

# minutes

MEETING HELD ON **TUESDAY 16 APRIL 2019**

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# CITY OF JOONDALUP

**COUNCIL MEETING HELD IN THE COUNCIL CHAMBER, JOONDALUP CIVIC CENTRE, BOAS AVENUE, JOONDALUP ON TUESDAY 16 APRIL 2019.**

## DECLARATION OF OPENING

The Mayor declared the meeting open at 7.00pm.

## ANNOUNCEMENT OF VISITORS

### Mayor:

HON. ALBERT JACOB, JP

### Councillors:

CR KERRY HOLLYWOOD	North Ward	
CR TOM McLEAN, JP	North Ward	
CR PHILIPPA TAYLOR	North Central Ward	<i>Absent from 8.02pm to 8.05pm</i>
CR NIGE JONES	North Central Ward	
CR CHRISTOPHER MAY	Central Ward	
CR RUSSELL POLIWKA	Central Ward – Deputy Mayor	<i>Absent from 9.23pm to 9.25pm</i>
CR CHRISTINE HAMILTON-PRIME	South-West Ward	
CR MIKE NORMAN	South-West Ward	
CR JOHN CHESTER	South-East Ward	<i>Absent from 8.01pm to 8.02pm; and from 9.50pm to 9.52pm</i>
CR JOHN LOGAN	South-East Ward	<i>Absent from 7.47pm to 7.51pm</i>
CR RUSS FISHWICK, JP	South Ward	<i>Absent from 9.50pm to 9.52pm</i>
CR SOPHIE DWYER	South Ward	<i>Absent from 7.43pm to 7.46pm</i>

### Officers:

MR GARRY HUNT	Chief Executive Officer
MR MIKE TIDY	Director Corporate Services
MS DALE PAGE	Director Planning and Community Development <i>Absent from 8.26pm to 8.28pm</i>
MR NICO CLAASSEN	Director Infrastructure Services
MR GLENN HEAPERMAN	Acting Director Governance and Strategy
MR BRAD SILENCE	Manager Governance
MR MARK McCRORY	Manager Marketing and Communications <i>Absent from 9.27pm to 9.29pm; and from 9.31pm to 9.35pm</i>
MR CHRIS LEIGH	Manager Planning Services <i>Absent from 9.04pm to 9.06pm</i>
MR STUART McLEA	Media and Communications Officer <i>Absent from 9.24pm to 9.26pm</i>
MRS LESLEY TAYLOR	Acting Governance Coordinator
MRS DEBORAH GOUGES	Governance Officer <i>Absent from 9.18pm to 9.22pm</i>

There were 109 members of the public and one member of the press in attendance.

## DECLARATIONS OF INTEREST

### Disclosures of Financial / Proximity Interest

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

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns residential property in HOA / Place Neighbourhood 1 and 7 and his son and daughter own residential property in HOA / Place Neighbourhood 1 and 5.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is a joint owner of property in Place Neighbourhood 1.

### Disclosures of interest affecting impartiality

Elected Members (in accordance with Regulation 11 of the *Local Government [Rules of Conduct] Regulations 2007*) 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 the interest.

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ037-04/19 – Additional Land Use ‘Community Purpose’ to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration under State Administrative Tribunal Act 2004.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean is close family friends with one of the objectors.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ037-04/19 – Additional Land Use ‘Community Purpose’ to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration under State Administrative Tribunal Act 2004.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood knows the Principal of Sacred Heart College, Mr Peter Bothe.

<b>Name/Position</b>	<b>Cr Sophie Dwyer.</b>
<b>Item No./Subject</b>	CJ038-04/19 – Proposed Development Application for Child Care Premises at Lot 703 (50) Marri Road, Duncraig – Section 31 Reconsideration under State Administrative Tribunal Act 2004.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Dwyer is a Board Member of the Duncraig Primary School. The school is located next to the subject site.

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ043-04/19 - Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a committee member of the Friends of Yellagonga Regional Park and has connections with many of the City's natural areas friends' groups.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of Friends of Yellagonga Regional Park and has close ties with a number of other groups which care for the City of Joondalup's bushland.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood resides in a fire hazard area.

<b>Name/Position</b>	<b>Cr Christopher May.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr May is a member of Friends of Yellagonga Regional Park.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is coordinator for Friends of Porteous Park and coordinator for Friends of Sorrento Beach and Marmion Foreshore.

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob has a relative who owns a property in Housing Opportunity Area 10.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's step-daughter owns a property in Place Neighbourhood 10.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman has a relative who owns a property in Place Neighbourhood 3.

## PUBLIC QUESTION TIME

The following questions were taken on notice at the Ordinary Council Meeting held on 19 March 2019:

### Mr L Wright, Woodvale:

*Re: Declarations of Interest - Housing Opportunity Areas.*

*Q1 Is the possibility of making profit from Council decisions deemed a trivial conflict of interest according to the City?*

*A1* Where an Elected Member declares a financial interest, it is open to a Council, under the *Local Government Act 1995* to resolve, in its view, that the interest so declared is so trivial or insignificant to influence the conduct of the disclosing member, and therefore allow the disclosing member to participate in a meeting and discussion on an item where a disclosure has been made.

*Q2 Was the Council's conduct in 2011 correct or was the conduct in 2012 and 2013 the correct local government procedure?*

*A2* Elected Members will make declarations of interest as they determine in accordance with the *Local Government Act 1995* and the *Local Government (Rules of Conduct) Regulations 2007*. It is up to the relevant Elected Member, to assess what level of interest they may have in terms of an item before Council and Council cannot influence that individual decision of an Elected Member. The correct procedures were followed in those instances where an impartiality interest or a financial interest was made.

### Mrs F Gilbert, Kallaroo:

*Re: Community Consultation – Staging of Moscow Circus – Belrose Park, Hillarys.*

*Q1 When the City agreed to provide this oval to a business, what analysis and planning was undertaken with respect to parking and noise issues; as well as what planning has been undertaken to address public safety as the business is advising patrons that if all street parking is taken in the area, patrons can park at Whitford City and cross four lanes of a major road to the event?*

*A1* Through the event application process, the City considers any relevant local laws, legislation and regulations, any impact to the City's infrastructure and any impact to the community.



In this instance, the City acknowledges there is no formal parking available at Belrose Park however, the circus has advised the City that an arrangement is in place with the adjacent Westfield Whitford City shopping centre and patrons will be advised to park at Westfield and walk across to Belrose Park. The circus is required to engage staff to safely marshal patrons between the Westfield Whitford City shopping centre car park and the event. In addition, the City will undertake targeted patrols during circus show times to ensure compliance with the *Parking Local Law 2013*.

The circus is also required to comply with all relevant local laws and regulations, in particular the *Environmental Protection (Noise) Regulations 1997*. The City is working proactively with the circus to ensure it meets these requirements and should a noise complaint be received during the event, the City will investigate accordingly.

**Mr R Repke, Kallaroo:**

*Re: Moscow Circus – Hillarys.*

**Q1** *Why has the City made a decision to host the Moscow Circus without having considered the need for toilet facilities, as well as traffic and parking?*

**A1** The City considered this event in accordance with all relevant regulations and local laws. As part of any event assessment process, the City considers legislative requirements for toilet facilities, viable parking options for event attendees and whether formal traffic management planning is required.

**Mr J Kenton, Padbury:**

*Re: List of Payments – Vehicle Servicing.*

**Q1** *Stamped page 121 lists an amount of \$2,232.05 for a 15,000 kilometre service on a Mitsubishi Triton. What was involved in this service?*

**A1** There are two Mitsubishi vehicles listed as having 15,000 kilometre services and in each case the cost is \$2,232.05 on stamp page 121 of the 19 March 2019 Council agenda. As a result of each vehicle being fitted with a custom storage pod for transporting irrigation gear a suspension upgrade was required. To minimise disruption and downtime this was undertaken at the first service. \$1,990.05 of the total of \$2,232.05, related to the cost of the suspension upgrade. The balance was the standard first service.

**The following questions were submitted prior to the Council meeting on 16 April 2019:**

**Mr M Dickie, Duncraig:**

*Re: Greenhouse Gas Emissions.*

*Q1 With regard to the responses to my questions asked at the Council meeting held on 19 February 2019, could you please explain what are "contestable sites"?*

*A1* Within the South-West Interconnected System contestable sites are sites that consume more than 50 megawatt hours of electricity a year (an average of 137 units a day). For these sites customers can select their electricity retailer from those locally available.

For non-contestable sites, sites that consume less than or equal to 50 megawatt hours of electricity a year, electricity is supplied by Synergy with prices regulated by the Western Australian Government as determined under electricity by-laws.

*Q2 Why should offsets only apply to these areas and vehicles and not the whole of its greenhouse gas emissions?*

*A2* The City of Joondalup currently only budgets for the purchase of offsets for its vehicle fleet. Applying offsets to other sources of emissions will require additional budget allocation.

*Q3 What criteria determine whether an offset product is "affordable"? Should not this calculation include social and environmental considerations; the "triple bottom line"?*

*A3* In all decision-making processes the City considers the environmental, social, economic and governance implications. In regard to the purchase of offsets, while there are obvious social and environmental benefits, there are also significant costs. Additionally, purchasing offsets does not deliver permanent energy reductions which means the offsets need to be purchased annually to maintain the emission reductions.

Through purchasing less offsets, the City can allocate greater budget to energy efficiency improvements and reductions which result in permanent and ongoing greenhouse gas emission reductions as well as reducing the City's energy costs.

*Q4 What energy efficiency has been achieved by the re-allocation of funds in 2017-18 and how has this reduced greenhouse gas emissions?*

*A4* The funds that were previously allocated to purchasing offsets have been combined with the City's existing budget to achieve a number of energy efficiency improvements during 2017-18, this includes the following:

- Photovoltaic cells were installed on Penistone Park Clubrooms.
- A battery backup system was installed at Fleur Freame Pavillion to store energy from the existing photovoltaic cells.
- A number of City buildings have had lighting and air-conditioning systems synchronised with building alarm panels meaning that when the building is armed, all lighting and air-conditioning is switched off automatically.
- Older high energy use lighting is being replaced throughout all City-owned buildings, with highly efficient, and low energy use LED lighting.

- The second stage of the Joondalup City Centre street lighting program has commenced. Multi-function light poles will be installed that will incorporate LED energy saving luminaires. This stage of works will continue in 2018-19.

The City's investment in energy efficiency and renewable energy technologies is reflected in the City's greenhouse gas emissions profile with 2017-18 emissions being 23% lower than the 2012-13 baseline.

**Q5** *When are vehicles in the Council fleet replaced and, noting the provision of electric vehicle charging stations in the Reid Promenade car park, will the use of electric vehicles be considered in the next review?*

**A5** The City's current *Fleet Asset Management Plan* considers environmental impact including greenhouse gas emissions. The City also purchases four cylinder vehicles rather than six cylinder vehicles wherever possible.

Currently the City replaces passenger vehicles at 80,000 kilometres or four years whichever comes first. Light commercials are 120,000 kilometres or five years.

The current criteria for vehicle selection is based on the lowest whole of life cost. Electric vehicles have been considered, however, it should be noted that:

- Electric vehicles have a substantially higher purchase cost than unleaded petrol vehicles (ULP).
- Resale values are low due to the high cost of battery replacement.
- Electric vehicles cannot tow trailers, as required for operational purposes.
- Electric vehicles have a lower travel range than ULP.
- There is a limited range of electric vehicles available with no utility vehicles available.

Therefore the purchase of electric vehicles is subject to a suitable vehicle being available and that vehicle demonstrating the lowest whole of life cost.

**Ms N Dangar, Beldon:**

**Re:** *CJ045-04/19 - Draft New Planning Framework for Infill Development - Attachment 1.*

**Q1** *What date did anyone actually walk around Beldon and check the condition of the footpaths for this report?*

**A1** Beldon site inspections were undertaken on 25 October 2018 and 1 December 2018.

**Q2** *Is the City aware of the poor condition of many of the footpaths which is not reflected in the report which states, "footpaths are in good to medium state" which is a serious inaccuracy (evidence several people have fallen and that has been reported).*

**A2** GIS mapping which specified location and condition status of footpaths and dual use paths was also analysed and taken into consideration in the formulation of the Place Neighbourhoods.

- Q3 *As the report states, “ability to walk to the station”. Please advise who can walk to the station from Beldon?*
- A3 The Place Neighbourhoods are based on walkable catchments to nodes such as activity centres and train stations. It is not the intent of the new infill framework that all Place Neighbourhoods are located in a walkable catchment to a station, as some may be located in a walkable catchment to an activity centre instead.
- Q4 *Is the City aware of the absolute importance that this draft report on the new density plans be factual now before it is too late again?*
- A4 The draft report has been prepared by an independent consultant team.
- Any issues identified with the new infill framework are able to be raised during community consultation.
- Q5 *What was the final cost to the ratepayers for this inaccurate report please?*
- A5 As at 11 April 2019, the City has received invoices from external consultants totalling \$491,524.50.

**Ms M Sorger, Hillarys:**

*Re: Item CJ045-04/19 – Draft New Planning Framework for Infill Development.*

- Q1 *How is the quality of life of the residents going to be affected by increased density and what is the Council planning to do proactively to lessen the impact?*

- A1 It is important to note that the draft new planning framework affects areas that are already identified and coded for development at higher density.

The City already delivers a range of initiatives through its Capital Works Program to provide a quality of life for its residents.

In addition to this, the work undertaken by the consultants includes a number of recommended actions that could be taken by the City, outside of the planning framework, which could further contribute to quality of life of the City's residents.

There is no evidence to suggest that infill development will have a negative effect on the quality of life for the community.

**Mr W and Mrs B Kaps, Duncraig:**

*Re: Proposed Developments for Brechin Court, Duncraig.*

- Q1 *Has the City of Joondalup, its Mayor and Councillors, taken in to consideration the mental health and well-being of your residents who are feeling stressed and anxious with the proposed developments for Brechin Court, Duncraig?*

- A1 The City has received two separate development applications for multiple dwellings in Brechin Court. Neither have yet been determined, however it is anticipated that 4 – 6 Brechin Court, Duncraig will be determined by the Metro North-West Joint Development

Assessment Panel (JDAP) at a future meeting, and that 8 – 10 Brechin Court, Duncraig will be determined by Council at a future meeting.

In determining the applications, the decision-maker is required to consider a range of matters as outlined in clause 67 of the *Planning and Development (Local Planning Schemes) Regulations 2015*.

Both applications have been advertised for public comment and submissions received from residents will form a part of the assessment when the applications are presented to the JDAP or Council for determination.

Q2 *Why has the City of Joondalup not supported the wishes of its long-term ratepayers?*

A2 The applications have not yet been determined. Consideration of submissions will form part of the assessment when the applications are presented to the JDAP or Council.

The City has supported the wishes of its residents and ratepayers and have engaged consultants to prepare a new planning framework for infill development to address the concerns of residents.

It is also important to note that whilst resident submissions are considered as part of a planning application assessment, such comments form one of a number of matters that are required to be taken into account by planning legislation when determining planning applications.

Q3 *How would the Mayor and Councillors feel if they had proposed developments of 29 apartments, three stories high, built next door or in their street?*

A3 Questions cannot be asked of individual elected members.

Q4 *Why are so many apartments being squeezed onto a block and are the developers considering the lifestyle and investments of long-term residents, or purely thinking of how much money they can make?*

A4 The City cannot control how many apartments an applicant may choose to apply for, however the City can make recommendations to the decision-maker as to whether or not the number of apartments being applied for is suitable.

The R20/60 code currently applicable to Brechin Court, Duncraig and nearby streets allows for the consideration of multiple dwellings. The exact number of multiple dwellings on a site is not specifically controlled through the planning framework, however the number of dwellings possible is indirectly controlled through the form of the development in terms of other requirements such as setbacks from boundaries, building height, plot ratio and open space. The City will assess the applications against these requirements as well as all other relevant planning matters.

Q5 *What would the Mayor and Councillors do if this was happening in their neighbourhood?*

A5 Questions cannot be asked of individual Elected Members.

**Mr M Moore, Edgewater:**

*Re: Place Neighbourhoods.*

*Q1 What are the total Place Neighbourhood dwelling projections to 2031 and 2050?*

*Q2 When will the individual suburb Place Neighbourhood dwelling projections be provided?*

*Q3 When will the the individual suburb traffic projections be provided?*

A1 – 3 Yield analysis has been undertaken by the consultants to inform the traffic modelling for the Place Neighbourhoods, which is currently being finalised.

Yield analysis and traffic modelling will be available as part of community consultation proposed to be undertaken following Council's initiation of the Scheme Amendment and receipt of the Western Australian Planning Commission's and Environmental Protection Authority's consent to advertise.

*Q4 How much urban tree canopy loss will there be in the Place Neighbourhoods?*

A4 There are a range of factors that will effect the urban tree canopy within Place Neighbourhoods, including:

- take up rate of redevelopment in the Place Neighbourhoods
- tree removal undertaken by property owners unrelated to redevelopment.
- the decision by an applicant to retain or replace existing trees as part of redevelopment
- the contribution to the urban tree canopy that will result from requirements of the new planning framework for the provision of small to large trees on-site
- the contribution to the urban tree canopy that will result from requirements of the new planning framework for the provision of one street tree for every 10 metres of lot frontage.

*Q5 What improvements will the City make in the Place Neighbourhoods and when will this happen?*

A5 The work undertaken by the consultants includes a number of recommended actions that could be taken by the City, outside of the planning framework, to achieve the complete, desired vision for the areas of increased density.

The various actions and associated timeframes would need to be the subject of separate decisions of Council.

**Mrs S Thompson, Duncraig:**

*Re: Item CJ045-04/19 – Draft New Planning Framework for Infill Development.*

*Q1 Why is the proposed Scheme Amendment and revised Planning Framework not created in accordance with State Planning Policy?*

A1 It is unclear which State Planning Policy is being referred to.

**The following questions were submitted verbally at the Council meeting:**

**Ms K Sherwood-Wright, Sorrento:**

*Re: CJ037-04/19 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration Under State Administrative Tribunal Act 2004.*

*Q1 Does the City of Joondalup have sanctions which it would impose should Sacred Heart College and its hirers be non-compliant to any or part of the Event Management Plan (such as number of attendees, parking, traffic and the like)?*

*A1 The Director Planning and Community Development advised the City has the legal ability to take compliance action if any conditions of the planning approval are not met including non-adherence to the Event Management Plan.*

*Q2 How does the City of Joondalup intend to enforce compliance of the college or hirers should they be delinquent?*

*A2 The Director Planning and Community Development stated that the onus to comply with the planning approval and the Event Management Plan is on the school and its hirers. The Director Planning and Community Development advised the college will need to make sure its hirers adhere to that plan and if the City is made aware there has been contravention of that the City will initiate action.*

**Dr N Miller, Sorrento:**

*Re: CJ037-04/19 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration Under State Administrative Tribunal Act 2004.*

*Q1 If the school as it suggests uses audience as a definition for the number of people attending, does this mean an incidental Tier 3 event like a sporting group can have any number of players and support people taking part as long as the audience is less than 150?*

*A1 The Director Planning and Community Development advised that one of the recommendations in the City's report is that the Event Management Plan be amended to cover everybody associated with the event, not just people taking place in the event but any one that may be helping with the event and anyone in the audience at the event.*

**Mr S Zafiris, Woodvale:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 Will the City provide support to the community to engage with the City's planning team now in advance of initiation to work with us, in determining the impact of this proposal on our suburbs?*

*A1* Mayor Jacob stated that Council is yet to make a decision either way and advised that he has given notification to Councillors that he would be moving a deferral motion for the item at tonight's meeting. Mayor Jacob also stated he has given notice to the Councillors that he will be moving, under 'Urgent Business', a motion that calls for a report which looks at the establishment of a community reference group that will be independently facilitated and chaired and will provide access to those resources.

*Q2 How long do you feel it may take before action to engage the community commences?*

*A2* The Chief Executive Officer advised that if the decision that the Mayor has outlined is carried by Council at tonight's meeting then the report will be submitted to the Council meeting to be held on Tuesday 21 May 2019.

**Mr P Barfoot, Woodvale:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 When will the City be providing the necessary infrastructure to overcome the impediments to supporting the aims of the infill requirements in Woodvale?*

*A1* The Director Infrastructure Services advised that supporting infrastructure is going to be assessed as part of the requirements and that as part of the development there will be conditions to upgrade certain public infrastructure.

*Q2 How can the draft framework be considered when the infrastructure to support the growth and the density is not planned for, nor has funding been allocated?*

*A2* Mayor Jacob stated the City is always renewing its infrastructure depending on age and the wear and tear. It is an ongoing process that absorbs much of the City's time. Mayor Jacob advised that the draft infill development has been mapped out around the existing linkages as they currently stand.

**Mr M Moore, Edgewater:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 For the 2050 infill target of 20,670 the Housing Opportunity Areas only need to contribute 9,000 dwellings to meet that target. Is the City aware of that?*

*A1* The Director Planning and Community Development advised the current estimates of just over 10,000 dwellings will need to be yielded from the housing opportunity areas. The balance will be yielded from the City Centre and sites such as the Ocean Reef Marina.



Q2 *The housing opportunity areas are going to provide the required infill many times over the 10,000 you just indicated. I assume that is the figure for 2050, and the place neighbourhoods are going to do the same? Why isn't that error being corrected in the current proposal for place neighbourhoods?*

A2 The Director Planning and Community Development advised that she was not aware of an error.

**Ms N Dangar, Beldon:**

Re: *CJ045-04/19 - Draft New Planning Framework for Infill Development.*

Q1 *When will the City present information in a way that complies with Australian legislation for people with disabilities so that the community can consider and be able to contribute as none of the images to the report are readable online?*

A1 Mayor Jacob stated that if people are having problems accessing and viewing images on-line to get in touch with the City.

Q2 *Is Beldon still a separate suburb or has it been incorporated into Craigie or Heathridge in a different area number?*

A2 Mayor Jacob advised that there are no changes to the designation of Beldon as a suburb or to the boundaries of Beldon as a suburb.

**Mrs S Thompson, Duncraig:**

Re: *CJ045-04/19 - Draft New Planning Framework for Infill Development.*

Q1 *When will the place neighbour dwelling projections and traffic projections for individual suburbs be provided?*

A1 The Director Planning and Community Development advised that the consultants did provide some yield analysis to inform the traffic work that is currently underway and that the results of both of those will be advertised along with the strategy when there is approval to do so.

Q2 *It appears that the proposed Local Planning Policy and Scheme Amendment does not offer any additional development controls for some of the place types for grouped dwellings within the R60 coded areas. So why do these dwellings have less protections than multiple dwellings which are covered by the new apartment codes?*

A2 The Director Planning and Community Development advised that the question would be taken on notice.

**C16-04/19      FIRST EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]**

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Public Question Time be extended for a period of 10 minutes.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**Mrs F Gilbert, Kallaroo:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 Advice has been received from our planners that the City may provide us with some provisions to help protect the housing opportunity areas by a local Planning Policy and this may be implemented more quickly than a Scheme Amendment. Can we please explore the best way forward and the timelines in which this can be achieved?*

*A1 The Director Planning and Community Development advised that if work was undertaken to take some of the policy provisions out of the current framework and set them aside as a new policy that would take some time and not all of the provisions of the framework would be able to be captured solely in the policy. There would need to be some analysis done not only as to what provisions could be captured in a policy, but also what the implications of that are. It would be important for the City to make sure it does not just dump policy provisions into a policy and then it ends up in a worse outcome for residents that it currently have.*

*Q2 Which State Planning Policy does the proposed Scheme Amendment adhere to particularly when deciding location, density and residential coding?*

*A2 The Director Planning and Community Development stated there are a range of planning policies that she can provide in writing after the meeting including Liveable Neighbourhoods which is critical in the development of Scheme Amendments.*

**Mrs S Apps, Woodvale:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 The proposed Local Planning Policy and Scheme Amendments offer no policies or provisions to provide for the extra infrastructure, public open space improvements and upgrades to community facilities that the growing population will need. Why are such provisions not included and how will these issues be resolved?*

*A1 The Director Planning and Community Development advised those kind of upgrades are not issues that should be captured in a policy. The Director Planning and Community Development noted that the consultants have made some recommendations in the report for Council to consider outside of the policy framework. Those are separate bodies of work that need to be undertaken and are subject to a separate Council decisions.*

Q2 *Why would the consultation recommendation for the development contribution of the other funding strategies not be progressed as part of the proposed Local Planning Policy and Scheme Amendment?*

A2 The Director Planning and Community Development advised it is a separate State Planning Policy and that policy is currently under review by the West Australian Planning Commission. The Director Planning and Community Development noted the West Australian Planning Commission has looked at an amended policy and that amended policy will be coming out for consultation shortly.

The Director Planning and Community Development advised how the City deals with those issues is a separate matter. It is not something that gets contained in this policy framework, noting that the consultants have made recommendations that the City need to look at but that is subject to a separate body of work.

**Ms M O'Byrne, Kinross:**

Re: *CJ043-04/19 - Hazard Reduction Burning in the City of Joondalup.*

Q1 *In explaining Place Type 4 the Transit Place Type, the report says while currently non-activity centres this place type has the potential to evolve into a District Activity Centre place type. When will local development plans be implemented in these locations so that they meet criteria for infill?*

A1 The Director Planning and Community Development stated that those properties are not owned by the City and they are held by the State Government. The Director Planning and Community Development noted if and when the Public Transport Authority chose to undertake redevelopment of their land to bring other uses into those precincts and not just transport uses that is when things will start to change.

Mayor Jacob advised that Council would be very supportive of that redevelopment, however the City does not have ability to initiate it.

Q2 *The report says it should also be noted that centres located outside of the current place neighbourhoods have also been assessed as having influence over the location and extent of some place types this has led to some areas within housing opportunity areas being made R30, while areas that are outside housing opportunity area boundaries are closer to the activity centre remain at R20. Can you please explain the reason for this?*

A2 The Director Planning and Community Development advised the consultants have applied the walkable catchments based on actual walkability around centres and that they have applied those walkable catchments to properties inside the place neighbourhoods that are walkable to centres outside of the place neighbourhoods. That is why, in some cases, they are proposing to retain the current density and not drop it because it is walkable to the centre outside or to increase the density.

**Mrs M Aiton, Kallaroo:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 Why has our area of Northshore been included in a district activity centre area and thus subjected to R60 zoning when other properties in the area of Northshore and Hillarys that are within the 400 metre zone and some adjacent to Whitford Shopping Centre are still R20?*

A1 The Director Planning and Community Development advised the consultants have applied the walkable catchment around the Whitford Activity Centre to define that District Activity Centre place type and within that walkable catchment they have applied what they believe is an appropriate density code. The Director Planning and Community Development stated that she is not aware of any R20 properties that are left within the true walkability of that activity centre.

**Ms B Hewitt, Edgewater:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 Can City planners please provide an evidence-based case for keeping the housing opportunity area boundaries as they were, before this document is submitted to State Planning?*

A1 The Director Planning and Community Development advised these are the recommendations that the consultants have come up with. The consultants felt that the current boundaries of the housing opportunity areas and the locations of them were sound and as the report states were based on sound planning principles. For that reason and for other reasons stated in the report they have recommended that they be retained.

*Q2 Can you advise me of the other reasons that were stated in the report?*

A2 The Director Planning and Community Development stated that the reasons are contained on page 101 of the Council Agenda but that the main reason was if the City scrapped the existing HOAs and started the process again of identifying areas suitable for higher densities, it is likely that the City's whole *Local Housing Strategy* would need to be amended and this would significantly delay any solution for those currently affected by infill development.

The Director Planning and Community Development advised that another reason was if the boundaries of the current Housing Opportunity Areas were to contract and development rights were completely removed from properties currently in Housing Opportunity Areas, this is likely to cause significant concern for residents who have bought properties based on the higher density coding.

**C17-04/19      SECOND EXTENSION OF PUBLIC QUESTION TIME - [01122, 02154]**

**MOVED Mayor Jacob, SECONDED Cr Logan that Public Question Time be extended for a further period of 10 minutes.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**Mr K McLeod, Kallaroo:**

*Re: CJ043-04/19 - Hazard Reduction Burning in the City of Joondalup.*

*Q1 Will the City consult with the appropriate friends' groups before deciding whether or not to burn the bush rather than after?*

*A1 Mayor Jacob advised that Council is yet to make a decision on that item and will do so later tonight at this meeting.*

*Q2 If the Council does decide to go ahead, will the City put a high priority on research findings that show bushland is degraded if burnt at less than 11 year intervals?*

*A2 Mayor Jacob advised the City will put priority on all research, taking into account that view and research that is of a different view.*

**Mr A Di Florio, Bullsbrook:**

*Re: CJ044-04/19 - Proposed Fenced Dog Exercise Area - Results of Community Consultation.*

*Q1 Why weren't the tenants notified of an enclosed fenced dog exercise area at Elcar Lane, Joondalup?*

*A1 The Director Infrastructure Services advised property owners were notified via their registered address and a letter drop was also delivered to the mailbox of the property. The Director Infrastructure Services stated if the other tenants of the property or if the owner did not make tenants aware of the proposal, the City cannot be held accountable for that.*

*Q2 Do you know when the letter drop took place?*

*A2 The Director Infrastructure Services advised the community engagement period was between Monday 26 November 2018 and 17 December 2018.*

**Mr A Gordon, Kallaroo:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 The preamble to the report claims the character and context of the area is being considered, however, it seems as though a cookie cutter solution is being offered up. We have been dived into activity centre types, with each type having exactly the same treatment applied regardless of character and context. Can this issue be reviewed before the Local Planning Policy and Scheme Amended is progressed?*

**A1** The Director Planning and Community Development advised the consultants have taken the same approach for the different place types in terms of how they have structured them and the criteria they based them on but in terms of the different housing typologies within those different place types the requirements differ.

The Director Planning and Community Development stated the whole policy framework will be reviewed in detail by the City and the State Government and that through the consultation period the City will seek comments from industry bodies and residents with any recommended changes coming back to Council before the final document is forwarded to the State Government for approval.

*Q2 Typography has a significant impact on privacy and overshadowing and yet this has not been considered when selecting the residential coding. Can this be reviewed before the Local Planning Policy and Scheme Amendment is presented to State Planning as well?*

**A2** The Director Planning and Community Development advised t the State Government Planning Frameworks that underpin the City's planning policy and amendments, namely the Residential R-Codes and the newly released Design WA, while they take typography into account on some issues they don't take into account overlooking but they do put in place other provisions for overlooking. The Director Planning and Community Development stated the strategy the consultants have come up with does address the issue of overlooking but not necessarily typography. That can be something that can be raised during the consultation period and can be taken into account when the final report is written for this Council.

**Mrs F Patey, Duncraig:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

*Q1 Why has the R60 zoning in some areas been downgraded to R40?*

**A1** The Director Planning and Community Development advised that the consultants have based a reduction on the density coding in the area of Duncraig from R60 to R40 on what they perceived as a lack of amenity in the train station precincts and therefore, given there is no other amenity other than just transport in those precincts, they do not believe it is appropriate to retain density at that higher density as there is no other attraction.

Q2 *Is it not more important to get it right the first time and engage with the community so you don't have to change the zoning afterwards?*

A2 Mayor Jacob advised there is no avoiding the statutory requirements to go out to consultation through the formal process. To do so the City would need Planning Commission approval and there are minimum timeframes set and that consultation must be genuine, then the City will consider amendments after that.

Mayor Jacob advised that even if the Council was to do an extra round of consultation beyond that, it would not mean that the formal consultation would be avoidable, it has to be followed.

Mayor Jacob stated that irrespective, the Council will reach a point where it has to decide whether it will send a Scheme Amendment up and that will go through the formal advertising period and the City will have to take on board and most likely make changes following that.

Mayor Jacob noted that at no point is the City likely to send something up that will not change following that formal consultation period.

## **PUBLIC STATEMENT TIME**

*Cr Dwyer left the Chamber at 7.43pm.*

**The following statements were submitted verbally at the Council meeting:**

**Ms K Sherwood-Wright, Sorrento:**

*Re: CJ037-04/19 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration Under State Administrative Tribunal Act 2004.*

Ms Sherwood-Wright made reference to the fact that Sacred Heart College had been in breach of the City of Joondalup Council's rules and regulations for 10 years with respect to the hiring of its facilities to non-college third parties and non-immediate community groups.

Ms Sherwood-Wright raised her concerns in relation to the number of events proposed to be held at the college and hoped Council would be considerate in its determination taking into account not only the needs of the college, but also the amenity of residents.

**Dr N Miller, Sorrento:**

*Re: CJ037-04/19 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration Under State Administrative Tribunal Act 2004.*

Dr Miller raised his concerns in relation to the safety of college children leaving the college at 3.30pm in view of the fact that events are scheduled to start at 4.00pm during college operating times, thereby significantly increasing the number of vehicles in the vicinity of the college.

Dr Miller believed this would be exacerbated by the fact that the tiered events would create additional traffic travelling in the opposite direction, further compromising the safety of children travelling home at the end of the college day.

Dr Miller was of the opinion that reducing the number of attendees and limiting the number of Tier Three events would assist in lowering potential stress levels caused by large numbers of vehicle movements.

*Cr Dwyer entered the Chamber at 7.46pm.*

**Mr S Zafiris, Woodvale:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

Mr Zafiris made reference to the consultant's report received by the City and raised his concerns that the report would not be determined by Council until its meeting to be held on 21 May 2019.

Mr Zafiris requested as a matter of urgency that the City engaged with ratepayers through their associations and groups in order that those entities have input into the community consultation process, with a view to reaching the desired outcomes.

*Cr Logan left the Chamber at 7.47pm.*

**Mr A Lohman, Element, Perth on behalf of the applicant:**

*Re: CJ038-04/19 - Proposed Development Application for Child Care Premises at Lot 703 (50) Marri Road, Duncraig – Section 31 Reconsideration under State Administrative Tribunal Act 2004.*

Mr Lohman advised that following the Briefing Session held on 9 April 2019, additional information in relation to traffic counts, vehicle movements and road safety had been provided to queries raised by Elected Members.

Mr Lohman made reference to comments made in relation to on-street car parking bays and confirmed these were consistent with designs for liveable neighbourhoods. This proposal was consistent with on-street parking previously approved with respect to the Little H café.

Mr Lohman commented the area was a relatively slow speed environment in terms of form and location of the building. The building was residential in appearance, significantly lower in terms of height, with upgrading to the streetscape. As well the child care centre would not be open on weekends or nights and on that basis sought favourable consideration from Council in relation to the proposed development.

*Cr Logan entered the Chamber at 7.51pm.*



**Dr T Green, Padbury:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

Dr Green urged Council to defer consideration of this matter and requested the City to productively build a case for infill development prior to submission of the draft document to the WAPC for consideration.

Dr Green commented residents wanted information in relation to how the new plan would affect their suburbs, what the community can expect with regard to increase in dwelling numbers, as well as resident numbers, and change in demographics; as well as how these matters will be tracked against State infill targets. In addition, the management of increased traffic, provision of public amenities and infrastructure and how these will be paid for.

Dr Green requested that information be provided to residents in order that they may form a vision as to what affect infill development will have on their particular suburbs.

**Mrs B Hewitt, Edgewater representing Edgewater Community Residents Association and West Australian Residents and Ratepayers Association:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

Mrs Hewitt made reference to the statement by Dr Green and commented the Edgewater community stood firmly with its fellow ratepayers in seeking a deferral of this item and having meaningful discussion with both the City's planners and the consultants engaged by the City to address those concerns that may exist within the community.

**Mr A Di Florio, Bullsbrook:**

*Re: CJ044-04/19 – Proposed Fenced Dog Exercise Area – Results of Community Consultation.*

Mr Di Florio spoke in relation to the businesses on the southside of Elcar Park, noting that the majority of those businesses worked with very young children, including children with disabilities and in some cases challenging behaviours who used the park to reduce stress levels and relieve anxieties of the children.

Mr Di Florio commented the best use of the park would be to install play equipment and believed the south-west portion of Elcar Park would be a suitable a location for a fenced dog exercise area, where families could spend time exercising their dogs in safety while their children could also have fun on new play equipment. The area would be a level open space for families all year round and would also benefit surrounding businesses.

**Mrs S Apps, Woodvale:**

*Re: CJ045-04/19 - Draft New Planning Framework for Infill Development.*

Mrs Apps advised she was an advocate for the Woodvale Development Group and concurred with the earlier statement given by Dr Green and his assessment of deferring the proposal under consideration this evening with respect to the new draft planning framework for infill development.

**Mr K McLeod, Kallaroo:**

*Re: CJ043-04/19 - Hazard Reduction Burning in the City of Joondalup.*

Mr McLeod commented modern communication allowed for fast response times for fires started in bush areas. He was of the opinion the areas were relatively small, generally surrounded by fire breaks, wide roads and footpaths and to date the City had successfully followed a policy of no burning in bushland areas, including spraying of exotic weed grasses.

Mr McLeod believed the new policy would destroy grass tree skirts which are the natural home of quenda that were only just beginning to return to bush areas after a long absence.

Mr McLeod stated the combined Friends' Groups of Joondalup were unanimously against any change in policy.

**Mr S Martin, Wanneroo, representing Sacred Heart College:**

*Re: CJ037-04/19 - Additional Land Use 'Community Purpose' to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration Under State Administrative Tribunal Act 2004.*

Mr Martin commented the Event Management Plan was the most prescriptive for any school in Joondalup and perhaps any other jurisdictions and felt to add further onerous conditions was unfair and unjust.

Mr Martin stated Version 5 was the position of the college, but that Council has recommended approval subject to Version 4 that uses event participant levels shown in Tables 2 – 7. Version 5 does use event participants to determine the event classifications such as Tier One, therefore directing the college to additional management requirements that will be required to be put in place.

