

# minutes

## Special Policy Committee

MEETING HELD ON

MONDAY 19 JUNE 2023

### **Acknowledgement of Traditional Custodians**

The City of Joondalup acknowledges the traditional custodians of the land, the Whadjuk people of the Noongar nation, and recognises the culture of the Noongar people and the unique contribution they make to the Joondalup region and Australia. The City of Joondalup pays its respects to their Elders past and present and extends that respect to all Aboriginal and Torres Strait Islander peoples.

*This document is available in alternate formats upon request*

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**Note:**

Clause 15.10 of the City's *Meeting Procedures Local Law 2013* states:

*This local law applies generally to committee meetings except for clause 7.1 in respect of members seating and clause 7.8 in respect of limitation on members speaking.*

## CITY OF JOONDALUP

### MINUTES OF THE SPECIAL POLICY COMMITTEE MEETING HELD IN CONFERENCE ROOM 1, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON MONDAY 19 JUNE 2023.

#### ATTENDANCE

Cr Suzanne Thompson	<i>Presiding Member</i>	
Cr Adrian Hill		
Dr Daniel Kingston	<i>Deputy Presiding Member</i>	
Cr Russell Poliwka		<i>absent from 6.32pm to 6.34pm</i>
Cr John Raftis		

#### Officers:

Mr Nico Claassen	Acting Chief Executive Officer
Mr Jamie Parry	Director Governance and Strategy
Mr Chris Leigh	Director Planning and Community Development
Mrs Kylie Bergmann	Manager Governance
Mrs Cathrine Temple	Manager Planning Services
Mrs Avril Schadendorf	Governance Officer

#### DECLARATION OF OPENING

The Presiding Member declared the meeting open at 6.02pm.

## DECLARATIONS OF FINANCIAL INTEREST / PROXIMITY INTEREST / INTEREST THAT MAY AFFECT IMPARTIALITY

### Disclosures of Interest affecting Impartiality

Elected Members (in accordance with clause 22 of Schedule 1 of the *Local Government [Model Code of Conduct] Regulations 2021*) and employees (in accordance with the Code of Conduct) are required 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 their interest.

<b>Name / Position</b>	<b>Mr Chris Leigh, Director Planning and Community Development.</b>
<b>Item No. / Subject</b>	Item 3 - Proposed amendment to Local planning Scheme No. 3 - additional use 'grouped dwelling' to lot 847 (5) Tuart Road, Greenwood – Consideration following advertising.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The applicant of the scheme amendment and Mr Chris Leigh have previously worked together.

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	Item 4 - Proposed Revocation of the Marmion Structure Plan and Amendment to Local Planning Scheme No. 3.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A family member of Cr Kingston may live on Troy Avenue. (Not in structure plan).

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	Item 5 - Proposed amendment to Local Planning Scheme No. 3 - Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of people who attend Woodvale Baptist are known to Cr. Kingston.

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	Item 5 - Proposed amendment to Local Planning Scheme No. 3 - Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Kingston is secretary of Friends of Yellagonga. The Development is adjacent to Yellagonga Regional Park.

## **APOLOGIES AND LEAVE OF ABSENCE**

### **Apologies**

Mayor Hon. Albert Jacob.  
Cr John Chester.

## **ANNOUNCEMENTS BY THE PRESIDING MEMBER WITHOUT DISCUSSION**

Nil.

## **IDENTIFICATION OF MATTERS FOR WHICH THE MEETING MAY BE CLOSED TO THE PUBLIC**

In accordance with Clause 5.2 of the City's *Meeting Procedures Local Law 2013*, this meeting is not open to the public.

## **PETITIONS AND DEPUTATIONS**

Nil.

## REPORTS

### ITEM 1 LOCAL PLANNING STRATEGY – HOUSING ISSUES AND PROPOSED PHASE 2 ACTIONS

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	109808, 101515
<b>ATTACHMENTS</b>	Attachment 1 Housing Issues and Phase 2 Actions report Attachment 2 Community consultation outcomes report Attachment 3 Dwelling targets review Attachment 4 Supply and demand analysis Attachment 5 Urbis residential property market demand analysis Attachment 6 Meta analysis of past consultations Attachment 7 Phase 2 scoping diagram
<b>AUTHORITY / DISCRETION</b>	Executive - The substantial direction setting and oversight role of Council, such as adopting plans and reports, accepting tenders, directing operations, setting and amending budgets.

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#### PURPOSE

For Council to consider the following:

- 1 The outcomes of Phase 1 of the review of the City's *Local Planning Strategy*.
- 2 The proposed actions to be undertaken in Phase 2 of the review of the City's *Local Planning Strategy*.

#### EXECUTIVE SUMMARY

At its meeting held on 18 May 2021 (CJ063-05/21 refers), Council resolved to bring forward the review of the housing component of the City's *Local Planning Strategy* to allow resource planning/procurement and project planning to commence in the 2021/22 financial year.

At its meeting held on 19 April 2022 (CJ047-04/22 refers), Council endorsed the project approach for the review of the *Local Planning Strategy* and a scope of works to be undertaken as part of Phase 1 of the project (problem definition and scoping).

The outcomes of the work undertaken in Phase 1 are presented in the documents included as attachments to this report. The Housing Issues and Phase 2 Actions report (Attachment 1 refers) outlines the issues identified through Phase 1, and the proposed actions to be undertaken in Phase 2 to investigate the potential for those issues to be addressed through the *Local Planning Strategy* and *Local Planning Scheme No. 3* review processes.

The investigations for each of the issues will assist to inform the parameters for the development of spatial options for the allocation of density in Phase 3, and for the development of the strategy response in Phase 4 of the project.

*It is therefore recommended that Council endorse the recommended Phase 2 actions as set out in Attachment 1 to allow for technical investigations identified to commence.*

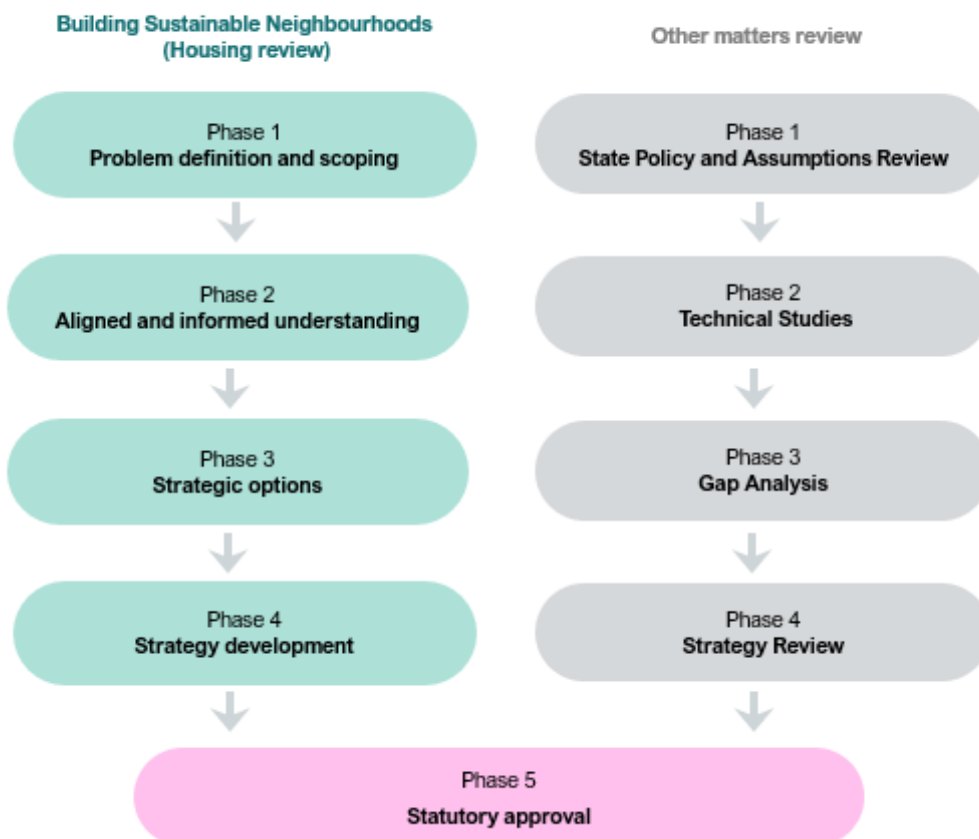
## BACKGROUND

At its meeting held on 19 April 2022 (CJ047-04/22 refers), Council endorsed the following:

- The project approach for the review of the City’s *Local Planning Strategy*.
- The scope of works associated with the review of the City’s *Local Planning Strategy*.
- The draft Stakeholder Strategy for the housing component of the *Local Planning Strategy* review.
- The scope of works associated with Phase 1 of the housing review.

The project approach and scope of works associated with the review of the City’s *Local Planning Strategy* is organised in five phases as follows:

## Project phases



The *Local Planning Strategy* review involves two sub-projects: a 'housing review' (*Building Sustainable Neighbourhoods*) and an 'other matters review', the outcomes of which will be consolidated into a single statutory process that formally reviews the City's *Local Planning Strategy* and *Local Planning Scheme No. 3*.

The project is currently in the final component of the Phase 1: *problem definition and scoping*.



\*all planning documents must comply with state requirements to be approved

Phase 1 of *Building Sustainable Neighbourhoods* has involved community consultation and technical analyses to inform the problem definition for the project and the establishment of the actions to be undertaken in Phase 2 to allow the issues identified to be investigated.

Phase 1 of the 'other matters review' has involved a gap analysis of the City's current *Local Planning Strategy* to identify where strategic actions may require updating. This gap analysis has been undertaken in the context of the current State planning policy framework and has informed the technical studies and investigations needed as part of Phase 2 (as well as those that will be required as part of future phases).

The above work has informed the Housing Issues and Phase 2 Actions report of the project (Attachment 1 refers).

## DETAILS

### Phase 1 - Housing review

The following outlines the work undertaken in Phase 1 of the 'housing review' (*Building Sustainable Neighbourhoods*) component of the *Local Planning Strategy* review and the issues identified as a result.

#### Community consultation

Community consultation was undertaken as part of Phase 1 of *Building Sustainable Neighbourhoods* in accordance with the Council endorsed Phase 1 Community Consultation Plan, and was undertaken by consultants Research Solutions over a period of approximately two months from 5 September 2022 to 4 November 2022.



The following sets out community consultation activities undertaken:

- random telephone survey (801 residents)
- face to face intercept surveys (53 residents)
- guided discussions via online board (32 residents)
- in-depth stakeholder interviews including representative groups for unengaged demographics (13 stakeholder organisations)
- open online community consultation (489 responses)
- validation workshops with engaged and unengaged community members (14 residents).

The consultation outcomes report prepared by Research Solutions outlines the findings of the above community engagement (Attachment 2 refers).

### Technical analyses

Technical analyses undertaken to inform the Phase 1 issues identification were carried out in accordance with the endorsed Phase 1 scope of works.

The following sets out the technical analyses undertaken:

- Dwelling target review (Attachment 3 refers).
- Supply and Demand Analysis (Attachment 4 refers) informed by:
  - housing intentions outcomes reporting from community consultation
  - demographic information provided from .id Informed Decisions
  - market demand analysis prepared by Urbis (Attachment 5 refers).
- Meta analysis of all previous community consultation in relation to housing and infill (Attachment 6 refers).
- Technical officer workshop.

### Issues identified

The following outlines a summary of the key issues identified through Phase 1:

- Lack of community alignment on preferred spatial location of density.
- Infill development changing the established suburban character in infill areas.
- Poor liveability and design outcomes for medium density housing.
- Poor sustainability outcomes for medium density housing.
- Loss of tree canopy in infill areas and resultant urban heat impacts.
- Increased on-street parking in infill areas.
- Amenity impacts of infill developments on adjoining properties.
- Capacity of established infrastructure to service population growth due to infill development.
- Lack of developer contribution to neighbourhood improvement in infill areas.
- Misaligned developer and policy objectives and lack of policy understanding influencing built form outcomes.
- Complexity of planning framework results in difficulty to engage meaningfully with community.
- Reduced housing affordability.
- Limited access to housing.

