- (i) the location of workforce parking [previously condition (e)(i)];
  - (ii) the way in which the Applicant proposes to stage the development to minimise the loss of overall parking bays during the course of construction [previously condition (e)(i)];
  - (iii) A plan showing how heavy vehicle movement will be managed [previously condition (n)];
  - (iv) The way in which dust will be suppressed [previously condition (o)]; and
  - (v) A drainage plan [previously condition (q)].
- (n) Prior to works commencing on the site, the owners shall: [previously condition (u)]
- (i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;
  - (ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part (n)(i) above, for the City's approval;
  - (iii) any proposals to change the approved details referred to in part (n)(i) will require the City's approval, including consultation with the Public Transport Authority;
- (o) Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval before such changes can occur; [previously condition (v)]
- (p) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application; [previously condition (w)]
- (q) The Applicants are to ensure that a representative of the shopping centre management attend and provide input into any safety and security meetings convened with the local police, the Public Transit Authority and the City to discuss safety and security in the city centre. [previously condition (x)]
- (r) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded; [previously condition (y)]

- (s) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence; **[previously condition (z)]**
- (t) Any proposed class 1 food tenancies shall be provided with a rear service entry; **[previously condition (aa)]**
- (u) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997; **[previously condition (bb)]**
- (v) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application; **[previously condition (cc)]**
- (w) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City and/or screening of public art quality that is suitable to complement the Central Park and War Memorial. **[previously condition (dd)]**

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;
- (d) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock; **[previously footnote (f)]**
- (e) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City); **[previously footnote (h)]**
- (f) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall; **[previously footnote (i)]**



- (g) With regards to condition (k) above, the applicant should note the following points which have been noted as giving possible cause for concern: *[previously footnote (j)]*
- *[deleted because covered in conditions]*
  - Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;
  - Sight distance requirements. AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;
  - Driveway grades. AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;
  - Ramp widths. AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 3 This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 4 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of up to \$25,440 per bay.

**MODIFIED CONDITIONS AS PROPOSED BY THE CITY OF JOONDALUP  
AS A RESULT OF MEDIATION HEARING - 16 FEBRUARY 2006**

- (1) This Approval to Commence Development requires the development to be undertaken in accordance with the submitted application, the enclosed approved plans and is subject to compliance with the following conditions:
  - (a) The submission of revised or additional information for approval by the City, to address the following issues:
    - (i) a detailed colour and material schedule for those parts of buildings exposed from the street front;
    - (ii) a detailed description of the thermal properties to be used in construction, especially of the roofs, as it relates to the JCCDPM Policy P8;
    - (iii) a detailed landscaping plan that addresses JCCDPM Policy C7, including the way in which existing vegetation not intended to be retained will be dealt with (the City encourages the Applicant to investigate whether this vegetation can be mulched and re-used on site). (refer to footnote (a);
    - (iv) further detailed design drawings of all vehicle access points from Boas Avenue, Grand Boulevard and Collier Pass;
    - (v) a lighting plan that addresses the JCCDPM;
    - (vi) Details showing how the proposed development will comply with JCCDPM relating to roofscape and the screening of plant and machinery on the proposed development (refer to footnote (b);
    - (vii) The details for the design, construction and operation of the proposed link road past the north end of the station shall ensure pedestrian priority and safety, following consultation with the Public Transport Authority. Details to include how pedestrian priority and safety will be achieved.
    - (viii) Security grilles and grates being designed in accordance with JCCDPM CBD Policy C5.5.
  - (b) A separate Development Application shall be submitted detailing the intended architectural treatment of the shops fronting Grand Boulevard and Boas Avenue, once the nature of the tenancies is known.
  - (c) A separate Development Application shall be submitted for all external signage, advertising, graphics and public art. Such application(s) to address the relevant design guidelines in the JCCDPM.
  - (d) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the matters

listed in this condition. Any subsequent changes to the approved car parking management plan will require the further approval by the City :