Mr Martin sought Council's approval of Version 5 as the basis on which the college would manage its events so as to avoid any further State Administrative Tribunal determinations that Council has estimated would cost in the vicinity of \$30,000 in legal fees.

*Cr Chester left the Chamber at 8.01pm.*

**APOLOGIES AND LEAVE OF ABSENCE****Leave of Absence previously approved**

Cr Nige Jones	5 to 10 May 2019 inclusive;
Cr Sophie Dwyer	5 to 12 May and 28 May to 3 June 2019 inclusive;
Cr Kerry Hollywood	23 July to 27 August 2019 inclusive.

**C18-04/19      REQUESTS FOR LEAVE OF ABSENCE – CR CHRISTINE HAMILTON-PRIME, CR JOHN LOGAN AND CR SOPHIE DWYER - [107864]**

Cr Christine Hamilton-Prime requested Leave of Absence from Council duties covering the period 5 to 24 May 2019 inclusive.

Cr John Logan requested Leave of Absence from Council duties covering the period 1 to 9 June 2019 inclusive.

Cr Sophie Dwyer requested Leave of Absence from Council duties covering the period 26 June to 31 July 2019 inclusive.

**MOVED Cr Hollywood, SECONDED Cr Poliwka that Council APPROVES the requests for Leave of Absence from Council duties covering the following dates:**

- |          |                                    |   |
|----------|------------------------------------|---|
| <b>1</b> | <b>Cr Christine Hamilton-Prime</b> | <b>5 to 24 May 2019 inclusive;</b>        |
| <b>2</b> | <b>Cr John Logan</b>               | <b>1 to 9 June 2019 inclusive;</b>        |
| <b>3</b> | <b>Cr Sophie Dwyer</b>             | <b>26 June to 31 July 2019 inclusive.</b> |

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Cr Chester entered the Chamber at 8.02pm.*

*Cr Taylor left the Chamber at 8.02pm.*

**CONFIRMATION OF MINUTES****C19-04/19      MINUTES OF COUNCIL MEETING HELD ON 19 MARCH 2019**

**MOVED Cr Fishwick, SECONDED Cr McLean that the Minutes of the Council Meeting held on 19 March 2019 be CONFIRMED as a true and correct record.**

**The Motion was Put and**

**CARRIED (12/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Poliwka.

*Cr Taylor entered the Chamber at 8.05pm.*

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

### **Leafy City program blossoms**

Mayor Jacob confirmed the City had started rolling out phase 3 and 4 of its *Leafy City Program*, which will deliver street verge trees to 1,300 households in certain areas across Greenwood, Kingsley, Woodvale and Heathridge.

Mayor Jacob advised the *Leafy City Program* was established in 2017 to increase canopy cover across the City's streetscapes and provide cooler, inviting green urban spaces for residents, with more than 2,300 trees have been planted to date.

Mayor Jacob believed the program has been well received and supported by the local community and has been used as a case study by the Heart Foundation that highlights an innovative project that promotes healthy environments and active communities.

Mayor Jacob commented street trees are an important natural asset which help create and maintain liveable urban environments providing aesthetic, economic and social benefits. This exciting program will forever change the look and feel of our City for the better.

### **More funding secured for Health and Wellbeing Hub**

Mayor Jacob stated the proposed Health and Wellbeing Hub at Whitfords Nodes Park, Hillarys has taken another big step forward with the City of Joondalup receiving \$500,000 in Federal Government funding to bring the project to fruition.

Mayor Jacob advised the Health and Wellbeing Hub will include construction of a stairway on the northern dune where users can run or walk up and down the incline, as well as upgrades to the existing path network, including development of a running track.

Mayor Jacob commented community consultation for the project undertaken in late 2017 showed that 87% of respondents indicated they strongly supported or supported the overall proposal.

Mayor Jacob indicated the City committed funding towards construction costs and was also successful in receiving grant funding for the project from Lotterywest. Construction is set to commence in the 2019-20 financial year.

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

Nil.

**PETITIONS**

**C20-04/19                    PETITION REQUESTING COUNCIL REFUSE THE PROPOSED DEVELOPMENT OF 13 APARTMENTS AT 4 - 6 BRECHIN COURT AND 16 APARTMENTS AT 8 - 10 BRECHIN COURT, DUNCRAIG – [14055, 15489, 15055, 03797, 05386]**

A 63-signature petition has been received from Duncraig residents requesting that Council:

- 1        refuses the proposed development of 13 apartments at 4 - 6 Brechin Court, Duncraig and 16 apartments at 8 - 10 Brechin Court, Duncraig due to its size, bulk, scale and design and the effect on adjoining neighbours and the impact on the amenity of the local community;
- 2        advises the Metropolitan North-West Joint Development Assessment Panel (JDAP) of its refusal and take all steps necessary to stop the proposed developments.

**MOVED Cr Dwyer, SECONDED Cr Fishwick that the following petition be RECEIVED, REFERRED to the Chief Executive Officer and a subsequent report presented to Council for consideration:**

- 1        **Petition in relation to the proposed development of 13 apartments at 4 - 6 Brechin Court, Duncraig and 16 apartments at 8 - 10 Brechin Court, Duncraig.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**REPORTS****CJ034-04/19      DEVELOPMENT AND SUBDIVISION APPLICATIONS  
– FEBRUARY 2019**

<b>WARD</b>	All			
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development			
<b>FILE NUMBER</b>	07032, 101515			
<b>ATTACHMENTS</b>	Attachment 1	Monthly Development Applications Determined – February 2019		
	Attachment 2	Monthly Subdivision Applications Processed – February 2019		
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for ‘noting’)			

**PURPOSE**

For Council to note the number and nature of applications considered under delegated authority during February 2019.

**EXECUTIVE SUMMARY**

Schedule 2 (deemed provisions for local planning schemes) of the *Planning and Development (Local Planning Schemes) Regulations 2015* (the Regulations) provide for Council to delegate powers under a local planning scheme to the Chief Executive Officer (CEO), who in turn has delegated them to employees of the City.

The purpose of delegating certain powers to the CEO and officers is to facilitate the timely processing of development and subdivision applications. The framework for the delegations of those powers is set out in resolutions by Council and is reviewed every two years, or as required.

This report identifies the development applications determined by the administration under delegated authority powers during February 2019 (Attachment 1 refers), as well as the subdivision application referrals processed by the City during February 2019 (Attachment 2 refers).

**BACKGROUND**

Clause 82 of schedule 2 (deemed provisions for local planning schemes) of the Regulations enables Council to delegate powers under a local planning scheme to the CEO, and for the CEO to then delegate powers to individual employees.

At its meeting held on 21 August 2018 (CJ133-08/18 refers) Council considered and adopted the most recent Town Planning Delegations.

## DETAILS

### Subdivision referrals

The number of subdivision and strata subdivision referrals processed under delegated authority during February 2019 is shown in the table below:

Type of subdivision referral	Number of referrals	Potential additional new lots
Subdivision applications	1	0
Strata subdivision applications	13	24
<b>TOTAL</b>	<b>14</b>	<b>24</b>

*Of the 14 subdivision referrals, 14 were to subdivide in housing opportunity areas, with the potential for 24 additional lots.*

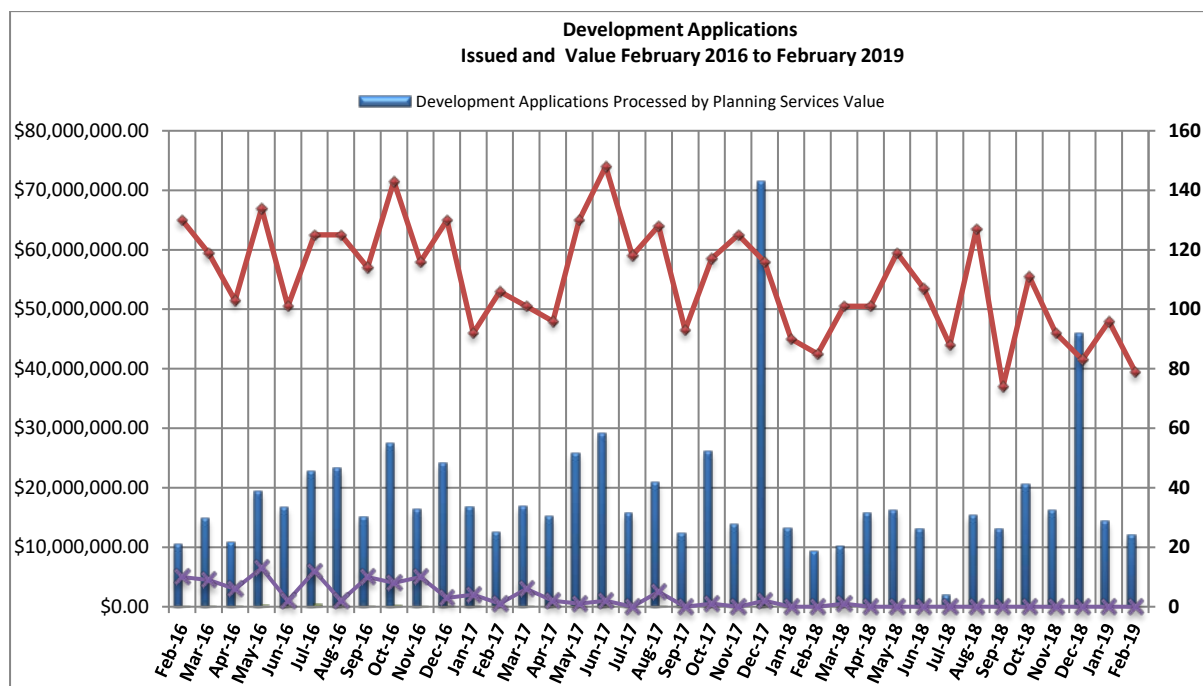
### Development applications

The number of development applications determined under delegated authority during February 2019 is shown in the table below:

	Number	Value (\$)
Development applications processed by Planning Services	79	\$11,982,737
<b>TOTAL</b>	<b>79</b>	<b>\$11,982,737</b>

*Of the 79 development applications, 15 were for new dwelling developments in housing opportunity areas, proposing a total of 27 additional dwellings.*

The total number and value of development applications determined between February 2016 and February 2019 is illustrated in the graph below:



The number of development applications received during February 2019 was 80.

The number of development applications current at the end of February was 284. Of these, 32 were pending further information from applicants and 23 were being advertised for public comment.

In addition to the above, 203 building permits were issued during the month of February with an estimated construction value of \$21,211,006.

### **Issues and options considered**

Not applicable.

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

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

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Buildings and landscaping is suitable for the immediate environment and reflect community values.

**Policy**                          Not applicable. All decisions made under delegated authority have due regard to any of the City's policies that may apply to the particular development.

Clause 82 of schedule 2 of the Regulations permits the local government to delegate to a committee or to the local government CEO the exercise of any of the local government's powers or the discharge of any of the local government's duties. Development applications were determined in accordance with the delegations made under Clause 82 of schedule 2 of the Regulations.

All subdivision applications were assessed in accordance with relevant legislation and policies, and a recommendation made on the applications to the Western Australian Planning Commission.

### **Risk management considerations**

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

### **Financial / budget implications**

A total of 79 development applications were determined for the month of February with a total amount of \$42,639.17 received as application fees.

All figures quoted in this report are exclusive of GST.



**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Consultation may be required by the provisions of the R-Codes, any relevant policy and/or LPS3 and the Regulations.

**COMMENT**

Large local governments utilise levels of delegated authority as a basic business requirement in relation to town planning functions. The process allows for timeliness and consistency in decision-making for rudimentary development control matters. The process also allows the elected members to focus on strategic business direction for the Council, rather than day-to-day operational and statutory responsibilities.

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

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the determinations and recommendations made under delegated authority in relation to the:**

- 1 development applications described in Attachment 1 to Report CJ034-04/19 during February 2019;**
- 2 subdivision applications described in Attachment 2 to Report CJ034-04/19 during February 2019.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ036-04/19, page 159 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 1 refers*

*To access this attachment on electronic document, click here: [Attach1brf190409.pdf](#)*

**CJ035-04/19      AGE-FRIENDLY PLAN 2018-19 - 2022-23**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	77613, 101515
<b>ATTACHMENTS</b>	Attachment 1      Draft <i>City of Joondalup Age-Friendly Plan 2018-19 - 2022-23</i>
<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 adopt the draft *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23*.

**EXECUTIVE SUMMARY**

The City of Joondalup is an attractive place for older adults to live and visit due to its:

- significant natural areas
- quality infrastructure
- vibrant community groups
- strong transport networks
- health and education services
- opportunities for lifelong learning
- general high liveability.

The City is therefore committed to fostering an age-friendly community that supports the inclusion, diversity and contributions of older adults in all aspects of life.

In 2016 the City received a grant of \$10,000 from the State Government to establish an age-friendly plan as a way of building on previous achievements and formalising the City's continued commitment to enabling good health, strong social connectivity and fulfilment by older adults.

The City undertook extensive consultation with older residents, organisations and service providers in seeking their aspirations for an age-friendly community. This feedback, coupled with additional research, was used to inform the draft plan in relation to how the City could respond to the needs of its ageing community.

The World Health Organisation's *Age-Friendly Cities Policy Framework* underpins the City's draft plan, an approach that maximises opportunities for quality of life across eight different domains:

- outdoor spaces and buildings
- transportation
- housing
- respect and inclusion
- social participation
- communication and information
- civic participation and employment
- community support and health services.

Endorsing the draft *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* ensures a continued focus on advancing the aspirations and wellbeing of older adults.

*It is therefore recommended that Council ENDORSES the City of Joondalup Age-Friendly Plan 2018-19 - 2022-23 as detailed in Attachment 1 to Report CJ035-04/19.*

## BACKGROUND

At its meeting held on 21 July 2009, Council endorsed its *Positive Ageing Plan 2009-2012* (CJ145-07/09 refers) with the final report evidencing the City had made a considerable impact toward fostering an accessible and inclusive community for people as they age, with key improvements made in the areas of:

- accessible and relevant events/activities
- provision of lifelong learning opportunities
- accessible places and spaces
- respectful and inclusive services
- promotion of positive images of older people
- increased volunteering
- support for employment and staying in the workforce
- information development and dissemination in a variety of formats
- health and social services.

Upon completion of the *Positive Ageing Plan 2009-2012*, it was noted that areas for ongoing improvement were:

- digital literacy
- ageing in place
- crime prevention
- safety
- pedestrian-friendly features in the streetscape
- housing affordability
- public transport.

The City's *Community Development Plan 2015-2020* was endorsed by Council at its meeting held on 17 February 2015 (CJ002-02/15 refers) to bridge wellbeing across a range of demographic groups, including seniors, with a 'whole of community' approach, in the themes of:

- Community Participation
- Leadership
- Assets and Infrastructure
- Community Capacity Building.

In 2015, an opportunity arose to form a regional age-friendly reference group with the Cities of Stirling and Wanneroo. The reference group, comprising staff from each local government, have met regularly with a combined commitment to information-sharing, exploration of collaborative opportunities and joint advocacy for older adults relevant across borders. The City is also involved in the Local Government Professional (WA) Age-Friendly Network with participation from local governments statewide in advancing liveable communities for older adults.

In 2016, the City secured a grant of \$10,000 from the (then) Department of Local Government and Communities (DLGC) to develop an age-friendly plan utilising the World Health Organisation (WHO) framework and toolkit. The Cities of Stirling and Wanneroo each received equivalent funding to develop their own similar plans. The local governments followed a matching methodology and jointly hired a consultant to ensure the development of the three age-friendly plans was comparable.

In 2017, the City secured two separate funding grants from DLGC to deliver two different age-friendly initiatives. At the time, the former Department was aware that the City had not yet endorsed its age-friendly plan through Council and was still in the stages of developing the initial draft. The first grant was for a communication campaign called "Find.Connect.Live" for the purpose of encouraging older adults to get actively involved in their local community through groups and clubs. The second initiative was a joint project with the Cities of Wanneroo and Stirling called "Senior Smart Travel" to help older adults learn how to use public transport by matching them up with a host volunteer to guide them through journey destinations of personal relevance. Both of these projects were delivered successfully and the grants fully acquitted.

While the City has continued its active commitment to delivering age-friendly projects, it is necessary to set in place a strategic direction to guide future initiatives.

## **DETAILS**

In 2016, the City received a grant of \$10,000 from the State Government to develop an age-friendly plan and engaged a consultant to undertake part of the project. The same consultant was engaged separately by the Cities of Stirling and Wanneroo, with this arrangement expected to bring synergy to age-friendly practices in the northern suburbs. This collaborative approach proved useful in highlighting similar themes or opportunities to work across borders for greater impact, an approach that was met with great enthusiasm by the State Government.

An age-friendly community is one that anticipates and responds to the needs of its ageing population in a respectful and inclusive way. This understanding is shared by people of all ages and all abilities who value the contributions of older adults and encourage meaningful connections in everyday life.

The WHO has taken an active leadership role in researching, creating and promoting age-friendly cities. The WHO is widely recognised and accepted as the international benchmark for setting social direction to create communities that are age-friendly.

In practical terms, age-friendly environments are free from physical and social barriers and supported by policies, systems, services, products, programs and technologies that promote wellbeing over the course of one's life. Age-friendly communities strive to support people who may be facing individual challenges to continue to do the things they value.

WHO have established eight 'domains' that combine to create an age-friendly community. These eight domains were part of the State Governments toolkit and alignment with the WHO domains was part of the funding conditions for the City. The eight domains interconnect to reflect a holistic approach to creating flourishing environs where older adults can thrive.

The WHO eight domains for age-friendly communities are as follows:

- 1 Outdoor Spaces and Buildings – the outside environment and public buildings have a major impact on the mobility, independence and quality of life of older people and affect their ability to “age in place”.
- 2 Transportation – a variety of transport options that are accessible and available to help older residents maintain independence to travel to key destinations safely and reliably.
- 3 Housing – adequate and affordable housing located near services and social networks to enable older people to age in place.
- 4 Respect and Inclusion – community attitudes, programs, services and events that maximise the participation and involvement of older people with dignity and understanding.
- 5 Social Participation – strong and regular social connections are vital to fostering good mental and physical health and a sense of belonging.
- 6 Communication and Information – effective access to accurate communications in a variety of formats is vital for older people to feel included and continue to make informed life choices.
- 7 Civic Participation and Employment – an age-friendly community provides options for older people to continue to contribute to their communities, through paid employment or voluntary work if they so choose and to be engaged in the political process.
- 8 Community Support and Health Services – age-friendly communities meet the desire of older adults to have health support and care that is of good quality, available, accessible and affordable.

The *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23*, was informed through the following methodology:

- Review of the final outcomes of the *Positive Ageing Plan 2009-2012*.
- Review of literature.
- Extensive consultation and engagement, including surveys, workshops, focus groups and meetings with the community and key stakeholders.
- Review of the City's demographic profile.
- Review of relevant City plans and the 2016 Community Wellbeing Survey.
- Development of actions in context of above.

It is not a legislative requirement for the City to have an age-friendly plan, although it is generally considered best practice within local government.

## Issues and options considered

Council can either:

- adopt the *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* as presented
- adopt the *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* with any amendments  
or
- not adopt the *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23*.

Given the commitments by the State Government through funding the development of the age-friendly plan and two subsequent initiatives, there is an expectation that the City will adopt a *City of Joondalup Age-Friendly Plan*.

The City has continued to maintain a strong relationship with the State Government across development of the *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* as well as on an individual project basis.

## Legislation / Strategic Community Plan / Policy implications

### Legislation

*Disability Services Act 1993.*  
*Equal Opportunity Act 1994.*  
*Disability Discrimination Act 1992 (Cwlth).*  
*Carers Recognition Act 2004.*  
*Access to Premises Standards (2010).*

### Strategic Community Plan

#### Key theme

Community Wellbeing.

#### Objective

Community spirit.

#### Strategic initiative

Promote and support the needs of disadvantaged communities.

#### Policy

*Dedicated Car Parking for Seniors and Parents with Prams Policy.*

## Risk management considerations

Given the high level of growth in the City's ageing population, an effective response to the needs of older people is important to support wellbeing and lifestyle.

Declining to adopt the *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* risks less impactful or fewer community outcomes and may create an adhoc approach to addressing the needs of older adults This reduces the City's ability to meet expressed community needs over time and respond suitably to the City's ageing population.

## Financial / budget implications

The City received a grant of \$10,000 in 2016-17 which covered the costs of community engagement and some consultancy work to inform the draft *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23*.

Many of the strategies within the proposed age-friendly plan are the continuation of existing practices and are therefore already contained within the City's operating or capital budgets. Other strategies may have no direct costs (such as changes to processes and procedures) or require a cost-neutral redirection of existing funds.

There may be direct costs associated with implementing new age-friendly strategies and this is intended to occur through the usual channels of the annual budgeting process. The City will also continue to seek external grants, which have so far proven a successful way to fund age-friendly initiatives.

Although not connected directly to the draft *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23*, the City's ageing population will present financial impacts given the forecast that persons over 60 in the City of Joondalup will increase by approximately one-third by 2031 (from approximately 30,000 at present) to over 40,000.

Anticipated financial impacts include, for example, an increase of deferred rates, increased discounts being claimed for leisure centre programs and an increased need for community infrastructure to meet new demands. It is proposed the next update of the *Strategic Community Plan* and *Strategic Financial Plan* should give further consideration to the impacts of an ageing population on the City's financial position.

## **Sustainability implications**

### Social

In planning for an age-friendly community, the City is responsive to the changing needs of its local community and supports a community that is cohesive, inclusive, equitable and accessible. The WHO has established the eight domains to promote resilient, healthy, safe, relevant and informed communities that are socially sustainable in services, infrastructure and systems.

It is acknowledged that when services and environments are enhanced for older adults, the benefits cascade through the whole community.

### Economic

The proposed *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* supports spending in areas that the community have identified and prioritised as important. The plan supports the City to continue existing financially responsible practices such as using demographic data to help inform infrastructure and asset renewal and upgrades. The draft plan supports older adults to continue paid employment if they choose. It also encourages the business sector to plan for, and include, older adults which supports an active economy.

It is not anticipated that the *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* would bring new revenue streams for the City specifically. There are, however, opportunities to fund new initiatives with less reliance on rates by accessing grants, sponsorships, volunteers and partnerships.

## **Consultation**

In developing the draft *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23*, the City undertook a rigorous, community-led consultation that was consistent with the publication '*Age-Friendly Communities: A Western Australian Approach*' and the '*Global Age-Friendly Cities: A Guide*'. The consultation was structured to reflect the eight age-friendly domains established by the WHO and included the following strategies:

- Distribution of print and online surveys to older adults.
- Group discussions and interviews with older adults at community centres, aged care facilities, senior centres and the Home and Community Care (HACC) day centre.
- Interviews and discussions with service providers, representatives of government and non-government agencies, businesses and City of Joondalup staff.
- Integration of findings from other projects.
- Prioritisation workshops where participants considered the most important areas of focus, with workshops involving older adults, carers and family members, City staff, representatives of businesses, government and non-government agencies.

Overall, the consultation methods garnered responses from 534 participants contributing their views and ideas, including 383 survey responses, 67 older adults participating in workshops and the remainder being other stakeholders (such as City staff or representatives from government and non-government agencies).

Of the seniors who completed the survey, 33% were male and 67% were female. The age breakdown of respondents was 18% aged 50-59 years, 40% aged 60-69 years, 26% aged 70-79 years and 16% were 80 years plus.

In terms of industry leadership and collaboration, the City participates in a regional approach to age-friendly communities with regular meetings of the reference group with the Cities of Stirling and Wanneroo. This leadership across boundaries provides synergy and collaboration. This tri-cities approach to pool knowledge, resources and effort is intended to bring greater outcomes for the northern suburbs.

The City ensures professional industry networks are maintained with key stakeholders to foster positive outcomes, optimise expertise and leverage opportunities for maximum benefit.

In October 2018, the City was invited to present at a professional development day in Cranbrook, (Great Southern) organised by Local Government Professionals WA, at the Age Friendly Communities Network Forum due to the City's commitment to age-friendly practices. Community Development staff presented again to the Age Friendly Network in March 2019 as part of the North Metropolitan Partnership initiative with the Cities of Wanneroo and Stirling.

In November 2018, the City was a finalist in the WA Seniors Awards, organised by the Council on the Ageing WA due to its broad range of age-friendly initiatives and holistic approach to creating an age-friendly and inclusive community.

The City hosts a Seniors Club Network meeting which has representation from 33 local seniors' groups which provides an opportunity for local organisations to collaborate and share knowledge.

## COMMENT

The City is committed to fostering an age-friendly community that supports the inclusion, diversity and contributions of older adults in all aspects of life. The *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* serves as a guide for the City to make further improvements that increase age-friendly features and by doing so, enabling good health, strong social connectivity and active participation.



The City has a growing number of older residents, with this trend expected to continue. This plan is intended to provide an effective, localised approach for responding to demographic ageing and ensuring that the many existing contributions to an ageing population continue to be valued.

The *City of Joondalup Age-Friendly Plan 2018-19 - 2022-23* was informed by an extensive consultation process with older residents, organisations, service providers and staff.

The WHO *Age-Friendly Cities Policy Framework* underpins the City's plan, an approach that optimises opportunities for quality of life across eight different domains. The City of Joondalup boasts significant natural areas, quality infrastructure, vibrant community groups, strong transport networks, opportunities for lifelong learning and high general liveability, making it an attractive place for older adults to live and visit.

## VOTING REQUIREMENTS

Simple Majority.

**MOVED Cr Norman, SECONDED Cr Hamilton-Prime that Council ENDORSES the *City of Joondalup Age-Friendly Plan 2018-19 – 2022-23* as detailed in Attachment 1 to Report CJ035-04/19.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 2 refers*

To access this attachment on electronic document, click here: [Attach2brf190409.pdf](#)

**CJ036-04/19      PROPOSED      EDUCATIONAL      ESTABLISHMENT  
(CHANGE OF USE FROM OFFICE AND SHOP) AT  
LOT 702 (22/34 AND 23/34) MARRI ROAD,  
DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106717, 106718
<b>ATTACHMENTS</b>	Attachment 1      Location Plan Attachment 2      Development Plans Attachment 3      Applicant's Submission
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

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This item was dealt with later in the meeting, following CJ042-04/19, page 150 refers.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Tom McLean, JP.</b>
<b>Item No./Subject</b>	CJ037-04/19 – Additional Land Use ‘Community Purpose’ to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration under State Administrative Tribunal Act 2004.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr McLean is close family friends with one of the objectors.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ037-04/19 – Additional Land Use ‘Community Purpose’ to Existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento (Sacred Heart College) – Section 31 Reconsideration under State Administrative Tribunal Act 2004.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood knows the Principal of Sacred Heart College, Mr Peter Bothe.

**CJ037-04/19      ADDITIONAL LAND USE ‘COMMUNITY PURPOSE’  
TO EXISTING EDUCATIONAL ESTABLISHMENT AT  
LOT 803 (15) HOCKING PARADE, SORRENTO  
(SACRED HEART COLLEGE) – SECTION 31  
RECONSIDERATION      UNDER      STATE  
ADMINISTRATIVE TRIBUNAL ACT 2004**

<b>WARD</b>	South-West
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	06044, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location plan Attachment 2      Development plan Attachment 3      Event Management Plan Attachment 4      Event Management Plan (as revised)
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

**PURPOSE**

For Council to reconsider an application for an additional land use ‘Community Purpose’ to the existing ‘Educational Establishment’ (Sacred Heart College) at Lot 803 (15) Hocking Parade, Sorrento following a directive from the State Administrative Tribunal.

## EXECUTIVE SUMMARY

At its meeting held on 18 September 2018 (CJ157-09/18 refers), Council refused an application for the additional land use 'Place of Assembly' which was proposed to allow for the hire of the gymnasium and performing arts theatre by non-college third parties and non-immediate community parties outside of school hours, including weekends.

Both the performing arts theatre and new gymnasium were subject to previous conditions of development approval limiting their use to college or school community purposes only.

The use 'Place of Assembly' was proposed by the applicant under the City's former *District Planning Scheme No. 2* (DPS2) and was subject to a parking standard of one bay per four persons accommodated. This standard resulted in a car parking shortfall of 42 car bays (28.6%) which required that the application be determined by Council.

The City initially advertised the application to surrounding landowners for a period of 14 days in July 2017 where 75 submissions were received, being 75 objections. Following receipt of an *Event Management Plan*, the application was readvertised to a wider catchment for a period of 14 days in August 2018 where a total of 114 submissions were received, being 94 objections and 20 non-objections.

Following Council's decision and the gazettal of *Local Planning Scheme No. 3* (LPS3) on 23 October 2018, the applicant exercised their right under the *State Administrative Tribunal Act 2004* (SAT) to seek a review of the decision. The applicant now seeks approval for the additional land use 'Community Purpose' which is a permitted "P" use under LPS3 within the Private Community Purposes zone. In addition, the application has been modified to also include the old gymnasium, chapel and oval for external hire.

Under the City's *Private Community Purposes Zone Policy*, the car parking standard for 'Community Purpose' is one bay per every 50m<sup>2</sup> Net Lettable Area (NLA). Through the SAT mediation process and in consideration of the technical report undertaken by the applicant's traffic consultant, it has been determined that a car parking standard of one car bay per every two persons is a more appropriate reflection of the amount of car parking likely to be generated by the proposed land use, particularly as the NLA for the oval is not possible to determine as it is not an enclosed area.

Based on this revised car parking standard a maximum of 278 bays are required. As part of the modified proposal, the applicant has, in addition to excluding the car park at the northern end of the site, elected to exclude the 16 car bays located at the southern end of the site adjoining Sorrento Sunset Estate. While the college has a total of 139 bays, exclusion of these two car parks results in an overall car parking number of 89 bays, resulting in a 189 (68%) hardstand bay shortfall. Overflow parking is however available on the oval ensuring that the maximum number of bays required can be accommodated wholly within the site.

The revised development and modified *Event Management Plan* (EMP) were readvertised for a period of 14 days from 13 March to 27 March 2019. A total of 67 submissions were received, being 57 objections and 10 non-objections.

The City is satisfied that with some additional modifications, the revised EMP and conditions of approval will be sufficient in ensuring that the additional land use can be appropriately managed by the school, without significant impact on the adjoining residential amenity.

It is recommended that the amended proposal be approved, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 803 (15) Hocking Parade, Sorrento.
<b>Applicant</b>	Sacred Heart College.
<b>Owner</b>	Roman Catholic Archbishop of Western Australia.
<b>Zoning</b>	<b>LPS</b> Private Community Purposes.
	<b>MRS</b> Urban.
<b>Site area</b>	7.947 hectares.
<b>Structure plan</b>	Not applicable.

The subject site is zoned 'Private Community Purposes' under LPS3. Sacred Heart College is an existing secondary school, established in 1966.

The site is bound by West Coast Drive to the west with Sorrento Beach Park and associated car parking in close proximity. The Sorrento Sunset Estate development is located to the south and existing residential development is located to the north and east (Attachment 1 refers). The residential land surrounding the development site has a density code of R20.

The application for the additional land use 'Place of Assembly' was refused by Council at its meeting held on 18 September 2018 (CJ157-09/18 refers). That application proposed to hire out the new gymnasium and performing arts theatre to non-college third parties and non-immediate community parties outside of school hours. Both buildings are currently subject to conditions of development approval which restrict their use to college or school community purposes only.

The development was initially advertised to surrounding landowners for a period of 14 days from 3 July to 17 July 2017 where a total of 75 submissions were received, being 75 objections. Following receipt of a revised EMP, the application was readvertised for a further 14 days to a wider catchment, from 3 August to 17 August 2018. A total of 114 submissions were received, being 94 objections and 20 non-objections.

In considering the application, Council provided a number of reasons for refusing the development, including that the proposal was not compatible with its setting due to the impact on adjoining residents of traffic and noise; that it would have a negative impact on amenity; and the significant local opposition to the proposed development given the current operations of the facilities which has demonstrably already had significant negative impact on the locality and adjoining properties.

Following the refusal of the application by Council and the gazettal of LPS3, the applicant has sought a review of the decision made through the SAT. Through this process, the applicant has made several changes to the proposed development including modifying the land use from 'Place of Assembly' to 'Community Purpose' to align with LPS3, inclusion of additional facilities for the purposes of non-college hire and modifications to the EMP.

These modifications were subsequently advertised for a period of 14 days from 13 March to 27 March 2019. A total of 67 submissions were received being 57 objections and 10 non-objections.

## DETAILS

The applicant seeks Council's reconsideration of its application for development approval for the additional land use 'Community Purpose' to the existing 'Educational Establishment'. The applicant has modified their application as follows:

- Modifications to the land use from 'Place of Assembly' to 'Community Purpose' to align with the land use definitions of LPS3.
- External hire of the new gymnasium and performing arts theatre with the inclusion of the old gymnasium, chapel and oval for hire by non-college community groups.
- Modifications to the EMP which outlines how the College intends to manage school and non-school events outside of school hours, including traffic, parking and security.

### Land Use

The land use 'Community Purpose' is a permitted ("P") use under LPS3 within the Private Community Purposes zone.

### Car Parking

Sacred Heart College has a total of 139 hardstand bays across the site. As part of this application, the applicant intends to exclude car parks E and F (Appendix 3 of Attachment 3) located at the northern end of the site and car park D (Appendix 3 of Attachment 3 refers) located along the southern boundary adjoining the Sorrento Sunset Estate for use during non-college events. In excluding these bays, the total number of hardstand bays available as part of non-college events is reduced to 89.

In support of the application, the applicant has engaged the services of a traffic consultant. The technical note prepared indicates that in this instance a car parking standard of one car bay per every two persons is a more appropriate reflection of the car parking likely to be generated for the proposed development. The applicant has provided within the EMP a maximum number of participants, with the use of the performing arts theatre expected to generate the largest parking requirement, with a proposed audience of 556 people requiring a total of 278 bays. This results in a hardstand car parking bay shortfall of 189 (68%). The applicant does however intend to provide for overflow parking on the oval, ensuring that the overall required number of bays can be wholly contained on site.

Concerns have been raised previously from residents of both Bahama Close and St Helier Drive that although car parks E and F (Appendix 3 of Attachment 3 refers) may be closed for the purposes of vehicle parking, attendees continue to choose to park their vehicles within these streets, as the school remains accessible for pedestrians via Bahama Close. Should Council support this modified proposal, it is recommended that a condition be included to ensure that pedestrians can only access the premises from the main entry on Hocking Parade or through the entry at West Coast Drive.

External hire of the oval would occur in a separate manner to the hire of the other facilities. As overflow parking could not be accommodated on the oval in the instance that it is hired for sporting purposes, the number of persons expected to use the oval would be required to be capped based on the overall number of hardstand bays being made available to external users. Based on a total of 89 available bays, the oval could be hired out for events accommodating a maximum of 178 persons (using the car parking standard of one bay for every two persons).

The applicant also proposes to allow the hire of the oval for overflow parking for large events being held within the vicinity (such as the Sorrento Lifesaving Club). The traffic technical note indicates that the oval has capacity for the parking of approximately 400 vehicles. Given this review, the use of the oval for overflow parking for events outside of the site boundaries should be capped at a total of 400 vehicles.

### Traffic

All three community consultations undertaken by the City have raised concerns from the public that the proposed use will generate a large volume of traffic on the adjoining road network. Both the traffic consultant and the City in reviewing the development are satisfied that the road network can handle the volume of traffic likely to be generated.

The City's previous report of 18 September 2018 (CJ157-09/18 refers) stated that in line with the recommendations of the traffic note provided, that where events are expected to reach capacity, a Travel Management Plan (TMP) should be implemented. A TMP should encourage alternative modes of transport, use of the West Coast Drive entry point, traffic wardens, overflow parking on the oval, directing cars leaving via West Coast Drive and Hocking Parade to exit via a left-turn, signage and distribution of the TMP to patrons prior to the event.

It is still considered that a TMP should be prepared by the applicant and approved by the City prior to any non-college event being held where the number of persons is expected to fall within either tier one or two (as outlined below). Tier three event parking is able to be wholly contained within the available hardstand parking bays.

### Event Management Plan (EMP)

The EMP sets out how the applicant intends to manage both the internal and external hire of their facilities with a number of changes made to the EMP following the SAT mediation process. The EMP now provides for a tier system with the types of events, number of persons expected and frequency falling into three separate tiers:

- Tier 1 – includes dance concerts, recitals, overflow parking on the oval and college theatre productions. 350 event participants or more are expected. A maximum of 24 external hire events of this nature are expected.
- Tier 2 – includes small shows and exhibitions. 150-349 event participants are expected. A maximum of 12 external hire events of this nature expected.
- Tier 3 – includes show rehearsals, training for sporting groups. Less than 150 event participants expected. Not proposed to be limited in frequency.

The tier system will allow for the applicant to manage the number of events being held and then set the expectation for the external hirers when proposing to use the facilities.

Other modifications made to the EMP include the following:

- The consumption of alcohol no longer permitted for events being held by non-college hirers.
- Extension of the proposed operating hours for the performing arts theatre and gymnasiums, however the operating hours now incorporate all activity associated with an event, to ensure that removal of all persons and vehicles from the site are captured.
- Changes to the number of persons expected. Previously this was captured as a maximum number. The EMP now provides for a maximum number of audience members for the gymnasiums, performing arts theatre and chapel and a maximum number of cars for hire of the oval for overflow parking for events held outside of the college.