## Other matters review

The following outlines the work undertaken in Phase 1 of the 'other matters review' component of the *Local Planning Strategy* review.

- State Planning Policy review:  
A review of the Western Australian Planning Commissions' suite of State Planning Policies and Position Statements to understand whether technical work is required to bring the Local Planning Strategy into alignment with changes to the state planning framework.
- Local Planning Strategy gap analysis:  
A review of actions outlined in the City's current Local Planning Strategy to identify where strategic actions may require updating or may have implications for the review of the Local Planning Strategy.

## Phase 2 - Summary of proposed actions

The tables included in the Housing Issues and Phase 2 Actions report (Attachment 1 refers) summarise the proposed actions to be undertaken as part of Phase 2.

Table 1 outlines issues identified as part of Phase 1 of *Building Sustainable Neighbourhoods* through community consultation and technical analyses, and the recommended actions to be undertaken as part of Phase 2 to investigate those issues.

Table 2 summarises the outcomes of a gap analysis undertaken of the City's current *Local Planning Strategy* to identify where strategic actions may require updating and recommends the technical studies and investigations that need to be actioned as part of Phase 2.

Table 3 summarises a review of relevant state planning policies and position statements undertaken to understand whether technical work is required to bring the *Local Planning Strategy* into alignment with changes to the state planning framework. Table 3 also outlines the actions identified to be undertaken as part of Phase 2 (as well as those that will be required as part of future phases).

The recommended actions outlined in the Housing Issues and Phase 2 Actions report (Attachment 1 refers) comprise the scope of work to be undertaken as part of Phase 2 of the review of the *Local Planning Strategy* to investigate the issues identified through Phase 1.

The actions proposed as part of the Phase 2 include:

### *Internal review/investigation:*

- Develop an issues investigation paper to:
  - Investigate potential planning mechanisms to address issues identified.
  - Summarise existing work done which addresses issues identified.
  - Summarise broader state planning influences which guide how the City is able to respond to issues identified.
- Undertake preliminary work to address the requirements of the Western Australian Planning Commission's Residential Accommodation for Ageing Persons Position Statement.
- Undertake internal review of the City's development application consultation materials.

*Technical studies (consultant work):*

- Undertake a review of the City's *Local Commercial Strategy* and update as appropriate.

*Stakeholder engagement:*

- Engage with service providers.
- Engage with industry bodies.
- Engage with the Department of Planning, Lands and Heritage.

A flow diagram summarising the proposed Phase 2 is provided as Attachment 7.

**Issues and options considered**

Council has the option to:

- Endorse the proposed actions outlined in the Housing Issues and Phase 2 Actions report as included in Attachment 1
- Modify the proposed actions outlined in the Housing Issues and Phase 2 Actions report as included in Attachment 1  
or
- Not endorse the proposed actions outlined in the Housing Issues and Phase 2 Actions report as included in Attachment 1.

Council's endorsement of the proposed actions outlined in the Housing Issues and Phase 2 Actions report is required for the project to progress.

**Legislation / Strategic Community Plan / Policy implications**

**Legislation**                      *Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*

**10-Year Strategic Community Plan**

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

Attractive and leafy – you have access to quality public open spaces and enjoy appealing streetscapes.

**Policy**                              *Development in Housing Opportunity Areas Local Planning Policy*  
*Residential Development Local Planning Policy.*

**Risk management considerations**

The identification of issues through Phase 1 allows the project to understand the range of issues to be addressed from the perspective of decision-makers, practitioners, and stakeholders. Phase 2 of the project allows the issues to be investigated and therefore manages the risk of project outcomes not responding to stakeholder concerns, therefore reducing confidence for decision-making. It is noted that that the investigation into each of the issues will identify the ability of the *Local Planning Strategy* to influence the issues identified and outline the degree to which the issues can be addressed through the strategy.

### **Financial / budget implications**

The budget for 2022/23 financial year was \$413,523 inclusive of \$200,023 which was carried over from the 2021/22 financial year. Total expenditure for Phase 1 of the project has been \$132,937.

An amount of \$150,000 has been listed in the draft 2023/24 annual budget to allow for future technical studies and consultant work to be undertaken as part of Phases 2 and 3.

### **Regional significance**

Perth is currently home to more than two million people and this is anticipated to grow to 3.5 million by 2050.

The future growth of the Perth and Peel metropolitan areas is guided by the *Perth and Peel @ 3.5 million* suite of documents, wherein the sub-regional frameworks provide strategic direction and certainty for land use planning and infrastructure provision. This suite of documents aims to guide the future growth of the Perth and Peel regions to accommodate 3.5 million people by 2050 and in doing so, limit unsustainable urban sprawl and encourage greater housing diversity to meet changing community needs.

The frameworks provide strategic guidance to local governments to inform the development of planning instruments. Specific to the City of Joondalup is the *North-West Sub-regional Planning Framework* which sets infill development targets for the City to achieve through its *Local Planning Strategy*.

Local governments within Perth and Peel are required to ensure that the broader metropolitan aspirations for urban consolidation that are set out in *Perth and Peel @ 3.5 million* are reflected in strategic planning documents prepared to guide development and housing provision locally.

### **Sustainability implications**

The Housing Issues and Phase 2 Actions report outlines issues raised in relation to sustainability and the actions recommended to be undertaken in Phase 2 to investigate those issues.

### **Consultation**

The identification of issues was informed in part by community consultation undertaken by community engagement consultants Research Solutions in Phase 1. The approach to consultation was informed by the Community Consultation Plan, endorsed by Council at its meeting held on 16 August 2022.

The purpose of community consultation outlined in the endorsed Phase 1 Community Consultation Plan was to:

- Identify future housing needs in the City of Joondalup.
- Confirm issues related to housing and infill, based on future housing needs and stakeholder expectations and perceptions related to planning for liveable housing.

The endorsed community consultation plan set out a two-part approach in accordance with the purpose of the consultation plan:

Part A – Housing Intentions: A housing intentions survey of City of Joondalup residents.

Part B – Housing Issues: Confirming that the issues and themes identified through past consultation activities remain relevant and to identify any gaps or new issues which need to be considered.

Consultation techniques were designed to align with project-specific engagement principles to:

- be informed by a representative range of stakeholders
- provide opportunities for authentic and meaningful participation in the project.

As such, consultation methods sought to engage with both previously unengaged and previously engaged residents.

Previously unengaged residents were reached through direct random survey methods to ensure that consultation captured representative feedback. Representative results enable a broader understanding of housing issues across different demographic groups in the City and ensures that issues affecting all residents across the City are captured in the project scope.

Previously engaged residents were invited to confirm the City's interpretation of their previous feedback, with the additional opportunity provided to voice any further concerns in relation to housing. This feedback stream provided the opportunity for previously engaged residents to provide feedback if they were not recruited through the direct random survey methods.

It is noted that Phase 2 is an investigation phase and will not involve community consultation. Further community consultation will be undertaken in Phases 3 and 4.

## **COMMENT**

The recommended actions for Phase 2 of *Building Sustainable Neighbourhoods* are consistent with the project objective of providing a robust, transparent and defensible review of the City's *Local Planning Strategy*.

Phase 1 has undertaken problem definition which has been informed by in-depth community consultation and technical work. This provides confidence that the issues identified are representative of the housing issues of concern to the community and relevant stakeholders and therefore provides certainty for decision makers in progressing with the next stage of the project.

The Housing Issues and Phase 2 Actions report as included as Attachment 1 sets out the recommended approach for Phase 2 of the project, following an informed problem definition process.

The technical scope of works associated with Phase 2 of the project is anticipated to be completed towards the end of Quarter 2 of the 2023/24 financial year, however it should be noted that this may be subject to change dependent on timing associated with appointing an appropriate consultant and the time taken by the consultant to complete the work.

It is expected that the outcomes of Phase 2 and proposed project scope for Phase 3 will be presented to Council towards the end of Quarter 3 of the 2023/24 financial year.

Council's endorsement of the proposed Phase 2 actions will enable the following next steps to be commenced:

- 1 Engagement of consultants to undertake a review of the City's *Local Commercial Strategy*.
- 2 Commencement of internal investigations to inform the issues investigation paper.
- 3 Continued engagement with the Department of Planning, Lands and Heritage on strategic directions relating to the Local Planning Strategy review.
- 4 Commencement of engagement with relevant service providers and industry bodies.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Thompson, SECONDED Cr Kingston that Council:**

- 1 **NOTES the outcomes of Phase 1 (problem definition and scoping) as outlined in Attachments 1 to 6 of this Report;**
- 2 **ENDORSES the actions for Phase 2 (aligned and informed understanding) of the *Local Planning Strategy* review as provided in Attachment 1 of this Report.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Thompson, Hill, Kingston, Poliwka and Raftis.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1agnPOLICY230619.pdf](#)*

## **ITEM 2                    PROPOSED AMENDMENTS TO THE CURRAMBINE LOCAL DEVELOPMENT PLAN – LOT 9001 (16) SUNLANDER DRIVE, CURRAMBINE**

<b>WARD</b>	North
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	110203, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Approved Currambine Local Development Plan Attachment 3    Amended Currambine Local Development Plan Attachment 4    Streetscape renders
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

### **PURPOSE**

For Council to consider proposed amendments to the *Currambine Local Development Plan*.

### **EXECUTIVE SUMMARY**

The City has received an application for proposed amendments to the *Currambine Local Development Plan* (Currambine LDP), prepared by Rowe Group (planning consultants) on behalf of the property owners Southern Cross Care (WA) Inc, for Lot 9001 (16) Sunlander Drive, Currambine.

The Currambine LDP was originally approved by Council at its meeting held on 16 August 2022 (CJ119-08/22 refers) subject to modifications, and forwarded to the Western Australian Planning Commission (WAPC) for consideration. The LDP was approved by the WAPC on 11 October 2022.

The Currambine LDP replaces some of the development standards in the *State Planning Policy 7.3 – Residential Design Codes Volume 1* (R-Codes) that would otherwise apply to the development. It also applies a number of provisions of the State Government's *Medium Density Single House Development Standards – Development Zones* as outlined in the WAPC's *Planning Bulletin 112/2016*. A key provision of the Currambine LDP requires development to be two storeys in height.

Construction of dwellings within the northern section of the Currambine LDP area is underway, however the developer (Parcel Property) has identified that ongoing construction industry challenges are impacting the viable delivery of affordable, two storey housing. The proposed amendments to the Currambine LDP would allow the southern precinct of the Currambine LDP area to provide a range of single and double storey dwellings.

Following a review of the applicant's original proposal for amendments by the City's Joondalup Design Review Panel (JDRP), modifications have been made by the applicant to address the built form concerns identified by the panel. The provisions are considered acceptable and will continue to provide suitable built form outcomes for the Currambine LDP area.

The proposed amendments to the Currambine LDP have not been advertised for public comment as the proposals are considered to reduce any potential impact on the existing adjoining properties and address concerns previously raised during the initial consultation regarding privacy and solar access. The amendments do not require approval from the WAPC.

*It is therefore recommended that Council approves the proposed amendments to the Currambine Local Development Plan.*

## **BACKGROUND**

<b>Suburb/Location</b>	Lot 9001 (16) Sunlander Drive, Currambine.
<b>Applicant</b>	Rowe Group.
<b>Owner</b>	Southern Cross Care (WA) Inc.
<b>Zoning</b>	LPS Residential R80. MRS Urban.
<b>Site area</b>	28,651m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Lot 9001 (16) Sunlander Drive is zoned 'Residential' under the City of Joondalup *Local Planning Scheme No. 3 (LPS3)* and has a residential density code of R80. The site is bound by Burns Beach Road to the north, Currambine Boulevard to the south, Silver Fern Avenue to the west and Sunlander Drive to the east (Attachment 1 refers).