- (i) Provision of car parking bays lost from on-street parking:
  - (A) The loss of 35 on-street parking bays in Collier Pass is to be provided onsite but separate from the shopping centre car parking area, in accordance with the existing WAGR agreement;
  - (B) The loss of 11 car parking bays in Boas Avenue or Grand Boulevard is to be provided on-site, but separate from the shopping centre car parking requirement;
- (ii) Minimum car parking bay numbers
  - (A) the car parking area immediately west of the transit station shall have a minimum of 38 bays excluding any provision for bicycle parking;
  - (B) The number of shopping centre car parking bays located and maintained on the portion of the site bounded by Boas Avenue, Grand Boulevard, Collier Pass and the railway shall not be less than 1659 bays, excluding any on-site parking provided as replacement parking for parking bays lost in Collier Pass, Grand Boulevard and Boas Avenue due to the construction of the proposed development, or the requirement for other parking bays which is off-set by the provision of cash-in-lieu of parking provisions;
  - (C) overall, the existing shopping centre, including the development shall have a minimum of 3920 car parking spaces, being:
    - 2496 bays approved in relation to previous stages of the shopping centre; and
    - 1401 bays approved in relation to this retail development, calculated at 5.25 bays/100m<sup>2</sup> for the first 8,419m<sup>2</sup> and 4.8 bays/100m<sup>2</sup> for the remainder 19,963m<sup>2</sup>; and
    - 23 bays for the proposed offices (672sq m).
- (iii) Service vehicles

The delivery times for articulated service vehicles to ensure minimal disruption to the operation of the surrounding streets and other businesses in the near vicinity;
- (iv) Bicycle parking

The provision of at least 48 public and 14 staff bicycle parking facilities at appropriate locations in close proximity to all entry points to the shopping centre on the subject site, including signage, storage and access;

- (e) Detailed drawings of the proposed modifications to the pedestrian traffic island in Boas Avenue near McLarty Avenue, to allow access into and out of the proposed western service yard, shall be submitted for approval by the City. Costs associated with the proposed road changes shall be borne by the applicant;
- (f) Subject to a Traffic Safety Audit being carried out first, details drawings of the proposed changes to the configuration of the carriageways in Grand Boulevard for the entrance/exit points to the upper parking deck shall be prepared and submitted for approval by the City;
- (g) All changes to road carriageways and associated kerbing, pavements etc which are required to accommodate entrance and exit points into the site shall be designed and constructed to the satisfaction City and at the cost of the owners;
- (h) The owners will enter into an agreement with the City to pre-fund the design and installation of traffic signals at Joondalup Drive and Collier Pass intersection. The agreement will set out the timing of the installation of the signals, the referral process with the City and MRWA, the amount of contribution of the owners (set at two thirds of the cost) and the timing of repayment of the remainder of the costs of design and installation to the owners.
- (i) All channelisation treatments and modifications to the existing traffic signals at Collier Pass and Grand Boulevard intersection to be to the satisfaction of the City and MRWA and at the owners cost;
- (j) All modifications to the existing median parking in Collier Pass between Driveway 7 and Grand Boulevard to be to the satisfaction of the City and at the owners cost;
- (k) New off-street parking areas, driveways and points of ingress and egress are to be designed in accordance with the Australian/New Zealand Standard for Off Street parking (AS/NZS 2890.1:2004) and the Australian Standard for Off Street Commercial Vehicles Facilities (AS 2890.2 - 2002).
- (l) The new car parking bay dimensions shall be in accordance with User Class 3 in Australian Standard AS2890.1 - Table 1.1 and Figure 2.2.
- (m) The applicant shall submit for the City's approval, a comprehensive car parking management plan that addresses but is not limited to, the following matters:
  - (i) The applicant shall:

- (A) provide sufficient on-site parking to meet the demands of the proposed workforce for the construction of the proposed development. Details of the proposed workforce car parking area, identification of any special work areas and supporting documentation is to be submitted; and
    - (B) encourage any worker or contractor to use the workforce car parking area or identified work areas as required in conditions (A);
  - (ii) the provision of off street at grade and multi deck parking is to be staged so as to minimize any net loss in overall parking bays currently provided within the shopping centre precinct, during the course of construction of the proposed development;
- (n) Prior to works commencing on the site, the owners shall:
- (i) submit details for approval by the City, demonstrating how public access arrangements to/from the station into the existing centre and to Boas Avenue and Grand Boulevard will be maintained during construction period;
  - (ii) the approval of the Public Transport Authority shall be obtained prior to submitting the details referred to in part (n)(i) above, for the City's approval;
  - (iii) any proposals to change the approved details referred to in part (n)(i) will require the City's approval, including consultation with the Public Transport Authority;
- (o) Following consultation with the Public Transport Authority, details of after hours access to/from the station to Boas Avenue via Station Square shall be submitted for approval by the City. The approved details shall form part of an agreement with the City and will be maintained in accordance with that agreement. Any changes to the agreement will require the written approval before such changes can occur;
- (p) Alfresco dining or other commercial activity in any on-site open space shall be subject to a separate development application;
- (q) The Applicants are to ensure that a representative of the shopping centre management attend and provide input into any safety and security meetings convened with the local police, the Public Transit Authority and the City to discuss safety and security in the city centre.
- (r) Prior to the submission of detailed plans for a Building Licence the applicant shall furnish written confirmation, to the satisfaction of the City of Joondalup, from all relevant servicing authorities to the effect that servicing arrangements have been concluded;

- (s) The applicant shall submit a written refuse management strategy providing details on how refuse will be managed at the site including storage and removal for approval by the City, prior to the issue of a Building Licence;
- (t) Any proposed class 1 food tenancies shall be provided with a rear service entry;
- (u) Service areas shall be designed to ensure that all servicing activities can maintain compliance with the provisions of the Environmental Protection (Noise) Regulations 1997;
- (v) This approval is contingent upon the construction of the shop fronts on Boas Avenue and Grand Boulevard, as indicated in the application;
- (w) The bulk of the parking deck minimised, where viewed from the adjoining roads, by the introduction of hard and soft landscaping treatments to the satisfaction of the City and/or screening of public art quality that is suitable to complement the Central Park and War Memorial.

Footnotes:

- (a) The landscaping plan should cover such matters as intended plant species, noting that wherever possible local species should be used, the method of irrigation, water saving features and arrangements for maintenance;
- (b) Screening of plant and machinery on the roof should address noise issues also;
- (c) The plan is to cover screening of works, safety, machinery to be used and operating hours, working hours, temporary construction accommodation, rubbish disposal, materials storage on-site, precautions preventing heavy vehicles over the railway tunnel, temporary lighting, noise control public safety and amenity and any other relevant issues;
- (d) Bin storage areas shall be provided with a concrete floor that grades evenly to an industrial floor waste gully that is connected to sewer and be provided with a hose cock;
- (e) This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- (f) If the required car parking cannot be provided on-site, then the applicant can seek approval from Council for a cash-in-lieu payment for the shortfall;
- (g) With regards to condition (k) above, the applicant should note the following points which have been noted as giving possible cause for concern:

- Commercial vehicle headroom requirements. AS/NZS 2890.2 table 2.1 stipulates a minimum clearance of 4500 mm is required for the majority of service vehicles. If commercial bulk bins are to be serviced within the service areas, then a clearance of 5900 mm is required above the bin area and the 10 metre run-in;
  - Sight distance requirements. AS 2890.2 figures 3.3 and 3.4 stipulate these requirements;
  - Driveway grades. AS 2890.2 clause 3.4.4 stipulates the maximum grade for the first portion of a ramp within the property line of commercial driveways;
  - Ramp widths. AS/NZS 2890.1 clause 2.5.2 stipulates the minimum width of a driveway to be 3000 mm between kerbs, and 300 mm clear either side;
- 2 This approval relates to the August 2005 submission in 5 parts. While minor changes may be negotiated with the City any significant variation by means of addition, alteration or omission shall be subject to a new Development Application. (Minor changes are those which do not alter the design intent of the approved application as determined by the City);
- 3 For the purpose of this application, deems that the cash-in-lieu for parking be an amount of up to \$25,440 per bay.