### Consumption of alcohol

The consultations undertaken by the City in 2017 and 2018 indicated that the surrounding community were concerned that the consumption of alcohol on site could lead to anti-social behaviour and noted that this had previously been an issue experienced with events at the site. Removal of the serving and consumption of alcohol by non-college hirers should alleviate these concerns and provide some confidence that the risk of anti-social behaviour is reduced.

### Hours of operation

Adjoining residents have expressed concerns with the proposed hours of operation, on weekends, and the impact these will have on the amenity of the residential area which adjoins the boundaries of the site. The previous EMP provided for proposed hours of operation however it has been recognised that these hours did not accurately account for all participants and their vehicles leaving the site. The expanded hours within the EMP, as captured within the tables below intend to capture the provision of time for all persons to enter and leave the site.

College operating days:

<b>Facility</b>	<b>Monday - Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Performing arts theatre	4.00pm – 10.00pm	9.00am – 10.00pm	9.00am – 5.00pm
New and old gymnasium	4.00pm – 8.00pm	9.00am – 8.00pm	9.00am – 5.00pm
Chapel	4.00pm – 8.00pm	9.00am – 8.00pm	9.00am – 5.00pm
Oval	4.00pm – 10.00pm	7.00am – 10.00pm	7.00am – 5.00pm

Non-College operating days (such as school holidays):

<b>Facility</b>	<b>Monday - Friday</b>	<b>Saturday</b>	<b>Sunday</b>
Performing arts theatre	9.00am – 10.00pm	9.00am – 10.00pm	9.00am – 5.00pm
New and old gymnasium	9.00am – 8.00pm	9.00am – 8.00pm	9.00am – 5.00pm
Chapel	9.00am – 8.00pm	9.00am – 8.00pm	9.00am – 5.00pm
Oval	7.00am – 10.00pm	7.00am – 10.00pm	7.00am – 5.00pm

Under the proposed EMP, events in the old and new gymnasiums are not able to be conducted simultaneously.

### Event Participants

The EMP has been modified to reference the number of audience members as opposed to the maximum potential patrons previously provided. In doing so, this number still does not include those involved behind the scenes, performing or participating and therefore is not a true reflection of the total number of people attending the site for an event.

The City has liaised with the applicant's technical consultant who has advised that the additional number of persons, being those performing or participating would not likely result in a significant increase on traffic, given that these types of persons are likely to arrive and depart at differing times to the main audience/spectator attendees, however will have an impact the total number of vehicles parking on the site. Further, basing the number of persons in this manner does not provide the City or nearby residents with any certainty with regards to how many people will attend at any given time and how much traffic and parking an event is likely to generate in its entirety.

It is considered that if approved, Council should condition that the application complies with the provisions of the EMP as revised by the City (Attachment 4 refers), which includes



amending the reference from 'audience members' to 'event participants' to ensure a degree of certainty with respect to the development proposed. The term 'event participant' captures all people attending the site including audience members, as well as those performing and participating.

### Summary

The applicant has demonstrated through their EMP that parking, traffic and noise is capable of being appropriately managed with minimal impact. The use of the facilities will be subject to compliance with the *Environmental Protection (Noise) Regulations 1997* (Noise Regulations). The use of the gymnasiums and chapel in particular will need additional evidence to clarify whether these facilities are able to comply with the Noise Regulations. The City recommends that an acoustic report be completed and submitted to the City demonstrating that all functions and activities within both the old and new gymnasiums and chapel will be able to comply with the regulations prior to any 'Community Purpose' event being held.

### **Issues and options considered**

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

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

**Legislation**                      *City of Joondalup Local Planning Scheme No. 3 (LPS3).  
Planning and Development (Local Planning Schemes)  
Regulations 2015.*

### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**              Building and landscape suitable for the immediate environment  
and reflect community values.

**Policy**                              *Private Community Purposes Zone Policy.*

### *City of Joondalup Local Planning Scheme No. 3 (LPS3)*

Clause 16 (2) of LPS3 sets out the objectives for development within the 'Private Community Purpose' zone:

- *To provide sites 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 provision of those facilities, which are compatible with surrounding development.*
- *To ensure that the standard of development is in keeping with surrounding development and protects the amenity of the area.*

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

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*

- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

### **Risk management considerations**

As this proposal is currently being considered by SAT, should Council resolve to approve the application the applicants are able to withdraw from proceedings if they are satisfied with the decision made by Council. However, if the applicant is not satisfied with the decision they may request that the matter be determined by SAT through a formal hearing. In this case, the decision by Council would be set aside and SAT would determine the application on its merits in accordance with the *State Administrative Tribunal Act 2004* and the Regulations.

**Financial / budget implications**

The applicant has paid fees of \$295 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

The City has engaged the services of a legal representative to assist with this SAT appeal. The total of cost of this engagement cannot be confirmed until the appeal process has concluded. However, if the matter cannot be resolved through mediation and the applicant chooses to proceed with the appeal, SAT will need to make a determination via a formal hearing process. The cost for a hearing where the City requires legal representation could cost the City approximately \$30,000.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

As the development is for a change of use only, that involves no external additions, the City's Environmentally Sustainable Design Checklist was not required to be completed by the applicant.

As previously noted, there are advantages to having the college facilities available for use by other community groups or organisations rather than having these facilities underutilised or duplicated elsewhere.

**Consultation**

The application was initially advertised for 14 days concluding 17 July 2017 by way of letters to nearby owners and occupiers. 75 submissions were received being 75 letters of objection. Submissions generally raised concerns with parking and traffic, antisocial behaviour, noise, supervision and amenity impacts.

Following the preparation of an EMP, the City subsequently readvertised the application for a period of 14 days, concluding on 17 August 2018. This consultation was extended to a wider catchment, with a total of 288 nearby owners and occupiers notified. The development plans and EMP were also made available on the City's website.

114 submissions were received during that consultation, being 94 objections and 20 submissions of non-objection. Comments received were consistent with those received during the July 2017 consultations. Additional comments included that the EMP did not provide any reassurance on amenity, lack of respite, parking and traffic concerns from recent events held, extensive review period and light spill from the gymnasium.

A full summary of concerns raised from these consultations is outlined within the report to the Council meeting held on 18 September 2018 (CJ157-09/18 refers).

Following receipt of the revised proposal and EMP, the City has undertaken a further consultation for a period of 14 days, ending on 27 March 2019. Letters were sent to those previously consulted with as well as those that have made submissions but were outside of the consultation area. A total of 297 letters were sent with the revised development plans and EMP made available on the City's website.

67 submissions were received during this latest consultation, being 57 objections and 10 non-objections.

The comments received during this consultation are consistent with previous comments received and are summarised below as follows:

- The change in land use name does not change anything.
- Seacrest Park offers the same facilities for use by community groups.
- The sole purpose should remain as an educational establishment and not a provider of community facilities.
- The frequency of events needs to be managed with limitations on the number of these so that events are evenly distributed. Incidental events should be equally managed and limited.
- 9.30pm would be a more acceptable finish time for adjoining landowners Monday to Thursday.
- Parking and traffic will continue to be an issue for nearby landowners.
- Noise generated from events and from cars leaving events including headlight glare.
- Alcohol at events will provide for anti-social behaviour.
- The definition of what constitutes an event requires clarification. The scope of the events as written in the EMP will provide the college with the opportunity to add or change the type of events.
- The TMP provided is not one and is non-committal.
- The school has failed in previous bids to gain approval from the City of Joondalup.
- Once approved can the application be revoked.

Those who provided a submission in favour of the proposal provided comments similar to those reported in August 2018, including the following:

- No other City of Joondalup buildings provide the same facilities. It would be a waste of resources not to hire these buildings out.
- Provides a unique position to provide residents with opportunities to experience community arts and events.
- Schools should be allowed to expand and cater for growing demands and needs.
- Provided noise is managed and events are supervised by the school, the hiring of facilities could work.

The City's response to the concerns raised are summarised below as follows:

- *The change in land use name does not change anything.*

The change in land use name is required as 'Place of Assembly' is no longer a land use captured within the City's LPS3. The proposal was initially considered by Council at its meeting held on 18 September 2018 (CJ157-09/18 refers) under former DPS2. LPS3 was gazetted in October 2018.

- *Seacrest Park offers the same facilities for use by community groups.*

While Seacrest Park does provide for facilities for sporting groups, it does not provide for a theatre or indoor sports facilities. In addition, Seacrest Park does not allow for casual hire after 6.00pm. The City does not currently have any facilities available to hire comparable to the Performing Arts Theatre at the subject site.

- *The sole purpose should remain as an educational establishment and not a provider of community facilities.*

Allowing the hire of these facilities to community groups is considered to be in keeping with the zoning of the land under LPS3 and provides for additional facilities that are not ordinarily available to the community.

- *The frequency of events needs to be managed with limitations on the number of these so that events are evenly. Incidental events should be equally managed and limited.*

Tier one and two events are limited through the EMP. The revised EMP, technical note and management of parking and noise will now mean that the impacts of the development are expected to be minimal.

Incidental events are also subject to the provisions of the EMP, with the exception that all parking can be accommodated within the hardstand bays available for hirers. Given that these will not generate a large number of attendees and/or participants it is not considered that the frequency of these events needs to be limited or published by the school as there is not anticipated to be a significant impact on surrounding properties.

- *9.30pm would be a more acceptable finish time for adjoining landowners Monday – Thursday.*

The change in the hours of operation is to ensure that all vehicles and attendees/participants are required to leave the site within the operating hours is captured. The EMP provides for additional provisions for external hirers to ensure that noise is kept to a minimum at the completion of an event.

- *Parking and traffic will continue to be an issue for nearby landowners.*
- *The TMP provided isn't one and is non-committal.*

The EMP intends to accommodate for all parking to be provided within the boundaries of the site so that no overflow parking will occur on the surrounding road network. Both the City's technical officers and the applicant's traffic consultant are satisfied that the road network can handle the volume of traffic anticipated.

The applicant has not provided a TMP as part of their application. The technical statement submitted provides for recommendations only, including the submission of a travel management plan similar to the one provided for within the technical note. It is recommended that should Council support the application, a travel management plan be prepared by the applicant and approved by the City prior to the first tier one or tier two event being held.

- *Noise generated from events and from cars leaving events including headlight glare.*

The City appreciates that there will be a short period of noise when cars leave events and that this may include some headlight glare. While the applicant is required to comply with the Noise Regulations, it is noted that it is unlikely that cars leaving events are likely to exceed the levels prescribed under these regulations, particularly given the exclusion of the parking bays closest to adjoining residential properties.

The EMP has been modified to include additional measures for external hirers to ensure that people leaving events do so with minimal disruption.

- *Alcohol at events will provide for anti-social behaviour.*

The EMP has been modified to limit the provision of alcohol to college events only. This is expected to alleviate concerns with regards to anti-social behaviour.

- *The definition of what constitutes an event requires clarification. The scope of the events as written in the EMP will provide the college with the opportunity to add or change the type of events.*

The EMP has been modified to include a definition for 'Event' which states it refers to "the use of a facility on one day outside of normal school hours." The use of the facilities for rehearsals in the lead up to an event (such as a dance recital) are also considered an "event" and captured within the tier system included within the EMP.

The EMP makes it clear that the facilities, where hired to external parties, will be for community groups only. If approved, the applicant and owner would be required to ensure that the development occurs as outlined within the approved EMP.

- *The school has failed in previous bids to gain approval from the City of Joondalup. Once approved can the application be revoked.*

While Council resolved to refuse the application for a "Place of Assembly" under former DPS2, the applicant has exercised their right under the *State Administrative Tribunal Act 2004* to seek a review of that decision. In doing so, modifications to the proposal have been made to address the reasons for refusal.

Should the application be approved, the approval will apply in perpetuity and will be subject to the conditions imposed as part of any approval. If the college breaches any of the conditions of approval, Council is able to undertake compliance action.

It is also recommended as a condition of approval, that the City and applicant review the EMP 12 months after approval. This will ensure that modifications to event management can be made if issues arise during the initial approval period.

## COMMENT

Council in making its original decision was concerned that the proposal would have adverse impacts on the amenity of adjoining residents. As a permitted land use under LPS3, the City is satisfied the proposed use is in keeping with the objectives of the zone. With modifications to the EMP and through appropriate conditions of approval, it is considered by the City that the use can be managed to mitigate detrimental impacts on adjoining and nearby residents.

It is therefore recommended that Council sets aside their initial recommendation and approves the application, subject to conditions.

## VOTING REQUIREMENTS

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 16 May 2017 submitted by Sacred Heart College, for a Community Purpose to the existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento, subject to the following conditions:
  - 1.1 This approval is for the use of Sacred Heart College's performing arts theatre, new and old gymnasium buildings, chapel and oval (facilities), as shown on Attachment 2 to Report CJ037-04/19, for 'Community Purpose' events by organisations involved in activities for community benefit. 'Community Purpose' has the same meaning as provided in the City's *Local Planning Scheme No. 3*;
  - 1.2 The owner must ensure that the use of the facilities for community purpose events is undertaken in accordance with the *Event Management Plan* (as revised) as shown in Attachment 4 to Report CJ037-04/19;
  - 1.3 The approved *Event Management Plan* as shown on Attachment 4 to Report CJ037-04/19, shall be further modified to incorporate all appendices from the *Event Management Plan* in Attachment 3 to Report CJ037-04/19;
  - 1.4 If in any respect the event management is inconsistent with a condition of this approval, the condition of this approval shall prevail;
  - 1.5 The external hire of the oval for events (excluding for the purposes of vehicle parking), shall be limited to a maximum number of 178 persons;
  - 1.6 The external hire of the oval for vehicle parking by non-college community groups shall be limited to a maximum of 400 vehicles;
  - 1.7 Delivery and collection of equipment associated with non-college events shall be within the hours outlined in Tables 2 to 7 of the *Event Management Plan*;
  - 1.8 A travel management plan shall be submitted to and approved by the City prior to the first any tier one or tier two non-college event being held at the subject site. Once approved by the City, the *Travel Management Plan* shall be implemented for all subsequent tier one or tier two non-college events;
  - 1.9 Before undertaking any community purpose events in the new or old gymnasium buildings or the chapel, the owner must obtain and submit to the City an acoustic report prepared by an acoustic engineer demonstrating that the noise emissions for community purpose events in these facilities will comply with the provisions of the *Environment Protection (Noise) Regulations 1997*. The acoustic report must identify and the owner must implement any measures which are necessary to ensure the noise emissions are compliant with the provisions of Regulations;



- 1.10 Gates and associated fencing shall be installed to the carpark located at the northern boundary of the college's site and accessible from Bahama Close and shall be closed for the duration of community events. Such gates shall ensure that both pedestrians and vehicles are unable to access the site from Bahama Close;
  - 1.11 Car parks D, E and F as indicated within Appendix 3 of Attachment 3 to Report CJ037-04/19 shall not be used for the purposes of external hire vehicle parking for non-college events;
  - 1.12 The approved *Event Management Plan* as shown on Attachment 4 to Report CJ037-04/19 shall be reviewed 12 months from the date of this approval by both the owner and the City, with any modifications to be made to the satisfaction of the City;
- 2 ADVISES the State Administrative Tribunal of its decision.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council:**

- 1 **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 16 May 2017 submitted by Sacred Heart College, for a Community Purpose to the existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento, subject to the following conditions:

- 1.1 This approval is for the use of Sacred Heart College's performing arts theatre, new and old gymnasium buildings, chapel and oval (Facilities), as shown on Attachment 2 to Report CJ037-04/19, for 'Community Purpose' events by organisations involved in activities for community benefit. 'Community Purpose' has the same meaning as provided in the City's *Local Planning Scheme No. 3*;

- 1.2 The owner must ensure that the use of the Facilities for community purpose events is undertaken in accordance with the Event Management Plan (as revised) which is Attachment 4 to Report CJ037-04/19, subject to the following modifications:

- 1.2.1 Under Section 1.1.1 (Event Notice), delete the sentence '*Incidental Events will not be subject to these requirements*';

- 1.2.2 In Table 1, insert the figure '54' as the maximum number of Events per year for the 'Incidental Events' tier;

- 1.2.3 In Table 1, insert an additional row as the final row in the table as follows:

<i>All events</i>	<i>Tier 1, Tier 2 and Incidental Events</i>	<i>As outlined above</i>	<i>104, being an average of two events per week</i>
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- 1.2.4 In Tables 2, 3, 8 and 9 and Appendix 5, replace all reference to '10.00pm' with '9.30pm';

- 1.2.5 Under Section 1.4.4 (Parking), include an additional sentence as the final sentence of the second paragraph which states:

*“Communication to External Hirers and Event Participants of Events occurring on the weekend is to include information that hirers and participants should not park in beach car parks is discouraged.”;*

- 1.3 The approved *Event Management Plan* as shown on Attachment 4 to Report CJ037-04/19, shall be further modified to incorporate all appendices from the *Event Management Plan* in Attachment 3 to Report CJ037-04/19;
- 1.4 The ‘Community Purpose’ use shall not commence until such time as the Event Management Plan in Attachment 4 to Report CJ037-04/19 is modified as per parts 1.2 and 1.3 above, submitted to and approved by the City;
- 1.5 If in any respect the event management is inconsistent with a condition of this approval, the condition of this approval shall prevail;
- 1.6 The external hire of the oval for events (excluding for the purposes of vehicle parking), shall be limited to a maximum number of 178 persons;
- 1.7 The external hire of the oval for vehicle parking by non-college community groups shall be limited to a maximum of 400 vehicles;
- 1.8 Delivery and collection of equipment associated with non-college events shall be within the hours outlined in Tables 2 – 7 of the Event Management Plan;
- 1.9 A travel management plan shall be submitted to and approved by the City prior to the first any tier one or tier two non-college event being held at the subject site. Once approved by the City, the travel management plan shall be implemented for all subsequent tier one or tier two non-college event;
- 1.10 Before undertaking any community purpose events in the new or old gymnasium buildings or the chapel, the owner must obtain and submit to the City an acoustic report prepared by an acoustic engineer demonstrating that the noise emissions for community purpose events in these Facilities will comply with the provisions of the *Environment Protection (Noise) Regulations 1997*. The acoustic report must identify and the owner must implement any measures which are necessary to ensure the noise emissions are compliant with the provisions of Regulations;
- 1.11 Gates and associated fencing shall be installed to the carpark located at the northern boundary of the college’s site and accessible from Bahama Close and shall be closed for the duration of community events. Such gates shall ensure that both pedestrians and vehicles are unable to access the site from Bahama Close;

- 1.12** This approval is limited to 12 months from the date of the decision in accordance with clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;

**2** ADVISES the State Administrative Tribunal of its decision.

*The Director Planning and Community Development left the Chamber at 8.26pm and returned at 8.28pm.*

**AMENDMENT MOVED** Cr Norman, **SECONDED** Cr Hamilton-Prime that the motion be amended to read as follows:

**1** part 1.2.5 be amended to read as follows:

**“1.2.5 Under Section 1.4.4 (Parking), include an additional sentence as the final sentence of the second paragraph which states:**

***“Communication to External Hirers and Event Participants of Events occurring on the weekend is to include information that hirers and participants should not park in beach car parks and is discouraged.””;***

**2** new parts 1.2.6 through to 1.2.8 being inserted as follows:

**“1.2.6 In Tables 8 and 9, replace ‘MAX NO. OF CARS’ with ‘MAX NO. OF CARS FOR PARKING EVENT’;**

**1.2.7 Amend the first dot point under Table 9 from ‘Tables 8 and 9 apply where car parking on the oval is itself the Event and do not apply when the oval is used for parking for other Events’ to read ‘Tables 8 and 9 apply where the oval is used for an Event, including where parking on the oval itself is the Event (‘parking Event’).’;**

**1.2.8 Include a fourth dot point under Table 9 which states:**

***“The maximum number of Event Participants for an Event on the oval, which is not a parking Event, is 178”;***

**The Amendment was Put and**

**CARRIED (10/3)**

**In favour of the Amendment:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Logan, McLean, Norman and Taylor.

**Against the Amendment:** Crs Jones, May and Poliwka.

It was requested that Part 1.12 be voted upon separately. Mayor Jacob indicated he would put Parts 1 – 1.11; followed by Part 1.12 and then Part 2.

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

**That Council:**

- 1 APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 16 May 2017 submitted by Sacred Heart College, for a Community Purpose to the existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento, subject to the following conditions:**

- 1.1 This approval is for the use of Sacred Heart College's performing arts theatre, new and old gymnasium buildings, chapel and oval (Facilities), as shown on Attachment 2 to Report CJ037-04/19, for 'Community Purpose' events by organisations involved in activities for community benefit. 'Community Purpose' has the same meaning as provided in the City's *Local Planning Scheme No. 3*;**

- 1.2 The owner must ensure that the use of the Facilities for community purpose events is undertaken in accordance with the Event Management Plan (as revised) which is Attachment 4 to Report CJ037-04/19, subject to the following modifications:**

- 1.2.1 Under Section 1.1.1 (Event Notice), delete the sentence '*Incidental Events will not be subject to these requirements*';**

- 1.2.2 In Table 1, insert the figure '54' as the maximum number of Events per year for the 'Incidental Events' tier;**

- 1.2.3 In Table 1, insert an additional row as the final row in the table as follows:**

<i>All events</i>	<i>Tier 1, Tier 2 and Incidental Events</i>	<i>As outlined above</i>	<i>104, being an average of two events per week</i>
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- 1.2.4 In Tables 2, 3, 8 and 9 and Appendix 5, replace all reference to '10.00pm' with '9.30pm';**

- 1.2.5 Under Section 1.4.4 (Parking), include an additional sentence as the final sentence of the second paragraph which states:**

***"Communication to External Hirers and Event Participants of Events occurring on the weekend is to include information that hirers and participants should not park in beach car parks and is discouraged."***

- 1.2.6 In Tables 8 and 9, replace 'MAX NO. OF CARS' with 'MAX NO. OF CARS FOR PARKING EVENT';**

- 1.2.7 Amend the first dot point under Table 9 from *'Tables 8 and 9 apply where car parking on the oval is itself the Event and do not apply when the oval is used for parking for other Events'* to read *'Tables 8 and 9 apply where the oval is used for an Event, including where parking on the oval itself is the Event ('parking Event').'*;
- 1.2.8 Include a fourth dot point under Table 9 which states:  
  
*"The maximum number of Event Participants for an Event on the oval, which is not a parking Event, is 178";*
- 1.3 The approved *Event Management Plan* as shown on Attachment 4 to Report CJ037-04/19, shall be further modified to incorporate all appendices from the *Event Management Plan* in Attachment 3 to Report CJ037-04/19;
- 1.4 The 'Community Purpose' use shall not commence until such time as the *Event Management Plan* in Attachment 4 to Report CJ037-04/19 is modified as per parts 1.2 and 1.3 above, submitted to and approved by the City;
- 1.5 If in any respect the event management is inconsistent with a condition of this approval, the condition of this approval shall prevail;
- 1.6 The external hire of the oval for events (excluding for the purposes of vehicle parking), shall be limited to a maximum number of 178 persons;
- 1.7 The external hire of the oval for vehicle parking by non-college community groups shall be limited to a maximum of 400 vehicles;
- 1.8 Delivery and collection of equipment associated with non-college events shall be within the hours outlined in Tables 2 – 7 of the *Event Management Plan*;
- 1.9 A travel management plan shall be submitted to and approved by the City prior to the first any tier one or tier two non-college event being held at the subject site. Once approved by the City, the travel management plan shall be implemented for all subsequent tier one or tier two non-college event;
- 1.10 Before undertaking any community purpose events in the new or old gymnasium buildings or the chapel, the owner must obtain and submit to the City an acoustic report prepared by an acoustic engineer demonstrating that the noise emissions for community purpose events in these Facilities will comply with the provisions of the *Environment Protection (Noise) Regulations 1997*. The acoustic report must identify and the owner must implement any measures which are necessary to ensure the noise emissions are compliant with the provisions of Regulations;

- 1.11 Gates and associated fencing shall be installed to the carpark located at the northern boundary of the college's site and accessible from Bahama Close and shall be closed for the duration of community events. Such gates shall ensure that both pedestrians and vehicles are unable to access the site from Bahama Close;**

**was Put and**

**CARRIED (10/3)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Jones, Logan, McLean, Norman and Taylor.

**Against the Motion:** Crs Hollywood, May and Poliwka.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council:**

- 1 APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 16 May 2017 submitted by Sacred Heart College, for a Community Purpose to the existing Educational Establishment at Lot 803 (15) Hocking Parade, Sorrento, subject to the following conditions:**

- 1.12 This approval is limited to 12 months from the date of the decision in accordance with clause 72 of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*;**

**The Motion was Put and**

**CARRIED (8/5)**

**In favour of the Motion:** Crs Chester, Fishwick, Hamilton-Prime, Logan, McLean, Norman, Poliwka and Taylor.

**Against the Motion:** Mayor Jacob, Crs Dwyer, Hollywood, Jones and May.

**MOVED Cr Hamilton-Prime, SECONDED Cr Norman that Council:**

- 2 ADVISES the State Administrative Tribunal of its decision.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 4 refers*

*To access this attachment on electronic document, click here: [Attach4brf190409.pdf](#)*

**Disclosure of interest affecting impartiality**

<b>Name/Position</b>	<b>Cr Sophie Dwyer.</b>
<b>Item No./Subject</b>	CJ038-04/19 – Proposed Development Application for Child Care Premises at Lot 703 (50) Marri Road, Duncraig – Section 31 Reconsideration under State Administrative Tribunal Act 2004.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Dwyer is a Board Member of the Duncraig Primary School. The school is located next to the subject site.

**CJ038-04/19      PROPOSED DEVELOPMENT APPLICATION FOR  
CHILD CARE PREMISES AT LOT 703 (50)  
MARRI ROAD, DUNCRAIG – SECTION 31  
RECONSIDERATION      UNDER      STATE  
ADMINISTRATIVE TRIBUNAL ACT 2004**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	107062, 101515
<b>ATTACHMENTS</b>	Attachment 1      Location Plan Attachment 2      Additional information prepared by Uloth and Associates – Traffic Engineering and Transport Planning Consultants Attachment 3      Revised Parking Plan Attachment 4      Development plans previously considered by Council Attachment 5      Traffic statement previously considered by Council
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

**PURPOSE**

For Council to reconsider a development application for a new child care premises at Lot 703 (50) Marri Road, Duncraig following a directive from the State Administrative Tribunal.

**EXECUTIVE SUMMARY**

An application for development approval was received on 6 December 2017 for a new 'Child Care Centre' at Lot 703 (50) Marri Road, Duncraig. Following public consultation this proposal was considered by Council at its meeting held on 26 June 2018 (CJ088-06/18 refers), where it was resolved to refer the proposal back to the Chief Executive Officer to allow the applicant to address issues raised by the community and the City.

Following the Council resolution, revised plans were received in July 2018 and further modifications received in August 2018. Following a second period of public consultation, the amended proposal was considered and refused by Council at its meeting held on 16 October 2018 (CJ169-10/18 refers). Matters relating to built form and setbacks were considered to be adequately addressed in the report to Council, however matters associated with parking and access were not adequately resolved and these aspects formed the basis for Council's reasons for refusal.

Following Council's decision and the gazettal of *Local Planning Scheme No.3 (LPS3)* on 23 October 2018, the applicant exercised their right under the *State Administrative Tribunal Act 2004 (SAT)* to seek a review of the decision.

Through the SAT mediation process, the applicant has undertaken additional traffic analysis and prepared an amended site plan to address concerns raised by Council. SAT has invited Council to reconsider its decision to refuse the application in light of the additional information received (Attachment 2 refers).

The amendments made to the original proposal include:

- identifying eight signed car parking bays for the use of child care customers only during peak drop-off and pick-up periods
- staff parking to be accommodated within the main shopping centre car park
- reconfiguration of five angled parking bays within the main car park to create an additional four parking bays on-site
- six additional car parking bays within the verge of Roche Road
- additional pedestrian footpath links.

Further analysis of on-site traffic has also been provided.

The amended proposal was advertised for a period of 14 days with a total of 19 submissions being received, all objecting to the development.

The amended proposal has been assessed against the City's LPS3 and the City's relevant local planning policies, being the *Child Care Premises Local Planning Policy* and the *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*.

It is considered that the additional information adequately addresses the issues identified in the original proposal and through Council's refusal relating to access to on-site car parking, lack of car parking, inadequate vehicle access for service vehicles, safety issues within the site and undue amenity impacts on surrounding residential properties. As a result, it is recommended that Council approves the application subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 703 (50) Marri Road, Duncraig.
<b>Applicant</b>	Aveling Homes.
<b>Owner</b>	CCW Children's Fund Pty Ltd.
<b>Zoning</b>	<b>LPS</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	15,664m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.



Lot 703 (50) Marri Road, Duncraig (subject site) is bound by Marri Road to the north, Duncraig Primary School to the east, Roche Road to the south and Cassinia Road to the west. The subject site currently accommodates the Duncraig Shopping Centre, two free-standing buildings, a multiple dwelling development which is currently under construction and associated car parking. The development is proposed to replace the existing free-standing building (restaurant) located in the south-east corner of the subject site. A location plan is provided as Attachment 1.

At its meeting held on 16 October 2018 (CJ169-10/18), Council considered the original proposal and resolved to refuse the application for the following reasons:

*“1.1 in accordance with Clause 67(g) of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015, the proposed development does not comply with the provisions of the City’s Child Care Centres policy as the proposed development is not considered to provide:*

*1.1.1 safe and functional access to on-site car parking areas;*

*1.2 in accordance with clause 67(m) of Schedule 2 of the Planning and Development (Local Planning Schemes) Regulations 2015, the development is not compatible with its setting and relationship to other development / land within the locality as:*

*1.2.1 the insufficient provision of on-site car parking has potential to result in an undue negative impact to the amenity of the immediate locality and adjoining properties;*

*1.3 in accordance with clause 67(s) of Schedule 2 of the Planning and Development (Local Planning Scheme) Regulations 2015, the proposed means of vehicle access and parking is not adequate in respect to the following:*

*1.3.1 inadequate vehicle access for service vehicles creating an increase in pedestrian and vehicle interactions resulting in potential safety issues within the site and undue amenity impacts to surrounding residential properties;*

*1.3.2 lack of designated staff parking as a result of parking for staff being proposed within the main shopping centre carpark.”*

Subsequent to this resolution, the applicant lodged an application with SAT to review Council’s decision.

Through the SAT mediation process, the applicant submitted additional information to the City for consideration (Attachment 2 refers). The additional information was assessed by the City and made available for public comment.

The City has been invited to reconsider its decision of 16 October 2018 pursuant to section 31 (1) of the *State Administrative Tribunal Act 2004* by 16 April 2019.

## **DETAILS**

The following aspects of the proposal remain unchanged from the plans considered by Council at its meeting held on 16 October 2018 (CJ169-10/18 refers):

- Construction of a two-storey building with vehicle access to the car parking bays via existing vehicle access points from Roche Road and Marri Road.

- Child care centre with a capacity for 62 children and 13 employees.
- Additional pedestrian crossing to link a path next to the shopping centre building with the entry to the child care centre.
- Reconfiguration of the nine angled car bays immediately to the north of the development site, resulting in 10 car parking bays, including an ACROD bay.
- Closure of a portion of the eastern vehicle access leg, being the portion directly next to the proposed child care centre which currently provides access to Roche Road, and extension of the child care centre site footprint to the eastern boundary abutting the adjoining primary school (Duncraig Primary School).
- Reconfiguration of car parking bays along the portion of the eastern access leg adjacent to the shopping centre building.
- Modifications to the liquor store loading area.
- Retaining walls to Roche Road street boundary, with a minimum set back of 1.6 metres.
- A 300m<sup>2</sup> ground floor and 108m<sup>2</sup> first floor outdoor play area.
- Landscaping in the outdoor play area and within the tiered retaining wall to the eastern lot boundary and in front of the retaining wall to Roche Road.
- Tiered retaining to the eastern lot boundary with play area above.
- Shade sails to the eastern lot boundary.
- Incorporation of a waiting area for patrons internal to the building.

The following aspects of the proposal have been modified:

- Eight of the proposed reconfigured car parking bays adjacent to the proposed child care now proposed to be identified with signage as pick-up and drop-off bays for exclusive use by the child care customers during peak periods, leaving two bays (including ACROD bay) being available for unrestricted use.
- The inclusion of six on-street car parking embayments within the Roche Road verge.
- Reconfiguration of five angled parking bays within the main car park to create an additional four parking bays.
- A footpath extension and upgrade providing pedestrian access from Roche Road to the site.
- Redirection of traffic flow to the remaining portion of the eastern access leg directly adjacent the rear of the existing shopping centre building. The traffic flow originally was directed from north to south and is now proposed to be directed from south to north.

A further review of traffic flows within the eastern access leg has also been provided together with supporting information in relation to traffic and car parking. This additional information including a parking plan is included as Attachment 2 to Report CJ038-04/19. Following feedback from the City, a subsequent parking plan (Attachment 3 refers) was submitted clarifying aspects of the proposal, and it is this plan together with plans previously presented to Council that are considered in this report. The development plans and traffic statement considered by Council at its meeting held on 16 October 2018 (CJ169-10/18 refers) are included as Attachments 4 and 5 to Report CJ038-04/19 respectively.

The amended proposal has been assessed against the City's LPS3 and its relevant local planning policies, which is further outlined below.

#### Land use and land use permissibility

The land use 'Child Care Premises' is a discretionary ("D") use under LPS3 in the Commercial zone.

As discussed in the previous report to Council (CJ169-10/18 refers), when considered in isolation, the 'Child Care Premises' land use is considered to be appropriate within the Commercial zone.

### Car parking

The revised proposal does not change the proposed number of staff or children and the car parking requirement remains unchanged from that outlined in the previous report to Council. The City's *Child Care Premises Local Planning Policy* sets the car parking requirement for the proposed child care. Eight car bays are required for customers and 13 car bays are required for staff.

The parking plan (Attachment 3 refers) shows six on-street parallel car bays within the Roche Road reserve. The City in-principle supports the location of the on-street bays along this particular section of Roche Road, however detailed engineering design of the proposed bays is necessary in order to confirm acceptability of the on-street bays and is recommended as a condition of approval. Additionally, there is potential that the proposed end bay closest to the existing access may affect visibility for vehicles exiting the shopping centre. Detailed design is required to confirm this and may result in five on-street bays rather than the six proposed.

In addition to the on-street parking, the applicant has proposed reconfiguration of angled parking bays in the north-western part of the shopping centre car park to result in an increase of four on-site bays.

Based on approvals currently in place, the proposal previously considered by Council resulted in an increased on-site carparking shortfall for all development on Lot 703 from eight bays to 18 bays. With the proposed reconfiguration of on-site bays which results in four additional bays, the shortfall will now only increase from eight bays to 14 bays. The provision of six bays within the Roche Road verge will provide additional parking available for users of the childcare centre or other development on site, so that in practical terms if these bays are offset against the overall on-site parking requirement, the shortfall effectively no longer increases as a result of the child care proposal.

While there are likely to be periods when the shopping centre carpark is busy and close to capacity, the required parking for the child care premises can now be accommodated through a combination of on-site reconfiguration and additional on-street bays.

### Vehicle and Pedestrian Access

As detailed in the previous report to Council, there were issues relating to service vehicles (trucks) impacting nearby residents, vehicle manoeuvrability, pedestrian and service vehicle interactions and possible congestion.

The applicant has advised that only two trucks were noted using the east-west access situated immediately north of the proposed child care premises between 7.00am and 6.00pm and that these movements occurred outside of peak child care drop off and pick up periods. The City has also considered the potential for increased service vehicle traffic (vans and cars) using the east-west access as a result of the development and change in direction of the laneway, and considers that this will be acceptable and will not significantly impact users of the shopping centre or child care premises, however to minimise potential conflicts of service vehicles accessing the rear of the shopping centre with traffic associated with the child care premises it is recommended that a Service Management Plan is provided as a condition of approval.

The findings of the traffic report and assessment by the City is that the redirection of vehicle traffic along the east access leg:

- provides adequate space for service vehicle manoeuvrability and turning movements
- will not result in congestion issues between service vehicles and customers during child care peak drop-off and pick-up times
- reduces possible traffic impacts to residential properties along Roche Road (local access road) as traffic is now flowing north to Marri Road.

With regard to potential engine noise generated by vehicles, most service vehicle movements have been identified outside of peak drop off and pick up periods. The cumulation of traffic noise is unlikely to result in an undue impact to surrounding residential development. All other noise is considered to be able to be effectively managed under the *Environmental Protection (Noise) Regulations 1997*.

Overall, when analysing traffic flow and associated traffic impacts, the possible impacts of redirecting traffic from south to north can be effectively managed and will not result in undue amenity impacts to surrounding residents. The redirection of traffic is therefore supported.

Further investigation for pedestrian connections onsite was undertaken by Uloth and Associates and it was evident that there is limited opportunity due to existing steep gradients. It was identified that there is scope to extend the existing footpath to the south of the site on the opposite side of the access leg to the proposed child care and upgrade the existing pathway to provide pedestrian access from Roche Road to the child care, via the shopping centre. If Council approves this application, it is recommended to impose a condition of approval to investigate and where possible incorporate pedestrian crossings to further ease pedestrian accessibility to and from the site. The proposed pathway extension and upgrade provides adequate pedestrian access to the site and noting that eight dedicated drop-off / pick-up bays adjacent to the child-care premises are to be available during peak pick-up and drop-off times, interaction between pedestrians and vehicles is likely to be significantly reduced from that proposed previously. The number of eight dedicated bays is consistent with the City's policy requirements for drop-off/pick up bays for a child-care premises of this size. A condition of approval is recommended in order to restrict bays for child care premises use (through signage) during peak periods.