Subdivision approval was granted in 2021 in two separate stages for a total of 128 residential lots, 1 mixed use lot and 1 public open space lot. The Currambine LDP applies to 81 of those lots in the southern portion of the site adjoining Mistral Meander. The LDP was required as a condition of the subdivision approval issued by the WAPC where it was required to address the following:

- Building envelope, including but not limited to, building heights, setbacks, boundary walls and overshadowing.
- Private open space.
- Vehicular access and garage location.
- Dwelling orientation to roads and laneways.
- Garage setbacks to laneways.
- Dwelling articulation and fencing requirements for corner lots.

The Currambine LDP was approved by Council at its meeting of 16 August 2022 (CJ119-08/22 refers) subject to modifications, and subsequently approved by the WAPC on 11 October 2022 (Attachment 2 refers). The stage one subdivision has been completed for the lots north of Citadel Way in the Currambine LDP area, with construction underway on several of the lots.



### Proposed amendments to the Currambine Local Development Plan

The proposed amendments to the Currambine LDP as originally submitted to the City included:

- the building height permitted on lots 34, 36-47 and 73-83 amended from mandatory two storey to mandatory single storey dwellings
- the primary orientation and pedestrian access for the dwellings on lots 36-47 amended from Citadel Way to Mistral Meander
- the garages permitted on lots 34, 36-47 and 74-81 amended from double garages to single garages
- the setback to garages on lots 34, 36-47 and 73-83 amended from 1.0 metre to 4.5 metres.

It is noted that the proposal was revised by the applicant following referral to the Joondalup Design Review Panel as outlined below.

### **DETAILS**

The proposed amendments to the Currambine LDP have been prepared and submitted by Rowe Group (planning consultants) on behalf of the property owners Southern Cross Care. The key differences between the approved LDP and the proposed amended LDP following a review by the JDRP are as follows:

- The building height permitted on lots 36-48 and 73-83 amended from mandatory two storey to mandatory single storey dwellings.
- The garages permitted on lots 74-81 amended from double garages to single garages.
- The setback to garages on lots 74-81 amended from 1.0 metre to 4.5 metres.

### **Joondalup Design Review Panel**

The amendments to the Currambine LDP as originally submitted to the City were presented to the JDRP on 31 March 2023 for consideration of the built form and streetscape outcomes that would result from the proposed changes.

The JDRP considered that the approved LDP addressed some of the design challenges for successful medium density housing. The amendments as proposed to the main streetscape of Citadel Way however were not viewed favourably, noting that more detailed visual information would be required to understand the implications on both house designs and the streetscapes.

The JDRP comments were made in the absence of full streetscape perspectives however the panel were concerned about the resultant outcome of the changes on Citadel Way and in the context of retaining walls proposed as part of the lots fronting Citadel Way.

A summary of the JDRP recommendations, as well as the applicant's response to these items is included in the table below.

<b>JDRP recommendation</b>	<b>Applicant response</b>
The proposed amendments to Lots 36 to 47 on the southern side of Citadel Way include: reversing the orientation of dwellings (now with the primary orientation to the south) and for one-storey mandated built form. These proposed amendments cannot be considered as simple interchanges, particularly without a clear understanding of key elements such as the built form, infrastructure and landscape provision and pedestrian accessibility from the streetscapes...	The proposed amendments to dwelling orientation and street setback requirements have now been withdrawn, with an amendment now only sought to reduce minimum/maximum height limit for lots 36-48 to single storey.
The front elevations provided for the proposed one-storey dwellings on lots don't provide much by way of useful information, apart from aesthetics, to justify the change in orientation and design outcome.	Detailed justification for the amendments including construction cost price escalations and market feasibility information together with design rationale were provided to the DRP. Whilst the DRP's role is to offer design advice only, the Design Principles of SPP7.0 include 'Community' which states that <i>"good design achieves a mix of dwelling types, providing housing choice for different demographics, living needs and household budgets, and abilities."</i>
Long streetscape elevations and perspectives are required of the built form on lots with boundaries to both Citadel Way and Mistral Meander, including levels and walls if/where applicable.	The Panel's comments are noted. Streetscape elevations requested by the DRP have been provided to the City.
Provide further streetscape elevations of the interface and relationship of currently mandated two storey dwellings on Lots 33 and 48 next to proposed mandated single storey dwellings on Lots 34, 35 and 47.	The Panel's comments are noted. Streetscape elevations requested by the DRP have been provided to the City.
The City advised the DRP about a proposed retaining wall of up to 1.7m height along a portion of the Citadel Way boundary. The DRP is concerned that the result could be a poor, featureless interface with the street.	Whilst noting that the design of the wall is subject to separate approval by the City and does not form part of the LDP, in accordance with DRP advice, the retaining wall is currently in the process of being re-designed to provide pedestrian access to Citadel Way. Fencing above the retaining wall has been carefully designed to provide both visual permeability and natural surveillance of the streetscape, whilst also maintaining a consistent and attractive fencing profile. Indicative streetscapes have been provided to the City to show the complementary design relationship between the retaining wall and fencing.

<b>JDRP recommendation</b>	<b>Applicant response</b>
Clarify what will be the impact on the streetscape of single storey dwellings on higher, retained lots; the high retaining wall; steps and other details of entrances and any additional fence and its uniformity on top.	Revised detailed engineering information is currently being prepared is subject to separate approval by the City's Engineering Department. Streetscape perspectives have been provided to demonstrate how the retaining wall contributes positively to the streetscape and frames an effective transition between the public and private realm.
The DRP queried if steps might be possible to access Lots from Citadel Way, and thereby maintaining primary frontages of dwellings along the entire streetscape of Citadel Way, as per the approved LDP.	As requested, amendments to the retaining wall to provide pedestrian access are currently being pursued and are subject to approval by the City's engineering team.
The change from two-storey to mandated single storey will significantly reduce engagement and passive surveillance opportunities from openings to the street.	Changes are only proposed to 13 of the 38 lots within Citadel Way. However the proposal to reorientate the dwellings has been withdrawn. As such, the proposed LDP will ensure that passive surveillance of the street is maintained.
The proposed amendments will require a high design standard and measures in the LDP to improve the overall outcome for the development. This requires supporting documentation.	The LDP contains a range of carefully crafted provisions that will deliver a high standard of design across all lot and housing typologies within the development precinct. Streetscape perspectives have been prepared to demonstrate the built-form outcomes the LDP provides.
It is understood that Estate Design Guidelines will control aspects of the built form. Details are required.	Design Guidelines are available via the Akin Estate website. These guidelines will be updated should the amended LDP be approved.
The frontages of single storey dwellings could be improved by considering high quality design features and a quality palette of materials and colours.	Noted – these matters are included within the design guidelines.
Further streetscapes are required showing the rear elevations of dwellings and the landscape treatment of gardens that would be highly visible through visually permeable fences (Citadel Way). For example, continuing the design features, materials and colours from the front elevation to the rear elevation could improve the streetscape, particularly of Citadel Way.	Noted, elevations and series of streetscape perspectives have been provided to the City following the DRP's request. The LDP has also been amended, withdrawing all major amendments to the LDP relating to lots 36-48 apart from the change in building height to single storey.

Following the JDRP meeting and to address the concerns raised by the panel, the applicant submitted modifications to the LDP to:

- reorientate the single storey dwellings on lots 36-47 from Mistral Meander back to Citadel Way
- introduce pedestrian access to Citadel Way via stairs in the retaining wall and include visual permeable fencing provisions
- reintroduce the provision for double garages to lots 36-47
- exclude lot 34 and include lot 48 within the mandatory single storey building height provision.

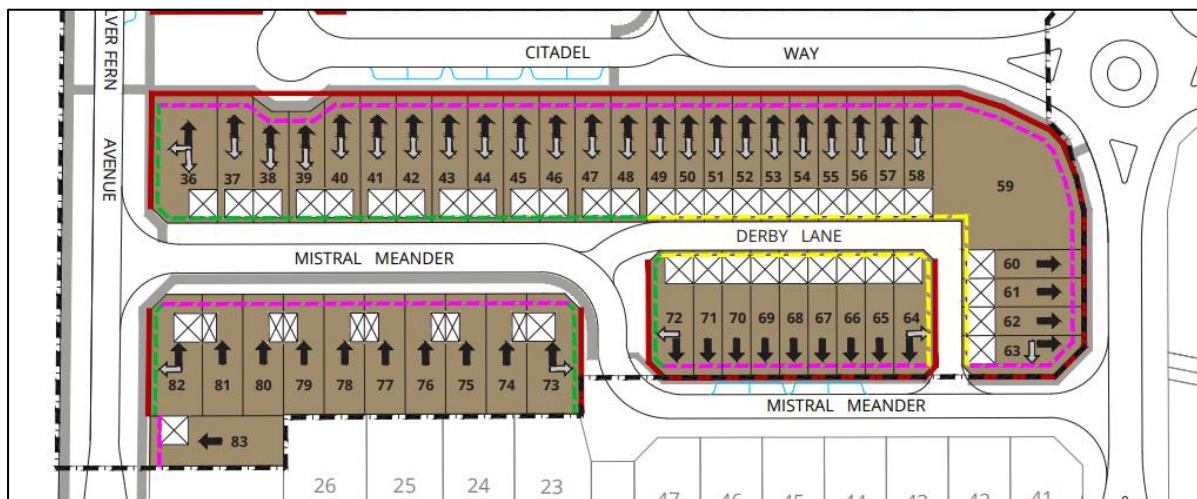
Overall, the modifications made to the Currambine LDP following the meeting of the JDRP (Attachment 3 and 4 refer) are more consistent with the approved LDP while still incorporating the proposed single storey dwellings as part of the housing product. The key proposed amendments to the Currambine LDP are outlined below.

## Building height

The applicant states that:

*“Consistent with the R-Codes design principles, the building height requirements ensure no adverse impact of the amenity of adjoining properties, provide access to direct sun and minimise the potential for overlooking.”*

The applicant has advised that the proposed change in building height from mandatory two storey to a mandatory single storey development on lots 36-48 and 73-83 is primarily driven by construction costs and the viable delivery of two storey housing typologies. The proposed amendment is sought by the applicant to increase the affordability of homes within the precinct and increase the diversity of housing options available.



While the applicant’s reasons for the proposed amendments are noted, it is considered that a well-executed primary streetscape to Citadel Way must be demonstrated to allow single storey dwelling options to provide a high level of amenity and passive surveillance to Citadel Way.

Noting that lots 36-48 have frontages to both Citadel Way and Mistral Meander, ensuring the dwellings on these lots will retain orientation to Citadel Way will continue to allow single storey dwellings to provide consistent built form, building setbacks, and major openings to Citadel Way. The applicant has prepared amended engineering drawings to enable these lots to gain pedestrian access to Citadel Way (via steps in the retaining wall) and has strengthened front fencing provisions in the Currambine LDP to ensure fencing to Citadel Way is visually permeable. These measures will enhance the engagement of the single storey dwellings with Citadel Way.

The reduction in the building height for dwellings on lots 73-83 will also assist in addressing concerns raised during consultation on the approved LDP where adjoining properties were concerned about the impacts of two storey dwellings on their privacy and solar access. The change in building height negates these concerns, whilst also providing a transition from the existing single storey dwellings along Currambine Boulevard to the two storey product being delivered in the remainder of the Currambine LDP area.