The City is satisfied that these modifications address the issues relating to service vehicle access, pedestrian safety, safe and functional access and traffic to residential streets.

### Noise

As discussed in the previous report to Council at its meeting held on 18 September 2018 (CJ169-10/18 refers), should the child care centre operate in accordance with the recommendations detailed within the report, the City is satisfied that the development itself would meet the requirements of the *Environmental Protection (Noise) Regulations 1997*.

### Landscaping

The *Child Care Premises Local Planning Policy* requires 8% of the site to be landscaped, and verge areas next to the child care to be suitably landscaped to discourage patrons from parking on the verge.

As discussed in the previous report to Council (CJ169-10/18 refers), an existing London Plane tree located in the south-west corner of the subject site is proposed to be removed.

The modifications proposed in the amended site plan will slightly reduce the provision of landscaping on site, however the provision of landscaping still largely exceeds the 8% policy requirement. It is noted however that there is limited detail relating to landscaping within the verge and therefore if Council approves this application, it is recommended to impose a condition requiring a detailed landscaping plan be prepared and approved.

#### Building setbacks and retaining walls

As previously discussed there are no proposed changes to the building design and retaining walls. As outlined in the previous report to Council discretions sought to the setbacks of the building, verandah and retaining walls submitted as part of the original proposal are considered acceptable.

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

Council is required to determine whether the proposed development of a new child care premises at Lot 703 (50) Marri Road, Duncraig is appropriate.

Council may determine an application for development approval by:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

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

**Legislation**                      *City of Joondalup Local Planning Scheme No. 3 (LPS3).  
Planning and Development (Local Planning Schemes) Regulations  
2015 (Regulations).*

#### **Strategic Community Plan**

**Key theme**                      Quality Urban Environment.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Building and landscape is suitable for the immediate environment and reflect community values.

**Policy**                              *Child Care Premises Local Planning Policy.  
Commercial, Mixed Use and Service Commercial Zone  
Local Planning Policy.  
Environmentally Sustainable Design Policy.*

#### Local Planning Scheme No.3

Clause 16 (2) of LPS3 sets out the objectives for development within the 'Commercial' zone:

- *To provide for a range of shops, offices, restaurants and other commercial outlets in defined townsites or activity centres.*
- *To maintain the compatibility with the general streetscape, for all new buildings in terms of scale, height, style, materials, street alignment and design of facades or improve the existing streetscape.*

- *To ensure that development is not detrimental to the amenity of adjoining owners or residential properties in the locality.*

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

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*
- (k) the built heritage conservation of any place that is of cultural significance;*
- (l) the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) the amenity of the locality including the following —*
  - (i) environmental impacts of the development;*
  - (ii) the character of the locality;*
  - (iii) social impacts of the development;*

- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*
- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

#### *Child Care Premises Local Planning Policy*

This policy provides assessment criteria for 'Child Care Premises' developments.

The objectives of the policy are as follows:

- *To provide development standards for the location, siting and design of child care premises.*

- *To ensure that child care premises do not have an adverse impact on the amenity of surrounding area, particularly residential areas.*

The statement within the policy also sets out:

*“In considering applications for child care premises, the location, siting and design of the child care premises will be taken into consideration with the aim of ensuring that the development is compatible with, and avoids adverse impacts on, the amenity of adjoining and surrounding areas.”*

#### *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*

This policy provides assessment criteria for all ‘non-residential development on ‘Commercial’, ‘Mixed Use’ and ‘Service Commercial’ zoned land in the City.

The objectives of the policy are as follows:

- *To provide development standards for commercial buildings that assist in facilitating appropriate built form and functional commercial centres.*
- *To facilitate the development or redevelopment of commercial centres that respond to the local context.*
- *To ensure the design and siting of commercial development provides a high standard of amenity, no blank facades visible from the street and activation of external areas.*
- *To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.*
- *To create vibrant mixed use commercial centres that are the focal point for the community by locating housing, employment and retail activities together.*
- *To establish a framework for the assessment of applications for development within these zones.*

The statement within the policy also sets out:

*“The City of Joondalup supports the creation of vibrant mixed use commercial centres. Appropriately designed and located commercial centres provide economic and social benefits to the community in which they are situated. They should be a focal point for the community and provide housing, employment and retail opportunities.*

*This policy provides development provisions for non-residential development that aim to create high quality mixed use commercial centres. It should be read in conjunction with the Scheme and any relevant structure plans, activity centre plans or local development plans.”*

#### **Risk management considerations**

As this proposal is currently being considered by SAT, should Council approve the application the applicants are able to withdraw from the SAT proceedings if they are satisfied with the decision made by Council. However, if the applicants are not satisfied with the decision, they may request that the matter be determined by the SAT through a formal hearing. In this case, the decision by Council would be set aside and SAT would determine the application on its merits in accordance with the *State Administrative Tribunal Act 2004 (WA)* and the Regulations.



**Financial / budget implications**

The applicant has paid fees of \$3,342.29 in accordance with the Schedule of Fees and Charges, for assessment of the application.

The City has engaged legal representation to assist with this SAT appeal.

The total cost of this engagement cannot be confirmed until the appeal process has concluded. However, if the matter cannot be resolved through mediation and the applicant chooses to proceed with the appeal, the SAT needs to make a determination via a formal hearing process. The cost for a hearing on a relatively uncomplicated matter, where the City requires legal representation could cost around \$30,000.

**Regional significance**

Not applicable.

**Sustainability implications**

No modifications were made to the checklist that formed part of the 26 June 2018 and 16 October 2018 Council meetings. The completed checklist is provided as Attachment 5 to Report CJ038-04/19.

**Consultation**

The amended proposal was advertised for a period of 14 days to surrounding landowners/occupiers, concluding on 25 March 2019. Consultation was undertaken in the following manner:

- A letter summarising the additional information was sent to landowners/occupiers in the vicinity of the subject site and those who previously made submissions.
- A notice was placed on the City's website.
- The additional information was made available for public viewing on the City's website and at the City's administration building.

A total of 19 submissions were received, all being letters of objection. The comments received during this consultation are consistent with previous comments received, noting that no significant modifications to address previous concerns have been made. Comments can be summarised as follows:

- Developer has a lack of knowledge and experience of the operation of a child care centre and the movements of staff, parents and children to and from the centre throughout the day.
- Further overcrowding of the road networks / increased local traffic. The anticipated 200 additional vehicle trips will occur during peak periods which coincides with morning drops-offs at the adjacent school.
- Having trucks exiting the shopping centre onto Marri Road is dangerous, at the top of a blind hill where there are already traffic and safety issues.
- Pedestrian safety. There is no appropriate pedestrian (parent and child) access to the site due to the elevated position, surrounding roads and car park.
- The existing zig-zag path is rarely used as it is steep, slippery and uneven and requires people walking through a busy car park to access it then it exits onto the busiest part of the access road.

- Car park congestion. The car park is already at full capacity. The proposed additional six verge bays and two more near 'Nourish and Feed' are not sufficient for the anticipated demand. The parking shortfall is exacerbated by the new apartment development which has removed approximately 40 car parks and will create more traffic and parking demand. There is a lack of footpaths. General traffic flow throughout the car park is already perilous.
- Use of public land (on-street parking) for a private commercial use.
- Dangerous location for on-street parking on a narrow stretch of road that can be busy at school drop-off and pick-up times.
- The on-street parking will be used by school parents.
- Proximity to the liquor store.
- Lack of fit with existing streetscape.
- Privacy and noise.
- Site use and location.

The City's response to the concerns raised are summarised below:

- *Negative impact on the Roche Road streetscape.*

As outlined in the October 2018 Council report, the overall impact of the reduced setback of the building and the retaining walls to the Roche Road boundary (along with their height) is considered to be acceptable, when considering the extent of landscaping proposed to soften their appearance. The built form is considered to be compatible with the surrounding existing residential development and streetscape.

- *Reconfigured access resulting in pedestrian safety issues and added congestion within the existing shopping centre car park, with the redirection of traffic flow, and surrounding streets.*

The amendments have been proposed to address access and egress and pedestrian safety issues. The reconfiguration of access and movements to and from the site has been considered by and is supported by the City.

- *Inadequacy of parking remain unresolved.*

The revised proposal incorporates a number of initiatives to address parking, including the following:

- The allocation of eight bays immediately adjacent the proposed child care premises as 'drop-off / pick-up' bays for the exclusive use of the child care premises during peak periods. The number of dedicated 'drop-off / pick-up' bays meets the City's policy requirements for a child care premises of this size.
- Reconfiguration of existing parking to result in the provision of four additional on-site bays.
- The inclusion of six on-street bays within the Roche Road road reserve.

The modifications proposed provide an outcome that now provides 'drop-off / pick-up' bays that align with policy requirements and also does not increase the practical parking shortfall (when including the proposed on-street bays) beyond that which already exists.

- *Concerns with regards to the immediately surrounding land use mix, specifically adjacent to a bottle shop.*

The subject site is located within the Commercial zone and the land use 'Child Care Centre' is a discretionary ("D") use under LPS3. For the reasons outlined in the October 2018 Council report, the land use is considered to be acceptable.

## COMMENT

Additional information has been submitted and the City has been invited to reconsider its decision made at its meeting held on 16 October 2018 (CJ169-10/18 refers).

While the amended proposal seeks a number of discretions to the *Child Care Premises Local Planning Policy and Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, the proposal is considered to satisfy the outstanding issues outlined in Council's reasons for refusal at its meeting held on 16 October 2018. For these reasons, along with others outlined in the report, it is recommended that Council approve the proposed development application.

## VOTING REQUIREMENTS

Simple Majority.

## OFFICER'S RECOMMENDATION

That Council:

- 1 APPROVES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval dated 6 December 2017 submitted by Aveling Homes, on behalf of the owners CCW Children's Fund Pty Ltd, for Child Care Premises (new child care premises building) at Lot 703 (50) Marri Road, Duncraig, subject to the following conditions:
  - 1.1 This approval is for 'Child Care Premises' as defined under the City of Joondalup *Local Planning Scheme No. 3*;
  - 1.2 This approval only relates to the new child care premises and associated works as indicated on the approved plans. It does not relate to any other development on the lot;
  - 1.3 The hours of operation for the Child Care Premises shall not exceed 7.00am to 6.00pm, Monday to Friday;
  - 1.4 Engineering detail for the proposed on-street car parking bays and re-alignment/construction of the public footpath shall be submitted to and approved by the City prior to commencement of development. The car parking bays and realigned footpath shall be accommodated within the Roche Road reserve and shall be constructed at the cost of the developer/owner and to the specifications and satisfaction of the City, prior to occupation of the development;

- 1.5 The car parking bays, driveways and access points shown on the approved plans are to be designed, constructed, drained and marked in accordance with the Australian Standard for Off-street Car Parking (AS/NZS2890.1 2004), Off-street Parking for People with Disabilities (AS/NZS2890.6 2009) and Off-street Commercial Vehicle Facilities (AS2890.2:2002), prior to the occupation of the development. These bays are to be thereafter maintained to the satisfaction of the City;
- 1.6 A Construction Management Plan shall be submitted to and approved by the City prior to the commencement of development. The management plan shall detail how it is proposed to manage:
  - 1.6.1 all forward works for the site;
  - 1.6.2 the delivery of materials and equipment to the site;
  - 1.6.3 the storage of materials and equipment on the site;
  - 1.6.4 the parking arrangements for the contractors and subcontractors;
  - 1.6.5 the management of dust during the construction process;
  - 1.6.6 other matters likely to impact on the surrounding properties,and works shall be undertaken in accordance with the approved Construction Management Plan;
- 1.7 Any proposed building plant and equipment, including air conditioning units, piping, ducting and water tanks shall be located so as to minimise any visual and noise impact on surrounding landowners, and screened from view from the street, and where practicable from adjoining buildings. Details shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with these approved details;
- 1.8 A full schedule of colours and materials for all exterior parts to the development (including any retaining walls) shall be submitted to and approved by the City prior to the commencement of development. Development shall be in accordance with the approved schedule and all external materials and finishes shall be maintained to a high standard, including being free of vandalism, to the satisfaction of the City;
- 1.9 A Waste and Delivery Management Plan indicating the timing of deliveries shall be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied. Waste and Delivery management shall then be undertaken in accordance with the approved plan;
- 1.10 Noise management of the premises shall be undertaken in accordance with the Environmental Noise Assessment dated 17 August 2018, to the satisfaction of the City;
- 1.11 Two bicycle parking facilities shall be provided in accordance with the Australian Standard for Offstreet Carparking – Bicycles (AS2890.3-1993 as amended) prior to the development first being occupied. Details of bicycle parking area(s) shall be provided to the City for approval prior to the commencement of development;
- 1.12 The verge areas adjacent to the child care premises shall be suitably landscaped, reticulated and maintained to discourage patrons from parking on the verge, to the satisfaction of the City;

- 1.13 Landscaping of a sufficient height and density to soften the impact of the retaining walls as viewed from the street and adjoining properties shall be provided within the terraced area between the retaining walls and in front of the retaining wall for the length of the retaining wall. Landscaping shall be installed within 90 days from the completion of the development and thereafter maintained to the satisfaction of the City;
- 1.14 Detailed landscaping plans shall be submitted to and approved by the City prior to the commencement of development. These landscaping plans are to indicate the proposed landscaping treatment(s) of the subject site and the adjoining road verge(s), and shall:
  - 1.14.1 be drawn at an appropriate scale of either 1:100, 1:200 or 1:500;
  - 1.14.2 provide all details relating to paving and treatment of verges;
  - 1.14.3 show spot levels and/or contours of the site;
  - 1.14.4 indicate any natural vegetation to be retained and the proposed manner in which this will be managed;
  - 1.14.5 be based on water sensitive urban design principles to the satisfaction of the City;
  - 1.14.6 be based on Designing out Crime principles to the satisfaction of the City;
  - 1.14.7 show all irrigation design details;
- 1.15 Landscaping and reticulation shall be established in accordance with the approved landscaping plans, Australian Standards and best trade practice prior to the development first being occupied and thereafter maintained to the satisfaction of the City;
- 1.16 Other than approved car parking bays and footpath realignment, all development shall be contained within the property boundaries;
- 1.17 All stormwater shall be collected on-site and disposed of in a manner acceptable to the City;
- 1.18 The bin storage area shall be screened from view by a wall not less than 1.8 metres in height and constructed of a material that matches or otherwise compliments the Child Care building, to minimise any visual impact on surrounding area, to the satisfaction of the City;
- 1.19 A plan detailing all pedestrian footpaths and pedestrian crossings shall be submitted and approved by the City prior to commencement of development. The footpaths and crossings shall be upgraded and constructed prior to occupation of the development, to the satisfaction of the City;
- 1.20 Existing angled car parking bays in the north west of the shopping centre car park shall be reconfigured to provide a minimum of four additional parking bays. The existing tree adjacent to the parking bays shall not be removed to accommodate reconfiguration of the bays;
- 1.21 Eight car parking bays within the east-west access immediately adjacent to the child care premises shall be identified with signage as being 15 minute pick-up / drop-off bays between 7.30am and 9.00am and between 4.00pm and 5.30pm, Monday to Friday, for use by the child care premises only;

- 1.22 A Service Management Plan controlling service vehicle access to the site to ensure minimal conflict with users of the child care premises is to be submitted prior to the commencement of development, and approved by the City prior to the development first being occupied;
- 2 ADVISES the State Administrative Tribunal of its decision.

**MOVED Cr Fishwick, SECONDED Cr Dwyer that Council REFUSES under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval, dated 30 November 2017 submitted by Aveling Homes, on behalf of the owners, CCW Children's Fund Pty Ltd, for a proposed Child Care Centre development at Lot 703 (50) Marri Road, Duncraig, for the following reasons:**

- 1 In accordance with clause 67(s) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, the proposed development does not provide adequate arrangements for the parking of vehicles;
- 2 In accordance with clause 67(t) of Schedule 2 of the *Planning and Development (Local Planning Scheme) Regulations 2015*, the amount of traffic likely to be generated by the development, may have a negative effect on traffic flow, the safety of the surrounding road system and possible pedestrian and vehicular conflict.

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

**Against the Motion:** Cr Hollywood.

#### **Reason for departure from officer's recommendation**

In accordance with Regulation 11 (da) of the *Local Government (Administration) Regulations 1996*, the reason Council made its decision which was significantly different to what the administration recommended is the application is refused due to the slope of the existing topography, increasing local traffic, parking for 13 staff parking in the shopping centre car bays which will exacerbate the already parking shortfall and the pedestrian / vehicular conflict which is a safety issue.

*Appendix 5 refers*

*To access this attachment on electronic document, click here: [Attach5brf190409.pdf](#)*

**CJ039-04/19 EXECUTION OF DOCUMENTS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Garry Hunt Office of the CEO
<b>FILE NUMBER</b>	15876, 101515
<b>ATTACHMENTS</b>	Attachment 1 Documents executed by affixing the Common Seal during the period 27 February 2019 to 28 March 2019
<b>AUTHORITY / DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

**PURPOSE**

For Council to note the documents executed by means of affixing the Common Seal for the period 27 February 2019 to 28 March 2019.

**EXECUTIVE SUMMARY**

The City enters into various agreements by affixing the Common Seal. The *Local Government Act 1995* states that the City is a body corporate with perpetual succession and a Common Seal. Those documents that are to be executed by affixing the Common Seal or signed by the Mayor and the Chief Executive Officer are reported to Council for information on a regular basis.

*It is therefore recommended that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 27 February 2019 to 28 March 2019, as detailed in Attachment 1 to Report CJ039-04/19.*

**BACKGROUND**

For the period 27 February 2019 to 28 March 2019, six documents were executed by affixing the Common Seal. A summary is provided below:

Type	Number
Letter of Consent	1
Section 70 Notification	2
Restrictive Covenant	1
Transfer of Land	1
Withdrawal of Caveat	1

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

Not applicable.

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

**Key theme** Governance and Leadership.

**Objective** Corporate capacity.

**Strategic initiative** Demonstrate accountability through robust reporting.

**Policy** Not applicable.

**Risk management considerations**

Not applicable.

**Financial / budget implications**Current financial year impact

Not applicable.

Future financial year impact

Not applicable.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

Not applicable.

**COMMENT**

The documents that have been executed by affixing the Common Seal of the City of Joondalup are submitted to Council for information (Attachment 1 refers).



## VOTING REQUIREMENTS

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Schedule of Documents executed by means of affixing the Common Seal for the period 27 February 2019 to 28 March 2019, as detailed in Attachment 1 to Report CJ039-04/19.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ036-04/19, page 159 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 6 refers*

*To access this attachment on electronic document, click here: [Attach6brf190409.pdf](#)*

## **CJ040-04/19 LIST OF PAYMENTS MADE DURING THE MONTH OF FEBRUARY 2019**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	09882, 101515
<b>ATTACHMENTS</b>	<p>Attachment 1 Chief Executive Officer's Delegated Municipal Payment List for the month of February 2019</p> <p>Attachment 2 Chief Executive Officer's Delegated Trust Payment List for the month of February 2019</p> <p>Attachment 3 Municipal and Trust Fund Vouchers for the month of February 2019</p>
<b>AUTHORITY / DISCRETION</b>	Information – includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').

### **PURPOSE**

For Council to note the list of accounts paid under the Chief Executive Officer's delegated authority during the month of February 2019.

### **EXECUTIVE SUMMARY**

This report presents the list of payments made under delegated authority during the month of February 2019, totalling \$12,560,926.15.

*It is therefore recommended that Council NOTES the Chief Executive Officer's list of accounts for February 2019 paid under delegated authority in accordance with regulation 13(1) of the Local Government (Financial Management) Regulations 1996 forming Attachments 1, 2 and 3 to Report CJ040-04/19, totalling \$12,560,926.15.*

### **BACKGROUND**

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

## DETAILS

The table below summarises the payments drawn on the funds during the month of February 2019. Lists detailing the payments made are appended as Attachments 1 and 2 to Report CJ040-04/19.

The vouchers for the month are appended as Attachment 3 to Report CJ040-04/19.

FUNDS	DETAILS	AMOUNT
Municipal Account	Municipal Cheques & EFT Payments 107852 - 107993 & EF075944 - EF076502 Net of cancelled payments.	\$ 7,843,199.82
	Vouchers 2460A - 2476A	\$ 4,713,470.80
Trust Account	Trust Cheques & EFT Payments 207337 - 207337 & TEF001660 – TEF001666 Net of cancelled payments.	\$ 4,255.53
<b>Total</b>		<b>\$ 12,560,926.15</b>

## Issues and options considered

There are two options in relation to the list of payments.

### Option 1

That Council declines to note the list of payments paid under delegated authority. The list is required to be reported to Council in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996*, and the payments listed have already been paid under the delegated authority. This option is not recommended.

### Option 2

That Council notes the list of payments paid under delegated authority. This option is recommended.

## Legislation / Strategic Community Plan / policy implications

### Legislation

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

### Strategic Community Plan

**Key theme** Financial Sustainability.

**Objective** Effective management.

**Strategic initiative** Not applicable.

**Policy** Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

All expenditure from the Municipal Fund was included in the Annual Budget as adopted or revised by Council.

**Regional significance**

Not applicable.

**Sustainability implications**

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

**Consultation**

Not applicable.

**COMMENT**

All Municipal Fund expenditure included in the list of payments is incurred in accordance with the *2018-19 Annual Budget* as adopted by Council at its meeting held on 26 June 2018 (CJ114-06/18 refers) and subsequently revised or has been authorised in advance by the Mayor or by resolution of Council as applicable.

**VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Chief Executive Officer's list of accounts for February 2019 paid under Delegated Authority in accordance with Regulation 13(1) of the *Local Government (Financial Management) Regulations 1996* forming Attachments 1, 2 and 3 to Report CJ040-04/19, totalling \$12,560,926.15.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ036-04/19, page 159 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 7 refers*

To access this attachment on electronic document, click here: [Attach7brf190409.pdf](#)

## **CJ041-04/19      FINANCIAL ACTIVITY STATEMENT FOR THE PERIOD ENDED 28 FEBRUARY 2019**

<b>WARD</b>	All	
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services	
<b>FILE NUMBER</b>	07882,101515	
<b>ATTACHMENTS</b>	Attachment 1	Financial Activity Statement
	Attachment 2	Investment Summary
	Attachment 3	Supporting Commentary
<b>AUTHORITY/ DISCRETION</b>	Information - includes items provided to Council for information purposes only that do not require a decision of Council (that is for 'noting').	

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### **PURPOSE**

For Council to note the Financial Activity Statement for the period ended 28 February 2019.

### **EXECUTIVE SUMMARY**

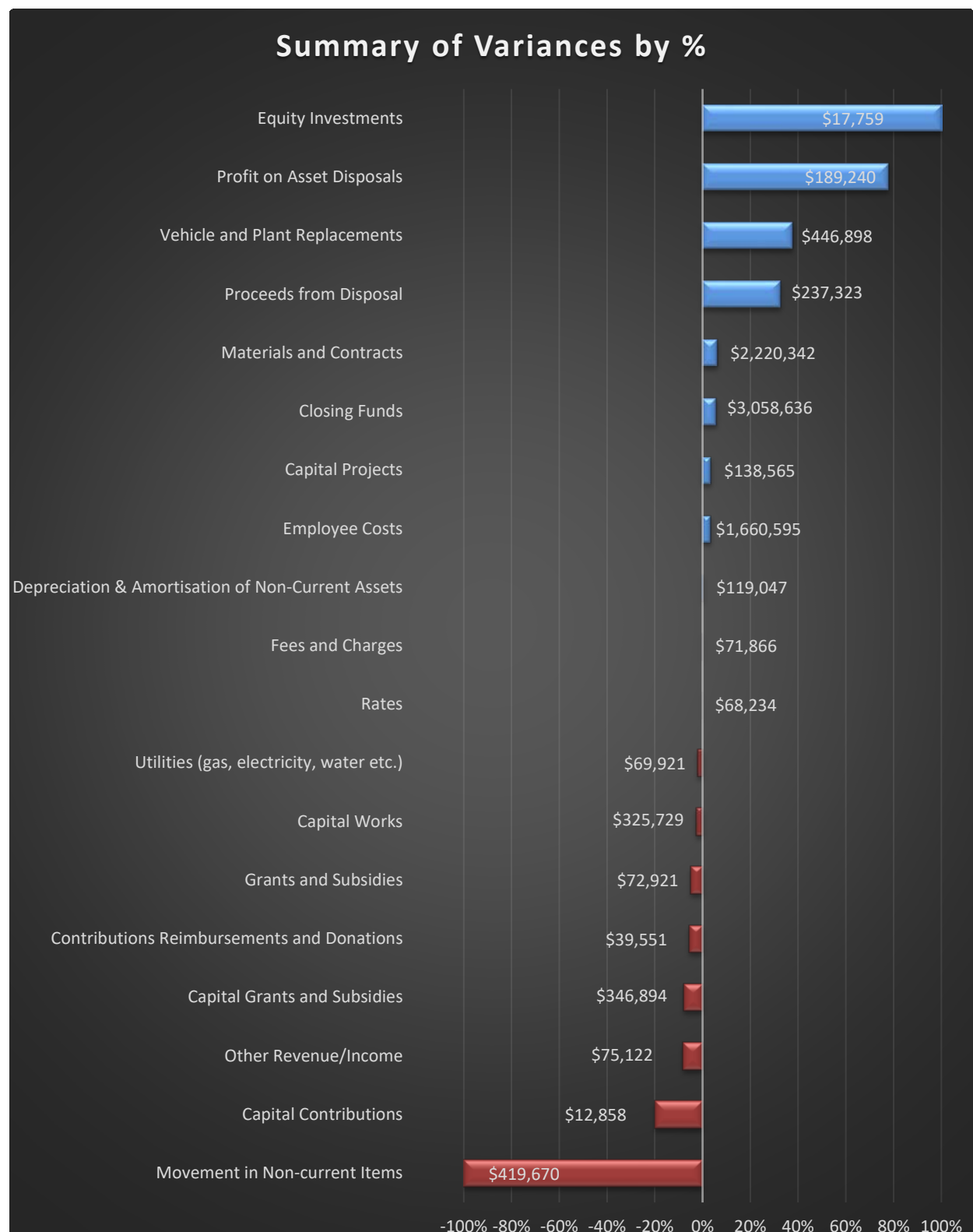
At its meeting held on 26 June 2018 (CJ114-06/18 refers), Council adopted the Annual Budget for the 2018-19 financial year. Council subsequently revised the budget at its meeting held on 19 February 2019 (CJ017-02/19 refers). The figures in this report are compared to the revised budget.

The February 2019 Financial Activity Statement Report shows an overall favourable variance from operations and capital, after adjusting for non-cash items, of \$3,058,636 for the period when compared to the revised budget.

It should be noted that this variance does not represent a projection of the end of year position or that these funds are surplus to requirements. It represents the year to date position to 28 February 2019 and results from a number of factors identified in the report.

There are a number of factors influencing the favourable variance, but it is predominantly due to the timing of revenue and expenditure compared to the budget estimate. The notes in Attachment 3 identify and provide commentary on the individual key material revenue and expenditure variances to date.

The key elements of the variance are summarised below:



The significant variances for February were:

**Materials & Contracts**

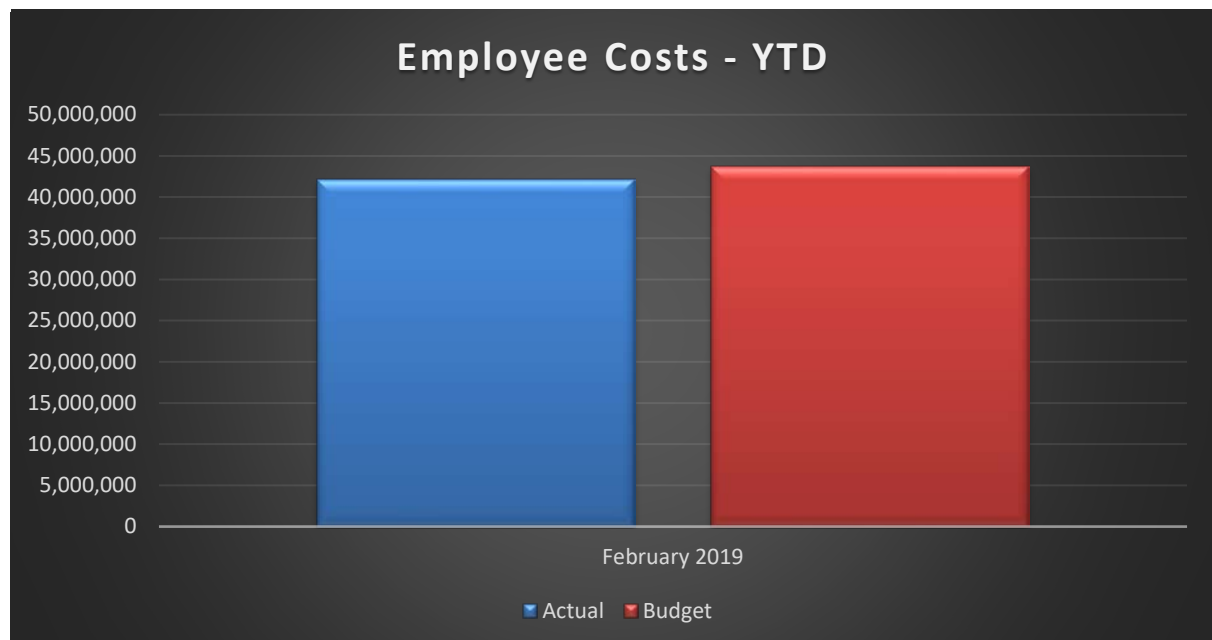
**\$2,220,342**



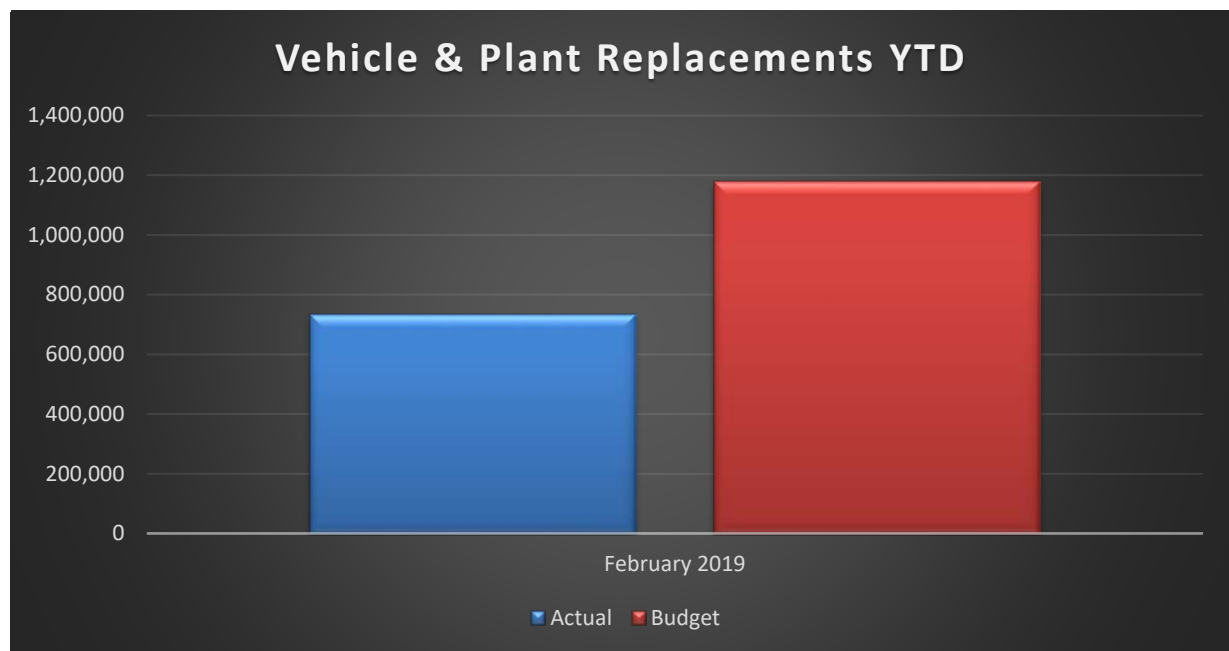
Materials and Contracts expenditure is \$2,220,342 below budget. This is spread across a number of different areas including favourable timing variances for External Service Expenses \$1,274,277, Furniture, Equipment and Artworks \$206,047 and Public Relations, Advertising and Promotions \$195,663.

**Employee Costs**

**\$1,660,595**



Employee Costs expenditure is \$1,660,595 below budget. Favourable variances arose for Salaries and Wages across a number of areas including Parks \$164,647, Engineering Maintenance \$153,555, Planning Approvals \$101,438, Library Operations \$87,726 and Environmental Development \$83,521 mainly due to vacant positions.

**Vehicle & Plant Replacements****\$446,898**

Vehicle and Plant Replacements is \$446,898 below budget. This favourable timing variance arose from Fleet and Plant purchases currently being progressed including three vans, one tractor plant and one truck at a combined value of \$464,715.

*It is therefore recommended that Council NOTES the Financial Activity Statement for the period ended 28 February 2019 forming Attachment 1 to Report CJ041-04/19.*

**BACKGROUND**

The *Local Government (Financial Management) Regulations 1996* requires a monthly Financial Activity Statement. At its meeting held on 11 October 2005 (CJ211-10/05 refers), Council approved to accept the monthly Financial Activity Statement according to nature and type classification.

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

The Financial Activity Statement for the period ended 28 February 2019 is appended as Attachment 1.

**Legislation / Strategic Community Plan / policy implications****Legislation**

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

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



**Strategic Community Plan**

<b>Key theme</b>	Financial Sustainability.
<b>Objective</b>	Effective management.
<b>Strategic initiative</b>	Not applicable.
<b>Policy</b>	Not applicable.

**Risk management considerations**

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

**Financial / budget implications**

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

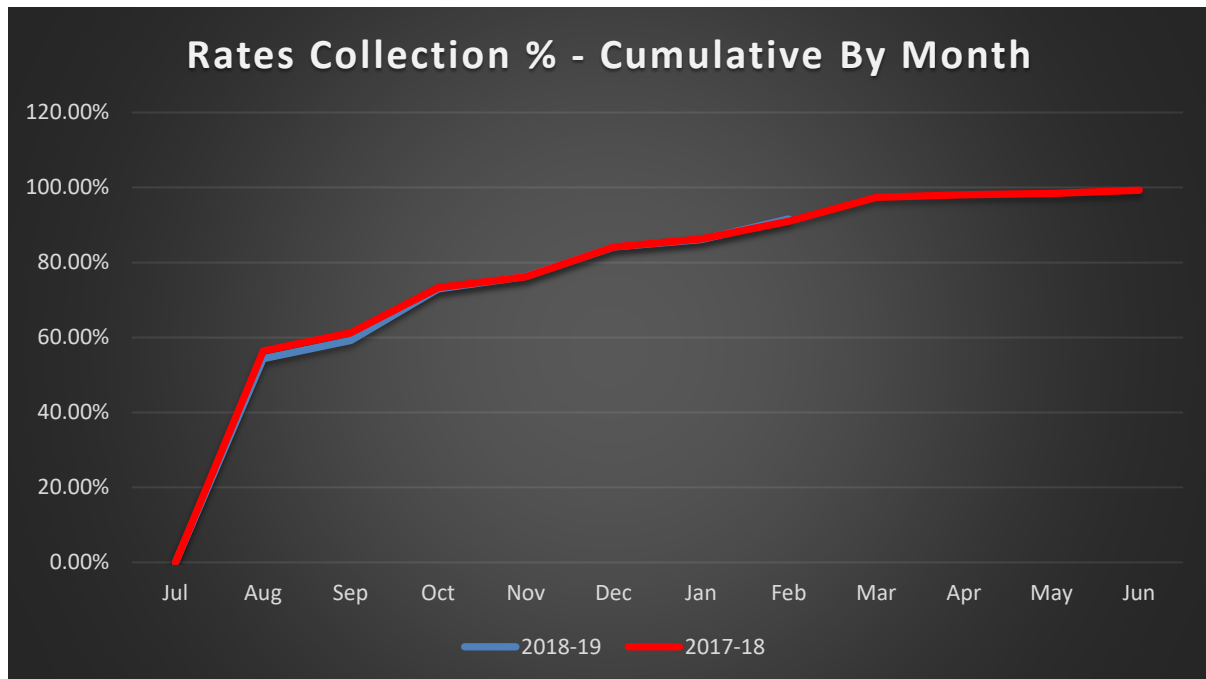
Expenditure has been incurred in accordance with adopted budget parameters, which have been structured on financial viability and sustainability principles.

**Consultation**

In accordance with section 6.2 of the *Local Government Act 1995*, the annual budget was prepared having regard to the *Strategic Financial Plan*, prepared under Section 5.56 of the *Local Government Act 1995*. The Mid Year Review Budget was prepared in accordance with Regulation 33A of the *Local Government (Financial Management) Regulations 1996*.

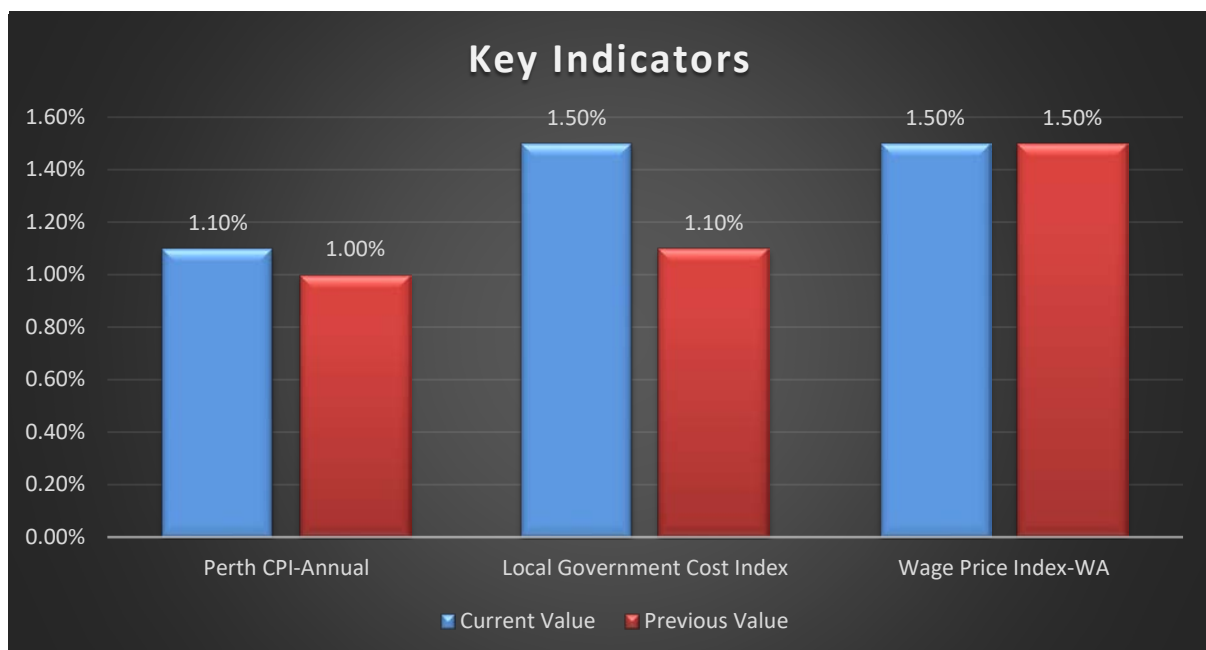
## KEY INDICATORS

### Rates Collection



Rates collections as a percentage of rates issued (debtors) continues on par with the prior year at the end of February. This trend is expected to continue to the end of the financial year.

### Economic Indicators



Increase in the Perth CPI during the December quarter demonstrate the WA economy continues to emerge from its downturn further indicating an increase to future cost pressures in the general economy. Wage inflation data for December demonstrates the WA wage price index has remained steady and above CPI, and continues to contrast the national wage price index which increased 2.2% for the same period.

## **COMMENT**

All expenditure included in the Financial Activity Statement is incurred in accordance with the provisions of the 2018-19 revised budget or has been authorised in advance by Council where applicable.

## **VOTING REQUIREMENTS**

Simple Majority.

**MOVED Mayor Jacob, SECONDED Cr Jones that Council NOTES the Financial Activity Statement for the period ended 28 February 2019 forming Attachment 1 to Report CJ041-04/19.**

**The Motion was Put and CARRIED (13/0) by Exception Resolution after consideration of CJ036-04/19, page 159 refers.**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 8 refers*

*To access this attachment on electronic document, click here: [Attach8brf190409.pdf](#)*

*The Manager Planning Services left the Chamber at 9.04pm and returned at 9.06pm.*

**CJ042-04/19      INVESTIGATION INTO CITY UTILISATION OF  
SCHOOL PLAYING FIELDS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	69612, 101515
<b>ATTACHMENTS</b>	Attachment 1      Report of findings
<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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This item was dealt with later in the meeting after CJ043-04/19, page 99 refers.

**Disclosures of interests affecting impartiality**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ043-04/19 - Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Chester is a committee member of the Friends of Yellagonga Regional Park and has connections with many of the City's natural areas friends' groups.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan is a member of Friends of Yellagonga Regional Park and has close ties with a number of other groups which care for the City of Joondalup's bushland.

<b>Name/Position</b>	<b>Cr Kerry Hollywood.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Hollywood resides in a fire hazard area.

<b>Name/Position</b>	<b>Cr Christopher May.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr May is a member of Friends of Yellagonga Regional Park.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ043-04/19 – Hazard Reduction Burning in the City of Joondalup.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman is coordinator for Friends of Porteous Park and coordinator for Friends of Sorrento Beach and Marmion Foreshore.

## **CJ043-04/19      HAZARD REDUCTION BURNING IN THE CITY OF JOONDALUP**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	106299, 10515
<b>ATTACHMENTS</b>	Nil
<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.

## PURPOSE

For Council to note the City of Joondalup's proposed Hazard Reduction Burning Program.

## EXECUTIVE SUMMARY

In accordance with the City's *Bushfire Risk Management Plan 2018-2023* there has been ongoing liaison and collaboration between the City, the Department of Fire and Emergency Services (DFES) Bushfire Risk Management Branch and North/West Coastal District Office regarding bushfire mitigation strategies within the City of Joondalup and in particular hazard reduction burning.

In consultation with DFES officers and private contractors it has been identified that the targeted burning of grass trees, including underlying and nearby leaf litter, is the recommended fuel reduction strategy, for example in Warwick Open Space Bushland.

DFES have offered their support to the City and will support the implementation of hazard reduction burns within mutually-agreed City managed reserves, subject to scheduling and resourcing, as well as favourable weather conditions.

DFES have advised that the optimal time to conduct hazard reduction burning is from autumn to spring.

*It is therefore recommended that Council NOTES the establishment of a Hazard Reduction Burning Program by the City of Joondalup, in liaison with the Department of Fire and Emergency Services (DFES), including:*

- 1 Development of a Hazard Reduction Burning Program for each identified reserve to be carried out over several years to a set schedule;*
- 2 Development of corporate protocols and processes;*
- 3 Community engagement to inform local residents, the community and stakeholders;*
- 4 Undertaking targeted grass tree burns, including underlying and nearby leaf litter, in Warwick Open Space Bushland in autumn and/or winter 2019;*
- 5 Undertaking targeted grass tree burns, including underlying and nearby leaf litter, within applicable City managed reserves where it is jointly agreed by DFES and the City in 2019 and onwards.*

## BACKGROUND

The purpose of the City's *Bushfire Risk Management Plan 2018-2023* is to identify the level of risk for a bushfire occurring within the City of Joondalup to determine the priority areas for treatment and management.

The plan also recommends the implementation of treatment strategies such as hazard and fuel reduction, improvements to corporate protocols and processes and implementing education and awareness raising initiatives within the community.

The plan makes the following recommendation regarding hazard reduction burning:

*“In liaison with DFES investigate the establishment of a City of Joondalup Hazard Reduction Burning Program aimed at reducing the risk of fire within vegetated areas in accordance with the identified Fire Management Priority”.*

The City does not have the necessary skills, resources or experience to undertake hazard reduction burning itself. It was the intention that if this was pursued it would be with the support of DFES to undertake the hazard reduction burns.

## DETAILS

There has been considerable ongoing liaison and collaboration between the City and the DFES Bushfire Risk Management Branch and North/West Coastal District Office.

Through recent site visits and discussions held between City Officers, DFES Officers and two independent consultants it has been established that the targeted burning of grass trees, including underlying and nearby leaf litter, is the recommended fuel reduction strategy for some of the City's managed reserves.

The following comments from two independent consultants are in relation to Warwick Open Space Bushland:

- Natural Areas Consulting Management Services (NACMS) - *“As discussed on site, a lot of the volatile fuel located throughout the fuel reduction area will come from grass tree skirts. By removing this biomass, you will reduce the ability of fire to carry through the bushland. Selectively burning the grass trees would be the most efficient way to remove this material”.*
- Tranen Revegetation Systems - *“Another option to manual fuel load reduction would be to wait for the appropriate time for a qualified team to run a burn through the area. This is the option that I would recommend as it would reduce the fuel load down to the desired level”.*

### Proposed DFES Support

The DFES have offered their support to the City and will support the implementation of hazard reduction burns within mutually-agreed City managed reserves, subject to scheduling and resourcing, as well as favourable weather conditions.

DFES have advised that the optimal time to conduct hazard reduction burning is from autumn to spring and could commence in 2019. This timeframe has taken into account the need to undertake community education and awareness, obtaining State and Federal environmental approvals and permits (if required) and the suitability of weather and environmental conditions.

It is proposed that a Hazard Reduction Burning Program will commence from autumn 2019 in liaison with DFES.

Hazard reduction burning involves removal of excess fuel load through the use of fire. Hazard reduction burns are undertaken to protect assets such as nearby properties and structures by burning selected vegetation and ground fuels such as leaf litter, grasses and grass trees. These types of fires are generally 'cool' and are undertaken in appropriate weather conditions so that the fire burns slowly at low intensity.

The extent of the program will be subject to scheduling and resourcing as well as favourable weather conditions. It is anticipated that DFES may be able to undertake targeted grass tree burns (including underlying and nearby leaf litter) for the City at Warwick Open Space Bushland in autumn and/or winter 2019. Additional reserves suitable for grass tree burning that could be included in the 2019 program will be identified in consultation with DFES.

The continuation of the Hazard Reduction Burning Program beyond autumn/winter 2019 will be subject to continued DFES support.

The City will undertake the following actions to support the implementation of a Hazard Reduction Burning Program in liaison with DFES:

- Development of a Hazard Reduction Burning Program for each identified reserve to be carried out over several years to a set schedule.
- Establishing appropriate corporate processes and procedures.
- Community engagement to inform Friends Groups, the broader community and other stakeholders about bushfire risk and the City's Hazard Reduction Burning Program.
- Identifying City managed reserves on Crown land suitable for undertaking targeted grass tree burns.
- Development of hazard reduction burning prescriptions for identified reserves, which will include consideration of stakeholder consultation, traffic management, fuel loads, environmental considerations, resourcing, safety, weather conditions, burn methodology and requirements for post-burn weed control, post-burn re-vegetation and post-burn review of mitigation strategies.

#### Community Engagement Plan

The proposed use of hazard reduction burning is a new approach to bushfire management for the City. A Community Engagement Plan has been developed to minimise concern within the community by ensuring they are adequately informed about the program and its objectives and benefits. The Community Engagement Plan also ensures that residents located nearby to a planned burn are informed about the details of when the burn will occur and any potential impacts that they may experience. Residents will have the opportunity to go on a register to receive email or SMS updates advising when a burn is scheduled to commence.

The Community Engagement Plan includes two phases:

- 1 A broad information campaign using online, print and social media to outline the intent of the City to undertake hazard reduction burning, the reasons why this approach is being undertaken and the potential benefits. This will include the provision of Frequently Asked Questions.
- 2 Once the proposed burns are scheduled, signage will be installed within the reserves and residents within a 200 metre radius of the burn site will be directly informed about the burn occurring. Local stakeholders such as schools, shopping centres, aged care facilities and medical centres will also be informed.

#### Hazard Reduction Burning by Other Stakeholders

Private property/land owners can apply to the City for a permit to burn for the purpose of reducing fuel loads and bushfire risk. Historically the City has not issued burn permits for private property/land owners other than Joondalup Resort for the burning of large piles of green waste and in this case that hasn't applied in the last three years. The City will assess



burn permit applications on an individual case by case basis taking into consideration factors such as:

- size of the property / land
- objectives of the burn
- experience of burn operators
- appropriate planning for the burn, including risk assessment, traffic management, smoke considerations, weather conditions, and environmental impacts.

The City is developing guidelines to assist in assessing burn permit applications as part of a Permit to Burn procedure. The City is under no obligation to issue a permit to burn.

### **Issues and options considered**

There are two options:

#### **Option 1**

Establish a Hazard Reduction Burning Program in liaison with the Department of Fire and Emergency Services (DFES), including the following:

- Development of corporate protocols and processes to support the Hazard Reduction Burning Program.
- Community engagement to inform local residents, the community and stakeholders of the City's intention to commence a Hazard Reduction Burning Program.
- Undertaking targeted grass tree burns, including underlying and nearby leaf litter, in Warwick Open Space Bushland in autumn and/or winter 2019.
- Undertaking targeted grass tree burns, including underlying and nearby leaf litter, within applicable City managed reserves where it is jointly agreed by DFES and the City in 2019 and onwards.

#### **Option 2**

Do not establish a Hazard Reduction Burning Program.

#### **Recommended Option**

Option 1 is the recommended option as it provides an opportunity for the City to further reduce fire risk in some of the City's high fire risk reserves and gain experience in implementing hazard reduction burns under the guidance of experienced Department of Fire and Emergency Services officers.

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

**Legislation**                      *Bush Fires Act 1954.*

#### **Strategic Community Plan**

**Key theme**                      Natural Environment, Community Wellbeing.

**Objective**                      Environmental resilience, Community safety.

**Strategic initiative**

- Identify and respond to environmental risks and vulnerabilities.
- Build a community that works in partnership with government and non-government organisations to achieve real and long-lasting improvements in safety and wellbeing.

**Policy**

*Sustainability Policy and Burning on Private Property Policy.*

**Risk management considerations**

A coordinated and planned approach is required to address fire management within the City of Joondalup in order to mitigate the risk of fire occurrences that could result in damage to life, property and the environment. The implementation of a Hazard Reduction Burning Program will reduce the risk of a bushfire occurring within the City of Joondalup.

The implementation of a proposed Hazard Reduction Burning Program is supported by DFES who have extensive experience in implementing hazard reduction burns and responding to fire emergencies. As part of preparing a burn prescription experienced officers will conduct a full risk assessment of the proposed burn area, identify burn objectives, consider traffic management, weather conditions, appropriate resourcing, safety and contingency plans for any unforeseen events, including the burn getting out of control. The risk is significantly reduced by undertaking the Program with the support of DFES officers.

In addition, the City has undertaken a risk assessment of the proposed Hazard Reduction Burning Program including identifying the risks and opportunities associated with the Program and detailing preventative and reactive controls the City can implement to reduce the risk of any consequences occurring.

While there are risks associated with implementing a Hazard Reduction Burning Program, there are greater risks from an out of control bushfire/wildfire due to it being an unplanned event (such as arson or accidental), weather conditions could be more severe, delayed fire and emergency response times and a more intense hotter fire due to higher fuel loads.

**Financial / budget implications**

The cost of hazard reduction burns with the support of the DFES can be accommodated within the 2019-20 bushfire mitigation budget request.

**Regional significance**

There are a variety of regionally, nationally and internationally significant natural areas located within the City including the Yellagonga Regional Park and a number of Bush Forever sites which contain species of high conservation value, these areas would be highly impacted in the event of a fire.

A serious bushfire event within the City of Joondalup may also limit the accessibility of assets and transport links within the City that have regional importance, including:

- Joondalup Health Campus
- Edith Cowan University
- North Metropolitan TAFE, Joondalup Campus
- Beenyup Waste Water Treatment Plant
- Western Australia Police Academy
- Mitchell Freeway
- Marmion Avenue and other roads providing north-south connectivity

- Ocean Reef Road and other major roads providing east-west connectivity
- Joondalup Train Line.

### **Sustainability implications**

Fire has the potential to severely impact the environmental, social and economic assets of the City of Joondalup. Management actions proposed within the *Bushfire Risk Management Plan 2018-2023* aim to increase the City's resilience regarding the mitigation and management of fire. The plan also includes actions that target community education and awareness to ensure that the City of Joondalup community is well-informed regarding the threat of fires and actions that can be taken to prevent fire occurrences.

The proposed Hazard Reduction Burning Program which will consist of low intensity burns targeting grass trees in a mosaic pattern (patches of burnt and unburnt areas within the burn area) of no more than one hectare will have minimal impact on the flora and fauna of the reserve.

A high intensity unplanned bushfire/wildfire is likely to have a much more severe impact on the health and biodiversity of the bushland.

### **Consultation**

The City consults on an ongoing basis with the DFES, the Department of Biodiversity, Conservation and Attractions (DBCA) and other local governments to keep up to date with current best practice approaches to bushfire mitigation.

The City has consulted with DFES and independent consultants on the most effective method for reducing bushfire risk within specific City reserves. The City was advised that for Warwick Open Space Bushland a low intensity hazard reduction burn targeting grass trees would be more effective at reducing fuel loads and would have less environmental impact.

A Community Engagement Plan has been developed to ensure the community is adequately informed about the Program and its objectives and benefits.

The Community Engagement Plan also ensures that residents located nearby to a planned burn are informed about the details of when the burn will occur and any potential impacts that they may experience. Residents will have opportunity to go on a register to receive email or SMS updates advising when a burn is scheduled.

The Community Engagement Plan includes two phases:

- 1 A broad information campaign using online, print and social media to outline the intent of the City to undertake hazard reduction burning, the reasons why this approach is being undertaken and the potential benefits. This will include the provision of Frequently Asked Questions.
- 2 Once the proposed burns are scheduled, signage will be installed within the reserves and residents within a 200 metre radius of the burn site will be directly informed about the burn occurring. Local stakeholders such as schools, shopping centres, aged care facilities and medical centres will also be informed.

### **COMMENT**

Ongoing liaisons and a strong stakeholder relationship with the DFES has resulted in DFES supporting the implementation of hazard reduction burns (namely low intensity burns targeting grass trees, including underlying and nearby leaf litter) within key City reserves. Warwick Open

Space Bushland has been identified by DFES as being appropriate for low intensity hazard reduction burns. Additional areas for burning will be identified in consultation with DFES and may be included in the Program subject to scheduling and resourcing.

Implementation of a Hazard Reduction Burning Program will require the City to establish relevant corporate protocols and procedures, including community engagement. Given that any form of hazard reduction burning is new to the City, a broader community information campaign would be needed to raise awareness in addition to informing residents that a burn was occurring near them. A Community Engagement Plan and associated engagement materials have been prepared.

The City will further liaise with DFES to confirm locations and scheduling for the hazard reduction burns to ensure the City is adequately prepared. Information will then be provided to Elected Members and the community confirming location of burns.

## **VOTING REQUIREMENTS**

Simple Majority.

## **OFFICER'S RECOMMENDATION**

That Council NOTES the establishment of a Hazard Reduction Burning Program by the City of Joondalup, in liaison with the Department of Fire and Emergency Services (DFES), including:

- 1 development of a Hazard Reduction Burning Program for each identified reserve to be carried out over several years to a set schedule;
- 2 development of corporate protocols and processes;
- 3 community engagement to inform local residents, the community and stakeholders;
- 4 undertaking targeted grass tree burns, including underlying and nearby leaf litter, in Warwick Open Space Bushland in autumn and/or winter 2019;
- 5 undertaking targeted grass tree burns, including underlying and nearby leaf litter, within applicable City managed reserves where it is jointly agreed by DFES and the City in 2019 and onwards.

## **MOVED Cr Norman, SECONDED Cr Chester that Council NOTES:**

- 1 **the establishment of a Hazard Reduction Burning Program by the City of Joondalup, in liaison with the Department of Fire and Emergency Services (DFES), including:**
  - 1.1 **development of a Hazard Reduction Burning Program for each identified reserve to be carried out over several years to a set schedule;**
  - 1.2 **development of corporate protocols and processes;**
  - 1.3 **community engagement to inform local residents, the community and stakeholders;**

- 1.4 undertaking targeted grass tree burns, including underlying and nearby leaf litter, in Warwick Open Space Bushland in autumn and/or winter 2019;
  - 1.5 undertaking targeted grass tree burns, including underlying and nearby leaf litter, within applicable City managed reserves where it is jointly agreed by DFES and the City in 2019 and onwards;
- 2 there is no intention of hazard reduction burning being a replacement for the existing fuel load reduction activities that the City has undertaken over many years but rather to supplement those activities in locations where the traditional activities alone have not been able to achieve the desired fuel load reduction;
- 3 that consultation with friends groups in regard to a proposal for a hazard reduction burn will be undertaken prior to the City's final decision to proceed.

It was requested that Parts 1.4 and 1.5 be voted upon separately.

**MOVED Cr Norman, SECONDED Cr Chester that Council NOTES:**

- 1 the establishment of a Hazard Reduction Burning Program by the City of Joondalup, in liaison with the Department of Fire and Emergency Services (DFES), including:
  - 1.1 development of a Hazard Reduction Burning Program for each identified reserve to be carried out over several years to a set schedule;
  - 1.2 development of corporate protocols and processes;
  - 1.3 community engagement to inform local residents, the community and stakeholders;
- 2 there is no intention of hazard reduction burning being a replacement for the existing fuel load reduction activities that the City has undertaken over many years but rather to supplement those activities in locations where the traditional activities alone have not been able to achieve the desired fuel load reduction;
- 3 that consultation with friends groups in regard to a proposal for a hazard reduction burn will be undertaken prior to the City's final decision to proceed.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*The Governance Officer left the Chamber at 9.18pm and returned at 9.22pm.*

**MOVED Cr Norman, SECONDED Cr Chester that Council NOTES:**

- 1 the establishment of a Hazard Reduction Burning Program by the City of Joondalup, in liaison with the Department of Fire and Emergency Services (DFES), including:**
  - 1.4 undertaking targeted grass tree burns, including underlying and nearby leaf litter, in Warwick Open Space Bushland in autumn and/or winter 2019;**
  - 1.5 undertaking targeted grass tree burns, including underlying and nearby leaf litter, within applicable City managed reserves where it is jointly agreed by DFES and the City in 2019 and onwards;**

**The Motion was Put and****CARRIED (11/2)**

**In favour of the Motion:** Mayor Jacob, Crs Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, Norman, Poliwka and Taylor.

**Against the Motion:** Crs Chester and May.

## **CJ042-04/19      INVESTIGATION INTO CITY UTILISATION OF SCHOOL PLAYING FIELDS**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Mike Tidy Corporate Services
<b>FILE NUMBER</b>	69612, 101515
<b>ATTACHMENTS</b>	Attachment 1      Report of findings
<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.

### **PURPOSE**

For Council to consider the report of findings for the investigation into City utilisation of school playing fields.

### **EXECUTIVE SUMMARY**

Due to the inability to develop additional active parks, the City experiences a high demand for parks with adequate sporting infrastructure. An assessment on active park utilisation was undertaken on data from the 2017-18 which identified that during the winter season, 14 active parks are classified as over utilised in peak periods, three of which are rated above 80% utilisation which can lead to a detrimental impact on the quality of the playing turf. Utilisation in summer is less intensive, however four active parks are classified as over utilised.

At its meeting held on 26 June 2018 (C59-06/18 refers), Council requested a report on the investigation and potential opportunities in the City utilising school playing fields to assist with high demand for active park space.

As a result, a study was undertaken in late 2018 which identified six school sites potentially suitable for City use. The school sites were identified based on their suitable location near over utilised City managed parks and being appropriately sized to cater for a range of senior and junior sports. The school sites identified were as follows:

- Duncraig Senior High School, Duncraig.
- Lake Joondalup Baptist College, Joondalup.
- Mater Dei College, Edgewater.
- Prendiville Catholic College, Ocean Reef.
- Warwick Senior High School, Warwick.
- Woodvale Secondary College, Woodvale.

For sporting clubs to access school sites however, access to adequate sporting infrastructure is required such as:

- sports floodlighting
- change rooms

- storage
- kiosk
- toilets
- meeting room space.

As school playing fields are utilised by the school during the day there is generally no need for them to provide sports floodlighting. For the playing fields to be used by sporting clubs, the City would likely need to pay the associated capital, maintenance and utility costs. In addition, depending on the provision and access to other infrastructure at the school (such as change rooms and storage), the City may also need to contribute to the capital costs.

The study identified that entering into an agreement with schools for the City to access their playing fields would bring several risks including the following:

- The likely requirement for the City to fund infrastructure on land that it does not own or manage.
- The school playing field would likely be maintained independently from the City, which may result in it not being maintained to the City's requirements or they may require additional investment in annual maintenance to meet the City's requirements.
- The school's expectation of access fees may not be in line with the City's.
- The ability for sporting clubs to be approved a liquor licence to supply / sell alcohol on a school site is unknown.
- It is unknown if the schools have adequate power supplies to allow for the installation of sports floodlighting. This may result in the school site not being suitable or additional capital expenditure being required.
- The City may not be eligible for external funding programs such as the Community Sporting and Recreation Facilities Fund (CSRFF) program. Typically, this program's eligibility criteria states that projects occurring on private land are considered ineligible.
- If a school site was to close in the future, this would lead to issues relating to capital investment costs, disposing of City assets and displacement of City usage allocated to that school playing fields.

Any agreement with a school to access their playing fields would need to minimise the identified risks. The Department of Education has confirmed that the City would need to contact the identified schools directly to further discuss potential interest and access opportunities. To date no contact has been made with the identified schools.

The study identified that an alternative option to reduce park over utilisation is to further develop the under-utilised City managed active parks. This option would also require a similar financial investment from the City in sporting infrastructure such as sports floodlighting and change-rooms, however would occur on City managed land where the identified risks of utilising school playing fields are removed.

The active reserve and community facilities review which is undertaken every three years, evaluates the City's active reserve utilisation and identifies the sports infrastructure needed on active reserves to make better use of the City's parks and service the needs of the community. It is suggested that the next review scheduled to be undertaken in 2020-21, should consider recommendations for future project works to assist with high demand for active parks with adequate sporting infrastructure as identified in this study.



*It is therefore recommended that Council:*

- 1 NOTES the report of findings for the investigation into City utilisation of school playing fields as Attachment 1 to Report CJ042-04/19;*
- 2 AGREES not to progress further investigations into City utilisation of the identified school playing fields at this time;*
- 3 NOTES that the next active reserve and community facility review scheduled to be undertaken in 2020-21 will consider recommendations for future project works to assist with high demand for active parks with adequate sporting infrastructure.*

## **BACKGROUND**

At its meeting held on 12 December 2017 (CJ204-12/17 refers), Council noted the review of the active reserves and community facilities report and the recommendations made for works based on a strategic approach to the future provision of community and sporting facilities and infrastructure. The review identified that 13 active parks were above the industry guideline for usage of 25 hours per week (peak periods) in winter, which is known to have a detrimental impact on the quality of the playing surface.

As the City has limited ability to develop additional parks on new land, it is important to implement a strategic approach to the ongoing management of parks and provision of infrastructure. This will be further evident as the City's forecast population increases from 162,742 to 177,438 by 2036, which will result in increased utilisation pressure on existing active parks.

At its meeting held on 26 June 2018 (C59-06/18 refers), Council requested a report on the investigation and potential opportunities in the City utilising school playing fields to assist with high demand for active park space.

## **DETAILS**

As requested by Council at its meeting held on 26 June 2018, a study was undertaken in late 2018 to investigate City utilisation of school playing fields and a report of findings was developed (Attachment 1 refers).

### Existing shared use agreements with schools

At its meeting held on 25 November 2008 (CJ253-11/08 refers), Council considered options to formalise existing arrangements with schools that shared an adjoining land boundary over a City park, or the City managed park is utilised by the school. At this meeting, Council adopted the recommended implementation of a cost sharing model which in most cases sees the Department of Education / Catholic Education Office contribute a fixed percent (25%) of the annual maintenance cost of a City managed park that is being used by the school. The City currently has 12 shared use agreements, including 10 with the Department of Education and two with the Catholic Education Office.

The difference between the existing shared use sites and the schools identified in the report of findings is that the school playing fields identified in that report are owned by the schools and are not located across shared land managed by the City. A list of current shared use locations is provided in Attachment 1 of the report of findings (Attachment 1 refers).

### Active park utilisation

The City has 51 active parks with varying demand based on several factors including size, location and the level of infrastructure provided. Generally, parks that are well-utilised are large in size (1.8 hectares or more), are suitably located within residential areas and have a high level of infrastructure provided (such as change-rooms, storage and floodlighting). Typically, an active park is available for use 45 hours per week (during peak periods), however if a park has over 25 hours of high intensity activity scheduled it can lead to a detrimental impact on the quality of the playing surface.

The report of findings identified 14 active parks that are considered as over utilised during peak periods in winter 2018. Sixteen active parks have a utilisation rate of between 41% to 60%, meaning if usage increased in the future these active parks may become over utilised.

The report of findings identified four active parks that are considered as over utilised during peak periods in summer 2017-18. A further 17 active parks have a utilisation rate of between 41% to 60%, meaning if usage increased in the future these active parks may become over utilised.

This active park utilisation data was then used to identify potential school sites located within close proximity to City managed parks that were over utilised (above 60% utilisation).

### Sporting Infrastructure at schools

As school playing fields are utilised by the schools during the day there is generally no need for them to provide sports floodlighting. Schools usually have a provision for change-rooms, toilets and potentially meeting room space, but not typically available storage or kiosks. It is important to note that any infrastructure that is provided, is usually within the school's secured fenced area and may not be easily accessible from the school playing fields outside of school hours. Therefore, the City may need to provide sporting infrastructure on land it does not own or manage including:

- sports floodlighting
- toilets
- change rooms
- storage
- kiosks
- meeting room.

### Identified potential school site

The report of findings identified potential school sites due to their size of active playing fields, existing sporting infrastructure, ability to cater for a range of senior and junior sports and location near over utilised City managed parks. Further information on each park is included in section 3.6 of the report of findings (Attachment 1 refers). The school sites identified were as follows:

- Duncraig Senior High School, Duncraig.
- Lake Joondalup Baptist College, Joondalup.
- Mater Dei College, Edgewater.
- Prendiville Catholic College, Ocean Reef.
- Warwick Senior High School, Warwick.
- Woodvale Secondary College, Woodvale.

### Risks to the City

The report of findings identified that entering into an agreement with schools for the City to access their playing fields would bring several risks including the following:

- The likely requirement for the City to fund infrastructure on land that it does not own or manage.
- The school playing field would likely be maintained independently from the City, which may result in it not being maintained to the City's requirements or they may require additional investment in annual maintenance to meet the City's requirements. This risk is explored further in section 3.7.1 of the report of findings (Attachment 1 refers).
- The school's expectation of access fees may not be in line with the City's.
- The ability for sporting clubs to be approved a liquor licence to supply / sell alcohol on a school site is unknown.
- It is unknown if the schools have adequate power supplies to allow for the installation of sports floodlighting. This may result in the school site not being suitable or additional capital expenditure being required.
- The City may not be eligible for external funding programs such as the CSRFF program. Typically, this program's eligibility criteria states that projects occurring on private land are considered ineligible. This risk is explored further in section 3.7.2 of the report of findings (Attachment 1 refers).
- If a school site was to close in the future, this would lead to issues relating to capital investment costs, disposing of City assets and displacement of City usage allocated to that school playing fields.

### **Issues and options considered**

The study identified that an alternative option to reduce park over utilisation is to further develop the under-utilised City managed active parks. This option would also require a similar financial investment from the City in sporting infrastructure such as sports floodlighting and change-rooms, however would occur on City managed land where the identified risks of utilising school playing fields are removed.

The active reserve and community facilities review which is undertaken every three years, evaluates the City's active reserve utilisation and identifies the sports infrastructure needed on active reserves to make better use of the City's parks and service the needs of the community.

The last review was undertaken in 2017-18 and at its meeting held on 12 December 2017 (CJ205-12/17 refers), Council noted the recommended priority for future project works as outlined in the report which would be used to develop the City's future *Five Year Capital Works Program*.

In regard to sports infrastructure the review made recommendations based on a priority order taking into consideration a number of different factors including trends in growth of individual sports, facilities within the catchment area of the different sporting clubs, distribution and allocation of grounds, surrounding reserve infrastructure and current utilisation rates.

The review recommended the upgrade of floodlighting to increase utilisation at the following parks:

- Timberlane Park, Woodvale.
- Christchurch Park, Currambine.
- Moolanda Park, Kingsley.
- Santiago Park, Ocean Reef.
- Hawker Park, Warwick.

- MacNaughton Park, Kinross.

The review also suggested that improving toilet, change room and clubroom facilities at the following parks would also increase utilisation:

- Chichester Park North, Woodvale.
- Carlton Park, Currambine.
- MacNaughton Park, Kinross.
- Christchurch Park, Currambine.
- Littorina Park, Heathridge.
- Santiago Park, Ocean Reef.

The investigation into City utilisation of school playing fields report of findings also identified additional active parks that an upgrade of floodlighting would increase utilisation. These locations were not identified in the last active reserve and community facilities review as there were higher priority locations (as mentioned above). The identified additional active parks that would be suitable for floodlighting works include the following:

- Caledonia Park, Currambine: Junior and senior football (soccer).
- Littorina Park, Heathridge: Junior and senior football (soccer).
- Charonia Park, Mullaloo: Junior and senior football (soccer).
- Mirror Park, Ocean Reef: Junior and senior (preseason) AFL.
- Otago Park, Craigie: Junior and senior (preseason) AFL.
- Hillarys Park, Hillarys: Junior and senior football (soccer).
- Blackall Park, Greenwood: Junior AFL / football (soccer) and senior AFL / football (soccer) preseason.
- Glengarry Park, Duncraig: Junior AFL and senior AFL preseason.
- James Cook Park, Hillarys: Junior and senior football (soccer).

Improving the sporting infrastructure at under-utilised City parks will assist with the demand for adequate active parks without the risks associated with using school site and can reliably be eligible for CSRFF funding.

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

#### **Legislation**

*City of Joondalup Local Planning Scheme No. 3.  
Planning and Development (Local Planning Schemes)  
Regulations 2015.  
Metropolitan Region Scheme.*

#### **Strategic Community Plan**

**Key theme** Community Wellbeing.

**Objective** Quality facilities.

**Strategic initiative** Support a long-term approach to significant facility upgrades and improvements.

**Policy** *Asset Management Policy.*

Public secondary schools are usually located on land that is reserved as 'Public Use – High School' under the Metropolitan Region Scheme. It is likely that for the City to utilise a playing field of a public secondary school, a development application would need to be considered by the Western Australian Planning Commission (WAPC). The WAPC's position on the use of playing fields when not related to school-based activities is unknown.

Private secondary schools are usually located on land that is zoned 'Private Community Purposes' under the City's *Local Planning Scheme No. 3* (LPS3). Any use of the school playing fields that is not related to school-based activities would require a development application to be assessed by the City in accordance with the provisions of LPS3.

### **Risk management considerations**

The risks of entering into an agreement with schools for the City to access their playing fields have been outlined in the details section of this report.

### **Financial / budget implications**

If the City was to progress any agreement with a school to access their playing fields the following financial implications would need to be determined for each site:

- The capital costs, operating expenses and replacement costs required for sporting infrastructure such as sports floodlighting, toilets, change-rooms, storage, kiosks and meeting room space. The exact sporting infrastructure requirements would be determined on a case-by-case basis depending on the existing infrastructure and the sporting club requirements. Capital funding may also be required to improve the condition of the playing surface at each school to ensure it meets the City's requirements.
- The possible increased operational costs that may be required for the annual maintenance of the school playing field to ensure it meets the City's requirements.
- The City may be charged an access fee from the school for their playing fields. The access fee amount is currently unknown and would be established when negotiating the agreement, if it was deemed applicable by the school.

The City currently has a large capital expenditure commitment in the *Five Year Capital Works Program* and *20 Year Strategic Financial Plan*. While a large part of the proposed capital expenditure is on renewal of existing infrastructure, there is also a large component which is upgrade / new expenditure. The upgrade / new expenditure results in an additional burden to the City in the form of depreciation / capital replacement and the operating costs in most cases are not matched by new operating income. This makes it difficult for the City to overcome the operating deficit. If there was additional new infrastructure added to the *20 Year Strategic Financial Plan*, this would place pressure on the City to raise adequate income (such as rates) to match the operating expenditure.

### **Regional significance**

Not applicable.

### **Sustainability implications**

#### Environmental

Not applicable.

Social

Not applicable.

Economic

Not applicable.

**Consultation**

The report of findings was based on a desktop review of the investigation into City utilisation of school playing fields. The Department of Education has confirmed that the City would need to contact the identified schools directly to further discuss potential interest and access opportunities. To date, the City has not contacted any identified schools, therefore it is unknown if any are interested in establishing an agreement for City access and if the school playing fields are available for use.

**COMMENT**

Due to the inability to develop additional active parks, the City experiences a high demand for those parks with adequate sporting infrastructure. This study has identified six school sites within the City that if access was available, may assist with high demand for active park space. The school sites were identified based on their suitable location near over utilised City managed parks and being appropriately sized to cater for a range of senior and junior sports.

For sporting clubs to access school sites however, adequate sporting infrastructure is required such as sports floodlighting, change-rooms, storage, kiosks, toilets and meeting room space.

This would likely require the City to fund the capital and maintenance costs for infrastructure on land that it does not own or manage.

Entering into an agreement with schools for the City to access their playing fields would also bring other risks and financial implications such as grant funding eligibility, playing field maintenance levels and access fees.

The study identified that an alternative option to reduce park over utilisation is to further develop the under-utilised City managed active parks. This option would also require a similar financial investment from the City in sporting infrastructure such as sports floodlighting and change-rooms, however would occur on City managed land where the identified risks of utilising school playing fields are removed.

The active reserve and community facilities review which is undertaken every three years, evaluates the City's active reserve utilisation and identifies the sports infrastructure needed on active reserves to make better use of the City's parks and service the needs of the community. It is suggested that the next review scheduled to be undertaken in 2020-21, should consider recommendations for future project works to assist with high demand for active parks with adequate sporting infrastructure as identified in this study.

**VOTING REQUIREMENTS**

Simple Majority.

**OFFICER'S RECOMMENDATION**

That Council:

- 1 NOTES the report of findings for the investigation into City utilisation of school playing fields as Attachment 1 to Report CJ042-04/19;
- 2 AGREES not to progress further investigations into City utilisation of the identified school playing fields at this time;
- 3 NOTES that the next active reserve and community facility review scheduled to be undertaken in 2020-21 will consider recommendations for future project works to assist with high demand for active parks with adequate sporting infrastructure.