## **Garage requirements**

The applicant states that:

*“Amendment ensures garage setback requirements for single storey dwellings is consistent with the provisions of the R-Codes, enabling car parking to be provided in front of the garage and maintain clear lines of sight along the street.”*

*“Amendment ensures all lots/housing typologies satisfy the R-Codes design principles and provide appropriate levels of natural surveillance.”*

Changes are proposed to require that the single storey housing proposed on lots 74-81 provide maximum 3.0 metre (single) width garages, and 4.5 metre garage setbacks to lots 73-83 from the primary street. The intent of the single width garage provision is to ensure that the garage does not dominate the primary frontage of the (now) single storey dwellings, enable surveillance to the primary street from a major opening and to provide a clear front entrance. The 4.5 metre garage setback from the street boundary will allow for an informal visitor bay to be provided on the driveway, although noting that a visitor bay is not required by the R-Codes. It is considered that the proposed provisions will provide a suitable streetscape outcome for the single storey dwellings on lots 73-83.

Additional minor amendments have been made to the wording of the LDP to ensure the garage setback provisions to all lots are clear and accounted for. These amendments do not alter the outcome of the built form as currently approved.

## **Other amendments**

A number of other minor changes have been made to the Currambine LDP that correct grammatical errors and ensure that the proposed changes to provisions still enable the remainder of the lots to develop as intended. These include amendments to privacy provisions to provide for the consideration of privacy to those single storey dwellings that adjoin two storey dwellings, changes to boundary wall heights for single storey dwellings and designated garage locations.

Fencing provisions have also been introduced to ensure fencing along Citadel Way remains visually permeable in line with the submitted engineering drawings ensuring passive surveillance opportunities remain in perpetuity.

Wording has also been updated to clarify that the Currambine LDP applies to all development within the LDP area, noting that the wording of the approved LDP is contradictory as to whether it applies to all development or only single houses.

## **Issues and options considered**

The options available to Council in considering the amendments to the Currambine LDP are to:

- approve the proposed amendments to the Currambine LDP as submitted
- require the applicant who prepared the Currambine LDP to:
  - modify the plan in the manner specified by the local government; and
  - resubmit the modified plan to the local governmentor
- refuse to approve the proposed amendments to the Currambine LDP.

The proposed amendments do not require approval from the WAPC.

## Legislation / Strategic Community Plan / Policy implications

**Legislation**            *Planning and Development (Local Planning Schemes) Regulations 2015.*  
                                 *Local Planning Scheme No. 3.*

### 10-Year Strategic Community Plan

**Key theme**            Place.

**Outcome**            Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                *Medium-density Single House Development Standards Local Planning Policy.*

#### Planning and Development (Local Planning Schemes) Regulations 2015

Part 6 of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the LPS Regulations) outlines the process for determining and amending local development plans.

Once the local government has accepted a local development plan (or amendment) for assessment, the local government must advertise the LDP within 28 days for a minimum of 14 days. It is noted that the City's *Planning Consultation Local Planning Policy* requires an LDP to be advertised for 21 days.

The local government may determine not to advertise a proposed amendment to a local development plan for public comment, if, in the opinion of the local government, the amendment is of a minor nature.

When an area is covered by an approved local development plan, the local government must have due regard to, but is not bound by, the local development plan when deciding an application for development approval.

#### Planning Bulletin 114/2023

The WAPC's Planning Bulletin 114/2023 provides for advice on the relationship of the R-Codes with pre-existing local planning frameworks, including local development plans, following the introduction of amendments to the R-Codes on 1 September 2023 to introduce provisions for medium density development.

The Planning Bulletin states that existing approved local development plans will remain valid until its expiry date, however the validity period should not be extended. The Department of Planning, Lands and Heritage have confirmed that in the context of the Currambine LDP, amendments to the current LDP will not be required to address the provisions of the revised R-Codes.

### Risk management considerations

The applicant has a right of appeal through the *State Administrative Tribunal Act 2004* should Council refuse the proposed amendments to the Currambine LDP or approve the Currambine LDP subject to conditions/modifications that the applicant does not support. The same appeal rights also apply in the event that Council does not determine the Currambine LDP within 60 days from acceptance of the application, or a longer period agreed with the applicant.

### **Financial / budget implications**

The applicant has paid a fee of \$3,613 (including GST) for assessment of the proposed amendments to the Currambine LDP.

### **Regional significance**

Not applicable.

### **Sustainability implications**

Not applicable.

### **Consultation**

In accordance with the requirements of the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, the original Currambine LDP was advertised for public comments for a period of 21 days concluding on 23 June 2022, by way of the following:

- Letters to properties that directly adjoin the subject site.
- A notice and documents placed on the City's website.

Three submissions were received, comprised of one neutral submission and two objections. The two objections were concerned with two storey dwellings being constructed at the rear of the existing dwellings on Currambine Boulevard and the impact this will have on visual privacy and access to sunlight for the existing properties that front Currambine Boulevard.

The proposed amendments to the Currambine LDP have not been advertised for comment on the basis that the substantive proposed amendment is to reduce building height on some of the lots from two to one storey, including for the lots that directly adjoin the five existing residential dwellings on Currambine Boulevard. It is considered that the proposed amendment will have a favourable outcome on these existing residential lots by removing potential concerns in regard to privacy and solar access given the new adjoining dwellings will be single storey only.

### **COMMENT**

The Currambine LDP is proposed to be amended to allow a number of single storey dwellings in the southern precinct of the LDP area, in lieu of the precinct consisting of all two storey dwellings.

It is considered that the proposed amendments will continue to ensure an appropriate built form outcome, particularly along Citadel Way which is considered to be the key pedestrian and view corridor within the LDP area. Dwellings will continue to orientate to, and provide pedestrian access from, Citadel Way, and provide a consistent building setback along Citadel Way for both single and two dwellings.

### **VOTING REQUIREMENTS**

Simple Majority.

*Cr Poliwka left the room 6.32pm and entered the room at 6.34pm.*

**MOVED** Cr Thompson, **SECONDED** Cr Hill that Council pursuant to clause 52 and 59 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, **APPROVES** the amended Currambine Local Development Plan included as Attachment 3 to this Report.

**The Motion was Put and**

**CARRIED (4/1)**

**In favour of the Motion:** Crs Thompson, Hill, Kingston and Raftis.

**Against the Motion:** Cr Poliwka

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2agnPOLICY230619.pdf](#)



**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Mr Chris Leigh, Director Planning and Community Development.</b>
<b>Item No. / Subject</b>	Item 3 - Proposed amendment to Local planning Scheme No. 3 - additional use 'grouped dwelling' to lot 847 (5) Tuart Road, Greenwood – Consideration following advertising.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	The applicant of the scheme amendment and Mr Chris Leigh have previously worked together.

### **ITEM 3                                    PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - ADDITIONAL USE 'GROUPED DWELLING' TO LOT 847 (5) TUART ROAD, GREENWOOD – CONSIDERATION FOLLOWING ADVERTISING**

<b>WARD</b>	South-East
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	08097, 101515
<b>ATTACHMENTS</b>	Attachment 1    Location plan Attachment 2    Scheme amendment map Attachment 3    Concept plans Attachment 4    Applicant's submission Attachment 5    Schedule of submissions
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider a proposed amendment to *Local Planning Scheme No. 3* to allow the additional land use 'Grouped Dwelling' at Lot 847 (5) Tuart Road, Greenwood, following public advertising.

**EXECUTIVE SUMMARY**

The City has received an application for an amendment to *Local Planning Scheme No. 3* (LPS3), on behalf of the owners of Lot 847 (5) Tuart Road, Greenwood.

The land is zoned 'Private Community Purposes' under LPS3 and currently encompasses Liwara Catholic Primary School and All Saints Catholic Church. The scheme amendment proposes to permit the land use 'Grouped Dwelling' on the site (subject to specific conditions) for the purposes of facilitating dependent persons dwellings to assist in the delivery of specialist disability accommodation. Currently the land use 'Grouped Dwelling' is an 'X' (not permitted) land use in the 'Private Community Purposes' zone.

At its meeting held on 13 December 2023 (CJ197-12/22 refers), Council resolved to advertise the proposed scheme amendment for public comment. The proposed scheme amendment was advertised for a period of 49 days, which includes an additional seven days in recognition of the easter holiday period, closing on 5 May 2023.

A total of 27 submissions were received, consisting of eight submissions of support and 10 submissions objecting to the proposal. Nine submissions from external service authorities were also received which stated either no objection or provided comments relating to future development on the site.

The comments in support of the proposed scheme amendment related to the opportunity for more housing, specifically specialist disability housing. The comments objecting to the proposal primarily relate to the perceived incompatibility of the use in the 'Private Community Purpose' zone, increased traffic and parking, and loss of existing vegetation.

It is the City's view that the proposed 'grouped dwelling' additional use is consistent with the objectives of the zone, and the future scale and form of the grouped dwellings will be effectively controlled by conditions included as part of the scheme amendment to ensure consistency with the surrounding residential context and that the site will remain predominantly used for private community purposes.

*It is therefore recommended that Council supports the amendment and forwards it to the Western Australian Planning Commission for consideration.*

## BACKGROUND

<b>Suburb/Location</b>	Lot 847 (5) Tuart Road, Greenwood.
<b>Applicant</b>	Rise Urban Pty Ltd.
<b>Owner</b>	Roman Catholic Archbishop.
<b>Zoning</b>	<b>LPS</b> Private Community Purpose.
	<b>MRS</b> Urban.
<b>Site area</b>	47,713.8m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

Lot 847 (5) Tuart Road, Greenwood, is zoned 'Private Community Purposes' under LPS3 and does not have a designated residential density code. The lot is bound by the Mitchell Freeway and Kilrenny Park Natural Area to the west, and established residential dwellings to the north, south and east. All Saints Catholic Church and chapel are located primarily on the north-east corner with Liwara Catholic Primary School located to the south within the subject site (Attachment 1 refers).

As part of the adoption of the City's new planning scheme in 2018, the Western Australian Planning Commission (WAPC) requested the City rectify an anomaly in LPS3 which, when gazetted, allowed for residential development within the 'Private Community Purposes' zone, yet no residential density code had been assigned. The WAPC advised that the reason for this request was that the potential for exclusively residential development on a 'Private Community Purposes' zoned lot was not considered to align with the objectives of the zone.

The City subsequently initiated Amendment No. 6 to LPS3 to change the land use permissibility of 'Grouped Dwelling' and 'Multiple Dwelling' from a 'D' (discretionary) land use to an 'X' (not permitted) land use in the 'Private Community Purposes' zone. The amendment was approved by the Minister for Planning in June 2021.

The above amendment did, however, retain two sites where provision was made in LPS3 for residential development to occur subject to specific conditions, including that the predominant use of the sites continue to be for private community purposes.

It is therefore recognised that there are some circumstances where residential land uses may still be appropriate on a lot zoned 'Private Community Purposes' taking into consideration the compatibility of the land use with the existing land uses on site and the surrounding areas.

At its meeting held on 13 December 2023 (CJ197-12/22 refers), Council resolved to proceed to advertise the proposed amendment to LPS3 for 42 days.

## **DETAILS**

### Applicant's submission

The proposal seeks to amend LPS3 to include the additional land use of 'Grouped Dwelling' in Table 4 'Specified additional uses for zoned land in Scheme area', subject to meeting the following conditions:

- 1 The purpose/use of the grouped dwellings is restricted to housing for dependent persons as defined in *State Planning Policy 7.3 Residential Design Codes Volume 1* (R-Codes).
- 2 A residential density code of R20 shall apply.
- 3 The predominant form of the development over the site is for Private Community Purposes.

The LPS3 map would also be amended to reflect that an additional land use applies to the site (Attachment 2 refers).