*Cr Poliwka left the Chamber at 9.23pm and returned at 9.25pm.*

*The Media and Communications Officer left the Chamber at 9.24pm and returned at 9.26pm.*

*The Manager Marketing and Communications left the Chamber at 9.27pm and returned at 9.29pm.*

**MOVED Mayor Jacob, SECONDED Cr Hamilton-Prime that Council:**

- 1 **NOTES the report of findings for the investigation into City utilisation of school playing fields as Attachment 1 to Report CJ042-04/19;**
- 2 **REQUESTS the Chief Executive Officer prepare a report on the possibility of transferring the ovals located at the former Padbury Senior High School site into the ownership or management of the City, including options for how this could be pursued;**
- 3 **NOTES that the next active reserve and community facility review scheduled to be undertaken in 2020-21 will consider recommendations for future project works to assist with high demand for active parks with adequate sporting infrastructure.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Appendix 9 refers*

*To access this attachment on electronic document, click here: [Attach9brf190409.pdf](#)*

## **CJ044-04/19      PROPOSED FENCED DOG EXERCISE AREA - RESULTS OF COMMUNITY CONSULTATION**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Mr Nico Claassen Infrastructure Services
<b>FILE NUMBER</b>	101515
<b>ATTACHMENTS</b>	Attachment 1      Community Engagement Outcomes Report Attachment 2      Elcar Park Location Plan
<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.

### **PURPOSE**

For Council to consider the outcomes of community engagement for the proposed development of a fenced dog exercise area.

### **EXECUTIVE SUMMARY**

An amount of \$150,000 was allocated in the 2018-19 Capital Works Budget to progress the installation of a dog exercise park. The City reviewed options for identifying a proposed location for a fenced dog exercise area and developed a matrix to consider potential locations that could accommodate such a facility. The following five sites were identified as potentially suitable:

- Bramston Park, Burns Beach.
- Elcar Park, Joondalup.
- Chichester Park, Woodvale.
- Emerald Park, Edgewater.
- Melene Park, Duncraig.

The community was invited to provide feedback from 26 November 2018 to 17 December 2018 to determine firstly, the overall level of support for the establishment of a fenced dog exercise area in one of its existing parks and secondly, their overall support for the five proposed park locations. The feedback received during the engagement period is outlined within the *Community Engagement Outcomes Report* (Attachment 1 refers).

With regard to establishing the overall level of support for the establishment of a fenced dog exercise area, 1,119 responses were received with most respondents 719 (58.4%) indicated that they either “supported” or “strongly supported” the proposal. 351 (28.5%) of respondents indicated that they were either “opposed” or “strongly opposed”.

In determining the level of support from one (most preferred) to five (least preferred) for the five proposed park locations, a total of 1,019 respondents answered this question. The park with the highest percentage selection as “most preferred” was Bramston Park, Burns Beach and Elcar Park, Joondalup was the highest selected as second most preferred and had the lowest selections of “least preferred”.



Elcar Park (Attachment 2 refers) is the preferred option based on support for a fenced dog exercise area from surrounding residents and landowners and as the park that was least contested. In terms of providing additional facilities for residents living in the City Centre where there are limited options for exercising dogs, Elcar Park is the most accessible and most centrally located.

*It is therefore recommended that Council:*

- 1 *NOTES the results of the community engagement process as detailed in Attachment 1 to Report CJ044-04/19;*
- 2 *SUPPORTS the development of a fenced dog exercise area;*
- 3 *NOTES that the 2018-19 budget currently lists \$150,000 towards the installation of a fenced dog exercise area;*
- 4 *SUPPORTS Elcar Park, Joondalup as the preferred location for the installation of a fenced dog exercise area;*
- 5 *BY AN ABSOLUTE MAJORITY determines to REMOVE the designation of the portion of Elcar Park Lot/Plan R41124; PIN 11253, outside the area to be fenced, as a dog exercise area;*
- 6 *NOTES that removing the designation in part 5 above will make that portion of Elcar Park Lot/Plan R41124; PIN 11253, a place where dogs must be on leash at all times, pursuant to section 31(1) of the Dog Act 1976.*

## **BACKGROUND**

An amount of \$150,000 was allocated in the 2018-19 Capital Works Budget to progress the installation of a dog exercise park. A further \$200,000 has been listed in the draft 2020-21 forward *Capital Works Program* for the potential installation of an additional facility depending on the outcomes of the 2018-19 project.

The City reviewed options for identifying a proposed location for a fenced dog exercise area and developed a matrix to consider potential locations which has been informed by:

- information from the Parks and Leisure Australia Dog Friendly Parks Seminar in 2016
- lessons learnt from other local governments with fenced dog exercise areas.

Based on the information obtained from the above-mentioned activities, the following criteria was identified:

Size:	Minimum of 3,500 square metres not currently used for organised sport.
Buffer:	Minimum of 30 metres offset buffer to nearby residences.
Toilet facility:	Existing toilet facility preferred.
Car park:	Existing car park preferred.
Shading:	Existing natural shade preferred.
Bushland:	No adjacent natural bushland preferred.
Irrigation:	Existing irrigation preferred.

In applying this criteria to the City's list of current public open spaces, the following parks were identified as being potential suitable location for the establishment of a fenced dog exercise area from which community engagement could be conducted:

- Bramston Park, Burns Beach.
- Chichester Park, Woodvale.
- Elcar Park, Joondalup.
- Emerald Park, Edgewater.
- Melene Park, Duncraig.

## DETAILS

### Community Engagement Process

A community engagement process was undertaken by the City in accordance with the *Community Engagement Plan* commencing on 26 November 2018 and closing on 17 December 2018. This involved the City engaging directly with a total of 5,936 stakeholders as follows:

- Local residents and landowners within a 350 metres radius of Bramston Park = 685.
- Local residents and landowners within a 350 metres radius of Chichester Park = 1,020.
- Local businesses and landowners within a 350 metres radius of Elcar Park = 358.
- Local residents and landowners within a 350 metres radius of Emerald Park = 527.
- Local residents and landowners within a 350 metres radius of Melene Park = 715.
- Community Engagement Network Members = 2,586.
- Residents' and ratepayers' associations = 19.
- Park user groups and schools with shared-use agreements = 13.
- Local politicians and members of parliament = 13.

Local residents and landowners within a 350 radii of the five identified parks (Bramston, Chichester, Elcar, Emerald and Melene) were sent information packs through the post containing a cover letter, information brochure and comment form. These stakeholders were invited to submit feedback via the comment form provided or via the online comment form.

Local politicians and parliamentarians were sent a cover letter and information brochure through the post. These stakeholders were advised of the engagement and directed to the City's website for further information.

Representatives from park user groups, schools with shared-use agreements and residents' and ratepayers' groups were sent an email. These stakeholders were provided with links to the information brochure and online comment form and were advised that hard-copy comment forms were available on request.

### Response Rate

The City collected a total of 1,234 valid responses throughout the 21 day advertised engagement period. Responses that were considered valid included all those which contained contact details enabling identification and were submitted within the advertised engagement period. Where multiple comment forms were received from the same respondent (for the same property) these were combined into one response.

Of the 3,305 residents and landowners within a 350 metres radii of the proposed parks, 481 submitted feedback. Response rates of residents and landowners within 350 metres of the proposed parks were as follows:

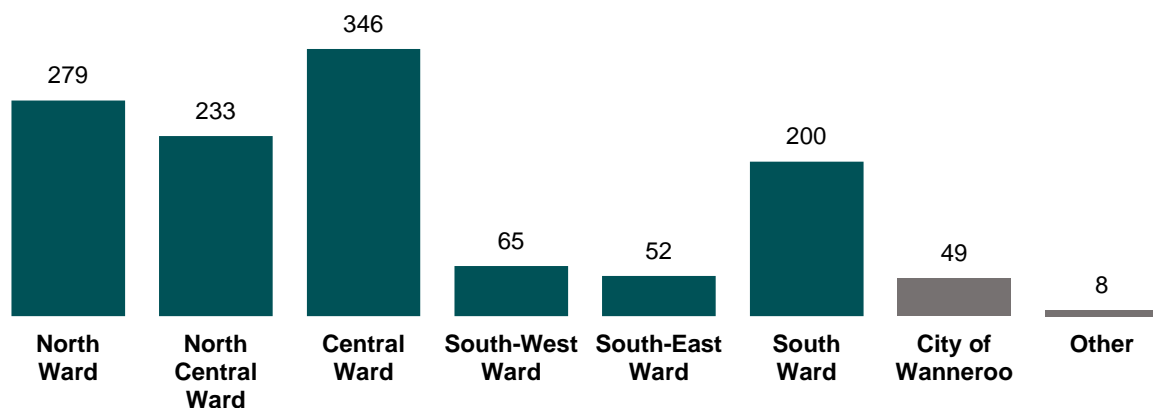
- Bramston Park received 68 responses out of 685 requests sent.
- Chichester Park received 189 responses out of 1,020 requests sent.
- Elcar Park received five responses out of 358 requests sent.
- Emerald Park received 80 responses out of 527 requests sent.
- Melene Park received 139 responses out of 715 requests sent.

Response rates were highest for residents and landowners around Melene Park (19.4%) and Chichester Park (18.5%).

The City also received 218 responses from members of the City's Community Engagement Network, a response from the Woodvale Waters Landowners Association and a response from Edgewater Cricket Club Inc. A multi-signatory letter was also received containing 114 signatures from 93 households (32 of which also submitted feedback via the comment form). The signatories were not supportive of a dog exercise area in general and specifically did not support the installation of a dog exercise area at Chichester Park, Woodvale. A further 587 respondents, who were not engaged directly, also submitted feedback on the proposal.

### Demographics

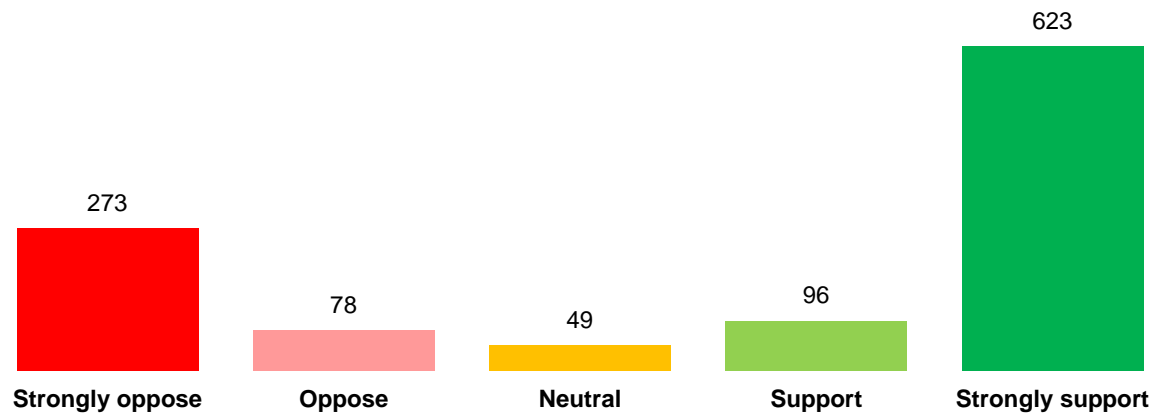
The majority of respondents were residents of the City of Joondalup (95.5%). A large number of respondents reside in the Central Ward (346), North Ward (279) or South Ward (200); and most reside in suburbs where the proposed parks are located, particularly Woodvale (280), Duncraig (189) and Edgewater (156):



Just over three-quarters of respondents (931) indicated that they are dog owners, owning at least one dog (of any size).

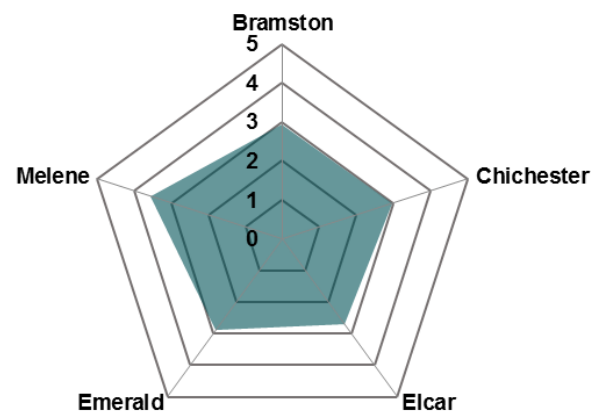
### Results

Respondents were asked to indicate their overall level of support for the establishment of a fenced dog exercise area on a five point scale from "strongly support" to "strongly oppose". A total of 1,119 respondents answered this question. The majority of respondents 719 (58.4%) indicated that they either "supported" or "strongly supported" the proposal. 351 (28.5%) of respondents indicated that they were either "opposed" or "strongly opposed".



Respondents were also asked to rank their level of support from one (most preferred) to five (least preferred) for the five proposed park locations. A total of 1,019 respondents answered this question. Overall, there is little disparity between the average rankings, with four parks having approximately the same ranking:

Park	Ranking
Elcar Park	2.7
Bramston Park	2.9
Emerald Park	2.9
Chichester Park	3.0
Melene Park	3.5



The percentage results of all respondents selecting “most preferred” and “least preferred” are as follows:

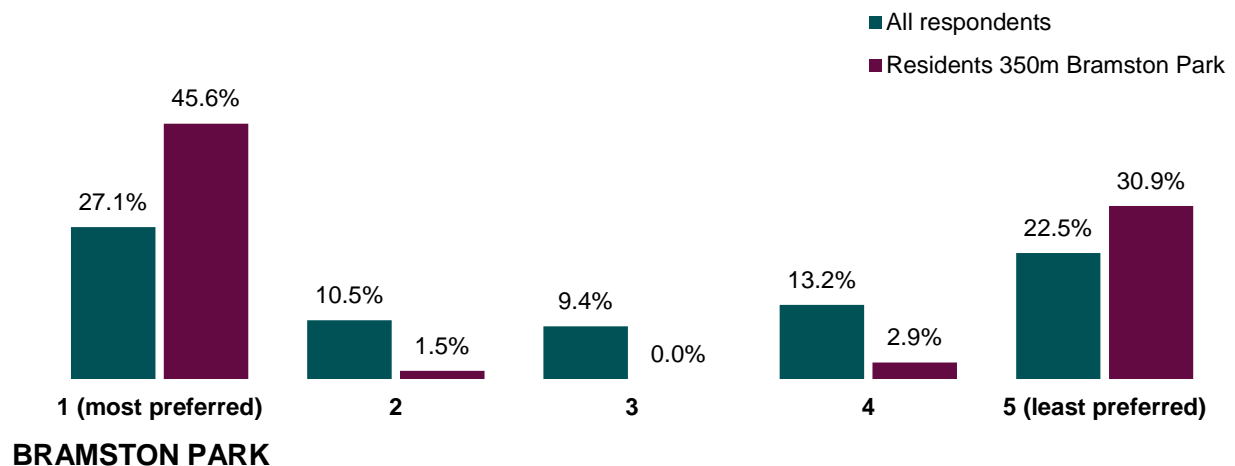
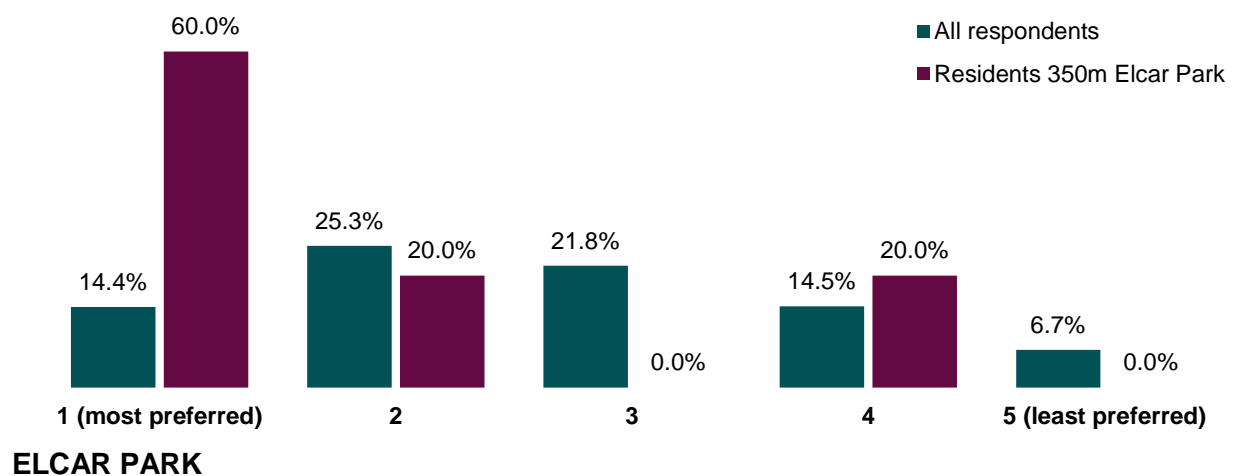
Park	Most Preferred	Least Preferred
Elcar Park	14.4%	6.7%
Bramston Park	27.1%	22.5%
Chichester Park	17.0%	15.7%
Emerald Park	11.4%	7.7%
Melene Park	12.8%	30.1%

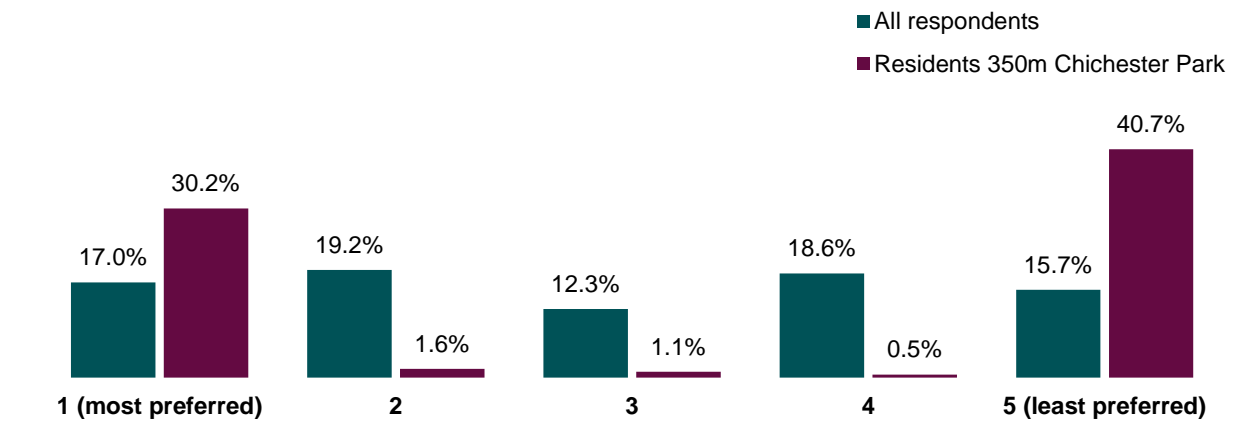
Although the overall result ranking shows little disparity across the five options from “most preferred” to “least preferred”, the park with the highest percentage selection as “most preferred” was Bramston Park.

The results of residents and landowners selecting “most preferred” and “least preferred” specifically within 350 metres of each park are as follows:

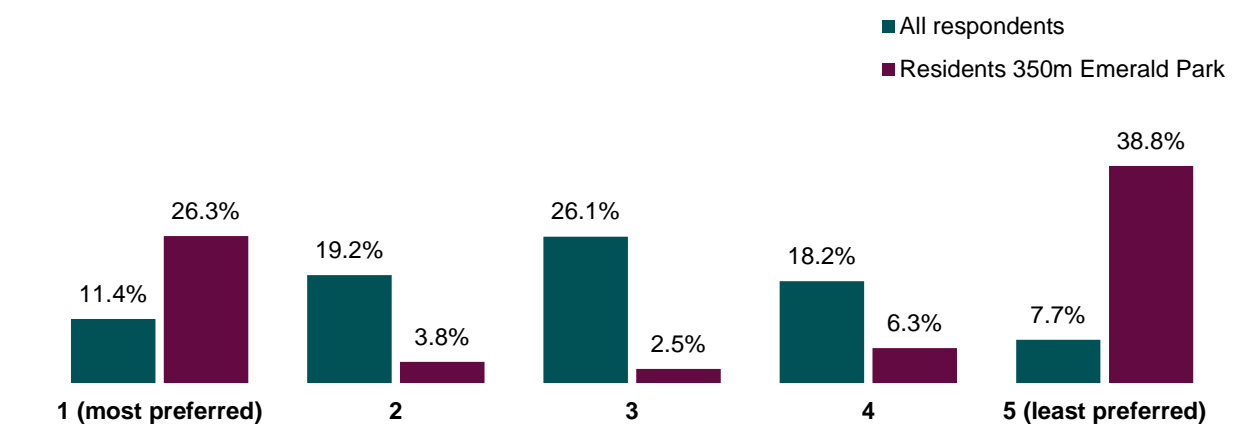
Park	Most Preferred	Least Preferred	Total Number of Respondents
Elcar Park	60.0%	0%	5
Bramston Park	45.6%	30.9%	68
Chichester Park	30.2%	40.7%	189
Emerald Park	26.3%	38.8%	80
Melene Park	25.2%	41.0%	139

The following bar graphs illustrate the response rates for each park considering all respondents and respondents within 350 metres of each park:

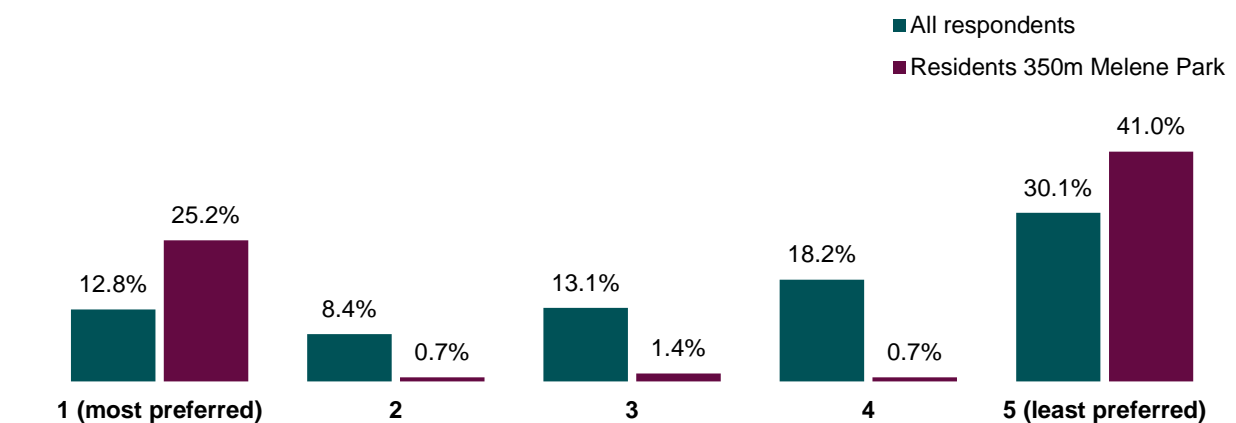




### CHICHESTER PARK



### EMERALD PARK



### MELENE PARK

The “most preferred” results from residents and landowners specifically within 350 metres of each park indicates Bramston Park and Elcar Park as having a majority of respondents in favour of a dog exercise facility in their park, however, Elcar Park only received five responses therefore validity is limited due to the sample size.

The “least preferred” results for Chichester Park, Emerald Park and Melene Park from local residents and landowners specifically within 350 metres of each park indicates that the majority of respondents are not in favour of a dog facility in their Park.

### Issues and options considered

- Option One - Support the development of a fenced dog exercise area at Bramston Park
- Option Two - Support the development of a fenced dog exercise area at Elcar Park
- Option Three - Support the development of a fenced dog exercise area at Chichester Park
- Option Four - Support the development of a fenced dog exercise area at Emerald Park
- Option Five - Support the development of a fenced dog exercise area at Melene Park
- or
- Option Six - Do not support the development of a fenced dog exercise area.

The overall results and results of local landowners within 350 metres of each park indicates that Bramston Park (Option 1) and Elcar Park (Option 2) are the most appropriate options. The advantages and disadvantages for installing a dog exercise facility in each park is as follows:

Park	Advantages	Disadvantages
Elcar Park	<ul style="list-style-type: none"> <li>• Surrounding commercial properties with no adjacent residents (noise and other complaints unlikely).</li> <li>• Located nearby for City residents where the dense housing fabric limits backyard space.</li> </ul>	<ul style="list-style-type: none"> <li>• No toilet facilities.</li> <li>• No existing water connection for drinking fountain.</li> <li>• On site car park accommodates six cars.</li> <li>• Potential on street parking conflicts with adjacent recreational facilities.</li> <li>• Potential conflict with markets at Elcar Park.</li> </ul>
Bramston Park	<ul style="list-style-type: none"> <li>• Toilets facilities available on site.</li> <li>• On site car park accommodates 95 cars.</li> <li>• Existing water connection for drinking fountain.</li> </ul>	<ul style="list-style-type: none"> <li>• Site available in park is in the drainage basin (which can flood periodically in winter). This will make the facility periodically unavailable and increase maintenance.</li> <li>• Surrounding residential properties (potential for noise and other complaints).</li> <li>• On site car park and on street parking is highly used during soccer games on the weekend.</li> <li>• Current road safety issues with cars parking on Burns Beach Road verge where two traffic lanes merge into one.</li> <li>• Current traffic issues with no right turn out of Mattingleys Approach onto Burns Beach Road.</li> <li>• Previous community concerns regarding the construction of</li> </ul>

Park	Advantages	Disadvantages
		<p>community building on east side of park.</p> <ul style="list-style-type: none"> <li>• Balls missing the goals are frequently kicked into drainage area (the site of the proposed fenced dog area).</li> <li>• Lack of shade.</li> </ul>

### Legislation / Strategic Community Plan / policy implications

**Legislation** Not applicable.

### Strategic Community Plan

**Key theme** Quality Urban Environment.

**Objective** Quality open space.

**Strategic initiative** Employ quality and enduring infrastructure designs that encourage high utilisation and increased outdoor activity.

**Policy** Not applicable.

### Risk management considerations

While it is acknowledged that strong community support has been identified for the installation of a fenced dog exercise area within the City of Joondalup, there is a risk that creating a confined space for dogs to exercise within may lead to an increase in animal and owner conflicts due to a higher concentration of utilisation within a smaller area. This has been experienced by other local governments that have recently installed fenced dog exercise areas within their boundaries.

Furthermore, a fenced area may also encourage complacency from some dog owners in ensuring they have effective and responsible control of their animal, which is required when utilising an open space for dog exercising purposes.

If progressed, the City will need to ensure that effective signage, education and enforcement is provided to support the appropriate use of a fenced dog exercise area by dog owners.

In terms of the potential location of a fenced dog exercise area, if installed within Bramston Park there is a risk of potential seasonal flooding due to the positioning of a shallow drainage basin in this area. This may render the facility unusable for short periods during the winter months and increase maintenance costs for installed infrastructure.



**Financial / budget implications**Current financial year impact

**Capital cost** Development of a dog exercise areas has the following amount listed in the City's 2018-19 budget:

2018-19	\$150,000
2020-21	\$200,000

Future financial year impact

**Annual operating cost** \$15,000

**Estimated annual income** Not applicable.

**Capital replacement** Estimated 20 years.

**20 Year Strategic Financial Plan impact** The capital cost for replacement of park assets is included in the *20 Year Strategic Financial Plan*.

**Impact year** 2038-39.

All amounts quoted in this report are exclusive of GST.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Engagement**

The results of the community engagement for the installation of a dog exercise area have been summarised in the details section of Report CJ044-04/19 and the full outcomes of the community engagement process are provided (Attachment 1 refers).

**COMMENT**

Elcar Park (Attachment 2 refers) is the preferred option based on support for a fenced exercise area from surrounding residents and landowners and as the park which was least contested. In terms of providing additional facilities for residents living in the City Centre where there are limited options for exercising dogs, Elcar Park is the most accessible and most centrally located.

It is recommended that the remainder of Elcar Park outside of the proposed dog exercise area be managed as dog-on-leash. This will ensure that the additional maintenance requirements will remain restricted to the fenced area and it will give other park users the freedom to enjoy the park without being intruded upon by unmanaged dogs.

## VOTING REQUIREMENTS

Absolute Majority.

*The Manager Marketing and Communications left the Chamber at 9.31pm and returned at 9.35pm.*

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

- 1 NOTES the results of the community engagement process as detailed in Attachment 1 to Report CJ044-04/19;**
- 2 SUPPORTS the development of a fenced dog exercise area;**
- 3 NOTES that the 2018-19 budget currently lists \$150,000 towards the installation of a fenced dog exercise area;**
- 4 SUPPORTS Elcar Park, Joondalup as the preferred location for the installation of a fenced dog exercise area;**
- 5 BY AN ABSOLUTE MAJORITY determines to REMOVE the designation of the portion of Elcar Park Lot/Plan R41124; PIN 11253, outside the area to be fenced, as a dog exercise area;**
- 6 NOTES that removing the designation in part 5 above will make that portion of Elcar Park Lot/Plan R41124; PIN 11253, a place where dogs must be on leash at all times, pursuant to section 31(1) of the *Dog Act 1976*.**

**The Motion was Put and**

**CARRIED (12/1)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman and Taylor.

**Against the Motion:** Cr Poliwka.

*Appendix 10 refers*

*To access this attachment on electronic document, click here: [Attach10brf190409.pdf](#)*

**REPORT – SPECIAL POLICY COMMITTEE – 2 APRIL 2019****Disclosures of Financial Interest**

<b>Name/Position</b>	<b>Cr John Chester.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Chester owns residential property in HOA / Place Neighbourhood 1 and 7 and his son and daughter own residential property in HOA / Place Neighbourhood 1 and 5.

<b>Name/Position</b>	<b>Cr Russ Fishwick, JP.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Financial Interest.
<b>Extent of Interest</b>	Cr Fishwick is a joint owner of property in Place Neighbourhood 1.

**Disclosures of interest affecting impartiality**

<b>Name/Position</b>	<b>Mayor Hon. Albert Jacob, JP.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Mayor Jacob has a relative who owns a property in Housing Opportunity Area 10.

<b>Name/Position</b>	<b>Cr John Logan.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Logan's step-daughter owns a property in Place Neighbourhood 10.

<b>Name/Position</b>	<b>Cr Mike Norman.</b>
<b>Item No./Subject</b>	CJ045-04/19 - Draft new Planning Framework for Infill Development.
<b>Nature of interest</b>	Interest that may affect impartiality.
<b>Extent of Interest</b>	Cr Norman has a relative who owns a property in Place Neighbourhood 3.

*Crs Chester and Fishwick left the Chamber at 9.50pm.*

**EXPLANATION – DISCLOSURES OF INTEREST**

There is opportunity for the Council in accordance with section 5.68 of the *Local Government Act 1995* that having considered the extent of those Elected Members who have made declarations under section 5.65 of the *Local Government Act 1995* in relation to this item and to resolve that the interests in each case is common to a significant amount of electors or ratepayers, as to allow those Elected Members to return to the Chamber and participate in any debate.

**C21-04/19                      MOTION TO ALLOW DISCLOSING MEMBERS TO PARTICIPATE – [02154, 08122]**

**MOVED Mayor Jacob, SECONDED Cr May that Council:**

- 1            acting in accordance with section 5.68 of the *Local Government Act 1995*;**
- 2            having considered the extent of the interest of Cr John Chester and Cr Russ Fishwick who have made disclosures under section 5.65 of the *Local Government Act 1995* in relation to Item CJ045-04/19;**
- 3            being satisfied that the interest so declared by Cr Chester and Cr Fishwick is common to a significant number of electors or ratepayers in relation to the matters being considered for Item CJ045-04/19,**

**RESOLVES to allow Cr John Chester and Cr Russ Fishwick to be present and to participate fully in the discussion and decision-making procedures relating to Item CJ045-04/19.**

**The Motion was Put and**

**CARRIED (11/0)**

**In favour of the Motion:** Mayor Jacob, Crs Dwyer, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

*Crs Chester and Fishwick entered the Chamber at 9.52pm.*

## **CJ045-04/19      DRAFT NEW PLANNING FRAMEWORK FOR INFILL DEVELOPMENT**

<b>WARD</b>	All
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106679, 30622, 101515
<b>ATTACHMENTS</b>	Attachment 1      Background Review and Analysis – Key Findings and Recommendations Attachment 2      Draft <i>Place Neighbourhoods Local Planning Policy</i> Attachment 3      Draft Amendment No. 3 to <i>Local Planning Scheme No. 3</i> Attachment 4      Comparison Plans for HOA / Place Neighbourhoods 1 – 10
<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.

### **PURPOSE**

The purpose of this report is for Council to:

- consider the draft new planning framework for infill development in the City of Joondalup
- note that the draft new planning framework comprises a draft Local Planning Policy and draft Scheme Amendment
- endorse the *Place Neighbourhoods Local Planning Policy* for the purposes of public advertising
- endorse Amendment No. 3 to *Local Planning Scheme No. 3* for the purposes of public advertising.

### **EXECUTIVE SUMMARY**

At its meeting held on 21 November 2017 (CJ177-11/17 refers), Council committed to preparing a new planning framework for infill development.

After an appropriate scoping and tendering process, in July 2018 the City engaged a specialist consultant team to consult with the community and to prepare the new planning framework.

As a precursor to preparation of the new planning framework, the consultant team engaged and consulted extensively with the community between September and December 2018. The outcomes of this extensive engagement process were then used to compile a Consultation Report, which was made available to the community on the project webpage and via the City's website on Friday 8 March 2019. The City had no role in compiling or editing the report.

This report on early consultation outcomes does not form part of the draft new planning framework but is one of the key inputs that has been used by the consultants to inform development of the framework. Other inputs are State Government policy, State Government advice and direction, and the knowledge and expertise of the different consultant team members.

The consultants have now finalised development of the draft new planning framework, which is comprised of two different documents:

- Draft *Place Neighbourhoods Local Planning Policy*.
- Draft Amendment No. 3 to the *City of Joondalup Local Planning Scheme No. 3*.

**This report seeks Council's agreement to advertise the draft new planning framework for public consultation. The report is not seeking Council's support for or final endorsement of the content of the framework at this stage.**

If Council agrees to advertise the new planning framework, the draft scheme amendment will be sent to the Environmental Protection Authority and the Western Australian Planning Commission. Once these authorities give approval to advertise the draft scheme amendment, the City will commence consultation on both the draft scheme amendment and draft local planning policy, with the community and other stakeholders, to ensure the details of the new framework are understood and to seek comment/feedback on the draft new planning framework. The Western Australian Planning Commission will need to approve the draft local planning policy, however it is not required to give consent prior to advertising.

Only once this second round of consultation has been undertaken, will Council be requested to formally consider the merits of the draft new planning framework and any submissions received during the consultation period.

The draft new planning framework has been prepared to respond to community feedback about the impact of infill development that is occurring under the current standards and requirements. This feedback has included concerns relating to:

- the impacts of infill, and particularly multiple dwellings as a type of housing
- the loss of vegetation and 'green space'
- increased traffic and parking
- loss of character of an area.

In recognition of this community feedback, coupled with consideration of State Government policy and expert independent analysis, the draft new planning framework will:

- maintain the current infill boundaries and formalise them as 'Special Control Areas' under the City's *Local Planning Scheme No. 3*
- revise the term 'Housing Opportunity Area' to 'Place Neighbourhood'
- remove the dual density code and allocate density throughout the Place Neighbourhoods, based on walkable catchments to nodes such as activity centres and train stations
- elevate the importance of design and built form standards in determining the number of dwellings per lot and development outcomes, as opposed to an underlying density code. As such, it is critical that a density code is considered in conjunction with the proposed scheme and policy standards
- moderate development potential of multiple dwellings in cul-de-sacs

- introduce the requirement for a 'green ratio' in development, being a minimum provision of landscape area and tree provision
- recognise that each of the City's 10 Place Neighbourhoods have their own unique characteristics.

It is therefore recommended that Council endorsed the draft local planning policy and the draft scheme amendment to enable the process to commence in terms of advertising both the policy and the scheme amendment for public comment.

## BACKGROUND

In August 2010, the State Government released *Directions 2031 and Beyond* - a high level spatial framework and strategic plan to guide the future development of Perth. This document set a target of accommodating 47% of population growth within existing suburbs. These principles have been reinforced in the State Government's latest strategic plan, known as *Perth and Peel @3.5million*.

For local governments like the City, which do not have many or any greenfield sites left, this growth needs to be accommodated as infill development.

To demonstrate how the City was going to achieve its dwelling targets, the City was required by the State Government to prepare a *Local Housing Strategy*.

It was established early in the development of the *Local Housing Strategy* that it was not appropriate to allow higher density development to occur everywhere throughout the City of Joondalup or only in the Joondalup City Centre. Instead, there were certain areas in the City of Joondalup (outside the City Centre) that were identified as being most suitable for increases in residential density. These 10 areas, known as Housing Opportunity Areas (HOAs), were selected, based on a set of criteria, including:

- proximity to train stations, high frequency bus routes and higher order activity centres
- suburbs which would benefit from revitalisation
- lots with laneway access.

The opportunity for increased densities in these HOAs was given statutory effect through Amendment No. 73 to the City's previous *District Planning Scheme No. 2*, which was approved by the (then) Minister for Planning in January 2016.

Since development began occurring in the HOAs, concern has been raised by some members of the community about the impact that higher density development is having on existing residential areas.

The City acknowledges the community's concerns about the type of infill development currently taking place and, therefore, at its meeting held on 21 November 2017 (CJ177-11/17 refers), Council resolved to engage consultants to prepare a design-led local planning policy for multiple dwellings (apartments) in the HOAs and a scheme amendment to better control the impact of multiple dwellings on existing residents and streetscapes.

Following this decision of Council, the City engaged with other local governments experiencing issues with density. The City also engaged with the Department of Planning, Lands and Heritage regarding its expectations on a proposed scope for the project. Through this work, it was identified that, to be effective, the solution needed to have a broader focus than a policy and scheme amendment to deal with only multiple dwellings (apartments), and that the solution needed to be developed after additional extensive engagement with the community.

Therefore, the project scope was expanded to include a review of the City's current approach to density, and development of a new design-led planning framework for infill development, which would apply to multiple dwellings and grouped dwellings (units/townhouses) in areas where density is appropriate. The scope also included a requirement for the inclusion of independent community consultation and engagement specialists in the consultant team.

Following appropriate scope development and tendering processes, at its meeting held on 17 July 2018 (CJ128-07/18 refers), Council accepted the tender submitted by Taylor Burrell Barnett to review the City's current position on infill development and develop a new planning framework that addresses State Government policy and responds to the key concerns raised by the community.

### **Physical analysis of the existing Housing Opportunity Areas (HOA)**

As a precursor to starting any work on a new planning framework, the consultant team undertook a physical analysis of the existing HOAs. The following characteristics of each HOA were assessed:

- Predominant lot sizes.
- Lot widths.
- Architectural character.
- Landscape character (including established trees).
- Topographical considerations.
- Street verge widths and landscaping.
- Footpath networks, street trees and lighting.
- Traffic considerations.

Tables outlining the key characteristics of each HOA are included in the consultant's *Background Review and Analysis – Key Findings and Recommendations Report* detailed as Attachment 1.

### **Community consultation/engagement**

One of the consultant team's first tasks was to prepare a Community Consultation and Engagement Plan to outline how best to engage with the community ahead of and during preparation of the new planning framework for infill development.

In line with this Community Consultation and Engagement Plan, the engagement strategy was executed as follows:

- A dedicated HOA telephone line and email address were created.
- A dedicated HOA project webpage was created, which includes all relevant information for the project, including a detailed set of frequently asked questions.
- A social media campaign was rolled out to generate interest in the project.
- Letters and flyers were sent to every ratepayer and resident in the City of Joondalup (circa 66,000 letters). These letters introduced the project, outlined the different participation opportunities, invited people to participate in an online survey and sought expressions of interest to be part of extended consultation and engagement.
- An online survey was conducted between 24 September 2018 and 29 October 2018 (residents also had opportunities to fill in hard copies).



A total of 1,505 valid surveys was received (response rate of around 2.2%). The key findings of the survey are outlined in the *Background Review and Analysis – Key Findings and Recommendations Report* at Attachment 1.

- Letters were sent to numerous stakeholders (including local Members of Parliament, State Government stakeholders and all the resident and ratepayer associations). Seventeen one-on-one meetings were held with 35 interviewees between 25 September 2018 and 25 October 2018.

Table 2 in the *Background Review and Analysis – Key Findings and Recommendations Report* (Attachment 1 refers) outlines the key issues, concerns and opportunities identified during the stakeholder meetings.

- Five listening posts were held between 17 September 2018 and 24 September 2018 at various times and locations throughout the City of Joondalup to ensure ease of access for the community. A total of 380 participants registered their attendance at the listening posts.

The key issues raised at the listening posts are outlined in the *Background Review and Analysis – Key Findings and Recommendations Report* at Attachment 1.

- An industry forum was held on 9 October 2018 with 20 key industry stakeholders and property developers and builders.

The feedback received from this group is summarised in Table 3 in the *Background Review and Analysis – Key Findings and Recommendations Report* at Attachment 1.

- Five community design workshops were held between 19 November 2018 and 5 December 2018 at different times and locations throughout the City of Joondalup to ensure ease of access for the community.

A total of 193 people participated in the workshops. Presentations were made by members of the consultant team and workshop participants were involved in an interactive three-dimensional (3D) modelling activity. Following completion of the activity, further feedback was sought from participants in relation to a range of alternative housing typologies (typologies being a reference to different types of housing designs) that are possible at different densities. Feedback received on each of the potential housing typologies and the potential areas in which they may be appropriate is outlined in Table 4 in the *Background Review and Analysis – Key Findings and Recommendations Report* at Attachment 1.

Workshop participants also provided feedback on ideas for design and planning controls. The design considerations and feedback provided are outlined in Table 5 in the *Background Review and Analysis – Key Findings and Recommendations Report* at Attachment 1.

Following conclusion of this first round of community engagement, the consultant team combined all the outcomes of these processes into a Consultation Report. This report was received by the City on 26 February 2019 and was uploaded onto the HOA webpage on 8 March 2019. On the same day letters/emails were sent to local Members of Parliament and:

- everyone who attended a listening post session and/or community design workshop and who provided an email address
- everyone who registered for updates
- people who made direct contact with the City regarding the project
- members of the City's Community Engagement Network.

The Consultation Report is extensive (at around 780 pages) as it contains all feedback received from interested parties during the consultation period, as well as consultant analysis of the feedback. An Executive Summary has been included in the report to highlight the key consultation outcomes. Given the need for independent and unbiased community engagement and analysis of the outcomes, the City has not had any role in compiling or editing the report. The City has received the report and made it available to the Community via the City's website.

The full Consultation Report and Executive Summary can be found on the HOA webpage at <https://www.joondalup.wa.gov.au/kb/resident/hoa> and via the "Community Consultation" section of the City's website.

The consultation outcomes have been analysed by the consultants and are an integral input into the draft new planning framework, along with State Government Policy, State Government advice and direction, and the knowledge and expertise of the different consultant team members. It is requested that Council notes the outcomes of the Consultation Report and that it has informed the development of the draft new planning framework.

### **Implications for the new planning framework**

The key issues, considerations and opportunities that arose from the engagement exercises and the consultant review of the existing planning framework have informed a proposed new approach to infill development in the City of Joondalup as well as a series of other recommended actions that could be taken by the City, outside of the planning framework, to achieve the complete, desired vision for the areas of increased density.

These recommendations outline that the City should undertake the following:

- Consider what amendments are necessary to the *Local Housing Strategy* to reflect the new policy position on infill development.
- Undertake a major review of the *Local Housing Strategy* before density is allocated to other areas of the City, outside the current HOAs.
- Consider future provision of activity centres/commercial land uses to meet demands of increased population in a future review of the *Local Commercial Strategy*.
- Consider initiatives for placemaking, economic development and investment attraction in context of a review of the City's economic development plan and any place activation strategies.
- Undertake traffic analysis of the proposed new approach to determine the likely trip generation for each area of higher density and the impact of these new trips on the 2031 road network. Assumptions should be made about the anticipated take-up rates of development opportunity.
- Consider improved access to community facilities and activity centres in any review of its *Bike Plan* and *Walkability Plan* and in the context of ongoing infrastructure and service delivery strategies.
- Work with the Public Transport Authority regarding network requirements having regard to the objectives of State Government to provide accessibility within Transit Oriented Development precincts.
- Consider preparation of a Public Realm Strategy for areas of higher density.
- Consider what enhancements and improvements are needed to areas of public open space in/near areas of increased density in a future review of its Parks and Open Space Classification Framework and as part of its five-year capital works programming.
- Consider appropriate methods of waste collection for larger developments, in the context of current and future waste collection contractual arrangements.
- Consider any implications on existing infrastructure resulting from intensification and increase in population. This may include both community and traditional infrastructure.

This should be factored into a future major review of the *Local Housing Strategy* and any existing City infrastructure plans and processes.

- Consider preparation/implementation of a Community Needs Assessment that takes into account anticipated population growth.
- Use the outcomes of a Community Needs Assessment to prepare and implement a Community Infrastructure and Contribution Plan.
- Prepare a Planning Consultation Policy.
- Review and update the Terms of Reference for the Joondalup Design Reference Panel.

There are also matters that the City cannot address or control directly, such as improving public transport and restricting/preventing the development of affordable/social housing. However, the City will continue to engage with the Public Transport Authority to discuss public transport upgrade opportunities, as the areas of density grow over time and increased patronage from additional residents/visitors make improvements to public transport viable. The City will also continue to engage with the Department of Communities to clarify expectations about the standard of built form outcomes expected under the new planning framework.

## DETAILS

### Important issues to note

The City does not have carte blanche to include whatever it wishes in the new planning framework. The framework is required to align with the State Government's *Residential Design Codes (R-Codes)* and the recently released *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments*. The latter is a state policy, that all local governments are required to apply, for apartments and mixed-use developments which focuses on improved design outcomes for apartments and will replace Part 6 of the R-Codes.

The City can change some aspects of these State planning policies, but if it wants to change others, those changes will need the approval of the WAPC. For this reason, the City needs to refer its draft new Local Planning Policy to the WAPC and the WAPC will need to approve the Local Planning Policy.

The City also needs WAPC approval to advertise the draft scheme amendment and once it has been advertised and then referred back to Council, the WAPC will need to formally consider the amendment and make a recommendation to the Minister for Planning. The Minister is the final decision-maker on the scheme amendment, not Council.

Infill development will always impact on existing areas and not everyone will support the new approach proposed by the consultant team. However, it is important to note that the consultants have based their proposed approach on State Government policy. Significantly deviating from, contradicting or ignoring State Government policy would put the City at risk of delaying approval of the new framework, which would not be in the best interests of the residents currently impacted by density.

### Where increased density is proposed to occur

The consultants are of the view that, outside the Joondalup City Centre, the most appropriate locations for increased density at this time should be in the existing HOAs, and that the boundaries of the HOAs should not be altered at this stage.

The reasons for this are as follows:

- The criteria upon which the HOAs were initially based are still largely relevant and generally align with State Planning Policy and sound planning principles.
- If the City scrapped the existing HOAs and started the process again of identifying areas suitable for higher densities, it is likely that the City's whole *Local Housing Strategy* would need to be amended. This would significantly delay any solution for those currently affected by infill development.
- If the boundaries of the HOAs were expanded to allow density to spill beyond the existing boundaries, it is likely that the City's whole *Local Housing Strategy* would need to be amended. As above, this would significantly delay any solution for those currently affected by infill development.
- If the boundaries of the current HOAs were to contract and development rights were completely removed from properties currently in HOAs, this is likely to cause significant concern for residents who have bought properties based on the higher density coding.

Notwithstanding proposed retention of the current HOA locations and boundaries, the consultants have come up with a new approach to development within the HOAs that moves away from blanket density codes and uniform development controls and recognises that each HOA is different and that there are different areas within each HOA.

The new framework is a design-led framework that applies a finer-grained response to development control.

### **The use of density codes**

Density codes are currently allocated to lots under the City's *Local Planning Scheme No. 3*. Density codes are used to link each lot to associated development standards in the State's existing *Residential Design Codes (R-Codes)* and the recently released *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments (SPP7.3)*. This new State Planning Policy will replace Part 6 of the existing R-Codes when it becomes operational on 24 May 2019.

While SPP7.3 focuses on improved design outcomes for multiple dwellings, this policy does not apply to grouped dwellings, which can potentially have similar impact on existing residential areas as multiple dwellings. Until the State Government releases future policies dealing with precinct design and medium density development, the existing R-Codes will continue to guide the development of grouped dwellings.

Unfortunately, the R-Codes have limited flexibility, are generic in nature and do not respond to the complexities of development intensification in established low density areas. For this reason, the consultants are proposing scheme and policy provisions reflective of a finer-grained approach to development control and a shift away from the provisions or development standards in the R-Codes.

Given this, the density codes or R-Code "numbers" (R30, R40, R60) will no longer accurately reflect the development potential of lots. For this reason, the City and the consultant team would like to move away from the use of the R-Code numbers or density codes. However, this will not be possible and density codes will need to be allocated, even if the specific code will not accurately reflect the actual development potential of the lot.

In fact, full development potential under the allocated density codes will not be achievable in some instances because it is proposed to restrict certain types of dwellings in certain locations, multiple dwelling yield will be constrained in cul-de-sacs (in areas where they are permitted) and other new detailed development standards will also limit the building envelope on a lot.

The most notable of these development standards is the equivalent of a “green ratio”. Up until now, a combination of height, plot ratio and open space (which can include open car parking and driveways) have been the main drivers of the building envelope on a lot. It is now proposed to reverse this by mandating a certain amount of area on a site (within the overall open space) that can only be used for landscaping. Once this has been set aside, areas for parking and servicing need to be provided, and the area that is left determines the building envelope.

### **The draft new planning framework**

The draft new planning framework will comprise:

- a Local Planning Policy
- a Scheme Amendment.

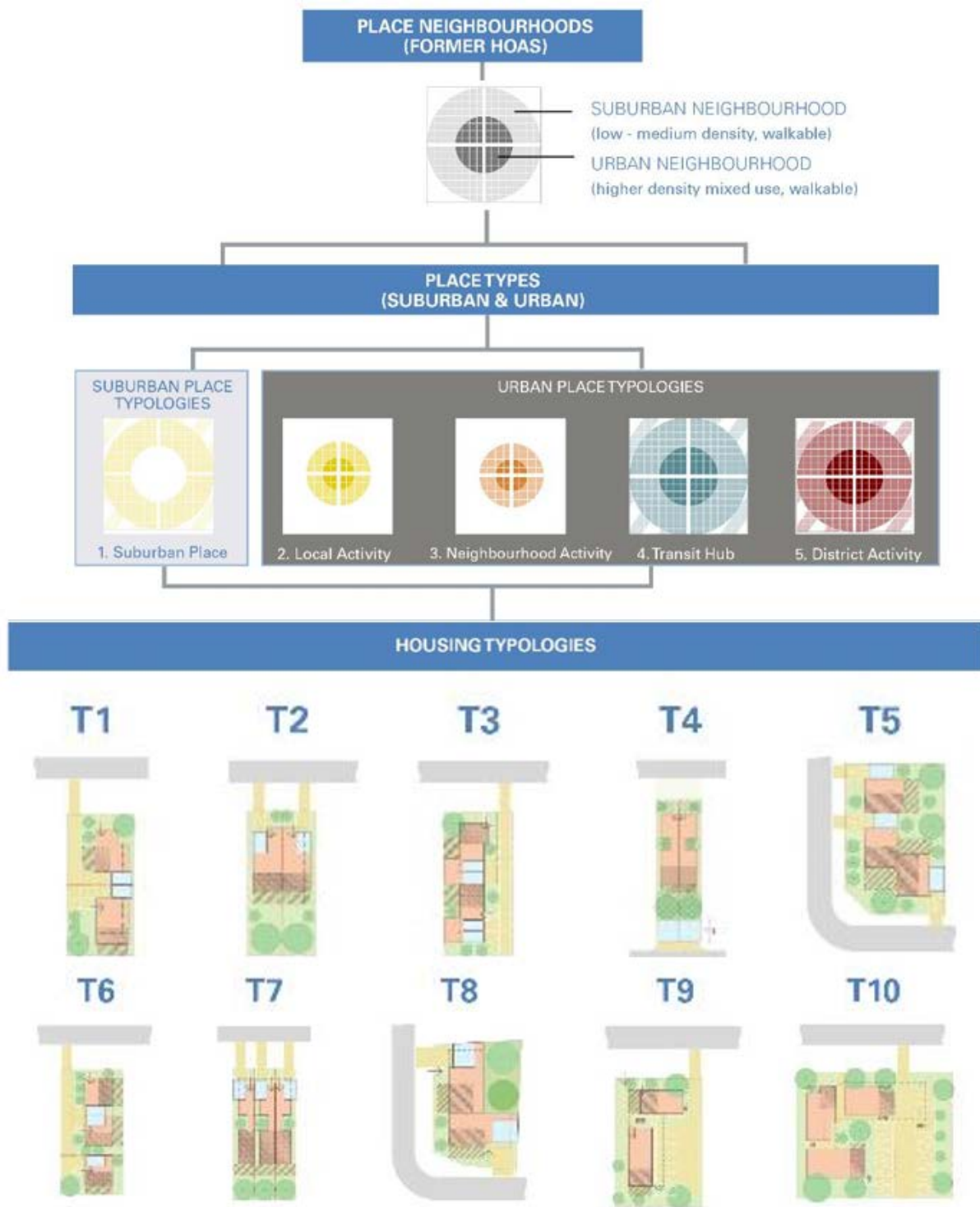
The Local Planning Policy is a more comprehensive document that outlines the planning rationale and methodology, as well as detailed provisions and requirements.

The Scheme Amendment gives stronger statutory effect to certain provisions and is the implementation mechanism for the new planning framework - in particular, the density codes that will apply to different lots.

The new framework (as summarised in the graphics below) will promote intensification of densities around activity centres and train stations, based on walkable neighbourhoods and transitioning of densities away from activity centres and train stations to existing suburban neighbourhoods.

This will be achieved as follows:

- The HOAs will now be known as Place Neighbourhoods.
- Each Place Neighbourhood will be divided into Urban Neighbourhoods and Suburban Neighbourhoods.
- Urban Neighbourhoods will be higher density, mixed-use walkable areas focused around activity centres or train stations and will generally have medium to higher densities.
- Suburban Neighbourhoods will sit outside the Urban Neighbourhoods, further away from the activity centres or train stations, and will generally be low to medium densities.
- Within each of these neighbourhoods, there will be different types of places with common characteristics, similar land use mixes and intensities of development.
- These different Place Types will be defined by walkable catchments around activity centres or train stations and are aspirational places of the future, each with their own vision and objectives.
- The size/extent of different Place Types, and the densities allowable in them, will vary based on the role and function of the activity centre or train station at their core.
- Within each Place Type, development will be controlled through the application of the following:
  - Density codes (as defined on the Scheme Map).
  - General Development Controls that apply to all development.
  - Housing Typology controls that apply to a particular type of housing, dependent on the Place Type it is developed in – noting that not all Housing Typologies will be permitted in all Place Types.
  - Transition Area controls that apply to lots which fall outside walkable catchments of activity centres and train stations.



The above information provides a high-level description of how the draft new planning framework is intended to function. This is expanded on in more detail below.

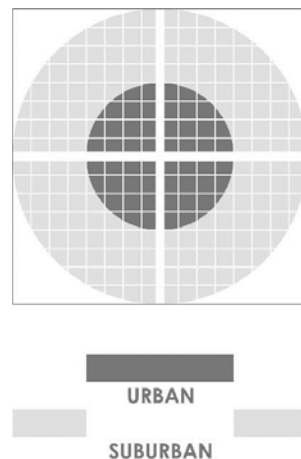
### Neighbourhoods

It is proposed that higher density, outside the Joondalup City Centre should continue to be accommodated in the current areas identified for higher densities. These areas of higher density will no longer be known as Housing Opportunity Areas, but as *Place Neighbourhoods*. Although the current areas for higher density are proposed to remain, the consultants are looking at a new approach to development within these areas. This new approach and the

criteria the consultants have used are based wholly on sound planning principles and State Government policy and respond to the key areas of concern identified by the community through the initial consultation process.

The new approach moves away from blanket density codes and uniform development controls and recognises that each Place Neighbourhood is and should be different.

It also recognises that there are and should be different areas or smaller neighbourhoods within each Place Neighbourhood. Some smaller neighbourhoods will have a more urban character (Urban Neighbourhoods) and some will have a more suburban character (Suburban Neighbourhoods).



*Urban Neighbourhoods* will generally have medium to higher density (40 to 100 dwellings per hectare) and will be mixed use, walkable areas, focussed around nodes or activity centres. These Urban Neighbourhoods will not all be the same but will have different characteristics based on the role and function of the nodes or activity centres at their core.

*Suburban Neighbourhoods* will sit outside the Urban Neighbourhoods, further away and outside the walkable catchments around the activity centres or nodes.

Development in these Suburban Neighbourhoods will generally be low to medium density at around 20 to 40 dwellings per hectare. The predominant type of development in the Suburban Neighbourhoods will be single houses with some grouped dwellings closer to where the Urban Neighbourhood begins. There will be restrictions on multiple dwellings and large scale grouped dwelling developments in the Suburban Neighbourhoods.

### **Place Types**

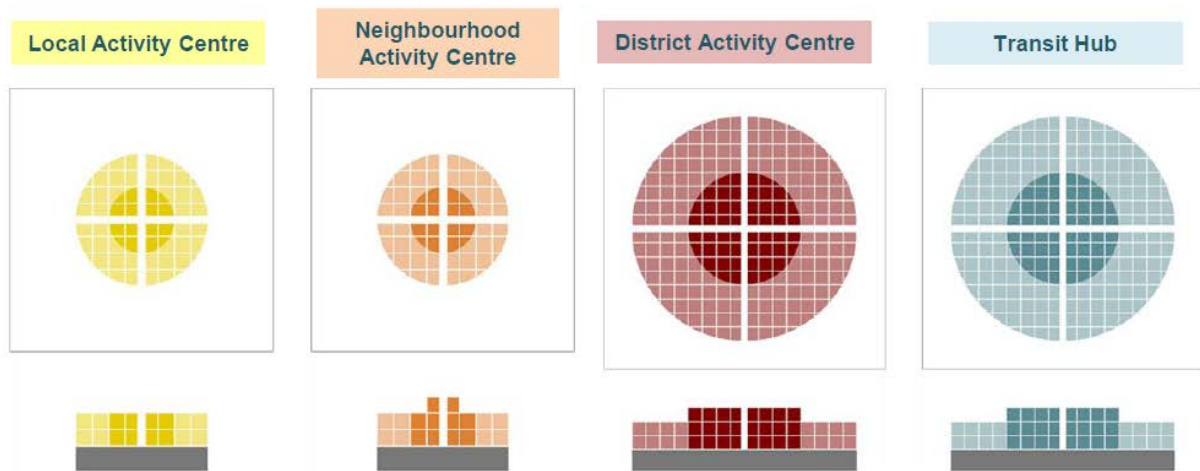
All Suburban Neighbourhoods will share the same characteristics and will generally be the same or similar types of places.

Not all Urban Neighbourhoods will share the same characteristics and may not be the same type of places.

Within each of the ten Place Neighbourhoods there will be Suburban Neighbourhoods but there could be one or more different types of Urban Neighbourhoods, with different characteristics based on the role and function of the nodes or activity centres at their core.

As depicted below, the Urban Neighbourhoods will therefore be categorised as one of four different *Place Types*, as follows:

- Local Activity Centre.
- Neighbourhood Activity Centre.
- District Activity Centre.
- Transit Hub.



The size/extent of the different Place Types vary because the size of the walkable catchment applied around each activity centre or node is different – depending on the role and function of that activity centre or node.

Westfield Whitford City, for example, is a District Activity Centre. It has a different role and function to the Springfield centre in Kallaroo (Local Activity Centre), and its sphere of influence and attraction is much greater.

It is important to note that the Place Types are aspirational. They are not reflective of existing places but are the places of the future, each with their own vision and objectives.

### How density has been allocated

The consultants have applied density codes to lots, based on actual walkability from transit nodes or activity centres.

Being within 200 metres of an activity centre equates to around a 2½ minute walk, being within 400 metres of an activity centre equates to around a five minute walk, while being within 800 metres of an activity centre equates to around a 10 minute walk.

Higher order transit nodes or activity centres will have higher densities allocated to lots within their walkable catchments. Lower order activity centres will have less density located to lots within their walkable catchments.

Density will be at its highest within the boundaries of the activity centre itself. Development within the activity centres will be controlled through separate planning mechanisms, such as Activity Centre Plans or Local Development Plans.



Outside the activity centre boundary, the closer to the activity centre a lot is, the higher its density code will be. Densities will decrease for lots that are further away from activity centres.

Using the above methodology, density codes have been applied to properties, based on different walkable catchments appropriate for the different Place Types, as per the table below:

	Suburban	Local Activity Centre	Neighbourhood Activity Centre	Transit Hub (non-activity)	District Activity Centre
Inside centre/station	n/a	R80	R80	R80+	As per ACP
0-200m	n/a	R40	R60	R60	R60
200-400m	n/a	R30	R40	R60	R60
400-800m	R30	R30	R30	R40	R40

As can be seen from the above table, for Local Activity Centre Place Types, lots within a walkable catchment of 200 metres (or a 2½ minute walk) from the activity centre, will have a density of R40. Lots that fall within a walkable catchment of 200 to 800 metre (or a five to 10 minute walk) from the activity centre will have a density of R30.

For Neighbourhood Activity Centre Place Types, lots within a walkable catchment of 200 metres (or a 2½ minute walk) from the activity centre will have a density of R60. Lots that fall within a walkable catchment of 200 to 400 metres (or a five minute walk) from the activity centre, will have a density of R40. Lots that fall within a walkable catchment of 400 to 800 metre (or a five to 10 minute walk) from the activity centre will have a density of R30.

For Transit Hubs and District Activity Centre Place Types, lots within a walkable catchment of 0-400 metres (or a five minute walk) of the node/activity centre will have a density of R60. Lots that fall within a 400 to 800 metres (or a five to 10 minute walk) from these nodes/activity centres will have a density of R40.

Suburban Place Types fall outside the walkable catchments of nodes and activity centres and, therefore these areas will have a maximum density of R30.

As mentioned earlier, it is important to note that this density is not an automatic reflection of development potential. Multiple dwellings (apartments) will only be allowed in certain Place Types, yield will be moderated in cul-de-sacs and more stringent controls may reduce development potential of a lot.

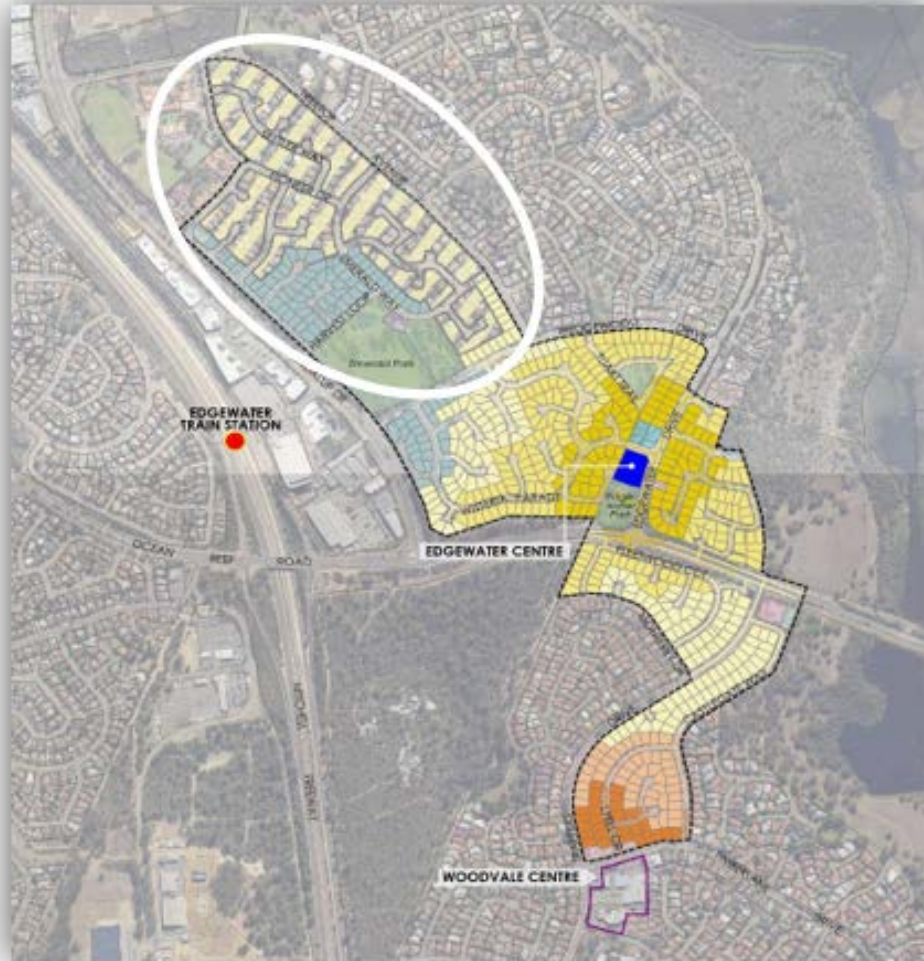
### Transition Areas

When the consultants applied the different Place Types and associated densities to the ten Place Neighbourhoods (formerly HOAs), there were instances where “gaps” arose between different Place Types.

An example of this is the pink “hatched” area on the map below, where a number of properties fall between the higher density Place Types around the Warwick train station and the Warwick shopping centre. In this area, density should theoretically drop back to R20 as it is outside the walkable catchments to the station and the shopping centre.

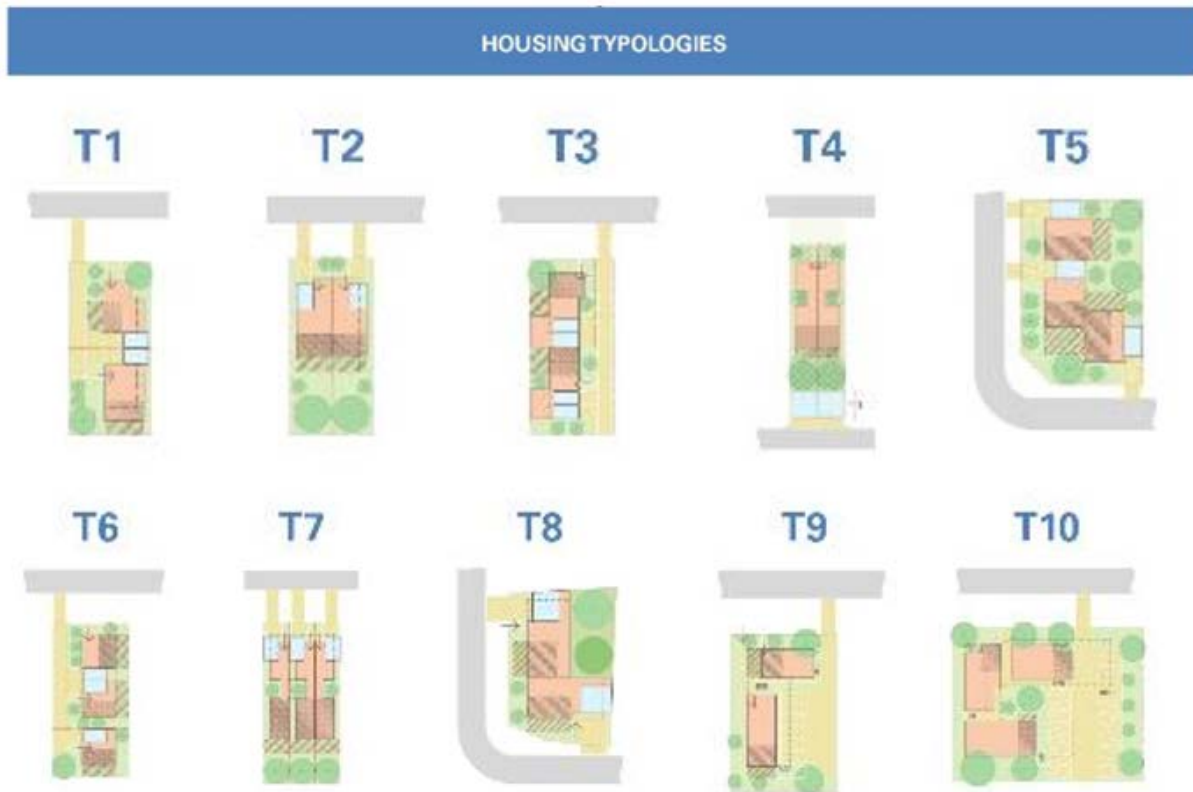


Therefore, the consultants propose to classify areas like these as Transition Areas, with some lower density to still enable redevelopment of land, but with stricter controls to transition between the Place Types and existing R20 development outside the Place Neighbourhoods (HOAs).



## Housing Typologies

In addition to a single residential dwelling, the consultants have identified ten other Housing Typologies, which were presented and tested with the community at the Community Design Workshops:



The consultants have also established different development standards for each of the Housing Typologies relative to the different Place Types they could be developed in as outlined in Attachment 2 to Report CJ045-04/19.

As mentioned earlier in this report, not all types of housing will be allowed in all the Place Types, including the Transition Areas. The development standards for each Housing Typology make it clear which Place Type that Housing Typology can be developed in.

Of particular interest, it should be noted that:

- certain, smaller grouped dwelling developments will not be permitted within District Activity Centre or Transit Hub Place Types
- certain, smaller grouped dwelling developments will not be permitted within 200 metres of Neighbourhood Activity Centre Place Types
- multiple dwellings (other than Manor Houses on corner lots) will not be permitted in the Suburban Place Types or the outer walkable catchment of Local Activity Centre Place Types.

## **Structure of the new planning framework**

Currently, all applications for residential development need to be assessed against the State Government's *Residential Design Codes* (R-Codes).

For each design element in the R-Codes (such as open space, setbacks, privacy, and so on) there are objectives that need to be met. Within the R-Codes there are two different sets of standards that are used to assess whether development proposals meet the objectives of the R-Codes – “Deemed-to-Comply” standards and “Design Principles”.

The deemed-to-comply standards are specific, measurable development standards. If a development proposal meets these specific standards, it is automatically considered to have met the objectives.

If, however, it does not meet these specific deemed-to-comply standards, the development can then be assessed against the alternative design principles, which are more performance-based in nature. Given the less specific performance-based nature of these design principles, the City undertakes a professional assessment to determine whether the proposal meets the design principles, and therefore the objectives. When an assessment determines that a proposal complies with the design principles, this does not mean that variations or concessions are being granted.

The draft new *Place Neighbourhoods Local Planning Policy* (Attachment 2 refers) is structured and will function a little differently and aligns with the terms used in the new State Planning Policy 7.3 (SPP 7.3) relating to apartment design. Like SPP 7.3, the draft new policy will also contain 'Objectives' that each development proposal needs to meet and 'Acceptable Outcomes' which will assist in meeting the objectives. Unlike the current R-Codes, there is no longer a 'Deemed-to-Comply' approval pathway.

It is important to note that the new policy will not completely replace the R-Codes and the new SPP 7.3 (relating to apartment design). Some standards from both these documents are still considered suitable and the new planning policy will defer to these sound and relevant standards, where appropriate.

## **Specific provisions of interest**

As part of the community engagement process, participants were asked to highlight their top two priorities for the design of new housing developments. Given the feedback received from the community, there are certain development provisions worth highlighting in this report.

### *Minimum lot frontages*

Currently *Local Planning Scheme No. 3* only contains provisions requiring a minimum lot frontage of 10 metres for single and grouped dwellings and 20 metres for multiple dwellings.

This is causing some issues as, specifically, the 10 metres lot frontage requirement does not readily allow the development of terrace style dwellings (for instance side by side attached dwellings) and forces the development of battleaxe style duplexes and triplexes, or multiple dwellings.

The consultants propose to retain the provision requiring a minimum frontage of 10 metres, unless the proposal is for terrace lots, development on a laneway or seeks to create rear access lots. In these cases, the draft new provisions allow a minimum lot width of 7.5 metres for lots coded R25 and R30, and six metres for lots coded R40 and above.



This will allow for more flexibility and improved built form outcomes.

#### *Open space / landscaping / trees*

One of the key issues and concerns raised by the community was the removal of trees, erosion of open space and insufficient landscaping on private properties and verges.

Currently, the R-Codes and the City's *Residential Development Local Planning Policy* only contain provisions relating to the overall amount of open space on site (and what is and is not open space) and the amount of landscaping required in the front setback area between the buildings and the property boundary.

Current open space provisions include open carparks and driveways and do not necessarily correlate with the amount of green space on a site.

Therefore, in response to community concerns and in addition to the general open space provisions, the proposed new policy introduces a "green ratio" or a landscape area, which must be a percentage of the total lot area, as follows:

<b>Lot Area (m<sup>2</sup>)</b>	<b>Minimum Landscape Area</b>
0 – 300m <sup>2</sup>	20%
301 – 400m <sup>2</sup>	25%
401 – 500m <sup>2</sup>	30%
500m <sup>2</sup> +	35%

The new draft policy also requires that the landscape area has a minimum dimension to function as intended.

Other new provisions proposed also include a minimum landscape area in the front setback, minimum tree sizes and minimum areas for deep soil zones, a minimum number of trees and incentives for retaining mature trees.

The planting of one street tree per 10 metres of lot frontage is a requirement of the City's existing policy and the consultants propose to retain it.

#### *Built form and scale*

Other key concerns raised by the community were the quality of built form and scale of new development and how it fits into the existing context, as well as the liveability of new development occurring. In response, the new draft policy includes a minimum floor area for dwellings, minimum dimensions for habitable rooms, minimum ceiling heights and a requirement for garages not to exceed a certain percentage of the lot frontage.

The Housing Typology controls will limit the height of all dwellings in the Suburban and Local Centre Place Types to the equivalent of two storeys. Some Housing Typologies may be able to go to three storeys in the more intense Urban Place Types, subject to conditions.

### *Parking*

The community was also concerned about the adequacy of current parking requirements and the impact that formalised verge parking is currently having on established streetscapes.

The City's current *Residential Development Local Planning Policy* already requires more visitor parking than the R-Codes does.

The consultants propose to amend this current standard, still above the current R-Code requirements, and require a minimum of one visitor bay per development. The consultants also propose to move away from requiring applicants to construct formal visitor bays in the verge. The intent of the City's current *Street Verge Guidelines* to not allow additional hardstand areas (other than crossovers and footpaths) in the verge within infill areas will remain.

Instead, if applicants cannot comfortably fit all visitor parking on site without affecting the on-site landscape area required, then applicants will be able to informally locate a visitor bay on certain types of streets (not in the verge) – as this will not only slow down traffic but will also preserve verge areas for tree planting and other landscaping. Where visitor parking cannot or should not be accommodated on the street, the visitor parking will need to be accommodated on the development site.