The applicant has indicated that the intent of the proposed amendment is to assist in the delivery of specialist disability accommodation (SDA) for Identitywa, a not-for-profit outreach of the Catholic Archdiocese of Perth. A concept plan has been prepared by the applicant showing the potential future development of the site consisting of two, single storey dwellings, located in the north-westernmost portion of the site with access from Liwara Place (Attachment 3 refers). While the concept plan is attached for reference, it is important to note that this is indicative only and should not be construed as what is necessarily intended to be developed on the site.

The applicant's submission in support of the proposed scheme amendment is summarised as follows:

- There is an identified shortage of specialist disability accommodation (SDA) housing in the northern suburbs resulting in people with disabilities having to be accommodated in aged care facilities (often despite not being elderly), hospitals, or in other unsuitable / undesirable accommodations that does not meet their needs.
- The additional use will make beneficial use of an underutilised portion of the site and create opportunities for SDA housing in accordance with the National Disability Insurance Scheme requirements. The development will alleviate the pressure from aged care facilities and hospitals in the locality.
- The proposal is in accordance with the relevant state and local planning frameworks and does not undermine the objectives of the zone or the amenity and character of the area.

A full copy of the applicant's submission is provided as Attachment 4 to this Report.

## Issues and options considered

### Key themes and issues

The key themes and issues arising from the submissions received as part of consultation are detailed in Attachment 5 to this Report. The main areas of concern raised in the submissions are outlined below.

#### *Suitability of proposed additional land use*

Several submissions received question whether the proposed additional use is appropriate for the zone and whether this proposal will undermine the previous determination considered under Scheme Amendment No. 6 to LPS3.

As per LPS3, the objectives for land zoned for the purposes of 'Private Community Purpose' are as follows:

- To provide for privately owned and operated recreation, institutions and places of worship.
- To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provisions of those facilities, which are compatible with surrounding development.
- To provide ensure that the standard development is in keeping with the surrounding development and protects the amenity of the area.

'Grouped Dwelling' is an 'X' (not permitted) land use in the 'Private Community Purposes' zone, however as noted in the 'Background' section above, in considering Scheme Amendment No. 6 to LPS3, it was recognised that residential development may be appropriate as an additional land use for some lots zoned 'Private Community Purposes'. Conditions were imposed to maintain the predominant uses as being for private community purposes, as well as ensuring any future residential development on the sites is appropriately compatible with the uses on and surrounding the sites.

This proposed scheme amendment similarly seeks to allow the additional 'Grouped Dwelling' use with conditions that limit the extent of the use on the site. The conditions will ensure that any development will be compatible with the existing uses on the site and the surrounding residential area, recognising that the uses permitted under LPS3 in the 'Private Community Purpose' zone are to remain the predominant uses. In this case, the remainder of the site will continue to service the existing primary school and church.

The proposed additional use 'grouped dwelling' and associated conditions placed on that use are considered suitable for the subject site as it will allow an opportunity to provide for a diversity in housing accommodation. The proposed amendment to LPS3 to permit grouped dwellings on the site is complementary to the objectives of the 'Private Community Purposes' zone in that it will provide for a privately owned community facility in the form of dependent persons housing.

A residential density code of R20 is intended to apply, ensuring that future development will be consistent with the immediately adjacent and surrounding residential properties which also have a zoning of R20. A further condition of the scheme amendment will ensure that grouped dwellings would not become the predominant use of the site.

#### *Traffic and Parking*

A number of the submissions raise concern with the amount of traffic the future development will generate and the resultant impact on the surrounding road system.

The proposed scheme amendment specifies that the grouped dwellings are to be occupied by dependent persons, with the applicant noting that SDA housing is by its nature a low-intensity form of development. While guests and support services may visit the development, given that the residents are unlikely to drive a car, the overall intensity of the use is likely to be less than that of a standard grouped dwelling development.

In the event that the proposed scheme amendment is approved and should a 'Grouped Dwelling' development be proposed to be built on the subject site, a separate development application will need to be made and approved by the City, at which time the potential traffic implications would be assessed in detail, taking into account that specific proposal. The provision of car parking and vehicle access for any future development will be assessed in accordance with the provisions of the *Residential Design Codes* and any other relevant planning policies that may apply.

### *Vegetation*

Concerns are raised around the loss of vegetation, local fauna habitat, and removal of existing trees on site as a result of the future development if this proposal was to be approved.

The proposed scheme amendment was referred to the Environmental Protection Authority (EPA) which sought additional information from the applicant in the form of an Environmental Assessment Report. Having reviewed the information provided, the EPA advised that a formal assessment of the scheme amendment proposal was not required.

In the event that proposed scheme amendment was to be approved, a development application for any future development will need to be made and assessed against the relevant planning provisions. The provision of landscaping as well as tree retention will be assessed in accordance with these provisions.

It is also noted that, even in the absence of the proposed scheme amendment, the area highlighted in the applicant's concept plans could already be developed for a range of land uses in the 'Private Community Purposes' zone including, for example, additional school or church buildings. Other permissible uses in the zone include 'Medical Centre', 'Residential Aged Care Facility' and 'Cinema/Theatre', all of which are 'D' (discretionary) land uses.

### Options

The options available to Council in considering the scheme amendment are to:

- support the amendment to the local planning scheme without modification
- support the amendment to the local planning scheme with modifications  
or
- not support the amendment to the local planning scheme.

### **Legislation / Strategic Community Plan / Policy Implications**

**Legislation**                      *Planning and Development Act 2005.*  
   *Planning and Development (Local Planning Schemes) Regulations*  
   *2015.*  
   *Local Planning Scheme No. 3.*

### **10-Year Strategic Community Plan**

**Key theme**                      Place.

**Strategic initiative** Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy** Not applicable.

Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 of the *Planning and Development Act 2005* (Planning Act) along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment is consistent with the City of Joondalup *Local Planning Strategy* and would not result in any significant environmental, social, economic or governance impacts on the land in the scheme area, it is considered a standard amendment under the LPS Regulations.

At its meeting held on 13 December 2022 (CJ197-12/22 refers), Council resolved to proceed to advertise the proposed amendment to LPS3 for 42 days. The proposed amendment was referred to the EPA to decide whether or not a formal review was necessary. The EPA did not consider that the amendment should be assessed under Part IV Division 3 of the *Environmental Protection Act 1986* and as such public advertising of the proposed scheme amendment was able to proceed.

Upon closure of the advertising period, Council is required to consider all submissions received and to either support the amendment, with or without modifications, or not support the amendment. The decision is then forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment.

Local Planning Scheme No. 3

Clause 16 (Table 2 Zone objectives) of LPS3 sets out the objectives of the 'Private Community Purposes' zone as follows:

Zone name	Objectives
Private Community Purpose	<ul style="list-style-type: none"> <li>• To provide site for privately owned and operated recreation, institutions, and places of worship.</li> <li>• To provide for a range of privately owned community facilities, and uses that are incidental and ancillary to the provisions of those facilities, which are comparable with surrounding environment.</li> <li>• To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.</li> </ul>

The relevant objectives of the scheme are then used to determine whether a land use is appropriate.

Clause 19 (1) and Table 4 of LPS3 allow additional uses to be listed for specific sites, which are in addition to those uses that are permissible in the zone in which the site is located.

## **Risk management considerations**

Not applicable.

## **Financial / budget implications**

The applicant has paid fees of \$5,481.89 (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising as the applicant is required to cover these costs separately.

## **Regional significance**

Not applicable.

## **Sustainability implications**

### Environmental

While the concept plan provided is indicative only, it is recognised that development in this location, whether that be grouped dwellings or development associated with the existing school or church, may impact existing vegetation.

The proposed amendment was referred to the EPA who considered that the proposed scheme amendment did not require assessment under Part IV Division 3 of the *Environmental Protection Act 1986*.

In the event that the scheme amendment is approved, a separate development application would need to be made to the City, at which time the applicant is required to address the City's *Environmentally Sustainable Design Policy* and Environmentally Sustainable Design Checklist.

### Social

The City's *Access and Inclusion Plan 2021 - 2024* includes the following Outcome and associated Strategy:

- Outcome 8: The City of Joondalup will provide opportunities and advocate for an increase in inclusion.
- Strategy 8.1: Investigate and implement ways of encouraging and supporting access and inclusion in the community.

The City's *Strategic Community Plan 2022-2032* includes the following Outcome within the Place theme:

- 3-3 You enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

It is considered that the proposed scheme amendment aligns with the above strategic documents and will contribute to an inclusive community by facilitating needs appropriate housing in the City in a residential setting.

## **Consultation**

The amendment was advertised for a period of 49 days, which includes an additional seven days in recognition of the easter holiday period, closing on 5 May 2023, by way of:

- 46 letters to adjoining and nearby landowners of the site
- letters to relevant service authorities
- a letter to the Kingsley & Greenwood Ratepayers Association
- letters to Liwara Catholic Primary School and All Saints Catholic Church

- two signs on the site
- a notice published in the local newspaper
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

A total of 27 submissions were received, consisting of eight submissions of support and ten submissions objecting to the proposal. Nine submissions from external service authorities were also received which stated either no objections or comments relate to the future development on the site.

The main comments of support raised in the general submissions were as follows:

- The amendment will allow for more housing opportunities which is lacking in the northern suburbs.
- Allows for a beneficial use of an underutilised portion of land.
- The development will alleviate the pressure from aged care facilities and hospitals in the locality.
- The proposal will enhance the area and is an ideal setting for specialist disability housing being next to existing residential properties with the same zoning.
- The development will assist in attenuating the anti-social behaviour which impacts on the church, school, and their surrounding environment.

The main issues of objection were as follows:

- Concerns the proposal will undermine the fundamental strategic purpose of a Local Planning Scheme and the 'Private Community Purposes' zoning objectives.
- Concerns will set a precedent for future amendment applications on the site and other sites.
- The development is counter to the determination of scheme amendment No. 6.
- The development should be located in existing residential areas which are better served by road access.
- Removal of the vegetation on site will result in increased noise exposure given site is adjacent to the Mitchell Freeway.
- Removal of the vegetation on site will result in loss of habitable for the local fauna.
- Concerns that the future development will overlook the existing school and make the school unsafe.
- Concerns that the development will generate more traffic and lead to congestion on Liwara Place and the surrounding area.
- Parking issues associated with the future development.
- There is ample community housing nearby.
- The proposal will deny the school any future possibility of using the land for school purposes.
- Not accessible to public transport, shopping centres and entertainment/outdoor activities within a reasonable distance.
- Construction associated within the development will cause major disruption to the local residents.

A summary of the main comments of support, the main issues raised, and the City's comment is included as Attachment 5 to this Report.



**COMMENT**

The proposed scheme amendment to allow the additional land use 'Grouped Dwelling' on Lot 847 (5) Tuart Road, Greenwood, is considered appropriate. As the grouped dwellings will be restricted to occupation by dependent persons, would be subject the R20 density code, and would not be permitted to be the predominant use over the site, it is considered that this will ensure that any future SDA development will be complementary to the objectives of the zone as well as being at a scale and form consistent with the surrounding residential context.

The facilitation of SDA housing aligns with the City's strategic plans for the community to have access to diverse housing options in their neighbourhood and to promote inclusion in the community.

On this basis it is recommended that Council supports the proposed scheme amendment.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Cr Kingston, SECONDED Cr Thompson that Council:**

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, SUPPORTS Scheme Amendment No. 12 to the *City of Joondalup Local Planning Scheme No. 3* to:**

- 1.1 insert additional uses No. 18 in Table 4 'Specified additional uses for zoned land in Scheme area':**

No.	Description of land	Additional Use	Conditions
18	Lot 847 (5) Tuart Road, Greenwood	Grouped Dwelling	<p>Purpose/use of the grouped dwellings is restricted to housing for dependent persons as defined in <i>State Planning Policy 7.3 Residential Design Codes Volume 1</i>.</p> <p>A residential density code of R20 shall apply.</p> <p>The predominant form of development over the site is for Private Community Purposes.</p>

- 1.2 amend the Scheme Map to designate the Additional Use by including an 'A18' notation over Lot 847 Tuart Road, Greenwood;**
- 2 AUTHORISES the affixation of the Common Seal and signing of the documents associated with the Scheme Amendment No. 12 to the *City of Joondalup Local Planning Scheme No. 3*;**

- 3 Pursuant to Part 5 of the *Planning and Development (Local Planning Schemes) Regulations 2015* FORWADS Scheme Amendment No. 12 and the Council's decision to the Western Australian Planning Commission for consideration.**

**The Motion was Put and**

**CARRIED (5/0)**

**In favour of the Motion:** Crs Thompson, Hill, Kingston, Poliwka and Raftis.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3agnPOLICY230619.pdf](#)*

**Disclosure of interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	Item 4 - Proposed Revocation of the Marmion Structure Plan and Amendment to Local Planning Scheme No. 3.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A family member of Cr Kingston may live on Troy Avenue. (Not in structure plan).

## **ITEM 4 PROPOSED REVOCATION OF THE MARMION STRUCTURE PLAN AND AMENDMENT TO LOCAL PLANNING SCHEME NO. 3**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	84563, 101515
<b>ATTACHMENTS</b>	Attachment 1 Location plan Attachment 2 <i>Marmion Structure Plan</i> Attachment 3 Scheme amendment map
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider progressing the revocation of the *Marmion Structure Plan*, following advertising of the proposal. The proposed revocation will be progressed by way of an amendment to *Local Planning Scheme No. 3*.

**EXECUTIVE SUMMARY**

The *Marmion Structure Plan* (the structure plan) was adopted by Council at its meeting of 29 June 2006 (JSC23-06/06 refers) and adopted by the Western Australian Planning Commission (WAPC) on 10 August 2006. The structure plan was developed to facilitate the subdivision, zoning, allocation of density and built form standards of a parcel of land previously owned by the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and used as a marine research facility and laboratory.

As part of the approval of *Local Planning Scheme No. 3* (LPS3), the WAPC advised the City that a separate review of the City's existing structure plan areas should be undertaken to assess whether existing structure plans are still relevant and required.

The structure plan area is zoned 'Urban Development' under LPS3. In accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations), an amendment to LPS3 to incorporate the zonings outlined in the structure plan, and a statement requiring the WAPC to revoke the structure plan being included in the scheme amendment, will facilitate revocation of the structure plan. This type of scheme amendment is classified as a 'basic' amendment and there is no statutory provision to advertise this form of amendment.

The majority of development provisions within the structure plan have either been implemented, or can be addressed through compliance with the *Residential Design Codes* (R-Codes) and *Residential Development Local Planning Policy* (RDLPP), and therefore do not need to be incorporated into LPS3. However, as the R-Codes do not contain provisions for dual frontage lots, in order to maintain the intent of the structure plan, it is considered appropriate to include the requirements for increased building setbacks and major openings to Cliff Street in LPS3.

Although the formal planning process to revoke a structure plan does not require public consultation, it was considered appropriate to seek feedback on the proposal from the landowners within the structure plan area, prior to preparing a basic amendment to LPS3 to rezone the land within the structure plan area.

At its meeting held on 28 March 2023 (CJ031-03/23 refers), Council considered the intention to revoke the *Marmion Structure Plan* and resolved to advertise the proposal for a period of 14 days.

The advertising period closed on 8 May 2023 and no submissions were received. It is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *Marmion Structure Plan* area, which, if approved by the Minister for Planning, will facilitate the revocation of the structure plan.

## BACKGROUND

<b>Suburb/Location</b>	Marmion, bound by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south.
<b>Owner</b>	Various.
<b>Zoning</b>	<b>LPS</b> Urban Development.
	<b>MRS</b> Urban.
<b>Site area</b>	2.1885 hectares.
<b>Structure plan</b>	<i>Marmion Structure Plan</i> .

### Local Structure Plan review project

As part of the approval of LPS3, the WAPC advised that a separate review of the City's existing structure plan areas should be undertaken to assess the current status of each structure plan.

This would determine if a structure plan covers an area:

- where development is still occurring, in which case the structure plan is still relevant and needs to be retained
- where development is complete or nearing completion, in which case the structure plan can be revoked via an amendment to LPS3 to rezone the area. This may include introducing relevant development provisions from the structure plan into the scheme.

The City has been progressing this review since LPS3 came into effect with a number of structure plans revoked or in the process of being revoked.

## Marmion Structure Plan

The *Marmion Structure Plan* applies to the land bounded by Leach Street to the west, Cliff Street to the east, Ozone Road to the north and Troy Avenue to the south (Attachment 1 refers). The structure plan area was previously owned by the CSIRO and was used as a marine research facility and laboratory from 1975 to 2002. In 2003, the site was sold by CSIRO as it was surplus to their requirements, and in 2005 it was rezoned to 'Urban Development' under the City's former scheme, *District Planning Scheme No. 2 (DPS2)* to facilitate residential development and open space.

The structure plan was first adopted by Council at its meeting of 29 June 2006 (JSC23-06/06 refers) and adopted by the WAPC on 10 August 2006. An amendment was subsequently made to the structure plan, removing the requirement to construct a path and associated seating within the public open space. This amendment was adopted by Council at its meeting of 7 August 2007 (CJ154-08/07 refers) and approved by the WAPC on 12 February 2008 (Attachment 2 refers).

The subject area has now been fully developed, with the exception of one lot on Verve Court and one lot on Troy Avenue.

Council considered the intention to revoke the *Marmion Structure Plan* at its meeting held on 28 March 2023 (CJ031-03/23 refers) and resolved the following:

*"That Council ADVERTISES the proposal to revoke the Marmion Structure Plan to the landowners within the structure plan area, for a period of 14 days."*

## **DETAILS**

It is proposed that the structure plan be revoked as the estate has now been developed, with the exception of Lot 232 (20) Verve Court and Lot 218 (11) Troy Avenue. Under the LPS Regulations, an amendment to the planning scheme to incorporate the zonings indicated in the structure plan will also revoke the structure plan, provided a statement is included to that effect.

It is proposed to rezone the land within the *Marmion Structure Plan* from 'Urban Development' to the 'Residential' zone and apply the R20 density code, and to the 'Environmental Conservation' reserve (Attachment 3 refers). There are no changes proposed to the existing density code as part of this scheme amendment. This scheme amendment is classified as 'basic' under the LPS Regulations as the amendment to the scheme map is consistent with the approved structure plan.

## **Issues and options considered**

### Current need for the *Marmion Structure Plan*

The structure plan consists of two zones being 'Residential' and 'Local Reserves – Parks and Recreation'. The latter is a portion of public open space adjoining Ozone Road, named Magpie Reserve.

### *General development provisions*

All 35 residential lots have a density code of R20. There are two remaining lots within the structure plan area which have not been developed.

The five lots within Precinct A have a frontage to both Verve Court and Cliff Street although vehicle access can only be gained from Verve Court. The structure plan requires a minimum 3 metre building setback to Cliff Street, with major openings to be provided to this frontage. The purpose of these provisions was to align with the established streetscape along Cliff Street and to improve passive surveillance over Braden Park located on the eastern side of Cliff Street.

As the R-Codes do not contain provisions that address dual frontage lots, in order to maintain the intent of the structure plan and consistent built form, it is considered appropriate to retain the requirements for increased building setbacks and major openings to Cliff Street. This can be achieved by inserting provisions within Clause 33, Table 8 of LPS3 requiring a minimum building setback of 3 metres to Cliff Street, and the requirement for at least one major opening facing Cliff Street.

All other development provisions within the structure plan have either been addressed, or can be addressed through compliance with the R-Codes and RDLPP, and therefore do not need to be incorporated into LPS3.

#### *Street trees*

The structure plan required two existing trees within the Troy Avenue verge to be retained. These trees were retained and protected through the subdivision process, however have not survived in the following years, and are no longer present in the verge. Notwithstanding, two new verge trees have been planted adjoining Lot 219 (13) Troy Avenue.

A further provision of the structure plan required one street tree to be planted for each new lot. Due to concern that the trees may be damaged during the construction of the dwellings, the developer paid a bond to the City to the value of the trees. To date, street trees have not been planted and the City retains the bond. The options for street tree planting, or suitable alternatives, are to be investigated however these investigations would not prevent the structure plan from being revoked.

#### *Roads and footpaths*

The structure plan also includes requirements relating to the management of Magpie Park, and street and footpath upgrades, which were addressed at the subdivision stage.

#### Zoning

The land within the structure plan area is zoned 'Urban Development' under LPS3. The structure plan consists of two zones being 'Residential', with an assigned residential density code of R20, and 'Local Reserves – Parks and Recreation' (Attachments 2 refers).

It is proposed that the area designated as 'Residential' under the structure plan be rezoned from 'Urban Development' to 'Residential R20' under LPS3.

The entirety of the structure plan area was previously zoned 'Local Reserve – Parks and Recreation' under *District Planning Scheme No. 2* (DPS2), before being rezoned to 'Urban Development' in 2005 to facilitate future residential development. The structure plan carried through the 'Local Reserves – Parks and Recreation' zoning for Magpie Park. Noting that this zoning no longer exists under LPS3, and that Magpie Park is a natural area comprised of remnant bushland, it is recommended that this area be rezoned from 'Urban Development' to 'Environmental Conservation' under LPS3.

### Land use permissibility

The structure plan states that land use permissibility for the area designated as 'Residential' is to be in accordance with the 'Residential' zone under the scheme. If a scheme amendment is supported and the structure plan revoked, land use permissibility will continue to be in accordance with the 'Residential' zone of LPS3.

### Options

The options available to Council in considering the proposed scheme amendment are to:

- prepare the amendment to the local planning scheme without modification
- prepare the amendment to the local planning scheme with modifications  
or
- not prepare the amendment to the local planning scheme.

### **Legislation / Strategic Community Plan / Policy implications**

**Legislation**                      *Planning and Development (Local Planning Schemes) Regulations 2015.*  
*Local Planning Scheme No. 3.*

### **10-Year Strategic Community Plan**

**Key theme**                      Place.

**Outcome**                      Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy**                              *Residential Design Codes Volume 1.*  
*Residential Development Local Planning Policy.*

### *Planning and Development (Local Planning Schemes) Regulations 2015*

Clause 28 of the deemed provisions of the LPS Regulations states that structure plans have effect for 10 years from their date of approval. The WAPC may extend the period of approval of a structure plan, revoke a structure plan or amend the planning scheme that covers a structure plan area which allows the structure plan to be revoked.

The LPS Regulations state that an amendment to a scheme map that is consistent with an approved structure plan is a 'basic' amendment if the scheme includes the zones outlined in the structure plan. A statement must be included within the amendment proposal that when the amendment takes effect the approval of the structure plan is to be revoked.

Should Council resolve to prepare the proposed amendment, it is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal environmental review is required. Should the EPA decide that an environmental review is not required, the City will notify the WAPC of the EPA's decision.

Separately, Council's decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant final approval to the amendment, with or without modifications, or refuse the amendment, or require the amendment to be advertised for public comment. If the Minister approves the scheme amendment, the *Marmion Structure Plan* will be revoked by the WAPC.

Structure Plan Framework

The Structure Plan Framework outlines the manner and form in which a structure plan and activity centre plan is to be prepared under the LPS Regulations. Clause 16 of the framework outlines that the WAPC may revoke its approval of a structure plan under the deemed provisions of the LPS Regulations and provides for common circumstances in which this would occur, including where the zoning of the land is covered within the scheme and following finalisation of the subdivision of the land.