The current policy requirements for resident parking align with the R-Codes and the consultants propose to leave these as they are, as they are appropriate. However, the consultants do propose an alternative way of measuring proximity to train and bus services. Currently, the R-Codes measure proximity in a straight line and to any part of a bus route. The consultant approach is more refined and proposes to measure along pedestrian routes and to bus stops, providing a more realistic proximity to a service.

### **Scheme amendment**

*Local Planning Scheme No. 3* provides the statutory framework to guide development throughout the City of Joondalup.

An amendment to the scheme must be undertaken in order to give statutory effect to the new planning framework prepared by the consultants. It is proposed to do this through establishing a 'Special Control Area' for the proposed Place Neighbourhoods.

Special Control Areas (SCAs) are a mechanism used in planning schemes to identify areas which are significant for a particular reason and where special provisions in the Scheme may need to apply. These provisions typically target a single issue or related set of issues and typically set out the objectives of SCAs, specific development requirements and any other matters to be taken into account in determining development proposals.

In summary, the scheme amendment will establish the Place Neighbourhoods SCA, through:

- identifying extent of SCA boundaries on the Scheme Map
- amending the density coding of existing dual density coded lots within the City's HOAs to a single density, reflecting the walkable catchment criteria applied by the consultant team
- incorporating a series of objectives that the SCA and its related development standards seek to achieve
- defining the Place Type principle
- incorporating key standards for development that are considered fundamental to achieving good built form outcomes within the Place Neighbourhoods.

*What goes into the draft new local planning policy versus the scheme amendment*

As outlined above, it is proposed to include some key development standards in the scheme amendment (and therefore the scheme itself) that are already contained in the draft new local planning policy. These development standards are considered to be the most important in ensuring appropriate built form outcomes are achieved in the proposed Place Neighbourhoods.

By including these standards in the scheme, they will have greater statutory weight and will provide the City with a greater ability to enforce them. While discretion will still be able to be considered, having certain provisions embedded in the Scheme will also mean more regard will need to be given to them in the event they become the subject of an appeal before the State Administrative Tribunal.

It is not appropriate to put all policy standards into the scheme. In some instances, development standards are performance-based rather than a prescriptive standard and therefore it is not possible to mandate an outcome with a scheme provision. Placing all policy standards in the scheme would also remove flexibility and control from Council in policy decision-making. Currently, only certain policy matters require State Government consideration, via the WAPC. If an entire policy was to be incorporated into the Scheme, this would mean the entire policy (as opposed to just certain elements) would require WAPC consideration and would also mean that the policy would require approval from the Minister for Planning. This would also apply to any refinements or future modifications, irrespective of scale, effectively removing a level of control from Council in determining policy direction.

**Other considerations***Dwelling targets*

The State Government has established strategic direction to provide 47% of growth within existing suburbs and, in doing so, has set minimum dwelling targets for each local government. The initial minimum infill target for the City was 12,700 additional dwellings (to 2031), but this target has now been revised by the State Government to 20,670 additional dwellings (to 2050). For local governments like the City of Joondalup, the majority of additional dwellings will come via infill development. Some limited dwelling growth will come from remaining greenfield areas of the City and development within activity centres, most notably, the Joondalup Activity Centre (JAC).

The *Joondalup Activity Centre Plan* includes dwelling targets specifically for the JAC to 2031 (5,371 dwellings) and to 2050 (8,962 dwellings). This is an overall dwelling target, rather than additional dwellings. In 2015, the JAC had approximately 2,036 dwellings. Accordingly, the targeted dwelling growth in the JAC is 3,335 additional dwellings to 2031 and 6,926 additional dwellings to 2050, being 26% and 33% of the State Government targets respectively.

While the JAC has the capacity for some of the future dwelling growth, it was never intended that it would accommodate the entire infill growth target set by the State Government, and it would not be appropriate to do so. While the JAC has the potential to provide a higher density housing and lifestyle, it is also important to provide choice and diversity in dwelling type and lifestyle throughout all of the City of Joondalup to allow existing residents to transition within their community and also provide opportunities for new residents to join a community.



Yield analysis has been undertaken by the consultants which demonstrates that the draft new planning framework has the ability to achieve the dwelling targets set by State Government (when also considering the dwelling potential within the JAC and the remaining greenfield development).

Notwithstanding the above, it is important to note that the draft new planning framework is fundamentally guided by place-based and design-led principles, as was the direction set by Council as part of its resolution at its meeting held on 21 November 2017 (CJ177-11/17 refers), rather than being structured to simply meet a minimum target.

The draft new planning framework identifies key nodes of activity and sets densities, consistent with State Government policies and based on actual walkability, to provide opportunities for population growth within close proximity and easily accessible to nodes of activity.

As a consequence, the draft new planning framework also provides an opportunity for the nodes of activity to remain sustainable and viable by potentially locating a greater immediate catchment to support them.

#### *Traffic and network capacity*

There is a need to test the potential impact of the draft new planning framework on the road network.

The yield analysis completed is being used to inform traffic modelling which is currently being undertaken.

Any changes to the draft new planning framework that effects the potential number of dwellings that can be developed on a lot (the yield potential), will also likely influence the potential impacts on the road network.

#### *Design WA and the City's Residential Development Local Planning Policy*

*State Planning Policy 7.3 Residential Design Codes Volume 2 – Apartments* (SPP7.3), which forms part of Stage One of Design WA will take effect from 24 May 2019. This policy will replace the current multiple dwelling requirements (Part 6) of the R-Codes.

Multiple dwellings in HOAs are currently assessed against the requirements of the R-Codes and the provisions of the City's *Residential Development Local Planning Policy* that replace R-Code provisions.

The visitor car parking requirements of the City's *Residential Development Local Planning Policy* (which require more visitor parking than the R-Codes) will automatically be replaced by the new requirements of SPP7.3, meaning:

- The City's *Residential Development Local Planning Policy* requirement for the provision of 0.5 bays per multiple dwelling (apartment) will be replaced with a requirement for one bay per four dwellings up to 12 dwellings and one bay per eight dwellings for the 13<sup>th</sup> dwelling and above.

Street setbacks, building height and fencing requirements of the City's *Residential Development Local Planning Policy* will not be automatically replaced. These will now be considered 'Acceptable Outcomes' for the purposes of SPP7.3; however, developments will still need to satisfy the objectives for each criterion.

In regard to the local housing objectives contained in the City's *Residential Development Local Planning Policy*, it is considered that the design-based focus and objectives for multiple dwellings under SPP7.3 will provide for more comprehensive guidance and control for these developments.

Any formal amendment to the City's *Residential Development Local Planning Policy* to retain the current visitor parking requirement would be subject to approval by the WAPC. Given the progression of the new planning framework for infill development and that this will ultimately replace the City's *Residential Development Local Planning Policy* to the extent it applies to these areas, it is proposed to not undertake any formal amendments to the *Residential Development Local Planning Policy* at this time.

However, a full review of this policy will be undertaken following the finalisation of the new planning framework to review development provisions that will apply to all residential development in the City.

### **Issues and Options Considered**

In considering the draft new planning framework for infill development, Council has the following options:

- proceed with the draft new planning framework for the purposes of advertising
- request modifications to the draft new planning framework prior to proceeding to advertising  
or
- not to proceed with the draft new planning framework.

#### Option 1

If Council decides to proceed with the draft new planning framework for the purposes of advertising, the City will seek approval from the EPA and the WAPC to advertise the scheme amendment. Once EPA and WAPC approval is granted, the City will commence community consultation on the draft new planning framework as quickly as possible.

This option is the preferred option and will progress toward a more considered planning framework to better manage the impact of infill development in the quickest possible time.

#### Option 2

If Council decides to request modifications to the draft new planning framework, prior to proceeding to advertising, this will delay the timing within which community consultation can be undertaken.

Any changes requested by Council at this stage, before community feedback has been received on the draft new planning framework, could potentially also undermine the impartial and objective approach taken by the consultant team - based on the outcomes of early community engagement and independent technical analysis.

#### Option 3

If Council decides not to proceed with advertising the draft new planning framework, it is likely that the current community concern about the impacts of infill development will remain as the current framework will continue to apply.

Further, in March 2018, the Minister for Planning wrote to the Mayor, urging the City to clarify its position in relation to infill development. If Council elects not to proceed at this stage, it is open to the Minister for Planning to take a more active role and direct certain changes be undertaken, as has been the case with other local government authorities. This will remove Council from the decision-making process.

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

#### **Legislation**

*Planning and Development Act 2005.*  
*Planning and Development (Local Planning Schemes) Regulations 2015.*  
*State Planning Policy 3.1: Residential Design Codes.*  
*State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments.*  
*Local Planning Scheme No. 3.*

#### **Strategic Community Plan**

##### **Key theme**

Quality Urban Environment.

##### **Objective**

Quality built outcomes.

##### **Strategic initiative**

Building and landscape is suitable for the immediate environment and reflect community values.

##### **Policy**

*Residential Development Local Planning Policy.*

#### *Scheme amendments*

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

Under the 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 not consistent with the City's *Local Housing Strategy*, it is classed as a complex amendment under the Regulations. Complex amendments are required to be referred to the WAPC for advice as to whether any modifications to the documents are required prior to advertising.

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 or not 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 a minimum of 60 days, provided the WAPC has approved advertising, as outlined above.

Upon closure of the advertising period, Council is required to consider all submissions received and to either adopt the amendment, with or without modifications, or refuse to adopt 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 Policies*

Part 2 of Schedule 2 of the Regulations enables a local government to prepare a local planning policy and sets out the process to be followed. In the case of residential development, *State Planning Policy 3.1: Residential Design Codes* and *State Planning Policy 7.3: Residential Design Codes Volume 2 – Apartments* provide specific guidance on what elements of each document can be modified by local governments and which cannot, and also clarify, of those elements which can be modified, which ones require approval of the WAPC.

The Department of Planning, Lands and Heritage has previously advised that it will consider local planning policies following consultation and Council's consideration so that they are considering the 'final' version adopted by the local government, rather than a version that may be subject to change following consultation.

The new draft local planning policy has been prepared within the scope of what is able to be modified via a local planning policy; however, will require the approval of the WAPC.

Accordingly, should Council resolve to proceed with the proposed local planning policy for the purposes of public advertising, then community consultation will be undertaken. As the draft policy and the draft scheme amendment are intrinsically linked, it is intended that the draft local planning policy will be advertised concurrently with the scheme amendment.

Upon closure of the advertising period, Council is required to consider all submissions received and to either proceed with the policy, with or without modifications, or not proceed with the policy. In this case, should Council elect to proceed, the local planning policy will then be forwarded to the WAPC to request approval. The WAPC may grant approval, with or without modifications or elect not to grant approval.

### **Risk management considerations**

Throughout the preparation of the draft new planning framework, there has been a range of initiatives employed to manage risk as much as possible.

#### *Stakeholder engagement*

Extensive stakeholder engagement was undertaken to ensure that the draft new planning framework has been developed balancing input from all stakeholders. Regular engagement with the Department of Planning, Lands and Heritage has also been undertaken to familiarise the Department with the methodology behind the new approach, so as to reduce the risk that fundamental issues will arise at a later date.

#### *Alignment with State Government framework*

The draft new planning framework has been prepared to align with the current State Government framework, while still incorporating matters of local context. In incorporating these local contextual elements, the new planning framework has ensured these elements are within the scope of what the State Government allows local governments to amend. This approach minimises the risk in time delays in progressing the new planning framework and also means that the framework is more likely to be accepted, and therefore approved, by the State Government.

### *Timeframes*

The consultant team has undertaken a significant amount of work in a short timeframe. A tight timeframe was set for the project to respond to community concern and to advance the new planning framework as quickly as possible to ensure as much redevelopment of the City's infill areas is guided by the new planning framework as possible.

As outlined above, there is a risk that if Council decides not to proceed with advertising the draft new planning framework, it is likely that the current community concern about the impacts of infill development will remain. Further, there is also a risk that Council may be removed from the decision-making process if the Minister for Planning decides to intervene in the event Council choose not to.

### **Financial / budget implications**

If Council agrees with the recommendations of this report, and the Environmental Protection Authority and Western Australian Planning Commission provide consent, the draft new planning framework will be advertised for public comment.

In addition to the cost of staff time, other costs will be incurred for this consultation process. Although the costs that will be incurred are yet to be determined, it is likely they will be in the region of \$50,000.

### **Regional significance**

The City's infill areas were established through its *Local Housing Strategy* in response to a State Government strategic direction of accommodating 47% of population growth within existing suburbs. This direction seeks to limit urban sprawl throughout broader metropolitan Perth which has the impact of locating people in areas with poor access to employment, services and also requires expensive infrastructure to service.

The State Government has set minimum dwelling targets for each local government. To demonstrate how the City was going to achieve its targets, it was required to prepare a Local Housing Strategy. The recommendations of the *Local Housing Strategy* resulted in the City's current infill areas (or Housing Opportunity Areas), and the planning framework that currently underpins these areas.

The draft new planning framework continues to respond to this overarching State Government strategic direction by providing increased densities, in appropriate locations, to support infill development.

### **Sustainability implications**

As outlined above, at a more regional level, the draft new planning framework continues to support the State Government strategic direction of minimising urban sprawl, which is generally considered to be an unsustainable form of growth for a city.

At a more site-specific level, the draft new planning framework includes a number of sustainability initiatives, include the following:

- A fundamental shift in focus toward a 'green ratio'. The draft new planning framework mandates that a certain amount of area on a site be set aside for landscaping and includes specific controls as to how this landscape area should function and be treated to place a greater emphasis on the provision of tree canopy cover.

- Development standards to allow visitor parking, in some instances, to occur informally on the street, or to be contained within the development site. This results in more verge area that can be dedicated to landscaping and greening the public realm.
- Built form provisions to make better use of access to sunlight and cross ventilation to reduce reliance on artificial heating and cooling of dwellings.

## Consultation

As outlined in the Background section of this report, the consultant team engaged extensively during 2018, and the outcomes of this consultation have been used by the consultants to inform their preparation of the draft new planning framework, comprising a local planning policy and scheme amendment.

If Council agrees to proceed to advertise the draft local planning policy and scheme amendment, and once the Environmental Protection Authority and the Western Australian Planning Commission have consented to the advertising of the scheme amendment, the City will commence a second round of engagement and consultation with the community to:

- communicate and explain the proposed new approach to infill development
- seek feedback and determine the level of community support for the proposed new planning framework for infill development.

It is intended that consultation will be undertaken as follows:

- Letters and brochures will be sent to:
  - everyone who owns property or lives in one of the ten Place Neighbourhoods (HOA)
  - everyone who lives adjacent to a Place Neighbourhood (HOA)
  - resident and ratepayer groups
  - industry stakeholders
  - relevant State Government Departments
  - adjoining Local Government Authorities
  - local businesses in or adjacent to each Place Neighbourhood (HOA).

These letters will explain the project and advise people of the engagement and direct them to the 'Community Consultation' section of the City's website and to the HOA webpage.

- Emails will be sent to:
  - attendees at Listening Posts who provided email addresses
  - attendees at Community Design Workshops who provided email addresses
  - other people who registered for updates
  - people who made direct contact with the City regarding the project
  - community Engagement Network members
  - utility providers
  - Local Members of Parliament.

These emails will explain the project and advise people of the engagement and direct them to the 'Community Consultation' section of the City's website and to the HOA webpage.

- Detailed information (including videos) will be placed on the HOA webpage and via the City's website to:
  - explain the proposed new planning framework
  - answer frequently asked questions
  - outline the processes to be followed
  - link residents to an online survey.
- Notices will be placed in the *Joondalup Community newspaper*.
- Notices will be placed through the City's social media platforms.
- Continued use of a dedicated telephone line and email address.
- Briefing of local Members of Parliament.
- Three Community Information Sessions will be held at different times and locations. City staff and consultants will be available at these sessions to explain the proposed new framework and answer any questions.

## COMMENT

The consultant team has undertaken a significant amount of work in a short timeframe since appointment in July 2018, which has included extensive community and stakeholder engagement, as well as detailed analysis and testing of development standards.

The draft new planning framework proposes a comprehensive response to managing the impact of infill development in the proposed Place Neighbourhoods (formerly Housing Opportunity Areas). The draft new planning framework integrates outcomes of community and other stakeholder engagement with consideration against existing State Government policy.

The draft new planning framework achieves this through:

- maintaining the current infill boundaries and formalise them as 'Special Control Areas' under the City's *Local Planning Scheme No. 3*
- revising the term 'Housing Opportunity Area' to 'Place Neighbourhood'
- removing the dual density code and allocating density within the Place Neighbourhoods based on walkable catchments to nodes such as activity centres and train stations
- elevating the importance of design and built form standards in determining the number of dwellings per lot and development outcomes, as opposed to an underlying density code. As such, it is critical that the density code be considered in conjunction with the proposed scheme and policy standards
- moderating development potential of multiple dwellings in cul-de-sacs
- introducing the requirement for a 'green ratio' in development, being a minimum provision of landscape area and tree provision
- Recognising that each of the City's ten Place Neighbourhoods have their own unique characteristics.

In order to progress this draft framework and move toward a more considered approach to managing infill development, it is recommended that Council endorses the draft local planning policy and draft scheme amendment for the purposes of public advertising.

## VOTING REQUIREMENTS

Simply Majority.

## COMMITTEE RECOMMENDATION

The committee recommendation to Council for Report CJ045-04/19 (as detailed below) was resolved by the Policy Committee at its Special meeting held on 2 April 2019.

The committee recommendation is the same as recommended by City officers.

## COMMITTEE'S RECOMMENDATION

That Council:

- 1 NOTES the *Planning Framework Consultation Report* prepared by Creating Communities has been made available on the City's website, and that the report has been used to inform the formulation of the draft new planning framework;
- 2 NOTES the *Background Review and Analysis – Key Findings and Recommendations Report* detailed as Attachment 1 to Report CJ045-04/19;
- 3 Pursuant to regulation 35 (2) of the *Planning and Development (Local Planning Schemes) Regulations 2015* RESOLVES that Scheme Amendment No. 3 is a complex amendment as the proposal is not consistent with the City of Joondalup *Local Housing Strategy*;
- 4 Pursuant to section 75 of the *Planning and Development Act 2005* and regulation 37 (1) of the *Planning and Development (Local Planning Schemes) Regulations 2015*, RESOLVES to proceed to advertise Scheme Amendment No. 3 to the *City of Joondalup Local Planning Scheme No. 3* to amend the Scheme Text and Map as set out in Attachment 3 to Report CJ045-04/19, for the purposes of public advertising for a period of 60 days;
- 5 SUBMITS Scheme Amendment No. 3 to the Western Australian Planning Commission to advise if any modifications are required to the documents prior to advertising;
- 6 Pursuant to clauses 3 and 4 of schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015*, PREPARES and ADVERTISES the draft *Place Neighbourhoods Local Planning Policy*, as shown in Attachment 2 to Report CJ045-04/19, for a period of 60 days;
- 7 NOTES that the draft *Place Neighbourhoods Local Planning Policy* and Scheme Amendment No. 3 collectively make up the draft new planning framework for infill development in the City of Joondalup and will, therefore, be advertised concurrently once approvals to advertise have been received from the Western Australian Planning Commission and the Environmental Protection Authority;
- 8 NOTES the implications of Design WA and the interim application of the City's Residential Development Local Planning Policy as outlined in Report CJ045-04/19;



- 9 NOTES that any new planning framework will not come into effect until Scheme Amendment No. 3 is approved by the Minister for Planning.

**C22-04/19     PROCEDURAL MOTION – MOTION TO DEFER**

**MOVED Mayor Jacob, SECONDED Cr Dwyer that “Item CJ045-04/2019 – Draft New Planning Framework for Infill Development” BE DEFERRED until the Council meeting to be held on Tuesday 21 May 2019.**

**The Procedural Motion was Put and**

**CARRIED (13/0)**

**In favour of the Procedural Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman Poliwka and Taylor.

*Appendix 11 refers*

*To access this attachment on electronic document, click here: [Attach11brf190409.pdf](#)*

## **CJ036-04/19      PROPOSED      EDUCATIONAL      ESTABLISHMENT (CHANGE OF USE FROM OFFICE AND SHOP) AT LOT 702 (22/34 AND 23/34) MARRI ROAD, DUNCRAIG**

<b>WARD</b>	South
<b>RESPONSIBLE DIRECTOR</b>	Ms Dale Page Planning and Community Development
<b>FILE NUMBER</b>	106717, 106718
<b>ATTACHMENTS</b>	Attachment 1      Location Plan Attachment 2      Development Plans Attachment 3      Applicant's Submission
<b>AUTHORITY / DISCRETION</b>	Administrative - Council administers legislation and applies the legislative regime to factual situations and circumstances that affect the rights of people. Examples include town planning applications, building licences and other decisions that may be appealable to the State Administrative Tribunal.

### **PURPOSE**

For Council to determine a development application for an educational establishment at Lot 702 (22/34 and 23/34) Marri Road, Duncraig.

### **EXECUTIVE SUMMARY**

An application has been received for an educational establishment (tutoring for school children) at Lot 702 (22/34 and 23/34) Marri Road, Duncraig. The proposed use extends over two tenancies at the ground level of the mixed-use building. The tenancies have approval to operate as an office and shop, however they are currently vacant.

The subject site is zoned 'Commercial' under the City's *Local Planning Scheme No. 3* (LPS3), with the land use 'Educational Establishment' being a 'D' use in this zone.

At its meeting held on 20 November 2018 (CJ189-11/18 refers), Council approved an overall on-site car parking shortfall of eight bays for the mixed use building on the subject lot when an outdoor eating area for Little H café was considered. This on-site car parking shortfall will increase to 10 bays should this application be approved, with 43 bays required, and 33 bays available on site. The site provides for 13 parking bays for the commercial tenancies, with the remaining bays being for the residential dwellings.

The City advertised the application to surrounding, potentially affected, landowners for a period of 14 days from 4 February 2019 to 25 February 2019. A total of four submissions were received, being three in objection and one which did not specify a position in relation to the proposal.

The proposed tutoring business seeks to only operate after school hours (between 4.00pm and 7.00pm Monday to Friday), and as a result will be operating outside of the current operating hours of the adjacent Little H café, which closes at 4.00pm.

As such, the increased parking shortfall from eight to 10 bays will not be a shortfall in practical terms, given the reciprocal nature of the land uses on-site and the availability of bays that would otherwise be occupied by restaurant patrons and staff.

Given the above, it is recommended that Council approves the application, subject to conditions.

## BACKGROUND

<b>Suburb/Location</b>	Lot 702 (22/34) Marri Road, Duncraig.
<b>Applicant</b>	Dynamic Planning and Developments.
<b>Owner</b>	JHF Holdings Pty Ltd.
<b>Zoning</b>	<b>LPS3</b> Commercial.
	<b>MRS</b> Urban.
<b>Site area</b>	1,583m <sup>2</sup> .
<b>Structure plan</b>	Not applicable.

The subject site is located on the corner of Marri Road and Cassinia Drive. There is an existing three storey mixed use building at the site, comprising of 20 residential dwellings, a café/restaurant, recreation – private use (pilates studio) and two vacant tenancies with approval for office and shop.

The office and shop uses were approved for the subject tenancies in accordance with the original development approval (DA14/0157) for the subject site approved by the Joint Development Assessment Panel (JDAP) on 13 May 2014, and subsequent amendments which form part of DA15/0312, approved on 26 May 2015.

## DETAILS

The subject development proposal consists of the following:

- A Kip McGrath education centre which provides specialised tutoring for school children.
- Tutoring sessions to be held between 4.00pm and 7.00pm weekdays, and closed on Saturday and Sundays.
- Three tutors.
- A maximum of 15 students at any given time.

The development plans are included as Attachment 2, and the applicant's cover letter is included as Attachment 3.

### Land Use

An Educational Establishment is a discretionary 'D' use in accordance with the City's LPS3.

The subject site is located within 200 metres of the Duncraig Primary School and as such the proposed tutoring business has the potential to provide a convenient and complementary service for local families with school aged children. The proposal if approved will assist in providing for a diverse range of commercial land uses within the Duncraig locality.

The proposed educational establishment is relatively small scale and is limited to three hours per day between 4.00pm and 7.00pm Monday to Friday. A maximum of 15 students and three tutors are proposed at any given time. The proposed operating hours and the nature of the business are considered to be respectful of the surrounding residential land use and to have minimal impact on the amenity of residents.

### Car Parking

In accordance with the City's *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy*, educational establishments require one car bay be provided per three students, and as such five car bays are required for the proposed use. The proposed land use results in an additional two bay shortfall to the overall site, with there being 33 bays provided and 43 bays required.

The tables below outline the current parking provided on-site and the proposed parking during the operating hours of the proposed educational establishment.

#### *Current Parking Summary (as approved by Council)*

	<b>Parking Standard</b>	<b>Number of Bays Required</b>
Residential	Residential Dwellings: One bay per dwelling.	20 residential bays
	Visitor Bays: 0.25 per dwelling.	Five visitor bays
Restaurant/café	One bay per four persons accommodated.	10 bays
Recreation – Private	One bay per four persons accommodated.	Three bays
Office (28m <sup>2</sup> )	One bay per 50m <sup>2</sup> NLA.	One bay
Shop (30m <sup>2</sup> )	One bay per 20m <sup>2</sup> NLA.	1.5 (two) bays
TOTAL		41 bays
Car Parking Provided		Number of Bays Available
Residential		25
Commercial		Eight
TOTAL ON- SITE		33
On-street		Two
TOTAL		35
SURPLUS/SHORTFALL		Eight bays shortfall (on-site) Six bays shortfall (in practice)

*Car Parking Summary (as proposed – during intended operating hours)*

	<b>Parking Standard</b>	<b>Number of Bays Required</b>
Residential	Residential Dwellings: One bay per dwelling.  Visitor Bays: 0.25 per dwelling.	20 residential bays  Five visitor bays
Restaurant/café	One bay per four persons accommodated.	0 <sup>1</sup>
Recreation – Private	One bay per four persons accommodated.	Three bays
Educational Establishment	One bay per three students.	Five bays
<b>TOTAL</b>		<b>33 bays</b>
<b>Car Parking Provided</b>		<b>Number of Bays Available</b>
Residential		25
Commercial		Eight
<b>TOTAL ON-SITE</b>		<b>33</b>
On-street		Two
<b>TOTAL</b>		<b>35</b>
<b>SURPLUS/SHORTFALL</b>		No surplus/shortfall (on-site) Two bays surplus (in practice)

<sup>1</sup> Restaurant / café does not operate during proposed operating hours of Educational Establishment land use.

At its meeting held on 20 November 2018 (CJ189-11/18 refers), Council approved an increased on-site parking shortfall from six bays to eight bays at the subject site when considering a retrospective application for an outdoor dining area at the 'Little H' Café. The proposal included a requirement for two bays within the adjacent verge area. While the on-site shortfall approved by Council increased from six to eight bays, in practical terms the consideration of the two verge bays offsets this shortfall.

As with the 'Little H' proposal, although the proposed educational establishment increases the on-site shortfall from eight bays to 10 bays, in practical terms there is no increased shortfall during the operating hours proposed as the café will be closed and therefore bays attributed to the parking requirement for the café will be available for use in association with the proposed educational establishment.

### **Issues and options considered**

Council is required to determine whether the proposed development is appropriate and meets the relevant requirements of the City's LPS3. Council may determine an application for development approval by either:

- granting development approval without conditions
- granting development approval with conditions
- or
- refusing to grant development approval.

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

**Legislation**                      *City of Joondalup Local Planning Scheme No. 3 (LPS3).  
Planning and Development (Local Planning Schemes) Regulations  
2015 (the Regulations).*

**Strategic Community Plan**

**Key theme**                      Economic Prosperity, Vibrancy and Growth.

**Objective**                      Quality built outcomes.

**Strategic initiative**        Building and landscape is suitable for the immediate environment and reflect community values.

**Policy**                          *Commercial, Mixed Use and Service Commercial Zone Local  
Planning Policy.*

*Planning and Development (Local Planning Schemes) Regulations 2015 (the Regulations).*

Clause 67 of Schedule 2 of the Regulations sets out the matters to be considered by Council when determining an application for development approval.

*In considering an application for development approval the local government is to have due regard to the following matters to the extent that, in the opinion of the local government, those matters are relevant to the development the subject of the application —*

- (a) the aims and provisions of this Scheme and any other local planning scheme operating within the Scheme area;*
- (b) the requirements of orderly and proper planning including any proposed local planning scheme or amendment to this Scheme that has been advertised under the Planning and Development (Local Planning Schemes) Regulations 2015 or. any other proposed planning instrument that the local government is seriously considering adopting or approving;*
- (c) any approved State planning policy;*
- (d) any environmental protection policy approved under the Environmental Protection Act 1986 section 31(d);*
- (e) any policy of the Commission;*
- (f) any policy of the State;*
- (g) any local planning policy for the Scheme area;*
- (h) any structure plan, activity centre plan or local development plan that relates to the development;*
- (i) any report of the review of the local planning scheme that has been published under the Planning and Development (Local Planning Schemes) Regulations 2015;*
- (j) in the case of land reserved under this Scheme, the objectives for the reserve and the additional and permitted uses identified in this Scheme for the reserve;*

- (k) *the built heritage conservation of any place that is of cultural significance;*
- (l) *the effect of the proposal on the cultural heritage significance of the area in which the development is located;*
- (m) *the compatibility of the development with its setting including the relationship of the development to development on adjoining land or on other land in the locality including, but not limited to, the likely effect of the height, bulk, scale, orientation and appearance of the development;*
- (n) *the amenity of the locality including the following —*
  - (i) *environmental impacts of the development;*
  - (ii) *the character of the locality;*
  - (iii) *social impacts of the development;*
- (o) *the likely effect of the development on the natural environment or water resources and any means that are proposed to protect or to mitigate impacts on the natural environment or the water resource;*
- (p) *whether adequate provision has been made for the landscaping of the land to which the application relates and whether any trees or other vegetation on the land should be preserved;*
- (q) *the suitability of the land for the development taking into account the possible risk of flooding, tidal inundation, subsidence, landslip, bush fire, soil erosion, land degradation or any other risk;*
- (r) *the suitability of the land for the development taking into account the possible risk to human health or safety;*
- (s) *the adequacy of —*
  - (i) *the proposed means of access to and egress from the site; and*
  - (ii) *arrangements for the loading, unloading, manoeuvring and parking of vehicles;*
- (t) *the amount of traffic likely to be generated by the development, particularly in relation to the capacity of the road system in the locality and the probable effect on traffic flow and safety;*
- (u) *the availability and adequacy for the development of the following —*
  - (i) *public transport services;*
  - (ii) *public utility services;*
  - (iii) *storage, management and collection of waste;*
  - (iv) *access for pedestrians and cyclists (including end of trip storage, toilet and shower facilities);*
  - (v) *access by older people and people with disability;*
- (v) *the potential loss of any community service or benefit resulting from the development other than potential loss that may result from economic competition between new and existing businesses;*
- (w) *the history of the site where the development is to be located;*
- (x) *the impact of the development on the community as a whole notwithstanding the impact of the development on particular individuals;*

- (y) *any submissions received on the application;*
- (za) *the comments or submissions received from any authority consulted under clause 66;*
- (zb) *any other planning consideration the local government considers appropriate.*

**Council Policy – Commercial, Mixed Use and Service Commercial Zone Local Planning Policy**

The *Commercial, Mixed Use and Service Commercial Zone Local Planning Policy* provides assessment criteria for 'Commercial' developments within the City.

The objectives of the policy are as follows:

- *To provide development standards for commercial buildings that assist in facilitating appropriate built form and functional commercial centres.*
- *To facilitate the development or redevelopment of commercial centres that respond to the local context.*
- *To ensure the design and siting of commercial development provides a high standard of amenity, no blank facades visible from the street and activation of external areas.*
- *To encourage high quality, pedestrian friendly, street-orientated development that integrates with surrounding areas.*
- *To create vibrant mixed use commercial centres that are the focal point for the community by locating housing, employment and retail activities together.*
- *To establish a framework for the assessment of applications for development within these zones.*

**Risk management considerations**

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

**Financial / budget implications**

The applicant has paid fees of \$295 (excluding GST) in accordance with the Schedule of Fees and Charges, for assessment of the application.

**Regional significance**

Not applicable.

**Sustainability implications**

Not applicable.

**Consultation**

The application was advertised for a period of 14 days, from 4 February 2019 to 25 February 2019. Consultation was undertaken in the following manner:

- A letter outlining the proposed discretions sought was sent to 80 owners and occupiers, including those within the building, directly adjoining the property, properties on Marri Road between Iolanthe Drive and Marri Park, properties directly across the site on Cassinia Road and proposes on Roche Road between Cassinia Road and Coolibah Place.



- A notice was placed on the City's website.

A total of four submissions were received during the consultation period, being three in objection and one which did not specify a position on the proposal.

The issue raised during consultation is summarised below, along with the City's response:

- *Parking concerns due to vehicles parking along Marri Road verge and footpath areas which in turn obstruct the views of road users. There is also limited parking in the area, and for the subject site due to the development of the new building to the rear of the subject site.*

#### Officer comment

Although the proposed development results in a technical increase to the parking shortfall for the subject site, as the proposed educational establishment intends to operate after the hours of 4.00pm Monday to Friday when the adjoining 'Little H' Café is closed, the bays attributed to the café parking requirement will be available and no practical increase in the shortfall will exist.

#### **COMMENT**

As outlined above, it is considered that the proposed educational establishment will not adversely impact the amenity of the local area. It is considered that there will be minimal impact on the parking in the area, particularly given the business is only open for three hours per week day and commencing when other commercial tenancies on-site are closed.

The application is therefore recommended for approval subject to conditions.

#### **VOTING REQUIREMENTS**

Simple Majority.

**MOVED** Cr Dwyer, **SECONDED** Mayor Jacob that Council **APPROVES** under clause 68(2) of Schedule 2 of the *Planning and Development (Local Planning Schemes) Regulations 2015* the application for development approval dated 17 December 2018 submitted by Dynamic Planning and Developments, on behalf of the owners JHF Holdings Pty Ltd, for Change of Use (Education Establishment) at Lot 702 (22/34 and 23/34) Marri Road, Duncraig, subject to the following conditions:

- 1** this approval relates to the educational establishment use for tenancy 22 and 23 only, as indicated on the approved plans. It does not relate to any other development on the lot;
- 2** a maximum of 15 students and three tutors/staff, shall be permitted on the premises at any given time;
- 3** the operating hours shall be restricted to not more than between 4.00pm and 7.00pm Monday to Friday.

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman Poliwka and Taylor.

*Appendix 3 refers*

*To access this attachment on electronic document, click here: [Attach3brf190409.pdf](#)*

**C23-04/19      COUNCIL DECISION – ADOPTION BY EXCEPTION RESOLUTION - [02154, 08122]**

**MOVED** Mayor Jacob, **SECONDED** Cr Jones that pursuant to the *Meeting Procedures Local Law 2013* – Clause 4.8 – Adoption by exception resolution, Council **ADOPTS** the following items:

**CJ034-04/19, CJ039-04/19, CJ040-04/19 and CJ041-04/19.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman Poliwka and Taylor.

**REPORT OF THE CHIEF EXECUTIVE OFFICER**

Nil.

**URGENT BUSINESS**

In accordance with clause 4.7 of the City's *Meeting Procedures Local Law 2013*, matters of Urgent Business can be raised by the Presiding Member at a Council or committee meeting if the member considered that either:

- a) the nature of the business is such that the business cannot wait inclusion in the agenda for the next meeting; or
- b) the delay in referring the business to the next meeting could have adverse legal or financial implications for the local government.

Before any debate begins on a matter of urgent business, that is not the subject of a written report from the CEO to the meeting:

- a) the presiding member is to ask the CEO to give; and
- b) the CEO, or the CEO's nominee, is to give,

a verbal report to the meeting.

**C24-04/19      DRAFT NEW PLANNING FRAMEWORK FOR INFILL DEVELOPMENT - ESTABLISHMENT OF COMMUNITY REFERENCE GROUP - 106679, 30622, 101515**

The Chief Executive Officer advised that should the motion before Council for consideration be resolved by Council, then a report would be prepared and submitted to the Council meeting to be held on Tuesday 21 May 2019.

**MOVED Mayor Jacob, SECONDED Cr May that Council REQUESTS the Chief Executive Officer prepare a report on the establishment of a Community Reference Group that:**

- 1      is facilitated by an external party to the City;**
- 2      is independently chaired;**
- 3      consists of two representatives from each Housing Opportunity Area / Place Neighbourhood as detailed in the draft new planning framework,**

**and its purpose being for members of the group to:**

- 4      be briefed on the draft new planning framework;**
- 5      disseminates information to other members of the community;**
- 6      assists with preparation of submissions on the draft new planning framework, once formal consultation commences.**

**The Motion was Put and**

**CARRIED (13/0)**

**In favour of the Motion:** Mayor Jacob, Crs Chester, Dwyer, Fishwick, Hamilton-Prime, Hollywood, Jones, Logan, McLean, May, Norman, Poliwka and Taylor.

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

Nil.

**ANNOUNCEMENTS OF NOTICES OF MOTION FOR THE NEXT MEETING**

Nil.

**CLOSURE**

There being no further business, the Mayor declared the Meeting closed at 10.07pm the following Elected Members being present at that time:

MAYOR HON. ALBERT JACOB, JP  
CR KERRY HOLLYWOOD  
CR TOM MCLEAN, JP  
CR PHILIPPA TAYLOR  
CR NIGE JONES  
CR CHRISTOPHER MAY  
CR RUSSELL POLIWKA  
CR CHRISTINE HAMILTON-PRIME  
CR MIKE NORMAN  
CR JOHN CHESTER  
CR JOHN LOGAN  
CR RUSS FISHWICK, JP  
CR SOPHIE DWYER