Local Planning Scheme No. 3

The objectives of the 'Residential' zone in LPS3 are:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> <li>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> <li>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>

The objective of the 'Environmental Conservation' reserve in LPS3 is:

Reserve name	Objectives
Environmental Conservation	<ul style="list-style-type: none"> <li>To identify areas with biodiversity and conservation value, and to protect those areas from development and subdivision.</li> </ul>

**Risk management considerations**

Not applicable.

**Financial / budget implications**

The City, as the proponent, is required to cover the costs associated with the cost of publishing a notice in the local newspaper and the Government Gazette should the amendment be approved by the Minister for Planning. The cost of publishing the amendment in the local newspaper is approximately \$130 and the cost for publishing within the Government Gazette is approximately \$160.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

There are no provisions within the LPS Regulations or Structure Plan Framework which require consultation to be undertaken prior to a structure plan being revoked. However, it was considered appropriate to advise the landowners within the structure plan area of the proposal to revoke the structure plan and obtain any feedback prior to Council making its decision.



The proposal was advertised for a period of 14 days by way of 38 letters to landowners within the structure plan area, closing on 8 May 2023. No submissions were received.

## COMMENT

The area encompassed by the *Marmion Structure Plan* is nearing completion with two lots remaining for development. As detailed in this report, it is considered appropriate to incorporate the structure plan requirements for major openings and increased lot boundary setbacks to Cliff Street into LPS3. All other development provisions within the structure plan have either been addressed, or can be addressed through compliance with the R-Codes and RDLPP, and therefore do not need to be incorporated into LPS3.

The proposed scheme amendment to rezone the land within the *Marmion Structure Plan* from 'Urban Development' to 'Residential R20' and the 'Environmental Conservation' reserve in accordance with the structure plan is considered appropriate. In the event that the Minister for Planning approves the scheme amendment, the *Marmion Structure Plan* will be revoked by the WAPC.

No issues were identified through the advertising of the proposal and it is therefore recommended that Council prepares an amendment to LPS3 to rezone the land within the *Marmion Structure Plan* area in accordance with the zones and reserves outlined in the structure plan, and incorporate the structure plan requirements for major openings and increased lot boundary setbacks to Cliff Street into LPS3.

## VOTING REQUIREMENTS

Simple Majority.

## MOVED Cr Raftis, SECONDED Cr Poliwka that Council:

**1** In accordance with section 75 of the *Planning and Development Act 2005*, resolves to PREPARE an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:

- 1.1 rezone the land within the *Marmion Structure Plan* from 'Urban Development' to the 'Residential' zone and the 'Environmental Conservation' reserve;
- 1.2 apply the 'R20' residential density code;
- 1.3 insert requirement No. 5 in Table 8 'Site specific development standards and requirements';

**Table 8 Site specific development standards and requirements:**

No.	Description of land	Requirement
5.	Lot 227 (1) Verve Court, Marmion Lot 226 (3) Verve Court, Marmion Lot 225 (5) Verve Court, Marmion Lot 224 (7) Verve Court, Marmion Lot 223 (9) Verve Court, Marmion	5.1 The minimum setback to Cliff Street for any building is 3 metres (averaging provisions do not apply).

No.	Description of land	Requirement
		5.2 Buildings shall address both Cliff Street and Verve Court with equal importance by providing habitable rooms and major openings facing both streets.

as shown in Attachment 3 to this Report;

- 2 In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, DETERMINES that the scheme amendment is a basic amendment as the proposal is consistent with the zones, reserves and residential density codes within the *Marmion Structure Plan*;
- 3 Pursuant to Regulation 35A(a) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES that the amendment to the City of Joondalup *Local Planning Scheme No. 3* include the following statement:  
  

*“Approval of the City’s Marmion Structure Plan is to be revoked when this amendment is approved and takes effect.”;*
- 4 AUTHORISES the Mayor and the Chief Executive Officer, in accordance with Section 9.49a of the *Local Government Act 1995*, to execute under Common Seal the amendment to the City of Joondalup *Local Planning Scheme No. 3*.

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Thompson, Hill, Kingston, Poliwka and Raftis.

*Appendix 4 refers*

To access this attachment on electronic document, click here: [Attach4agnPOLICY230619.pdf](#)

**Disclosures of interest affecting Impartiality**

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	Item 5 - Proposed amendment to Local Planning Scheme No. 3 - Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	A number of people who attend Woodvale Baptist are known to Cr. Kingston.

<b>Name / Position</b>	<b>Cr Daniel Kingston.</b>
<b>Item No. / Subject</b>	Item 5 - Proposed amendment to Local Planning Scheme No. 3 - Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale.
<b>Nature of Interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr. Kingston is secretary of Friends of Yellagonga. The Development is adjacent to Yellagonga Regional Park.

## **ITEM 5 PROPOSED AMENDMENT TO LOCAL PLANNING SCHEME NO. 3 - LOT 36 (95) AND LOT 28 (67) WOODVALE DRIVE, WOODVALE**

<b>WARD</b>	Central
<b>RESPONSIBLE DIRECTOR</b>	Mr Chris Leigh Planning and Community Development
<b>FILE NUMBER</b>	22842, 101515
<b>ATTACHMENT / S</b>	Attachment 1 Location plan Attachment 2 Scheme amendment map Attachment 3 Applicant's submission Attachment 4 Environmental assessment report Attachment 5 Transport impact assessment Attachment 6 Bushfire management plan
<b>AUTHORITY / DISCRETION</b>	Legislative - includes the adoption of local laws, planning schemes and policies.

**PURPOSE**

For Council to consider a proposed amendment to *Local Planning Scheme No. 3* to rezone portion of Lot 36 (95) Woodvale Drive, Woodvale, from 'Rural' to 'Residential' and portion of Lot 28 (67) Woodvale Drive, Woodvale, from 'Private Community Purpose' to 'Residential'.

**EXECUTIVE SUMMARY**

The City has received an application for an amendment to *Local Planning Scheme No. 3* (LPS3) to rezone portion of Lot 36 (95) and portion of Lot 28 (67) Woodvale Drive, Woodvale.

The scheme amendment proposes to rezone the western portion of Lot 36 from 'Rural' to 'Residential' and portion of Lot 28 from 'Private Community Purpose' to 'Residential'. Lot 36 includes two residential dwellings, one of which is vacant, and ancillary structures while Lot 28 encompasses the Woodvale Baptist Church and associated buildings. The proposed scheme amendment applies a residential density coding of R30 to the subject area.

The City's current *Local Planning Strategy* recommends that the two remaining 'Rural' zoned lots within the City be rezoned to reflect the surrounding residential uses. Lot 28 Woodvale Drive was rezoned to 'Private Community Purposes' when LPS3 was gazetted however a portion of Lot 36 Woodvale Drive remains zoned 'Rural', which is inconsistent with the 'Urban' zoning under the Metropolitan Region Scheme. This scheme amendment will address this inconsistency and align with the recommendation of the City's *Local Planning Strategy*.

The proposed scheme amendment is considered a 'standard' amendment in accordance with the *Planning and Development (Local Planning Scheme) Regulations 2015* (LPS Regulations) as the amendment is consistent with the objectives of the 'Residential' zone and aligns with the City's *Local Planning Strategy* and *Metropolitan Region Scheme*.

*It is therefore recommended that Council adopts the proposed amendment to LPS3 for the purposes of public advertising.*

## BACKGROUND

<b>Suburb/Location</b>	Lot 36 (95) and Lot 28 (67) Woodvale Drive, Woodvale.
<b>Applicant</b>	Burgess Design Group.
<b>Owner</b>	Woodvale Baptist Church; K. E. Okely, T.A. Duffy, J.L. Duffy, Estate of Late B.J. Duffy; D. W. Duffy.
<b>Zoning</b>	<b>LPS</b> Rural; Private Community Purpose.
	<b>MRS</b> Urban; Parks and Recreation
<b>Site area</b>	43,648m <sup>2</sup> (Lot 36) and 10,717m <sup>2</sup> (Lot 28)
<b>Structure plan</b>	Not applicable.

The western portion of Lot 36 (95) Woodvale Drive is zoned 'Rural' under LPS3 and 'Urban' under the *Metropolitan Region Scheme* (MRS). The eastern portion of the lot extends into Yellagonga Regional Park and is reserved 'Parks and Recreation' under the MRS (Attachment 1 refers). Lot 36 comprises of two residential dwellings, one of which is unoccupied, and associated ancillary structures.

Lot 28 (67) Woodvale Drive is zoned 'Private Community Purpose' under LPS3. Lot 28 encompasses Woodvale Baptist Church and associated buildings including an auditorium and caretakers dwelling.

Both lots are bound by Woodvale Drive and Yellagonga Regional Park to the west and east respectively. Lot 36 also adjoins 'The Sanctuary' residential estate to the south which comprises of a mix of R20, R25 and R40 coded lots (Attachment 1 refers).

At the time of adoption of the City's *Local Planning Strategy*, both Lot 36 and Lot 28 were zoned 'Rural' under the then *District Planning Scheme No. 2*, and the strategy noted that the rural zoning was no longer appropriate for these lots in the context of the surrounding residential uses and recommended that the lots be rezoned to reflect the surrounding uses. While Lot 28 was rezoned to 'Private Community Purpose' as part of the implementation of LPS3, Lot 36 remained zoned 'Rural' as the western portion lot was still zoned 'Rural' under the MRS zoning that applied at the time. The MRS zoning of the western portion of Lot 36 has since been amended to 'Urban'.

## DETAILS

### Applicant's submission

An application has been received from Burgess Design Group to initiate a standard amendment to LPS3 to rezone the following:

- the western portion of Lot 36 (95) Woodvale Drive from 'Rural' to 'Residential'
- a 967m<sup>2</sup> portion of Lot 28 Woodvale Drive from 'Private Community Purpose' to 'Residential'
- apply a residential density coding of R30 to the above (Attachment 2 refers).

In relation to Lot 36, the scheme amendment only relates to the portion of the site that is zoned 'Rural' under the LPS3, with the eastern part of the site to remain as the 'Parks and Recreation' reserve under the MRS. The 'Rural' zone represents 24,088m<sup>2</sup> or 54% of the overall lot area.

The proposed rezoning will facilitate a future residential subdivision of the subject area. The applicant has provided the following rationale for the amendment:

*"The proposed density coding of R30 reflects orderly and proper planning given that it will facilitate additional residential development within an established residential area that can be adequately serviced by public transport, community facilities and public open space. The subject land is located adjacent to Yellagonga Regional Park, a Local Distributor Road (being Woodvale Drive), and Woodvale Secondary College. The site is also situated in close proximity to Wanneroo Road (a classified Primary Regional road) and Ocean Reef Road (a classified Other Regional road), both of which provide good regional access to and from the subject land.*

*This amendment proposes to incorporate a portion of Lot 28 to facilitate a more logical and coordinated approval to subdivision and development. The proposal will allow for that portion of Lot 28, surplus to the needs of the Woodvale Baptist Church to be developed for residential purposes."*

A full copy of the applicant's submission is provided as Attachment 3 to this Report.

## Issues and options considered

### Proposed zoning

In regard to Lot 36 Woodvale Drive, the proposed rezoning from 'Rural' to 'Residential' will remove the inconsistency that currently exists between LPS3 and the MRS and aligns with the recommendation of the *Local Planning Strategy* that the zoning be amended to reflect surrounding residential land uses.

The inclusion of a portion of Lot 28 that is currently zoned 'Private Community Purpose' within the proposed amendment will allow for an unutilised portion of land to assist in facilitating a better subdivision layout for the future development of the site. This portion of land was approved as an overflow parking area and 1:100-year flood retention zone. A report to Council on 13 May 2008 (CJ082-05/08 refers) identified that a car parking surplus exists at the site and aerial imagery confirms the area has never been used for the purposes of parking. Relocation of stormwater drainage systems will be required to be undertaken as part of any future application for subdivision or amalgamation of the subject lots.

It is considered that the proposed 'Residential' zone is compatible with the existing 'Private Community Purpose' zone to the north and 'Residential' zone to the south.

### Residential density

The scheme amendment proposes a residential density coding of R30 for the subject area.

Existing residential development directly adjoins the southern boundary of Lot 36 and consists of lots coded 'R20', 'R25' and 'R40'. Concept plans included within the technical appendices submitted by the applicant include an indicative proposal for 38 residential lots, accessed by two intersections on Woodvale Drive and an internal road network (page 6 of Attachment 5 refers). An area of public open space has been indicatively identified at the eastern end of the proposed 'Residential' zone.

The proposed density is considered appropriate and will facilitate additional residential development adjoining an established residential area. The technical reports provide an indicative assumption of 38 residential lots that will correspond well in terms of alignment with the estate to the south. It is noted that the proposed R30 density code will require future development to be assessed against the development provisions of the new *Residential Design Codes, Part C – Medium Density* which provide for more comprehensive requirements in terms of the consideration of house and site design, and the provision of landscaping and trees.

Should the proposed scheme amendment be approved, an application for subdivision will be required to determine the lot layout, internal road network and provision of public open space.

### Environmental considerations

As part of the application, the applicant has provided an Environmental Assessment Report. The report author considers that *"the proposed residential development of the 'Urban' portion of the subject land can be done without any significant impact on environmental matters"*.

The key findings of the report are provided on page 17 of Attachment 4 and include the following:

- The surrounding land use does not pose a constraint to the proposed urban development.
- Acid sulphate risks may require further investigation at further development stages.
- Remnant native trees within the Urban zone contain no native understorey species.
- The vegetation in the Urban zone is rated as being in completely degraded condition.
- The vegetation does not meet the definition of any Threatened or Priority Ecological Communities.
- The native trees on the site provide 0.615ha of potential foraging habitat for Black Cockatoos although no evidence of foraging on site was observed. The site contains 20 Marri, Jarrah and Tuart trees that meet the definition of breeding habitat. No actual breeding occurs on the site as none of the trees has any hollows large enough for Black Cockatoos to breed in.
- The site contains a portion of Wallubuenup Swamp which is a Conservation Category Wetland. A wetland management plan is recommended to be prepared as a condition of any future subdivision.

The applicant's submission indicates that the concept plan for the future subdivision will address a number of the environmental elements by maintaining the current Conservation Category Wetland boundary and providing a 50-metre buffer from the wetlands to any buildings, additional public open space and a hard-edge interface (public road) to the public open space. The report also recommends a referral under Commonwealth Environment Protection and Biodiversity Conservation Act be undertaken in parallel with the scheme amendment process.

In accordance with the provisions of the LPS Regulations, should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal environmental review is necessary.

### Transport

The applicant has provided a Transport Impact Assessment (TIA) (Attachment 5 refers) that considers the proposed rezoning in the context of 38 residential lots, with an indicative concept plan proposing two new intersections on Woodvale Drive (Figure 2-3, page 6, Attachment 5). The TIA indicates that such a proposal would result in minimal traffic impacts on the internal and external transport network.

The City has reviewed the TIA and noted some concerns with the alignment of the proposed intersections on Woodvale Drive as proposed in the concept plan, however, is satisfied that the alignment of these intersections can be suitably modified so as not to compromise future residential development at the site. The proposed concept plan also resolves an existing waste vehicle access issue at the adjoining southern residential area by proposing to continue Waterview Drive into the subject site, providing a connection for waste trucks back through to Woodvale Drive.

The suitability of internal road layouts and intersection details will be assessed in detail as part of the assessment of any future application for the subdivision of the site.

The proposed amendment includes rezoning a 967m<sup>2</sup> unutilised portion of Lot 28 with the applicant advising of the intent to purchase the land and amalgamate this portion with Lot 36. Should the proposal proceed, as part of an application for subdivision, the applicant will need to address the relocation of existing stormwater drainage cells to ensure the system is wholly contained with Lot 28.

### Bushfire

A Bushfire Management Plan (BMP) has been prepared to support the proposed scheme amendment as the subject site partially falls within a bushfire prone area. The BMP has been prepared considering the preliminary subdivision plan and as has identified that an area of vegetation within the site will need to be removed or modified as part of bushfire protection measures.

The BMP also recognises that the proposed development provides an area of land within the subject lot that can be considered suitable for development subject to the application of appropriate building design, bushfire construction requirements and the ongoing maintenance of asset protection zones. A notification on the land titles will also be required notifying prospective purchasers that the land is within a bushfire prone area and may be subject to a BMP.

Should the scheme amendment be approved, a detailed assessment of the BMP will be undertaken by the relevant authority as part of the subdivision assessment process. A copy of the BMP is provided as Attachment 6 to this Report.

### Options

The options available to Council in considering the proposed scheme amendment are to:

- proceed to advertise the amendment to the local planning scheme without modification
- proceed to advertise the amendment to the local planning scheme with modifications  
or
- not proceed to advertise the amendment to the local planning scheme.

Should Council adopt the proposed scheme amendment for the purpose of advertising, a further report will be presented to Council following the close of the advertising period.

### Legislation / Strategic Community Plan / Policy implications

**Legislation** *Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*  
*Local Planning Scheme No. 3.*

### 10-Year Strategic Community Plan

**Key theme** Place.

**Outcome** Well-planned and adaptable – you enjoy well-designed, quality buildings and have access to diverse housing options in your neighbourhood.

**Policy** Not applicable.

### Planning and Development Act 2005 and Planning and Development (Local Planning Schemes) Regulations 2015

Part 5 of the *Planning and Development Act 2005* along with the *Planning and Development (Local Planning Schemes) Regulations 2015* (LPS Regulations) enables a local government to prepare or amend a local planning scheme and sets out the process to be followed.

Under the LPS Regulations, scheme amendments are classified as being basic, standard, or complex amendments. In resolving to proceed with an amendment, Council needs to specify the amendment type and explain the reason for that classification. As the proposed scheme amendment will result in the subject site aligning with a recommendation of the City's *Local Planning Strategy* and the *Metropolitan Region Scheme*, it is considered a standard amendment under the LPS Regulations.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the Environmental Protection Authority (EPA) to decide whether a formal review is necessary. Should the EPA decide that an environmental review is not required, and notifies the City accordingly, then it will be necessary to proceed to advertise the proposed scheme amendment for 42 days.

Upon closure of the advertising period, Council is required to consider all submissions received and decide whether to support the amendment, with or without modifications, or not support the amendment. The decision is forwarded to the WAPC, which makes a recommendation to the Minister for Planning. The Minister can either grant the final approval to the amendment, with or without modifications, or refuse the amendment.

### Local Planning Scheme No. 3

Clause 16 (Table 2 Zone objectives) of LPS3 sets out the objectives of the 'Residential' zone as follows:

Zone name	Objectives
Residential	<ul style="list-style-type: none"> <li>To provide for a range of housing and a choice of residential densities to meet the needs of the community.</li> <li>To facilitate and encourage high quality design, built form and streetscapes throughout residential areas.</li> </ul>



Zone name	Objectives
	<ul style="list-style-type: none"> <li>To provide for a range of non-residential uses, which are compatible with and complementary to residential development.</li> </ul>

### **Risk management considerations**

Should Council elect not to proceed to advertise the amendment, the amendment will not progress any further unless Council is directed by the Minister for Planning under Section 76 of the *Planning and Development Act 2005*.

### **Financial / budget implications**

The applicant has paid fees of \$7,034.43 (including GST) to cover all costs associated with the assessment of the scheme amendment. The fees do not include the cost of advertising as the applicant is required to cover these costs separately.

### **Regional significance**

Yellagonga Regional Reserve is a class A reserve, bush forever site and a conservation category wetland. Yellagonga Regional Park is jointly managed by the Department of Biodiversity and Conservation and Attractions and both the City of Joondalup and City of Wanneroo. The *Yellagonga Integrated Catchment Management Plan* prepared jointly by the City of Joondalup and the City of Wanneroo provides a comprehensive and integrated approach to managing the Park and its catchment.

The eastern portion of Lot 36 Woodvale Drive is part of the Yellagonga Regional Reserve which is reflected by the 'Parks and Recreation' reservation under the MRS. This portion of land is still in private ownership, however the tenure arrangements may be reviewed by the Western Australian Planning Commission in the event that a subdivision proposal for the western portion of the lot is submitted to the WAPC.

### **Sustainability implications**

#### Environmental

The applicant provided an Environmental Assessment Report in support of the amendment which assesses the various environmental considerations that apply to the subject site. The report considers that the proposed development of the western portion of the site can be undertaken without any significant impact on environmental matters.

Should Council resolve to proceed with the proposed amendment for the purposes of public advertising, the proposed amendment is required to be referred to the EPA to decide whether a formal environmental review is required. It is also recommended that the Department of Biodiversity Conservation and Attractions and Department of Water and Environmental Regulation are consulted on the proposal.

### **Consultation**

Should Council initiate the proposed scheme amendment, advertising is required for 42 days. In accordance with the LPS Regulations and the City's *Planning Consultation Local Planning Policy*, it is proposed that advertising would be by way of:

- letters to adjoining and nearby landowners
- letters to relevant service authorities

- a sign on the site
- a notice published in the local newspaper
- a notice and documents placed on the City's website
- a notice on the City's social media platforms.

## COMMENT

The proposed scheme amendment relating to Lot 36 (95) Woodvale Drive will address an anomaly which currently exists between the City's *Local Planning Scheme No. 3* and the *Metropolitan Region Scheme*. The inclusion of a portion of Lot 28 (67) Woodvale Drive will assist in facilitating a better subdivision outcome for the future residential development.

The proposed scheme amendment is consistent with the recommendation of the City's *Local Planning Strategy* and will assist in providing additional residential development within a well-established network.

It is therefore recommended that Council initiates the proposed amendment to LPS3 for the purposes of public advertising.

## VOTING REQUIREMENTS

Simple Majority

## MOVED Cr Thompson, SECONDED Cr Poliwka that Council:

- 1 Pursuant to section 75 of the *Planning and Development Act 2005* and Regulation 35 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, ADOPTS an amendment to the City of Joondalup *Local Planning Scheme No. 3* to:**
  - 1.1 rezone the western portion of Lot 36 (95) Woodvale Drive, Woodvale from 'Rural' to 'Residential' and a 967m<sup>2</sup> portion of Lot 28 (67) Woodvale Drive, Woodvale from 'Private Community Purpose' to 'Residential', as depicted in Attachment 2 to this Report;**
  - 1.2 apply a residential density code of 'R30';**

**for the purpose of public advertising for a period of 42 days;**
- 2 In accordance with Regulation 35(2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* DETERMINES that the scheme amendment is a standard amendment as the proposal is consistent with the City of Joondalup *Local Planning Strategy* and the *Metropolitan Region Scheme* zoning for the land.**

The Motion was Put and

CARRIED (5/0)

In favour of the Motion: Crs Thompson, Hill, Kingston, Poliwka and Raftis.

*Appendix 5 refers*

To access this attachment on electronic document, click here: [Attach5agnPOLICY230619.pdf](#)

## **URGENT BUSINESS**

Nil.

## **MOTIONS OF WHICH PREVIOUS NOTICE HAS BEEN GIVEN**

Nil.

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

Nil.

## **CLOSURE**

There being no further business, the Presiding Member declared the meeting closed at 7.43pm the following Committee Members being present at that time:

CR SUZANNE THOMPSON  
CR ADRIAN HILL  
CR DANIEL KINGSTON  
CR RUSSELL POLIWKA  
CR JOHN RAFTIS